Studdert et al., "Claims, Errors, and Compensation Payments in Medical Malpractice Litigation"

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- critics of the medical malpractice system charge that frivolous litigation, claims that lack evidence of injury, substandard care, or both, is common and costly
- reviewed a random sample of 1,452 closed malpractice claims from 5 liability insurers to determine whether a medical injury had occurred and whether it was due to medical error
- analyzed prevalence, characteristics, litigation outcomes, and costs of claims that lacked evidence of error
- 3% of claims had no verifiable medical injuries and 37% did involve errors
- most claims that were not associated with errors (72%) or injuries (84%) did not result in compensation
- most claims that involved injuries due to error resulted in compensation (73%)
- compensation was significantly higher when a claim involved errors
- 54% of spending goes to administrative costs
- claims involving errors account for 78% of administrative costs
- claims that lack evidence of error are not uncommon but most are denied compensation
- vast majority of expenditures go toward litigation over errors and payment of them
- the overhead costs of malpractice litigation are exorbitant