

it, as her husband, I ask you, why didn't you drag her to the operating room and make her get this life-saving surgery?" With noticeable resignation in his voice, he quietly said it was her choice, and she chose not to do it. I thanked him and sat down.

The treating doctor confirmed that Mrs. Schneider was advised to have surgery, and she knew what the risks were in not having it. This physician had excellent notes about her interactions with Mrs. Schneider. I just had her go over word-for-word what she told Mrs. Schneider and what Mrs. Schneider told her. By the end of the doctor's testimony, it was crystal clear that Mrs. Schneider knew that without the surgery she might die.

### ***We Have Some Fun***

Wachsman called two experts. The first was from Harvard's physics department. His job was to establish that selenium was a dangerous chemical. I think they called him because he worked at Harvard. He was not a medical doctor, let alone an oncologist, and he didn't seem to know much about selenium. I thought about trying to strike him as a witness or challenge his credentials, but instead, I decided to have some fun with him.

We did some medical research and pulled up every article about selenium published in the past twenty years, and every article about a couple of other medications. Those were the days of dot-matrix, continuous-feed printer paper. When we printed up the lists of articles, it was a lot of pages, maybe fifty or a hundred pages of just the names and citations of the scientific articles (and some other lists).

So on cross, I just started reading the names of the articles and where they were published (and most were published in reputable journals, at least as far as I and the jury knew). One by one I read them.

In order to discuss an article with an expert, you have to first ask the expert if he is familiar with the article. If he says he is, you can ask him questions about the article. But if he isn't, you can't ask him about the article. This Harvard professor was not familiar with the first article on selenium, so I moved to the second. Nope, he didn't know that one either. I went down

my list, quoting the title of each article about selenium and where it was published. He was not familiar with a single one of them.

All of these articles had titles like “The Use of Selenium to Prevent and Treat Tumors.” So he didn’t look so much like an expert on selenium since he had not heard of any of these articles. And the jury was hearing about all these wonderful articles about the magical anti-cancer properties of selenium.

After going through about a dozen such articles, the jury was seeing me appear to get frustrated, since I was not able to discuss any of these articles with him. Actually, I was hoping he had not read any of the articles, because that made two of us. I hadn’t read a single one of them either. All I had were the names of the articles.

I then asked the judge for a moment to look through all the pages of the articles. At that point the fifty attached pages somehow started to unfold and fall to the floor like an expanding accordion, page after attached page. I clumsily tried to stop the pages from unraveling. (The clumsy part was no act.) I eventually retrieved all the attached papers from the floor, but it took some time, as I was having some trouble putting them back together. All this time, everyone was waiting for me to continue. As I finished putting the pages back together, I told the judge I had no further questions. I think the point was made.

### ***It's Hard to Argue with a Guy Who Is Right***

I had a much tougher time with the second expert. Dr. Robert Taub was a highly trained and very articulate oncologist who worked at Columbia Presbyterian Hospital. His job in the case was to establish that the standard of care for stage I breast cancer was surgery and that it was a completely curable disease. He also opined that faced with a patient with this diagnosis, it was the physician’s job to convince the patient to undergo surgery and that there was no other rational choice. If a patient would not follow the advice, then the doctor should turn the patient away rather than give experimental treatment. I worked hard crossing him but got nowhere. The problem was that he just made too much sense. I thought Revici was incredibly arrogant to treat the patient with his brown dropper-topped bottles given how curable the disease