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

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

Google Scholar

Cooter, Robert D., and Daniel L. Rubinfeld. (1989). "Economic Analysis of Legal Disputes and Their Resolution," *Journal of Economic Literature* 27, 1067–1097.

Google Scholar

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

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

Google Scholar

Hensler, Deborah R., Mary E. Vaiana, James S. Kakalik, and Mark A. Peterson. (1987). "Trends in Tort Litigation: The Story Behind the Statistics," R-3583-ICJ, Rand Corporation, Santa Monica, CA.

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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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Salant, S. W., and F. Rest. (1982). "Litigation of Questioned Settlement Claims: A Bayesian Nash Equilibrium Approach," P-6809, Rand Corporation, Santa Monica,

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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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