

Why Are Medical Malpractice Settlements Confidential?



Medical Malpractice

A medical malpractice case occurs when a patient is injured through negligence or omission by a physician and a claim is filed. Most often, this type of claim will not go to trial, in which case the defendant and the plaintiff will reach a settlement.

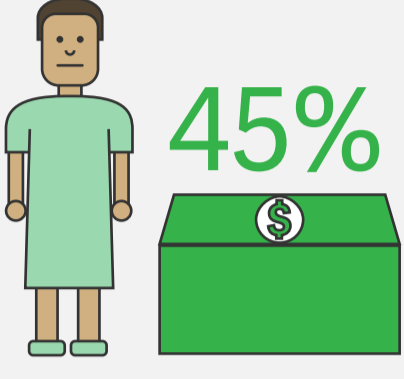
+90%

medical malpractice cases that settle out of court

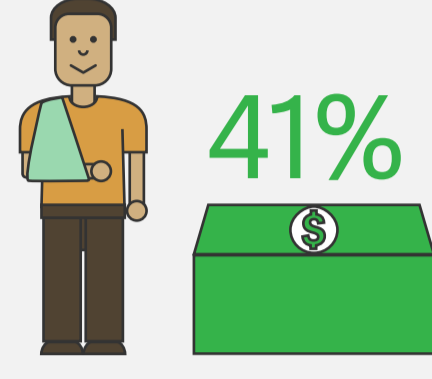
90%

settlements that close with no payment

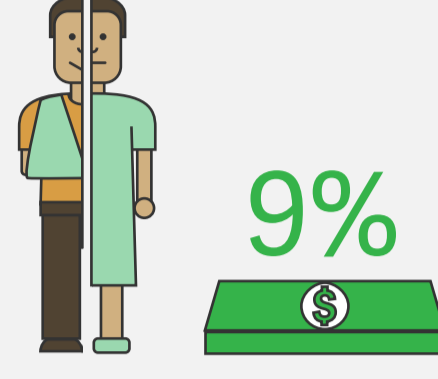
Payouts by Patient Type



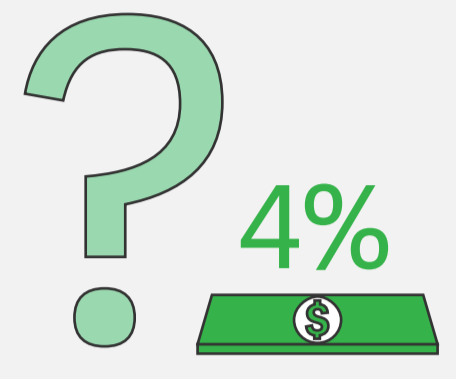
Inpatient



Outpatient



Both



Unknown

Types of Allegations for Medical Malpractice Claims



Diagnosis
33%



Surgery
24%



Treatment
18%



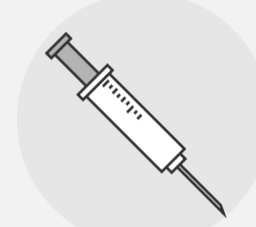
Obstetrics
11%



Medication
4%



Monitoring
3%



Anesthesia
3%



Other
4%

Primary Injury in Medical Malpractice cases



Death

22%



Organ damage/infection

8%

Other injury

5%



Brain or head injury

5%



Chronic pain

5%



Neck/back injury or pain

5%



Loss of sight/hearing

4%



Nerve damage, no paralysis

4%

Other

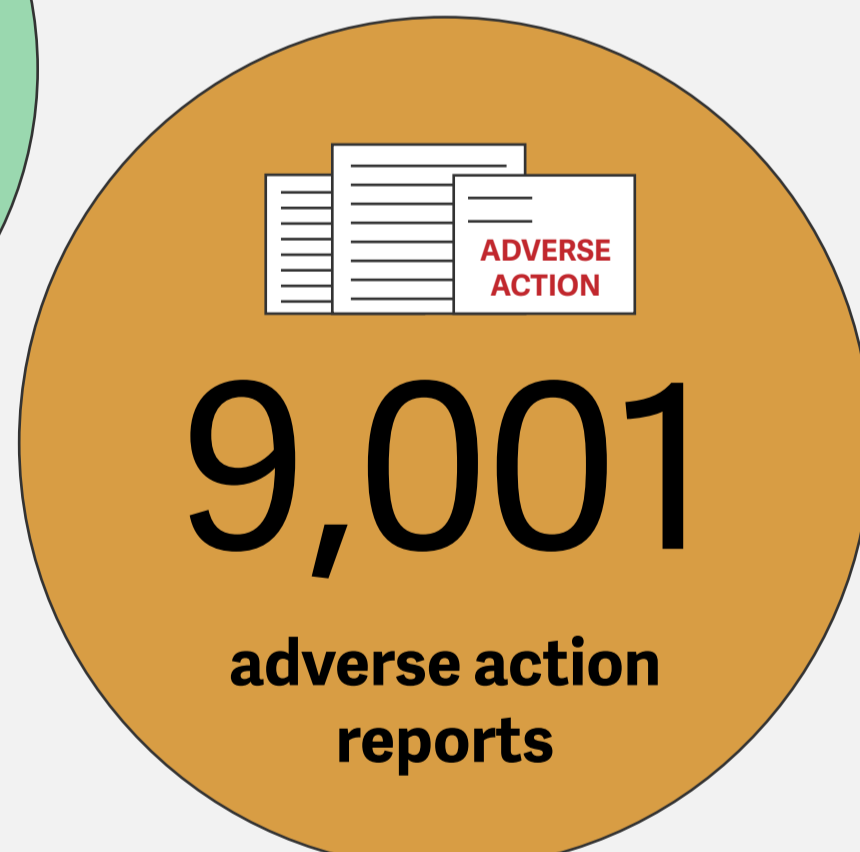
18%



Oregon by the Numbers: 2006 - 2016



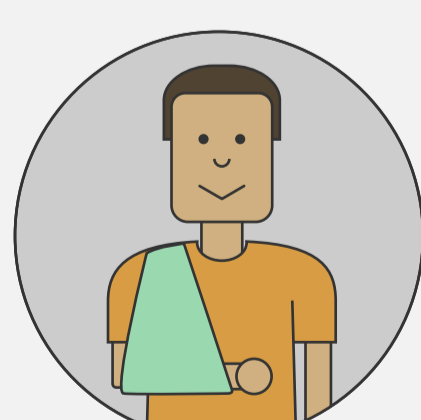
1,359
medical malpractice payment reports



Confidentiality Clause

Many medical malpractice settlement agreements include a confidentiality clause which prevents both parties from sharing the outcome of the settlement with anyone other than family members or financial advisors.

What are the benefits of confidentiality agreements?



Plaintiffs

- Without confidentiality, a defendant may push for a low settlement or take the case to trial
- Longer mediation periods or trial can be costly
- They want the details of their case to remain private



Defendants

- They don't want others to be encouraged to file medical malpractice claims for large payout amounts
- They want the details of their case to remain private



Insurance Companies

- Prevents public from knowing how much was paid out for certain medical malpractice injuries

Miller & Wagner, LLP has more experience handling medical malpractice cases than any other law firm in Oregon that represents injured patients.



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