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NEWS RELEASE

Families and Victims of Medical Malpractice During Birth Call on Senate to Reject Medical Malpractice Bill

Victims and families whose babies died or were grievously injured due to medical malpractice today called on the U.S. Senate to reject legislation proposed by Republican leaders in Congress that would severely limit the rights of women and children. A Senate vote is expected later today.

Appearing at a news conference on Capitol Hill, representatives of six families from around the country urged Senators to oppose S. 2061, a bill introduced less than two weeks ago that has never had a hearing, that would, among other things, set a \$250,000 limit on compensation for women and their babies who have suffered brain damage, disfigurement, mutilation, blindness and other “non-economic” injuries caused by medical malpractice at birth (including during the pre-natal and postpartum period).

Shannon Hughes of South Carolina said, “I will never hear my child call me mom or tell me he loves me or even a hug. I only know my child is content and not suffering when he is asleep or lying in bed not crying. All I can do is pray that when I wake up in the mornings that he is still breathing and I can caress his head and tell him good morning. My son has no future but pain and suffering. No politician in Washington has the right to decide what is proper compensation for him.”

“On Valentine’s Day, 1994, our beautiful seven-month-old daughter Alexandra died from injuries inflicted by our obstetrician,” said Sandra Katada of Texas. “Later, a *Dallas Morning News* investigation found that two other babies in this doctor’s care had died shortly before Alexandra did, and another one died after Alexandra. If the first time this happened someone had stopped my doctor from practicing, there would have been three more babies who had lived. Senate bill S. 2061 does nothing to address the issues that led to the death of my daughter. It may help insurance companies increase their profits, but it will punish people for being victims of medical malpractice.”

“As a result of a doctor’s negligence, my son Colin suffered terrible injuries at birth,” said Lisa Gourley of Nebraska. “A Nebraska jury ruled that Colin was a victim of medical negligence, finding that \$5.625 was needed to compensate him for his medical care and a lifetime of

suffering. But Colin is a victim of another kind as well, a cruel Nebraska law that severely cut this jury verdict to one quarter of what Colin needs. As a result, Colin will have to rely on the state for assistance for the rest of his life. Nebraska's cap on damages, enacted at the behest of the insurance industry, has been devastating to our family. My husband and I worry constantly about Colin's future and how our family of six will make ends meet."

New Jersey resident Justin Mattes, 25 years old, said, "I am a victim of medical malpractice. I have cerebral palsy because my mother's obstetrician committed medical malpractice in the way he handled my mother's delivery when I was born. A \$250,000 cap on noneconomic damages would take away the only opportunity a person like me, who has suffered a permanent disability because of a doctor's medical malpractice, has to live with some amount of independence and to enjoy some of the normal dignities of life. A \$250,000 cap on pain and suffering damages if applied to my case would not even begin to compensate me for the daily pain and suffering I have already experienced in my life, much less what will continue to experience. For example, I had terrible trouble at school, especially with teasing. My mom had to fight to keep me in regular classes. I have had people say that I am retarded just because my speech sounds funny. A disability like mine causes a lot of emotional damage."

"Our son Nathaniel was severely injured at day six, by jaundice," said Jodi Johns of Minnesota. "I have the utmost respect for many doctors, but I am also appalled at the fact that the very doctor who denied my son the care he needed went back three days later and changed the hospital records to protect herself. Now, because our son has been injured, we must count on the health care system every single day to keep our baby alive. My son is eight years old. He will have a lifetime of health care challenges."

"If you want to lower the cost of medical malpractice insurance, lower the incidence of malpractice," said Dylan Malone of Washington State, whose son, Ian, sustained severe injuries at birth. "My son was injured by a doctor who has hurt others before, and others since, and he continues to practice. A small fraction of doctors cause the lion's share of injuries; address that and you make healthcare safer and more affordable in one stroke."

According to Geoff Boehm, Legal Director of the Center for Justice & Democracy, "These doctors are seeking to broadly restrict the constitutional rights of families to go to court while weakening the system's ability to prevent medical errors. Their solutions will hurt the most severely injured brain-damaged children, while doing nothing to help doctors who are being price-gouged by insurance companies."

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