

PENNSYLVANIA WORST STATE FOR LITIGATION BLOAT

By Christina Lengyel, The Center Square

The American Tort Reform Foundation has labeled Pennsylvania as the nation's worst "Judicial Hellhole" in a new report.

"Lawsuit abuse in the City of Brotherly Love has reached a fever pitch with nuclear verdicts," claims the foundation, suggesting that "eye-popping nine-figure damage awards were issued without hardly a thought."

In making its case against the commonwealth, the group highlights huge sums awarded in the Philadelphia Court of Common Pleas and recent decisions by the state's Supreme Court which open the door both for increased litigation and higher claims for damages.

The tort system has a major influence on cost, especially in industries like health care, where defending against a constant flood of malpractice suits drives the cost of liability insurance higher and higher. Health care professionals cite the prohibitive costs as a major reason so many of the state's private practices have shuttered their doors.

The Perryman Group estimates Pennsylvania's "tort tax" to be over \$1,400 in reduced output per person across the state, caused by a combination of factors like

increased costs, lost opportunities and deferred innovation. The group also estimates a loss of over 170,000 jobs annually.

Still, some judges and plaintiffs alike view litigation as a means to inflict punishment on otherwise untouchable monoliths. In fact, several of the cases supporting the "Hell-hole" moniker feature defendants from massive corporations like Exxon and Monsanto who don't enjoy much public esteem.

The document claims that Philadelphia Judge Carmello Jacquinto "inflamed" the jury by mentioning the role of fossil fuels in climate change when giving instructions on a case against Exxon related to a case of cancer caused by gas station benzene exposure. It was later revealed that one juror posted the company was "objectively a villain" on social media.

A bright spot for those seeking reform is recent legislation proposed by Rep. Torren Ecker, R-Abbottstown.

"Our civil justice system must protect the innocent while eliminating the burdens that hinder growth. By reforming our tort system, we can create an environment where innovation thrives, and all Pennsylvanians can enjoy a higher quality of life," said Ecker.

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Breanna Angstadt is a Certified Integrative Nutrition Health Coach, Life Coach, NLP Master Practitioner & Personal Trainer.

Breanna spent most of her life overweight, diet hopping whilst battling eating disorders. After many years of trial & error, seeking help & transforming her mindset, she not only surpassed her health & fitness goals, but then went on to inspire others to transform their own lives. After founding the successful Just B Whole Body & Wellness Coaching, Breanna has used her experience, education & intuition to coach women around the world transform their mindset as well as their physique. When you focus on the bigger picture, beyond the number on the scale & heal your body as a whole, weight loss becomes a **SYMPTOM** of your **SUCCESS**.

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LITIGATION BLOAT

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Advocates for reform insist that civil court is not the appropriate venue for grappling with broad social issues. Rather, legislators need to address problems like health care reform, gun control and consumer safety.

Reformers will have to navigate a system that incentivizes both attorneys and judges to preserve the system. Third-party litigation allows firms to pursue lawsuits without cost to the plaintiffs, enabling them to initiate claims where they anticipate big payouts.

Meanwhile, judges receive large campaign contributions from civil litigation firms and political action committees created in their interest. According to the foundation, contributions to LawPAC, the state trial bar's committee, and the Committee for a Better Tomorrow, the Philadelphia Trial Lawyers' Association's PAC, have exceeded \$15.3 million in the past six years.

With very few options for recourse outside the litigation system and facing exorbitant costs for health care, job loss, time away from work and cost of living, civil suits are the logical next step for many after facing a life-altering injury or loss. The steep costs of long-term care demonstrate the cyclically escalating

nature of the current system.

One \$45 million award mentioned in the report was the case of a teen gunshot victim who choked after being discharged from Temple University Hospital without being tested for his ability to swallow solid foods. The teen went into cardiac arrest and suffered permanent neurological damage.

Cases originating outside the city have increased following a 2022 decision by the Pennsylvania Supreme Court that allows plaintiffs to file lawsuits anywhere a company operates within the state, rather than limiting the venue to the location an incident occurred.

Since the change, Philadelphia has seen a major uptick in malpractice lawsuits.

Other decisions the foundation views as incentivizing civil suits include a 2023 case that renders government standards and regulations inadmissible evidence in product liability cases, leaving the burden on the manufacturer — even when in compliance with the law. A case from earlier this year, the foundation says, “effectively allows for duplicative damages for the same conduct.”

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