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When the OR Becomes a Crime Scene

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As a seasoned criminal defense lawyer and litigator for more than 25 years, with significant experience representing clients in the healthcare field, I thought I had heard it all. However, when I saw the headlines and read the reporting about this case involving criminal behavior by a celebrated surgeon from the United Kingdom, even I was surprised. “It was something he said he did to relieve stress during long, difficult transplant operations.” The “it” was using a surgical electric beam, known as an [argon beam coagulator](#), to carve his initials into the organs of a patient who was in the midst of organ transplant surgery, and the “he” refers to British Dr. Simon Bramhall, the surgeon who performed the transplant surgery. [As reported in the Washington Post](#), another surgeon who operated on the same patient a week later made the gruesome discovery, and an investigation revealed that Dr. Bramhall had done the same thing to another patient. He was convicted of assault and fined, with the sentencing judge [remarking that](#) “[t]his was conduct born of professional arrogance of such magnitude that it strayed into criminal behavior . . . [w]hat you did was an abuse of power and a betrayal of trust that these patients had invested in you.” The conduct also resulted in Dr. Bramhall being stripped of his license to practice medicine by licensing authorities.

The concept of a physician inscribing his initials apparently held some allure for Dr. Bramhall, who coauthored several works of fiction known as “Scalpel Stories.” In one of the books, a surgeon is exposed for inscribing his initials on a donor liver during a lifesaving transplant operation, and the fictional surgeon’s life becomes upended.

Surgeons rightly should be proud of their often heroic and lifesaving efforts in treating their patients, and sometimes need to relieve the stress that accompanies lifesaving efforts. But please resist the urge to be an operating room Zorro. Otherwise, you will undoubtedly need to contact one of the experienced lawyers at Wilentz, Goldman & Spitzer.

Attorney

- Darren M. Gelber

Practice

- Criminal Defense