

SICK OF LAWSUITS

Lawsuit Abuse and Health Care Fast Facts

3.4 million: The number of American added to the rolls of the uninsured due to the additional annual costs imposed on the health care system because of medical liability concerns. ("Jackpot Justice: The True Cost of America's Tort System," *Pacific Research Institute*, March 27, 2007)

40: Percentage of medical malpractice lawsuits that are groundless – meaning there is no evidence that a medical error was committed or that the patient suffered any injury. (Harvard School of Public Health, May 10, 2006)

21: number of states that the American Medical Association identifies as currently facing a medical liability crisis (American Medical Association, February 14, 2006)

10: Percentage of every dollar spent on health care attributed to the costs of liability and defensive medicine. ("The Factors Fueling Rising Healthcare Costs 2006" *PriceWaterhouseCoopers*, January 2006)

\$70 - 126 billion: amount of healthcare costs per year that would be saved by limiting unreasonable jury awards (*Going without Health Insurance*, Families USA, March 10, 2003; "Number of Uninsured Americans On the Rise," Associated Press, March 5, 2003; "Avoiding Health Insurance Crowd-Out," *Journal of Health Economics*, March 2000)

\$40 billion: amount of money trial lawyers earned from lawsuit awards in 2002 (*Trial Lawyers Inc., A Report On the Lawsuit Industry in America*, The Center for Legal Policy, Manhattan Institute, 2003)

90: Percentage of net income from respirator sales that U.S. respirator manufacturers spent on litigation costs in 2004 alone. Decades of litigation has decreased production and availability of respirator masks, the types of which would be crucial if pandemic flu hit. (Coalition for Breathing Safety, September 19, 2006)

79: Percentage of Americans concerned that frivolous lawsuits have made it harder for them and their families to get affordable healthcare. (Sick of Lawsuits National Survey, Conducted by Public Opinion Strategies, August 16-18, 2005)

\$431,000: The median amount of damages awarded in medical malpractice jury trials in 2001, which is up from \$253,000 in 1992 and \$287,000 in 1996 ("*Medical malpractice awards soar*," *USA Today*, August 4, 2004)

71,000: Number of drug lawsuits that have been filed in federal courts since 2001, outnumbering asbestos, tobacco and auto safety lawsuits by a widening margin since 2002. "California Vioxx Trial to Open as Drug Litigation Booms," *Los Angeles Times*, June 27, 2006

51: Percentage of medical students who believe that the medical liability crisis is limiting patients' access to care. (Survey: Medical Students' Opinions of the Current Medical Liability Environment: American Medical Association Division of Market Research and Analysis, November 2003)

79: Percentage of doctors who report that due to litigation fears, they have ordered more tests than they would based only on professional judgment of what is medically needed (*Fear of Litigation Study: Impact on Medicine*, Harris Interactive, April 11, 2002)

45: Percentage of hospitals reported that the professional liability crisis has resulted in the loss of physicians and/or reduced coverage in emergency departments. (American Hospital Association, Professional Liability Insurance Survey, 2003)



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Two in Five: Number of pharmacists who report that their patients have stopped taking or have refused to take medication properly prescribed for them because they discovered the drug might be involved in a lawsuit (*Pharmaceutical Liability Study*, Harris Interactive, July 15, 2003)

82: Percentage of Americans who believe that personal injury lawyers who file lawsuits over medicines and other healthcare remedies are more interested in making money than in helping their clients. (Sick of Lawsuits National Survey, Conducted by Public Opinion Strategies, August 16-18, 2005)

43: Percentage of doctors who report that they have avoided prescribing a particular medication because they were aware that the drug might be involved in litigation (*Pharmaceutical Liability Study*, Harris Interactive, July 15, 2003)

67: Percentage of OB-GYN's who said that liability pressures forced them to stop providing childbirth services. ("Editorial: The Costs of Frivolous Lawsuits," *Internal Medicine News*, January, 2004)

79: Percentage of Americans who believe advertising by personal injury lawyers encourages people to sue even if they have not been injured. (Sick of Lawsuits National Survey, Conducted by Public Opinion Strategies, August 16-18, 2005)

\$50 billion: Amount per year spent on unnecessary test procedures designed only to guard doctors and hospitals against malpractice claims ("*Do Doctors Practice Defensive Medicine?*" *Quarterly Journal of Economics*, 1996)

25: Percentage of patients who reported that they would immediately stop taking their medication if they saw an advertisement for a lawsuit over that drug (*Pharmaceutical Liability Study*, Harris Interactive, July 15, 2003)

75: Percentage of medical implant biomaterial suppliers who banned sales to U.S. manufacturers due to litigation fears. Although the Biomaterials Assurance Assistance Act of 2000 aimed to remedy this by providing important legal protections to suppliers in liability lawsuits, numerous medical device producers choose to remain overseas (Study by New York-based Aronoff Associates for HIMA entitled "Biomaterials Availability: a Vital Health Care Industry Hangs in the Balance ; "How FDA Regulation and Injury Litigation Cripple the Medical Device Industry" *Policy Analysis* 412, August 28, 2001)

23: Number of states on the American College of Obstetricians and Gynecologists' Red Alert list, which includes states where medical liability insurance problems threaten women's access to physicians delivering babies (American College of Obstetricians and Gynecologists, August 26, 2004)

92.4: Percentage of high-risk medical specialists who said that liability pressures were important in their decision to stop providing certain services (American Medical Association Survey, *PR Newswire*, April 3, 2003)

1,825: Average number of days that successful litigation claimants must wait for compensation after their injury takes place (Subcommittee on Commercial and Administrative Law before the House Judiciary Committee, testimony presented by Physicians Insurance Association, June 12, 2002)

30 - 50: Percentage of plaintiff awards that lawyers receive under typical contingency arrangements (*Medical Malpractice Claim Expenses*, Physician Insurers Association of America, 1999)

72: The percentage of doctors who view their patients as potential adversaries (*The Doctor's Advocate*, The Doctors Company, 2004)

