

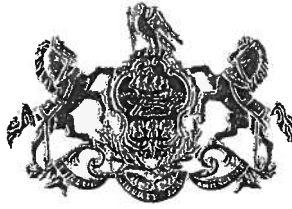
DEC 13 2010

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Senate of Pennsylvania
MEMORANDUM

To: All Senators
From: Senator Jake Corman *Jake*
Date: December 10, 2010
RE: **Co-sponsorship memo # 1** – Joint and Several Liability – Fair Share Act

In the near future, I plan to introduce legislation to reform the doctrine of joint and several liability.

Under this reform, named the Fair Share Act, the joint and several doctrine would be abolished in most instances. Currently, in cases seeking compensation for property damage or for injury or death to a person, a defendant found liable for a plaintiff's loss could be responsible for paying the entire verdict, no matter the amount of that defendant's proportionate share of liability. This legislation would provide that a defendant found less than 60% liable would be required to pay only their proportionate share of a judgment instead of the full verdict. For instance, a defendant found causally liable for 10% of a \$1,000,000 award would be responsible for paying only \$100,000. Under the original doctrine of joint liability, a plaintiff could possibly collect the entire \$1,000,000 from that 10% liable defendant.

Joint and several liability would still apply in the case of:

- A defendant who is held liable for not less than 60 percent of the liability apportioned to all parties;
- An intentional misrepresentation;
- An intentional tort;
- An action related to the release or threatened release of a hazardous substance under the Hazardous Sites Cleanup Act; or
- An action brought with regard to the liability of liquor licenses.

I have introduced this legislation in past sessions, seeing overall support in the General Assembly. The effect of joint and several liability can be felt throughout the state, and significantly exposes minimum liable actors to much more costly risks. This bill represents a considerable step toward meaningful tort reform in Pennsylvania.

If you have any questions with regard to this co-sponsorship, please contact Scott Sikorski in my office at 787-1377.

If you would like to cosponsor this legislation, please contact Kristi Kreiser in my office by **Wednesday, December 15, 2010** at 787-1377 or by email at kkreiser@pasen.gov.