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**Honorable Therese M. Terlaje
35th Guam Legislature
Hagåtña, Guam 96910**

Re: Testimony regarding Mandatory Medical Malpractice.

Dear Senator,

Thank you for addressing this issue and inviting my comments. Because I was only notified about today's hearing a couple of days ago and there is no specific bill being considered, my comments are fairly general at this point. I have some personal injury and medical malpractice experience on Guam since 2012. I did defend one high profile medical malpractice case successfully, but really, the Plaintiff claimed to have given up and walked away with nothing, not on the merits, but because of the very high costs of arbitrating claims. Her attorney at the time was a very prestigious attorney and I was surprised that they gave up due to the extreme costs of arbitration.

I am far from a constitutional scholar, but I am generally aware that some laws might be facially constitutional (in theory; on paper) but struck down as unconstitutional (and perhaps inorganic) *as applied*. In plain English, laws that don't help everyday citizens meaningfully address their claims and seek adequate recourse are meaningless if there are in fact and in reality impossible hurdles for most people to overcome. Our workers compensation systems is one such scenario. On paper, the law looks fine. In reality, there is no law and no adjudication on the merits. Based on my albeit limited experience with Guam's medical malpractice law, I fear that may be the reality for most patients – that they have no meaningful or adequate recourse *in fact*.

While I realize this is a tangential issue, I am deeply concerned about the exorbitant rates GMH is charging patients (and their attorneys) for copies of medical records. Not even the private clinics charge the sometimes hundreds of dollars in fees GMH attempts to charge patients for their own records. Often times, the request for records is pursuant to a personal injury case that has nothing to do with GMH. But because this may be an attempt by GMH to limit legal exposure, I hope that you will address that as well.

Respectfully,



John Richard Bordallo Bell, Esq.