



Arthur P. Simpson

Simpson & Deardorff, S.C.

Wisconsin's
LEADERS
in the **LAW**
2008

Simpson challenges medical billing status quo

A leader in the insurance defense bar, Arthur P. Simpson, of Simpson & Deardorff, S.C., has recently revolutionized the way medical expenses are determined in personal injury actions.

Simpson has taken the lead in challenging what he views as “fantasy billing” by health care providers



You can't live in the present; you must look to the future in everything.

— sending bills for medical services, without any expectation of actually collecting the full amount billed.

In recent years, insurers generally pay only about 60 percent of what they are billed, according to Simpson. In his view, the amount actually paid by insurers is a more accurate reflection of the reasonable value of the services, and the amount originally billed constitutes little more than an “initial offer.”

Therefore, the amount actually paid should be admissible evidence at trial on the issue of the reasonable value of the plaintiff's damages.

Simpson compared the damage issue to one in which an automo-

bile is repaired — if the mechanic billed one amount for the repairs, but accepted a lower amount as payment in full, the amount of the actual payment would be the best evidence of the reasonable value of the services.

Simpson took that argument to the Wisconsin Supreme Court recently, but lost. The court held that the collateral source rule prohibits the evidence.

Undeterred by the decision, Simpson has moved on to successfully argue in trial courts that neither the amounts billed, nor the amounts paid, should be admitted; instead, both parties present a qualified individual to testify to the reasonable value of the services.

Ironically, he notes, verdicts are generally very similar to what the private insurers actually paid.

But challenging the status quo on the method of calculating medical expenses is but one of Simpson's significant contribution to civil litigation in Wisconsin. He has argued 12 cases in the Supreme Court concerning insurance coverage or tort liability.

Besides being a leader in the insurance defense bar, Simpson is also a leader in developing young

INSIGHT:

Law School: University of Wisconsin, 1980

Achievement: Innovations in calculating the reasonable value of medical services in personal injury cases; taking 12 insurance coverage or tort liability cases to the Supreme Court.

attorneys. Since founding Simpson & Deardorff in 2000, with two attorneys, the firm now has four partners and four associates.

Simpson stated, “We want to bring talented people into the firm, and develop young lawyers to service clients as quickly as possible. You can't live in the present; you must look to the future in everything.”

Consistent with this philosophy, Michelle Johnson, a 2003 graduate, has already been promoted from a firm associate to partner this past year. Simpson doesn't simply talk about advancing the careers of young attorneys, but actually makes progress.

— David Ziemer