

PA Coalition for Civil Justice Reform – due September 1

- (1) Do you think Pennsylvania’s legal climate encourages the establishment of business in Pennsylvania, and their continued presence in the state? NO

- (2) COVID-19 poses unique problems for health care and both small and large businesses. They now face increase exposure to civil liability as a result of stepping up to fight the pandemic. Do you think health care providers and businesses that follow safety guidelines issued by federal or state governments should have COVID-19 liability protection? YES (It is not my preferred solution, but given the current situation, it is the most reasonable solution. I would prefer a more foundational change that would level the playing field by making the plaintiff accountable for unsuccessful claims.)

- (3) Venue shopping is when plaintiffs’ attorneys file suit in a county (such as Philadelphia) known for high verdicts, even though the case has little or no connection to the county. Verdicts are known to be so high in Philadelphia that the Tort Reform Association named Philadelphia its No. 1 “Judicial Hellhole” for 2020!
 - a. Will you protect the current medical liability venue rule that allows cases to be filed only where the case arose/injury occurred? YES
 - b. Would you support limiting venue for all civil cases in Pennsylvania to the county where the cause of action arose. YES

- (4) A False Claims Act is legislation that encourages bounty hunters, known as “qui tam” plaintiffs, to sue on behalf of the government when they believe a business received government payments to which it is not entitled. A qui tam plaintiff keeps a significant, up to 30% of any verdict.

Pennsylvania already recovers monies under the federal False Claims Act for any false Medicaid claims, yet plaintiffs’ lawyers are trying to enact a state False Claims Act that would divert more money to the bounty hunting qui tam plaintiff and the attorney.

Do you believe Pennsylvania should have a False Claims Act? Undecided. I would have to see the exact proposal and there would have to be clear advantages to the Commonwealth. Otherwise, my response would be NO.

- (5) From time to time, the Commonwealth of Pennsylvania contracts with outside law firms to represent the Commonwealth in civil cases. These firms charge a contingency fee, sometimes more than 30%, for their services, and keep that percentage of any money won in the lawsuit. Transparency in Private Attorney Contracting (TIPAC) legislation imposes reasonable limits on contingency fees, allowing the Commonwealth to keep control of the litigation and ensure that the taxpayers, as opposed to the lawyers, receive more benefit from a recovery of damages.

Will you support TIPAC legislation and limits on contingency fees in representations of the Commonwealth? Undecided. I would like a better explanation as to why legislation is needed. If these are contracts, should not the Executive Branch or contracting agency be held accountable

PA Coalition for Civil Justice Reform – due September 1

during the budgeting process to run a cost effective operation, including negotiating contracts that do not provide a windfall to its vendors?