

“If you’re considering a vasectomy, John suggests researching the subject well, and choosing a doctor carefully.”

“DON’T FIX IT: Kevin Hauber, who’s suffered from relentless pain after a vasectomy, advocates leaving the family jewels alone.”

“I know a lot of lawyers stop taking medical malpractice cases because they put their heart into them and then get their butt kicked.”

David Fisher, medical malpractice lawyer of 28 years

Living in pain

Victims of vasectomies gone wrong find little comfort
BY NATALIE CONNELLY

Ever since Martin Yracheta of Nipomo underwent a vasectomy two years ago, he’s been unable to work. All day long it feels like he’s been shot in the groin.

He’s been through five invasive surgeries since the original operation to stop the pain, including the removal of his right testicle.

Nothing has worked, and the pain just gets worse.

He’s had to give up his Nipomo home because he can’t afford the mortgage with his disability paycheck, and the stress has been hard for his wife and 14-year-old son, who have to bring home the bread and butter as well as mow the lawn and take out the garbage. When he does help around the house, he can’t walk for the next few days because the pain and swelling get so bad.

Yracheta’s hopes of putting the general practitioner who performed the vasectomy out of business were dashed two months ago when the expert witness dropped out of his case, which was scheduled for April 24, forcing him to cancel the lawsuit. Now his dream of barring the doctor from future operations will probably never be realized, because lawyers shy away from cases like his.

“I know a lot of lawyers stop taking medical malpractice cases because they put their heart into them and then get their butt kicked,” said David Fisher, a SLO medical malpractice lawyer of 28 years. “Juries don’t like to award the plaintiff. They relate to the psychological and emotional position doctors are put in. SLO County is one of the worst counties in the state for seeking redress. The juries around here are so conservative it’s like they think it’s coming out of their own pocket or something.”

Yracheta had acquired a lawyer from Napa to fight his case. After months of preparing, depositions finalized, the expert doctor dropped out of the case

because he didn't want to speak ill of another doctor. Yracheta's lawyer didn't have time to find another doctor before the April 24 court date.

So Yracheta is dropping the lawsuit, selling his home, and moving to Paskenta, a small town near Red Bluff, where he hopes to get some peace of mind and tolerate the pain. His newest family doctor said he'll be living with the pain for the rest of his life, probably never be able to work again.

Yracheta isn't the only SLO County man suffering from a vasectomy gone wrong. John (name changed for anonymity), David Hartshorn, and Kevin Hauber all have pursued legal compensation. But only Hauber has been successful in hanging onto a lawyer.

John is suffering through every workday as a California Men's Colony prison guard, because if he tells his boss about his pain, he'd be put on disability and then wouldn't be able to support his family. Like Yracheta, he would have to move to a cheaper area.

Every night, when John gets home from work, he downs painkillers, at one point consuming eight Vicodin at a time. He prays it doesn't damage his body too much, then passes out for the night so he can wake up the next morning to the feeling that somebody's just kneed him in the balls.

Hauber, the champion of men suffering from Post-Vasectomy Pain Syndrome, has established a web site, www.dontfixit.org, and has been writing a book warning people of the possible ramifications of vasectomies.

Hauber has traveled to vasectomy-pain specialists as far as Chicago and suffered through endless treatments, 12 invasive surgeries in all, but hasn't felt any relief from the mind-blowing pain.

Hauber is fortunate to have the money to pay for the specialists and expensive tests to prove his pain to juries. His lawyer has stuck with him, and they'll be fighting Hauber's case against Dr. Craig Canfield of Urology Associates of San Luis Obispo June 16.

"Certainly no one enjoys litigation," said Canfield. "As physicians, we're interested in the health of our patients."

Hartshorn is the luckiest of the four because he was able to get a reversal early enough that proved effective. Now Hartshorn's scrotal aches have gone from shooting pains all day long to mild soreness after exercise. When he consulted lawyers about suing for the pain and cost for a reversal, they said he didn't stand a chance.

The four men want money to pay for medical expenses, but even more they want to prevent other men from going through the same nightmare. Unfortunately, another barrier in the way of winning a medical malpractice case is the fact that patients sign a waiver about the possible risks and because the cases are confusing to juries. It's not black-and-white; expert doctors testify on both sides.

But as one lawyer put it, although it might be a slip of the scalpel, not blatant malpractice, it's going to feel a lot different in the genital region than if the operation was on the elbow.

Even given the few cases that go to court, vasectomies are the leading cause of urology litigation, according to Jong Choe, a leading urology research specialist formerly with the Henry Ford Hospital research institute.

It's the fact that the pain is so intolerable and because men aren't adequately warned about the pain that vasectomy cases win at all, Choe said. Jurors relate to the stress that doctors face every day, but they also relate to the desperation of the patients, losing all they've worked for, job, house, children, and wife—all the pleasures one hopes for in life—gone.

The four men want to change the practice through legal channels so that other men looking into getting a vasectomy will know better how much an operation could change their lives for the worse. Lawsuits are one of two ways to get the California Medical Board's attention to change the practice, the other being phoning and writing to the board.

But as long as lawyers deny the cases, the practice will change little. And if another man wakes up from his operation with testicles the size of oranges, Yracheta and the others agree the practice won't be changing fast enough. ?

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