

# Settlement Reached in Botched Thyroid Surgery

**Simple outpatient surgery results in vocal cord paralysis and chronic breathing problems for healthy, active woman.**

In April 2002, Mrs. X was a healthy, active woman, truly representative of the American dream. She had successfully balanced marriage, raising a family, and a career of nearly 25 years. Mrs. X had worked her way up from the position of receptionist to become one of the leading telephone sales representatives working in the male-dominated construction supply industry. Her husband was in the twilight of his own 25-year career driving trucks. The couple had successfully raised three beautiful children. Like many people raising children, this was the time in their lives when they could look forward to completing their careers, and focus on their planned retirement. Unfortunately, their plans would be changed forever by a simple, routine surgery.

Mrs. X had been advised, based on routine blood tests, that her thyroid might not be functioning properly. Upon the advice of a doctor whom she trusted, she agreed to the thyroid surgery that he had recommended. She was assured by the surgeon that the procedure would be simple, and that she would be in and out of the clinic very quickly, perhaps a little bit hoarse for a day or two. In fact, she was told that if she came into the outpatient clinic on Thursday, she would be back to work on Monday morning. Relying on the surgeon's expertise, Mrs. X consented to the removal of a portion of her thyroid.

Unbeknownst to Mrs. X, on the day of the surgery the doctor decided to do a complete or total thyroidectomy. Sadly, that decision, and the manner in which the surgery was performed, would forever alter her life. During the procedure, the surgeon severed both of Mrs. X's recurrent laryngeal nerves. He had done the unthinkable, paralyzing her vocal cords.

During litigation, it was revealed that the surgeon had subscribed to a school of thought that it was unnecessary and too time consuming to identify and preserve the recurrent laryngeal nerves during surgery. Under

this different method, the complete thyroidectomy considerably increases the risk of permanently severing or damaging the recurrent laryngeal nerves. The amount of time the surgeon took to perform this procedure on Mrs. X (45 minutes) paled in comparison to the average time this same procedure takes most qualified surgeons (3½ hours).

Following surgery, Mr. and Mrs. X not only learned of the substandard manner in which the surgery had been performed, but also learned that there were few, if any, options for restoring her voice and breathing abilities. Severed recurrent laryngeal nerves result in paralysis of the vocal cords. The paralysis severely narrows and constricts air passage to the lungs.

Today, despite repeated surgeries to attempt to regain breathing and speaking ability, Mrs. X can barely speak and can use only 15% of her lung capacity. She is chronically fatigued because she cannot oxygenate her body as a normal person does. She is unable to speak above a whisper because she no longer has use of her vocal cords, and is in constant risk of choking.

The main focus for Mrs. X, now, is on maintaining her health and staying alive. Activities like breathing, swallowing, and talking, which the average person takes for granted, require work and purposeful effort. She will require a tracheostomy in order to sustain her life. Mrs. X lost the career she loved, and the financial future and retirement plans of both Mr. and Mrs. X have been shattered.

When Mr. and Mrs. X came to the law firm of Searcy Denney Scarola Barnhart & Shipley, they wanted answers and justice. Chris Searcy and Karen Terry had the honor of representing them and, through diligent litigation, were able to effectively and persuasively convince the defendants and their insurance carrier to compensate Mr. and Mrs. X with the full amount of all available insurance proceeds, \$2 million.

Mr. and Mrs. X are now better able financially to cope with the burdens they face. While money will never replace the horrendous losses that Mrs. X and her family suffered, Mr. and Mrs. X know that without the representation of Searcy Denney Scarola Barnhart & Shipley and the passionate pursuit of justice that followed, their future would have been bleak. ■

**\$2 Million Settlement**

**MEDICAL MALPRACTICE:  
BOTCHED SURGERY**