



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

February 6, 2019

Thomas G. Saylor
Chief Justice
Supreme Court of Pennsylvania
601 Commonwealth Avenue
Suite 1500
Harrisburg, Pennsylvania 17120

Dear Chief Justice Saylor,

We are writing regarding recent actions taken by the Court's Civil Procedural Rules Committee ("Committee").

On December 22, 2018, the Committee announced that it is considering a proposal to repeal the current Rules of Civil Procedure relating to proper venue for medical professional liability actions. We object to the unilateral nature of this proposal, particularly considering the unique interbranch cooperation which led to the enactment of these rules.

Through the late 1990's into 2002, increasing medical professional liability insurance costs were threatening to push physicians out of state or into closing their practices. The departure of medical talent was particularly acute in rural communities.

This unique crisis called for a unique response.

With the branches working together, a series of legislative enactments and judicial orders in 2002 and 2003 provided the necessary reform to return medical malpractice insurance to an affordable level.

The adoption of the current venue rule, in conjunction with the existing statutory jurisdiction requirements, was part of this overall solution—and was perhaps its most collaborative component. Because the issue of venue is uniquely positioned within the Legislature's policymaking power and the Judiciary's rulemaking power, the issue required each branch's efforts to implement the changes.

To that end, the Medical Care Availability and Reduction of Error ("MCare") Act established an interbranch commission to examine the issue and to make recommendations.

A substantial majority of the commission's members recommended changing the venue rules to limit the counties where a medical professional liability action could be brought to only counties in which the transaction or occurrence took place. This standard was put in place by the General Assembly in the enactment of Act 127 of 2002. A matching order of the Supreme Court amended the Rules of Civil Procedure to conform with Act 127 shortly thereafter.

The harmony of Act 127 and the Court's order were more than coincidental; each worked in concert with the other to achieve a single intended goal.

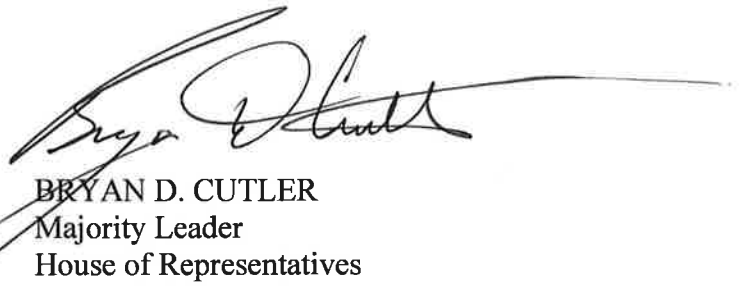
If the Civil Procedural Rules Committee recommends that the Court abolish the rule, we respectfully suggest that the Court decline the Committee's invitation to abandon a solution produced by the united efforts by the branches. Doing so would preserve a significant piece of a multi-branch public policy effort that has a 15-year track record of success in keeping the practice of medicine affordable and accessible throughout our Commonwealth.

The current rule struck a proper constitutional balance between the branches, and we will use the powers delegated to us as we stand behind the medical professionals who want to provide the best quality of care at affordable rates.

Sincerely,



MICHAEL C. TURZAI
Speaker
House of Representatives



BRYAN D. CUTLER
Majority Leader
House of Representatives

cc: Justice Max Baer
Justice Debra Todd
Justice Kevin Dougherty
Justice David Wecht
Justice Sallie Updyke Mundy
Justice Christine Donohue