

NEWS RELEASE

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Latest Medical Malpractice data show number of cases and verdicts reach new low

HARRISBURG, April 19, 2010 — Chief Justice of Pennsylvania Ronald D. Castille today announced the release of state court system data on medical malpractice case filings and verdicts for 2009 that show a further decline in the number of lawsuits filed against health care providers statewide for a fifth consecutive year.

In 2009, there were 1,533 filings, representing a 43.9 percent decline from the “base years” 2000-2002 (shown in Table 1, attached). In Philadelphia, the state’s judicial district with the largest caseload, the decline has been by nearly 60 percent during the same period.

The base years are the period just prior to two significant rule changes made by the Supreme Court. The first change required attorneys to obtain from a medical professional a certificate of merit that establishes that the medical procedures in a case fall outside acceptable standards. A second change required medical malpractice actions to be brought only in the county where the cause of action takes place. Tables 2 and 3 detail medical malpractice jury and non-jury verdict amounts for 2009. In comparison to earlier years, Tables 2 and 3 show that 2009 had the fewest number of verdicts resulting in plaintiff awards. The tables also show a high rate of verdicts favorable to the defense and no verdicts of more than \$10 million.

“The sustained decline in the number of medical malpractice actions filed since the Supreme Court took significant steps to address procedural aspects of the state court system is an encouraging sign,” Chief Justice Castille said. “The downward trend is the product of a direction we set seven years ago to address a complex and challenging issue of concern to all Pennsylvanians. In the recent health care debate nationally, there is an insistent call for reform of the handling of medical malpractice cases within the judicial system. By these two rule changes, Pennsylvania is far ahead of the nation and of individual states in this arena, and we stand as a model of reform. Most importantly, justice for our citizens is still being delivered where patients are truly injured by medical mistakes.”

The AOPC began the systematic collection of data from each of Pennsylvania’s 67 counties four years ago as part of the Judiciary’s commitment to intergovernmental collaboration in addressing medical malpractice litigation issues. Counties also began to methodically track med mal case information to enhance the focus and accuracy of data collections. New statewide Rules of Civil Procedure were promulgated — Pa.R.C.P. 1018 and 1042.16 — to help identify med mal cases together with a new rule of Judicial Administration — Pa.R.J.A. 1904 — to codify the reporting requirements. An extensive collection of data, rules and other information may be viewed on the Medical Malpractice resource page of the Pennsylvania Judiciary’s website at: www.pacourts.us (*tables, rules attached*)

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