

SJC upholds \$13m award to man left quadriplegic

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The Massachusetts Supreme Judicial Court in a 4-3 ruling, yesterday upheld a \$13 million jury award to a Chelsea man who claimed he became a quadriplegic as a result of an inadequate medical examination by a Massachusetts General Hospital doctor.

The majority of justices, in upholding what has been the largest negligence verdict ever awarded an individual in Massachusetts, rejected arguments by the hospital and doctor that there was insufficient evidence to support the claims by 44 year old William Harlow.

A MGH lawyer and the doctor said he may petition the high court to reconsider its opinion.

A Suffolk Superior Court jury three years ago found that Dr. Danny Chin and MGH had been negligent in their treatment of Harlow after Harlow slipped and fell on Feb. 11, 1982, while working on an old truck.

When Harlow sought treatment for lingering pain three days later at the Chelsea Memorial Health Care Center, a unit of MGH, Chin diagnosed Harlow as having a muscle spasm following a two-to-five-minute examination and prescribed heat applications, aspirin and a muscle relaxant.

About three weeks later, finding that the pain had worsened, Harlow returned to the hospital and collapsed while getting onto the examining table. Harlow was rushed to MGH, where he was diagnosed as having a herniated disc and underwent an unsuccessful operation.

Harlow subsequently became a quadriplegic for life.

The majority of the high court justices, in a opinion written by Justice Ruth Abrams, rejected Chin's and MGH's arguments for a new trial, but ruled that because the hospital was acting as a charitable organization when it treated Harlow, the hospital's liability would be capped under state law at \$20,000 and the doctor would be liable for paying the remainder of the award.

The majority also concluded that Harlow's Social Security benefits should be deducted from the jury award. Frederic Halstrom, Harlow's lawyer, said that amount would total \$50,000.

In a dissenting opinion, Justice Francis O'Connor, joined by justices Joseph Nolan and Neil Lynch, said he would have granted a new trial because expert testimony failed to prove that negligence by the doctor caused harlow's quadraplegia.

The jury had awarded Harlow \$6.5 million, but with interest the award was nearly doubled.