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## **ABOTA asks Senate to continue allowing states to govern med-mal cases**

*H.R. 1215 nullifies state laws and constitutional guarantees*

DALLAS (Oct. 20, 2017) — The American Board of Trial Advocates has adopted a resolution that calls on the United States Senate to reject the Protecting Access to Care Act of 2017 (H.R. 1215) and any similar legislation, citing the bill’s attempt to thwart traditional state-delegated powers.

The Protecting Access to Care Act of 2017, which passed the House on June 29, 2017, seeks to place a nationwide cap of \$250,000 on noneconomic damages in medical malpractice cases and federalizes other practices traditionally overseen by state law.

ABOTA has adopted many resolutions urging Congress and the federal executive branch to respect the constitutional principles of federalism, separation of powers, and the states’ traditional role as the primary source of tort and contract law.

“Americans are already witnessing a dramatic reduction in the number jury trials each year,” said Dulin Kelly, ABOTA National President. “It is a myth that malpractice insurance and defensive medicine are driving up health care costs. This reform bill will serve as a detriment to citizens’ constitutional guarantees.”

The full resolution can be read [here](#).

### **About the American Board of Trial Advocates**

Founded in 1958, ABOTA is a national association of experienced trial lawyers and judges. ABOTA and its members are dedicated to the preservation and promotion of the civil jury trial right provided by the Seventh Amendment to the U.S. Constitution. ABOTA membership consists of more than 7,600 lawyers — equally balanced between plaintiff and defense — and judges spread among 97 chapters in all 50 states and the District of Columbia.

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