

The December 4, 2020 issue of the Wall Street Journal includes an editorial criticizing the veto of HB 1737—[CLICK HERE](#) or see below.

Pennsylvania Vetoes Help for Business

The legislation offered liability protections for good-faith actors.

By The Editorial Board

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Pennsylvania Gov. Tom Wolf says he feels the pain of businesses struggling to survive the pandemic, but does he really? On Monday he vetoed a bill providing liability protections for schools, businesses and other employers against Covid-related lawsuits.

Mr. Wolf in May issued an executive order protecting health-care workers and owners of real estate that was donated for Covid emergency services. His order doesn't protect businesses from lawsuits by customers who catch Covid. The bill passed by the GOP Legislature did.

Nearly 80 associations representing schools, child-care providers, small businesses and others backed the bill. "For the foreseeable future," they wrote in a [letter to Mr. Wolf](#), "employers will be subject to strict workplace health and safety requirements and those who adopt these precautions should proceed with confidence knowing they will not be targeted with frivolous, and potentially devastating, litigation."

The legislation wouldn't absolve businesses that disregard public-health requirements. But its higher standards for lawsuits, requiring clear and convincing evidence of gross negligence, could head off many frivolous suits. More than a dozen states including Michigan and Idaho have enacted similar legislation. Mr. Wolf said the legislation was too broad and unnecessary, but businesses with their livelihoods on the line disagree.

His veto is especially worrisome given the state's plaintiff-friendly legal climate. Pennsylvania's Supreme Court and Philadelphia's Court of Common Pleas top the American Tort Reform Association's list of "Judicial Hellholes" this year. The report notes that Pennsylvania has one of the nation's highest payout rates in medical liability suits, and Philadelphia is a top jurisdiction for asbestos litigation.

Last year the Court of Common Pleas issued an \$8 billion verdict (later decreased by a judge to \$6.8 million) against Janssen Pharmaceuticals in a Risperdal case involving a single plaintiff. Pennsylvania courts including the Supreme Court have allowed lawsuits from out-of-state plaintiffs with little apparent connection to the state. Pennsylvania could soon become a prime target for Covid litigation.

Sensible liability protections are needed to help businesses and the economy reopen and recover. Governor Wolf would rather cater to his political allies in the plaintiff bar.