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# **An Empirical Study of Medical Malpractice Judgments from District Criminal Courts in Taiwan: 2000-2010**

Pang-Yang Liu<sup>\*</sup>

## Abstract

Recently, the debate on decriminalization of medical malpractice has received mounting attentions in both medical and law communities. An increasing number of studies try to analyze different aspects of the issue for future criminal law revision. However, the existing literature focuses mainly on theoretical discussion. Of the limited legal empirical studies, they are mostly limited in study scope and number of cases analyzed. Due to the limitations in study scope and size, previous findings may not reflect the true picture of medical malpractice lawsuits in Taiwan over time. Therefore, we aimed to conduct a population-based study to analyze characteristics, process, and court decisions of medical malpractice lawsuits in Taiwan.

The “Law Bank” database was used to search all the district criminal court’s medical malpractice judgments from 21 district courts in Taiwan during the period of January 1st, 2000 to June 30th, 2010. Exclusion criteria were applied. A total of 277 eligible cases and 380 physician-defendants were included. Contents of each court judgment were analyzed and description statistical methods were applied.

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<sup>\*</sup> Ph.D. Student, Department of Law, National Taipei University; Master of Science, National Yang-Ming University.

Factors affecting judgment was revealed by chi-square test and logistic regression analysis.

In general, medical malpractice lawsuits had a low conviction rate, the punishment tended to be trivial, and when patient hurt from medical malpractice accidents, they preferred to use private prosecution procedure.

**Keywords:** Medical Malpractice, Legal Empirical Study, Private Prosecution, Conviction Rate