

Arizona Comments Email - Economic Damages.txt

From: Adams, Karen  
Sent: Friday, January 09, 2009 3:28 PM  
To: Simpson, Pamela K.; Bieniek, Joe  
Cc: Taylor, Rae; Barclay, Lee  
Subject: Med Mal Closed Claim Reporting Law - Economic Damages

Attachments: Economic Damages.doc

I have an idea for a way to report economic damages that might be acceptable to both the industry and to regulators.

Instead of asking directly for the economic damages, could we ask for some more objective criteria used to calculate the damages? Such as salary, and information for calculating the expected remaining lifespan of the plaintiff?

- 1) Age
- 2) Sex
- 3) Smoker vs Non-Smoker
- 4) Current Salary
- 5) Occupation
- 6) State of employment
- 7) % impairment
- 8) Number of dependents
- 9) Ages of dependents

It doesn't mean that we couldn't ask for the Economic damages when the court specifically assigns them. Also it would provide a means to avoid inconsistencies due to different interpretations of economic damage by different states/courts/insurers. Whoever does a study or calculation on the effect of tort reform can use the data and apply his/her own definition of economic damage.

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K. Specific information about the indemnity payments and defense and cost containment expenses, including:

***(1) For claims disposed of by a court that result in a verdict or judgment that itemizes damages:***

- (a) The indemnity payment made on behalf of the defendant;
- (b) Objective information necessary for calculating economic damages;
- (c) Economic damages as stated by the court;
- (d) Punitive damages, if applicable; and
- (e) Defense and cost containment expenses, including court costs, attorneys' fees, and costs of expert witnesses; and

***(2) For claims that do not result in a verdict or judgment that itemizes damages:***

- (a) The total amount of the settlement on behalf of the defendant;
- (b) Objective information necessary for calculating economic damages;
- ~~(c) The insuring entity's or self-insurer's best estimate of noneconomic damages included in the settlement; and~~
- (d) Defense and cost containment expenses, including court costs, attorneys' fees, and costs of expert witnesses;