

# Litigation Associated with Hand Surgery

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**INTRODUCTION:** Hand surgery is associated with a low complication rate; however, complications can lead to costly malpractice claims. While previous studies have identified common allegations, they often fail to account for surgical volume, limiting their utility in assessing true litigation risk. This study aims to update litigation trends in hand surgery and identify procedures with disproportionately high litigation risk relative to their frequency.

**METHODS:** The VerdictSearch database was queried for malpractice cases in hand and wrist surgery from January 2015 to March 2025. Data collected included alleged causes for litigation, procedure type, technical error, case outcomes and indemnity amounts. To adjust for surgical volume, a multi-surgeon institutional database was queried for Current Procedural Terminology (CPT) codes in hand surgery over a five-year period. Litigation odds were normalized relative to carpal tunnel release (CTR).

**RESULTS:** The most common complications included nerve damage (23%) and lack of improvement (13.6%). Technical errors were alleged in 75% cases, and 81.2% required additional surgeries. Adjusted for volume, foreign body removal had a 19.3x higher litigation risk than CTR, followed by interphalangeal joint arthrodesis (7.1x). Open reduction and internal fixation of the distal radius was 1.6 times less likely to be litigated than CTR. Physicians lost 31.2% of cases while 12.5% settled. Average indemnity in plaintiff verdicts was \$863,433, compared to \$400,000 for settlements.

**DISCUSSION AND CONCLUSION:** While CTR remains the most commonly litigated procedure, volume-adjusted analysis reveals that foreign body removal, joint arthrodesis, and phalanx fractures carry the highest relative risk. Additionally, plaintiff verdicts resulted in indemnity payments more than double those of settlements, suggesting that early settlement may be a more cost-effective strategy when a loss at trial appears likely.

Procedure Code:	Number Litigated
CTR	5
Fusion	1
Finger Tendon Repair	1
Foreign Body Removal	1
DR ORIF	1
Finger Surgical FX TX	1
Peripheral Nerve Decomp Neuroplasty	4
Wound Exploration	1
Tendon Graft Harvest	1

Table 1: Number of litigation procedures

Procedure	Sum of Count of Procedure Code
Carpal Tunnel Release	23951
Fusion	673
Finger Tendon Repair	1261
Foreign Body Removal	248
Distal Radius ORIF	7044
Finger Surgical Fracture Treatment	3832
Peripheral Nerve Decomp Neuroplasty	1189
Wound Exploration	984
Tendon Graft Harvest	1876

Table 2: Number of procedures performed from January 2015 to March 2025

Procedure	Frequency of Litigation
Carpal Tunnel Release	1
Fusion	7,139,000
Finger Tendon Repair	3,800,019
Foreign Body Removal	19,346,628
Distal Radius ORIF	-1,572,936
Finger Surgical Fracture Treatment	5,000,222
Peripheral Nerve Decomp Neuroplasty	4,035,522
Wound Exploration	4,875,091
Tendon Graft Harvest	2,862,095

Table 3: Frequency of litigation by procedure

Row Labels	Count of Complication
<b>Grand Total</b>	<b>22</b>
Median nerve damage	4
Lack of improvement	3
Necrosis	2
Post-op infection	2
Finger Contracture	1
Improper/extended splint	1
Incision site pain	1
Misalignment	1
Misdiagnoses	1
Missed TFCC tear	1
Nerve damage	1
Numbness	1
Thumb deformity and inflexibility	1
Tissue damage	1
Wrong surgical site	1

Table 4: Claimed complications

Row Labels	Count of Claimed Symptoms
<b>Grand Total</b>	<b>32</b>
Pain	12
Decreased ROM	5
Disfigurement (amputation/scar)	3
Swelling	4
Paresthesia	2
Stiffness	2
Cognitive impairment due to pain	1
Sensitivity	1
Tremor	1
Weakness	1

Table 5: Claimed symptoms in litigation cases