



# Tort Reform

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## Tort Reform

Note:

Most of the text of the following slides comes verbatim or nearly verbatim from CBO reports or letters.

### **Tort reform:**

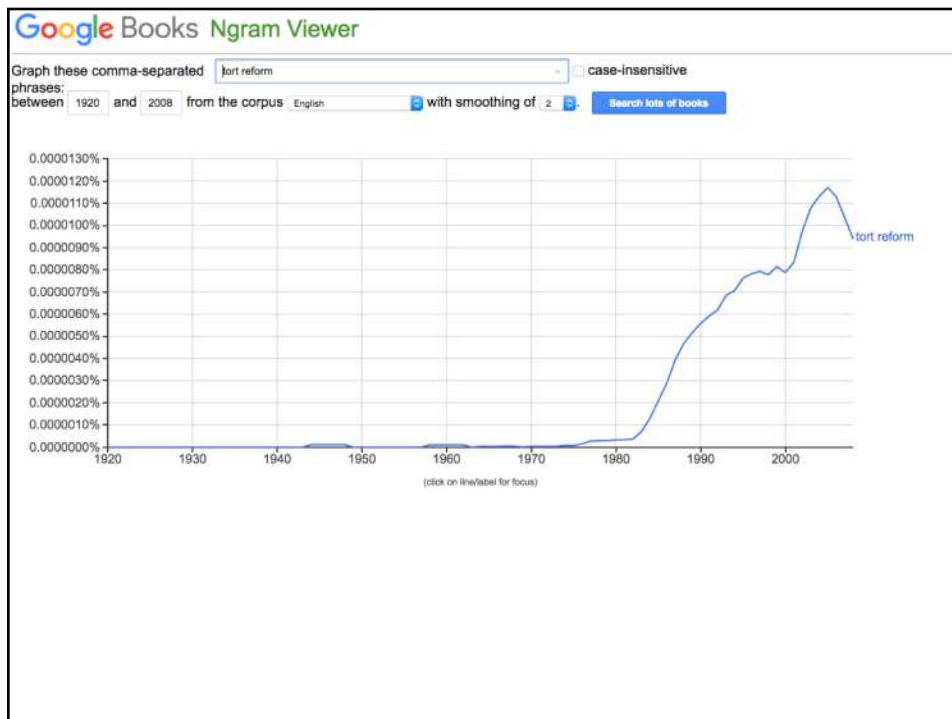
- driven by presumption that
  - too many tort claims are filed and
  - court awards, such as those for punitive damages and pain and suffering tend to be excessive

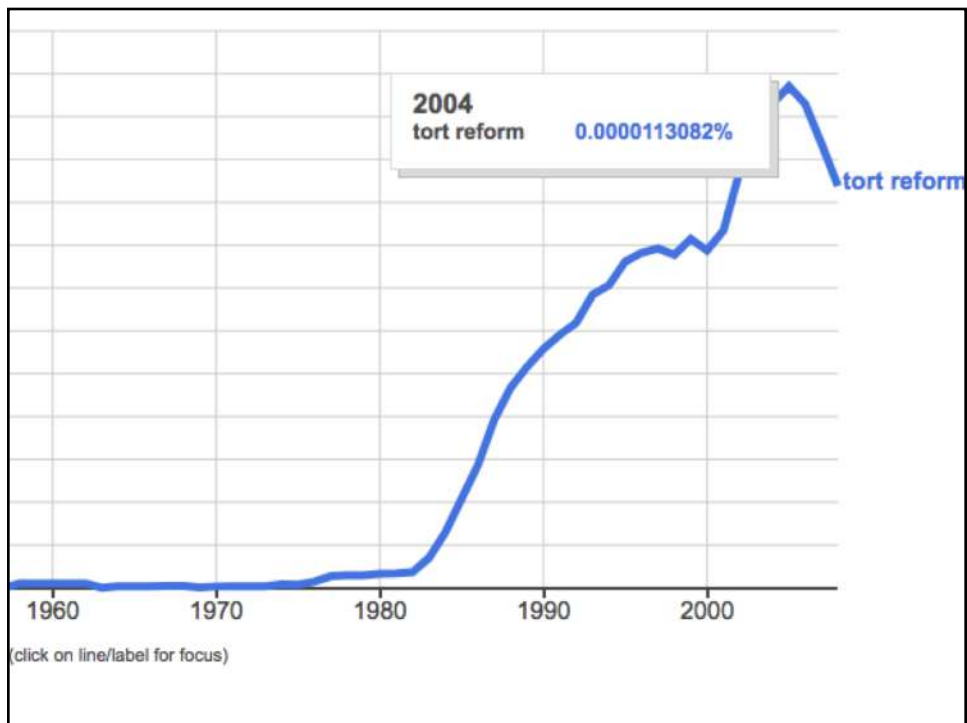
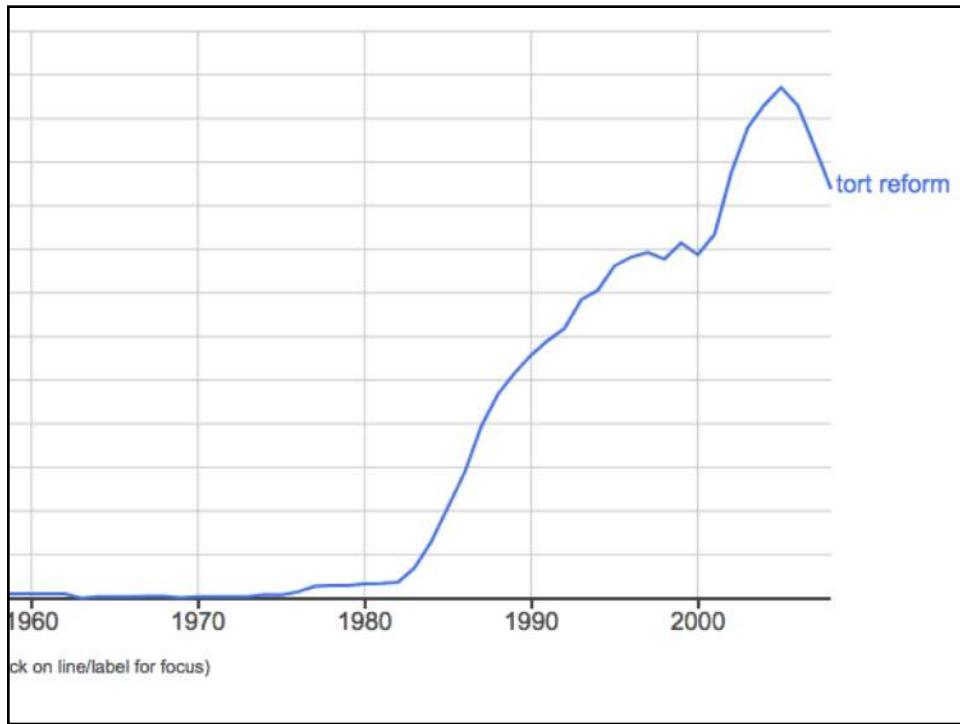
### **Tort reforms include:**

- caps on noneconomic compensatory damages (e.g., pain and suffering)
- limits on punitive damages, redirecting fraction of punitive damages to state treasury
- modifications to joint-and-several liability
- changes to collateral-source rule, reducing award by amounts received from third parties
- procedural hurdles to filing suit

## Tort Reform

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- Those reforms sought to limit exposure to liability, thereby reducing general insurance premiums.

## Tort Reform

### **Public debate / rhetoric**

Debates over tort reform:

- Like many such debates, side-taking often is political
- Driven by organized interests on two sides, each with concerted lobbying and public-relations efforts, e.g.:
  - ATRA (American Tort Reform Association)
  - American Association for Justice (formerly the American Trial Lawyers Association)



- [Judge Suing City For \\$1M After Fall On Wet Courthouse Floor,” New York Daily News, 04/14/08](#)  
["Boring Couple Sues Google Over 'Street View,'" Law.com, 04/02/08](#)  
["Lawyer: Prison Case Not As Simple As Just Noise," Chicago Daily Herald, 03/28/08](#)  
["Lost Laptop? Sue For Millions!," Minneapolis-St. Paul Star Tribune, 02/13/08](#)  
["Blue Man Group Show Makes One Chicago Theatergoer See Red," The Chicago Tribune, 01/24/08](#)  
["Prisoner's Lawsuit Says It Was Too Easy To Escape," Los Angeles Times, 01/13/08](#)  
["Please Don't Do That": Man Sues Hospital Forced Rectal Exam," FoxNews.com, 01/16/08](#)  
["Mother Suing Her Son For Son's Injuries In Crash With Ambulance," Madison County Record, 01/03/08](#)

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["Judge Suing City For \\$1M After Fall On Wet Courthouse Floor," New York Daily News, 04/14/08](#)

["Boring Couple Sues Google Over Street View," law.com, 04/07/08](#)

["Lawyer: Siren Case Not As Simple As Just Noise," Chicago Daily Herald, 03/28/08](#)

["Lost Laptop? Sue For Millions!," Minneapolis-St. Paul Star Tribune, 02/13/08](#)

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### Sydney L. Bender of Fairview

Heights is apparently suing herself as well as an ambulance driver for an accident that left her infant son permanently injured two years ago.

According to a lawsuit filed Dec. 20 in St. Clair County Circuit Court, Bender was attempting a left hand turn onto North Ruby from Lincoln Trail in Fairview Heights when she was struck by an LPG Ambulance driven by Jeffrey L. Scott of Madison County.

Bender's son, Nathan J. Bender, a passenger, was one-month-old at the time of the accident on Jan. 5, 2006. He sustained a severe and permanent head injury, the suit says.

Sydney L. Bender is listed as an individual plaintiff and as a plaintiff acting on behalf of her son. Sydney L. Bender also is named as a defendant in the complaint.

"Defendant Sydney L. Bender negligently and carelessly caused the vehicle she was operating to strike Defendant's emergency vehicle," the complaint states.

The ambulance service, Mission Care of Illinois LLC, is blamed for its driver's "excessive rate of speed."

"Defendant Jeffrey L. Scott, while in the scope of his employment with Defendant Mission Care of Illinois, LLC f/k/a LPG Ambulance Service of Illinois, negligently and carelessly caused the emergency vehicle he was operating to strike Plaintiff's vehicle," the complaint states.

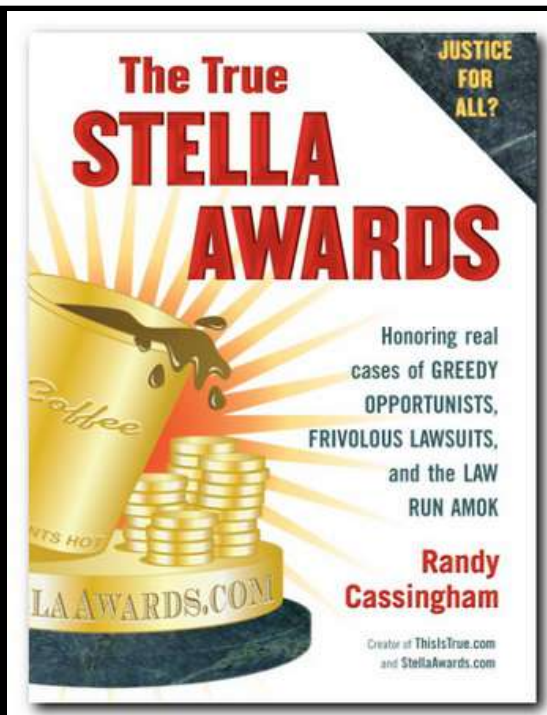
Bender seeks damages in excess of \$50,000 for her son's incurred medical expenses and future care.

Bender is represented by Sheldon Weinstein of Cofman & Townsley in St. Louis. Weinstein has been contacted for comment, but at press time had not returned a phone call.

In the complaint, Bender alleges she failed to stop, slow down or swerve to avoid an accident with an emergency vehicle.









## International Context

When thinking about tort reform, it's illuminating to think about the international context.

- The U.S. has had larger potential jury awards, more availability for hiring an attorney through contingency fees.
- Other highly developed countries don't have these, but do tend to have more regulation and more taxpayer-funded medical care