Stinnett appellate ruling disappoints CAOC
But court ruling in MICRA-related case underscores need for change

SACRAMENTO (Sept. 2, 2011) – State appellate court rejection of a legal challenge to California’s $250,000 cap on medical malpractice damages for human suffering prompted widespread disappointment from the Consumer Attorneys of California.

In *Stinnett v. Tam*, plaintiff’s lawyers argued that the cap enacted by California’s Medical Insurance Compensation Reform Act of 1975 was a remedy to a problem that no longer exists. They also argued that the cap has unfairly failed to keep up with inflation.

The appellate challenge springs from a lawsuit filed by Holley Stinnett against the doctors who treated her husband, Stanley, after a motorcycle accident. He died at age 49 on the same day he was released from a Modesto hospital. A jury awarded $6 million in the case, but MICRA capped those damages at $250,000.

The 5th District Court of Appeal in Fresno decreed that the fate of MICRA and its cap is a matter best left up to the state Legislature, which adopted the law signed by Gov. Jerry Brown more than 35 years ago. If the $250,000 cap had been indexed to inflation, the limit on non-economic damages for human suffering would stand at more than $1 million today.

“We wholeheartedly disagree with the court’s decision,” said John A. Montevideo, CAOC president. “For two generations, MICRA has unfairly limited pain-and-suffer damages awarded to victims of medical malpractice. It’s time for change.”

Montevideo vowed that CAOC “will continue to fight for citizen juries – not the Legislature – to have the right to determine how Californians who have been harmed by hospitals should be compensated.”

*Consumer Attorneys of California is a professional organization for nearly 3,000 plaintiffs’ attorneys representing consumers who utilize the civil justice system to seek accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.*

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