
HOUSE CONCURRENT RESOLUTION

REQUESTING A STUDY OF MONETARY AWARDS IN TORT CASES IN HAWAII
WITHIN THE PREVIOUS FIVE YEARS.

1 WHEREAS, the issue of tort reform in Hawaii and across the
2 nation has gained particular prominence in recent years; and
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4 WHEREAS, the issue of tort reform is now commonly viewed in
5 relation to insurance rates for medical malpractice insurance;
6 and
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8 WHEREAS, segments of our community--particularly the
9 medical community--have claimed--and the news media have widely
10 reported the claims--that the high cost of medical malpractice
11 insurance is responsible for causing many physicians and
12 surgeons to leave Hawaii and dissuading many others from
13 deciding even to practice here; and
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15 WHEREAS, other parts of our community--especially the legal
16 community--have asserted that it is difficult and unwise to
17 impose an arbitrary limit on the amount of non-economic damages
18 that may be awarded to compensate individuals who have been
19 injured tortiously; and
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21 WHEREAS, other reasons for the alleged shortage of
22 physicians and surgeons statewide and nationally have been
23 raised, including the insufficiency of reimbursements from:
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25 (1) The federal government for the treatment of Medicare
26 patients; and
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28 (2) Private health insurance providers;
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30 and



1 WHEREAS, tort reform is a complex, major issue that
2 requires additional careful and thorough study before the
3 Legislature takes further action; and

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5 WHEREAS, one method of examining the issue of tort reform
6 in greater depth is to review the number of cases in Hawaii that
7 resulted in monetary awards to plaintiffs of:

- 8
9 (1) Less than \$500,000;
- 10
11 (2) At least \$500,000 but less than \$1,000,000;
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13 (3) At least \$1,000,000 but less than \$5,000,000; and
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15 (4) \$5,000,000 or more,

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17 within the past five years; now, therefore,

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19 BE IT RESOLVED by the House of Representatives of the
20 Twenty-fourth Legislature of the State of Hawaii, Regular
21 Session of 2007, the Senate concurring, that the Legislative
22 Reference Bureau (LRB) is requested to review the number of tort
23 cases in Hawaii that resulted in monetary awards to plaintiffs
24 of:

- 25
26 (1) Less than \$500,000;
- 27
28 (2) At least \$500,000 but less than \$1,000,000;
- 29
30 (3) At least \$1,000,000 but less than \$5,000,000; and
- 31
32 (4) \$5,000,000 or more,

33
34 within the past five years; and

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36 BE IT FURTHER RESOLVED that LRB is requested to compile the
37 results of its review into a single report; and

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39 BE IT FURTHER RESOLVED that the report indicate the type of
40 tort involved in each case so that at least the medical torts
41 can be evaluated; and



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BE IT FURTHER RESOLVED that LRB is requested to submit the report to the Legislature at least 20 days prior to the convening of the Regular Session of 2008; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Acting Director of LRB.

OFFERED BY:

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