



Uncapping medical malpractice damages—a law of unintended consequences?, Daily Journal, article by Louie Castoria, November 18, 2021

For more than 45 years, California law has set a cap on general damage verdicts, such as payments for pain and suffering, in medical malpractice cases. In 2022, California voters will decide an initiative that would substantially change the cap, and eliminate it altogether in catastrophic injury cases.

Louie Castoria, KDV's Partner, and Chair Emeritus of Professional Liability Practice Group, assessed the initiative's potential legal malpractice implications in an article published in the Daily Journal on November 18, 2021. Changes to the statute of limitations, damage caps, attorney fee awards, and other longstanding features of medical malpractice litigation may have unintended consequences, posing liability risks to attorneys representing plaintiffs or defendants. Louie identifies some of these risks and suggests steps lawyers who practice in California can take to avoid them.

Daily Journal subscribers can read the article at the link below.