



"What's It Worth?" -- the Impossible but Necessary Calculus of Suffering in Medical Malpractice Suits

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When a previously healthy baby dies from a medical error during birth, what should the grieving mother be paid for her suffering?

That is the difficult but necessary calculation that must be made in any malpractice lawsuit where the clock cannot be turned backwards to restore the baby to life, and the only justice the legal system can measure out is money compensation for a tragedy that should have been prevented.

There is no doubt that the emotional injury to the mother and father of the stillborn child can endure for many years, as a recent letter writer in the New York Times, Nancy Mendez-Booth, explained:

My husband and I lost our son in 2008. We arrived at the hospital one evening, me in labor and giddy with anticipation. The news of our baby's death was delivered to us before I delivered him. The loss is devastating. The silence hurts just as much: the empty crib in the waiting nursery; the friends and co-workers who avoid conversation and eye contact; family afraid to acknowledge our loss.

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Another story in the Times talks about how lawyers and judges grope to calculate fair numbers for a stillbirth that should not have happened.

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