

For Frosh, pain of ethics complaint lingers

by Catherine Dolinski

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ANNAPOLIS — The fact that the General Assembly's ethics committee has cleared Sen. Brian E. Frosh of conflict-of-interest allegations does not lessen the pain of being accused of wrongdoing, the senator said this week.

In May, Audrey P. Corson of Bethesda, an internist in Frosh's district, complained to the Joint Committee on Legislative Ethics that Frosh (D-Dist. 16) of Bethesda acted unethically when he killed a medical malpractice tort reform proposal during this year's legislative session.

Frosh, a lawyer at a Rockville firm that represents malpractice plaintiffs, chairs the Senate Judicial Proceedings Committee, to which the bill had been assigned. Corson said the bill, which was supported by doctors but opposed by trial lawyers, would have reduced the costs of medical malpractice insurance by capping pain and suffering awards.

The ethics committee does not release the results of its investigations, but Corson and Frosh confirmed this week that the committee dismissed the complaint in June.

Although it was a vindication, the committee's decision is cold comfort for Frosh, who has gained a reputation in Annapolis as an ethics hawk.

"She accused me of being a crook," he said. "It's painful to know that people looked at me that way."

Corson said her concerns about Frosh began when staffers in his legislative office told her they could not find the name of the senator's law firm — Karp, Frosh, Lapidus, Wigodsky & Norwind.

When Corson found the firm's name by other means and perused its Web site, she said, she was startled to find a list of more than 50 medical malpractice cases under the heading of "Million Dollar and Other Major Cases."

"Then I started to understand why Brian Frosh would not allow this legislation to come out for a vote," Corson said.

Frosh said he recognized the potential for controversy early in the session and contacted William G. Somerville, the General Assembly's ethics counsel, in February. "I called and asked, 'What do I do?'"

Somerville confirmed Frosh's account, saying in an interview this week that he advised the senator that he could legally participate in the legislative proceedings concerning medical malpractice.

Corson said that she does not have a problem with Frosh personally, and that she is not the right-wing activist that some people are accusing her of being.

"Brian Frosh is a really good guy," Corson said. "I've always admired his positions and thought he was an extremely ethical person."

But she said she remains concerned about Frosh's influential role in the malpractice debate, given his closeness to the issue via his firm.

Frosh's role has increased in recent months since Senate President Thomas V. Mike Miller Jr. (D-Dist. 27) of Chesapeake Beach tapped Frosh to lead the Senate's medical malpractice task force.

"I think he should be uncomfortable in this position," Corson said.

Frosh said he went through all of the proper channels, voluntarily contacted and followed instructions from the ethics counsel, and has done no wrong. In past interviews, he has noted that he has not represented a malpractice plaintiff personally in years.

"It's still painful to have someone challenge your ethics," he said. "The fact that it was dismissed doesn't change that."