

In Massachusetts, the former Registrar of Motor Vehicles and now Probate Judge in Plymouth County, James R. Lawton, has characterized the Keeton-O'Connell Plan as "A Fraudulent Claims Bonanza."

Professor Keeton says that court congestion is a big problem. In many metropolitan areas, there is no question but that it is.

In Massachusetts, however, the Chief Justice of the Superior Court, G. Joseph Tauro, took a public stand on this portion of the Keeton-O'Connell Plan to state that "there's nothing which indicates that the Keeton-O'Connell Plan will in any way reduce litigation."

In fact, court congestion will be compounded. In the Keeton-O'Connell proposal, there is the possibility of having two cases whenever there is any kind of serious injury. One may have one suit against his own insurance company, and then a second suit against the alleged wrongdoer. And, one may have a right to a jury trial in both cases.

Professor Keeton points to the small claim. He says (and I hope I'm not paraphrasing him incorrectly) that these small claims are almost a blackmail on the insurance company—people say that they were hurt when, in fact, they really weren't—or they say that the other person was responsible when, in fact, he really wasn't.

Keeton adds that, on this basis, the insurance company will pay \$300 to \$400 just to get out from under because they know it would cost them \$1,000 to defend the suit.

Yet that problem will still exist, except that instead of an insurance company it will now be the individual who will bear the expense of the lawsuit.

For example, an individual is involved in a motor vehicle accident. He has just the basic protection policy, a compulsory policy, and someone brings suit against him. He knows he wasn't at fault. He knows if the case is tried to conclusion, he's going to win. But, he also knows that it's going to cost him \$1,000.

As a matter of fact, if it costs an insurance company \$1,000 to defend a case, working on a mass basis with full-time lawyers and full-time investigators and doctors who probably work on a cheaper rate bulk than they do on individual cases, what is it going to cost an individual?

Isn't there—if one wants to think that there are some people who will blackmail—the same opportunity to blackmail under the Keeton-O'Connell Plan as under the present system, except that the blackmail is against the individual, since the money (where there is nothing but the basic protection plan) must come out of the pocket of the individual rather than out of the insurance company?

The only person who stands to benefit under this system is the bad driver who is also an irresponsible citizen in that he has failed to meet his obligations to himself and his family by not having purchased accident and health insurance and wage income protection.

As the former Lt. Governor and Attorney General of the Commonwealth of Massachusetts, Francis E. Kelly, has said:

"This Bill should not be called Basic Protection. It should be named the 'Drinkers and Reckless Drivers Protection Bill.'"

CURRICULUM VITAE OF PROFESSOR DAVID J. SARGENT

Professor David J. Sargent was appointed by Prof. Robert Keeton of Harvard University School of Law for three years as an unpaid member of the important Advisory Panel for the Keeton-O'Connell Basic Insurance Plan.

Known both as a scholar and an authority on automobile insurance plans, Professor Sargent has lectured before bar associations and other interested groups throughout the nation and has authored basic papers used in research on the subject. He has appeared before numerous state legislative bodies including the New York Joint Legislative Committee on Insurance as well as legislative committees in Massachusetts, Connecticut, and Rhode Island.

A teacher at Suffolk University Law School—one of the five largest accredited law schools in the nation—since 1955, Professor Sargent was named to a full professorship in 1962. He is responsible for courses in tort law, trusts, wills and agency.

During the administration of former Attorney General for the Commonwealth of Massachusetts Edward W. McCormack, Professor Sargent served on the