



**December 5, 2011**

### **New Featured Discussion: MI and Cato scholars debate med-mal**

On October 20, our friends at the Cato Institute published [a study](#) by Cato adjunct scholar [Shirley Svorny](#) claiming that existing empirical evidence suggests that "medical malpractice awards do track actual damages" and that noneconomic damage caps and other "policies that reduce liability or shield physicians from oversight by carriers may harm consumers." An economics professor at California State University, Northridge, Svorny has since publicized her findings [in outlets such as the \*Huffington Post\*](#), in which she not only argued against the medical-malpractice reform provision of the [Jobs Through Growth Act](#) but also suggested that "[r]educing liability, as caps do, is rarely a good idea in any situation."

Needless to say, Svorny's position is at odds with that we've generally taken here at [Point of Law](#) (see back posts [here](#)), including our former editor, Svorny's Cato colleague [Walter Olson](#) (see, e.g., [here](#), [here](#), [here](#), [here](#)). (See also [this seminal contribution](#) by MI visiting scholar [Richard Epstein](#) and [this Manhattan Institute study](#) by libertarian economist [Alex Tabarrok](#).)

This week, Professor Svorny has graciously agreed to come to Point of Law to discuss her paper with MI adjunct fellow and PoL editor [Ted Frank](#). The featured discussion will be available [here](#); please check back throughout the week as the discussion continues.