



Chapter 1

Knowledge Is Power: The Lessons

When you are holding your baby for the first time, you are holding more than just a new life—you are holding *your* life, and your family's life. You are at the beginning of a journey, a new chapter of life that will forever be a part of you. The first time you get to see their eyes and little fingers, as you imagine what your future holds and all the memories you will build together—their first words, first step, first smile, or the first time they look into your eyes—it is in that instant you realize you can no longer picture your life without them.

The stories in this book are a reminder that labor and delivery is one of the most important times not only in your life, but your family's life. The ripple effect of delivering a healthy baby is life-changing, forever, because you never stop being a parent. While you may transition into the role of a daughter's or son's best friend when they become an adult, you will always be their parent, always the wise one who helps guide them through life. You are holding your future,

your family, your life in that powerful moment when you hold your baby for the first time.

As you prepare to welcome your little one into the world, some stories in this book may be difficult to digest. But remember: *knowledge is power*. Within these pages lies the power to comprehend how something as miraculous as childbirth can also profoundly impact your life. The power to know that it is not good enough to just roll up to the hospital in labor and hope for the best, because that is how each of these stories starts. The power to realize that, armed with this knowledge, you can now prepare yourself in ways that families could not in the past. You now have the power to learn from the experiences of other families. This knowledge is the key to navigating your childbirth with clarity. It is the power that will allow you to approach this pivotal moment in your life with both humility and strength, and emerge from it with a deeper understanding of the incredible power of knowledge.

As you explore the pages of this book, you may find yourself experiencing a range of emotions—tears, laughter, and perhaps a touch of nervousness. But let me reassure you: these feelings are all perfectly normal for any expectant parent. For just as you would go to great lengths to prepare your child for the challenges of adulthood, it is equally important to prepare for their arrival into this world. This book is not just a collection of stories—it is a powerful tool that will equip you with the information and insights you need to navigate the journey of childbirth. So, embrace the emotions that may

arise, and use them as a catalyst to fuel your desire for knowledge and preparation. For in doing so, you are taking the first step toward becoming the best parent you can be and giving your child the best possible start in life.

The stories, the cases, the experiences, and the technical knowledge—it is all here for you to learn as you get ready for that powerful moment when you hold your baby for the first time.

The Lessons

In a legal case involving a baby, an attorney can only speak privately with witnesses on their side of the case. Since my witnesses were the delivery team, I could have multiple private conversations with them throughout the case. However, as I was not the attorney for the family, I could only talk to them through a “deposition,” which was one chance to talk to the mom, dad, and other family members about what they believe went wrong during labor and delivery. These depositions were lengthy, lasting for hours on end, as families shared their experiences during childbirth. They were emotionally draining and always difficult stories to hear.

When it was time for the deposition of the people on the delivery team, preparing them was just as challenging as listening to the families. This is because when something goes wrong during labor and delivery, it affects everyone involved. Tears were shed frequently behind closed doors during my meetings with the delivery team.

Following the testimony of the family and the delivery team were the depositions of the expert witnesses. Each case had multiple experts hired to analyze the care the mom and her baby received during childbirth. The experts hired by the family focused on the mistakes made during labor and what should have been done so that a healthy baby could have been born. The experts hired by the hospital would testify in support of the delivery team and explain why the care provided was reasonable.

In analyzing the conversations with the family, delivery team, and experts, there are valuable lessons to be learned. We can glean positive insights from these negative experiences that can help prevent future mistakes. This chapter presents these lessons that were derived from examining all sides of the equation. Each lesson, whether from the perspective of the family, delivery team, or experts, offers insights that can help achieve the ultimate goal of ensuring the birth of a healthy baby. In the following chapters, we will dive deeper into each of these lessons, providing detailed information to help you apply them effectively to your labor and delivery.

Lesson #1 Learning about Labor and Delivery

In the world of legal baby cases, it is common for families to fall into the same trap that we all do—believing that bad things only happen to other people. However, this mentality can be dangerous, as it leaves you vulnerable on one of the most important days of your life. It is crucial to prepare yourself and understand labor and delivery. Unfortunately,

for many families, this understanding comes too late, as they learn about childbirth only in the aftermath of something going wrong. They begin to piece together what happened and what could have been done differently. By gaining a deeper knowledge of labor and delivery before experiencing it firsthand, you can arm yourself with the tools necessary to make informed decisions and protect the health and well-being of both you and your baby.

When learning about labor and delivery, it is essential to begin by grasping the basic terminology and concepts. Not only will this help you make good decisions, but the ripple effect is just as important. For instance, by knowing the basics, you can communicate more effectively with the delivery team. It prevents unnecessary explanations from distracting you from the important information you need to know. This streamlined communication ensures that everyone is on the same page during your labor and delivery.

Chapter 2 of this book is dedicated to giving you a simple and straightforward version of the basics. This includes key terms and concepts that I frequently use when analyzing a legal baby case or discussing labor and delivery with a mother.

Lesson #2 The Delivery Team

In legal baby cases, the quality of care provided by the delivery team is the central focus of the case, with their actions or inactions being analyzed more than any other part of the case. Similarly, during the day of your delivery, your team is one of the most critical aspects of your birthing experience.

They will provide guidance and support throughout the process to help you safely deliver your precious little one.

Keep in mind that your delivery team is made up of humans. As humans, making mistakes is in our DNA. While doctors and the people on your delivery team try hard every day to keep their patients safe, mistakes happen. An expert doctor in a legal case gave a good explanation as to how mistakes can happen during labor and delivery.

None of us are perfect. The bottom line is that every one of us is capable of making errors and mistakes in our lives. We do it all the time ... I'm not disparaging the doctor in any way to say he's a horrible, hurtful physician. He just did the wrong thing on that particular day that resulted in a significant injury to this infant, which is a lifetime injury, unfortunately. It's the same way great drivers go through red lights, because he wasn't paying attention properly. This is what happens once in a while. It's the same thing that happened in this particular case. (*Expert Witness*)

The key takeaway from this testimony is that you need to make sure your delivery team is engaged and paying close attention to you. In the "Born Emergency," my sister was convinced that the delivery team paid extra close attention to Sam because I was on the phone telling her what questions to

ask. Whether it was reviewing the baby's heart rate or wanting to know how much Pitocin was running, my sister kept the team engaged with these questions. Not only was she talking their language, but she also did it in a way that built a good rapport with the delivery team. She was nice, kind, and knowledgeable. In response, she felt that the team paid extra close attention to not only Sam, but to her.

To prepare for meeting your delivery team, it is essential to have a solid understanding of what to expect and what to look for. In Chapter 3 of this book, you will find valuable information to help you effectively assess your delivery team. From understanding how I analyze a delivery team in a case to learning how to use your heart and brain together to evaluate your team, this chapter covers it all. You will gain insight into each team member's different roles and responsibilities, what questions to ask, and what to expect during your labor and delivery. Though this chapter may require a little extra effort and attention to detail, it is undoubtedly one of the most important ones in the book. By taking the time to read and absorb the information, you will be well-equipped to evaluate and work with your delivery team effectively.

Lesson #3 The Good Doctor

From the conversations that occur behind closed doors with doctors to the public testimony in legal baby cases, one thing is crystal clear—doctors do not agree when it comes to childbirth. It was very common to talk to two different doctors and get two very different opinions about the care a mom

received during childbirth. Each doctor would be adamant that they are right, and the other was crazy. There was no meeting in the middle or understanding of where the other doctor was coming from. The most intriguing aspect of this is that, at times, these doctors worked at the same hospital.

What this disagreement means to you is simple. One doctor may make a recommendation and another doctor may have a completely different opinion. These are recommendations that could be made before or during labor and become very important to you, as they will likely influence your decisions. These decisions are crucial during labor. When good decisions are made, good things happen, including the safe delivery of a healthy baby.

It is important to pick the right doctor for you. Just like there are many types of patients, there are many types of doctors. The good news is that you have some great doctors to choose from. My experience in the field has taken me across the country more than once, meeting different doctors. From the experts to fact witnesses, I have traveled to almost every state, hashing out labor and deliveries with countless doctors. While some may irritate me, I found the majority are caring physicians trying to do their best for their patients. They understand that a mistake in their world is unlike a mistake in any other profession.

In Chapter 4 of this book, I share my expertise in selecting a doctor that is right for you. Drawing from my experiences with doctors such as the “Yoda Imposter” and the

“Doctor at Trial,” this chapter covers everything you need to know about picking the right doctor for you and your baby.

Lesson #4 Know Your Hospital

Selecting the appropriate hospital for delivering your baby is of utmost importance, particularly when you have a more high-risk delivery. In such cases, it may be wise to choose the hospital first, even before your doctor. This is because your doctor can only deliver your baby at a hospital where they have privileges. If you select a doctor first, you will be restricted to delivering your baby at the hospital where your doctor has privileges, which might not be the most suitable option for you and your baby’s well-being.

The hospital you choose may be more critical than your delivery team, as they can only operate within the resources available at the hospital. How fast a baby can be delivered depends on which hospital you are delivering at. Smaller community hospitals may not be adequately staffed to deliver your baby quickly, especially at night when hospitals tend to have less staff. This may cause delays in decision-making and even longer waits before delivering your baby, putting your baby’s health at risk.

Another critical factor to consider when choosing a hospital is the level of after-birth care your baby will receive. Different hospitals provide varying levels of care, with some offering specialized teams of doctors to help your baby if they require special attention at birth. If you opt for a smaller hospital with minimal care and your baby needs specialized care,

they will have to be transferred to another hospital (sometimes by helicopter), resulting in downtime during transport where they may not receive the necessary support. Plus, you will have to deal with the emotional impact of your baby leaving the hospital where you are a patient.

Chapter 5 of this book provides a comprehensive guide to selecting the right hospital for the delivery of your baby. It covers various factors to consider, such as hospital levels and the importance of knowing the hospitals around you.

Lesson # 5 Have a Labor and Delivery (LAD) Plan

While all the preparation in the world cannot fully prepare you for the experience of labor, making an LAD plan will help you significantly. As the contractions start and your body responds to the intense pain, you may feel a whirlwind of emotions, from fear and uncertainty to excitement and anticipation. While it is completely normal to feel this way, it is important to remember that you have an important role to play in making decisions that will help bring your baby safely into this world.

This is where an LAD plan can be incredibly valuable. By creating a detailed plan ahead of time, you can be better prepared to handle the unexpected twists and turns of labor. If something changes rapidly during labor, you can stay focused and make informed decisions regardless of how you may be feeling at that moment.

When I am preparing for a long cross-examination of an expert witness in a legal baby case, it requires meticulous

planning and organization. That is why I always write down my strategy, plan, and questions, and review it a few times to ensure I am fully prepared. During the actual cross-examination, there is simply no time to reference my notes, but the act of preparation helps me to be mentally sharp and ready for anything that may come up. Just like in labor, these cross-examinations do not always go according to plan, but being well-prepared allows me to pivot and adapt quickly to any unexpected challenges.

Similarly, by having a clear idea of your preferences, you can enter labor knowing that you are ready to face whatever comes your way. In Chapter 6 of this book, you will find an essential guide to preparing your LAD plan. Other books may refer to this as a birth plan, both have the same benefit, which is getting you ready for childbirth. This chapter will provide you with valuable insights to help you get ready for the big day.

Lesson #6 Have a Baby Advocate

Having a supportive and trusted family member or friend designated as your “baby advocate” can make all the difference during labor and delivery. This person is responsible for monitoring your baby’s well-being and helping you make informed decisions when presented with multiple options by your delivery team.

In the story of “The Born Emergency,” Kelly serves as Sam’s baby advocate. With her experience of delivering five children naturally and her excitement to meet her first

grandchild, Kelly was an excellent advocate for Sam during labor and delivery. Although she did not have any medical training, she kept the delivery team engaged, asked thoughtful questions, and acted as a liaison between Sam and her delivery team when necessary.

Rather than simply having family or friends present at the hospital, designating someone as the baby advocate gives them a specific role and responsibility. Chapter 7 will dive deeper into the importance of having a baby advocate, with a powerful story that highlights the significance of this role. It will also provide guidance on how to prepare this person to be a good advocate during your labor and delivery.

Lesson # 7 Know the Types of Fetal Monitors

In the “Born Emergency,” Sam’s delivery team used an internal monitor to assess the baby’s heart rate and the contraction pattern. This was smart as there were concerns about the baby and they were inducing her labor with Pitocin. An internal monitor is the most accurate way to assess the baby’s heart rate and contractions. The other types of fetal monitors do not accurately measure the strength of contractions and are not as precise as an internal monitor.

In legal baby cases, when the wrong fetal monitor was used, it has caused a significant delay in the delivery of infants. Most of the time, this delay resulted in the infant passing away before or after birth. For this reason alone, every parent must be aware of the different types of monitors and the pros and cons of each, all of which are discussed in Chapter 8.

Lesson # 8 Know What Your Baby's Heart Rate Means

Understanding and interpreting your baby's heart rate is not rocket science, but it seems like the medical community wants to leave the interpretation of it to the medical professionals. I have studied babies' heart rates as a nonmedical person and can tell if a baby is a rock star or struggling during labor. This is good stuff for parents to know during labor and delivery. It will shed light on what the delivery team is saying if there are any concerns about the baby's heart rate and will help parents make the important decisions during childbirth.

In the "Born Emergency" story, Sam's knowledge and understanding of the importance of monitoring her baby's heart rate proved to be crucial. When she arrived at the second hospital, the nurse immediately placed the fetal monitor on Sam, and it quickly became apparent that her baby was struggling. Though the exact cause was unknown at that moment, the fact that they were aware of the issue with the baby's heart rate allowed the delivery team to help Sam create a plan to deliver her baby safely.

Chapter 9 of this book is an essential resource for any expecting parent. It provides crucial technical knowledge on interpreting your baby's heart rate during labor, which can help you make informed decisions about your baby's health and well-being. While the chapter may require some effort and time to comprehend fully, the benefits of understanding your baby's heart rate cannot be overstated. Therefore, I

encourage you to take the time to read this chapter carefully and spend at least an hour or two learning about your baby's heart rate. If you do this, you will be able to understand your baby's heart rate, empowering you to make informed decisions during labor and delivery.

Lesson #9 Understanding Tests and Interventions in Labor

During labor and delivery, if your delivery team has concerns about your baby, they will perform tests or start an intervention to help improve the oxygen to your baby. They do not go straight from concern to C-section. Instead, there is a process that must be followed when your baby's health is at risk. The process typically starts with concerns about your baby's heart rate. Next, the delivery team responds to the concerns by doing tests and interventions. If baby's condition improves, they may suggest continuing with the current plan. If baby's condition is not improving, they will likely recommend a different plan.

In Chapter 10, you will learn what these tests and interventions mean for your little one. The results of both can impact your decisions during labor and delivery, so understanding them before labor starts will help you make good decisions. Furthermore, these tests and interventions are done frequently in baby cases, and the important lessons covered in this chapter will help guide you if these are performed during your labor.

Lesson # 10 Common Facts and Issues in Legal Baby Cases

There are common facts and issues in legal baby cases that every parent should understand. If you know these issues and facts, and they occur in your labor and delivery, you will have a heightened sense of awareness to help make sure these mistakes do not happen in your labor. Let's take the example of a drug called Pitocin, which is used to induce labor by stimulating contractions. It is by far the number-one most common factor in legal baby cases. While this drug may scare a baby lawyer like me, doctors seem fine with it and use it all the time. If your doctor recommends Pitocin to induce your labor and you agree, now you know that Pitocin and mistakes can go hand in hand. To combat this, you need to understand what a Pitocin induction is and what is important to know during a Pitocin induction. The combination of preparation and your heightened awareness of Pitocin and mistakes will help you make more careful decisions, thus avoiding these mistakes.

It is completely normal to feel nervous if a common fact or issue in a legal baby case arises during your labor. In fact, being nervous can be a good thing, as it can help activate your intuition. Ignorance may seem like bliss, but it is not recommended on one of the most important days of your life. Your body's natural reaction to nervousness is to keep you safe, and it can help guide you when your brain perceives

something to be important. When you are nervous, you are more alert and less likely to let your guard down.

When I prepare a fact witness for a deposition, the best ones are nervous. They always think that since they are so nervous, they will be a bad witness or screw up the case. My response is always the same: a nervous witness is the best witness. Being nervous always made the witness more focused and alert during their deposition. They listen carefully to each question before responding. They are always more prepared and have a better understanding of the case. They keep their guard up and avoid saying something stupid. There are many reasons why being nervous is a good thing, so embrace it and know that your mind and body have got your back.

Chapter 11 of this book contains crucial information regarding the common issues and facts related to baby cases. By reading this chapter, not only will you gain a deeper understanding of these issues and facts, but it will help activate your intuition to protect you and your baby.

Lesson # 11 Safety and Epidurals

Many mothers choose to have an epidural during labor and delivery, as it can provide pain relief and make the birthing experience more comfortable. The lesson is that while epidurals are very common, it is a medical procedure that carries risks. After a very sad case where a mom passed away after receiving an epidural, I never looked at them the same way. The hardest part is that the family still does not know how their mom passed away. It was the most difficult part

of my job, the struggle between being human and the confidentiality associated with being the attorney for the hospital. Witnessing the pain and suffering of a family who was left without answers, and being unable to give them the closure they needed, has always weighed heavily on me as a mom, wife, and human being. While I have pondered the thought of gathering news clippings to form an anonymous letter to the family, while I wear thick gloves so my fingerprints never touch the paper, this is not an option. What I can do is try my best to make sure that this never happens again. That is why Chapter 12 of this book is so important. It provides valuable information on how to help you have a safe epidural experience.

Lesson # 12 Understanding C-Sections

In legal cases involving babies, it is worth noting that most of them ultimately result in a C-section delivery. When complications arise during labor and delivery, it can be the fastest way to deliver the baby depending on the labor.

That being said, it is crucial for expectant mothers to be aware of the potential need for a C-section and to understand what it entails. That is where Chapter 13 of the book comes in. This chapter is dedicated to providing valuable insights and information about C-sections, so you can make an informed decision if your delivery team presents this procedure as an option.

Lesson # 13 Pitocin Is the Most Common Fact in Legal Baby Cases

Pitocin is the most common factor in legal baby cases. Whether it was used improperly, administered incorrectly, or caused a complication, the majority of legal cases involve Pitocin.

It is important that expectant mothers educate themselves on the potential risks associated with Pitocin, particularly if there is any chance that you will receive it during labor. In Chapter 14, you will learn many facts about Pitocin that are discussed in the legal baby world. You will learn that delivery teams run their inductions differently depending on the hospital. The chapter also provides a guide to help moms have a safe Pitocin induction, which was created based upon the lessons learned from the legal baby cases.

Decision-Maker: Why Learning the Lessons Is Important

You hold the ultimate decision-making power as the person going through labor and delivery. Your delivery team acts as trusted medical advisors, guiding you through the process and helping you make informed decisions. However, they cannot make decisions for you without your consent. Any medical procedure or medication, including Pitocin, a c-section, an epidural, or an IV, requires your approval and consent.

It can be helpful to think of yourself as a general in a battle, a company CEO, or a rock band manager. Leaders in these positions have gained knowledge and experience before becoming decision-makers. Their knowledge allows them to make the right decision when necessary to keep their soldiers safe, their company profitable, or to find the next big deal for the rock band. Similarly, you are in charge of your labor and delivery, and while you may not have prior experience, you can educate yourself to make informed decisions that result in the safe delivery of your baby.

It is hard to make good decisions if you do not know all the facts. Without educating yourself, it is challenging to determine what is good or bad care or whom to trust. The power of knowledge will help you discern what constitutes good care and guide you on whom to trust. As you read and learn, you will have the necessary tools to ask good questions and confidently be proactive in your labor to make sure you are making the right decisions.

Good decisions can be life-changing, as demonstrated in the story of the “Born Emergency.” Sam’s decision to ask a critical question at the first hospital likely changed the course of her pregnancy and possibly her life. She proactively asked the nurse, “Where can I go to get my baby checked out?” when the hospital was about to send her home without ensuring her baby’s well-being. Sam knew having her baby’s heart rate checked on the fetal monitor that night was crucial, so she made the decision to ask. Less than 24 hours later, she was holding her healthy baby girl.

By educating yourself and absorbing the insights outlined in this book, you can equip yourself with the knowledge necessary to make informed decisions. Much like Sam, this knowledge can be instrumental in helping you achieve the ultimate goal—a healthy baby.

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