



TO: The Honorable Members of the state House of Representatives

FROM: Sam Denisco, Vice President, Government Affairs

DATE: Dec. 12, 2011

RE: HB 1976 – Venue Reform

On behalf of its thousands of statewide member businesses of all sizes and crossing all industry sectors, the Pennsylvania Chamber of Business and Industry is writing you to express our **support** of HB 1976, which is scheduled to be considered this week by the House.

This bill seeks to change the long standing practice of “forum shopping” – a tactic used by some personal injury lawyers of filing their cases in pro-plaintiff jurisdictions that have little or no relation to the defendant or the act giving rise to the cause of action.

HB 1976 seeks to bring fairness and certainty to our civil justice system by requiring plaintiffs to file their actions alleging a personal injury only in jurisdictions where the injury occurred, the plaintiff resides or the defendant is headquartered. This General Assembly enacted similar Venue Reform in 2002 (Act 127) that applies to medical malpractice cases. Since then, the number of medical malpractice cases has dramatically declined – a good portion of this is attributable to venue reform. We ask that the venue changes given to the medical community be more broadly applied and extended to all actions brought to recover for a death or injury to a person.

Opponents to this legislation have erroneously claimed that HB 1976 is unconstitutional because the Supreme Court of Pennsylvania has the power to prescribe by general rule the practice and procedure in civil actions for the courts. However, PA Rule of Civil Procedure 2179, which governs venue for personal injury, states that current rules are enforced “Except as otherwise provided by an Act of Assembly...” This Rule clearly indicates the legislature’s authority on matters of Judiciary practice and procedure, such as those dictating venue.

Again, the PA Chamber asks for your support of HB 1976. If you have any questions, please contact me at sdenisco@pachamber.org or 717-645-3483.