

## QUAD CITY NEWS, January 27-February 2, 1988

### Lawyer: "I Take Bad Medicine To Task"

He calls himself "the Equalizer." He has 33 years experience in medical malpractice case and has established a national reputation as one of the USA's premiere tort lawyers.

His name is Sheldon J. Schlesinger and he is neither shy nor modest.

"I'm Jack the Giant Killer," he said from his offices in Fort Lauderdale. "I've done more to alleviate health care wrongs than all the quality control programs in the country."

Schlesinger sues doctors. And hospitals, and insurance companies, and health care corporations. He is proud of his profession and his only regret is the public perception of personal injury and tort lawyers as sharks and shysters.

"It hurts," he says of the image. "There's a minute number of hucksters and TV Lawyers and the public thinks that's what it's all about. But they're wrong.

"I've seen to the welfare of my clients when the health care industry refused to. And I've earned every nickel I've made."

And Sheldon Schlesinger has made plenty. In a celebrated case against Florida Medical Center, a jury awarded his client \$12.5 million. The case took several years to litigate and was eventually settled for \$8.5 million. Schlesinger made well over \$2 million on the case but he insists he's worth it—not only for his clients but for the public as a whole, who benefit from the accountability that lawyers have forced on medicine.

"For years the Broward County medical establishment was able to squash testimony on malpractice. They buried their mistakes," Schlesinger said. "Now they are being taken to task for not adequately policing their profession."

"The stories (of frivolous lawsuits and greedy lawyers) are just FMA hype, not fact," he said. "I have issued a standing invitation to any doctor or legislator to come in here and see my closed files – cases of malfeasance, misfeasance, and non-feasance that will curl your hair."

He can recite a litany of cases, each one more tragic than the last.

An MD doesn't show up for a birth. The infant is delivered by a resident-in-training. The baby is severely neurologically damaged. An inattentive anesthesiologist mistreats a lady during a simple foot operation. She never regains consciousness and will spend the rest of her life in a nursing home. A 24 year-old mother, in the hospital for observation after an auto accident, has an IV needle inserted deep into her chest cavity, which fills up with fluid until she drowns in the solution.

“When routine hospitalization turns into a disaster, it results in lifelong harm. The victim deals with it forever,” he said. “I only take the most damaged clients. Weeks may go by before I find a case I accept because I can’t render enough service if I’m overloaded.”

Schlesinger defended contingency fees for lawyers as well as the large amounts they sometimes yield.

“Most victims couldn’t afford an attorney any other way. The litigation is very expensive for the attorney as well. My staff and I spent five years working on the (\$8.5 million) case,” he stated.

What about the social cost of such large awards? Doesn’t a settlement like that mean that the next 10,000 patients who walk into that hospital will wind up paying the cost through higher rates?

What it really means, said Schlesinger, is that the hospital will now go out and hire that extra nurse to monitor the respirator or find another doctor to review drug dosages.

“What it means is that the next ten thousand patients who walk into that hospital have a better chance of coming out alive,” he asserted.

Most of the dollars awarded go straight back to the health industry anyway, he pointed out. Therapy, future hospitalization, nursing care, and other treatments consume a large portion of the victim’s apparent windfall.

Calling it “professional blackmail”, Schlesinger seethes when asked about the doctors’ work action against emergency rooms last July or the “tort reforms” being pushed by the Florida Medical Association.

“It’s irresponsible,” he says. “They want to bludgeon the public into submission and threaten the public safety in order to destroy the legal system to their own ends.

“Our legal system has been well-founded and finely-tuned over centuries but now they want to tinker with it to keep the victim out of court. Medical arbitration has been tried before and it doesn’t work.”

But what about the public’s need to secure availability of medical care. Isn’t the malpractice crisis driving the doctors away from us?

“It’s a bluff,” said Schlesinger. “Doctors here are making very good money. They aren’t going anywhere.”