

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.6306a Verdict in favor of plaintiff in medical malpractice action; order of judgment; amounts; percentage of fault; reduced judgment amount; joint and severable liability; "gross present cash value" defined.

Sec. 6306a.

(1) After a verdict is rendered by a trier of fact in favor of a plaintiff in a medical malpractice action, an order of judgment shall be entered by the court. Subject to section 2959, the order of judgment shall be entered against each defendant, including a third-party defendant, in the following order and in the following amounts:

(a) All past economic damages, less collateral source payments as provided in section 6303.

(b) All past noneconomic damages, reduced subject to the limitations in section 1483. When reducing past noneconomic damages as required by section 1483, the court shall calculate the ratio of past noneconomic damages to future noneconomic damages and shall allocate the amounts to be deducted proportionally between the past and future noneconomic damages.

(c) All future economic damages, less medical and other health care costs, and less collateral source payments determined to be collectible under section 6303, reduced to gross present cash value.

(d) All future medical and other health care costs, reduced to gross present cash value.

(e) All future noneconomic damages reduced to gross present cash value and reduced subject to the limitations in section 1483. When reducing future noneconomic damages as required by section 1483, the court shall calculate the ratio of past noneconomic damages to future noneconomic damages and shall allocate the amounts to be deducted proportionally between the past and future noneconomic damages.

(f) All taxable and allowable costs, including interest as permitted by section 6013 or 6455 on the judgment amounts.

(2) If the plaintiff was assigned a percentage of fault under section 6304, the total judgment amount as determined under this section shall be reduced, subject to section 2959, by the percentage of plaintiff's fault. When reducing a judgment amount under this subsection, the court shall determine the ratio of total past damages to total future damages and allocate the amounts to be deducted proportionally between the past and future damages.

(3) If liability is determined to be joint and several, the total judgment amount determined under this section shall be reduced by the amount of all settlements paid by all joint tortfeasors, including joint tortfeasors who were not parties to the action and joint tortfeasors who are not persons described in section 5838a(1). When reducing a judgment amount under this subsection, the court shall calculate the ratio of total past damages to total future damages awarded by the trier of fact and shall allocate the amounts to be deducted proportionally between the past and future damages. When reducing a judgment amount under this subsection, the court shall perform the reduction before awarding any interest permitted by law, but after making all other required adjustments to the verdict, including those required by this section and by section 1483.

(4) As used in this section, "gross present cash value" means the total amount of future damages reduced to present value at a rate of 5% per year, compounded annually, for each year in which the damages will accrue, as found by the trier of fact under section 6305(1)(b).

History: Add. 2012, Act 608, Eff. Mar. 28, 2013

Compiler's Notes: Enacting section 1 of Act 608 of 2012 provides: "Enacting section 1. Sections 1483, 2959, 6306, and 6307 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1483, 600.2959, 600.6306, and 600.6307, as amended by this amendatory act and section 6306a of the revised judicature act of 1961, 1961 PA 236, MCL 600.6306a, as added by this amendatory act apply only to actions in which the cause of action arose on or after the effective date of this amendatory act."