
2. 58 Wash. & Lee L. Rev. 315 Washington and Lee Law Review Winter, 2001 Note WHO'S THE BOSS?: STATUTORY DAMAGE CAPS, COURTS, AND STATE CONSTITUTIONAL LAW Matthew W. Light [FN1] constitutional right to full recovery in tort and have therefore applied a higher level of scrutiny. See David Randolph Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA. L. REV. 195, 205-06 (1985) (finding that Arizona and Montana treat full...


4. 103 Dick. L. Rev. 455 Dickinson Law Review Spring 1999 Articles FROM A WHIMPER TO A BANG: THE TREND TOWARD FINDING OCCURRENCE BASED STATUTES OF LIMITATIONS GOVERNING NEGLIGENT MISDIAGNOSIS OF DISEASES WITH LONG LATENCY PERIODS UNCONSTITUTIONAL Peter Zablotsky [FN1] ...malpractice problem, and 22 states had revised civil practice laws or rules to remedy the malpractice problem.“); David R. Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 Okla. L. Rev. 195, 200-01 (1985) (discussing states attempts to mitigate the crisis...


9. 28 Ind. L. Rev. 413 Indiana Law Review 1995 Centennial Symposium Issue MEDICAL MALPRACTICE
ACTS' STATUTES OF LIMITATION AS THEY APPLY TO MINORS: ARE THEY PROPER? Scott A. DeVries [FN6]
...to detect some defects at an early age. Id. at 939 nn.46-47. [FN53]. Id. at 943. [FN54]. David R. Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA. L. REV. 195, 204 & n.43 (1985). See, e.g., Kadrmas v. Dickinson...  
10. 63 Miss. L.J. 797 Mississippi Law Journal Spring, 1994 Comment TORT REFORM AND THE MISSISSIPPI CONSTITUTION OF 1890 Brittain Virden
...of arbitration; and (8) place limits on the amount of attorneys' fees recoverable in medical malpractice lawsuits. David R. Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA. L. REV. 195, 200-01 (1985). [FN64]. See infra notes 69-114 and accompanying...
...Provide More Than "Lip Service" to Rendering Justice, 16 TOLEDO L.REV. 585 (1985); Schuman, supra note 11; David R. Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA.L.REV. 195 (1985); Charles K. Wiggins et al., Washington's 1986 Tort Legislation and...
...Legislative Response to the Medical Malpractice Insurance Crisis: Constitutional Implications, 55 TEX. L. REV. 759, 759-65 (1977); David Randolph Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA. L. REV. 195, 208 (1985); Mixed Record On Tort Caps, NAT'L L....
15. 66 Tul. L. Rev. 2076 Tulane Law Review June, 1992 Recent Development OWEN v. UNITED STATES: LOUISIANA'S MEDICAL MALPRACTICE CAP--THE FIFTH CIRCUIT'S "OPINION" K.C. Simoneaux...
..."right to sue for personal injuries" is not fundamental. See Arancibia, supra note 7, at 147 (citing David R. Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA. L. REV. 195, 210-11 (1985)). [FN20]. In Kansas Malpractice Victims Coalition v....
...concern that they were enacted only to serve provider interests. See HAVIGHURST, supra note 45, at 704-47; David R. Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA L. REV. 195 (1985). [FN93] For academic objections to private reform of...
17. 26 Suffolk U. L. Rev. 147 Suffolk University Law Review Spring, 1992 Note "THIS MAY STING A LITTLE"--A SOLUTION TO THE MEDICAL MALPRACTICE CRISIS REBUIES INSURERS, DOCTORS, PATIENTS, AND LAWYERS TO TAKE THEIR MEDICINE Thomas P. Hagen...
...6, at 521 & n. 96 (noting range of 1970s state health care reforms). [FN56]. See generally David Randolph...
Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 Okla. L. Rev. 195 passim (1985) (discussing constitutional attacks on malpractice reforms). Plaintiffs challenged award...


22. 83 Nw. U. L. Rev. 908 Northwestern University Law Review Summer, 1989 Public Policy VALUING LIFE AND LIMB IN TORT: SCHEDULING "PAIN AND SUFFERING" Randall R. Bovbjerg [FNa] Frank A. Sloan [FNa][FNa] James F. Blumstein [FNa][FNa] ...in individual cases and in the aggregate. [FN243] It has been argued that federal action is necessary. Cf. Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA. L. REV. 195, 229 (1985) ("vulnerability" of state tort reforms to state...


24. 49 La. L. Rev. 763 Louisiana Law Review January, 1989 STATUTORY DAMAGE CAPS ARE AN INCOMPLETE REFORM: A PROPOSAL FOR ATTORNEY FEE SHIFTING IN TORT ACTIONS Gregory A. Hicks [FNa] ...new reform legislation in 1986 and early 1987 were directed at control of damages in medical malpractice litigation. See, Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 Okla. L. Rev. 195, 200-01 (1985). The statutes of general application reflect the...

PRESCRIPTION FOR THE MEDICAL MALPRACTICE CRISIS IN OHIO Laurie G. Steiner [FNa]

...1983, there were sixteen malpractice suits for every one hundred doctors, which is a twenty percent increase since 1982. Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA. L. REV. 195, 196 n. 2 (1985)(citing A.M.A., Special Task Force On Prof. Liab....

26. 63 Wash. L. Rev. 653 Washington Law Review July, 1988 Comment CONSTITUTIONAL CHALLENGES TO WASHINGTON’S LIMIT ON NONECONOMIC DAMAGES IN CASES OF PERSONAL INJURY AND DEATH Marco de Sae Silva


27. 13 Okla. City U. L. Rev. 135 Oklahoma City University Law Review Spring, 1988 Note STATUTORY CAPS ON DAMAGE AWARDS IN MEDICAL MALPRACTICE CASES Jane C. Arancibia

...332 U.S. 633, 644-46 (1948), [FN78]. Rodriguez, 411 U.S. at 33-34. [FN79]. Bual, supra note 6, at 444. [FN80]. Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA. L. REV. 195, 204 (1985) (examines the federal and state constitutional theories...

38 Vand. L. Rev. 627 Vanderbilt Law Review April, 1985 Note THE CONSTITUTIONALITY OF STATUTES OF REPOSE: FEDERALISM REIGNS Josephine Herring Hicks
...discussion of some of the measures not addressed in this Note, particularly in the area of medical malpractice, see Smith, Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws, 38 OKLA.L.REV. --- (1985); Abraham, Medical Malpractice Reform: A Preliminary Analysis, 36 MD.L.REV. 489...