

## CEREBRAL PALSY CASES

Gershon, Willoughby, Getz & Smith, LLC is a law firm that focuses almost exclusively on cerebral palsy (CP) and birth injury cases.

Based in the Baltimore-Washington metropolitan area, we are nationally-recognized CP lawyers who have investigated and handled scores of CP cases throughout the country by associating with referring and local counsel.

We have recovered millions of dollars for cerebral palsy clients nationwide, including many cases that were rejected by other lawyers. Before turning away a potential multimillion dollar CP claim because you or another attorney believe there is no case, let us have a look. It costs you nothing. It could make you millions.

### KEY REASONS TO REFER YOUR CP CASES TO GERSHON, WILLOUGHBY:

- **We're Lawyers AND Doctors** – Two of our four cerebral palsy lawyers have degrees in both law and medicine and a third cerebral palsy lawyer was a practicing registered nurse (RN) for 12 years before becoming a lawyer
- **Successes** - Gershon Willoughby's attorneys have successfully recovered millions of dollars for cerebral palsy patients nationwide, including many cases turned down by other lawyers. If we think there's a case to be made, there usually is.
- **Second Looks** - Because we understand the medical and technical issues involved in labor, delivery and birth, we often notice details and catch errors that other lawyers might miss. Our lawyers have had seven and eight-figure verdicts or settlements on cases other lawyers turned down. We would be happy to give a second – or third – look at your client's case.
- **Speedy Evaluations** – As lawyers and medical professionals combined, we are able to evaluate CP cases quickly to determine if medical negligence was a factor – without requiring outside investigation for the initial evaluation. We often make our evaluation the same day we receive the medical records.
- **Peer-to-Peer Relations with Experts** - Fellow doctors often see us as peers and work with us in cooperative ways. We rarely encounter the resistance to talk or to testify that other attorneys sometimes experience from doctors.
- **Skillfully Aggressive** - Due to our medical backgrounds, we are particularly skillful at examining and cross examining experts witnesses, and uncovering even subtle medical mistakes. Our lawyers are aggressive with defense experts, exposing the weakness of their positions by questioning them on their own level.
- **Medical Knowledge** - We already understand the medical terminology and standards for labor, delivery and birth, as well as the conditions, prognoses, and long-term implications of cerebral palsy. There's no medical "learning curve" when you refer CP cases to Gershon, Willoughby.
- **Financial Sophistication** – Wayne M. Willoughby, the firm's only attorney without a medical background, was a CPA before choosing a career in law. His grasp of financial issues, values, and long-term cost projections is invaluable when calculating and negotiating damages and settlements, or challenging life planning witnesses and economic experts on lifetime benefits issues.
- **Commitment to the Profession** – Firm member Wayne M. Willoughby is President of the Maryland Association for Justice, formerly the Maryland Trial Lawyers Association, and Secretary of the American Association for Justice Council of Presidents. Gershon Willoughby is a proud member of the American Association for Justice Leaders' Forum, which is instrumental in the effort to reframe the debate about the civil justice system.

As Lawyers and MDs, Gershon Willoughby is uniquely qualified  
to handle Cerebral Palsy Medical Malpractice Cases

## NATIONAL REACH

The attorneys at Gershon, Willoughby, Getz & Smith, LLC believe in aggressive representation for victims of cerebral palsy wherever they live in the United States. Representation of clients outside of Maryland and the District of Columbia is conducted by associating with referring and/or local counsel, and by obtaining court permission/approval should a lawsuit be filed.

Gershon, Willoughby, Getz & Smith, LLC has reviewed, investigated, tried or settled cerebral palsy claims in such states as:

Alabama	Maryland	Oregon
Arkansas	Mississippi	Pennsylvania
Florida	Missouri	South Carolina
Georgia	New Jersey	Tennessee
Iowa	North Carolina	Texas
Kansas	Ohio	Washington D.C.
Kentucky	Oklahoma	Washington State

We look forward to partnering with referring and local counsel throughout the U.S. to help clients obtain justice and deserved compensation for preventable cerebral palsy.

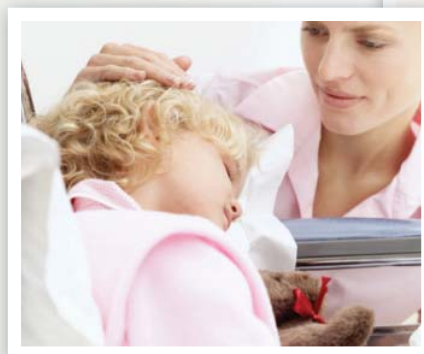
## UNIQUE EXPERIENCE/SUBSTANTIAL RESULTS\*

The medical backgrounds of the attorneys at Gershon Willoughby makes us uniquely able to evaluate, negotiate and try cerebral palsy cases. We are able to determine quickly if medical mistakes were made and pursue valid claims expeditiously. Also, because we know the medicine, we can deal with those defense experts who attempt to confound lawyers and juries with contrived medical theories.

Our uncommon backgrounds have led the attorneys at Gershon Willoughby to substantial results, including:

- \$24 Million - the largest jury verdict ever for medical malpractice in the District of Columbia on behalf of a child who suffered brain damage and cerebral palsy due to the failure of doctors and nurses to diagnose and timely respond to an airway obstruction.
- \$10.8 Million - an Oregon jury verdict for an infant with cerebral palsy and developmental delay. The labor nurse delayed calling a doctor when the fetal heart rate decreased after a uterine rupture.
- \$7.4 Million - an Ohio settlement for a brain damaged baby as a result of a delay in delivering a mother experiencing a placental abruption.
- \$6 Million - recovery for a child born in Maryland who has cerebral palsy due to mismanaged labor and delivery.
- \$6 Million - settlement for a baby in Oregon born with cerebral palsy and mental retardation due to a delay in delivery.
- \$5.5 Million - recovery in a wrongful birth action for a child with a congenital birth defect due to a misread prenatal sonogram.
- \$5.25 Million - recovery in Georgia for a brain damaged baby caused by a doctor's failure to respond to a nurse who called the doctor to come deliver the child.
- \$5 Million - settlement for child with cerebral palsy, developmental delay and microcephaly due to mismanaged labor and delivery.
- \$4.25 Million - recovery for baby with brain damage and seizure disorder caused by the doctor's failure to recognize severe dehydration
- \$4.2 Million - recovery for a delay in delivering twins suffering from a twin to twin transfusion, leading to the death of one twin and the brain damage of the other.
- \$4 Million - recovery for a child with cerebral palsy and mental retardation because of mismanaged labor and delivery.
- \$4 Million - recovery for a baby who suffered brain damage when a midwife delayed in calling a doctor.
- \$4 Million - in Maryland for a baby who suffered from lack of oxygen when he got stuck in the birth canal.
- \$3.25 Million - in a Michigan case for a delay in delivery leading to cerebral palsy and developmental delay.

\* Of course, past successes are no guarantee of future results.



## AGGRESSIVE REPRESENTATION

We believe in aggressive representation for children with cerebral palsy.

We are able to evaluate cases rapidly without having to wait for outside opinions because we have the medical training to read, understand and evaluate medical records in-house.

Once we determine there is the basis for a case, our strategy is to file suit quickly because we know that without a trial date there will be no meaningful settlement offers.

If the matter goes to trial, we are equally aggressive. Our medical and financial backgrounds enable us to effectively discredit both medical and economic defense witnesses on their own terms and in their own language.

## FIRST, SECOND OR THIRD LOOK

Not all cerebral palsy is the result of medical malpractice, but a surprising number of cases are, even in situations that might not be obvious at first.

If you have a client who has a family member with CP, we can quickly evaluate the medical records to determine if a medical mistake is the cause.

If you have already sent your medical malpractice or birth injury case to another lawyer who turned the case down, consider sending it to Gershon, Willoughby, Getz & Smith for a second look. We have taken many cases that have been rejected by other law firms – sometimes multiple times – and prevailed. Indeed, some of our largest recoveries have been for cases turned down by other attorneys.



## OUR APPROACH

The firm's handling of a cerebral palsy medical malpractice case begins with an initial telephone call to learn the basic facts of the case.

The phone interview covers the nature of the injury, the place of the injury, the date the injury occurred, the names of the health care providers involved, whether the mother was connected to a fetal heart monitor, whether labor was induced, whether the doctor used forceps or vacuum extraction, whether the baby had seizures, shakes or tremors, whether the baby was transferred to the neonatal intensive care unit (NICU), and other relevant information needed to make an initial determination as to whether Gershon, Willoughby, Getz & Smith can be of assistance.

If warranted, the investigation will then proceed to a review of the relevant medical records. If our firm's doctors/lawyers conclude that the child's cerebral palsy was caused by a medical mistake, then we contact experienced and highly qualified medical experts to review the records and determine if they agree that malpractice caused the child's injuries. If the experts do not see the negligence or causation we have identified, then our doctor-lawyers have a peer-to-peer discussion with the medical experts to explore whether the experts fully reviewed the records and the facts of the case and are aware of the most recent relevant medical articles. Often this doctor-to-doctor consultation results in the expert reexamining his or her opinion.

When the outside experts complete their review, Gershon Willoughby's attorneys contact the client to discuss the opinions of the experts and how to proceed.

If the decision is to move forward, we file suit promptly — as soon as we have obtained the opinions necessary for presenting a clear case of malpractice. In order to maximize the chances for a successful and substantial recovery in a birth injury case, Gershon, Willoughby, Getz & Smith, LLC typically retains experts in obstetrics, neonatology, pediatric neurology, pediatric neuroradiology, pediatrics, obstetrical nursing, life care planning, and economics. Experts also may be retained in placental pathology, infectious diseases, physical medicine and rehabilitation and other fields, as needed.

## FEES AND EXPENSES

There is no charge for an initial consultation. You or your clients can feel free to call at any time.

The toll-free phone number is 1-866-452-9362 (1-866-4-LAWDOC).

If you and your client determine that Gershon Willoughby's services are the best option for representation, the next step is for the injured person (or his or her legal representative or parent) to retain the firm in conjunction with your firm.

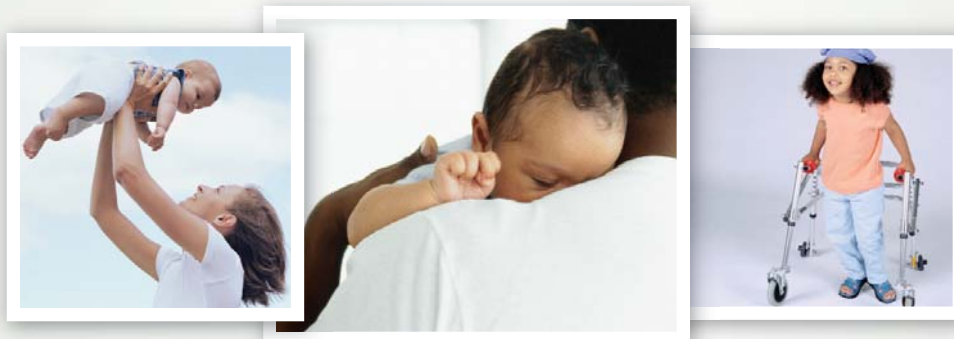
Gershon Willoughby, Getz & Smith works only on a contingency fee basis. Of course, referring counsel is paid a share of those fees under an agreement that will satisfy the applicable Rules of Professional Conduct.

The expense of retaining experts, obtaining records, preparing exhibits, conducting discovery and presenting a strong birth injury case can be \$100,000 or more per case. We do not ask our referring counsel to share in those costs. Nor do the clients participate in those costs upfront. Since most clients cannot afford these expenses, our firm advances all the costs of investigating and prosecuting the claim. Unless precluded by law in the relevant state, the client will only have to reimburse the firm for these litigation expenses if there is an award or settlement. That's the level of confidence we have in our abilities and the success rates of our lawyers.

## SETTLEMENT

Most medical malpractice cases do settle, but settlement must never be the attorney's objective. Our goal is to maximize the client's recovery. That can only happen when the defendant's insurance company is convinced that the attorneys for the plaintiff have put together a strong and convincing case and have the nerve and skill to try that case to a successful conclusion before a jury.

The attorneys at Gershon Willoughby have a proven record of obtaining outstanding — and sometimes record setting — jury verdicts. We put together compelling cases and try our cases if the insurance carrier is unwilling to settle for the value of the case.



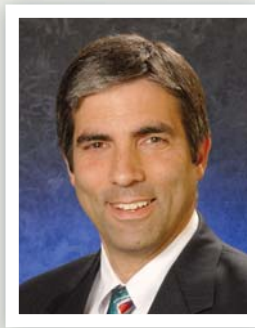
## THE LAWYERS OF GERSHON, WILLOUGHBY, GETZ & SMITH, LLC

The attorneys of Gershon, Willoughby, Getz & Smith are the legal team for children and families dealing with cerebral palsy.

Three lawyers at the firm were there as medical and nursing students — at labors and deliveries — following fetal monitor tracings, and witnessing how birth complications can develop and how the attending doctors and nurses dealt with delivery issues that could lead to cerebral palsy. They have done rotations through pediatrics, obstetrics, radiology, and neurology, and therefore understand normal development as well as the devastating effects of cerebral palsy.

As their professional paths led to legal degrees and the practice of law after medical school, those experiences are now invaluable in understanding how to “read between the lines” of delivery and prenatal records, and in helping to determine if a child's cerebral palsy is as a result of birth injury, in finding that missed diagnosis, or other medical malpractice. Their familiarity with the terminology and the procedures described in the medical records means that the firm's doctor/attorneys can often tell immediately if there is a likely malpractice case.

The medical backgrounds of the partners and their first-hand understanding of the far-reaching and lifelong implications of cerebral palsy make the attorneys of Gershon Willoughby unusually skillful, caring, compassionate and committed. The experience of our partner who is a former CPA in constructing financial settlements and calculating appropriate lifetime benefits for cerebral palsy victims and their families is an added advantage to choosing our firm.



### ZEV T. GERSHON, M.D., J.D.

Zev Gershon, M.D. J.D. is the team leader at the firm, and usually undertakes the initial review of cases. As a doctor/attorney, Dr. Gershon has recovered millions of dollars in verdicts and settlements for his clients, including a \$24 Million jury verdict and dozens of other substantial awards.\*

One of his more notable successes was in a small-town Oregon case that two prior firms had turned down. Although the small town was notoriously difficult, Dr. Gershon turned down a settlement offer, proceeded to trial, and won a \$10.8 million verdict. Another interesting case involved a settlement in a state where the cause of action — a “preconception tort” — had not been previously recognized. In fact, the state's laws prohibit trial courts from recognizing new causes of action, so the trial court was

required to dismiss the case. Despite knowing from the outset that the State's Supreme Court would have to create a new law in order to prevail, Dr. Gershon took on the case, which later settled on appeal.

Dr. Gershon has tried or settled several cases where he has uncovered medical negligence different from the negligence initially suspected. Not many lawyers would have had the commitment, perseverance and medical knowledge required to sort through volumes of medical records to uncover the “real” causes of the birth injuries at issue. Nevertheless, Dr. Gershon's dedication does not always result in victory. A case he took to the Washington State Supreme Court — and lost — involved the prolonged resuscitation of an infant far outside standard procedures, and the failure to involve the parents in the decision to continue when death or devastating brain damage were the only possible outcomes. In a state that recognizes the concept of “Wrongful Life” Dr. Gershon believed that his clients could prevail in this matter. The judge appreciated the arguments, but took the position that he could not rule in favor of the plaintiff because no state had yet ruled for a plaintiff under such circumstances. On appeal, the case was lost, but it remains a clear demonstration that Dr. Gershon and his firm are willing to fight all the way for a case they believe in.

Dr. Gershon lectures locally and nationally on the topic of obstetrical negligence. His published articles include “Timing brain damage in birth injury case” which appeared in *Trial Magazine* (the Journal of the American Association for Justice) in May of 2006 as well as “Practicing before the Maryland HCA (Health Care Arbitration Board)” which appeared in *The Daily Record*, and “Maryland Courts Still Wrestling With Medical Malpractice Issues Raised in 1890: Medical Expert Witnesses Beware” which appeared in *Physicians' Practice Digest*.

A graduate of the University of Maryland (B.S. 1981-cum laude), the University of Maryland School of Medicine (M.D. 1986) and the University of Baltimore School of Law (J.D. 1990), Dr. Gershon is a member of the Bar of Maryland, the Bar of the District of Columbia, and the Bar of the United States District Court for the District of Maryland. In addition, he is a Fellow of the College of Legal Medicine.

\* Because the facts of each case are unique, past results are not a guarantee as to the outcome of any future case.



## RANDAL D. GETZ, M.D., J.D.

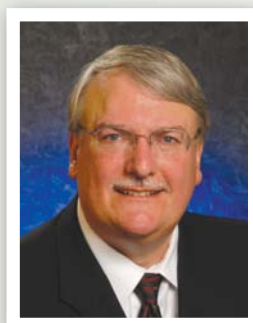
Dr. Getz is a graduate of Johns Hopkins University (B.A. 1985), the University of Maryland School of Medicine (M.D.1989), and California Western School of Law (J.D. 1992). He is a member of the Maryland Bar and is a Fellow of the College of Legal Medicine.

Combining his medical background with legal experience, Dr. Getz has helped numerous children and their families obtain substantial recoveries in birth injury cases over the past 15 years. A father himself, he finds his work on behalf of injured children and their families a deeply satisfying combination of medicine and law. Providing for birth-injured children so that they have the resources and ability to reach their full potential, and providing their parents with peace of mind knowing their children will be taken care of, Dr. Getz finds that his legal advocacy on behalf of injured children is a very effective — though different from the practice of medicine — way of making a lasting difference in the lives of injured children.

Often the “second look” set of eyes in the firm, Dr. Getz, reviews and evaluates cases with an eye toward finding an anomaly in the medical records or medical details that may have been missed on earlier review.

Although he now focuses on birth injury and cerebral palsy cases — and has made many multi-million dollar recoveries on behalf of injured children and their parents — Dr. Getz has also helped other victims of malpractice obtain justice with recoveries such as: \$6 million for a man who was rendered quadriplegic because of a spinal procedure and the failure to properly treat his ensuing spinal infection; \$2.25 million for a patient who suffered a stroke from a blood disorder that his doctors negligently failed to diagnose and treat; and \$1.6 million for a below-the-knee amputation caused by negligent foot surgery.\*

Dr. Getz is the father of four children, including a set of twins. He has a passion for helping children, especially those who have been dealt a rough hand just starting out in life. Dr. Getz appreciates his ability to make a difference in those situations, and advises anyone whose child has cerebral palsy to find a lawyer who understands the medical issues involved — whether they choose Gershon Willoughby Getz and Smith or another firm — to determine whether the cerebral palsy was caused by a medical mistake.



## WAYNE M. WILLOUGHBY, J.D.

With nearly two decades of experience representing the victims of medical mistakes, Mr. Willoughby has contributed significantly to numerous multi-million dollar recoveries. A practicing CPA before becoming a lawyer, Wayne Willoughby is the finances and lifetime benefits attorney at the firm, and our chief cross-examiner when the defense puts its life care planners or economists on the stand.

“AV” rated by Martindale-Hubbell™ for professional competence and ethical behavior, Mr. Willoughby is a well-respected member of the legal community and currently serves as President of the Maryland Association for Justice, *formerly the Maryland Trial Lawyers Association*, (MAJ) (5/08-5/09). He is also Secretary of the Council of Presidents of the American Association for Justice, Chair of the MAJ

Diversity Committee and is a Member of MAJ's Political Action Committee.

A 2005 recipient of the Defender of Justice Award from the MAJ, Mr. Willoughby has lectured nationally and locally on medical malpractice and products liability issues, and co-authored the book, “Medical Malpractice in Maryland — 2003” as well as the article “Timing brain damage in birth injury case” which appeared in *Trial Magazine* (the Journal of the American Association for Justice) in May, 2006.

Through his appellate advocacy, Mr. Willoughby has participated in cases that have expanded the rights of the injured, including:

- An appellate case establishing the right of medical malpractice victims in the District of Columbia to hold negligent physician-employees of the District government responsible for their negligence even when the deadline has expired for suing the District.
- A decision establishing the right of brain-damaged infants to receive compensation for future pre-majority life-care expenses under the ancient doctrine of necessities even when their parents' claim for those expenses is barred by the statute of limitations.

Mr. Willoughby is a graduate of the University of Maryland (B.S. 1980) and University of Baltimore School of Law (J.D. 1986 cum laude), where his student law review article was cited by the Supreme Court of the United States. He is a member of the Bar of the United States Supreme Court, the Bar of the United States District Courts for the District of Maryland and the District of Columbia, the Bar of Maryland and the Bar of the District of Columbia. In addition to the previously named associations, Mr. Willoughby is a member of the American Association for Justice Birth Trauma Litigation Group and serves on numerous Bar committees including the Legal Ethics Committee of the Bar Association of Baltimore City, the Legislative Committee of the Maryland Association for Justice, *formerly the Maryland Trial Lawyers Association*, and the Continuing Legal Education Committee of the Baltimore County Bar Association. Mr. Willoughby was recently honored to be appointed by the Court to serve as a Settlement Officer for the Circuit Court for Carroll County, Maryland.

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## ROBIN R. SMITH, R.N., J.D.

Robin Smith, R.N., J.D. was a registered nurse for 12 years before choosing a career in law. This brings a wealth of practical experience to every medical malpractice case she handles.

As a nurse, she witnessed numerous instances of incompetent care and often wanted to act as an advocate for patients, but was unable to do so as neither the physicians nor the hospital/medical systems supported that sort of initiative from nurses. Now, as an attorney, she is gratified to be able to advocate actively and aggressively for clients to right medical wrongs.

Ms. Smith's accomplishments as a lawyer include numerous multi-million dollar settlements and verdicts in various cerebral palsy and birth injury cases. She is particularly proud of a \$24 million dollar verdict for a child in the District of Columbia, not due solely to the impressive monetary award, but because the child was a ward of the District at the time, and the defense maintained the child was too damaged to benefit from therapy. With no parents to advocate for her, this brain-damaged child may have been left to languish in a group home or institution the rest of her days. Instead, the child was able to receive the best of care, was eventually adopted and is now happy and thriving.

Other notable cases include a \$7.4 million settlement reached after two days in trial, involving a baby whose distressed heart rate was essentially ignored because the nurse thought it was "not her job" to take the patient for a sonogram and she "had to go to lunch." The sonographer then failed to notify the physician immediately of the extremely low heart rate seen at the beginning of the study because she thought her job was to complete the study instead. Ms. Smith also obtained a \$5.5 million settlement for the birth of a child with severe brain damage from a condition — holoprosencephaly — that should have been diagnosed prenatally from the sonogram. Four million dollars was awarded to a baby who suffered brain damage during an in-hospital midwife delivery because the midwife failed to call for a doctor in time to rescue the baby, although the woman's physician was right next door to the hospital in his office.

Ms. Smith began her legal practice representing the District of Columbia on medical malpractice issues. She served on the Law Review of The Catholic University of America, Columbus School of Law, and served a clerkship with the Superior Court of the District of Columbia. She is a graduate of Wilmington College (B.A. 1974), Gwynedd Mercy College (B.S.N. cum laude 1982), The Catholic University of America and Columbus School of Law, (J.D. – 1992).

Ms. Smith is a member of Bar of Maryland, the Bar of the District of Columbia and the Bar of the United States District Court for the District of Columbia. She also belongs to The Women's Law Center of Maryland, the District of Columbia Women's Bar Association, the Maryland Association for Justice, *formerly the Maryland Trial Lawyers Association*, and the American Association of Nurse Attorneys and the Chesapeake Association of Nurse Attorneys.

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GERSHON  
GETZ



WILLOUGHBY  
SMITH, LLC

*"THE LAW DOCS"*

OUR CEREBRAL PALSY LAWYERS HAVE DEGREES IN BOTH LAW AND MEDICINE.

*As MDs and lawyers, we can quickly determine if a child's cerebral palsy or birth injury was the result of medical malpractice.*

For assistance with cerebral palsy medical malpractice cases, please contact:

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