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CONSUMER GROUP SUPPORTS CONSTITUTIONAL CHALLENGE TO UNJUST ILLINOIS MEDICAL MALPRACTICE CAPS

Chicago, IL – Today a Cook County circuit court will hear arguments on the constitutionality of the 2005 law that caps, or limits, compensation to medical malpractice victims. (PA 94-677). The suit challenging the law was brought on behalf of Abigaile LeBron, an infant who suffered severe and permanent injuries from lack of oxygen during delivery.

“As this case shows, this cap cruelly limits compensation for the most severely injured Illinoisans, including catastrophically-injured children,” says Jason Held, Staff Director for CJ&D-IL. “For families, this cap can result in untold suffering and economic devastation. We hope that the circuit court will invalidate the statute like the Illinois Supreme Court has done to similar laws in the past,” said Held.

Patients for Justice, a network of medical malpractice survivors organized by the Center for Justice & Democracy-Illinois, along with other nonprofit groups, worked tirelessly to try to defeat the measure in 2005. The law limits recovery of non-economic damages to \$500,000 for doctors and \$1,000,000 for hospitals, even if a jury decides that a victim is entitled to more compensation.

Strong insurance regulation was enacted alongside the cap in 2005. Said Held, “Insurance rates are dropping in Illinois, keeping doctors in Illinois, because of the new insurance regulation passed in the state. The Department of Insurance and even insurance companies have said that these insurance reforms – not caps – are responsible for increased competition and lower rates.”

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