



Lebron v. Gottlieb Memorial Hospital, 930 N.E. 895 (Ill. 2010)

Topics Covered: Professional Liability, Tort Reform

Outcome: Very Unfavorable

Issue

The principal issue on appeal in this case was whether the Illinois statutory cap on non-economic damages is constitutional under the Separation of Powers Clause of the Illinois Constitution (Ill. Const. 1970, art. II, § 1).

AMA Interest

The AMA supports reformation of the tort liability system in order to control escalating costs of medical liability.

Case Summary

Frances Lebron sued her hospital, her treating physician, and an attending nurse for alleged negligence during a cesarean section. She moved for partial judgment on the pleadings, contending that the Illinois law that capped non-economic damages in medical liability suits was unconstitutional. Specifically, she claimed that the cap violated the Separation of Powers Doctrine by supplanting the judiciary's role in determining whether remittur (i.e., reduction in the amount of the jury verdict) is appropriate under the facts and verdict of the case. She also argued that the entire Illinois Tort Reform law was void, because it included the inseverability clause.

The trial court declared the non-economic damages cap unconstitutional under the Separation of Powers Clause of the Illinois Constitution and also declared the comprehensive legislation that included the cap invalid in its entirety in accordance with the inseverability clause.

The defendants appealed directly to the Illinois Supreme Court, which affirmed by a split decision. The Supreme Court agreed with the "legislative remittitur" theory of the lower court and found that the tort reform law violated the Separation of Powers prohibition in the Illinois Constitution.

Litigation Center Involvement

The Litigation Center, on behalf of the AMA and the Illinois State Medical Society, filed an amicus brief in the Illinois Supreme Court in support of the defendants-appellants and the constitutionality of the cap on non-economic damages.

Supreme Court of Illinois brief