

Field Fisher Waterhouse recovers highest reported settlement in Erbs Palsy case



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Industry: [Law](#)

Press Release Summary: Field Fisher Waterhouse LLP, has reported the recovery of £405,750 to a nine-year-old girl injured during birth in 1998 whilst under the care of the Royal Berkshire NHS Foundation Trust

Press Release Body: Law firm, **Field Fisher Waterhouse LLP**, has reported the recovery of £405,750 to a nine-year-old girl, who was injured in 1998 whilst under the care of the Royal Berkshire NHS Foundation Trust; the highest reported settlement in an Erb's Palsy case of its type.

The claimant was [injured during birth](#) as her head was delivered but there were difficulties in delivering the shoulders, known as shoulder

dystocia. [Field Fisher Waterhouse](#) acted for the claimant in the case that the antenatal care was negligently managed, and there was a failure to deliver by caesarean section. There were further negligent acts and omissions in the obstetric management, including inter alia - the application of strong traction to her head.

As a consequence, she suffered a severe traumatic injury to the nerves supplying her right arm, causing paralysis. She underwent four extensive surgeries to attempt to improve function in her arm in the first seven years of her life. Despite this the claimant has been left with a permanent disability and the right limb remains for all practical purposes, functionless.

The claimant's mother brought the [clinical negligence case](#) against the Royal Berkshire NHS Foundation Trust. **Samantha Critchley**, a solicitor in the [Personal Injury](#) and [Medical Negligence](#) Group at **Field Fisher Waterhouse**, acted for the claimant.

The hospital accepted that there were elements of the management of the labour, which were not appropriate and admitted negligence in the claimant's care and invited proposals for settlement. After a lengthy negotiation the amount of settlement was agreed, in principle, between the parties.

At an Infant Settlement Hearing at the Royal Courts of Justice on 28 July, the terms of settlement were approved. In addition to the substantial damages recovered by Field Fisher Waterhouse for the claimant, the hospital was also ordered to pay the claimant's legal costs.

The claimant's parents said: *"We now know that our daughter will have enough money to help her get through the rest of her life. We would encourage any parent to be very patient in a case like this and not to jump at the first offer they are given."*

Samantha Critchley said: *"I am delighted to achieve such a significant award on the claimant's behalf. She is a delightful and brave little girl who will be affected by her disability for the rest of her life. I hope that the compensation will allow her to obtain the necessary support, now and in the future, to ensure she reaches her full potential in life."*

The claimant was represented by Henry Witcomb of 1 Crown Office Row.

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About Field Fisher Waterhouse LLP: is a full-service European law firm with offices in Brussels, Hamburg and London. With 119 partners, over 200 other lawyers and nearly 300 support staff, we assist a wide range of international clients, advising across a full range of legal issues.

The main areas of practice are corporate and commercial, IP and technology, banking and finance, regulatory and real estate. **Field Fisher Waterhouse LLP** also have particular expertise in competition & EU law, dispute resolution, employment, personal injury and clinical negligence, public sector and tax.

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