South Carolina
Coalition
for
Lawsuit Reform

In a situation where there is more than one person responsible for damages in a lawsuit, do you support changing South Carolina law so that each person should pay damages based on that person's actual share of fault?

✓ YES **86.95%**

○ NO

✓ **86.95% OF REPUBLICAN PRIMARY VOTERS SUPPORT LAWSUIT REFORM.**

✓ Voters favored lawsuit reform over any candidate or item on the Republican primary ballot.

✓ Legislators should support the business community and be responsive to the expressed desires of Republican primary voters by prioritizing tort reform this session.

TAKE ACTION!

Help us support South Carolina's business community! Join the South Carolina Coalition for Lawsuit Reform at https://www.sclawsuitreform.org/. You can also email SCCLR at info @sclawsuitreform.org.

ABOUT

The South Carolina Coalition for Lawsuit Reform serves as the united voice for the business community on tort and workers' compensation issues; coordinating lobbying, legal, grassroots, and public relations activities.

WHY IS LAWSUIT REFORM NEEDED?

- **SOUTH CAROLINA'S CIVIL JUSTICE SYSTEM IS SEVERELY OUT OF BALANCE.** Our state's civil justice system has drifted further and further away from the conservative, pro-growth positions championed by Republicans for decades.

- The current system is not fair for South Carolinians who are working hard to create jobs and grow our state's economy. Parties should be held responsible for harms and injuries they cause, but not the harmful actions of others.

- A more fair and equitable system is NEEDED. Our civil justice system does not reflect our state's conservative values.

- The current civil justice system is primarily benefiting a small group of plaintiff's lawyers while serving as a tax on everyone else in South Carolina.

South Carolina
Coalition
for
Lawsuit Reform

❝ **WITHOUT THIS LEGISLATION, SOUTH CAROLINA MAY LOSE ECONOMIC DEVELOPMENT PROJECTS TO NEIGHBORING STATES LIKE GEORGIA AND NORTH CAROLINA WHERE LIABILITY LAWS ARE MORE BALANCED.** ❞

Tom Mullikin, South Carolina Coalition for Lawsuit Reform ("SCCLR") President and General Counsel

---

❝ **THE CURRENT SYSTEM IN SOUTH CAROLINA PENALIZES BUSINESSES, ESPECIALLY SMALL BUSINESSES, AT THE EXPENSE OF A HANDFUL OF TRIAL ATTORNEYS. MY BUSINESS IS ALWAYS ONE LAWSUIT AWAY FROM GOING OUT OF BUSINESS. THIS BILL IS AN IMPORTANT STEP IN THE RIGHT DIRECTION TO MAKING SURE WE WILL BE ABLE TO KEEP OUR EMPLOYEES ON THE PAYROLL IN THE EVENT OF A LAWSUIT.** ❞

Elizabeth Trenbeath, President of Snelling Staffing Services of the Midlands and current NFIB Leadership Committee chair

ABOUT THE SOUTH CAROLINA JUSTICE ACT

- The South Carolina Code of Laws section for allocation of fault (Title 15, Chapter 38 "South Carolina Contribution Among Tortfeasors Act") was adopted in 2005 as an update to the original "Contribution Among Tortfeasors Act" adopted by the General Assembly in 1988. The 2005 legislation sought to establish a modified joint and several liability system to eliminate situations where parties that were less than 50% responsible were forced to pay 100% of damages.

- In 2017, the Supreme Court of South Carolina ruled that a modified joint and several liability system was not actually established by the 2005 law due to word choice in the statute and traditional notions of "plaintiffs choose" that have been established via common law.

- The South Carolina Justice Act, S.533 (and a similar House Bill H.3933), will serve as a clear response to the court's ruling and will clarify that the policy of the S.C. General Assembly is for South Carolina to have a genuine modified joint and several liability system that does not hold parties responsible for the entirety of damages when they are less than 50% at fault.

- These changes would result in a more fair and equitable system that would protect businesses from massive financial burdens in situations where they may have only had a small connection, and potentially decrease liability premiums and further improve South Carolina's business climate and competitiveness.