



**SMC Business Councils  
Government Relations  
May 19, 2011**

**ACTION ALERT- Senate Leadership - Move the "Fair Share Act" out of the Senate**

The PA House passed House Bill 1, the "Fair Share Act" and the Governor is ready to sign legislation but the bill is stalled by the leadership in the Senate. We need as many business owners as possible to make calls or send letters to Senator Scarnati, President of the Senate, asking him to move the "Fair Share Act" out of the Senate Judiciary committee and on to the floor of the Senate for a vote. A delay in bringing it to a vote means a prime opportunity to enact tort reform may be lost forever.

Do whatever is easier for you. Send this letter ASAP on your letterhead by email [jscarnati@pasen.gov](mailto:jscarnati@pasen.gov) or fax (717-772-2755) to the Senator.

If you prefer to call Senator Scarnati's office, 717-787-7084, be short and to the point. The legislator's staff will handle most calls. It's just as important to express your position to a staff member as it is to a legislator. Identify yourself and business and ask Senator Scarnati to move the Fair Share Act out of the Judiciary committee and on to the floor of the Senate now so they can vote before the summer recess.

**Background:**

**The "Fair Share Act" – House Bill 1 & Senate Bill 2** - overturns the antiquated doctrine of Joint & Several Liability and creates a system of proportional responsibility in which a defendant is responsible for only his or her fair share of the damages.

Now a defendant who is responsible for 1% of the fault in a civil case could be required to pay 100 % of the damages. The out-dated legal concept of "joint and several" liability unfairly penalizes businesses, which often have little responsibility but must pay for defendants who can't afford large civil verdicts. ....From PA Prosperity

**Suggested Text of draft letter**

*Hon. Joseph Scarnati, President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, PA 17120*

*Dear Senator Scarnati:*

*I write to ask you to bring the Fair Share Act (HB1/SB2) to a vote in the Senate of Pennsylvania. The legislation has passed the General Assembly twice before. Governor Tom Corbett has asked for the legislation, and the House has already approved it.*

*Your co-sponsorship of the Senate version of the Fair Share Act is greatly appreciated, as is your vote in favor of the bill in previous sessions.*

*Limiting lawsuit abuse by ending the deep-pockets rule of Joint and Several Liability is critical to improving Pennsylvania's business climate, and enacting it will not reduce collections to the Commonwealth in these difficult budgetary times.*

*At this time, delay is the enemy of reform, and the lawsuit industry must not be allowed to thwart the overwhelming majority of your caucus that supports reinstating the Fair Share Act.*

*More than 40 states have enacted this reform and Pennsylvanians have been waiting for the Fair Share Act to take effect since its initial passage in 2002.*

*Please bring the Fair Share Act (HB1/SB2) to a vote on final passage in the state Senate.*

*Sincerely,*

*NAME, TITLE  
FIRM*