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The Effect of Legal Rules on the Value of Economic and Non-Economic Damages and the Decision to File

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economic damages and economic damages. Caps on non-economic damages, collateral source rule reforms, and minor reforms impacting prejudgment interest, frivolous suits, and provisions for periodic payments are negatively related to the value of non-economic claims, while joint and several reform is positively related to the value of non-economic claims. We find collateral source rule reforms and minor reforms are negatively related to the value of economic claims. We find that caps on non-economic damages and minor reforms are associated with a decreased probability to file. We do not find any evidence that joint and several or collateral source rule reform is associated with the decision to file.

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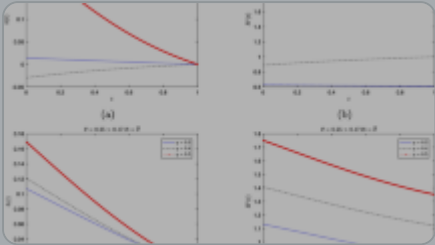
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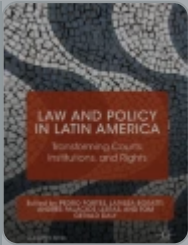
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Breusch, T., and A. Pagan. (1979). "A Simple Test for Heteroskedasticity and Random Coefficient Variation," *Econometrica* 47, 1287-1294.

[Google Scholar](#)

Brickman, Lester, Michael Horowitz, and Jeffrey O'Connell. (1994). "Rethinking Contingency Fees," The Manhattan Institute, New York, NY.

[Google Scholar](#)

Browne, Mark J., and Robert Puelz. (1996). "Statutory Rules, Attorney Involvement, and Automobile Liability Claims", *Journal of Risk and Insurance* 63, 77-94.

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Danzon, Patricia. (1986). "The Frequency and Severity of Medical Malpractice Claims: New Evidence," *Law and Contemporary Problems* 49, 57–84.

[Google Scholar](#)

Danzon, Patricia, and Lee Lillard. (1983). "Settlement Out of Court: The Disposition of Medical Malpractice Claims," *Journal of Legal Studies* 12, 345–377.

[Google Scholar](#)

Gould, John. (1973). "The Economics of Legal Conflicts," *Journal of Legal Studies* 2, 279–300.

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Courts," *Journal of Risk and Insurance* 61, 295–316.

[Google Scholar](#)

Ordover, J., and A. Rubenstein. (1983). "On Bargaining, Settling, and Litigating: A Problem in Multi-stage Games with Imperfect Information," New York University.

P'ng, Ivan Paak Liang. (1983). "Strategic Behavior in Suit, Settlement, and Trial," *Bell Journal of Economics* 14, 539–550.

[Google Scholar](#)

Posner, Richard A. (1973). "An Economic Approach to Legal Procedure and Judicial Administration," *Journal of Legal Studies* 2, 399–458.

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Claims and Compensation for Bodily Injury," *Journal of Legal Studies* 15, 321–346.

[Google Scholar](#)

Viscusi, W. Kip. (1990). "The Performance of Liability Insurance in States with Different Products-Liability Statutes," *Journal of Legal Studies* 19, 809–836.

[Google Scholar](#)

Viscusi, W. Kip. Richard J. Zeckhauser, Patricia Born, and Glenn Blackmon. (1993). "The Effect of 1980s Tort Reform Legislation on General Liability and Medical Malpractice Insurance," *Journal of Risk and Uncertainty* 6, 165–186.

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