

HEALTH LAW SECTION

DAVID M. MACK, CHAIR

PURPOSE

The purpose of the Health Law Section is to provide a forum for CBA members with an interest in the law pertaining to health care. The section addresses issues such as the provision of health care services, the regulation and licensure of health care providers (including institutional), medical malpractice and medical jurisprudence, medical disabilities, and legislative proposals concerning these and related fields. The section will encourage and participate in joint meetings and other activities with various sections and committees for discussion of matters of mutual interest. In addition, the section will provide a forum in which inter-professional cooperation can be advanced.

ANNUAL REPORT

The section continues to meet to educate its members and to address areas of concern in the dynamic field of health care law. Members receive bills of interest being considered by the Connecticut General Assembly. Members have had the opportunity to attend meetings of various sections on topics including antitrust, public health hearings and the certificate of need process. Upcoming meetings are scheduled to address the self disclosure protocol for fraud and abuse and new Medicare audit mechanisms. In the coming year, we will continue to follow health law matters of interest to section members.

David M. Mack of Shipman & Goodwin LLP is the chair of the Health Law Section. If you have any questions or suggestions regarding topics for future meetings, please call Attorney Mack at (860)251-5058.

HUMAN RIGHTS AND RESPONSIBILITIES SECTION

MICHELLE M. DUPREY, CHAIR

PURPOSE

The Human Rights and Responsibilities Section focuses on the enforcement, protection, and development of laws that safeguard the rights of individuals.

ANNUAL REPORT

The section met with a Kica Matos, Community Services Administrator for the City of New Haven, to discuss the city's resident ID program and the surrounding immigration issues, including ICE raids in New Haven after the implementation of the ID program.

The section, as a member of the Connecticut Coalition of Human Rights, was involved in the planning and presentation of a forum and celebration of the 60th anniversary of the Universal Declaration of Human Rights at Quinnipiac University in December 2008.

The section is co-sponsoring a session at the Annual Meeting entitled “Rape and Sexual Assault as War Crimes: A Call to Action,” that will include a discussion to address what our legal community can do to increase awareness and respond to this important international issue.

In addition, the section took a position in favor of the abolition of the death penalty in Connecticut. The section also worked in favor of Proposed Bill No. 899—“An Act Implementing The Guarantee Of Equal Protection Under The Constitution Of The State For Same Sex Couples.”

INSURANCE LAW SECTION

EDWARD P. MCCREERY III, CHAIR

PURPOSE

The Insurance Law Section was created to meet the professional needs of CBA members who practice in all areas of insurance law. The section brings together practitioners from a variety of disciplines including litigators (representing both insurers and policyholders), insurance regulatory attorneys, and in-house counsel. The section serves as a forum in which practitioners can exchange information on a variety of topics related to insurance law including, but not limited to life insurance, insurance coverage issues, property & casualty insurance, health and disability insurance, and insurance regulation.

ANNUAL REPORT

For 2008–2009, the section implemented a formal position of *Case Update Reporter*. This position was filled by Charles Lee who scrutinized reported decisions from the Connecticut courts that impacted the practice of insurance law and provided summaries of the cases to the section members.

The section’s most significant meeting during the year invited as speakers, State of Connecticut Insurance Commissioner Thomas R. Sullivan and Mark Franklin Esq from his office. These gentlemen spoke about insurance company insolvencies in general and the distress of the AIG company in particular. The panel was supplemented by Attorneys Jeremiah Welch and Tobias Cushing of the firm of Saxe Doernberger & Vita who spoke on the practical considerations a lawyer should think about if their client’s carrier becomes financially distressed.

Commissioner Sullivan and Attorney Welch noted that first and foremost, steps should be taken to avoid customer panic, both by the companies in distress, and by the respective insurance commissioners. They discussed the efforts of their office to try and downplay some of the sensationalism portrayed by the press when it comes to AIG or other carriers. They try to stick to the straight facts and point out the positives in any particular situation. They felt that this was an important role of their office when the public read about bankruptcies or insolvencies on a daily basis. The commissioner felt that it was important for the average citizen to be cognizant of the fact that 90 percent of all insurance companies are financially solvent and in good shape. He also felt it was important not to forget that the insurance industry accounts for 70,000 jobs in Connecticut and one-fourth of all the Greater Hartford charitable giving.

The discussion of AIG focused on how the parent company got into its current financial predicament. The commissioner noted that risky ventures such as “credit default swaps” were not previously regulated by state insurance commissioners. He noted that some states are now looking into that possibility, as is the SEC. The commissioner stated that it was important to remember that most of AIG’s subsidiary insurance companies are independently in excellent condition. For example, companies such as The Hartford Steam Boiler Company have a positive cash flow and balance statement. Some of these companies would likely be sold off by AIG, allowing it to begin to pay back some of the federal bailout money. The commissioner