



**SHELDON WASSERMAN
STATE REPRESENTATIVE**

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**Statement of State Representative Sheldon Wasserman (D-Milwaukee)
On Ferdon Decision**

**Legislature Must Act Immediately To Prevent Potentially Catastrophic Consequences Of
Supreme Court Decision Invalidating Cap On Non-Economic Damages.**

Early this morning the Wisconsin State Supreme Court released an opinion in the *Ferdon v. Wisconsin Patients Compensation Fund* case that found Wisconsin's cap on non-economic damages in medical malpractice actions unconstitutional. This is a decision with potentially catastrophic consequences for Wisconsin citizens. Wisconsin is one of the few states in the nation that has not experienced a severe shortage of physicians due to the growing medical malpractice crisis. As Justice Crooks noted in his concurring opinion, Wisconsin *can* have a constitutional cap on non-economic damages. The legislature must act immediately to fashion a new statutory system that provides the legitimate justification that the court found lacking in current law. I am confident that we can come up with a cap that balances the rights of Wisconsin citizens to jury trials with the legitimate legislative objectives of encouraging health care providers to practice in Wisconsin and reducing overall health care costs.