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Local nine-year old-girl can finally have surgery after jury awards \$1.03 Million for birth trauma

At first glance, Julissa Arias, an Arlington Heights resident, looks like any other nine-year-old girl. Only a trained eye would notice that her right arm is a little bit shorter than the left and that she carefully drops her right shoulder in order to perform simple actions like holding a glass or catching a ball. After nine years of surgeries, physical and occupational therapy and determination to be like other kids, she has learned to compensate for her disability. She has been waiting and hoping for the surgery that will improve the function of her shoulder and hand.

On July 7, 2006, a Cook County jury turned hope to reality when they awarded her \$1.03 Million for the birth trauma she suffered that caused the permanent injury to the brachial plexus nerves in her right shoulder. Finally, Julissa's parents can afford to take her to a doctor in Houston, Texas who will perform a surgery that he created two years ago. The procedure is called "triangle tilt surgery" and involves cutting two of the bones that are holding

Julissa's arm in its twisted position. The surgery will allow the arm to come into a more natural position and reduce the difference in length between her right and left arm over time.

"I can finally breathe. I can finally cry." said Helia Arias, Julissa's mother. "I have worked hard so that Julissa could have a normal life like other kids even though her life has been filled with surgery, specialists, and physical and occupational therapy. I have even worked with her at home. I have been waiting nine years to hear a jury tell me what I already knew. This should not have happened to my baby. She can finally have the surgery she needs. "

In April 1997, during the birth process, Julissa's right shoulder became lodged behind her mother's pubic bone, a condition called "shoulder dystocia". The baby was not in any distress, therefore, the safest, simplest and medically sound procedure was to place the mother into the McRoberts maneuver which involves raising the mother's knees to her chest, and for a nurse to apply steady pressure to the area above the mother's pubic bone while the obstetrician applies gentle downward pressure to the baby's head.

According to Julissa's attorney, Jeff Martin, a partner with the Chicago law firm, Levin & Perconti, "The jury found that during the birth of Julissa Arias, the defendant obstetrician failed to use appropriate maneuvers and applied excessive force upon the baby's head, thereby permanently damaging the baby's right brachial plexus."

Martin added, "I am happy to report that the verdict may have been lowered due to the excellent care that Julissa's mother, Helia, provided for her

daughter. Helia worked tirelessly with Julissa during at-home therapy both before and after surgery to restore as much function as possible so that she could have as normal a life as possible. She never gave up.”

Helia smiled at Martin’s compliments and replied. “Julissa has the heart of a tiger. She has accepted the fact that she can’t play baseball, volleyball, or basketball. She will never be a ballerina. She just doesn’t have the strength in her right arm.”

Helia added, “Julissa has found other ways to be happy. She loves her many friends and teachers at Green Briar School (Arlington Heights) who watch out for her each and every day. She also loves to swim.”

Martin went on to say, “I am pleased that Julissa will finally have her surgery. Unfortunately, the surgeon has made it clear that the surgery will reduce, not eliminate, the effects of her physical deformity. Julissa will need to choose a sedentary type of occupation and not anything that would require a great deal of bimanual dexterity, lifting or repetitive motions. She is also at greater risk for early onset of osteoarthritis.”

Helia had nothing but praise for her attorney, Jeff Martin, as she commented, “Jeff has always believed in us and has always treated Julissa with tenderness and respect. He always thought of what was best for her. He wouldn’t allow her to be present in court for his closing argument because he didn’t want to worry her with talk about her disability. Thanks to the jury, Julissa’s life may not be perfect, but we can sure make it better with this surgery.”

Pleased with the verdict, Martin added: "Today's result is an example of how well the civil jury trial system works. Since the jurors took 7 hours over two days to deliberate, it is clear that they took their obligation as jurors seriously, carefully considered the evidence presented and instructions given, and rendered a fair and just verdict."

For further information or to schedule an interview, Please call Marikay Mulroe at 847.867.2058.

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