

John Faulkner, M.D.
12315 Canolder Street
Raleigh, NC 27614

Senator Robert A. Rucho
300 N. Salisbury Street, Room 300-A
Raleigh, NC 27603-5925

Re: Senate Bill 33 – Medical Malpractice

Dear Senator Rucho:

I am a family physician. My wife Joan was terribly burned in an operating room fire. She went to the hospital for a simple outpatient procedure, expected to last thirty minutes. After removing a lymph node from her neck, the surgeon turned on a cauterizing tool inches away from an open source of oxygen. A fire exploded over Joan's face, neck and chest. It is elementary that the oxygen must be turned off before the ignition is turned on. The fire was caused by medical malpractice.

I have attached photographs of Joan taken five months before the fire, two days after the fire, and one year later.

I understand that you have introduced a bill that would impose an arbitrary cap of \$250,000 on damages for pain, suffering, disfigurement, mutilation, loss of limbs, and even death.

Senator Rucho, No one put a "cap" on my wife's pain and suffering -- so how can you put a cap on what it's worth?

I understand fair compensation for disfigurement and pain is difficult to determine. That's why we count on juries to make that decision -- after they hear all the evidence. But if your bill passes, legislators -- having heard no evidence -- will arbitrarily make that decision.

Senator, I have a simple question: Why do you think it's fairer for legislators to decide, rather than juries?

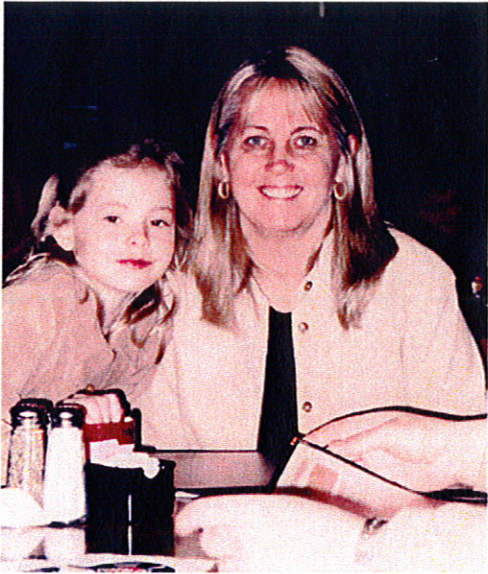
Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Faulkner", written in a cursive style.

John Faulkner, M.D.

Cc: Members of the North Carolina Senate



Before - January 2002



After - June 26, 2002



One Year Later - July 5, 2003