

MISSISSIPPI

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1. In your state, what are the categories of damages that are available in tort?

A. Economic damages such as medical expenses, lost wages and loss of wage earning capacity. B. Non-economic damages such as pain and suffering, mental and emotional distress, permanent disfigurement, and loss of consortium, society and companionship. Miss. Code Ann. § 11-1-60.

C. Punitive damages in certain cases. Miss. Code Ann. § 11-1-65.

2. Are there any limitations or caps on recovery in tort actions?

Non-economic damages are limited to \$1,000,000. Miss. Code Ann. § 11-1-60.

Limitation on punitive damages depending on net worth of defendant. Miss. Code Ann. § 11-1-65.

3. Are attorneys' fees available in tort actions? If so, under what circumstances?

Attorneys fees are generally not recoverable unless punitive damages are awarded.

4. Are there any instances in tort actions when pre-judgment interest is available for recovery?

Generally, no. Pre-judgment interest may be available if there is no dispute as to liability and the amount of damages.

5. In your state, what proof is necessary to establish a right of recovery for economic damages, i.e. lost wages, medical expenses, etc.?

A plaintiff must prove economic damages with medical bills/charges and proof of lost wages. Evidence of past earnings and/or expert testimony is necessary to prove future lost wages. Expert testimony is necessary to prove future medical expenses or life care plan. An economist testimony is required to calculate the present day value of future loss of earnings or medical expenses.

6. Is there any distinction in your state relative to recovery for economic versus non-economic damages?

Mississippi distinguishes between economic damages and non-economic damages. Miss. Code Ann. § 11-1-60.