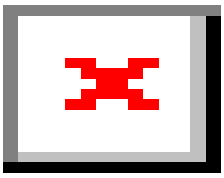
Intersection of the FTCA and NJ's Charitable Immunity

June 24, 2016

By: William Krais

By William A. Krais

The Federal Tort Claims Act, 28 U.S.C. §2679 (FTCA), and New Jersey's Charitable Immunity Act, N.J.S.A. 2A:53A-7, et seq. (CIA), would seem to have little to do with one another. After all, the FTCA provides immunity from suit to federal employees, while the CIA bars or limits the amount a plaintiff can recover from certain non-profit entities. But when a federal employee happens to be a physician practicing in a private hospital, the intersection of these two laws may have the unanticipated effect of limiting a plaintiff's recovery in a medical malpractice case. Plaintiffs' attorneys should be prepared for this possibility in an effort to avoid the short end of the stick.

How these laws meet, and the result that can occur, may be demonstrated by a scenario based on actual facts, laid out in detail in the July 4th issue of *New Jersey Law Journal*. To read the full article, please click here.