



June 18, 2007

Honorable John H. Lynch  
Governor  
State House - Room 207  
Concord, New Hampshire 03301

**PROFESSIONAL  
INSURANCE  
AGENTS**

Dear Governor Lynch:

The purpose of this letter is to ask you to veto House Bill 143, relative to the apportionment of damages in civil actions. Simply put, the bill is certain to do more harm than good.

If enacted, this bill will disrupt the balance and fairness of the monetary award component of verdicts in civil actions. Pursuant to H.B. 143, a defendant is likely to pay more in damages than the percentage of fault they are responsible for in the plaintiff's injury. PIANH members will see the unfortunate results of this legislation firsthand when insurance companies increase their insureds' premiums in order to cover the additional expenses brought about by this bill.

Too often, the party most at fault is not sufficiently insured and personal injury lawyers aggressively seek an insured party that can pay the bulk of the damages regardless of their degree of fault. As a result, H.B. 143 would allow, and almost encourage, personal injury plaintiffs to pursue the defendant with the deepest pockets even if that defendant is only minimally responsible for the accident. While sympathetic to victims of accidents, PIANH does not believe it is right or fair to punish a defendant who has little or nothing to do with the action that caused the injury.

Because of H.B. 143, the defendant who is minimally at fault in a case is at risk at two stages in the judicial process. First, at the beginning of a case, a well-insured defendant will be pressured by plaintiff's counsel to consider settling. That defendant may be inclined to settle for an amount that is disproportionate to his or her level of responsibility. The need to settle is pronounced because if only one defendant is still a party to the case at the point when a verdict is issued, this bill can cause his or her liability to skyrocket well beyond their level of fault. Therefore, PIANH opposed this bill out of concern that the new law would be used to coerce settlements from well-insured parties due to the risk of being forced to pay entire damages awards if they don't settle.

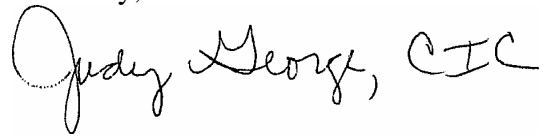
Although insurance companies will burden the costs of this legislation to begin with, in the end, it will be our state's businesses, individuals, cities, towns and state government that will pay for these windfall verdicts through higher insurance premiums and higher taxes.

---

25 CHAMBERLAIN ST.  
P. O. BOX 997  
GLENMONT, NY 12077-0997  
800/424-4244  
FAX: 888/225-6935  
WEB: [www.pianh.org](http://www.pianh.org)  
E-MAIL: [pia@pianh.org](mailto:pia@pianh.org)

Thank you for your consideration of my views in opposition to House Bill 143, and I strongly urge you to veto the bill.

Sincerely,

A handwritten signature in black ink that reads "Judy George, CIC". The signature is written in a cursive style with a large initial "J" and "G".

Judy George, CIC  
PIANH President