

Defense Verdict in Favor of Anesthesiologist

Rushton Stakely shareholders Thomas H. Keene and Ben C. Wilson successfully defended an anesthesiologist and his practice group in a recent wrongful death/medical malpractice trial in the Circuit Court of Calhoun County (Anniston). The plaintiff alleged that the anesthesiologist had failed to adequately screen his 66-year-old patient for evidence of cardiovascular disease minutes prior to the performance of gallbladder surgery. The plaintiff further criticized the anesthesiologist's decision to put the patient to sleep given complaints of sudden and severe abdominal pain observed in the surgical holding area. The patient went into cardiopulmonary arrest shortly after the induction of anesthesia and subsequent resuscitation efforts were unsuccessful. The defense successfully argued that the patient's holding room symptoms represented a catastrophic heart attack that the anesthesiologist could neither have predicted nor averted during his brief opportunity to assess the patient and that the introduction of anesthesia had no adverse impact on the patient's prognosis. This case was tried before a Calhoun County jury and the Honorable Malcolm B. Street, Jr. over the course of five days. The plaintiff was represented by S. Shay Samples of Hare, Wynn, Newell, & Newton of Birmingham.