

## NEWS RELEASE

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Med-Mal Cases

### Supreme Court Adopts Rules Governing Reduction of Awards

**HARRISBURG, September 20, 2004** — Chief Justice of Pennsylvania Ralph J. Cappy today announced new civil procedural rules changes governing certain damage awards as part of the Supreme Court of Pennsylvania's continued effort to address concerns over medical malpractice litigation.

The court adopted new Civil Procedural Rule 1042.72 that effectively creates a special category for considering whether medical malpractice awards are excessive. The new standards are distinctly different than existing guidelines for what is known as "remittitur"— or action on the part of a defendant to reduce financial damages awarded by a jury. The new rule goes into effect Dec. 1.

In addition, the new rule requires consideration of whether an award "deviates substantially from what could be considered reasonable compensation" and lists several factors to use as a guide in determining what is appropriate. Under the new rule, the trial court would determine whether to diminish an award. If a plaintiff chooses not to accept the lesser award, the court must hold a new trial solely to determine "noneconomic loss."

"These changes complement this court's previous civil rules revisions, and underscore the Judiciary's commitment to working collaboratively with other branches of government in addressing this important quality of life issue for the Commonwealth and its citizens," the chief justice said.

The new rule contains a "sunset" provision that calls for it to expire in five years unless the court issues an order extending its applicability.

Another part of the changes announced today include the amendment of an existing civil procedural rule that prohibits the entering of any judgment until all motions regarding excessive damages are resolved.

*(A copy of the court order and the new rules can be found at: [www.courts.state.pa.us](http://www.courts.state.pa.us))*

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