



Office of
Jason Crowell State
Senator

The Crowell Connection



Senator Jason Crowell – Serving Bollinger, Cape Girardeau, Madison, Mississippi, Perry, and Scott Counties.

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Lawsuit Reform Making a Positive Impact

Prior to 2005, personal injury attorneys filing junk lawsuits were driving up medical costs in our state and causing doctors to leave Missouri. We took action against this by passing Tort Reform legislation during the 2005 Legislative session. I am pleased to announce that our actions are having a positive impact. The U.S. Chamber Institute for Legal Reform recently published their 2008 State Liability Systems Ranking Study. Missouri has jumped from 41st for best legal climate in the country in 2004 to 31st in 2008. Missouri's ten spot jump is a result of the comprehensive litigation reform we enacted.



Before the passage of comprehensive lawsuit reform, healthcare providers in Missouri were being hit hard by junk lawsuits. These suits were chasing doctors out of the state at the expense of patients in need of care. The reforms we adopted in 2005 level the playing field in Missouri courtrooms for doctors and small business owners.

Before the reforms, a defendant who was just 1 percent liable could have been forced to pay almost an entire settlement through joint and several liability—a theory of recovery that permits a plaintiff to recover damages from multiple defendants collectively or from each defendant individually. The new law we enacted made it so joint and several liability only applies to defendants 51 percent or more at fault, in all cases. Also, Missouri law now provides that actions may only be brought in the county where the action occurred or in the county where the plaintiff was injured. This prevents lawyers from “shopping” for a jurisdiction that might have more favorable results or

a larger damage award.

I am pleased to share with you that according to the 2007 Medical Malpractice Report released by the Department of Insurance, Financial Institutions, and Professional Registration, we have seen a significant decrease in suits filed. In 2007, 1,099 lawsuits were reported. Compare this number to 2005, when the number of lawsuits reported was close to 2,900.

Lawsuit reform is one of many significant accomplishments we have achieved over the past four years. The law we crafted in 2005 is improving healthcare in our state and making sure that our courts are fair to all involved.

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. You may write to me at Jason Crowell; Missouri Senate; State Capitol; Jefferson City, MO 65101, or email me at: jcrowell@senate.mo.gov or visit me on the web at <http://www.senate.mo.gov/crowell>.

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