

State Laws Chart I: Liability Reforms

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
Alabama	None	No. Each defendant is jointly and severally liable.	Yes	No	Yes
Alaska	\$400,000 cap on noneconomic damages, or \$8000 multiplied by the injured party's life expectancy, whichever is greater. For severe medical impairment/ disfigurement, limits are the greater of \$1 million or life expectancy multiplied by \$25,000.	Yes. Defendants are responsible only for their proportionate share of negligence.	Yes, after the fact-finder has rendered an award, and not including evidence of benefits received from a federal program that must subrogate, or death benefits paid under a life insurance policy.	No	Yes. Judge may order and must order if claimant requests.
Arizona	None - Constitution prohibits limiting recoverable damages	Yes. Defendants are responsible only for their proportionate share of negligence, except where co-defendants act in concert or a person is an agent or servant of a party.	Yes	No	Yes. Any party may elect, and judge must order.
Arkansas	None	No. Each defendant is jointly and severally liable.	No	No	Yes, for future damages in excess of \$100,000
California	\$250,000 cap on noneconomic damages	No. Each defendant is jointly and severally liable. However, each defendant is only proportionately liable for non-economic damages.	Yes	Yes, limited to 40% of the first \$50,000; 33 1/3% of the next \$50,000; 25% of the next \$500,000; and 15% of any amount exceeding \$600,000.	Yes. Any party may elect in cases where damages exceed \$50,000.
Colorado	\$250,000 cap on noneconomic damages. Courts may increase the cap to \$500,000 for future medical expenses and future earnings upon clear justification for doing so. \$1 million limit on total damages.	Yes. Defendants are responsible only for their proportionate share of negligence unless persons have consciously conspired and deliberately pursued a common plan or design to commit a tortious act.	Yes, benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit.	No	Yes, if the award is more than \$150,000, the court must enter a judgment. For awards \$150,000 or less, the court may order.

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Connecticut	None	Yes. Defendants are responsible only for their proportionate share of negligence. However, if within one year after the final judgment the court determines that all or part of a defendant's proportionate share is uncollectible, it shall reallocate the uncollectible noneconomic damages among other defendants according to their percentages of negligence. The court may not reallocate to any such defendant an amount greater than that defendant's percentage of negligence multiplied by such uncollectible amount.	Yes, benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit.	Yes, limited to 33 1/3% of the first \$300,000; 25% of the next \$300,000, 20% of the next \$300,000, and 10% of amounts exceeding \$1.2 million.	Damages up to \$200,000 may not be paid periodically. For damages exceeding this, the parties must attempt to reach an agreement on method of payment. If they can not agree, the judge must order payment in a lump sum.
Delaware	None	No. Each defendant is jointly and severally liable.	Yes, the defendant may offer evidence of certain public collateral sources. These sources may not include life insurance or private collateral sources.	Yes, fees are limited to 35% of the first \$100,000, 25% of the next \$100,000, and 10% of any remaining award.	Yes, courts may require periodic payment.
D.C.	None	No. Each defendant is jointly and severally liable.	No	No	Yes, but courts are not required to award payments periodically.
Florida	None, if neither party requests arbitration or the defendant refuses to arbitrate. If the plaintiff refuses, noneconomic damages are capped at \$350,000. If the parties arbitrate, noneconomic damages are capped at \$250,000.	Yes. Defendants are responsible only for their proportionate share of negligence. However, if any defendant's percentage of fault equals or exceeds the claimant, that defendant is liable for the claimant's economic damages.	Yes, and the court must reduce damages by the amounts paid to the claimant from collateral sources. If a right of subrogation exists, there is no reduction in damages.	Yes, the court held that certain amounts are presumed unreasonable. Levels vary, based on how far the proceedings go before payment is received (settled, litigated, etc.)	Yes, for future economic awards exceeding \$250,000, the court must order periodic payments at the request of any party.

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Georgia	None	Yes. Defendants are responsible only for their proportionate share of negligence. However, if the claimant is responsible to some degree, the trier of fact may apportion its award of damages among the persons who are liable, if their degree of fault is greater than that of the injured party. If the claimant is without fault, joint and several liability is imposed.	No	No	No
Hawaii	\$375,000 cap on noneconomic damages, with exceptions for certain types of damages, ie. mental anguish	Yes. Defendants are responsible only for their proportionate share of negligence, with the following exceptions: recovery of economic damages in actions involving injury or death, and noneconomic damages in such actions, where a tortfeasor's negligence is 25% or more; intentional torts; strict liability torts; and product liability torts.	No	No, but fee arrangements must be approved by the court.	No
Idaho	\$400,000 cap on noneconomic damages in all personal injury and wrongful death actions, adjusted annually since 1988 consistent with average state wage increase. Does not apply to willful or reckless conduct or felonious acts. Judges may reduce damages that are not justified.	Yes. Defendants are responsible only for their proportionate share of negligence, except where co-defendants were acting in concert or a person is an agent or servant of a party	Yes, collateral sources must be submitted to the judge following the verdict. Judgments may be entered only for amounts that exceed recovery from collateral sources.	No	Yes, upon the request of either party, at the discretion of the court, and only in PI cases, where damages exceed \$100,000. May not be ordered for intentional torts, gross negligence or an extreme deviation from reasonable standard of conduct.

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Illinois	None	No. Each defendant is jointly and severally liable.	Yes, applicable only to medical malpractice claims. A judgment will be offset by 50% of lost wages and 100% of medical benefits received, but the total judgment may not be reduced more than 50%.	Yes. Fees are limited to 33 1/3% of the first \$150,000; 25% of the next \$850,000; and 20% of amounts over \$1 million. Attorney may petition court for additional fees.	Yes, if parties agree and future damages will exceed \$250,000. Trier must approve and set schedule based on life expectancy.
Indiana	\$750,000 cap on noneconomic damages per provider. Total damages for providers insured through Patient Compensation Fund may not exceed \$1.2 million	No. Each defendant is jointly and severally liable.	Yes, except for evidence of life insurance or other death benefits; benefits paid by claimant or family; or payments made by state or U.S. prior to trial.	Yes. Attorney may collect only 15% of damages awarded under patient Compensation Fund.	Yes. Law permits, but does not require.
Iowa	None	Yes. Defendants are responsible only for their proportionate share of negligence where a defendant is found to bear less than 50% of the total fault. If a defendant is 50% or more liable, he is jointly and severally liable for economic damages only.	Yes, and damages must be reduced by the amount received from collateral sources.	No, but courts determine reasonableness of fee arrangements.	Yes. Any party may request periodic/ structured payment. Court determines reasonableness.
Kansas	\$250,000 cap on noneconomic damages	Yes. Defendants are responsible only for their proportionate share of negligence.	No	No	Not mandated
Kentucky	None	Yes. Defendants are responsible only for their proportionate share of negligence.	No	No	Not mandated
Louisiana	\$500,000 cap on total damages, excluding damages recoverable for future medical care	Yes. Defendants are responsible only for their proportionate share of negligence.	No	No	Yes, for amounts paid by the state from the Patient Compensation Fund.

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Maine	\$150,000 cap on noneconomic damages in wrongful death actions	No. Each defendant is jointly and severally liable.	Yes. Evidence is admissible after a verdict has been rendered, and the judgment must be reduced by the amount received from collateral sources.	Yes. Fees are limited to 33 1/3% of the first \$100,000; 25% of the next \$100,000; and 20% of amounts over \$200,000.	Yes. If damages exceed \$250,000, either party may request periodic payment.
Maryland	\$500,000 cap on noneconomic damages in all cases but wrongful death, increased by \$15,000 annually since 1994 In wrongful death actions with two or more claimants or beneficiaries, the judge may award up to 150% of the limit.	No. Each defendant is jointly and severally liable.	No	No	Yes. Courts and arbitrators may order periodic payment.
Massachusetts	\$500,000 cap on noneconomic damages, with exceptions for proof of substantial disfigurement or permanent loss or impairment	No. Each defendant is jointly and severally liable.	Yes, benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit.	Yes. Fees are limited to 40% of the first \$150,000; 33 1/3% of the next \$150,000 and 30% of the next \$200,000; and 25% of amounts exceeding \$500,000. Attorney may not take amount that would leave the claimant with less than the amount of unpaid past and future medical expenses, with exceptions.	No
Michigan	\$280,000 cap on noneconomic damages, adjusted annually for inflation.	No. Each defendant is jointly and severally liable, unless claimant is found at fault.	Yes, benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit.	Rules limit contingency fees to one third of total compensation.	Yes. In some cases, damages exceeding \$250,000 must be awarded periodically.

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Minnesota	None	No. Each defendant is jointly and severally liable, except a defendant whose fault is 15% or less is jointly liable for no more than 4 times his percentage of fault.	Yes, but only upon motion of a party. In such cases, the court must reduce the award by the amount received from collateral sources.	No	Yes. Court must hold hearing in cases where future damages exceed \$100,000 to determine if damages should be paid periodically.
Mississippi	None	Yes. Defendants are responsible only for their proportionate share of negligence, but joint and several liability will apply so that a claimant may obtain 50% of his recovery. Parties who consciously and deliberately pursue a common plan or design to commit a tortious act are jointly and severally liable.	No	No	Not mandated
Missouri	\$465,000 cap on noneconomic damages, adjusted annually for inflation.	No. Each defendant is jointly and severally liable, but a defendant is jointly liable only with defendants whose percentage of fault is equal to or less than his own.	No	No	Yes. In cases where payment for future damages exceeds \$100,000, court may order periodic payment upon request of either party. Court has upheld the constitutionality of this law.

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Montana	\$250,000 cap on noneconomic damages	Any party whose negligence is 50% or less of the combined negligence of all persons is severally liable only. The remaining parties are jointly and severally liable for the total less the amount attributable to the claimant. A party may be jointly liable for all damages caused by the negligence of another if both acted in concert or if one party acted as an agent of the other.	Yes, in cases where damages exceed \$50,000. Total damages must be reduced by amount of prior payment from collateral sources that do not involve rights of subrogation.	No	Yes. Any party may request periodic payment of future damages exceeding \$50,000.
Nebraska	\$1.25 million in total damages	Yes. Defendants are responsible only for their proportionate share of negligence, except where parties have acted in concert and caused harm as part of a common enterprise or plan.	Yes. However, evidence of medical reimbursement insurance is inadmissible.	No, but upon motion of either party, the court must review and determine reasonableness of fees.	No
Nevada	None	Yes. Defendants are responsible only for their proportionate share of negligence. However, joint and several liability shall apply in an action based upon: strict liability; intentional tort; concerted acts of defendants; or injury from a product which is manufactured, distributed, sold, or used in the state.	Yes. The judge must reduce the verdict by the amount of any collateral benefits, except where a right of subrogation exists.	No	No

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New Hampshire	None	Yes	No. Supreme Court has held abolition of the rule unconstitutional.	The court must approve fees for actions resulting in settlement/judgment of \$200,000 or more. Specific limits for medical cases have been ruled unconstitutional.	Yes. The court has authority to order periodic payment. Specific requirements for medical cases have been ruled unconstitutional.
New Jersey	None	Yes. Defendants are responsible only for their proportionate share of negligence if they are found to be less than 60% at fault. Defendants found to be 60% at fault are subject to a modified rule.	Yes. Collateral source payments must be disclosed and deducted from claimant's damages	Yes. Fees may not exceed the following: 33 1/3% of the first \$500,000; 30% of the next \$500,000; 25% of the next \$500,000; 20% of the next \$500,000; and an amount the court deems reasonable for fees over \$2 million.	No
New Mexico	\$600,00 cap on total damages, excluding punitive damages and past and future medical care	Yes. Defendants are responsible only for their proportionate share of negligence except in cases of strict liability, vicarious liability or situations "having a sound basis in public policy."	No	No	Yes. Future medical expenses are paid as they are incurred by claimant. Damages capped at \$200,000 for future medical costs.
New York	None	Yes. Defendants are responsible only for their proportionate share of negligence if they are found to be 50% or less liable.	Yes	Yes. Fees are capped as follows: 30% of the first \$250,000; 25% of the next \$250,000; 20% of the next \$500,000; 15% of the next \$250,000; and 10% of fees of \$1.25 million or more.	Yes. Future damages over \$250,000 must be paid periodically.

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North Carolina	None	No. Each defendant is jointly and severally liable.	No	No	No
North Dakota	\$500,000 cap on noneconomic damages. Economic damage awards in excess of \$250,000 are subject to judicial review for reasonableness.	Yes. Defendants are responsible only for their proportionate share of negligence except where defendants act in concert in committing, aiding and encouraging, or ratifying or adopting a tortious act.	Yes. Parties who are liable for economic damages are entitled to a reduction to the extent the damages are covered by collateral sources.	No	Yes. In cases where future economic damages will be awarded for continuing institutional/custodial care lasting more than two years, a party may request periodic payments. Court has discretion to grant.
Ohio	None	No. Each party is jointly and severally liable.	No	No	No. Supreme Court held unconstitutional.
Oklahoma	None	No. Each party is jointly and severally liable. However, case law has held that several liability exists where a claimant is held partially responsible for a tortious act.	No	Yes. In contingency fee arrangements, attorney may not contract to receive more than 50% of the recovery.	No
Oregon	None	Yes. Defendants are responsible only for their proportionate share of negligence, but if within one year after the final judgment the court determines that all or part of a defendant's proportionate share is uncollectible, it shall reallocate the uncollectible noneconomic damages among other defendants according to their percentages of negligence.	Yes, but no deduction can be made for life insurance, benefits for which the claimant has paid, retirement/disability, or social security.	No	No
Pennsylvania	Punitive damages are capped at 2 times the amount of actual damages.	No. Each party is jointly and severally liable.	Yes. Awards are reduced by the amount paid to the claimant from public sources.	No. Supreme Court has ruled unconstitutional.	Not mandated, but the court may consider periodic payment if parties agree.

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Rhode Island	None	No. Each party is jointly and severally liable.	Yes. Collateral payment sources may be introduced, and if introduced, the jury must reduce the damages award accordingly.	No	Not mandated, but parties must consider if damages exceed \$150,000.
South Carolina	None	No. Each party is jointly and severally liable.	No	No	No
South Dakota	\$500,000 cap on total general damages.	No. Each party is jointly and severally liable, but parties who are allocated less than 50% of the total fault are severally liable.	Yes, but no evidence of payments subject to subrogation and not purchased by the claimant or paid by the government.	No	Yes, if all parties consent and future damages are expected to exceed \$200,000.
Tennessee	None	Yes. Courts have held joint and several liability obsolete.	Yes. Collateral sources of economic payment must be admitted into evidence, and damages are offset by such payments, minus any amount paid by the claimant to secure the benefit.	Yes. Attorney compensation may not exceed 33 1/3% of total damages.	No
Texas	\$500,000 cap on all damages for wrongful death, indexed for inflation since 1977.	Yes. Defendants are responsible only for their proportionate share of negligence, unless the percentage of responsibility attributed to the defendant is greater than 50%.	No	No	No
Utah	\$250,000 cap on noneconomic damages, indexed for inflation since 1986.	Yes. Defendants are responsible only for their proportionate share of negligence.	Yes, but there is no reduction for benefits from payors with subrogation rights.	Yes. Total compensation may not exceed 1/3 of total damages.	Yes. Any party may request periodic payments, and the court must order such payments if future damages exceed \$100,000.
Vermont	None	No. Each party is jointly and severally liable.	No	No	No

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Virginia	\$1.5 million cap on total damages for acts occurring on or after Aug. 1, 1999. This cap is increased by \$50,000 annually until 2007. In 2007 and 2008, the cap is increased by \$75,000.	No. Each party is jointly and severally liable.	No	No	Yes, but no requirement for such payments in PI cases.
Washington	None	Yes. Defendants are responsible only for their proportionate share of negligence if the claimant is found to be at fault, except where parties act in concert or where a person was acting as an agent or servant of the party, and where the party suffering bodily injury was not at fault.	Yes. Evidence may be presented, except that evidence of payments from insurance policies purchased with personal or family assets may not be introduced.	No, but parties may petition the court for a determination of reasonableness of fees.	Yes. Any party may request periodic payments, and the court must order such payments if future economic damages exceed \$100,000.
West Virginia	\$1 million cap on noneconomic damages	Yes. Defendants are responsible only for their proportionate share of negligence if they bear less than 25% of the negligence of all defendants.	No	No	No
Wisconsin	\$350,000 cap on noneconomic damages for medical malpractice claims, adjusted for inflation. For wrongful death actions, \$350,000 cap on noneconomic damages for adults, and \$500,000 cap on noneconomic damages for minors.	Yes. Defendants are responsible only for their proportionate share of negligence if they are less than 51% at fault unless a defendant acted as part of a common scheme or plan.	Yes. The claimant may introduce evidence of payments received from collateral sources.	Yes, as follows: 33 1/3% of the first \$1 million, or 25% if certain procedural timeframes are met; 20% of amounts exceeding \$1 million. Court has discretion to increase fees.	Yes, if future medical expenses are expected to exceed \$100,000.

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Wyoming	None - Constitution prohibits caps	Yes. Defendants are responsible only for their proportionate share of negligence.	No	Yes, when recovery is \$1 million or less as follows: 33 1/3% if claim is settled prior to or within 60 after filing; 40% if claim is settled more than 60 days after filing or upon judgment. If recovery is more than \$1 million, 30% of recovery in excess of \$1 million is considered reasonable.	Not mandated