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Politico-economic determinants of tort reforms in medical malpractice

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The U.S. tort system has experienced various reforms during the last three decades. While there is a broad literature on the consequences of these reforms, very little is known about their determinants. In this study, we investigate the politico-economic forces that were driving the reform process across U.S. states. We focus on five types of medical malpractice tort reform and apply semi-parametric proportional hazards models to assess the factors that are related to reform enactments. We find, first, that a higher fraction of Republicans in a state legislature as well as a Republican governor are the major drivers of medical malpractice tort reforms. Second, we find that a higher fraction of women in a state legislature is associated with reforms being deferred. This finding is corroborated by micro-evidence on female legislators' voting behavior on medical malpractice tort reforms, and it is consistent with the notion that women are disproportionately aggrieved by such reforms.

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