

TABLE E-1 Cases of Litigation According to Anatomical Body Part

Anatomical Site	No. of Cases	Average Cost of Damages (US\$)	Total Costs (US\$ in millions)
Elective spine	80	248,750	19.9
Elective hip	176	151,363	26.64
Hip trauma	39	128,205	5.0
Elective knee			
Arthroplasty	77	175,447	13.51
Arthroscopy	30	114,815	3.44
Tibial osteotomy	17	245,579	4.17
Elective upper limb	82	128,911	6.19
Upper limb trauma	126	99,883	17.18
Elective foot and ankle		89,347	9.73
Foot	98		
Ankle	11		
Foot and ankle trauma		125,773	12.33
Foot	73		
Ankle	25		

TABLE E-2 Elective Spinal Surgery Litigation Summary

Error	No. of Cases	Average Costs of Damages (US\$)	Total Costs (US\$)
	80		19,900,000
Nerve injury, mostly during discectomy	44	358,325	15,766,000
Wrong-level surgery	6	105,703	634,218
Dural leak	5	173,929	869,645
Missed postop. abscess	3	517,478	1,550,000
Postop. hematoma	2	289,525	579,050
Postop. discitis	2	107,500	215,000
Postop. infection	2	37,137	74,274
Malpositioning during surgery causing brachial plexus injury	2		
Malpositioning during surgery leading to retinal artery thrombosis	1		

TABLE E-3 Elective Hip Litigation Summary

Error	No. of Cases	Average Costs of Damages (US\$)	Total Costs (US\$)
	176	151,363	26,640,000
“Poor outcome”	75	110,672	8,300,000
Sciatic nerve injury	37	206,226	7,600,000
Leg length discrepancy	29	139,840	4,055,000
Serious infection requiring further surgery	15	311,344	4,670,000
Fractured femur	12	105,756	1,270,000
Thromboembolic event	3	249,087	747,261

TABLE E-4 Trauma-Related Hip Litigation Summary

Error*	No. of Cases	Average Costs of Damages (US\$)	Total Costs (US\$ in millions)
	39		5.0
Missed fracture of femoral neck	22	152,426	3.53
Intraoperative negligence (e.g., screw protrusion into the pelvis during ORIF)	12	120,820	1.5

*ORIF = open reduction and internal fixation.

TABLE E-5 Elective Knee Litigation Summary

Error*	No. of Cases	Average Costs of Damages (US\$)	Total Costs (US\$)
Arthroplasty	77		13,509,480
“Poor outcome”	36		
Postop. infection	12	322,855	3,870,000
Nerve injury, mostly tourniquet related, but one due to bone saw	8	152,169	1,217,000
Arterial injury and/or pseudoaneurysm	6	324,588	1,950,000
Arthroscopy	30		3,444,452
Foreign body left in situ	5	38,957	
Nerve injury (mostly due to tourniquet)	4	432,825	
Postop. infection and/or septic arthritis (delayed diagnosis)	3	179,683	
Burns (chemical)	2	148,908	
Postop. thrombosis	2	129,426	
Postop. hemarthrosis—not mentioned in the consent	1		
ACL reconstruction	20	98,492	
Poor tunnel placement	5		
Poor interference screw placement	3		
Damaged hamstring and/or patella during graft harvest	4		
Drill bit left in situ	1		
Tourniquet leading to nerve injury and/or burns	4		
Tibial osteotomy	17	245,579	
Nonunion	11		
Malcorrection	5		
Pseudoaneurysm	1		
Nerve injury causing foot drop	1		

*ACL = anterior cruciate ligament.

TABLE E-6 Elective Upper Limb Litigation Summary

Error	No. of Cases	Average Costs of Damages (US\$)	Total Costs (US\$)
	47		7,660,000
Nerve injury following carpal tunnel decompression	39	157,762	6,150,000
Nerve injury following other hand surgery		132,234	924,638
Trapeziectomy	3		
Ganglia excision	2		
Tendon repairs	2		
Delay in treatment of Dupuytren contracture	6	76,541	459,066
Removal of scaphoid during trapeziectomy	2	64,432	128,864

TABLE E-7 Trauma-Related Upper Limb Litigation Summary

Error	No. of Cases	Average Costs of Damages (US\$)	Total Costs (US\$)
Forearm	96		
Shoulder	32		
Clavicle	12		
Humerus	10		
Wrist	48	86,089	4,132,272
Delayed diagnosis of radial fractures	27		
Poor fixation and/or treatment of wrist fractures	21		
Missed scaphoid fracture	15	78,711	1,180,000
Nerve injury during scaphoid fixation	3	143,933	431,799
Missed shoulder dislocation	18	104,698	1,880,000
Missed or mistreated shoulder fracture (3 with brachial plexus injury)	14	163,291	2,286,074
Clavicular fracture missed or mistreated	6	71,043	426,258
Missed or mistreatment of humeral fracture (including nonunion and nerve injury)	10	45,235	452,350
Missed or mistreatment of elbow fracture	10	269,234	2,690,000

TABLE E-8 Elective Foot and Ankle Litigation Summary

Error	No. of Cases	Average Costs of Damages (US\$)	Total Costs (US\$)
Foot and ankle		89,347	9,738,823
Foot	98		
Ankle	11		
Poor outcome, including nonunion, after hallux valgus surgery	65	94,932	6,170,000

TABLE E-9 Other Causes of Litigation

Reason for Litigation	No. of Incidents	Total Payout (US\$)	Average Payout (US\$)
Poor plaster technique	26	1,259,404	48,438
Diathermy or chemical burn	21	587,915	27,996
Tourniquet (pressure sore or burn)	6	519,812	86,635
Fall on ward	63	3,066,465	48,674
Pressure sore postop.	39	3,081,955	79,024
Blood transfusion mismatch	3	31,160	10,386
“Poor ward care”*	25	1,452,543	56,062
Deep vein thrombosis	23	1,401,859	60,950
Pulmonary embolism	12	2,609,983	217,498
Delayed diagnosis of tumors	32	2,997,997	93,687
Administrative errors†	28	1,743,540	62,269
Wrong surgical site	51	2,218,698	43,504

*Includes administration of drugs to patients with allergies. †Includes failure to request scans, follow-up appointments, etc.