



## The Voice

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### Jill Steinberg and Emily Landry



**Jill Steinberg** and **Emily Landry** of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC in Memphis, Tennessee, obtained a defense verdict in a 10-day medical malpractice jury trial in Circuit Court in Memphis, Tennessee.

The case involved an alleged birth injury related to the vaginal delivery of a 26-week footling breech. The plaintiff alleged that the physician deviated from the standard of care in failing to perform a C-section and that the plaintiff's cerebral palsy and other deficits were related to head dystocia and the vaginal delivery.

Through the OB-GYN, neonatology, and pediatric neurology experts called by the defense, the defense team was able to show that the physician complied with the standard of care and that all of the child's deficits were related to his extreme prematurity. During closing argument, plaintiff's counsel asked the jury to award not less than \$10 million. The jury returned a verdict for the defense in about an hour and 20 minutes.

The case was complicated by the fact that it had been pending since 2002 and was related to a 1994 birth. The physician defendant had died during the pendency of the litigation. Plaintiff's counsel was the third lawyer on the case and the pediatric neurologist whom they called to testify was the third such expert retained. In addition, two judges had recused themselves due to conflicts that had arisen.

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