

HISTORY OF TORT REFORM IN MISSOURI

VOTE YES: HB 118 | SB 239

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A CRISIS DEFINED

NUMBER OF CLAIMS; 1990 - 2011

WHAT HAPPENED?

On July 31, 2012, the Missouri Supreme Court struck down reasonable limits on non-economic damages in medical malpractice lawsuits. Without these limits, Missouri's healthcare industry is subject to erratic and excessive jury awards that will raise the cost of care, decrease access to care, and create an unfair environment for patients and their families.

THIS IS WHAT A CRISIS LOOKS LIKE

BEFORE TORT REFORM WENT INTO EFFECT, THE NUMBER OF CLAIMS BALLOONED TO AN ALL-TIME HIGH - 3,051.

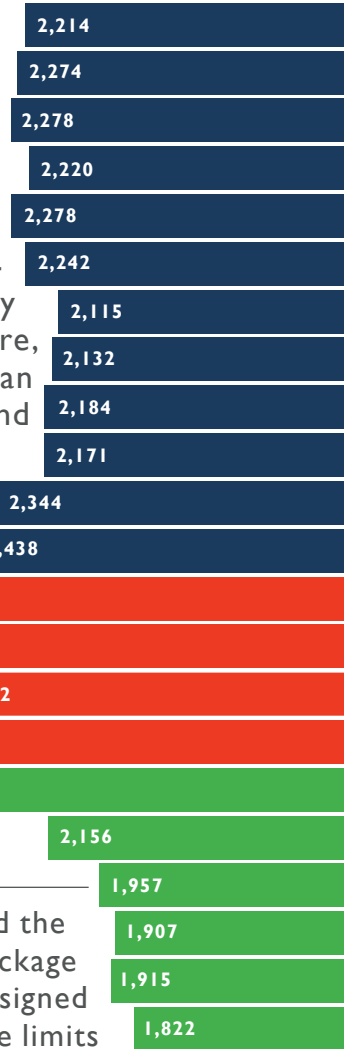
With this decision, the court removed the centerpiece of a 2005 tort reform package passed by Republican majorities and signed by former Governor Matt Blunt. These limits had an instant effect of shrinking the number of frivolous lawsuits to an all-time low, and has helped Missouri attract and retain doctors.

Help prevent another crisis by passing tort reform in 2013!

WHAT IS THE DIFFERENCE BETWEEN ECONOMIC AND NON-ECONOMIC DAMAGES?

This legislation does not affect the amount a plaintiff can recover for **economic damages**, which include past and future medical bills, expected lost wages, and other tangible damages.

Every tort reform proposed is specific to limiting jury awards on **non-economic damages**. This includes damages for pain and suffering, emotional distress, and other intangible injuries. These damages involve no direct economic loss and have no precise value. It is very difficult for juries to assign a dollar value to these losses, given the minimal guidance they customarily receive from the court. As a result, these awards tend to be erratic and - because of the highly-charged environment of personal injury trials - excessive. It is a difficult issue to address objectively because of the emotions involved in cases of serious injury, and because of the financial interests of plaintiffs' lawyers.



TORT REFORM CRISIS

HEALTHY ENVIRONMENT FOR PHYSICIANS EFFECTIVE CAPS ON NON-ECONOMIC DAMAGES

ANOTHER TORT REFORM CRISIS

- 1986**
The Democratic legislature passes a cap on non-economic damages
- 1992**
The Missouri Supreme Court upholds the constitutionality of caps (*Adams v. Children's Mercy Hospital*)
- 2002**
The Missouri Supreme Court rules that separate caps could be applied to separate defendants - making the caps ineffective
- 2003**
Legislature passes a cap on non-economic damages; **vetoed by former Governor Bob Holden**
- 2004**
Legislature passes a cap on non-economic damages; vetoed by former Governor Bob Holden
- 2005**
Legislature passes a cap on non-economic damages; signed by former Governor Matt Blunt
- 2012**
The Missouri Supreme Court rules caps on non-economic damages are unconstitutional
- 2013**



Source: 2011 Missouri Medical Malpractice Insurance Report | Missouri Department of Insurance, Financial Institutions & Professional Registration