

State	Statute	Venue Restrictions	State Treatment of Contributory Negligence and Joint/Several Liability	Caps on Damages	Jury Trials Against Gov. Subdivision/Community Hospital	Jury Size in State Actions/Unanimous Verdict?	Recoverable Damages
Alabama	2 years for wrongful death or personal injury, extended by up to 6 months from time of reasonable discovery. 4 year statute of repose.	Where the alleged act/omission by health care provider occurred, complicated when acts/omissions occur in more than one county.	Contributory negligence is an absolute bar to recovery, if plead as an affirmative defense. There is joint/several liability among tortfeasors, but there is no apportionment to fault.	All non-punitive caps on damages have been held unconstitutional.	Yes.	Jury size is 12 and verdict must be unanimous.	Only punitive damages are recoverable in wrongful death cases. In personal injury cases, the jury hears evidence of what was billed and paid and decides.
Alaska	2 years after the cause of action accrues. Discovery rule applies to toll statute until cause of injury is known.	The judicial district where alleged negligence occurs. Rule 3(c) AS 22.10.020(b)	Comparative negligence reduces plaintiff's damages in proportion to the amount of negligence attributed to plaintiff. Several liability only.	\$1 million or \$25,000 per year x life expectancy, whichever is greater. AS 09.17.010	Yes.	6 jurors, 5 must agree on verdict in civil cases.	Collateral source rule generally bars recovery of amounts paid by insurance. 09.55.548
Arizona	2 years from accrual, which may be tolled by the discovery rule. Claims against public entities must be filed within 180 days.	In the county where the defendant resides; if multiple defendants, in any county in which any defendant resides; if one or more of the defendants resides out of state, the claim can be brought in the county where the plaintiff resides.	Pure comparative, several liability.	The AZ constitution prohibits any caps on damages.	Yes.	Juries of 8 people, with 6 required for a verdict. The parties can stipulate to more or less of either.	Defendant can introduce evidence of collateral sources; if that is done, the plaintiff can introduce evidence of amounts paid to secure the collateral sources and any liens payable to the collateral sources.
Arkansas	2 years. The date of the accrual of the cause of action is the date of the wrongful act complained of and no other time. However, where the action is based upon the discovery of a foreign object in the body of the injured person which is not discovered within the two year statute of limitations period, the action may be commenced within one year of the date of discovery or the date the foreign object reasonably should have been discovered, whichever is earlier.	For all causes of actions occurring after March 25, 2003, any action for a medical injury brought under the Arkansas Medical Malpractice Act against a medical care provider shall be filed in the county in which the alleged act or omission occurred. Ark. Code Ann 16-55-220(a).	If the plaintiff's fault is less than that of the defendant(s), then the plaintiff is entitled to recover "the amount of his damages after they have been diminished in proportion to the degree of his own fault." However, if the plaintiff's fault is found to be equal to or greater than the fault of the defendant(s), then the plaintiff shall be barred from recovery. Joint and several liability was abolished by 2003 statute, Ark. Code Ann § 16-55-201. More recent legislation (Act 1116 of 2013; codified as Ark. Code Ann. § 16-61-201 et seq.), rule changes (Ark. R. Civ. P. 9(h), 49(c), 52(a)) and model jury instructions (Ark. Model Jury Instructions – Civil 307, 308) provide a mechanism for the trier-of-fact to determine fault of non-parties such as settling defendants.	Legislatively enacted damages caps have been held unconstitutional. Currently no caps exist for compensatory or punitive damages.	Claims against the state, its agencies and institutions must proceed before the Arkansas State Claims Commission where there is no right to trial by jury. Jury trial is available for claims against community hospitals, but note that charitable immunity doctrine remains viable.	No more than 12 jurors; 9 of 12 must agree.	"Recoveries from collateral sources do not redound to the benefit of the tortfeasor, even though double recovery for the same damage by the injured party may result."
California	An action for medical malpractice must be brought within three years of the date of injury or one year after the plaintiff discovers, or reasonably should have discovered the injury, whichever occurs first. Claims against governmental agencies must be brought within 180 days.	Action may be filed either the county where the injury occurs or the county where the defendants, or some of the defendants, reside. If none of the defendants reside in state, the plaintiff may select the county at the time of the filing of the complaint.	Joint and several liability applies to "economic" damages but does not apply to "non-economic damages." Each defendant is liable only for the amount of non-economic damages allocated to that defendant in direct proportion to that defendant's percentage of fault.	There is a \$250,000 cap on non-economic damages and no cap on economic damages.	Yes.	12 jurors; 9 or more needed to reach a verdict.	Defendant may introduce evidence of collateral sources and, if done, plaintiff may introduce evidence of the cost of securing the insurance benefits which the defendant has entered into evidence.
Colorado	Colo. Rev. Stat. § 13-80-102.5(1) sets	There are no venue restrictions	Generally, Colorado law	Damages for medical malpractice against	There are no	Juries in civil	A plaintiff may recover all medical expenses

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	<p>forth the relevant limitations period and statute of repose for claims brought against “healthcare institutions” and “healthcare professionals.” Such actions must be brought within two years after the date the injury and its cause were known or should have been known with the exercise of reasonable diligence. The statute also sets forth a three-year period of repose requiring any claim to be brought within three years of the act or omission giving rise to a claim unless the act was “knowingly concealed” by the person who committing the act. Colo. Rev. Stat. § 13-80-102.5(3)(a). Actions brought by a minor can be brought up the minor’s eighth birthday. The respective limitations periods are tolled during periods of mental incompetency and other disabilities. Colo. Rev. Stat. §§ 13-81-101 and 103. Wrongful death actions are subject to a two-year statute of limitations and actions for wrongful death accrue on the date of death.</p>	<p>on lawsuits against medical professionals or hospitals. Colo. R. Civ. P. 98 sets out the venue requirements of the Colorado courts.</p>	<p>generally does not recognize claims for joint and several liability. Colo. Rev. Stat. § 13-21-111.5(1) provides: In an action brought as a result of a death or an injury to person or property, no defendant shall be liable for an amount greater than that represented by the degree or percentage of the negligence or fault attributable to such defendant that produced the claimed injury, death, damage, or loss, except as provided in subsection (4) of this section. Subsection 4 provides: Joint liability shall be imposed on two or more persons who consciously conspire and deliberately pursue a common plan or design to commit a tortious act. Any person held jointly liable under this subsection (4) shall have a right of contribution from his fellow defendants acting in concert. A defendant shall be held responsible under this subsection (4) only for the degree or percentage of fault assessed to those persons who are held jointly liable pursuant to this subsection (4). Colorado has adopted a modified form of comparative negligence codified at Colo. Rev. Stat. § 13-21-111(1): Contributory negligence shall not bar recovery in any action by any person or his legal representative to recover damages for negligence resulting in death or in injury to person or property, if such negligence was not as great as the negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person for whose injury, damage, or death recovery is made.</p>	<p>a healthcare institution or professional are subject to a soft cap of \$1,000,000 per patient, including any derivative claim from another claimant. Colo. Rev. Stat. § 13-64-302. The cap may be exceeded if the court finds that the present and future economic damages exceed this cap and that application of the cap would otherwise be unfair. Non-economic damages and exemplary damages are limited by statute. Colo. Rev. Stat. § 13-21-203(1)(b) provides: The damages recoverable for noneconomic loss or injury in any medical malpractice action shall not exceed the limitations on noneconomic loss or injury set forth in section 13-64-302. Under Colo. Rev. Stat. § 13-64-302(1)(b), the maximum amount of noneconomic damages recoverable in a civil action against a healthcare professional or institution was \$250,000. However, § 13-64-302(1)(c) provides for an inflationary adjustment in this amount from \$250,000 to \$300,000 effective July 1, 2003. This subsection provides: Effective July 1, 2003, the damages limitation of two hundred fifty thousand dollars described in paragraph (b) of this subsection (1) shall be increased to three hundred thousand dollars, which increased amount shall apply to acts or omissions occurring on or after said date. Exemplary damages are limited by Colo. Rev. Stat. § 13-21-203(3)(a), which provides for exemplary damages but limits such damages to the amount of actual damages awarded. The section provides: In all actions brought under section 13-21-201 or 13-21-202 in which damages are assessed by the trier of fact, and the death complained of is attended by circumstances of fraud, malice, or willful and wanton conduct, the trier of fact, in addition to the actual damages, may award reasonable exemplary damages. The amount of such reasonable exemplary damages shall not exceed an amount that is equal to the amount of the actual damages awarded to the injured party. Finally, Colo. Rev. Stat. § 13-21-203(5) allows the trial court to treble an award of exemplary damages under the following circumstances: (a) The defendant has continued the behavior or repeated the action that is the subject of the claim against the</p>	<p>restrictions on the use of jury trials against government subdivisions. The Colorado Governmental Immunity Act sets forth the State’s statutory scheme with respect to immunity and limitations on actions and damages.</p>	<p>trials are demanded through Colo. R. Civ. P. 38. Colo. R. Stat. § 13-70-103 provide “A jury in civil cases shall consist of six persons, unless the parties agree to a smaller number, which shall be not less than three.” Verdicts must be unanimous.</p>	<p>and any other past and future economic damages. Damages are subject to a soft cap of \$1,000,000 as set forth at Colo. Rev. Stat. § 13-64-302. Noneconomic and punitive damages are limited as set forth in Section 4.</p>

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				defendant in a willful and wanton manner against another person or persons during the pendency of the case; or (b) The defendant has acted in a willful and wanton manner during the pendency of the action in a manner that has further aggravated the damages of the plaintiff when the defendant knew or should have known such action would produce aggravation.			
Connecticut	2 years from the date the injury is sustained, discovered or should have been discovered, and no later than 3 years. 52-584	Complicated. See 51-345.	If a jury finds contributory negligence, damages are apportioned. Several liability with damages apportioned to defendant according to percentage of fault.		Yes.	6 Jurors 52-215(a); Unanimous verdict required 16-30	No reduction in jury award for collateral source payments.
Delaware	2 years from the date upon which such injury occurred, except in the event of personal injury, if not discovered within 2 years, action may be filed prior to expiration of 3 years from date of injury. 18 Del. C. 6856	Where the act or omission occurred.	Recovery not barred if plaintiff's negligence is not greater than the negligence of the defendant or the combined negligence of all defendants against whom recovery is sought, but shall be proportionately reduced.		Yes.	12 persons, unanimous verdict required Delaware Rules of Court, Standard 17.	No reduction in jury award for collateral source payments.
District of Columbia	2 years for wrongful death. 3 years for personal injury. 90 day notice required in med mal action, if pre-suit 90 day notice is filed within the 90 days after the statute of limitations rule, then statute of limitations is extended for 90 days from date of service.	N/A. Personal jurisdiction over any person who (1) transacts any business in DC, (2) causes tortious injury in DC, or (3) causes tortious injury outside of DC but transacts business in DC.	Contributory negligence is a complete bar to recovery by Plaintiff.	No.	N/A.	In civil jury trials 6-12 jurors. Unless stipulated by parties, verdict must be unanimous. No verdict may be taken from a jury of less than 6 jurors.	"Punitive damages are warranted only when the defendant commits a tortious act accompanied with fraud, ill will, recklessness, wantonness, oppressiveness, willful disregard of the plaintiff's rights, or other circumstances tending to aggravate the injury." The collateral source rule precludes introduction of evidence that a plaintiff received third-party payments in connection with his or her injury, except when such evidence "has probative value on an issue unrelated to damages."
Florida	2 years with a 5 year statute of repose.	Where the defendant resides or the cause of action accrued.	Fla. Stat. 768.81: Liability on the basis of such party's percentage of fault.	\$1 million noneconomic damages cap held unconstitutional.	Yes.	Unanimous verdict required; no less than 6 jurors.	No recovery of amounts paid by collateral sources with no subrogation rights.
Georgia	2 years with a 5 year statute of repose.	Where any defendant resides.	Georgia no longer recognizes joint and several liability. Liability is apportioned amongst the parties. It can also be apportioned to former defendants who have settled out and to non-parties with 120 days notice before trial pursuant to O.C.G.A 51-12-33. Liability can be apportioned Plaintiff.	No, as the cap placed on noneconomic damages was determined unconstitutional by the Georgia Supreme Court in Atlanta Oculoplastic Surgery, P.C. v Nestlehutt, 286 GA. 731, 735 691 S.E. 2d 218, 223 (2010). There is a \$250,000 cap on punitive damages unless a specific intent to cause harm is proven.	Yes.	The jury size is 12 jurors in Superior Court, and the verdict must be unanimous. Is State Court there is a jury of 6 unless a jury of 12 is requested.	All medical expenses billed. Defendant is entitled to a set-off of unpaid bills or written-off bills against the verdict.
Hawaii	2 years from when claimant discovers/reasonably should have discovered the injury, but no more than 6 years after the date of the act	District court of the judicial circuit in which the defendant or majority of the defendants reside or the claim for relief	Claimant's recovery is reduced in proportion to his degree of negligence, and is barred if his negligence exceeds the	\$375,000 cap for pain and suffering. Haw. Rev. Stat. 663-8.7	When the right of trial by jury is given by the Constitution or a	12 jurors in circuit or district court, parties can agree to	Medical expenses may be recovered, although the collateral source rule applies.

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	or omission causing the injury or death. Haw. Rev. Stat. 657-7.3	arose. Haw. Rev. Stat. 604-7	combined negligence of all defendant's. Haw. Rev. Stat. 663-31. Joint and Several for economic loss; joint and several for non-economic damages if 25% or more assigned. Haw. Rev. Stat. 663-10.9. Right of contribution exists among Joint tortfeasors. Haw. Rev. Stat. 663-12		statute of the United States or this State and the right has not been waived, the case shall be tried with a jury. Haw. Rev. Stat. 635-13.	fewer. Haw. Rev. Stat. 635-26. 5/6 of the jurors must agree to the verdict. Haw. Rev. Stat. 635-20.	
Idaho	2 years from the date of the alleged act or omission following some damage to Plaintiff. Idaho law does not provide for a "discovery" rule, except in cases involving foreign objects and fraudulent concealment.	After Prelitigation Screening Panel process, an action is tried in the county in which the defendant resides (Idaho Code 5-404).	Comparative responsibility shall not bar recovery, if such negligence was not as great as the negligence of the person against whom recovery is sought. Joint and several liability is only applicable when a plaintiff proves that the parties were acting in concert or acting as an agent of another (Idaho Code 6-803(5)).	The cap on non-economic damages is currently \$324, 478.	Yes.	12 jurors; 9 of 12 for a verdict.	All medical expenses incurred.
Illinois	In Illinois, the statute of limitations for medical negligence actions is two years. 735 ILCS 5/13-212(a). The statute of repose is four years. 735 ILCS 5/13-212(a).	There are no special statutory venue provisions that govern medical malpractice suits in Illinois. Generally, venue is proper (a) in any county that is "the county of residence of any defendant who is joined in good faith and with probable cause for the purpose of obtaining a judgment against him or her and not solely for the purpose of fixing venue in that county," or (b) in a "county in which the transaction or some part thereof occurred out of which the cause of action arose." 735 ILCS 5/2-101.	Comparative negligence is a damages-reducing factor. A Plaintiff whose contributory negligence is more than 50% is barred from recovering any damages. On the other hand, if a plaintiff's contributory negligence is 50% or less, recovery is not barred. Instead, the total damages amount is subject to a reduction proportionate to the amount of plaintiff's comparative negligence. The doctrine of joint and several liability applies in medical malpractice actions. All defendants found liable are jointly and severally liable for the plaintiff's past and future medical and medically-related expenses. A defendant who is 25% or more at fault is jointly and severally liable for all other damages. However, a defendant found to be less than 25% at fault will only be severally liable for all other damages 735 ILCS 5/2-1117.	No.	Yes.	For cases filed before 6/1/15, the parties are entitled to a jury of 12. For cases filed after 6/1/15, the parties are entitled to a jury of 6. A verdict must be unanimous.	As a general rule, all medical expenses incurred.
Indiana	Two year SOL from the date the negligent act is alleged to have occurred.	The preferred venue is the county in which the defendants were residents and in which acts complained of occurred.	State Comparative Fault Act does not apply to med mal claims. The defense of contributory negligence is available in medical malpractice claims. Joint tortfeasors are	\$1,000,000 cap on total amount recoverable for injury or death which includes derivative claims.	Yes.	Civil jury of six people. Verdict must be unanimous.	Damages include hospital and health care expense. Litigation expenses and pre-judgment interest are not subject to the cap. For wrongful death, there is recovery for loss of services, love affection, companionship, care protection and

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			those whose actions unite to cause a single injury. Defendant is entitled to set off for all settlement funds paid prior to verdict.				guidance as well as the survivor's sorrow, stress, shock and mental suffering.
Iowa	Two years from date plaintiff knew of or should have known of injury and its cause in fact.	Actions arising out of injuries to a person or damage to property may be brought in the county in which the defendant, or one of the defendants, is a resident or in the county in which the injury or damage is sustained.	No contributory negligence. Iowa is a comparative fault state. Plaintiff has the burden of proving defendant is over 50% at fault. If plaintiff is found 50% or greater at fault, no recovery. Any defendant 50% or more at fault is jointly and severally liable for economic damages only. No joint and several liability for non-economic damages.	Iowa does not have caps on damages. Prior efforts on tort reform in the form of caps have been rejected by the legislature.	Yes.	Civil jury of eight people. Unanimous required for the first six hours of deliberation. After six hours, jury of 7 may return a verdict.	Damages award shall not include actual economic losses incurred or to be incurred in the future by the claimant by reason of the person injury, including, but not limited to, the cost of reasonable and necessary medical care, rehabilitation services and custodial care, and the loss of services and loss of earned income, to the extent that those losses are replaced or indemnified by insurance or by governmental, employment or service benefit programs or from any other source. Statute excludes economic losses replaced or indemnified by medical assistance program under 249A or assets of claimant or claimant's family.
Kansas	2 year statute of limitations. 10 year statute of repose. K.S.A. 60-513.	No special rule.	If the Plaintiff's fault is greater than or equal to the fault of the defendant, the Plaintiff cannot recover. KSA 60-258(a). <i>Wilson v. Kansas Power & Light Co.</i> , 657 P.2d 546 (Kan. 1983). Each party found liable is responsible to pay only its portion of the awarded damages. KSA 60-258(a); <i>Brown v. Keill</i> , 580 P.2d 867, 874 (Kan. 1978). Since defendants do not pay another's share of the damages, there is no right of contribution between them. <i>Mathis v. TG&Y</i> , 751 P.2d 136 (Kan. 1988). A partial settlement has no effect on the liability of the remaining tortfeasors. <i>Dodge City Implement, Inc. v. Board of County Commissioners</i> , 205 P.3d 1265 (Kan. 2009).	Pursuant to recent amendments to K.S.A. 60-19a02, there is a \$250,000 noneconomic damage cap for causes of action accruing on or after July 1, 1988, and before July 1, 2014; a \$300,000 noneconomic damage cap for causes of action accruing on or after July 1, 2014 and before July 1, 2018; a \$325,000 noneconomic damage cap for causes of action accruing on or after July 1, 2018, and before July 1, 2022; and a \$350,000 noneconomic damage cap for causes of action accruing on or after July 1, 2022.	Yes.	K.S.A. 60-248 governs. The parties may stipulate that the jury shall consist of any number less than 12 or, subject to the provisions of subsection (g), that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury. Whenever the jury consists of 12 members, the agreement of 10 jurors shall be sufficient to render a verdict. In all other cases, subject to the stipulation of the parties as provided in subsection (a), the verdict shall be by	The reasonable expense of an injured plaintiff's medical treatment is a proper element of economic damages, including when the medical services are self-administered or gratuitously provided by family members. The reasonableness of the expenses is a question for the finder of fact. Evidence relevant to determining the reasonable value of an injured plaintiff's medical expenses may include the amount actually billed by the health care provider. The evidence may also include write-offs or other acknowledgements that something less than the charged amount has satisfied, or will satisfy, the amount billed. <i>Martinez v. Milburn Enters.</i> , 290 Kan. 572 (2010).

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						agreement of all the jurors.	
Kentucky	The limitation is one year from the date of the alleged negligence and can be extended to one year from the date on which a reasonable person would have discovered the negligence. The statute is tolled until one year after a minor attains the majority age of eighteen. KRS 413.140	A defendant may only be sued in the county where the tort allegedly occurred or in the county where the defendant resides.	Kentucky has adopted pure comparative fault. KRS 411.182	No.	Either plaintiff or defendant is entitled to a trial by jury upon request. There are no preliminary administrative restrictions.	9 of 12 jury members must agree.	Plaintiffs are entitled to recover all typical damages available in tort actions, including punitive damages if warranted. Plaintiff may introduce as evidence and recover the full amount of billed medical expenses, regardless of the actual amount paid to the healthcare provider. The collateral source rule is applicable and prevents a defendant from introducing evidence of payments from an insurer, Medicaid, or Medicare.
Louisiana	1 year from act or discovery, no later than 3 years.	Where the defendant resides or the conduct occurred.	Pure comparative fault.	\$500,000 if qualified member of the panel.	No.	9 of 12 jury members must agree.	Recoverable damages are the full amount incurred exception: full charges not recoverable against defendants who write off/reduce bills.
Maine	Three year statute from the discovery of professional negligence.	Actions may be brought in any county where the plaintiff or defendant lives, or where the cause of action arises.	Pure comparative fault.	No.	Yes.	Jury seated of 8 or 9 members. Jury may not be reduced to fewer than 7 for a verdict. Verdict requires 2/3 of juror's votes.	Reasonable medical and nursing expenses. Permanent Impairment and future loss of earnings.
Maryland	Within 3 years of the date injury discovered, with 5 year statute of repose.	Where defendant resides, carries on business or is employed. No single venue when multiple defendants.	Contributory negligence is a complete bar to recovery by Plaintiff. Apportionment of fault among defendants only when the injury is divisible. Defendant has the burden of proof to show apportionment is appropriate. Harm is divisible among joint-tortfeasors whether or not judgment has been recovered against all or some of them.	\$650,000 cap on noneconomic damages for med mal claims arising between Jan. 1, 2005 and Dec. 31, 2008. This amount is increased by \$15,000 on Jan. 1 of each year beginning Jan. 1, 2009.	There are no restrictions on the use of jury trials against government subdivisions.	In civil jury trials, 6 jurors. Party has a right to trial by jury in civil proceedings where the amount in controversy exceeds \$15,000. Verdicts must not be unanimous.	Evidence of collateral source payments permitted in post-verdict proceedings within the discretion of presiding judge or the jury to reduce damages awarded. Parents of deceased children in wrongful death are entitled to economic and noneconomic damages. In personal injury, punitive damages are permissible so long as they are proven by clear and convincing evidence, are proportional, and compensatory damages are awarded.
Massachusetts	3 years with a 7 year statute of repose.	Where one of the parties lives or the alleged injury or damage occurred.	If plaintiff's fault exceeds defendants', no recovery. Allocation of fault limited to defendants at trial.	\$100,000 cap on damages against non-profit organization providing healthcare; \$500,000 non-economic damages cap.	No.	12 jurors; 10 must agree on verdict.	Any costs compensated from any collateral source is reduced by that amount.
Michigan	6 year statute of limitations. Claims accrue at the time of the alleged act of professional negligence. The plaintiff must bring the action within 6 months of discovering the existence of the claim.	Venue is appropriate in the county in which the original injury occurred, and where the defendant resides or conducts business.	Michigan generally follows comparative fault. If the plaintiff is not at fault in a medical malpractice case, then the liability of the at fault defendants is joint and several.	Noneconomic damages may not exceed \$444,900 or \$794,500 for certain permanent disabilities. (The statute provides that the State Treasurer shall adjust the cap by the consumer price index annually.)	Yes.	Jury of 12 with a verdict returnable by 10.	Full amount of actual damages, subject to cap.
Minnesota	4 years for personal injury. 3 years for wrongful death.	Where one or more of the defendants reside.	No recovery if Plaintiff's fault is greater than Defendant's. Joint liability if Defendant's fault is greater than 50%.	No.	Yes.	6 jurors, unanimous verdict. After 6 hours, 5 of 6.	Offset allowed for collateral source payments.
Mississippi	2 years from date the neglect might have been first known or discovered,	Where the act or omission occurred Complicated when	Pure Comparative, 11-7-15, Miss. Code Ann. Several liability	Noneconomic damages may not exceed \$500,000 against private defendants;	No.	9 of 12 in circuit court,	Full charges incurred are recoverable except against defendants who write

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	and no later than 7 years from date of occurrence.	different defendant physicians see the patient in multiple counties.	85-5-7, Miss. Code Ann.	Actions against governmental hospitals & employees, recovery limited to \$500,000 for all damages.		unanimous verdict of 6 jurors in county court.	off/reduce bills.
Missouri	2 years for personal injury, 10 year statute of repose. 3 years wrongful death.	Where the cause of action accrues.	Pure comparative fault. If over 50%, jointly liable.	2 tier: \$700,000 for catastrophic; \$400,000 for all other, will increase annually.	Yes.	12 with 9 or more.	Jury sees what was billed and what was paid and decides.
Montana	3 years, changed in most recent to 2, 5 years.	Where the defendant resides or the occurrence.	If more than 50% at fault, joint and several. If less, several. No recovery for plaintiff if greater than 50%.	\$250,000.	No.	Either 6 or 12; 2/3 must agree.	A plaintiff can introduce the amount billed and in post-trial proceeding, can reduce the amount by the amount paid.
Nebraska	2 years, 1 year discovery rule. 10 year statute of repose.	Where defendant resides, where the cause of action arose, where some part of the transaction occurred out of which the cause of action arose or if all defendants are non-residents, in any county.	Contributory negligence bars a Plaintiff's recovery. Joint and several liability for economic damages but several liability for non-economic damages unless acting as part of a common enterprise, plan or in concert.	\$1,750,000 cap on all damages.	Yes.	Either 6 or 12; 5/6 must agree.	
Nevada	4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first.	Where the defendant resides.	Nevada has modified contributory negligence. Where contributory negligence by plaintiff is established, the damages of plaintiff are reduced by the percent of fault of plaintiff, unless the percent is more than 50%. In the circumstances where plaintiff's contributory negligence exceeds 50% plaintiff's recovery is precluded. Each defendant is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to that defendant, except in an action based upon: (a) Strict liability; (b) An intentional tort; (c) The emission, disposal or spillage of a toxic or hazardous substance; (d) The concerted acts of the defendants; or (e) An injury to any person or property resulting from a product which is manufactured, distributed, sold or used in Nevada.	Noneconomic damages may not exceed \$350,000.	Yes.	8 jurors in State Court. 6 of the 8 must agree for a verdict.	Nevada still applies the collateral source rule so at this point yes recoverable damages are the full amount of all medical expenses incurred. However, this issue is being actively litigated and could change.
New Hampshire	3 years, 3 year discovery rule.	No special rule.	Pure comparative fault; Defendant's liability based upon percentage of fault.	No.		If controversy exceeds \$1,500, jury trial by 12 jurors, unanimous verdict required.	
New Jersey	2 years.	No special rule.	If plaintiff's negligence is greater than the negligence of the	No.	Yes.	6 jurors; 5 of 6 must agree.	

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			defendant, no recovery. Plaintiff's recovery reduced by percentage of fault. Joint and several liability among defendants.				
New Mexico	3 years of act of malpractice.	Where either plaintiff or defendant reside or where cause of action originated or defendant may be found.	Pure comparative fault; Several liability.	\$600,000 for all damages excluding past and future medical care.	Yes.	Either 6 or 12; 5/6 must agree.	
New York	Within 2 years and 6 months of the act or omission.	Where plaintiff or defendant resides.	Pure comparative fault; joint and several liability.	No.	Yes.	6 jurors; 5 of 6 must agree.	
North Carolina	4 year statute of repose after the last act of the defendant giving rise to the cause of action. Three year statute of limitation. Suit must be commenced within one year from the discovery of defect or damage not readily apparent to claimant until two or more years after the last act giving rise to the action.	Venue against public hospital is in the county where the claim arose. In all other cases, the action must be tried in the county in which the plaintiffs or the defendants reside.	Contributory negligence is an absolute bar to recovery, if plead as an affirmative defense. There is joint/several liability among tortfeasors, but there is no apportionment to fault.	\$515,000 non-economic damages. The figure is adjusted every three years based upon a calculation involving the Consumer Price Index.	Yes.	12 jurors and unanimous verdict required unless parties stipulate to fewer jurors and majority verdict.	
North Dakota	2 years. 6 year statute of repose.	Where defendant resides or where cause of action accrues.	Modified comparative negligence; joint and several liability.	\$500,000 non-economic damages.	Yes.	6 or 9 jurors; parties may stipulate majority vote required for verdict.	
Ohio	1 year for personal injury, 2 years for wrongful death. A discovery rule allows for up to one year after the person discovers the retained object. 4 year statute of repose.	The county in which the defendant resides, has his or her principal places of business, conducted activity that gave rise to the claim for relief, or the county in which all or part of the claim for relief arose.	If the plaintiff's contributory fault is greater than the combined tortious conduct of all other persons, the defense operates as a complete bar to recovery. A defendant found fifty percent (50%) or less at fault bears only several liability for compensatory economic damages.	For personal injury claims, the greater of \$250,000 or three times economic loss, up to \$350,000 per plaintiff or \$500,000 per occurrence. Greater injuries as defined by statute allow up to \$500,000 per plaintiff or \$1 million dollars per occurrence.	Yes.	Typically, eight jurors are required and their verdict need not be unanimous. Medical negligence actions in Ohio are subject to the general rule for jury panels in civil trials. The jury shall consist of eight members unless the jury demand specifies a smaller numbers or the stipulate to a small number. Ohio Civ. R. 38(B) and 48. Three-fourths (3/4) of the jurors must concur in the	Ohio does not limit recovery for economic loss.

State	Statute	Venue Restrictions	State Treatment of Contributory Negligence and Joint/Several Liability	Caps on Damages	Jury Trials Against Gov. Subdivision/Community Hospital	Jury Size in State Actions/Unanimous Verdict?	Recoverable Damages
						verdict. Ohio Civ. R. 48.	
Oklahoma	2 years; Oklahoma also employs discovery rule.	Where the cause of action accrues or in any county where corporation is situated or principal office located, where principal officers reside or may be summoned, or where cause of action arose.	If plaintiff's contributory fault is greater than all defendants, claim is barred. Defendants have several liability based on percentage of fault.	Title 23 O.S. §61.2 provides a \$350,000 cap on non-economic damages. Upon the jury finding of elements akin to those required for punitive damages, the non-economic damages cap may be removed by the Court. Cap inapplicable to wrongful death and GTCA claims.	Yes.	12 jurors; 9 or more needed to reach a verdict.	Payments from collateral sources may be deducted from recovery. Recovery of medical bills is limited to what was actually paid or the amount of any lien.
Oregon	2 years from date the injury is or should be discovered; 5 year statute of repose.	Wherever defendant engages in regular sustained business activity or resides.	Modified comparative fault; Several liability.	\$500,000 only in wrongful death cases.	Yes.	12 jurors; 9 must agree for verdict.	
Pennsylvania	2 years. When the discovery period begins running is case specific - when plaintiff discovers the injury resulting from treatment.	Where cause of action occurred.	Modified comparative fault; joint and several liability.	No.	Yes.	12 jurors; 10 must agree for verdict.	
Rhode Island	3 years from time of act or omission, or 3 years act should have been discovered.	Where plaintiff or defendant resides.	Pure comparative fault; joint and several liability.	No.	No.	6 jurors; unanimous verdict required.	Defendant may introduce evidence of collateral source payments made on behalf of plaintiff to reduce liability for damages.
South Carolina	Generally speaking, there is a 3 year statute of limitations based on when you knew or should have known you have a claim, not to exceed 6 years. However, under our Tort Claims Act and in cases of retained foreign bodies, the statute is 2 years for cases against governmental entities. There are also exceptions for minors and the incapacitated. SC Code §15-3-545.	Generally speaking, if the defendants are SC residents or entities, venue is proper in the county where the defendant resides or where the most substantial part of the alleged omission occurred. If the defendants are foreign, venue is proper where the most substantial part of the alleged omission occurred or where the plaintiff resides. SC Code § 15-7-30.	SC follows the doctrine of comparative negligence whereby a plaintiff in a negligence action may recover damages if his or her negligence is not greater than that of the defendant. The amount of the plaintiff's recovery is reduced in proportion to the amount of his or her negligence as determined by the jury. As to joint and several liability, the doctrine does not apply to a defendant who is found to be less than 50 percent at fault. In that instance, the defendant shall be liable only for the portion of damages attributed to it. The statute does, however, contain three caveats to this general rule: (1) "the court may determine that two or more persons are to be treated as a single party. Such treatment must be used where two or more defendants acted in concert or where, by reason of agency, employment, or other legal relationship, a defendant is vicariously responsible for the conduct of another defendant; (2) the limit on joint and several liability does not apply to "a defendant whose conduct is determined to be willful, wanton, reckless, grossly	Yes, on non-economic and punitive damages only though. For 2014, the non-economic damages in medical malpractice actions are capped at \$428,625 per claimant against a single health care provider. When a plaintiff brings a claim against multiple health care institutions or health care providers, damages remain capped at \$428,625 per defendant for each claimant, and total non-economic damages awarded may not exceed \$1,285,870. SC Code §15-32-220. Additionally, punitive damages are capped at \$531,640 per claimant. However, the caps do not apply if the jury or court determines that the defendant was grossly negligent, willful, wanton, or reckless, and such conduct was the proximate cause of the claimant's non-economic damages, or if the defendant has engaged in fraud or misrepresentation related to the claim, or if the defendant altered or destroyed medical records with the purpose of avoiding a claim or liability to the claimant. S.C. Code §15-32-220.	Yes. Any party may demand a jury trial. SCRCP, Rule 38.	The jury shall be composed of twelve persons and their verdict shall be unanimous, except that the parties may stipulate that the jury shall consist of any number less than twelve, or less than six in civil action in magistrate's courts, or that a verdict or a finding of a stated majority of the jurors be taken as the verdict or finding of the jury. SCRCP, Rule 48.	With regard to medical bills, Plaintiff's may request and recover all reasonable and necessary medical expenses proximately caused by the Defendant's negligence. <i>Haselden v. Davis</i> , 353 S.C. 481, 579 S.E.2d 293 (2003). However, SC Courts follow the rule that the collateral source rule bars evidence that insurance company or government may have ultimately paid less. "While a defendant is permitted to attack the necessity and reasonableness of medical care and costs, he cannot do so using evidence of payments made by a collateral source." <i>Covington v. George</i> , 359 S.C. 100, 597 S.E.2d 142 (2004).

State	Statute	Venue Restrictions	State Treatment of Contributory Negligence and Joint/Several Liability	Caps on Damages	Jury Trials Against Gov. Subdivision/Community Hospital	Jury Size in State Actions/Unanimous Verdict?	Recoverable Damages
			negligent, or intentional"; and (3) does not apply to "conduct involving the use, sale or possession of alcohol or drugs." S.C. Code §15-38-15.				
South Dakota	Statute of limitations is 2 years from the date treatment ends for the condition in question.	Case can be venued in the county in which the doctor resides or hospital is located or in the county where alleged malpractice occurred.	Plaintiff is barred from recovery if contributory negligence is more than slight in comparison with negligence of defendant. If plaintiff's negligence is slight or less than slight, jury can use comparative fault to reduce damages. In a case of multiple defendants, a party can be held responsible for twice the percentage of fault assessed by the jury. For instance if plaintiff is awarded \$100,000 & client is found to be 10% responsible, the plaintiff can collect \$20,000 from the client.	There is a \$500,000 cap on non-economic damages.	A jury trial is allowed against a community hospital.	Jury consists of 12 members. Ten must agree to reach a verdict.	All medical expenses are recoverable.
Tennessee	1 year from act or discovery, no later than 3 years.	County where the cause of action arose or Defendant's residence.	If Plaintiff's fault is equal to or greater than 50%, no recovery. Otherwise, each negligent actor's percentage of fault.	\$750,000 or \$1,000,000 for catastrophic injury as defined by statute.	No as to state entities; no as to other governmental entities unless exemption applies.	Unanimous verdict required of 12 jurors.	Recovery limited to expenses actually payable from patient's assets unless patient paid premiums for private insurance or had governmental insurance.
Texas	2 years from the treatment at issue, 10 year statute of repose.	County in which all or a substantial part of the events occurred, county of defendant's residence, or principal office, otherwise county in which plaintiff resided at the time of the accrual of the cause of action. Tex. Civ. Prac. & Rem. Code 15.002(a)(1)-(4).	Comparative liability, plaintiff over 50% bars recovery; joint and several liability if over 50%.	\$250,000 non-economic all physician defendants; additional \$250,000 health care institution; additional \$250,000 for more than one health care institution. Wrongful death or survival action on a health care liability claim, the limit for all damages, including exemplary damages, is limited to \$500,000 for each claimant regardless of the number of defendants adjusted with the CPI, currently approximately \$1.8M. Cap does not apply to past/future medical expense. Exemplary damages if clear and convincing evidence of fraud, malice, or gross negligence, limited to the greater of: 1) 2x economic damages plus an amount equal to any noneconomic damages found by the jury, not exceeding \$750K; or 2) \$200K; \$250K for each person/\$500K for each single occurrence for state or municipal hospital or health care institution, \$100,000/\$300,000 for a unit of local government.	Yes.	12 people in district court; 6 in county and justice court. Verdict by 10+ members or 5+ members. Exemplary damages must be unanimous.	Medical bill recovery limited to amount actually paid or incurred. Future damages over \$100K may be ordered to be paid in periodic payments.
Utah	2 years from when the patient knew or reasonably should have known of harm due to negligence. Statute of repose is 4 years.	The usual venue restrictions applicable in all cases apply to physicians and hospitals.	Plaintiff fault of 50% or more bars claim. Several liability based on percentage of fault.	\$450,000 for non-economic damages. Controversy over whether the cap applies to wrongful death cases.	Yes.	8 jurors make up the jury; 6 of whom may return a verdict.	The "billed vs. paid" issue has not been resolved by our appellate courts. Trial courts are all over the board.

State	Statute	Venue Restrictions	State Treatment of Contributory Negligence and Joint/Several Liability	Caps on Damages	Jury Trials Against Gov. Subdivision/Community Hospital	Jury Size in State Actions/Unanimous Verdict?	Recoverable Damages
Vermont	Within 3 years of incident or 2 years of discovery, whichever occurs later.	Where one of the parties resides.	Modified comparative fault; several liability.	No.	Yes.	12 jurors unanimous verdict, but parties may stipulate to lesser number and majority vote.	
Virginia	VA. Code 8.01-243(A) provides that a cause of action for personal injury/medical malpractice must be brought with two years after the cause of action accrues. Extensions to the statute of limitations are given: -In cases arising out of a foreign object having no therapeutic or diagnostic effect being left in a patient's body, for a period of one year from the date the object is discovered or reasonably should have been discovered; - In cases in which fraud, concealment or intentional misrepresentation prevented discovery of the injury within two-year period, for one year from the date of injury is discovered or, by the exercise of due diligence, reasonably should have been discovered; and - in a claim for the negligent failure to diagnosis of a malignant tumor or cancer is communicated to the patient by a health care provider, provided the health care provider's underlying act or omission was on or after July 1, 2008. Virginia also has the "continuing treatment rule" which may also extend the statute of limitations period. Under the continuing treatment rule, if there has been substantially uninterrupted treatment by the defendant healthcare provider, then suit must be filed within two years of the date of last treatment. Va. Code 8.01-244 provides that an action for wrongful death shall be brought by the personal representative of the decedent within two years after the death of the injured person.	Pursuant to VA. Code 8.01-262 venue is permissible (not mandatory). One or more of the following are acceptable venues: 1. Wherein the defendant resides or has his principal place of employment or, if the defendant is not an individual, wherein its principal office or principal place of business is located; 2. Wherein the defendant has a registered office, has appointed an agent to receive process, or such agent has been appointed by operation of the law; or, in case of withdrawal from the Commonwealth by such defendant, wherein venue herein was proper at the time of such withdrawal; 3. Provided there exists any practical nexus to the forum including, but not limited to, the location of fact witnesses, plaintiffs, or other evidence to the action, wherein the defendant regularly conducts substantial business activity, or in the case of withdrawal from the Commonwealth by such defendant, wherein venue herein was proper at the time of such withdrawal; 4. Wherein the cause of action, or any part thereof, arose; 5. In actions to recover or Partition personal property, whether tangible or intangible, the county or city; a. where such property is physically located; or b. wherein the evidence of such property is located; c. and if subdivisions a and b do not apply, wherein the plaintiff resides.	Virginia is a contributory negligence, not a comparative negligence state. However, in order for contributory negligence to bar a plaintiff's recovery in a medical negligence action, the plaintiff's negligence must be concurrent with the defendant's negligence. In the medical malpractice context, this requirement means that the patient's negligence act must be contemporaneous with the main fact asserted as the negligent act of the healthcare provider. Co-Defendants are jointly and severally liable.	VA Code 8.01-581.15 provides for a limitation on recovery in medical malpractice cases. The cap was \$2,000,000.00 until July 2012. At that time the cap began to increase at a rate of \$50,000.00 each year for 20 years to reach \$3,000,000.00 in 2032.	Yes.	A typical jury consists of 7 jurors + 1-3 alternate. Verdicts must be unanimous.	Personal injury damages include: 1. Bodily injury 2. Physical pain and mental anguish 3. Any disfigurement or deformity and any associated humiliation or embarrassment; 4. Any inconvenience causes in the past [and any that probably will be caused in the future]; 5. Any medical expenses incurred in the past [and any that may be reasonably expected to occur in the future]; 6. Lost earnings; 7. Future lost wages or earning capacity; and 8. Property damage. Pursuant to VA Code 8.01-52, wrongful death damages include: 1. Sorrow, mental anguish, and solace with may include society, companionship, comfort, guidance, kindly offices and advice of the decedent; 2. Compensation for reasonably expected loss of (i) income of the decedent and (ii) services, protection, care and assistance provided by the decedent; 3. Expenses for the care, treatment and hospitalization of the decedent incident to the injury resulting in death; 4. Reasonable funeral expenses; and 5. Punitive damages may be recovered for willful or wanton conduct, or such recklessness as evinces a conscious disregard for the safety of others.
Washington	Within 3 years of act or omission or 1	Where the cause of action	Modified comparative fault; joint	No.	Yes.	6 or 12 jurors.	

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	year after discovery, whichever is later. 8 year statute of repose.	arose or where any defendant resides.	and several liability.			5/6 or 10/12 for verdict.	
West Virginia	2 years from the date of injury, 2 year discovery rule 10 year statute of repose.	West Virginia’s general venue statute provides that a civil action may be brought in the circuit court of any count “[w]herein any of the defendants may reside or the cause of action arose[.]” West Virginia Code § 56-1-1(a)(1).	Pure comparative fault among parties; several liability.	\$250,000 noneconomic damages plus up to \$500,000 per occurrence for statutorily defined catastrophic damages.	Yes.	Parties may stipulate that the jury consist of any number fewer than six or that a verdict be based on a stated majority.	West Virginia Code § 55-7B-5 provides that in a medical professional liability action against a health care provider, no specific dollar amount or figure may be included in the complaint, but the complaint may include a statement reciting that the minimum jurisdictional amount established for filing the action is satisfied. Any party defendant may at any time request a written statement as to the damages sought within thirty (30) days thereafter. The damages sought may include economic damages such as, past medical expenses; future medical expenses; funeral expenses; past lost wages; future lost wages and benefits; other economic damages; along with non-economic damages including, pain and suffering, emotional distress, mental anguish, and loss of spousal consortium. Plaintiffs can also recover pre-judgment interest and post-judgment interest. West Virginia Code § 55-7-6(c)(1) provides that in a medical professional liability action that results in a wrongful death, “the verdict shall include, but may not be limited to, damages for the following: (A) sorrow, mental anguish, and solace which may include society, companionship, comfort, guidance, kindly offices and advice of the decedent; (B) compensation for reasonably expected loss of (i) income of the decedent, and (ii) services, protection, care and assistance provided by the decedent; (C) expenses for the care, treatment and hospitalization of the decedent incident to the injury resulting in death; and (D) reasonable funeral expenses.”
Wisconsin	The statute of limitations for adults bringing a medical malpractice action is 3 years from the date of injury, or, one year from the date the injury was discovered or in the exercise of reasonable diligence should have been discovery except that an action may not be commenced under this discovery rule more than 5 years from the date of the act or omission. Sec. 893.55(1m), Wis. Stats. Further, if a health care provider conceals from a patient a prior act or omission of the provider which has resulted in injury to the patient the action must be	Venue is in the county where the claimant resides if the claimant is a resident of Wisconsin, or if the claimant is not a resident of Wisconsin venue is in the county where the claim arose or the county where the defendant resides or does substantial business. Sec. 655.009(3), Wis. Stats.	For medical malpractice actions contributory negligence does not bar recovery if the claimant’s negligence is not greater than the negligence of the person against whom recovery is sought but the damages will be diminished in proportion to the amount of negligence attributed to the person recovering. The negligence of the plaintiff is measured separately against the negligence of each person found causally negligent. For joint and several liability the liability of	For medical malpractice actions the total noneconomic damages recoverable for occurrences after April 6, 2006 is \$750,000. Sec. 893.55(4)(d), Wis. Stats. In a death case recovery by all plaintiffs for loss of society and companionship is limited to \$350,000 for a deceased adult and \$500,000 for a deceased child. Sec. 895.04(4), Wis. Stats. Punitive damages are not allowed in medical malpractice actions.	Yes.	6 or 12 jurors. 5/6 or 10/12 for verdict.	All medical expense incurred as a result of the negligence can be recovered. The defense is allowed to introduce evidence that the reasonable value of the medical expense is something other than the amount billed but there is a presumption that the amount billed is the reasonable value. Future medical expenses in excess of \$100,000 are to be paid into the Wisconsin Injured Patients and Families Compensation Fund which then disburses the expense as needed. Sec. 655.015, Wis. Stats.

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	<p>commenced within one year from the date the patient discovers the concealment or in the exercise of reasonable diligence should have discovered the concealment, or within the limitation period above, whichever is later. Sec. 893.55(2), Wis. Stats. An action for a foreign object left in a patient's body must be commenced within one year after the patient is aware, or in the exercise of reasonable care, should have been aware of the presence of the object, or with the limitation period above, whichever is later. Sec. 893.55(3), Wis. Stats. The statute for persons under the age of 18 is by the age of 10 or the adult statute, whichever is later. This rule does not apply to persons under 18 who are under disability by reasonable of insanity, developmental disability or imprisonment. By case interpretation there is no statute of limitations for claims alleging injury to a developmentally disabled child. Sec. 893.56, Wis. Stats.</p>		<p>each person found to be causally negligent whose percentage of causal negligence is less than 51% is limited to the total causal negligence attributed to that person. A person found to be causally negligent whose percentage of causal negligence is 51% or more is jointly and severally liable for the damages allowed. Se4c. 895.045, Wis. Stats.</p>				
Wyoming	<p>2 years from the date of the act or omission or discovery if the act or omission was not discovered or discoverable within 2 year period despite due care.</p>	<p>Where the cause of action arose or in the county in which the defendant resides.</p>	<p>Contributory negligence more than 50% bars claim; Defendant liability limited to that party's percentage of fault.</p>	No.	Yes.	6 or 12 jurors; unanimous verdict.	

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