

Testimony of

The Honorable Russ Feingold

February 11, 2003

Statement of Senator Russell D. Feingold

Thank you Mr. Chairman. I want to welcome all of the witnesses this afternoon. In particular, I want to welcome Linda McDougal from my home state of Wisconsin, who has become in a short time one of the best known and most articulate advocates for preserving the rights of victims of medical malpractice to receive adequate compensation through our legal system.

Ms. McDougal, none of us can ever truly imagine the horrible suffering you have endured. All we can do is say that we are terribly, terribly sorry that this happened to you and that we will do everything we can to prevent similar suffering for others who go to their health care providers seeking aid and comfort, not pain or disfigurement.

Mr. Chairman, I hope everyone on these two Senate committees, whether they are here or not, will read or listen to Linda McDougal's testimony and learn about her experience. It is a powerful cautionary note for those of us who are charged with developing and voting on legislation concerning medical malpractice liability and insurance.

Can anyone in this room or on these committees look Linda McDougal or any of the thousands of victims of catastrophic medical malpractice in the eye and say, "\$250,000 is all your pain and suffering are worth"? Would any of us be able to tell our wives or our daughters that their damages should be limited to \$250,000 if they were the victims of such unspeakable pain and lifelong sadness?

That is the challenge we face Mr. Chairman. There is no question that we have a problem in this country over the cost of malpractice insurance. But the solution cannot be to penalize innocent victims like Linda McDougal, to prolong and extend their suffering by denying them adequate compensation.

We have virtually no evidence that caps on economic damages will actually lower insurance rates. More importantly, I have yet to hear an explanation of how this is fair to Linda McDougal and others like her.

I regret that we are pursuing this kind of legislation, but I want to sincerely thank you, Ms. McDougal, for the sacrifices you have made to share your story with the committee and the public. I can only hope that we learn the lessons you are trying to teach us.

Thank you Mr. Chairman.