

UK legal firm win apology from surgeon following death of patient

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During a hearing before Mr Justice MacKay in the High Court a surgeon apologised for the death of Catherine Ferguson as a result of a clinical negligence claim (http://www.ffw.com/PracticeAreas/ClinicalNegligence/clinical_negligence_claims.aspx) made by her son.

Catherine had consulted Mr Jurkovic the gynaecologist to investigate abdominal pain.

In 2001 Mr Jurkovic admitted Catherine as a private patient to Kings College Hospital for a routine laparoscopy in an attempt to discover the cause of the pain. The operation was carried out on a Saturday as Catherine was expecting to be discharged from hospital that day and to return to work the following Monday.

At the very beginning of the surgery, the operation went terribly wrong. During the insertion of an instrument into the abdomen, the surgeon ruptured Catherine's aorta and notwithstanding the emergency attendance of a number of other doctors to theatre, Catherine bled to death. She left an 8 year old son.

Paul McNeil, clinical negligence lawyer (<http://www.ffw.com/PracticeAreas/ClinicalNegligence/Team.aspx>) of Field Fisher Waterhouse LLP was instructed to represent the family at the Inquest and to pursue a clinical negligence case against the surgeon.

Both at the Inquest and during the course of the clinical negligence (<http://www.ffw.com/PracticeAreas/ClinicalNegligence/ClinicalNegligence.aspx>) proceedings the surgeon denied that he was legally responsible for Catherine's death. He maintained with the support of experts, that he followed standard text book procedures and that the rupture of the aorta was an event which could occur even in the best surgeons hands.

The case was hard fought and was due to be heard in the High Court on 4 July 2006 to consider whether the surgeon was guilty of clinical negligence and if so the amount of compensation due to her son.

Negotiations which took place between the parties on 1 July (the last working day before the trial) bore fruit and Mr Jurkovic agreed to pay very substantive damages and to apologise to Catherine's son.

In court Mr Justice MacKay approved the settlement on behalf of Catherine's son.

The surgeon through his Counsel said:

"Whether this court would ultimately have held Mr Jurkovic legally liable in respect of this tragedy is a matter for conjecture; what is not in doubt is that, legally liable or not, Mr Jurkovic is – and keenly feels – responsible for what happened, and the fact that his patient died during a minor operative procedure is something for which he offers a heart-felt and sincere apology".

For more details or comment please contact:

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