This file explains changes done in the "clever file" relative to the regular DSTLR

Note- DSTLR 5.1 fixes a couple of errors in DSTLR 5 (Georgia and Illinois.)

**Caps on P&S**

1. Caps lifted when injury is severe, so it is not clear they bind at all:
2. Alaska’s caps on noneconomic damages from 1986 to 2005 are lifted for injuries involving permanent physical impairment or severe disfigurement.
3. Massachusetts’ caps on noneconomic damages are lifted if patient shows a substantial or permanent loss or impairment of a bodily function or substantial disfigurement.
4. Michigan’s caps on noneconomic damages from 1987 on are twice as high if brain damage, spinal cord, reproductive system, cognitive unable to live alone.
5. Ohio’s caps on noneconomic damages from 2003 on are lifted for serious injuries.
6. Caps too high:
7. Idaho had caps on noneconomic damages from 1988 that started at 400,000 and were indexed. In 2003 they reached 650,000 and were then reduced in 2004 to 250,000. I coded it as if they have had caps only from 2004.
8. New Hampshire had caps on pain and suffering of 875,000 from 1987-1990. I coded it as if they do not have caps.
9. Tennessee’s 2012 Noneconomic caps are at $750,000 for injuries and raised to $1,000,000 when injury or loss is catastrophic. In DSTLR 5th it is be coded as if there was no cap.
10. West Virginia had caps on pain and suffering from 1986 that started at 1,000,000. In 2004 (actually July 1, 2003), it changed the cap to 250,000. I coded it as if they have had caps only from 2004.
11. Wisconsin’s noneconomic caps from 1986 to 1994 are more than $1,000,000 and its noneconomic caps from 2007 on are 750,000. I coded it as if they only had caps from 1995 to 2005.
12. Misc:
13. Florida has had caps on noneconomic damages from 1988 until today which apply whenever any party asks for arbitration. I did not code it. It has a another cap from 2003.

**Caps on Punitive Damages:**

Some caps on punitive damages are very high when the injury is severe. Therefore it is unclear whether the caps are ever effective in such cases: Alabama (1999), Arkansas (2003), Florida (1987), Mississippi (2004), Montana (2004), Texas (1988)

**Joint and Several Liability**

1. In some states reform of joint and several liability applies only to noneconomic damages.
2. California joint and several liability reform from 1986 implies that joint and several liability will continue to apply to economic damages.
3. Nebraska joint and several liability reform from 1992 says that joint and several will continue to apply to economic damages.
4. Nevada joint and several liability reform from 2003 says that joint and several liability will continue to apply to economic damages. In 2004 they made it a normal joint and several liability reform, meaning that economic damages will be joint and several except in certain circumstances. I coded it as 1 from 2004.
5. New York has the same problem with its joint and several liability reform from 1987.
6. Oregon joint and several liability reform from 1987 until 1995 says joint and several liability will continue to apply to economic damages unless a defendant is less than 15% at fault.

**Reforms need to be turned off due to being on for 3 years or less**

1. California- Punitive damages – split recovery from 2005 to 2007
2. Florida- Caps on noneconomic damages in 1987.
3. Georgia- Collateral source reform from 1988 to 1990.
4. Illinois- Caps on noneconomic damages from 1995 to 1997, Joint and several liability reform from 1995 to 1997.
5. Kansas- Caps on total damages in 1987, Collateral source reform from 1986 to 1988.
6. Montana-Caps on punitive damages from 1985 to 1987.
7. New Hampshire- Caps on noneconomic damages in 1980.
8. New York- Punitive damages – split recovery reform from 1992 to 1994.
9. Ohio- Caps on noneconomic damages in 1997, Caps on punitive damages in 1997, Collateral source reform in 1997, Joint and several liability reform in 1997,
10. Washington- Caps on noneconomic damages in 1986-8

**The Clever Dataset**

This version of the DSTLR 5th Clever lifts as many caps as it possibly makes sense to lift. Specifically: it adopts 1, 2, and 4. (Observe that I did not change the code for 3 because it seems to me that applying the joint and several liability reform even just to noneconomic damages should have an impact in most cases).