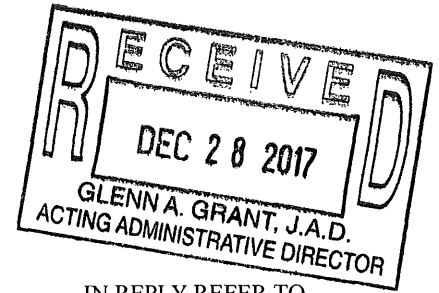


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December 20, 2017

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Attorney Malpractice Insurance Report
Hughes Justice Complex; P.O. Box 037
Trenton, NJ 08625-0037

Dear Judge Grant:

I object to any requirement that attorneys must purchase professional liability insurance. I have probably had such insurance for less than 10 years of my 52 years of private practice. My experience was that when I did have such insurance, the premiums kept increasing each year at an unreasonable rate. Once the insurance companies know that every attorney has to write insurance, that only makes them more certain that they can continue to increase their rates with impunity.

It has probably been over 30 years since I had such insurance and our firm has never had a claim. It is my belief that the knowledge that such insurance does not exist has caused us to be that much more careful in everything that we do so as not to subject ourselves to a claim. Human nature being what it is, it is my belief that when an attorney has such coverage, there is not the same concern to be as careful as possible since the loss on any claim would be borne by the insurance company rather than by the attorney. Consequently, I believe that there would be less claims against uninsured attorneys than against insured attorneys. Thus, I believe that the public is more protected not having a claim in the first place rather than having to litigate a claim with an insurance carrier.

While I realize that the Committee is not recommending a requirement to purchase insurance, that recommendation is disingenuous. If the Court adopts the recommendation that attorneys who do not have malpractice insurance must notify their clients, attorneys will have no economic choice but to purchase such insurance. I can't imagine that clients would not be leery of attorneys who go out of their way to notify clients, in writing, that they do not maintain such insurance. It is incomprehensible to me that clients will not be suspicious of an attorney under those circumstances. I expect that the clients will think less of the attorney and may very well seek a different

attorney. Therefore, the net effect of such a requirement is a back door requirement that attorneys maintain such insurance.

Respectfully submitted,



Alfred H. Sauer

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