

The Journal News

The Journal News – Editorial Section, July 23, 2008

Tort reform needed in New York State

The Sunday article describing the financial plight of obstetricians was startling in its description of how these physicians are being squeezed from all sides with lower fees for their services and ever-increasing fees for malpractice insurance. One of the primary causes of these increased costs lies in the unusually high judgments assessed against these physicians under New York's liberal tort laws. A few years ago, Mississippi found itself in a similar situation with physicians of all stripes leaving the state because they could not make a living there. In response, Mississippi passed a tort reform act in 2002 that imposed, among other reforms, a cap on non-economic damages in such cases. The results have been most gratifying – with the exodus of physicians reversed and some degree of equity returned.

New York state must consider similar reforms; however, the trial-bar friendly state Legislature has consistently refused to consider any steps to cure this problem. It is worth noting that Assemblyman Sheldon Silver, the speaker of the state Assembly, is a partner in one of the largest and most successful personal injury plaintiff law firms, Weitz & Luxenberg.

With campaign funds pouring in to all of the politicians from the trial bar, and Mr. Silver acting in a clear conflict of interest as he keeps reform legislation at bay, it is difficult to imagine that any new legislation will be enacted until, like Mississippi, all of the physicians pack up and leave the state.

Cortes E. DeRussy
Bronxville