

Letter to the editor

Insurers vs. public

Your publication and the proponents of tort reform have misidentified the true culprit in this debate: the insurance companies ["Doctors vs. lawyers," Jan. 7.]

Since 1991, this attorney has represented small businesses and individuals who are just as often injured victims (or plaintiffs) in civil litigation as they are defendants in law suits.

Our jury system, which requires the unanimous agreement of 12 jurors from the defendant's community to render a verdict, is protection enough against unreasonable verdicts.

As for caps on noneconomic damages, consider that whenever objective studies are reviewed, the conclusion is the same: Taking the issue of noneconomic damages away from juries is nothing close to being the magic bullet that partisans of tort reform claim.

As one example, actuarial studies by the nation's largest medical malpractice insurer, GE Medical Protective, conclude caps on noneconomic damage awards would serve to lower physicians' premiums by just 1 percent.

According to the Congressional Budget Office, malpractice costs represent less than 2 percent of medical spending. And evidence of increased costs due to "defensive medicine" is "weak or inconclusive."

Other objective studies find the numbers and amounts of jury awards have actually been very consistently steady during the last several decades. Talk to any malpractice attorney and he or she will tell you that to bring a malpractice claim today requires a tremendous investment of time and resources by the attorney. Unless the claim is very serious, then the victim will have a hard time finding an attorney to even look at the case.

Malpractice premiums are a function of many other variables besides noneconomic damage awards. States with no caps still have some of the lowest premiums in the country, while those that have enacted such caps have seen nothing even close to the promised savings on premiums.

When it comes to doctors' ability to make a living, the real perpetrators here are insurance companies. Doctors aren't quitting just because of higher malpractice premiums — they're quitting because insurance companies have been steadily cutting their compensation.

Legitimate business owners should be concerned about a movement to weaken an effective tort system that serves them as much as it serves the general public. Atlanta Business Chronicle would do the public a service by re-casting this debate from being "doctors vs. lawyers" to "insurers vs. the public" and exposing the iniquities — and especially the propaganda — of the insurance companies and their lackeys.

— Rick Alembik
Decatur

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