

Online Supplementary Material

Guirguis-Blake JM, Fryer GE, Phillips RL, Szabat R, Green LA. The US Medical Liability System: Evidence for Legislative Reform. *Ann Fam Med*. 2006;4:240-246.

<http://www.annfammed.org/cgi/content/full/4/3/240/DC1>

Supplemental Appendix 1. Definitions of 10 Common Tort Reform Statutes

Total damage caps: These caps are limits on total damages that include economic damages (ie, medical bills, lost income, direct cost of injury) and noneconomic damages (ie, for "pain and suffering").

Noneconomic damage caps: These caps are limitations on the payments made to compensate plaintiffs for physical and emotional pain. "Hard" noneconomic damage caps are those without any exceptions; "soft" noneconomic damage caps are those with exceptions (including adjustment for inflation).

Joint liability reform: Joint and several liability means that a plaintiff can sue each responsible defendant and recover from each defendant a payment in proportion to their fault (joint liability) or a plaintiff can sue one defendant and recover the entire payment (several liability). In general, reform statutes limit a defendant's financial responsibility to his or her share of the fault.

Attorney fee caps: A statute to limit the plaintiff's attorney fees may limit fees by setting a total limit or a flat or sliding scale percentage of total payment, or it may authorize the courts to set or approve attorney fees.

Mandatory arbitration: A statute requiring mandatory arbitration requires that, prior to trial, the plaintiff and defendant engage in an arbitration that may or may not be legally binding and its ruling may or may not be admissible in court.

Excess coverage funds: Some states require physicians to pay premium surcharges that are used in an excess coverage fund, which could be used for liability payments that exceed the limits of the medical liability insurance plan.

Periodic payments: Permitting periodic payments allows the defendant to pay the sum of the ruling over a period of time.

Collateral source reform: Reforms of the traditional collateral source rules prevent plaintiffs from double payment whereby the plaintiff receives payments from two sources to cover the same expenses.

Certificate of merit: Certain states require that to file a claim, the plaintiff's attorney must furnish a certification to the court wherein a medical expert verifies the merit of a case.

Statute of limitations: A statute limiting the statute of limitations places a maximum time between act or discovery of the act that caused injury and the time a claim can be filed.

Source: US Congress, Office of Technology Assessment. *Impact of Legal Reforms on Medical Malpractice Costs*. Washington, DC: Government Printing Office; October 1993. (OTA-BP-H-119).