

**But What’s in the TJVR Year in Review?**

**In this sample from the Combined Verdict Summary, we provide a snapshot look at the medical negligence verdict results from 2004 to the present. In the separate Medical Negligence Report at page 27, we break down all the verdict individually.**

**Medical Negligence**

<b>2009</b>	<b>32</b>	<b>9-23</b>	<b>28.1%</b>	<b>\$53,222,717</b>	<b>\$5,913,635</b>	<b>\$1,663,209</b>
2008	37	8-29	21.6%	\$18,523,709	\$2,646,244	\$514,547
2007	25	6-19	24.0%	\$6,081,743	\$1,013,623	\$243,269
2006	30	7-23	23.3%	\$19,300,458	\$2,757,208	\$643,348
2005	46	5-41	10.9%	\$18,883,233	\$3,776,646	\$410,505
<b>5-Year Combined</b>	<b>170</b>	<b>35-135</b>	<b>20.5%</b>	<b>\$116,011,860</b>	<b>\$3,314,624</b>	<b>\$682,422</b>

**Notes:** (1) The six largest medical results, Case No. 1338 - \$23,600,000, Case No. 61 - \$16,400,000, Case No. 1361 - \$12,000,000, Case No. 1159 - \$11,500,000, Case No. 654 - \$7,206,906 and Case No. 708 - \$8,500,000, represented 68.2% of the aggregate medical negligence verdict awards. Removing those verdicts from the totals, the adjusted totals and averages are:

\$36,804,954                      \$1,269,136                      \$224,420

In other words, just 6 of the medical plaintiffs, 3.5% of all those that went to trial, received 68.2% of the awards. By contrast, the other 96.5% of plaintiffs in these cases took 31.8% of the awards.

Also note that for 170 verdicts and over five years, the average adjusted medical verdict (including defense verdicts) was \$224,420, such that on average, plaintiffs took less than the mythical \$250,000 cap that has been proposed in medical negligence cases. Were Tennessee jury panels imposing their own tort reform already?

(2) By comparison to our sister publications, the medical negligence numbers are as follows:

Alabama	2002-2008	216 verdicts	57-159 record	26.4% win percentage for plaintiffs
Kentucky	1997-2008	647 verdicts	152-497 record	23.4% win percentage for plaintiffs
Indiana	2000-2008	264 verdicts	105-159 record	39.7% win percentage for plaintiffs

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