



# Arnold v. Lawrence & Memorial Hospital (Conn. S. Ct.)

Topics Covered: Professional Liability, Abusive Litigation Against Physicians

**Outcome: Neutral**

## **Issue**

The issue in this case was whether the parents of a newborn child could recover damages for emotional distress caused by the allegedly negligent medical care of their child.

## **AMA Interest**

The AMA seeks to protect the relationships between patients and their physicians. It also strives to avoid the expansion of liability theories against physicians, which can lead to abusive litigation.

## **Case Summary**

The plaintiffs had filed a complaint against their son's physicians and hospital in the federal court in Connecticut, based on negligent medical care of their newborn son. One count alleged that the parents were personally entitled to damages for the emotional distress they had suffered as a result of the physicians' failure to recognize and respond properly to their son's condition. The defendants argued that Connecticut does not recognize a claim for bystander emotional distress in the context of medical malpractice claims. Because the Connecticut law on this issue was unclear, the federal court certified the question for review by the Connecticut Supreme Court.

Before the Connecticut Supreme Court could rule, the case settled.

## **Litigation Center Involvement**

The Litigation Center filed an amicus curiae brief, arguing against recognition of the claim. The brief pointed out that allowing this claim would, in various ways, degrade the physician-patient relationship, allowing a bystander's financial gain to come at the potential expense of the patient's medical care.

Connecticut Supreme Court brief