

Statement

Insurance Association of Connecticut

Judiciary Committee

March 25, 2011

SB 1207, An Act Concerning Offers of Compromise

The Insurance Association of Connecticut is opposed to SB 1207, An Act Concerning Offers of Compromise, as drafted.

SB 1207 seeks to undo some of the changes made to the offer of compromise statute this legislature adopted just six years ago. Section 52-192a was amended to require that an offer of compromise, filed in a medical malpractice case, state with specificity all damages known to the plaintiff upon which the action is based. Also Sec. 52-192a was amended to require that 60 days prior to filing an offer the plaintiff must provide the defendant an authorization for medical records. These changes made the offer of compromise process, in medical malpractice claims, fundamentally fairer. Prior to these changes offers were filed and the defendants had little to no information to assess the legitimacy of the offer.

Information is key to being able to properly assess the validity of any offer. SB 1207 seeks to remove all requirements of providing any information. In exchange SB 1207 would require a plaintiff to wait to file such an offer one year from the date of service. Time limitation without information does not ensure the fairness of the offer of compromise process. The plaintiff may not have completed treatment within that time period. Discovery may not be complete in that time period. The current process of

triggering the filing to the availability of information provides for the fairest approach to the offer of compromise statute.

The ability to fairly assess an offer of compromise is experienced in all types of civil cases in which personal injuries have been claimed and are not unique to medical malpractice cases. To improve the effectiveness of the offer of compromise statute all defendants, not just those in medical malpractice claims, should have adequate knowledge of the injury claimed, the cost associated with such injury and prior related claims. The IAC strongly urges you to amend Section 52-192a to apply the current offer of compromise standards to all civil actions.