

Legal Reforms

Governmental immunity

Government is immune from liability except in cases of proven negligence and should be protected from frivolous litigation. PSATS opposes any attempt to lessen the protections currently provided for local governments, including the caps on award damages, under the Political Subdivision Tort Claims Act. And to keep legal and court costs down for all parties, changes should be made to enable the courts to process cases more expeditiously.

However, the sovereign immunity provided to local government is not applicable in federal court. There have been alarming cases filed against townships under the federal Civil Rights Act that resulted in unreasonably high awards. These lawsuits do not punish the township; they punish the residents of the township, who will be forced to pay much higher taxes to fund these “awards.”

Immunity for local officials

We also have seen an increasing number of lawsuits filed under the federal Civil Rights Act aimed at forcing township officials into taking a certain action. Under this law, township officials may be sued as individuals, potentially exposing each to personal liability for damages.

Although many of these lawsuits do not materialize or suc-

ceed, the threat of personal liability may be enough to impede the actions of the board of supervisors or act as a deterrent to those considering running for office.

Reforms are needed to empower the courts to assess penalties against anyone who ties up the courts' time by pressing a lawsuit that is determined to be frivolous. Also, the costs of defense of elected officials acting in their capacity as elected officials should not be borne personally.

And finally, township insurance policies should cover the defense costs and all damages of officials acting in their official capacity as representatives of the township, including wrongful termination and demotion, discrimination, improper discipline, sexual harassment, improper bidding, zoning or permit improprieties, the issuance or denial of licenses, failure to provide services, and unnecessary expenses.

Deputy attorney general for municipal litigation

The Association strongly supports the establishment of the position of deputy attorney general for municipal litigation in the state Attorney General's Office to provide legal counsel and assistance to municipalities in actions that challenge an ordinance or regulation adopted in compliance with state law.

The commonwealth should provide municipalities, as instrumentalities of the commonwealth, with the necessary financial support and legal assistance to defend local ordinances that are adopted and enforced to comply with state laws and regulations. ❖



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PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

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