

**LEGAL UPDATE**

**PENNSYLVANIA GOVERNOR THOMAS CORBETT SIGNS INTO LAW  
THE FAIR SHARE ACT, REPEALING PENNSYLVANIA'S  
PRIOR JOINT AND SEVERAL LIABILITY LAW**

*July 1, 2011*



Pennsylvania Governor Thomas Corbett signed into law, on June 28, 2011, the Fair Share Act (HB 1/SB1131) repealing Pennsylvania's prior doctrine of Joint and Several Liability. Under the prior law, a defendant who was found 1% at fault (causally negligent) could be held responsible to pay an entire verdict or judgment to a plaintiff, even where other defendants were found to be substantially more at fault.

Under the new law, except in certain limited circumstances, each defendant would pay only that portion of the verdict commensurate with the apportionment of liability against him or her. In other words, should a defendant be found 25% causally liable, then that defendant would only be responsible for 25% of the total verdict. A defendant's liability, in most cases would therefore be several, not joint, and the court would enter a separate judgment against each defendant for his or her proportionate amount of the verdict.

One important exception would be that a defendant who is found 60% or more liable for the causal negligence of the plaintiff's harm could still be made to pay the entire verdict or judgment. (Other exceptions, where joint and several liability would still apply, include claims involving intentional misrepresentation, intentional torts, release of hazardous substances, and certain violations of the Liquor Code.)

The new law will become Section 7102 of Title 42 of the Pennsylvania Consolidated Statute and will apply to all actions brought to recover damages from negligence resulting in death or injury to a person or property.



The effective date of the new law is June 28, 2011 which means, most likely, that all causes of action filed up to and including June 27, 2011 will still proceed under the Commonwealth's prior joint and several liability statute.

Pennsylvania's General Assembly had tried to pass the bill twice before, with the Pennsylvania Supreme Court overturning the law on procedural grounds in 2002. The second time, in 2006, the bill was vetoed by then Governor Ed Rendell.

Should you have any questions about the above, please do not hesitate to contact Kevin M. Blake at (267) 654-1104, [blake@bbs-law.com](mailto:blake@bbs-law.com). If you would like to review the new Fair Share Act, it is available at <http://www.bbs-law.com/publications/cii/SB1131.pdf>.

*Read more recent legal developments at [http://www.bbs-law.com/publications/rec\\_leg\\_dev.html](http://www.bbs-law.com/publications/rec_leg_dev.html)*