

February 6, 2003

S 9. MEDICAL MALPRACTICE DAMAGES/ATTORNEYS FEES. *AN ACT TO MODIFY MEDICAL MALPRACTICE ACTIONS BY ESTABLISHING A CAP ON THE AWARD FOR NONECONOMIC COMPENSATORY DAMAGES, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, AND BY ESTABLISHING MAXIMUM LIMITS FOR ATTORNEYS' FEES THAT ARE TO BE PAID ON A CONTINGENCY FEE BASIS.* Adds new section GS 90-21.18 to limit the amount of noneconomic damages (not including punitive damages) in medical malpractice actions to \$250,000 per plaintiff. Adds new section GS 90-21.19 to provide that when a medical malpractice award exceeds \$50,000 in future damages (including future medical care, loss of future earnings, and future pain and suffering), either party may request that the court enter a judgment ordering periodic payments of specific amounts and at specific intervals. Provides for modification of the judgment only upon the death of the judgment creditor. Adds new section GS 90-21.19A to limit attorneys' fees paid on a contingency basis in connection with a medical malpractice action. Limits vary from forty to fifteen percent depending on the amount recovered (including punitive damages). New sections would apply to judgments entered and contingency fee contracts entered into on or after Oct. 1, 2003.

Intro. by Pittenger.

Held as Filed	GS 90
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