



Pennsylvania Coalition for Civil Justice Reform 2022 Candidate Questionnaire

Position and/or District Number: State Senate District 14

Candidate Name (print): Nick Miller

Party: Democrat

Date: 8/17/2022

Candidate Signature:

1. Does Pennsylvania's legal climate encourage the establishment of businesses in Pennsylvania and their continued presence in the state?

Yes _____ No _____ Undecided _____

2. COVID-19 has ravaged the Commonwealth for two years. It has devastated businesses, particularly restaurants and nursing homes. All businesses open to the public are exposed to liability for COVID transmission even if the business has complied with public health directives. Our health care facilities have been overwhelmed by the influx of COVID patients resulting in non-essential services being curtailed. Governor Wolf vetoed legislation that would have

provided temporary and targeted COVID related liability relief to the business and health care communities.

Will you support legislation providing temporary and targeted COVID liability relief to businesses, health care facilities and practitioners, and manufacturers of personal protective equipment?

Yes No Undecided

Comments: **The impact of the pandemic on businesses, health care facilities and practitioners, and manufacturers of PPE is long term and cannot be understated. It is important that the government of the Commonwealth works to support and provide relief to those who are still recovering from COVID related liabilities.**

3. Pennsylvania's Fair Share Act became law in 2011. Since then, defendants in civil cases have been required to pay only their fair share of a verdict, where before, a defendant could possibly be held responsible for an entire verdict even if only 1 percent at fault! Over the course of time however, Pennsylvania Appellate Courts have handed down decisions that have weakened the Act and strayed from original legislative intent. The high court has found that the apportioning of fault in the Fair Share Act does not apply to strict liability asbestos cases (Roverano v. John Crane, Inc). The Superior Court also determined recently that the act only applies when a plaintiff is found to be without any negligence at all (Spencer v. Johnson).

Will you support legislation to restore the original legislative intent of the Fair Share Act?

Yes No Undecided

Comments: **Defendants should not be held responsible for a larger percentage of a verdict than they are at fault for, and I will work to ensure our legal system does not unfairly penalize residents of the Commonwealth.**

4. A False Claims Act encourages bounty hunters, known as "qui tam" plaintiffs, to sue on behalf of the government when they have information that a business has received government payment for which it is not entitled. The qui tam plaintiff keeps a significant portion of any verdict and thus has an economic incentive to bring lawsuits. Pennsylvania already recovers funding under the federal False Claims Act for any false claims made against the state, yet there are those trying to adopt a state False Claims Act that would divert even more money recovered to the bounty hunting qui tam plaintiff.

Will you oppose any legislation containing a state False Claims Act?

Yes No Undecided

Comments: **A False Claims Act encourages bounty hunters or “qui tam” plaintiffs to bring lawsuits to businesses despite the fact that Pennsylvania already recovers funds from these incidents. I see no reason why we should give financial advantages to bounty hunters at the expense of Pennsylvania small businesses. I would oppose legislation containing a state False Claims Act.**

5. Venue shopping is when an attorney files suit in a county known for its high verdicts even though the case has little or no connection to the county. One such high verdict location in Pennsylvania is Philadelphia. Verdicts are known to be so high in Philadelphia that the American Tort Reform Association has listed Philadelphia as one of the nation’s worst Judicial Hellholes for several years in a row. The current medical liability venue rule requires cases to be filed where the cause of action arises. The Supreme Court is considering a proposal to rescind the current medical liability venue rule and replace it with one that will allow venue shopping to run rampant again in Pennsylvania.

A. Do you support requiring medical liability cases to be filed in the county in which the injury took place which is consistent with the current statutory and rule requirement?

Yes _____ No _____ Undecided _____

Comments: **Medical liability cases should absolutely be filed in the county in which the industry took place. Not only is this fair, but it will help prevent the courts, particularly in Philadelphia, from becoming further overwhelmed.**

B. Will you support a constitutional amendment to limit venue for all civil tort cases in Pennsylvania to the county where the cause of action arose? Limiting venue to the county where the cause of action arose will prevent businesses from being dragged into the high verdict Philadelphia court system, unless the cause of action arose in Philadelphia.

Yes _____ No _____ Undecided _____

Comments: **Civil tort cases should be held in the counties where the cause of action arose. This is critical to both maintain the functionality of Pennsylvania’s justice system as well as to preserve the public's faith in the courts.**

C. In the alternative, will you support a constitutional amendment that removes exclusive authority of the Supreme Court to determine venue and allow the legislature to set venue rules and policy?

Yes _____ No _____ Undecided _____

Comments: There should be one set of rules for determining venue based upon the location of the action, there is no need for the Supreme Court to have involvement. Therefore, I would support this amendment.