

**CALIFORNIA BAR JOURNAL**  
**OFFICIAL PUBLICATION OF THE STATE BAR OF CALIFORNIA**  
**AUGUST, 2010**

**LETTERS TO THE EDITOR**

**The power of an apology**

Diane Curtis refers to Harvard researcher David Studdert's survey finding that there is a 95 percent chance that total claims volume (and total direct costs of compensation) will increase with full disclosure policies (June). I applaud Studdert for shifting the conversation from one strictly focused on numbers of plaintiffs filing suit alleging medical error to one addressing disclosure and its impact on claims, although the survey results appear to be primarily speculative. I hope that the next survey focusing on claims after full disclosure can also address the tremendous future savings associated with the learning and systems improvements that result from full disclosure.

Curtis also refers to apology in the medical malpractice litigation arising from the death of James Woods' brother, Michael. That case resolved after grueling years of litigation and trial when the CEO of the hospital apologized. Woods had another tragic story of medical error in his family, one in which the physician had acknowledged error, apologized and showed the family the utmost respect. According to Woods, the family could have sued; in fact, the physician told them they probably should sue, but the acknowledgment, recognition, support and respect shown the family was all they wanted and needed. Imagine the emotional and financial savings, the healing and collaboration, that could have occurred in the Michael Woods case had there been acknowledgment and apology at the outset, rather than three plus years later.

**Kathleen Clark**

*Pleasant Hill*