



What is "Joint & Several Liability"

The common law rule of joint and several liability, sometimes called the "deep pocket" rule, makes each and every defendant in a tort lawsuit liable for the entire amount of the plaintiff's damages regardless of the defendants' relative degrees of fault or responsibility.

The effect of joint and several liability is to convert lawsuits into searches for financially viable defendants. This causes defendants to settle out of court for fear of being found fully liable for substantial judgments.

On the other hand, proportionate liability is the concept that a party is only responsible for the damages caused by his own negligence.