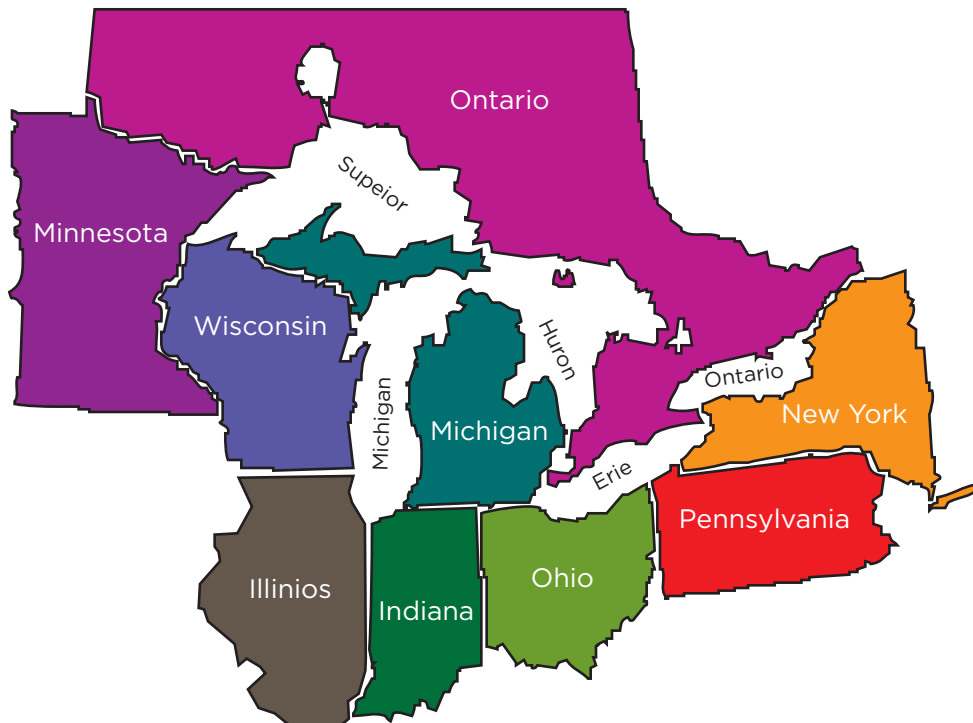


## Appendix C – Keeping up with the Neighbours

Canada is in business competition with many countries around the world, none more so than the United States. For example, Ontario's economy lies at the heart of the Great Lakes basin, where more than 60 per cent of the population of the United States is within a 90-minute flight of Toronto. We should be ideally situated to compete in one of the largest and wealthiest marketplaces in the world. But as the accompanying map and chart shows, these neighbouring jurisdictions are well ahead of us in legal liability reform – and with it, in maintaining a competitive edge for business and investment.



- **Indiana:** Prohibits the application of joint and several liability in recovery of all damages.
- **Illinois:** Eliminated the rule of joint and several liability and provided for contribution among responsible parties.
- **Michigan:** Bars application of the rule of joint and several liability in the recovery of all damages, except in certain instances that are prescribed in the statute.
- **Minnesota:** When two or more persons are severally liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except in specific circumstances set out by legislation.
- **New York:** Limits joint and several liability by establishing that defendants found 50% or less at fault are only severally liable for noneconomic damages.
- **Ohio:** For each defendant determined responsible for fifty per cent or less of the tortious conduct, that defendant shall be liable to the plaintiff only for that defendant's proportionate share of the compensatory damages that represent economic loss.
- **Pennsylvania:** Abolishes joint and several liability.
- **Wisconsin:** Abolishes joint liability for defendants found less than 51% at fault.

It bears noting that these are just a handful of the 42 U.S. states that have enacted some type of liability reform legislation. Other major states that have addressed the issue include **California, Connecticut, Florida, New Jersey, Texas** and **Washington**.

SOURCE: The U.S. National Association of Mutual Insurance Companies. See: <http://www.namic.org/reports/tortReform/JointAndSeveralLiability.asp>