

What You Should Know About

**BIRTH  
INJURY  
LAWSUITS**

— In Michigan



## BIRTH INJURY STATISTICS IN MICHIGAN

Bringing a baby into the world should be among the happiest moments of young parents' lives.

But each year, thousands of Michigan babies suffer severe injuries during the birthing process that will radically impact the rest of their lives.

On average, 750 babies die each year before they reach their first birthdays. An additional six to eight out of every 1,000 babies are victims of some form of trauma during the labor and delivery process.

While genetic defects and some birth injuries are beyond anyone's control, many birth injuries are preventable and would not have occurred but for the medical negligence of a physician, mid-wife or nurse.

On average, **750 babies** die each year before they reach their first birthdays

### DID YOU KNOW

Cerebral Palsy and spinal cord injuries are the most serious adverse outcomes of pregnancies or deliveries. The lifetime cost of care for a cerebral palsy or spinal cord victim, who may never be able to walk, talk, play, work or be independent in any aspect of day to day living, is a staggering financial burden.



### FACT

**SIX IN 1,000**  
babies suffer trauma  
during the labor  
and delivery process



## CAUSES OF BIRTH INJURY

A birth injury happens when an infant suffers physical damage or trauma before, during, or shortly after delivery.

Birth injuries most often occur as a baby descends through the birth canal, but injuries can occur at any point before, during, or after labor or delivery.

Critical medical decisions made during these time frames may determine whether a newborn will be healthy or suffer permanent disabilities.



## KNOW THE RISKS

The most common risk factors for birth injuries are:

1

### BIRTH WEIGHT

Newborns that weigh over 8 pounds, 13 ounces, have a more difficult time safely navigating the birth canal due to their size. Large babies may require the use of surgical tools such as forceps or vacuum extractors. If misused, these tools can cause serious, irreversible damage to a baby. A cesarean section may be the only safe alternative.

2

### DYSTOCIA

Dystocia occurs when an infant cannot easily pass through the birth canal, often due to the infant's large size or a physiological issue with the shape or size of the birth canal. Dystocia often results in a long and difficult labor and may require an assisted delivery.

3

### PREMATURE BIRTH

According to the March of Dimes, newborn babies born before 37 weeks are considered premature. In the United States, about one in ten babies is born prematurely. Premature babies are less developed and more frail than full-term babies, and are at an increased risk of injury during the birthing process. Premature babies may require intensive monitoring and support following birth.

4

### PRESENTATION

Infants rotate their positions in the womb through pregnancy. Before the mother goes into labor, the baby will ideally be head-down and facing the mother's back. Babies who are breech (feet-first) or "sunny-side-up" (facing forward) are at a higher risk of neck or shoulder injury.

5

### PLACENTAL ISSUES

Premature separation of the placenta from the uterus or abnormal positioning of the placenta can increase the risk of birth injury. Placental abnormalities are often detected by ultrasound studies.

## TYPES OF BIRTH INJURIES

The types of injuries an infant can suffer at birth vary and can be categorized according to the underlying cause, including physical trauma, oxygen deprivation, and infection.



01



Cerebral palsy

### CEREBRAL PALSY

Cerebral palsy (CP) is a term that refers to a group of related disorders that affect muscle movement, balance, and posture. Sometimes, other neurological functions such as vision, hearing, and touch are affected. CP is not only the most common motor disability among children, but it is also the most common birth injury, with up to four out of 1,000 newborns suffering from the disorder.

There are several causes of cerebral palsy, including a lack of oxygen during birth, maternal infection, severe jaundice, and intracranial hemorrhage. The symptoms of CP vary depending on the severity of the disease, but can include:

- Delay or permanent impairment of speech development
- Movement and muscle disorders such as Ataxia, Spasticity, and Athetosis
- Problems with swallowing
- Delays in reaching motor-skill milestones such as rolling, sitting, crawling, and walking

While there is no cure for CP, physical and occupational therapy, speech therapy, medication, and assistive devices and equipment can improve a child's capabilities and overall quality of life.

02



Brachial plexus injuries

### BRACHIAL PLEXUS INJURIES

The brachial plexus is a cluster of nerves that extend from the neck, across the chest, to the armpit. The nerve network controls the arm and hand. During a difficult delivery, the brachial plexus may be stretched, compressed, or torn. This can cause the loss of feeling, muscle function, and even paralysis. Serious nerve injuries may require surgical intervention.

## ERB'S PALSY

Erb's palsy is reported in about two of every 1,000 births, and almost exclusively arises as a result of shoulder dystocia.

Erb's palsy, also called Erb's paralysis, is a type of brachial plexus injury that causes partial or full paralysis in the arm, resulting in muscle atrophy in the biceps and deltoids. Erb's palsy is reported in about two of every 1,000 births, and almost exclusively arises as a result of shoulder dystocia, which occurs when an infant's shoulders become lodged in the mother's pelvis, often because the infant is too large to fit through the birth canal. Doctors can anticipate potential shoulder dystocia, which may be the basis for an emergency C-section.



## KLUMPKE'S PALSY

Klumpke's palsy occurs when the lower nerves of the brachial plexus are stretched, compressed or torn.

Klumpke's palsy, also known as Klumpke's paralysis, is a rare brachial plexus injury that affects fewer than 200,000 people in the United States. Klumpke's palsy occurs when the lower nerves of the brachial plexus are stretched, compressed or torn and affects movement in forearm, hand, and fingers. This form of palsy is often treated with physical therapy or electric nerve stimulation.

03



Hematomas

## HEMATOMAS AFFECTING THE BRAIN

A hematoma or blood clot is a collection of blood that forms outside of a blood vessel. Hematomas may result from physical injuries sustained during birth by use of forceps, vacuum extractors, or other surgical tools.

A blood clot can apply pressure against the brain, which may cause serious injury or death if not treated immediately. Depending on the size and location of the clot, an infant may not show signs of the effects of a hematoma on the brain for days or weeks after delivery.

We have recovered hundreds of millions of dollars for our clients.



## CHOOSING THE RIGHT TEAM TO HANDLE YOUR BIRTH INJURY LAWSUIT

Birth injuries dramatically impact both child and family.

Selecting the right law firm to handle a birth injury lawsuit can be the most critical decision you make for your child's and your family's future.

Make no mistake, birth injury lawsuits are extremely complex. The course of a child's life is at stake. The economic and non-economic impact of a birth injury often involves millions of dollars. A successful outcome requires a depth of experience in birth injury litigation, exceptional legal skills, and extensive knowledge in the fields of obstetrics, neurology, neuroradiology, pediatrics, physical medicine and rehabilitation, and more.

For more than four decades, longer than any other firm in Michigan, the parents of birth injured children have chosen Sommers Schwartz attorneys to fight for their interests. Time after time, we have won their battles and recovered hundreds of millions of dollars that are needed for the medical care and maintenance of brain injured children.

## TEAMWORK IS THE KEY TO SUCCESS

We strive to secure the best experts to support each case we file in court. Our preparation, our tactics, our strategies, our commitment and our determination have been a winning formula in hundreds of cases.



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