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## Texas Study Casts Doubt on Need for Tort Reform

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HOUSTON (Reuters) - A study released on Thursday cast doubt on whether recent "tort reform" in Texas that limited payouts in medical malpractice lawsuits and is similar to what President Bush wants nationally was really needed.

The study looked at Texas Department of Insurance records dating back to 1988 and found claims that medical costs were soaring because of too many malpractice lawsuits, the supposed reason for the reform, were not true.

"We find no evidence of the medical malpractice crisis that produced headlines over the last several years and led to legal reform in Texas and other states," said the study, conducted by law professors at the University of Texas, University of Illinois and Columbia University law schools.

Only a few states have comprehensive insurance databases like that of Texas, said David Hyman, one of the study authors, but similar studies elsewhere have found nothing to indicate a link between litigation and rising medical costs.

"Everyone who is collecting data is finding more or less the same thing -- there is no evidence of a tort crisis," he told Reuters.

"The clear implication is that 'runaway medical malpractice litigation' makes a poor poster child for the cause of tort reform," said the study, which was released at the Texas law school in Austin.

In 2003, in response to the alleged litigation crisis, Texas passed a law placing a \$250,000 cap on certain damages in medical malpractice lawsuits.

But the study found that insurance payouts, jury awards in malpractice lawsuits and costs of legal defense had changed little between 1988 and 2002.

The only thing that jumped, they said, was the cost of malpractice insurance, which rose 135 percent from 1999 to 2003 likely because of financial pressures that had nothing to do with litigation.

Bush, who backed tort reform when he was governor of Texas, is now calling for a federal law imposing the same \$250,000 cap in malpractice lawsuits.

Without a cap "excessive jury awards will continue to drive up insurance costs," he said in a recent speech.

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