



# Guam's Medical Malpractice Mandatory Arbitration Act

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# Why are Claims of Medical Malpractice Treated Differently?

- **To discourage meritless claims.**
  - Medical malpractice claims can be expensive to defend.
  - More claims can lead to higher premiums and/or reduced availability of insurance.

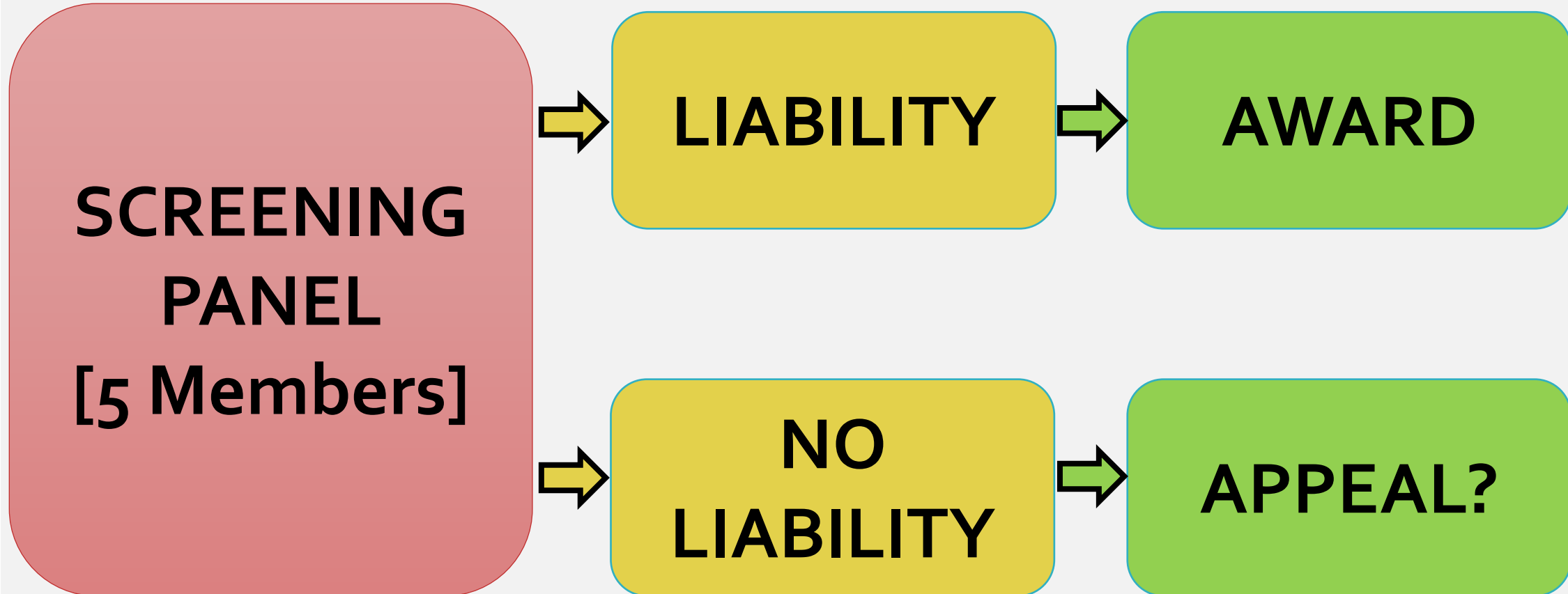
# Why are Claims of Medical Malpractice Treated Differently?

- To avoid reduced provision of medical services.
- Guam needs to encourage more doctors to practice here.
- Recruitment decisions can be affected by applicable law.

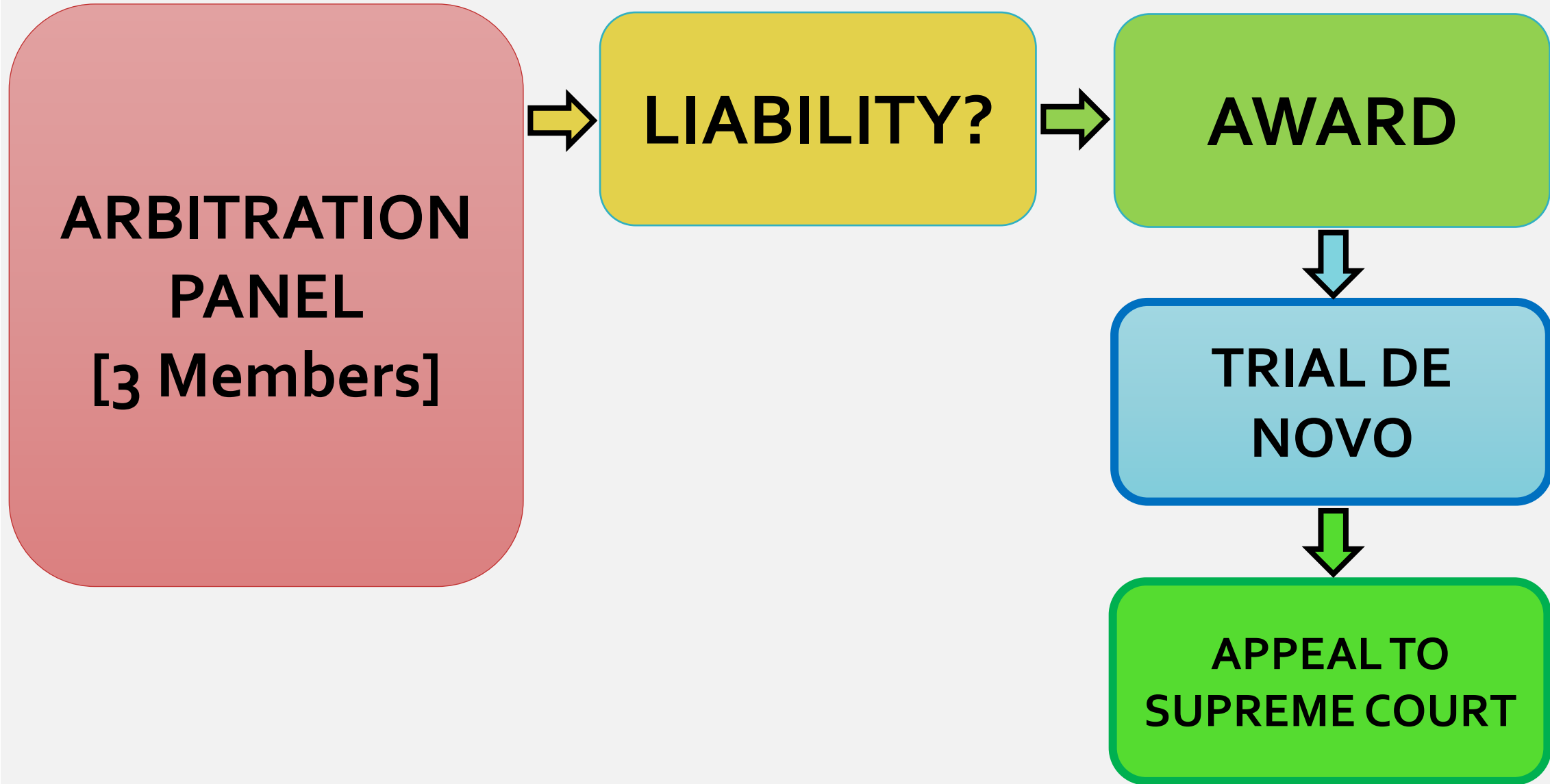
# Why are Claims of Medical Malpractice Treated Differently?

- To see that claims are resolved dispassionately on the facts and law rather than on sympathy.
- Perception: bad outcome = bad care
- Injured patient can be a very sympathetic claimant, unlike claimant against other professionals.

# FORMER GUAM LAW



# CURRENT GUAM LAW



# LIMITATIONS ON DAMAGES

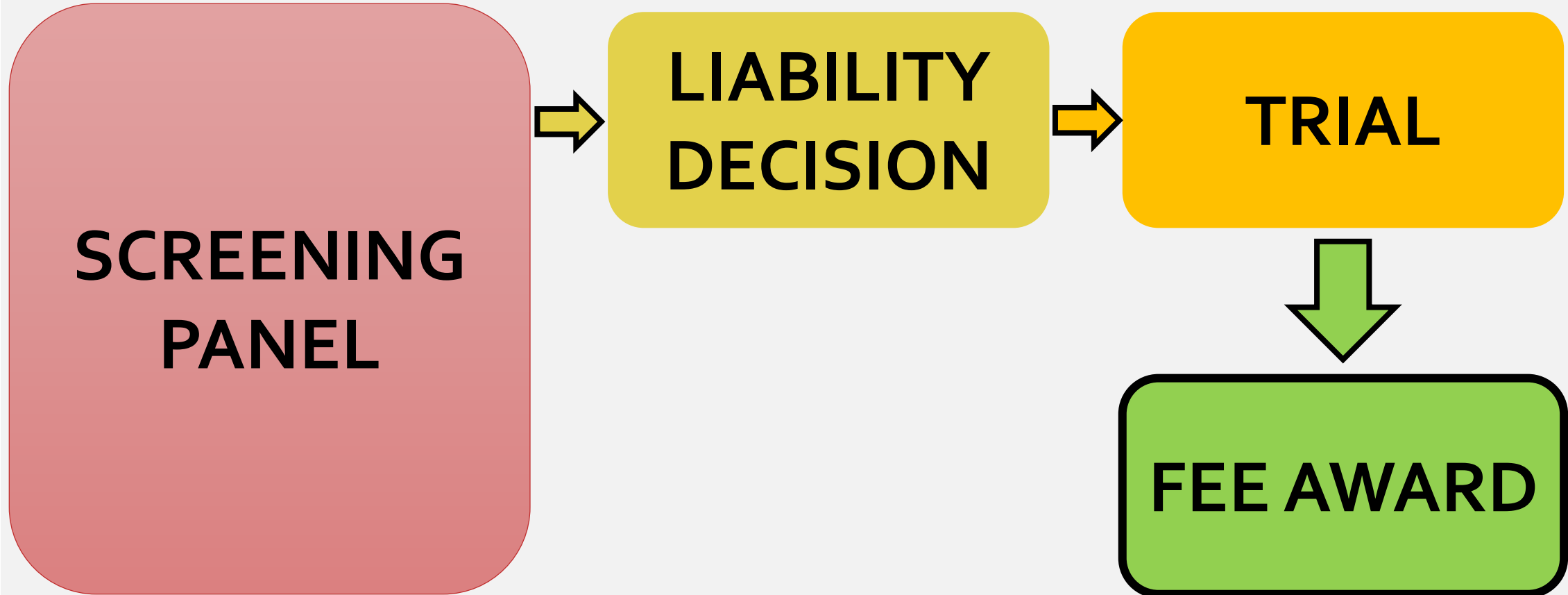
Hypothetical: \$300,000 Cap on Non-economic Damages

Jury Verdict: \$50,000 – Economic Damages  
\$1,000,000 – Non-economic Damages

Actual Award:



# SCREENING PANEL PROPOSAL








# Thank You

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