



**Testimony of the Connecticut Children's Medical Center
to the Judiciary Committee regarding House Bill 6487
March 4, 2011**

Senator Coleman, Representative Fox, members of the Judiciary Committee, thank you for the opportunity to share my thoughts with you. My name is Martin Gavin, and I am President and CEO of the Connecticut Children's Medical Center. I am here to speak to you in opposition to House Bill 6487, An Act Concerning Certificates of Merit.

Current Connecticut law requires expert testimony in tort cases that involve technical or scientific fields. In medical liability cases, Connecticut has a system to ensure that experts are sufficiently qualified. This system includes a requirement that a party, or the party's lawyer, perform and certify a pre-suit analysis to ensure that the claim is filed in good faith. This process is documented by a "good faith certificate", along with a brief written explanation of the expert's review stating that the expert believes that there appears to be evidence of medical negligence. Failure to include a good faith certificate with a complaint makes the claim subject to possible dismissal.

HB 6487 would significantly weaken the good faith certificate process by dramatically expanding the types of professionals permitted to give expert opinions to include any person who might be deemed an expert at the time of trial, not experts who, as similar healthcare providers, necessarily have the same specialty or training as the defendant. This change would reverse decisions made by the General Assembly in 2005 which created objective criteria for expert qualifications. The proposed bill would replace the current logical and balanced system with one that relies on the plaintiff's attorney's subjective assessment of who is a qualified expert.

In addition, HB 6487 would remove the penalty of possible dismissal, which currently assures compliance, for failure to obtain a good faith certificate. The bill would only require those out of compliance to file a certificate within 30 days after filing suit. These changes would be a significant departure from the current system and create an unlevel playing field for litigants.

I urge you to oppose House Bill 6487. Thank you for your time and consideration.