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EDITORIALS.

ORGANIZATION FOR MEDICAL DEFENSE.

Agitation in Minnesota regarding a Medical Defense Union seems likely to result in success. Very great commendation should be given Dr. Donald B. Pritchard of Winona, through whose efforts the subject was brought under discussion and through whose interest and industry the profession in Minnesota appears to have been brought to the point of really forming such an organization. The object of the Union is the defense of its members in alleged malpractice suits. Its membership is not to extend beyond the confines of the State and is of course limited to physicians of good repute, membership in a medical society possibly being a prerequisite. Naturally, in order to preserve its standing such an organization could not undertake the defense of genuine malpractice, nor indeed would it care to do so, but only of justly defensible cases, so many of which are merely blackmailing schemes. The suitability of a case for defense is to be decided by a Council; but in the instance of an unfavorable decision by that body the member may appeal to a committee of arbitration to be composed of three members, one chosen by the Union, one by the defendant and one by the members already chosen; and the decision of this com-

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mittee is to be final. If the case be found properly defensible the society will undertake all the expenses of the suit. No compromise whatever will be allowed and the defendant must agree to be guided in the defense absolutely by the society. The society does not attempt to pay the fine if an adverse verdict be rendered. In the first place, the knowledge of such an agreement would be likely to act as a stimulus to such suits with patients themselves and particularly with the lawyers that seek such cases as speculations; also it would be likely to influence a jury to find a verdict for the claimant and quite possibly a larger verdict than otherwise. However the society will spare no expense in fighting the case in the first instance and then, if an adverse verdict be found, will appeal the case to a higher court, where it would be likely to get a much fairer decision than with an average jury. Regarding fees, an initiation fee and annual dues were at first suggested; but we believe that the present plan is for each member to pay an initiation fee of five dollars and to pledge himself to pay ten dollars more when called upon to do so by the directors, though it is not expected that such an assessment will be necessary.

In Canada a similar plan is under discussion by the Medico-Chirurgical Society of Montreal. Their idea is to form a Defense Association of the entire Dominion through branch associations in each province. Their proposed arrangement as to fees is embraced in the following resolution, which we quote:

"That the conditions of membership shall be the payment of an entrance fee of \$5.00, and no subsequent regular annual fee, save if it be found at any time that the amount obtained from these entrance fees is insufficient to cover the cost of defending cases in any given year; that then the membership be assessed throughout the Dominion, the sum not to exceed two dollars (\$2.00) per annum. That failure to respond to this assessment within one month shall, *ipso facto*, remove said practitioner from membership and from benefits of such association, and for renewal of such membership the consent of the central council alone shall be effectual, and payment of entrance fee with assessment in arrears shall be required."

A Medical Defense Union has existed in London for several years. The solicitor's report of that organization for the year 1899, quoted by Dr. Fritchard, shows that every case tried during the year was won by the Union. In both 1898 and 1899 the membership was largely augmented, five hundred new members being added during the latter year. Of course more cases came under the consideration of the Council, but the deterrent effect of the Union is shown by the fact that

many of these collapsed at once on conveyance of the intimation that the Union would contest them; while the number of cases actually referred to the solicitor was forty-two less in 1898 than in 1897 and eighteen less in 1899 than in 1898; most of the cases thus referred, moreover, came to be "more or less of a solid character."

Doubtless ninety-nine men out of a hundred will go through their professional career without being confronted with a malpractice suit. But no one can tell whether he be the hundredth man or not; and even if the need for its services never occur, membership in such a union would give the sense of security that arises from being insured; there would be protection for all at a sum that is trifling for each one. Entirely aside from the benefit to the occasional unfortunate individual is the even more important deterrent influence that such an organization would exert, an influence already noted in the history of the London Union. Just as one successful suit against a physician leads to other suits, so another case, well "fought to a finish" and won by a society would exercise the contrary effect. If, then, such a society be known to exist and especially if its power be put to the test a few times, possible claimants would appreciate that none but a just case would win, and the lawyers that deal in such cases and advise such people would still more keenly realize that any attempt to intimidate a physician by threatening suit, and that any attempt to push an unjust case in the hope of a final favorable verdict, would alike be useless and in the latter case unduly expensive. The deterrent effect would also extend itself more or less to the sort of doctor that allows himself to become a witness for the prosecution in such cases.

Such a defense union of physicians appears to us at once one of the most progressive, wise, hopeful and necessary measures we have observed. Progressive, because it indicates a willingness among physicians to stand together; wise, because it is intended to forestall as well as remedy a growing evil; hopeful, because it is entirely practicable and seems really to have attracted the attention of a profession that, almost as little as any, is alive to its own interests, either collective or individual; necessary because no one can longer doubt that the evil is increasing, each case giving rise to others, till it has come to pass that the first thought of many a dissatisfied patient is a damage suit and the first anxiety of the physician, however blameless,\*the possibility of such a suit. In fact, it appears that in time the practice of medicine will become a luxury possible only to the independently rich; for, while the law graciously assumes to assume every man innocent till he be proved guilty, practically, he is forced to spend time and

money in proving himself innocent, repeatedly, perhaps, if the case be appealed.

No words of ours can add to the importance of this matter or emphasize the vital necessity of the issue. The thing speaks for itself. We do not, it is true, expect doctors to take a great deal of trouble about their welfare, but this matter involves no large expense or effort. There is no reason why any physician of good standing should not be a member of such a union if he will only do his part towards forming one in his locality. What each must do, however, is to give the matter his personal attention—to think over its details, to talk of it and write about it; very little good will accrue from saying heartily "That is a good idea," and directly forgetting it entirely.

A. D. C.

— think it a pity