



Putman v. Wenatchee Valley Medical Center, 216 P.3d 375 (Wash. 2009)

Topics Covered: Affidavit of Merit, Certificate of Merit

Outcome: Very Unfavorable

Issue

The issue in this case is whether the Washington certificate of merit statute is constitutional.

AMA Interest

The AMA supports laws requiring certificates of merit as conditions for filing medical malpractice cases.

Case Summary

Kimme Putman sued Wenatchee Valley Medical Clinic and three of its physicians for medical malpractice. When she filed her suit, Ms. Putman filed certificates of merit against two of the three physician defendants. She then voluntarily dismissed the third physician defendant.

The medical clinic moved to dismiss the claims against it, contending that a certificate of merit should have been filed regarding each individual whose conduct formed the basis of the vicarious liability claims against it. The trial court specifically upheld the constitutionality of the certificate of merit statute, and it certified the immediate appealability of its order.

Ms. Putman appealed, and her case was sent directly to the Washington Supreme Court, bypassing the Court of Appeals.

The Washington Supreme Court reversed, striking down the certificate of merit law. It held that the law unduly burdened Ms. Putman's right of access to the courts and, because it conflicted with procedural court rules, violated the separation of powers requirement.

Litigation Center Involvement

The Litigation Center, along with the Washington State Medical Association filed an amicus curiae brief in the Washington Supreme Court supporting Wenatchee Valley Medical Center.

Supreme Court of the State of Washington brief