
SUMMARY OF FINDINGS:

ATTITUDES TOWARD MEDICAL LITIGATION

*A Representative Survey among Physicians
in Louisiana, Mississippi, Texas and West Virginia*

March 2004



EXECUTIVE SUMMARY

Doctors believe that medical litigation is negatively impacting the practice of medicine

- Nine out of ten or more physicians say that they are concerned about the effect of medical litigation on their practice.
- Virtually all physicians believe that medical litigation negatively affects the availability of insurance coverage.
- Nearly all physicians agree that advertisements from plaintiff attorneys cause unnecessary medical lawsuits to be filed.

Doctors believe that medical litigation undermines the healthcare system and hurts patients

- Virtually all physicians believe medical litigation increases the cost of patient care. Furthermore, the vast majority believes the cost impact is “a lot.”
- The majority of physicians say advertisements from plaintiff attorneys about medical lawsuits can cause patients not to take their medicines as prescribed.
- Most physicians believe that advertisements from plaintiff attorneys about medical lawsuits can result in patients failing to seek appropriate medical care.
- More than one-quarter of physicians are personally aware of situations where patients have been put at risk because of plaintiff attorney advertising.

Knowledge of personal injury lawyer tactics and experience with litigation are pervasive among doctors surveyed

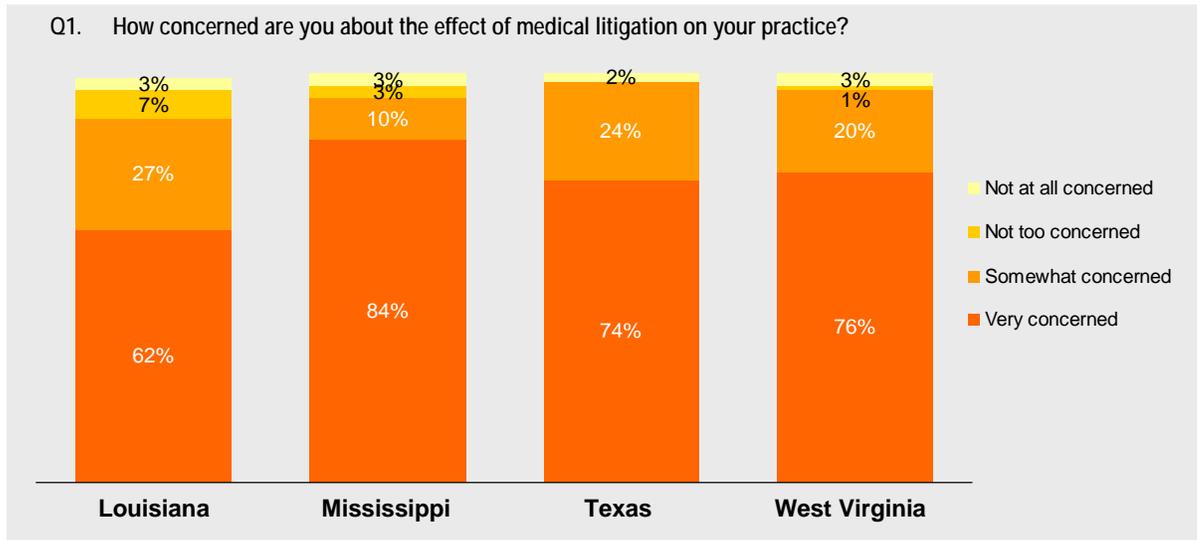
- Awareness of plaintiff attorneys suing local doctors in order to keep a lawsuit in a particular jurisdiction varies across states:
 - Mississippi physicians are most aware of this situation occurring, while Louisiana physicians have lower awareness. Among those who are aware, the vast majority knows “a lot” or “some” about this tactic.
 - Further, many physicians (particularly those in Mississippi) have experience (either personal or through another local doctor) with plaintiff attorneys using this approach.
- One-third of physicians have heard about plaintiff attorneys targeting lawsuits against doctors who have spoken out for legal reform. The majority of those aware of this situation have heard “a lot” or “some” about it.
- Litigation experience is pervasive: one-half or more of physicians have been named as a defendant in a lawsuit related to their medical practice.



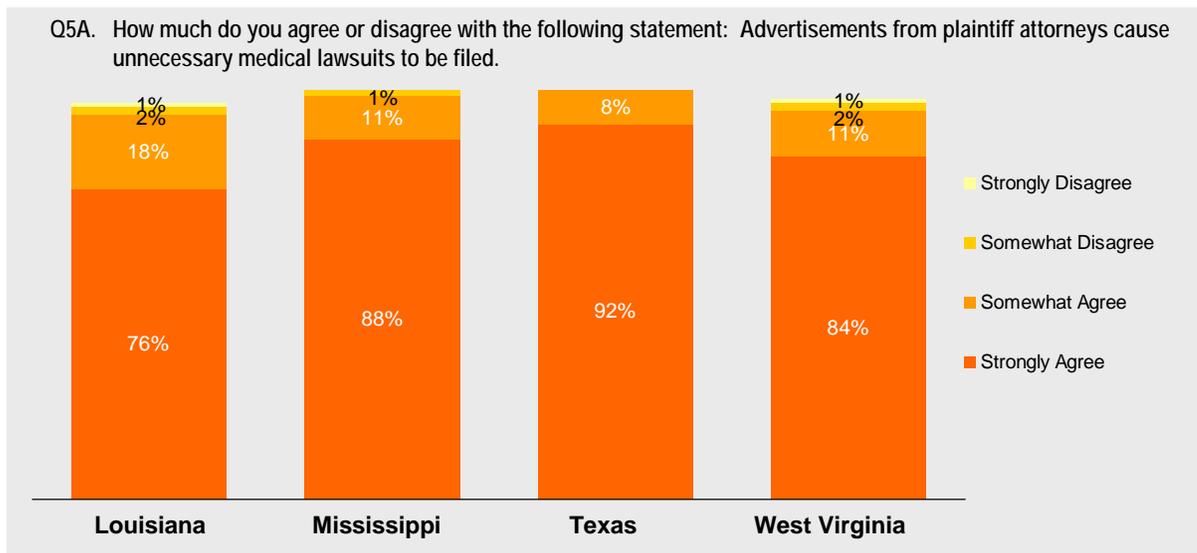
SUMMARY OF KEY FINDINGS

ATTITUDES ABOUT THE IMPACT OF MEDICAL LITIGATION

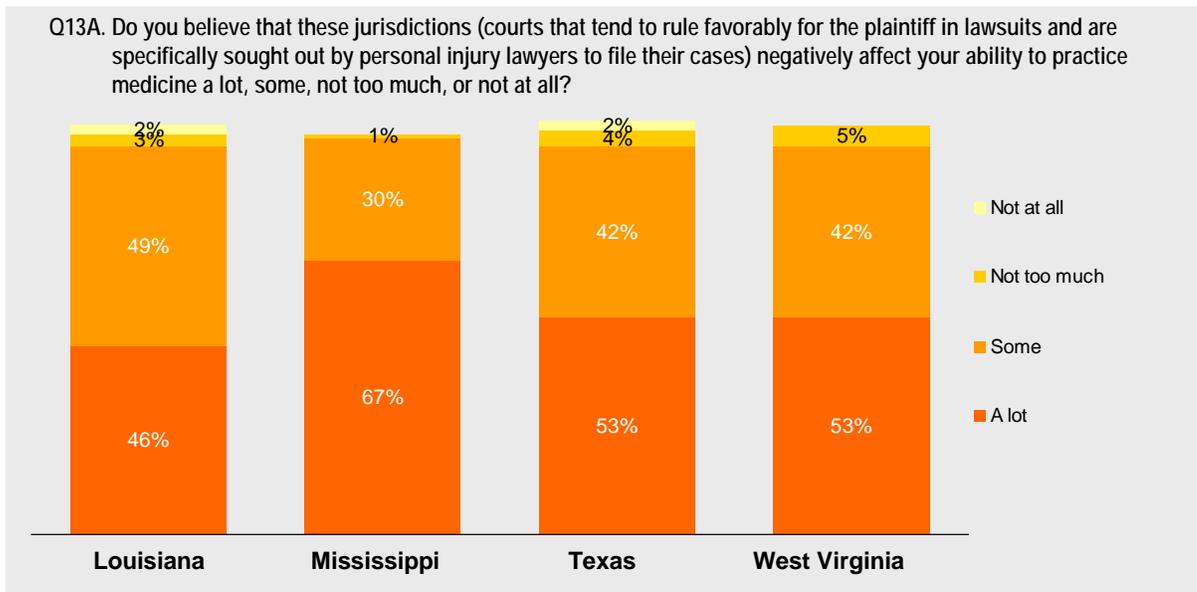
Concern runs high about the effects of medical litigation: Nine out of ten or more doctors say that they are concerned about the effect of medical litigation on their practice.



Nearly all physicians agree that advertisements from plaintiff attorneys cause unnecessary medical lawsuits to be filed.

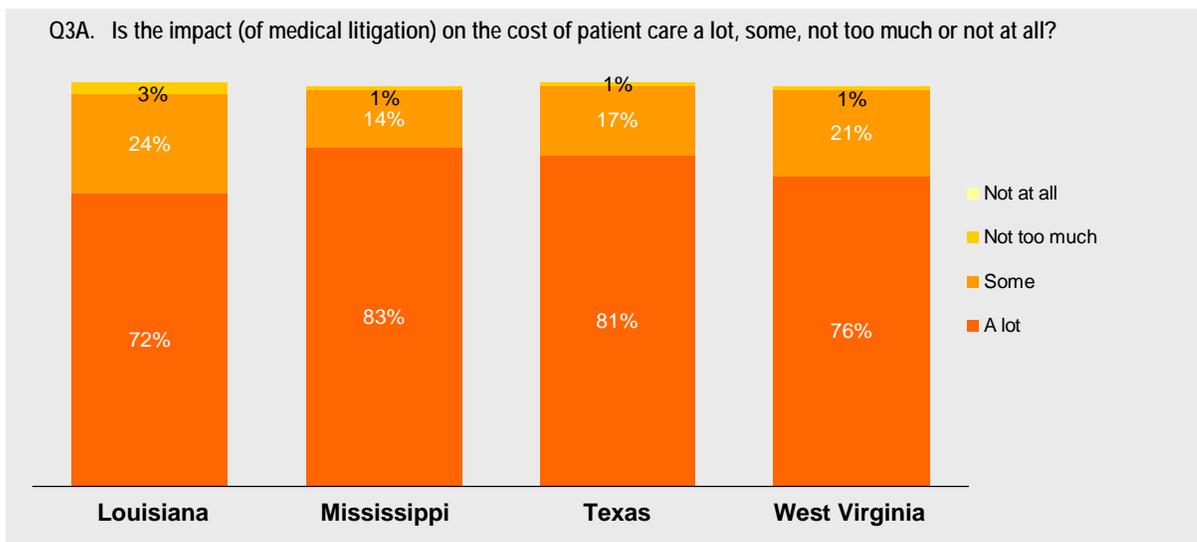


The majority of physicians believe jurisdictions where courts tend to rule favorably for the plaintiff in lawsuits and are specifically sought out by personal injury lawyers to file their cases negatively affect physicians' ability to practice medicine.

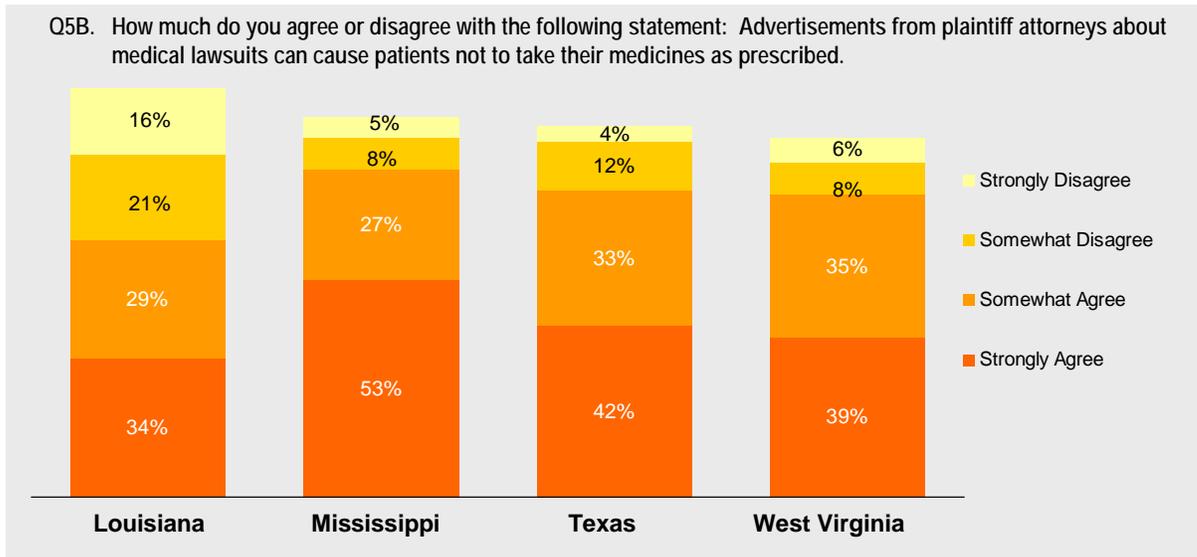


AFFECTS OF MEDICAL LITIGATION ON THE COST AND QUALITY OF PATIENT CARE

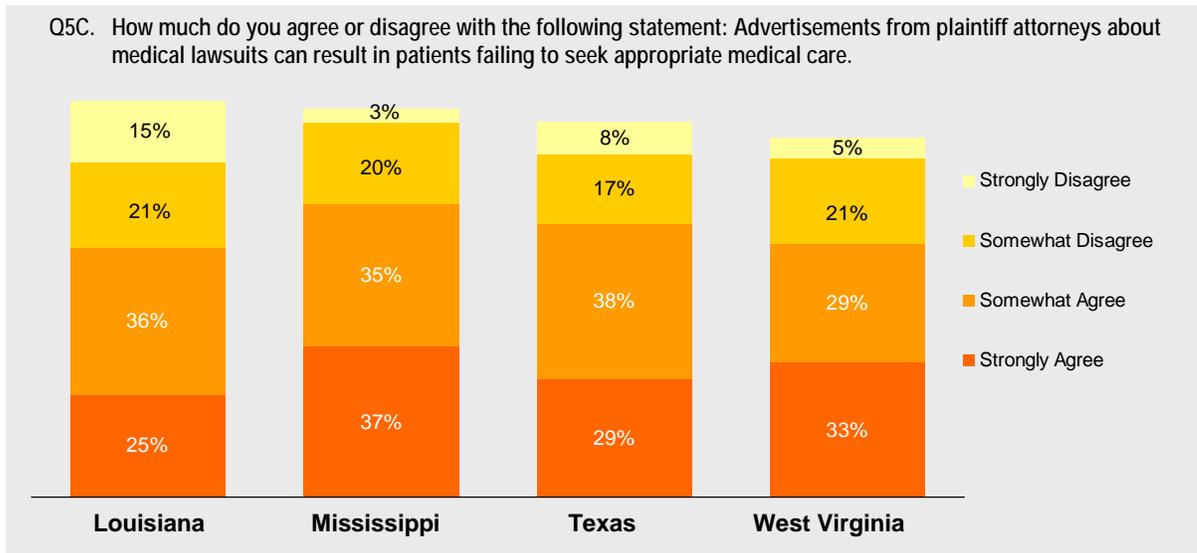
Virtually all physicians believe that medical litigation increases the cost of patient care.



Most physicians believe that advertisements from plaintiff attorneys about medical lawsuits can cause patients not to take their medicines as prescribed.



Most physicians also believe that advertisements from plaintiff attorneys about medical lawsuits can result in patients failing to seek appropriate medical care.



RESEARCH METHODOLOGY

The American Tort Reform Association (ATRA) in partnership with the Sick of Lawsuits Campaign commissioned the Center for Survey Research and Analysis at the University of Connecticut to conduct an impartial series of list-assisted scientific telephone surveys with physicians concerning medical litigation issues. Interviews were conducted in Louisiana (n=101), Mississippi (n=107), Texas (n=103) and West Virginia (n=100) from December 2, 2003 to January 16, 2004 among Internists, General Practitioners, OB-GYNs, Cardiologists, and Gastroenterologists selected from an American Medical Association list.

The margin of error for the sample is $\pm 10\%$ for each state. However, the margin of error is greater for smaller sub-groups. For example, when comparing targeted jurisdictions (so-called “Judicial Hellhole”™) versus the remaining jurisdictions, the margin of error is greater.

“Judicial Hellholes” are state trial court jurisdiction where the American Tort Reform Association (ATRA) believes that impartial justice is unavailable. Personal injury lawyers seek out these jurisdictions and file cases there with the expectation that they will receive a large reward, a favorable precedent, or both. In the four states surveyed, ATRA has identified numerous Judicial Hellhole jurisdictions, including: Jefferson, Hidalgo, and Nueces Counties, TX; Copiah, Claiborne, Jefferson, Holmes and Hinds Counties, MS; Orleans Parish, LA; and the Northern Panhandle (Brooke, Kanawha, Hancock, Marshall and Ohio Counties), WV.

The sample was stratified by four states: Louisiana, Mississippi, Texas and West Virginia. Within each state, physicians practicing in both target and other jurisdictions were interviewed proportionately based on the number of physicians in each type of jurisdiction. The data can therefore be analyzed at each individual state level, as well as by target versus other jurisdictions within each state.

