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HEADLINE: Fired Male Ob.Gyn.Claims Gender Bias.

BYLINE: FRIEDEN, JOYCE

BODY:

Dr. David Garfinkel, a Morristown, N.J., ob.gyn., is still hoping for his day in court to tell a judge about how he believes he was wrongfully fired from an ob.gyn. practice solely because he is a man.

Dr. Garfinkel is one of many male ob.gyns. who in recent years have complained that they have been rejected from or not considered for jobs because those who run ob.gyn. practices believe that most of their patients prefer a woman doctor. But health care **lawyers** say lawsuits on the matter are few and far between, and to date, no ob.gyn. has won such a case.

If Dr. Garfinkel's discrimination case does go to court and he wins, it could lead to an increase in the number of similar cases being brought to trial, said Anthony DiLeo, a health care **lawyer** who also teaches health care law at Tulane University, New Orleans.

A well-publicized victory could inspire other **lawyers** with similar cases to cite the initial case as a precedent. Yet Mr. DiLeo and others described this path as lengthy and difficult.

Discrimination cases tend to be very "factually intensive," based on a lot of very specific details. "When you have a factually intensive case, it's hard to find two cases that are just alike, and that limits the precedent-setting value of the case," said Mr. DiLeo.

Dr. Garfinkel was terminated from Morristown Obstetrics & Gynecology Associates in 1998. Calls to the practice and its **attorney** for comment on this article were not returned.

According to published reports, the practice said it terminated Dr. Garfinkel because he was not bringing in enough business. But Dr. Garfinkel told

