

Academic Emergency Medicine Editor-in-Chief Pick of the Month

Proportionate Response

No other force carries a larger ratio of impact on daily practice, relative to the amount of scholarly study it receives, than medical malpractice. This month, [Gurley and colleagues](#) use a large insurer's database to dissect what medical malpractice cases "look like" for cases in which a resident is involved in the patient's care and named in the lawsuit, versus nonresident cases.

The results carry two surprises: First is a paradox in that the cases involving residents tended to be worse in severity (more likely to have an outcome of severe disability); yet resident cases paid out, on average, a third as much money. Second is the surprising finding that lawsuits involving residents were almost twice as likely to involve a cardiac problem.

These findings raise intriguing questions. Were plaintiffs or juries more forgiving of residents? What were the details of the cardiac cases that led to payouts (apparently the most common cardiac diagnosis was "pulmonary heart disease," perhaps implying that pulmonary embolism is still wreaking havoc). Also, the data suggest an over-representation of vascular procedures and problems with "technical skill" in lawsuits involving residents. This finding is hypothesis-generating, suggesting the possible role for a more check-listed approach, mandatory supervision, or ultrasound guidance to central lines.

What was not surprising about [Gurley, et al.'s data](#) is that the king cause of malpractice in both resident and nonresident cases remains *diagnostic error*, as has been found before. More work needs to be done, even at the descriptive level, to understand the frequency and content of malpractice in emergency care. A more proportionate academic response is needed for the scope of this problem.

This Pick of the Month (POTM) starts the conversation, presenting a slice of medical malpractice that should be compelling to both learners and teachers of emergency medicine.

Many of my POTMs involve humor, but not this one. Lawsuits perpetuate misery and generate no humor. Except this: What do you call 1,000 lawyers chained to the bottom of the ocean? A good start.

Okay, that is funny.

Best wishes,
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