



Michigan Medical Malpractice Lawyer Says 'I'm Sorry' Bill Should Not Harm Patients' Rights

Bloomfield Hills personal injury attorney Thomas L. Stroble says he supports open dialogue between health care providers and injured patients, but he warns against giving medical malpractice insurance companies an unfair advantage at the negotiating table.

Bloomfield Hills, MI (Vocus/PRWEB) March 19, 2011 -- [Michigan medical malpractice lawyer](#) Thomas L. Stroble gave “cautious support” today to a bill that would allow doctors, nurses and hospitals to express sympathy to harmed patients and their families without fear of the statement being used against them as an admission of fault.

The bill would make Michigan one of 36 states to have an “I’m sorry” law that applies to medical malpractice cases. The House passed a revised version of the Senate-approved bill, [S.B. 53](#), on March 17, which means it could become law within a matter of weeks.

“On one hand, it’s important for all parties in a [medical negligence](#) case to be able to engage in open, honest discussion, but on the other hand, I don’t want this to be misused by medical malpractice insurance companies in settlement negotiations,” said Stroble, a Bloomfield Hills personal injury attorney and founder of the Oakland County-based Stroble Law Firm, P.C.

“We need to ensure that we protect the rights of those who are harmed by serious medical errors, such as families that have to contend with emergency room errors, surgical mistakes, misdiagnoses and [birth injuries](#),” Stroble said.

Under the bill, any “statement, writing, or action” that expresses “sympathy, compassion, commiseration, or a general sense of benevolence” relating to the pain, suffering or death of an individual could not be admitted as evidence of an admission of liability in a medical malpractice action.

According to a Michigan Legislature analysis of the bill, it has received support from both the Michigan State Medical Society and – following a key revision – the Michigan Association for Justice. The revision will still allow the admission of any statement of fault, negligence or culpable conduct that is “part of or made in addition to” any statement of sympathy.

“That’s an important change, and that’s why I’m able to give cautious support for the bill,” Stroble said. “However, I’m still concerned that insurance companies will use this bill to argue that admissions of negligence by doctors, nurses, hospitals and other health care providers are instead so-called expressions of sympathy.

“Also, when you limit the evidence that can be brought against a negligent medical provider, it could become an issue when negotiating settlements during mediation, which is where most medical malpractice cases can and should be resolved.”

According to an article in Crain’s Detroit Business, “I’m sorry” policies currently are in place at several hospitals throughout Southeast Michigan, including the Henry Ford Health System, University of Michigan Health System and St. Joseph Mercy Health System (which is affiliated with Trinity Health). The hospitals said the policies have reduced medical malpractice expenses.



“It certainly improves relations when a negligent doctor or hospital shows compassion instead of staying silent or denying that any injury occurred,” Stroble said, “but that doesn’t change the fact that medical malpractice victims and their families need and deserve compensation for their expenses, ongoing treatment, therapy, rehabilitation, pain and suffering.”

About The Stroble Law Firm, P.C.

The Stroble Law Firm, P.C., is a full-service [Bloomfield Hills, MI, law firm](#) that represents medical malpractice victims and their families throughout the state of Michigan, including Macomb County, Oakland County, Warren, Clinton Township, Sterling Heights, St. Clair Shores, Mount Clemens, Utica, Roseville, Troy, Farmington Hills, Waterford, Southfield, Pontiac, Birmingham, Rochester Hills, West Bloomfield and Bloomfield Hills. The firm assists clients in cases involving brain injuries, birth injuries (including cerebral palsy), anesthesia errors, surgical errors, incorrect administration of medicine, emergency room errors, cancer misdiagnosis, C. difficile infections and nursing home neglect and abuse. To learn more about The Stroble Law Firm, P.C., call (248) 454-0800 or (888) 454-0801 or use the firm’s [online contact form](#).

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Contact Information

Thomas L. Stroble

The Stroble Law Firm, P.C.

<http://www.stroble.com>

(248) 454-0800

Mike Dayton

Consultwebs.com

<http://www.consultwebs.com>

(919) 880-1748

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