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FOR IMMEDIATE RELEASE

Supreme Court acts on Governor's recommendations to resolve medical malpractice concerns

HARRISBURG, June 23, 2003 — As complex medical malpractice issues remain a concern nationally and in Pennsylvania, the Supreme Court of Pennsylvania has agreed to take immediate action in response to recommendations contained in Gov. Edward G. Rendell's plan for medical malpractice liability reform.

Specifically, Chief Justice of Pennsylvania Ralph J. Cappy today announced three steps that will advance active and thoughtful consideration of the various judicial branch-related issues raised in the governor's plan.

First, the Chief Justice has appointed Justice William H. Lamb to develop an implementation plan for a voluntary medical malpractice mediation program. The voluntary program would be similar to plans for such a program adopted in Act 135 of 1996. While Act 135 was ruled unconstitutional, aspects of the statute involving a mediation program were not a subject of the ruling.

Second, Chief Justice Cappy has selected Allegheny County Common Pleas Court Judge R. Stanton Wettick, who also serves as chair of the Supreme Court's Civil Procedural Rules Committee, to chair an *ad hoc* "think tank" comprised of four prominent attorneys, two plaintiff's practitioners and two defense practitioners. The purpose of the "think tank" will be to:

- Immediately review recommendations contained in the governor's plan that do not involve the compilation of statistics and are non-mediation related;
- Consider issues and any related topics underlying the recommendations;
- Creatively devise action steps – in the form of recommendations to the Supreme Court – that will help to solve problems identified in the governor's report as being within the purview of the judicial branch of state government.

(MORE)

The Chief Justice will work with Judge Wettick as chairman, and the other “think tank” members:

William R. Caroselli, a partner in Caroselli, Beachler, McTiernan & Conboy LLC, Pittsburgh

Peter J. Hoffman, a partner in McKissock & Hoffman, PC, Philadelphia

Edwin L. Klett, a partner in Klett, Lieber, Rooney and Schorling, PC, Pittsburgh

James F. Mundy, a partner in Raynes, McCarty, Binder, Ross & Mundy, Philadelphia

Third, the Chief Justice has directed Court Administrator of Pennsylvania Zygmunt A. Pines and the Administrative Office of Pennsylvania Courts’ Policy Research Department to work closely with and assist relevant governmental agencies and others in developing an efficient means of collecting medical malpractice statistics described in the governor’s plan.

In a brief discussion regarding his appointment, Justice Lamb told a recent seminar of the Pennsylvania Bar Institute that the adoption of a mediation plan has the “...full and unanimous approval of the Supreme Court.” Justice Lamb noted that the Chief Justice had asked him to move quickly and he praised the Chief’s immediate leadership in this “important 21st century effort.”

“You’ve got the Supreme Court interested, the Governor’s Office interested, and the General Assembly interested. You’ve got the attention of the bar, at least in the malpractice area, and you’ve got me, who’s used to getting things done,” Lamb said.

“The ‘think tank’ appointments that I am announcing today are carefully selected with several criteria in mind, just as I have specifically chosen that term to partly describe the nature of their assignment by the Supreme Court,” the Chief Justice said.

“It is important that those chosen have the necessary knowledge and experience to understand both the complexity and sensitivity of the issues surrounding medical malpractice reform. Their reputations must be impeccable, having earned the respect of their peers whether advocating for defendants or plaintiffs and they must be creative in approaching this challenging assignment, for few issues have confounded more Pennsylvanians than those of medical malpractice reform.

“I am confident that Messrs. Caroselli, Hoffman, Klett, and Mundy meet those criteria, just as I am confident that Justice Lamb and Judge Wettick will bring both their extensive experience and occasional sense of impatience to their respective tasks.”

Conceding the complexity of the tasks, the Chief Justice did not define time limits for completion of either project but did emphasize that Justice Lamb and Judge Wettick have agreed to give it their immediate attention. The Administrative Office has already begun its review and relevant consultations.

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