

Med-Mal Insurer Says Doctors Win in 9 Out of 10 Trials

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October 20, 2015 | [1 Comments](#)

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For every jury that decides to give a patient money in a medical malpractice trial, nine juries go the other way, according to records kept by the largest provider of insurance for doctors and hospitals in the Southeast.

Atlanta-based MagMutual disclosed in its most recent annual report a win rate of 90 percent for cases that go to trial against its insured doctors, hospitals and medical facilities.

The company noted it won its 1,000th defense verdict last year.

More significantly, the cases that go to trial represent only a small percentage of lawsuits filed. "Historically, we have kept 95 percent of claims brought against our physicians and hospitals from going to trial," the company's 2014 report said.

In the 2013 report, the company's top two executives, Dr. Joseph Wilson Jr., chairman and CEO, and Neil Morrell, president and chief operating officer, wrote in a joint letter, "No one defends clinical judgment better than we do."

"We have successfully managed some 59,000 allegations against our physicians and hospitals," they added. The company, founded in 1982, operates in 10 Southeastern states and claims to be the largest malpractice insurance provider in the region and the fourth largest in the United States. The company reported \$1.6 billion in assets, \$243 million in premiums and \$45 million in net income for 2014.

The company also claims to have cut in half the risk of litigation for doctors and hospitals by pushing for higher medical standards and public policy favoring medical providers. "Our work to improve patient safety, enact tort reform and pass favorable legislation has reduced your risk of litigation and drastically cut the number of lawsuits," the annual report said.

MagMutual's data show why single victories by plaintiffs lawyers in medical malpractice cases are unusual, because they don't happen very often. Defense lawyers in the medical-malpractice realm have enjoyed win streaks lasting dozens of cases.

The long odds against them are well known to plaintiffs lawyers, who take their chances at trial when they have no settlement offer they consider reasonable, or no settlement offer at all, according to Brandon Taylor of Webb & Taylor in Peachtree City. Taylor handles med-mal cases for plaintiffs and also teaches litigation classes at Georgia State University law school.

Taylor said he recently settled a case in the middle of a trial against a doctor defended by MagMutual. The same lawyers in the case had beaten him the last time they met in court. He said the lawyers who defend Mag's doctors are professional and worthy adversaries.

"There is an old saying on the plaintiffs' side: try your good cases and settle your dogs," Taylor said. "But Mag has been exceedingly successful at persuading folks to do the opposite."

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