

April 1, 2011

The Honorable Ron Marsico  
Chairman, House Judiciary Committee  
218 Ryan Office Building  
Harrisburg, PA 17120

Dear Chairman Marsico:

Thank you for the opportunity for the County Commissioners Association of Pennsylvania (CCAP) to submit remarks for the record of the House Judiciary Committee hearing on House Bill 1 held on Tuesday, March 29. We would be pleased to respond to any questions or information requests from you or other Committee members following review of our comments.

In Pennsylvania, the law governing joint and several liability enables a plaintiff to obtain a full recovery from the defendant, regardless of the percentage of fault for which that defendant was found liable. For example, if a county would be found to have responsibility for one percent of the liability for tortious conduct in a case involving other defendants, the plaintiff could obtain the entire award from that county. This would then force the county to seek contribution from the other defendants.

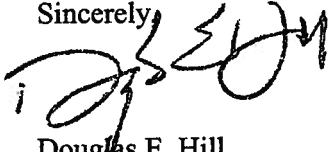
Under House Bill 1, a county would not, in most cases, be vulnerable to having to pay the entirety of the plaintiff's recovery. Rather, where liability is attributed to more than one defendant, each would be liable for that proportion of the total dollar amount awarded as damagers in the ratio of the amount of that defendant's liability to the total liability of the case.

Such legislation would likely reduce a county's exposure by decreasing, in most cases, the amount that a county might have to pay up front. While counties do not seek to avoid their responsibility where it is due, the current statute means that they could potentially be forced to take on the burdens of responsibility for other defendants. In these difficult budgetary times, any unnecessary mandated costs can only fall back on the local property taxpayer, since that is the sole source of local revenue for counties. Although counties would have the ability to recover those costs from other defendants, this takes time, resources and disrupts budgets and the programs and services they support.

CCAP has also signed on to a letter to Governor Corbett, along with numerous other organizations, regarding our support of the repeal of joint and several liability. We share in concerns about the impact of the state's legal climate on job creation, costs of goods and services and business decisions, which ultimately impact the viability of our local communities. We support House Bill 1 as a positive step to improving the legal and economic climate of the commonwealth.

We appreciate the opportunity to provide you and your committee with our analysis. If we can provide additional information, or if you would like to further discuss our concerns, please do not hesitate to contact me.

Sincerely,



Douglas E. Hill  
Executive Director

Cc: The Honorable Thomas Caltagirone, Minority Chair, House Judiciary Committee  
Members, House Judiciary Committee  
Ryan Boop, Executive Director, House Judiciary Committee  
David Tyler, Minority Executive Director, House Judiciary Committee