



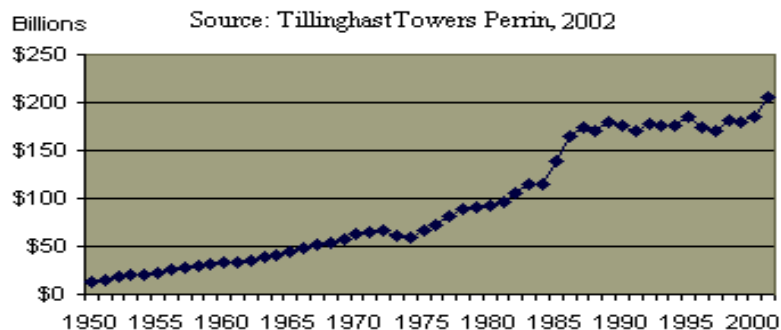
The Case for Tort Reform

Senator Crowell Sponsors Litigation Reform

Junk lawsuits, compounded with outrageous jury verdicts, continue to drive up the cost of practicing medicine in Missouri and drive obstetricians out of delivery rooms, surgeons out of high-risk operations and specialties, and health care institutions and providers out of business. Missouri is losing doctors; rural communities and entire counties lack doctors who will deliver babies. In our largest cities, hospitals and trauma centers have closed due to the loss of skilled specialists.

Tort reform is something all of us have heard a lot about over the last few years. It refers to proposals limiting the prevalence of legal claims prosecuted by personal injury lawyers which unfairly burden physicians with exorbitant insurance premiums. Physicians pay malpractice insurance premiums as a cost they incur for providing medical services. By the nature of their profession, doctors practice in an environment in which mistakes can create significant injuries. This has always been true, but torts against doctors did not become common until the last several decades (see figure below), and as a result insurance premiums have doubled, sometimes tripled, the past few years.

**Increase in Tort Costs 1950-2001
(in 2001 dollars)**



Introduced this week in both chambers are bills designed to revise Missouri's tort environment. Among several provisions, the measures prohibit "venue shopping," a practice where trial

attorneys file suit in jurisdictions known for consistently higher-than-average jury awards. As an example, St. Louis, due to its propensity to award lavish verdicts, is listed by the American Tort Reform Association as one of the top ten worst judicial venues in the country and therefore a popular place for trial attorneys. This means that a case with the same type of liability and injury can be worth variable amounts in different jurisdictions.

The legislation also changes awards for non-economic damages, the amount included for “pain and suffering”, from \$550,000 to \$250,000. Additionally, it closes a loophole created by a Missouri judge that allows lawyers to multiply the cap for each “occurrence”, which in effect eliminated the caps. Another provision the legislation sets forth is the elimination of “joint and several liability,” a current practice where if a defendant is found liable for a portion of an injury, they could still be forced to pay 100% of the damages even if found to be only 1% at fault. Under the proposed legislation, a defendant is only responsible to pay the percentage they are at fault.

In addition to increasing healthcare accessibility, this legislation will aid in job protection in Missouri. Decreasing the costs of medical malpractice insurance will keep doctors in Missouri, who will hire more staff and assistants, and buy medical equipment from Missouri manufacturers.

It is critical that we reform the tort system in Missouri to eliminate junk claims that have driven many doctors out of Missouri. Our current court system is unfair to doctors, but more importantly it harms every Missourian who struggles to find affordable medical care. The past two legislative sessions, the general assembly succeeded in getting a tort reform bill to the Governor’s desk. Both times the bill was vetoed. With the change in the Governor’s office, I have new hope that this is the year tort reform will pass.

Contact Me

As always, I appreciate hearing your comments, opinions and concerns. Please feel free to contact me in Jefferson City at (573) 751-2459 or you may write to me at Jason Crowell; Missouri Senate; State Capitol; Jefferson City, MO 65101, email me at: jcrowell@senate.mo.gov or visit me on the web at <http://www.jasoncrowell.com>.

Thank you for your time.

Senator Jason Crowell represents the people of Bollinger, Cape Girardeau, Madison, Mississippi, Perry and Scott counties in the Missouri Senate