

### 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 for awards of future damages in excess of \$150,000.
Alaska	\$250,000 cap on non-economic damages; \$400,000 cap on non-economic damages for wrongful death or severe permanent physical impairment that is more than 70% disabling. (2005)	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.
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, discretionary. Defendant may submit evidence of collateral sources of payment and claimant may submit evidence of amount paid to secure benefits.	No, but at the request of any party the court shall review the reasonableness of each party's attorney's fees.	Yes. Any party may elect, and judge must order. (Found unconstitutional <i>Smith v. Myers</i> , 191 Ariz. 11, 887 P.2d 541 (1994))
Arkansas	None	Yes. Except where the court determines, upon motion by the plaintiff and by a preponderance of the evidence, that all or part of each defendant's share will not be reasonably collectible. the court shall increase the percentage points of the several share attributed to each of the remaining defendants as follows: defendants 10% or less at fault - no increase; defendants 10-50% at fault – no more than a 10% increase; defendants 50% or more at fault – no more than a 20% increase	No	No	Yes, mandatory, upon motion by either party, for future damages in excess of \$100,000

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California	\$250,000 cap on non-economic damages. (1975)	Yes. Defendants are proportionately liable for non-economic damages. However, they are jointly and severally liable for economic damages.	Yes. Defendant may introduce evidence of collateral sources of payment, claimant may introduce evidence of amount paid to secure benefits.	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	\$300,000 cap on non-economic damages, including damages for physical impairment and disfigurement \$1,000,000 cap on total damages. (1988;2003)	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. Mandatory for awards of future damages greater than \$150,000. Discretionary for damage awards \$150,000 or less.
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 non-economic 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, 15% of the next \$300,000, and 10% of amounts exceeding \$1.2 million.	For damages exceeding \$200,000, the court shall give the parties 60 days to negotiate an agreement on method of payment, either in lump sum, periodic payments, or a combination thereof. If they cannot agree, the judge must order payment in a lump sum.

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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 order 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	For physicians \$500,000 cap on non-economic damages per claimant with any one physician not responsible for more than \$500,000. For nonpractitioners, \$750,000 cap on non-economic damages. The cap increases to \$1 million in non-economic damages for physicians if the negligence resulted in death or a permanent vegetative state or if the court finds that a manifest injustice would occur unless the non-economic damages cap was increased because the non-economic harm sustained by the patient was particularly severe and the defendant's negligence caused a <i>catastrophic injury</i> to the patient. (2003)	Yes. Defendants are responsible only for their proportionate share of negligence.	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. Benefits received by the government sources are not considered collateral benefits.	Patients receive 70% of the first \$250,000 awarded and 90% of the remainder of the award. Attorneys will still get payment for court and witness expenses. (2004)  Patients may waive contingency fee limits.	Yes, for future economic awards exceeding \$250,000, the court must order periodic payments at the request of any party unless the court determines that manifest injustice would result to any party.

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Georgia	\$250,000 cap on punitive damages. (1992) \$350,000 cap on non-economic damages for a judgment against all health care provider(s); additional \$350,000 cap on non-economic damages for a judgment against a single health care facility; \$350,000 cap on non-economic damages for a judgment against multiple health care facilities. Maximum total award of non-economic damages is \$1.05 million. (2005)	Yes. Defendants are responsible only for their proportionate share of negligence. If the plaintiff is to some degree responsible for the injury or damages claimed, the judge must first decrease the damages based on the plaintiff's degree of fault.	No	No	Upon the request of either party, the court must establish a schedule of payments for future damages exceeding \$350,000.
Hawaii	\$375,000 cap on non-economic damages, with exceptions for certain types of damages, ie. mental anguish. (1986)	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 non-economic damages in such actions, where a tortfeasor's negligence is 25% or more; intentional torts; strict liability torts; and product liability torts.	No	In all tort actions, fees shall be limited to a reasonable amount as approved by the court.	No

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Idaho	\$250,000 cap on non-economic damages per claimant in all personal injury and wrongful death actions. Cap will be adjusted annually beginning on July 1, 2004 based on the average state wage increase. Cap does not apply to willful or reckless conduct or felonious acts. (2003)	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 may 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.
Illinois	\$500,000 cap on non-economic damages for awards against physicians. \$1 million cap on non-economic damages for awards against hospital. (2005)	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, minus any amount paid by the claimant to secure such benefits. The total judgment may not be reduced more than 50%. Does not apply to benefits that are subject to subrogation.	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. Either party may elect or the court may order partial payment of future medical expenses through an annuity. The court must order the defendant to pay to the plaintiff 20% of the present cash value of future medical expenses and cost of life care. The remaining 80% shall be paid for through an annuity.
Indiana	\$750,000 cap on total damages for any act of malpractice that occurs after 12/31/89 and before 7/1/99. \$1.25 million total cap for any act of malpractice that occurs after 6/30/99. Health care providers are not liable for more than \$250,000 for an occurrence of malpractice. Any amount awarded in excess of \$250,000 will be paid through the Patient Compensation Fund. (1975)	No. Each defendant is jointly and severally liable.	Yes, trier of fact shall consider collateral sources of payment when determining award and court shall consider when reviewing awards that are allegedly excessive. 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 shall not be considered collateral sources of payment.	Yes. Attorney may collect only 15% of damages awarded under Patient Compensation Fund.	Yes. Law permits, but does not require.

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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 the reasonableness.
Kansas	\$250,000 cap on non-economic damages. (1988)	Yes. Defendants are responsible only for their proportionate share of negligence.	No.	No	Not mandated
Kentucky	None	When court apportions percentage of fault, defendant is only liable for comparable share of damages.	No	No	Not mandated
Louisiana	\$500,000 cap on total damages, excluding damages recoverable for future medical care. A health care provider covered by the Patient's Compensation Fund shall not be liable for more than \$100,000. The Patient's Compensation Fund will cover the excess amount awarded up to the cap. (1975)	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	\$500,000 cap on non-economic damages in wrongful death actions (2007)	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	The limit on non-economic damages is frozen at \$650,000 until January 1, 2009, after which time the cap will increase annually by \$15,000 per year. Cap applies in aggregate to all claims and defendants arising from the same medical injury. (Cap also applies in wrongful death actions if the claim involves only one claimant or beneficiary). If the wrongful death action involves two or more claimants or beneficiaries, the total cap on non-economic damages is \$812,500 (i.e., 125% of the current \$650,000 non-economic damages cap in PI claims). (2004)	No. Each defendant is jointly and severally liable.	No	No	Yes. Courts and arbitrators may order periodic payment.

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Massachusetts	\$500,000 cap on non-economic damages, with exceptions for proof of substantial disfigurement or permanent loss or impairment of a bodily function, or other special circumstances which warrant a finding that imposition of such limitation would deprive the plaintiff of just compensation for the injuries sustained. (1986)	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. An attorney may not take an 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 non-economic damages, adjusted annually for inflation, except in cases where the plaintiff is hemiplegic, paraplegic, or quadriplegic due to an injury to the brain or spinal cord, or where the plaintiff has permanently impaired cognitive capacity, or the plaintiff has had a permanent loss of or damage to a reproductive organ, then non-economic damages shall not exceed \$500,000. As of 2003 the \$280,000 cap is \$359,000 and the \$500,000 cap is \$641,000. (1993)	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.	Rules limit contingency fees to one third of total compensation.	No

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Minnesota	None	Yes. Joint and several liability law is abolished except for the following persons: persons who are greater than 50% at fault, persons who engage in a common scheme or plan that causes the injury, persons who commit an intentional tort, or persons whose liability is based on an environmental or similar statute.	Yes, within 10 days of the verdict and upon motion of a party. In such cases, the court must reduce the award by the amount received from collateral sources. Such reduction shall be offset by any amount paid by the plaintiff to secure the award.	No	Yes. Court must hold hearing in cases where future damages exceed \$100,000 to allow the claimant to consider if damages should be paid periodically.
Mississippi	\$500,000 cap on non-economic damages per plaintiff. (2004)	Yes. Defendants are responsible only for their proportionate share of negligence except where they consciously or deliberately pursue a common plan or design to commit a tortuous act or actively take part in it. (2004)	No	No	Yes, but they are not mandated.
Missouri	\$350,000 cap on non-economic damages. (2005)	A defendant can only be held jointly liable for damages if the defendant is greater than 51% at fault. A defendant who is less than 51% at fault shall only be responsible for damages in proportion to his or her degree of fault.	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 non-economic damages (1995, 1997)	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. Upon any party's request, the court must enter an order for periodic payment of future damages exceeding \$50,000.
Nebraska	\$1.75 million in total damages. Health care providers who qualify under the Hospital-Medical Liability Act (i.e. carry minimum levels of liability insurance and pay surcharge into excess coverage fund) shall not be liable for more than \$500,000 in total damages. Any excess damages shall be paid from the excess coverage fund. (1975, 1984, 1986, 1992)	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. The court shall determine in a separate hearing the amount of any credit against a claimant's damages based on any non-refundable insurance benefits reimbursed to the claimant. This information, however, is not admissible as evidence.	No, but upon motion of either party, the court must review and determine reasonableness of fees.	No
Nevada	\$350,000 cap on non-economic damages. (2004)	Yes. Defendants only severally liable for economic or non-economic damages in medical liability cases. (2004)	Yes. The judge must reduce the verdict by the amount of any collateral benefits. Third parties are no longer permitted to recover from the defendant the expenses they have paid on behalf of a medical liability victim. (2004)	Yes. 40% percent of the first \$50,000 recovered; 33 1/3% of the next \$50,000; 25% of the next \$500,000 recovered; and 15% of the amount of recovery that exceeds \$600,000. (2004).	Yes. When an award equals or exceeds \$50,000 in future damages, the court must allow the same to be paid in periodic payments instead of a lump sum, if requested by either party.

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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	Punitive damages limited to the greater of \$350,000 or five times compensatory damages.	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	\$600,000 cap on total damages, excluding punitive damages and past and future medical care. Health care providers personal liability shall not exceed \$200,000, including payments for future medical expenses. Any award in excess of this amount shall be paid by the patient compensation fund. (1992)	Yes. Defendants are responsible only for their proportionate share of negligence except in cases where defendant intended to inflict injury, 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.
New York	None	Yes for non-economic damages. Defendants are responsible only for their proportionate share of negligence if they are found to be 50% or less liable. Defendants can be held jointly and severally liable for economic damages.	Yes. Collateral sources of payment are admissible as evidence and must reduce the award by the amount recovered. Such reduction shall be offset by premiums paid by the claimant for the benefit for two years preceding the action and projected future costs of maintaining benefits.	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 Dakota	\$500,000 cap on non-economic damages. (1995) Economic damage awards in excess of \$250,000 are subject to judicial review for reasonableness. (1987)	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. Defendant may apply to the court for a reduction of economic damages based on collateral sources of payment.	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	Cap on non-economic damages of the greater of \$250,000 or three times economic damages up to a maximum of \$350,000 per plaintiff or 500,000 if there are multiple plaintiffs. For catastrophic injuries the maximum may increase to \$500,000 per plaintiff or \$1 million for multiple plaintiffs. (2002)	Yes. Defendants are responsible for their proportionate share of negligence for non-economic damages. For economic damages, defendants who are 50% or less at fault are responsible for their proportionate share of negligence, but defendants who are held more than 50% at fault are jointly and severally liable.	Yes. Defendants may introduce evidence of collateral sources of payments made to plaintiffs. The plaintiff may submit evidence of any amount the plaintiff has paid or contributed to secure the benefits.	No, but their fees are subject to approval by the probate court if their fees exceed the non-economic damages awarded.	Yes. Court may award periodic payment of damages for awards that exceed \$50,000 if the plaintiff or defendant files a motion with the court.
Oklahoma	\$300,000 cap on non-economic damages (separate cap for OB and care in ER), which applies only if the defendant made an offer of judgment and the verdict is less than 1 ½ times the amount of the final offer of judgment. The cap adjusts annually based on the CPI. The cap does not apply if nine or more	Partially. Defendants who are equal to or less than 50% at fault are liable only for their proportionate share of negligence. Defendants who are greater than 50% at fault can be held jointly and severally liable.	Yes. In any medical liability action, the court will admit evidence of payments made to the plaintiff from collateral sources unless the court makes a determination that the payment from a collateral source is subject to subrogation or other right of recovery.	Yes. In contingency fee arrangements, attorney may not contract to receive more than 50% of the recovery.	No

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Oklahoma (cont'd.)	members of the jury find by clear and convincing evidence that the defendant committed negligence or find by a preponderance of the evidence that the defendant's conduct was willful or wanton. The judge must make a threshold finding that there is evidence to support such findings. The cap does not apply to wrongful death cases. (2004) \$300,000 cap on non-economic damages for cases involving obstetric or emergency-room care. (2003)				
Oregon	Constitution prohibits caps on non-economic damages.  \$500,000 for non-economic damages in wrongful death actions.	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 non-economic 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, social security, or insurance benefits for which the person injured or deceased paid premiums.	Partially. Attorney fees recovered from an award for punitive damages are limited to 20% of the 40% paid to the prevailing party. No limit on attorney fees for economic or non-economic damages.	No
Pennsylvania	Constitution prohibits caps on non-economic damages. Punitive damages are capped at 2 times actual damages.	No. Struck down by Commonwealth Court ( <i>DeWeese v. Weaver</i> , 880 A.2d 54; 2005)	Yes. Awards are reduced by the amount paid to the claimant from other sources.	No.	Yes for future economic damages that exceed \$100,000, unless the claimant objects.

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Rhode Island	None	No. Each party is jointly and severally liable.	Yes. Collateral payment sources may be introduced and claimant may introduce evidence of any payments made to secure such benefit. Award must be reduced by the difference between the collateral payments received and payments made by the plaintiff to secure such benefits.	No	Not mandated, but parties must consider if damages exceed \$150,000.
South Carolina	\$350,000 cap on non-economic damages for a judgment against a single health care provider or institution. An award for non-economic damages against two or more health care providers or institutions cannot exceed \$1.05 million with a single provider or institution not liable for more than \$350,000. Cap adjusts annually for inflation based on the Consumer Price Index. (2005)	Partially. Defendants who are less than 50% at fault are liable only for their proportionate share of negligence. Defendants who are equal to or greater than 50% at fault can be held jointly and severally liable.	No	No	No
South Dakota	\$500,000 cap on total general damages (non-economic) (1985)	No. Each party is jointly and severally liable, but parties who are allocated less than 50% of the total fault may only be jointly liable for more than 2xs the percentage of fault allocated to that party.	Yes, but no evidence of payments subject to subrogation and not purchased by the claimant or paid by the government.	No	Yes. If a party makes an effective election and both parties agree or a timely objection is not filed, or if a timely objection is filed but the claimant can prove future damages are in excess of \$200,000.

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Tennessee	None	Yes. Courts have held joint and several liability obsolete.	Yes. Damages awarded will be reduced by collateral sources of payment. Such reduction shall be offset by the amount paid by the claimant to secure the benefit.	Yes. Attorney compensation shall be awarded by the court, but may not exceed 33 1/3% of total damages.	No
Texas	\$250,000 cap on non-economic damages for judgments against physicians and health care providers; additional \$250,000 cap on non-economic damages for judgment against first health care institution; \$250,000 cap on non-economic damages if judgment made on any subsequent health care institution. (2003)	Yes. Named defendants are held responsible only for the portion of fault attributable to them	No.	No.	Yes. Court must order payment of periodic damages if the present value of damages in case equals or exceeds \$100k.
Utah	\$250,000 cap on non-economic damages, indexed for inflation. For causes of action arising on or after 7/1/2001 but before 7/1/02 limit increased to \$400,000. Limit adjusted annually for inflation thereafter. (1986, 2001)	Yes. Defendants are responsible only for their proportionate share of negligence.	Yes. Court must reduce damages by any collateral sources of payment received by the claimant, except for benefits from payors with subrogation rights. Reduction shall be offset by amount paid by claimant to secure such benefits.	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
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. (1976, 1977, 1983, 1999, 2001)	No. Each party is jointly and severally liable.	No	No	Yes, but no requirement exists for such payments in PI cases.

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Washington	None	If the claimant is at fault, defendants are responsible only for their proportionate share of negligence, except where parties act in concert or where a person was acting as an agent or servant of the party. If the claimant is not at fault, defendants are jointly and severally liable.	Yes. Any party may present evidence to the trier of fact that the plaintiff has already been compensated for the injury complained of from any source except the assets of the plaintiff, the plaintiff's representative, or the plaintiff's immediate family. In the event such evidence is admitted, the plaintiff may present evidence of an obligation to repay such compensation and evidence of any amount paid by the plaintiff, or his or her representative or immediate family, to secure the right to the compensation.	Court shall determine the reasonableness of each party's attorneys' fees.	Yes. Any party may request periodic payments, and the court must order such payments if future economic damages exceed \$100,000.
West Virginia	\$250,000 cap on non-economic damages per occurrence. \$500,000 cap on non-economic damages for cases involving (1) wrongful death, (2) permanent and substantial physical deformity, loss of use of limb or loss of a bodily organ system, or (3) permanent physical or mental functional injury that permanently prevents the injured person from being able to independently care for himself or herself and perform life sustaining activities.	Yes. Defendants are responsible only for their proportionate share of negligence.	Yes. The defendant may introduce evidence of collateral sources of payment into evidence and the plaintiff may introduce evidence of payments made to secure such benefits. The court must reduce the award by the amount the plaintiff recovered from collateral sources offset by any payments or contributions made to secure such benefits.	No	No

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<b>State</b>	<b>Damage Caps</b>	<b>Joint Liability Reform</b>	<b>Collateral Source Reform</b>	<b>Attorney Fees Limited</b>	<b>Periodic Payments Permitted</b>
West Virginia (cont.d)	Adjusted annually for inflation, but the \$250,000 cap shall not exceed \$375,000 and the \$500,000 cap shall not exceed \$750,000. (2003)				
Wisconsin	\$750,000 non-economic damages for medical negligence. (2006)  A wrongful death action may be brought jointly with a negligence action. Wrongful death actions are capped at \$500,000 per occurrence for minors and \$350,000 per occurrence for adults.	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 defendant 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.
Wyoming	None - Constitution prohibits caps	Yes. Defendants are responsible only for their proportionate share of negligence.	No	No	Not mandated