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# WHAT EDITORIAL BOARDS SAY ABOUT THE \$250,000 MAXIMUM COMPENSATION CAP SET BY POLITICIANS IN 1975 THAT HAS NEVER BEEN UPDATED

*Newspaper editorial boards across the state agree that the state's most vulnerable victims of negligence pay the cap's highest price.*

“The Legislature can and should be faulted for not adjusting the cap on damages for pain and suffering...The dwindling real value of the cap has made it progressively harder to find lawyers willing to go to court for victims with large intangible losses but small economic ones— typically, victims who are children or nonworking spouses or elderly...Even the cap's supporters are hard-pressed to argue that it should be almost 80% lower in inflation-adjusted terms than it was in 1975.”

**Los Angeles Times**

“A very credible case could be made that it's now so low that it makes it difficult for certain victims to seek redress in court ... [opponents] rightly note that the system works against people with low or no wages — children, the elderly, stay-at-home parents — or survivors of those who died from a medical error (and thus have no future medical expenses).”

**San Francisco Chronicle**

“There are powerful arguments for adjusting the 1975 law. Malpractice damages often are based on lost wages. Since children and elderly people have no income, they have little legal recourse if they become malpractice victims.”

**THE SACRAMENTO BEE** 

“A case can be made that this cap is on the low side.”

The San Diego  
**Union-Tribune.**

“Because most personal injury lawsuits are litigated on a contingency basis, with the plaintiff's lawyer collecting a share of any judgment instead of hourly fees, it's almost impossible to bring a malpractice case in California unless a large amount of lost wages is at stake. That tends to leave out children, stay-at-home parents, low-wage workers and retired people.”

The  
**Press Democrat**