

Wisconsin Civil Justice Council: Applauds Wisconsin Supreme Court's decision upholding limits on noneconomic damages

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Today, the Wisconsin Supreme Court in a 5-2 decision (Mayo v. Wisconsin Injured Patients and Families Compensation Fund) upheld Wisconsin's limit on noneconomic damages in medical malpractice cases. Importantly, the Court reversed its 2005 decision, Ferdon v. Wisconsin Patients Compensation Fund, which held unconstitutional Wisconsin's previous limit on noneconomic damages.

"The Court's decision is a victory for the rule of law and reconfirms that the legislature, not the judiciary, is the proper branch of government to determine public policy," said Bill G. Smith, president of the Wisconsin Civil Justice Council and Wisconsin Director for the National Federation of Independent Business.

"The importance of this decision cannot be overemphasized. Gone are the days of the Supreme Court of Wisconsin setting public policy and overriding laws enacted by the legislative branch," added Smith. "We applaud the Court for correcting its erroneous decision in Ferdon and upholding the law."

It is also important to note that neither the statutes nor the Court's decision preclude plaintiffs from being compensated for their injuries. Current law only limits the amount of noneconomic damages, i.e., pain and suffering, a plaintiff may receive at \$750,000. There is no limit on the amount of damages a plaintiff can receive for his or her physical injuries.