

June 15, 2009

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

We are writing to request a meeting with you to discuss the issue of medical malpractice, which news reports now indicate may be part of your national health care proposal as a political “bargaining chip.”

We are part of a group of survivors of medical negligence who are concerned that our voices be heard in any discussion that could result in curbing the legal rights of seriously injured patients. We are extremely concerned that the rights of medical malpractice patients may be stripped away as part of your national health care proposal. This includes restrictions on the rights of catastrophically injured patients to have access to the courts.

People like us and our families certainly do not feel as though doctors and hospitals practice too much “defensive medicine,” or that lawsuits against negligent providers are frivolous, or that there is any justification for eliminating the right to jury trial in medical malpractice cases. Patients deserve to have an unbiased judge and jury, which have heard all the facts and weighed all the evidence, decide if care is negligent and what the compensation for their loss should be. That decision should not be made by political officials or biased medical societies.

Further, tackling medical malpractice issues will not bring down health care costs according to every government study that has looked into this. The Congressional Budget Office has confirmed, “malpractice costs account for less than 2 percent of [health care] spending.” Blaming so-called “defensive medicine” for growing health care costs is also bogus. Listen to our stories and you will understand why no credible government study supports the notion that “defensive medicine” is a problem. Most recently, the General Accountability Office harshly criticized evidence continuously cited by the American Medical Association that the tort system encourages defensive medicine.

Nobody appreciates the need to have competent doctors available to serve in every area of this country more than people like us who have been patients. But making it more difficult for us to bring legitimate cases against negligent providers will make matters worse and certainly not solve this country's real medical malpractice crisis, which now costs the lives of more than 98,000 people each year. It will only reduce accountability in the system and re-victimize people who are already victims.

Please contact our representative in New York, Joanne Doroshow, from the consumer group the Center for Justice & Democracy, to follow up on this request. You can reach her at (212) 267-2801 or email her at joanned@centerjd.org. Thank you for your consideration.

Sincerely,

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