
FOR IMMEDIATE RELEASE:
May 24, 2010

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ANOTHER FAILURE BY ILLINOIS COURTS

Illinois Supreme Court Denies Appeal for Rehearing of Constitutionality of 2005 Medical Lawsuit Reform Law

Chicago – Today Illinois’ Supreme Court *again* failed to protect patient access to health care when it denied an appeal to re-hear elements of the *Lebron v. Gottlieb Memorial Hospital* decision. Several organizations, including the Illinois State Medical Society (ISMS) and ISMIE Mutual, supported a rehearing because important precedent was ignored when the Illinois Supreme Court declared Illinois’ comprehensive medical liability reform law unconstitutional. Legal experts believe the Supreme Court ruled in error when it ignored precedent established in the 1960 case of *Siegall v. Solomon*. Under *Siegall*, the Supreme Court found that similar limits on pain and suffering damages were permissible when applied under the Alienation of Affection Act. The court ruled in February that pain and suffering limits in medical liability cases are not permissible.

“While we are disappointed, Illinois physicians aren’t really surprised the court failed to recognize the inconsistency” said ISMS President Steven M. Malkin, M.D. “Our system is broken. As a doctor I won’t treat myself when I am sick, so how can we count on our courts to take the necessary steps to heal themselves?”

“Until fair and comprehensive lawsuit reforms are enacted in Illinois, our patients will continue to pay the price” added ISMIE Mutual Chair Harold L. Jensen, M.D. “Flanked by liability concerns and many other pressures on our health care delivery system, physicians are struggling to be there for patients. Right now Illinois physicians are taking inventory of our options and we will be calling on patients soon to support us in efforts to restore fairness in our courts and keep doctors in Illinois.”

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*ISMS is a professional membership association representing 12,000 physicians practicing in all medical specialties statewide.
Dr. Malkin is an internal medicine specialist from Buffalo Grove.*

*ISMIE Mutual Insurance Company is the largest insurer of medical liability for Illinois physicians.
Dr. Jensen is an internal medicine specialist from Frankfort.*