

## Malpractice attorneys state their case

### Lawyers emphasize opposition to cap; policy hearing today

By **Mary Jo Feldstein**  
TRIBUNE STAFF WRITER

Diagnosed with cancer, Don Holling was told he had no choice. His kidney would need to be removed, and quickly.

After his operation, a biopsy found Mr. Holling's physician had been wrong — there was no sign of cancer.

"Never said he was sorry, never said anything. He just walked away," Mr. Holling, 47, said of the incident 11 years ago. He sued his physician. During a trial eight years later, the two parties reached a settlement that has been sealed.

The Hazleton man's story was one presented at a news conference Sunday, organized by the Committee for Justice for All, a group formed by Northeastern Pennsylvania attorneys.

The gathering at the Radisson at Lackawanna Station hotel was held to reaffirm the group's opposition to caps on malpractice damages and to criticize today's state House Republican Policy Committee hearing on rising medical malpractice insurance premiums. The hearing is set for 1 p.m. at Mercy Hospital, Scranton.

One of several hearings across the state, it's aimed at gathering



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evidence that the state constitutional amendment process should be sped up, so jury awards could be limited sooner.

The state's constitution prohibits such limits, and the amendment process could take three to five years. Many Republicans are asking Gov. Ed Rendell to declare a "state of emergency" so an amendment could be passed in as little as one year.

"Tomorrow's hearing is not

about gathering facts," Scranton attorney Melissa Scartelli said. "It is about making sure doctors and hospitals don't have to worry about malpractice lawsuits."

Physicians and many Republicans say capping the amount judges can award for non-economic or "pain and suffering" damages is crucial to lowering malpractice insurance rates. Attorneys and many Democrats say the limits are often ineffective and unfair to patients harmed by negligence.

Committee members are expected to hear testimony from several physicians, Mercy CEO Jim May, a Scranton man who has lost his physician, one injured patient and an attorney. Medical malpractice insurance companies will not be represented at the hearing.

"If the committee is truly dedi-

cated to gathering all the facts and proposing an effective solution to the so-called malpractice insurance crisis, why don't they want to give equal time to both sides?" Ms. Scartelli said Sunday. "We are armed with facts. Those who would limit the people's rights rely on hype and scare tactics."

"For the past few weeks, we've been urging Gov. Rendell to declare an emergency, but he has yet to do that despite compelling evidence that this situation has reached crisis levels," said State Rep. Katie True, R-Lancaster, in a statement issued after a hearing Friday in Lancaster.

Ken Snyder, a spokesman the governor, has said Mr. Rendell would "urge caution when tinkering with the constitution."

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## Council eyes curbs on clubs

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