

TORT REFORM

Alabama protects doctors who maim

As a lawyer who represented health-care providers in the past and now prosecutes civil cases against them, I found the front-page article "Oftensued doctor still practicing" in the Dec. 2 newspaper most informative. It would be helpful if a follow-up article were written to warn the public about the practical effects of Alabama's so-called "tort reform" legislation.

The public should be informed that very restrictive laws passed by the Alabama Legislature in the name of tort reform prevent aggrieved patients from finding out in a court of law if their physicians have committed similar wrongful acts in the past. The public should know that Misty Shephard's and Renee Blackman's lawyers will not be able to find out from the doctor or his employer if the doctor had committed wrongful acts in the past, and that the tort reform legislation prevents a jury from hearing such evidence, including the doctor's litigation history, regardless of how culpable or outrageous the past wrongful conduct.

The fact that the doctor had lost his license in the past is likewise off limits. Even if Dr. Christopher Martin had overdosed with Phenergan the last 10 patients he had treated, that information would be withheld from the judge and jury trying the case. Hospitals can get this information, but the public cannot.

While I understand that doctors need to be able to practice medicine without fear of frivolous lawsuits, it seems clear that it is in the best interest of the public for doctors who injure or kill their patients to be held accountable in an Alabama courtroom, and that requires a judge and jury hearing *all* the facts of a doctor's past.

The next time the powerful tort-reform interests in this state sing the

old refrain that tort laws are so bad in Alabama we are losing doctors to other states, we need to ask them why Martin, a k a Dr. John A. King, chose to come to Alabama to practice after maiming so many other patients in other states. Maybe it has something to do with the lack of regulatory supervision of doctors in Alabama and the special laws that protect them from the consequences of their conduct.

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