

# MACKIN & COMPANY

Robert E. Mackin

*BY EMAIL, HARD COPY TO FOLLOW*

January 18, 2007

Ms. Rae Taylor  
Property and Casualty Actuary  
Department of Consumer and Business Services  
Insurance Division  
350 Winter Street NE, Room 440  
Salem, Oregon 97301

Dear Ms. Taylor,

I write to you in connection with your duties relative to the NAIC Statistical Information Task Force (SITF). As I mentioned to you in San Antonio, Mackin & Company represents NORCAL Mutual Insurance Company of California with regard to the work of the SITF. This letter follows up on my promise to write to you relative to my statement at the SITF meeting in San Antonio on December 10.

This letter will comment briefly on the work of the SITF and the draft medical malpractice data base model law presented in San Antonio. We will have more detailed comments at a later date.

With regard to the draft model law, it was our understanding that, in developing a claims data base, the goal was to collect information in the aggregate state by state. It was our thought that this would be far more useful and less burdensome in responding to public policy questions than collecting information on an individual claim basis.

Let me also say, as I did in San Antonio, the NAIC would perform a great public service by advancing beyond closed claims to obtain information that would help answer questions from Congress and state legislators. I respectfully suggest that you seek information that provides a basis for analysis of the medical malpractice market, e.g., impact of tort reform, reinsurance, market concentration, and reserving. The availability of such information would help provide a more comprehensive picture of the med mal market and discourage cherry picking of data. The comprehensive list of public policy questions found in the SITF working document circulated for comment several months ago would be a good starting point. We can also suggest the SITF consider the list of questions presented by the GAO to the NAIC and individual companies in 2002 in response to a request by Representatives Sensenbrenner, Tauzin, Chabot, and Barr for a report from GAO on the health of the medical liability insurance market in the United States. We would be pleased to send you these documents if not readily available to you.

I look forward to our further discussions and I thank you for your time in considering this. Please contact me at any time if you have any questions.

Most sincerely yours,

A handwritten signature in cursive script that reads "Bob Mackin".

Bob Mackin

Cc: SITF Task Force Members  
Eric Nordman, NAIC Staff