

KD Alert: Pennsylvania Medical Malpractice Plaintiffs No Longer Required to File Suit in Venue Where Injury Occurred

On August 25, 2022, the Supreme Court of Pennsylvania adopted amendments to Pennsylvania Rules of Civil Procedure 1006, 2130, 2156, and 2179 which, as of January 1, 2023, will no longer require medical malpractice lawsuits to be filed in the venue where the injury occurred. These amendments change the venue requirement for Pennsylvania medical malpractice lawsuits that has been in place since 2003. At that time, the Court limited the venue for Pennsylvania medical malpractice actions to that in which the injury occurred in response to a medical malpractice crisis in Pennsylvania that saw healthcare providers leaving the Commonwealth. The Civil Procedural Rules Committee explained in its accompanying Adoption Report that since then, along with the enactment of Act 13 of 2002 (MCARE), there has been a significant decrease in medical malpractice filings and claim payments in the past 15 years, resulting in far fewer compensated victims of medical negligence. In light of this rule change, medical malpractice defendants in Pennsylvania should anticipate an uptick in forum-shopping by plaintiffs seeking what they believe to be the most favorable venues. The rule change will be effective as of January 1, 2023.

Report - 105253423195809604.pdf (pacourts.us)

KD IS HERE TO HELP

The experienced attorneys at Kaufman, Dolowich & Voluck are available to assist with any questions or concerns you may have on these amendments. Should you need any assistance, please contact the authors, Eileen Ficaró at eficar@kaufmandolowich.com or Greg Brown at gbrown@kaufmandolowich.com. Ms. Ficaró is the co-managing partner of KD's Blue Bell, PA office. Mr. Brown is an associate also in the Blue Bell, PA office.