



PHILADELPHIA RECLAIMS TOP SPOT ON JUDICIAL “HELLHOLE” LIST

Since 2002, the American Tort Reform Association has published a list of jurisdictions within the United States that present significant challenges for defendants in civil litigation. The list is titled “Judicial Hellholes” and is described as places where judges systematically apply laws and court procedures in an unfair and unbalanced manner to the disadvantage of defendants in civil matters.



Philadelphia has been a longstanding member of the Judicial Hellholes list since its inception. Specifically, the Philadelphia Court of Common Pleas has frequently appeared on the list, often within the top ten worst jurisdictions for defendants. After a hiatus of being relegated to the “watch list” from 2014-2017, the Philadelphia Court of Common Pleas has mounted a return to its former infamy by again placing in the upper echelons of the list for 2017-2018 and 2018-2019.

For 2019-2020, Philadelphia has reclaimed the top spot in the most recent announcement of the Judicial Hellholes list. The American Tort Reform Association states on its website that part of the consideration for the top honorific going to the Philadelphia Court of Common Pleas was the \$8 billion verdict against Johnson & Johnson in 1 of the 7,000 cases filed in Philadelphia alleging that the anti-psychotic drug Risperdal, prescribed to treat autism, caused boys to grow breasts. Aside from the verdict figure, that specific case was noteworthy because the Judge refused to recuse himself after he high-fived some of the jurors.

Aside from encouraging the filing of lawsuits within Philadelphia (particularly mass tort litigation), other rationales referenced in making Philadelphia the worst jurisdiction for defendants in civil litigation were: (1) the loose application of venue laws by judges allowing cases to proceed in Philadelphia even where the defendant(s) had, at best, tenuous connection to the jurisdiction; (2) a reputation for high jury verdicts, making Philadelphia a preferred venue for claimant lawyers who spend considerable sums on advertising and political contributions (including to elected state court judges) within the city; and (3) a lack of legal reform where concepts such as tort reform remain undeveloped.

In addition to the Philadelphia Court of Common Pleas, the Supreme Court of Pennsylvania is on the “watch list” this year because of various decisions currently before it for consideration. In recent years, decisions from the Pennsylvania Supreme Court have expanded liability and have swung courtroom doors open to out-of-state plaintiffs whose claims have no connection to Pennsylvania.

Additional jurisdictions appearing on the list include the entire state of California, New York City, St. Louis, and the Cook/Madison/St. Clair Counties area in Illinois. The parallels among these jurisdiction as well as other areas consistently appearing as Judicial Hellholes are self-evident—they are all places where no one wants to be a defendant in civil litigation.