

October 31, 2025

The Hon. Jim Thomas, Chair
The Hon. D. J. Swearingen, Vice Chair
The Hon. Eric Synenberg, Ranking Member
House Judiciary Committee
77 S. High Street, 11th Floor
Columbus, OH 43215

**Re: Opposition to House Bill No. 447
Increasing Subjective Noneconomic Damage Awards
Hearing: November 5, 2025**

Dear Chairman Thomas, Vice Chair Swearingen, and Ranking Member Synenberg:

I am writing on behalf of the American Tort Reform Association (ATRA) to respectfully oppose H.B. 447, which would increase awards of subjective noneconomic damages in personal injury cases, including medical liability actions. ATRA is a broad-based coalition of businesses, associations, and professional firms that promote fairness, balance, and predictability in civil litigation. If enacted, H.B. 447 will reduce the effectiveness of laws that have contributed to stability in Ohio's civil justice system and benefited Ohio residents and businesses.

Historically, noneconomic damage awards, such as amounts for pain and suffering, were modest and noncontroversial. Over several decades, however, these awards became inflated to the point that they outpace other types of liability exposure. They eventually became the largest portion of recovery in personal injury lawsuits. The unpredictability of noneconomic damages, the disparity of results for the same or similar injuries, and the potential for runaway awards threatened the economic stability of businesses, the medical profession, and the affordability of liability insurance. As a result, state legislatures, including the Ohio General Assembly, set maximum levels for noneconomic damages.

When the General Assembly adopted these laws, it struck a careful balance. The legislature left uncapped all economic recoveries, including for past and future medical care and treatment expenses, lost earning capacity, or any other quantifiable costs caused by the negligent conduct of another. These economic damages are often substantial and are fully recoverable. The General Assembly sought to maintain predictability in the civil justice system and stability for Ohio's tort and healthcare environments by choosing a considerable, but not unlimited, remedy for a plaintiff's noneconomic losses, which are impossible to measure objectively. The proposed legislation would raise the maximum amounts recoverable for noneconomic damages by about 65% overnight and then further increase that amount every year thereafter.

As we see a resurgence of massive pain and suffering awards nationwide, now is certainly not the time to increase the maximum recoverable amount of noneconomic damages. Across the country, "nuclear verdicts," are rising in frequency and size in personal injury and wrongful death cases. The largest component of these awards are noneconomic damages. Fortunately, due in part to its laws governing noneconomic damages, Ohio is not known for excessive awards. It

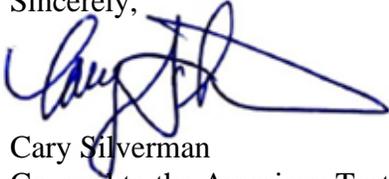
is not a top state for nuclear verdicts. Nor has an Ohio trial court ever been named a “Judicial Hellhole” in ATRA’s annual report. The General Assembly should keep it that way.

A substantial body of literature shows that limits on noneconomic damages lead to lower insurance premiums and more practicing physicians. These laws also facilitate fair settlements and constrain the potential for arbitrariness from case to case that may raise concerns about equitable treatment of those with similar injuries.

If enacted, H.B. 447 will result in a sudden increase in damage awards and settlements. This may aid a few people each year, but personal injury law firms have the most to gain. They will demand higher amounts in every case with a significant injury and receive higher contingency fees with no additional work. The losers will be Ohio’s drivers, homeowners, businesses, and doctors who will pay higher insurance rates because of the increased liability exposure and payouts.

ATRA respectfully urges you to not favorably report H.B. 447.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cary Silverman", with a large, sweeping flourish extending to the right.

Cary Silverman
Counsel to the American Tort Reform Association

cc: Members of the House Judiciary Committee