

PUBLICATION

ABA Resolution 105 on Punitive Damages Is Dead for Now

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July 24, 2015

On the eve of the ABA's Annual Meeting next week, the ABA's Standing Committee on Medical Professional Liability announced its withdrawal of proposed Resolution 105 from consideration by the ABA House of Delegates. The proposed resolution, which expressed opposition to punitive damages caps in cases involving allegedly defective medical products, generated substantial opposition from ABA leaders and other ABA committees. There was also a groundswell of opposition from defense and industry groups outside the ABA, including AdvaMed, PhRMA, the U.S. Chamber Institute for Legal Reform, DRI, IADC, PLAC, the Federation of Defense & Corporate Counsel, the Association of Defense Trial Attorneys and Lawyers for Civil Justice.

The Standing Committee announced that it will work with ABA leaders to formulate language for a resolution on the subject that will "reflect a broader consensus among the many diverse opinions represented within the ABA." The Standing Committee's statement also acknowledged "...there are a wide range of voices within the ABA with strong opinions on how best to protect patients who are harmed by defective FDA-approved products or devices," and said "It is essential that we hear those different perspectives as we refine the resolution." The Standing Committee will revisit the matter at its next meeting, to be held in conjunction with the ABA Annual Meeting in Chicago on Saturday, August 1, 2015.

For more information on the withdrawal of Resolution 105, please contact Sam Felker, Carter Thompson or another member of our Product Liability & Mass Tort Group.