



September 23, 2010

Dear Senator:

On behalf of the following associations representing large and small businesses, the medical community, local government and consumers, we are writing to express our opposition to House Bill 2246 in its current form which is currently under consideration in the Senate. Specifically, we strongly object to a trial bar amendment that was inserted in the bill on the House floor prior to final passage. The amendment allows lawyers to argue at closing specific amounts for non-economic damages (pain and suffering), using either lump sums or mathematical formulas – but just for auto cases.

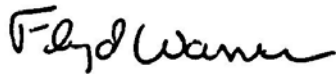
We are unaware of any complaints or are in possession of any empirical data that suggests pain and suffering awards are inadequate. This truly is an unprecedented use of Title 75 to create special rules of court for one type of case – auto insurance. Carving out a special rule just for auto cases in the practice of argument at closing will inevitably result in the courts creating uniformity in judicial procedure and extend this to all civil cases. Furthermore, enacting this bill will reduce the likelihood of settlements and clog our courts.

Excessive damage awards result in higher consumer prices and decreased availability of services. The high legal costs paid by Pennsylvania health care providers, employers, and governments inhibit job growth, increase health care costs, and limit access to medical care. H.B. 2246, with its personal injury lawyer friendly amendment aimed at preying on the emotions of a jury in order to reap higher awards, would raise awards and settlements, thereby disrupting an auto insurance marketplace that has served consumers well. This will increase auto insurance rates at least 5%-10% possibly higher. That's a cost that consumers, job creators and the Commonwealth can't afford.

Evidence shows that commonsense legal reforms enacted in other states over the past 20 years have lowered consumer costs, created jobs, reduced insurance costs and increased business investment and innovation. For instance, the repeal of joint and several liability will correct a fundamental unfairness by tailoring the law to have defendants pay only the percentage of fault for which they are responsible and not for the damages attributable to others. States like Texas and Mississippi know this, and are often recognized for having legal climates that help foster investment and jobs. Over the past several years, Pennsylvania has consistently ranked near the bottom nationally as a state with a poor legal climate for job creation and growth. We respectfully request that the Senate consider the steps other states have taken and restore fairness in Pennsylvania's civil justice system.

Please do not make Pennsylvania a less competitive place to do business. Please oppose H.B. 2246 in its current form. Please consider, instead, positive reforms to make Pennsylvania's legal climate fair and predictable for all parties.

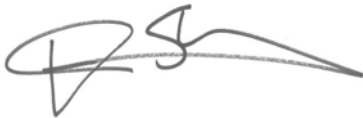
Sincerely,



Floyd Warner  
President  
Pennsylvania Chamber of Business  
and Industry



Samuel Marshall  
President  
Insurance Federation of Pennsylvania



Kevin Shivers  
Pennsylvania State Director  
National Federation of Independent Business



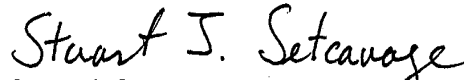
James M. Redmond  
Sr. VP, Legislative Services  
The Hospital & Healthsystem  
Association of Pennsylvania



Richard M. Stokes  
Regional Manager and Counsel  
Property Casualty Insurers of America



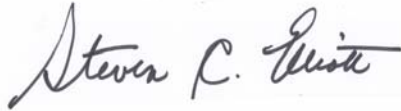
Frederick W. Anton  
President & CEO  
Pennsylvania Manufacturers' Assoc.



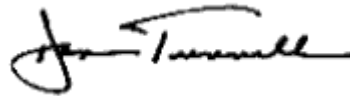
Stuart Setcavage  
President  
Pennsylvania Defense Institute



Ralph J. Pontillo  
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Manufacturer and Business Association of PA



Steven C. Elliott  
President  
PA Association of Mutual Insurance Companies



Daniel R. Tunnell  
President  
Broadband Cable Association of PA



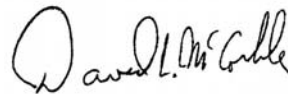
Brian A. Rider  
President & CEO  
Pennsylvania Retailers' Association



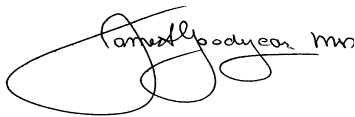
D. Michael Baxter, MD  
President  
PA Academy of Family Physicians



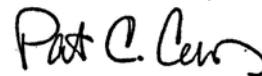
Rick Russell  
President  
Insurance Agents and Brokers of PA



David McCorkle  
President  
PA Food Merchants Association



James A. Goodyear, MD  
President  
Pennsylvania Medical Society



Pat Conway  
President & CEO  
Pennsylvania Restaurant Association



Jim Runk  
President & CEO  
Pennsylvania Motor Truck Association



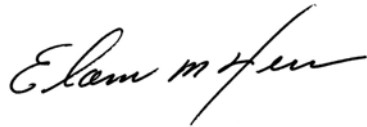
Doug Hill  
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County Commissioners Association of PA



Stuart H. Shapiro, MD  
President & CEO  
Pennsylvania Health Care Association



David W. Patti  
President & CEO  
Pennsylvania Business Council



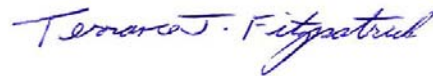
Elam M. Herr  
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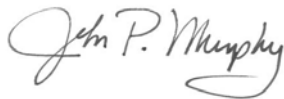
Lou Biacchi  
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Pennsylvania Builders Association



Ted Leonard  
Executive Director  
Pennsylvania AAA Federation



Terrance J. Fitzpatrick  
President  
Energy Association of Pennsylvania



John P. Murphy  
Regional Vice President  
American Insurance Association



Ed Troxell  
Director of Government Affairs  
Pennsylvania Boroughs Association



David Ellis, MD  
Board Chairman  
Urologists for Patient Access to Care



Amy Sturges  
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Pennsylvania League of Cities and  
Municipalities



Wayne J. Sebastianelli, MD  
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