

Comments on this proposal are being accepted until FEBRUARY 22

On Your Toes! **Immediate Opposition Needed to Proposed Venue Rule to Avoid Crisis**

Just before Christmas, it was announced that a Pennsylvania Supreme Court Committee on Civil Procedural Rules proposed to the Supreme Court to rescind the venue rule in medical malpractice cases, stating that restricting the venue to the county in which the cause of action arose "...no longer appears warranted." (See 48 Pa. Bulletin, 7744)

Please write to the Committee listed below and voice your strong objection to this unwarranted amendment to a system that is working!

**Civil Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave.
Suite 6200
P.O. Box 62635
Harrisburg, PA 17106
p. 717-231-9555**

Comments on this proposal are being accepted by the Civil Procedural Rules Committee from any interested party through February 22, 2019. (AND YOU ARE AN INTERESTED PARTY)

Background of Venue Restriction Rule

The change would do away with the restriction on "forum shopping," which had been instituted because of a Malpractice Crisis seen in 2002. In 2002, the Commonwealth was seeing costly medical malpractice litigation that was affecting the ability of doctors and hospitals to provide common or advanced care to the citizens of Pennsylvania.

In response to this crisis, the General Assembly of Pennsylvania passed MCARE (Medical Care Availability and Reduction of Error Act, 40 P.S. §§ 1303.101, et seq). This act contained a full spectrum of Medical Malpractice reforms. Pursuant to this effort to address malpractice reform, the Supreme Court promulgated new rules aimed at "restoring balance and fairness to medical malpractice litigation" within the state.

The Supreme Court amended rules of civil procedure related to venue in medical malpractice actions. These changes defined the venue within which a plaintiff could initiate a suit to the county in which the cause of action arose. This limit was instituted in response to the process of forum shopping, which had resulted in a flight of cases to Philadelphia county, even though the cause of action had taken place outside of Philadelphia county. This had been termed "undue expansion of venue and forum shopping ..."

As I read the background material cited by the Committee as a basis for this proposed rule change, it appears to me the rule produced the exact results that it was intended to produce. Court cases filed in Philadelphia fell off dramatically (as opposed to the county in which they took place). This resulted in a concurrent drop in the amount of cases with compensated plaintiffs.

Welcome to the World of Yesterday

In order to combat what can only be defined as a successful solution, the Committee has proposed to do away with the venue restrictions and again allow forum shopping in Pennsylvania. Welcome to the world of yesterday, along with higher malpractice

premium rates, increased litigation, restricted practices, and doctor flight. The proposed repeal of the venue rule is uncalled for as the data upon which it is based supports the opposite conclusion—

The system employing the venue rules, as structured for the past 15 years, is working.

There is NO evidence that due process, court access, or justice has been denied any plaintiff, nor is there any evidence that forum shopping has ever promoted patient care.

There is no state in which forum shopping, as promoted by the proposed rule change, has served the community.

PPMA is working with the Pennsylvania Medical Society on this issue and their “Call to Action” is on page 10 of this newsletter.

Don't wait, write to the Committee today and make your opposition be heard!! —*Todd Zeno, PPMA President*