



2 lawyers owe \$12 million for malpractice

By KAREN E. WARMKESSEL
SUN STAFF

In what is believed to be the largest legal malpractice award ever in Maryland, two Baltimore lawyers were ordered to pay \$12 million in damages yesterday for mishandling a wrongful death claim brought by the parents of a 16-year-old girl who died after minor surgery in 1974.

A Baltimore Circuit Court jury deliberated 45 minutes before finding the former law partners, Herbert L. Singleton Jr. and Robert F. Dashiell, negligent in their handling of a medical malpractice suit filed by Arthur and Shirley Stokes, whose daughter, Evon, died Oct. 14, 1974, at Lutheran Hospital.

The case, which was originally filed in 1977, was dismissed in 1980 for what a Baltimore judge concluded was a lack of activity by the lawyers handling it. According to the testimony, Mr. Singleton never told the family the case had been dismissed, insisting that he was working on it and was expecting a trial date to be set.

Mrs. Stokes discovered six years later that the suit had been thrown out when she asked another law firm to investigate, according to Stephen Snyder, a partner in the firm that later sued Mr. Singleton and Mr. Dashiell for legal malpractice.

Charles Martinez, a lawyer who represented Mr. Dashiell, says his client intends to appeal the jury's verdict. He said Mr. Dashiell, who has since joined another Baltimore law firm, was "being held responsible for the actions of another."

Mr. Singleton, who represented himself during the trial, could not be reached for comment last night. His license to practice law was suspended indefinitely by the Maryland Court of Appeals in February 1986 for neglecting another client's case and for not being truthful with the client.

In suspending Mr. Singleton's license at that time, the court noted that he had been issued a private reprimand by a review board of the state Attorney Grievance Commission in July 1982 for neglecting clients in two other matters.

According to Mr. Snyder, Mr. Singleton admitted deceiving Mrs. Stokes in the medical malpractice case and told the jury he had planned to pay her by accumulating money through other cases. He said he had told his law partners of the plan, but Mr. Dashiell testified that he knew nothing about it.

"These lawyers did zero on the file. Nothing. They interviewed no witnesses. They took no action," Mr. Snyder said.

He said the case was dismissed in November 1980 because no work had been done on it, and it could not be refiled because the statute of limitations had run out. He said Mrs. Stokes, whose husband had died in 1985, sought help from his partner, Howard Janet, in April 1986.

Mr. Snyder said the award is the largest legal malpractice award ever given by a jury in Maryland. In May 1987 the Baltimore firm of Venable, Baetjer and Howard agreed to pay \$27 million to settle a legal malpractice suit filed by the state of Maryland, but that sum was not awarded by a jury as in the Stokes case.

In order to prove the legal malpractice, Mr. Snyder had also to prove that the underlying medical malpractice case would have been successful had it been pursued by Mrs. Stokes' original lawyers and gone to trial.

In their defense, Mr. Singleton and Mr. Dashiell had sought to prove that they could not have won the medical malpractice case had they pursued it.

The medical malpractice suit stemmed from the death of Evon Stokes, a senior at Millford Mill Senior High School, who died after being admitted to Lutheran Hospital to

have a cyst removed from the base of her spine, Mr. Snyder said.

"The surgery is minor, elective. It's supposed to be very uneventful," Mr. Snyder said.

However, he said, Evon was given "excessive doses" of anesthesia, specifically Demerol, and died shortly after being taken to the recovery room after surgery.

Hospital employees failed to properly monitor her heart rate, breathing and pulse and she died of lack of oxygen after her heart stopped, Mr. Snyder said.

He said she was discovered at 10:40 a.m. with her pupils dilated, no blood pressure or pulse, and was brain dead.

Mr. Snyder said Mrs. Stokes was told to come to the hospital, but was not told that her daughter had died. He said the family could not get information about her status for four hours and were then given four or five explanations for the cause of death.

He said they contacted a lawyer, William Zinman, who filed the original lawsuit against the hospital and medical staff. Later, in 1979, Mr. Singleton and Mr. Dashiell's law firm convinced Mrs. Stokes to let them take over the case, saying "they could do a much better job."

Mr. Snyder said Mr. Zinman had contacted a Pennsylvania anesthesiologist whom Mr. Snyder said he called as a witness at the trial this week, 12 years later.

The man was never contacted by Mr. Singleton or Mr. Dashiell, he said.

He said that after the case was dismissed in 1980, Mrs. Stokes used to ask Mr. Singleton how it was proceeding.

"Mr. Singleton misrepresented to the client the status of the case, telling her it was a viable case and that he was working on it.

"He expected a court date soon," Mr. Snyder said.