



Admitted in
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Suffolk Life Newspapers
P.O. Box 9167
Riverhead, NY 11901-9167
Attn: Editor

RE: **"When The Doctors Quit" (2/5/03)**

Dear Mr. Willmott:

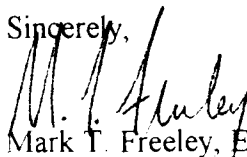
I feel compelled to respond to your article entitled "When The Doctors Quit" which appeared in Suffolk Life on February 5, 2003. Although you write of "monstrous judgments handed down by juries for pain and suffering and loss of income...", you fail to mention that many large verdicts (or judgments) are almost always reduced by the trial judge and/or by the appellate courts on appeal. You also write of "punitive damages running into the hundred of millions...." Not only are punitive damage awards extremely rare, they too are usually reduced by the Courts. In fact in practicing law for nearly fifteen (15) years, neither I nor any lawyer that I know has ever received a punitive damage award from a jury. Moreover, punitive damage awards are typically not covered by insurance policies and thus Insurance Companies rarely if ever pay out on a punitive damage award.

Finally, you state that "the biggest beneficiaries of these huge verdicts are lawyers. These attorneys usually work on a commission or percentage basis.....usually 30% to 40% of the final verdict." In New York State most if not all attorneys that help injured people with a lawsuit work on a contingency fee basis. This is basically on a risk basis, for if the lawsuit is not successful we are not compensated for our extensive time and effort. Further, the law in New York State requires a sliding scale contingency fee retainer of the following:

- 30% on 1st \$250,000.00
- 25% on next \$250,000.00
- 20% on next \$500,000.00
- 15% on next \$250,000.00.

Clearly attorneys are not receiving 40% of the verdicts. Moreover, before a legal action can ever be commenced against a doctor, the pertinent medical records must be reviewed by another physician who must state that there is a valid basis to bring a malpractice action. In light of the above do you see any reason for a lawyer to bring a frivolous" action? I don't.

Sincerely,


Mark T. Freeley, Esq.