



Leight v. University of Pittsburgh Physicians (Pa. S. Ct.)

Topics Covered: Abusive Litigation Against Physicians

Issue

The issue in this appeal is whether physicians who cared for a mentally ill patient, including recommendations that the patient receive psychiatric care, but who did not involuntarily commit the patient, owed a duty to the general public under the Pennsylvania Mental Health Procedures Act (MHPA) to protect against the patient's violent acts.

AMA Interest

The AMA supports efforts to curb lawsuit abuse against physicians.

Case Summary

Beginning in June 2011, John Shick, a thirty-year-old living alone in Pittsburgh, Pennsylvania had received outpatient medical care from numerous physicians, in various medical specialties, employed by University of Pittsburgh Physicians (UPP) and the University of Pittsburgh (Pitt). Although the physicians were not psychiatrists, many of them had strongly encouraged Shick to seek psychiatric treatment. None, however, initiated an involuntarily commitment proceeding.

On March 12, 2012, Shick randomly shot various persons in the lobby of the Western Psychiatric Institute and Clinic (WPIC). In addition to his own death, he killed one other person and injured several others. One of the injured persons was Kathryn Leight, a WPIC receptionist.

In the trial court, Leight and her husband alleged that the physicians knew or should have known—based upon observations and review of past medical records—that Shick was severely mentally disabled and in need of immediate treatment. The plaintiffs further set forth claims for vicarious liability and corporate negligence against UPP and Pitt for their alleged failure to “take [Shick] to Western Psych for an involuntary emergency examination” and to complete an application for involuntary commitment. Their claims were founded on alleged violations of the MHPA.

The trial court dismissed Plaintiffs' lawsuit, reasoning that the MHPA does not apply because the physicians never applied to have Shick involuntarily examined and/or treated, and Shick was a voluntary outpatient. The Superior Court (an intermediate level appellate court) affirmed the dismissal.

The Leights appealed to the Pennsylvania Supreme Court.

Litigation Center Involvement

The Litigation Center, along with the Pennsylvania Medical Society, filed an *amicus* brief to support the defendants. The brief urged a narrow reading of the MHPA.

Supreme Court of Pennsylvania brief