

Richard C. Civerolo  
Lawrence H. Hill  
Robert J. Curtis  
Roberto C. Armijo  
Lisa Entress Pullen  
Lance D. Richards  
Megan Day Hill

Civerolo, Gralow, Hill & Curtis

A Professional Association  
Counselors & Attorneys At Law

Edward F. Messett  
Kallie D. Kuehl  
Josh E. Eden  
Of Counsel -  
William P. Gralow  
Special Counsel -  
M. Clea Gutterson

December 31, 2009

Ms. Christine Morganti  
Director of Membership & Communications  
State Bar of New Mexico  
5121 Masthead NE  
P.O. Box 92860  
Albuquerque, New Mexico 87199-2860

Re: 2009 State Bar of New Mexico Medical Review Commission

Dear Ms. Morganti:

In accordance with my annual reporting of the New Mexico Bar Association Medical Review Commission, I submit the following

The New Mexico Medical Review Commission was created by Section 41-5-14 of the New Mexico Medical Malpractice Act and was enacted in 1976. The Medical Malpractice Act mandates the screening of all applications of alleged medical malpractice against a qualified medical provider by the Medical Review Commission. This section provides for three panel members from the medical profession and three panel members from the State Bar Association to sit as a panel to review each application submitted to the Medical Review Commission. It is the function of the chairman appointed by the State Bar Association to select three attorneys who volunteer to serve on any particular panel, and the function of the chairman, appointed by the New Mexico Medical Society, to select three physicians to sit on the same panel. The New Mexico Medical Malpractice Act requires that an application must be filed with, and resolved by, the commission before a claimant can pursue the matter in a court of law. The State Bar of New Mexico formed the New Mexico Medical Review Committee to select the attorneys to perform the functions and responsibilities of the State Bar in complying with the provisions of the Medical Malpractice Act.

This committee does not function in the same capacity or same manner as some of the other committees of the State Bar, in that it does not have regular meetings or an agenda but depends upon the number of petitions filed and exercises the selection of those members who have volunteered to serve for a particular panel hearing.

This committee is one of the largest committees of the State Bar, as to the number of volunteers, and functions in cooperation with the New Mexico Medical Society and, as explained to the State Bar Association in previous communication, the selection of the panel members is the function of the committee chairman, the administrative functions are furnished by members

Ms. Christine Morganti  
December 31, 2009  
Page 2

of the New Mexico Medical Society administrative staff. According to the records of the New Mexico Medical Society administration, 109 petitions or applications were submitted for review in 2009, 96 panel hearings have been held, and 35 applications are pending for panel hearings. I selected, as required by the rules and policies of the New Mexico Medical Review Commission, 6 attorneys to serve for each petition and to serve on the panel. 654 attorneys were selected to serve on the panels. Of the 96 panel hearings, 3 attorneys appeared for each panel hearing for a total of 288 attorneys that devoted a minimum of 4 hours each for these panel hearings.

Three lawyers volunteering their time for each panel hearing means that approximately 288 attorneys licensed to practice in the State of New Mexico have volunteered their services during 2009, along with three physicians in order to comply with the provisions of the Act. Because of time constraints, reviewing material prior to the hearing, travel time, as well as the approximate average of 4 hours per panel hearing and deliberation, the committee members devoted approximately 1,152 hours of their time, effort and expertise in volunteering their services in 2009 to fulfill their obligation as volunteer members of this committee.

As long as I have been Chairman of this committee, we have not submitted a budget because such a budget is unnecessary in carrying out the function of the committee. Receiving, reviewing and selecting panel members is performed by me and members of my staff, and the individual volunteers who appear at the panel hearing absorb all of the expenses incident to preparing and attending the hearings.

If there is any further information that you require, kindly advise.

Very truly yours,

CIVEROLO, GRALOW, HILL & CURTIS  
A Professional Association



Richard C. Civerolo  
Chairman

RCC/mw  
Enclosure

T:\00300\00355\00355-00001\State Bar Committee Reports 2009\Morganti Letter re Medical Review Commission 2009 Report.doc