

PRACTICE TIPS: MEDICAL MALPRACTICE MEDIATION AND ARBITRATION

Practice Tips: MEDICAL MALPRACTICE MEDIATION AND ARBITRATION *on the horizon.*

I recently attended a mediation CLE in Philadelphia sponsored by the Pennsylvania Bar Institute in partnership with the Philadelphia Bar Association solely devoted to the mediations and arbitration of Pennsylvania Medical Malpractice claims presenting no less than 23 experts in the field, course planner, Harris T. Bock, Esquire, Director of the Dispute Resolution Institute in Philadelphia, exclusively to alternative dispute resolution following decades as a very successful litigator. While this article cannot hope to pass along topics discussed throughout the outstanding presentation, the message is clear - proofing the expanding success of medical malpractice mediation programs throughout the country, the mediations of these claims will one day be the rule and not the rare exception.

TOUTED BENEFITS TO MEDIATION:

- People think they are going to get to tell their story in Court. In mediation, they can.
- Mediation is “confidential”
- Mediation is not always about money but also includes “preserving relationships”
- The legal system does not address the victims - the matters of the heart
- In medical malpractice, people often sue because they can't find out what happened - merely wanting an apology.
- MCare - mediate with all defendants first reaching an agreement on accountability - then deal with plaintiff
- Make parties whole - not just compensation - apologies are healing for both. The human connection - to victims - opportunity - reconciliation
- Mediation - non-public - non-adversarial - not tied to litigation.
- Confidential - total black box.