

# NEW MEXICO INJURY ATTORNEY BLOG

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## **Simple Apology Can Avoid Medical Malpractice Lawsuits**

A new program in the University of Michigan Health System has significantly lowered the number of medical malpractice lawsuits. It is a remarkably simple program. Bloomberg Businessweek reports that the University of Michigan has found that doing the right thing by acknowledging and taking full responsibility for a medical error actually decreased its malpractice liability by 60 percent.

Much like the Texas program "Sorry Works," the University of Michigan has found that admitting an error, apologizing, taking steps to avoid similar future errors, and offering reasonable compensation for the patient's harm all go a long way toward heading off medical malpractice lawsuits.

This approach is in stark contrast to the traditional approach that is still practiced in most states and most hospitals. The traditional response to a medical error has been to deny everything and send the case to the insurance defense attorneys. In fact, this very approach has done more to stir medical malpractice lawsuits than anything plaintiffs or trial lawyers have done. Patients, and Americans generally, want people to take responsibility for their mistakes. This includes doctors and nurses. The very act of denying responsibility for clear medical errors is what drives many medical malpractice lawsuits.

There is no shortage of research illustrating the impact of honesty and responsibility in reducing medical malpractice lawsuits. The Texas "Sorry Works" program is a testament to those principles. Doing the right and moral thing reduces not only medical malpractice lawsuits, but other **personal injury lawsuits** as well. Unfortunately, the standard response to medical errors and personal injury claims generally is to begin the discourse with a flat denial of liability. Following the denial of responsibility, defense lawyers will often then attack the plaintiff's honesty and integrity. Contrary to popular belief, lawsuits are generally driven by insurance defense practices more than anything else.

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In stark contrast to the new practices of the University of Michigan and Texas "Sorry Works," as often as not, an injured plaintiff will run into a stone-walling insurance adjuster who will scratch and claw for every penny on the table. Then the adjuster and insurance industry as a whole with a wink and a nod will express outrage and disbelief that the plaintiff would contact an attorney. In the adjuster's perfect world, the insurance company would be allowed to continue to charge exorbitant and largely unjustified medical malpractice insurance premiums along with the many other varieties of liability policies without ever paying a single claim. For the rest of us, a simple apology and acceptance of responsibility would be a good start.

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