

## Surgeon Sues to Silence Patient



By **Catherine D. Bertram** – 07/28/2010

Dr. Kimberley Henry, a California plastic surgeon, [has filed a lawsuit](#) against patients who posted negative reviews of her online. Her lawsuit also demands that the reviews be removed.

A similar California case last year ended with the dentist being required pay the reviewers' attorney's fees under [California's "anti-SLAPP statute"](#). SLAPP stands for "strategic lawsuit against public participation"--an increasingly common practice where corporations and parties with significant resources try to bully members of the public into silence. Most people cannot afford to defend against these meritless lawsuits and are forced to be silenced out of fear. The anti-SLAPP statute lets them stand up to a big-business bully provided they don't say anything false in their reviews.

Online reviews are one way for patients to try get a little more information about the doctors they are considering. In many states paid claims histories for physicians and safety records of hospitals are not easily accessible for patients. Instead of trying to silence patients, hospitals and physicians should work to make information readily available about their years of experience, board certifications and awards, numbers of surgeries, their infection and complication rates and other factors that patients should be able to review to make informed decisions about their health care.

*About the author:*

*Catherine Bertram is board certified in civil trials and was recently nominated as a 2010 Super Lawyer for Washington, D.C. Ms. Bertram has 20 years of trial experience and is unique in that she was formerly the Director of Risk Management for Georgetown University Hospital. Ms. Bertram is a member of the bar for the U.S. Supreme Court. She is a partner with the firm and lectures regularly to lawyers and health care providers, nationally and locally, regarding patient safety, medical negligence and other related issues. She has also recently published a chapter in a surgical textbook. She can be reached by email at [cbertram@reganfirm.com](mailto:cbertram@reganfirm.com) or by phone 202-822-1875 in her office in Washington, D.C.*