



# WEEKLY REPORT

State Senator Gary Nodler  
District 32



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**FOR IMMEDIATE RELEASE**  
**January 30, 2003**

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## **Sen. Nodler Joins Other Republican Lawmakers in Fight to Reform Missouri's Tort Laws**

We have become an increasingly litigious society. Just last week a federal court judge in New York threw out a class-action lawsuit that blamed McDonald's food for obesity, diabetes and other health problems in children. The judge said the plaintiffs failed to show that fast-food products "involve a danger that is not within the common knowledge of consumers."

The economic and legal condition of America's tort system has come under increasing criticism for being far too costly and incapable of administering fair awards. Lawmakers across the country are wrestling with complex tort reform laws even as malpractice premiums and healthcare costs continue to rise.

On Wednesday, more than 500 doctors dressed in their white coats descended on the Capitol to encourage lawmakers to pass legislation that would rein in malpractice lawsuits. I agree with these doctors, it is imperative that this session the Missouri General Assembly passes legislation that will defend individuals who need legal protection but also shields the neighbor next door from the rising cost of healthcare.

I have joined with 17 other members of the Republican majority caucus in sponsoring Senate Bill 280, which is meant to bring back common sense to our legal system and restore affordability and accessibility to healthcare.

Missouri's legal system has become a haven for attorneys to file frivolous lawsuits in hopes of forcing healthcare providers to offer a settlement rather than pay the high legal cost of a trial.

If this crisis in healthcare is not addressed immediately we will be unable to get doctors to staff emergency rooms or deliver babies. Individuals, small businesses and many other groups will not be able to afford health insurance.

A variety of reforms are included in SB 280 that should make Missouri's legal system more fair and equitable to all parties.

One of the most important provisions in this bill is a cap that would be placed on contingency fees for attorneys. We want to make it less profitable for lawyers to bring frivolous lawsuits.

Attorney's contingency fees in medical malpractice actions would be limited to 33 percent of the first \$50,000 recovered; 25 percent of the next \$50,000, 15 percent of the next \$500,000; and 10 percent of any amount exceeding \$600,000. In no case will an attorney collect fees, charges, or any other costs which in the aggregate total more than 33 percent of the total charges.

Among other changes would be limiting punitive damages in all civic actions tried before a jury to three times the liability of the defendant for compensatory damages.

Punitive damages in medical malpractice actions would be limited only to when the defendant's actions were due to evil motives or reckless indifference. Punitive damages would be capped at two times the total damages.

While much of this legislation addresses problems in healthcare, it also attempts to correct the abuses in Missouri's legal system that have driven up the cost of consumer products, strangled businesses with unwarranted lawsuits and continue to drive companies and jobs from the state.

As always, I welcome any questions or comments on this matter.

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