



American Tort Reform Association

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2008 State Tort Reform Enactments

(as of December 2008)

The 2008 legislative year continues to be a difficult one for civil justice reform proponents. A tough political environment, tort reform fatigue, and a re-energized plaintiffs' bar have combined to make 2008 one of the most challenging legislative sessions in years. Similar to last year, 2008 has required a primary focus on defensive efforts as the trial bar continues to aggressively pursue their agenda to expand liability in state legislatures. At the same time, this challenging environment has resulted in few affirmative tort reform proposals being enacted into law. ATRA applauds those legislatures and state leaders who have enacted affirmative reforms this year as well as those who have defeated the many trial bar-sponsored legislative attempts.

Georgia

Medical Liability Reform/"Good Samaritan" – H.B. 89

Provides businesses and non-profits some liability protection when performing acts in a time of emergency or crisis in coordination with a state agency.

Louisiana

Expert Evidence Reform – S.B. 308

Requires a pre-trial motion requesting a hearing on expert evidence to be filed 60 days prior to the trial date. Requires a judge to hold a hearing and give an oral or written reason for qualifying or disqualifying an expert witness and/or methodology within 30 days of trial. Also includes a "loser pay" provision.

Rhode Island

Appeal Bond Reform – H.B. 2509 - Limits the amount a signatory to the Master Settlement Agreement can be required to pay to secure the right to appeal to \$50 million.

Tennessee – S.B. 2001

Medical Liability Reform/Frivolous Lawsuit Reduction

Requires any person asserting claim for medical negligence to give written notice to each alleged negligent healthcare provider at least 60 days before filing suit.

West Virginia

Venue Reform – H.B. 4019

Provides for technical revisions to the 2007 venue reform bill.

State Government Accountability Reform – H.B. 104 (1st Extraordinary Session)

Requires the Attorney General to notify the Governor and Legislature when filing a lawsuit and when entering into settlement negotiations.