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TO: MEMBERS OF THE LONG ISLAND JEWISH ORGANIZED MEDICAL STAFF

We are in the opening weeks of the New York Legislative session and it is an opportunity to forecast the issues which will affect the medical profession.

The interplay between medical service organizations and the practicing professional will, no doubt, be of interest to those governing the licensing process.

In the last two sessions we witnessed an attempt by the trial bar to expand the rights of others to claim pain and suffering and the like in cases involving alleged malpractice. The Executive branch vetoed such bills but it is quite clear the attempt has not vanished.

It could be that the entire issue of insurance- availability- the health of the market- the rising costs of insurance in general – will make it more difficult for the trial attorneys to be successful in expanding areas of liability.

A review of actions in other jurisdictions indicate a growing unease with liability and the costs reflective in the rising (soaring?) costs of all types of insurance ranging from not only professional coverage but the more basic needs which affect the general public, whether auto insurance or homeowners' policies. High costs equal high dissatisfaction resulting in high legislator discomfort.

Certain states have caps on malpractice judgments. Certain states have made it less profitable for attorneys handling general storm claims for damages. Certain states have initiated studies concerning the shrinking of viable insurance companies within their borders. New York State should be similarly concerned about a healthy market and not swim against the tide by approving legislation expanding liability. The coming months should be of great interest to us all.

Respectfully submitted,

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