

Insights and Aspects of Justice, The Need for Medical Litigation.

Recently, cases of various forms of malpractice and medical litigation involving major pharmaceutical industries have inundated the front pages of the print and cyber media. Accusation after accusation has been thrown and filed in major U.S. and Canadian courts. The majority later proved clearly and sufficiently to be established with certainty. The issue of causation with product liability is of paramount importance. The significance of causation and assessment of damages in medical litigation and product liability seems to be as critical as the phenomena of pilfering, embezzlement, fraud, cheating, misreporting of adverse drug reactions to the FDA conducted by pharmaceutical companies. This misrepresentation is purposely intended to cover up and to pursue the massive promotional campaign aiming at massive financial gains.

Medical litigation and malpractice cases are known to be expensive, tedious, and time consuming. We should recognize and appreciate the fact that they help maintain a good standard of medical quality that a health care consumer expects. The litigious society we live in right now has made it possible for medical litigation and malpractice claims to resurface. Fen-Phen is probably the most popular example of product liability ever brought to justice in the US. Fen-Phen manufacturers, American Home Products, have allocated billions of U.S. Dollars to cover up its lawsuits. Other products like Propulsid, Lotronex, PPA, Rezulin, and Baycol litigations took place in both American and Canadian courts.

The manufacturers must begin to consider the utility and safety of their products along with the profitability in formulating their marketing strategies. Product liability litigation results have yielded safer products in today's marketplace. Most importantly, we must not allow manufacturers of products to have the mindset that it is cheaper to retain lobbyists to change civil remedy laws for torts than to make safer, more useful products especially as the FDA doesn't have the budget or mandate to be a total watchdog. Pharmaceutical companies escape this while they remain a member of society. I have, additionally, in the past, posed the rhetorical moral question as to whether, where state law neglects to apply the regime of punitive measures, have recourse to our demands for justice in other ways? This issue remains a pure legal question which is beyond my capacity as an epidemiologist to answer. There is a need for epidemiological studies in medical litigation and malpractice.

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