

# James M. Wheeler, MD, MPH, JD

## Demographics

Birth: September 5, 1956; Rochester, New York, U.S.      Citizenship: U.S.  
Address: 7400 Fannin Street, Suite 1130, Houston, Texas, U.S.A. 77054  
Phone: (713)797-9200      Fax: (713)797-9276      email: drwheeler@hotmail.com  
Wife: Janet M. Wheeler      Children: Eric, Brandon, Alexander, Elisabeth

## Employment History: Private Practice and Academic Positions

11/05 – Present	<u>Attorney at law</u> Solo practice Focus on Health Law and Alternate Dispute Resolution
7/94 ~ Present	<u>Reproductive endocrinologist, Obstetrician &amp; Gynecologist</u> Woman's Hospital of Texas; Houston, Texas
7/94 - 6/00	<u>Reproductive endocrinologist, Obstetrician &amp; Gynecologist</u> St. Luke's Episcopal Hospital, Houston, Texas
7/94 – 7/95	<u>Clinical Assistant Professor</u>
7/88 - 6/94	<u>Assistant Professor</u> Division of Reproductive Endocrinology/Infertility Departments of Obstetrics/Gynecology and Community Medicine Baylor College of Medicine, Houston, Texas
7/86 – 6/88	<u>Postdoctoral Associate</u> , Department of Obstetrics/Gynecology; <u>Fellow</u> , Division of Reproductive Endocrinology/Infertility; <u>Instructor</u> , Department of Internal Medicine; <u>Graduate Student</u> , School of Public Health Yale University School of Medicine, New Haven, Connecticut  <u>Research Associate</u> Department of Obstetrics and Gynecology Baylor College of Medicine, Houston, Texas
7/85 – 6/86	<u>Administrative Chief Resident</u>
7/82 - 6/86	<u>Resident</u> Department of Obstetrics and Gynecology Baylor College of Medicine, Houston, Texas

## **Medical Certification and Licensure, Hospital Appointments and Committees**

### Hospital Appointments: Attending Physician

7/88-present	Woman's Hospital of Texas
7/88-6/00	St. Luke's Episcopal Hospital
7/86-3/95	The Methodist Hospital Harris County Hospital District
7/86-6/88	Yale-New Haven Hospital

### Certification and Licensure

Diplomat, American Board of Obstetrics and Gynecology, December 1989  
(annually recertified by written exam)

License: Texas #G3903      DEA: #BW1220300      DPS: #T0067876

### Academic and Hospital Committees:

1/05-1/06	Performance Improvement Cte., Woman's Hospital of Texas
1/02-1/03	Infection Control Committee, Woman's Hospital of Texas
1/98-1/99	Institutional Review Board, Woman's Hospital of Texas
10/92-10/92	Continuing Medical Education Cte., Baylor College of Medicine
9/90-6/94	Credentialing Committee - Advanced Endoscopy: The Methodist Hospital and Baylor Dept. OB/Gyn
9/89-4/90	Admissions Committee, Baylor College of Medicine
7/89-9/92	Institutional Review Board, Baylor College of Medicine
7/88-5/89	Student Affairs Committee, Baylor College of Medicine

## Education

- 9/74-6/78 Harvard College; Cambridge, Massachusetts  
BA; Double Major: Biology: magna cum laude, and  
Psychology and Social Relations: summa cum laude  
Thesis advisor: David Crews, Ph.D., Professor, Department of  
Zoology, University of Texas, Austin, Texas
- 6/78-11/81 Baylor College of Medicine; Houston, Texas: M.D.  
Dean: Major Bradshaw, M.D.
- 10/81-6/82 Postdoctoral Research Fellowship  
Section of Endocrinology, Department of Internal Medicine  
Baylor College of Medicine; Houston, Texas  
Directors: Glenn Cunningham, M.D., James Field, M.D.
- 6/82-6/88 Residency, Department of Obstetrics and Gynecology  
Baylor College of Medicine; Houston, Texas  
Chairman/Director: Raymond H. Kaufman, M.D.
- 7/86-6/88 Fellowship in Reproductive Endocrinology/Infertility  
Department of Obstetrics and Gynecology  
Yale University School of Medicine; New Haven, CT  
Chairman: Frederick Naftolin, M.D., D.Sc.  
Director: Alan H. DeCherney, M.D.
- Robert Wood Johnson Clinical Scholars Program  
Depts. of Obstetrics /Gynecology and Internal Medicine  
Yale University School of Medicine; New Haven, CT  
Directors: Alvan R. Feinstein, M.D. Ralph I. Horwitz, M.D.
- Graduate Student; Masters of Public Health, M.P.H.:  
Yale University School of Public Health, New Haven, CT  
Advisor: James F. Jekel, M.D., M.P.H.
- 7/86-6/88 Academic Training Fellow  
American College of Obstetricians and Gynecologists-  
Ortho Academic Training Fellowship Program  
Department of Obstetrics and Gynecology  
Baylor College of Medicine, Houston, Texas  
Advisor: L. Russel Malinak, M.D.

## **Legal Education, Licensure, Memberships, and Continuing Legal Education**

### Education

5/01 – 5/05 J.D.; University of Houston Law Center, Houston Texas

Focus on Health Law, including courses covering:

Medical malpractice	Healthcare transactions
Food and drug Law	Regulation of healthcare professionals
Federal and state regulatory agencies	Health law and policy

References: Prof. Bryan Liang, Health Law Division Head  
University of San Diego Law School  
Prof. Richard Alderman, Consumer Law  
University of Houston Law Center

### Licensure

State Bar No. 24051511

### Memberships

2/04 – Present American Health Lawyers Association

11/05 – Present Mentor Program, Houston Bar Association

Appl. pending Houston Bar Association

### Continuing Legal Education

10/24/05 Arbitration Training, American Health Lawyers Association, Washington, DC

10/25/05 Advanced Mediation Training, American Health Lawyers Association,  
Washington, D.C.

## Medical Malpractice Expert Witness Experience

### Representative Topics Within Cases

#### Obstetrics:

Shoulder dystocia	Cesarean birth: timing/performance
Cervical incompetence	Forceps complications
Vacuum extractor complications	Steroid use in preterm labor
Antepartum evaluation	Intrapartum fetal distress/monitoring

#### Gynecology:

Endometriosis: diagnosis/treatment	Infertility
Ectopic pregnancy	Vulvar surgery
Hormone replacement complications	Androgen treatment in menopause
Hysterectomy appropriateness	

#### **Plaintiff:Defense Case Mix Estimated per 5-year Intervals** (includes testimony, review and discussion with attorneys)

<u>5-year interval</u>	<u>Plaintiff Case %:</u>	<u>Defendant Case %:</u>
1990 – 1995	10%	90%
1996 – 2000	70%	30%
2001 – 2005	80%	20%
2006 - Present	80%	20%

## **Achievements and Awards**

### Private Practice:

“ Consumer’s Choice “ Award for Health Care Providers.  
American Nurses in Business Association, July 12, 1994.

### Faculty:

Faculty Recognition Award, 1990, from graduating senior residents

“Rookie-of-the-Year” Faculty Award, 1989

### Post-Residency Training:

Society of Gynecologic Surgeons; President’s Award, First Prize, 1988

Robert Wood Johnson Clinical Scholar:

Yale University, Departments of Internal Medicine and Ob/Gyn., 1986-1988

American College of Obstetricians and Gynecologists -Ortho Academic Training  
Fellowship, 1986-1987

### Residency:

Alpha Omega Alpha Resident Physician Teaching Award, 1986

Senior Resident’s Scientific Presentation Second Prize Paper, 1986

Texas Association of Obstetricians and Gynecologists, Pritchard Prize, 1985

Central Association of Obstetricians/Gynecologists, Central Association Award, 1982

### Medical School:

Baylor College of Medicine Trustees Scholarships; 1978-1981

### College:

Arms of Quincy House, Harvard College; 1978

Graduation departmental honors: Harvard College, 1978

Biology: magna cum laud; Psychology and Social Relations: summa cum laude

Combined Senior Honor Thesis: summa cum laude

Harvard Faculty of Arts and Science Scholarship: 1974-1978

Harvard Club of Broward County, Florida State Scholar; 1974-1975

### **Professional Society Appointments**

#### American College of Obstetricians and Gynecologists:

1990-1993	Current Procedural Terminology and Nomenclature Committee
1990	Vice Chairman, Texas Section of District VII
1987-1990	Purdue Fredrickson and Searle-Donald F. Richardson Prize Ctes.
1987-1990	Hysterectomy Task Force
1987-1989	Health Care Commission
1987	Long Range Planning Committee

#### American Fertility Society:

1988-1989	Local Arrangements; Second International Endometriosis Symposium
1986-1987	Committee on Development

### **Medical Society Elected Memberships**

Alpha Omega Alpha National Honor Medical Society  
American Academy for the Advancement of Science  
American Association of Gynecologic Laparoscopists  
American College of Obstetricians and Gynecologists  
American Society for Reproductive Medicine

### **Professional Society Elected Positions**

American College of Obstetricians and Gynecologists, Junior Fellow Division:	
1988-89 (National) JFCAC past Chairman	1987-88 (National) JFCAC Chairman
1986-87 (National) JFCAC Vice Chairman	1985-86 District VII Chairman
1984-1985 District VII Vice-Chairman	1983-1984 Texas Section, Chairman

### **Ad hoc Reviewer Experience**

American Journal of Obstetrics and Gynecology	Fertility and Sterility
Journal of Clinical Epidemiology	Journal of Maternal-Fetal Medicine
Obstetrics and Gynecology	

### **Research Training**

7/86-6/88

Fellow, Reproductive Endocrinology and Infertility  
Dept. of Obstetrics/Gynecology, Yale University

Funding:

Yale University School of Medicine;  
ACOG-Ortho Academic Training Fellowship;  
Woman's Hospital of TX Research and Education Foundation

Research areas:

- Clinical epidemiology of endometriosis
- Assisted reproductive and endoscopic technologies

7/86-6/88

Robert Wood Johnson Clinical Scholar, Departments of Internal  
Medicine & Obstetrics/Gynecology, Yale Univ. Sch. of Medicine

Funding:

Robert Wood Johnson Foundation

Research areas:

- Computer-based pelvic mapping of surgical findings
- Study design in infertility treatment

9/86-6/88

Graduate student, Masters of Public Health Program,  
Yale University School of Public Health

Study areas:

- Classic epidemiology and biostatistics
- Maternal and child health policy

6/84-6/86

Research Assistant, Dept of Ob/Gyn, Baylor Coll. of Medicine

Funding:

Department research fund

Research areas:

- Bioassays of pathogen adherence to reproductive tissue
- Amnion as adhesion inhibitor in animal models
- Clomiphene citrate as menopausal treatment

10/81-6/82

Postdoctoral Research Fellow, Medical Endocrinology, Baylor

Funding:

National Institutes of Health Training Program

Research areas:

- Immunologic model of male hypogonadism and infertility

6/77-6/78

Research Assistant, Department of Biology, Harvard College

Funding:

National Institute of Health Scientist Training Program

Research areas:

- Gonadotropin secretion control
- Neuroanatomy and sterotoxic lesion placement

## **Administration/Management Training and Experience**

### Training:

Yale University School of Public Health, M.P.H., 6/88;  
- Health care administration/Management of health care agencies  
- Federal, state and local Government budgeting processes  
- Development and implementation of maternal and child health policy

Robert Wood Johnson Clinical Scholars Program, 1986-1988  
- N.I.H. grantsmanship  
- Developing a research budget

### Experience:

7/94-present	President of Center for Women's Health Care & Research Staff has included 2-5 physicians and 6-14 staff members
10/90-2/91	Acting Director of Baylor IVF Program Responsible for moving program to new facility recruiting new staff, initiating new programs including oocyte manipulation. Interim director between senior faculty Drs. William Gibbons and Ronald Young.
6/87-2/90	Center for Reproductive Medicine & Surgery. Assistant to Dr. L. Russell Malinak, Medical Director. Responsible for budgetary process, co-development of Laboratory blueprints, recruitment of research faculty, patient flow and billing.
6/86-6-88	Coordinating research in treatment of benign pelvic diseases with funding from the Woman's Hospital of Texas Research and Education Foundation. Collaborators included over 20 Baylor Full-time and clinical faculty.
6/84-6/86	Coordinated resident physician education program.
12/82-6/89	State, regional, national officer of Junior Fellow Division of ACOG. Represented the interests of the 6600 Junior Fellow members of ACOG within the College.
6/77-6/78	Managerial and financial responsibility for service business with 21 employees in Quincy House, Harvard College

### Publications

#### Articles:

(peer reviewed article/journal denoted with asterisk - \*)

- \* 1. **Wheeler JM, Crew D:** The role of the anterior hypothalamus-preoptic area in the regulation of male reproductive behavior in the lizard, *Anolis carolinensis*; Lesion studies. *Hormone and Behavior* 1978, 11:42-60. (Footnote 1.)
- \* 2. **Wheeler JM, Malinak LR:** Postoperative danazol therapy in infertile patients with sever endometriosis. *Fertil Steril* 1981; 36: 460-3.
- \* 3. **Wheeler JM, Johnson BM, Malinak LR:** The relationship of endometriosis to spontaneous abortion. *Fertil Steril* 1983; 39: 656-60.
- \* 4. **Wheeler JM, Malinak LR:** Recurrent endometriosis: incidence, management and prognosis. *Am J Obstet Gynecol* 1983; 146: 247-253.
5. **Malinak LR, Wheeler JM:** Endometriosis: Diagnosis. *The Female Patient*, April 1985.
6. **Malinak LR, Wheeler JM:** Endometriosis: Treatment. *The Female Patient*, May 1985.
7. **Malinak LR, Wheeler JM:** Endometriosis: A Patient Guide. *The Female Patient* May 1985.
- \* 8. **Malinak LR, Wheeler JM:** Management of Endometriosis. *American College of Obstetricians and Gynecologists Technical Bulletin*, March 1985.
- \* 9. **Wheeler JM, Dodson MG:** Transperitoneal migration of ova. *J Reprod Med* 1985; 30: 895-8.
- \* 10. **Wheeler JM, Malinak LR:** American College of Obstetricians and Gynecologists: Surgery of the uterus. *Precis III*, 1986; 186-92.

(1.) Senior Honors Thesis, Depts. Biology and Psychology/Social Relations, Harvard College. Awarded summa cum laude.

### Publications

#### Articles (continued)

12. **Young RL, Wheeler JM:** The menopause: Symptomatology, endocrinology, and management. *Modern Medicine*, 1987; 55:92-104.
- Wheeler JM, DeCherney AH:** Office hysteroscopy. *Obstet Gynecol Clin North Am* 1988; 15(1):29-39.
- \* 13. **Wheeler JM:** Epidemiology of endometriosis-associated infertility. *J Reprod Med* 1989; 34:41-6 (Footnote3)
- \* 14. **Gonsoulin W, Moise KJ Jr., Kirshon B, Cotton DB, Wheeler JM, Carpenter RJ Jr:** Outcome of twin-twin transfusion diagnosed before 28 weeks gestation. *Obstet Gynecol*, 1990; 323:281-8.
15. **Wheeler JM, Malinak LR:** Combined medical and surgical therapy for Endometriosis. *Prog Clin Biol Res*, 1990: 443-8.
16. **Wheeler JM:** Statistical methods in evaluation endometriosis studies. *Prog. Clin Biol*, 1990: Res 32;443-8.
- \* 17. **Wheeler JM, Malinak LR:** American College of Obstetrics and Gynecologist: Surgery of the ovary including endometriosis. *Precis III*, 1986, 186-92.
18. **Young RL, Wheeler JM:** The menopause: Symptomatology, endocrinology, and management. *Precis III*, 1986; 186-92.
19. **Young RL, Wheeler JM:** The menopause: Symptomatology, endocrinology, and management. *Modern Medicine*, 1987; 55:92-104
- \* 19. **Young RL, Cota J., Sund G., Mason BA., Wheeler JM:** The use of an amniotic membrane graft to prevent postoperative adhesions. *Reproductive Animal Research*, March 1991; 55(3); 624-628.
- \* 20. **Hill GA, Wheeler JM:** Incidence of breakthrough bleeding during oral contraceptive therapy. *J. Reprod Med* 1991; 36(4): 334-39.
- \* 21. **Leduo L, Mitchell P, Kirshon B, Wheeler JM, Cotton DB:** Coagulation profiles in sever pre-eclampsia. *Am J. Obstet Gynecol*, 1991: 14-18.

(3) Portion on M.P.H. thesis, awarded Distinction in Biostatistics; also awarded First Prize, Society of Gynecologic Surgeons Presidents Award, 1988.

## Publications

### Articles (continued):

22. **Wheeler JM:** Epidemiology and prevalence of endometriosis. *Infertile and Reprod Med Clin No AM*, July 1992; 3(3): 545-549.
- \* 23. **Wheeler JM, Malinak LR, Miller J, Knittle J, and the Depot-Leuprolide Endometriosis Study Group:** Depot-Leuprolide versus danazol in the Treatment of endometriosis: results of a randomized, double blind clinical trail. I. Clinical efficacy. *Am J, Obstet Gynecol*, 1992; 107; 1367-71.
- \* 24. **Ayus C, Wheeler JM, Arrief A:** Postoperative hyponatremic encephalopathy in menstruant women. *Ann Int Med*. 1992; 117:891-7.
- \* 25. **Wheeler JM, Malinak LR, Miller J, Knittle J:** And the Depot-leuprolide Endometriosis Study Group: Depot-leuprolide versus danazol in the treatment of endometriosis: results of a randomized, double-blind clinical trial. II. Safety. *American Journal of Obstetrics and Gynecology*. 1993; 169; 26-33.
- \* 26. **Wheeler JM, Malinak LR:** American College of Obstetricians and Gynecologists. Surgery of the ovaries including endometriosis. *Precis IV*, 1990: 202-5.
27. **Wheeler JM:** Choosing an oral contraceptive. *Infertility Clinics of North America*. Ed AH DeCherney, WB Saunders. Philadelphia, 1990.
28. **Wheeler JM:** Endometriosis surgery. In, *Infertility Surgery*. Ed Michael P. Diamond. *Clinical Practice of Gynecology*. Elsevier Science Publishing Co., 1991: 57-74.
29. **Wheeler JM:** Epidemiology of Endometriosis. *Infertility and Reproductive Clinics of Medicine North America*. Ed D. Olive 3 (3): 545-9. 1992.
30. **Wheeler JM:** Epidemiology aspects of recurrent pregnancy loss. *Obstetrics and Gynecology Clinics of North America*, WB Saunders, Philadelphia, 1992.
31. **Wheeler JM, Malinak LR:** Leiomyomata uteri. *Current Diagnosis 8*. Ed RB Conn. WB Saunders, Philadelphia, 1991: 1224-26.
- \* 32. **Wheeler JM:** Role of Phase IV trials in determining the safety and efficacy of oral contraceptives. *J Reprod Med*. 1991; 36 (4): 325-24.

## Publications

### Articles (cont'd):

- \* 33. Friedman AJ, **Wheeler JM**: Efficacy and safety of ethynodiol diacetate, 1 mg. With ethinyl estradiol 35 mcg, with an emphasis on contraceptive efficacy. A Phase IV Trial. *J. Reprod Med* 1991; 36 (4): 328-33.
- \* 34. **Wheeler JM**, Malinak LR: Complexion changes in oral contraceptive users: results from a Phase IV Multicenter trial evaluation the safety and efficacy of ethynodiol 1 mg with ethinyl estradiol 35 mcg. *J Reprod Med* 1991; 36 (4): 340-4.
- \* 35. Friedman AJ, **Wheeler JM**: Incidence of ovarian cyst formation in women taking ethynodiol diacetate, 1 mg. with ethinyl estradiol, 35 micrograms. *J Reprod Med* 1991; 36(4):345-9.
- \* 36. **Wheeler JM**, Malinak LR: American College of Obstetricians and Gynecologists. Surgery of the uterus. *Precis IV*. 1990: 193-8.
- 37. **Wheeler JM**: Clinical research of lasers in Gynecology: *Ob/Gyn Clinic of North America* 18: 667-76, 1991.
- \* 38. Taskin O, **Wheeler JM**: Laparoscopic repair of bladder injury and lacerations. *J Am Assoc Gynecol Laparosc* 1995; 2(2):227-9.
- \* 39. Taskin O, Yalcinoglu A, Kucuk S, Burak F, Ozekici U, **Wheeler JM**: The degree of fluid absorption during hysteroscopic surgery in patients pretreated with goserelin. *J Am Assoc Gynecol Laparosc* 1996; 3(4):555-9
- \* 40. Taskin O, Erden F, Uryan II, Atmaca R, Ozekici U, **Wheeler JM**: The sensitivity of low-dose oral contraceptives in differentiating endometriosis in patients with pelvic pain. *J Am Assoc Gynecol Laparosc* 1996; 3(Suppl 4): 49.
- \* 41. Uryan II, Taskin O, Erden F, Buhur A, Burak F, Ozekici U, **Wheeler JM**: Effectiveness and long-term safety of prolonged goserelin and tibolone in women with endometriosis. *J Am Assoc Gyn Laparosc* 1996;3(4):S51-2
- \* 42. Taskin O, Buhur A, Birincioglu M, Burak F, Atmaca R, Yilmaz I, **Wheeler JM**: Endometrial Na<sup>+</sup>, K<sup>+</sup>-ATPase pump function and vasopressin levels during hysteroscopic surgery in patients pretreated with GnRH agonist. *J Am Assoc Gynecol Laparosc* 1998; 5(2):119-124.
- \* 43. Taskin, O, Birincioglu M, Aydin A, Buhur A, Burak F, Yilmaz I, **Wheeler JM**: The effects of twisted ischaemic adnexa managed by detorsion on ovarian viability and histology: an ischaemia-reperfusion rodent model. *Hum Reprod* 1998; 13(10):2823-7.

## Publications

### Articles (cont'd):

- \* 44. Taskin O, Buhur A, Birincioglu M, Burak F, Atmaca R, Yilmaz I, **Wheeler JM:** The effects of duration of CO2 insufflation and irrigation on peritoneal microcirculation assessed by free radical scavengers and total glutathione levels during operative laparoscopy. *J Am Assoc Gynecol Laparosc* 1998; 5(2):129-33.
- \* 45. Taskin O, Sadik S, Onoglu A, Gokdeniz R, Yilmaz I, Burak F, **Wheeler JM:** Adhesion formation after microlaparoscopic and laparoscopic ovarian coagulation for polycystic ovary disease. *J Am Assoc Gynecol Laparosc* 1999; 6(2):159-63.
- \* 46. Taskin O, Sadik S, Onoglu A, Gokdeniz R, Erturan E, Burak F, **Wheeler JM:** Role of endometrial suppression on the frequency of intrauterine adhesions after resectoscopic surgery. *J Am Assoc Gynecol Laparosc* 2000; 7(3):351-4.
- \* 47. Sadik S, Onoglu AS, Gokdeniz R, Turan E, Taskin O, **Wheeler JM:** Laparoscopic management of selected adnexal masses. *J Am Assoc Gynecol Laparosc* 1999; 6(3):313-6.
- \* 48. Taskin O, Onoglu A, Inal M, Turan E, Sadik S, Vardar E, Postaci H, **Wheeler JM:** Long-term histopathologic and morphologic changes after thermal endometrial ablation. *J Am Assoc Gynecol Laparosc* 2002; 9(2):186-190.

### Editorials:

- \* 1. **Wheeler JM:** A multivariate look at the menopause. *J Clin Epidemiol* 1989; 42:1029-30.
- \* 2. **Wheeler JM:** The Emperor (or, rather , his statistician) has new clothes... *Fertil Steril* 1990; 53: 220-02.

### Chapters:

1. Malinak LR, **Wheeler JM:** Endometriosis. *Infertility-Diagnosis and Treatment*. Ed J. Springer-Verlag, New York, 1984: 225-75.
2. Malinak LR, **Wheeler JM:** Association of endometriosis with spontaneous abortion: prognosis for pregnancy and risk for recurrence, *Seminar for Reproductive Medicine*. 1985: 361-70.

## **James M. Wheeler, MD, MPH, JD**

### **Fee schedule**

\$300/hr (plus travel expenses if necessary)

Minimal retainer: 2 hours' rate / \$600  
(balance refunded if review < two hours)

I have worked as an expert witness for 16 years, and have had the same hourly charge over that time. Further, my hourly rate is the same whether I'm reviewing records, being deposed, helping attorneys prepare for discovery, or testifying in court. I have done some *pro bono* work and provided some discounts in special circumstances; I reserve the right to select these situations on presentation. I will continue this approach as an expert witness, but also now as a health lawyer, too.

**MARSHALL & McCRACKEN, P.C.**  
ATTORNEYS AT LAW

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D. RYAN NAYAR  
(OF COUNSEL)  
RICHARD A. BRADSHAW  
(MEDICAL CONSULTANTS)  
ALVIN JAPPEE, M.D., F.A.A.P.  
MARZIEH J. THURBER, M.D.

January 27, 2006

Re: James M. Wheeler, M.D., M.P.H., J.D.

To Whom It May Concern:

I have been asked by Dr. Wheeler to pen a letter of recommendation for him regarding potential service as an expert witness. I can do so with enthusiasm. Dr. Wheeler is an unusually sharp individual with an intellectual curiosity second to none, as witnessed by his having sought and obtained degrees and licenses as both a physician and lawyer. I have worked with Dr. Wheeler personally and have found his grasp of medicine, his intuitive understanding as to what makes a good witness, and his common sense to form a combination of assets which is difficult to find elsewhere.

As a consequence, I am delighted to recommend Dr. Wheeler most heartily. If at any time you have any further question or I can supply additional information in regard to Dr. Wheeler's potential service as a witness, please don't hesitate to contact me. I would be more than happy to offer whatever further information or opinions I can. Dr. Wheeler is a rare individual and I am utterly confident that you would find him to be an excellent choice anytime you might have need for his professional services.

Most cordially,



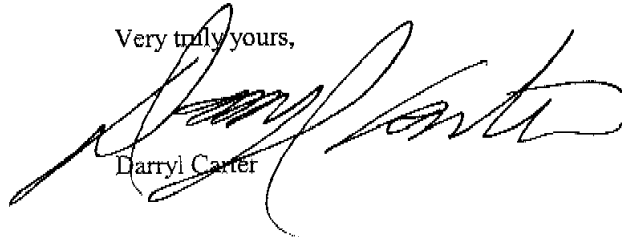
John C. Marshall  
JCM:mab  
FAWPDOCSUCM\FIRM\wheeler.wpd

January 23, 2006

To Whom It May Concern:

I retained Dr. Jim Wheeler as an expert witness in a plaintiff's medical malpractice case. It was a pleasure working with him. Dr. Wheeler is smart, accessible, sensitive to deadlines, and (most importantly) unafraid to go "on the record" with his honest opinions about another physician's care.

Very truly yours,

A handwritten signature in black ink, appearing to read "Darryl Carter", written in a cursive style. The signature is positioned above the printed name "Darryl Carter".

Darryl Carter

DKC:mwh  
K:\FIRM\DKC\Wheeler\_Ltr1.wpd  
January 23, 2006

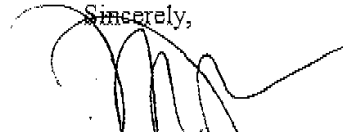
January 31, 2006

To whom it may concern:

I am pleased to comment on my experience working with Dr. James Wheeler as an expert in medical malpractice cases. I have been in practice for over ten years concentrating on medical malpractice and product liability cases. In my practice, I have had the opportunity to consult with Dr. Wheeler on a few cases. Although he could not support each case that I asked him to review, he always provided me with a thorough, thoughtful explanation of the medical principles involved in each matter and why the medical care provided either met or fell below the standard of care.

In the cases Dr. Wheeler has reviewed for me where medical negligence occurred, he has been firm in his opinions and unwavering when confronted by opposing counsel. He has supported his opinions with his training and experience as well as peer-reviewed medical literature. Dr. Wheeler is imminently qualified as an expert obstetrician/gynecologist and I unhesitatingly recommend him as an expert.

Sincerely,

A handwritten signature in black ink, appearing to read 'Monica C. Vaughan', with a stylized flourish extending to the right.

Monica C. Vaughan  
Houssiere, Durant & Houssiere, LLP  
1990 Post Oak Blvd, Suite 800  
Houston, Texas 77056