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February 20, 2009

Mr. Ronald Carpenter, Clerk  
The Supreme Court of Washington  
Temple of Justice  
P. O. Box 40929  
Olympia, WA 98504-0929

Re: *Putman v. Wenatchee Valley Medical Center*  
Supreme Court No. 80888-1

Dear Mr. Carpenter:

In preparing for oral argument in this matter, scheduled for next Tuesday, February 24, 2009, I realized that there was an error on page 37 of my Brief of Respondent. The sentence in the last paragraph that reads, "Neither RCW 7.70.150 nor CR 11 requires an expert" should read:

Unlike RCW 7.70.150, CR 11 does not require an expert.

The error was obvious given the content of the rest of the paragraph, but in an excess of caution, I ask that the court be advised of the correction. An errata page is enclosed for the court and counsel. We apologize for any inconvenience.

Thank you.

Very truly yours,

REED McCLURE



Pamela A. Okano

cc: Counsel of Record (w/ enc.)

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SUPREME COURT  
STATE OF WASHINGTON  
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BY RONALD R. CARPENTER  
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MALPRACTICE & THE U.S. HEALTH CARE. SYSTEM 84, 86 (2006 ed. W. Sage & R. Kersh).

Plaintiff quotes Lewis-Idema as discounting the effect the liability system has on the supply of doctors in rural areas. (Brief of Appellant 35 n.20) But the article cited does not contain the “quote” plaintiff says it does. Indeed, Lewis-Idema says exactly the opposite:

Although the causal relationship among malpractice issues, changes in obstetrical practices, and access to care for low-income women and rural women cannot be precisely documented with the available data, the weight of the evidence is in one direction. *It is reasonable to conclude that access to care for Medicaid and other low-income women is being affected by changes in obstetrical practice generated by professional liability concerns.*

*Id.* at 87 (emphasis in original).

Plaintiff’s claim that RCW 7.70.150 is redundant is meritless. Unlike RCW 7.70.150, CR 11 does not require an expert. While many experienced medical malpractice attorneys retain an expert to evaluate their cases before filing, “[a] sizable number”—perhaps almost 40%—of malpractice cases are brought by lawyers who are not specialists in the area. C. Struve, *Improving the Medical Malpractice Litigation Process*, 23 HEALTH AFFAIRS 33, 34 (Jul/Aug 2004); T. Metzloff, *Resolving Malpractice Disputes: Imaging the Jury’s Shadow*, 54 WTR LAW & CONTEMPORARY PROBLEMS 43, 75 (Winter 1991). By requiring these