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# AOPC

ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

## PRESS RELEASE

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*Medical Malpractice Issues*

### **Pennsylvania Supreme Court Announces Favorable Trends from Preliminary Data**

**HARRISBURG, March 18, 2004** - Chief Justice of Pennsylvania Ralph J. Cappy today released preliminary data regarding medical malpractice case filings and verdicts, further fulfilling a commitment for swift intergovernmental collaboration on liability reform.

"Medical malpractice litigation remains an issue of paramount public importance," the chief justice said. "I want to express my personal gratitude to the staff in all the offices that assisted in this effort."

The preliminary findings show the number of filings last year in Philadelphia was cut in half from a comparable period in 2002. In Allegheny County, case filings dropped by more than one-third over the same period.

Overall, there was a 28.6 percent decline in statewide filings in 2003 in comparison to the previous three-year period, dating to 2000. The most significant declines occurred in the state's two largest metropolitan areas - Pittsburgh and Philadelphia.

The statewide information gathering was complicated by insufficient tracking mechanisms in some counties due to an absence of medical malpractice case identifiers in dockets or indexes. More accurate information is expected in the future because all judicial districts are, at the chief justice's request, taking added measures

to collect the data.

In assembling the current data, counties were asked for malpractice lawsuit claims filed in the past four years and to monitor new cases as they come in under a directive that went out from the chief justice in January. The move came at the urging of Gov. Ed Rendell who sought more information to address malpractice reforms with the General Assembly.

To facilitate the collection of data in future surveys, the chief justice has asked judicial districts to create a convenient means of tracking medical malpractice cases and to file an annual report that lists filings and verdict amounts. A Rule of Judicial Administration to codify the reporting requirements currently is being crafted.

"These results are encouraging, though we are hesitant to infer a definite trend from this preliminary data," Court Administrator of Pennsylvania Zygmunt A. Pines said. "Given the chief justice's request for increased data collection, the quality of med mal case data will improve over time."

Data collection is just the latest in a series of significant steps Pennsylvania's Supreme Court has taken over the past year to address concern over medical malpractice liability reform.

The court approved a new procedural rule in 2003 that requires attorneys to obtain a certificate of merit from a medical professional that establishes the medical work in a case falls outside acceptable standards. Another change requires medical malpractice actions to be brought only in the county where the cause of action takes place - a move aimed at eliminating so-called "venue shopping."

The data collection project was one of three measures the court announced last summer in response to a detailed plan of action outlined by the governor. The court also announced it would develop an implementation plan for voluntary medical malpractice mediation, and create a "think tank" to further review recommendations in the governor's plan.

Table 1: Pennsylvania Medical Malpractice Case Filings: 2000 - 2003

Table 2: Medical Malpractice Jury Verdicts: January 2000 to July 2003

Table 3: Medical Malpractice Non-Jury Verdicts: January 2000 to July 2003

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