

# Duke Law Journal

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VOLUME 1975

JANUARY

NUMBER 6

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## SYMPOSIUM ON MEDICAL MALPRACTICE

### PREFACE

The term "medical malpractice" has become an increasingly frightening one to patients, doctors, and insurers as well. In recent months, the spectre of physician strikes, astronomical damage awards, soaring liability insurance premiums, and allegations of poor-quality medical care have stirred debate in state legislatures, in the Congress, in the press, and in scholarly journals. The medical malpractice crisis is real, and the problems which created that crisis remain with us.

Much has been written, but because the issue is so large and has an impact on so many widely divergent interests, there has been no recent effort to integrate scholarly treatments of all major facets of this critical problem in one comprehensive package. Similarly, numerous publications have catalogued the efforts of state legislatures to deal with rising malpractice insurance premiums, but no attempt to analyze the legal and practical implications of those changes has been available. In this special Symposium, the *Duke Law Journal* seeks to bring together the thoughts of leading writers on the medical, legal, insurance, and sociological aspects of the medical malpractice dilemma. In addition, the staff of the *Journal* has surveyed and reviewed the numerous state enactments and proposals addressing the medical malpractice problem, has distilled from those documents the major categories of change implemented, and has discussed the efficacy and legal validity of each in a way which, it is hoped, will be helpful to those charged with finding a solution to the current crisis.

The *Duke Law Journal* is indebted to Professor Clark C. Havighurst, Director of Duke University's Program on Legal Issues in Health Care, for his guidance and the financial assistance he provided through Grant No. HS01539 from the National Center for Health Services Research, United States Department of Health, Education and Welfare.

