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The Pennsylvania Issue

Article

TRAPS FOR THE UNWARY: WHY COUNSEL SHOULD THINK TWICE BEFORE JOINING ADDITIONAL PARTIES IN CIVIL LITIGATION

John D. Goetz

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One of the first important strategy decisions that defense counsel across the Commonwealth often face at the outset of a civil case is whether to join a third party as an additional defendant. Many counsel make the decision quickly, with only minimal information, in an attempt to shift to the joined party all of the liability for the plaintiff's claim. Because of the Pennsylvania courts' interpretation of the joinder rules, however, a defendant's decision to join a third party, although well-intentioned, may create explosive, adverse consequences at trial. This article critically examines the courts' interpretation of the joinder rules and proposes amendments to the Pennsylvania Rules of Civil Procedure to restore balance between the interests of plaintiffs and defendants.

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