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Dear Client,

As the U.S. House and Senate work to finalize a national healthcare reform bill, we continue to hear the argument that defensive medicine practices and high medical malpractice insurance rates caused by medical malpractice litigation contribute to the high cost of healthcare. Recently, the American Association for Justice (AAJ) dispelled these theories by highlighting several studies that showed medical negligence litigation should not be blamed for healthcare costs.

Supporters of medical malpractice reform blame defensive medicine for the rising costs of healthcare. Defensive medicine is the notion that healthcare practitioners over-test and over-treat patients out of fear of medical malpractice claims, thereby driving up costs. Insurance companies make defensive medicine sound bad so they don't have to pay for expensive tests that save lives. If it is your health on the line, you want your doctor to be "defensive" and order any test that may help you avoid serious illness. The Congressional Budget Office found that evidence of defensive medicine practices is "not conclusive" and that "healthcare savings from reducing defensive medicine would be very small." Due to these findings, it is difficult to blame high healthcare costs on defensive medicine practices brought on by the threat of lawsuits.

Along with taking the blame away from defensive medicine, the AAJ also highlighted findings that dismiss the idea that medical malpractice lawsuits are all too common and costly. Further, a 2006 Harvard study found that "portraits of a malpractice system that is stricken with frivolous litigation are overblown," and that "most negligence claims were meritorious" as over 97 percent of the claims involved legitimate medical injuries. We do not believe that any of our clients' lawsuits are frivolous, nor do we know of any medical malpractice attorney who would invest significant time or money on behalf of a case that does not show merit.

Rather than focusing on how lawsuits drive up healthcare costs, it is important for lawmakers to focus on ways to reduce the incidence of medical negligence. A study from the Institute of Medicine found that each year, almost 98,000 people die from preventable medical errors. These fatal mistakes cost up to \$29 billion a year, not to mention the immeasurable price families pay after losing a loved one. Identifying ways to reduce the occurrence of preventable medical errors, rather than restricting patients' rights, will be a more effective way to lower healthcare costs and protect patients.

Whether it is in the context of federal healthcare reform or on a state level, it is important to maintain patients' rights to hold negligent healthcare providers accountable for their mistakes. Changes to the current medical malpractice system will not alleviate healthcare costs; they will only prove harmful to future victims of medical negligence.

The legal process is long and complex. Throughout this process, we constantly work to bring justice to you and hold all wrongdoers accountable. We are committed to achieving the best possible results for you in the shortest amount of time, while ensuring that justice is served and you are fairly compensated.

Please call or e-mail us anytime with questions.

Very truly yours,
LEVIN & PERCONTI

Handwritten signatures of Steven M. Levin and John J. Perconti. The signature on the left is 'Steven M. Levin' and the signature on the right is 'John J. Perconti'.

Steven M. Levin and John J. Perconti