



February 4, 2011

RE: **Lawsuit Abuse Reform**

Dear Senator:

A state's legal climate has a direct bearing on job creation; the cost of goods and services; and the cost and availability of health care, and greatly impacts business decisions, such as where to locate or expand, and even what products to introduce or improve. Unfortunately, Pennsylvania's unbalanced legal system threatens all of these.

Failure to act on commonsense lawsuit abuse reform has caused Pennsylvania to fall further behind other states. It's time to change that by restoring balance, fairness and predictability to a system that lacks all three – starting with a repeal of joint and several liability. Doing so will help stimulate economic growth and job creation in the Commonwealth.

The inefficient and unfair legal doctrine of joint and several liability holds every defendant found even 1 percent liable in a lawsuit responsible for the entire verdict, and encourages more litigation as plaintiffs search for “deep pockets” when filing their lawsuits. Often, these deep pockets end up paying the entire award even if they were only marginally responsible.

On two occasions, the General Assembly voted in a bipartisan manner to repeal this unbalanced and archaic legal doctrine through enactment of the Fair Share Act. Nonetheless, the Pennsylvania Supreme Court overturned the law once on procedural grounds, and then a few years later, the law was vetoed by then-Gov. Ed Rendell. The opportunity now exists to re-instate the Fair Share Act once and for all.

Of course, a repeal of joint and several liability is only the start. A meaningful lawsuit abuse reform package must also include: reasonable protections for manufacturers and innocent sellers of products; additional improvements to the medical liability climate; an end to venue-shopping in all civil liability cases; the ability of health-care providers to acknowledge, express empathy for, or take ownership of an unforeseen outcome without the risk of retaliatory litigation based solely on those statements; and fair limitations on non-economic damages, to name a few.

Your leadership on these issues moving forward will send a clear message that Pennsylvania wants its communities, citizens, employers and health-care providers to realize the benefits of a legal system that is fair to all. Your support will also send a signal that the Commonwealth is serious about attracting and retaining high-quality, family-sustaining jobs.

Sincerely,