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NEWS RELEASE

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"No One Likes a Hypocrite," Consumer Group Tells Docs

One of the worst examples of hypocrisy by doctors seeking to limit injured patients' legal rights recently came to light and has outraged consumers and patients rights groups, the Center for Justice & Democracy said today. According to CJ&D Legal Director Geoff Boehm, "we are witnessing a shameful pattern of conduct by doctors and medical societies who, while lobbying to brutally 'cap' compensation for the sick and injured, regularly bring lawsuits of their own, sometimes seeking hundreds of millions of dollars."

Dr. Nicholas Stroumbakis, who has lobbied for a $350,000 noneconomic damages "cap" for patients injured by medical malpractice in Connecticut, sued the town of Greenwich over a 2000 sledding accident and on April 14, 2004, received a jury verdict of over $6 million. This included $1.5 million for his own pain and suffering and $150,000 for his wife's "loss of consortium," the very kind of "noneconomic damages" Dr. Stroumbakis has sought to severely limit for patients killed or injured by medical malpractice.

Like those in several states, lawmakers in Connecticut are currently being pressured by physicians like Dr. Stroumbakis to impose caps on compensation for injured patients. On Monday, the Connecticut House of Representatives passed a bill without caps, although Governor John Rowland has threatened to veto any malpractice bill that does not include them.

"Take a look at the record of a host of doctors who complain about lawsuits and argue that the rights of injured patients to go to court should be scaled back," said CJ&D Executive Director

Joanne Doroshow. "Yet when they or family members are hurt and need compensation for their own injuries, these same individuals do not hesitate to use the courts to obtain compensation, to right a wrong, to hold a wrongdoer accountable or to obtain justice. The same is true for medical societies. These organizations push for laws to immunize doctors and hospitals from liability for harming patients. But when these same organizations believe they have been wronged by a managed care or insurance company, they are the first to sue."

CJ&D also cites statistics from the American Medical Association (AMA)'s Litigation Center, showing that the AMA and state medical societies have sued in 62 cases between 2000 and 2003 as part of their mission to "pursue litigation on behalf of doctors." Doctors have brought numerous class action lawsuits against the insurance and managed care industries, sometimes receiving hundreds of millions of dollars. In a 2002 report, the AMA called caps that managed care companies try to impose on doctors who sue, "another tactic designed to effectively strip the physician or physician group/network of real remedies in litigation with the [managed care company]." Given the high cost of litigation, the AMA called such limitations "clearly designed to chill the physician from bringing any lawsuit."

"Litigation has become a time-honored way for medical societies to do business, but they do not want doctors to be held legally accountable by patients," said Doroshow. "To these professions, the courts should be reserved exclusively for them. Tort restrictions advocated by doctors virtually never limit their own rights to bring lawsuits."

Boehm stated, "People injured because of someone else's negligence have the right to seek justice in a court of law, and to have a jury decide appropriate compensation. Doctors repeatedly exercise their right to trial by jury, even while the medical and insurance lobbies are working overtime, and spending tens of millions of dollars, to try to take away that right from victims of medical malpractice. Their hypocrisy is obvious and disgraceful."

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