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**HEALTH POLICY EXPERTS CONCLUDE THAT HEALTH COURTS WILL
HAVE MAJOR ADVANTAGES FOR PATIENT SAFETY AND URGE THAT
DEMONSTRATION PROJECTS BE UNDERTAKEN**

**Findings Are Reported In Prominent Peer-Reviewed Journal,
*The Milbank Quarterly***

New York, NY – September 18, 2006 – In the latest issue of *The Milbank Quarterly*, the prominent peer-reviewed health care policy journal, four health care experts explore the idea of “health courts” and their potential implications for patient safety. They conclude that health courts “will have major advantages for patient safety,” and they urge that demonstration projects of health courts be undertaken as “a means of determining, at relatively low risk, whether the asserted benefits of health courts will materialize.”

The article, entitled “Health Courts and Accountability for Patient Safety,” describes current proposals for the design of a health court system and the system’s advantages for improving patient safety. It states that among those advantages are “the cultivation of a culture of transparency regarding medical errors and the creation of mechanisms to gather and analyze data on medical injuries.”

The article was written by four prominent health care experts:

- Michelle M. Mello, Associate Professor of Health Policy and Law, Harvard School of Public Health;
- David M. Studdert, Associate Professor of Law and Public Health, Harvard School of Public Health;
- Allen B. Kachalia, Associate Medical Director, Brigham and Women’s Physician Organization, Brigham and Women’s Hospital;
- Troyen A. Brennan, Professor of Health Policy and Management, Harvard School of Public Health (when this research was undertaken); now Chief Medical Officer for Aetna.

“This article is a major contribution to the public discussion of health courts,” said Philip K. Howard, Chair of Common Good. “Reliable courts are essential to align incentives to improve quality and contain costs. Medical justice today is ad hoc, infecting healthcare with a debilitating distrust that special health courts would be able to cure.”

Common Good, the bipartisan legal reform coalition, is currently leading the effort to develop models for special health courts in partnership with The Harvard School of

Public Health, with funding from The Robert Wood Johnson Foundation. The idea of special health courts has generated bipartisan support, as both U.S. Senate Majority Leader Bill Frist (R-TN) and the Progressive Policy Institute, known in the 1990s as President Clinton's "idea mill," have endorsed the concept. So have many renowned leaders in American health care, including patient safety experts, health care quality advocates, and deans of medical schools and schools of public health. Health courts were recently the focus of Congressional hearings in both the U.S. Senate and the U.S. House of Representatives, where bills to authorize health court pilot projects are currently pending.

Special health courts would be devoted exclusively to addressing health care issues, much as existing specialized courts focus on other areas of law: admiralty courts, tax courts, drug courts, bankruptcy courts, and administrative tribunals in areas ranging from workers' compensation to vaccine liability. The hallmark of special health courts would be full-time judges, trained in health care issues. These judges would define and interpret standards of care in malpractice cases, relying on neutral experts paid by the court and setting precedent from one case to another. Special health courts would ensure that patients injured by mistakes would be reliably compensated, without having to pay one third or more to lawyers.

Common Good is a bipartisan legal reform coalition dedicated to restoring common sense to American law. Its advisory board is composed of leaders in a wide range of fields: former government officials, including Howard Baker, Bill Bradley, Griffin Bell, Newt Gingrich, Eric Holder, George McGovern, Diane Ravitch, Alan Simpson, and Richard Thornburgh; current and former university presidents, including Bill Brody, Tom Kean, George Rupp, and John Silber; and numerous other leaders in education, healthcare, law, business, and public policy. The Chair of Common Good is Philip K. Howard, a lawyer and author of The Death of Common Sense and The Collapse of the Common Good.

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