



**Raised Bill 334
Public Hearing: 3/24/10**

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 24, 2010

**RE: SUPPORT OF RAISED BILL 334 – AN ACT CONCERNING
THE RESOLUTION OF CLAIMS INVOLVING WORKERS’
COMPENSATION LIENS**

TESTIMONY OF HUMBERT J. POLITO JR.
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I appear here today on behalf of the Connecticut Trial Lawyers and many of the people we represent. This bill addresses a problem many injured victims face when they consider bringing a claim or are attempting to settle a claim and are subject to lien by compensation insurance carriers for past benefits.

This bill successfully passed out of this Committee last year and was approved by the House but was not voted on by the Senate before the end of the last session. The bill remains in its previous form and we urge its complete passage this year.

Under current law workers compensation insurance carriers are under no obligation to accept less than one hundred percent of their lien or to negotiate the amount of a lien during settlement. Current law discourages the bringing of many valid claims as the injured worker may not recover anything beyond the lien itself even if they succeed in their claim. Current law also often makes settlement impossible since the injured worker does not have the ability to accept less than the total lien in order to reach a settlement.

Raised Bill 334 will simply reduce by one-third the amount of the lien that may be collected out of a personal injury award so that valid claims can be brought and more claims are settled.

It is intrinsically unfair that a carrier enjoys full recovery for its share when it is seldom the case in lawsuits that the injured victim receives full compensation. Even more troubling is that demanding full recovery often leads injured workers to receive less or nothing at all.

Raised Bill 334 also contains language that ensures that the State and municipalities will not be affected by this change.

This bill ultimately is good for workers and for business as well. Passing this bill will permit injured workers to bring valid claims, will increase settlements and will reduce the number of cases forced to go to trial, thereby likely increasing how much carriers will recover as well.

Thank you for your support of Raised Bill 334.