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Articles

A REMEDY FOR RULE 238

Lawrence M. Lebowitz 531

Rule 238 of the Pennsylvania Rules of Civil Procedure was promulgated in 1979 in an attempt to encourage parties to settle their cases as early as possible in order to avoid the costs, both to the court system and to the litigants themselves, of litigation. Seven years later this "experiment" was deemed a failure, for in *Craig v. Magee Memorial Rehabilitation Center* the Supreme Court of Pennsylvania declared the Rule to be unconstitutional and therefore suspended its operation. In this same opinion, the court directed the Civil Procedure Rules Committee to propose an amended version of the Rule for its consideration. The author argues that the only way Rule 238 will be able to meet its original expectations is if the Committee overhauls the Rule by amending the already existing "delay damages" provision and combining it with a "costs" provision similar to the one found in F. R. Civ. P. 68.

THE CHOICE-OF-LAW PROCESS IN PRODUCT LIABILITY ACTIONS

David E. Seidelson 559

Product liability actions generate a number of choice-of-law problems. Such problems need be no more complex or difficult to resolve than choice-of-law problems in other types of litigation. The court, aided by counsel, should possess the capacity to resolve all such problems in product liability actions. The author creates and then resolves through interest analysis a number of choice-of-law problems likely to arise in product liability actions and, in the process, compares the result thus achieved with the results that would be achieved by application of Professor Weintraub's proposed rule for resolving conflicts problems in product liability actions. The author concludes that interest analysis, properly applied, produces results that better commend themselves to reason than the results achieved through Professor Weintraub's rule, which purports to be a synthesis of interest analysis.

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