

Philadelphia Defense Lawyers Organization Endorses Alternative Products
Liability Suggested Standard Jury Instructions

The Executive Committee of the Philadelphia Association of Defense Counsel (PADC), an association of lawyers from Philadelphia and surrounding counties engaged in the defense of civil claims, has voted to endorse the recently published Pennsylvania Defense Institute's (PDI) Products Liability Suggested Standard Jury Instructions Pursuant to *Tincher v. Omega Flex, Inc.*, 104 A.3d 328 (Pa. 2014).

In May 2016, the Pennsylvania Bar Institute published revised Products Liability Suggested Standard Civil Jury Instructions in response to the Pennsylvania Supreme Court's decision in *Tincher*. The revised Instructions, dated March 2016, were prepared by the Civil Instructions Subcommittee of the Pennsylvania Supreme Court Committee for Proposed Standard Jury Instructions. In July 2016, a letter was sent to the Chair of the Subcommittee on behalf of a number of organizations including PDI and PADC, corporations and products liability defense practitioners, outlining in detail their concerns about the revised Instructions and expressing their view that "it seems that the Subcommittee has departed in significant ways from what the Pennsylvania Supreme Court held in its landmark 138-page decision in *Tincher*..." The Subcommittee never addressed the concerns about the revised Instructions that were expressed in the letter. Subsequently, a group of products liability defense practitioners was formed to draft a set of alternative Instructions to specifically address their concerns with the revised Products Liability Suggested Standard Civil Jury Instructions. PDI published these alternative Instructions in conjunction with an article that appeared in the October 2017 issue of its *Counterpoint* publication. After consideration, PADC's Executive Committee has voted to endorse these alternative Instructions, believing that PDI's Products Liability Suggested Standard Jury Instructions Pursuant to *Tincher v. Omega Flex, Inc.*, 104 A.3d 328 (Pa. 2014) more accurately reflect the Pennsylvania Supreme Court's holding in *Tincher*.

For further information, please contact PADC at 844-744-5600 or dcole@philadefense.org.