Patterns of Specialization in Medical Malpractice Among Contingency Fee Attorneys

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SUMMARY

Previous research and commentary have suggested that the American plaintiffs’ bar is heterogeneous, and populated by firms with a range of characteristics, portfolio management strategies, and client recruiting techniques. Medical malpractice has been characterized as a narrow specialty within an already specialized segment of the legal profession. The purpose of this study is to examine patterns of specialization among plaintiffs’ firms that handle medical malpractice cases or have an interest in doing so, using data from 965 plaintiffs’ attorneys who responded to a 2006 national survey. We find significant bivariate and multivariate associations between measures of specialization in medical malpractice and firm-level characteristics, including firm size, case-taking selectivity, use of dollar-value thresholds in screening cases, and fraction of clients living near the firms’ offices. Our results suggest that: (1) specialization in medical malpractice involves a somewhat different set of professional attributes than does specialization in plaintiff-side contingency work more generally; (2) specialization in medical malpractice is significantly associated with several of the firm-level characteristics listed above; but (3) specialization is nevertheless difficult to predict with any confidence from any of these characteristics, either singly or in combination.