

On November 3, 2000, following a two-day sanction hearing with 24 witnesses, Pinsof was disbarred effective December 3, 2000. Pinsof was further ordered to pay attorney's fees in the amount of \$41,737.50 and court costs in the amount of \$5,761.19.
(4 day trial)

Sidelights Since the beginning of this year, Pinsof has been practicing law in the Midland/Odessa area. Pinsof, also a psychiatrist, was practicing under a probationary license due to a previous disciplinary action taken by the Texas Medical Board.

Court Harris County District Court - 190th **Week of** 11-06-2000

Judge John Devine **B.S. No.** J:00:18770

Cause No. 1999-17917 **Issue No.** 24-47

Style David L. Archer and Christine A. Archer vs. G. Michael McDonald, M.D. and Clear Lake Surgical Association, P.A.

Attorneys P - Spencer G. Markle of Markle, Ramos & Zito, Houston;
John R. Millard of Law Office of John R. Millard, P.C., Houston

D - Samuel A. Houston & John Vogel of Cruse, Scott, Henderson & Allen, Houston

Type of Claim **MEDICAL MALPRACTICE** - David Archer, a 33-year-old computer programmer, underwent a laparoscopic cholecystectomy for gallbladder disease on August 13, 1998. During the surgery, Dr. McDonald transected Mr. Archer's common bile duct and attempted a primary anastomotic repair. There was also an intraoperative tear to the hepatic duct that was repaired by suturing. Mr. Archer developed stricturing of the common bile duct that necessitated placement of transhepatic stents. The stenting resulted in the development of a pseudocyst on the pancreas that required surgical intervention.

Dr. McDonald contended this a known complication of this type of surgery. Clear Lake Surgical Associates is Dr. McDonald's clinic.

Damages David L. Archer claimed \$475,000 in medical expenses, \$250,000 in future medical, and \$22,500 in lost wages. Mr. Archer claimed he will need a liver transplant in the future.

Christine Archer claimed loss of consortium.

Experts P - Brendan J. Carroll, M.D., general surgery, Los Angeles, CA

D - Bruce MacFadyen, M.D., general surgery, Houston, treater (video deposition)
Alan Hubbard, M.D., general surgery, The Woodlands (video deposition)
G. Michael McDonald, general surgery, Webster

Verdict The jury found Dr. McDonald negligent. Awarded:
\$1,047,500 actual damages.
10 - 2 (2 1/2 day trial)

Prejudgment interest is estimated at \$172,791.58 making the total award \$1,220,291.58.

During deliberations, the parties reached a \$900,000/\$200,000 high/low settlement agreement.

Verdict date: 11-09-2000

Pre-trial demand: \$975,000
Asked of jury: \$4 million
Pre-trial offer: \$100,000

Carrier: TMLT

Sidelights The jurors requested that Plaintiffs' closing argument on damages be read back to them. The Court declined.