



# Hughes v. PeaceHealth, 344 Ore. 142 (Or. 2008)

Topics Covered: Professional Liability, Tort Reform

**Outcome: Very Favorable**

## **Issue**

The issue in this case was whether an Oregon law that limited ("caps") non-economic damages in a wrongful death case arising from medical malpractice was constitutional.

## **AMA Interest**

The AMA supports limits on non-economic damages in medical malpractice cases.

## **Case Summary**

A jury awarded plaintiff economic damages of \$100,000 and non-economic damages of \$1 million in a wrongful death medical malpractice case. The trial court then reduced the award of non-economic damages to \$500,000 pursuant to an Oregon statute limiting non-economic damages in bodily injury cases to that amount. The Oregon Court of Appeals affirmed the reduced award.

On appeal to the Oregon Supreme Court, the plaintiff argued that the statutory cap violated the constitutional right to a "remedy by due course of law" and the constitutional right to a trial by jury.

## **Litigation Center Involvement**

The Litigation Center, together with the Oregon Medical Association, filed an amicus curiae brief in the Oregon Supreme Court supporting the cap.

Oregon Supreme Court brief