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Medical Negligence in Birth Injury Cases: What Are Your Options?

Our Friends · Tuesday, October 29th, 2024

The last thing you want as a parent is to realize that your child suffered a injury during the birthing process. Birth injuries can have seriously devastating consequences for families, both physically and emotionally, that can leave lasting scars. Understanding your legal rights and options is crucial if you suspect that medical negligence was to blame for the birth injury that your child suffered. Learn everything you need to know in order to determine whether pursuing a medical negligence case is right for you.

Understanding Medical Negligence in a Birth Injury Case

For those unfamiliar with the term, medical negligence, sometimes better known as medical malpractice, is when a healthcare provider fails to provide the standard of care they had a duty to perform. Generally, this needs to be care which another reasonable and prudent professional would not have provided under similar circumstances for it to qualify as medical negligence. In regards to birth injuries, medical negligence can arise from a variety of situations including:

- **Failure to diagnose or treat prenatal conditions:** This could include conditions such as gestational diabetes, preeclampsia, or fetal distress
- **Improper use of medical instruments:** Errors in the use of forceps, vacuum extractors, or other medical devices used during the birthing process can lead to birth injuries
- **Errors during labor and delivery:** Mistakes during labor and delivery, such as improper positioning of the mother or failure to respond to fetal distress, can also contribute to birth injuries

Unfortunately, **determining negligence in a birth injury** case can be quite the challenge, especially if you missed the signs that it was occurring during the birthing process. In court, expert medical testimony will almost certainly be required so that a reasonable standard of care can be established to show how your healthcare provider breached that standard.

Your Legal Rights and Options in a Birth Injury Case

In the event you feel certain that the injury your child suffered while being birthed was due to negligence on behalf of your healthcare provider, there's a chance you have legal rights to seek compensation. Consult with an attorney as soon as possible as you may live in a state which has a short statute of limitations to file a lawsuit. Examples of **compensation you may be able to**

receive, though, include:

- **Medical expenses:** This includes past and future medical treatment, rehabilitation, and assistive devices your child may need due to their injury
- **Lost wages:** If the child is unable to work due to the birth injury, lost wages may be recoverable
- **Pain and suffering:** Compensation for the physical and emotional pain, as well as suffering, experienced by the child and your family, could be justifiable
- **Future care costs:** This includes projected expenses for long-term care and support services if the injury impacts your child's ability to live a normal life

To have the best chance at recouping some compensation in a birth injury case, it's best to hire a lawyer who specializes in birth injury cases. These types of attorneys have both the experience and expertise to help guide you through the complex medical evidence, the negotiation process with insurance, and simply advocate for your rights.

The Legal Process: What to Expect

Should you go down the path of pursuing a medical malpractice lawsuit, the below steps are what you can expect from the legal process:

1. **Filing a complaint:** The lawsuit is initiated by filing a complaint with the court against your healthcare provider
2. **Discovery:** During the discovery phase, **both sides gather information and evidence** that may include depositions, interrogatories, and requests for documents
3. **Trial:** If the case cannot be settled out of court through arbitration or mediation, it will proceed to trial where a jury or judge will determine whether the healthcare provider was negligent
4. **Appeal:** If either party is dissatisfied with the trial court's decision, they may file an appeal after a period of time

The Role of Insurance Companies in Birth Injury Claims

You may potentially be considering relying on insurance to seek reparations if your child suffered a birth injury rather than pursuing legal options. While you can certainly lean on insurance, it's important to note that they likely will not cover any expenses in the future related to that injury, rather only expenses incurred during the birthing process itself. They may also handle birth injury claims differently than the legal system and utilize tactics to minimize payouts. These tactics can include:

- **Denying liability:** Insurance companies may argue that the healthcare provider was not negligent or that the injury was not caused by their actions to avoid paying as much
- **Disputing the extent of damages:** Insurance companies may attempt to minimize the amount of compensation by disputing the severity of the injury or the future costs associated with it
- **Delaying claims:** Insurance companies may delay processing claims or make it difficult for claimants to obtain information or documentation

Naturally, given this, it is crucial to have your own legal representation to protect you and your child's interests so that you receive fair compensation. A skilled birth injury attorney can help you navigate these complex legal and insurance processes. If you don't have counsel though, here are some quick tips you can use to deal with insurance adjusters:

- *Avoid making statements that appear to admit any type of fault on your behalf that may have led to the birth injury*
- *Document anything and everything during the birth process so that you can reference it if need be or if a birth injury occurs*
- *Contact an attorney who can help you understand your rights and navigate the insurance process*

Beyond the legal aspects of your potential birth injury case, don't forget to acknowledge the broader impact that this may have on your family. These types of cases can have a profound emotional and financial toll on you or caregivers of your children. Ensure you have a support system in place to help you navigate the difficult times following a birth injury.

Lean on birth injury support and resources if you've been affected

The emotional impact of a birth injury on families is no small one, but support groups and counseling can provide much-needed support and resources. There may also be organizations in your area that offer financial assistance to families affected by birth injuries. If you suspect that medical malpractice had something to do with your child's birth injury, don't hesitate to seek out legal advice and support from an accredited lawyer. This will help you to put your child's best interest first and to seek justice for what happened to them.

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Our Town, Good Bones: Community and Connection

David Sheward · Friday, October 25th, 2024

Kenny Leon's starry revival of Thornton Wilder's classic 1938 portrait of everyday life, *Our Town*, features a diverse, multiethnic cast, but doesn't hit you over the head with a message of inclusion or "wokeness." Susan Miller took on that theme with her own adaptation of the play, called *It's Our Town, Too* which incorporates gay couples into Wilder's Groves' Corners. Leon adds a few 2024 touches such as opening the play with the company taking selfies, listening to a cacophony of music of different faiths (Justin Ellington did the masterful sound design and Abraham Jam wrote the song that incorporates the various prayers). There is a Jewish star and a Moslem moon among the gravestones in the final act which deals with death. But otherwise, the in-demand Tony winning director presents Wilder's tribute to family and community largely intact and without heavy-handed directorial frills.



Jim Parsons and the cast of *Our Town*.
Credit: Daniel Rader

His staging is straightforward, stressing the touching love story between George Gibbs and Emily Webb which encapsulates Wilder's eternal tale of birth, love and passing on. While this production does not achieve the devastating impact of David Cromer's 2009 Off-Broadway production which made the final act into a hyper-realistic recreation of Emily's childhood, Leon's staging stands with previous memorable Broadway revivals in 1988 (with Spalding Gray) and 2003 (starring Paul Newman in his final stage role) in its beautiful simplicity.



Ephraim Sykes, Richard Thomas, and Zoey Deutch in *Our Town*.

Credit: Daniel Rader

Jim Parsons of *The Big Bang Theory* fame enacts the Stage Manager, the play's narrator, with little inflection or characterization. He indulges himself with a sly twinkle in his eye and an ironic reading of a line or two which may be considered outdated, but his Stage Manager is mostly an observer of the small town. He allows the audience to draw its own conclusions on the universality of Wilder's theme—that human beings are the same everywhere and at every time. The focus is on George and Emily, played with depth and feeling by Ephraim Sykes and Zoey Deutch.

The couple make the journey from first love to last rites, detailing all the significant stops along the way. Skyes, who was the stand-out in *Ain't Too Proud: The Life and Times of the Temptations*, proves he is equally strong with dramatic material as he is in musicals. He's convincing and touching as a rowdy teenager whose main interest is baseball, a young man developing a sense of responsibility, and finally a shattered husband suffering the loss of his wife. Deutch is equally layered, especially as she re-experiences Emily's twelfth birthday in the climactic final act.



Ephie Aardema Sarnak, Julie Halston, Richard Thomas, and Hagan Oliveras in *Our Town*.

Credit: Daniel Rader

Billy Eugene Jones, Michelle Wilson, Richard Thomas and Katie Holmes bring warmth and humor to George and Emily's parents. Donald Webber Jr. imparts reams of subtext as the troubled, drunken choirmaster Simon Stimson. Reliable Julie Halston makes the most of Mrs. Soames, who enjoys weddings to the point of near hysteria.

Beowulf Boritt's rustic, rough-hewn set incorporates audience members seated in pews onstage, evoking churches and town halls. Dede Ayite's contemporary costumes place us in the present though the residents all look as if they're attending a picnic at a summer resort. Allen Lee Hughes' atmospheric lighting creates the perfect homey glow for this heart-warming *Our Town*.



Mamoudou Athie, Susan Kelechi Watson, and Khris Davis in *Good Bones*.

Credit: Joan Marcus

James Ijames' *Good Bones* at the Public Theater also takes on the importance of community and largely succeeds in exploring the conflict between gentrification and besieged minority neighborhoods. His basic concept is sound, with several fiery clashes between his quartet of characters, representing different interests as the forces of change and social inequity threaten an African-American urban district. Ijames' previous work at the Public, the Pulitzer Prize-winning *Fat Ham* which later transferred to Broadway, was an innovative metatheatrical flight of imagination, parodying *Hamlet* and skewering toxic masculinity and sexual stereotypes. *Good Bones* is strictly representational—Maruti Evans' gorgeous set includes a literal kitchen sink. The playwright also introduces supernatural elements, but barely develops them. His plot also feels somewhat sketchy so that *Good Bones* seems like a rough draft rather than a completed project.

Upwardly mobile African-American couple Aisha, a marketing exec, and Travis, a chef, have moved back to Aisha's old neighborhood with dreams of renovation and renewal. Their contractor Earl also grew up in the same area which was rife with crime, but also full of connected, caring neighbors. The hood is currently undergoing a transition, a condition Earl fears and resents. When it's revealed Aisha is on the team to bring a gigantic sports arena (nicknamed the Death Star) to the environs, Earl tries to make her see she is betraying her roots and destroying a vibrant network of families. Earl's sister Carmen, an ambitious college student, enters late in the play, bringing her own concerns and conflicts.



Mamoudou Athie, Tea Guarino, Khris Davis, and Susan Kelechi Watson in *Good Bones*.

Credit: Joan Marcus

The climactic confrontation between the quartet at a dinner party to celebrate the completion of Earl's work is a scintillating, pitched battle with each side armed with valid arguments and passions. Aisha has strong points to make about her horrifying experiences in the projects, countered by Earl's pleas for understanding and how African-Americans constantly get the short end of the stick. This final extended scene is intense and riveting but the hour leading up to it lacks drama and spark. The author interjects the idea of ghosts, but does not explain sufficiently who is haunting the house and what their objectives would be.

Saheem Ali delivers a proficient job of staging, building tension to the explosive dinner party. I enjoyed his gradual revealing of Evans' magnificent kitchen design by having the characters take down a few tarps and plastic curtains at a time.

Susan Kelchi Watson as Aisha, Mamoudou Athie as Travis, Khris Davis as Earl and Tea Guarino as Carmen each detail the internal struggles of their roles with subtlety and depth, but *Good Bones* feels like it needs further renovation.

***Our Town*: Oct. 10—Jan. 19, 2025. Barrymore Theater, 243 W. 47th St., NYC. Running time: 100 mins. with no intermission. telecharge.com.**

***Good Bones*: Oct. 1—27. Public Theater, 425 Lafayette St., NYC. Running time: 90 mins. with no intermission. publictheater.org.**

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When Is the Best Time to Trade Precious Metals?

Our Friends · Friday, October 25th, 2024

Trading precious metals such as gold, silver, platinum, and palladium can be quite profitable. But, when you trade, it plays a big role in how successful you'll be. The right timing varies based on market conditions, different time zones, and economic factors. Knowing when to act can make all the difference. If you're trading instruments like **XAUUSD**, which follows gold against the U.S. dollar, understanding when to trade is essential. Let's break down some factors that can help pinpoint the best times to get in on the action.

1. Trading During Major Market Hours

Most active market hours matter in trading precious metals especially if you are located in a financial hub like London, New York and Tokyo, active hours are key drivers in trading. The most active period usually happens during the overlap between London and New York, from 8 AM to 12 PM Eastern Time. The trading volume often witnesses a surge at this phase and leads to tighter spreads for XAUUSD.

London plays a central role in gold trading, while New York's COMEX exchange handles a lot of futures trading. If you want more liquidity and smoother entry or exit points, trading during these peak hours is often the way to go.

2. Impact of Economic Announcements

Have you ever noticed how gold prices can suddenly jump or drop? Economic announcements often drive these big moves. Key events, like U.S. non-farm payroll data, inflation numbers, or decisions by the Federal Reserve, can have a big effect on metal prices. For example, if economic data shows the economy is struggling, investors may turn to safe-haven assets like gold, pushing XAUUSD higher.

On the other hand, stronger economic data can strengthen the U.S. dollar, possibly leading to a decline in gold prices. Trading around these announcements can offer great opportunities, but also involves risks due to sudden market swings. So, keeping an eye on the economic calendar can help you anticipate market movements and plan your trades better.

3. Seasonal Trends in Metal Prices

Believe it or not, precious metals tend to follow certain seasonal patterns. Did you know that gold prices often climb during the first few months of the year? This is partly driven by increased demand due to the **Chinese New Year** and other seasonal factors that prompt more safe-haven buying. Early in the year might just be a good time to look at trading XAUUSD.

But when summer rolls around, especially from June to August, things often slow down. This period is known as the "summer doldrums" and usually sees lower trading volumes and less price movement. The wider spreads and lower liquidity during this time can make trading challenging. Knowing these seasonal trends can help you adjust your strategy as needed.

4. Geopolitical Events and Market Reactions

Geopolitical events can also influence the best time to trade precious metals. When there's political unrest, military conflicts, or big policy changes, the demand for safe-haven assets like gold can rise.

For example, if tensions spike in the Middle East or if there are major trade disputes, gold prices may surge. Trading XAUUSD during such times can present good opportunities. However, it comes with added risks due to heightened volatility, so always be cautious and ready to manage those risks effectively.

5. Influence of Currency Movements

Did you know that currency movements can greatly impact metal prices? Since metals like gold are priced in U.S. dollars, a stronger dollar typically leads to lower gold prices because it makes the metal more expensive for non-dollar buyers. On the flip side, a weaker dollar often boosts gold prices as it becomes cheaper for global buyers.

Keeping track of the U.S. dollar index can help you figure out the best times to trade XAUUSD. For instance, if the dollar is losing value due to dovish remarks from the Federal Reserve, it could be a good time to buy gold. Understanding currency trends is crucial when you're trading metals.

6. Weekly Patterns in Precious Metal Trading

Mondays are better for trading, as traders digest events from the weekend and prepare for the week ahead. Trading usually picks up on Tuesday, Wednesday and Thursday, which have versatile opportunities and distinct price variations. Fridays can be a bit of a wildcard because many tend to close their positions to keep themselves ahead of the weekend, which could lead to sudden price shifts.

Conclusion

Many new traders make a hasty decision to invest in precious metals, but timing plays a crucial role in the daunting game. By staying aware of when to trade, you can make the conditions favorable to your growth. Update yourself on economic announcements, geopolitical events, and seasonal trends, which will help you make an informed decision and fine-tune your trading strategies. Remember, opportunities can be exciting, and they come with risks as well. So, practice your mental health, which helps you tackle the ups and downs of the ever-changing market.

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