



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

Public Information Office

Background on Medical Malpractice

What is the role of the courts in the medical malpractice “crisis?”

High medical malpractice insurance rates have caused doctors and health care providers great concern in Pennsylvania in recent years.

While the solution to this problem does not rest with the Pennsylvania Supreme Court, the court issued rules in 2002 to assure that the legal process would not be abused in malpractice cases.

One rule required that malpractice claims be filed in the counties where the alleged incidents of malpractice occurred. This eliminated a practice of “venue shopping” in which lawyers sometimes filed cases in counties where they believed juries would be most sympathetic to their clients.

A second rule required lawyers who filed medical malpractice lawsuits also to file a “certificate of merit” signed by licensed medical professionals to support their claims. The certificate of merit must assert a “reasonable probability” that the medical treatment under dispute failed to meet “acceptable professional standards” of care.

Since the rules went into effect, the number of medical malpractice lawsuits filed in Pennsylvania has dropped by more than one-third.

The Supreme Court also has encouraged mediation in medical malpractice disputes as an alternative to litigation and trials.