

Conclusion

As the nation ponders the future of its health care system, much is at stake.

First, of course, is the quality of care that will be provided — not just to those who presently have access to health care coverage, but also to the millions now uninsured, and the millions more underinsured. The assault on the legal rights of malpractice victims — limiting their right to sue, restricting the jury's right to award full compensation, discouraging lawyers from representing victims of medical negligence and incompetence — will rapidly lower the standard of care, with devastating impact.

Capitulation to the anti-consumer agenda of the powerful AMA and the multi-billion dollar health insurance industry will lead, experts agree, to more malpractice, and more malpractice victims, expanding the numbers of innocent consumers swept up into a tragedy that is already of epidemic proportions.

The consequences reach far beyond the hundreds of thousands who will be victimized each year as a result.

When those to whom society entrusts the care of the ill and the weak demand to be freed of accountability and responsibility as the price of their work, the age-old, essential bond of respect and trust between doctor and patient is broken. In its stead will be a system of mercantile relationships, arranged primarily by political, not medical, forces, that will foster an unhealthy health care system.

One of democracy's most prized pillars, the civil justice system, is also at risk. Restrictions on the right of access of any American to justice are profoundly at odds with the historic tradition of the United States, evolved over two centuries of slowly and carefully-crafted law-giving, a system based, like democracy, on the individual: a juror, chosen from the community, to provide justice to another individual.

Once the powerful interest groups are permitted to throw their weight upon the delicately balanced scales of justice, victims of medical

malpractice will become only the first of a procession of Americans whose legal rights will be eviscerated in the name of financial gain or other ostensible benefits to corporate titans.

Ultimately, obstacles placed in the way of impartial and full justice violate the fundamental social contract upon which American democracy is based. Intrinsic to our national culture is the premise that government can only operate with the consent of the governed. That consent, in turn, has always reflected, if imperfectly, an embrace of the common good, of Americans helping Americans. The substitution of arbitrary, across-the-board injustice for individualized justice erodes the nature and quality of our respect and concern for our fellow human beings. It denigrates our dignity, and ultimately, democracy.

It is the responsibility of the present generation to protect the right of future generations to a safe, high quality health care system. Years from now, the nation's effort to reform the health care system will be judged not by whether the AMA was satisfied with the result, nor by whether the insurance industry was able to maintain its profits in the aftermath.

Rather, we will be judged by the quality of the health care system that we choose to construct from the debris of the present, dangerously inadequate, collapsing health care edifice. Protecting the fundamental legal rights of those who are least capable of protecting themselves — the victims of medical negligence and incompetence — is an essential element of genuine health care reform. It is also the legacy we owe our children.