

## The Insurance Federation of Pennsylvania, Inc.

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**Samuel R. Marshall**  
President & CEO

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To: The Honorable Members of the House Judiciary Committee

From: Samuel R. Marshall

**Re: Fairness in Claims and Transparency Act**

Thank you for having this hearing and for considering this legislation.

Today, you are going to hear from people who confront the problem this bill addresses on a daily basis. Before turning this over to them, I offer an initial observation:

I know what people might think: When the House Judiciary Committee has a hearing on a bill sponsored by Representative Cutler, with the business and insurance communities on one side, and the plaintiff's bar on the other, that can only mean one thing – tort reform.

That's not the case today. You'll soon hear what the bill does, but let me start by saying what it doesn't do: It doesn't alter the tort balances now in place in Pennsylvania – it doesn't change the responsibilities and obligations of defendants in tort claims – and it doesn't throw impediments on plaintiffs bringing tort claims.

This isn't a "tort reform" bill. It is a bill that ensures the tort responsibilities Pennsylvania enacted in its Fair Share Act apply to asbestos claims just as much as all other tort claims – no more but no less.

We and the trial bar have and will come before you many times asking for changes in the tort laws and balances in Pennsylvania. But this time, at least from our perspective, we're not asking for that. We are asking that you close a loophole never intended in the Fair Share Act, one that has allowed some asbestos claimants to collect more, and forced some Pennsylvania businesses to pay more, than their Fair Share.

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In setting this up, we want to explain the bill by answering the questions you might have (or at least we had). That's always hard to anticipate, and we'll answer any and all questions, but this should be a good outline. So I'll now call on our panelists to share their expertise on the following questions:

- What's the problem under current Pennsylvania law?
- Does this really happen?
- What is the cost to Pennsylvania employers – and other claimants?
- What does the bill do to solve the problem?
- Are claims readily handled by the asbestos trusts?
- How can we ask plaintiffs and their lawyers to identify claims they reasonably might have?
- Is this properly done by legislation, or should it be handled by the Supreme Court?