

TESTIMONY OF ATTORNEY R. BARTLEY HALLORAN IN SUPPORT OF HOUSE BILL 6605 – AN ACT REQUIRING ATTORNEYS TO MAINTAIN PROFESSIONAL LIABILITY INSURANCE

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Chairman Eric Coleman, Chairman Gerald Fox III, Ranking Member John Kissel, Ranking Member John Hetherington and other distinguished members of the Judiciary Committee. My name is R. Bartley Halloran; I am an attorney at law, admitted to practice in the State of Connecticut in 1975. While I have been a past president of the Connecticut Trial Lawyers Association, a member of the Board of Governors of Connecticut Trial Lawyers for decades, a Governor of the American Trial Lawyers Association, a Member of the Hartford County and Connecticut Bar Associations, and a member of American Board Of Trial Advocates, I am testifying in favor of this act to mandate that lawyers carry malpractice insurance solely on my own. To date no association of lawyers has endorsed this proposal.

The state requires private detectives, (29-155a), taxicabs, buses, and livery vehicle operators (14-29) amusement and entertainment providers (29-139), fireworks operators (29-359) Physicians, dentist, chiropractors, optometrists, podiatrists, naturopaths, psychologists, dental hygienists, physician assistants and nurse practitioners (19-17m) to all carry malpractice insurance. The state requires every owner of a motor vehicle, no matter his or her wealth, to carry insurance. The state mandates payment of bonds in all sorts of construction and economic situations. Yet lawyers, who are entrusted with clients' property as fiduciaries, are not required to carry any insurance at all.

This has led to tragic situations in which irresponsible lawyers have themselves committed malpractice, depriving clients of their ability to bring cases by their errors, and then cruelly compounding their neglect by rendering themselves judgment proof. This is happening in Connecticut, today. Attorney Bob Reardon represents an individual who lost his medical practice case against an *insured* physician because of his lawyer's negligence. The lawyer carried no insurance, and has taken steps to hide any assets he once had. In my own practice I have experienced the same problem, with the same lawyer.

It is a relatively few lawyers who act in such an irresponsible manner, but that number is still significant, as high as ten-percent of private practitioners. The public has no way to find out if their attorney is carrying malpractice insurance, the governing authorities have imposed no requirement to even disclose whether or not a lawyer carries insurance.

This bill exempts lawyers who work for the state or municipalities from carrying needless coverage, and exempts lawyers providing services to corporations from obtaining unneeded coverage by the simple execution of a client waiver.

If a lawyer is experiencing a true economic or health problem that makes payment of a policy impractical, the bill provides that the client security fund can loan that attorney the money to purchase the coverage.

It is time to end the hypocritical practice of demanding that people lawyers wish to sue carry coverage, while we exempt ourselves from a similar requirement. Malpractice policies for physicians can cost more than a hundred thousand dollars, while the average cost of carrying a million dollars of coverage for a lawyer is only five thousand dollars. The privilege of practicing law requires accountability and responsibility. The public needs protection from those cynical

few who choose to go without insurance, hide their assets, and place their clients at economic risk.

Thank you for the opportunity to submit written testimony in support of HB 6605 and I apologize for not being able to testify. Unfortunately I am out of the state. Please feel free to contact me if you have any questions or concerns. I can be reached at 860-676-3222. I strongly urge this committee to protect the citizens of Connecticut and vote favorable for HB 6605.