

II.

1. 가

(Tort Cost) '01 GDP 2.0%
 (industrialized nations) 2 가

o GDP 가 1.7%, 1.3%,
 1.1%, 1.1%, 1.0%, 0.9%, 0.8%, 0.8%,
 0.8%, 0.6%, 0.4% 2).

o 1 2 3 , (litigation
 tax) 1 721 .

50 100
 (GDP 34 가, 2 가) .

o '01 14.3% 가 1986 가 가 .

< 3>

(: US \$, %)

	GDP				1 (\$)		
	가				1	1	*
1950	1.80	-	294	0.61	152	12	87
1960	5.4	11.6	527	1.03	181	30	180
1970	13.9	9.8	1,040	1.33	205	68	309
1980	43	12.0	2,796	1.54	228	189	406
1990	129.6	11.7	5,803	2.23	249	520	704
2000	179.7	3.3	9,825	1.83	281	638	657
2001	205.4	14.3	10,082	2.04	285	721	721

: 가 10 , 1 * '01 .
 : Tillinghast-Towers Perrin, *U.S.Tort Costs:2002 Update*, 2003,pp.9-11

2) Robert P. Hartwig,Ph.D., *Trends in Medical Malpractice Insurance*, III, April 2003

2.

o 8 1 1 .
5 10
1 5 .

< 4> 2002

(:)

28,000	()	
2,200	()	
270	()	
225	()	
150	()	
122	()	
97.2		
95.2	()	
91		
80	()	
80	()	

: David Dial, Esq 4 , *Tort Excess : The Necessity for R&form from 1 Policy, Legal and Risk management Perspective*, Insurance Information Institute, 2003, p.1

o 100

(< 5>).

o (Jury Verdict Research)³⁾

20% 가 . '94 423% 가

3) http://www.juryverdictresearch.com/Press_Room/Press_releases/press_releases2003.html

(: %)

가	'95-'97	4	10	8	21	21	36	42
	'98-'99	4	11	11	27	25	43	59
	'00-'01	6	10	17	44	47	54	68
	'94	58	-	43	-	-	-	39
	'97	59	-	45	57	-	-	39
	'01	68	-	57	66	-	-	56
(\$)	()	91	79	-	-	175	355	527
	100	11.2	16.2	-	-	11.7	26.2	30.8
		6.1	6.7	-	-	9.1	13.1	13.1

: '96-'97 100

: Robert P. Hartwig, Ph.D., *Trends in Medical Malpractice Insurance*, I.I.I., April 2003
 U.S. Department of Justice, *Bureau of Justice Statistics Special report : Federal Tort Trials and Verdicts*, 1996-97, May 3, 1999, p.5

o , (100), Deep Pocket Theory, (punitive damage)

가 ,

o 가 , 가 100 가 .

o 가 50% 4).

- , (economic loss) 22%, (administration cost) 21%, (defense cost) 14%,

4) Tillinghast-Towers Perrin, *U.S. Tort Costs: 2002 Update*, 2003, p.17

(awards for noneconomic loss) 24%, (claimants' attorney fees) 19%

o

-

< 6 >

	10 (Best States)	10 (Worst States)
1.	6.N	41. 46.
2.	7.	42.S 47.
3.	8.	43. 48.
4.S	9.	44. 49.W
5.	10.	45. 50.

: Robert P. Hartwig, Ph.D., *Trends in Medical Malpractice Insurance*, III., April 2003

o

"Judicial Hellholes"

- (Alameda, LA, San Francisco County), (Jefferson, Hidalgo, Starr County), (City of St. Louis, 22nd Judicial District), (Madison County), (Orleans Parish)

-

(catastrophic liability verdict) , 가 1%
100% 가

3.

가

o

가 가 '90

가

0

-
2003"5)

"ATRA, Tort Reform Record, June 30,

0

가

0

19%

0

가

가

가

0

가

가 가

가

0

가

가 가

0

가

가

5)

ATRA(The American Tort Reform Association)
(<http://www.atra.org>).

o

o 1980

가

o

가

o

가

가

Deep Pocket Theory

o Deep Pockets Theory

(가)

가

가

가

가

가

o