

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:	:	NO. 543
	:	
AMENDMENT OF RULE	:	CIVIL PROCEDURAL RULES
1006 OF THE PENNSYLVANIA	:	
RULES OF CIVIL PROCEDURE	:	DOCKET
	:	
	:	

DISSENTING STATEMENT

MR. JUSTICE SAYLOR

I understand and appreciate the reasoning behind the amendment exempting causes of action arising outside the Commonwealth from the operation of the special venue rule applicable in medical professional liability actions. Nevertheless, to my knowledge the Civil Procedural Rules Committee has presented no analysis of the disparate impact of the amendment on out-of-state defendants or attendant constitutional ramifications. Moreover, the Committee has been presented with a number of compromise alternatives, including a less strict application of the doctrine of forum non conveniens in medical malpractice suits premised on causes arising outside Pennsylvania. In this regard, notably, it was suggested that at least some Pennsylvania courts impose a uniquely high bar impeding transfer. The Committee, nonetheless, has offered nothing to address such concerns, other than to say it rejected them.

In light of the above, I would return the matter to the Committee for a recommendation which would provide a better predicate for informed decision-making.