

# TEXAS LAWYER

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## On Tape

A videotape taken in the delivery room of a Houston hospital when Vickie Bishop gave birth to a daughter in February 1999 turned out to be gripping evidence in a medical malpractice suit instead of the record of a joyous family occasion. Bishop and her husband, Mike, sued Columbia Spring Branch Medical Center, its corporate parents and two doctors, alleging negligence that led to severe injuries to their daughter, Madelyn, when she was deprived of oxygen during birth. The suit, filed by Houston plaintiffs lawyer **Richard Mithoff**, settled on June 26 with officials representing the hospital agreeing to pay the Bishop family \$15 million in damages — \$9 million now and \$6 million into a long-term trust. The baby is blind and suffered brain damage. Mithoff, a partner in **Mithoff & Jacks**, says terms of the settlement prohibit him from discussing the suit or even identifying the hospital. Mithoff says in a press release, however, he agreed to the confidentiality clause because the hospital has agreed to take steps to prevent similar delivery room problems. But the hospital no longer allows families to videotape births, according to the release. One of the attorneys for the hospital, **Jeffrey McClure**, a partner in **Mayor, Day, Caldwell & Keeton** of Houston, says he cannot comment. Columbia/HCA hospitals in the Houston area are now known as Entrust Health Network.

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