



The Medical Malpractice Myth

Tom Baker

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American health care is in crisis because of exploding medical malpractice litigation. Insurance premiums for doctors and malpractice lawsuits are skyrocketing, rendering doctors both afraid and unable to afford to continue to practice medicine. Undeserving victims sue at the drop of a hat, egged on by greedy lawyers, and receive eye-popping awards that insurance companies, hospitals, and doctors themselves struggle to pay. The plaintiffs and lawyers always win; doctors, and the nonlitigious, always lose; and affordable health care is the real victim.

This, according to Tom Baker, is the myth of medical malpractice, and as a reality check he offers *The Medical Malpractice Myth*, a stunning dismantling of this familiar, but inaccurate, picture of the health care industry. Are there too many medical malpractice suits? No, according to Baker; there is actually a great deal more medical malpractice, with only a fraction of the cases ever seeing the inside of a courtroom. Is too much litigation to blame for the malpractice insurance crisis? No, for that we can look to financial trends and competitive behavior in the insurance industry. Are these lawsuits frivolous? Very rarely. Point by point, Baker—a leading authority on insurance and law—pulls together the research that demolishes the myths that have taken hold about medical malpractice and suggests a series of legal reforms that would help doctors manage malpractice insurance while also improving patient safety and medical accountability.

President Bush has made medical malpractice reform a priority in his last term in office, but if history is any indication, legislative reform would only worsen the situation and perpetuate the gross misunderstanding of it. The debate surely will be transformed by *The Medical Malpractice Myth*, a book aimed squarely at general readers but with radical conclusions that speak to the highest level of domestic policymaking.

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