



THE HOSPITAL & HEALTHSYSTEM ASSOCIATION OF PENNSYLVANIA



TO: Members of the Pennsylvania Senate

FROM: Hospital & Healthsystem Association of Pennsylvania
Pennsylvania Medical Society
Pennsylvania Health Care Association
Pennsylvania Chamber of Business & Industry
National Federation of Independent Business
Insurance Federation of Pennsylvania
Pennsylvania Association of County Affiliated Homes
Pennsylvania Academy of Family Physicians
PANPHA

DATE: June 18, 2010

RE: House Bill 2246 – Vehicle Code Arguing Damages

On behalf of the above business and medical communities, we are writing to express our opposition to House Bill 2246 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 just for auto cases.

We question the need to pass legislation aimed at preying on the emotions of a jury in order to reap exorbitant awards. This is an unprecedented use of Title 75 and sets very bad precedent that will eventually lead to broader applications of judicial procedure. Furthermore, this bill overturns the Supreme Court's 1969 ruling in *Wilson v. Nelson* to not allow either side to argue specific amounts for non-economic damages, which the Court determined would allow the rhetoric of closing too much influence in a jury's decision.

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. This bill will raise awards and settlements thereby disrupting an auto insurance marketplace that has served consumers well. That's a cost to consumers, business and to the Commonwealth.

We urge you to not consider this unnecessary personal injury lawyer legislation and to instead enact meaningful lawsuit abuse reforms that will inject fairness, common sense, and personal responsibility into our legal system.