

**Keep the Cap, California
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Because Texas and California are mirror opposites in so many ways, we often find ourselves contrasting our dissimilar approaches to governing.

We tend to forget that California formerly had a much friendlier business environment and our two states once had a lot in common. In fact, one of our most cherished legal reforms – the cap on medical malpractice awards for non-economic damages – originated in California in 1975.

In California as in Texas, the cap has had the effect of providing physicians some protection against frivolous lawsuits and unreasonable claims, reducing the costs of their insurance premiums, increasing the number of doctors practicing in the state, and making medical care more affordable for the public. All good things.

The measure has popular support in California and Texas. In both states, however, there always will be a constituency that hates the cap and will never stop trying to revise or repeal it: the one special interest group disadvantaged by tort reform, plaintiffs attorneys.

Here in Texas, not that long ago, state Sen. Juan Hinojosa (D-McAllen) and state Rep. John Smithee (R-Amarillo) introduced legislation to overturn portions of the Omnibus Tort Reform Act of 2003.

Fortunately for us, they failed to convince enough of their colleagues to roll back reforms so a handful of attorneys could get fabulously rich while millions of Texans paid more for less health care.

That wasn't how they pitched it, of course, but that was the result intended.

Something similar is happening in California right now.

“Plaintiffs lawyers abetted by [California] Attorney General Kamala Harris are now trying to gut the cap with a ballot initiative dressed in patient-protection garb,” the Wall Street Journal reported last week. “Ms. Harris has obliged her trial bar friends by writing a ballot summary that buries the initiative’s intent.”

Good ideas don't have to be disguised. California voters should recognize the initiative for the scam that it is and reject it resoundingly.