

Pennsylvania Trial Lawyers Association
New Supreme Court Rules:
Certificate of Merit/ Venue

Thursday, December 18, 2003
Phone Seminar
12:00 p.m. –1:30 p.m.
No Substantive CLE Credits

- Effective date
- To what sort of claims does the requirement apply?
 - Various Med Mal Claims (against doctors, hospitals, nurses, etc.)
 - Other professionals, e.g. accountants, architects, etc.
 - Drug companies
- Vicarious liability – Must the certificate name everyone by name who breached the standard of care, i.e., each and every nurse, resident, etc.?
- What is the required form and verbiage for the certificate?
- What sort of expert must supply the certificate?
- How specific must the certificate be on the issue of causation, i.e., does it have to specify each and every injury that the negligence caused?
- Does the certificate requirement only apply to complaints that are filed, i.e., if you file a writ, do you avoid the certificate requirement?
- Discovery Issues
 - Do the old rules apply regarding discovery in aid of filing a complaint?
 - The unknown defendant
- Extensions of time to file the certificate
- Can the defendant demand to see your certificate of merit provided by the expert?
- Can plaintiffs force the defendant to file a certificate of merit, i.e., does the court have the discretion to do so?

- What sort of expert is competent to provide the certificate of merit?
- Strategic tips for plaintiffs:
 - File a Writ of Summons in unclear cases and seek discovery in aid of filing a complaint?
- Post verdict or voluntary dismissal obligations (1042.7)
 - What has to be sent and when?
 - What are the sanctions?
 - What discovery/ attacks on your certifying expert can defense make?

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