

Statement

Insurance Association of Connecticut

Judiciary Committee

February 28, 2007

SB 1241, An Act Concerning Offers of Compromise

The Insurance Association of Connecticut supports SB 1241, An Act Concerning Offers of Compromise, which makes some minor tweaks to Sections 52-192a *et seq.* The IAC commends this Committee and the legislature for amending the offer of judgment statutes last year.

The changes made to C.G.S. section 52-192a by the legislature during the 2005 session, via P.A. 05-275 should be expanded so that all civil actions are treated equally. Section 52-192a was to require that an offer, filed in a medical malpractice case, state with specificity all damages known to the plaintiff upon which the action is based and 60 days prior to filing an offer, the plaintiff must provide the defendant an authorization for medical records. The problem these changes addressed, access to information so that a fair assessment of the offer can be made, are experienced in all types of civil cases in which personal injuries have been claimed. The changes made to this section for medical malpractice claims regarding this need for information have been changes the IAC has been advocating for the past 10

years and are not unique to medical malpractice cases. The IAC strongly urges you to amend this section to apply the standards to all civil actions.

Section 2 simply seeks to reinstate what had been the status quo, and the only working component of the prior "offer of judgment" statutes, regarding the time allowed a plaintiff to respond to a defendant's offer. The changes adopted in 2005 increased the plaintiff's response time to a defendant's offer by 50 days. It is unclear why a plaintiff would need any more time. The plaintiff is the party who brought the action and has full knowledge of what they believe their case is worth. Why then would they need any additional time to respond?

The IAC urges your support of SB 1241.