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Trial Team Earns Defense Verdict in Delay in Autism Diagnosis

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JANUARY 12, 2018



A pediatric practice received a report from a psychologist who diagnosed the 8-year-old minor Plaintiff with an autism spectrum disorder. A clerical worker placed that report in a file without a pediatrician seeing it. Because the psychologist worked for social security, he could not communicate directly with the child's mother. Accordingly, nobody involved in the child's care knew of the autism spectrum diagnosis until the child's mother switched doctors 8 years later. After the diagnosis was discovered, the child was evaluated by multiple psychologists and psychiatrists, the majority of whom agreed that he had an autism spectrum disorder. Plaintiff claimed a diagnosis 8 years earlier would have resulted in an improved outcome for the child. Complicating the defense was that our

pediatrician testified on behalf of the child at a juvenile hearing prior to initiation of the medical malpractice suit that the psychologist report should have been reviewed by a pediatrician 8 years earlier, and that an earlier diagnosis and different school setting could have avoided some of the child's difficulties. Using a world renowned autism expert, we presented a defense that an earlier diagnosis would not have resulted in any change to the child's outcome. Following deliberation, the jury returned a defense verdict.

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