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Editor, The Tribune Chronicle

On Wednesday afternoon, a group of Mahoning valley physicians led a discussion with news media regarding the status of insurance premiums in Trumbull County. It is true that they deserve an explanation for why malpractice insurance premiums are what they are. Both the physicians and the general public are entitled to know why no one is reaping the benefits of tort reform.

In a nutshell, it is that we never needed tort reform - we needed insurance reform.

If it is true that medical malpractice liability premiums have increased in the Mahoning Valley despite the precipitous drop in medical malpractice claims against doctors, then the grievance should be directed towards the insurance companies in Ohio.

Medical liability claims have dropped by 40% in the last eight years, and doctors' insurance premiums have dropped by 22% state-wide, according to the Ohio State Medical Association. This same organization, in a 2010 newsletter to its members, bragged that tort reform in Ohio had been a "great success." Indeed, from the reported data, one would believe that Ohio has one of the most favorable liability insurance climates in the country. Victims of medical malpractice in Ohio have some of the highest obstacles in the country towards seeking recovery for their injuries. A qualified doctor must "sign-off" that medical malpractice has been committed, before a lawsuit can even be filed. The Ohio legislature passed laws reducing the damages a victim of medical malpractice can recover, and shortened the time limit they have to bring a lawsuit, foreclosing many from even considering bringing suit. So it is proper to ask of the insurance industry, "Just why are your premiums so high?"

The appeal to the news media was partially prompted by a recent lawsuit involving a young girl who is permanently confined to a wheelchair as a result of medical malpractice.

First, it was distressing to hear no one at the press conference express concern for this girl or her family.

In this particular case, the Trumbull County Court of Common Pleas facilitated a mediation to resolve the claim prior to its going to a jury. The doctor and her insurance company declined to settle the matter for what would have been a fraction of the ultimate verdict. And worse, after being ordered by two courts on two occasions to post a bond,

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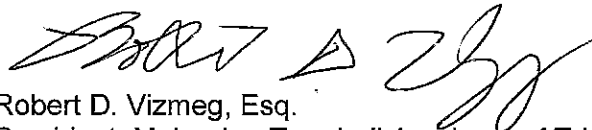
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the insurance company refused to do so, precipitating the events that culminated in this press conference.

The news conference appeared to be more concerned with protecting physicians' profits, rather than the delivery of competent, safe medical care. In fact, there are many studies that conclude there are far more medical errors than are ever brought to the attention of a lawyer. As lawyers, we often see the end result of medical mistakes - broken lives and bodies, and often just the grieving families of deceased medical malpractice victims. But, because of the laws already enacted in Ohio that shield doctors from liability under the guise of "tort reform," lawyers are often forced to reject otherwise valid medical malpractice claims. Increasing numbers of lawyers are abandoning medical liability practice because of the barriers put into place by Ohio law and the high cost of bringing these claims.

It is clear that an increase in premiums has no connection to the reality of the legal climate in Ohio. Concerns regarding insurance premiums should be directed to the largest liability insurance provider in Ohio, The Doctor's Company and its Ohio affiliate, OHIC. The Doctor's Company reports its assets increased one billion dollars in 2010 and that it made a gross income of over one-half billion dollars just in 2010.

Certainly this inquiry would be far more productive than a press conference directing anger at what a local jury, after hearing all the evidence offered by both sides, found to be just and fair compensation for a young victim of medical malpractice.

A handwritten signature in black ink, appearing to read "Robert D. Vizmeg". The signature is fluid and cursive, with a large, stylized initial "R" and "V".

Robert D. Vizmeg, Esq.  
President, Mahoning Trumbull Academy of Trial Lawyers