

Faith degrand and the tort of negligence



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ABSTRACT

In the case of Faith DeGrand, the suit will be highlighting The Tort of Negligence and the classification of *feasance*. Malfeasance will be described closely to the case of Faith DeGrand. The outcome and disability of Faith DeGrand will be detailed as what Ms. DeGrand will have to live with on a day to day basis. In conclusion to this case, the deliberation will be conversed.

In the case of 10 year old Faith DeGrand, Tort of Negligence was a basis for this case in which the patient had a surgery that was not up to par for the recovery of the patient. The doctor had deviated his duty to performing the surgery and failed to act after the surgery was not helping the patient recover. Based on this case, professional malpractice and liability were not accepted as medical standards and The Detroit Medical Center was sued for \$135 Million Dollars (Famous Medical Malpractice Cases, 2019).

In 2010, Faith DeGrand had a planned procedure to undergo surgery for scoliosis. As defined on Medicinenet. com, scoliosis is an abnormal curvature in the spine in which there is no known cause. Scoliosis is a higher risk factor for girls than boys and is hereditary. The signs of scoliosis are an abnormal curve in the spine and the symptoms would include “ back pain, rib pain, neck pain, muscle spasms, and abdominal pain” (Davis C. P.). Testing and diagnosing would be described by Medicine Net as having the patient bend over as if trying to touch their toes. Secondly, the doctor will examine the symmetry of the body to see if the hips and shoulders are the same height, leaning to one side or if there appears to be a sideways curve (Davis C. P.).

Faith DeGrand was scheduled for surgery at Detroit Medical Center and as Legal Reader states, “ started off as expected”. The surgery would involve surgically inserting screws, hooks and rods that are attached to the bones of the spine to hold them in place. Secondly, the surgeon will complete a spinal fusion in which “ bone grafts around the bones are fused to get them to grow together and become solid” (Davis C. P.). The expected outcome of the surgery would be a few minor scars and medication to control the pain post-surgery.

As Faith DeGrand was left and expected to recover, the surgery had countereffects in which the rods and screws “ caused compression of her spinal cord resulting in numbness in the girls limbs” (Childrens Hospital, 2019). As Faith DeGrand was experiencing these issues, malfeasance had taken place. Geoffrey Fieger and James McCullen had represented Faith DeGrand in her malpractice case in which Fieger states that the Doctor had “ abandon” Faith and went on vacation twice in the time Faith was paralyzed and experiencing incontinent of bowel and bladder for ten days. Doctors recognized the grave condition she was in and surgically removed all the hardware out in which was confirmed that caused her paralysis (Childrens Hospital, 2019). As Fieger explained it was too late to reverse the condition Faith was in, she was left with “ permanent quadriparesis of her four extremities and permanent loss of bowel and bladder control” (Childrens Hospital, 2019).

The Detroit Medical Center defense attorneys claimed that DeGrand had “ developed a blood clot unexpectedly following the operation and that there was nothing they could do the prevent her injuries”. In response to the claim <https://assignbuster.com/faith-degrand-and-the-tort-of-negligence/>

made by The Detroit Medical Center, Fieger appealed that there was no evidence of a blood clot and there were not one MRI or evidence to prove that (Childrens Hospital, 2019). After two hours, deliberating, Fieger states “ the hero jury saw through this fabrication and awarded appropriate damages for these horrific, life desyroying damages” (Childrens Hospital, 2019).

In conclusion to the Malpractice case of Faith DeGrand, the unfortunate events unraveled in which left the patient permanent quadriparesis and loss of bowel and bladder control. Malpractice was clearly shown in the promptness of action and the absence of the doctor to attend to the patient. The deliberation just took 2 hours to award damages in the amount of \$135 million dollars in which serves no justice to the fact that Faith DeGrand will never regain her body function.

References

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