Legislative History for Connecticut Act

SB 491	PA 28	1959
Senate:	361-364, 439-440, 467-~~474~~ 495	~~14~~ 35
House:	672-829	157
JUDICIARY:	116-186, 325-377	124
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT

GENERAL ASSEMBLY

SENATE

PROCEEDINGS

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life's ways, and earthly griefs are o'er, ask God to grant us welcome home on Heavens Eternal Shore. O dear St. Patrick, light our way along the road you trod, and lead our souls, and the souls of all former members of the Senate, at close of day, to endless peace with God. Amen. In the name of the Father, and of the Son, and of the Holy Ghost. Amen.

THE CHAIR:

I am going to ask Father Cotter on this occasion, if we might adjourn today by joining with prayer.

Business on the Clerk's desk.

THE CLERK:

Calendar No. 79. File No. 56. Substitute for Senate Bill No. 491. An Act concerning Creating of a Circuit Court to Replace the Trial Justice and Municipal Courts.

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

Mr. President, I have an amendment which the Clerk has in his possession.

THE CHAIR:

Clerk, please read the amendment?

THE CLERK:

Amendment for Substitute for Senate Bill No. 491. File No. 56.

In Section 31, line 10, strike out the period and add "unless when called upon to plead, the claims to be tried by a jury of twelve.

In Section 33, line 5, strike out the period and add "unless any party to such action shall within ten days after such removal claim a full jury of twelve".

In Section 67, line 11, strike out the brackets. In line 13, after the words "superior court" insert a comma and bracket "and" and after the word quote pleas" insert and the circuit court. In lines 19 and 20 bracket "the municipal court" and insert the circuit court. In line 21, insert a bracket before the word "any". In lines 23 to 30, delete the sentence beginning "Subject".

In Section 202, line 1, strike out "51-28".

SENATOR HEALEY:

I move for the adoption of the amendment.

THE CHAIR:

The question is on the adoption of the amendment. Will you remark further?

Senator from the 10th.

SENATOR HEALEY:

Mr. President, very briefly with reference to the first portion which refers to section 31, line 10, I would like to discuss that in conjunction with the second portion, Section 33, line 5. This amendment is two portions, simply provide for the right for defendent to appeal to the Common Pleas Court from the proposed Circuit Court to claim a jury of twelve if he wishes. The present bill has six, this permits him to claim a jury of twelve, if he so elects. The third portion of the amendment which refers to Section 67, concerns itself with the deletion from the proposed bill of a section which provides that judges

of the proposed Circuit Court may be interchanged among other courts in our J d c al De a tme t. Th s p p sal, t at t e interchange o ju ges of the proposed Circuit ourts, to sit on other courts Ju c al Dep r m n s, w r l ng by h s amendment. The final question is Section 202, line 1, strike out "51-28", this would delete from the bill before by way of amendment; That section which concerns itself would be adjournment of terms and sessions. This particular section concerns itself with the manner in which a term or session of the Superior Court of Common Pleas Court shall be discontinued or adjourned by reasons of absence of a judge. This is a technical type of thing, which we originally felt we might include in our bill, which on afterthought, we feel should be left in the law. Mr. President, very briefly that is the amendment, and I propose the adoption, I move the adoption of the amendment.

THE CHAIR:

The question is on the adoption of the amendment. Will you remark further?

Senator from the 26th.

SENATOR SIBAL:

I would like to indicate to members of the Circle, that it is my understanding with the conversation I had with the distinguished Majority Leader, that the major proposition of this proposed bill, the major discussion on it will take place tomorrow. With that understanding, I will not remark on this amendment; but will debate the full question and the full bill tomorrow.

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

In order to make the matter completely explicit, the Minority Leader and I have agreed as he indicated, that we understand that tomorrow on the full discussion of the bill which I intend to ask the Senate to make the order of the day at 2:00 p.m.; that there may well be amendments forthcoming to the bill before. This is representation that is quite correct.

THE CHAIR:

The question is on the amendment. Will you remark further? If not, all those in favor signify by saying "aye", those opposed "no". The "ayes" have it. The amendment is passed.

SENATOR HEALEY:

Mr. President, as I understand it, in accordance with Senate rules 17, this bill is the amendments as passed now until the bill with the amendments we have just passed is completely reprinted, and has been distributed to and put in the files of the members of this Circle. Is that correct?

THE CHAIR:

That is correct with the adoption of this amendment, the bill itself is suspended, and the matter now goes to the legislative commissioner, and as Senator Sibal has explained will be back here tomorrow afternoon at 2:00 p.m. The bill is amended.

THE CLERK:

Unfavorable report starred for action Tuesday, March 17, 1959. Calendar No. 78. Senate Bill No. 936. An Act concerning Application of Zoning Ordinances to Use of Land by the State Board of

THE CHAIR:

Senate please come to order. Give your attention to the Clerk.

THE CLERK:

Calendar No. 79. File No. 89. Substitute for Senate Bill No. 491. As amended by Senate Amendment Schedule A. An Act concerning Creating of a Circuit Court to Replace the Trial Justice and Municipal Courts.

Favorable report of the Committee on Judiciary and Governmental Functions.

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

The Clerk has an amendment.

THE CHAIR:

The Clerk has an amendment. Do you wish the Clerk to read the amendment?

SENATOR HEALEY:

No. Unless there is objections, I move that we suspend with the reading of the amendment.

Mr. President, I move for suspension of the rules so that this amendment, which is as you know, is for the proposed Circuit Court bill; because of the nature of this, we are not going to act on it today; but I move under suspension that the bill plus the amendments which the Clerk, presently has, be printed and in the files so that the bill and the amendments can be starred for action by this body, next Tuesday. I have consulted with the

Minority Leader on this particular operation here this afternoon, and he is in agreement with me on that point.

THE CHAIR:

The question is on suspension of the rules. Any objections? There appears to be none. The rules are suspended. Will you remark further on the amendment? You want the Senate to take action on the amendment, Senator?

SENATOR HEALEY:

No, I would move that the Senate, if you will? Mr. President, take action on the motion that I have made, the amendment which has been presented to the Clerk be put in the files, printed and together with the bill be capable of being acted upon by this body on next Tuesday.

THE CHAIR:

So ordered. Unless there is any further remarks? If not, all those in favor signify by saying "aye", those opposed "no". The "ayes" have it. So ordered.

THE CLERK:

No further business.

SENATOR HEALEY:

Mr. President, I move that we stand in adjournment until 12:00 o'clock tomorrow noon. Friday as you know, is a non-controversial day. I would prefer if we meet tomorrow at 12:00 noon.

THE CHAIR:

The question is on adjournment until 12:00 noon tomorrow. All those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. We stand in adjournment until 12:00

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The question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark further? If not, all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed.

THE CLERK:

Calendar No. 79. File No. 89. Substitute for Senate Bill No. 491. As amended by Senate Amendment Schedule A. An Act concerning Creating of a Circuit Court to Replace the Trial Justice and Municipal Courts.

Favorable report of the Committee on Judiciary and Governmental Functions.

SENATOR HEALEY:

Mr. President....

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

I move for the acceptance of the commitee's favorable report and passage of the bill which was amended by Senate Schedule A.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and the passage of the bill which was amended by Schedule A.

SENATOR HEALEY:

Mr. President, the Clerk has an amendment.

THE CHAIR:

The Clerk will please read the amendment?

SENATOR HEALEY:

Mr. President, the Clerk has an amendment which I believe is Senate Schedule "B" which has been printed as Calendar No. 103, and has been in the file as File No. 118. If there is no objections, I move that the reading of the amendment be waived.

THE CHAIR:

If there is no objections, the reading of the amendment may be waived. Do I hear objections? The reading is hereby waived.

Senator from the 10th.

SENATOR HEALEY:

Mr. President, I move the passage of the amendment of Senate Schedule "B".

THE CHAIR:

The question is on the passage of the amendment of Senate Schedule "B". Will you remark?

SENATOR HEALEY:

Mr. President, the amendment which is in our file, as File No. 118 is approximately seven pages long, and contains a number of amendments, the most important of which I will touch upon. The others, I am sure we are all familiar with, because of the fact that it has been printed since last Friday and in file. Mr. President, briefly, insofar as the amendments are concerned, which I care to discuss Senate Schedule "B"; the first one is the one concerning the matter of "motor vehicle fines". As you will all notice, the amendments provide that one-third of all the fines resulting from motor vehicle arrests are to be returned to the towns of which the arrests occurred. Another important aspect of the amendment is the portion that concerns "juries". Very

briefly, a litigant will be entitled to a jury trial in criminal and civil matters in the Circuit Court in the first instance. If he wants a jury trial, that is the place for him to elect it. If there is no appeal "de novo" after the jury trial at the Circuit Court and no appeals on the questions of law are taken to a three judge panel of this Circuit Court. Another portion of the amendment which I would touch upon is the sitting in town which is section six of the amendment of section six of the original bill which points out that the Circuit Court shall hold session in any town where the legislative body of that town makes a request, therefore, to the executive secretary of the Judicial Department. The final portion of the amendment that I would bring to your attention by word of discretion and leave the rest to your reading is that portion that concerns the practice of Criminal Law by prosecutorsand their associates and clerks. The third portion of the amendment on File No. 118 on the first page points out that prosecutors, assistant prosecutors, their partners and associates are not permitted to practice criminal law in any court. The partners and the associates of assistant prosecutors and clerks and assistant clerks shall not engage in criminal law in the Circuit Court, but they are privileged to practice criminal law elsewhere. Mr. President, once again without delving into the amendment at any greater length, I move the adoption of the amendment of Senate Schedule "B".

THE CHAIR:

The question is on the adoption of the amendment of Schedule "B". Will you remark further?

SENATOR SIBAL:

Mr. President.....

THE CHAIR:

Senator from the 26th.

SENATOR SIBAL:

I would like to remark on this amendment, because this amendment represents the minority contribution to the overall court reorganization bill which I am sure will pass this body late this afternoon. Each and every point which the Majority Leader brought out about the amendment will represent it, insofar as it went, exclusive of the Trial Justice Courts. The Federal committee bill which came out of the judiciary committee of the last session, and which was liberalized further to some degree, and as you know which was supported by the minority party for sometime up to last Wednesday. The question of holding sessions in each and every town were requested by the legislative body of that town, and even holding night sessions were requested by the legislative body of the town wishing to hold night sessions. It is a very vital point of this bill, and is a very real reason why the minority of this assembly are lending so much support to it. Some people, sincere people around the state, so I am sure after talking to them have some reservations about the enforcement of this provision of the bill. They feel based on some experiences of legislative action of the past concerning where courts shall sit and shall not sit; that perhaps this legislative action will not be completely followed in the department. I cannot emphasis too strongly, that a very real consideration in the support with

which this bill is receiving and this amendment is receiving from the minority part is based upon the good faith which we approached this provision of the amendment. It is inconceivable to me, that the Circuit Court judges when they become judges in this state will ignore this provision. If they do, I would consider it a breach of faith with the legislature, and if I for one have the privilege to be in this legislature again, I will certainly do something about it. This is a most vital part of the amendment; it answers the very sincere questions which some people had in some of the towns about taking away the convenience of their local courts. There is no reason why it should not be honored and I am certain that I know that I speak for the vast majority of legislatures, that it will be honored; and if there is any question about the legislative intent when it becomes law, I hope we dispel that right here and now. Insofar as the money returning to the town, this too meets a very substantial objection, particularly in towns where revenue from the minor courts represented an important part in their budget. It is my understanding that the money which will be returned by the state, one-third of all the motor vehicle fines collected which will be returned to the particular town where the arrest is made represents just about the amount of money which the towns now receive. They receive a larger percentage, but they have an expense of the court which the state will assume. This too is most important. We can never lose sight of the fact, that the towns have problems just as we concerned particularly with the problems that the state have. An action by this body in the House downstairs can never ignore

the problems which it might create in the town. I feel that this approach is a reasonable, sensible, intelligent, forwarding looking one, and should bring support from the whole court reorganization proposition. The other point which the Senator from the 10th mentioned, having to do with "jury trials" and the elimination of trials de novo, elimination of the practice of criminal law by prosecutors and their partners and associates, I won't go into in detail. These are somewhat technical legal terms, probably a word to lawyers and judges than to laymen; but I feel that they are mostly important questions of the amendment because to my view, these provisions give the courts, the new circuit courts, a statute which they did not have without them. A judge in the new circuit court, is a judge now that can render a final decision, which decision is only appealable in matters of law, who will take his time at presiding at jury trials, who will take his turn in sitting as a member of the opposed division of the Circuit Court. It is a challenging assignment; it is an assignment which will bring to the court, I am sure, distinguished and eminent members of the bar. This probably, even though it is technical and difficult to comprehend on the part of some people, is perhaps not the kind of provision which is fully reported in the press because of its technical mature; this is the kind of provision which I think will probably make these courts work, and will make them work far better than other provisions might have; because men make courts just as they do every other institution. The kind of men who will be attracted to this assignment will make these courts amongst the finest in the world. I would like

to conclude my remarks by quoting very briefly from a highly respected political writer in the state of Connecticut. I feel sure that I am representing the people of all parties, when I say that he is highly respected; because his writings are always fair and are always constructive. He writes in todays paper the following: "The most beautiful play in all politics is that of the constructive, fruitful compromise. A historic day of compromise in Hartford last week was the Court Reform Issue, a something of everything. It has character, it has intelligence and it had a bit of luck too. Above all, it represented the triumph and decency that sometimes open on the political scene". Ladies and gentlemen of this body, this is the day wish will long be remembered in Connecticut. It is the day of progress, it is a day of enlightenment, it is a day which the two major parties shared contributing to the future of our state; and I urge the unanimous support of this amendment.

THE CHAIR:

The question is on the amendment of Schedule "B". Will you remark further?

SENATOR HEALEY:

Mr. President.....

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

Concerning one portion of the discussion of the Minority Leader, that is the portion in which he indicated that it was his sincere hope that the language in the bill which provide that

sections of the Circuit Court shall be held in any town with the legislative body of that town makes a proper request. May I say without getting technical, but putting it in its real light, that this particular language was arrived at last Thursday, the day after our very important meeting was held, and I certainly wish to bring to the attention of this body, that it is our feeling that the legislative intent is what the Senator from the 26th indicates that it is, it was a genuine meeting of the minds on both sides. Without more, Mr. President, perhaps there may be more remarks, I will reserve my next motion.

THE CHAIR:

The question is on the adoption of the amendment Schedule "B". Will you remark further?

SENATOR BARNES:

Mr. President.....

THE CHAIR:

Senator from the 5th.

SENATOR BARNES:

Mr. President, members of the Circle, I rise to support this amendment, not only as a member of the Republican minority here in the Senate, but also as the sponsor of Senate Bill No. 793, the so-called bar association bill which probably is the most complete reorganization, court reorganization proposal submitted to this session. As you know in addition to providing a Circuit Court for the Minor Courts, the bar association bill, in addition, established a Family Court, and provided a new Circuit Court to replace the present Probate Courts. In supporting this

amendment, I want to make it quite clear that certainly as far as I am concerned, these latter two items, mainly the Probate Court and the Family Court, are items of unfinished court reorganization business. Nevertheless, the decision, I feel was sound, not to complicate or confuse the issue which is before us today with any provision for either the Family or Probate Court. Opinions differ strongly on all phases of court reorganization, and rather confuse any reorganization of the Minor Courts, additional opposition or differences of opinion on the Family and Probate Court, I feel that the decision was a wise one to proceed with just this phase of the reorganization at this time. As indicated by the Senator from the 26th, this bill has been referred to as a compromise, and that it is. I also feel that the compromise in the very best legislative sense. It embodies some of the best features of all of the various reorganization proposals which have been presented to the legislature. I know that I personally feel that way, and I know that the drafting committee of the bar association which has worked for over five years on this particular project feels that way. The conclusion is, of mine is, that this bill as presently amended or being amended for this body is in fact a better measure asfar as the Minor Courts are concerned than the bar association proposal. I am told that others, who have advanced other particular proposals, feel the same way; and if that is so, if our conclusion is correct, this is the best use of the legislative process to develop a piece of legislation in the best interests of all. So, Mr. President, I urge the adoption of this amendment.

THE CHAIR:

The question is on the adoption of the amendment of Schedule "B".

Senator of the 10th.

SENATOR HEALEY:

I move that when the vote be taken on the adoption of Senate amendment "B", that the vote be taken by roll call. Mr. President, may I ask is it proper that those who are to vote for the amendment vote "yea" and those who intend to vote contrary-wise "nay"?

THE CHAIR:

Yes, be it understood. Those voting "yea" are voting for the amendment. Those voting "nay" will be voting against the amendment. The request is a roll call vote. It is so ordered. I have just been asked that the opportunity would be given anyone to speak on the bill as amended, and I notify the Senators that it would. So the bill will be back for any discussion you care to have. The request is for a roll call vote, Mr. Clerk. Will you adhere to that request?

THE CLERK:

Roll call vote on Calendar No. 103. File No. 118. Amendment Schedule "B" to Substitute for Senate Bill No. 491.

District No.	1	Yea
	2	Yea
	3	Yea
	4	Yea
	5	Yea
	6	Yea
	7	Yea
	8	Yea
	9	Yea

District No.			
10	Yea		
11	Yea		
12	Yea		
13	Yea		
14	Yea		
15	Yea		
16	Yea		
17	Yea		
18			Absent
19	Yea		
20	Yea		
21	Yea		
22	Yea		
23	Yea		
24	Yea		
25	Yea		
26	Yea		
27	Yea		
28	Yea		
29	Yea		
30	Yea		
31		Nay	
32	Yea		
33	Yea		
34		Nay	
35	Yea		
36	Yea		

THE CHAIR:

The Clerk will give you the tally.

THE CLERK:

The following is the vote:

Number voting 35
Necessary for passage 18
Those voting Yea 33
Those voting Nay 2
Those absent and not voting 1

THE CHAIR:

Therefore, the amendment for Schedule "B" has been adopted.

SENATOR HEALEY:

Mr. President....

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

May we stand at ease for a moment.

THE CHAIR:

The Senate will be at ease for a moment while the stamp is put on the amendment.

THE CLERK:

Calendar No. 79. File No. 89. Substitute for Senate Bill No. 491. As amended by Senate Amendment Schedule "A". An Act concerning Creating of a Circuit Court to Replace the Trial Justice and Municipal Courts. Substitute for Senate Bill No. 491. As amended by Schedule "A" and "B".

SENATOR HEALEY:

Mr. President....

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

I move for suspension of the rules for immediate consideration of the bill that was amended by Schedule "A" and Schedule "B".

THE CHAIR:

The question is on suspension of the rules for immediate consideration. Is there any objections? Hearing none, the rules are suspended.

SENATOR HEALEY:

Mr. Presidnet, I move the passage of the bill and the acceptance of the committee's favorable report as amended by Senate Schedule "A" and "B".

THE CHAIR:

The question is on the adoption of the committee's favorable report and the passage of the bill as amended by Schedule "A" and "B". Will you remark Senator?

SENATOR HEALEY:

Mr. President.....

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

The bill which we have before us some Eighty-eight pages in length. I think, perhaps, the real physical length of the bill is some sort of indication of the genuineness of the compromise that the bill represents. The Senator from the 26th indicated, and I feel rightly so, that it is the triumph for decency in this state. It would seem, if I may take it a step further, that it is not only a triumph for the General Assembly, but also a triumph for all the people of the state of Connecticut. The bill which you have before you was amended, is the result of genuine sincere compromise by having been hammered out and arising at a long period of sub-committee cogitation and an important group of meetings last week, the result of which we find the bill before us now with the support of both parties for this bill. It would seem that the very definite type of benefit that this bill provides for all the people of this state. It is an indication of the measures that is due to any person, party or group that has anything to do with the bill as we now find it before us. Mr. President, because of the fact that the bill is some Eighty-eight

pages long, I will comment briefly on the contents of the bill. The bill, as you know, sets up a Circuit Court which is to have forty-four judges which are to be appointed by the Governor and confirmed by the General Assembly. The salary is $15,000.00 per year, and the terms are four years. The judge will be entitled to pay, retirement and pension benefits as judges of other courts of our state. A very important aspect of the fact is that the judges in this court must be attorneys admitted to practice in this state; and they must devote their full time to the office of judge of the Circuit Court. Very briefly, for the purpose of the act of operation for this court, the state will be divided into an appropriate number of circuits, and the court sessions will be held at towns within the circuit. The number and the size of the circuit in the town where sessions are to be held will be determined by the chief judge of the circuit after consultation with the other judges of the court. I think, perhaps, the fact that these latter determinations are to be made both for the convenience of litigants and their counsel for the facilitation of court business, for the efficient use of judicial personnel to the end of court sessions be held in many, many towns as our possible, which we have supplemented with desire to reach the people, most of the people, we have supplemented one of our amendments which permits the courts to be held in a town with the legislative body which counsel requests indicates the length to which the people who are behind this bill have gone in an attempt to provide a justice that is convenient for the people. As you will

note from further reading of the bill, judges will travel from town to town within the various circuit, and no judge is to serve in some circuit for more than four months. The officers of the circuit will be one per circuit and more if needed. The bill provides for that. The offices may be maintained by the state, and the hearing rooms in the various places where the court holds session are to be maintained by the towns in which the sessions are held. All personnel of the courts, from clerk, prosecutors, reporters, and what have you throughout the entire personnel aspect of this new court are to be appointed by the judges of this Circuit Court. As you know, the civil jurisdiction of the Circuit Court is up to $2,500.00, and criminal jurisdiction with a maximum penalty of $500.00 fine or one year in jail or both. Without referring to the jury provision which is discussed in the amendment, as the Minority Leader indicated, this provision alone will serve to give this court a real statute. We have made provisions in the bill for a complete manning of the court, much of the setting up of the court is to be left to the judges of this Circuit Court, who are to be appointed in this session, and as you know the effective date for commencement of operation of this court is January 1, 1961, which will give the new judges approximately eighteen to twenty months to set up the entire operation. Another provision of the bill as it will be seen is the fact that the forty-four judges are to be appointed evenly from the two major parties. Mr. President, without more, I move the acceptance of the committee's favorable report and passage of bill as amended by Senate Schedule "A" and "B".

THE CHAIR:

The question is on the adoption of the committee's favorable report as amended by Schedule "A" and "B". Will you remark further?

Senator from the 1st.

SENATOR KERRIGAN:

Mr. President, members of the Circle, we have heard much from the legal profession relative to the merits and demerits of the so-called administration court reform bill. What though is the reaction of the non-lawyers, the man on the street? After all the litigant, who must appear before municipal and justice court, whether civil or criminal are the primary parties in interest. I have taken upon myself, these several months, to probe into the citizen's reaction to the proposed bill. It has been my experience that the overwhelming majority of our people are dissatisfied with the Minor Cour situation in Connecticut. I found personally these same people are almost unanimous in their feeling of confidence in the operation of our higher courts. Respect for law is based on the citizens respect or contempt for the plans of justice dispensed by our judicial system. The quality of justice insofar as humanly possible is the goal towards which we must rise. A case and point is the anti-speeding drive for the past few years. I've heard it stated time and time again, prior to last November, that enough Connecticut licenses have been suspended to assure the defeat of the elected officials responsible for its conception in execution. The safety program appeals to the electorate, it applies without fear or favor and with such

bundling equality to all of us, whatever our state in life, that it represented a new and appealing phases of the quality and administration of warm well released facets of law inforcement. That result was accomplished by executive insistence and administrative co-operation. Such a situation should not have been necessary, even at that, the program was opposed by many of the judges and twelve justices of our Minor Courts. Without the co-operation of these men, this program which has received international acclaim must in time fail. It would appear that the people of Connecticut desire above all equality. Not whom but what, not who is arrested, but what are the facts. The court of justice must be placed in the hands of men, who by education, experience, wisdom and ability are best equipped to offer our people a pure and unadulterated product. I trust, Mr. President and members of the Circle, that this bill will receive unanimous support.

THE CHAIR:

Will you remark further?

Senator from the 31st.

SENATOR CADY:

Mr. President, and members of the Circle, I have given very careful consideration to court reorganization over the past eight years. This is my fourth term on the judiciary committee. I've served on the judiciary sub-committee on court reorganization; I've served on the Connecticut bar association committee on court reorganization. I come from the 31st district which represents one of our most rural areas in the state. Ten towns, one with a municipal court and nine with trial justice courts.

I propose to cover three points this afternoon. First the method of affecting this compromise, secondly the dispense of our trial justice system, and third to point out certain weaknesses and objections which I have to the proposed bill on court reorganization. I realize that what I have to say this afternoon is not going to affect the vote up here. I have no amendments to offer, but simply would like to put my feelings on record in this matter. I realize that this is not probably the time nor the place to discuss the first point I mentioned, namely the method of affecting this compromise. However, I do feel that one week ago, I was requested by the Republican party to vote to preserve the Trial Justice courts. I am doing just that this afternoon. My position hasn't changed one bit. If the Trial Justice courts were worth supporting a week ago, certainly nothing has happened within the past week to warrant abolition after a two hour conference. The official position of the Republican party a week ago was as follows: I quote "most of the people from the towns having Trial Justice courts are not sold on the desirability of liquidating them". All I can say is Amen to that. Another statement "There is not in handling this problem in one step at a time, namely through the interim judiciary commitee bill, at all times it is not proposed this afternoon. We have no choice, but to vote for or against Senate Bill No. 491." My point here is why this sudden about face in such a short time? Why weren't the rural areas that like this Trial Justice court given an opportunity to defend them? I had hoped as a member of this judiciary sub-committee, if we would have a choice to make today.

Some of us like the justice courts, some do not. They ought to give the legislature the choice between the so-called administration bill and the interim judiciary committee bill. Lets just not pull the rug out from under the supporters of the Trial Justice courts. I admit that our Trial Justice courts are not perfect, I don't suppose their is any court system that is perfect or will be perfect. However, certain improvements have been adjusted, and many others believe with those improvements, we would have a good Minor Court system that was well adepted to smaller towns, that opportunity likewise has gone out of the door. On the other hand, I feel that this proposed bill Senate Bill No. 491 is far from perfect, and I propose to show why. In taking this position this afternoon, I am undoubtedly going to be labeled as a "reactionary"; that has already been put in the papers as the names of those who opposed this form of court reorganization. I am inclined to think that I amy be too idealistic in this matter. However, I do propose to defend this system we now have. As I said before, we have nine out of ten Trial Justice courts in the 31st district. I have received no criticism, no specific criticism from any constituent about these courts. I have received letters mostly from the League of Women Voters supporting these so-called bar association bills for complete integration of the courts, but I have heard no complaints in my district, at least that the Trial Justice courts are not working as they were designed to do. No charges of graft, fixing, wrong-doing, and yet isn't it sad to assume that those would be publicized and would be on the front pages of our paper; and yet in the

twenty years since our Trial Justice Courts were introduced to my knowledge, there has been no incidents, no glaring cases of fixing, graft. True, there may have been miscarriages of justice in the eyes of the attorneys representing party; but there was no claim that the judge was not doing his honest best to reach a proper dispossession of the case. In other words, the people in my area, at least, are not convinced of the need for this change. They point out to me, that according to the best they give this change is going to cost the state of Connecticut $2,800,000.00. This bill we are voting on this afternoon is going to add almost $3,000,000.00 to the cost of operating our state. The people up our way, ask why this is necessary? I think over the years, the small towns have been a shining example of democratic government. Certainly, we have heard the New England town meeting referred to as democracy operating in itself. The other branch of the government our selectman system has certainly proved effective in our small towns. Granted in your larger towns, there is a need for a different type of government. Our Trial Justice Courts seem to have satisfied the people in our smaller towns. We have there, a separation of powers which we find desirable in our central system, separation of powers is desirable in our state system, and yet, now there is to be no third branch of government in the small towns. We are going to centralize our courts, and there will be just the legislative and executive branch in our small towns with all administration of justice under our same system. After hearing of the reorganization of our courts, Judge Carmody the chief judge of the Trial Justice Court pointed out to our

committee that the Trial Justice Courts over the years have proved themselves both convenient, economical, efficient, flexible and self-supporting. I emphasize the economical and the self-supporting. In 1957, our Trial Justice Courts disposed of twenty-seven thousand cases; of these cases, only one percent were appealed to the Court of Common Pleas. Needless to say, there was no back-log in our Trial Justice Courts system, nor has there been any scandal as I have pointed out. The improvements that were suggested, I feel would have had a great effect in strengthening these courts. The idea being not to require a town to join our state Circuit Court system, but to give them the option. We were going to say to the town, if you like this system keep it, if you don't like it, you have the option to join the nearest state maintained court. Why can't we keep this permissive, why do we have to compel? Towns that are satisfied with what they have got to go along with this much more expensive system. Others suggestions to strengthen the Trial Justice Court were training courses, a child justice assembly, such as we have in the Probate assembly here today. Certainly, no one will deny that the Probate assembly has strengthened our Probate Court system. We were going to take the Trial Justice out of politics, barring from membership on any town committee, yes, that would have been a step forward. We were to be uniform rule, practice and procedure; so that a defendant would have to post the same bond for the same offense in each town, and could reasonabley expect to receive the same fine in whatever Trial Justice Court he happened to be in. Those facts of this court on the record, I only like

to point out that this doesn't sound to me like the biography of a condemned man. There are certainly some virtues in this man, which we are here condemning to extinction; so far as the Circuit Court itself goes, I would first like to say that I would protest in our county of Litchfield where there will not be more than one Circuit Court, I would lay odds on that, we are a rural area and there has been no attempt to reorganizing The Probate Courts to give more than one Probate district to Litchfield county. Why can we expect, more than one Circuit Court? That means that some of our citizens will have to drive at least thirty miles to the county seat, if they have to go there for trial. Certainly, an inconvenience to people who now can receive this justice in their home town. Much has been said of this concession that has been made concerning remitting one-third of the fines to the towns involved. It has been stated that is just what the towns have been getting in fact now. Yes, that is what they are getting back now, but under this new system, they are going to be supporting $2,800,000.00 courts. Who is going to make up that difference? Under our present system, they keep two-thirds of these fines. Is it a concession I ask you to get one-third back instead of the present two-thirds? That is not agreed to me like a concession., at least to those who have claimed it to be so. Now the cost, I have already mentioned, almost $3,000,000.00 as compared to a self-supporting Trial Justice system today. The next point is this that was made a great deal of, the matter of the trial de novo. I simply raise the question has trial de novo really been abolished. If you look at Section 28 of the bill, I think you

will find that the judges in their discretion may grant a rehearing where they feel the party is not properly protected their rights; that is certainly a trial de novo, if there ever was one. At our hearings on court reorganization, we had one of our more eminent judges to the Superior Court here to ask his advise on this matter of retaining jury trials in a Circuit Court system. Many of you know to whom I am referring, and it was his opinion that to permit jury trials in our Circuit Court system is going to create a worse log-jam than we have ever seen. Simply think for a moment, if a person goes to our Circuit Court for a criminal trial, how long does it take to pick a jury; how long does it take to charge a jury; how long does it take the jury to deliberate? If there were twenty-seven thousand cases, the Trial Justice tried in 1957, it wouldn't take long for a log-jam to develop. I ask you is this a concession now, to eliminate a trial de novo in our Circuit Court? The point has been made that we aren't really doing just what I have said; that in order to get a jury trial, a person must go to the county seat. He won't get it in his own town; but certainly if I were charged with driving under the influence, reckless driving or speeding, I would certainly take my chances on a jury trial. Today to get a jury trial, you must appeal from a Justice Court. In our town most people feel that if they have had a fair trial, they take their medicine and go home. They don't bother to appeal. Now, on the Circuit Court, each person would not have to appeal, he goes directly into the Circuit Court; it won't cost him anything to have a jury trial. Why not rely on a jury, rather than take the judges

judgment of the judge sitting on the bench? It seems to me, there is a real possibility that this right to a trial by jury may be considerably abused, and result in a serious log-jam. Notice Section 111 of this bill, strangely enough, that Section could grant as far as counsel in the Superior Court and in the Court of Common Pleas to extending their arguments beyond an hour without the consent of the judge, nothing is said about that in the Circuit Court. Counsel can argue (indistinguishable) in the Circuit Court; so that I think that there is a real possibility of having a log-jam of major portion. Another point, I find disturbing is under the bar bill much was said that the employees there would be under the merit system; that seems to be a good idea of the rest of our state employees seem to enjoy and profit from being under the merit system, but I look through this administration bill, and I can't find anywhere that anyone is going to be under the merit system. If they aren't going to be under the merit system, what is going to happen? Everytime we have change of judges, there can be a turnover of court personnel. Isn't that exactly what we are trying to get away from today? Why shouldn't this merit system operate in the judiciary department, if it seems to operate well in our other departments of the government? Another disturbing feature of this bill is Section 20. You will notice there, that anybody who is now employed in a Municipal Court, who is taken in through the Circuit Court system, is treated as if he has been paying in to the state retirement fund as long as he had been working in that court. May of them, obviously may not have been, many of these Municipal Courts retire-

ment systems are non-contributory, and yet what will happen, here is a man who has worked eighteen years as an employee of the Municipal Court is welcomed into the Judicial Department with full retirement benefits, as if he had been contributing for twenty years, when actually he has not. It seems to me that it has marks a little of the court bill. Another provision which seems to disturb me reading it over is Section 11. There it permits a prosecutor to compromise more. At the last session, the judiciary committee had such a bill, but it was a pretty good idea. The bill went to Governor Ribicoff, and he vetoed it; said he didn't want that kind of legislature on our books. Now, here it is right back in the administration bill with this right to compromise on. If it was bad last year, that has suddenly become good; how do things change so quickly? Another feature which I think is disturbing here at least, is the idea of the selection of personnel. It seems to me very possible under this system, that the limits of some of our circuit is going to be the same geographical limits as many of our Municipal Courts today. What is there to prevent judges, who were once appointed by a Governor being appointed again to this Circuit Court bringing along with them all the court personnel that are now in the Municipal Court, with the result that you have the same old court house gang, only difference is we are giving them new robes, we are giving them a higher salary, we are giving them tenure and we are giving them retirement benefits. But I will be much surprised if many of these new judges do not emerge from the ranks of our present Municipal Court judges, the clerks, prosecutors and assistant

clerks right on down the line, may very well follow along with the judge. Another point that this matter of the Court thing required to meet in our smaller towns, and to have night sessions. If the legislative body of the small towns requires it. Now, again at a session of the Judiciary committee, we passed a bill requiring the Superior Court to set a certain number of weeks in Litchfield, a certain number of weeks in Ansonia and a certain number of weeks in Danbury and Stamford; now, they haven't done that. They have a perfectly good reason; they say it isn't feasible for us to do so with our present complement of judges. Now, I submit to you, that if we put this in the bill, there is nothing there to require our Circuit Court to sit in a small town, if they find that the volume of business does not warrant it, if they have so much other work, that night sessions are inconvenient, there will be any number of valid reasons why these judges cannot be required to sit in small towns and to hold night sessions of court. When we again call this a concession, I take it with a grain of salt. I've got to be convinced that these judges will do what they are told, when it is worked out that our Superior Court judges have seen fit to do what the General Assembly in part ordered them to do last session. Finally, we have the matter of constitution out. It seems to be fairly admitted around the halls of the Capitol, that there is a probability that abolishing jury trial in our minor offenses is going to require a court (indistinguishable) to prove its legality. I should think that is an unfortunate way for a new system to start off, if it is flying in the face of a test of its constitutionality

before it really gets started. So, Mr. President, I, with these reasons, feel that I must stay with the position I was in last week. If anyone can show me a need for a change and if we can eliminate these faults in this bill which we have before us, I will certainly buy such a bill; but until then, I feel compelled to vote against any bill which would abolish our Trial Justice Court?

THE CHAIR:

The question is on the acceptance of the committee's favorable report as amended by Schedule "A" and "B".

Senator from the 10th.

SENATOR HEALEY:

Mr. President, I move that when the vote be taken, that it be taken by a roll call.

THE CHAIR:

The question is that when the vote be taken, it be taken by roll call. Request so ordered.

Will the Senators please take their chairs?

May I just say that the roll call vote is now taken on the bill as amended by schedule "A" and "B"?

THE CLERK:

Substitute for Senate Bill No. 491. As amended by Senate Amendment Schedule "A" and "B".

Senator	Kerrigan of the First District	Yea
	Lebon of the Second District	Yea
	Armentano of the Third District	Yea
	Doocy of the Fourth District	Yea
	Barnes from the Fifth District	Yea
	Seanlon of the Sixth District	Yea

Senator Alfano of the Seventh District	Yea		
Falsey of the Eighth District	Yea		
Mareus of the Ninth District	Yea		
Healey of the Tenth District	Yea		
Piccolo of the Eleventh District	Yea		
Boyce of the Twelfth District	Yea		
Miller of the Thirteenth District	Yea		
Schaffer of the Fourteenth District	Yea		
Verriker of the Fifteenth District			
McGrath of the Sixteenth District	Yea		
McCarthy of the Seventh District	Yea		
Mattiani of the Eighteenth District			Absent
Urbinatio of the Nineteenth District	Yea		
Orefice of the Twentieth District	Yea		
Relihan of the Twenty-first District	Yea		
Gladstone of the Twenty-second District	Yea		
Caldwell of the Twenty-third District	Yea		
Buzaid of the Twenty-fourth District	Yea		
Hewitt of the Twenty-fifth District	Yea		
Sibal of the Twenty-sixth District	Yea		
Raiteri of the Twenty-seventh District	Yea		
Ferland of the Twenty-eight District	Yea		
Ceutu of the Twenty-ninth District	Yea		
Burns of the Thirtieth District	Yea		
Cady of the Thirty-first District		Nay	
Angevine of the Thirty-second District	Yea		
Pickett of the Thirty-third District	Yea		
Holbrook of the Thirty-Fourth District		Nay	
Dickson of the Thirty-fifth District	Yea		
Finney of the Thirty-sixth District	Yea		

Let us go back to Senator Verriker of the Fifteenth District.

SENATOR VERRIKER Yea

THE CLERK:

The tally shows the following votes:

Total number voting		35
Necessary for pa ssage		18
Those voting Yea	33	
Those voting Nay	2	
Absent and not voting	1	

THE CHAIR:

May I announce the votes and say, ladies and gentlemen, this

a most historic occasion for you members of the Senate. Certainly, it is a most historic occasion for the state of Connecticut. I am proud to say the "ayes" have it. The bill is ordered passed.

SENATOR HEALEY:

Mr. President.....

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

In reference to the bill that has just been passed, may I move for suspension of the rules for the purpose of immediately transmitting the bill to the House?

THE CHAIR:

The question is on the suspension of the rules for immediate transmittal to the House. Is there any objections? There appear none, the rules are suspended. The motion is for immediate transmittal to the House. All in favor, will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered to be immediately transmitted to the House.

THE CLERK:

Calendar No. 86. File No. 68. Senate Bill No. 178. An Act concerning Notification on Receipt of Property by Old Age Assistance Beneficiaries.

Favorable report of the Committee on Public Welfare and Humane Institutions.

SENATOR PICCOLO:

Mr. President.....

THE CHAIR:

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1959

VOL. 8
PART 2
403-829

THE CLERK:

Change of reference:

TRANSPORTATION

S.B. No. 378. An act concerning licensing of distributors of motor fuels.

THE SPEAKER:

Referred to the Committee on FINANCE.

THE CLERK:

Favorable report: The Joint Standing Committee on General Law on S.B. No. 746. An act concerning the validating of the notice given by Mary Kraft and granting her permission to prosecute to final effect a suit against the town of New Haven.

THE SPEAKER:

Tabled for the Calendar and Printing.

THE CLERK:

Favorable report of the Joint Standing Committee on Judiciary and Governmental Functions on:

Substitute for S.B. No. 491. An act concerning creation of a Circuit Court to replace the trial justice of the Municipal Courts as amended by Senate Amendment Schedules "A" and "B".

THE SPEAKER:

The Chair recognizes the gentleman from New Britain.

MR. GOOGEL:

I move that the rules be suspended in order that we may give immediate consideration to the bill just read by the

Clerk.

THE SPEAKER:

Gentleman from Brookfield.

MR. PINNEY:

I rise to second the motion.

THE SPEAKER:

Question now is on suspension of the rules for immediate consideration of the bill.

For what purpose does the gentleman from Westbrook rise?

MR. SCHLOSSBACH:

I rise for the call of the order of the day, sir. The order of business of the day is set forth in the Calendar that we have before us! A suspension of the rules can be challenged if continued before the order of the day.

THE SPEAKER:

In the opinion of the Chair the order of the day starred for action can be taken up at a later time.

Question now is on suspension of the rules for immediate consideration. For what purpose does the gentleman from Burlington arise?

MR. HOGAN:

I rise to move that when the vote is taken it be by roll-call.

THE SPEAKER:

The question is when the vote is taken it be taken by roll-call. All in favor say 'aye', opposed 'no". The 'ayes'

have it. A roll-call is in order. The House will be at ease while the announcement is made.

THE SPEAKER:

The House will be in order. I repeat that any person in the Hall of the House who is not a member of the General Assembly, member of the Press or an employee of the House or the General Assembly please remove themselves from the chambers.

The Chair is a member of the assembly and intends to vote on this issue.

Question is if you vote in the affirmative you will vote for suspension of the rules for immediate consideration of the bill; I will now unlock the machine.

Kindly direct your attention to the board to see if you have voted as you desire. Have all those voted who claim the right to vote? Does anybody desire to change their vote? If not, the Chair will now lock the machine.

The Clerk will please announce the tally.

THE CLERK:

Those voting yea	186	
Those voting nay	86	
Total voting		272
Necessary for suspension		182

Suspension is voted!

THE SPEAKER:

The rules are suspended!

MR. SCHLOSSBACH:

Mr. Speaker, I would like to challenge this vote. I do not believe that everyone who is present in their seats have voted! And under the rules they must vote!

THE SPEAKER:

It is the opinion of the Chair that everyone here has voted, and therefore the gentleman from Westbrook is not in order!

The gentleman from Westbrook.

MR. SCHLOSSBACH:

I would like to refer you to page 78 of our rules. Section 42, and in regard to that, Mr. Speaker, I would like to have the House counted!

THE SPEAKER:

In the opinion of the Chair the gentleman is out of order! Presumption is that 7 members are absent.

The Chair recognizes the gentleman from New Britain.

MR. GOOGEL:

I move the acceptance of the Committee's favorable report and the passage of the bill as amended in concurrence with the Senate.

THE SPEAKER:

Question is on acceptance of the Committee's favorable report and passage of the bill as amended in concurrence with the Senate. Will you remark. Gentleman from New Britain.

CBK
1-10

MR. GOOGEL:

At the very outset, Mr. Speaker, let me say that the Court Reorganization Bill, which this House is presently considering, is not the work or product of any one individual, any single group, organization or association, or of any political party. I am happy to say, Mr. Speaker, that the end product is the result of the collective thinking and combined efforts of many individuals, citizen groups, civic groups, Bar Association, and members of the two great political parties of our State! All of them have recognized that a court reorganization program was badly needed, and although there were some differences of opinion as to the form it should take, they resolved their differences, united and threw their support behind this measure. And, I say, Mr. Speaker, that the people of Connecticut will forever owe these dedicated individuals and groups a deep debt of gratitude!

Now I would like to take up generally the provisions of this bill to tell you in a brief way the purpose and general principles, and to give you a brief digest of what this bill proposes to do and how the Court Reorganization Program will function and work. Now the Judiciary Committee's basic purpose, Mr. Speaker, has been to replace the minor court system of Municipal and Trial Justice Courts with a full-time state-maintained court presided over by full-time qualified judges. It is our belief that the newly created circuit court

accomplishes this objective. The Circuit Court has generally been modeled after the present Superior and Court of Common Pleas. However, recognizing the need for the Circuit Court, to be able to adopt itself to special local problems, the Committee has not endeavored to make rigid provisions to cover all phases of the operation of the court. Rather, the Committee has proceeded on the assumption that the operation of the new court must be flexible, and that only experience will provide a solid foundation on which it can thrust more detailed provisions. To this end the Committee has let the final determination of a number of specific problems to the judges of the new Circuit Court themselves. They will have at least one year and one-half to work out the details of the Circuit Court preperation. Moreover, as the new court begins its official existence on January 1, 1961, the 1961 General Assembly will be convening and any need for immediate legislation that develops can quickly be filled. In considering the many problems of a new court the Committee encountered numerous suggestions of practices and procedures that would apply to all courts in the state. Many of these suggestions had considerable merit; however, we have determined in this bill to make no changes in the over-all operation of state courts and the administration of justice in those courts except the minimum methods necessary to establish a Circuit Court. Other changes have been left until later more specific bills.

I'd like to give you a brief rundown as to some of the details of this court; how it's proposed to set it up etc:

Section 1 provides for creating a Circuit Court and provides for initial complement of 44 judges. The judges are to be appointed by the General Assembly upon the nomination of the Governor in the same manner as the Superior and Common Pleas judges. The 4 year term equals the term of the Common Pleas judges, and while this term does not establish very substantial tenure we anticipate that since these judges have all the attributes of judges of the Superior Court and the Court of Common Pleas, they will like their brethern on their other courts, be subject to early automatic reappointment.

Now the statement of the length of the term has been patterned after the corresponding section for Superior and Common Pleas judges to make sure that any judge appointed to replace a judge, who for any reason has given up his office, will be appointed to a full 4 year term and not the unexpired portion. The 4½ year term provided for the first 44 judges is intended to enable the 1965 General Assembly to make reappointments and appointments during this session. Otherwise the 1963 General Assembly would have to act 18 months in advance. Now this is important - no more than half of the first 44 judges appointed may be members of the same political party, thus, reflecting Governor Ribicoff's pledge to appoint judges of the new court equally from both major political parties!

Section 2 of this act assures that each judge shall be a

member of the Bar in the State of Connecticut and will be a full-time judge. The salary of $15,000 has been set as the highest level reasonably possible under the existing judicial pay scale. We believe this salary is necessary to attract the qualified personnel who will serve as judges of this court. With this consideration in mind the salary was set at a minimum increment beneath the $15,500 salary of the Common Pleas Judge.

Section 3 provides for an annual meeting of the Circuit Court judges in the same manner as the Superior and Common Pleas Court Judges.

Section 4 authorizes the newly appointed circuit judges to meet anytime after their appointment for the purpose of taking whatever action may be necessary to initiate the Circuit Court. At these meeting the judges will be expected to make the decisions given to them by other provisions of the bill and to appoint necessary personnel.

Section 5 authorizes the judges of Circuit Court subject to rule making provisions of general application to make rules for the initiation of the Circuit Court and to publish these rules in the Connecticut Law Journal by July 1, 1960. This will provide ample time for the members of the Bar and other interested persons to become familiar with the rules of the Court, the new Court, and possibly to suggest modifications that might be accepted by the judges prior to the initiation of the Court on January 1, 1961.

DBK
1-14

Now I'm going to read an important section of this bill:

Section 6 establishes a basic plan for the geographic organization of this Circuit Court. The state is to be divided into circuits; no number is specified but we anticipate there will be at least one per county and very likely more, although county lines need not necessarily be followed, and in the amendment which was adopted in the Senate, they also said that court sessions will be held in any town where the legislative body makes a request for them! So if any town, through the process of its legislative body requests its court sessions be held in that town, there will be a session of that court in that town! Judges are to be on circuit as assigned by the chief judge. No judge may be assigned to consecutive duty in a single circuit for more than 4 months. The reason for that provision, of course, is apparent and obvious. We anticipate that during the winter months, when traveling may be difficult, judges will be assigned to circuits that include or are near to their homes. At other times, however, they are expected to travel to any circuit in the State. When we specify that judges are to be on circuit, we anticipate that within each circuit the judges assigned there will travel among the towns in that circuit. Of course it is not feasible to schedule court sessions in every town, but on the other hand we do not anticipate that sessions will be held only in central locations.

Now the hearing rooms and other rooms necessary for the

BK
-15

holding of court sessions, and furniture for such, are to be provided by the towns in which each session is held. Such rooms are to be maintained at the expense of each town. When available facilities provided for the Superior Court or the Court of Common Pleas may be used by the Circuit Court such expenses are to be paid by the county. Circuit Court offices are to be provided and maintained by the State, and the State will be responsible for all supplies.

Section 7 provides for a minimum of one office to be established in each of the circuits. The number and location of these offices shall be determined by the chief judge after consultation with the other judges on the circuit court. At least one clerk, or assistant clerk, shall be assigned to duty at each office. Other assistant clerks are authorized either to help staff the offices or to accompany the judges on circuits.

Section 8 provides for the appointment by Circuit Court Judges of a clerk, assistant clerk and temporary clerk. It is pattern after the corresponding provisions for the Superior and Common Pleas Court; and

Sections 9, 10 and 11 provide for the appointment by the Circuit Court Judges of prosecuting attorneys, assistant prosecuting attorneys and special prosecuting attorneys. They are patterned also after the corresponding provisions for the Superior and Common Pleas Court.

DBK
1-16

Prosecuting attorneys in the Circuit Court like other prosecutors are expected to evaluate charges presented to them and make up appropriate resentment and complaint. Prosecuting attorneys are in power to collect and with the consent of the court compromise forfeited bonds. There is to be at least one prosecuting attorney in each circuit. We anticipate that one prosecuting attorney will generally be responsible for a circuit to be assisted by as many prosecuting attorneys or assistant prosecuting attorneys as may be necessary.

Now, there is also a provision in the amendment which sets forth this composition, and this is rather important: That no prosecuting attorney or his partners or his associates of that prosecuting attorney or assistant prosecuting attorney in any of the circuit courts shall engage in the private practice of criminal law in <u>any</u> court, not just the Circuit Court, and then partners and associates of assistant prosecuters and clerks and assistant clerks shall not engage in private practice of criminal law in any circuit court.

Sections 14 and 15 deal with the appointment of court reporters which is similar to the system used on the Superior and Common Pleas level, and we go down the line here to some of the other minor provisions:

It gives Section 22 authorizing short calendar sessions, more claims sessions, night sessions and other special sessions, and domestic relations bureaus and various

communities that made advantageous the group related cases or classes of cases and disposed of them as special sessions.

Now Section 23 is known as the "Venue" section and that provides that civil actions ought to be heard in a circuit where one of the parties resides or is doing business, or in the case of a corporation is located in or has a place of business in, or where the defendant has some estate or tract in the circuit if the action concerns land.

Venue for criminal acts is the circuit where the crime was alleged to have been committed. We have provided the lack of proper venue shall not be failed; every action may be heard where brought by consent of the parties and the judges before whom the action is brought. Otherwise it is to be transferred to the proper session.

Section 24 sets the civil jurisdiction of the Circuit Court with claims up to $2500 except for actions which are within the exclusive jurisdiction of the Superior and Common Pleas Courts.

Section 25 sets the criminal jurisdiction of the Circuit Court where the maximum penalty is a $2500 fine or a one year sentence or both. The Court also has the same bind-over powers as present minor courts where offenses exceed its jurisdiction. As with the Municipal Courts the Circuit Court may take jurisdiction of offenses where the maximum penalty is a fine of $1,000 or a 5 year sentence providing the penalty

DBK
A-18

actually imposed is within the limits set out above.

Section 26 gives the court additional powers in civil cases.

Section 27 gives the court additional power in criminal cases. That is provided the process can be served by any proper officer, and we anticipate that the Circuit Court will use the services of town law enforcement officers when appropriate.

Section 28 authorizes the Circuit Court to grant a new trial under the same conditions that now apply to the Superior and Common Pleas courts. In addition the judges of the Supreme Court of Errors are authorized to promulgate rules for the granting of new trials in the Circuit Court under additional circumstances if such should be necessary.

Section 29 requires a judge in a criminal proceeding to make written findings of facts and confusions of law when requested to do so. This has been included to provide a criminal defender with a basis for making his decision whether to appeal or to accept the fact finding of the Circuit Court Judge and appeal on matters of law to the appellate section of the Circuit Court....In the great majority of cases we anticipate the findings will not be requested, but if requested they will be of a routine nature.

Now, there has been an amendment; of course, originally it was the feeling of the committee that there was to be no jury trials on the Circuit Court level, and in the event that

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that an accused wanted a jury trial he could obtain one by requesting a transfer to the Common Pleas. Since that time, however, at the suggestion of some of the Bar Association officers and others, it was decided to amend this Circuit Court act and provide that there be jury trials on the Circuit Court level, and the only exception to jury trials is in those cases where the maximum fine is $50 or less for a criminal violation there is no right to a trial by jury, or in a civil case where the claim and demand is less than $250 there is no right to a trial by jury.

There is just one additional feature that you will discover in your amendment, that's File No. 118, which was passed by the Senate, and which provides that all of the towns in the State shall have the right to retain, and I'm sure every town will avail themselves of that opportunity, to one-third of the fines imposed by the Court, the judges, and motor vehicle violations, and the towns will also have the right to retain all of the parking fines that are made. This of course provides some of the towns with some revenue that perhaps they might not have obtained under the original bill as drawn up.

The rest of the bill deals with procedural matters, statutory changes that are necessary in order to put this bill into effect.

Now, Mr. Speaker, I served my first term in this House back in 1931, that was 28 years ago, and on many, many

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occasions, Mr. Speaker, I wished that I possessed certain capabilities beyond my own limited ones so that I could influence and impress others with my reasons, my reasoning, my argument either in favor of a certain proposition or bill, or give a certain proposition or bill, and, Mr. Speaker, I want to confess to you that today, this afternoon as I stand here before you that I wish right now that I had the oratorical ability of a Daniel Webster or the home-spun philosophy and good wisdom of an Abraham Lincoln, or the talent and personality of a Franklin D. Roosevelt, or the warm-hearted appeal of a Dwight D. Eisenhower because I know that I lack all of those attributes, but I do want to impress upon the members of this House of the golden opportunity that is ours here this afternoon to make perhaps one of the most far-reaching contributions to the people of the State of Connecticut that has been made in the history of our State!

I don't know of any of us who have served this General Assembly in the past, who are serving now and will perhaps serve in the future, will have an opportunity like this again to play a principal role in a major piece of legislation such as this!

We are modernizing a judicial system which has been in operation in our State for over 3 centuries of time, 320 years to be exact! Now, someone once said of our judiciary that administration of justice in a Democratic society and Democratic government is a dynamic thing that should respond

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to changed conditions and to the change demands of the people. I submit, Mr. Speaker, that court reorganization in Connecticut is long overdue! And, Mr. Speaker, that is very much in order today, and each one of us in this great House of Representatives, who has been given this God-given opportunity to participate in this history-making event, should rise to the occasion and vote as one to improve the standards of the administration of justice in our beloved State!

THE SPEAKER:

The Chair recognizes the gentleman from Brookfield.

MR. PINNEY:

Mr. Speaker, I join in the applause for the brilliant detailed analysis of the bill which has been given to us by the gentleman from New Britain. In view of this careful analysis it will not be necessary for me to go into great detail or to make a lengthy speech. I would point out only a few brief matters in connection with this bill.

First of all, as the gentleman from New Britain has indicated, this bill is the result of the combined efforts of people of good will in both parties and civic-minded groups throughout the state of Connecticut. It is the combination of the best ideas contained in both of the major proposals which were before this assembly. It, of course, eliminates the present minor court system including the trial justice courts and the town and city courts, and it creates a new Circuit Court to be staffed by 44 judges who will be on a par with the

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judges of our present state-maintained judicial system and will have all the powers of office which these judges now have. The judges will lay out circuits and will set up their rules for operation, and in 1961 will commence to hear the small cases that come before our judiciary in the State. The bill has purposely left the description of circuits, the making of rules to the judges to be appointed providing a flexibility which will be important in developing a working machinery for this new court.

Now the court that is created is a court of real stature and first rank; it is a court capable of holding jury trials, of making final decisions, which decisions are appealable only on matters of law. It is a bill that at the same time goes a long way toward recognizing the legitimate desires of the small towns throughout the State, those towns which have been accustomed to the convenience of local court justice. First of all the bill provides a financial return to the towns in the form of a rebate of one-third of the fines, but secondly, and I believe vastly more important to the communities throughout the State it provides, in quite strong language, for convenience of sessions, and I would like to read this section to you: "Except for during appellate sessions, sessions including night sessions of the Circuit Court shall be held in any town the legislative body of which makes a request therefore to the Executive Secretary of the Judicial Department." Now I would underline the word "shall"; there's no discretion here the

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language of the bill requires sessions to be held in those towns which request it. This, I think, is a very important factor and a very important concession to a legitimate concern of the communities of this State.

This bill is a combination of more than 30 years of intensive work and study and slow, steady progress toward this point. As you all know the movement for improvement of our judicial system has been going on steadily for many years now, and gained tempo and force up thru the years until we have reached the point where at long last this General Assembly is going to vote today on this issue! I think that the whole procedure by which this particular bill was arrived at is an example of the legislative democratic process in action and at its finest; through the give and take and exchange of ideas we have created here a bill far superior to other proposals which were before us. It is a compromise which does not produce a watered down version of one bill or another, but instead produces a truly fine, well thought out bill which will create a judicial system of which all of us here in Connecticut can be proud. I hope that we will give our whole-hearted and united support to this bill!

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from New Britain.

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MR. GOOGEL:

The Clerk has kindly called my attention to the fact that motion should have been made on the adoption of the Amendment Schedule "A" and "B" before we consider passage of the bill as amended, and I failed to do that and I think that perhaps I should make that motion now so that there will be no question about the correctness of our procedure, and I move, Mr. Speaker, the adoption of Senate Amendment Schedule "A", file no. 56, and that has already been touched upon in my remarks on the bill proper.

THE SPEAKER:

In order to bring the bill properly before us the question now is on the adoption of Senate Amendment Schedule "A". All in favor say "aye", opposed "no". The "ayes" have it, and the amendment is adopted.

MR. GOOGEL:

I now move the adoption of Senate Amendment Schedule "B".

THE SPEAKER:

Question now is on the adoption of Senate Amendment Schedule "B". All in favor say "aye", opposed "no". In the opinion of the Chair the "ayes" have it. The amendment is adopted.

Will you further discuss the bill as amended by Schedule "A" and "B". The gentleman from Westbrook.

MR. SCHLOSSBACH:

The Clerk has an amendment.

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THE CLERK:

House amendment Schedule "A" by Mr. Schlossbach of Westbrook: "Cross out everything after the enacting clause and substitute in lieu thereof the following".....

THE SPEAKER:

Gentleman from Westbrook.

MR. SCHLOSSBACH:

I would like to ask that the reading of the entire bill be waived for the purpose of saving time.

THE SPEAKER:

If there is no objection the reading of the entire bill will be waived. Question now is on the adoption of House amendment Schedule "A". Will you remark. Gentleman from Westbrook.

MR. SCHLOSSBACH:

Mr. Speaker, Ladies and Gentlemen of the House: The amendment that I wish to speak on as you all know is the Interim Court Bill. This is the bill that those of us who sit on this side of the aisle, and quite a few of you who sit on the other side, felt was a real ~~[illegible]~~ step in court reorganization. Not only did we feel so but many of the citizens and our leaders felt the same way. You will recall that a statement was made by a gentleman who was perhaps most influential in this State for the preparation, and considered tops, of what we call the Bar Association Bill.

I notice at this time, Mr. Speaker, that that bill is

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dead! No effort has been made for a considerable time in trying to bring that bill to life, and the reason is a rather obvious one. The Administration Bill which had the support of His Excellency, the Governor of this State, was opposed to it, and it was known that without the support of the Democratic Party the Bar Bill couldn't possibly pass! So the support that the Bar Association shifted to through its spokesman we are now considering here in this amendment, the Interim Bill. And, the gentleman of whom I spoke before considered that bill; it is the only bill that gives real sense to our courts. It is true that he did not feel that the justice courts are a good part of our judicial system, but nevertheless he was willing to accept the Interim Bill rather than the Administration Bill with the disability found by continuing the minor courts.

What has taken place since that time? Since the time when those of us who sit on this side of the House met in solemn caucus and pledged ourselves to the Interim Bill, Well this is what happened: the same gentleman together with one of his senators came up with an idea of still getting what they called the Partial Bar Bill, which is your Circuit Court Bill which you have here today. They were coming to life again and now they were enlisting both sides of the aisle. The little gimmicks that were placed in the present bill as supported by the Democratic Party, and our leadership, the mite or pittance, as you have heard me characterize it, the

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one-third rebate to the towns of the motor vehicle fines; they did not tell you, however, that the little towns have to give up two-thirds of the fines and also that the little towns and all the towns had to create accomdations for the judges and the court at their own expense. Nor, have they dwelt very much on the one that has been hidden for so long...what is the cost of all this??!! It has been roughly estimated that under the bill that is being proposed here today that the cost would be approximately 5 million dollars! They did not tell you, however, that it was going to be paid for by all the taxpayers in all these small towns who are giving up their minor courts, so that we have in the Interim Bill one-half of that amount plus the fact that the small towns would still be able to poll two-thirds of the fines, and don't forget that the present bill calls for suitable accomodations, and I would like to know who is going to make that decision!? It wasn't so long ago in your memory and mine that a certain judge of the Superior Court refused to sit in one of our counties because the accomodations in that county were so bad!! Are the judges going to be able to demand that we give them court houses of statute as well! The Interim Bill provides that we shall move our Municipal Court into a division of the Common Pleas Court and that the judges shall be full-time. It also provides that the prosecutors, as well as the judges shall be lawyers! I would now like to have anyone of you turn to your file and find for me any section of that bill that requires that the

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prosecutors of the Circuit Court shall be lawyers!! Take a look at it. You are the ones who are going to destroy these minor courts here today, and you should know what you are doing! There is no question of constitutionalty that has been raised by the Interim Court Bill, but I can only ask those members of the Judiciary Committee who sat with me in the executive sessions attended by many of the judges of this State in which several of them said "there are red flags flying all over these bills" and what did they mean? They meant that there were many sections of that particular act, the Administration Bill at that time, that were just props with constitutional questions questioning the verity of that bill entirely. And, I say to you that there are many questions in your present bill that may make these same questions arise and will have to be answered. Now right here under Suspension of the Rules because "we want to put this bill through"!!! And yet you're going to have a year and a half to look it over. They couldn't wait two days to destroy a court system that has been with you for over 300 years. What is the rush? Where is the expediency of this? Where is the necessity for coming through? They say they want to get on with the business of the General Assembly. I say to you that there is no more important business than what you are doing here today, and I say that any bill that is crammed down the throats is suspect and rightly so. What is the reason for this rushing? Is it just murder has been done? And, like all murder it's much

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quicker to get the body under the ground where it can't be found, or if it lays on top too long it starts to smell!! I say to you that this bill you are now prepared to pass does just that!

Connecticut has always been known as a state of steady habits. We are proud of ourselves; we never rush into anything; that we always gave consideration and a great deal of it to every important step that we are to take, so did we feel with the Interim Bill. We were taking a step, a giant step as all leaders should in the direction of good court reorganization, and we also placed in our bill several items that would at the same time improve those courts that have been criticized not by the people of this State but by the newspapers of the State and by the leaders who word it. Now, just what is wrong???with the justice courts??? They say that they are manned by incompetence; we shall see whether or not those who want this bill passed are desirous of having competence because the bill and amendment offered here today requiring that a lawyer shall have practiced at least 20 years before being appointed to these courts. Let's see if they want competence or they want to make jobs for 44 young lawyers! In the small court situation in the Interim Court Bill there is an item which will allow each town to make a decision as to whether or not they wish to join the upper courts, and I say to you that in a period of two years if enough of those towns did join, the justice courts would die on the vine!!

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But, no, we can't take those chances; we must take this big step all at one time! We also have the requirement in the Interim Bill that a defendant may move his case to the Common Pleas division on motion alone. We do also require in our Interim Bill that no judge of the justice courts shall be a member of the town committee. That was to satisfy those who felt that too much politics were being played. Of course there is nothing in the present bill that will be political! Oh no! As a matter of fact His Excellency said that the judges are going to be elected by him with the help of some very prominent attorneys! And I say to you, John Bailey is a very prominent attorney!

I feel, Mr. Speaker, that this particular bill that we are offered here today is a good bill; it does everything that we want it to. It gives you a court of real stature. It keeps the small justice court and the minor court in the same position that we find it with certain reservations. But, it also does something that your bill that is presented here today doesn't do and that is, it does away with the possibility of a log jam that you now find in your bill, because you can be sure that with 160,000 thrown into 44 judges courts, in the circuit courts, with the right of trial by jury, it won't be long before your courts will be crowded as badly as the upper courts if not worse, and that is the best part, one of the good things, of keeping our small courts. They are convenient; they are speedy, and they are economical, and I

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say to you, Ladies and Gentlemen of this House, think hard whether or not you want to do away with something that is so close and dear to the hearts of everyone in this State of ours, or if you want to give them a chance to establish themselves in our State. I move the adoption for the motion, sir.

THE SPEAKER:

The question is on the adoption of House Amendment Schedule "A". Will you remark further. The Chair recognizes the gentleman from Meriden.

MR. SHEA:

It is difficult for me, a freshman in this House, to stand up and remark about the remarks of my distinguished colleague from Westbrook, but I cannot let this moment pass without making a few observations concerning the amendment which my colleague from Westbrook has offered. He has offered the well-known Interim Court Bill to us this afternoon; a bill which has been rejected by his own party, a bill which would give us half-way court reorganization at a time when the people of this State have spoken for full court reorganization. I should like to liken the Interim Court Bill as proposed in this amendment to a person who feels he needs a new pair of shoes and goes out and buys one shoe; half-way is not enough! We need full court reorganization as proposed in Substitute Bill 491.

I should also like to address myself to some of the remarks made by the gentleman from Westbrook concerning the various

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provisions of Substitute Bill 491. He has spoken about the amendment concerning the return to our towns of one-third of motor vehicle fines; he has erroneously stated to this House that at the present time towns are receiving all of these fines and therefore they are losing two-thirds of their fines. It need not go without saying that at the present time our towns and cities are paying the full expenses of these courts, and under the bill presented on the floor today the expenses for this court will be borne by the State, and therefore it is erroneous to state that our towns and cities are getting a 'dirty deal' so to say.

I would like to address myself to the sub-committee of the Judiciary Committee on the question of a small town in Connecticut in consideration of this court reorganization bill; I'm very proud to say that in the many hours of deliberation the sub-committee had on this bill that the small town position was extremely and thoroughly considered, and that in every way the men who served on this committee from all areas of the State realized full well that we were bringing out a bill for the entire state of Connecticut, a bill that would be the best for the small towns in the State, and the best for the larger and middle-classed cities of our State. I believe we have done it.

The speaker has also stated the 'Otis' is on us today for the doing away of the court system that is 320 years old. I would like to say that the people of this State with clarity and

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determination in the last General election spoke to us and said that their eyes would be on us today as we debate this bill. They expect the passage of this bill and I'm sure they will get it!

I should also like to remind the gentleman from Westbrook on the opposite side of the aisle that yes, we are people of steady habits, and I believe he is a man of steady habits as the people who are supporting also are. I should like to hearken back to the founder of the Republican Party, Abraham Lincoln, who in his campaign for election in 1834 stated that he wished to become a member of the General Assembly of the great State of Illinois because major matters would be considered; that he wanted a part of the good that would be done in that session of the General Assembly; that he also wanted to take part in stopping anything that would be bad. I would also like to remind my distinguished colleague that the first bill introduced by Abraham Lincoln in the session of 1834 in Illinois was a bill for court reorganization! Therefore, it goes without saying that as a member of the great Republican Party he can stand in the company of our finest if he supports the bill that is brought before us today. I'm sure that we are not going to have a perfect bill here today, being descendants of Adam and Eve it is impossible that we as humans can bring out such a perfect bill. This position was taken by all people who worked for the drafting of this bill, and especially the position was taken by the distinguished Majority Leader of the Senate,

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Senator Arthur Healey who acted as chairman of the reorganization sub-committee. However, we have done the best we can. Learned men in all walks of life have contributed to the matter that is before us today. They have rejected the amendment that is offered by the gentleman from Westbrook; they also remember, however, that we are not perfect and for that reason Section 41 of the bill before us today calls for the Executive Secretary of the Judicial Department to make a report to this session of the Legislature by January 15, 1961, so that any possible errors or omissions may be corrected. It is with pride that I stand here and ask for your support in rejecting the amendment. It is with pride that I take part in this historic occasion in asking for your support of a fine piece of legislation. I ask for the rejection of this amendment and the passage of Substitute 491 as amended.

THE SPEAKER:

The Chair recognizes the gentleman from Willington.

MR. HALL:

I'd like to inform the last speaker the Republican Party did not reject the Interim Bill; a certain portion of our party rejected it. To me it was a matter of principle; there was a matter of ethics involved. There is also the little matter of the eventual subjegation of our small towns. Last night I typed out my remarks; they seem almost useless to me knowing full well that there are those of you who will apparently vote for political expediency are going to put this

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thing thru anyway, but I want to take a few minutes. I want you to know that there is already in some of our towns wonderment over this thing. I have my serious doubts that had the people of this State, particularly the small towns, known in November what the ramifications of this bill were, believe me it would never have been in here today! How far should court reform go? There is no doubt in my mind that our court system needs repairs in certain areas. However, the complete dissemination and surgery of local justice courts is far from practical. They will surely be far more expensive. I am thinking of those folks from these towns who under complete reform as given are being manipulated by a heart-sick and self-centered minority of our citizens who see in its total eclipse the eventual tearing down of local government. First things should come first. The elimination of town or justice courts is not among the first. We of the smaller towns don't have to be attorneys to know that certain corrections might be made to the advantage of all concerned. I would and would go along with the idea of having a legal head for all justice courts and would so advocate; in fact I would make it mandatory. Centralization of justice courts under state control is not economy. It amounts to a bonanze for a chosen few. Our small towns from the beginning of time have always been and still are the real backbone of state government. Local courts are more than just close to the people; they are a part of us. There is no virtue in a change of this kind for the sake of changing.

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The throttling of the voice of the small town courts come mighty near taking away the last message of hope which we have in running our local government as we know it should be. Town government, and this includes the justice courts, is a basic part of our way of life. Taken from us we will come ever closer to a tight socialistic type of government. We have operated rather well over the years, and the reform need is not so much in the justice courts as it is in the higher courts where we know the traffic lead is tremendous. The closer local government is kept to the people the more responsive those people become. This reform, though I prefer to call it correction, is an intrusion by the State which is not looked upon kindly by the great majority of our towns.

We have had a sad experience since the state took over our county home. This taking of local justice will be even worse. The barn doors will be open and will become a paradise for a lot of hungry people! With an ice-cube for a heart these groups have been plotting our downfall methodically and with the hangers on, with their hands out for a government plum, we of the small towns will become the forgotten people! How hungry can the State get for still more power!! This is not government by the people; this is government for the people being forced against their will. I am not dedicated to preserving special groups or a machine at the expense of my birthright; I am dedicated to preserving the basic rights of the small town folks; rights which we have under the laws

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of this State. Fundamentally, town government is sound and sensible. This is no time, neither is it the right time, to throw out that which has operated successfully and bend the difference between good and bad town government. Our present system of local government worked exceptionally well. We of the small towns had better search our souls before we vote! Our decision should not and must not rest solely on future political ambitions. Once our town people wake up and realize we have held steadfast in our beliefs that local justice must not be tampered with, your political future is assured. I love my home and so do you; we are grateful for those who sent us here; we are working for those folks; we won't let them down. Democracy means freedom; freedom for the individual person or unit of government insofar as that freedom does not encroach upon the rights of others. This court reform definitely encroaches upon the rights of our towns to govern themselves within our present day laws. Voting to abolish our local government by the people for political expediency will eventually turn out to be the biggest blunder this party has ever made!! Thank you.

THE SPEAKER:

The gentleman from Newington.

MR. SATTER:

I think it is important to recognize that the Interim Court Bill as suggested by the gentleman from Westbrook, did not fail because of any political expediency. It failed on

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its merit. It failed because it doesn't solve the needs of our people; it failed because it doesn't go as far in court reorganization as our people want it to go. By retaining our trial justice courts we were retaining a system that continues to have many deficiencies. Some of them are a part-time judge who is devoted to other occupations besides being a judge and holding his court in his own house with the records in a kitchen cabinet, being totally untrained as a lawyer and a judge, and other deficiencies, particularly the one of political expediency because these part-time judges had their jobs turned away from them every time there was an election. Our new court bill would eliminate these important deficiencies and would correct them; it would make the court one we could all be proud of.

Now those of us of the sub-committee who worked on this bill worked very hard on every single sentence and word; it was tested and retested; every portion of it was carefully gone over, and in the end we came up with a bill that we honestly felt was the best that we could humanly achieve. By no means do we think we did the final last job; nor by the passage of this bill here in the legislature feel that we have done the last job on court reorganization.

This bill, in order to be effective, must be manned by the most capable judges that we can find in our State, and we of the legislature before whom those judges will come will have the right to scrutinize those judges and be certain that they

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are fully and completely qualified to do the job because I can conceive of no more challenging job that any judge will have than to become a member of this court at its initial stage and begin to put this court to work. We think it will work, we think it will work effectively, we think it will accomplish the kind of justice that our State wants and we feel, I'm certain, extremely proud that we voted for and made it come into operation. Again, I emphasize that to make it work we must get the best possible judges, and I believe we will get them. I believe, as Mr. Shea of Meriden said, that we all have a magnificent opportunity here today; an opportunity to pass an historic measure; one that is true it will change courts of 300 years, but will change them for the best and will create a judicial system that will fill the needs of our State at this time in this 20th century, and we firmly believe it will do it admirably. I therefore urge that we reject the amendment schedule "A" and pass the bill before us.

THE SPEAKER:

Question is on House Amendment Schedule "A".

Gentleman from Norfolk.

MR. ZANOBI:

I am not accustomed to speaking so if I stumble over my words, I hope you will excuse me. I want to speak on the amendment. The so-called (Rest of speech inaudible due to 'mike' difficulty. The following paragraphs taken from the Hartford Times of March 26, 1959).

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Rep. Joseph T. Zanobi, Norfolk Republican, labeled town courts as the backbone of the court system. He said that during the prohibition ear "bootleggers from New York and other places feared the small town courts in Connecticut more than anything else."

"This is the great giveaway of 1959," said Representative Zanobi, declaring that Democratic State Chairman, John M.Bailey would handle the patronage.

THE SPEAKER:

The Chair recognizes the gentleman from Thompson on House Amendment Schedule "A".

MR. LA FLEUR:

I am opposed to this amendment; I am opposed to any amendment that might come up or will come up under the Court Reorganization bill. As a matter of fact I am opposed to court reorganization! And this position goes back for a number of years because this is not the first session that court reorganization appears on these floors.

What is planned by court reorganization? Eliminate the justice courts which are now self-supporting by themselves, and instead create 44 judges professional jobs for lawyers, and in turn give these 44 lawyers a chance to appoint another 44, 88 jobs, which is no end, and even at that let them set the salaries of these others. I say, Mr. Speaker, that this is not an economy measure. One of the first remarks we heard this session was that there had to be an economy measure. I

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heard that story 4 years ago and 6 years ago! For these reasons I opposed it 6 years ago; I opposed it 4 years ago and even at this late date no one has been able to tell me all the facts about how much this court reorganization bill is going to cost us. This is not an economy measure and I'm afraid to say that before this year, or before the first year of this court reorganization is over, many o f these same people who are going to vote for court reorganization today are going to be sorry as heck they ever did!! I know I was one of the fellows a couple of weeks ago that was criticized by some of the leaders up here for asking to see the bill on the salaries come up for debate in this Assembly. I say to you, Mr. Speaker, I'd rather save $660,000 on salary than spend several million on something we don't know nothing about and nobody is going to tell us anything about here today!

For these reasons, Mr. Speaker, I opposed it years ago and I oppose it today. I oppose this amendment, any amendment and the bill on court reorganization!

THE SPEAKER:

The Chair recognizes the gentleman from Weston.

MR. LUPTON:

I rise to oppose the amendment schedule 'A' and in support of the Senate bill Substitute 491.

As a representative from a small town I wish to speak briefly in support of this measure. We who are representatives from small towns have a great responsibility to represent our towns

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in this General Assembly. This is not always easy to do yet I believe there are occasions, and we have here one, when we have an even more difficult task to represent our towns to this General Assembly. I refer to our responsibilities as representatives from small towns to represent the wishes, the wants and the needs of all the people of our State back to our small towns. There is no doubt in mind but that a great majority of the people of our State want the uniformed professionally staffed and supervised justice provided by this bill. To believe otherwise is folly!! In our gubernatorial elections we act in Connecticut as a united state. It must be agreed that in the last election the people voted overwhelmingly for court reorganization. It was the major plank in the Governor's platform. To say that the people of our State do not understand or appreciate the subject of court reorganization is recklessly to underestimate our citizens. Mr. Speaker, in the world of today all of Connecticut is a small town; in the growing competition of our union among the states for the available industry and business in the basic elemental search for more jobs for Connecticut people, our State will be required more and more from now on to act in concert as a united Connecticut!!.....with an increasingly consistent philosophy of concerted political action!!

In my view this court unification bill is a fore-runner of many more acts due to claim our thoughts and attention as citizens of Connecticut united rather than as representatives

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of our individual towns and cities. I plead with my fellow members of small towns in this State that they vote in favor of this bill as presented by the Majority Leader. Thank you.

THE SPEAKER:

The Chair recognizes the gentleman from Fairfield.

MR. MURRAY:

I am very pleased that this Interim Court Reform Bill came here on the floor because that is the reason I am here. In my home town of Fairfield, the own town of your former Majority Leader, Fred Pope, this was the issue in the campaign; this is the issue that caused us to ring 6,000 doorbells, to walk inches of leather off our feet, to meet on a common battle-ground and that battle-ground was the issue of court reform. There the Interim Bill got a full and fair hearing and for the first time in many, many years Fairfield came out and sent two Democratic representatives to this great Assembly. I ask, Ladies and Gentlemen, that you defeat this House Amendment Schedule "A" and give the people the type of court reform that they came out for in such tremendous number last November.

THE SPEAKER:

The Chair recognizes the gentleman from Bridgeport.

MR. LYDDY:

I've heard quite a bit mentioned today about the cost of this proposed reorganization plan. I at this time will attempt to give you some idea, if I may, of what the proposed

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cost vs. revenue may be. Of course we take into consideration that the actual cost of such a proposed reorganization plan is impossible to determine here two years ahead of time. However, some estimates have been made and I have here, or rather heard, the estimates that the very distinguished gentleman from Westbrook made of $5,000,000; I take issue with that. However, I would like to state at this time that it is the feeling of the people who had something to do with the formation of this bill that these proposed new court systems will be practically and for all intention purposes self-sustained. May I at this time - I didn't expect it would be agreed to, however I would like to back it up - I would like to callyour attention to a presentation given to our Judiciary Committee by the Honorable Jonathan Ells Held President of the State Bar Association. Now the State Bar Association for years, as you all knew, went into the question of court reorganization very thoroughly; they presented to this Assembly the largest bill in the Assembly. Therefore they had with them great minds and they had people who wmat into all phases of this, therefore I think that any treat given by Mr. Ells Held certainly has full authority behind it, and I would like to quote for you, if you will bear with me for a moment, a few passages from his presentation, and it may be enlightening to you: "The amount of fines collected by the justice courts in 1957, which went only to the towns and not to the State, was $190,581. The total fines collected by the Municipal Courts, with 7 not reporting, was $1,387,851 from

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which should be substracted the rough estimate of one-third for motor vehicle fines which went to the State, leaving approximately a net of $900,000 or an over-all total in 1957 from the minor courts of $1,100,000.

It was proposed by Judge Ells that taking into consideration, and again stating in his presentation that at the very maximum and listing the judges, the prosecutors, the clerks, the stenographers and all employees, that the cost of this court would be approximately $2,000,000. Now weigh that again back to what the revenue was in 1957, and take into consideration these 3 very important factors: first of all the increased jurisdiction of the new court on all levels to $2500; I say the increase because the justice courts are costing criminal cases at the present time the limit was $250 on a civil and was increased all to $2500; there certainly would be an increase there in revenue. (2) a discontinuance of the present practice on occasion of remitting part of the mandatory minimum fine prescribed by the Legislature in certain offenses notably drunken driving, and I think the lawyers in this General Assembly will agree with me on that point that if, and I stand here sort of chagrinly to admit, however, the situation should be remedied and there would be greater revenue from it from the judges who would be sitting on these courts, and thirdly, having to do with these judges, the presence of independent law trained judges who will more uniformly make the punishment fit the crime!! Therefore I think the increase

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of revenue would be in the estimation of Judge Ells, we would probably add, according to all of these figures, and estimated revenue of approximately $1,800,000. Compare that to the $2,000,000 he proposed it would cost for the courts. Now also take into consideration the Danbury traffic court which at the present time is a form of district court, and is probably the only comparable type of court to the one which we have proposed here, and this court in 1957-59 cost the State $18,435 and collected in revenue $18,629 showing a $200 profit!

Ladies and Gentlemen, I was privileged to be a member of the sub-committee of the Judiciary Committee which considered all the proposals which were made to us and all of the bills presented, and we attempted to come up with a bill which would be acceptable and be the fairest that we could come out with. It is by no means perfect, of course, and we know that with the amendments that have been added and proposed here today other than the amendment proposed by the gentleman from Westbrook, that we will have as near perfect a bill as possible two years before the inception of such a court, and I again call your attention to the fact that if any of these ramifications of this court system were to be challenged and were to be found not practicable that we would have the 1961 and following legislatures and assemblies correct it! I want to emphasize one more thing: Mr. Shea from Meriden brought out the point of the one-third, two-thirds. The

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gentleman from Westbrook mentioned the fact that the towns did send one-third to the State. However, under this proposed system, or rather let's go back to the system under which the towns kept two-thirds....the towns paid all the operating costs of this court including the judges and prosecutors' and the clerks' salaries and all other employees out of the two-thirds. Under this present system with the one-third going back to the towns, out of the two-thirds remaining for the State, the State pays all of those costs, and all the towns have to do for the one-third is to provide facilities, which in almost all cases presently exist.

Ladies and Gentleman, one more thing. There was a dove flying above this year during the debate and I would like to think that was the dove of peace, and may the creator of the dove be with us in our deliberation!! Thank you.

THE SPEAKER:

Will you remark further on House Amendment, Schedule "A". The Chair recognizes the gentleman from Farmington, rather from Bloomfield.

MR. WAGNER:

A question has been raised here of the cost of the new circuit court system, and my good friend from Bridgeport in his usual deliberate and methodical manner has attempted to answer the question. I think we would all agree that this necessarily has to be a prognostication of some doubt. No one knows, I suppose, actually whether this system will show a

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profit, break even or show a loss. I think that the greatest cost we have to consider, in consideration of the bill and of the proposed amendment, is the cost to the people of this State who are now suffering a miscarriage of justice through the operation of an uneven system of justice; a system which is one thing in one town and another in another town and in another part of our state. Much has been said about the basic rights of the people of the towns being affected. I wonder if those speakers are talking about the basic rights of the people who have an interest in the perpetration of the courts as they now exist or the basic rights of the people who use those courts.

Mr. Speaker, I come from a small town; I've spoken to many people and I am convinced beyond a shadow of a doubt that insofar as the users of the courts, the people who are brought before this bar of justice, the people who come to prosecute a small claim in their court, they are interested in a uniform system of justice, a system which is administered by competent judges.

The question before us is on an amendment, an amendment which would enact the so-called Interim Court Bill. Now, what is this Interim Committee Bill? The Interim Committee Bill sends out a report of an interim committee provided by a joint house resolution of the 1957 session, and I want to read the first two recommendations of that Interim Committee's report: "

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"The courts of the State must be integrated in the sense of their being a channel of responsibility and control." Mr. Speaker, it says the courts of this State, not the city courts, but all the courts of the state, and the second recommendation is: "Ultimately courts must be staffed by full time legally trained judges with tenure assisted by qualified personnel." Mr. Speaker, it says courts, meaning all the courts of the state. I submit, Mr. Speaker, in terms of those two recommendations that the main bill before this house more adequately meets the recommendations of the Interim Committee than does the Interim Committee Bill.

I want to close again on this question of the rights of the small town people. Coming from a small town it seems to me that in the early debate in the corridors and elsewhere, the question of this tremendous reorganization bill, that this was the fundamental basis of the real opposition to any court reorganization bill; that this was the idea to which I was willing to pay some heed and some attention; that there was a genuine feeling, perhaps, among the people of the small towns that they did not want their courts taken away; they did not want to be inconvenienced; they did not want to have to travel into the next county in order to have their day in court. Mr. Speaker, the bill before us, I think and have never possibly imagined could be done, fits the needs of the people in the small towns. The original bill prior to the amendment had a phrase which those of us on the sub-committee thought was a

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felicitous one and which we felt would adequately safe-guard the rights of the people in the small towns. I cite here just for comparison purposes and I quote from the bill prior to amendment, it said that such determination, and this has to do with the setting up the circuits, shall be made for the convenience of the litigants and their counsel, for the facilitation of court business and for the efficient use of judicial personnel to the end that court sessions will be held in as many towns as may be practical.

On the basis of that phraseology, Mr. Speaker, I felt that I could come before this honorable House and suspend that provision and state sincerely that that provision adequately protected the legitimate rights of the people in the small towns in a convenient system. In the events of the last ten days we had an amendment. I did not conceive that the words of that amendment would be proposed; I don't think that many of us on the sub-committee could conceive the words of the amendment as they are finding in this bill. Due credit must be given to all the people involved in the wording of this new amendment because I think it fits the situation in terms of the rights of the small towns as well as any words could possibly do so. They have been repeated here before and I do not intend to repeat them again; the Minority Leader has stressed this point I am stressing to you now. I believe, Mr. Speaker, that the rights of the small towns are fully and adequately protected; I urge the rejection of the proposed

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amendment involving the Interim Bill. Thank you.

THE SPEAKER:

Will you remark further on House Amendment Schedule "A". The Chair recognizes the gentleman from Farmington.

MR. MC GEE:

There are those on this side of the aisle who have reached a decision in support of the compromise bill only after great consideration and deliberation to the extent that my colleague and fellow lawyers, Mr. Satter, Mr. Shea, Mr. Murray have announced the Interim Bill as a half-way measure, I respectfully take issue. We did not reach the position that we would support the compromise bill because the Interim Bill was a bad bill!! On the contrary, we feel that it was a good bill and that it was a highly, practical bill. On the other hand, we feel that the compromise bill for the first time recognized the problems of the small town and is a reasonable compromise. I would only ask that those on both sides of the aisle will consider that as the philosophy of a portion of those of us on this side of the aisle. Thank you.

THE SPEAKER:

The Chair recognizes the lady from Stamford speaking on House Amendment Schedule "A".

MRS. MILLS:

I would like to speak against the amendment proposed by the distinguished gentleman from Westbrook, but the lawyers have spoken in favor of the other bill and I as a non-lawyer

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would like to speak in favor of it because I have worked for court reorganization for so many years.

THE SPEAKER:

Is the lady from Stamford remarking on the bill proposed or the amendment before us?

MRS. MILLS:

I would speak on the bill.

THE SPEAKER:

May the Chair request that you defer your remarks until we discuss the bill, AND dispose of the amendment.

The Chair recognizes the gentleman from Washington.

MR. SHEEHY:

I move that when the vote is taken on the amendment "A" it be taken by roll-call.

THE SPEAKER:

Question is on a roll-call vote on House Amendment Schedule "A". All in favor say 'aye', opposed 'no'. A roll-call vote is ordered.

The gentleman from Westbrook.

MR. SCHLOSSBACH:

Speaking on the amendment. I would very much like to say to my colleague from Meriden that if I indicated at all that all of the fines were lost to the towns I did not mean just that. I would like to comment on his reference to that great man, Abraham Lincoln. He indicated that he was the first one to ask for reorganization. If my memory is right he did ask

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for reorganization of the courts because at that time the courts were in the hands of the Legislature. There have been several statements that have been made here, and I believe that they are entirely erroneous, and the most erroneous one is the statement that the overwhelming victory of the Democratic Party in the last election could be laid at the feet of court reorganization. I do not believe that is true. If some of the younger men in this House go back just a few years to about 1954, and before that to 1949, they'll find the real reason for that victory of '58 for at that time we what I call "the great Connecticut's Youth", which undermined the Republican Party and for that reason, if for no other, it snowballed to what happened in 1958, and the gentleman from Fairfield need not, in my opinion, credit his victory to court reorganization, but for the same reason

(inaudible.)

The question before the House is the question of this Interim Bill. There are many things in that bill which I feel gives tha t court a better stature than does the present bill. I have referred to, of course, to the main feature and that is the question of competency. The great hue and cry in regard to the small courts was the fact that they did not have lawyers. I'd like to draw your attention to the fact that the appointments in the original court which were made for the present body carry several of the judges who are not lawyers!! What is there to protect the present situation with your present bill that

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the lawyers are also going to be the prosecutors of your Circuit Courts!!

The request has been made for a roll-call, Mr. Speaker, and I concur.

THE SPEAKER:

Question is on adoption of House Amendment Schedule "A". The Chair recognizes the lady from Woodstock.

MRS. PITTS:

I want to say something about the Interim Bill in relation to the ~~charge of the~~ trial justice courts. The lawyers have spoken and I shall not speak as a lawyer; I'm not a lawyer. I'm very much of a layman, but I do know something about the trial justice court of Woodstock because when I first came into the Legislature, when I was first elected, the trial justice of Woodstock asked me if I would like to visit that court, and every evening that that court has been in session and I have been in town and free I have gone to the court session in Woodstock, and I want to tell you that you cannot get better justice in any court. Of course, I know that there are good and bad trial justices. We have a good one!! But I do say that a great deal of this general attitude to our trial justice courts throughout the state comes from the manners of ignorance and prejudice! I do not think that people who live in those 102 towns know what goes on in the trial justice courts in general. I also think that those people are effected by the past history of the justice of peace courts

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when through misappropriation of justice due to the rise of traffic cases a great deal of wrong was done. This was performed in 1939; the trial justice courts had had a reformation. Now one man served and one assistant at trial justice courts. This was done. The stigma however of that lasts in the minds of people who do not know their trial justice courts and they are opposed to any form of change or improvement yelling 'off with its head' without considering.

Now, at a hearing Judge Carmody made some very good suggestions for the improvement. One of those suggestions was incorporated in the Interim Bill; that is the transfer to another higher court of any particular case or any town. Another suggestion of Judge Carmody's, the trial justice of this state was that a short course be given to those justices who were not lawyers. I cannot see why a short course in law would not give these men who have been elected and selected by their townspeople sufficient legal knowledge that would enable them to handle these minor courts. I do not see why they need law degrees for these cases.

I would like to say one more thing. Of course I realize the intention of which the elimination of the trial justice courts is to assure that the figure of justice be blindfolded, but I maintain that eliminating the trial justice courts you are not so much blindfolding justice as hiding her in wrapping and making her invisible. I believe that a great deal of all stature of the towns are of responsibility of good civic tone

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that comes from the fact that we know our trial justices, we know what is going on, it is not hidden, it is not a part, it is here! This we agree if we feel that justice is done we are proud; if we do not we are ashamed and have a feeling of guilt. What better could you have for any town, any democracy than a growth of that feeling of responsibility. We teach it in school; we have mock courts; we bring them to the Legislature; we try to train the young people. Here we have the real thing right on this doorstep; right there it exists now!! If we do away with trial justice courts at this present time, I most earnestly believe that in a generation or two we will be asking them back!! We will say bring it back, bring up the people, pay them in thought in judgment!

THE SPEAKER:

Will you remark further on House Amendment Schedule "A". The Chair recognizes the gentleman from Berlin.

MR. MC MAHON:

I rise to comment briefly and urge the ladies and gentlemen of this House to reject the Amendment of the gentleman from Westbrook. I think the adoption of Senate Bill 491 as amended is a clear mandate in expression from the people of Connecticut that we act accordingly and adopt this judicial reorganization.

I have studied this registration very carefully and it is not a lawyer's bill. The sub-committee at my persuasion removed the provision that prosecutors and clerks must be

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attorneys-at-law; anyone may serve in that paticular capacity. I have practiced law in 5 states for the past decade; I have practiced in the District of Columbia; I am one of the authors of the court reorganization bill in the District of Columbia; I have been studying legislative drafting and reorganization for the past 10 years, and I have studied this bill 491 very carefully, and in my practice in different states I have been extremely cognizant during my days on Capitol Hill of the various types of judicial organization. This bill which your sub-committee has drafted is a workmanship bill and is a bill that has given rural consideration to all ramifications of justice in the state of Connecticut.

I have practiced law in Connecticut in 27 very small communities, trial justice courts etc. I think it is a sad commentary in the 20th century that we are gifted with such antiquity. We must remove these courts; we must have modern courts which have a keen appreciation as evidenced in proper presentation of justice. I tried some cases where there was more attention paid to the surroundings of the court than actually the judge who would be presiding at the court. They are filled with disturbance, there is a lack of proper justice and I think it is a sad commentary in these times that we have to have such a system. I come from the small town of Berlin. I honestly believe that Berlin will benefit from this new circuit court system; it will benefit judicially and economically. The bill will restore dignity to the law of our

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state and the town of Berlin will no exception. This provision that one-third of the traffic fines comes back to the towns concerned is a good provision; it will give the local communities an opportunity to have sessions in their particular court if they so desire. I think that the mandate is very clear. I have spoken to hundreds of people; I have yet to have one person come up to me as a layman and say that they are against judicial reorganization. I think the provisions of the Interim Bill has not been given proper hearing; I do not think that proper hearings have been held on it; I don't think that there has been any sub-committee action on it that would reflect anything that could be adopted by this House. Comparison with the amendment with the circuit court bill 491 there is no comparison! The true justice is found in Senate Bill 491 as amended. Thank you.

THE SPEAKER:

Will you remark further on House Amendment Schedule "A". The Chair recognizes the gentleman from Killingly.

MR. CARLSON:

I will speak just briefly in favor of the amendment. I am from one of these small towns that have been talked about a great deal this afternoon; as a matter of fact, if I compared my town with Berlin and some of these other towns I would say it was real small, and I have the honor of serving people from my town and trying to interpret their wishes here, and I don't think that there has been any piece of legislation on which I

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have received so many calls from the people in town asking, "what in the world is going on up here"? If I were to speak as I had intended to originally, I would be duplicating what the lady from Woodstock has said because we have a very good trial justice court in our town; I have never found any fault with it; I have visited it, and we have capable people running it. In our town, if this bill passes, I'm not speaking on the amendment, Mr. Speaker, we'll be hard-put to find a place to set up a court on the basis on which the circuit court must be set up. This is going to be a great deal of expense to our town when we are already faced with high cost of education, school buildings etc., and now we are going to have to provide a place for a court. Our court as I said before is run very well. I haven't heard, since I've been here this session, any real case against the trial justice courts. I have tried to find out from time to time, to satisfy myself, that perhaps there is something wrong with the trial justice courts, but believe me I haven't found anyone who has said that their trial justice court in their small town was slip-shod, was run other than it should be, and therefore, I support the amendment to this bill.

THE SPEAKER:

The Chair recognizes the gentleman from Brookfield.

MR. PINNEY:

I will remark only very briefly. I want to point out to all of the members of this House that in the 1959 session of

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the General Assembly the issue has never been whether or not court reform; the issue has been how much court reform and what form will it take! House Amendment Schedule "A" which is before us now is the position originally espoused by the Republican party in this session. When we adopted that position we did so in terms of the other proposal that was before us, the then Administration Bill, and we felt honestly then, and do now, that between those two bills what is now embodied in House Amendment Schedule "A" was a better bill, but we are no longer faced with that choice; we're faced with a third proposition, a different and a better product than we had to consider before; a product which is the combination of the best ingredients of the two original proposals. For this reason the Republican Party abandoned its original support of what is now House Amendment Schedule "A", and determined to support the compromise bill embodied in Substitute 491 as amended.

For this reason I urge the defeat of House Amendment Schedule "A".

THE SPEAKER:

The gentleman from Wallingford.

MR. CARROZZELLA:

I rise to oppose the Interim Committee Bill proposed by the gentleman from Westbrook. In support of the Interim Committee Bill the gentleman from Willington stated it was a matter of principle for him to support the bill. In affect

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he stated that because the Republican Party had supported this bill before going into the matter and learning more about it and then changing their position that they had more or less gone down the river, and it was therefore his principle that he was going to support the Interim Committee Bill. Since when in this Hall does principle stand in the way of good government?! We are here to represent the people not to oppose one petty and insignificant principle!

The gentleman from Willington admits that changes should be made in the small town courts, but then he says that because of his principle he is against the compromise bill which his leadership has so well espoused. Now the gentleman from Westbrook states that the cost of the compromise bill will be excessive, and then he puts forth his amendment. Does the gentleman from Westbrook think that this amendment will not cost money?! I submit that it will cost money. But what of the cost. To think that those who would place costs before the protection of the indivdual rights is to me unthinkable. I submit, Mr. Speaker, that the Interim Committee amendment be defeated and that the proposed compromise bill be accepted.

THE SPEAKER:

Will you remark further on House Amendment Schedule "A". The Chair recognizes the gentleman from Thomaston.

MR. INNES:

Members of the House: I would like to make a few remarks on this court reorganization bill before us.

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THE SPEAKER:

Sir, are you speaking on House Amendment Schedule "A"?

MR. INNES:

Yes, I am. On the amendment.

I'd like to state that sometime ago when we first talked of court reform that we were informed as to what the present court system costs...ran into several million dollars. Now here last week or the week before, there was deficiency budget of some $15,000,000 come in here for action by the House, and at that time we voted $890,000 to carry our present court system along for the next 3 months until July 1st. I believe that that in addition to the cost of the court at the present time we have to put more money in to carry them along. If there's a new bill goes in I think some future assembly will have to do the same thing; we don't know what the cost will be.

Now I think that anyone who went to that hearing on court reorganization and heard the remarks of attorney Carmody went away feeling that he wished he had something to offer. There are 102 justice courts in the state and out of the 27,000 cases that were heard there was less than 1% of these appealed. Now I think that speaks for good judges! In our own town I held a hearing on this court reorganization and it was fairly well attended, and at that hearing unknown to me there was a motion made on the floor that we should go along with our trial justice court. In addition to that our local newspaper originally was in favor of court reorganization and they came

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out in an editorial and supported me on retaining the trial justice court, and the reason they did was due to the fact that our Governor has an austerity program. They thought that inasmuch there was an austerity program that it was a poor time to go ahead and spend more of our money inasmuch as we would have to raise taxes to do it.

Now I feel that we should support this Interim Bill and give the town the say whether or not they want trial justice courts or not. Thank you.

THE SPEAKER:

Will you remark further on House Amendment Schedule "A". The gentleman from Norfolk.

MR. ZANOBI:

Are we to believe that no justice has existed in Conn. for the past 300 years? Are the small towns populated with ignorant hill-billies? People who do not know the difference between right and wrong? Are the small towns to be considered uncivilized?, and so be led by the judgment of the gentlemen of the Bar Association?? And, the Governor's office?!

I submit to you, Mr. Speaker, that some of the grayer members of this assembly can recall back to the days of prohibition, the days of bootleggers and gangsters, that these city bootleggers from New York and such feared the small towns of Connecticut more than anything else because they hadjustice there and it wasn't good for them!!

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THE SPEAKER:

Will you remark further on House Amendment Schedule "A". The gentleman from Bethany.

MR. TURNER:

I represent a small town. We have our own trial justice court; we shall be very sorry not to have it continue. In addressing my remarks to House Amendment Schedule "A" I would like to have everyone look forward over the next 10 years or so if we were to adopt the Interim Committee Bill, I have told my own trial justice that when he no longer chooses to serve, if that bill were to be enforced in all probability there wouldn't be enough business left in the hands of the court to make the people want to retain it, and under the provisions of the Interim Bill we would then have our own referendum and go under some district court and we would not have our own court within our town such as the compromise bill now provides with the Circuit Court. I thank you.

THE SPEAKER:

Will you remark further on House Amendment Schedule "A". If not, the Chair will announce on the loudspeaker again that a roll-call vote is to be taken and we'll be in recess for two minutes.

AFTER RECESS

THE SPEAKER:

The House will be in order. May the Chair point out that in the anxiety to bring this matter to a roll-call no vote was taken

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on whether the vote should be taken by roll-call, so all in favor say 'aye', opposed 'no'. The 'ayes' have it. The roll-call is in order.

Now we are ready to vote on House Amendment Schedule "A". If you vote 'yes' it will be to adopt the House Amendment Schedule "A"; if you vote 'nay' it will be defeated. The Chair is ready to unlock the machine so we may vote.

Will you kindly direct your attention to the board to see if you have voted as desired. Have all those voted who claim a right to vote? Has every member in his seat voted? The Chair will now unlock the machine.

The Clerk will announce the result of the tally.

THE CLERK:

Those voting yea	82
Those voting nay	189
Those absent and not voting	8

THE SPEAKER:

The amendment is defeated.

Question now is on the Committee's favorable report and passage of the bill as amended by Senate Amendment "A" and "B" in concurrence with the Senate. The Chair recognizes the gentleman from Chester.

MR. WATROUS:

I have an amendment. Will the Clerk please read it.

THE SPEAKER:

Will the Clerk please read the amendment.

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THE CLERK:

Renumber sections 204 and 205 as 205 and 206.

Insert section 204 as follows: Any town having a trial justice court, or any municipality having a municipal court, prior to the effective date of this act, may, by a majority of its legislative body, vote to retain or reestablish such court as it was constituted, and having the same jurisdiction which it had, prior to said date.

MR. WATROUS:

I move the adoption.

This amendment is very short and very simple but the basic philosophy behind it is not simple. It incorporates the philosophy of home rule which I think anybody in this House is acquainted with if he doesn't actually believe it in his heart, because I am sure that some people in this House believes in government at the top level. This amendment will provide each town or municipality by a firm decision to have its own system of court. There are many points about this trial justice or justice of peace courts; most of them have been aired here this afternoon and for the previous 2 or 3 weeks. I f this amendment should pass people in the small towns and larger towns could retain their courts and prevent (inaudible) and all of the testimony I have heard here this afternoon and in the previous 2 or 3 weeks, (inaudible) if this amendment could pass people in the small towns and in the larger towns could retain their

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courts and prevent that a considerable (inaudible) and all of the testimony I heard here this afternoon there wasn't any question that there was considerable expense attached to the proposed bill; the amount has been anywhere from a million to 10 million. In the event that a good number of these towns should elect to continue their present system, it certainly will be a to the state in the years to come.

Some mention was made by the gentleman from Bloomfield sometime ago that the trial justice courts did not give out equal justice. The sentences were not uniform. That could be, but who is (inaudible due to mike difficulty). It was about 2 or 3 weeks ago when I sat in a meeting of what to last week I thought was a very fair assembly and I in this assembly a considerable dissatation on why there were in State's Prison. was that the ununiformity of the sentences; one man they sentenced to two years, another for 8 or 10 for basically the same offense. Now, I leave it to you whether or not they were legal minds that were making these sentences, and if they were not uniform, would we expect the sentences to be more uniform in the small courts. At the hearing the Judiciary Committee had voted to this state, and the judge of the or of a municipal court, made the statement that if a man or woman came to him without

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legal attendance that he would give them .
Now, would you expect that all our small towns were violations such as passing a traffic light, that if we do not hire a lawyer for an offense that might have a fine of $10 or $15 that we would have to hire a lawyer that would probably charge us $25 or $50; would we expect to have to hire a lawyer or else get the book! I don't think very much of except .

Ladies and gentleman in this House who may expect to come up for election for next session, and that's for members of both sides of the House, they certainly will have to stand before the people before and on this issue, and they may (inaudible)

Ladies and Gentlemen, and Mr. Speaker, I hope this amendment passes.

THE SPEAKER:

Gentleman from Chester.

MR. WATROUS:

I move that when the vote be taken it be by roll-call.

THE SPEAKER:

Question is that when the vote is taken it be by roll-call. All in favor say 'aye', opposed 'no'. The 'ayes' have it. The gentleman from New Britain.

MR. GOOGEL:

This proposed amendment, schedule 'B' will destroy one of

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the basic objectives of the Court Reorganization program or bill, which is mainly, of course, a court or an integrated court system in the state of Connecticut. I am opposed to the amendment; I hope it will not prevail!!

THE SPEAKER:

The Chair recognizes the gentleman from Brookfield.

MR. PINNEY:

I join with the gentleman from New Britain in urging the defeat of this amendment. As he has pointed out, it is simply another restatement in very short form of House Amendment Schedule 'A'. The issue has really been determined by the vote on that particular amendment, and I would urge that we maintain our position and defeat this amendment.

THE SPEAKER:

The Chair recognizes the gentleman from Westbrook.

MR. SCHLOSSBACH:

I am very happy to see that the Majority Leader and the Minority Leader agree on this one!!

THE SPEAKER:

Will you remark further on House Amendment Schedule 'B'. The gentleman from New Britain.

MR. GOOGEL:

Just one brief reply to the distinguished gentleman from Westbrook, and it might give us an idea about how we should govern ourselves for the rest of the amendments that are perhaps

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coming up I want to remind you, Mr. Speaker and the gentleman from Westbrook and all others who are interested that Lincoln's Gettysburg Address only had 266 words in it, and the Ten Commandments contain 297, and our own Declaration of Independence has 300 words, and I don't know how many words we have spent here on this bill so it must be a very, very important measure, and as the distinguished Minority Leader pointed out I think that perhaps all of the arguments have been made, generally speaking, and I think that perhaps we could proceed with dispatch on any amendments that might be coming up from this point on.

THE SPEAKER:

Will you remark further. The gentleman from New London.

MR. OTTAVIANO:

I've listened with great patience to all these arguments and I wish to make some remarks pertaining to this amendment. Once you get a uniform court system

(Inaudible)

integrated court system. Where an integrated uniform court system exists the judicious honor of the state is invested in a single court. State-wide and state-reported ~~the/judy~~ and all the different tribunals of branches, departments or divisions, and the business ~~of~~ as well as the judicial powers of the court is organized to prevent of judicial powers, needless clerical work, duplication of

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papers and records and over-lapping of jurisdiction. For example, the Court of Common Pleas has concurred in the jurisdiction of certain cases that the Superior Court above it and the Municipal Court below it. Other uniformed courts have well-trained, qualified judges throughout the judiciary, greater flexibility in the court systems, greater uniformity in the administration of the laws, more efficient in clearly fixed responsibility.

Now, I can't on this political issue and I whole-heartedly and actively endorse court reorganization. I would like to quote just one little paragraph which was put out by the New London Women League of Voters. (Inaudible due to mike difficulty)...(Also, due to too much noise in House.)

THE SPEAKER:

Question is on the adoption of House Amendment Schedule 'B'. Will the Clerk please clear the machine.

The Clerk will now announce the tally.

THE CLERK:

Those voting yea	68
Those voting nay	204
Those absent and not voting	7

THE SPEAKER:

The amendment is rejected.

DOROTHY KNUDSEN
HOUSE TRANSCRIBER

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THE SPEAKER:

Question is on the adoption of House Amendment Schedule "B". Will the Clerk please clear the machine? If you vote "yes" of course it's to adopt it, and a "nay" is to defeat it and reject it. The Chair will now unlock the machine.

Will you kindly direct your attention to the board to see if you have voted as you desire. Have all those who claim the right to vote done so? Does anybody desire to change their vote? If not, the Chair will now lock the machine.

The Clerk will now announce the tally.

THE CLERK:

Those voting yea, 68; those voting nay, 204; those not voting, 7.

THE SPEAKER:

The amendment is rejected.

The question now is on the acceptance of the committee's favorable report and the passage of the bill as amended by Senate Amendment Schedule "A" and "B" in concurrence with the Senate.

The gentleman from Norfolk.

MR. ZANOBI OF NORFOLK:

Mr. Speaker, speaking on the bill. To me this bill is like privileged class legislation. It does two major things. It creates forty-four new judgeships with all the attendant personnel, such as clerks, prosecuting attorneys, etc., etc. I wonder what other state gives its governor such sweeping patronage. Other than that, I believe it increases the financial security of

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all lawyers in this state. "How", you ask? Of the hundreds and hundreds of cases heard annually in these justice courts without benefit of counsel.....under this proposition even the most minor traffic case or breach of peace case will for all practical purposes require the necessity for counsel for the accused. A lawyer's minimum charge, I believe, is twenty-five dollars, thereby causing a financial burden on the defendant even if he is found innocent.

The slogan is "equal justice". What is the meaning of equal justice? Only a short time ago we nearly had a riot in the state prison by inmates who felt aggrieved because of vast discrepancies of sentences given by Superior Court judges on similar cases. You know the State Supreme Court rarely gives a unanimous decision. Are these new circuit court judges to be of such superhuman intellegence that they will not be subject to the frailty of human judgment? Even justice in ancient times, the law called for an eye for an eye and a tooth for a tooth. Can anyone deny that that was equal justice? But with the evolution of civilization man has come to realize that circumstances often alter cases, and what may be justice in one instance is downright dirty in another.

I would like to take the privilege of quoting from one of the great court cases (inaudible).

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

Amendment offered by Mr. Zanobi of Norfolk to a Substitute

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for Senate Bill No. 491, File No. 89.

In Section 2, add the following: No member of this 1959 general assembly shall be eligible for consideration for appointment to a judgeship, prosecutor or clerk of this court created herein for a period of ten years following the enactment of this law.

THE SPEAKER:

The Chair recognizes the gentleman from Norfolk.

MR. ZANOBI OF NORFOLK:

Mr. Speaker, as so often is said in these halls.....

THE SPEAKER:

The question is on the adoption of House Amendment Schedule "C".

MR. ZANOBI OF NORFOLK:

As so often is heard here, the amendment is self-explanatory. If especially the lawyers in this House whom I seriously question should have the right to vote on this issue as being personally and financially interested in the passage of this bill really believe in it, they should go along with this. If this court reform is so good they should forego any consideration of themselves for future judgeships.

THE SPEAKER:

Will you remark further on House Amendment Schedule "C"? The Chair recognizes the gentleman from Fairfield.

REPRESENTATIVE FROM FAIRFIELD:

I just wanted to say to the gentleman from Norfolk, I don't

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him trying to take money out of my pocket or keep it out, but I do hope that he will leave me the privilege of voting on this issue.

THE SPEAKER:

The Chair recognizes the gentleman from Mansfield.

MR. SMITH OF MANSFIELD:

This amendment may have been offered in part to arouse or to relieve the tedium of this discourse, but I want to point out that there is a provision of this kind in the federal constitution which prohibits any member of congress from receiving an appointment that was brought about by any legislation which he participated in, so it's not altogether a frivolous amendment.

I think the time is a little bit long, although the probation in the federal constitution, I think, is longer.

THE SPEAKER:

The Chair recognizes the gentleman from Washington.

MR. QUINLAN OF WASHINGTON:

Mr. Speaker, speaking on the amendment presented by the gentleman from Norfolk. It has been said out in our county that the only real agitation to destroy our justice court system has come from the governor, the lawyers and the League of Women Voters, and that proponents of court reform wouldn't dare submit this question of destroying the justice courts to a referendum in our one hundred and two towns having justice courts because it would be overwhelmingly turned down.

Now further, laymen have raised this point: the question

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of conflict of interest on the part of attorneys supporting this bill. To remove some of this criticism that has been justly or unjustly leveled at our profession, I would ask that my legal colleagues here today vote unanimously to support this amendment.

I urge the support of this amendment and, Mr. Speaker, I move that when the vote is taken that it be taken by roll call.

THE SPEAKER:

Question is that when the vote be taken it be taken by roll call. All those in favor say yes, all those opposed no. The ayes have it. A roll call is ordered.

Question now is on the adoption of House Amendment Schedule "C". Will you remark further?

The Chair recognizes the gentleman from Avon.

MR. AUGUST OF AVON:

Mr. Speaker, I profess at least to be a lawyer, but I have no objection to this particular amendment, but I do have a question which I would raise by a point of information: If the amendment applies only to members of the Legislature of this particular session. I don't think that we should put this burden on future legislators who might be attorneys if they so chose to accept an appointment of this nature. I might ask the Clerk to read the amendment again just for clarification.

THE SPEAKER:

Will the Clerk please read the amendment again?

THE CLERK:

In Section 2, add the following: No member of this 1959

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(#2)

general assembly shall be eligible for consideration for appointment to a judgeship, prosecutor or clerk of this court created herein for a period of ten years following the enactment of this law.

MR. AUGUST OF AVON:

I would have no objection to the amendment.

THE SPEAKER:

The Chair recognizes the gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, I'm going to exercise a little courage. I am a lawyer. I have objection to this amendment. I think it's class legislation for one thing. I think if we open up the door for this type of rider on a bill, or amendment, or legislation, we could very well say that no League of Women Voters who are behind this measure perhaps could participate in the future on any of these bills or as a housewife or anything else, or some of the gentlemen here who are laymen cannot if they vote on a certain road bill perhaps cannot use that highway for a period of ten years. This is almost bordering on the ridiculous, and I'm certainly going to vote against this amendment.

THE SPEAKER:

The Chair recognizes the gentleman from West Hartford.

MR. SHEEHAN OF WEST HARTFORD:

Mr. Speaker, I'm a layman. I object to the amendment. I feel that it certainly, at least by inference, impugns the integrity of many respected members of the bar here on both sides of

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this aisle. I think that we can enjoy an honest difference of opinion on any subject in this assembly and still have respect for the integrity of the men and women who comprise the assembly, and I urge the defeat of the amendment.

THE SPEAKER:

The Chair recognizes the gentleman from East Hartford.

MR. GRIFFITH OF EAST HARTFORD:

Mr. Speaker, I'd like to take exception to the remarks of the gentleman from Washington. As an employer of labor, time and time again, he gets up on this floor and said, "This legislation is detrimental to labor", and as an employer he should refrain.

THE SPEAKER:

The Chair recognizes the gentleman from Brookfield.

MR. PINNEY OF BROOKFIELD:

Mr. Speaker, point of personal privilege....point of order, excuse me. I haven't risen this afternoon to object to any remarks by anyone, but I do think we could avoid this aspersion on personality.

THE SPEAKER:

In the opinion of the Chair the gentleman from East Hartford is not speaking germane to the amendment.

MR. GRIFFITH OF EAST HARTFORD:

Mr. Speaker, it should work both ways.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Watertown.

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MR. KEILTY OF WATERTOWN:

Mr. Speaker, ladies and gentlemen, I'm no attorney either. All I do is work for a living, they do too, but I'll tell you this. I don't care if they make all forty-four of them right out of this honorable general assembly. I think the people here are honorable and I have no objection if all forty-four came right out of here. That's my opinion of it. Thank you.

THE SPEAKER:

Will you remark further on House Amendment Schedule "C"? The Chair recognizes the gentleman from Newington.

MR. SATTER OF NEWINGTON:

Mr. Speaker, I just want to say that this bill very specifically provides that no present member of the legislature can be made a judge under this act because it goes into effect on January 1, 1961, and the term of our office continues until beyond that point, and under the recent constitutional amendment, no present member of the legislature could ever hold the job in that court as initially constituted at any rate.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Westbrook.

MR. SCHLOSSBACH OF WESTBROOK:

I would like to remark on the statement just made. I do not think that is exactly so because the appointments can come in after the bill has been put in. However, I don't believe in this type of legislation myself. It doesn't seem to me that we should

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discriminate against any member of this general assembly in any way. I have some very good friends, one of them on the other side. I would like very much to see him a judge.

THE SPEAKER:

Question is on the adoption of House Amendment Schedule "C". The Chair recognizes the gentleman from Mansfield.

MR. SMITH OF MANSFIELD:

I think in fairness I ought to say that I was mistaken about this provision of the federal constitution. I couldn't find it quickly. It reads like this:

" No Senator or Representative shall, during the Time for which he was elected, (that means during his term) be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time." That refers only to the time, to the term for which the Senator or Representative is elected, and not for a period thereafter.

THE SPEAKER:

Will you remark further? This is on House Amendment Schedule "C". We are now ready to vote. The Chair will now unlock the machine. Kindly direct your attention to the board to see if you have voted as you desire. Have all those voted who claim the right to do so? If so, the Chair will now lock the machine. The Clerk will announce the vote.

THE CLERK:

Those voting yea, 28; those voting nay, 240; those absent

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and not voting, 11.

THE SPEAKER:

The amendment is rejected.

For what purpose does the gentleman from Farmington rise?

MR. NOYES OF FARMINGTON:

To speak on the bill before us, Mr. Speaker.

THE SPEAKER:

There are two or three more amendments being proposed, sir. Question now is on acceptance of the committee's favorable report and passage of the bill as amended by Senate Amendment Schedule "A" and "B" in concurrence with the Senate.

The Chair recognizes the gentleman from Willington.

MR. REPKO OF WILLINGTON:

The Clerk has an amendment.

THE SPEAKER:

Will the Clerk please read the amendment?

THE CLERK:

House Amendment Schedule "D" offered by Mr. Repko of the town of Willington to Substitute for Senate Bill No. 491, File No. 89.

In section 2, line 4, strike out "fifteen" and insert in lieu thereof "twelve".

In section 90, line 28, insert after "(c)": Fifty per cent of all funds which represent receipts from the payment of any fine for the violation of a law or ordinance concerning the operation of motor vehicles and.

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THE SPEAKER:

The question is on the adoption of House Amendment Schedule "D". Will you remark? The gentleman from Willington.

MR. REPKO OF WILLINGTON:

Mr. Speaker, I think this amendment has merit. Number one, these judges who are just glorified justices of the peace, do not come up to the standard of our common plea courts. Number two, they are not on the same plan as our common plea courts, and I believe, in all fairness to the public and to the taxpayers, that when our state employees have to contribute toward their retirement, I can't see setting up any special precedent for these judges for retirement free of charge.

Why did the Majority Leader omit section 20, and skip from 19 to 23? If you read section 20, these fellows, these judges will be given a special privilege of a retirement at the cost of the taxpayers plus survivorship for the widows.

I ask you, is this fair justice to the taxpayers? If this is what you wish then you may have it, but I am opposed.

THE SPEAKER:

The chair recognizes the gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, in answer to the remarks made by the distinguished gentleman from Willington, please be advised, sir, that the subcommittee on courts and the judiciary committee, when it came time to discuss the question of compensation for office of judges of the circuit court spent a great deal of time on that

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particular phase of it and they decided, in line with recommendations and suggestions that were made by Bar Association officers and citizens' groups and the Citizens' Committee for Better Courts and others, that the compensation should be pegged at fifteen thousand per year.

Now, these courts will have a considerable volume of business, and we want those courts to be courts of stature, and we want the judges who will occupy the bench and who are required to give full time to the duties of that office at least to have a living wage so that they won't have to worry about how they can support their family and send their children to college and so forth, and that was the figure that we agreed upon. I think it's a reasonable figure, but all the facts were taken into consideration.

I trust, Mr. Speaker, that this amendment will be defeated.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Brookfield.

MR. PINNEY OF BROOKFIELD:

Mr. Speaker, as the gentleman from New Britain has pointed out, one of the key factors in the development of this entire court reorganization system, and I might say this was a factor in both the administration bill and the interim committee bill and in the bill that we now have before us, was an effort to create judges who would be removed from the political arena and who would have stature and in fact tenure on the bench. This is a matter

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of extreme importance, and I subscribe to the remarks of the gentleman from New Britain insofar as the salary schedule is concerned. It's also important that these judges have the pensions and the perquisites of their office comparable to the remainder of our state maintained judicial system.

Now, if I heard the amendment correctly, it also provided for an increase in the rebate to the towns from one-third to fifty per cent. I would comment on that to this extent. The figure of one-third arrived at in the compromise bill derives from the fact that while the towns presently receive two-thirds of the motor vehicle fines back, they have had to maintain the courts and so forth, pay the salaries, out of the whole two-thirds figure, and on the state average the net return to the towns has been one-third. And consequently what we were doing in the amendment that has been the compromise bill was to maintain the existing ratio of net rebate to the towns.

I oppose this amendment and I hope it will be defeated.

THE SPEAKER:

Will you remark further on House Amendment Schedule "D"? If not, all those in favor of the adoption of Schedule "D" please indicate by saying aye, opposed no. The 'nos" have it. The amendment is rejected.

The Chair recognizes the gentleman from Westbrook.

MR. SCHLOSSBACH OF WESTBROOK:

Mr. Speaker, I have an amendment. Will the Clerk please read it?

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THE SPEAKER:

Will the Clerk please read the amendment?

THE CLERK:

House Amendment Schedule "E" offered by Mr. Schlossbach of Westbrook to a Substitute for Senate Bill 491, File No. 89:

In Section 1, line 3, after the word "governor" there shall be inserted the phrase "and upon the approval of such nominations by the State Bar Association of Connecticut".

THE SPEAKER:

The gentleman from Westbrook.

MR. SCHLOSSBACH OF WESTBROOK:

Mr. Speaker, I do expect to oppose the bill as it comes in, but certainly if we are to have a bill and it should turn out to be the circuit court bill I would like that bill to be as strong as it possibly could be.

This amendment is not new in legislative circles. There are many states of our union which require approval of men who are to be our judges by the Bar Association of that state. I am certain that even if this amendment does not pass that there will be some competent judges. But nevertheless, it would seem to me that this being very important to the members of the bar of this state that one of the necessary things to be inserted in a bill of this kind should be that your bar association should have some say at least to approve of those men who are to be selected. I don't believe there is anyone in this hall today who doesn't feel that our judges should be of the highest caliber, and certainly

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there is nothing in this amendment which would take away from that fact. It is my sincere feeling that this amendment should be inserted in order that this approval that it asks for shall be contained in the bill.

THE SPEAKER:

The Chair recognizes the gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, the circuit court bill we're now considering provides for the nomination and confirmation of the judges of the circuit court in the same manner as are now the judges of the Superior Court and Court of Common Pleas nominated and confirmed. I see no reason for this amendment. I trust it will not prevail.

THE SPEAKER:

The Chair recognizes the gentleman from West Hartford.

MR. SHULANSKY OF WEST HARTFORD:

Mr. Speaker, I am a member of the State Bar Association and I have been active in the affairs of that association, and I'm at present serving on the executive committee of the Junior Bar. I would oppose this amendment. I might call to the attention, although I haven't the exact statistics, I should call to your attention and through you to the attention of this House that the State Bar Association does not, I believe, have the unanimous membership of the members of the bar of this state. I think its membership is perhaps fifty per cent of the bar of this state, and I suggest that this bill provides for approval of the judges by a much more representative body than the State Bar

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Association, and by that I mean by the General Assembly. I oppose this amendment.

THE SPEAKER:

The Chair recognizes the gentleman from Brookfield.

MR. PINNEY OF BROOKFIELD:

Mr. Speaker, the governor has publicly stated, I believe, that it is his intention to seek the advice of the State Bar Association's committee on the judiciary when he makes his appointments under this bill. I think this is a commendable position for him to take and I trust that he will follow it.

As far as the amendment itself is concerned, I would point out that the governor of the State of Connecticut is elected to perform certain duties and that we in this General Assembly are elected to perform certain duties, and it seems to me that we should not make the proper performance of those duties contingent on the approval of some nonofficial non-elected body. It is our duty and the governor's duty to select the people who will fill these judgeships. I urge the defeat of this amendment.

THE SPEAKER:

The Chair recognizes the gentleman from Norfolk.

MR. ZANOBI OF NORFOLK:

The gentleman from Brookfield stated the position the governor has taken on this, and he has stated that he would seek advice and all that. The governor has also stated that he alone will appoint these judges.

In reference to an article in the Hartford Courant last

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Sunday mention was made about various appointments that come under the governorship including those appointments that must necessarily be of the opposite party. It was the contention of that article that the governor could appoint regardless of the wishes of the party involved, that he could appoint on his own discretion. I submit to you that the final decision in the appointment of these judges rests not with the governor, but with John M. Bailey.

THE SPEAKER:

The Chair recognizes the gentleman from Westbrook.

MR. SCHLOSSBACH OF WESTBROOK:

Mr. Speaker, I am very happy to hear from the gentleman from Brookfield that the governor has indicated that he is going to be assisted by recommendations. However, if that be true and I assume that it is, I see no reason therefore why it shouldn't be a part of this bill.

If our association, while it may not have all the lawyers as members, nevertheless has a position as far as judiciary system in this state is concerned, and I believe that we are only asking that they be allowed to give their approval. Thereafter, of course, it will come into this House for final approval, and I see no reason why this amendment should be opposed by anyone.

THE SPEAKER:

Will you remark further? If not, the question is on the adoption of House Amendment Schedule "E". All those in favor indicate by saying aye, opposed no. The 'nos" have it. The amendment is rejected.

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THE SPEAKER:

The Chair recognizes the gentleman from Morris.

MR. IVES OF MORRIS:

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

House Amendment Schedule "F" by Mr. Ives of Morris. Substitute for Senate Bill No. 491, File No. 89.

In Section 88, line 10, after the word "member" insert a comma and add the following: "except that any justice or judge whose combined service on the aformentioned courts was for less than twenty years shall receive as retirement, annually, an amount which shall be two-thirds the salary of a judge of the court of which he was last a member multiplied by a fraction, the numerator of which is the number of years of his service and the denominator of which is twenty."

In section 89, line 13, after the word "death" insert a comma and add the following: "except if her husband's combined service on the aforementioned courts was for less than twenty years, she shall receive twenty-five per cent of the salary of a judge of the court of which her husband was last a member multiplied by a fraction, the numerator of which is the number of years he served and the denominator of which is twenty."

MR. IVES OF MORRIS:

Mr. Speaker, I move for the adoption of the amendment.

THE SPEAKER:

The question is on the adoption of House Amendment Schedule

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"F". Will you remark? The gentleman from Morris.

MR. IVES OF MORRIS:

Mr. Speaker, this amendment, even though it sounds complicated, simply asks that if we have to subsidize the legal profession that we get something in return. Namely, twenty years of service or if they should retire before twenty years then they will receive a pro rata retirement. I hope the amendment passes, Mr. Chairman.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, I hope the amendment does not prevail.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Burlington.

MR. HOGAN OF BURLINGTON:

Mr. Speaker, this is a good amendment. This amendment should pass. I believe it would work in the implementation of this bill and make the bill a better bill if we are to have the bill. It is my contention that a man nearing retirement age would make a better judge than someone just starting in practice. I do not know for sure, but I believe that it is the ultimate goal of every attorney to become a judge to round out a cycle in his life of pursuing the legal profession. I believe that every attorney who has conducted himself for a period of twenty or

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thirty or forty years and has conducted himself in a manner that is becoming to the judicial that he is entitled to a judgeship, but I cannot on the basis of austerity, of good common sense, see why that any judge who has reached the age of sixty-six or sixty-eight years should go and sit on the bench for two or four years and then be able to retire at a ten thousand or greater salary. I believe that it is an injustice to the members of the bar who have reached that near retirement age to feel that they are under the stigma of possibly not being appointed to a judgeship because they are too near the retirement age.

I also believe this bill wouldn't hurt them because I believe that if they are capable attorneys and the proper attorney to be appointed a judge they have amassed a little of the coin of the realm and they're not suffering too bad for a retirement. This amendment to the bill allows them to retire at a percentage equal to the amount of time that they have served. If I am not misinformed, in the judges retirement they do not pay in a nickel towards it. Now, I may be wrong on that. A state employee has to work for twenty-five years and pay in five per cent of his salary before he is eligible for retirement, and he has to reach the age of fifty-five in order to be eligible at that time, and he doesn't retire on a ten thousand dollar salary.

Now, I believe that the statements that I have made here have been made in all fairness. I believe that they will make this a better bill if we must have it, and I hope that the good common sense of this Legislature from a sane, sensible viewpoint

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will support this amendment. I believe sincerely that it will make this a better bill in every way.

THE SPEAKER:

The Chair recognizes the gentleman from Brookfield.

MR. PINNEY OF BROOKFIELD:

Mr. Speaker, the judges of the State of Connecticut by comparison with the members of the judiciary of most of our surrounding states and of other states of comparable size are relatively low paid judges. Now, one of the arguments which has always been used in Connecticut to justify the low rate of pay is the fact that we have provided a liberal, attractive retirement system. A judge, when he goes on the bench, knows that his later years are going to be taken care of. He can afford to leave a lucrative practice and go on the bench. The immediate returns in terms of actual salary are below the incomes of most successful lawyers in the state. Consequently, without the liberal retirement provisions that we have in Connecticut we would have difficulty in attracting able judges to the various courts of the state.

Now this amendment is directed only at the circuit court that is being set up but would also effect the retirement rights of the judges of the Supreme Court, the Superior Court and the existing Court of Common Pleas. It seems to me that the net result of an amendment of this kind would be to make it impossible for older people to be attracted to the bench, and would almost certainly reduce the attractiveness of a job of this kind to high caliber lawyers throughout the state. I hope the amendment is

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defeated.

THE SPEAKER:

Will you remark further on the amendment Schedule "F"? The Chair recognizes the gentleman from Coventry.

MR. HARLOW OF COVENTRY:

Mr. Speaker, originally when the salary of fifteen thousand dollars per judge came out I was a little concerned, and I thank the distinguished minority leader for pointing out some questions that did bother me. But personally, if I had my way, I certainly would not even consider fifteen thousand dollars. It would be closer to twenty-five to thirty thousand branch because I was a little concerned on where will we get our qualified people to sit in the chair for fifteen thousand dollars a year, and I thank you, sir, very much for pointing out this problem to me.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Farmington.

MR. NOYES OF FARMINGTON:

Mr. Speaker, I would ask the sponsors of the bill whether the retirement benefits provided in it, this two-thirds of salary, are to be paid from the State Employees Retirement Fund.

THE SPEAKER:

Does anyone desire to answer the gentleman from Farmington?

MR. NOYES OF FARMINGTON:

I would specifically, sir, with your permission, direct that question to the majority leader as the originator of the

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motion to adopt Substitute for 491.

THE SPEAKER:

Does the gentleman from New Britain care to answer?

MR. GOOGEL OF NEW BRITAIN:

I would say in reply to the gentleman from Farmington that they would get paid out of the same fund as do the judges of the Court of Common Pleas and the Superior Court.

MR. NOYES OF FARMINGTON:

I thank the gentleman from New Britain for his comment and wonder if the gentleman from Brookfield has another.

MR. PINNEY OF BROOKFIELD:

Our retirement benefits are paid out of the current judicial department appropriations.

MR. NOYES OF FARMINGTON:

I thank you, sir, very much for the information, and as far as I can see the amendment is a eminently sound one because I think that the adjective 'liberal' used to describe the retirement benefits as set up in the bill as it now stands is a masterpiece of understatement. I don't know anywhere in the world other judicial systems to the contrary and notwithstanding where that kind of retirement can be obtained free of charge, and I think that this question of pro rata retirement based on a normal of twenty years, which in itself is low, is a perfectly reasonable proposition. It still would allow a man of forty-five to serve for twenty years and obtain full retirement benefits.

THE SPEAKER:

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The Chair recognizes the gentleman from Weston.

MR. LUPTON OF WESTON:

Mr. Speaker, I also wish to speak in favor of the amendment and I'm going to vote for it because I do not understand the logic of substituting good pension provisions in lieu of adequate salary. I can see some serious abuses of a situation of that kind, and I would think that it would be much better if there is a weakness in the bill in providing inadequate salaries that it be corrected there rather than to provide inducements and incentives for attorneys to get on the bench because of fine retirement programs, especially since this does not require any term or any length of service before the full retirement benefit is received.

I can't justify in my own conscience any form of pension for a job which is not limited and which does not specify that a reasonable amount of service be given in return for the pension.

THE SPEAKER:

The Chair recognizes the gentleman from Newington.

MR. SATTER OF NEWINGTON:

Mr. Speaker, and ladies and gentlemen of this assembly, I think there may be possibly some merit to this suggestion, but I don't think it's meritorious in its present form. I think that the whole question of retirement and of pensions is a very technical one and one which should be considered by the Judiciary Committee possibly or by the Finance Committee before it is passed upon, and for that reason I would vote against this but would reserve the right probably to have it reconsidered at another time.

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THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Chester.

MR. WATROUS OF CHESTER:

I wonder if the gentleman who just spoke doesn't know that this business is urgent.

THE SPEAKER:

The Chair recognizes the gentleman from Farmington.

MR. NOYES OF FARMINGTON:

Speaking for the second time on Amendment Schedule "F", Mr. Speaker. I would only point out that the gentleman from Newington is apparently unaware of the serious consideration which the Judiciary Committee of which he is a member has given to this whole proposition, and once we pass this bill extending retirement benefits without respect to length of service I despair of ever changing that situation.

Again, this is a most liberal situation and it seems to me entirely unfair to allow the judiciary separate and distinct from all other avenues of state service to operate under this particular provision, and I call the attention of the members of this Assembly who were not present in the last session to the, to me, ridiculous musical chairs proposition we had in the appointment of, it seems to me, four successive Chief Justices of theState Supreme Court of Errors within a period of a couple of months. Now, I have never been clear in my own mind as to why that was necessary, but it would seem to me that one reason would be a

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possible increase in pension, and it seems to me that's no way to qualify for a pension benefit.

I would move you, sir, that when the vote is taken on this amendment it be by roll call.

THE SPEAKER:

Question is that when the vote be taken it be taken by roll call. All those in favor indicate by saying aye, opposed no. The ayes have it. So ordered.

The Chair recognizes the gentleman from Morris.

MR. IVES OF MORRIS:

Mr. Speaker, I think from the discussion that has gone on since the amendment was introduced that there may be some parts of the amendment which hit at a subject that we didn't mean to hit. However, this retirement for the judges of this new court should be looked into, and I would ask you, sir, if we could stand at ease until a corrected amendment can be submitted, or if the aye votes don't want that whether we can recess this session until tomorrow.

THE SPEAKER:

The Chair recognizes the gentleman from Simsbury.

MR. GERSTEN OF SIMSBURY:

Mr. Speaker, may I correct what appeared to be an erroneous impression inadvertantly created by the gentleman from Farmington. The only reason why you had four appointments as Chief Justices is because we have a compulsory retirement age in the State of Connecticut, the age of seventy.

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THE SPEAKER:

The Chair recognizes the gentleman from Bloomfield.

MR. WAGNER OF BLOOMFIELD:

Mr. Speaker, I just want to take a trail for the benefit of those members of the House who may not understand it....what this amendment will do. This amendment which amends Section 88 and Section 89 would amend the present system with respect to Common Pleas and Superior Court judges as well as the proposed circuit court judges. I don't intend at this time to make any kind of a speech about the unbiased course they're trying to amend the law as it exists with respect to those courts on a discussion of this bill. That would be the effect of the amendment.

I respectfully suggest to those people who are the proponents of this amendment that this amendment should have been considered with respect to a separate bill changing the system now prevailing in the Common Pleas and Superior Court system, and I would address myself for just one more minute, Mr. Speaker. If the purport is to change the amendment at this time, if it could be done, to effect just the judges in the circuit court that that in my opinion would be just as undesirable. In view of all that has been said here this afternoon about giving this court stature and comparable ability to the Common Pleas and Superior Courts, how in the world are you going to justify one system with respect to retirement for the Common Pleas and Superior Court judges and another one for the circuit court judges? I think this is an

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eminently bad amendment. I think it should be voted down in the form in which it now stands because I can't visualize any modification of this amendment which would be a desirable one.

THE SPEAKER:

The gentleman from Morris has spoken twice on this amendment.

MR. IVES OF MORRIS:

I realize that, sir. I'd like to move for a fifteen minute recess.

THE SPEAKER:

Question is on a recess for fifteen minutes. All those in favor indicate by saying aye, opposed no. The 'nos' have it.

The Chair recognizes the gentleman from Weston.

MR. LUPTON OF WESTON:

Mr. Speaker, I want to thank the gentleman who has just spoken for his information, but it doesn't change my position, in fact, if the same conditions prevail on these other benches at this time the same principles should be applied in my opinion to them. It's perfectly proper to agree that under the present leadership of the state no abuse of this situation would develop, but it's also possible to believe that the opportunity of future state executives to use this provision in a negative way is very prevalent and very much present with us. And I still maintain that we must not substitute retirement programs in lieu of adequate compensation for our jurists.

THE SPEAKER:

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Will you remark further? The Chair recognizes the gentleman from Vernon.

MR. SPIELMAN OF VERNON:

Mr. Speaker, I believe that we have discussed retirement, and just to clarify that point, I'm speaking against this amendment, is that the State Employees Retirement Act was set up for state employees, the classified and unclassified service for the state. We have a retirement for our judiciary. I think if we agreed to elevate this court into the status of Common Pleas that we should at least elevate the court up to the same retirement plan that judiciary already has. If there are any abuses of this, it has been said that there isn't much chance of changing it in future sessions of the legislature----I don't believe that this particular session has any monopoly on brains. I think that future sessions, if they have a problem, will be able to make the necessary adjustments. I don't believe that we should tie in any thinking that in setting the salaries and the retirement of this particular court that there's any inducement to a judge to get on in order to get a good retirement. I believe the bill explains it well enough. It sets the salaries; it sets the same retirement plan judiciary has, and I think this amendment should be rejected.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Trumbull.

MR. SPIEGEL OF TRUMBULL:

Just a question. If this particular amendment is defeated

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could a new bill come out of committee asking an investigation of this entire problem?

THE SPEAKER:

Does anybody desire to answer the question?

MR. GOOGEL OF NEW BRITAIN:

Undoubtedly.

THE SPEAKER:

The Chair recognizes the gentleman from Greenwich.

REPRESENTATIVE FROM GREENWICH:

I would point out to the gentleman from Weston that we do have a brake upon abuses of this retirement plan in that the general assembly here has to approve each appointment, and if we find too many old judges are being appointed we don't have to appoint them.

THE SPEAKER:

Will you remark further? The gentleman from Burlington.

MR. HOGAN OF BURLINGTON:

Mr. Speaker, in reference to the remarks the gentleman just made about the old fellows being appointed judges----the point I tried to make was these old fellows was entitled to be judges, and I'm all for their being appointed judges but I'm not all for their being appointed judges for two or four years and retiring for retirement benefits. I again reiterate that in all due respect to the elder gentleman of which I'm fast approaching I believe that they are entitled, they should be appointed judges and they will be better judges, and I hope that this assembly

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will go along with this so that the stigma of possibly being appointed so that you may retire on a full retirement benefit will carry. I guess I'm getting this all bawled up, but I think you know what I mean.

THE SPEAKER:

Will you remark further? If not, we will take the vote by roll call. The Chair will now unlock the machine. Will you kindly direct your attention to the board to see if you have voted as you desire. Have all those voted who claim the right to vote? If so, the Chair will now lock the machine. The Clerk will now announce the vote.

THE CLERK:

Those voting yea, 88; those voting nay, 181; absent and not voting, 10.

THE SPEAKER:

House A mendment Schedule "F" has been defeated. The gentleman from Westbrook.

MR. SCHLOSSBACH OF WESTBROOK:

The Clerk has an amendment.

THE SPEAKER:

Will the Clerk please read the amendment.

THE CLERK:

House Amendment Schedule "G" offered by Mr. Schlossbach. Substitute for Senate Bill No. 491, File No. 89.

In Section 2, Line 2, after the word "and" insert the following: "shall have practiced before the courts of the state

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of Connecticut for at least twenty years prior to his appointment as a judge of the circuit court. He"

THE SPEAKER:

The gentleman from Westbrook.

MR. SCHLOSSBACH OF WESTBROOK:

Mr. Speaker, this amendment again in my opinion brings to a point that which has been indicated here by those who are in favor of the circuit court bill in which they indicate that they would like to have their courts, and this particular court, a real court of stature. I believe this amendment, Mr. Speaker, will help go forward in that direction. We are very proud of this on the basis of the previous amendment which was lost in that it is my considered opinion that in order to be a judge of a court of real stature that the member to be selected should be in the neighborhood of between forty and forty-five years of age. Most of the lawyers in this particular area now other than a few would be in that area in twenty years. A man becomes, or a lady, becomes a lawyer when they are in the neighborhood of twenty-five years of age, some earlier, some later, and after practicing for a period of twenty years have reached the age when they in their own minds can determine whether or not they have the judicial temperament so necessary to become a judge.

This amendment, Mr. Speaker, would do just that. It would create a situation under this bill whereas a judge would be in what I call a mature age insofar as the practice of law is concerned, and in a much better position to make a decision of whether

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or not he would like to be a judge and whether or not he has accrued a sufficient basic amount of the worldly goods. He has reached the age when he can make a real decision as to whether or not he would accept this position.

Under the present bill there isn't anything in it that will allow or stop shall I say, the appointment of a young practicing attorney, and believe me I have nothing against young practicing attorneys, but they do need substance, they do need experience in order to make judicial decisions, and I think that this amendment should be incorporated and I move when this is taken it be taken by roll call.

THE SPEAKER:

The question is that when the vote be taken it be taken by roll call. All those in favor indicate by saying aye, opposed no. In the opinion of the Chair the ayes have it and it will be taken by roll call.

THE SPEAKER:

The gentleman from Simsbury.

MR. GERSTEN OF SIMSBURY:

Mr. Speaker, speaking against the proposed amendment. At this point I'd like to differ with my distinguished colleague from Westbrook. In the first place I'd like to point out to the members of the House that the Attorney General of the State of Connecticut has to practice only ten years, and this is written in our statutes. Now, this would create fewer qualified men but not necessarily better men. I think the last appointment to

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the United States Supreme Court by President Eisenhower involved a gentleman from out in Ohio who was about forty-two or forty-three years of age, the most important tribunal in the world.

I think that he is also mistaken when he talks about judicial temperament coming with age. That's a combination of many qualities and I would urge the disapproval of this amendment, Mr. S peaker.

THE SPEAKER:

The Chair recognizes the gentleman from Brookfield.

MR. PINNEY OF BROOKFIELD:

Mr. Speaker, I would say in connection with this amendment only this: Maturity, judgment, judicial temperament are not necessarily associated with age. I urge the defeat of the amendment.

THE SPEAKER:

Will you remark further? The question now is on a roll call vote on House Amendment Schedule "G". The Speaker will now unlock the machine. Will you please direct your attention to the board to see if you have voted as you desire. Have all those voted who claim the right to vote? Does anybody desire to change their vote? The Chair will now lock the machine. The Clerk will now announce the vote.

THE CLERK:

Those voting yea, 31; those voting nay, 232; those absent and not voting, 16.

THE SPEAKER:

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House Amendment Schedule "G" is rejected.

The Chair recognizes the gentleman from Norfolk.

MR. ZANOBI OF NORFOLK:

Mr. Speaker, the Clerk has an excellent amendment.

THE SPEAKER:

Will the Clerk please read the amendment.

THE CLERK:

House Amendment Schedule "H" offered by Mr. Zanobi of the town of Norfolk. Substitute for Senate Bill 491, File No. 89 and 118.

In Section 1, strike out line 4 and 5 to and including the word "be", and insert the following: "except that, of the judges first appointed under the provisions of this section, twenty-two shall be appointed for a term of two and one-half years from January 1, 1961, and twenty-two".

THE SPEAKER:

Question is on the adoption of House Amendment Schedule "H". Will you remark?

MR. ZANOBI OF NORFOLK:

I think this is a very sensible amendment. This doesn't change the purpose of the circuit court bill at all. It simply makes appointment of these judges vary so that four years from now not forty-four will be appointed but only twenty-two, and every four years only twenty-two will be appointed for four year terms and it's splitting them up a little more sensibly than having all forty-four come up at one time with each election.

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THE SPEAKER:

Will you remark further on House Amendment Schedule "H"? The Chair recognizes the gentleman from Brookfield.

MR. PINNEY OF BROOKFIELD:

Mr. Speaker, if I understand the amendment, the purpose is to stagger the appointments. Actually the bill, once the initial appointments are made, all subsequent appointments will be made to fill existing vacancies so that as you have death or retirement during a term a new judge will be appointed for a four year term so that there is a staggering effect as the bill gets into operation.

THE SPEAKER:

Will you remark further? If not, the question is on the adoption of House Amendment Schedule "H". All those in favor indicate by saying aye, opposed no. In the opinion of the Chair the "nos" have it and House Amendment Schedule "H" is rejected.

The Chair recognizes the gentleman from Morris.

MR. IVES OF MORRIS:

The Clerk has an amendment.

THE SPEAKER:

Will the Clerk please read the amendment.

THE CLERK:

H ouse Amendment Schedule " I" by Mr. Ives of Morris. Substitute for Senate Bill No. 491, File No. 89.

In Section 6, eliminate lines 16 through 20 through the word "held" and insert the following: "Quarters and furniture

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necessary for holding court sessions of the circuit court, including hearing rooms and suitable rooms for the use of judges, prosecuting attorneys, and other court personnel, shall be provided and maintained by the city or town in which the sessions is held. Any additional facilities beyond those now present will be provided by the State of Connecticut."

MR. IVES OF MORRIS:

Mr. Speaker, I move for the adoption of Amendment "I".

THE SPEAKER:

Question is on the adoption of House Amendment Schedule "I". Will you remark?

MR. IVES OF MORRIS:

Mr. Speaker, today we have heard a lot about the costs of this court. To me this section requiring the small towns if they wish to have court sessions to maintain and provide facilities it is the unwritten cost in the bill. This amendment simply provides that if in reality the judges require additional space or facilities that that be provided by the State of Connecticut and not the towns in which the court will be held. We've heard that the towns under the present system keep two-thirds of the motor vehicle fines and send one-third to the state. However, there's been nothing said that the towns keep four-fifths of the fines of other than motor vehicles and in our small town where we have a good deal of boat regulations and other things this four-fifths amounts to almost as much as the motor vehicles fines. In taking these away and returning in its place only one-third of the motor

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vehicle fines, the painting of the rooms to satisfy some judge's whimsy would more than eat up the one-third that they're going to give us, and I think if they desire any additional rooms or facilities they should come from the State of Connecticut and not out of our small towns who are losing their courts in reality.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Norfolk.

MR. ZANOBI OF NORFOLK:

Mr. Speaker, this amendment ties in with the Amendment Schedule "B" to Substitute Bill and so on wherein it says except for jury and about sessions including night sessions and all that, that the circuit courts will be held at any town for all these other purposes, without this amendment now proposed this legislation is meaningless. It's an insult to the intellegence of this General Assembly to vote for that without this amendment because this assembly cannot legislate the normal procedure for the courts, nor the conduct, and where they're going to hold them. Is this the only way that you could make it trapped up for these judges to hold court sessions in these small towns?

THE SPEAKER:

Will you remark further on House Amendment Schedule "I"? The Chair recognizes the gentleman from Wilton.

REPRESENTATIVE FROM WILTON:

Mr. Speaker, I think I'll vote for this one. In our town the court meets down in the cellar.

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THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Mansfield.

MR. SMITH OF MANSFIELD:

Mr. Speaker, this was a point that I was going to make in discussing this bill a little later. I think there's no question that my town will not have any session of the court, and the change that was mentioned earlier by the gentleman from Brookfield would enable the town to ask or really demand a session of the court in one's town, but this language was left in the bill here..... "and unless suitable quarters are provided" the judges wouldn't come. Those suitable quarters must be such as to take care of the entire paraphernalia of the court, and if we're going to have jury trials in some cases as is told that will mean quarters for juries, men and women, and the result of this bill as it stands would be that there would be very few sessions of the court in most of our towns.....except the big places where there are quarters already.

THE SPEAKER:

The Chair recognizes the gentleman from Norfolk.

MR. ROBERTSON OF NORFOLK:

I move the vote be by roll call.

THE SPEAKER:

The question is that when the vote be taken on House Amendment Schedule "I" it be taken by roll call. All those in favor indicate by saying aye, opposed no. In the opinion of the Chair the ayes have it. A roll call is ordered.

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Will you remark further? The Chair recognizes the gentleman from Bridgeport.

REPRESENTATIVE FROM BRIDGEPORT:

Mr. Speaker, I while sitting here listening to all of the talk about costs and the small towns with whom I have some sympathy, I say some sympathy, after looking over the figures as given to us in the Judiciary Committee by Judge Ells, and taking the net figure--this is interesting, I think--taking the net figures in the year 1957 you will recall the figure from the Trial Justice courts was $190,581. Taking the 102 trial justice courts it works out to an average to each small town that they retained $1,868. approximately. The municipal courts retained under the same system approximately $900,000. There are 66 of those. Those towns retained $13,636. It occurs to me the loss to the small towns may not be felt as great or greatly as to the larger towns. There is quite a difference in income. Thank you.

THE SPEAKER:

The Chair recognizes the gentleman from Bethany.

MR. TURNER OF BETHANY:

Mr. Speaker, I rise for a question of information. I address my question to the somewhat distracted majority leader. I have a question. I spoke a short while ago, not as short as it might have been, comparing the court system that would have been set up if we were to pass the interim bill and my prognostication that in ten years we would have no local court in towns like Bethany whereas the present compromise bill would provide

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a circuit court. With regard to this amendment, I would like to ask the distinguished gentleman from New Britain what chance do we have in the town of Bethany to persuade the circuit judge to sit in our rather antiquated, built in 1914, wooden town hall where we now happily are content with our court, or are we going to be faced with a demand to put up a court house with jury rooms etc. etc. etc. out of our own pockets?

THE SPEAKER:

The gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

I would say to the distinguished gentleman from Bethany that you will find that the judges of the circuit court whose job it will be to ascertain and fix the places wherein courts will be held within a circuit or session of the court will go out of their way to try to accommodate as many towns as they possibly can. That intent has been spelled out. I am sure that the judges will try to cooperate in such a manner as to serve the convenience of the litigants and the general public and the attorneys, and unless that antiquated building is absolutely in danger of falling down over their heads I think they'll stretch a point or two, and if any building can physically accommodate a court room or court house I think they'll be very, very happy to hold court there provided, of course, that the amount of business justifies holding court in that place.

THE SPEAKER:

The Chair recognizes the gentleman from Orange.

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MR. MARTIN OF ORANGE:

Mr. Speaker, the delightful news came to us last night that our tax rate was going up eight and one half mills. I speak I think for the town of Orange and many of the other small towns who have been subject to a high increase in taxes because of education, and I do not want that town to suffer any more penalty as a result of this court action. Regardless of what bill is passed, our court is going out. It's a municipal court. In checking up I found that it is going to cost us $8,000. That's what we get net from that court. I feel that this amendment will help us to avoid any further expense which is going to be sufficient at any rate, and I recommend the passage of this amendment.

THE SPEAKER:

The Chair recognizes the gentleman from New Haven.

REPRESENTATIVE FROM NEW HAVEN:

Mr. Speaker, in the early part of the afternoon, or at least not too long ago, some of the distinguished gentlemen from the smaller towns with whom I have a great deal of respect so please don't misunderstand me, were talking in glowing terms about their courts and their facilities and the way their trials were being held. Now suddenly the buildings are antiquated and they can no longer accommodate some of the trials that might be held in their areas. I think what we should do here is take a "wait and see" attitude, and if what they say is true and the situation does become a little bit cumbersome I'm reasonably certain that the next general assembly will make the necessary provisions for changes.

Thank you very much.

THE SPEAKER:

The Chair recognizes the gentleman from Killingworth.

MR. CARLSON OF KILLINGWORTH:

Mr. Speaker, speaking in favor of the amendment. This is one of the big questions that I've had in mind as I mentioned before, the adequacy of facilities in our town to accommodate this new circuit court. Now, speaking somewhat in answer to the gentleman from New Haven, I don't think that our buildings are so antiquated that they're going to fall down, but I think that the big question in the minds of many of the people from the small towns is the adequacy of the facilities that we have now in respect of accommodating the new circuit court. Now, I don't question the gentleman from New Britain when he stated that every effort will be made to go along with the facilities that are available. I think that's what he mentioned but that may be alright and that may be true to start with, but I think as the years go on these things are going to change, the court is going to change and that the demandsare going to be greater. I know my town would like very much to continue to have a court in town. The quarters they have now are fairly suitable as far as the trial justice court is concerned. I think, however, there may be some question as far as the circuit court is concerned, and I am fully in favor of this amendment.

THE SPEAKER:

The Chair recognizes the gentleman from Haddam.

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REPRESENTATIVE FROM HADDAM:

Mr. Speaker, this sounds good from the point of view of the small town, but I think it potentially is the most dangerous of all. I would be afraid that over a period of time the judges would want better accommodations and that the State would be called upon to build one hundred and two court houses at a million dollars a courthouse which would be one hundred million dollars for the state.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Milford.

MR. LOVETT OF MILFORD:

Mr. Speaker, I have sat here this afternoon. I've listened through House Amendment "A" through "I". I have listened to the small towns, I've listened to the large towns. We happen to be probably in the intermediary group. However, I refer back quite some hours ago to the comments made by the distinguished colleague from Weston. He asked that in any regard when he spoke as a proponent of the Substitute for Senate Bill 491 that we remember that we are a Connecticut united I believe was the way he phrased it. Now, I don't think that this is going to resolve itself into a question of small towns against large cities or the small towns against larger groups. We are all here representing constituents within our own localities. There's no doubt about that. We revere the attitudes; we've been elected by those people; we're here to serve for them. I've heard several of our

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representatives say today that they appear here as using the court reorganization program in their platform and they would adhere to it. We too in Milford did the same thing. However, we stand here and we hear small courts, we hear large courts. I think basically the one thing is to remember that if all the constituents are added together it amounts to a total sum of the State of Connecticut, and as a whole that is what we are representing and we should remember that in our basic thinking. Thank you.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Morris.

MR. IVES OF MORRIS:

Mr. Speaker, I think it's too bad the amendment isn't so everybody could see it. However, if you examine the amendment closely, I think it will help not only the small towns but it will help the large towns also. I have a feeling that there's still a little Yankee ingenuity left in some of our towns, and I propose what would happen if a good number of the small towns decided they want no courts. Take example of Morris and we should decide to send them to Litchfield. Suppose Goshen and Warren and Harwinton sent them all to Litchfield. Litchfield is going to have to provide the additional facilities, and they can get no money back from the towns that send their cases up there while we stand the benefit, the one-third fees. I think all the towns should be protected against unwarranted building demands from these judges. I agree with the honorable gentleman from New Britain that these

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judges will try to meet in our courts. However, let's put it in the law that if they want additional facilities it comes out of their budget and not out of the local towns.

THE SPEAKER:

Will you remark further on House Amendment Schedule "I"? The Chair recognizes the gentleman from Durham.

REPRESENTATIVE FROM DURHAM:

If the judges appointed to this fifteen thousand dollar job, if he doesn't want to come down to the Durham Town Hall he doesn't have to take the appointment.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Simsbury.

MR. GERSTEN OF SIMSBURY:

Mr. Speaker, this is a very happy and palatable solution to some of the problems from the small towns. The representatives here who felt somewhat left out I think would be able to salvage a lot of their thoughts if an amendment like this were passed. This happens to be the very first amendment that I would be in favor of seeing go through. Now, in the first place, the gentleman from New Haven remarked about the present J. P. courts and the small courts. The procedure outlined in this bill that we're about to consider has an enlarged jurisdiction, and the volume of business is going to be greater.

As the distinguished gentleman from Mansfield has pointed out, we're now concerned with jury trials, and we have had nothing

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like that in the interim bill or the other bills. It would seem to me that there is a limitation imposed by the bill itself, and under line 11, page 2, it says that the sessions will be held in as many towns as may be practicable. I think that this is an excellent amendment and I would favor it and urge the adoption.

THE SPEAKER:

The Chair recognizes the gentleman from Vernon.

MR. HAMMER OF VERNON:

Mr. Speaker, unfortunately I am obligated to differ with the distinguished gentleman from Simsbury. I do not feel that the amendment under consideration is one of substance. I would call your attention, Mr. Speaker, and the members of this House, of Line 20 in Section 6 which provides that the circuit court may use facilities provided by the Superior Court and the Court of Common Pleas. I submit to you, Mr. Speaker, that in most of the counties, in the rural counties so-called, the existing facilities, although they may not be aesthetically pleasing, and they may lack some modern conveniences, are satisfactory for the purposes here required. I submit that that is true in Tolland County. It's probably true in Litchfield County. I would also like to state another objection that I have to this amendment.

As a member of the Judiciary Committee, I presented to the full committee at our executive sessions the complaints of some of the smaller towns in Tolland County, and the complaints were based upon the loss of revenue which some of these towns would sustain. On the basis of those objections the provision in regard

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to return of revenue was included. I was opposed to that provision, and I was opposed to it for this reason: There are some towns that will recover a windfall from this one-third return of revenue since they are presently not making any money from their local courts. I'm opposed in principle to making payment or paying a premium for acquiring the jurisdiction of these justice courts because I feel that the justice courts are administering the penal statutes which were enacted for the people of the state by their elected representatives and I did not feel that any town has a vested interest in their trial justice court. I feel that the return of revenue provision is sufficient to permit the towns to provide the facilities that may be necessary under this bill.

I urge the rejection of this amendment.

THE SPEAKER:

The Chair recognizes the gentleman from Avon.

MR. AUGUST OF AVON:

I am opposed to this amendment. I believe that if ever there was an opportunity to speak for economy, or a time to speak it, I think this is it. I'm convinced that if this amendment were to be passed, as has already been remarked, there would be one hundred and two new courthouses in the state all at the expense of the State of Connecticut.

Now, in the town of Avon we hold our court also in the basement of the Town Hall, but I'm proud of the fact that it's a neat one and well kept, and I believe that the benefits that go with being a judge of this circuit court which is proposed would

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outweigh the fact that the judge might have to go down a few stairs to the basement rather than up a few stairs to some other auditorium. I take this opportunity, I hope I might be excused for mentioning a personal matter, but my grandmother always remarked that there was nothing wrong with having patches on your overalls so long as they were clean, and I think that that well applies to this situation here as to our local court rooms.

THE SPEAKER:

The Chair recognizes the gentleman from Meriden.

MR. SHEA OF MERIDEN:

Mr. Speaker, I would like to endorse the remarks of my distinguished colleague from Avon. I would also like to remind the members of this assembly that what seemed like several hours ago I reminded the members here that within a few weeks after the convening of the next session of the legislature that a report will be submitted by the executive secretary of the Judicial Department concerning the operations of the new court. I should like to also state that the subcommittee of the Judiciary Committee which considered this bill discussed this problem and discussed it at length, and it was felt that due to the fact that there has been no responsible survey of the facilities of the state that the matter should be written in as it presently stands and that if there are problems that come up in this regard that the next session of the general assembly will be able to tackle them and tackle them quickly after it's convened. I therefore respectfully request that we vote against this amendment and get on with the

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business at hand.

THE SPEAKER:

Will you remark further? If not, the vote on the adoption of House Amendment Schedule "I" will now be taken. The Chair will now unlock the machine. Will you please direct your attention to the board to see if you have voted as you desire? Have all those voted who claim the right to vote? Does anybody desire to change their vote? If not, the Chair will now lock the machine.

The Clerk will now announce the vote.

THE CLERK:

Those voting yea, 106; those voting nay, 163; those absent and not voting, 10.

THE SPEAKER:

House Amendment Schedule "I" has been rejected.

The Chair recognizes the gentleman from Burlington.

MR. HOGAN OF BURLINGTON:

Perhaps we're coming to the end of the line. I'm certainly not going to belabor you too long with this amendment. The Clerk has an amendment.

THE SPEAKER:

Will the Clerk please read the amendment?

THE CLERK:

House Amendment Schedule "J" by Mr. Hogan of the town of Burlington. Substitute for Senate Bill No. 491, File No. 89.

In Section 205, lines 1 and 3, delete the words "January 1, 1961" and insert in lieu thereof "July 1, 1959".

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MR. HOGAN OF BURLINGTON:

Mr. Speaker, I move adoption of the amendment.

THE SPEAKER:

Question is on the adoption of House Amendment Schedule "J". Will you remark?

MR. HOGAN OF BURLINGTON:

Mr. Speaker, we're not going to take much more of your time on this amendment but this, I believe, is perhaps a fitting amendment to close on. I don't know of any more amendments here. But this, if we must have court reform, it's so important to the people of the State of Connecticut and it's a crying need, I can see no particular reason why we should keep them suffering from injustice for such a long time. I believe that some prominent speaker here brought out the point that this bill has been under intensive study for thirty years, and if it has sure the bugs have been worked out of it and I think that if we're here to do something for the people of the State of Connecticut, that we've been lax in accomplishing over all these years, that we should give it to them now. If we could do it the first of July it would then be in the next fiscal year in its entirety, and I understand that many people here have said the next legislature would know what to do about this if there is inequities in it, and I think those making up the budget two years hence might have a good idea then what it was going to cost.

THE SPEAKER:

Will you remark further?

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MR. GOOGEL OF NEW BRITAIN:

When would that effective date be, Mr. Speaker?

THE SPEAKER:

Will the Clerk please read the amendment again.

THE CLERK:

Delete the words "January 1, 1961" and insert in lieu thereof "July 1, 1959".

MR. GOOGEL OF NEW BRITAIN:

I'm sure, Mr. Speaker, that the distinguished gentleman from Burlington introduced this resolution with his tongue in his cheek. I think it's a facetious one because he as well as every one of us here realize that it's going to take some time to set up this circuit court. We have to get the facilities. The judges will have to do a great deal of work in preparation for the court to assume its duties, and certainly three months time is not sufficient. This was well thought out. The time for the court to commence its work, January 1, 1961, was the date that it was agreed upon to have the courts be organized by that time so that the circuit court could begin to function and function properly. I trust that this amendment will be defeated.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Brookfield.

MR. PINNEY OF BROOKFIELD:

Mr. Speaker, I join with the gentleman from New Britain in urging the defeat of this amendment. I urged in the course of the

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conference from which the compromise bill developed that the effective date be moved up, but I was convinced by members of the Bar Association Committee which worked long and hard on this whole court reorganization program that the mechanics of setting up the districts, of working out the rules of procedure, and of developing an orderly process so that the court could function properly would require a substantial period of time, and I'm convinced that that's a sound position and that we should defeat this amendment.

THE SPEAKER:

The Chair recognizes the gentleman from Mansfield.

MR. SMITH OF MANSFIELD:

Just for information, hasn't the executive budget as presented to us assumed that this was going through, and hasn't the budget that's been presented to us estimated the net cost to the state of this change? If so, has not the budget been made upon the basis of the immediate effectiveness of this act in the next biennium.

THE SPEAKER:

The Chair recognizes the lady from Darien.

MRS. FARMER OF DARIEN:

As I recall, the governor included in the budget for the Judicial Department an item of $3,000,000. for the operation of these proposed courts from January 1, 1961 to July 1st. That is the item that is now in the budget....for one-fourth of the biennium.

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THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Simsbury.

MR. GERSTEN OF SIMSBURY:

Mr. Speaker, because the orderly transition of business must take place if this bill passes, and it looks like it's going to pass, it would be virtually impossible to avoid chaos because you have to transfer the records from the various clerks offices into other places, and it would be impossible to take care of such a complex and complicated structure in such a short period so there's much more to it than just budget. I would urge the disapproval of this amendment.

THE SPEAKER:

Will you remark further? Question is on House Amendment Schedule "J". If not, all those in favor please indicate by saying aye, opposed no. In the opinion of the Chair the 'nos' have it. The amendment is rejected.

The question now is on the acceptance of the committee's favorable report and the passage of the bill as amended by Senate Amendment "A" and "B" in concurrence with the Senate.

The Chair recognizes the gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, I move you when the vote is taken on this measure it be by roll call.

THE SPEAKER:

The question is on a roll call when the vote be taken.

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All those in favor indicate by saying aye, opposed no. The ayes have it. A roll call is ordered.

The Chair recognizes the gentleman from Orange.

MR. MARTIN OF ORANGE:

May I, in talking on the bill itself, ask a question of the distinguished gentleman from New Britain?

THE SPEAKER:

You may ask it.

MR. MARTIN OF ORANGE:

The question is: In this consideration of court reorganization, in listening to the testimony it indicated that over eighty per cent of all the cases coming before the courts of this state were traffic cases. The question I'd like to ask him and all of those who formed these bills is why there was no consideration given for traffic courts in the State of Connecticut under this reorganization.

THE SPEAKER:

Does the gentleman from New Britain care to answer that?

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, I don't know the exact percentage of traffic cases. I know, of course, a large percentage of the cases heard by the minor courts did involve traffic violations, and the overall important part of our consideration, of course, was to the reorganization of the minor courts. Now, I am certain that if the circuit courts or any other branch of our integrated court system decided it's necessary later on perhaps to have a traffic

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division that that can be done under the rules.

THE SPEAKER:

Will you remark further? The gentleman from Orange.

MR. MARTIN OF ORANGE:

Is there any assurance that we can have that this will take place? The figures that I heard in the testimony which was given before the committee was that in the justice courts that eighty-five per cent of the cases were traffic cases, and in the overall of all the courts of the state that it was over eighty per cent so I think there's ample justification for the setting up of traffic courts in the State of Connecticut.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Montville.

MR. BARNES OF MONTVILLE:

Mr. S peaker, ladies and gentlemen, last Thursday evening at the Jefferson-Jackson dinner here in Hartford, the great Texan, Senator Lyndon Johnson, spoke about, among other things, "the will of the people," "the servants of the people," and "the freedom of men." On my way home that night, I pondered over these features of his address and their relationship to this House of Representatives, and, then, whether or not we would be carrying out the will of the people if we passed this bill before us today. I recalled that the clamor for court reorganization had not come from the people, that the people of Montville had voted to retain their Justice Court at a duly held referendum, and that at a very

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recent, March 14th to be exact, meeting of the Grange of New London County, not a hand had been raised when the question was put if there were anyone present who favored court reform, this inquiry before a discussion was held on the subject.

Are we the servants of the people if we put through something they have not asked for, and are we free men and women if we vote as we are told by others and not by the people we are supposed to represent? I ask all of you, in all seriousness, is this measure the will of your people, are you the servants of your people in carrying out their will, and are you free to do so?

Have you thought about what your constituents will lose if this bill is passed, losses which will not be realized until after the fact? I should like to point out a few losses which I am certain will follow, these in spite of denials by the proponents of this measure.

(1) Community Court Service--the loss of which will mean traveling longer distances to courts located outside of one's town.

(2) Prompt Court Action--the loss of which will mean being placed on a court calendar with others from other communities, waiting one's turn, perhaps for weeks, if the speed in dispensing justice in the higher courts is any criterion.....

THE SPEAKER:

The Chair recognizes the gentleman from Farmington.

MR. NOYES OF FARMINGTON:

In fairness to the gentleman from Montville, whatever our

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attitude may be with respect to what he has said, may there be order in this chamber?

THE SPEAKER:

Will the House please be in order?

MR. BARNES OF MONTVILLE:

Thank you, sir. If the speed in dispensing justice in the higher courts is any criterion, this in contrast with the current completion of all cases once every week in our small courts. Let's not forget that waiting for trial, even for the most trivial infraction, is mentally agonizing, the sooner the trial is over, the quicker is the psychological relief.

(3) Convenient Court Hours--the loss of which will mean absenteeism from work, with consequential loss of production and pay, detrimental to employer and employee. Our small courts are geared to avoid these losses. The new court system will not be so accomodating; these courts will function only during working hours on working days, the latter in spite of what has been said here today.

(4) Release on Recognition--loss of which will mean bail, a windfall for bondsmen, this an added expense to local offenders. Let's not forget that local judges in our small courts know local inhabitants and whether they can rely upon them to appear in court without the persuasion of bail.

(5) Right to Appear Without Legal Representation--loss of which will mean the retention of costly attorneys. No self-respecting citizen will think, and no one will dare, to take a

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chance of appearing without a lawyer before one of these new, plushbottomed courts. In this connection, I have been told that one of the judges in one of our upper courts recently made the remark that one had little chance before him if one appeared in his court without a lawyer. Yes, it is going to be expensive in these new courts if this bill is enacted. In most cases, the lawyer's fee will greatly exceed the penalty imposed, and the guiltless will have to pay, too.

(6) Right to Inexpensive Courts--loss of which will be reflected in ever increasing state taxes. The people in my town cannot see forty-four new judges at $15,000. a year each; the additional cost of prosecutors, public defenders, stenographers, clerks, and court attendants; the original cost and later the upkeep charges for the facilities, the embellishments, the trappings of the many courts which we of Montville believe will be eventually set up around the state as a result of the passage of this bill; all this for the handling of little cases not meriting such elegance and extravagance.

(7) Local Autonomy--loss of which will mean more centralized government and a lessening of our two-party system, the latter the hallmark of our vaunted democracy. Let's not forget that our two-party system is far superior to the one-party system of Russia and the multi-party systems of France and Italy, the proof of which is our greatness and strength. Also, let's not forget that government by parties is better than government by men, because in the latter, there is always one man who emerges

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at the top as a dictator.

In addition to the points I have just made, I should like to add another objection and resentment which one hears in the Town of Montville. It is this interference by outsiders into the affairs of the town, by these self-appointed, self-righteous people who live in the cities and swank suburbs, telling us what to do, as if we are incapable of thinking and managing for ourselves. Again, I say, who wants this so-called court reform anyway? Not the people in the towns, like Montville, but the League of Women Voters, membered by people who have little or nothing else to do but to trespass into other peoples' business; Connecticut Citizens for Better Courts, under the leadership and encouragement of prominent lawyers and retired judges; The Bar Associations, State and County, who, of course, have absolutely no motive other than the high purpose of sweet justice--no, no, no!...no thought of the forty-four lush jobs, the robes, the comforts, the prestige, the security, and then, finally, the pictures on the walls, to be gazed upon, rapturously, by posterity.

I say, ladies and gentlemen and Mr. Speaker, that the charges against the small courts have not been proved, anymore than the charges against the United States Supreme Court by the American Bar Association. As all lawyers know, before a case in court is allowed to proceed, the corpus delicti must be established. Has the corpus delicti been established in this case against the small courts, when, after all, they carry on the same practices found in the higher courts? If injustices and acts of favoritism

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are practiced in the small courts, these courts are only following the examples set by the upper courts; in fact, what may go on in the minor courts is peanuts to what goes on in the higher echelon of jurisprudence.

As many of you know, I prepared two papers on the subject before us today, a copy each for every member of the House and the Senate of this Assembly. The first was a frontal attack on this so-called court reform movement. The second paper contained a suggestion that this issue could be more readily resolved for the good of all by placing all local courts on an elective basis, giving each town or city its own elective selection of its own judges, the same as in the case of the other local officials, strengthening local autonomy, and restoring to the people a direct means of impeachment at the polls of such judges as might become in disfavor. But no, this would never do. Power would be taken away from the Legislature and the Governor. Let's not be silly; power never wants to give up power; to the contrary, power wants more power. In this connection of elective selection of judges, do you know Mr. Speaker, and ladies and gentlemen, that a little over four-fifths, thirty-nine to be exact, of our states elect their principal court judges? So often have I heard that election of judges invites political pay-offs. I say that judgesmade on an appointive basis invites just as much, because the judges so appointed are beholden to the friends who recommended them, to the Governor who appointed them, and to the Governor's friends. Apparently thirty-nine states think the elective method is the

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better of the two.

My friends, the partisans for this measure are in the gallery and in the halls waiting for the kill, waiting for their gladiators to perform the coup de grace! I can already hear the great shout that will go up if this bill is passed! There will be great joy and licking of chops as they prepare to devour the prize. Yes, the Cadillac and cafe crowd will celebrate. Are we, who have kept the faith and trust of our people, going to give up? I hope not! Let's all rise up with our votes and turn back this grab for further enrichment of the legal profession. Thank you very much.

THE SPEAKER:

The Chair recognizes the lady from Somers.

MRS. STREKAS OF SOMERS:

Mr. Speaker and members of this House, I rise in opposition to this bill as a backwoods obstructionist from the beautiful hills of Somers. This is not a court reform bill, it is not even reorganization, it's disorganization. It is just the first of the many giants that are going to be offered to us, and this giant all wrapped up in compromises. Now, this sleeping giant they bound in chains like poor Promethesus. We've been around a lot today in this House. We've been back three hundred and twenty years, we've been back to the Bible, to the Ten Commandments, to Moses, and now I'd like to take you back to ancient Egypt and point out to you what's going to happen when you say "justice is blind", thanks to Mr. Adams. This expression of

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"justice is blind" is derived from the figure of Justice shown in old prints as a draped figure of a woman and holding the scales of righteousness. This representation had its origin in the custom of anc ient Egyptians. They conducted their trials in a darkened chamber in order that the prisoner, the one pleading for the prisoner, and the witnesses being all unseen. The judges would not be moved to undue sympathy. It made them feel that by doing this the better sense of the judges could see the light of the truth.

Now, I'm not very smart, and I know that, because the more I study and try to learn the more I find out I don't know, and that's one of the reasons I worked so hard to get state recognition for the gifted children of this state. Never mind that----let's go back to my little town of Somers. I've lived there for twenty-one years so I know a little bit about it.

In the past month of February, the motor vehicle fines of our trial justice court totaled 209 dollars. Of this Somers retained $139.36, and $69.64 was sent to the State. This bill would just do a turnabout. We're all so topsy-turvey by now I don't think a few more turns will bother you. When we depict the Goddess of Justice as blindfolded, with her scales empty, I ask you to think very clearly of what you're doing here today. This Goddess of Justice is depicted as a woman. To show her impartiality she is blindfolded. Her scales are empty to eliminate any pre-determining factors of the case. I've never noticed a price tag on her.

Another factor that is very hush-hush in this bill is the

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elimination of the small claims courts. Two years ago we set up such a court in Somers to help our small businessmen. In 1958 sixty-three small claims were settled at the cost of one dollar and fifty cents each. Seventy-five per cent of these cases were collected and fifty per cent of them were settled out of court. Now, of all the millions you're spending around here, match that, please!

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, would the lady from Somers yield for just one moment.

MRS. STREKAS OF SOMERS:

Yes sir.

MR. GOOGEL OF NEW BRITAIN:

There's no elimination of small claims courts in this circuit court bill. They still continue on to function.

MRS. STREKAS OF SOMERS:

Thank you. I stand corrected. But the small claims courts will be under this justice system, I believe, or this circuit court system. Is that not so, Mr. Speaker?

THE SPEAKER:

Does the gentleman from New Britain care to answer that?

MR. GOOGELOF NEW BRITAIN:

Yes.

MRS. STREKAS OF SOMERS:

Therefore they're part of the package deal. What's the difference? You're going to get these forty-four judges to

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settle our small claims of less than $250. at $1.50 per case? Are you? Our judge and prosecutor receives $40. a month for salary. The clerk receives $30. That's our total cost for both motor vehicle, criminal, civil and small claims. We have a full-time resident State Policeman to protect the rights of our citizens and others when they appear before this court. Our trial justice courts are limited by statute to enforcement only up to certain amounts, the violation of which is punishable by a fine of up to only $250. or imprisonment in jail of not more than sixty days or both. The Small Claims Division is also set where the demand does not exceed $250. I am not so naive, ladies and gentlemen of this House, to believe that everything is peaches and cream with this trial justice setup. However, if a patient goes to a doctor with an ulcer on his leg, what does the doctor do? Amputate the patient's leg? Does he kill the patient? No, he attempts to treat the ulcer. In about a weeks time a few of these ulcers got so bad they spread throughout the one hundred and two trial justice courts of this state, they developed such a severe case of leprosy, they are so rotten that we have to rush this through without even a decent burial for them today!

On the grass-roots level I have not heard any ground swell for this reform that you've been working on for thirty years! If it's so wonderful, why didn't you do it before now?

However, let us go back to the reason for this MUST legislation, but first, except for voting on budgetary matters to operate the state, that is the only must we have to pass or work

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on. We could get along fine without passing any other bills in all of the three thousand some bills that are before us----even though they are all sleeping giants, but God help us all, ladies and gentlemen of this House, when those giants wake up! So let's start right now and wake them up and send them back where they belong, to Mt. Olympus!

Any of you ladies and gentlemen who have studied political theories of Marx and Lenin know that their first step is to destroy what they cannot control. This is the first step on the road to serfdom, and Mr. Speaker, ladies and gentlemen of this House, to prove that I have compassion, I have books here andmaterial and I could talk for hours and hours and hours and all night, and believe me, I have the ability to do it! But I'm not going to! So now we've taken this first step on the road to serfdom. This bill before you now would abolish the judicial arms of our local judiciary department.....and, ladies and gentlemen of this House, when you cut off one hundred and two arms, that makes two hundred and four arms, and that is a terrible mess of arms to have floating around.

Even the next step of abolishing the administration of local government will not be too difficult, that's just our first selectmen, but what you're going to do with the whole population of the towns is beyond my ability to figure out. If you think I'm unrealistic, just look back to the session of 1955. We removed the welfare children from the county commissioners. Now four years later we are attempting to abolish county government

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as giant steps towards complete state centralization. I was not sent here to represent the administration or my own leadership. I was sent here to represent the people of my town of Somers, and they want to retain their local justice courts.

Therefore, Mr. Speaker and members of this House, I urge you to support justice, the people of our state, and defeat this bill because the occupant in the front office is not a Governor, he is a dictator! Thank you.

THE SPEAKER:

The Chair recognizes the lady from Stamford.

MRS. MILLS OF STAMFORD:

Mr. Speaker, I will try to make my remarks brief, but I've been working for court reorganization for years and I believe I have a few things to say about it.

I wish to give reassurance to the members who are disturbed by the bill. This bill has been in the offing for a long time, as you've heard earlier. The changes which it will make have been advocated for years by representatives of the Bar, Citizens' Committees and other disinterested bodies, and I say that with meaning. Our lawyers are disinterested in anything but making the courts better for the state. The changes have been studied and reported upon by individuals of authority, and by committees and commissions. They have been thoroughly debated in a political campaign before the voters, and thoroughly examined and discussed before the Judiciary Committee of this legislature. It is seldom that the substance of a bill is given such a thorough scrutiny

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before its enactment. That alone is enough to invite confidence.

The bill has precedence enough. Even in England where tradition is certainly as strong as anywhere, an integrated court system was established by Parliament as long ago as 1876. Several of our own states now have unified court systems and others are working towards them.

This bill will create a circuit court with full-time legally trained judges. The court will be part of the state court system, and its judges will have the stature and dignity of state court judges. It represents the abolition of what are now known as inferior courts, which is long overdue. The bill does not represent a break with our traditions, quite the contrary. Our present court system was established in what we might call the horseback and oxcart era when it was difficult for people to get from town to town, when there was comparatively little for courts to do and few trained people to serve in them. Our forbearers were pioneers in government as in many other things. In establishing courts they had to start in the wilderness from the beginning, and they had to meet conditions such as no society had been called upon to meet before. They did it extremely well. What is to be remembered now in this automobile and jet age is that they themselves were enervators. They would have been thelast to say that their work should go unchanged. They were courageous and resourceful. We are maintaining our best traditions when we follow their example.

Ladies and gentlemen, this can be an historic moment in

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the history of Connecticut. I urge you to make it so by your support of this bill.

THE SPEAKER:

The Chair recognizes the gentleman from Morris.

MR. IVES OF MORRIS:

Mr. Speaker, the Clerk has one more amendment. Will the Clerk read the amendment?

THE CLERK:

House Amendment Schedule "K" as offered by Mr. Ives of Morris. Substitute for Senate Bill No. 491. File No. 118.

In Section 6, line 4, insert after the words "circuit court" the following: And the small claims sessions of the circuit court.

THE SPEAKER:

Gentleman from Morris.

MR. IVES OF MORRIS:

Mr. Speaker, I move for the adoption of the amendment.

THE SPEAKER:

Question is on the adoption of House Amendment Schedule "K". Will you remark?

MR. IVES OF MORRIS:

Mr. Speaker, I have to disagree with the honorable gentleman from New Britain that the small claims sessions may be taken away from our towns. As I read the bill, it leaves it up to the judges to decide whether the small claims courts....where they will be held, and this amendment simply inserts that the court

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will go on circuit and the small claims court will go on circuit if requested by the small towns.

THE SPEAKER:

Will you remark further? The gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, I don't believe this amendment is necessary. If the gentleman will refer to the File No. 89, Section 72, you will find that there's a provision made for small claims courts and also in File No. 118, in line 3, where it says: "except for jury and the public sessions, including night sessions of the circuit court, shall be held in any town the legislative body of which makes a request therefor to the executive secretary of the judicial department"....and that also includes small claims courts. That's entirely superfluous. I don't think we have to adopt this amendment whatsoever, and also, at no time do I recall having made the statement that the small claims courts would be taken away from the towns.

THE SPEAKER:

The Chair recognizes the gentleman from Morris.

MR. IVES OF MORRIS:

I didn't mean to infer that the gentleman from New Britain said that. He said, "if they wouldn't be taken away".....and even after reading the sections that he says take care of the situation, I don't believe it's necessarily clear that the small claims sessions will go on circuit. It definitely says that the other court will go on circuit, but it doesn't necessarily say that the

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small claims court will go on circuit.

THE SPEAKER:

Will you remark further on House Amendment Schedule "K"? If not, the question is on the adoption of House Amendment Schedule "K". All those in favor indicate by saying aye, opposed no. In the opinion of the Chair the 'no' has it. The amendment is rejected.

The Chair recognizes the gentleman from Westbrook.

MR. SCHLOSSBACH OF WESTBROOK:

Mr. Speaker, I guess the time has come when those of us who have attempted to save our minor courts must admit that we haven't got the votes. But I would like to say here, Mr. Speaker, and especially to those new members of the judiciary committee who labored so hard in their subcommittee, in their executive sessions and so forth, that the death of the minor courts did not occur there and did not occur here today. The death of our minor courts and the destruction of our minor courts took place exactly one week ago today when upon being called into a conference, into the cave down the hall, members of both parties got together. On that day, as black in my opinion as almost December 7th, 1941.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, I hate to rise to a point of order, but I would like to inquire of the gentleman from Westbrook if he's talking on the bill.

THE SPEAKER:

May I suggest to the gentleman from Westbrook that he con-

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fine his remarks to the bill before us.

MR. SCHLOSSBACH OF WESTBROOK:

Mr. Speaker, if there's any question of the fact that I'm speaking on this bill then there shouldn't be any question of the fact that we aren't here. Certainly I'm talking on this bill. A week ago, as I have said, the discussion of this bill, this present bill, should there be any question in the mind of the majority leader, was discussed around the bargaining table, and at that time the death and destruction of the minor court took place. All we are doing now is having the wake. There wasn't more than a week and a day ago when there were a great many of us in this House patting ourselves on the back that we had reached what we thought was a very fine compromise, and we thought that we had enough votes to carry it through this House and perhaps even convince His Excellency to accept it. But, suddenly the knife fell and our minor courts were a dead issue. I only hope that those who were a party of this assassination will be given more than they've given us, and that is the admonition of mercy--so that I, Mr. Speaker, will give it to you tonight, and may God have mercy on your soul!

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Farmington.

MR. NOYES OF FARMINGTON:

Mr. Speaker, I think it's clear to all of us here that the issue, the primary issue at any rate, is justice, and I want to

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make it clear that I intend to vote for the bill before us and I think it's a good bill. But I think that costs in this matter are important, and although I'm indebted to the gentleman from Bridgeport for what he has had to say about costs, I must, in all conscience, pursue that item one step further. I think the sponsors have a responsibility to us here who are asked to vote on this and to the public in general for presenting the pertinent facts, and the costs, in my opinion, are pertinent.

Now, if I recollect correctly, the gentleman from Bridgeport mentioned in his remarks the opinion that the circuit court, the new forty-four judges to be set up under this bill, would be self-sustaining, that the income would be approximately 1.8 million and the expense would be about 2 million. Now, if I may, Mr. Speaker, through you I would like to ask the gentleman from Bridgeport three questions which I believe are brief and to the point.

First of all, has the judiciary committee made any study of its own to determine costs other than repeating the testimony of Mr. Ells which he's done here today.

Second, how many employees, exclusive of the forty-four new judges, are included in Mr. Ells' figures which he gave us?

Third, does the 2 million dollar figure of total costs include anything other than salaries?

THE SPEAKER:

Does the gentleman from Bridgeport desire to answer the gentleman from Farmington?

MR. LYDDY OF BRIDGEPORT:

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for his information, and I would submit only this for the consideration of the members of the general assembly: Forty-four judges at fifteen thousand dollars a year, total $660,000 per year. The present system with forty-three judges in it has 415 permanent employees I assume in addition to the judges. With the same, roughly the same number of judges in the circuit court....let's assume about the same number of permanent employees, take 400 to be on the safe side, 400 employees at an average salary of only $3500. a year, which I think you will agree is relatively modest, totals One Million Four Hundred Thousand. So the total salary cost, assuming my figure of four hundred employees is correct, the total salary cost alone is $2,060,000. Now, it is a generally accepted practice, a rule of some at least in private employment, that fringe benefits, including retirement and those retirements that I pointed out earlier, are less liberal than our retirement would be for these employees, are likely to run about twenty-five per cent of salary costs. Applying that twenty-five per cent to the $2,060,000. we get a total of $2,560,000. for salary costs alone, salary and fringe benefits alone, for forty-four judges and four hundred employees. Now that, if those figures of four hundred employees is reasonable, does not include anything like jury costs, public defenders, commodities and so on, and the last thought I leave with you is that the Governor's budget, as explained by the lady from Darien, has apparently included a court reorganization expense of $3,000,000. which she has indicated is for a six month period.

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Now, I submit that these costs are substantial in a period when we have a biennial budget which is supposedly bounds by $100,000. I submit that there has not been sufficient study of the cost figure. I agree with the gentleman from Bridgeport that it is an exceedingly difficult and tricky area to get into, but I do not believe that the full story has been told and I simply wanted to go on record to that extent and to say that I think that the $2,000,000. figure is grossly inadequate although I do believe that the primary issue here is justice and I intend to vote for the bill.

THE SPEAKER:

The Chair recognizes the gentleman from Bridgeport.

MR. LYDDY OF BRIDGEPORT:

Mr. Speaker, may I again speak because I feel that some of the remarks are germane to what we have been discussing here, and I would like to point out for the gentleman's edification that these estimates, as I mentioned before, are at an absolute maximum, maximum, as set by Judge Ells. And just for your information, he had forty judges at fifteen thousand each, $15,000. I'm talking about, ten prosecutors at $8,000. each,---these are just suggested and maximums if you will---, seventy assistants at $4,000., clerks at $7500., thirty clerks at $5,000. each. These are pretty good salaries. I have respect for the figures that you quoted, but I must again point out that this, I think, is probably the most extensive study from the standpoint of covering every conceivable fixture, or every conceivable cost that the

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court might have because the Bar Association certainly had access to all of the figures that would be available from all courts concerned, and certainly the lawyers are not going to skimp. I think we'll agree to that.....so that I think this being an absolute maximum, I will agree that the cost will be in the vicinity of two to three million dollars approximately. But, I might point out also that you did mention before, and I take issue with one thing, that I said that this court would be self-sustaining. I beg to differ. If you will recall my original remarks, I said this court will be, and I may be bending terms, practically and for all intents and purposes self-sustaining. Thank you.

THE SPEAKER:

The Chair recognizes the lady from Darien.

MRS. FARMER OF DARIEN:

Mr. Speaker, If I stated that the $3,000,000. which appears in the budget was for a six month period I think perhaps I made a mistake. I'm not sure that the governor anticipated the effective date of this law, so that I really have no right to state that he intended that to cover only six months. Since the bill has been under consideration that has been the effective date and I think that it was natural to assume that. Now, I think I should say also the governor does estimate income, and in the front of the budget, upon looking further, I find that his estimate very neatly coincides with the cost that he estimates on these courts.

There are a couple of questions I've had in mind from the

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beginning of this. As I understand it, the prosecutors or assist- and prosecutors from some section here are not required to be lawyers, and it seems to me that's a great weakness if it is the case. The proponent of this bill stated in his very able exposition of it that the law requires the forty-four judges to be chosen equally from the two parties. Now, it appears that for one judge there are somewhere between eight and ten other employees, and I wonder just how these appointments are to be made. I realize the judges are to make them, but we have no civil service, I believe, in our judicial system. I wonder if those people will be appointed on merit; I wonder if there will be any political consideration in their appointment, etc. There is nothing, I believe, in the law on that.

THE SPEAKER:

The Chair recognizes the gentleman from Norfolk.

MR. ZANOBI OF NORFOLK:

I know I've spoken too much on this already, but just one last shot. We that have supported the department of justice courts, we admit we're beaten, we're battered, we're bloody, and I'm proud to say we're still unbowed-----but one last parting shot!

This great compromise court bill of 1959 is really the great giveaway of 1959. We give John Bailey forty-four judgeships and all the patronage that goes with it. Right now he's riding in politician's heaven. We also give the lawyers a brand new source of revenue.

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THE SPEAKER:

The Chair recognizes the gentleman from Montville.

MR. BARNES OF MONTVILLE:

Mr. Speaker, in reading over Article 5 of our Constitution, it seems to me that the framers of this constitution intended that every town have some kind of court, and I feel that if a town should take this up with the Supreme Court of Errors or all the way up to the United States Supreme Court this bill will be found unconstitutional. If this bill goes through and becomes effective there are provisions, words, in this Fifth Article which will become dead language. I personally am of the belief that this bill can be found unconstitutional.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Mansfield.

MR. SMITH OF MANSFIELD:

Mr. Speaker, is it possible that in all of our discussion today one point has not been mentioned? I think it is.

In this bill is a provision that there shall be no right to trial by jury in criminal actions where the maximum penalty is a fine of $50. or a jail sentence of thirty days or both nor in similar actions where the amount of legal interest or property in demand does not exceed $250. Obviously it's regarded that these fines or penalties are so insignificant that no provision need to be made with reference to trial by jury in these cases. Now, there's some of us who would be somewhat concerned about going to

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jail for thirty days, and there's some of us that want to go on a jury trial, and there's some of us that might feel in the case of involving two hundred and forty-nine dollars or two hundred and fifty dollars too who might want a trial by jury, and yet distinctly we're told here there is to be no way of juror trial by jury. Yet, I read in the constitution that everybody is entitled, everybody, without exception, is entitled to a speedy trial, a public trial by an impartial jury, and I read also that "the right of trial by jury shall remain inviolate".

Well, here appears to be a distinct contradiction. The courts later on will iron this out and we'll know where we stand, but I think here's a serious question about the constitutionality of this provision of this bill.

THE SPEAKER:

The Chair recognizes the gentleman from New Haven.

MR. ROURKE OF NEW HAVEN:

Mr. Speaker, at this time I am very happy to enter into this to the support for the Substitute for Senate Bill 491. As a layman, I am pleased to support it; as a resident of a large city, I am happy to support it. In fact, to this hour I have not received a telephone call or a letter in opposition to this bill. The League of Women Voters has been mentioned in this discussion. May I say that I am very pleased to walk hand in hand with the League in the support of this bill, and I hope that I will have the courage to support other measures that the League supports because in the main they are right, and I'm happy to work with

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them on the things that I think they're right on.

I have been in and out of the legislature for twenty years and in my humble opinion, this is the most important piece of legislation to come before us. I am not interested particularly in cost, but I am interested in full-time judges, in equality of justice, and this is what this bill will give us, and I'm willing to say that I'm very pleased to give a pat on the back to our friends on the other side of the House who have made it possible for this bill to go through, and I hope it goes through unanimously. Thank you.

THE SPEAKER:

The Chair recognizes the lady from Trumbull.

MRS. BLACKMAN OF TRUMBULL:

Mr. Speaker, we have sat patiently for hours. We have passed on amendments. I in my heart have no doubt that everyone here knows just how they're going to vote. I do hope we could do just that. Thank you.

THE SPEAKER:

The Chair recognizes the gentleman from Burlington.

MR. HOGAN OF BURLINGTON:

I had wondered in talking about this should I ask for unanimous consent, but I think through the courtesy of the Speaker everybody has wandered all over the lot all day so very likely I will be able to do the same.

I wish at this time, Mr. Speaker, to congratulate you on your very fine handling of, as the gentleman from Norfolk says,

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this bloody but unbowed group. I think that you have extended every courtesy to everyone of us. You've let everyone come in here with every amendment, and that is the way that I think it should be, and again, I congratulate you, Mr. Speaker! (applause)

I am not going to make too many remarks here, but a gentleman came over from the other side sometime ago and says, "This thing has been on too high a plane all the afternoon. When are you going to talk?" So I thought possibly that I ought to make a few remarks on this thing.

At the moment, in speaking to the members here and the members over on the other side, I'm not speaking necessarily as a Republican because at this point I'm not quite sure just what my status is. Also, I want to say to the people on the other side of the aisle that we've heard this thing referred to as the Interim Bill, the Administration Bill, the Bar Bill, the Compromise Bill, but to you people there and the new people on this side and the new people over there, I will tell you right now it's the Pinney Bill. This is Mr. Pinney's bill of two years ago, and I hope that if this is passed that Mr. Pinney will get the credit for it.... because I think it would serve him right! Two years ago this was the Pinney Bill, and in spite of inflation, it still hasn't gained in value a great deal in my opinion.

I haven't got a prepared speech. I've just got a few notes that I've been jotting down here---I may have to put my glasses on----but, this is one shot justice. Suppose you go into court and you don't take a lawyer, or if you do, you've had it!.....

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especially if you don't take a lawyer. You go into this court and practically, without an attorney, you'd throw yourself on the mercy of the court. After all that's been said here all day long about everything, this is the one feature of the bill that I don't like, and it's not right. The only way that an appeal can be taken from this minor court is on a point of law, and as I understand the thing, a point of law is an error in the trial or in the admission of evidence or what have you. Would the layman be able to pick that out? They say that a transcript will be kept of this trial and for a payment of ten dollars or something you can get it, and then you can take that to a lawyer,---you might as well take him in the first place! That is very serious, folks, very, very serious.

To go along with the other remarks here about the austerity, I think there ought to be another word for it, but I'm not going to go into that too much. The splitting of jobs is another very, very bad feature of this bill. If this bill was so good, so desirous by the people of the state, if it had so much backing, it would not be necessary for a very estimable gentleman to mount the podium and say, "If you will go along with me here I will split the jobs". I had much rather he hadn't of said that.

As some of the lawyers in the row in front of me...I haven't said much today, very little....but some of the attorneys in the row in front of me have been begging me to climb off their backs, so probably I should, but I might say that, from the attorneys' viewpoint, there's gold in them thar bills!

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It's also my opinion in the question of leadership--on both sides of the aisle--leadership should show the way and not drive it. In spite of some several remarks that have been made to the contrary, I have but one political ambition. That political ambition is to live long enough, and it's also a personal ambition--it might give me some longevity, to be in the assembly just once on an important matter when the people of the assembly will vote as their conscience tells them to vote and not as somebody else tells them to vote. Maybe I've been here five terms and never go to a policy meeting, but when I go home I can sleep with my own conscience, and that is something that I have to do.

I might say in Section 2 of this bill,"each judge of the circuit court should be a member of the bar of the State of Connecticut"; in Section 1 of Article First of the Constitution says: "That all men when they form a social compact, are equal in rights; and that no man, or set of men are entitled to exclusive public emoluments or privileges from the community". I think that that might have a little merit, the study of that.

To gat back to the actual operation of this bill as applies to a small town, and I do represent a small town. We have a population of about twenty-five hundred. We have a resident State Policeman. That's our police force, and like most everybody here I'll say that I've got a good court in my town, but the town next to me---that's not so good. It makes a difference where you get arrested and where you get convicted. I understand that a prominent attorney cast slurs at my court at a meeting recently that

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I was not at, and had I been at that meeting I would tell him, "that's one court that he didn't fix"!

Now, I don't know where these judges are coming from, at this point I've lost track of who is going to appoint them. They might come from Stamford, or they might come from West Hartford, or they might come from some other bailiwick. If our resident policeman makes an arrest at ten or eleven or twelve o'clock at night on a violation of a statute that requires a bond, where's he going to get it? At the present time he gets the trial justice out of bed if he's in bed, gets the bond set and releases the person who has been arrested. Under this, he might have to call the judge in some of these places I've just mentioned, he'd have to get the bond over the telephone and maybe he wouldn't get him. Maybe he wouldn't be on circuit that night and maybe he'd be somewhere else, so what's the officer going to do with this particular person that he's arrested. Is he going to keep him in his car all night and drive around with him until he can find a judge the next day? Or is he going to put him in confinement? Well, we don't have a jail in Burlington. The only thing we've got out there is a dog pound. Possibly he will make a false arrest. Perhaps he shouldn't have arrested this fellow. Are you going to throw an innocent party in the dog pound, and at that particular point, I think we only got three stalls and we might have three stalls full of dogs. I've heard of throwing people to the lions, but I haven't ever heard of throwing them to the dogs in the name of justice! Supposing this person, when he's arrested, demands a

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speedy trial. That's his constitutional right, to demand that he shall have a speedy trial. How is he going to get it? Think that one over! If we don't give it to him, why aren't we violating the constitutional rights of a man? How about warrants for immediate arrests that might come up any time during the night? Where are we going to get the warrants? That's a good question. Another good question is: Will the police force in the small town arrest anybody? Being affixed with all these various features of this bill, it just cannot work in a town the size of ours. A constable or even a state police officer that we have, or in other towns where they may have supernumeraries, are they going to take a day or two or three to go to court and try to prosecute the case? If they don't look the other way, they're foolish! They shouldn't be an officer.

How about if in the circuit court there's fifty or sixty cases scheduled for that day. Every one of those cases is going to be scheduled at ten o'clock, if I know anything about court procedure....everyone at the same time....you must be there with your witnesses. Where we have a one man police force in our town, what are we going to do for a police force while he's down in Bristol or in West Hartford? And in case any of you are going to come back that we ought to have the court in Burlington, our present room that we have court in is probably about twelve by fifteen. I think under this court bill that you're going to have to provide a courtroom and a courtroom that can accommodate spectators, that can accommodate sheriffs and messengers and

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reporters and prosecutors and clerks and assistant clerks and judges, and in a lot of cases jury rooms, and we have mixed juries and you're going to have to have facilities for mixed juries..... you're not going to have too many jury rooms. Who is going to pay the transportation costs of our police force driving to West Hartford or Bristol or Torrington or wherever we might be put in? Someone is going to have to provide transportation. At the present time we've got one policeman. We've got one police car. What are you going to do about that?

Another 'cutie' in here is local ordinances. Who's going to dig up the local ordinances and familiarize these judges with every local ordinance in every town in the circuit, and he's only going to be there four months. Four months later you're going to do the same thing all over with another one. Has anybody here asked the police force in their town how they felt about this thing and the operation of it? If so, what was their answer? Has anyone here asked the State Police what they think of it, and how they think it will operate? Maybe there's one out in the yard now. If he is you can ask him. I've asked him. What are you going to do about postponements and continuances that the people are entitled to and that you will have? Are they going to throw your schedule all off the beam? Think that one over!

We're going to get back one-third of the fines. Who's going to audit the books? If we audit the books, are we going to audit the standard figure books for "no fix" charges?

I might say that when I asked that the rules not be.....

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I didn't ask, but the same result....that the rules not be suspended today, it was my intention had my thoughts prevailed that I would ask every member of this House from one of the hundred and two towns regardless of whether he was a Republican or Democrat because this thing is now out of the realms of politics, and I couldn't do it before because we were in the realm of politics, to meet with me and bring these features up and discuss them. I had an honest motive. I don't care what anybody thinks about it. I announced in the Republican caucus a week ago that I would attempt to block suspension of the rules, and I did that in the spirit of honesty. I didn't want anyone to say that Hogan's trying some slippery tactics here. I don't operate that way---I'd rather lose----then I guess I've lost!

I might say to the gentleman from Bridgeport about that dove of peace that's flying over here I don't see him any more. I think his chickens have already started to come home to roost.

We've heard a great many people speak here about this bill will go into effect just before another session. They'll start it and we will then be able to clarify it. In other words, to you people that will be here two years from now, you've just begun to hear court reform! You're going to hear it every day or two, and as I said at the start I wouldn't talk too long and I already have.

I might make one more illusion here. Many people here have, and I heard the Lieutenant Governor do the same thing yesterday, refer to this as a historical day. I think that I'm not the only

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one that gets my tongue twisted. I think they meant hysterical!

THE SPEAKER:

The Chair recognizes the gentleman from Brookfield.

MR. PINNEY OF BROOKFIELD:

Mr. Speaker, while I disagree with the distinguished gentleman from Burlington, I would compliment him on the charm, wit and intellegence with which he presented his case, and I hasten to assure him that no one questions his honesty of motive or his integrity in any request that he makes. (applause)

I have one final thing to say. The gentleman from Burlington started his remarks by terming this the Pinney Bill, and assuring me that I could take the credit for it. In all sincerity I wish this were the truth. I wish I could claim the credit for this bill because I think it is a monumental work in the best interests of the people of the State of Connecticut, but it is a bipartisan product, a product of the best efforts of people in both parties. (applause)

THE SPEAKER:

The Chair recognizes the gentleman from Vernon.

MR. HAMMER OF VERNON:

Mr. Speaker, some of the gentleman from Burlington's points were quite well taken. I'd like to direct my remarks to just one point that he made. Apparently he has not had a chance to read in full Amendment Schedule "B" which amends Section 149 in regard to the setting of bonds and permits any clerk or assistand clerk of a circuit court to set bond. The purpose of that

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amendment is to meet the situation which he spoke of.

THE SPEAKER:

The Chair recognizes the gentleman from Harwinton.

MR. BENTLEY OF HARWINTON:

Mr. Speaker, I'm just going to read from the Amendments to the Constitution of the United States:

"Article VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed...."

"Article VII. In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved....."

That's plain english, isn't it?

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Watertown.

MR. KEILTY OF WATERTOWN:

Mr. Speaker, as you know, I'm a freshman here, and I've sat here six hours approximately and I just want to say that I feel privileged and honored to support legislation just as this. If I'm never back here again, at least I've had a hand in making history in this state, and I thank you.

THE SPEAKER:

Will you remark further? The question is on the acceptance of the committee's favorable report and the passage of the

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bill as amended in the Senate by Amendments "A" and "B" and in concurrence with the Senate. The Chair will now unlock the machine. Will you kindly direct your attention to the board to see if you have voted as you desire? Have all those voted who claim the right to vote? Has every member present in the House cast their ballot? Does any member desire to change his vote? If not, the Chair will now lock the machine.

While the count is being taken, it has been said by the members of the Press that one of the best things the House does is to congratulate themselves and it may be true, but I think today the Chair would be remiss if it didn't commend the wonderful gentlemanly and gentlewomanly manner in which this whole debate was conducted.

The Chair recognizes the gentleman from Brookfield.

MR. PINNEY OF BROOKFIELD:

May I say that in large part the gentlemanly conduct to which you have referred to is due to your fine handling of this whole thing this afternoon. (applause)

THE SPEAKER:

Thank you very much. The Clerk will now announce the vote.

THE CLERK:

Those voting Yea, 199; those voting Nay, 67; those absent and not voting, 13.

THE SPEAKER:

The bill is passed.

The Chair recognizes the gentleman from New Britain.

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MR. GOOGEL OF NEW BRITAIN :

Mr. Speaker, I move suspension of the rules for immediate transmittal of this bill to the Governor's office.

THE SPEAKER:

Question is on suspension of the rules for the immediate transmittal to the Governor's office. All those in favor say Aye, opposed No. The Ayes have it. The rules are suspended. Question now is on immediate transmittal to the Governor's office. All those in favor say Aye, opposed No. The Ayes have it. The bill will be transmitted.

The gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, I move that the matters on the Calendar be passed retaining their place on the Calendar and we'll act on them tomorrow.

THE SPEAKER:

If there is no objection, the matters double-starred for action will be passed retaining their places.

The gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, I move adjournment until tomorrow at 1:30 P.M.

THE SPEAKER:

Question is on adjournment of the House until 1:30 tomorrow afternoon. All those in favor indicate by saying Aye, opposed No. The House stands adjourned.

TIME: 7:45 P. M.

Reported by:
Flavia P. Dotchin
House Transcriber.

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JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY AND
GOVERNMENTAL
FUNCTIONS

PART 1
1-443

CONNECTICUT
GENERAL
ASSEMBLY

1959

JUDICIARY AND GOVERNMENTAL FUNCTIONS

MONDAY FEBRUARY 9, 1959 - 10:30AM

Senator John M. Scanlon
Representative Samuel S. Googel
Presiding

Members present: Senators: Armentano, Relihan, Pickett, Finney, Cady
Representatives: Shea, Barry, Carrozzella, Conway, Hammer, Katz, Lyddy, Mills, Murray, Purtill, Satter, Wagner, Schlossbach, Eddy, Marsters, Lupton, Dudley, Shulansky, Finch, Gersten

Chr. Scanlon: First we will hear from any Legislators who are proponents of any of these bills.

Senator Arthur H. Healey, 10th District: Mr. Chairman, members of the Committee. I would like to state by way of preface that I realize that there are many distinguished members of the Bar, many civic groups, former Chief Justices of the Supreme Court and other people who are here this morning to speak with you. I hope if I may to keep my remarks as brief as possible, indicate our position on these particular bills. Gentlemen, the Administration has:

S.B. No. 491 (Sen. Healey) AN ACT CONCERNING REORGANIZATION OF THE MINOR COURT SYSTEM

S.B. No. 492 (Sen. Healey) AN ACT CONCERNING A FAMILY COURT DIVISION OF THE SUPERIOR COURT.

It is our position that reorganization of the Minor Court system in this State should have a top priority on the General Assembly agenda this coming Session. As it is well known, it is, and has been our position that we are making an all out effort to replace the present Minor Court System with full time courts presided over by full time judges with tenure. It is as a result of that position that you find before you the two bills to which I referred. The Administration bills before you this morning, S.B. 491 and 492 indicate in our opinion a suggested approach to the problem. I think it's purpose is, as I indicated to eliminate the Minor Courts, that is everything below the presently constituted Common Pleas Court and replace them with full time judges with tenure. Beyond that the details, the actual mechanics of the operation is something that this committee can certainly work out after hearing the evidence being presented this morning and after deliberating in their Executive Sessions. Very briefly, I will try to outline S. B. 491. I have a short statement which I will file with the committe, but this will take me approximately a minute and a half to read.

S.B. No. 491 (Sen. Healey) AN ACT CONCERNING REORGANIZATION OF THE MINOR COURT SYSTEM.

Sen. Healey continues: This bill advocates the replacement of the present Minor Court System of Municipal and Trial Justice Courts with a new State maintained court presided over by full-time judges with tenure. S.B. 491 provides and Administrative framework for the Supreme Court of Errors, the Superior Court and a newly constituted Court of Common Pleas. These courts will function as a general Court for Administrative purposes. The Chief Justice of the Supreme Court of Errors will be the Administrative head of the General Court. The Supreme Court of Errors and Superior Court will continue to function in their present form. The Court of Common Pleas under S.B. 491 is divided into two divisions. Division A. continues to operate as the present Court of Common Pleas. Division B. is composed of 40 judges appointed equally from both political parties and to serve for a term of four years. Under the bill, they are to have all the pension and retirement rights of Superior Court Judges. This Court, Division B., that is, is to have jurisdiction of all civil matters under $2,500, and all crimes for the punishment is less than $500 fine or 20 years in jail. This bill, insofar as Division B. is concerned, provides for juries in civil cases insofar as a claim exceeds $250. Criminal cases are to be tried without juries, but defendants are entitled to a de novo trial before a jury in Division A. Appeals and issues of law are taken to a three judge panel of Division B. Division B. will have officers throughout the State. Under our bill, judges in Division B. will be under the Circuit and will hold hearings in any town where Minor Courts presently operate. For the matter of convenience and assessability, we submit by way of introducing these bills, our suggestion for which these bills provide for. Offices will be maintained by the State, hearing rooms by the towns in which the court is held. Court personnel will be selected by the judges, in the same manner as personnel of the Superior Court. Gentlemen, that is a very brief outline of S.B. 491, which is the main Administration bill putting into law we hope after your favorable action which I exhort, our much reiterated position that there be prompt Minor Court Reform in the State.

S.B. No. 492 (Sen. Healey) AN ACT CONCERNING A FAMILY COURT DIVISION OF THE SUPERIOR COURT.

Sen. Healey continues: in effect establishes a family division within the Superior Court. As indicated in the bill, this Court is presided over by 6 judges, who will be judges of the Superior Court. The court will hear cases concerned with family matter, including marital matters, adoption and juvenile matters. The Family Court Division replaces the Juvenile Court. It will

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Sen. Healey continues: hear cases in the State now served by the Juvenile Court. It will use the same personnel now serving in Superior Court. It will also obtain additionally specially trained assistants. Here, by way of a footnote I might add, Division B. as indicated in S.B. 491 and the Family Court as indicated in S.B. 492 are to begin operation under the bill are to begin operation on January 1, 1961. Gentlemen, by way of conclusion in order to permit the testimony whihc I am sure will not only eriadite, and highly informational, of other people before this committee, may I say this: Once again, these bills are designed to reorganize the Minor Court systems and replace the Minor Court system as I indicated before, with full time judges with tenure. These bills, may I indicate again, contain a suggested approach to the problem, beyond the broad basis of the fact that we are for Court reform with full-time judges, may I again say, that the actual mechanics and frame-work of the bill, the technicalities involved for this legislation is for the Judiciary Committee to work out, after hearing the evidence presented this morning, and present it to the Legislature. Our basic objectives are Court Reform, and Gentlemen, I hope that this bill will receive top priority in the matters of the Judiciary Committee. I hope that they will appear before the Legislature early in the Session so they may be fully debated and I urge your good thought and earnest deliberation on all these bills.

Chr. Scanlon: Are there any other Legislators who wish to speak for these bills?

Senator Wallace Barnes, 5th District: Ladies and Gentlemen: I appear before you today to support strongly

S.B. No. 793 (Sen. Barnes) AN ACT CONCERNING THE INTEGRATION OF THE COURTS OF THE STATE.

Sen. Barnes: otherwise known as the Bar Association Bill. There will be many people here today to speak on the principles of Court Reorganization and the arguments for as well as against, particularly particular features of it. I would like to take a few minutes of the Committee's time to attempt to compare in broad outline the principle measures which are before the Committee today. In order to do that there has been filed with the Committee a prepared general comparison of the Bar Bill with the present system and with the two administration bills, which Senator Healey has referred to and also with the so-called Interim Committee bill No. 3873. All of these measures leave the Supreme Court of Errors as presently constituted. But turning to page 2. of this schedule which covers the Superior Court, you'll notice that the judges in all instances are to be full-time and legally trained. By all instances, I mean in all of these measures. The Bar Bill provides

Sen. Barnes continues: for a complemen of h rty judges before the Superior Court which can be increased to forty upon certification by the Chief Justice to the Governor if that increase is necessary. The plus 5 refers to the members of the Supreme Court of Errors who are also technically members of the Superior Court. The present system has 22 judges plus the five who are members of the Supremem Court. And the Admnistration Billalso calls for 22 + 5. The Interim Committee Bill does not affect the Superior Court at all. The jurisdictional area of the Superior Court under the Bar Bill would be all civil matters over$2,100, and all criminal matters over $500, and/or one year in jail. In adition all appeals from Administrative Board would be for the Superior Court. That's a change from the present system which provides for some appeals to be taken to the Court of Common Pleas. And, there is a removal from Superior Court under the Bar Bill of Divorce Jurisdiction. The present system jurisdiction, I won't read, it's complex. There' an attempt in this schedule to summarize it. As you know it varies widely from court to court. Generally speaking the Superior Court has over-riding jurisdiction in virtually all matters. On the other hand, the Common Pleas Court can and the Minor Courts can, and occasionally do, take jurisdiction in matters where the fine is no more that $1,000 and the penalty no more than one year. The Administration Bill makes no change in the jurisdiction of the Superior Court except to create a new family court divisionm which is referred to later. Turning to page 2 the new Court of Common Pleas as established under the Bar Bill is compared on this schedule with the present system and the other two major proposals. The Bar Bill provides for a complement of 40 judges, full time, legally trained, with tenure, increaseable to 50, upon certification to the Governor. This is intended to replace the Minor Courts, the Trial Justices, particularly the 66 town and city courts, the Danbury Traffic Court, and also to absorb some of the functions of the present Court of Common Pleas, which has a complement of 12 judges. The Administration bill as Senator Healey has outlined approaches this problem in a different way. It sets up a Division A and a Division B of the Common Pleas Court. Division A is essentially the present Common Pleas Court, consisting of 12 judges. Division B which calls for a complement of 40-50 judges, exactly the same number as the Bar Bill would take over the matters now handled by then Minor Courts. The Interim Committe approach to this problem is to retain the present Court of Common Pleas and create a Municipal Court Division of 25-35 judges, full-time, legally trained, and they would take over only the functions of the present Municipal Courts. The interim committee bill would not extend to the Trial Justice Court. On the other hand, in the interim committee bill, there's a free right of transfer on the motion of either party the State or the Defendant to the Municipal Division of the Court of Common Pleas, and also the trial justices themselves have the right to transf

Sen. Barnes continues: a case to the Municipal division as proposed by the Interim Committee. In all instances, whatever the court may be that is to take over the jurisidiction of the minor courts, the judges that are on circuit, they would travel from town to town, they could be assigned for sitting at night, if that were the agreement worked out between the Judicial Division and the Town involved. Just a word on facilities; in all cases the General offices for the new Court, the Court of Common Pleas, or the division under the Administration Bill would be provided by the State and the actual rooms for the sitting of the Court would be provided by the towns. There's one significant difference between the Bar Bill, the Administration Bill and the Interim Committee Bill in this respect, and that is that under the Bar Bill and under the Administration Bill, towns provides these facilities presumably without reimbursement by the State. Under the Interim Committee Bill, the towns have the responsibility of providing the Court room but there is a provision which says that the State will reimburse the twons for providing those facilities. Finally, on Appeal. On the Bar Bill these appeals are only in matters of law. One of the features of our present system which many criticize most heatedly is the fact that in many instances, cases are tried completely again on appeal. In other words, a matter is heard before the Minor Courts, a judgment is rendered, an appeal is taken and that same case is heard de novo upon appeal. It is felt that this is a considerable waste of time and a waste of expense to the State. The Bar Bill substantially does away with trial de novo. The Administration Bill as I raad Sec. 58 of it does not eliminate trial de novo. As I read that provision, in criminal cases that are brought before Division B of the proposed Court of Common Pleas, an appeal is taken to Division A of that court which is exactly the same situation that we have now when cases are taken from Municipal Court on appeal to the Court of Common Pleas and tried completely de novo. The Interim Committee Bill does away with trial de novo. Turning to Page 4 which outlines the Family Court. The Interim Committee Bill makes no provision for the establishment of a Family Court, and the Bar Bill and the Administration Bill are substantially in agreement except as to the actual technique of establishing the court. The Bar Bill established a new court, a court of equal statute to the other courts within the Judicial System with a staff of 9 judges, the jurisdiction is wide, what we might refer to as Social jurisdiction, covers all matters all referring to Domestic Relations, such as divorce, alimony, all matters affecting children, crimes against children as well as crimes committed by children. The Administration Bill covers the same area, however it establishes the Family Court as a division of the Superior Court. I would submit that the Bar Bill recommendation in this respect is preferable in view of the objectives of a family court, which are to remove insofar as possible the areas to be heard before the Family Court, or what we might call legalistic procedures and considerations. It's an attempt

Sen. Barnes continues: to make the new Family Court as close to the present Juvenile Court procedurely as possible, and the present Juvenile Court operates with as little legal red tape as possible, with a minimum of publicity, and it would be the hope that the new Family court would do the dame, and I submit that under the Bar proposal, which is to create a separate court, this is more likely to happen, more likely to be attained than it would be under the Administration Bill, which simply sets up the Family Court as a division of the Superior Court. In all instances there are 3 districts set up and the judges travel on circuit throughout the district and can hear sub-offices within the district. And finally, on page 5, Probate Court. The Interim Committee Bill makes no provisions for the Probate Court. The Administration Bill makes no provision for the Probate Court. However, jurisdiction for adoptions, guardians of persons, marraige of minors, etc. are removed from the Probate Court area by the Administration Bill in place of the new family court. The Bar Bill sets up Probate Districts of 12 in the State to replace the 123 separate Probate Districts that now exist. In the Bar Bill the judges do not have tenure, they're elected for a 4 year term. They're legally trained. THe provision of election is necessary under the Constitution which carries a provision for the election of Probate Judges. As a matter of interest there has been a Constitutional Amendment introduced into the House and the first step, which would make Probate Judges appointive to bring them in line with other judges throughout the State. But as far as this present Bill is concerned the judges would serve for a 4 year term and would be elected, but they would be elected from 12 districts as opposed to 123. Sub-offices would be set up within the districts as needed. There would be no trial de novo in Probate matters. Appeal would only be on matters of law. Ladies and Gentlemen of the Committee, that's a rough outline, not intended to be complete by any means, but perhaps it will serve as a working guide to prepare these various measures. In summary, I would urge the recommendation of the Bar Bill, S. B. 793, because I feel its a most complete and comprehensive bill in the field. The principle of Court Reorganization is a valid principle, and I believe it is and I feel the Bar Association measure is the most thoughtful and comprehensive approach to the problem. Where the Interim Bill is concerned, I feel its differentiation between the Municipal Courts on the one hand and the Trial Justice Courts on the other is invalid. If there is to be reorganization of the Minor Courts at all, I feel it should be reorganization of all the courts, we should not stop half way, and as far as the Administration Bill is concerned, I would favor the Bar Bill over it, princciply because it extends over the Probate Court. Once again, I feel that the principle of reorganization is no different insofar as it applies to Probate Courts as it does to the Minor Courts and the other speakers today will be more specific on this, but I feel that

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Sen. Barnes continues: they are as in need of as much correction as the other Minor Courts in our State and certainly if we have got a completely integrated court system with only the Probate Courts left out it will only be a matter of time before they will be included also. And, finally, I feel that this basic weakness from the Administration Bill in that it does not eliminate completely trial de novo, which again is a considerable waste of time and expense to litigants and to the State So, Gentlemen, thank you for your time and in summary, I urge a favorable recommendation of S. B. 793. Thank you.

Chr. Scanlon: Any other Legislators who wish to speak for any of these bills?

Rep. Everett W. Martin, Orange: I would like to speak on one facet of this problem which is accident prevention as it relates to courts. Since more than 80% I understand of the cases that come before the courts of this State are what are called traffic in automobiles. I believe that this is probably one of the most important angles of these bills and I was suprised to find in none of these bills was there any mention of Traffic Courts. There has been a Traffic Court in the City of Danbury. I have heard criticisms of this court, but I have never heard any specific criticisms of it that I thought were valid. And if there are thousands of traffic cases to come before the courts of this State, I believe that in each of the large cities at least there should be a traffic court. Now Gentlemen of the Committee what have our present courts effect had on this problem, since presumably the purpose of the courts is at least try to prevent some of the cases which have come on the rolls of this State I did a few studies in this relationship and since most of you are well acquainted with the problems that have been before us in acts of prevention. I'm going to try to cite one, in which the Governor has tried by taking away the license of those who have been caught speeding.

in regard to SB491

Chr. Scanlon: Mr. Martin, we appreciate the effort that you must have put into this study, but this morning can we confine ourselves to the Bills on the agenda.

Rep. Martin: Senator, I believe that this statement shows what I think is the defect in the present courts, so that you may change it according to this bill. Remember, I am speaking in favor of Court Reorganization, and one of the reasons that I am speaking in favor of this Court Reorganization is the fact that I believe that our present courts have not contributed in this whole area and I want to explain why. Don't you believe that thats germaine Senator? It certainly has a tremendous bearing in view of the fact that 80% of your cases before these courts are automobile cases.

Chr. Scanlon: We could be here for weeks if we took every subject that is at all touching upon the Court System in the State. We should confine ourselves to the problems of today, and atleast perhaps we can get through.

Rep. Martin: Senator, I agree with you to a certian extent, but I think that anything that pertains to 80% of the cases that come before this court is distinctively relevant and germain, and I'm sure that you will not stop me in bringing these figures to your attention

Chr. Scanlon: I don't intend to stop anyone this morning or any morning, but if we can we would like to stay as close to the bills as possible.

Rep. Martin: The reasons I feel that these courts have not fulfilled their function the way they should. Let me give you just one illustration: In the year 1955, which was before you suffered the penalty of having your license taken away for speeding, there were 8,630 declared speeding in this State. There were 210 declared not guilty by judges. Now members of this committee, the following year, which was the first year under this penalty, there were 7,205 cases declared guilty and number non-guilty went up to 1,1036 or a thousand more declared not guilty as the result of being charged with speeding and the following year of 1957, that went up to 1290, which illustrated that these courts have not been following out to my mind their intention of keeping and penalizing people who are caught speeding/ Now one other thing, I attended one session of the court in which I sat from 8:30 to 10:30 in which there wasn't a single case tried. One by one they were called behind closed doors and the cases were settled. Now to my mind thats not proper justice of these cases. One other thing in this connection, time after time, in drunken driving cases, the fines have been a minimum of $100, and a large part of that has been remitted. Another illustration in my mind where these courts have not been functioning properly in this area. And Ladies and Gentlemen, with that I close this thing. I believe that the courts should be reorganized, I'm in favor of the Family Courts. I hope that in the reorganization you will consider most seriously studying Traffic Courts in the State of Connecticut. Thank you.

Chr. Scanlon: Thank you. Any other Legislators for these bills?

Senator Abner W. Sibal, 26th District: I am speaking today as Minority Leader of the Senate. I hope the committee will not consider at this time as representative of my position on these bills. I would like to point out however, that this question on court reorganization is as you know one of those most complex that this session of the Legislature must consider. The Minority Party recognizes this. You are familiar with the forum conducted last Wednesday, however, the committee bill, H.B. 3873 is the recommendation of the sub-committee was printed only last Thursday and the Legislature was

not in session that day nor either on Friday, or today, therefore a large number of Legislators or the general public have had an opportunity to read this bill, much less digest it compared to the other proposals.

H.B. No. 3873 (Committee) ESTABLISHING A MUNICIPAL COURT DIVISION OF THE COURT OF COMMON PLEAS.

Sen. Sibal: I suggest that in considering this and also considering that 30 out of the 36 Senators were not there last Session. Therefore, it is up the utmost importance, that any attempt, if there be one, to rush this import-bill through without any attempt of careful considerati be resisted. I respectfully request the committee take this approach.

Chr. Scanlon: Senator Sibal, I might just point out now the Committee itself didn't get the bill before Thursday, and I'm sure that you are aware that there will be sub-committe to work on these extensively before any particular bill is decided upon.

Sen. Sibal: I thoroughly understand that the committee itself did not receive it and no criticism was implied in that remark.

Rep. Almon Searle Pinney, Brookfield: I'm speaking as Minority Leader of the House. I wish to make clear that the Minority in the House has not as yet taken any position on the subject of Court Reorganization. This is a result of the fact that we have not had sufficient time to lay out to the Representatives all of the facts and background material necessary to an intelligent decision on this complex subject. I would point out in this connection that 50% of the members of the Legislature and this is true on both sides of the House, are serving their first term and to them this is a matter of first impression. For at least 35 years various groups have been studying and suggesting in this field. Each year different proposals are advanced, even those of us who have spent much time and effort in this general area, must in fairness take the time to comprel the various proposals. The bills before this committee differ in serious and substantial ways, even in their approach to an identical problem. For instance the Administration approaches the Family Court from an entirely different direction and on completely different concepts than the State Bar Bill. These approaches need to be studied and evaluated. If there is to be Court Reorganization, we must still study and solve the many difficult substances of these problems. We have been and are continuing to assemble and disseminate the members of our Party and to anyone else who is interested the facts on thisnproblem. When this process is completed we hope to arrive at an intelliger conclusion which will be in the best intrest of the State.

Chr. Scanlon: Mr. Schlossbach, are you speaking for the bills?

Rep. Benjamin M. Schlossbach, Westbrook: I would like to speak in preparation for defense of these bills.

Chr. Scanlon: We would first like to hear all the proponents, if you please?

Senator Gloria Schaffer, 14th District: I would like to register in favor of the Cpurt Integration and the Court Reorganization bill.

Chr. Scanlon: Any other proponents in the Legislature that is? Any Legislators in opposition to these bills?

Rep. Schlossbach: I would if it is possible, at this time merely like to speak shortly and briefly in opposition to the bill as a Legislator and then if I might include my statements with the opposition of those who will speak who are not members of this Legislature.

Chr. Scanlon: We will hear you now on your position as Legislator.

Rep. Schlossbach: The only opposition I have now at the present time coincides with that of my colleagues. And that is approximately two weeks ago I requested, if you recall, that this hearing be postponed for an additional two weeks in order that we might have all of the bills before your committee at one time. At the time of the request, you will recall, the Bar Association Bill and the Administration Bill had just been printed. Those of you who have seen it now, know that it is in effect a lumnous pamphlet, that is the Bar Association Bill, and the Administration Bill is much shorter. Howver, I doubt very much whether anyone, whether he be lawyer or layman, could have read and properly studied those bills in the period that has been given to him. And I might say, that I particularly having been with this subject since 1953, after using practically all the time that perhaps I should have used on other bills, have been unable to do so at the present time. Howeve: I am prepared. It does seem to me that we have rushed into this hearing here today for not other reason that everyone feels, that is everyone in power, that this bill should come up and be pushed through as quickly a: possible. This is a big step for the State of Connecticut for it to take, and I personally believe that we are doing it a little bit too fast. I will speak of it a little bit later when I join those who are in opposition, but I do believe that an additional hearing should be held on the new bills that have come in.

Chr. Googel: Mr. Schlossbach, may I respectfully remind you Sir, a year ago the hearing on the Court Reorganization Bil were held on February 7th. Today is February 9th, I don't recall you at that time objecting to the great haste in hearing those bills. And as Senator Scanlon has pointed out there will be a sub-committee on court ordered by the Judiciary Committee, of which you are a member. They will give everyone an opportunity to

Chr. Googel continues: state their views so that no one is trying to jam anything down anyone's throat or to meet any deadline. It's merely that we would like to get along on this important matter. We realize that this is a complex problem. We want to get as much information as we can from the public at large and this is the intial hearing on Court reorganization.

Rep. Schloesbach: Mr. Chairman, in answer to that may I say that what happened in 1957 does not have to happen in 1959. It was wrong then, it's wrong now. Also we have failed to take into consideration that the people who are going to be affected by this change are the people of the State of Connecticut, and I believe that we as a committee have a duty toward those people to give them all the information so that they may make up their minds and they may speak to their Legislators and try to get them to vote for or against this bill.

Chr. Scanlon: Any legislators who wish to speak in opposition?

Rep. Robert H. Barnes, Montville: I rise to register my opposition on the Court Reform measures that are coming up. This may seem to be a paradox, the town of Montville being a Democratic town for 25 years. We had a referendum and the Town of Montville went on record wishing to retain the Justice Court and also wishing to retain its Probate Court. Now in keeping with the new policy and philosophy of this Assembly in which the Legislators are not supposed to come and harangue the committees at great length to give the public a chance I have prepared at my expense a brief. I have 35 copies here and I should like to give them to the committee and I respectfully request that you look it over. I have voiced my opposition. I am not as some people going to tell you what to do, however at a later date if you should like to have me talk about what I think could be done I would be very happy to come back and do so, but only upon your invitation. I should now give you these copies. There's a copy for every member of the committee. Thank you very much (See Exhibit folder)

Chr. Scanlon Representative Innes, did you wish to speak?

Rep. Allan C. Innes, Thomaston: On these particular bills pertaining to Court Reform. It seems to me the first reaction of anyone of our local citizens, particularly in the small towns is that they're for Court Reform. But when it is explained to them what it means to the town, they seem to change their minds. Now in the small towns, the courts meet at night, which allows the citizens to go there after working hours and when the new set up is made I believe that the courts will beheld during the day time, which is going to be a great inconvenience to the people having to go during the day time and lose time at their work. Now it could well be that there be so many cases piled up that they might have to lose an additional day to come there. Now this does not seem to go so well with people of smaller communities. At the present time if they're not satisfied with the decision of the Trial Justices, they can always appeal to the Court of

Rep. Innes continues: Common Pleas and I don't think that this argument that Trial Justices do not give good thought to the case and good decisions to them is warranted. I believe that some sort of training of course could be given to trial justices which would maybe eliminate these objections. Further than that when you come right down to changing the Probate Court, that certainly would a frightening upset to any small town because I think that the general opinion is that they are all pretty well satisfied with their Probate Court procedure now. It is done in a good friendly manner. The people know their Judge of Probate and the cases are handled in a very efficient and quick manner. One other thing on the basis of cost, I believe that a system like this would be quite expensive and particularly from the point of trying to balance the budget without any additional tax. When you figure out that there will be 40-50 new judges in the Court of Common Pleas and the Family Courts and the Judges of Probate, etc., in addition to that of course you'd have the Prosecuters, secretaries, stenographers and other attendants. I think that it would be just as well to stay the way we are. I grant you that there might be improvement. But let's make the improvements and not go all the way and I sincerely hope that the Committee will give it serious consideration. Thank you.

Chr. Scanlon: Are their any other Legislators?

Rep. Margaret Strekas, Somers: I couldn't give a long speech but along with the majority, I believe this is a public hearing. But one thing I am very much opposed to this reorganization bill S.B.491. We seem to forget up here on the Hill that the people are to be served by these courts. I have been a resident of the town of Somers for the past 21 years. I have yet to hear critism of our trial justice courts. And as the public be served, and every Legislative Session has a watchword. The watch word of the 1959 session I believe is Economy. According to Chief Judge Carmody report for the year 1957 of the 102 towns served by these Trial Justices, it has a total population of 314,590 who were served. There were 19,000 public cases tried at a cost of $107,129, or approximately a cost to each person of these towns of 35¢. How much is this new system going to cost. That's one thing you don't hear anything about. And most impressive of all of these 19,000 cases tried, less than 5% of the verdicts were appealed. Gentlemen, please consider this carefully. Thank you.

Chr. Scanlon: Any other Legislators?

Rep. Andrew Repko, Willington: I want to voice my opinion. I am opposed to S.B. 491, 492 and 793, as for the other two, I haven't had a chance to go through them. But on S.B. 793, I wonder if we realize what we are doing to

Rep. Repko continues: our constituents and does this committee realize how serious this is. They have put us up here because they feel that we are here to protect them. Here we are doing away with something we will have no power over when it comes to appointing these judges whenever they want to. And the cost is tremendous folks, I say this in all sincerity because I have checked it. We've done this thing in '55 on our county homes, and we have added a burden of 3½ million dollars more to the taxpayers and we are going to do the same thing here. Thank you.

Chr. Scanlon: Any other legislators?

Rep. Daniel J. Burns, New Hartford: I would like to register in opposition to all these Court reorganization bills. S.B. 491 and S.B. 793. I believe in the 1955 Session of the General Assembly it was given to the Chief Justice of the Supreme Court of Errors the authority to administer the conduct of the lower courts. That and the Chief Judge of the Municipal Courts was appointed by him as well as the Chief Justice of the Trial Courts. Since this has not had a chance to work out wouldn't it be fair to give it a chance and see how it works. I think that if there is anything wrong with the town courts, and the Municipal courts in dispensing local justice, this Administration should be given an opportunity to work. I question seriously whether there is anything wrong. It is true that in some Justice courts, non-lawyers are appointed, but I am sure that even the lawyers would agree that in some instances some of these men and women are at least as capable as some lawyers to be appointed. There seems to me that this is of minor importance compared to the expense that is contemplated in setting up this very elaborate and confusing system that is to be proposed, particula in view of the fact that the Administration of the Chief Justices has not had time to work. Secondly, no consideration is being given to the major court, yet here there is no question but what improvements could be made.It is an adversity to justice to have cases docketed for two to three years before hearings, and another year before a decision is made. It seems to me that instead of generosity concerned as to what is wrong with the minor courts, I think instead of requesting that we support something thatbwe can't afford, that it would be appropriate if there had been before us a request to increase the number of Common Pleas and Supreme Court justices. Thank you.

Rep. Edwin O. Smith, Mansfield: Mr. Chairman, I don't know that you need the votes of small towns to accomplish changes in the courts as proposed, but certainly it is obvious that it is a great disintination on the parts of many small towns to losing their Justice Courts and their Probate Courts. I'm very sure that you can get more votes as to reorganization in the courts in the upper levels for seeting up all the district courts you want to and getting jobs for all the lawyers that you want to. If you would pay some

Rep. Smith continues: attention to our attitude in reference to our own local courts. We don't look with favor on the transferring to a District Court all the petty traffic cases of fines of $3 which we now handle locally. We don't look with favor on maybe wiping up the small claims courts which have been set up to relieve the upper courts, drawing a volume of comparatively small amount of work up to this new court. And I simply want to say if, there is no organized opposition to this, but I think you can see there is a spontaneous reaction on the part of the small towns. So far as I'm concerned, let us keep our Justice Courts and our Probate courts as they now are. We don't care too much what you do with the rest of the establishment.

Chr. Scanlon: Any other Legislators?

Rep. Harriet L. Clark, Cornwall: I wish to register in protest against S.B. 793 which concerns the Probate Court. I trust I will have a chance to talk further at a sub-committee hearing.

Chr. Scanlon: Are there any other legislators?
The Chair will now recognize Mr. Charles Pettengill, Chairman of the Citizens for Better Courts.

Mr. Charles Pettengill, Chairman of the Citizens for Better Courts: Mr. Chairman, members of the committee, Ladies and Gentlemen: This isn't my ordinary voice, so fortunately for you I will be briefer than I had originally intended, which was pretty brief. Your courtesy in permitting us to speak so early in the hearing is much appreciated. In consideration thereof, and consequently as a result of my lack of voice, we shall make our presentation very brief. I had not intended to say anything about some of the arguments against the bill, but I will respectfully point out that the Citizens' Committee of this State has spoken out rather overwhelmingly in favor of court reorganization.. It is more of a coincidence that the principle issue at stake in the last election was the matter of Court Reorganization Also it is easy to understand why in the small towns the select men of the prevailing party would like to be able to appoint the trial justices, and also it is understandable why in the small towns where in one instance a town of some 300 population has an income of approximately $37.50 per capita from the justice court system, why they should want to maintaim it. And there are others, I could speak generally on the subject were it necessary, but that is just indicative of the type of opposition that you will encounter and it seems to me that the election in November indicated pretty well how it was felt about this issue in the campaign. Now today you men and women of the committee are considering some four bills, two of them Administration, one the report of an Interim committee, and the Bar Association Bill. As a lawyer I have my own opinion as to which of those bills you should select, or which bill you should work upon. As a lawyer I would recomme

Mr. Pettengill continues: that you embrace in your legislation the principle items of the State Bar Association Bill, but as a citizen, I think I should say that representing citizens that there are two or three items about which there is little or no controversy. No. 1 the Family Court principle, the idea of a Family Court was included in both platforms, the platforms of both Political Parties, so it seems to me that you should adopt number 1 a Family Court, whether the Family Court is to be a division of the Superior Court or a separate court as proposed by the State Bar Association is for you to determine. I would like to point out however that the most successful court, Family Court or Domestic Relations Court of this character is essentially a division of another court. And I'm not saying that to indicate that I do not favor a complete separation, but I want you torealize Gentlemen, as you study this, that it can work as a division of the Superior Court. Now the citizens generally in my opinion have spoken in favor of full time lawyer judges. They don't care I don't believe how this is accomplished, but they want competent men and women on the bench. They want to feel that when they come to a judge, he is actually a legally trained man who can comprehend the legal issues, who has dignity, who has no conflicting interests and who will administer the type of justice that we here in Connecticut are entitled to expect. And every citizen and everyone in this room will admit some improvements could be made in our present system at the local level. The only problem is how far should we go. Now it strikes me it is an understatement to say that this legislation is long overdue. It strikes me that now is the time and this is the place to get started on this most important legislation for the good of the people of this State. We have invited one or two members of the committee, of the executive c ommittee to speak, and in the interest of saving your time I would appreciate your indulgence if I might intrdduce them. On my left is the former Chairman of the Citizens Committee, Judge Jennings, a former judge of the Supreme Court of Errors, a man who for many years has been interested in court reorganization. He is not formally a member of our present committee, but two years ago at that hearing on February 7, he represented and spoke for the Citizens. I will ask Judge Jennings to speak, please.

Judge Jennings: Mr. Chairman and members of the committee, it was just about a year ago that I stood in this place under similar circumstances, and due to influences which I do not here describe, nothing happened to the court reorganization matter at the last Session. I am glad you feel that the atmosphere is more favorable at this time. The possibilities of doing something about it are great. It does not seem to me open to argument that any person who gets into court is entitled to ask the question which is bothering him and have it decided by a fair and impartial judge who has no interest in the matter. That is not the situation today here in Connecticut. Especially in the Municipal Court, there are conflicting interests that even with the best will in the world, a

Judge Jennings continues: judge would find it difficult to entirely control. As I said before it does not seem to me that there is any question to debate about the desireablity of having trained and impartial judges on a full-time basis. In matters of detail I recognize that you have a very difficult task with the mass of material that you will find available to settle this question both in this state and elsewhere. I had a suggestion that I hadn't heard advanced before and take it for what it's worth. At first I had two suggestions; the first is that this is not a matter of constitutional amendment, it is a matter which can be brought up any time at any session of Legislature and the harm that is being done if any can be remedied. The other idea I had was that this subject divides itself naturally into three parts. The Family Court, Probate Court and Municipal Court, and while they touch at many points they are in a way independent and it might be possible to concentrate on one or two of them without having to reach the third. I hope that will not occur. As I said before the atmosphere seems to me favorable now for action and atleast we have a Senate and House that belong to the same party, a party which has twice passed this Bar Bill so-called, S.B. 793. As I say so much of this subject has been discussed in the press and in these halls for so long it's hard to think of anything new and novel, but I do hope that the committee is going to see fit so that it can give some relief and if possible see that it is entirely passed - the Bar Bill. Thank you.

Mr. Pettengill: I would like to ask Millard C. Fort, who is a layman and who is interested in this subject to speak if he will.

Millard C. Fort: I would like to emphasize that I am speaking first as a citizen and incidental to that as Vice-Chairman of Citizens for Better Courts and in that role would like to confine myself merely to one point, namely that as a layman and as a citizen it seems to me that reorganization and modernization in Connecticut's courts makes an excellent case for itself on the basic grounds of simple logic. By that I mean, that not to have the finest possible court system, it seems to me to be entirely inconsistent with every tradition that Connecticut and its people stand for. We have a reputation as a conservative, progressive and certainly an efficient people. We try to maintain the highest possible standards and goals for all aspects of our lives. If for example, you were to pick education or health or roads, or virtually any other public matter, Connecticut is almost invariably in the fore front. Why then should we tolerate our archaic or inefficient justice on any score. Justice certainly is a form of public service. Poor justice obviously without the vibration contributes lag, leak and friction in cost in practically every faction of our lives, in both individuals, our companies and our institutions. Now if there were some compelling reason why good justice were not available in Connecticut then we might have some excuse to put up with an inferior type of judicial

Dr. Fort continues: service. One can hardly think of any such compelling reason. Therefore it seems as I say in the interest of logic that we certainly ought to seize on this present opportunity. After more than a quarter of a century of talking about doing something to reform and modernize our courts, to achieve the best possible judicial system that we can for out state. So as I say if we are a logical and intelligently cnnservative people, then we certainly ought to be consistent in this instance with our own best traditions, because the best of justice is clearly no luxury, indedd it is a compelling necessity in its own right and surely poor justice is no economy.

Mr. Pettengill: Is Representative Josph Rourke in the room? Rep. Rourke is a member of our Executive committee and as you probably know is the Secretary-Treasurer of the AFL-CIO in the State. He wished to be heard on that matter. I have received a few wires which I would like to read into the record. They're very short:

The Bar Association Bill in favor of completely modernizing courts has my support.
Marion C. Sheridan
Chairman, American Association of University Women of Conn.

As a Non-lawyer I favor the Bar Association Bill over the Administration Bill on reorganizeing the local courts stop the latter infers that our local must remain inferior by permitting trial de novo.
John Fox

Please convey to the Judiciary Committee my fond hope that Connecticut's antiquated minot court system can be reorganized to modernize wiht uniform integrated minor courts and responsible officials will better serve justice and be a credit to Connecticut.
Adrian Wadsworth

It is my sincere hope that the reorganization of our coursts will be accomplished at the present Session of the Legislature. I refer particularly to to the abolition of the trial justice court and of the system of part-time justices.
Albert C. Jacobs, Trinity Colle

Though I will be out of the state at the time of the hearing on Court Reorganization on Feb. 9 I would like to join my fellow Connecticut citizens in urging immediate and thorough legislative actinn to achieve the kind of modern court syytem so long overdue in our state. The excellent record of progress of which Connecticut is making on many social and economic fronts is daily being inhibited by the efficiencies, delays and needless costs imposed on the life of the State by our conspiciously obsolete court system. Will you add my voice to those who urge a thorough and realistic reform of our court system at the present hearings.
Walter H. Wheeler, Jr.
President, Pitney Bowes, Inc.

Mr. Pettengill continues: John S/ Black, a member of our committee, the Secretary of the Stanley Works has sent a wire, a wire from Frances Redick, who served two terms as Secretary of the State of Connecticut, a wire from Adrian Wadswoth, already mentioned. I have not mentioned the Probate Courts, not because I am not in favor, or we are not in favpr of the legislation affecting these courts, but because of the issue of the Probate Court being not clearly brought before the electorate in November. However, I would like to point out that those courts should be manned by full time lawyer judges. We now have only 43% of our courts manned by law-trained judges and 57% do not have the training of lawyers. And one further in closing statement, as you recall there has been plenty of publicity upon the salaries of the judges, particularly the judge of one court, who receives some $40,000 from fees, and of course if this system would be done away with under the proposed legislation that judge would be taxed $15,000 I believe to support the Probate Assembly. And the Probate Assembly I would like to suggest respectfully if a group of Probate Judges were organized pretty much to continue this syetm in operation. And as part of this$15,000 which Judge Johnston contributes and other judges around the State, they employ an executive secretay a very efficient and experienced man who has stated in a pamphlet which ho doubt you have seen, prepared at the expense of the Probate Assembly. The Probate Assembly has made available the service of the Executive Secretary as research and law-clerk to all the Probate Courts in the State. He submits suggestion within reason and written memoranda to be layed before parties and their counsel. He constantly stresses the controlling force of facts and the necessity of determining this.

(Machine Breakdown - Five Minute Recess in Hearing)

Chr. Scanlon: We will recess at 1:P.M. for lunch until 2:P.M. if anyone cares to make any plans along that line.

Mr. Pettengill: Are we on the air. I would first like to inject an apology to Marion C. Sheridan, of Hamden who sent that wire I read to you. She is the President of the Association of University Women in Connecticut, and I should have known that. She of course rpresents an organization which has studied this subject and is familiar with the problems. I was stating that the services of the Executive Secretary of the Probate Assembly are made available to the judges of the various courts. 57% of whom are not lawyers. In other words, a man who may be a butcher, or a grocer or a farmer or even a housewife who has been elected Judge of Probate and has the title of judgehas available to him or her to analyze these complex problems, the services of one of the finest Probate experts in the State, that in my opinion that is not the matter in which justice should be handled. Now I understand that Judge Henschell, of

Mr. Pettengill continues: New Haven, who has been working with this subject for many years, would like to make a statement at this time on behalf of the general subject.

Judge Charles Henschell, Judge of Municipal Court, New Haven: I was admitted to practice in January, 1931, and the Honorable Judge MacEnvoi (?) spoke to the clients of newly admitted lawyers at that time. I recall very little of what he said. There is onething he did say that I guess stood out in mind, because there's hardly a lawyer that hasn't heard it said many a time and that was that the Law we would find would be a hard task mistress. That I suggest every lawyer who has practiced any length of time knows. Along with it and maturity of practicing law comes another understanding and appreciation of the fact that as you study the history of our country and our Constiution you begin to realize that one of the fundamental principles of our system of government is a sound judicial system. We cannot, and particularly in these days when we must, have a sound democratic system unless our judicial system and our system of jurisprudence will do for us what jurisprudence has been doing through the ages for civilization. Civilization cannot stand without a system of law. And we recognize that this is a government of law in this country, not a government of man solely. And that is the reason why I have been most interested in this subject even before I became a judge of the Municipal Court. I was a member of 1945 and 1949 Session and I believed then as I believe now that we must have a proper judicial system. And I was a bit upset with my old friend from Mansfield, Mr. E. O. Smith, who I know to be one of the leading layman students of constitutional law and the Constiution of the State of Connecticut, who made the statement which elicited some applause from some people at this gathering to the effect that they weren't concerned with what we did with the rest of the court system, so long as we left the small justice trial court and the Probate Court alone. Some other representtative who spoke here talked about the fact their trial justice court had served well in their community, and has been above criticizm. Let me say that the merit of this whole issue is not one of critism of the small town trial justice or of the small town trial probate district court for that matter. I don't think that anynne can question the fact that those people who serve as trial justices as well as the gentlemen who service as judges of our municipal courts or our higher courts are not all equal and on the same plane when it comes to integrity and when it comes to handling their jobs, in the best way possible, but that does not lessen the fact that we have a judicial system that requires reorganization. A judicial system that has been in effect in this state ever since it has been constututed as a state and before then. Now I could go on at great length and tell you of a great many evils, if you want to characterize them as such, that prevail under our present system, but afraid that I would be taxing the patience of this committee for too long a period of time

Judge Henschell continues: But let me say to you, that fundamentally, under our present system, we have taken away from many, many people the right of a trial by jury. We have, instead of throwing open a medium in our small claims courts for instance, of getting speedy and proper justicefor the creditors, we have iniated the system which at times is particularly vicious. Do you know that if you were to bring a matter into small claims court, in any court, in any town where there is a small claims court set up now, and if your opponent wanted to, he could transfer that case to the civil side of the court for a payment of $2. Then he could file a motion to transfer that case to the Common Pleas Court for a jury trial for $16. What about the poor fellow who is in there and wants to collect $50 or $100 from the deadbeat and is faced wiht all of these moves and they do occur. I don't know whether they occur in the small towns, but they do in New Haven. And he is faced with the necessity of finally going before a jury in the Court of Common Pleas and he usually never gets there because it becomes economically impossible. And on the other hand, we have frequent occasions in New Haven and I'm sure it takes place elsewhere, where a wage earner is faced all of a suddan with a wage execution, and that execution takes from him everything that he earns in excess of $25.00 and he has no previous notice that a suit has been instituted against him or a judgment been obtained,that a wage order has been issued against him. And the reason for that is a very simple one, in many instances, yes, lawyers who are in the collecting business, as well as tradesmen seeking to collect bills, will file an address with the Clerk of the court and a registered or certified letter goes out and that person is no longer living at the address that's given and as a result the judgment creditor is told that if he files an affadavit of residence he can obtain a judgment. So he files an affidavit, not based upon personal knoweledge, but based upon belief. Now the truth of the matter is that in many of our larger courts and I think that this is true of almost every small claims court. That affidavit is not questioned, it's not checked. It's assumed that it is in proper order and the first thing that wage earner knows, he's had a judgment obtained against him. In the City of New Haven in our small claims division we have from 400-600 different matters presented to the judge that is sitting on that small claims of that court on every single Monday morning. It's impossible for him to check those, and his clerk who should is in there holding a political job and feels that if he gives up 2 or 3 hours a week, that's all he's getting paid for, and he doesn't check those affidavits. Now those are not necessarily evil, but they do represent some of the practices that occur, and I say they occur in all courts, all over the State. Those things rot away the foundation of our judicial system. If the man who never has any contact with our court system excpt in the small claims court, finds that he has been badgered and plagued without any opportunity to reply or come in and that he is now

Judge Henschell continues: faced with a wage execution, what is his reaction to our court system? What does he think of Connecticut justice? And that's only a very minute example of many of the things that taek place. It is my belief that courts should be impressive, that they should be a majestic system and place where people will have the proper conceptionof what our law is, of what our system of jurisprudence is. We have seen totalitarian governments take the system of jurisprudence and prostitute it only for the edificatio and the best interest of a small ruling class. Do we want that to happen here in the State of Connecticut? Are we going to say that because we have had a system that has been in effect since 1818 that it has served some towns well, that it is not necessary to reorganize it, that it is proper and good and should be permitted? Do we still live in the year of 1818? Is it necessary for us to have part-time judges, whether they be in Municipal Courts in our large cities, working on the one hand as a judge in the morning and then appear-in another court as attorneys and perhaps in opposition to some attorney that has appeared before them that same morning? Do you think that these things do not have some influence and bearing on the decisions the judges make? Subconsciously or unconsciously I can say that as a judge of the Municipal Court being as conscientious as I could hope to be there are many occasions and there isn't a member of the Bar that won't recognize them when I am influenced either by the fact that I have been preferred by my political party and been given a judgeship, or I am being influenced by the fact that there is someone else in the case. Ladies and Gentlemen, there isn't a court in the State of Connecticut, including the trial justice courts, that doesn't hand out one kind of justice to the man who appears in that court, whether it be criminal or civil and I dare say its much less on the civil, for the evil is greater on the criminal side of the court, when someone appears with an attorne representing him as the man who appears without an attorney. There can be no question about that. I admittedly will penalize a person who appears before me charged with drunken driving without an attorney and pleads guilty. I'll penalize him more so than I will the man who appears with an attorney and pleads guilty to the charge of drunken driving. There isn't a judge in this State if he's frank and honest that won't acknowledge that to be so. I could give you instance after instance where there is unequal justice and to revert back to the small town courts of trial justices. If you go and examine the dockets of those courts and compare the penalties that are imposed upon the resident of that particular town with the imposition of the penalty of the out of towner, a man who c from some other part of the State or from another state, and I guarantee that you'll find that there's a difference in the penalty that's been imposed. I'm not being critical of that, what I am being critical of is the fact that we must have a court staffed by competent persons and no one can administer the law unless he is a qualified lawyer, whether it be in

Judge Henschell continues: the Probate court or whether it be as a trial jsutice in the small town court or even as a judge in a Municipal court. We have judges in municipal courts who are not members of the Bar. He cannot sit and preside in his court unless he is so qualified. He can't do it on a part time basis. He can't do justice to the citizenry of our state. He can't do justice to our system of jurisprudence, if he is a political beneficiary, if he is concerned with other factors. The mere fact that a busy lawyer is taking time out. Well you can tell me that he sought the job, well I did too. But he can't be sitting there in that court listening to his docket on either the criminal or the civil side without looking at the clock and wishing that the docket were all over. Believe you me it doesn't take very long for a man who is a judge sitting in a court to lose all sense of being holier than thou. He's more concerned wiht getting rid of his business and getting back to his office. And those things influence you. They influence every person who is sitting in any court of this State unless he is able to devote his full time to the position he occupies, unless he is giving his full time to that task, unless he is devoted conscientiously to carrying out his function as a judge, listening to every case, handing out equal and impartial justice without consideration of political preferrment or political votes, or members of the Bar with whom he may be friendly, with whom he may play cards on one night and with whom he may be in a matter on another day. This is not a good system and we weaken our entire democtratic process as long as we maintain this kind of a stop gap system. We must have am judicial system in this state. The people have asked for one which will insure equal justice, impartial justice on every level. We must do away, and this is one of the steps towards doing away and overlapping of our court system. Is it proper, is it necessary for members of the Bar to have to be in Municipal Court for a short calendar on one day and at the same time be required to be before the short calendar of the Superior Court and the Common Pleas court at the same time. I don't think it's proper. There are many evils intended upon our system and we'll never get rid of them all, I know that. But certainly we have in the past indicted our minor court system when we did away with Constable fees and costs in our minor courts. We've tak a number of other steps over the years and we have done it in a half-hearted manner saying we passionately admit that this is not a good system, but we'll slap a board down there and put a stick up here and then we'll try and rform it in that way. I think the time has come, members of this committee, when a complete job should be done by the adoption of a new judicial system in the State of Connecticut.

Mr. Pettengill: Just one concluding statement, I would like to point out that the Citizens committee complies representatives of industry, labor, federated women's clubs, educators, and farmers, and in concluding I would hope that your committee has prospered by the example of what happened to the Tweed commission and the proposed legislation in New York a year ago. The committee due to the

Mr. Pettengill continues: committee's recieving pressure from all sources compromised and made exceptions. There was gerrymandering with the result that the bill was finally watered down to the point where even the League of Women Voters couldn't support it, so I respectfully suggest Ladies and Gentlemen of the committee that thousands and thousands of Connecticut citizens who in November voted for court reorganization look to your organization to be strong and provide the necess sary leadership. Thank you.

Merle W. DeWees, Executive Director, Connecticut Public Expenditure Council, Inc., Hartford: I do not want to labor you with going over the efforts of the reorganization of the judicial system, I think that's been touched upon already. I want to point out that the proposals embodied in S.B. 793 are the results of 7 years of work by the State Bar Association's Court Reorganization committee. The Connecticut Public Expenditure Council recommends S. B. 793 to the committee as a carefully conceived and workable program for the urgently needed reorganization of our courts. Tw o years ago the council studied the operation of the financing of the State local courts and the results of that study were made available to your committee. In some ways our studies showed that these courts handle several times the number cases handled by the State maintained courts. There are courts where the judges are more often without legal training. There are courts whose judgments are subsequently tried in the higher courts with resulting duplication and waste of effort and courts which in many cases hold regular sessions infrequently or not at all, and whose judges, in the case of the Probate courts are still compensated by fees wiht the result that among them are the lowest and highest paid judges in the State. These judges in the case of the Municipal courts are not maintained in office on the basis of merit and experience but on the other hand seldom survive the election of a Governor of the opposite party. There are also court records with the handling of millions of dollars that have time and again drawn critism from the auditors and public accountants. The Council's study has documented these and other aspects of the present local court operation. We believe that the provisions of S.B.793 will effectively meet these long standing problems. In addition under S. B. 793, the cases now handled by municipal and trial justice courts will be handled by duly trained judges dvoting full time to their judicial duties. The financial instance, the probate judge and their fees will be eliminated, they will be paid salaries equal to other judges in the State. The expense and time involved from the retrial of minor court cases will be avoided. Sessions will be held as the amount of business demands and economies can be achieved by making the most efficient use of court facilities and judicial personnel. A most important feature of S.B. 793 is its provision for effective over-all direction and adequate fiscal and personnel control. If properly used here, these

Mr. DeWees continues: latter provisions will make it possible to operate our courts efficiently and economically. These safeguards are lacking in the other proposals for court reorganization now before you. Thank you.

John Q. Tilson, Chairman of Committee on Legislation, State Bar Association, New Haven: We have before us the bill that Senator Barnes explained to you earlier, that is the bill supported by the State Bar Association. It seems to me that your committee and this General Assembly have a solemn obligation to do something this Session with Court Reorganization. The handwriting on the wall is all too plain for some of us Republicans to see at the last session. It seems to me that something must be done. We are very mush encouraged to hear that you aer appointing a sub-committee on courts. It's obvious that there are things in all of the bills that have merit and the matter can be worked out in cooperation wiht our association. We have today here a cnnsiderable number of people from the State Bar Association, but we are not going to inflict their words upon you. I have however, four speakers. I would like to intorduce them briefly in the same manner that Mr. Pettengill did. I would like to first introduce Jonathon Ells, of Winsted, President of the State Bar Association of Connecticut.

Jonathon Ells, President, State Bar Association: Gentlemen of the committee, for more than 30 years the subject of court reorganization has had the attention of distiguished jurors, lawyers, and laymen. A proposal has been made time and time again to improve our judicial system. Few changes have been made. Nothing has been done to remove the fundamental weakness of the system below the level of the Common Pleas Court. It is a hodge-podge of so-called minor courts, staffed in many instances by well meaning laymen without technical training, struggling to administer law in the 20th century with an 18th century system, Staffed in other instances with part time lawyer judges paid varying salaries with uncertain tenure and dependent on their office on shifting political winds A system whereby Connecticut lawyers appearing as trial justices in one town may impose a fine not exceeding $250 or a jail sentence not exceeding 60 days, whereas in anohter town wiht a socalled Municipal court a lay judge of such court may take jurisdiction of a maximum sentence calling for 5 years in State Prison and may impose a fine not exceeding $250 or 6 months or depending on the population of thentown or city may impose a fine of $500 or one year in jail, also which is dependent on population and not at all upon the legal learning of the judge. Our courts originally were adopted in a society wihhout automobiles, plumbing electricity, railroads, and a thousand and one things we take for granted today. There was some justification in the 18th Century for a justice court system when it took an hour to go four miles by horse and buggy. Obviously no such situation remains today. In an interesting article some months ago an author

Mr. Ells continues: discussed various British governmental institutions which we borrowed and adopted in the founding of the Republic. Many ofthese instiutions developed in England to meet the present need. Now grown hoary with age they have long since been abandoned by our English brethren whom we are all too prone to criticise as being conservative. Some of these same instiutions long out of date we persist in claiming as though they were the very colors of wisdom. We continueto look to the layman to interpret the law in many of the minor courts, apparently on the theory that such law is simple, easily understood by the neighborhood grocers, or layjurists. Whether it is as simple when the Justice of the Peace is called upon to interpret opinions of the Supreme Court, the words of Justice Pound, formerly of the New York Court of Appeals in refrring to the preparation of legal instruments sees particulatly at I am unable to rest any satisfactory tests on the distinction between simple and complex instruments. The most complex is simple to the skilled and most simple trouble to the experienced. The United States Constiution though adopted in more simpler times, stood the stresses and strain of time and change because traditionally it has been the men learned in the law who interpreted it and gave it meaning. By similar token our Supreme Court, Superior Court and Court of Common Pleas have always been manned by lawyers. There's no talk in changing the fundamental concept of these courts. They have stood the test of time and are among the best in the country. What makes them so is the fact that the judges are lawyers, reasonably secure in their positions, receiving substantial salaries and possessing the dignity and integrity of their high office. The cost of operation of these proposed new courts as compared with the present minor court system is often discussed. Of course cost of this is important, no one would deny it. The amount of fines collected by the Justice courts in 1957, which went wholly to the towns and not to the State was about $190,000. The total fines collected by the Municipal courts, with 7 courts not reporting, was $1,387,851, from which should be subtracted a rough estimate of 1/3 for motor vehicle fines going to the State leaving an approximate net of $900,000 or an overall total of approximately $1,100,000 from justice and municipal courts going only to the towns and not to the state. Undoubtedly this total increases under the proposed reorganization plan due to three factors: the increased jurisdiction of the new court from the present 250 limit of the trial justice to $1,000 criminal cases. Discontinuance of the present practice on occasion permitting the remittance of part of a maximum fine prescribed by the Legislature in certain offenses, notably drunken driving, the presense of independent law-trained judges who will more in these instances, uniformally make the punishment fit the crime. These considerations should increase criminal fines in most cases by an estimated 40%. In addition of course

Mr. Ells continues: there would entries, judgments and other fees in Civil cases to be added. In the fiscal year 1957-1958 in Common Pleas, the court was roughly one-third the number of judges as would man the proposed new court, received as civil fees approximately $310,000. Even supposing the new courts received only that amount annually, so it is three times the size of the Common Pleas Court, the total income of the courts, Civil and Criminal should be $1,800,000 at the very minimum. Compare this expected income of the State wiht the proposed salary of the new judges, clerks, prosecutors and other staff of the proposed new courts. Now, Gentlemen, I have worked out a schedule here which is somewhat in accordance wiht my own ideas, but I am sure and they are suggested to you as possible personnel for the courts and approximately what I Personally would think would be reasonable salaries for them. For forty judges as provided by the Bar Bill would be $600,000. Ten prosecutors and seventy assistance, which is certainly very ample for forty judges, would come to $360,000, on the basis of $8,000 for the prosecutors, who would be the administrative heads of the circuit in each case, and approximately $4,000 for his assistants. Ten clerks, again heading up your circuit and thirty assistants on the basis of approximately $7,500 for the clerks and about $5,000 for the assistants would come to $225,000. Clerical assistants is allocated $100,000. Deputy Sherriff, and attendants $150,000. Court stenographers $200,000. Court messengers $150,000. Commodities $100,000, which is very liberal. Jury expenses $20,900. County Detective assistant $100,000. Total just about $2,000,00

These figures contemplate a suggested staff of the courts as follows:

40 Judges @ $ 15,000
10 Prosecutors 8,000
70 Assistants @4,000
10 Clerks @ 7,500
30 Clerks @ 5,000

Adequate clerical assistants and attendance of deputy sheriffs at 5 days a week, 50 weeks a year 15 a day each

Of course there will be no such number of attendance as there won't be 40 judges sitting all the time.

a like attendance of court stenographers at---------- 20 a day each

which is very high as the bill does not contemplate that there be a court stenographer in every instance. A large allowance for commodities, a reasonable allowance for investigators.

It is believed that some of these figures are heavily padded to secure an absolute maximumtotal, particularly in respect to sheriffs, stenographers and messengers and commodities. It might be pointed out that the Danbury Traffif Court which is a form of District Court

Mr. Ells continues: and the only perferable type of court now operated by the State costs the State in 1957-58, $18,435, and collected in revenues $18,629, shwing a profit of approximately $200. In the current bi-annium and cost to the State of Connecticut in round figures a net of approximately $7,000,000 to operate the State maintained court. The State's entire budget for the same period was $593,000,000. The third great arm of the government Judicial department, guardian of our fundamental way of life, liberty and the pursuit of happiness operates on less than 1.2 of the entire budget. Any complaint that we cannot afford a decent up-to-date system of justice seems strange indeed. If cheap justice is the object, the solution is very simple, just abolish all the higher courts and leave all the business to the minor courts. The State Bar Association for years has advocated the reorganization of the minor courts. It's cmmmittee om court reorganization has consumed untold hours drafting bills introducing them to prior Legislatures and in the present one embodying the principle for which we stand. Questionnaires were submitted to all the members of the Bar Association last year. Answers to this questionnaire were overwhelmingly in favor of the principles embodied in the resolution. Following this questionnaire, an open meeting was held to give members of the Bar Association further opportunity to express their views. Other than a representative of the Probate Assembly who opposed the integration of the Probate Court in the State Court system, no one expressed any fundamental objection to the proposed court reorganization. The Bar Association stands squarely on the resolution adopted by its council following the results of its questionnaire and the results of its meetings. Resolved that the Council of the State Bar Association should publicly go on record in favor of the enactment of a bill by the 1959 General Assembly, which would provide for an integrated Judicial system incorporating all courts within the State, presided over by full time lawyer judges, drawing reasonable tenure in office and adequate compensation. We sponsor the bill under consideration and urge its passage that is S.B. 793. We believe this pain-staking and detailed document will represent a workable system of integrated courts. We trust it will be most helpful to this committee and to the Legislature. This is not to say that we stubbornly insist on our bill in its present form or nothing. The basic objective of the Administration Bill and ours is the same, differing only in detail. It's complete integration of the court system cannot come immediately, then let a substantial part of it come now. We offer our bill for the assistance it will give you in working out many details. In addition to the approximately 36 pages of the provisions just for the courts, there are some 165 pages of necessary changes in existing statutes which must be made. This should have saved the committee a great deal of time in making the necessary changes in other sections of the Statutes affected by the new provisions. If something less than the whole must be, we will support it, observing only that anything less than the whole

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Mr. Ells continues: if it does not go far enough, we will continue to advocate the remaining steps for complete integration at a later time. And Gentlemen, may I have one more minute, I wish to offer this resolution, which the Council of then State Bar passed at a very recent meeting: Resolved that the President in conjunction with those in the Association be deemed best, meet with the Governor to designate, and/or the Judiciary Committee of the Legislature to cooperate with them in respect to, or implementing resolutions already passed by the Council.

Chr. Scanlon: Sir, one of the members of the committee has a brief question.

Rep. Satter, Newington: Mr. Ells, I tried to follow what you said. Could you again summarize, not in detail, but just in balancing figures just how much you estimate it would cost to operate the court under the Bar Bill and how much you anticipate the revenue would be?

Mr. Ells: I have figures only for the Justice of the Municipal Court changes, that is into the District court. The total estimated cost of the court is about $2,500,000 and the estimated income is approximately $1,800,000. If it is of any value I'll leave this statement with the committee.

Mr. Tilson: Our second speaker is our immediate past-President of the State Bar Association, James W. Cooper, of New Haven.

James W. Cooper, Past-President, State Bar Association: Mr. Ells has covered the major part and I would like merely to add a little further in the question of a referendum at the meeting which took place last year. There was an earlier referendum which I believe was recorded at the last session of the Legislature and in order that they might be more uptodate in the position of the lawyers of the State on the position of this subject, a second referendum was taken which enlisted a somewhat larger and bigger response both in total numbers and definitely in its conclusions favoring court reorganization. Perhaps the questions and the answers may be of the greatest importance themselves. The questions were as follows:

Do you favor the retention of the present court systems without any change?

108 - Yes
728 - No

(In other words about 7-8 lawyers responding were definitely in favor of a court reorganization scheme) Incidentally I should say that this total of over 800 lawyers does not of course represent all the lawyers of the State, but it represents for the second time of the inter-referndum an opportunity of every lawyer in the State to make known his views in the matter and I

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Mr. Cooper continues: think there is no conceivable question that if there were a compulsory poll of all lawyers the results would not be far different. Second question:

Do you favor the principle of full time legally trained judges having tenure equivalent to Superior and Common Pleas Judges for all courts of the State?

673 - Yes
139 - No

Do you favor the principle of the State maintained system for all courts?

669 - Yes
147 - No

(There perhaps is enough of the whole business and it comes out to about 6-1 in favor if I have correctly figured this).

Do you favor a State court system in the place of the present Municipal Court?

691 - Yes
135 - No

Do you favor a State court system in place of the trial justice court?

733 - Yes
89 - No

(That is the highest ratio of those in favor of the change of all the answers)

Do you favor integration of the Probate Courts in the State system?

583 - Yes
239 - No

(This is the question on which there was more issue and the answers to the questionnaire believen in this instance to be about $2\frac{1}{2}$ - 1 in favor of change)

Do you favor the establishment of a separate Family court within the State Court system? With exclusive jurisdiction of those matters not handled by the Juvenile Court, domestic relations matters and matters pertaining to minors and incompetents. That's a misprint, it should be now handled not 'not handled'.

670 - Yes
143 - No

This then is a simple statement of the climate of opinion of the lawyers of the state. The overwhelming response in favor of a court reorganization seems to

Mr. Cooper continues: me conclusively made out by this repeated polling of the opinion of lawyers and at its great influence in leading to a definite opinion on the part of the State Bar Association. I as counsel am in favor of this bill S. B. 793 as it has been reported. Thank you.

Mr. Tilson: The third speaker is Ernest McCormick of Hartford, who has spent a large part of his time at this Session and past sessions of the General Assembly on the drafting of the bill. Mr. McCormick isn't going try to give you his reasons for the bill, but he does want to make some explanation of the terms that are in it.

Ernest McCormick: Mr. Chairman, members of the committee, there would be little point at this time of my making any effort to review the existing court structure in this State or its weaknesses or attempting to review for you the provisions of our Court Reorganization bill. Those are matters which will require detailed study on the part of your committee or the part of the sub-committee of your committee for the next several weeks and there would be no point in attempting to review this at this time. Now I am not going to say aynthing about the effort which has been made in this State during the past thirty years to bring about some improvement in our Judicial system. I can only say that those similar efforts are being made in many other states in this Country at this time. The situation seems to have developed to a point all over the Country where there is some need for improvement in Judicial systems has become necessary and what we are doing in this State is being done in many other States at this same time. It has always seemed a pity to me that when the question of Court improvement or court reorganization arises, it immediately becomes controversial. Some people immediately take the position that nothing is wrong with our existing court system. Others take the position that everything is wrong with it and it has to be completely overhauled. That has not been the approach which out committee has taken in drafting S. B. No.793. I think in order to understand what our committee has tried to do, you must see some of our courts in their historical setting. You must realize how many of them have grown much like Topsy in Uncle Tom's Cabin, without very much attention being given to them by the General Assembly and I think when you see these courts in their historical setting and trace their growth and see their development you see very quickly why thetime has come where it is necessary to make some changes in them and why all of us ought to be ready and willing to approach these changes without becoming controversial about it and without becmming emotionally upset or disturbed. Now in illustration it seems to me that one of the simple courts which we can review in its historical growth and development is the Probate Court and I take that by way of illustration, because this same type of growth has occurred in connection wiht our trial justice and

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Mr. McCormick continues: Municipal courts and the same need has arisen for some improvement in those courts as well as the Probate court. Now the Probate courts of course had their beginning in early Colonial times. And if you look at the situation in this country at that time I think you can understand exactly why the courts are the way they are. In the first place the State of Connecticut was made up of a large number of towns, each with relatively small population. We haven't yet experienced the explosive population growths of the last few decades. That meant in many towns there were only a few deaths in the course of a year, so that there wasn't much business to be taken care of by the local probate courts and the settlements of the estates of those deceased. Inthe second place the properties and debts of the property owners who died was relatively simple. I suppose in the early colonial days the average property owner left a farm, some farm tools and implements,some household furniture and he may have owed a few debts to his neighbors and that was about it. And the matter of assessing his estate merely meant the handing of the disposition of those simple properties and the payment of those simple debts. Also, in those early colonial days, transportation was of course by horse and buggy. We didn't have the roads we have today or the automobiles, the railroads, or the other means of transportation that are available now. Finally, of course there were few lawyers, there weren't enough to go around I'm sure to serve as judges of those Probate courts and finally there were almost no complications in connection with the settlement of the estate of a deceased. At that time we had no Federal Estate tax, we had no State tax, we had no Federal Income Tax, there were no questions of wills drawn by sophisticated tax lawyers to get the beneifit of income splitting, charitable deductions. No one at that time had heard of the Marital deduction or the proration of the Federal and State taxes among the gifts that might have been given under a will. In other words, to settle the estate of a deceased was an extremely simple thing. Now if you look back at the provisions of the Constiution and the Statutes with respect to the setting up of the Probate Courts you will find that those provisions are just as simple as the situations to which they were applicable. The constitutions of the courts provided that the Probate judges should be elected. The Statutes set up the Probate Court district and the only other Statute that had anything to do with the operation of Probate Court was the Statute which says the towns in the district shouldfurnish the Probate judge with his records and his supplies and give him a vault in which to keep them. Further the Statutes listed the fees which he could charge the litigants who came before his court and then he kept those fees as his compensation for settling the estate. Those were the only Statutes or Constiutional provisions that had anything to do with the Probate Courts. Now when you apply those Statutes to the existing situation, you got the type of court which historically has been the Probate Court in Connecticut. First of all you have a large number of Probate District

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Mr. McCormick continues: established by the General Assembly. The size of the districts of course would pretty much determine by the length of time it takes a horse and buggy to go from one side of the district to the other. Secondly, a judge in a particular district was selected by his neighbors. He was elected, but I would ssume that in those days most of the people who would vote for Probate Judge knew him as a neighbor. Of course he was not necessarily a lawyer. There wasn't enough business to keep him busy all the time, so he served only part-time. He had no court room as a matter of fact some of you I think will remember at a hearing we had here two years ago, Bill Gordon, who was testifying in favor of our Court Reorganization bill relayed the incident where a Probate Judge of whom he had a matter pending before, held the hearing while he fed the chickens. There were of course no uniform procedures in the Probate Court. Every Probate Court was the law to itself. Finally of course, those courts had no judicial statutes that amounted to very much. While they were charged with the duties of administering the estates of descedents they had no general power to construe a will. They had no power to give a definitive judgment in a matter pending before the court. Any judgment given by the Probate Court was subject to appeal to a higher court and a trial de novo in that court. Of course the court had no power to grant a trial by jury in a matter that might come up before it and finally, as I have already pointed out, you had this system under which the Probate judges were paid by being permitted to keep the fees that they charged in the cases that came before them. Now as time went on, the underlying situation of course since has changed completely. There grew up in the State these large centers of population, for instance, Hartford, New Haven. The property that a deceased left when he died became much more complicated. We had an instance in our own office not long ago, where a deceased died in a very small town in the State with a very small Probate Court, in which he left large bank accounts in that town. He owned real estate in the town, part outright, he had large bank accounts in New York City, he had real estate and bank accounts in Chicago and yet that kind of estate had to be settled in a very, very small Probate Court, presided over in that particular case by a lay-judge. Of course our transportation has changed and I need not go into it at any length, the tremendous complications that have arisen in connection with the settling of the estate of a deceased. Not long ago, I happened myself to argue a case in our Supreme Court having to do with the Prorate of the Federal Estate Tax under the will of a descedent who died leaving a substantial amount of property. While I argued the case, I can assure you that I would be completely incompetent at this moment to attempt to make the computation in connection with that Proratio. Yet a Probate Court has to pass on that question, finally if there is any dispute in connection with it. Now despite these tremendous changes in our life, in the way in which we live, transportation, population

Mr. McCormick continues: complications, tax problems. Nothing new has been enacted by the General Assembly with respect to the structure and the jurisdiction of the Probate Courts up to the present time. The only changes which have occurred in the Probate Courts is that the district has become entirely different in size and entirely different in the amount of their annual income. For example our Hartford Probate district includes I think some 8 or 9 towns with the combined population of something in excess of 300,000, and the annual receipts of that Probate Court are in excess of $150,000. Yet that Probate Court is run exactly the same as the Probate Court was run 300 years ago. The Probate Judge charges fees permitted by Statute, and he keeps the fees and pays the expenses of his court from those fees and keeps the balance as his compensation. I said there had been no new statutes enacted, what I meant was there has been no difference in the courts. This would mean, there was a Statute enacted in 1941 which made some attempt to to provide for uniform procedures in these 122 or 123 Probate courts throughout the State. That Statute provided that the judges of the Probate Court should Become a probate Court Assembly and an amendment ot the Statute a couple of years later required them to adopt uniform procedures in their respective courts. The next change is one which came about I think because of the fact that the public began to become a little bit disturbed about the differences in the fees that the different Probate Court judges were receiving in areas. In Hartford, I think as I say the fees were running something in excess of $150,000. In the Town of Hartland, for example, which has a population of 980 and its own Probate Court, the fees for the entire year might be less than $100 and the Probate Court judge might not raise his costs. And the matter came before the General Assembly, well one would suppose that the General Assembly would have faced the problem head-on and said we must put these courts into a State maintained system and put the Probate Court judges on salary, but that is not what they did. In 1947, the General Assembly in an effort to stop public criticizm of these large fees that the Probate Judges in the larger Probate districts were receieving, passed what you might call a graduated income tax. The General Assembly first provided that the Probate Court Assembly should have an executive secretary, and then they provided that the Probate Judge should each pay to that Probate Court Assembly each year a percentage of its gross receipts. The percentage varied from one dollar, one percent rather on the third one thousand dollars of fees, up to 78% of the fees in excess of $40,000. Now of course that does not fit with any idea of what the Probate Assembly would need to conduct their business. That Statute was passed so that to stop public criticism of the amount of the income of some of the judges of the larger Probate Courts were receiving. Then of course you have a situation where you would have a lot of money going to the Probate Assembly and of course that wouldn't do, so the next step was adopted in the Statutes and it provided that

Mr. McCormick continues: the Probate Court Assembly could keep only $5,000 of the amount that it had received during previous years and then should turn over all the balance to the towns comprising the district, thus completeing the ring around the rosey. Those, I say again, are the only changes in the Statutes in respect to the operation of the Probate Court in 300 years despite the terrific changes which have occurred in the situation in which those courts are operating., Now our committee, doesn't start with the position that the Probate Courts are bad as a matter of fact, many of the Pobate Judges have done a remarkably good job. We do say that the time has come when the old system is no longer workable and I think that I only need say one or two things to make that perfectly clear. In the first place, how much longer is the State of Connecticut going to permit the Probate Courts to operate on what I will call a concession basis? The same basis upon which you permit someone to sell hot-dogs at the ball park. You permit him to do it, he keeps the fees he charges, then pays his expenses, and what's left over belongs to him. Now the situation becomes acute when the Judge of a Probate court becomes unable to carry on his work, perhaps he's ill, perhaps for one reason or other hes unable to do his work. Under those circumstances you have to bring in a Probate Judge from another district to sit in his court, but how in the world can you authorize the judge of that other district to dispense the money of the Judge in whose district he is sitting. I have never been able to understand that. And secondly, it seems to me that where you have employees or a staff in the larger Probate Courts who have been there for many, many years, and the time comes for an employee in that court to retire that employee ought to have a pension equal to any that an employee of a State court would receive. But, how can you divide that one judge, who perhaps has died and is non longer able to operate his court, how can you provide that he pay attention to an employee who retired during the encumbrancy of the subsequent judge? It seems to me that we had one illustration in this particular General Assembly where a bill has been filed which provides in effect that the pension shall be made by the exceeding judge. It seems to me that in reviewing the history of the Probate Court you ~~the~~ the time has come where it is no longer possible to operate it under a system which we admirably adapted then. Now I could go through the history of the Municipal court system in much the same way, or the trial justice court and show how those courts too grew much like Topsy, and the time has finally come when the system is no longer capable of being operated. I think perhaps the less we say about the Municipal Court system at the moment, the better. As the members of this committee know very well, under our present system we have to have the General Assembly appoint some 200 judges on the nomination by the Governor at each session of the General Assembly. I think the members of this committee know how long it is since it was possible to appoint the judges in that manner. When you take

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Mr. McCormick continues: 200 judgeships and put them in one package and try to distribute that as political patronage at one session of the General Assembly, where you have maybe a Republican House and a Democratic Senate, you know that the situation will no longer work. As I said before, I think the less we say about the legal positions of some of the judges now sitting in our Municipal courts is the better. I just want to say one thing abou t the Family Court. The Family Court is different from the Probate and Trial Justice Court, because it does not have an historical background. The Family Court was created by the General Assembly. It did not grow like Topsy, it was created through a process of reasoning. I'm sorry, I didn't mean to say Family Court, I mean our present Juvenile Court, and has done a very excellent job and we advocate expanding that Juvenile Court into a Family Court. Now I have kept you too long, but I have adopted this approach because I think it demonstrates that how it happens that we have this need for change and improve ment in our court structure and how it happens that this need has met with such a growing response before the public during the last 30 years and how it happens finally that the same need, the same processes of improvement are going on in practically all the states of the Country at the present time. Thank you very much.

Mr. Tilson: Mr. Chairman, we have one more very brief speaker, Stewart Bohan, of New Haven, representing the Junior Bar of the State Bar Association.

Chr. Scanlon: As I indicated before, we intend to break for lunch, but this being your last speaker, we'll hear him.

Mr. Stewart Bohan, Representing the Junion Bar of the State Bar Association: Mr. Chairman and members of the committee, I assure you that I won't belabor the points that have already been spoken about within the past hour or two. I am authorized to speak on behalf of the Junior Bar Section of the State Bar Association. This is an organization comprised of about 800 lwyers, 35 years of age or younger. The Executive Committee of the Junior Bar Section is comprised of 27 lawyers throughout the State, who have local unit groups or who are chairmen of state-wide committees. This Executive Committee, quite independent of the action taken by the council of the State Bar Association, has unanimously adopted this resolution:

Resolved that the Executive Committee of the Junior Bar Section of the State Bar Association of Connecticut should publicly go on record in favor of the enactment of a bill by the 1959 General Assembly which would provide for an integrated Judicial system incorporating all courts within the State and presided over by full time lawyer judges

Mr. Bohan continues: enjoying resonable tenure of office and adequate compensation. By way of explanation of the form of this resolution, I would simply say that we so wish to make it clear it does not imply because of its generality any lack of support of S. B. 793. The Executive committee felt that our position would be much more forcible if we couched the resolution in general terms, emphasizing the basic principles of court reorganization, that permits us to support any bill which recognizes these principles and will implement them. From that point of veiw we heartily endorse S. B. 793, which is known as the Bar Association Bill, to the extent that S. B. 491 goes to the extent that it does in following these principles, we also endorse that. In short, any bill which this committee may adopt or draft, which provides for at least three principles, 1. an integrated State maintainted court system at all levels.

2. full time lawyer judges in all courts, who are protected in office, by adequate salary and assurance of tenure.

3. elimination of over-lapping jurisdiction.

Any such bills will receive the enthusiastic endorsement of the Junior Bar Section.

Chr. Scanlon: We'll recess the hearing until 2:P.M. sharp. Anyone who would like to register for or against any of these bills, can do so without testifying here.

JUDICIARY AND GOVERNMENTAL FUNCTIONS

MONDAY FEBRUARY 9, 1959 - 2:P.M.

Senator John M. Scanlon
Representative Samuel S. Googel
Presiding

Chr. Scanlon: The hearing on these bills is reopened and the committee recognizes Mr. Prime.

H.B. No. 3873 (Committee) ESTABLISHING A MUNICIPAL COURT DIVISION OF THE COURT OF COMMON PLEAS.

Mr. Irving Prime, Colebrook: I was house chairman of the Interim Judiciary Committee, which presents H.B. 3873, and it is in that capacity that I am here before you to say a very few brief words in support of that bill. The Interim Judiciary Committee, during the last Interim studied very carefully and very thoroughly the whole subject of Court Reorganization. Several hearing were held on the various phases of the probelem and after a great deal of conception and very careful consideration, the committee came to these conclusions. In the first place the courts of the State should be integrated in the sense of there being a channel of responsibility and control. A great step in that direction was adopted by the 1957 Legislature when it passed the Administrative powers Act. Secondly, ultimately, courts must be staffed by full time, legally trained judges with tenure, assisted by qualified personnel. The Committee realized that there were a great many practical difficulties in accomplishing this all at once. Therefore, the bill that the Committee presents is the first step in that direction. This Bill as it was explained to you this morning by Senator Barnes, would eliminate the 66 Municipal Courts and transfr their functions to a Municipal Court division set up within the Court of Common Pleas. I won't go into the details of it, this would involve the appointments of some 25 Common Pleas judges to handle this division. It would substantially have the same jurisdiction as now the Municipal Courts have and one of the important features of this is that the bill provides that there be a final trial before the court with no trial de novo on an appeal. The appeal would be on matter of law to an Appelate Division of the Common Pleas Court. The Committee by far the great majority of the Committee, was strongly in favor of some sort of Court Reorganization and as I say, the practical way of doing this the Committee felt was by a piece meal approach. A little at a time, as the committee felt that that would be the best way to make progress. The second step in the reorganization of the courts,

Mr. Prime continues: which the committee favored, was the establishment of a Family Court. However, the committee did not present a bill to this Session of the Legislature, because the subject is very well covered by the two bills before you now; the Bar Association Bill, which sets up a separate Family Court and the Administration Bill S.B.492, which sets up a Family Court Division in the Superior Court. It would be foolish for the Interim Committee to submit a bill which would have duplicated one of these bills. The Committee feels very strongly that some sort of progress in the direction of court reorganization should be taken by this Session, and if I can be of any assistance to the Committee in working out a bill that would be acceptable to the Legislature, without too much opposition to it, I'd be very happy to sit down with your sub-committee. Thank you very much.

S.B. No. 793 (Sen. Barnes) AN ACT CONCERNING THE INTEGRATION OF THE COURTS OF THE STATE.

Attorney John J. Kenny, President, Hartford Chapter of Bar Association: I speak to you as a representative of the Executive Committee of our Association. We believe that there is very little difference bweteen the so-called Bar Bill and so-called Administration bill. We are in hardy accord with the principles enunciated in both bills. We believe those principles to be changing our so-called minor courts into a uniform and integral part of our State judicial system. We also believe in full time lawyer judges, and we believe in tenure for those judges. We urge your committee and those people who deliberate with you to forsake any pride of authorship and to combine these principles in to Legislature this session. With your indulgence, I would like to present to you, Judge Martin J. Mostyn, of the City of Hartford, who probably has more experience than any living man in our minor court system.

S.B. No. 491:

Judge Martin J. Mostyn: Mr. Chairman, Members of the Committee, I have been connected with the Hartford Police Court both as a prosecutor and as a judge. Twenty years ago, I served as a prosecutor, and believe me in the past 20 years there's been tremendous changes in this court. Formally, we had small small dockets. Today are dockets are very high. We have cases some days on a Monday where is nothing to have 125 cases. Other days anywhere's from 50-75 cases. They not only involve accused, but many witnesses and I'm firmly convinced that our lower courts touch more people than any other courts in the State. I appear here in favor of passage of the Administration Bill, because I feel that if justice is to be metered out it has to be done by legally trained people, and people who have had experience and understanding of these matters. I think you.

S. B. 793 and S. B. 491

Attorney Harold Yudkin, Derby: I am Co-chairman on the Committee of Legislation of the New Haven County Bar Association and I was the immediate predecessor of Mr. Tilson as Chairman of the State Bar Association committee on Legislation. Speaking for the New Haven Bar Association, we believe in court reform. We believe it should be done at this Session of the General Assembly. We believe that if it is not done at this Session of the General Assembly, it will probably never be done. We prescribe to wither bill. The so-called Administration Bill or to the so-called State Bar Association Bill, we believe that the so-called Administration Bill, is probably the better of the two bills. Now with respect to those bills, we humbly suggest

Attorney Yudkin continues: to your committee that the State Bar Bill be used as a guide in order to determine those things that ought to go into the Administration Bill. Our committee is willing, as Representative Prime just stated his comittee is willing, to be of service to your committee in any way possible for drafting or redrafting of any bill that your committee might want to come up with. We say to you that there are a few things in a bill which we feel ought to be brought to your attention. If at all possible we feel that the present Court of Common Pleas and the present Superior Court could easily be made into one court. Why? At the present time they are occuppying the same court houses. At the same time, they have the best set of judges trained in the State of Connecticut. At the present time they could very easily be integrated one with the other. To do such an integrataion would mean very little insofar as our law is concerned. We must have and would have a most capable set of clerks available in the court house to run the business of that set of courts more expeditiously. We believe in that principle because the public of the State of Connecticut is entitled to speedy trials, and the public of the State of Connecticut cannot under our present system obtain speedy trials. The dockets of New Haven, Bridgeport and Hartford, are clogged and jammed and perhaps by joining two courts where ever a judge can be spared from the Court of Common Pleas, that judge can be used in the Superior Court. It would enable two sets of presently existing judges to work better one with the other. We firmly believe that the present Municipal Court system and the present Trial Justice and Justice of the Peace system is derilict, it is something which has grown up over a long period of time without being modernized. We feel that when the public comes into a courtroom to have a trial, they must expect to find justice in a manner in which when they leave the courtroom, they can be proud that Connecicut has metered out an impartial justice. And, we feel to see where a lawyer who represents the railroad on one day can at night fine truckers for over-loading when those truckers might be in competition with the railroad. Or people who have a job representing one set of clients in the day time can judge another set of clients at night because their position might be contrary to the position of their clients. We feel to see why in one set of courts the judge will have a strong position against people who have liquor on their breath and other set of courts judges will say that speeders should be fined excessively. There should be anequal justice through the state, where justice is transferred freely in the small courts as they are now in our larger courts. We fail to see where the people who go to court once or

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Attorney Yudkin continues: twice in their lifetime cannot, but rather can come out of the average, ordinary trial justice court, or Justice of the Peace court, or some of our smaller city courts and feel that they have had good justice, so we hope that your committee will set up a circuit court or a court of Common Pleas, or call it what you will, which will supplant the trial justice and city courts. But, on that score, if you use the Administration's bill and you have a part A for your Court of Common Pleas and a part B, do not set a different wage scale. Don't set a different standard for two judges of the same court. If you are going to have judges of the Court of Common Please in the same court, pay them both the same standard, because they'll both be spending the same amount of time in their cases. Now we feel that you ought to be meticulously careful in your bill, that you do not take away any right of trial by jury which exists by the Constitution. We feel that in the State Bar Bill, there are certain places where trial by jury guaranteed by the Constitution has been taken away and that such a bill might prove itself unconstitutional in that respect if taken to the court and we urge you to watch that. With respect to the Family Court, we urge upon you this: If there is to be a Family Court, it should be in the Superior Court, now why do we say that? Because I think the worst punishment that your committee can visit upon any judge is to have that judge listen for more than 6 weeks at a time to marital discord. How can we take a good intelligent well trained lawyer, put him on a bench and have him listen day in and day out, week in and week out, month in and month out, here in and here out, to domestic discord. I think that by having the Family Court within the Superior Court, every six weeks the judges will take their turns in sitting in as judges of the Family Court, and thereby enable the judges not to be bogged down with hearing the samething at all times. Our committee takes this viewpoint with respect to the Probate Court. We don't care whether or not you give us reorganization of the Probate Courts at all. We feel that half a loaf or 3/4 of a loaf is better than no loaf at all. And, we would be very well satisfied if a reorganization bill came out which left to the voters of the State of Connecticut the determination of whethr or not they want to change the constitution with respect to the Probate Courts. We think that the Justice of the Peace Court should be done away with in its entirity. At the present time, Justices of the Peace can hear matters up to $250. We feel that the Justices of the Peace were given only the authority to take acknowledgement ondeeds and other formal documents and perhaps to perform civil weddings, but that would be enough authority for all of these people who are voted in in all of

the towns of the State of Connecticut

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Attorney Yudkin continues: to your attention one more thing that we feel that you should consider when you reorganizae the courts, and that is that the power that you delegate to an administrative officer to run the integrated courts should be delegrated sparingly. When you delegate that power, put a limitation on the power to determine that that administrative officer will conduct the courts administratively. I feel that the time for court reogranization has come. I don't think there should be a political party in determining whether a person is for or against court reorganization. I think we should stand up as Connecticut citizens and say it's about time, let's speak out as citizens instead of individuls pro or against. I feel further that the mere fact that a man holds a small job as a trial justice or a Justice of the Peace or a Municipal Court judge, which might possibly be eliminated by such a court reorganization, should not mean that they should have to cmme to this General Assembly and speak to obstruct something which the mandate of the people has called for. Let's get speedy justice and good courts in this State.

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Margaret Driscoll, speaking for Connecticut CIO-AFL Council:

We want to register our support for the purpose and principle behind S. B. 793. We believe that there should be equal justice for all under the law, and we believe that in order to attain that kind of justice the best administration requires a uniform system of state-wide courts with full time professionally trained judges. And, we think the people of the State are entitled to this kind of administrational justice, whether they live in small towns or big towns. There should b e no discrimination against the residents of the small towns in the administration of justice. The Bill before you, S. B. 793, in attempting to eliminate the minor court system would be substituting a system whereby law would govern, rather than the person who happens to be the lawyer for the client involved. I was once a prosecutor in a City court for 2 years so I have had some personal experience with the Municipal court system and I think that the remarks of Judge Henschell are certainly apt and would be endorsed by almost anyone who has been in the system and as he says who is honest about it. There can be no question but what is the connection of the person who appears for clients, rather than the law in the case, which determines in many instances what kind of justice is metered out. As far as the replacement of our Juvenile Court and some of the

Mrs. Driscoll continues: jurisdiction of the Probate Court and some of the jurisdiction of the Superior Court, by a Family Court, I think the remarks of Mr. Barnes earlier should be recalled here inview ofthe remarks now of Mr. Yudkin. It is tedious I'm sure to listen to Domestic Relations problems, because I think that most lawyers will agree, there are no more difficult and no more unrewarding problems that a lwyer has to face than those of domestic relations cases. But it seems to me that the Bar Bill S. B. 793 attempts to meet this problem in a different way, by providing a different court, so that you develop experts in the handling of these problems. They're not handled as our divorce cases are now in short calendar and a run of the mill kind of procedure, which is really not equipped in the kind of problem to deal with it, any more than it was equipped to deal with Juvenile problems. We therefore had a Juvenile Court, a different kind of court, a court with a different procedure, a different method of handling of the problems before it, because it required a different kind of expert. The Bar Bill does present the opportunity for developing that expert and I think the Administration Bill does too, because it does set up a division in the superior Court, but with judges appointed as Family Court judges. I think those considerations ought to weigh in favor of maintaining a separate kind of system for handling the problems, particularly of the family. Finally, let me say that we think we or you ought to handle this problem not on a piece meal basis, but on an integrated complete basis, in the manner presented by S. B. 793. Because if you believe in the principle, that equal justice for all does require full time professional judges, it does require tenure, and it does require a uniformity under a state-wide, system of courts, then no court should be excepted and we should have a complete system. Thank you.

S. B. 793: and S.B. 492:

Senator Barringer: Mr. Chairman, I would like to speak this afternoon in favor of a Family Court as contained in the Bar Association bill or and in the the Administration Bill 492. My single greatest defeat during my stay here on Capitol Hill was that I was unable to have the 1957 Session of the Legislature bring forth and pass a Family Court Bill. Having tried every means to get such a bill through, when I held your position Mr. Chairman, I thought that as I am familiar with every argument thrown into the book against the Family Court, it might be useful for the aid of the 1959 Judiciary Committee to have some of those arguments hauled out pf the closet and given the breath of day. Now first, before the arguments, the basic grievance of a Family

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Senator Barringer continues: Court. If you are interested in the control of Juvenil e Delinquincy, if you are interested in the prevent of medicine in the field of criminal law, if you wish a better population in this State twenty years from now, you should be interested in the Family Court. From my experience before the Bar and from my experience as a public prosecutor, there is a correlation between broken homes and a disturbed child or a delinquent if you will. I don't know what you are going to do with the other courts at this session, but I will tell you that you will have less use for the Criminal courts in the future if you found a Family Court at this Session. Both bills bring all matters dealing with families and children into one court, which is a great step in and of itself. After that intitial step however, I would say that the Bar Bill provides for a Family Court, I am not so sure that the Administrative Bill does. The Honorable Searle Pinney, the distinguished Minority leader and I used to ride the Legislative Session car during the last Session from our wooded area of the State, and we had a considerable length of time to discuss this Family Court idea and he did a tremendous amount of research on similar courts in other States and I know his research will be at the disposal of your committee. But, we generally felt that a Family court should have a few basic ingredients:

1. Judges who devote their full time to this field and who are not rotated. Wherever you find these courts, that is the main and basic position.

2. Sufficient trained personnel in the modern fields of medicine, psychiatry, marraige conselling, etc., to do a thorough investigating job for family background.

3. An approach if you will to do everything possible to slow up and prevent if possible a beak-up of a home, particularly where children are concerned.

Any court, though it may be called a Family Court, which does not have these three inditia is not a Family Court in the modern sense and ia a waste of the taxpayers' money. The Bar Bill Family Court, given dedicated judges has the necessary ingredients The Bar Bill judge can do no other work because he is in a limited court. S. B. 492 judges are judges of the Superior Court and it is not clear whether they would be rotated to other business. I think that that is the main objection that I have to the Administration bill, because if it is clear that those judges are appointed to serve as Family Court

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Senator Barringer continues: then it is preferable, because of the enormous social importance of this work, as I said it would be preferable to have it apart from rather a part of the Superior Court. Now as to the arguments against the Family Court as I have defined them:

1. By the way it was neither party that defeated the Family Court idea the last time, but it was literally hundreds of persons who brushed up against you in the halls of the two floors, who expounded these arguments against the Family Court and who finally killed the idea and prevented us from getting it out. Many, many attorneys felt that we would be creating a social workers paradox, that the social worker would dominate the courts. Now that's nonsense. No judge worthy of his salt can be pushed around, but a judge should have the modern tools of progress in this field to use. In a very quiet way we have had such a court in existence in this State for a considerable time. The present Juvenile Court. They have in my opinion done a splendid job. I have been in close contact with them both as a defense attorney and as a prosecuting attorney over a long period of years and I can only tell you as an aside that anyone who thinks that he can push or dominate Judge Stanley Meade, in this world or in the next world is a patent idiot. He doesn't push. Now family stories and family difficulties last a long time, it is some times years before results are achieved. Lawyers are intolerant of not getting a black and white result for a client . But the State has an interest that these gray fields of family troubles get a little whiter even if it takes a few years. Modern progress in this field, demands all the help that can be obtained. This is not a criminal case of guilty or not guilty, this is just a corrective case with no easy termination. That is the social worker's argument which you will hear on nausium for the next weeks and the quicker you pass the bill you will minimumize the number of times that your ear is twisted upon it, I can assure you.

2. Lawyers in general object that in some way or other this will affect the destiny of their clients. And if you think that lawyers in general are not a strong public voice in this State, you will find out that also in the next few months or so. Let me first state that the only person who does try to slow up family problems are lawyers. And they have done a fine job . But, let me add that this is a bread and butter item and let me add that attorneys by bitter experience have learned that the customer is always right in that he pays the bill and if the lawyer tries too much to slow up a family break up, his competitot

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Senator Barringer continues: ends up with a client. Therefore many lawyers end up with an admiration for certainty in this field. Results that can be predicted from the evidence at hand, thus they acquire opposition to the idea. So the certainty of a couple going to a Family Court will mean that every possible thing will be done to effectuate a reconcilliation, especially where there are children. Actually I believe down deep in evryone's heart concerned with this painful procedure will be a certain sense of relief, after the various sides have put in their case, a third party, the State will also have a responsibility to do what it could to mitigate to damage to be done. And the profit, a few more children having the stability of a whole home behind them.

3. Lastly, the problem that Brother Yudkin brought up: that the State would find it impossible to get qualified men and women to act as judges, that no judge can take in day in and day out the emotional strain of dealing with this sort of detail. That I think is nonsense. That is not and has not been the experience of dedicated judges in other States where these courts have worked in dealing with this field. That has not been the experience of doctors, priests and others who pick up the dirty linen of civilization. But the experience seems quite clear. It should be a full time job for dedicated men and women who will follow these situations over the years, not a distasteful interlude between other judicial pursuits. I'd like to point out to you, that if by any chance the Administration Bill goes through, and the Family Court becomes a part of the Superior Court, and the Juvenile duties are added to that Family Court, and that you then don't clearly provide for continuity of judges doing this work, that you may end up by viciating completely the supportive job that the Juvenile Court is already doing. This is a field that needs patience, that needs tolerance and needs a long tim looking at and the Juvenile Court has demonstrated that as Senator Barnes pointed out this morning, this is an enlargement into the balance of this painful field. But those three basic arguments that I Have tried to lay before you are the arguments that you will be pressed up against with in the Halls for the next several months until you make up your minds. I believe that on the long term haul this State will be a lot better State if you put through the Family Court with the singlenes of purpose which you find in the Bar Association Bill and if you can take that singleness of purpose and put it in the Superior Court it will be a better bill, because you will avoid certain Constitutional objections. As my co-chairman of

Senator Barringer continues: 1957 pointed out, I, too would be glad to give this honorable committee any help that I can along with these lines. And while I may not have had the pleasure of bringing it out in 1957, I will have considerable pleasure if it comes out in '59. Thank you very much.

Senator Charles T. Alfano, 7th District: I would like to make just a few brief comments on this:

S. B. No. 491

S. B. No. 793

Sen. Alfano: For approximately six years I have served as Judge of the Town Court of Suffield. In that capacity I have had quite a bit of close contact as many people have appeared in the local Municipal courts. I am not going to go into all the criticizm of the minor court or the municipal court system. You've heard most of them today. I'd like to say very frankly like occur in substantially all of them. I concur with the remarks of my good friend Judge Hensdell. My reference to the present Municipal courts of today is that they are horse and buggy courts. They served their purpose 50-60 years ago but since then we have had urbanization of our communities, we have had industrial growth, where we are no longer the agricultural community of the United States. So let's modernize our courts. I can't help but to give two instances in which I as an attorney appeared in trial justice courts in this state. In both incidents I happened to have with me members of the Bar of another State. On one occasion I was out in Eastern Connecticut, I won't mention the name of the town, and I had a member of the Bar from New York State, who was a schoolmate of mine. I appeared there as an attorney on a motor vehicle violation case. First we spent one hour looking for the court. Then we finally find a farm house and the farmer who was administrating justice. Justice at that time was being administered over the kitchen table in the farm house. I learned that in that one evening that in any negotiation with the court at all I shouldn't contact the prosecuting grand juror, I shouldn't talk to the trial justice, I had to go to the State Police officer. He was the person who eventually persuaded or influenced the decision of the whole court. In other words, the State Police Officer in most of these trial justice courts is the prosecuting grand juror, he's the trial justice, he's the arresting officer. It was only through my efforts and my working on the State Police Officer that I was successful in getting what I thought was justice for my client. Another occasion in Hartford County

Sen. Alfano continues: I had a member of the Massachusetts Bar appear with me in a trial justice court. At that time even I was astounded that I was a member of the Bar in the beginning when I learned that the person administering trial justice was a barber. He had no legal experience and no background whatsoever. My colleagues from the other states in both instances thought that our whole municipal court system was shameful. They could not understand how a State like Connecticut, that has been so progressive in all these years, tolerates the conditions which have existed in our minor courts. One other criticizm I would like to bring out is the fact that our minor courts are often known as justice by profit. How frequently have I talked to many members of the municipal courts in the various towns to have them advise me that they have had pressure put on them by their Boards of Finance who have become quite irritated because the return of income from their court in that particular year has dropped off. And when a budget is set up every year in various towns throughout the State, it never fails that in that budget they're anticipating a certain amount of income from the court in order to operate the general fund of the town. So let's give to the people of the State of Connecticut professional and efficient administration of justice that they're all entitled to. Thank you.

Rep. Rodney J. McMahon, Berlin: I am speaking in favor of

H.B. No. 2572 (Rep. McMahon) THE REORGANIZATION OF THE JUDICIAL DEPARTMENT.

Rep. McMahon: My bill is briefly a pilot bill, the synthesis of all of the Administration Bill, the Bar Association Bill. Considering the courts of the State of New Jersey, the courts of the District of Columbia and several other places which have had the same problem on court reorganization. Without being conceited or bragging whatsoever, I think I should give my background a little bit. For the past several years, up until two years ago upon returning to Connecticut, which is my native state, I practiced law in the District of Columbia. There I worked very close with Chief Judge V. J. Laws, who died recently. Judge Laws was one of the finest exponents of court reorganization in the United States. One of his close friends was the late Judge Vanderbilt, who also did a herculean job in court reorganization in the State of New Jersey. I might say, this is the first time I can recall being nervous. My bill represents a study of two years of concentrated effort to bring about court reorganization in the State of Connecticut. The provisions which are included

Rep. McMahon continues: in the bill fully consider the various geographic factors involving Connecticut. They consider the work load that's being carried on by the present courts. I might say that it's a laughable situation when you see the work load of some specific courts, that is as carried out now in Connecticut. That demands investigation by a committee. Any reorganization should consider the status quo in the present court procedures as being carried out in this honorable State. The provisions of my bill are completely beyond political consideration. It's based upon objective analysis of court reorganization. There's positively no political consideration in this bill at all. If you review the various passages of this bill 2572, you'll find that it provides for a common sharing of facilities throughout the State on a local level. I might say that it provides for the abolishment of the JP court in the State of Connecticut, which I consider greatly against the interest of public policy in this State. I was amazed upon returning from Washington, after being down there for about ten years, and to come back and have a common experience with Senator Alfano regarding these JP courts as they exist in Connecticut. I had a Probate matter in one particular town. The will couldn't be found. The judge finally searched in his ice-box and produced the will for probate that afternoon. I asked him why he kept the wills in the ice-box, he said that was the only place that was safe from fire. I practice law in a town called Berlin, about ten miles away. When I returned there about three years ago from Washington, and went to the Town Court. The Town Court was held in a very obtruse place, way, away from the immediate vicinity of the central part of Berlin, where no one could ever find it. Today it's inadequately marked. It's certainly not desireable where its set up geographically or physically. I would like to make one point clear concerning my bill. It provides for local administration of the courts on the lower court level. I think that administration should remain on the community level. People who are given definite responsibilities on a local level are definitely capable of filling those responsibilities. However, it does provide for full-time judges and full time tenure for those judges. Court administrators can be well versed in their functions in the town of Berlin and other towns throughout the State and to have this administration on a centrallized basis and have it dispensed from Hartford or New Haven or Bridgeport or any of the other larger cities of this State would be directly against the community interest. My bill provides for complete integration of the Connecticut court system. It is not a piecemeal basis and it would eliminate much of the

Rep. McMahon continues: antiquity that is present in the Connecticut court organization today. I was very heartened to hear the remark of Senator Barringer, who spoke of his experience in regards to the Family Court Bill. I was one of the authors of the Court bill as it exists in the District of Columbia today. I am glad to report that it has now become the law of the District of Columbia. I was chairman of the Minority Committee. The same rebuff that he received in his position with this committee, I have been through that experience for the past decade. Because of my background with a degree in social group work, and a equivalent to a Masters in Psychology and also with a Law Degree, I was accussed of being one of these wishy-washy psychologically-minded people, who is primarily concerned with the welfare of people. Lawyers are jealous of their possessions. They will resent violently the establishment and change of a a Family Court in the State of Conecticuct. This position has to be overcome. The Family Court which I propose has exclusive jurisdiction over matters of divorce, annulment, separations, adoptions, guardianship, non-support, abandonment and all matters thus related. The functions of the present Juvenile Court would be carried over in the Family Court as established under Connecticut law. The Constitutional questions of whether or not the Family Court should and could be established, we could well make it an appendage, a separate function under the Superior Court if necessary. That's only minor consideration. MY bill does not consider the legality of the various changes that would have to take place. it's main purpose is to present a broad view point, the total concept of court reorganization. On the Court of Common Pleas level it provides for 16 judges to be appointed by the General Assembly on the nomination of the Governor to be appointed for a term of 8 years. These judges will receive a salary of $16,500. The Court of Common Pleas shall be divided into 16 Judicial districts. I might say that rather than review the specific provision of this bill at this time, I was at a meeting this morning of the General Law committee and my notes somehow disappeared from the table, so I don't have those available at this time, but I would urge the committee to consider this bill 2572 as a basic concept of organization. It represents no vested interest of any Bar Association, of any political consideration whatsoever. It represents pure thinking on the part of a person who spent hours studying this specific problem. It represents a citizen of this State who has studied the problem geographically in regard to work loads of various communities. I think it has much merit to it. I think it represents

Rep. McMahon continues: what this State needs. I think in this Session of the Legislature if we don't come through with a court reorganizatin program, our mandate from the people will be lost. I personally want to stress upon this committee that I am available at any time, five nights a week to consider court reorganization. Anything I can do to further that. I want to help. Thank you very much.

S.B. No. 492

Alfred M. Bingham, Judge, Salem: I am a member of the Bar of New London County. I am a Probate Judge of the Probate District of Salem. I am Prosecuting Grand Juror in the court of Salem. I'm chairman of the Legal Aid Committee of New London County Bar Association, and I'm a former member of the Connecticut State Senate from the 20th District. I am appearing here today, primarily in support of the Family Court. I happen to be also in favor of the more general reorgzinaion proposals both of the Bar Association and the Administration. I feel that reform of our antiquated court system, whether piece-meal or all at once is long over due and I am here today to speak on behalf of the Family Court idea, which I believe would be of greater benefit to the State than any other element. Any practicing lawyer becomes aware of the pain and suffereing involved in domestic quarrels. Divorce is not a real solution, it's only a legal recognition that a family has broken up. If there are no children, little harm is done by the divorce. But, if there are children the harm may well be irrevocable. Juvenile Delinquincy only too often originates in a broken home. My experience as an officer in the Legal Aid Committee, has made me feel more than most of myfellow lawyers how much misery there is and how much social cost there is in the domestic quarrels and that they can only be lessened by adopting a new approach, a new kind of court, a Family Court, such as has been proposed in several bills before this Assembly. The best arguments for a family court that I have seen came out in an issue of the Connecticut Bar Journal two or three years ago, in particular an article by Former Chief Justoce Maltsbie. I would urge the committee to study this. The Family Court as pointed out in a remark here is an extension of the Juvenile Court. It has the capacity and appendages and methods that we have become familiar with in the Juvenile Court, but it would be given power to deal with all family problems, and particularly with those concerned with divorce, separation and support. Members of the Committee I would like particularly to point out

Judge Bingham: continues

to you what seems to me the basic principle features of the Juvenile Court that make it a model for an expanded Family Court. First of all, and most important, is that pepple before the Juvenile Court, and more people I would hope before the Family Court are not really being adversary in which one party is trying to prove another party is wrong or that he's guilty. The procedure is that of dealing with people who are in trouble, trying to help them. In the Juvenile Court children are in trouble because of their bad behavior or because of the neglect of their parents. In a Family Court, it's set up to deal with family quarrels generally, and the breaking up of the family unit. It's the whole family that's in trouble. A divorce may be the only solution. The court won't grant it until all other solutions have been explored. The court will be set up to prevent or mend a broken home, rather than merely to recognize the breach and brand one partner as being in the wrong or being guilty. So the first advantage of the Juvenile Court is the attitute of the people who come before it. The next advantage which the Juvenile Court has and which the Family Court would have is that they would have a staff adequate to deal with the type of problems that come before it. The Juvenile Court of course has Probation officers, but the State depends heavily on the Welfare Department for their investigations and the help of social workers for the medical and psychiatric srvices they sometimes feel are necessary. However a family court has to have a staff of its own of those specialties isn't so important as is taken for granted as a matter ofcourse that evryone of these problems has a specialist investigating and advising. The people whose business it is and whose specialty it is to in these cases understand the problems, rather than simply their legal aspects, which is true of our present courts. It's true that the Superior Court may in divorce cases often call in their probation officers and they may even take advice from social agencies on matters like custody, but that's the exception and the Family Court ought to make it the rule. So the second great advantage of a Family Court taken from the Juvenile Court is that it uses the services of the experts and specialists in the field of Family relations to base its decision upon rather than merely thinking in terms of a law. Third and finally the Juvenile Court and therefore I would hope a Family Court would hold its hearings I hope in private and informally. And, this in itself would change the atmosphere and the impression of a family quarrel being a public contest where one party gets up to accuse the other of all sorts

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Judge Bingham continues: of horrible things and the more horrible they can make it they are sure of getting the divorce. Here is a private conference in the Judge's chamber without the public being admitted and where there is a possibility of tolerance, of reconcilliation and a new start, and bringing in the experts that might be available. As far as the jurisdiction of the Family Court is concerned, I'm not particulatly concerned myself. I don't feel it is too important how much is included provided the essentials of family break up and divorce, separation and custody and matters of that kind are included. As a member of the Probate Assembly, and as a Probate Judge, I know the Probate Courts in particular are extremely concerned about the loss of any of their powers and peroggative, and I certainly don't feel that it is too important to have any of those elements of jurisdiction removed. I feel that the Probate courts are doing a reasonably adequate job and for the most part the smaller courts like my own court has very little to do with these elements that are supposed to be included in the Family Court like adoption and these committments don't even belong directly in consideration of the family problem,so that my own feeling would be to leave the Probate jurisdiction pretty much alone and less opposition will develop from the Probate Court. However I do feel that it's important for all of us to recognize the needs of Court Reform and recognize the upsetting problems of families today whether or not they have any selfish int erest in serving their own perroggative, it's incumbent upon us to get up and speak for a reform which this state and the people of this state thoroughly need. Thank you.

Chr. Googel: It would be appreciated at this time if most of you would try to keep your remarks as brief as possible. Try not to be repititious, because we haven't heard from those who are opposed and we would like to give everyone an opportunity to be heard without having to schedule another hearing. The Chair now recognizes the Representative from Avon, Mr. August.

Representative Robert B. August, Avon: Mr. Chairman, I have an outline of my comments so all I am going to give is an outline in any event. As a member in the last session of the sub-committee that tried to get through the Family Court, I can only say that I think its incumbent upon all of us to push forth and if necessary if the Republicans have to cooperate with a Democratic Governor, then I'm all for it. As to the minor courts, the elements there to me have been repeated many times this afternoon, we can only have good courts if we have competent personnel,

Rep. August continues: selected without political consideration. I am opposed to the Minor court provision of the Interim Committee bill because it doesn't do that. it leaves a great deal to be done as far as the Justice courts are concerned. I question the Bar Baill and Administration Bill as far as the minor courts are concerned because I believe that they have not adequately answered the questions at all. Now I would be criticized I am sure if I say that I am concerned about cost where justice is concerned. I believe though that justice can be obtained without cost which apparently appears to be in the background of these two bills, and I believe that the local court can be administered locally. I'm no supporter of the Justice Courts but I have one or two points here which I suggest for consideration by your committee and I will just state them by outlining them and then leaving the outline with you:

1. The Justice Courts and Justices of the Peace should be abolished as far as their elected aspect is concerned, and in the future appointments both in the Municipal courts and trial justice courts should be made by the judges of the Superior court upon the recommendation of the Bar Association. Their recommendation need not come from the same town in which the court sits. I believe that if judges are attorneys, then there are an ample number of attorneys throughout the state who are well qualified to act as judges in our local courts. The mere fact that they are attorneys leads them to take pride in the fact thatthey can act fairly. I believe that they could adequately administer our minor courts and slow down rather than increase the centralization and the conjection of all cases which will be going through the new Common Pleas division or the Superior court. I believe that Prosecutors should also be slected by the same method to get them away from political situations as much as possible. I believe also that the procedures in the minor courts could well be enlarged upon and made much more uniform under the present powers of the Chief Justice of the Supreme Court in accordance with the Administrative procedural act passed in the last session. I am well convinced that this proposal has some merit to it while overcoming the objections to the integrated systems which have been proposed and also overcoming the objections that we presently have and are in dire need of change. Thank you.

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Mrs. Abraham A. Lubchansky+ League of Women Voters of Connecticut:

I wish to speak in favor of

S.B. No. 793:

For over thirty years, the League has been concerned with various aspects of Connecticut's judicial system. For the last four years, we have studied Connecticut's present judicial set-up and all the proposals for its reorganization. We have concluded that certain standards - certain basic aims are common to any good judicial system, namely:

1. Full time judges.
2. Legally trained judges.
3. Judicial Tenure.
4. Uniformity of procedure.
5. Prompt adminisrtation of justice.
6. Elimination of overlapping jurisdiction.
7. Flexible use of judges, court personnel and facilities through a system of central administration.
8. Abolition of the fee system.

The League of Women Voters support S. B. 793 as meeting these standards for a state-integrated court system. We believe that this sound and forward looking plan drafted by recognized and objective experts in this field will provide a a court system designed for our times with justice equally and impartially available to all citizens of this state. We respectfully urge your serious consideration of this bill and a favorable report from this committee. Thank you.

Attorney Morgan P. Ames, Treasurer of State Bar Association: I speak as an individual. I think we all recognize that Court Reform is urgently needed to deal with what I consider the most pressing problem that we have at the present time in connection with the administration of justice, and that is the timliness of the administration of justice. We all know that Justice Delayed is Justice Denyed, and measured by that test, the administration of justice in our State we must recognize has, since World War II broken down. There are now some 40,000 cases pending in the Superior Court and the Court of Common Pleas of our State. We have to face with shame I believe the fact that of the 6 courts in this entire country that are the most delayed in their administration of justice, we have two in this State

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Attorney Ames continues: and of the twelve in this country, we have three in this State where justice is most delayed. That is the Superior Court sitting in Fairfield County, Hartford County and New Haven County. These are literally three of the twelve courts in this Country where according to the Institute of Judicial Administration, Inc., in New York City, justice is most delayed. At the present time in Fairfield County it takes about 36 months to reach a trial by jury and in Hartford Country Superior Court it takes about 28 months. Now imagine the devastating effect in human terms of the expense, the anxiety, the continuation of animosities. The family circumstances, the lack of confidence in our courts that these intolerable delays are causing among our citizens. If we were catching up thee would be some ground for home, but in fact we are falling farther and farther behind all the time. Cases are coming in faster than our courts can dispose of them. Back in 1954, Chief Justice English writing in the Connecticut Bar Journal said that the situation was critical and that something had to be done. Chief Justice Wynn said the same thing the following year. Actually as a practical matter nothing has been done alleviate this increasing congestion of the trial courts, especially on the jury side of the Superior Court in those three most popular counties, and if we consdier that on each side of a litigation there are at least one plaintiff and at least one defendant, and that each one of them has a wife and three or four children, who are dependent perhaps upon the litigants, we come up with a figure of 3-4,000 people who are being personally and directly adversely affected by these lengthy delays in the administration of justice. It is obvious therefore that something must be done promptly and effectively to deal with this all important problem of the delay in the administration of justice which is a factor I think which no prior speaker has addressed himself to. Now actually as I say, the delay is increasing and will increase more and more because this year the U. S. Congress has decreased the jurisdiction of the U. S. District Court to deal with litigations and those litigations inevitably will be thrown over into our Superior Court. The Federal Court in this State in New Haven and Hartford is now roughly two or sometimes three years behind also in the disposition of litigation and as those cases are transferred or turned away into our State courts, our delays are going to go from 36 months in Fairfield County at the present time to well what would you say four years or more. The situation in Fairfield Country where I come from is a very critical situation as well as

Attorney Ames continues: in Hartford County or New Haven County, and perhaps a lot of your audience from Tolland, Litchfield and New London, where the dockets are relatively up to date, are not really familiar with the problems we are facing. One critical factor which is needed in any court reorganization bill which might be passed is an increase in the number of judges, who are going to handle the business of the courts, the increasing business of the courts. And those judges are going to need perhaps other court personnel, such as Law Clerks, Stenographers. I believe that at the present time that a Justice of the Supreme Court of Errors of Connecticut who has to decide a case has to go to the library to pull down a book for himself and if he wantsto dictate an opinion he has to write it out in long hand, and if he wants to write a letter, he has to write it out in long hand and wait sometimes for days, weeks or more in order to catch a stenographer some place to type up his letters, to type up the opinions which he writes, which sets the law of the entire State. The same is true in our Superior Court and the Court of Common Pleas. Our judges do not have the time to do the legal research which is required in deciding cases coming before them. If we had some Law Clerks in our court houses the time of our judges could be put to much more effective use than as what is being made of their time at the present as doing routine tasks of setting down legal authorities, checking up on cases cited by the lawyers who come into the courts, doing what is really work of a routine legal clerical nature. At the present time we have five judges of the Supreme Court of Errors, twenty-to in the Superior Court, twelve in the Court of Common Pleas, making a total of 39. Just as stated, in S. B. 793, which I support provision is made in Sec. 14 for five judges in the Supreme Court and 30 judges in Suprior Court. That would be 35 judges, or four less than we have at the present time. Now it is true of course that some of the judges of the Superior Court and the Court of Common Pleas judges would be taken away and turned over to the Family Court, and the Court of Common Pleas judges would not have to deal with appeals from the municipal courts. So that perhaps roughly 35 judges under the proposed reorganized set up would be the equivalent of the 39 at the present time. But, as I have said, we are 40,000 cases behind at the present time and we are falling further and further behind every single day that passes as hundred and hundreds of new cases are brought into the courts. So that it seems fair to me that the Legislature in organizing the court set up must bear that in mind. Sec. 14 of S.B.793

Attorney Ames continues: which provides that the number of judges of Superior Court should be increased from 30 to 40, whenevr the Chief Judge of the Supreme Court of Errors upon consultation with the presiding judge of the Superior Court, and with the Executive Secretary of the Judicial Department shall certify to the Governor that the business before the Superior Court requires the naming of additional judges. It seems all too clear to me at the present time that the business of the Superior Court does require the naming of additional judges to grapple with this increased mass of litigation that is being brought in before them, so I would respectfully urge that not only should S.B. 793 be passed but that that provision about 30 judges with an extra ten at some possible time in the future be amended so that we start off at the very beginning with the 40 judges of the Superior Court, who are needed, together with additional help by way of law clerks, stenographers, etc., to grapple with the 40,000 cases which are still pending undisposed of today, which at the current rate would take two or three years to dispose of even if no new cases were started, to deal with those 40,000 cases and the hundreds and hundreds of new cases that are being brought before them every day and every week. Thank you.

Chr. Scanlon: I recognize that man in the corner.

Attorney Theodore Koskoff, Stratford: I am the Chairman of the State Bar Association Committee on Civil Justice. The previous speaker, Morgan Ames, I think has touched on perhaps the most important part of the discussion. I believe that the philosphy behind both of thebills, both the State Bar Bill and the Administration Bill, has been fully explored, but I think there are a couple of bread and butter aspects to the proposed legislation which it is important to refer to. Mr. Ames has brought out the question of the number of judges, I would like to echo the arguments which he made, butIjust want to say this in connection with that argument. Our judges presently, the present complement of Superior Court judges are over worked, and are under paid. I have spent the greater part of my adult life trying cases in the courts of this State. I know of nogroup of public servants that works harder, more diligently, and longer hours, than do the judges of the State of Connecticut. Superior Court judges in particular. The Legislature has seen fit to assign to them over the past three or four sessions new duties,

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Attorney Koskoff continues: such as of an adminisrtative nature, such as sentence review, and many other tasks. In addition the Legislature has seen fit to order the Superior Court to sit in various communities, I'm sure to the satisfaction to the Gentlemen of the Legislature who come from those communities. It seems to me somewhat ridiculaous to say to the Superior Court of the State of Conecticut, you are obliged to sit in Ansonia, you are obliged to sit in Rockland, when the great, great bulk of litigation that exists, the great back-log of litigation about which Mr. Ames spoke, sits in the large counties where the bulk of this type of work goes. Yet the Superior Court is always on the mandate of the Legislature not to sit with its present complement of judges. The Legislature is going to tell the Superior Court where to sit, it at least ought to provide the court with sufficient judges to man the jobs that the Legislature places upon them to do. I would believe that the people who are best able to determine where the courts should sit and the people who are directly connected with the business of the court, and I speak of the judges themselves. I therefore urge you and I notice that this only appears in the bills in connection with the Court of Common Pleas, the proposed newly established Court of Common Pleas. I urge you that you permit the Supreme Court or the Superior Court to determine where and when it shall sit inorder that the manpower it has been allocated can be used to better advantage. That does not appear in either of the two bills mentioned. In using a realistic approach to the problem, I would like to say further, should the Legislature in its infinite wisdom decide not to incorporate the Probate Court changes so proposed in the State Bar Bill, I urge that you write in to the Legislation which you do pass some provision for the establishment of motions for disclosure and for rules of procedure in the Probate Courts themselves, so that at least a litigant can come in, know where he is going and avail himself of the proposed rulles of civil procedure with which we all who practice are familiar. I have two other suggestions to make in connection with this. I urge that is you adopt the so-called Administration Bill that you take from the State Bar Bill, Section 13 having to do with the rule making power. I've spent the last ten years on the State Bar Committee as a member and the last four years as Chairman of the Committee relating to the establishment of rules of procedure and it is my feeling for two basic reasons that the rules in S. B. 793, Section 13 handles the job considerable better

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Attorney Koskoff continues: than does the Administration Rule, Section 10 under the Administration Bill. You will note that in Section 13 of the Bar Bill, there are two safe guards and I believe that one of these safe guards was the law prior to the writing of these present bills, that is in the 1955 Session of the Legislature, which initially gave to the Superior Court the rule making power. In Section 13 of the State Bar Bill, it contains a statement that:

> Said rule shall neither abridge, enlarge nor modify the substance of rights of any litigants.

That does not appear in the Administration Bill. I think it's important, I think it ought to appear in the Administration Bill, or ought to be incorporated into it. THe other provision that I propose that you incorporate into the Administration Bill has to do with the fact of the holding of public hearings in relation to the establishment of rules of procedures. You will note that Paragraph B of Section 13 of the State Bar Bill provides for these public hearings. The third safeguard has to do with the fact that in those instants where rules abridge or abate existing legilslation, that those rules must be reported to the Legislature in the following session of the Legislature. I believe that is a safeguard that should be written into the bill. You will note that these are all in the Bar Bill and do not appear in the Administration Bill. I urge also that, and those of you members of the committee, and I know there are many of you who practice law in the courts, that there exists another provision which should be written into this Bill as one of the provisions. It has to do with those cases which are litigated in the Court of Common Pleas or the Superior Court involving a Minor or an Estate. Should you not do anything about the incorporation of the general picture of the Probate Court, I suggest then that you write into the Legislation a provision which would permit a case which is started in the Superior Court or the Court of Common Pleas which is subsequently settled to permit the judge of that court to enter an order approving the settlement so that it beceomes unnecessary to go through the fiction of going back to the Probate Court for an approval of the settlement. Certainly the judge who has tried the case, listed to the evidence, is familiar with the attitudes of both counsels, and is in a far better position to determine whether a settlement is reasonable or understandably unreasonable than is a Probate Judge who all he sees and gets the

Attorney Koskoff continues: opportunity to see is the application made on behalf of the minor or behalf of the Estate. This would eliminate a duplication of work which presently exists. There is one other thing which I am sure will not be met with a great deal of happiness on the part of the plaintiff's counsel most of the time, and I am going to identify myself by the fact that I represent only plaintiffs. But I would like to say this, that one of the reasons for the clogging of the dockets is the fact that litigation is commenced in the wrong court. Should the Aministration Bill be adopted, I suggest that a provision be written into the bill, which would premit a Judge of the Superior Court to order a case transferred to the Common Pleas Court when in his opinion the case lies within the minimum, rather the maximum jurisdiction of the Common Pleas Court. However, in doing this I would urge that you consider leaving it in its present state, that is even if the judge orders this case to be transferred to the Common Pleas Court, that for the purposes of that litigation the oddendum remain whatever the lawyer who drew that writ in the first place so that the rights of the Plaintiff will not be infringed upon. In that way, a considerable body of minor legislation, which presently exists in the Superior Court could be transferred to the Court of Common Pleas without any significant change in the rights of the party.

Chr. Scanlon: Before we finish with more proponents, I would like once more to ask that if you are going to speak on a subject that has already been touched upon, I would prefer that you register. I am told now that it is starting to snow out and there are a good many opponents here who would like to be heard and have a long way to travel to get home, so if you will be brief and please not repititious, we'll go forward a little longer with the proponents.

Attorney Max Schwartz, Woodbridge: I am the Chairman of the Family Law Committee of the State Bar Association. Before you made your remark Mr. Chairman, I was going to mention the fact that you people have been subjected to a considerable amount of haranguing in behalf of these bills. I merely want to say that the Family Law Committee of the State Bar Association strongly endorses the State Bar Association Bill and especially the Family Law Court provisions of the bill, and we hope that your committee will see fit to come out of committee with a strong reorganization bill,

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Attorney Schwartz continues: incorporating a Family Law Court. Thank you.

John F. Curran, New Haven: I oppose Bills 492, 491, 793 and 2572. I haven't had a chance to look at 3873 because I just received a copy today. I hadn't heard of it before.

Chr. Scanlon: We are now hearing proponents only.

Mr. Curran: I'm sorry Sir, I'm speaking against these bills.

Chr. Scanlon: Mrs. Ryan.

Mrs. Ryan, representing Greater Hartford Community Council: I have been asked to speak in support of

S. B. No. 793

I think this bill most satisfactorily meets the standards of the Community Council and we feel this is desireable of a Family Court Bill. We believe that the Family Court should be a court with a wide jurisdiction over all types of family problems, including questions over custody and support of children, divorce and all non-support matters. It is important that the bill enacted should require investigations in all matrimonial cases involving children under 16, inorder to determine custody and support of these children. So far as I have been able to discover, S. B. 793 or the Bar Bill is the only bill which includes this provision. It is important also that there should be centrallized in a Family Court, all enforcement of support, whether it be the child of divorced parents, or a family not broken by divorce, or if the father is outside the State or in the State. We know that you are aware that family matters are scattered among the different courts in Connecticut, because they just happened to grwo that way. So no one sat down and planned it up until this point. Modern social theories recognize that any family matter can best be handled by looking at the family as a whole. With the present court structure this cannot be done. We urge your support for a Family Court because it represents a means of keeping the courts abreast of modern social means, as well as the legal means and needs of the family. We blieve in establishing a Family Court as part of the well thought out integrated court system would greatly strengthen the services provided by a Family Court. I would

Mrs. Ryan continues: like to make just a couple of personal remarks in addition to this statement in support of statements made by Senator Barringer. I personally feel that there should be no conflict between social workers and lawyers in the courts. They should have a common purpose as set forth in case law and in the professional publications of social workers, and that is to promote the best interests of children. Both of these professions want, or should want all pertinent facts and evidence for a decision on custody. I believe with Senator Barringer that the vast administration of a Family Court can be handled if the judges specialize in that field. I recognize that all judges don't look upon this as a desireable sort of practice. Those judges who are concerned with purely intellectual exercises will npt get satisfaction from a Family Court. Judges, however who have a interest in human values will gain a great deal of satisfaction from sitting in Family Courts, I believe, which is not possible at the present time, because there are so many disturbing questions raised in divorce actions that cannot properly be settled under the present situation. One of the reasons I think it's important for the court to investigate in all custody matters is now the litigants on both sides are represented by counsel. Children are very often not represented by anyone. It's very often an emotional situation when a divorce is being sought and the tendency of even fairly good parents is sometimes to use the children as a tool or weapon in their fight against the other person. I think that investigation by a mutual objective court officer offers to these children the best possible protection.

Charles Parker, representing the Greater New Haven Council of Social Agencies: I just want to go on record in favor of the State Bar Bill.

Attorney Ralph DuPont, New London: I am making a statement on behalf of myself and my wife, who is also present and who is also an attorney, Antoinette DuPont. I do not wish to speak extensively on the measures in the Court reorganization bills introduced by the Bar Association and the Administration, insofar as these bills concern matters in the minor courts. I heartily

Attorney Du Pont continues: both measures, I believe that the Bar Association measure is to be preferred for I think it considers more carefully with a greater degree of specification the problems of our minor courts and the reorganization of our courts. I am most interested however in the Probate Court. My practice since my admission to the Bar of both New York and Connecticut has been largely concerned with the administration of descedent's estates. I think on my first meeting with the Connecticut Probate Court I was shocked to find that inadequate procedures, inadequate notice prevailed in these courts. It may be the proper steps to correct these difficulties lie in the enactment of a uniform Probate Court. One would suppose therefore that such measures would originate in the Probate Assembly, one does find however stagnation in the Probate Law in the State of Connecticut. One finds that these courts are unsatsifactory tribunals for the administration of justice . When I say they are unsatisfactory I refer you Mr. Chairman to the fact that appraisers appointed by the Probate Court are not accepted or accessible to the Federal Revenue Agent. Moreover procedures for rendering final accounting in the State are often less than adequate. Accounts are submitted to these courts which are balance sheets on their face only. They are not examined by the court, they are merely accepted as they appear to be. There is no requirement for the trustee bank for example to show capital appreciation or paper losses during the course of administration of the estate. These gains and losses can often be of greater significance by far than mere problems of defaultation. One could go on Mr. Chairman to cite numerable examples of laxness in the preparation of inventories and the filing of Income Tax returns, all at great expense to this State in loss revenues. If this is so, it is so, because we are operating under a system staffed by part-time elected officials, any number of whom have no legal training. May I assure you members of this committee, that is it no boom to an estate to be accorded a quick hearing before an incompetent tribunal, whose verdict is entitled to no cradence in this State or any other, but whose every act is subject to new hearings de novo in the Superior Court. Such procedings are wasteful, time- consuming and should be discontinued. It is within the power of our Legislature to accomplish the needed changes. And it is only with this feature of that measure that I have substantial disagree-

Attorney DuPont continues: ment. The Bar Association proposal offers to make the change, but it does so in a fashion which I submit to you Ladies and Gentlemen, is not wholly acceptable either. The critics of the Bar Associationhave evidentally caused it to give some measure of attention to those who prefer justice administered from the back room of an insurance office. The Bar Association which creates Surrogates and clerks who would be entitled to adjudicate certain matters. I urge you Ladies and Gentlemen to take the necessary steps to amend the Constitution if need be to remove therefrom the election of Probate Judges. I urge you to destroy with all possible defeat the curious anamalie that is the assembly of all Probate Judges with its paid political representatives. Upon mature analysis, what is the Probate Court? It is as you have been told today, a collection of persons licensed by the State doing business for fees on a concession basis. This is not the definition of a Probate Justice Court. In our Probate Courts as accepted it is not permissable to waive fees for friends, double them for strangers. How come our judges are no engaged in the preparation of papers for persons who appear before their court, including applications from Probate, inventories, such as income tax returns and the like, but yet this is often cited as reasons why this court should be allowed to continue. This act or acts are in of themselves violations of the canon Judicial acts. I would however take the Probate Assembly at its word. I would suprisingly enough urge you to continue a Probate Assembly and the Probate Court but I would urge you one minor exception, and in this I think I offer you something which has not been touched upon. I would urge you to use your powers, also the jurisdiction of the Probate Court so that it is possible for an executor or an administrator, charged with the administration of an estate in excess of say $25,000 to remove thatestate, all procedures relating thereto, to a division of the Superior Court, whereupon a full probate administration may be had in due course. To be truthful, if the

Attorney DuPont continues: people of this State truly approve the Probate Courts as they now stand, we would be doing nothing to harm them. We would have had a brief experiment which we could subsequently right. But if the Probate Courts be little used by large estates, and attorneys having critical problems in the administration of those estates, would transfer such matters to a division of the Superior Court, then I believe in due course of time, you would find the Probate courts and its assembly of judges being a useful system. It seems to me that such a change in jurisdiction is not free from doubts as to constitutionality, and of course I would urge your committee to study closely the constitutional aspects as such a plan. I assure you however that you do have the power to enlarge or detract jurisdiction from the Probate Court, and I would urge you to consider seriously this question of a change of jurisdiction to permit the removal of certain large and involved estates from the Probate Courts, leaving in thier hands the minor matters that are not greatly affected by part-time personnel. Thank you.

Chr. Scanlon: The question is whether or not we will have to have another hearing, or whether the opponents can be fully heard or whether they would prefer that we go right through today. If we cannot give the opponents enough time today, we certainly will be glad to hear them fully at another date. We have no choice now but to go forward with the remaining proponents and ask them to speak as briefly as possible.

Attorney Victor Dowling, Hartford: I speak for myself as an individual. I should like first to preface my brief remarks by stating that I am unequivacably in favor of court reorganization embodying the principle of legally-trained judges and prosecutors in all courts of the State. There are however two points that I should like to submit to this committee for consideration prior to the adapting of the final bill. The first concerns that of the elimination in the Bar Bar bill of trial de novo in criminal cases

Attorney Dowling continues: Several of our leading jurists and practicing attorneys have at one time and another expressed the views similar to that of Lord Justice Matthews, the leading jurist of England, who when addressing a recent American Bar Association meeting stated as follows:-

"When I was a young man practicing at the Bar, I lost a great many cases I should have won, as I got along, I won a great many cases I ought to have lost. So on the whole justice was done."

The question is justice to whom. The attorney asks but what of the client? I believe the tenure of American philosophy still is that it is better for many guilty persons to go free than to have one innocent person unjustly incacerated. I submit that in the abscence of a workable mandatory internship for newly admitted members of the Bar in Connecticut, the trial de novo in criminal cases is a tremendous safeguard to the rights of the accused. The cost and alleged waste of time in the system embodying trial de novo in criminal action has here today been pointed out as most undesireable. I submit that the record of less than 5% of appeals from the lower courts speak for itself. That abscence of juries from the newly proposed lower courts together with an option of a trial de novo or an appeal by way of review of errors would in fact speed up the real justice providing greater justice for the accused. In short, that any additional financial and time consuming costs is a small price to pay for the additional protection afforded an accused in trial de novo in criminal action.

The second point I wish to make is this Connecticut today enjoys one the most highly esteemed State courts in the nation. I submit that this is due to the screening process inherent in our present court system. An opportunity to observe the ability and equally important the judicial demeanor of the lower court judges provides an already proven reservoir of judicial talen from the point of the State courts.

Attorney Dowling continues: I further suggest that this present reservoir of proven judicial talent in the natural course of events will in time be exhausted and in that connection I would suggest a system that would maintain this reservoir, that a percentage of the judgeships in a proposed division be of the Court of Common Pleas appointed to a single term of to one or two years without tenure. This would serve a dual purpose:

1. An opportunity to determine natural service the judicial ability of the appointee

2. An opportunity for the apointee to determine in his own mind his adaptability to the exacting requirements of the bench.

The result would be to maintain a reservoir of proven judges for appointment to office with tenure. Eight years is a long time to regret a mistake and a correction of an error of eight years standing is the most difficult one to make where a human being's reputation and future is at stake. Thank you.

Chr. Scanlon: If anyone else has a written statement we would appreciate it if they would file it with the Clerk.

Harold Bailey, West Hartford: I am speaking only for myself. Now obviously the Superior Court as the Common Pleas Court should have all the added legislation that they need for the purpose of the expeditious conduct and the decision of the cases before them. I'm all for that. I'm entirely satisfied to have a Family Court established. My opposition is purely personal to the rest of the bill. I don't have any position in connection with any court, I'm not a lawyer, I'm not a politician, but I want you Gentlemen to consider this particular aspect of the rest of the bill. When you take the powers from the Town over the minor courts either civil or probate, you are doing a revolutionary thing. It is a

Mr. Bailey continues: tremendous departure. It is in line with the other bills of this Assembly, all tending towards centralization of power. Now this State was not set up on any such basis. It was set up on the basis of local self-determination, local self-government, and local handling of offenses as well as local handling of probate matters. If a Probate Judge makes a mistake, it can be corrected by trial de novo in Superior Court. But the Probate Judge is largely a ministerial officer. He is concerned...

Chr. Googel: May I interrupt for just a moment. Are you talking fpr or against these proposals?

Mr. Bailey: It's both Your Honor.

CHr. Googel: I wish you would talk for now and then when the opposition gets their turn, you can talk again.

Mr. Bailey: May I conclude and then that will dispose of me. Their office is largely ministerial. If anybody is dissatified, they can take an appeal. If we centrallize this power, then America is going to be a different sort of place than it has been, and I think that would be a departure from the tradition, which has much merit. Thank you.

Chr. Scanlon: This Gentlemen here.

John Timco, 244 Park Street, Bridgeport: Mr. Chairman and members of this Judiciary Committee, Ladies and Gentlemen: Two years ago I was to a public hearing on Court Reform. I appealed to the Judiciary Committee for legal aid and a fair and full hearing concerning a civil suit. I did not get their help, but I thank them just the same. Today I would like to hear and ask this committee how could a court reform bill help to guarantee justice to any victim of delayed denial of justice or dessertion in our courts by any lawyer, hired to protect your interest and the professional ethics brush-off by any other lawyers. Are they not the officers of a court? and why should a person have to go to another State to hire a lawyer at extra expense to

Mr. Timco continues: get justice in Connecticut? The Federal and state constitutions guarantee equal protection under the law. It is a sad day when you tell a Common Pleas judge at a pre-trial hearing and ask him if he thinks this is equal protection. I thank this Judiciary Committee for the opportunity to speak and I do hope that they will correct this un-American practice of some lawyers. The courts are for the good of all people, let them respect and protect the rights for justice for all. Thank you.

Judge Carmady: Mr. Chairman, I believe the matter of fair-play .. it is now 4 o'clock.. thatb the opponents to these various bills be given their full day in court. This has gone on all day now and we wouldn't have more than an hour at best and I do think that we should have a full day before us so we can be heard as fairly and as readily as the people in favor of the bill have been.

Rep. Schlossbach: Mr. Chairman, I agree with the Judge entirely, first because I thought it was a good idea that we get more time to study this problem and certainly from the amount of evidence that's been produced here today, a great deal more study is needed. However I would like to have it understood that the proponents have been heard completely as of this time, and we're not faced with some new evidence later on.

Chr. Scanlon: We will now close the hearings on proponents and if there is anyone here who does not have a lengthy opposition and would like to be heard today, perhaps we can hear them so they won't have to come back again another time. But, we certainly will have another hearing so that the opponents can say whatever they want in opposition to these bills and we won't limit them as to time.

Louis Anderson, First Selectman, Brookfield: I am here to oppose any changes in the Minor Court reform bill. I'm amazed sitting here today, listening to the Bar Association with all their propositions in trying to project and further their own profession. I am not against any Traffic court changes. I believe that a lot of good could be done in taking the Traffic courts out of the small towns. I live in the area served by the Danbury Traffic Court, which was supposedly a model set up some twenty years ago. Thank you.

Chr. Scanlon: Can we see by a show of hands approximately how many people intend to speak against these bills. If we could schedule a hearing tomorrow afternoon at two o'clock how many of you could come back. How would next Wednesday morning be?

Frank Franzoso, a Barber : spoke on any changes in Minor Court system would meet with his disapproval. Record was very unclear.

Chr. Scanlon: We will continue the opposition hearing a week from this Wednesday morning, at 10: o'clock up in the Old Senate Chamber. The hearing for today is now closed.

Florence J. White

JUDICIARY AND GOVERNMENTAL FUNCTIONS

WEDNESDAY FEBRUARY 18, 1959

SENATOR JOHN M. SCANLON
REPRESENTATIVE SAMUEL S. GOOGEL
PRESIDING

Members Present: Senators: Scanlon, Armentano, Relihan, Finney, Cady
Representatives: Googel, Shea, Barry, Carrozzella, Conway, Hammer, Katz Lyddy, Mills, Morelli, Murray, Purtill, Satter, Wagner, Schlossbach, Eddy, Dudley, Shulansky, Finch

Chr. Scanlon: We will start the hearings.

Rep. Marjorie D. Farmer, Darien: Mr. Chairman, Members of the Committee: Thank you for letting me speak first so that I may go to another committee. I would like to speak on this whole matter of Court Reorganization. I'll be as brief as possible. First, I favor some of these measures and oppose others. Second, I think this is the year to do some Court Reorganization. It's apparent to your committee I'm sure, that you have several very difficult decisions to make. If as probably many of you do, you think we should have some court reorganization, the question is first, which ones are most desireable? Second, which ones are practical and not too costly? And, third, which ones will the voters of Connecticut accept? Because, when all is said and done that is one of the tests of good legislation as we all know. My views are well known to those of you who have been on the committee before, in regard to the Family Court. I have sponsored a bill for several sessions and I believe that that would be the measure which has the first priority. It is one thing that could be done and done well this year even if nothing more were done. Second, I would favor a new Common Pleas Court which would take over the jurisdiction of the Municipal Court and the present Common Pleas Court. In regard to the Treial Justice Courts, I once favored their abolition. Today I think its apparent that there is a great deal of opposition to that in some of the towns. I believe the Interim Committee recommended the possibility that the towns could decide themselves whether they would come into a new

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Rep. Farmer continues: Common Pleas system. If that possibility were given to them, I believe a few of the towns and I'm sure, they would come in very soon, and others would come in from time to time, depending on how well the Common Pleas Court serves the interest of the people. There's one thing I'm very much opposed to and that is giving the judges the power to increase the number of judges. That is a matter which I believe the Legislature should decide and one which as you know has a great deal of opposition among Legislators as well as other people. In regard to the Family Court it is unnecessary to give all thereasons. I'm sure all of you are familiar with those. I believe we should retain the present free judicial system and set up that court with perhaps six judges and as time goes on it will be easy to determine whether they can carry all the business or not. If they can't the Legislature can increase the number. As to any constitutional question about giving questions of divorce and so on to a Family Court, I think it would be very easy by Constitutional Amendment to eliminate the word inferior and a simple amendment I believe would be supported by everyone. I won't discuss the other courts. I believe the Superior Court should remain as it is. In short I believe that your committee can and should find a comparatively simple, practical way of reorganizing the courts without too much opposition from the public. Thank you very much.

Chr. Scanlon: Any other Legislators?

Rep. Robert H. Barnes, Montville: I am again coming here to register opposition as I did previously. At that time I said that I would be very happy to offer suggestions if invited by the Committee. In the meantime and subsequent to that declaration, the leaders in my home town of Montville requested that I do so. I have this in documentary form and I want to present it to you. However I should like to read just two paragraphs of this document. It's in two parts.

Retain Probate Assembly and Probate Courts in their present status. Less perrgoatives and possibilities turned over to the Family Court relating to personal

Rep. Barnes continues: matters. The Probate Courts are doing a highly efficient and commendable job and any reduction in the number of courts would have at least one bad result, a lessening of the present good of community service.

The Small Courts. Municipal, City, Town, Borough, Justice, Small Claims, etc., to be put on a an elective basis for terms of four years, elected to court readily along with Probate Judges. This would be an improvement or reform of the present system without loss of service, while at the same time, leaving in the hands of electors the selection of, of their own choice, their judges, associate judges and deputy judges. In other words, Home Rule. The retention of the two Party system, all of these the Hallmark of our democracy. Should a local court not measure up to standards the electors would have only themselves to blame, but would still have the opportunity to correct the situation at the next election.

I hope when this is all over, Ladies and Gentlemen of this Committee that we, Legislators, vote our convictions and we vote as we see best for our towns and for the State of Connecticut, that we do not vote by being high-pressured or by being influenced to vote otherwise. Thank you very much.

Chr. Scanlon: Are there any other Legislators? All right, then Judge Carmody, the Chief-Judge of the Trial Justice has asked to speak.

Judge G. Carmody, Chief Judge of Trial Justice Courts: Senator Scanlon, Ladies and Gentlemen of the Committee, if I may identify myself, I am Chief Judge of the 102 Trial Justice Courts with their 52 Small Claims Courts. I am also the Trial Justice of the Town of Woodbury. Prio to 1939, I was the Justice of the Peace of the Town of Watertown. I was the first Trial Justice in the Town of Watertown and held that position for ten years. I am now in my third term in Woodbury as Trial Justice. I happen to be a practicing attorney in

Judge Carmody continues: Waterbury. I want to thank you Senator Scanlon for your invitation to appear before your committee and I want to state very emphatically that I feel that it is proper for me to present the case for the Trial Justice Courts. I do not appear today in opposition to any of these Court Reorganization bills, that is not my perrogative. And with that as a introduction it seems to me that the basic question and mind you I restrict my remarks to the Trial Justice Courts, is whether or not, today, the Trial Justice Courts have out-lived their usefulness. I think in a nut-shell, that is the problem. In order to briefly decide that question, I think that if we will look back prior to 1939 and with having in mind the flexibility and the adaptability of these courts over thenumber of years. Prior to 1818 as you all know, the Justice of the Peace was recognized in our Constitution in 1818. It was given official status and as time went on, as means of communication, motor vehicle transportation increased, certain evils, and I say evils, crept into the system. There's no question about it. And the General Assembly in 1939 saw what had happened and very wisely recognized it, the flexibility of the system, its adaptability, passed that very extra Trial Justice Court Bill. Prio to 1939 we had the fee system, it was a terrible situation. Every Justice of the Peace had his own court, he had his own prosecutor, he had his own constable. We know waht happened. In 1939, you enacted legislation whereby each town had its own Trial Justice and he was put on salary. Today, incidentally the average slalary of each Trial Justice in the State is about $500, that is a matter of record. Now since 1939 what has happened? The courts have seen this trmendous increase in motor vehicle transportation. We have seen these new super highways, parkways, come into existence where formerly the major matters befor the court involved Breach of Peace, Non-Support, Drunkeness, matters of that kind, our motor vehicle violations fast came into the effendency. Today, as of today, the figures bear out my statement that there are about 85% of all matters handled by the Trial Justice Courts are motor vehicle cases. Now, its a fair question, a tremendous amount of criticizm has been directed against these

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Judge Carmody continues: Trial Justice Courts and because I am charged by statutes as the appointee of the Chief Justice of the Supreme Court, I am charged with the official operation of the Trial Justice Courts, and as I have read in the papers and I have heard all these criticizms against these courts, I have felt it encumbent upon me to come before you. All this criticizm has not helped the official operation of these courts. There are intimations of non-decense, mal-decense, miss-decense, and I assure you that those ciritcizms are not well founded. Now what has the Trial Justice Court done to help themselves. You help us, we help ourselves I'm sure. Now here's what they've done:

1. They meet in annual assembly each year, here in Hartford, by Statute. They discuss problems they have in common.

2. They have, and I as their Chief Judge, have been engaged in the drafting of uniform rules of practice and procedure, which is greatly needed, without a question of a doubt. As You know the Supreme Court judges are the ones who make the rules, but we are preparing recommendations for their consideration, which I think is a proper function of my office and of the courts in general.

3. We have appointed informally chairmen of the Trial Courts in each of the counties.

4. We have started work-shops in each of the counties. Each county's problems may differ from thenext. Now Litchfield County does nothave the problems that Middlesex County may have with the Turnpike, etc. And we are trying to iron out our problems discussing out uniformity of bonds, trying to get some uniformity of fines within discretion and it's been very heartening to me to see the avid cooperation of all the Justices in all these towns. They want to help to keep their courts. Their townspeople told them they want to keep their courts and they are doing everything possible to keep them.

Now, believe it or not, this system has some virtues. Now let me point out just a few of them if I may:

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Judge Carmody continues:

1. The matter of convenience.

Now that is a frightfully importaht matter. The majority of these courts meet in night session, both its criminal division and its small claims division. Now it seems to me that that is an excellent example of the Trial Justice Courts suiting the convnnience of the public without any detriment to the administration of justice itself. If you pause just a moment and think, the majority of our people in our State, the only court they ever go into are the Justice Courts. The Justice Courts cover a population of about 315,000 people in the State, approximately 1/6 of the entire population. Most of the people who come in, the majority, are working people. To have them give up a days work to go into court, to have their witnesses in court, so that they can properly present their case is an economic hardship. A long time ago, the Justice Courts recognized that fact, and is a matter of convenience to the public, for the public. These are the peoples courts.

2. The matter of economy.

It seems to me, I believe the watchword of this Assembly is "ECONOMY". I will dwell a little more at length on this matter of economy when I cover some vital statistics here.

3. The matter of efficiency.

Those are the three watchwords of our courts: Convenience, Ecooonomy, and Efficiency. Let it be borne in mind, there is no backlog of cases in any of the Trial Justice Courts, in either the Criminal Division, or Small Claims Division I heard figures here at the last hearing that there are I believe 40,000 cases the backlog of those cases in the Superior Courts of our three larger counties. Now every person is entitled to a speedy trial. They're guaranteed the trial by our Constitution as I recall, and they certainly get it in the Trial Justice Courts. I will not burden you with boring details, but I will just cover highlights which I think are very illuminating. I have actual figures, gotten by myself from all the courts for the year 1957. I have not the final figures for the year 1958, I believe they will be approximately the

Judge Carmody continues: same, so I am projecting the 1958 figures and giving you figures on a two year or biennial basis. Briefly, the total number of cases handled by the Trial Justice Courts in the State of Connecticut for the last two years is 27,000, of that amount, 22,000 represent Motor Vehicle Cases, and the balance other cases, such as Breach of Peace, Trespass, Intoxication, etc Now that figure illustrates my percentage that 85% of your cases are motor vehicle cases. Now the Small Claims Division, now there is one of the great features of the Justice Court system. Approximately 52 or 53 courts now have small claims divisions They are a tremendous boom to the small business man In the last two year period they handled 13,000 cases and the matter in demand exceeded $1,000,000 Now when you realize that the maximum claim that can be presented to the Small Claims court is $250, that is quite an astounding figure. The merchants in the various towns are high in their praise of this type of court system. It costs them merely a $1.50 of an entry fee. They don't have to retain counsel, they get quick and proper justice. On these 27,000 cases handled by the courts, they took in a total of $550,000 in fines, a breakdown of that is $460,000 taken in on motor vehicle cases and $90,000 on cases other than motor vehicle. Of this amount collected, the towns have retained $380,000. The State has received $170,000. From the amount that the towns have retained they have been able to pay the salaries of all the trial justice officials, the Justice, his alternate, the Prosecuting Grand Juror, his alternate, and the Clerk, if they have one. And, there is a sufficient sum of money left over in most towns to help to defray the expense of their local constablery, or their Police Force. I think that is quite a remarkable situation, and if I may comment a little on that. Courts are not meant to be money-making institutions, any more than our schools are, but in this day of high budgets, rapid inflation, and a devalued dollar, if one branch of the Judicial Department can be self-supporting, I think it's rather pleasant. Now, if I may, having been very familiar with the entire Justice System, with many of its court personnel and its problems, I

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Judge Carmody continues: should like to make three specific recommendations:

1. Let's recognize the Trial justice court today for what it actually is - it is a Traffic Court, primarily a Traffic Court.

And, I would suggest this:

1. Either the Traffic be handled only by the Trial Justice Courts and have other cases transferred to the Common Pleas Court.

2. If any person is arrested and brought before a Trial Justice Court on a charge involving one other than a Motor Vehicle Violation, then allow that person to elect whether or not his case should be tried in the Trial Justice Court or whether or not he would elect to transfer it to the Court of Common Pleas.

I make that recommendation to answer the criticizms of Trial de Novo. It's interesting incidentally to note, that of the 27,000 cases heard, less than 1% were appealed, in spite of all the statements to the contrary. I took that out of the record Gentlemen. Now here is the next suggestion I would make:

2. For the court officials, who are not members of the legal fraternity, I would recommend this: a prescribed, short course of instruction under proper supervision covering basic questions of criminal law and evidence. As a lawyer must qualify by taking examinations in this State, it seems to me that the officials of the Trial Justice Courts who are not lawyers, should also qualify if they are to administer justice properly.

3. For a more efficient organization, and we're always looking for that. I ask that you of the Assembly grant to the Trial Justice Assembly, by legislative action, similar powers and duties granted to the Probate Assembly under the provisions of Chap. 774 of the 1958 Revision. We know what has happened in the Probate Courts, how through this enactment, they have greatly increased their efficiency throughout the State.

And, in conclusion, let me say this: The

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Judge Carmody continues: three watchwords of the Trial Justice Courts are Convenience, Economy, and Efficiency. And I state emphatically from my close observation, as Chief Justice, that the courts offer to the public, and it is quite with the public that we are concerned. They offeer great convenience, remarkable economy, and with wise legislative action on the part of the Assembly, and efficiency geared for the public. Gentlemen, I can pledge you the full cooperation of all the Trial Justice Courts of this State. Thank you very much.

Chr. Googel: One question, do the three recommendations which you just presented to the Committee represent the elective thinking of the Trial Justice Assembly, or are they your own personal ones.

Judge Carmody: They are my own personal condition based on observations.

Chr. Scanlon: Judge Carmody, do you really think it's possible to train a judge in a short time as you indicate you might to sit in judgment on series advanced by attornies who have studied seven years and passed a Bar Exam.

Judge Carmody: Senator Scanlon, a fair question. Let me put it this way:

1. Recognizing the Trial Justice Courts as Traffic Courts, and recognizing the fact that they have to pass on violations, the definition of which has been set by you people by Statute, and where the penalty to be imposed is set by you, maximum and minumum, an administrative body could practicallyndo that. Yes, I sincerely do.

Senator Peter P. Mariani, 18th District: Honorable Chairman, Members of the Judiciary Committee, I come before you to speak in opposition to the Court Reform program. I come before you as a layman. I am a business man. I do not know the intiricacies of the makeup of the court, but I have a pulse of my constituents and I wish to tell you in brief what the reaction is in my area to a court reform program. First off let me tell you that I speak for the man on the street, the working man and the union man and the clerk and what have you, former customers of the court and potential customers of the court. When I

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Sen. Mariani continues: asked them about the urgency for a need for court reform they know little of what I am talking about. They, themselves feel there is no urgency for any correction that has to be made for any major proportion to our court set-ups. Then when I go on and tell them that this court reform program that is proposed tends to eliminate the existence of a local court, and to that they all say, why good gracious, that's terrible, we want our own court. After all, we have our local government, we have our own judiciary, we should have our own administrators and we should have our own legislators, and I firmly concur with that opinion that the local court serves a community well, and not withstanding the fact that there is some difference of opinion as to the qualifications of the makeup of the court, may I tell you that certainly there is nothing in our system as it is conceived today that makes it the system's fault that the qualifications of the respective members of the courts are not set up higher than they are. You have within you the power under the present system to make the court on the local level that which you will. It's a matter of appointment. You can appoint people of qualifications, set up by you and there is no reason to claim that the system has failed, if anything has failed it is that we in the makeup of the court who have failed to demand that the qualifications be such that proper judgment and justice can be given out. Now this matter of the quality of the justice, again I tell you I speak for layman, people who are customers, and not on the inside of a court, they are not clammering for any better quality of justice, they are by and large satisfied with the quality of justice. The State of Connecticut I might say has high esteem amongst its people. I live in an area where there are people from many states who have come in to our district. The New London-Groton area has people from all over the world. I have talked to people from other states and they praise the Connecticut courts and certainly the record I believe will indicate that the quality of justice is not something that has to be apologized for, but the people of Connecticut are being served well by our court system. The statistics will show that any case that has been appealed,

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Senator Mariani continues: by and large, the decision has not been reversed. We have a pretty good record in that regard. When I tell my people that this court reform program calls for theneliminations of the local court, and mind you I have no grief for the type of court, the Municipal, the Town, or the Justice Court, they are all one and the same and certainly each one serves a community in accordance with the need of the community and whether it does it with qualified or full time judges or clerks, prosecutors is a matter of local concern. But when I say we are going to replace that for a more dignified, high-priced court where the staff is going to be of legal backgrounds, members of the Bar, and the judges will be certainly astute members of the Bar, have tenure of office, and all that sort of thing, the people say to me, why good gracious, everytime they rap a gavel it's going to cost us $150, you can't go into a court like that and defend yourself. There are too many cases of minor cases, misdemeanors, traffic violations, or what have you, and that certainly can be handled with that lower court. If you want to changed the charader of the local court, do it by all means, but don't take away from the community, please, the character of the local courts. We need our local courts just as much as we need our own Administration, just as much as we need our own Legislative Body. We probably don't have what you call a local court, not with the summonses there it's a State - controlled system to be sure, but each community feels it has its own courts. And, if you want to do something to improve the makeup of the court, I think it can be done with our present system. We don't have to apologize for the system, we don't have to change it. Thank you very much.

Chr. Scanlon: Representative Schlossbach.

Representaive Schlossbach, Westbrook: Mr. Chairman, Senate Chairman and House Chairman, and Members of my Committee. I do not wish to speak here today, however as a member of your committee, even though its very hard to separate the two. I would like to speak here only as a citizen of the State of Connecticut and as one who has had some experience in this respect,

Rep. Schlossbach continues: and please do not classify me as an expert. I am very happy today to see that we have a great deal of the ladies of the League of Women Voters, whose job it is to study this particular problem and I am very happy that these ladies, and the rest of you Ladies and Gentlemen here today have had the opportunity for the first time, and I say that without fear of competition, for the first time to hear the real opposition of the court issues. We have learned so many things by those who are in favor of the proposed bills, but yet the story of opposition and why there is opposition has not been told. I could very well have said that I would like to rest the case for the people on the testimony that has been offered you by the Honorable Judge Carmody, because I think that in most every respect, Judge Carmody has indicated to this body and to the public, the need and the necessity of value of your Justice Court and your minor court. I have prepared a very lengthy speech, but in view of the fact that Judge Carmody has so well portrayed the case for the people, as I call it, I'm going to try if I can to scan through the notes that I have prepared with the effort of giving you something in addition, because while repitition is emphatic, it sometimes loses it's value. I will start off by saying I have been a member of the Assembly now for four terms, this is my fourth. Of those four terms I have spent each Session on the Judiciary Committee and have been at all times a member of all sub-committees having to do with the court reformation bills and bills of like nature. However I was also a prosecutob in my town for a period of seven years, I've also been in the business world, as you all know, having been the owner and operator of a hotel for a period of 16 years, and before that I was a practicing attorney in the State of New Jersey for a period of 11 years. So that when I speak to you I don't want to be classed as an expert, but I do want to be classed as one who has had experience in each and every line that you are concerned with. As a member of the Legislature I have heard the arguments that have been brought forth before this group and they haven't changed too much, except that we now have moved into an era where we are asking for court opinion prior to its trial. I objected to the

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Rep. Schlossbach continues: fact that the Justices were invited before this committee, not because I was afraid of what they were going to say, because the newspapers already had it, where they got it I don't know, but your newspapers came out with the story that Judge so and so was going to say so and so, etc. But they didn't give you the entire story, because obviously, they couldn't get to all the judges. It was very interesting to me, and unfortunately, this was not an open meeting, it was an Executive Session, one which was closed to the general public, to the Press and no record of which was taken, so we have to rely on you who were there to be the best judges on what you heard, so if I should in any way be in error as to what was said there, your own recollection will serve you best.

Rep. Googel: Mr. Schlossbach, I don't think that you should repeat anything that was said at an Executive Session, by any of the gentlemen in question, or by any of the committee members. That's why we have Executive Sessions, as you well know, having served on this committee for four terms as you stated.

Rep. Schlossbach: I would normally agree with you Mr. Googel, except that after the Executive Session a statement was given to the Press and if that isn't opening the door for the revelation of anything that went on there, then I would like to know what is.

Chr. Googel: Mr. Schlossbach, I don't want to dicker with you or get into an argument with you, but you know that after every Executive Session, the newspaper men generally get a statement.

Rep. Schlossbach: From every caucus. Particularly the ones that we're having now. I am not going to belabor the question Mr. Googel, but I will say to you and to the members of your committee who heard it that there were things there that should indicate to you that the present bills are of little value. Both from a question of tact, operationg and constitutionallity. The red flags are flying, there is no question about that, the red flags are flying, I'm saying it, I'm saying that now, and I don't think that I'm going to be stopped

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Rep. Schlossbach continues: from saying it. The red flag are flying, there's no question about that. The red flags are flying because each and every one of these bills are filled with danger signals. Signals that will cause future litigations. The constitutional question is well known to all of you. You know and I know that it has already been decided as a matter of fact in the minds of some of those who are going to decide this question that the Constitution will not allow you to make a Family Court and if there is such a desire and I don't say that I am opposed to such a Family Court. I think something should have been done about it long before this important question has been brought up, not once but many times. Now the proponents of these three bills, the Bar Bill, the Administration Bill and the Interim Committee Bill all say three things: first, that they will be fair; second, that they will be faster, and third, that they will be allowed a more equal justice. I say that Judge Carmody has answered most of those questions, but I should like to go into just a few of them. There is a very well known saying that a chain is only as strong as its weakest link, and I say to you that this magnificent work, and I say that it is a terrific job that the Bar Association has done in preparing this bill, a great deal of work has been done, there's no question about it, but look what they have produced and offered to you for passage. Being in the hotel business for many years it reminds me of a hotel in our locale that spent a million and a half dollars in creating beautiful rooms, dining rooms, beautiful bar and lounges, beautiful pool, places to park your cars, places to stop your boats and then what do they do, with all the money that they spent to beautify the place, they hired a lousey chef at a $150 a week, and it wasn't long believe me before this big wonderful operation was going down the drain, and they lost money hand in foot so that now that organization has been turned over to somebody else. And, I say to you that this is exactly what your Bar Association Bill has done, and you say where? I'll tell you. You have demanded, not you, the Bill has demanded that judges be given tenure of office and yet when you go down the line and you come down to the most important part of it, where has the difficulty been Gentlemen, and you know it

Rep. Schlossbach continues: better than I, because you are practicing attorneys, where has whatever difficulty there is found in the smaller minor courts been found. It hasn't actually been with the judges, because the judges don't do much of the work which you are complaing of, it is the prosecutor. When you go in to see one of the judges or go into to do something for a client in any one of these courts, never do you go to see a judge, because if they are judges of stature, they won't even listen to yuu. I can remember when one of our Supreior Court judges threw a member of the court out because he appealed to him for leniency on the part of a defendant. The action is taken by your prosecutors and where in any one of these bills do you find tenure for a prosecutor? Where is it? Where is the tenure for the prosecutor? Where are you going to find the prosecutors who are competent? Compentent enoughto handle the work of this particular viewpoint for $8,000 a year? Where are you going to find the competent judges to do this job for $14,000 a year? Are they going to be the older practioner who has had the desire to now retire, or are they going to be the younger man who is coming up and wishes for security? But, we're talking about competence now. The question of better courts always brings together, and again I think Judge Carmody has spoken on that, the question of what is wrong with the courts. And, yes you have heard people come up here and speak before this committee, you have heard articles and read articles in the newspapers of the horrible conditions which exist is the minor courts, but I say to you that a great many of you have been practicing in this state for quite a while, I think that you and I say to you when has one case of malfeesance been brought before the courts, name it. The only way that thenpeople have changed their small courts is by their vote and I say that's where it belongs. This is a question not of what lawyers want, let's face it, I happen to be a lawyer, but I don't prescribe to the position that lawyers have a monopoly on brains. I want to say to you now that there are many of our Bar judges in the lower courts, who have had a great deal of business ability. In fatc in my own court for four years, I had a judge who was not a lawyer and in the last three

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Rep. Schlossbach continues: years I had one who is, he was young, he was eager, he had a desire for learning, but he was not as competent. Believe me he was not. And, I don't think that competence comes only with age. I think experience is a wonderful thing, but I think you have to have it first before you can retain the idea of real competence. You have heard everyone who has spoken in opposition to the bills that are now pending here, and everyone of them has said that they are in favor of some kind of imporovement and so do I. Believe me, I think there should be improvement, I think the improvement should start, not from the bottom however, but from the top and work down through the bottom, because I think I can show you, and I'm not going to take the time now, where we can do something about our upper courts in improving those. I would like to suggest rather than the present Administrative Bill. I think we have, laws that we have which gives the Chief Justice the right to administer our courts. I would like to see that taken away from the Chief Justice. I would like to have a Administrative body which would be part of your judicial system so that you wouldn't run into possibly the question of division of government. I would like to see that Administrative body consist of not only one person but perhaps a board of three, all of whom would be, or most of whom would be, shall I say, trained, competent, individuals in the law. But give them some power over the highest and the lowest court. Let us bring this thing before the improvement that we talk about. Let us not do away with our court. There is nothing wrong with our system. It isn't the system that's wrong, it's the personnel and you know it. There's where you have the complaint. You saw it in the last hearing. You saw two lawyers who appeared before you and said if a man comes into his courts, he was a lawyer-judge, without a lawyer, he'd penalize him. Another one complained he had to go so far into the woods, he didn't tell you that he got paid for it, did he? He didn't do it for nothing, I'm sure and he didn't get to tell you whether or not he liked the judge that he got when he got to the kitchen. I say to you that the fact that justice is over a kitchen table, is no different than whether it is over or in front of a bench in a court-

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Rep. Schlossbach continues: room, as long as the individual who is there has the ablility to listen and to judge. Judges are not made, they're born. You can take many a judge on your upper courts, that you know should be there and many that shouldn't. He has been a political appointee and he has been given the natural normal raises that go with it.- Luckily, and I say this with some knowledge, because I have seen some judges, we have had a magnificent court in most instances. There's no question about that. But when I came back to the question of the common pleas court and there is the court that is going to get the load of influx of 160,000 cases a year, motor vehicel and otherwise. The load is going to be on your Common Pleas. The load of 160,000 cases will have to be taken by these new courts and we heard not so long agao of the jam in the other courts that it takes you over two years to be heard in New Haven, it takes you three to three and a half years in Hartford and in Fairfield its worse. We Heard that and we also heard someone tell us that if this new influx of cases comes in to the Common Pleas court, you're going to have the same jam that you have there. So what do we gain for our courts. Don't put a price tag on services, I've heard that so much, I'm sick. I say there are services where you expect to lose money. I say that there are courts where you expect to lose money, but I say to you that it is your right to look at very carefully whether or not you are getting what you want before you pay for it. I think that is the job of this committee and it's going to be the job of the members of the House if it comes in there, because we know very well where the Senate stands already. Someone said let's get power picked out already, that's really a fine statement. That's really a magnificent statement- Let's get power picked out. Well, if I ever saw centrallization at its worst, - I saw it the other day. When they apparently became ready to organize a.....

Chr. Googel: You're being repititious because you are repeating what other people have said and the Committee has already heard those statements. There are a lot of people here who want to be heard, Ben.

Rep. Schlossbach: I'm not appearing here as a member of the Legislature, and it took six hours for the Bar Bill and the Bar proponents to go along with it.

Chr. Googel: We understand, but you are going to have ample opportunity to express your views before the Committee, you know it.

Rep. Schlossbach: And, I'm going to have ample time to do it here too, Sir. Centrallization, as I have heard it is being suggested and I think this is in regard tonwhat we are doing now. We're trying to centrallize our courts too, because some of those bills you have seen have the power that is to given to someone other that we have heretofor had. We as Legislators had the power, but this is going to be taken away from you and I. Now, I'm going to close with just oneother thought. I think it's important because as I have said to you, this is a question for the people where is the bill in which those rights are preserved? Is there anything in any oneof these bills thatbwill indicate to you other than the bill of the Interim Committee, which keeps the small courts, and I am very much in favor of that bill. Where is there anything in anyone of these bills that says that the people are going to be asked whether they want this or not. Do you find a single offer of a referendum? Is there anything in any one of these bills. Must it pass this Session? we have had referenddums on many bills, under the Home Rule Bill now, referendums are necessary. We are for the people, and if we are, where is the referendum for this bill? And I say if you put this bill out, you must do it with a referendum. Thank you very much.

Steven K. Elliot, Chief Judge, Probate Court: Senator Scanlon, Representative Googel, and Ladies and Gentlemen of the Committee and the audience, I will try to be extremely brief as we have one or two other speakers. By way of identification, I am Judge of the Probate Court in Southington, and I have served there eight years. I am President of the Probate Assembly and I hold the appointment of Chief Judge ofnthe Probate Court.. We have noticed with considerable amazement that in the Bar Assocaition Bill, and I should say, so-called Bar Association Bill, that I speak also as a member

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Judge Elliot continues: of the Connecticut Bar Association, that I am not completely satisfied that that bill has ever been approved by the Connecticut Bar association. I was rather amazed to see the changes that are proposed in the Probate Courts. I have never had anybody say to me directly who had any business with the Probate Court, to say they're dissatisfied with the present system of Probate Courts. It is a simple and direct, economical and efficient system. The Probate Court Judges throughout the State of Connecticut hold approximately some 50 -60,000 hearings per year. There were in a recent year and it was by a check that was taken, 52 appeals made out of some 50-60,000 hearings. This is less than 1/10 of 1%. It does not seem to us that it would require taking a stenographic transcript of some 50 or 60,000 hearings so that there would not have to be a complete trial de novo in the courts. That to us seems a trememdous waste of money. You will note that in the Bill, it provides for 12 judges at a salary of $15,500 per year, upto 24 Surrogates at a salary of $10,000 per year. You are well on your way to over a million dollars by the time ypu get through with court facilities and with stenographers, sheriffs, messengers and the like. Our present system does not cost the State of Connecticut one penny. The judges and the courts are supported by the fees and there comes a question that has been raised. Now as my experience as Probate Judge I must say that never once has anybody said to me that the fee is too high. On the contrary, I have had many people say is that the only charge here. Under the present system, a widow who is left with a small bank account, a house with a mortgage and comes in and has a conference with a Probate Judge and she's well on her way to settle that estate. The lawyers are not interested to participate in that estate because they would hesitate to charge that lady in her circumstances a fee, and so you have direct and efficient transactions of Probate business. Now with respect to the title situation and this is important to everybody. Title searchers have to consult with Probate records and if we don't have local Probate courts, title searchers have to go elsewhere to search records and that increases the cost of title searchers. All of the

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Judge Elliot continues: citizens of the State as — prospective property owners are interested in that. Jugde Johnston will not be here today, of the Hartford Probate Court, because he is ill. A year ago in speaking about the Family Court referred to it as a disorganization bill and he spoke of it in that manner because the Family Court would attempt to take some jurisdiction from the city court, some jurisdiction from the Probate Court, some jurisidction from the Juvenile Court and some jurisdiction from the Court of Common Pleas. And by disorganizing all of those other courts, they hope to weld in a Family Court. Now, the word Family Court is a magic wand that the proponents would have you believe would solve all family problems. There is nobody more interested in the family and the preservation of the family unit than the present Probate Courts and I respectfully submit, Ladies and Gentlemen of the Committee, that the real Family Court is the present Probate Court that deals with the problems pertaining to the family in estate in appointments in committments and in adoptions. Before that system should be changed there should be a case made out that the present system is not operating efficiently. I submit that it is. Now I might say that last December, I had a lady call me one evening. she wanted to know if she could see me at the office, — and I might say also this, that every Probate Court in the state ofConnecticut is holding special sessions on Saturdays and on any evenings to accomodate people, but in this particular instance this woman had been a member of the League of Women Voters from my area, and she had moved to Pennsylvania just about a month before and she had been an opponent of the Probate Court system in the State of connecticut while she lived in Connecticut,— and shortly after she had moved to Pennsylvania, and it was less than a month, her husband died and she went into the, I very much believe they have the Probate system on a county basis there, I believe they call it the Widows and Orphans court, and she wanted to know if she moved back to Connecticut, could she bring that estate back to Connecticut and have it probated. I said I thought you didn't like the Connecticut Probate Court system, and she said believe me I have had my eyes

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Judge Elliot continues: opened after I have had some experience where they have it on a County division. Thank you Ladies and Gentlemen. I just wanted to say that we have a message from the Executive Secretary of the Probate Assembly and I will introduce Mr. James Healey, son of Patrick Healey, who is Executive SEcretary of the Assembly, but who happens to be in the hospital today.

James Healey, representing Patrick Healey, Executive Secretary of Probate Assembly: My father asked me to make his statement to you. Of course I'll confine myself to the Probate Courts alone. In his behalf I would like to file with this committee a few signatures which I have before me and a reprint of an article written by Patrick Healey and published in the Connecticut Bar Journal in October 1958, which I submit covers the situation thoroughly and establishes that the Probate system is efficient, direct and should be preserved in the public interest. The second exhibit shows the Connecticut Probate Assembly as of Feb. 2, 1959 from its 1958 receipts allocated and paid the treasuries of the various towns throughout the State a total of more than $23,000. Now the Probate Courts differ from other courts. They perform many administrative as well as judicial functions and a vast majority of cases of people who go to Probate courts are not litigants, they are not adverseries. They are simply the members of the families interested in a speedy, orderly, economical settlement of an estate. They see things are informal, the judge wears no robe, he has no bench, he has nogavel, and he has no sheriff to pound the gavel. The procedures are simple, they're fast, they're economical in time, money, trouble and red tape. Delays just don't exist in the Probate Courts. Ordinarily hearings are held within a fraction of a week of an application and often within three days. Every day's assignment is a special assignment and has the right of way as to appointed hour and day set for the convenience of the parties and their attprneys. No other court affords such speedy convenience. Any party who wishes to remove any matter to Superior Court for formal rules and procedures they readily do so. Now Judge Elliot has already remarked on the very small number of appeals that are taken. I

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Mr. Healey continues: would like to point this out, one speaker the other-day professed particular concern about pro-ration of taxes. He discussed what a complicated thing it was now for the Probate Judge to be expected to properly handle that. We have not been able to find one single appeal in the entire-State of Connecticut from a decree of pro-ration entered by a judge. It seems very doubtful to me that they have the trouble that was mentioned. Many of the judges and many members of the staff have made Probate work a life-time career. Over 50 of them are lawyers and that's particularly significant because their districts handle about 85% of the entire volume of work. About 15 are women who give their time - and effort. And all judges, whether layman whether lawyers, have available at all times the Secretary of the Assembly, as a law clerk and a researcher. The general public's satisfaction is evidenced by the fact that is being come traditional in many instances for Probate Judges to be elected to office again and again and many of them are receiving endorsement from both parties. The Probate Assembly has taken many steps to improve and simplify procedures, has made them uniform throughout the State and has worked inconsistently in settling for further improvement. One of the best indiciations that the people really like the probate courts is that every Legislature receives bills for the creations of new ones, which will be more successful and convenient. The people have demonstrated again and again that they want local probate courts and that they are opposed to centrallization, to merge and consolidate. The proposal that all Probate judges must be lawyers raises serious constitutional questions. The Constitution not only requires that the Probate Judge be elected, but also provides that every elector shall be eligible for every office. Accordingly any statutes seeking to eliminate eligibility to lawyers would clearly violate that Constitutional right afforded every elector. Incidentally, the proposal that all judges in the Probate be lawyers could easily be extended to require that all Senators and Representatives, Aldermen, Councillmen, Selectmen and all persons holding any office and in any degree of importance should be lawyers. After all it takes skill to enact legislation, to draft it as well

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Mr. Healey continues: as to enforce it. Any such theory is directly in conflict with the fundamental philosphy of democratic government, which holds that each and every citizen is eligible for the election of any office. More heat than light has been thrown on the thesis. And the present—Probate Courts are they must be self-supporting and cannot be or become a drain on public funds. The cost of operation is paid by the people who use the services, the towns make relatively small contributions chiefly in providing quarters. Instead of drawing upon public funds as I have noted the Probate Courts are turning back substantial sums to the towns. The cost of administrating estates in Connecticut is very low in comparison in other States. As you of course know there are presently flat all-inclusive fees of $10, $25, and $40 for estates in the $1,000, $2,000 and $3,000 brackets and a bill before this Assembly which was drafted and sponsored by the Probate Judges would if enacted provide similar, comparable flat fees in estates such as $10,000. The incomes of all Probate Judges, especially those in the higher brackets have been reduced substantially by Statutory assessments and of course it must be borne in mind that Probate Judges have no assured tenure in office, not pension or retirement benefits such as he may buy or pay for after his net after assessments income tax. Any proposal for a change in the present Probate system must be judged simply whether it will bring about a — better more efficient expeditious, economical satisfactory service. The atmosphere of dange must shoulder the substantial burden of proving the claims and in this we submit they have utterly failed to do. Let me take one more minute. I'm not going to go into this at length because Judge Moran, who is one of the experts in this field is here and he I know plans to address you on it. And that is the matter of adoptions, committments, guardianships, and all of the matters involving persons. Let me just say that the Probate Courts have done an admirable job on this and let the rest of it up—to Judge Moran. Now respect to the so-called Bar association bill, we submit that it has never been — approved by or submitted to the Bar Association. The vote raising committee which

Mr. Healey continues: drafted the bill simply directed that the Probate Courts be excluded from any integration plan and the Chairman of the committee has admitted that he and his associates violated that expressed instruction. The so-called referendum was in the most general terms and further more was as loaded as a Russian election. You could either vote YES or not at all. Many lawyers threw it away in disgust, the little group of zealists who drafted the bill, beat the drums for weeks before the meeting in Middletown in attempt to build up an attendance, they got 14 people to attend out of a total membership of 2,500. The Probate Judges, laying aside all personal considerations are strongly of the opinion based on their first hand knowledge and natural experience as the public interest requires that the Probate Courts be continued and preserved as they are and that none of their functions should be taken from them. Thank you Mr. Chairman.

Chr. Scanlon: I would like to ask before we hear further testimoney that anyone who might have a prepared statement, if they would simply briefly out line what is contained in the statement and leave the statement itself with us, we can get a lot more people heard this morning who are waiting patiently to be heard, and I might also ask that the testimony be limited to new information, We appreciate the fact that many, many people may have the same objections, but if we can have only new material, we will give that many more people a chance to speak.

Judge Edward G. Moran, Judge of the Probate Court, From The District of Norwich: It has been my honor and privilege to serve in this capacity for the past 20 years. Gentlemen in order to save time I would like to incorporate my reference in my arguments About 60% of what I heard a week ago last Monday in support of the arguments of Probate Court and other Court Reform in the State of Connecticut. For in my humble opinion, I think that about 60% of that argument is the best argument against some of this so-called reform. But, Ladies and Gentlemen, the thing that I want to do particularly is to say to you in all frankness and in all candidness, that if it is your conviction that the

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Judge Moran continues: Probate Court in the State of Connecticut should be abolished, then do it honestly and forthrightly and don't do it by indirection. I say to you Ladies and Gentlemen, for the past 20 years I have come before this Legislative body and listened to some of the arguments as to why the Probate Courts should be tampered with. I have appeared before Jang's (?) Committee and the Munger Committee (?) and I refer you Ladies and Gentlemen ton their reports after their thorough investigatiions of the Bar system as it effects the Probate Courts of the State of Connecticut, and it is my humble opinion Ladies and Gentlemen that the proponents who over this long period of years have sought diligently to abolish the Probate Courts, are now desireous of doing it by indirection, insofar as if you will scrutinize some of the provisions of SB 492, establishing a Family Court for the State of Connecticut. They won't abolish the Probate Court, but they will take from it some of its greatest perrogatives when they take from it jurisidction of divorces of guardianship, of adoption, of committment. And let me say to you Ladies and Gentlemen, in passing, in the matter of committment, the Norwich, the Middletown, the Newtown and the Hartford Probate Courts today handle and handle expeditiously at least 90-95% committments to your mental institutions to the State of Connecticut. And I say to consider transferring that jurisdiction which is so ably handled now in my opinion by the Probate Courts of Connecticut to a new Family Court, I think you would be making a most serious mistake. And now my friends, I want to speak to you on one other matter which come very close to me. It was nearly two decades agao that I went from one corner of this State to another advocating the set-up of our Juvenile Court system for the State of Connecticut and I do not now wish to speak in derrogation of what that wonderful court is accomplishing, but let me say in all humility Gentlmen that the Juvenile Court in the state of Connecticut is not accomplishing what I promised the people of the State of Connecticut that it would accomplish. I told them then that if we shut off the Juvenile court system in the State of Connecticut we'd hit off the spread of

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Judge Moran continues: juvenile delinquency in this State. I say to you Ladies and Gentlemen, you know of your own experience and your own knowledge whether that has been accomplished and I think it is high time that we started to reevaluate the true value of that system rather than to extend to it jurisdiction of other matters which are now ably handled by the Probate Courts of the State of Connecticut. I say to you in closing Gentlemen and I say to you very frankly the Probate Court system has its short-comings. We through the Probate Assembly, which was an organ of your body, created by the 1947 Legislature, we have endeavored to improve the standards and the high calibre of the Probate Courts in the State of Connecticut and Gentlemen and Ladies, I feel that we have been successful in so doing, and I want to say just one other thing. I don't want to go into figures, you Gentlemen will have those, and I know that in the statement of figures that was given to you by Judge Ells, a week ago Monday, I know that that represents an honest and sincere effort on his part to arrive at what this Court Reform system would be to the state of Connecicut, but it wasn't so much Gentlemen, figures which Judge Ells presented to you that impressed me, but rather it was the lack of figures on behalf of the Representatives of the Connecticut Public Expenditure Council whose business is primarily figures,—and you Hope, rather I hope in your Executive sessions, you will see to it, as I know you will, that some real basic foundation is laid so you will know about what this court reform movement will cost the taxpayers of the State of Connecticut. And, now Gentlemen in closing, let me say this to you, if you feel that there are short-comings in the Probate Court system, then reach into the roof if you will, but don't tear down the structure which in my opinion, is the most basic foundation for the carrying out of these ideals and ideas, which are set forth in the Family Court, and I would say that those advocates of it use the same energy that you are applying, go diligently to this reform movement, use that same energy and that same enthusiasm to restore to the homes of Connecticut the sanctity of the homes and the respect for authority and accomplish just be remedy and also by

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Judge Moran continues: the basic reestablishment of respect for authority in law in the homes of Connecticut. And I feel if we do that we can all work together in a program which will result in nothing, but improvement in our moral standards, in our standards of living, in the reestablishment of the sanctity and the dignity of the home. Gentlemen, may I present Mr. Anderson, who is the Chairman of the Executive Committee, who would like to make a few remarks relative to Probate Court system.

Hjalmar Anderson, Town and Probate District, Redding: I am a layman, I have been Judge of Probate in the district of Redding for some 22 years. Perhaps I am one of those individuals that the Bar Bill and some of the speakers for it have singled out to be the individuals who sit and shouldn't in our Connecticut Probate Courts. With this the Probate Assembly and the Executive Committee of the entire assembly disagree. My remarks will be as brief as possible, I sympathize with the members of the committee in hearing many things that are repititious, some that are not so interesting, etc. We are appearing here today and appeared a week ago Monday, all of us, the Committee, the Proponents, the Opponents, in the interest of one group of people, the people of the State of Connecticut - the citizens, if I may borrow that term from some of the opponents of the Probate Court. If we are not here in the interest of the people of the State of Connecticut, that is the citizens, no other motivating force is worthy of your consideration - only the people's interest themselves. Certainly the lives and interests of more people of this State is touched by the operation of the Connecticut Probate Courts and all of the other courts put together, regardless of the back-log of cases they may have. The surviving widow, or spouse, or the minor child, the incapable person, will surely come into some Probate Court while neither they nor any of their relatives may have occasion to appear in any of the other courts in the State that is under consideration in this legislation. The very intimate and personal nature of many of the problems that are brought to our Connecticut Probate Courts requires, I believe, as do the members of the Assembly, that the applicant be

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Judge Anderson continues: permitted to sit down in a friendly and unlegalistic way and discuss the problems of the estate or in a personal nature of the business that brings them into the Court. Now this procedure exists today only in our Probate Courts and has existed from the inception of these courts. If this is substituted for this ponderous and expensive machinery that is in this bill, S B. 793, the costs will certanly rise and everyone will be required to appear with counsel at some distant place, far from their own home area and a subsequent loss of time and expense beyond the fees that are paid for what they do. Under the proposed system the cost of the Probate Courts under the new legislation cannot possibly be carried by the fees as they are today. The widow with the small estate which she has to settle and process will pay an insubordinate amount to the size of the estate as compared to the amount that the millionaire will pay to the size of the estate that is being probated on his behalf. And the extra amount after these fees are assessed, the extra amount needed to finance these courts, the clerks, surrogates, and all the rest of the paraphanalia that is set up with them, all of this extra amount needed to operate these courts will be levied against all of the taxpayers of the State of Connecticut and this same widow will again share in the cost of the new Probate Court and again share in settling the million dollar estate. Because my court is a fairly small one with the population in the town of some 3,200, I would like to present a picture typical of an average citizen in Connecticut. Either the husband or wife, who may several days after the funeral come into the court bereaved and bewildered, she is suddenly thrust into a situation completely foreign to her and she timidly asks as she sits down: What do I have to do? I brought all the papers with me, do I need a lawyer or can you help me settle the estate? Will it cost very much? I'm not going upon anything expept memory, Ladies and Gentlemen, this is what happens many times. This lady or man asks these questions and her questions can be asnwered efficiently and simply from a friendly Judge of Probate sitting across the table from her. Many times there is

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Judge Anderson continues: no need for independent counsel for this person to have her affairs expeditiously handled. These then are the citizens of the State of Connecticut. They are not what you heard a week ago Monday, top flight - executives, presidents of large corporations who have left the dignity of their names to letterheads or executive committees. I know the roster of - the membership of the Citizens for Better Courts, but I dare say it is not very large, nor does it include the man on the street. Certainly the average citizens who have appeared in our Probate Courts are not here today, nor have they ever been before the Judiciary Committee to clamor for abolition of - their own Probate Courts. When a person is satisfied, he is usually silent. It is only when he is aroused and has a complaint then he raises his voice high and criticizes. The average citizen of Connecticut is today silent and satisfied with their Probate Courts. We all realize that pressure Groups are a commodity in the Legislative public hearing rooms. This has been so for many, many years. I have calculated here a few figures, a comparison of figures in a small community that has an active group of membership of the League of Women Voters, who are a dedicated group of women who want to do the best they can for their community and for their State I'm sure. The entire roster of this particular group is about 100, of these 100, perhaps 55 or 60 may be - said to be in favor of reform or abolition of the Probate Courts. The entire roster of women in this community who are voters is about 910, now shall such a small percentage in any community, in the cities that may be larger, shall such a small percentage be permitted to commit all the rest of them to a prescribed course of action. And, what of the men voters in Connecticut, there are plenty of those. We hear no appeal on their part. Do not permit, Ladies and Gentlemen, all of the local fireworks on either side of this question to complete the story for you before you have deliberations. When you are back home in your community, ask your neighbor and your friends and any of your

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Judge Anderson continues: business associates who have had any experience at all in your Connecticut Probate Courts, how they feel and get their answer at first hand. Thank you very much.

Samuel A. Woodward, Trial Justice, Kent: I have been trial justice for almost 20 years continuously. I am not a lawyer and I am not an expert on Court Reform, beyond the fact that my wife is President of the Kent League of Women Voters. I am convinced that there is undoubtedly need for reform in the courts. I shall speak however on matters only that I have knowledge of, matters concerning the trial justice system. I went to the hearing last week, not with the intention of speaking but to learn about the facts and I wonder whether the charges by various speakers constitutes evidence or allegations. The impression was made that trial justices were butchers, farmers, even housewifes, and let the League of Women Voters note that there is an implied slur upon American womanhood in that connotation I think. The impression was also conveyed that the trial justices hold their sessions in barns, even in kitchens. Now what are the facts. The Register and Manual of 1958 shows that of 102 Trial Justice Courts, 85 of them hold sessions in Town Halls or other Publicm buildings, 8 of them in schoolhouses, 6 in other public buildings, such as libraries, and only 3 in residences. And, I submit that the lawyers must have had an unusual experience. I would also like to comment on the remarks of a Municipal Court judge, a member of the Bar, who alleged three catagories of influences on the Municipal courts and Trial Justice courts:

The presence of abscence of an attorney.

Whether the party was a local resident or an outsider.

And, the political party affiliation.

Now whether this is true in a Municipal Court with a member of the Bar of the

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Trial Justice Woodward continues: state of Connecticut presiding, I do not know. It is not true in the Trial Justice Court of Kent and I am insulted by the implication. We go out of our way in court to give the citizens every benefit of his rights even if he is not represented by an attorney, as to whether we favor local people over outsiders, I submit the facts could be studied very easily by a law student in a few hours in terms of average sentences. I have not heard the evidence. as to political party affiliations, I have an agreemnnt, I have been appointed nine times, reappointed by the Selectman, I have an agreement with him, they take care of the highways, I take care of the courts. I would just like to comment on one other matter. It is said to protect against insidiuous influence, full time judges with tenure are necessary, and I note from the figures submitted by the State Bar Association, concerning their proposed bill, that the prosecutors were estimated to cost $8,000 each and the assistancts, $4,000, not very highly paid if they are full time and they don'e seem to be protected against influence, which my lawyer friends say the prosecutors are exposed to. And, in conclusion, the principle of democracy as stated by Thomas Jefferson, basically that the honest plowman can have an opinion which is just as valid as that of the most learned philospher. Andrew Jackson said something like that when he said : The duties of public office are so simple, or can be made simple so that any honest man can discharge them. And I believe, especially the people of the Democratic Party, and Governor Ribicoff should pay attention to these great Democrats. Thank you very much.

Edmund Park, Clinton: I am 77 years of age. I am not a judge and I am not likely to be a judge at my age. I didn't expect to say anything about the Probate Court, but I would like to say this, I had occasion to go into Probate Court in my own town, three times, for relatives and close friends closing estates. I went before three different judges during that period, two of whom were lawyers, one was a layman. I received courteous, efficient treatment from all three. I would very greatly

Mr. Park continues: regret to have the courts taken out. I don't want to go furtheron that subject, I don't know much about it. I served in my town as a Justice of the Peace and later as a Trial Justice for approximately 20 years and I believe that the courts as a whole have done pretty well. Unquestionably there have been instances where they haven't. But, on the whoel I believe they have done pretty well. They have a limited jurisdiction and appeals can always be taken to higher courts where you have judges to handle the case. A Trial Justice has no legal training and he may have. But I believe lawyers under severe times have been under criticizm, even the Supreme Courtb in Washington has in such papers as the Saturday Evening Post. I do feel that lawyers are men and infallible the same as the rest of us, so that I don't know that we would gain greatly in putting all our courts in the hands of lawyers. In the trial justice court, the town pays the cost. At the present time, the State is in the red anyway. To add further expenses, doesn't seem to me at all adviseable anyway. I travel through a many small towns in connection with a small business I conduct in the State. I have found in those small towns no demand for a change in the prssent small town court system, in fact I find a great many who are anxious to see it remain as it now stands. My feeling is that this effort for reform has come largley from the cities and veryvlargely from the Bar Association. I served as Grand Juror, prior to serving as judge, and I have had cases appealed to the higher court. I think in only one case was the appeal sustained and in that case three witnesses appeared before that court and weren't even heard. That was an instance where a drunken driver rean into an undertaker's wagon, upset the wagon and corpse and then the driver got out and struck the man driving the wagon. I sentenced him to jail and the higher courts didn't even hear the witnesses. One case I recall a New Britain judge appealed, and they reduced his fine and sent him to jail. He was a drunken driver also. Appeals can always be made to higher courts. Thank you.

Alfred Santaniello, attorney, Norwalk, and Probate Judge for the District of Norwalk and Wilton: I'm also a former Municipal Court Judge in Norwalk. I'm not going to try to reiterate things that have been said here, but I might mention in passing qualifications of judges, I hope that the Committee will not lose sight of the fact that judges are individuals, whether they sit on the Superior Court or a lower court, in my humble opinion, they will act the same, being individuals. Also, in my opinion, I believe that all judges are not born, some are, some have to be made, and I believe the minor courts sometimes aid a judge who is appointed in our higher courts and that is the reason I think today we have so many fine judges in our higher courts because a lot of themif you check their record have had previous training in the lower courts. As far as the Probate Court is concerned I'm not going to say anything about it, because I think my predecessors have covered that. I am getting down to the minor court reorganization. When the minor courts, or if it becomes a branch of the Court of Common Pleas, in my opinion out the window goes the people's court because, if records are checked in the minor courts today, in the justice courts today, you will see there are very many minor cases that do not necessarily require the services of an attorney and a person can come into court and plead his own case and do very well at it many times. Once this is changed, and the judge dons his robe and he sits up on his bench, people will hesitate to come in without an attorney and go out and hire an atorney. Not that I am against that, but I believe that the courts will then become used by defendants who do not need the services of attorneys in simple matters. And if you check, I'm only making a guess at this, but I would say in the present minor courts only about 10% of the people appear with attorneys. If this is turned into a Court of Common Pleas, we have one now in effect which is in essence the present appeals court for the present minor courts, you check the records there, you will see that there is 90% appearance by defendants with attorneys. And as I said before, I am not opposed to that

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Judge Santaniello continues: but I am thinking of the people who have to go to this expense in many cases, perhaps unnecessarily so. I will say this again although it was mentioned by one of the preceeding speakers. Small Claims court is another court , it's a branch of the Municipal - Court, jurisdiction I'm sure you Gentlemen are well acquainted with. That court in my particular town now meets at night. It is a layman's court, in fact all rules of evidence practically go out the window in settling back yard disputes. Now I don't think that these disputes should be taken before the Court of Common Pleas by any means. I think they should be settled where they are settled right now. People sit down around a table, discuss the problem and the judge tries to come to some equal decision. In conclusion I want to say this, that there is no question about efficiency, the convenience - and economy of the present court set-up, whether it be the minor courts, the Justice courts, or the Probate Court. There's no question about it. I think all you Gentlemen are aware of that. As I said before, one person said to me - that the judge of this court is not rendering a fair decision, that will be said of any judge no matter what court he is in and in my opinion I do not believe that the present set up be changed unless there is a case against it or if the number of appeals taken is definite proof that there is no case against the present court set-up in the State of Connecticut and I urge the committee to keep the status-quo.

Reverend Louis Tilson, Roxbury: I am speaking today not because I am a Clergyman and not because I happen to be a newly elected Judge of Probate in one of our smallest districts, but as a citizen of the State of Connecticut and I want to speak primarily from the standpoint of our local small communities in this matter. The question has been raised as to the competence of local citizens to act as judges in our courts and further the competence of layman to act in such capacity. There is ample evidence that persons have rendered an excellent service over the years to their fellow townsmen, - that they have been confident and conscientious persons whose major concern have

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Rev. Tilson continues: been service in the interest of the public rather than monetary rewards. They have the confidence of their fellow citizens who have elected or chosen them. There is no guarantee that persons appointed otherwise would serve the public better or that lawyers as such are as well, or better qualified to perform these services than layman are. It is the integrity of the individual which is of paramount importance to our citizen and the most valuable contribution a judge can make to his community is that of his knowledge of the local situation. No judge who is not living in a community can possibly have the understanding of the situation, the knowledge of the people the questions involved that a local resident has. Now we can't expect that the visitation of a community on a periodic basis or the necessity of carrying a case to some area point would be as helpful to our citizens in local communities in giving them prompt action, convenience and a minimum expense. One other thing that I would like to mention is that we could never expect the judges on an area basis to have the intimate knowledge of people in their circumstances which has heretofor especially in our Probate Courts, led to the reduction or complete ommission of all costs whatsoever for those who are least able to pay. I would like to submit a more complete statement.

Chr. Scanlon: Thank you. I'll ask again that if you confine your statements to new material we can probably get around to everybody that wants to speak today.

Judge Pickett, Washington: The population of my town is about 2,300. We can brag in Washington thatbwe are the first town in the United States which was incorporated and named after George Washington. I have been Trial Justice and Justice in Washington for approximately 20 years. Judge Carmody has already touched on many things which I was going to speak about, but I don't want to only speak as a judge, I want to speak as a citizen of this State. This matter before you at the

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Judge Pickett continues: moment Gentlemen, is very, very important. It is too important to be by-passed lightly. Everything should be weighed very carefully. I'm speaking more as a citizen in protesting to this bill, as far as the lower courts are concerned. I'm not worried about losing my job, if you want to call it a job. For some of you who have not lived in a small community, I lived part of my life in New York, I spent the last many years in Connecticut in a small community and I have never been happier in my life. I want to tell you that to live in a small community is to be part of that community. This matter dealing with courts to me is not a matter of a job, this to me is — a civic duty as a part of that community and when I took this assignment — some 20 years ago, I made a very definite point to meet all the Fathers of our community on all boards and on both parties, and I told them at that time that whatever my action in the court would be it would be my own, guided by my own conscience and I would accept no suggestions and I would answer to no push-button system from either party or anybody in the town. They told me that that was the way they wanted it and Gentlemen, that's the way they have gotten it. I don't believe I have had over 6 appeals in all pertaining to my 20 years. I have never lost but one of my friends, but that has not worried me, because I did what I thought was right. If he didn't go along with me, that was just too bad, I still will not change my mind. When a man comes before me I don't care whether I know him, I don't care whether he is white or black my duty is to do what my conscience tells me to do. Now if I make any reference to lawyers, please don't misunderstand me, I have two in my own family, I studied law myself, very briefly, I didn't get very far, because circumstances took me out. But the only difference between the established person and the lawyer is—we might say a mass of technical cob-web. Even the lawyer who is doing his job will be guided by his conscience and that alone and not by any technicallities. I was here at the meeting on the 9th and it's natural that

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Judge Pickett continues: I resent some of the things that were said, but I won't go into them. They mentioned of course the ice-box, etc. The only thing I couldn't figure out was why they forgot ship sales. I don't think that these remarks were humorous. I don't think that's the way to settle a question as important as this, not by jokes, it's no joke and I don't think they're to be alughed at. I think some of the remarks made at the last meeting were ridiculaous and not worthy of being heard in that chamber. I don't like the court bill, because I think one thing that it does is take away a part of the voice of our people. Our great State was founded on that very thing and I don't think that now or any other time that any part or any voice of any people in any community should be taken away from them. I think that that is the whole thing. In fact your little community and there are 169 of them, your small community Gentlemen is the cornerstone of your State and just as strong as your community is so will be your State. And you listen to what these people in these communities have to say, you might learn something even if you aremembers of the Bar and that is no reflection but it is a fact. Now they did bring out of course all the closet-skeletons, political pressure. I told you that when I assumed my office I made sure there was no political pressure and I stand here before you and God All Mighty and tell you that I have never in my 20 years been approached by anybody to do anything other than what I thought best, and I can tell you right now, it wouldn't have been healthy for anyone to try it. That's the way I feel about courts, now that's one example of the feelings in the small courts. We want to hear some from the small courts, we'vehard a lot from the big courts, and it hasn't all been good, such as penallizing a man who comes into to plead guilty, who ever heard something so ridiculous. Now they tell us times have changed. Well that's certainly the case, we know that you don't see any ox-carts coming down Main Street with a couple of farmers from out-of-town, that same fellow today is hopping a plane to California. We know times have changed, but have you changed

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Judge Pickett continues: your moral code, your standard of living, your form of worship - NO. There are somethings Gentlemen, you can't change, the way you change your underwear. The League of women Voters, I don't know, I'm not going to say anything about them. You all know that our jurisdiction is very limited and it doesn't require technical knowledge of the law. As I said before, we're guided mostly by our conscience and common sense. This question is before the House, because the House, here and there has a dirty closet and I can assure you that anybody with any common sense would not burn the house down, but clean the closet. I say let us not burn the house down, the system is not so bad, it just needs a little cleaning. If at anytime this matter of insistence of legal minds in the courts comes through. I think they should remember that in every little town we have our own lawyers, and when that time comes if it does become necessary, consider the town and give the people of the town the chance to select one of their own lawyers to handle the courts. Wehave four in our own town, and our people will make their own selection and I think that's where the choice is to be made. There's some talk about compromise. Remember if a thing is wrong, it's wrong, there's no such thing as compromising morals. May I touch on Probate for just a while?

Chr. Scanlon: You may touch on anything.

Judge Pickett: I had one contact with the Probate Court in our town and I found and realized at that time how handy and what a nice workable system it was to be able to in my own there was a man whom I knew to settle the Probate works that I had. In closing I just want to say I thank you Gentlemen for this opportunity to express myself and before I close I would just like to say let us keep this State a Government for the People, and of the People and by the People and nobody else. Thank you.

Irving B. Rappoport, Attorney, Bridgeport: I am just going to confine my remarks to one small aspect of this court reform bill. The

Attorney Rappoport continues: court reform bill as I understand it has one of the principle clauses for the start of it for the backlog of cases of our Superior courts of our principal counties. One of the things that court reform bill aims to do is abolish the Justice of the Peace court I happen to have fair knowledge of the workings of the Justice of the Peace court. I have talked to other attorneys who also practice in Bridgeport and it would appear to me based on my own volume of cases and other volumes of cases and the projecting it thrououghout the State that there would be probably a total volume of 100,000 cases that comes before the Justice of the Peace each year. And that is a conservative figure. If this court reform bill passes, what we are now having in the Superior Courts, they're going tohave even more so in the new Court of Common Beas that is proposed. It is difficult enough for a person to wait 3-4 years in the Superior court over a relatively large case, but when a person has to wait that same length of time in the smaller courts for a much lesser sum, it can become quite agonizing. Now, we're talking about costs of government and the increase of costs that we must sustain every day and I think that this present bill is going to go beyond — all realms of our imagination in increasing our costs here. Add to the present Court of Common Pleas the 180,000 cases that Judge Carmody has spoken of as being returned to the Justice Courts, add another 100,000 cases coming in from Justice of the Peace Courts. You can well imagine that the cases there will be totally unmanageable by the court and to administer it properly would call for numerous numbers of judges and we would find ourselves father behind the proverbial eight ball than we are today. I think if we are really sincere about this court reform business, we should start at the top. If we're not worried about expenses of administration let's put more judges in the Superior Court and places where it's needed. Thank you.

William Morgan, Jr., Trial Justice, North Stonington: I have a few remarks to make, most of this is repititious because Judge Carmody has put it very well, and I might say right here that here is one trial justice

Trial Justice Morgan continues: who is definitely along with him in his remarks and all for the point of making our system better. I have a few things to say. At the Hotel Statler, May 5, 1958, one of our yearly assembly of Trial Justices, there were several speakers present, one of them was a representative of the Commissioner of Motorn Vehicles, one a representative from the State Police and one representative of Probateion Department. I sat and I heard these men speak as to the feelings of these different departments. They commended the Justice Court on the work that they were doing atthat particular time. Now in 1957 as has been said here, the General Assembly enacted Public Act 651 giving tremendous administrative authority to the Chief Justice of the Supreme Court of Errors.— Now we know very well that we are understaffed, and we feel that we have not — slipped. That is the reason I am speaking in defense of a system. In our town, we have a court that has been praised by the State Police, lawyers and citizens and we have a name down there for never fixing a case. I only mention this about our own court because I feel that you can pick this out of many of the Justice courts. Ours is not up here to be talked about. I think that it's all of them. Courts should not be considered money-making institutions but our Justice courts operate at a minimum with no expense to the town and what will be the cost of the new system — Money to be recovered where - by additional taxes to our towns. Appointments in Justice Courts are one thing that has been quite interesting to me. I don't believe this has been touched upon too much. The average length of service is 8 years. This certainly is a tenure and it overlapps politics. I have benn by Boards of Selectmen with Democratic majorities and with Republican majorities and the trial justice before me was also. I believe this will be found in a good many of your trial justice courts. At this time, I have some papers to present to you, one is from Ernest L. Johnston, Chairman of the North Stonington Democratic Town Committee and he makes his views known as to the Justice Courts, its appointments, the other one is so brief I"m going to read it: I would like to register in favor of maintaining

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Trial Justice Morgan continues: the Trial Justice Courts in the State. In our town the previous Trial Justice served for thirty years, whihh should prove that the trial justice is not-a political appointment in our town - Ralph Eiman, First selectman. It has been said that the Trial Justices are mostly all laymen and they try a case involving a customer, putting a great strain on impartiality. Can it be said that the $15,000 or $14,000 judge belongs to a church, and organization, he has neighbors, he has friends, and I cannot see how anyone can be completely isolated from impartiality. It has been suggested that all judges and prosecutors, court clerks be lawyers. I can see justice in the ultimate result if the defendant is a lawyer. Our Justice courts have served us for years, they are definitely our Home Rule.

Irving T. Shubert, Trial Justice, Westbrook: I am here to register in opposition to all the bills that are presently before this committee concerning court reform and court reogrzation. There is no denial of the facts that all of our courts need improvement and we are not basing our - opposition on that fact. We are objecting to the methods contemplated to bring about the improvement.

Shr. Scanlon: Sir, I don't mean to deny you your right to speak, but if you are going to read us a statement, we'd appreciate your filing the whole statement with us and briefly telling us what's on it.

Mr. Shubert: We're protesting against any effort to destroy our present court system. I'm fearful that it will be a sorry day for this State if our Legislature allows itself to cram this type of legislation down the throats of our constituents. The passage of these bills would not only destroy our courts syetm that is designated for the convenience of the common people, but it would also take away the court revenue on which many of these towns depend to keep the taxes down. Most important to my mind is it will create courts which are brazenly monopolistic having entirely no regard for the rights and privileges of the common peqle I positive that if breed and political preferment the present court systems can

Mr. Shubert continues: be improved within the structure of their respective systems without the destruction or abolishment of any one system. The Trial Justice Court system with which I am most concerned seems to have been the target for most of the unfair publicity all during the last election campaign and up to now. the propaganda has gained inmomentum, except for one editorial in last Sunday's Hartford Courant, most of the newspapers have blackened the trial justice system so that now to the uninformed, we are the lowest of the low. It is almost unbelievable to observe the tactics of some groups of greedy people will employ to legislate these bills that are designed to usurp the rights and privileges of our townspeopel. a mere comparison of the financial cost between the new system of proposed common pleas courts and the improvement of the court now in existence should be sufficient to decide the vote of the conservative legislature. The abolishment of the minor courts and the instituting of the new system would cost the taxpayer an additional 3 millions of dollars at the start. I'm sure that improvements to our present courts can be established without this added expenditure of money. Our proponents, most of them members of the Bar, offer strenuous objection to the fact that some of the trial justice courts are staffed by layman. The mere fact that a man has studied law and has passed the Bar examinations does not necessarily give him the edge on competency or intelligence. speaking personally in our own court at Westbrook, my prosecutor and I have had 25 years of experience in the Police profession. We consdier that we are as equally familiar with criminal law, rules of evidence, and court procedure as the average attorney. There may be many other courts functioning under similar conditions, therefore I would advise that the competent qualified layman not be excluded from the Trial Justice Court system. I'm sure that our courts could be improved by requiring all Justice court officials to attend periodic seminars on court procedures, rules of evidence, criminal laws, and other related subjects designed to make the necessaryn improvements in our court system. Because this would help, the cost should be borne by the towns in the same manner as those for Town Clerks, etc

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Mr. Shubert continues: Some responsibility for good courts lies with the appointed authority. They should be extremely cautious in their appointments, giving serious consideration to the qualifications of the individual before making the devision. In discussing the matter of politics in our courts it must be remembered that practically every judge in the judicial system is holding office through political preferrment. Threfore, the shadow of politics actually covers the entire judicial system. No judge with honesty and integrity is ever been known to allow politics to sway his decision, therefore if serious consideration is given when making appointments, the evils in our courts will be done away with. In conclusion I will say again that I am firmly convinced that the abolishment of our trial justice court system would be a mistake and a disservice to the taxpayers and citizens of Connecticut and would deprive them of their inalienable rights. Thank you very much.

Ira Wilcox, Mansfield: I am here today representing the Connecticut State Grange by the request of the regular representative because he couldn't be here. I'm here also as a member of the Board of Selectmen from Mansfield, and above all I am here as a citizen of Connecticut. All three categories I want to say that we agree whole-heartedly with all the arguments that have previously been presented. I know they have been stated far better than I could state tehm. It seems to me that this reform as posed is a matter of centrallization. It wasn' too long ago we heard about Home Rule. I can't see how the two of them go together. Let's keep that Home Rule so far as these courts are concerned. We have heard today that there are short-comings and undoubtedly that is correct. Why condemn the entire system because of some short-comings there may be in a few places. If I had a barrel of apples and in that barrel there were some bad apples, I wouldn't throw the entire barrel of apples away. I don't believe that if we have an automobile on which there is one bad tire, we would discard the entire automobile. We would take care of the matter that is wrong. So if there are short comings in our present

Mr. Wilcox continues: system, let's try to correct them. We have had no complaints in our town of anything wrong with either the Justice Courts or the Probate court. I personally have had three experiences in the Probate Court and I know being ablento appear before someone whom I knew and who knew of my situation was much better than having to travel someplace to meet a man at his convenience. So, I say let's keep the things the way they are. If there's anything wrong, let's correct what is wrong in the present system rather than try to discard the entire system and also appears to me that if we do try to discard this system and do according to what they bills ask it certainly is going to increase taxes. I believe that is one thing that the present administration has stated that taxes were not going to be increased. I can't see how it can help but be other wise if this happens. And, lastly I think Ladies and Gentlemen of the Committee, let's remember that once in Boston Harbor and let's bear in mind why that famous Tea Party was held, and try to keep our taxes down so the people of the State of Connecticut can take care of them. Thank you.

Tom Moore, Attorney, Bridgeport: I am not now and never have been a member of a political party. I have never held and do not now hold any official appointment or office in the State or local government. I am just a practicing lawyer trying to earn a living. And, that's why I am here. I think I am the only fellow that came up today who is here to protect a vested interest. The nasty old vested interest. I'm just trying to make a living, that's my vested interest. These bills are going to make it more expensive to grant credit. To go into the credit line a bit, even though I am here to protect my own interest, there are better reasons than than why I am opposed to the bill. I am a member of the Credit Men's Association of Southeastern connecticut and a member of the Commercial Law League of America. I think that I know as much about credit as any lawyer in the Bridgport area. I have lived with credit for the past 8 years. Credit costs money.

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Mr. Moore continues: Also if you can't collect bills, honest debts from merchanidse and services rendered, you're not going to grant that credit. If it's going to cost more to collect those bills, even though you can do it, then it must cost more to grant the credit. So far the State of Connecticut in its wisdom has always made it very convenient for the credit grantor to enforce his claims against debtors. With these bills, it is quite possible, it looks to me as if the elimination of the Justice of the Peace as distinguished from the Trial Justice Court, I know nothing about them, I have never been in one, never had a case in a Trial Justice Court, but in regard to the Justice of the Peace Court these bills I see some of them eliminate the civil jurisdiction of the Justice of the Peace and they transfer it to other courts. The other courts to which they transfer it and some of the bills allow for the rule making powers of the judges or by other means to establish small claims courts. Now most of you Gentlemen, are lawyers and I hope most of you have sat in on sessions of Samll Claims Courts. You are familiar with the facts and the statute that requires a plaintiff must appear. How many times does a plaintiff appear? Seldom, so seldom that makes a lawyer's blood boil, because this is a favor as he as a lawyer doesn't get. The business man in the town who is putting his collection cases into the small claims court and getting a card back from the court, saying the plaintiff must appear, either does not appear, or if he does appear, he appears by sending his little 16 yeardld Secretary in to argue the case for him. Someone who is receiving a compensation for appearing in court, something which the state law says only a lawyer can do. They don't appear in the most part, because I was just in one of the small courts in a town next to Bridgeport, Monday morning and only about 3 plaintiffs appeared in that court and all the rest did not appear and yet they got judgments by default, because the defendant did not appear. Nobody appeared. The card was there, the clerk read off the name, the judge said judgment for $24.18 and $1.50 cost and nobody was there, but did that judge know if that bill had not been paid, he didn't. The lawyer can't get

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Mr. Moore continues: that, he has to travel up and down the turnpike and appear no matter what time the court is in session. So if we're going to expand this beautiful Small Claims court system, what's the result: The lawyer is out of another source of business and on top of that perhaps more unjustice is done than you have. What about the expense? If the rule making power of the small claims court is put under jurisidction of Common Pleas, it is not certain that the cost in the Court of Common Pleas will still be as low, because as you know in the Justice of the Peace Courts in Connecticut today the average lawyer does not pay an entry fee. You know that as practical lawyers. It's worked on a contingency and you know that too as practical lawyers, the writ comes in and it is processed in due process of law except for one thing, that entry fee is not paid, if it did have to be paid, who is going to pay it, the lawyer, he can't afford it and also he is prevented by ethics, so he has to charge his clients for the entyr fee. He doesn't have to today under the Justice of the Peace system. But if they put us all into a Common Pleas Small Claims Court, everybody is going to have to get that dough up on the line and that means it comes from the clients and where does the client get it, he gets it from ladies and housewives and his customers like you and I, who have to pay for the merchandise. It just means increased costs all around. In regard to the Justice of the Peace also, there is very little injustice if any. I have spent 7 years with many thousands of cases, never have my complaints not been able to be straightened out, because there is always going to be a complaint one way or another. Gentlemen, you are lawyers, please follow the rules of ethics in determining this question. Let the plaintiffs in this matter bear the burden of proof. The court system that we have has worked for so many centuries to the advantage of our citizens and of our forebearers in England. Follow the burden of proof rule, it has sustained the burden of proof, but if it hasnt then change it, but do not change something whih has worked over the centuries. Thank you.

John Swanson, Trial Justice, Bolton: I believe the Justice Courts should stay the way it is. As far as the higher courts, I don't think I'm qualified to speak on it. I also agree with Chief Trial Justice on his recommendations 100%.

Rep. Morris B. Hogan, Burlington: I am here representing not republicans or Democrats but both. There is not one single person in my town who has ever indicated a desire to me to have the court system changed and I might say both republicans and Democrats have indicated to me a desire to keep the courts as is. I have had some political experence in the small towns. I am chairman of the political committee for 28 years and I have always insisted that we have a good court. We had a good court before I became interested, and have had a good court ever since. And possibly from listening to some of the testimony of some various trial justices that are here, they all maintain there is no fix, that's no reason to do away with the courts, but I as political leader in my town have always insisted that we have a good court in town, and if you have a good court, there's no reason to fix it. If your court is honest, if it is competent, and capable, what more could you ask. I would assume that you gentlemen here are political leaders in your towns, if not certainly, you are close to political leadership, otherwise you would not be elected to office here. And if your court system is not good, if you feel it's not good, it's not the system it's the appointees, and why don't you as political leaders in your twwn go back to your town and if you have a situation that needs cleaning up, why don't you clean it up, that is what I have always felt should be followed. We have good government in our town and its because the Republicans and Democrats have always worked to see that whoever is elected is capable. The only reward we may get is the satisfaction of knowing that we as political leaders in our town are conducting a tpwn government that is good for us and good for the people and that I might say is a substantial reward. I urge you people to go back to your own towns and clean up your own situations.

Chr. Scanlon: The hearing is closed on these bills.

SB 491

THE COURT REFORM BILL

Suggestions to implement same--by Rep. Robert H. Barnes (D-Montville)

PART I

1. I agree with the State Bar Association--no change in the Supreme Court of Errors.

2. In order to meet the ever-increasing work load, and to effectively and expeditiously complete cases pending, overhaul present composition of Superior Courts and Courts of Common Pleas, adding courts and judges, as found necessary.

3. Inasmuch as juveniles are definitely a large part of family life, there is no reason why their misdemeanors cannot be included in the rest of inter-family difficulties and problems; therefore, combine the current juvenile courts and the proposed family courts into a single jurisdictional entity, under the name "Family Court," the term "Family" being more acceptable, palatable, less harsh, softer than that implied in the word "Juvenile" which is quickly associated with the word "Delinquent." I believe that the State Bar Association has also made a similar recommendation.

4. Retain Probate Assembly and Probate Courts in their present status, less prerogatives and responsibilities turned over to the Family Courts relating to personal matters. The Probate Courts are doing a highly efficient and commendable job, and any reduction in the number of courts would have at least one bad result--a lessening of the present good community service.

5. The small courts--municipal, city, town, borough, justice, small-claims, etc.--to be put on an elective basis, with terms of four years, elected quadrennially along with the election of probate judges. This would be an improvement or reform of the present system, without loss of service, while at the same time leaving in the hands of the electors the selection of (of their own choice) their judges, associate judges, and deputy judges; in other words, local autonomy, or if preferred, home rule, and the retention of the two-party system, all of these, the hallmark of our democracy. Should a local court not measure up to standard, the electors would have only themselves to blame, but would still have the opportunity to correct the situation at the next election.

PART II

1. Establish a commission of legal and lay minds to study our laws for the purpose of eliminating loopholes, discriminations, injustices, etc., and to recommend repealing and/or rewording of statutes which are ambiguous or not easily understood.

2. Standardize penalties for all classes of offenses--first, second, third, fourth timers, etc.--of similar circumstances.

3. Take away the right of courts to release prisoners from jail prior to fulfillment of sentences, leaving this right and prerogative to a county parole board.

4. Establish a statutory code of ethics for all members of the legal profession, including laymen, with meaningful penalties for minor as well as major infractions--fines, suspensions, and temporary and permanent disbarment.

5. Provide a more realistic, fair, and just scale of legal charges, based on actual services rendered, without regard to attorney reputation or rating.

6. Make easily available the right for a client to appeal with impunity to any court if he or she believes that the attorney has overcharged, misled, taken unfair advantage, given poor or inadequate service, etc

7. Make available to persons of little or no means for payment of legal assistance, legal protection on the level of the case pending, not from the ranks of the broken-down and inexperienced.

8. All police officers should be required to know how to collect and submit admissible evidence, suffering penalty of ultimate dismissal if unable to comply.

SB #491

THE COURT REFORM BILL

Comments by Rep. Robert H. Barnes (D-Montville)

REFORM. I believe I can safely say that whenever the word "reform" is used, it immediately suggests to most of us that whatever the subject matter may be, it is in a sad state of affairs and corrective measures are in order. It seldom occurs to us that the thing to be reformed might be wholly or even partially without fault. It is quickly placed behind the eight ball. It is guilty period--guilty by definition, by inference, by implication. Its innocence has to be proved.

The Court Reform Bill is a bill to turn over all of the courts to the lawyers. By throwing up a smoke screen to divert attention from their own mistakes, injustices, and weaknesses, the lawyers are trying to convince the unsuspecting public that this reform measure will obviate the need for any future reforms. By claiming that the laymen are not what they should be, they want to cover up the fact that they, themselves, have many skeletons in their own closets. Before we carry out their program of this so-called reform, I suggest that we reform the reformers.

Yes, the proposed Court Reform Bill is loaded, loaded in favor of the legal profession; in fact, the proposers make no bones about it--it is spelled out in so many words. One of the basic objectives is the complete elimination of all laymen in responsible positions in the courts--for the sole benefit of the lawyers. The lawyers not only want to have one hand in the public pocket but both of them. Purifying jurisprudence is the advertised objective; but the underlying aim is absolute control absolutely.

Who are for this bill? Answer: (1) State Bar Association. Naturally! (2) Citizens for Better Courts. And who are these citizens? Lawyers, of course, the leader an attorney from Greenwich. (3) League of Women Voters. A very fine organization but like all organizations, can be used for ulterior purposes; in this case, by wives and friends of lawyers. The writer knows of one lady of high position in the League who has played a prominent and energetic role for the court reform; and she is the wife of a lawyer. The League has been taken in on this one. (4) Governor Ribicoff. No one in his or her home town worked any harder for the re-election of the Governor than the writer of these comments. I went from door to door and campaigned not only for myself but the Governor and the entire Democratic ticket. No one thinks more highly of the Governor than I. But I also know that he is fallible, the same as the rest of us. I know that our backgrounds influence our thinking, and I wonder if the Governor would be so intent in the passage of this reform bill if he were a merchant, a farmer, or of some other vocation, instead of a lawyer. (5) The Saturday Evening Post, October 11th (1958), issue--The "JP": Should He Be Abolished? by Joe Alex Morris; and Reader's Digest, October (1958) issue--A National Scandal - The Fee System, by Lawrence Lader.

Relative to these two articles, (5) above, as many of us know, there are hundreds of embryo writers as well as legitimate or professionals who are feverishly on the prowl for something new to write about; and if a person comes upon something that smacks upon the sensational or the unusual, and it is well written, a sale is possible to any one of our popular magazines. For instance, a sale to the Saturday Evening Post not only brings in a large stipend but the writer is made, has hit the big time.

Reading these two articles, one is impressed that only the unusual is related, and if one knows better, it is soon detected that there are several distortions, slantings, and some down-right half truths. As an example, in the Reader's Digest article, among the cases cited from all over the country, a half-truth involves the Probate Court of Hartford. It states that Judge Johnston last year (1957) netted $42,058, more than the salary of the Chief Justice of the United States Supreme Court, reportedly $35,500. But it failed to add (herein lies the half truth) that Judge Johnston was required by law to turn over $14,400 of the $42,058 to the Connecticut Probate Assembly which distributed this sum among the 169 towns of the State, into the local treasuries for local town use. This damage was refuted by the Hartford papers, but the retraction was read by very few of the readers of the vast circulation of the Reader's Digest, not only in America but all over the world (in many languages). One can imagine the glee of the Communists holding this gem up for public consumption--"See, this is an example of injustice in a capitalistic country, etc., etc., etc." Perhaps if the writer had told the whole truth, he wouldn't have sold his story, and the Commies wouldn't have anything to talk about.

Now what is the difference between the lay and the legal mind? One difference, in my opinion, is that the lawyer is a technician, and many times so technical that he finds himself in a straight jacket, unable to disengage himself from the inhibitions of Blackstone and Oliver Wendell Holmes. On the other hand, the layman

may not know as well as the lawyer the rules of evidence--how to rule on hearsay testimony, leading questions, the introduction of evidence on cross examination not brought out during direct examination, opinions, and immaterial, irrelevant, and incompetent evidence--but I have found him to have the good sense to cut through all the folderol and come up with the correct decision on the guilt or innocence of the accused. And that is what the public wants--true justice.

Now that the finger of suspicion has been pointed at the lay-judge courts, let's look at the record of the lawyer-judge courts. Let's start off with evidence by none other than Fred Rodell, Professor of Law, Yale University, who wrote the book "Woe Unto You, Lawyers!" In this book, he says, "In tribal times, there were the medicine-men. In the Middle Ages, there were the priests. Today there are the lawyers." Then he goes on to say, "It is the lawyers who run our civilization for us--our governments, our business, our private lives. Most legislators are lawyers; they make our laws. Most presidents, governors, commissioners, along with their advisors and brain-trusters, are lawyers; they administer our laws. As the schoolboy put it, 'ours is a government of lawyers, not of men!'"

Continuing, Rodell says, "It is not the business men, no matter how big, who run our economic world. Again it is the lawyers, the lawyers who 'advise' and direct every time a company is formed, every time a bond or share of stock is issued, almost every time material is to be bought or goods to be sold, every time a deal is made. The whole elaborate structure of industry and finance is a lawyer-made house. We all live in it, but the lawyers run it."

Anent, the United States Supreme Court, Prof. Rodell states: "The Supreme Court of the United States is generally rated the best in the counrty if not in the world. Its decisions are supposed to be the wisest, the most enlightened. Its members are kowtowed to as the cream of the legal profession, steeped not only in the technicalities of legal logic but in the wondrous ways of abstract justice as well. Its powers are enormous. By the margin of a single vote, its nine members can overturn the decisions of mayors, governors, state legislatures, presidents, congresses, and of any other judge or group of judges in the United States. Even the direct will of the people as expressed in the Constitution and its amendments can be brought to nought by Supreme Court 'interpretation' of constitutional language. The nine men in black robes hold the entire structure of the nation in the hollows of their hands .....Have its constitutional decisions been models of logic, statesmanship, and justice? Or have they, perhaps, been cut out of the same old legal cheesecloth--abstract concepts, ambiguous words, and ambidextrous principles?.....As is true of practically all Constitutional Law, it is impossible to tell what the Court is going to call unconstitutional, until the Court has gone into its trance and evoked a spirit in the shape of a 'controlling' principle."

I, the writer of this brief, have always maintained that a lawyer can easily place himself on either side of any issue at any given time, it being not infrequent to find a lawyer arguing in Court on one side of a case one time and later arguing on the other side of a similar case, and, if you please, winning both times. Prof. Rodell has this to say on this subject: "The Law, as a matter of fact, is all things to all lawyers. It is all things to all lawyers simply because principles on which it is built are so vague and abstract and irrelevant that it is possible to find in those principles both a justification and a prohibition of every human action or inactivity under the sun.....A home-owner who beats up a trespassing hobo may be a hero in one state and a criminal in another."

Speaking on The Law as contrasted with laws, Rodell writes, "The Law is the killy-loo bird of the sciences. The killy-loo, of course, was the bird that insisted on flying backward because it didn't care where it was going but was mightily interested in where it had been. And certainly The Law, when it moves at all, does so by flapping clumsily and uncertainly along, with its eye unswervingly glued on what lies behind.....Only The Law, inexorably devoted to all its most ancient principles and precedents, makes a vice of innovation and a virtue of hoariness. Only The Law resists and resents the notion that it should ever change its antiquated ways to meet the challenge of a changing world.....The Law never admits to itself that there can be anything actually new under the sun.....To the lawyer, there is a vast difference between The Law and the laws. The Law is something beyond and above every statute that ever has been or could be passed.....You can change the laws all you please, but you can't change The Law.....Moreover, The Law can do strange things to man-made laws even when, as very rarely happens, such laws are so full of 'wilfullys' and 'maliciouslys' and 'lawfullys' that they practically invite lawyers to write their own ticket.....The Law is a mass of abstract principles--which means that it is a lot of words.....

"The Law is thus superior to constitutions, just as it is superior to statutes. And according to the legal legend, it is neither constitutions nor statutes which finally determine the rules under which men live. It is The Law, working unimpeded to produce the common law, working through the words of constitutions to produce constitutional law, working through the words of both statutes and constitutions to produce statutory law. All three kinds of law are merely obedient

offspring of that great body of abstract principles which never changes and which nobody but a lawyer even pretends to understand."

Prof. Rodell further explodes the legal myth in this manner: "One of the most revealing things about the lawyers' trade is the unanimous inability or unwillingness, or both, on the part of the lawyers to explain their brand of professional pig Latin to men who are not lawyers.....For the lawyers' trade is a trade built entirely on words.....The legal trade, in short, is nothing but a high-class racket.....The legal racket knows no political or social limitations. Yet the saddest and most insidious fact about the legal racket is that the general public doesn't realize it's a racket.....There are several reasons for this mass submission. One is the average man's fear of the unknown--and of policemen. The law combines the threat of both. A non-lawyer confronted by The Law is like a child faced by a pitch-dark room. Merciless judges lurk there, ready to jump on him. Scared, befuddled, impressed, and ignorant, he takes what is fed him, or rather what is sold to him. Only once an age does the non-lawyer get, not wise, but disgusted and rebels.....

"If people could be made to realize how much of the vaunted majesty of The Law is a hoax and how many of the mighty processes of The Law are merely logical legerdemain, they would not long let the lawyers lead them by the nose.....When the nine men (of the U.S. Supreme Court) say that something is constitutional this year which has been unconstitutional only last year, then even the most credulous layman can wonder a little about the immutability of The Law."

Before Prof. Rodell wrote his book, he outlined his ideas to a noted jurist, who was extraordinarily frank and perceptive about his profession. He agreed with Rodell and said, "Sure, but why give the show away."

As to ability to interpret the laws, form opinions, make decisions, the lay mind should be able to perform a creditable job even though a lawyer may be able to express an interpretation, opinion, or decision in better form and language. The end result, however, should be the same. As Prof, Rodell so aptly expresses it, "The Law does not make lawyers wiser than other men, but only smarter." Any statute that cannot be understood by the ordinary lay mind is not a good statute. It should be repealed or reworded. Let's not forget that old cliche often used in the courts and by the legal profession that "ignorance of the law is no excuse."

The lay-judge is not inhibited by The Law, but gets down to the wording and intent of the statutes, basing his decisions on the facts, merits, the right and wrong elements in each case. There is far less disagreement among lay-judges than among lawyer-judges. If lay-judges sat upon the United States Supreme Court there would be far fewer 5 to 4, 6 to 3, 7 to 2, and 8 to 1 decisions. As Rodell expresses it, "If lawyers agreed there would never be a law case, for every law case results of course from a legal dispute as to what The Law is. If lawyers agreed, there would be no dissenting opinions. If lawyers agreed, we would not have appellate courts and higher appeal courts over them. Whereas no non-lawyer cares in the slightest what The Law is until it comes down to applying The Law to a specific dispute."

Let's look at the record of the lawyer-judge courts. The records are bulging with cases from gangsters to large corporations who have gotten away with murder in the courts with the use of money and the hiring of prominent lawyers. Justice sacrificed on the altar of wealth, privilege, influence, the high and the mighty.

How do they do it? By circumvention, manipulation, and taking advantage of the loopholes in the statutes. Also by knowing a friend of a friend of a friend. As Prof. Rodell puts it, in reference to the Court, "A judge is a lawyer who knew a governor." This should leave little to the imagination. But if a friend helps a friend in a lay-judge court, lawyers snort. On the subject of loopholes, there is a telling article in the January (1959) issue of Coronet--Our Laughable Legal Loopholes, by David Dressler--which should be read by everyone interested in this court reform effort. Why Mr. Dressler used the word "laughable" is unknown. But for me, the matter is most serious. Perhaps he used the word to attract attention.

Referring once again to the record, as late as December 23, (1958), the Connecticut Supreme Court of Errors held four cases in error, one by a State Superior Court, and three by State Common Pleas Courts. And let's not overlook the explosive Alderman-Ullman case currently being investigated by Justice Daly.

Let's look at the record again. What about the disparity in sentences handed down by our Superior and Common Pleas Courts in cases identical in every respect? It is a common gripe in our county jails and state prisons among the prisoners. Have the legal reformers concerned themselves about these inequities? Have they looked into the complete cases in these higher courts where, afterwards,

behind the scenes, well-paid influential lawyers have their clients out on probation from jail sentences within a few days while others who haven't the money and the resulting connections, serve the full term? And what about the "delayed" cases, waiting for the arrival of one of the well-known "soft" judges? Has the public been apprised as to what is going on in these supposedly better courts?

My final argument covers three points, each of no small importance. First, what about the cost? A promise has been made to cut expense to the bone. How will this court reform fit into the budgets of the present and the future? Second, another promise is that the judges to be appointed will be evenly divided between Democrats and Republicans. To me, this is downright bribery--to gain support for the court reform bill. Third, once this bill is passed, what next? Will the lawyers want to control each one of us from cradle to grave? Will we have to get their permission to breath, work, eat, and sleep? Before it's too late, let's wake up to this slow but sure grabbing of all the rights and privileges we now enjoy. Let's not let the lawyers get away with the case now pending. Let's be the first to rebel, like the rebellion against the legal profession during colonial days. Let's vote NO when this bill is presented to us. Now is the time to show our fortitude against this hoodwinking job that is being perpetrated upon us.