



150 Trumbull Street, 2nd Floor  
Hartford, CT 06103  
p) 860.522.4345 f) 860.522.1027  
[www.cttriallawyers.org](http://www.cttriallawyers.org)

SENATE BILL 1207  
PUBLIC HEARING: 3-25-11

TO: MEMBERS OF THE JUDICIARY COMMITTEE  
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION  
DATE: MARCH 25, 2011

RE: SUPPORT SENATE BILL 1207 – AAC OFFERS OF COMPROMISE

**The Connecticut Trial Lawyers Association supports SB 1207.**

The purpose of General Statutes § 52-192a is to encourage pretrial settlements and, consequently, to conserve judicial resources. Blakeslee Arpaia Chapman, Inc. v. El Constructors, Inc., 239 Conn. 708, 742 (1997). "[T]he strong public policy favoring the pretrial resolution of disputes...is substantially furthered by encouraging defendants to accept reasonable offers of judgment...Section 52-192a encourages fair and reasonable compromise between litigants by penalizing a party that fails to accept a reasonable offer of settlement." *Id.* The statute has been described as an "indigenous procedural device for promoting judicial economy." Paine Webber Jackson and Curtis, Inc. v. Winters, 22 Conn. App. 640, 655 (1990).

That well-recognized purpose has been rendered meaningless by the current requirements for offers of compromise filed in medical malpractice cases. Not only is it difficult to meet those requirements, but the requirements themselves have become the source of dispute between litigants. Defense counsel have objected to offers of compromise or moved to strike offers of compromise, on the basis that the plaintiff has not produced sufficient medical records. Defense counsel often demand nearly all medical records in existence, well-beyond what is required by our rules of discovery. The requests often ask for records dating back well more than 10 years, or records on issues completely unrelated to the litigation. This practice requires courts to intervene to interpret the statute. See, e.g. Weth v. New Fairfield Family Practice, DBDCV095007125S; Downs v. Trias, X10UWYCV075009295S.

The proposed changes to the statute would not only be consistent with the stated purpose of Offers of Compromise, but would also provide incentive for all counsel to move through the discovery process more expeditiously and efficiently. Faced with a one-year deadline to assess a case for purposes of filing, accepting or rejecting an offer of compromise, counsel on both sides should be motivated to obtain and exchange relevant information to allow both sides to evaluate the merits of the case. When discovery progresses efficiently, cases are better prepared and may be resolved earlier, whether by acceptance of an offer of compromise or by traditional settlement discussions.

CTLA respectfully requests that you **SUPPORT SENATE BILL 1207.**