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Raised House Bill 6616
Public Hearing 3/23/2011

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION
DATE: MARCH 23, 2011

**RE: OPPOSE RAISED HOUSE BILL 6616 AAC THE EVIDENTIARY
STANDARD FOR PUNITIVE DAMAGE AWARDS**

The CTLA strongly OPPOSES Raised House Bill 6616 and respectfully urges the Judiciary Committee to DEFEAT this bill. This bill will arbitrarily increase a plaintiff's burden of proof for recovering punitive damage in a one-sided reform benefiting only corporate defendants.

The proposal, if passed, will result in unanticipated negative consequences to those injured by the carelessness of others. Since the heightened burden of proof will rest with the injured, as opposed to the perpetrator of the misdeed, the economic and emotional cost to the injured party and his/her family can have long-term negative consequences.

- Raised House Bill No. 6616 imposes unnecessary and often insurmountable hurdles upon plaintiffs attempting to recover punitive damages thus, effectively, conferring special limitations on corporate liability and accountability.
- The bill unfairly increases the plaintiffs' evidentiary burdens which will likely cause confusion during deliberations, as jurors struggle with the meaning and concept of "clear and convincing evidence."
- There is a potential that legal proceedings will become more complicated and prolonged. More expert witnesses may have to testify, more evidence will have to be displayed and discussed, and more challenges to scientific tests and custody issues will increase court proceedings. The collateral consequence of prolonged court cases is more expense to taxpayers.
- This proposal increases both plaintiff and defendant costs as legal resources and investigations will have to be more comprehensive. The supporting documentation and related evidence to establish "clear and convincing evidence" will require more detail, physical and/or documented evidence, and greater substantiation overall.
- There is no punitive damages crisis warranting this radical "reform." Without empirical evidence to support the need for change we run the risk of creating more confusion, work and expense for the courts, as well as, potential time delays in recovery for the plaintiff.
- This proposal has the potential of reducing corporate quality assurance and control measures since it reduces the probability that corporations and other wrongdoers will be held fully accountable for their misdeeds. This may, for example, result in increased injuries caused by defective products since there will be less incentive for corporations to ensure their products are safe.
- Arbitrarily increasing plaintiff's burden of proof for recovering punitive damages is a one-sided "reform" solely benefiting corporate defendants.