

# Some concerns about the idea of caps on damages

TO THE EDITOR:

In reading your column titled "In case you think liability isn't a problem ..." concerning frivolous lawsuits, I initially observed that none of the cases cited involved actions in our State of New York (maybe the jurors here are just more street wise). As an attorney who handles personal injury actions, I must admit that I am averse to the idea of placing caps on damages in any type of action for the obvious reasons but also for reasons that may not be that obvious to everyone.

Caps would penalize people with the strongest liability claims and the most serious injuries since they are the most likely to obtain a large verdict at trial. These meritorious claims far outnumber the frivolous claims whose verdicts are regularly reversed or reduced by judges (unfortunately the media doesn't report what

occurs after the verdicts).

Caps will be a windfall for insurance companies and of no benefit to policy holders as it has been shown in states that have caps that insurance premiums do not get reduced (despite assurances otherwise).

Frivolous lawsuits should and can be dealt with on an individual basis by the courts that have the authority to dismiss them or reduce ridiculous verdicts. However, the imposition of caps (which do not achieve the desired results) at the expense of legitimate, seriously injured victims is clearly nothing to "... write to the White House ..." about.

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*Additional letters on page A25*