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By Ms. Melconian, a petition (accompanied by bill, Senate, No. 1756) of Linda J. Melconian for legislation to provide an insured defendant the right to pick his attorney from a list in certain tort actions. The Judiciary.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-five.

AN ACT RELATIVE TO THE RIGHT OF A DEFENDANT IN A MOTOR VEHICLE CASE TO SELECT HIS/HER OWN ATTORNEY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Chapter 231 of the General Laws is hereby amended by inserting after
- 2 Section 6G the following section: —
- 3 *Section 6H.* In any action of tort as a result of bodily injury, sickness
- 4 or disease, arising out of the ownership, operation, maintenance or use of
- 5 a motor vehicle within this Commonwealth in which an insured or anyone
- 6 covered by a motor vehicle liability policy is a defendant, a motor vehicle
- 7 insurer's right to require said defendant to be represented by the insurer's
- 8 attorney or an attorney specified by the insurer shall be limited to comply-
- 9 ing with the procedure outlined herein. The insurer shall provide the
- 10 defendant with a list of at least five attorneys from at least five different
- 11 law firms in the geographic area consisting of the county or adjacent
- 12 county in which the defendant resides. The defendant shall select an attor-
- 13 ney from this list. However, if the insurer fails to provide such a list to
- 14 the defendant within fifteen days of the insurer receiving notice of a law-
- 15 suit, then the defendant shall have the right to select an attorney of his/
- 16 her own choosing. The insurer shall pay the reasonable attorneys fees and
- 17 expenses to any attorney selected by said defendant under either procedure
- 18 outlined herein.

