

## TITLE III—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

The complaint is frequently heard that medical malpractice insurance premiums are being driven higher as a result of frivolous complaints. This title responds to that charge with a series of measures designed to insure that the lawsuit itself is not frivolous and the pleadings filed in connection with the suit are accurate and meritorious. The title also provides for alternative dispute resolution designed to encourage resolution of medical malpractice actions outside of court.

Section 301. Health Care Specialist Affidavit. This section requires an affidavit by a qualified specialist before any medical malpractice lawsuit may be filed. "Qualified specialist" is defined as a health care professional with knowledge of the relevant facts of the case, expertise in the specific area of practice at issue in the case, and board certified in a specialty relating to the area of practice.

Section 302. Sanctions for Frivolous Actions and Pleadings. Sets out sanctions for filing improper pleadings in medical malpractice actions violations, such as those which are designed to harass, are frivolous, or are factually inaccurate. For first time violators, the court shall require the attorney to pay costs and attorneys fees and may also strike pleadings, dismiss the lawsuit, or administer other appropriate sanctions. For second time violators, the court shall also require the attorney to pay a monetary fine. For third time violators, the court shall also refer the attorney to the appropriate State bar association for disciplinary proceedings.

Section 303. Mandatory Mediation. This section establishes an alternative dispute resolution system for medical malpractice cases. Participation in mediation shall be in lieu of any other ADR method required by law or by contractual arrangements by the parties. A similar approach is recommended by the Committee for Economic Development, which suggests that defendants make and victims accept "early offers." The effect of the "early offer" program, according to the CED, is that defendants will reduce the likelihood of incurring costs of litigation and having to pay large and uncertain punitive and noneconomic damages, and victims would obtain fair compensation without delay, expense and trauma of litigation.

Section 304. Applicability. Specifies that the title applies to any medical malpractice liability action brought in state or federal court, except for claims arising from vaccine-related injuries.

Section 305. Definitions.

## TRIBUTE TO CODY SCOTT BATTY

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to honor a young hero, six-year-old Cody Scott Batty of Montrose, Colorado. Cody displayed quick thinking and uncommon courage when he saved his father, Scott, from a life threatening situation. I would like to commend Cody's actions and courage before this body of Congress and this nation.

On December 22, 2003, Cody and his parents were on their way to California to see family. As anyone who has made this trip knows, it is a long and arduous drive, so the family decided to take a little break from the trip in Mesquite, Nevada. Cody and his father

were outside a bowling alley in Mesquite when his father collapsed as a result of a blood clot that had formed on his skull. Despite the situation, Cody remained calm. He called out for help, but no one came to their aid. Thinking quickly, Cody ran into the bowling alley, borrowed a phone and called 911. He then returned to his father's side and remained there until the paramedics arrived.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Cody Batty before this body of Congress and this nation. Cody has said that he would like to become a police officer or paramedic someday with the bravery that this young man has shown, he is well on his way. Cody's quick actions saved his father's life, and his courage should be an inspiration to us all. It is a great honor to represent such a fine young American in this Congress.

## COMMENDING THE ACHIEVEMENTS OF THE WIND SYMPHONY AND JAZZ KNIGHTS AT SACRED HEART SENIOR HIGH SCHOOL

**HON. JERRY MORAN**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. MORAN of Kansas. Mr. Speaker, congratulations to the fifty-four students from Sacred Heart Senior High School in Salina, Kansas for their upcoming participation in "The Red Road Travel/Study Tour." This experience will include performances at a series of Native American reservation schools in South Dakota from March 16–19, 2003. I commend each of these students for their hard work and success: James Andrewson, David Arpin, Sarah Arpin, Matthew Bachofer, Shannon Bechard, Kyle Berens, Stephanie Bieker, Hillary Blue, Kelly Breckunitch, Matt Broberg, Danielle Budreau, Jennifer Budreau, Jason Bulliegh, Katey Clark, Jason Curran, Kyle Davis, Alan Deneault, Courtney Ducharme, Lauren Ducharme, Christina Fekas, Shandra Francis, Vanessa Greene, Carissa Helvey, Emily Henke, Jessica Herbic, Alex Hernandez, Adria Jerkovich, Anne Kelly, Jessica Kelly, Andy Kinard, Matt Kienda, Jeff Koetting, Abby Luetters, James McKee, Mary Kate McKee, J.J. Neubauer, Ashley O'Brien, Jessica Polich, Michael Ratcliff, Susan Riordan, Lindsey Sandquist, Raquel Santiago, Emily Schmidt, Alisha Schoel, Tine Schoel, Kristen St. John, Marisol Sternke, Janell Straub, Jennifer Suelter, Raul Vasquez, Sarah Vermillion, Tyler Vishnfske, Megan Wells, Lauren Zey.

"The Red Road Travel/Study Tour" is the latest event in a series which provides performance and educational opportunities for students. Paramount to this tour is the opportunity for these young people to experience a unique and different culture, while expressing good will through their musical talents.

I would also like to recognize their director, Milt Allen, for helping prepare these young musicians. Mr. Allen's commitment and dedication to nurture and encourage our youth shines through the accomplishments of his students. The First Congressional district is proud to be represented by Sacred Heart Senior High School in this meaningful program. I commend Mr. Allen for his excellent job promoting education and the arts among the youth of Kansas.

It is an honor to recognize such a meritorious group.

## TRIBUTE TO DANIEL WILLIAM PIERCE

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. GRAVES. Mr. Speaker, I Proudly pause to recognize Daniel William Pierce, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 67, and in earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop. Over the five years, he has been involved in scouting, he has held numerous leadership positions, serving as patrol leader, assistant senior patrol leader, senior patrol leader, troop quartermaster, troop historian and troop guide. Daniel also has been honored for his numerous scouting achievements with such awards as the Tribe of Mic-O-Say Award. Additionally, Daniel has earned 39 merit badges.

For his Eagle Scout project, Daniel organized and designed a circle driveway through a park and also put wood posts around the drive and poured 3 concrete pads for picnic tables.

Mr. Speaker, I proudly ask you to join me in commending Daniel William Pierce for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## SUPPORT FOR THE VIOLENCE AGAINST WOMEN

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. HOLT. Mr. Speaker, I rise today in support of full funding of the Violence Against Women Act. This law has fostered countless initiatives that have brought millions of dollars to shelters, increased resources for law enforcement, expanded the National Domestic Violence Hotline, and bolstered the prosecution of child abuse, sexual assault, and domestic violence cases.

These programs and services are invaluable. U.S. Department of Justice statistics indicate that domestic violence has decreased by 49% since VAWA went into effect. They also reaffirm that full funding for VAWA is well worth the investment. It is estimated that the \$1.6 billion spent on VAWA programs during the first six years after its enactment saved government coffers \$14.8 billion in medical, legal, workplace and other social costs, not to mention saving many lives.

Unfortunately, state budget crises and decreases in federal funding are threatening these vital programs and services. President Bush's budget request for FY 2004 would cut funding for VAWA programs and services by \$141.6 million in FY 2004 from the previously authorized level of \$692.5 million.

Our nation must renew our commitment to ending all forms of domestic violence. I urge

my colleagues to appropriate full funding to fulfill the mission of the Violence Against Women Act.

#### TRIBUTE TO NANCY REDING

### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. MCINNIS. Mr. Speaker, it is with great honor that I rise today to recognize Nancy Reding of Colorado City, Colorado. Nancy is one of those great Americans who teaches our kids as a profession and it is my pleasure to represent her in this Congress. Recently, her colleagues at Pueblo Community College named Nancy the faculty member of the year and I could not miss this opportunity to acknowledge her dedication and commitment to education before this body of Congress.

For the past 30 years, Nancy has given her life to teaching math to students in her Colorado community. We should all be humbled by this generous contribution to society and the sacrifice Nancy has made as an educator. Just think of the countless number of lives Nancy has touched. Nancy not only has lent her talents but her heart as well and, by so doing, she has given her students an awesome gift—the opportunity to succeed.

Mr. Speaker, I am proud to stand today and express my gratitude for Nancy Reding before this Congress and our nation. It is a chance for us to remind our fellow citizens that when you find a good teacher, thank him or her from the bottom of your heart for doing one of the toughest jobs in the country. Teaching is truly a noble calling and Nancy Reding has answered that call.

#### AMERICAN SERVICEMEMBER AND CIVILIAN PROTECTION ACT OF 2003

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. PAUL. Mr. Speaker, I rise today to introduce the "American Servicemember and Civilian Protection Act of 2003."

This bill prohibits funds made available by the United States Government from being used for the establishment or operation of the Court.

Perhaps the most significant part of the bill makes clear that any action taken by or on behalf of the Court against members of the United States Armed Forces shall be considered an act of aggression against the United States; and that any action taken by or on behalf of the Court against a United States citizen or national shall be considered an offense against the law of nations.

Mr. Speaker, on May 6, 2002, President George W. Bush took the commendable step of repudiating the signature of the United States on the Statute of the International Criminal Court, stating that the United States "can no longer be a party" to the International Criminal Court. He also requested that those states choosing membership in the Court respect the decision of the United States in this matter.

Mr. Speaker, the Court is an illegitimate body even by the United Nations' own standards. The Statute of the International Criminal Court was enacted by a Conference of Diplomats convened by the United Nations General Assembly, whereas according to the UN Charter, the authority to create such a body lies only in the UN Security Council.

The International Criminal Court was established contrary to the American Declaration of Independence and the Constitution of the United States. It puts United States citizens in jeopardy of unlawful and unconstitutional criminal prosecution.

The International Criminal Court does not provide many of the Constitutional protections guaranteed every American citizen, including the right to trial by jury, the right to face your accuser, and the presumption of innocence, and the protection against double jeopardy.

Members of the United States Armed Forces are particularly at risk for politically motivated arrests, prosecutions, fines, and imprisonment for acts engaged in for the protection of the United States. These are the same brave men and women who place their lives on the line to protect and defend our Constitution. Do they not deserve the full protections of that same Constitution?

Last year Congress passed the American Servicemembers' Protection Act within the Defense Authorization bill. Commendable as that effort was, the fact of the matter is that because of the numerous loopholes and exemptions in that legislation, our servicemembers are still not protected from the probing arms of the International Criminal Court. American citizens have absolutely no protection under last year's legislation. This is simply unacceptable. That is why I am introducing this legislation that makes the position of the United States clear: we will protect our servicemembers and citizens from this illegal court.

Mr. Speaker, I hope all members of this body will join me in opposing this illegitimate and illegal court by cosponsoring the "American Servicemember and Civilian Protection Act of 2003."

#### TRIBUTE TO RETIRED LT. COLONEL JOHN V. AZEVEDO

### HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. CARDOZA. Mr. Speaker, I rise today to pay tribute to Retired Lt. Colonel John V. Azevedo for his service to our Nation and to his community.

John was born in Patterson, California to Joe and Maria Faustino Azevedo on December 21, 1919. He attended school in Patterson, then attended college in Modesto and Salinas. He then completed his education in Tokyo, Japan at Sophia University.

John joined the Army in May 1941, where he held the rank of Sergeant in the Infantry. In 1942, he was promoted to Second Lieutenant and served in England. John was in Normandy, France, crossing the beach 20 days after the first landings. While in France, John crossed Cherbourg, LeMans and Paris. He also served in Belgium as well as Holland. Following World War II, John was assigned to the Occupation Forces in Japan where he be-

came Special Staff to General Douglas MacArthur.

During the Korean War, John served in both North and South Korea. Following his assignment in Korea, John served Stateside where he was stationed as an instructor at the Adjutant General's School in Indiana. When that assignment was up, John was sent once again to Japan for 3 years. He returned to the United States where his assignment landed him at the Pentagon with promotion to Major. When his assignment was complete at the Pentagon, John was sent back overseas where he was stationed in Heidelberg, Germany. John again returned to the United States and spent time in San Francisco where he served at the Reserve Forces Headquarters. John was promoted to the rank of Lieutenant Colonel and returned to the Pentagon where he served as Director of the Army and Air Force Postal Service.

John served his country admirably for 25 years. John retired as a Lieutenant Colonel from the Army in 1966 and returned to his roots once again in Patterson, California. Once back in Patterson, he was elected to serve on the Patterson City Council where he also served as Vice Mayor.

John has served his community well. He is one of the founding members of the Patterson Historical Society where he served as a volunteer curator for over 20 years. The Patterson Apricot Festival honored John in 1997 by naming him Grand Marshal to preside over the Festival that year. John organized the Patterson Beautification Committee.

John has not only been honored by his community, but by his state as well. John was introduced on the California State Assembly floor where he was presented with an Assembly Resolution recognizing his volunteer work for the City of Patterson as well as Stanislaus County.

It is my pleasure to join the Patterson community in recognizing John V. Azevedo for his commitment to his community. It is an honor to call John my friend and represent him in the 18th Congressional District.

#### TRIBUTE TO MARY HELEN YBARRA—IRA D. CALVERT DISTINGUISHED SERVICE AWARD RECIPIENT

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Mary Ybarra is one of these individuals. On March 22, 2003, Mary will be honored at the annual YMCA Ira D. "Cal" Calvert Distinguished Service Awards Dinner.

Mary was born in Yuma, Arizona but has resided in Corona for many years. She began service to the community at a very young age and as a teenager Mary was constantly busy organizing food drives for the needy in her local community. This drive and special gift of