



Introduction

Job discrimination lawsuit **Awad** against **Lillehei, Breeze, Kindt, at Univ. of Colorado** obtained the first page of the printed edition of the major newspaper in Colorado, Rocky Mountain News, for three days totalizing twenty-eight (28) pages. Since then, there is an increase in these lawsuits. How often do we encounter this problem and how fascinated is the public and media with the conflicts arising? Since 1991, we identified at least 19 job discrimination lawsuits in neurosurgery in the continental US. They caught the attention of the media in fascinating ways.

The distribution of genders and minorities entering medical training has changed drastically over the past 14 years. AS of 2012, the **American Association of Medical Colleges (AAMC)** reported that 47.8% of the graduating medical students in the US were female, and 22.1% were non-white Asian minorities.

The neurosurgical workforce in the US is historically caucasian male, and continues to lag behind the larger family of medicine in integrating minorities into the workforce. While 190 of the 2012 (15.7%) active trainees are female, less than 7% of **ABNS** diplomats have ever been female.

We hypothesized that the number of discrimination lawsuits would correlate with the discordant number of minority practicing neurosurgeons in the workforce.

Methods

We mailed and delivered questionnaires to neurosurgeons on and off for a period of 14 and a half years. A paid subscription to **Public Access to Courts Electronic Records** is useful to search the federal courts looking for parties in litigation. We reviewed records (**Newspapers,**

Results

We found cases litigated in the media easy through exams of newspapers, websites as **Awad vs Lillehei**, and discrimination complaints in **Boston. USDC-Western District of Tennessee**, Docket **Case 95-CV-2227**, is **Chandler's** suit against **James and Jon Robertson** on 95. **Awad's** suit at the USDC-Denver is Docket 03-Cv-4375. While in Boston, **Arthur Day** received 2 work discrimination suits in **Federal Court** from females of Indian decent. These were **Tuli**, and **Soni v. Day, BWH**, et al. (**07-CV-12338 USDC MA District, and 08-CV-11875 USDC MA District**). Day also received three discriminations complaints through the **Massachusetts Commission Against Discrimination** within a 3 year period. The third complaint against **Day** from **Narayanan** received a settlement by the **Commission**. **Soni** also filed a suit against **Larry Chin, Boston Medical Center**, alleging retaliation from **Chin** against **Soni** because **Soni** suit against **Day** will bring retaliation by the **ACGME** to **Boston Univ.** by denying a neurosurgery residency accreditation. **Tuli** obtained a trial verdict of \$1,620,003.00 sustained by **Appellate Court**. Period of 1990-2000 shows 2 discrimination cases involving **Stanford, and Tennessee Universities**. For the period of 2000-2010 they are at least 8 cases of discrimination for gender and/or race involving **Univ. of Colorado, Brigham and Women's Hosp. (three), and Novant Health, Forsyth Medical Center (three) in North Carolina by Dr. Lauren Schwartz**. Incomplete analysis shows at least 9 cases after 2010. We found four discrimination cases in **West Virginia University** against **Rosen** for sexual harassment and discrimination. **Dr. Terence Julien** case **#14-C-860** against **Rosen** in **Monongalia Circuit Court**, **WV**, settled for \$150,000.00. **Females Baldwin, Maset, and Edwards** suit against **Rosen** settled for \$1.3M by mediation, **Monongalia Circuit Court 14-C-879**. Neurosurgical female resident of Indian descent **Fatemi** filed a discrimination suit against **John Day, Arkansas Univ**, et.al., (**Cases 11-cv-00458-DPM, and 13-CV-00742-DPM**). African American female neurosurgery resident won a discriminatory suit for termination of residency against **UCSF** for \$750,000.00 as per verbal communications with Plaintiff attorney **Vinick**. **Dr. Berger** settled a second female neurosurgeon discrimination suit from **Stiver, Faculty at UCSF**, in 2016, for discriminatory failure to promote her to **Associate Prof.** with termination of employment, and prevention of obtaining other jobs. Case is **CGC 14541307**. African American neurosurgeon **Roberts** filed 30 million suit in **OR** in

Discussion & Conclusions

The percentage of African and Hispanics Americans Neurosurgeons are grossly less than 3 % of the total neurosurgeons in the US. Women constitute 5% of ABNS-certified practicing neurosurgeons in the US but now 51 % of graduating medical students. According to **Northwest Neurosurgical Institute**, there are 25 full-time female academic neurosurgeons in the country; Dr. **Muraszko** is the only chair of Neurosurgery at **Michigan Univ**. Discrimination lawsuits are rather high with these low statistics. The number of publically contested and reported cases of discrimination against minorities in the neurosurgical workforce has risen over the past decades. We propose that this is a direct result of: 1) increasing number of minorities entering the workforce; 2) A general public sentiment which is intolerant to discrimination against these groups accentuated by the divisory results of the last general elections in 2016; 3) A lack of minorities in positions of authority within the workforce and organized neurosurgery. Cases of discrimination are historically underreported. We recommend that the neurosurgical profession support the promotion of minorities to leadership positions as well as training positions in the wide spectrum of the different ways of practicing inside the ten subspecialties in neurosurgery. This will result in the normalization of the workforce to better reflect the distribution of students entering training and the patient constitution of our country with an end result of improving patient care.

References

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- "Walking Out on the Boys,” Book, **Conley, Frances. K**