

Grange Members Urged To Support Lawsuit Abuse Reform

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Wolff said the coalition also is considering setting caps on punitive damages, which are those awards above and beyond what the jury sets for compensation.

Wolff said the amount of punitive (an amount set as punishment) awards are sometimes two to three times the amount of the actual damages involved, because sometimes juries and judges are urged to punish certain defendants excessively in order to "send a message."

Wolff asked, should the plaintiff receive the amount of excessive punitive damages, or should it go to the state, or should it go to some other entity?

Another issue that has come up more and more has to do with the means by which a court establishes competency of witnesses to serve as "expert" witnesses.

The rules are loose enough so that it has become widely recognized that certain "experts" are coached, unqualified and biased to whichever side calls upon them to support their argument in court.

Wolff said the coalition position currently is to have "experts" be those people acknowledged by their scientific community as being "expert." They should at least be required to have some

experience and background close to the discipline of concern.

Wolff said the coalition organization is directed so far by a 25-member board of directors. Included on the board are six representatives from the medical professions; six from local governments; six from the business community; and seven at large.

The group met to discuss issues and arrived at a number of key points about lawsuit reform that they held in common. "One of the things evident to all groups (represented) is, there is a preponderance of frivolous lawsuits."

Wolff said that in reality, the Pennsylvania Supreme Court has an ability to create solutions, were it to adopt a rule change similar to federal rules.

He said the federal system include a 5-part screening process for lawsuits to determine frivolousness. Wolff said that if the Pennsylvania Supreme Court would adopt those, then the state probably wouldn't need reform.

Working on the coalition with Wolff is John Shirvinsky, who was

hired to build grass roots support for the issue.

Shirvinsky said that some people may remember him from working as president of the Pennsylvania Coal Association.

Shirvinsky said that what the coalition has found is that many of what it considers to be the frivolous lawsuits are, in many cases, filed by the same people and by the same attorneys.

According to both men, the coalition is now looking to gain support for the concept of lawsuit abuse change, instead of seeking immediate action before the issue has had a chance to gain public support.

"We wanted to have a draft circulated among organizations that could review it and provide input," Wolff said. "Maybe by next year, after review, we can have legislation introduced."

To build grassroots support, Shirvinsky started by breaking the state down into nine different regions, based on the state's six dominant marketing regions, to create an effective localized issue-

campaign strategy.

Berks County was selected as its own area, he said, because the chairman of both the state Senate and House judiciary committees are both from that county.

He said the strategy is to talk to the legislators' personal physician, certified public accountant, neighbors and church members to get them to visit their legislator to discuss the issue and how it affects them.

He also talked about the federal rules (Rule 11) that the state could adopt. He said the organization is looking at developing them for recommendation to the state.

He said that recently he met with member of the Pennsylvania Township Supervisors Association and told them, "Nice cops are bad news for local government."

He talked about two liability suit cases where local government and officials were sued after given the plaintiffs a break during an original incident.

In one case, state police allegedly left a woman off the hook for driving under the influence when

she took a turn too fast and went off the road.

According to Shirvinsky, when the car left the roadway the tires kicked gravel back onto the roadway, and to help the woman, the officer reported the cause of accident as gravel on the roadway.

The woman turned around, backstabbing the officer who did her a personal good deed, and sued the township for leaving gravel on the roadway.

He said focus groups were used to determine that "lawsuit abuse" was more understandable than "tort reform."

Shirvinsky said polls were also done, showing 84 percent thought lawsuit abuse is a problem, and anytime more than an 80-percent response is found, it is considered a "good issue" to pursue for getting political change.

The lowest percentage approval was 79.15 percent on any of the polling questions regarding lawsuit reform.

He said those polled understand who is going to benefit from law-


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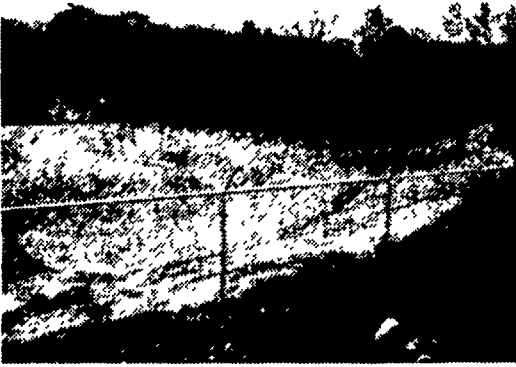
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