The National Conference of State Legislatures recognizes the importance of permitting aggrieved parties to seek full and fair redress in state courts for physical harm done to them due to the negligence of others. NCSL also understands the importance of having clear rules to govern the means and methods by which people can seek such redress. Our American federalism contemplates diversity among the states in establishing these rules and respects the ability of the states to act in their own best interests in matters pertaining to civil liability due to negligence.

NCSL regards the regulation of medical professionals as a purely state matter, not meriting federal intervention or preemption of state laws. All fifty states have statutes of limitations in place stating the timeframe during which it is appropriate for an action to be brought in negligence cases, and many states have established limitations on the amount of noneconomic damages that may be awarded in such cases. All states have evidentiary processes in place that provide for the full and fair adjudication of lawsuits. In sum, in the last decade alone, most states have taken up the issues surrounding medical malpractice and continue to handle the issues surrounding the filing and processing of these cases in ways that are consistent with existing state law, giving due consideration to factors that may be unique to a particular state.

NCSL opposes federal efforts to preempt existing state laws or state constitutional provisions in the area of medical malpractice lawsuits, specifically federal legislation that would preempt state laws and/or constitutions in the following manner:

- Preempt state laws governing the applicable statute of limitations in such cases;
- Preempt state laws governing the awarding of damages by mandating a mandatory uniform amount of damages of any kind (compensatory, noneconomic or punitive) at the federal level;
• Preempting state laws governing the drafting of pleadings and introduction of evidence in such cases; and
• Preempting state laws and/or constitutions governing the awarding of attorney's fees.