

Men's Health

JUNE 2005

Malpractice Made Perfect



Greg Gabliani, M.D., (left) limits his practice to steer clear of lawyers like Steven E. North.

STEVEN E. NORTH, A NEW YORK

City lawyer, might be a good role model for young Miss Gabliani.

North sues doctors. And he's really good at it. So good, in fact, that he is one of 3,000 members of the Million Dollar Advocates Forum, a sort of overachievers club for malpractice and personal-injury attorneys.

North's malpractice success stories include a \$14.8 million jury verdict in 1998 for a 44-year-old man who suffered brain impairment after a cardiologist failed to

prescribe a drug that protects against strokes. The award included \$5.5 million to the man's wife for loss of his husbandly services. (The total award was later negotiated down to \$1.1 million, to avoid later appeals.)

This case and others led the American Medical Association to list New York as one of 20 states "in crisis" because of the "unrestrained legal climate" there.

But huge jury awards are not as common as one might think based on the sensational headlines they generate. According to a review of medical-malpractice verdicts in the country's 75 largest counties in 2001, the U.S. Department of Justice found that plaintiffs in malpractice cases prevailed 27 percent of the time.

The majority of suits never make it past the front door of the courthouse. A would-be plaintiff often needs a doctor's certificate that the medical negligence and damage were real, and that requires lots of expensive testing. The doctor who signs that form puts his reputation on the line, and expects to be well compensated for his trouble. There's also the question of the *dramatis personae* in a doctor's office or hospital, which sometimes makes it hard to pin down exactly who was at fault and what the specific error was. The plaintiff needs evidence of all of the above, and a lawyer able to convince a jury that a patient was wronged and miserable because of it. In short, there are easier ways for those waiters to become millionaires.

Even if a suit ends with a verdict for the plaintiff, a resulting award limited to \$250,000 would hardly offset the costs of experts and the time it takes the attorney to prepare the case and present it to a jury.