



## 2021-2022 Session Senate Bill 477 Position Statement

The North Carolina Association of Defense Attorneys (NCADA) is a professional association for civil trial lawyers. The NCADA membership is comprised of almost 900 North Carolina lawyers who defend individuals, and represent the interests of North Carolina employers, businesses, and insurers.

The NCADA opposes Senate Bill 477, mischaracterized as the Victims' Fair Treatment Act. The one-sided act abolishes the doctrine of contributory negligence without eliminating the inequities associated with the doctrine of joint and several liability.

Consequently, the NCADA does not advocate a change from our current system of contributory negligence. However, the Association does not oppose ending contributory negligence if all five (5) of these principles are followed:

1. The doctrine of joint and several liability is eliminated.
2. A claimant does not recover if his or her fault is greater than or equal to 50% of the total fault assigned by a jury.
3. A claimant cannot recover from any defendant who is assigned less fault than the claimant.
4. A jury is to assign fault for all potential tortfeasors whether parties to the action or not.
5. The doctrine of last clear chance is eliminated.

The NCADA views these five (5) principles as the foundation to a balanced change.

**END**