Section V, Question 1

Obstetrical Case Involving Dallas W. Johnson, MD

The case that began in 2/95 and went to trial was Donna Corbelli et al v Baylor Medical Center, Grapevine and Dallas W. Johnson, M.D. This case was the result of a catastrophic uterine rupture in a patient with a previous Cesarean section (C/S) undergoing a trial of labor after Cesarean (TOLAC). The plaintiff alleged I was negligent in allowing the patient to labor because of her previous C/S and the hospital was negligent in monitoring her in labor and failing to properly notify me when the fetus was in jeopardy. According to the operative report from her first C/S I reviewed prior to considering a TOLAC, that surgeon performed a vertical incision in the lower non-contractile portion of the uterus.

Early in the antepartum care for this patient's second pregnancy, the American College of Obstetricians and Gynecologists (ACOG) published guidelines for physicians caring for women with a prior C/S. Those guidelines stated it was safe to labor a woman with one previous C/S who had received a low transverse or a low vertical uterine incision. I based my decision to agree with this patient's request for TOLAC on my medical judgement and the ACOG guidelines. However, at the emergency C/S I performed on this patient, it was obvious the previous surgeon had extended his incision well into the contractile upper portion of the uterus and he failed to properly report that fact in his operative report. Had he done so I would have advised the patient against TOLAC as this was the site of her ultimate uterine rupture.

Additionally, the nurse monitoring this patient during labor confirmed she had not been trained to recognize non-reassuring fetal monitoring signs and as a result delayed notifying me of a developing problem until it was too late for me to act quickly enough to save the infant in spite of the fact that I never left the hospital during her labor. The mother suffered a catastrophic uterine rupture, in spite of our best efforts and the infant was stillborn. I was able to repair the damage to the uterus and the mother went on to have a subsequent successful pregnancy and delivered by repeat C/S.

The case was tried in the 67th District Court of Tarrant County, Texas as case #067- 160514-95 in January 1998. It was tried before a jury and resulted in a judgment against both defendants for $1,000,000. Unknown to the jury, the defendant hospital had settled with the plaintiff before trial in what is known as a "high-low settlement agreement." During the trial the hospital attempted to place all the responsibility for the unfortunate outcome on me. Following the trial, because I had not entered into any settlement with the plaintiff and because I believed I had provided appropriate and high-quality medical care, I appealed the judgment. The appellate court agreed with me, reversed the findings with regard only to me, set aside the judgment and sent the matter back for retrial. The patient agreed to settle for $200,000 rather than retry the case. The insurance carrier was Texas Medical Liability Trust and my attorney at trial was James Stouffer. My appellate attorney was David Townend.