



"AMBULANCE CHASING"

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ISSUE

What laws regulate "ambulance chasing?"

SUMMARY

"Ambulance chasing" generally refers to asking someone who suffered an injury to file a lawsuit or use a particular service, such as hiring a particular attorney or using a particular doctor.

The law makes it a crime to solicit a person to instigate litigation or steer a party to hire a certain attorney or provider for the purpose of receiving compensation. It is also a crime to receive or accept payment for the prosecution of a claim or referring a prospective client to an attorney. Additionally, anyone who employs such a person commits a crime. However, the law does permit attorneys and health care professionals to refer clients in the ordinary course of business.

The law also sets standards for initial written communications from attorneys to prospective clients in order to minimize undue influence. For example, attorneys must wait at least 40 days before communicating with an accident victim and cannot communicate with an individual who is represented by another attorney. These standards also apply to electronic communications.

The penalties for offenders vary, with prison terms ranging up to three years and fines up to \$5,000. The statutes relating to ambulance chasing and a Rule of Professional Conduct governing attorneys are summarized below.

SOLICITATIONS TO SUE FOR DAMAGES ([CGS § 51-86](#))

The law prohibits individuals not licensed as attorneys from soliciting, advising, requesting, or inducing another person to bring a lawsuit for damages if (1) he or she may, directly or indirectly, receive compensation from the person filing suit or his or her attorney or (2) the attorney's compensation for instituting or prosecuting the

action depends upon the amount of the recovery. Violators are subject to up to six months imprisonment, a fine of up to \$100, or both ([CGS § 51-86](#)).

SOLICITING CASES FOR ATTORNEYS ([CGS § 51-87](#))

The law makes it a crime to pay or reward any other person (1) to solicit or find a prospective client or cause of action for an attorney or (2) as an incentive to bring a cause of action or seek an attorney's services.

The law also makes it a crime to employ an agent, runner, or other person to solicit or obtain a cause of action or a client for an attorney. Violators commit a class E felony, punishable by up to three years in prison, a fine of up to \$3,500, or both. The law does not prohibit an attorney from engaging other attorneys for professional assistance or referring a case to another attorney.

The law also makes it a class E felony for anyone to knowingly receive or accept any payment or reward for (1) referring or bringing a cause of action or prospective client to an attorney or (2) inducing or influencing any other person to seek an attorney's professional advice or services. The law does not apply to an attorney referring causes of action or clients or others to another attorney.

LIMITS ON WRITTEN COMMUNICATION TO PROSPECTIVE CLIENTS ([CGS § 51-87A](#))

An attorney may not send, or knowingly permit someone to send, certain written communications on his or her own behalf or on behalf of his or her firm or attorneys affiliated with it. This applies to a written communication to a prospective client to obtain professional employment if the communication:

1. concerns a personal injury or wrongful death action or relates to an accident or disaster involving the person to whom the communication is addressed or a relative of that person, unless the accident or disaster occurred more than 40 days before the communication is mailed;
2. concerns a specific matter and the attorney knows or reasonably should know that the person to whom the communication is directed is represented by an attorney in the matter;
3. is directed to a person the attorney knows does not want to receive such communications from him or her;
4. involves coercion, duress, fraud, overreaching, harassment, intimidation, or undue influence;
5. contains a false, fraudulent, misleading, deceptive, or unfair statement or claim; or

6. is directed to a person the attorney knows or reasonably should know is in a physical, emotional, or mental state that makes it unlikely that he or she would exercise reasonable judgment in employing an attorney.

When communication is permitted, the law imposes certain requirements on the content and method of written communications to prospective clients known to be in need of legal services in a particular matter for the purpose of obtaining professional employment.

SOLICITING CLIENTS, PATIENTS, OR CUSTOMERS FOR LEGAL OR HEALTH SERVICES ([CGS § 53-340A](#))

This law makes it illegal for anyone to act as a “runner” by knowingly, and for financial gain, getting or attempting to get a patient, client, or customer for a provider. It specifies that people can engage in certain activities without being considered runners. Providers are attorneys, various health care professionals, legal or health care services business owners or operators, people pretending that they or their business or practice can provide such services, or an employee of or anyone acting on behalf of any of these people, who:

1. seek to obtain benefits under an insurance contract;
2. assert a claim against an insured or an insurance carrier for providing services to the client, patient, or customer; or
3. obtain benefits under or assert a claim against a state or federal health care benefits program or prescription drug assistance program.

The law also makes it a crime to solicit, direct, hire, or employ someone as a runner. The penalty for acting as, or hiring, a runner is up to one year in prison, a fine of up to \$5,000, or both. The criminal penalties do not apply to the referral of individuals between (1) attorneys, (2) health care professionals, or (3) attorneys and health care professionals.

The law specifies that its prohibitions and penalties are in addition to, and do not limit or restrict, the laws described above.

Runner

By law, a “runner” does not include an individual who:

1. procures or attempts to procure clients, patients, or customers for a provider through public media;
2. refers prospective clients, patients, or customers to a provider as otherwise authorized by law;

3. facilitates, presents, or speaks at a meeting, program, or seminar that is open to the public and at which information about a provider's services are discussed; or
4. is a bona fide employee of a provider who responds to an inquiry or request for information initiated by a prospective client, patient, or customer.

“Public media” means telephone directories, professional directories, newspapers, periodicals, radio, television, billboards, mail, or electronically transmitted written communications that do not involve in-person contact with a specific prospective client, patient, or customer.

PERSONAL CONTACT WITH PROSPECTIVE CLIENTS (RULE OF PROFESSIONAL CONDUCT 7.3)

Rule 7.3 of the Connecticut Rules of Professional Conduct only allows an attorney to initiate personal, live telephone, or real-time electronic contact, including telemarketing contact, with a prospective client to obtain professional employment:

1. when the prospective client is a close friend, relative, former client, or someone the lawyer reasonably believes is a client;
2. under the auspices of a public or charitable legal services organization;
3. under the auspices of a bona fide political, social, civic, fraternal, employee, or trade organization whose purposes include providing or recommending legal services, if the legal services are related to the organization's principal purpose; or
4. if the prospective client is a business or non-profit organization or governmental body and the lawyer seeks to provide services related to the organization.

The rule also prohibits a lawyer from sending written communications under conditions similar to those described above (see [CGS § 51-87a](#)), but the rule specifies that it also applies to electronic communications.

The Statewide Grievance Committee investigates ethics complaints against attorneys. The committee and the courts can impose sanctions for ethics violations, ranging from a reprimand to court-ordered disbarment.