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CONSUMER GROUP AND MALPRACTICE SURVIVORS APPLAUD COURT DECISION FINDING MEDICAL MALPRACTICE CAPS UNCONSTITUTIONAL

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Chicago, IL – The Center for Justice & Democracy-Illinois and medical malpractice survivors applauded today’s Cook County circuit court decision declaring unconstitutional the 2005 law that caps, or limits, compensation to medical malpractice victims. 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.

“This decision is a victory for all Illinois consumers,” said Jason Held, Staff Director for the Center for Justice & Democracy-Illinois, a nonprofit, nonpartisan consumer rights group. “The court did the right thing. Aside from being unconstitutional, caps are anti-family, anti-patient and anti-Illinois.,”

“I am hopeful the courts will uphold this decision and keep these caps from harming anyone else, especially catastrophically injured children,” said Donna Harnett. Donna’s son, Martin, was injured at birth due to negligence, leaving him severely brain-damaged and unable to care for himself. “If my family was subject to these caps when we were fighting for Martin, we would not have been able to care for his special needs the way we can now. Anything that limits the ability to hold wrongdoers accountable and provide for victims’ needs is cruel and unjust.”

Patients for Justice, a network of medical malpractice survivors organized by CJ&D-IL, along with other non-profit groups, strongly opposed the measure in 2005. The law limits recovery of non-economic compensation to \$500,000 for doctors and \$1,000,000 for hospitals, even if a jury decides that a victim is entitled to more.

“This is the first step in a long process,” said Held. “The losing side is sure to appeal this decision. People should understand the hardship that caps place on injured victims, especially women, children and low-income individuals.”

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