

## Siobhan Reynolds on the Conviction of Dr. Luyao for Drug Trafficking and Manslaughter

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This isn't an odd verdict. What's odd is that the lawyers continue to enjoy the game when it's long since become clear that the doctors don't stand a chance. Look at how emotionalism dominated the debate, how irrationality was the defining characteristic of the verdicts. Look at how that patient's relative apparently thought that the doctor needed to go to prison in order to be stopped from being a doctor any more.

Why can Rush Limbaugh's lawyer challenge so many things and work so hard to draw the lines that desperately need to be drawn for defendants in cases such as these where propaganda and prejudice are so thoroughly at play? I know that his lawyers are a lot more expensive than the lawyers who are working on our cases but I am assuming they became so high priced by being so clever and aggressive.

Anyway, it seems to me that every sort of line was crossed; that even the strongest testimony wasn't actually "against her" it was merely an expert's conclusion from which an inference about a particular case could have been drawn. And this is the evidence upon which the jury relies for its manslaughter conviction?

These trials are about a crumbling medical system, about a social and political system where no one is accountable, and the rules of the jungle are the rules of the day even in hospitals and doctor's offices. The doctors who actually go out of their way to treat the people with compassion and medicines end up being those whom we burn at the stake, almost as a cleansing ritual.

As a consumer of healthcare now, I can tell you that this is all having a terribly destructive effect on the delivery of medical services in general. The presence of polypharmacy (where the patient takes several meds) scares the hell out of doctors and they back out of doctor/patient relationships with people whose medical complexity subjects the doctors to risks of criminal liability. That means that sick kids can't find doctors who will actually get involved in their care.

All of this is of course, directly attributable to the CSA.

These are fundamentally unfair trials where everything is bootstrapped to everything else. It seems to me that all of this would need to be disentangled so that the doctor's constitutional rights were being maintained. And Mr. Hirschorn might consider doing such an analysis, as might all the attorneys working within earshot of PRN, before any more go forward.

There has got to be a way to stop something that so substantially violates the defendant's constitutional rights. Just sending them through the mill and preserving error-while validating the proceedings, seems like more madness to me.

Will you do this thought experiment? Ask yourselves what would provoke such a response from you and work back from there. Would the government need to bar defense witnesses? Would they need to limit what the "expert" sees to a mere sampling, selected by the prosecution? Would they need to declare the defendant guilty at the beginning of the case? OK. So what if that happened, what would you do?

And then maybe you could work back from there. I certainly do not have the answers, I am merely asking the questions. But someone has to step back and say that this has got to stop.

Siobhan

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