



Spotlight On Justice



ACADEMIC STUDY: “TORT REFORMS” ACTUALLY LEAD TO AN INCREASE IN CLAIMS “SEVERITY”



“The effect of caps and other reforms may help explain increasing awards in medical malpractice cases that reach trial. The number of lawsuits decreases, as suggested by NCSC filing data, but caps require attorneys to be more selective about the cases they accept. ...This greater selectivity and need for greater damages to accept a case likely contribute to the increasing observed mean and median medical malpractice awards in cases that do reach trial.”

Source:
Eisenberg, Theodore, The Empirical Effects of Tort Reform (April 1, 2012). Research Handbook on the Economics of Torts, Forthcoming; Cornell Legal Studies Research Paper No. 12-26. Available at SSRN: <http://ssrn.com/abstract=2032740>

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