

How data-driven risk reduction protects providers and patients

Medical malpractice claims are more common than many realize, and they carry serious consequences for patients and providers alike. These claims allege that a healthcare provider's negligence caused harm, whether through an error in diagnosis, treatment, or procedure.

As of 2022, more than one-third of physicians have reported being sued at least once in their careers.¹ The longer a physician has been practicing, the greater their risk: Almost half (47%) of doctors aged 55 and older have been sued, compared to just 9.5% of those under 40.¹ Specialty choice adds another layer of exposure. Obstetrician/gynecologists (ob/gyns) and general surgeons top the list of high-risk fields.¹ For example, more than 75% of ob/gyns over 55 have been sued, while only 27.7% of pediatricians report similar experiences.¹

These numbers underscore why proactive risk reduction is essential, not only to reduce liability but also to minimize adverse outcomes.

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PUBLISHED

February 2026

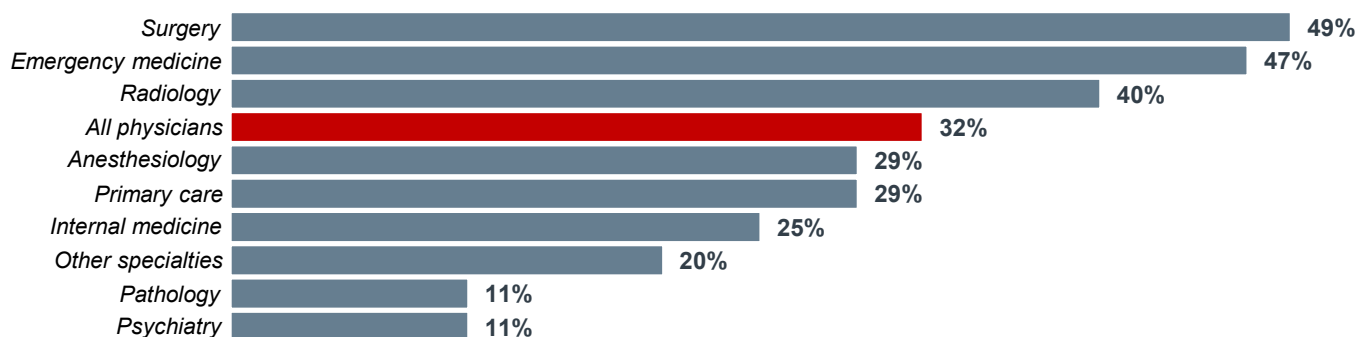
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Frequency of medical liability claims by physician specialty, 2020–2022

Sued in career to date (%)



Source: Guardado JR. Policy Research Perspectives: Medical Liability Claim Frequency Among U.S. Physicians. American Medical Association. April 2023.

Risk reduction builds on clinical practice guidelines

Clinical practice guidelines (CPGs) are the foundation of evidence-based medicine. Developed through rigorous, systematic methodology, they outline standardized steps for diagnosis and treatment to improve consistency and quality of care.^{2,3} CPGs come from trusted sources such as government agencies and specialty societies, and they help clinicians deliver care that aligns with best practices.^{2,3} For example, guidelines for chronic conditions often specify diagnostic criteria, recommended treatment options, and follow-up intervals to ensure optimal outcomes.

However, CPGs have a critical limitation: They don't address malpractice liability drivers or operational vulnerabilities that can lead to litigation.² Risk reduction guidance fills that gap. Building on CPGs, it targets areas of greatest liability exposure by using malpractice claims data to identify patterns that contribute to adverse outcomes.^{2,4} This guidance covers key areas such as documentation, communication, and operational consistency.^{2,4} For example, risk reduction guidance may recommend structured protocols for documenting patient consent and ensuring timely follow-up on test results — steps that can prevent misunderstandings and reduce the likelihood of claims.

Clinical practice guidelines (CPGs)	Risk reduction guidance
<ul style="list-style-type: none"> • Provide evidence-based standards for diagnosis and treatment • Developed by trusted sources to ensure consistency and quality of care • Align clinical decisions with best practices 	<ul style="list-style-type: none"> • Supplements CPGs to address malpractice risk and operational gaps • Uses claims data to identify high-liability clinical and administrative risks • Reduces litigation risk and improves workflow consistency and claim defensibility

Why risk reduction guidance is essential

Even when physicians follow CPGs, malpractice liability doesn't disappear. Guidelines are designed to standardize care and improve outcomes, but they don't address the operational gaps that often lead to claims. Common risk factors include:^{2,5}

- **Communication breakdowns:** Misunderstandings between providers, staff, and patients can result in missed information or unclear instructions.
- **Missed follow-ups:** Failure to track diagnostic tests, referrals, or patient compliance creates gaps in care that can escalate into claims.
- **Systemic issues:** Inefficient workflows, inadequate documentation, and lack of standardized protocols for high-risk scenarios increase exposure.

The impact of malpractice claims goes far beyond the courtroom. Financial strain from legal defense costs and indemnity payments can disrupt practice operations. A single claim can damage a provider's reputation, eroding patient trust and professional standing.² The emotional toll is equally serious. Litigation stress often leads to burnout, and in some cases what experts call "medical malpractice stress syndrome," which can affect both personal well-being and clinical performance.^{6,7}

Risk reduction guidance is essential because it proactively addresses these vulnerabilities. By analyzing malpractice claims data, it identifies high-risk scenarios and offers practical steps to reduce exposure.² More importantly, it fosters a culture of accountability and continuous improvement, enhancing patient safety while reducing liability risk for providers.²

How MagMutual's risk reduction guidance can help providers

MagMutual, through their own risk consultancy, MyAdvice, supplies healthcare providers with robust, data-driven resources to help mitigate malpractice liability. At the core is one of the largest searchable databases of claims, billing, and procedure data available in the country. Providers can also access specialty- and state-specific risk reports that analyze top risk drivers for 28 different specialties, including ob/gyn, internal medicine, emergency medicine, pediatrics, and surgery.

Specialty risk mitigation reports

Each report breaks down the most common and costly types of claims for per specialty. For example, the ob/gyn report identifies key presenting medical conditions and adverse outcomes.⁸ Specialty risk mitigation reports also offer practical solutions that doctors and their teams can use right away, such as:

- **Standardized checklists and documentation:** Checklists for high-risk scenarios (e.g., shoulder dystocia, postpartum hemorrhage) ensure comprehensive, streamlined documentation of clinical findings and interventions.
- **Simulation training and team-based drills:** Regular simulation exercises allow teams to practice emergency responses and refine communication protocols, reducing the likelihood of errors during critical events.
- **Enhanced communication:** Clear and timely communication during handoffs and informed-consent discussions, including debriefs after unscheduled procedures, support safer care and maintains patient trust.
- **Clinical decision support:** CPGs associated with common malpractice-risk drivers, along with other evidence-based tools (e.g., ACOG algorithms for labor and delivery) and real-time monitoring, help support timely interventions.

The MyAdvice by MagMutual Risk Mitigation Report for each specialty is **available for download**, offering additional strategies to reduce risk in the top areas where claims occur.

Risk environment reports

The MyAdvice by MagMutual national and state-level reports reveal how local factors (e.g., urbanization, attorney marketing, and legislative changes) impact claim frequency and severity. For example, California has experienced a sharp rise in legal services advertising, with more than \$238 million spent in 2023 alone, a trend that may increase claimant awareness and pressure on malpractice filings.⁹ Meanwhile, Georgia's 2025 tort reforms revised how medical damages are calculated and limited certain lawsuit practices to reduce costs and improve predictability for providers and insurers.⁹

Providers who use MagMutual's risk mitigation tools see measurable benefits. According to internal analysis, engaging with these resources leads to a significant reduction in malpractice losses overall. Providers who completed four or more courses focused on malpractice risk drivers were associated with a 25% reduction in loss costs and a 20% reduction in loss frequency. By combining specialty-specific insights with practical strategies, MyAdvice helps providers not only reduce liability but also improve patient safety and confidence in their care.

76%

The percent of MagMutual policyholders who plan to implement recommended strategies from risk mitigation reports into their practice.¹⁰

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Endnotes

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