

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
Pa 71-870		326	14	9	18
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Judiciary</i> 96-98 • <i>Judiciary</i> 76-81 • <i>Judiciary</i> 105-109 				<u>House Pages:</u> <ul style="list-style-type: none"> • 5841-5849 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 2785-2802

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 13
5555-6226**

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Without objection, the matter will be passed temporarily. Is there objection to the request of the gentleman from the 95th that the matter be passed temporarily?

MR. PAPANDREA (78th):

Can we stand at ease for just a moment before you do that?

THE DEPUTY SPEAKER:

Perhaps the gentleman from the 95th could pick up the object on the black box and communicate with the gentleman from the 78th.

MR. PAPANDREA (78th):

I believe the request for the matter to be passed temporarily is going to be withdrawn.

MR. SARASIN (95th):

I consider it withdrawn, sir.

THE DEPUTY SPEAKER:

Will you remark further on the bill? If not, the question is on acceptance of the Joint Committee's favorable report and passage of the bill in concurrence. All those in favor will indicate by saying aye. Opposed?

The bill is PASSED.

MR. PAPANDREA (78th):

Mr. Speaker, I would now ask that we return to page 15, the bottom item, Calendar No. 1523, substitute for S.B. No. 0326, File No. 1433.

MR. CARROZZELLA (81st):

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

THE DEPUTY SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. CARROZZELLA (81st):

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Mr. Speaker, the Clerk has an amendment, several.

THE DEPUTY SPEAKER:

Will the Clerk please call Senate Amendment "B".

MR. CARROZZELLA (81st):

Mr. Speaker, I think I can, I ask that the reading be waived. I can summarize the amendment.

THE DEPUTY SPEAKER:

Unless there is objection, the gentleman from the 81st to summarize Senate "B".

MR. CARROZZELLA (81st):

Mr. Speaker, very briefly, Senate Amendment Schedule "B" provides for the entry fee when an appeal is taken to the Court of Common Pleas in the amount of \$10.00, which is the existing entry fee, in the present appellate session of the Circuit Court. I move adoption of Senate Amendment Schedule "B".

THE DEPUTY SPEAKER:

Will you remark further on the amendment? If not the question is on adoption of Senate "B". All those in favor will indicate by saying aye. Opposed? Senate "B" is ADOPTED.

MR. CARROZZELLA (81st):

The Clerk has Senate Amendment Schedule "D".

THE DEPUTY SPEAKER:

The Clerk please call "D".

MR. CARROZZELLA (81st):

Mr. Speaker, I think I can summarize "D" as well.

THE DEPUTY SPEAKER:

Unless there's objection and without objection, the gentleman from

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the 81st.

MR. CARROZZELLA (81st):

Mr. Speaker, this is a very important amendment. Under existing law, a person is entitled to a jury trial in the Circuit Court if the amount of the fine is \$50.00, he is not entitled to a jury trial if the amount of the fine is \$50.00. There are several motor vehicle offenses which entitle a person to a jury trial since the amount of the fine is up to \$100.00, such as improper backing, improper passing, etc. What this amendment would do, would be to change the amount of the maximum fine from \$100.00 to \$50.00 thereby doing away with jury trials in the minor motor vehicle violations, thereby alleviating the logjam in the criminal jury docket of the Circuit Court. It is a very important amendment to the efficient administration of the Circuit Court. I move adoption of Senate Amendment Schedule "D".

THE DEPUTY SPEAKER:

Will you remark further on Senate "D"? If not, the question is on its adoption. If you are in favor, indicate by saying aye. Opposed? Senate "D" is ADOPTED.

MR. CARROZZELLA (81st):

Mr. Speaker, the Clerk has Senate Amendment Schedule "E" and I would also ask that the reading be waived and I think I can summarize it.

THE DEPUTY SPEAKER:

The gentleman from the 81st to summarize Senate "E".

MR. CARROZZELLA (81st):

Senate "E" merely conforms the bill before us to the existing, to public acts that we have passed this session concerning appeals from the Motor Vehicle Commissioner and appeals from an order of the municipality, which

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appeals under the laws that we passed this session were to the Superior Court, ad
under this amendment would be made to the Court of Common Pleas in accordance
with the bill that will be presently explained to you. I move adoption of
Senate Amendment Schedule "E".

THE DEPUTY SPEAKER:

Will you remark further on Senate "E"? If not, the question is on
its adoption. All those in favor will indicate by saying aye. Opposed? Senate
"E" is ADOPTED.

MR. CARROZZELLA (81st):

Finally, Mr. Speaker, the Clerk has Senate Amendment Schedule "F"
which I think I can also summarize if the reading be waived.

THE DEPUTY SPEAKER:

The gentleman from the 81st to summarize Senate "F".

MR. CARROZZELLA (81st):

Mr. Speaker, this has to do with appeals from the Unemployment Com-
pensation Commission. We have tried to have these appeals go to the Court
of Common Pleas instead of the Superior Court in accordance with the general
plan of the bill. However, there is a United States Supreme Court case which
says that appeals from the Unemployment Compensation Commissioner must go to
the highest trial court, which in this case is the Superior Court. This would,
therefore, delete those sections that deal with appeals from the Unemployment
Compensation in so far as making those appeals go to the Court of Common Pleas.
I move Senate Amendment Schedule "F".

THE DEPUTY SPEAKER:

Will you remark further on Senate "F"? If not, the question is on

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its adoption. All those in favor will indicate by saying aye. All those opposed? The amendment is ADOPTED. Will you remark further on the bill as amended?

MR. CARROZZELLA (81st):

Now, Mr. Speaker, I move for adoption, for acceptance and passage of the bill as amended by Senate, the four Senate amendments.

THE DEPUTY SPEAKER:

Will you remark further on the bill as amended?

MR. CARROZZELLA (81st):

Mr. Speaker, I think it is obvious to everyone here that the work load in the courts of this state, in terms of the adjudication of civil and criminal matters has become overburdened during the last ten years. Civil litigation has increased by 41.4% and there has been an increase of 115.1% in criminal matters. As a result, the residents of this state are being denied the privilege to an expeditious determination of their rights in both civil and criminal matters. The phrase, justice delayed is justice denied, I think, is becoming even more applicable to our judicial system. Unless we here take immediate steps to change and improve our judicial process, a sweeping paralysis of the judicial system could well become a reality and could result in a grave breakdown in the administration of justice. A...just passed the Judiciary Committee after numerous public hearings, consultations with members of the bench and bar and intensive study, we are recommending tonight the passage of the first major court reorganization bill since 1960.

The bill before you proposes a seven point program which, we believe, will resolve much of the congestion that is present in the entire court system today. Mr. Speaker, I would now yield to the gentleman from the 157th who will explain one of the points of this bill.

MR. BINGHAM (157th):

ad

Thank you, Mr. Speaker. Mr. Speaker, I rise to support this bill and I rise to explain that the Judiciary Committee has conducted numerous hearings, consulted with the judiciary, consulted with members of the bar, consulted with members of the public, states attorneys, public defenders in an effort to improve Connecticut's already good court system. We cannot relax, we cannot be satisfied with a good system. The Judiciary Committee and this legislature wants to present to the people of the State of Connecticut an excellent court system. We all know that we have increased cases, especially in the Circuit Court. There are more arrests, there are more motor vehicle arrests and defendants are making more motions every day with respect to criminal cases. Now, Mr. Speaker, we realize that the courts must adopt to modern conditions and one of the problems with the court system today is the fact that we have increases in population. The problems of urban areas cause many many delays in the court system. The lengthy backlog of cases, which is known to all the members of this Assembly, we have attempted to deal with by our comprehensive court reorganization bill. Now the crisis in the courts, Mr. Speaker, is not the result of the dedicated judges that sit on the bench in the Circuit Court and the Court of Common Pleas. A truly responsive system must be responsive to the times and society must move forward at a rapid pace. And, therefore, Mr. Speaker, we have provided in the court reorganization bill that the Circuit Court, the jurisdiction of the Circuit Court will be increased to cover crimes punishable by imprisonment up to five years and fines up to \$5,000, Class D felonies under the penal, the new penal code which we adopted at the last session. To expedite civil jury trials in the Circuit Courts, the Chief Judge of the Circuit Court is now directed to establish a continuous jury

session at specific locations throughout the state to move the civil jury business of one or more circuits in the Circuit Court system.

Mr. Speaker, this is an excellent provision. We have now taken much of the business out of the Superior Court and given it to the Circuit Court. We've provided for a continuous flow of civil business in the Circuit Court so that the people of the State of Connecticut will have an excellent, expeditious and just court system.

Mr. Speaker, I yield to the Chairman of the Judiciary Committee.

MR. CARROZZELLA (81st):

Mr. Speaker, there are other saving provisions of this bill, one is to increase the jurisdiction of the small claims division. It is a good bill and I move its passage.

THE DEPUTY SPEAKER:

Will you remark further on the bill as amended?

MR. OLIVER (104th):

Mr. Speaker, with particular reference to the concurrent jurisdiction, family relations matters, domestic relations matters to the Superior Court and the Court of Common Pleas as a result of the conferences and interviews with the members of the bench and members of the bar, we concluded that the best way to handle any constitutional question, Mr. Speaker, is to keep original jurisdiction in all family relations and domestic relations matters in the Superior Court. However, to give the man on the spot, the presiding judge of the Superior Court in any given county, with the approval of the man who has the overview, the Chief Court Administrator, the power and the authority to transfer individual matters of the domestic relations variety to the Court of Common Pleas for disposition or all of the matters in a given county at a

given time. This way the utmost flexibility will be achieved. For example, if on a given day, the judge of the Superior Court holding the family relations calendar, is ill, that day's cases load can be transferred to a prejudge in the Court of Common Pleas. If, on the other hand, the determination is made that better judicious disposition of all the case load in the Superior Court and the Court of Common Pleas in that county can best be handled by a Common Pleas judge, that can be determined. This in no way infringes or entrenches upon the jurisdiction of the Superior Court for it's entirely within the control of the Superior Court. It gives the judges of the Court of Common Pleas the same powers in domestic matters as judges of the Superior Court would have. It's an excellent provision.

Just briefly, I would like to yield to my colleague on the sub-committee, Mr. Sullivan of the 130th.

THE DEPUTY SPEAKER:

The gentleman from the 130th, I don't know if that applause is for you or for Rep. Oliver.

MR. SULLIVAN (130th):

It may have to do with the briefness of his remarks. Mr. Speaker, in view of the lateness of the hour, I would move adoption of the, excuse me, passage of the bill as amended by the Senate sections.

THE DEPUTY SPEAKER:

Will you remark further on the bill as amended?

MR. KING (48th):

Mr. Speaker, I would like to point out what seems to me to be a very strange anomaly which is raised by the scope of this bill. Every practicing lawyer in this Assembly and throughout the state knows that the Circuit Court

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has the greatest of difficulties in finding a home. New courthouses are built where they are built, the Circuit Court is excluded from those new buildings, and the Circuit Court is stashed away in any kind of quarters that are available and there are very few, Mr. Speaker, throughout the state that are suitable and very few, Mr. Speaker, that are comperable with the quarters of the Common Pleas Court and the Superior Court, even in instances where the latter two courts are not housed in modern or even suitable buildings. I'm saying, Mr. Speaker, that in those cases, the Circuit Court is, in most instances, housed in far less suitable conditions. Now I think it is a matter of pride to lawyers when they can take their client into a court where it's possible for the judge to offer the kind of decorum that we would like to see but, Mr. Speaker, under our present judicial system as it is presently operated, that is not possible. I would think, Mr. Speaker, that at one time in the not too distant future, we ought to bend our attention to improving or at least changing this situation which in many areas, and particularly in my area, is an intolerable situation.

THE DEPUTY SPEAKER:

Will you remark further on the bill? If not, the question is on acceptance of the Joint Committee's favorable report and passage of the bill as amended by Senate Amendments "B", "D", "E", and "F" in concurrence. All those in favor will indicate by saying aye. Opposed? The bill is PASSED.

MR. PAPANDREA (78th):

Mr. Speaker, I ask that we next proceed to page 18, third item from the top, Calendar No. 1545, substitute for H.B. No. 8415, File No. 1685 and I move that this matter be recommitted to the Committee on Transportation.

THE DEPUTY SPEAKER:

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THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The bill is passed.

THE CLERK:

CAL. NO. 1000. File No. 1433. Favorable report of the joint Committee on Judiciary. Substitute for Senate Bill 326. An Act Concerning Organization of the Courts.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. The Clerk has several amendments and I would ask, that Senator Fauliso's amendment be taken first?

SENATOR FAULISO:

Mr. President, I move for passage of the amendment.

THE CLERK:

SENATOR FAULISO OFFERED SENATE AMENDMENT A:

Strike out sections 6 and 7.

SENATOR FAULISO:

Mr. President, the affect of this amendment would keep the Appellate Division of the Circuit Court in the law rather than have the Appellate Division in the Court of Common Pleas. I'm proud to state that I did play a role in the creation of the Circuit Court of 1960. And I also saw the Appellate Division, evolve into one of the finest courts, I think in the United States.

I think our Circuit Court system has become a model for other states. More important, I saw the evolution of Criminal Law and also civil law evolve from this panel. I respectfully submit, Mr. President, that the Appellate Division of the Circuit Court has worked effectively and well. These are

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men who have been dedicated themselves to the promotion of the best interest of the State. And we've had judicial progress. The decisions of the Appellate Division, have been followed and cited by our own Supreme Court, by other courts throughout the nation.

Prior to the creation of the Circuit Court, and the Appellate Division of the same, we had very little. Criminal law, constructional criminal cases or specific crimes. I believe, Mr. President, under this bill, the transfer of the change of the Appellate Division to the Court of Common Pleas, would be a step backward. Particularly, when we consider that under the present bill, the court of Common Pleas, I believe have 16 Judges. These 16 judges are spread throughout the State of Connecticut. They will have under this bill, all administrative appeals except I believe, the appeals of unemployment compensation, however, there will be also a transfer of domestic relations. Also, transfer of civil cases, from the Superior Court to the Court of Common Pleas.

Now, Mr. President, it seems to me also, that these Judges in the Court of Common Pleas have been away from the mainstream of criminal law. An appeal to the Court of Common Pleas or the panel of the Court of Common Pleas would be certainly to a group of people, who have not been in the practice of the criminal law. They will face this proposition probably for the first time. Whereas, these Judges in the Circuit Court, are dealing on a daily basis with Criminal law, motions to suppress, particularly search and seizure. And certainly all the decisions that are coming down from the United States Supreme Court and the Federal Courts are very, very important and in deciding these cases on a sound basis.

Now, I realize that, under this bill, we're trying to restructure our

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courts. We're trying to construct a Court System that will best administer the justice. And from knowledge of the law, my experience, Mr. President, I don't think that we ought to tamper with the present system of the Circuit Court, Appellate Do vision of the Circuit Court. I think it has worked well. I think the number of Judges that work there when they're not concerned with Appellate cases are busy on a trial level. To say that these men are not going to be useful, are not being used at a time when there are not appellate cases is certainly an erroneous conception. I hope that they don;t make this change. It would be wrong. It would be a step backward. I have talked to many of the judges including the Chief Judge of the Circuit Court. I talked to all of the Judges who know the court system. And I maintain most sincerely, that this would not be in the best interest of litigants. Not be in the best interest principally of the people of our State. I'm looking for a court, like all of us are. (interrupted by the Chair)

THE CHAIR:

Excuse me Senator, I just want to announce, I want Senator DeNardis to preside for a few moments while, I get some fresh air. At which time I will return, and I hope you are still speaking.

SENATOR DENARDIS IN THE CHAIR:

SENATOR FAULISO:

My enthusiasm and my art is not weakened, however, by your absence.

Mr. President, in summary, may I again state that, the Common Pleas Court, by virture of all of the business that will be assumed by that Court, under this bill, will be a very busy court. 16 Judges with all this work. And certainly with not again, I repeat, be in the best interest in the State. I move for adoption of my amendment.

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SENATOR JACKSON:

Mr. President, I rise in opposition to the amendment. I have faith in the Judges of the Court of Common Pleas. And they will be able to adequately handle the appeals from the Circuit Court level. As Senator Fauliso has eluded to and I shall go into greater length, when we speak on the bill, itself. The Judiciary Committee and the Sub-Committee, the by-partisan committee of the Courts on the Judiciary Committee, has worked many weeks, in facts months trying to arrive at a very delicate balance in this restructuring. We feel that any change in the bill that was reported out of committee, will throw off that delicate balance and create added difficulties and will not solve the problems that we are trying to solve.

So, I would urge the members of the circle, to reject this amendment. I would further point out, that having appeals go to the Court of Common Pleas, will immediately create 5 Judges on the Circuit level, who would be able to help take care of the present log jam in many of the Circuit Courts.

SENATOR DUPONT:

Mr. President, I rise to support this amendment. I'd like to associate myself generally with Senator Fauliso's remarks. The Appellate Division of the Circuit Court has done an excellent job in the past and many of these Judges, not only do they serve on Appellate work but they also fill in in the trial level and they put in many, many hours and long weeks of work. And they have done a very thorough and excellent job over the years. And I think this Appellate Division should be retained and I urge the a doption.

SENATOR FAULISO:

Mr. President, to respond to Senator Jackson's. It seems to me that, when he states that it will free five Judges to trial work. It seems to me

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that the same thing would apply to the Judges of the Court of Common Pleas. When they're busy with Appellate work, you're going to have three Judges are not paneled. Therefore, you're going to have 13 Judges in the Court of Common Pleas throughout the State and I can't see that this is an improvement. Truly, if I could give you the benefit of the many people that know the Circuit Court System. And the many days that were spent in creating this system, and how it has been hailed throughout the country, and how the Appellate Divisions, decisions have been recognized and also cited by our own Supreme Court, I repeat and by the Courts throughout the nation, to me, is indeed an acknowledgement that we have come very far in our Circuit Court System and particularly the Appellate Division.

I hope that we can continue with this system. I don't oppose the bill, other than this one feature. And I hope that we can see, have the wisdom to see that this would be not in the best interest of the people.

THE CHAIR:

Any further discussion on the amendment? If not,

SENATOR FAULISO:

Mr. President, I move for a roll call vote.

THE CHAIR:

Roll call vote has been ordered in the Senate. Will the Clerk, please announce it? All those in favor for a roll call vote say, "aye". Opposed, Nay'. A roll call vote is ordered.

THE CLERK:

The following is the roll call vote:

Those voting Yea Were:

SENATORS FAULIOS

SENATORS SMITH

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SENATORS BURKE

LIEBERMAN

CUTILLO

MURPHY

HOULEY

Those Voting Nay Were:

SENATORS ODEGARD

PAC

ROME

HAMMER

CASHMAN

MACAULEY

PETRONI

RIMER

RUDOLF

DINIELLI

MONDANI

FINNEY

SENATORS CIARLONE

ZAJAC

SULLIVAN

DUPONT

SENATORS JACKSON

ALFANO

EDDY

CRAFTS

GUNTHER

CALDWELL

DOWD

STRADA

POWER

IVES

DENARDIS

THE PRESIDENT IN THE CHAIR:

THE CHAIR:

Results of the roll call vote:

Whole Number Voting	34
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Necessary for Passage	18
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Those voting Yea	11
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Those voting Nay	23
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Those absent and not voting	2
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The amendment is defeated.

THE CLERK:

SENATE AMENDMENT B, offered by Senator Jackson:

SENATOR JACKSON:

Mr. President, in lieu of reading the amendment, I just would briefly tell the circle. I move the adoption of the amendment.

What this amendment will do, this is one provision that was left out of the bill when originally printed. It provides in any appeal to the Court of Common Pleas, which is the subject we were just discussion. The party appealing shall pay a record fee of \$10.00 which is the same as the presently constituted in the Circuit Court when you go directly to the Appellate Division.

I urge adoption of the amendment.

THE CHAIR:

Question is on Senate Amendment Schedule B. Remark further? Hearing none, all those in favor signify by saying, "aye". Opposed, "nay". The amendment is adopted.

THE CLERK:

Next amendment that the Clerk has, is Senate Amendment C, offered by Senator Dupont:

SENATOR DUPONT:

Mr. President, I move adoption of the amendment. Will the Clerk please read the amendment?

THE CLERK:

In line 186 after 51-14 insert", provided no transfer of any action to a Circuit other than that in which the action was brought shall be effected if any party to such act objects to such transfer.

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SENATOR DUPONT:

Mr. President, members of the circle, as I read this bill, or as I read it, I was particularly disturbed by one section of it. Which deals with the continuance civil jury sessions at specific locations throughout the State. to serve at such locations, one or more Circuit or portions thereof. And it struct me, that, reading this, many people who are involved in litigation, involved in trying cases, whether they be party to that case or witnesses or Doctors, could be compelled to travel great distances from their homes to places of business, to participate in that trial. N^Uw, it seems to me, that, our Courts, particularly the Circuit Court, should be run for the people of the State of Connecticut. And not for the convenience of the Judges or the lawyers thereof. It's enough of a hardship for the average person to be required to go to Court without compelling them to travel great distances.

Many instances, you have Doctors involved and we have a tremendous shortage of Doctors as everyone knows, and this would serve to delay them further. There are older people, who are required to attend court at times, this would be an inconvenience to them. They have bad weather, inclement weather in the winter time. This would likewise be a great inconvenience to them.

It seems to me that these courts primary concern should be for the people convenience of the people. We did at one time, have town courts. We had a Town Court in each town. We've expanded that into Circuits where they are required already to drive 25, 30, 35 miles in some instances. I employ you not to compel these same people to drive to Hartford or New Haven or Bridgeport in order to litigate their claims.

THE CHAIR:

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

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SENATOR JACKSON:

Mr. President, I rise in opposition to the amendment. I don't believe that the Chief Judge of the Circuit Court would compel any of the parties in the outlining areas to come into Hartford or New Haven. I believe that the object and the purpose of providing this particular part of the bill, is to set up continuance jury sessions on the civil side.. It is very, very hard to get a case tried on the jury civil list. The juries do not are just not assigned for any length in many of the Circuits. I would point out that we have 18 circuits in the State of Connecticut. If we were to pass this amendment we would be fragmenting and dividing this bill. It would defeat the very purpose of setting up this continuance jury sessions. It would be impossible to do this and I think you would have a worse result than we have now. I would point out to the memebersof the circle, that ever since this Cirucit Court was oringinally enacted, that the power has been there to transfer cases from one circuit to another. And I would urge themembers of this circle, to defeat this amendment because we want to try out, the feasibility of having continuse sessions. Because once the case is on the list, even though it is not reached this week or next week, just like in Superior Court, you know you're going to be reached either next month or the month after next. So I would hope that the circle accept the committee's recommendation and defeat this amendment.

SENATOR DUPONT:

Mr. President, members of the circle, I know of no rule in the Superior Court or the Court of Common Pleas that requies a person to go outside of their county to avail themselves of justice of a court. I question whether under the existing Circuit Court rules. whether this is required? At least

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I have never heard of it. And this amendment would keep the continuance civil jury sessions for those people who wanted to avail themselves of it. But, if any party objected to being moved to another area, to be required to travel to another distance, they could object and have their trial in their own circuit. All of these circuits have jury present throughout the year and I don't believe there is any difficulty in getting cases tried if you ask for them to be assigned. They will be assigned, they will be tried.

I think it's a problem here, where, the attorneys and the other parties just delay these matters. It isn't a problem of availing themselves for a jury. The juries are there. If someone wants to take advantage of them.

THE CHAIR:

Question is on the amendment. Will you remark further?

SENATOR FAULISO:

Mr. President, I can't restrain myself from remarking on this particular feature of the bill. Its purpose is laudable. They're trying to get jury cases disposed of. Apparently their having difficulty in disposing cases. But, I think this is an exercise of futility.

Talk to the Judges in the Court of Common Pleas and they will tell you. That they assign cases and have jury sessions for the people, the litigants to dispose their cases and they can't get cases tried. It's a fact.

Now, I'm not going to put the responsibility and the blame on any particular group, whether it be the lawyers or the parties or the Doctors. The fact of the matter is, that this is not the way in which we can correct this system. It's laudable. It's worth trying perhaps. But, I predict, Mr. President, that is not going to achieve the problem of congestion, particularly if a civil work that is now pending in the court system, the whole court

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system. It seems to me that, the great responsibility, the responsibility of bar, is paramount here. The responsibility of attorneys is paramount. if a cases is worthy of initiating and bringing to court, it's worth the disposition. There are too many cases now, pending in the Circuit Court. And I think the Judges are employed, the members of the bar to dispose of these cases. They can't get response. They can't get cooperation. And this is a fact of life. I don't want to impune the lawyer or the Judges of the Circuit Court. I think they have been doing a great job under the circumstances. They can only get the cooperation of the members of the bar and other people that make up the system, these case would be disposed of. So no matter, what system we devise, it seems to me, the question of the people that make up the system.

So, that I stand here, tonight, only not to challenge the remarks of Senator Jackson, but, only to defend the system as it is. Because I think the Judges are not at fault here. There is greater fault. The fault is the system and with all of us. Particularly those of us who are members of the bar. And we must share that responsibility.

THE CHAIR:

Question is on the amendment.

SENATOR DUPONT:

I move for a roll call vote.

THE CHAIR:

All those in favor of a roll call vote on Senate Amendment C, signify by saying, "aye". Opposed, "nay". More than 20% have voted Aye. There will be a roll call vote in the Senate. Will you remark further before the roll call? If not, Mr. Clerk. will you make one brief announcement?

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THE CLERK:

The following is the roll call vote:

Those voting Yea were:

SENATORS FAULISO

BURKE

CUTILLO

CRAFTS

RUDOLF

DINIELLI

HOULEY

SENATORS SMITH

LIEBEFMAN

SULLIVAN

MURPHY

DUPONT

MONDANI

Those voting Nay were:

SENATORS ODEGARD

PAC

ROME

CIARLONE

ZAJAC

GUNTHER

CALDWELL

DOWD

STRADA

IVES

FINNEY

SENATORS JACKSON

ALFANO

EDDY

HAMMER

CASHMAN

MACAULEY

PETRONI

RIMER

POWER

DENARDIS

Those absent and not voting:

SENATORS BLAKE, BUCKLEY

THE CHAIR:

The results of the roll call vote:

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Whole number voting	34
Necessary for passage	18
Those voting yea	13
Those voting nay	21
Those absent and not voting	2

The amendment is defeated.

SENATOR JACKSON:

Clerk has some more amendments.

THE CLERK:

SENATE AMENDMENT D, offered by Senator Jackson:

In line 4262, renumber section 132, 133 and insert a new section 132 as follows: Sec. 132. Section 14-296 of the general statutes is repealed and the following is substituted in lieu thereof: Any person who violates any provision of (this) chapter 248 of the General Statutes, as amended, for which no other penalty is provided shall be fined not more than (one hundred) fifty dollars."

SENATOR JACKSON:

I move passage of the amendment. The purpose of this amendment is to reduce the fines in this particular chapter from one hundred to fifty dollars. The reason for this is, it will eliminate anyone having a right to a trial by jury on some of the minor vehicle cases. In other words, he would no longer have a right to a jury trial for following too closely or failure to drive in the established lane or some of the other very small motor vehicle offenses. We hope that this will also help clear up the court docket.

THE CHAIR:

Question is on the amendment. Will you remark further? If not, all

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those in favor of passage of Senate Amendment Schedule D, signify by saying, "aye". Opposed, "nay". The amendment is adopted.

THE CLERK:

SENATE AMENDMENT E, offered by Senator Jackson:

SENATOR JACKSON:

I move for the adoption of the amendment. I would ask the Clerk, to waive the reading of the amendment? The purpose of this is simply to change in sub-section (C) of Section 5 of number 425, the public act of the current session from the Superior Court to the Court of Common Pleas. This is similar to about 70 pages of the bill that we are changing. An administrative appeal to the Court of Common Pleas. This was number 425, the public acts of this session. I would urge adoption. I would also add that Section 27 of House Bill 8008 of the current session, is also changed to the Court of Common Pleas.

THE CHAIR:

Senator, I take it, by way of explanation, these are technical amendments worked out by the committee itself, after the bill was drafted?

SENATOR JACKSON:

That is correct. This was inadvertently, there are many, many pages of statutes sections, which the only purpose of which is to change Superior Court to the Court of Common Pleas. Where the appeal is taken.

THE CHAIR:

Question is on adoption of Senate Amendment Schedule "E". Will you remark further? If not, all those in favor of adoption signify by saying, "aye" Opposed, "nay". The amendment is adopted.

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THE CLERK:

SENATE AMENDMENT SCHEDULE, "f", offered by Senator Jackson:

SENATOR JACKSON:

Mr. President, I move adoption of the amendment. I believe the Clerk can read this one.

THE CLERK:

Strike out sections 90 to 93, inclusive, and section 129. Renumber succeeding sections accordingly.

SENATOR JACKSON:

Mr. President, the purpose of this amendment is to place the appeals from the unemployment compensation commission, back in the Superior Court. There is a potential conflict with Federal Law. So that this particular appeal will be joined by Probate Court and appeals from the Highway Commissioner, which are still in the Superior Courts.

THE CHAIR:

Will you remark further? If not, all those in favor of adoption signify by saying, "aye". Opposed, "nay". The amendment is adopted.

SENATOR JACKSON:

Mr. President, I move passage of the bill, as amended by the B,D,E, F.

I will try to be very brief. Even though the bill is some 90 pages long, I think it can be summarized quite briefly. There are seven major points of change. Number 1, you're going to increase the criminal jurisdiction of the Circuit Court from one year to five years and you're also going to increase the fineing power up to \$5,000. We've already discussed under one of the amendments the provision for continuance jury sessions throughout the State. And, as a matter of legislative intent. I would hope that the Chief Justice

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of the Circuit Court, would see to it that these continuous jury sessions, were provided in as many sections of the State as is necessary to provide easy access to all the citizens of the State.

The next provision is already discussed under an amendment. The Appellate Division of the Circuit Court, is now been abolished. The five Judges presently serving in the Appellate Division, will be available for trial work and appeals will be taken directly to the Court of Common Pleas.

Also, in the Circuit Courts, to try to expedite the disposition of minor matters, often by the public itself, without having to resort to lawyers. The small claims court jurisdiction has been raised from \$250 to \$750.

Although, in the Superior Court 40% of all the cases on the docket are family relations matters, divorce, legal separation, annulment, change of name and support, this bill gives the presiding Superior Court Judge, in any county the power to transfer with the approval of the Chief Court Administrator, any of these domestic relations matters to a Judge of the Court of Common Pleas. For the purpose of keeping records, the Superior Court Clerk, will have primary jurisdiction to avoid any duplication of records. And the files will be returned to him. In effect, you have a safety valve, as Senator Fauliso has indicated, we have readjusted the workloads of all the courts, if in the opinion of the Chief Court Administrator, the Court of Common Pleas cannot handle the additional work, the cases will just not be assigned.

The Court of Common Pleas at the present time here, hears appeals from most municipal boards such as, planning and zoning commissions, etc. It will now have the Circuit Court Appeals and it will also take over all administrative appeals with the exception of probate, appeals from the Highway Commissioner and the appeals from the Unemployment Compensation Commissioner.

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While the list of these appeals is very long, these appeals result in a very small percentage of the present Superior Court workload. In fact it is only 4%.

Now, one other provision, will help ease the workload of the Supreme Court, by eliminating appeals as of right from the Court of Common Pleas on zoning matters. And that would also be zoning and planning matters. You will only be able to go to the Supreme Court on searcherarity. It will require the approval of two Supreme Court Justices to have any zoning or planning case go up on appeal. I'm sure that the two Supreme Court Justices will only grant sorcerority in matters which they feel are serious and not brought just for delaying tactics, as is so often the case.

Ladies and Gentlemen of the circle, I really want to compliment the Court sub=committee of the Judiciary Committee, a bi-partisan committee which was headed by the Representative Oliver, Smyte and Representative Sullivan. They worked very long and very hard in drafting this. It was a long and very tedious task. They met with Judges, Clerks with everyone that has anything to do with the court system. And I believe that we do have a package which will help measurably, the situation in our courts here in Connecticut. I think we have a fine Judicial system. Let's hope that this restructuring will enable the courts to f give speedier justice to all the citizens of our State.

THE CHAIR:

Question is on passage. Will you remark further?

SENATOR HOULEY:

Mr. President, I want to support this articulately drafted measure.

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THE CHAIR:

Will you remark further? Question is on passage of the bill, as amended by Senate Amendments B,D,E, and F. All those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

SENATOR JACKSON:

Mr. President, I would like to move for suspension of the rules for immediate transmittal to the House.

THE CHAIR:

If there is no objection, the rules will be suspended and the bill will be immediately transmitted to the House.

SENATOR CALDWELL:

Mr. President, may we return to page 6, where we passed retaining, the last item on the page?

THE CLERK:

CAL. NO. 955. File No. 1133. Favorable report of the joint committee on Labor and Industrial Relations. House Bill 9245. An Act Providing Benefits for Municipal Fire and Police Department Members Who are Disabled or Die as the Result of Hypertension or Heart Disease.

SENATOR SMITH:

Mr. President, I move for acceptance of the joint committee's favorable report and passage of the bill, in currence with the House.

For many years, the Assembly has recognized special problems of municipal policemen and firefighters. It has been universally recognized that policemen and firefighters have extraordinarily hazardous jobs. Now, process persuasive medical and statistical evidence has been presented, establishing a causal relationship between the work of firefighters and diseases of the

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is the most foolish economy possible. You are going to get from the Judiciary, exactly what you put into it and if you have to economize, this is not the place to do it because it is an economy which is hitting and assaulting the very foundation of our Democratic process because if our Judicial System suffers, every person who lives in this State is going to suffer.

Rep. Carrozzella: Thank you very much, John. Are there any other Legislatures that wish to testify before we go into the public part of the hearing?

We will now go into the Public Part of the Hearing and I would once again set down these ground rules. We are going to call speakers from the Speaker's List which is located in the back on the table. If you intend to testify, would you kindly sign the Speaker's List - your name and if you represent any organization what that organization is. We will only call from the Speaker's List.

The first speaker I would like to call, Mr. Brennan from the Bridgeport Bar Association. Mr. Brennan.

Mr. Daniel E. Brennan: While I am here as President, my name is Daniel E. Brennan. I am President of the Bridgeport Bar Association in Bridgeport, Connecticut. While I am here as President of the Bar Association I find myself in a position where I cannot speak with any authority for the Bar Association because we have not yet had an opportunity to canvass our members on some of these Bills. But I would like address this Committee, as a Lawyer who has practiced in this State for more than 30 years in offices across the State, and to just make a few observations concerning some of this Legislation.

I would like to particularly call your attention to Bill #326 which provides for a single trial court.

S.B. #326 - AN ACT CONCERNING THE CREATION OF A SINGLE TRIAL COURT.

I think that a Bill has a great deal of merit and ought to be given great consideration by the Committee. For too long, we have run kind of a cast system in our Courts.

The skills and ability required in the Circuit Court can handle the hundreds of matters that come there maybe different from the skills and ability required in our Superior Court but there not any lesser. The requirements of justice are as great in all parts of our Court and I think what we have done is kind of establish a "peter principle" of having men anxious to move from one Court to another even though they perform very well in one Court only because the remuneration is greater in the higher Courts. Higher only in the sense of dollar jurisdictions or in terms of criminal penalties of longer terms but no higher in the sense of justice that must prevail in all phases of our judicial proceedings.

I do think that the efficiency of our Judiciary can be made greater use of by having the one trial court - one Superior Court so that it does not require Constitutional Amendment, as I understand it, but divisions of it where the judges are assigned in accordance with their skills their abilities and their aptitudes.

There is one other major matter that I think you ought to consider. I see no Bill on it. There is a definite need for neighborhood justice in small and minor fractions of the law. There is a need for an immediate justice in small and minor fractions of the law. It is a ridiculous matter to try to fine a woman living on Welfare \$50.00 for dropping her garbage in the hall - and so your fines have, in fact, no disciplinary power. But if she were fined \$1.00 or \$2.00 the ability to exercise discipline within a project would be much greater. The discipline ought to be exercised by people in the project. It ought to be exercised - justice ought to be a part of the people that are subject to the justice.

I suggest, very seriously, that you give consideration to the idea of re-establishing Justices of the Peace in the major municipalities with a very limited jurisdiction and going back with that limited jurisdiction - small fines, no jail sentence or one or two days at the maximum for a jurisdiction and going back to the old City Court System on appeal requiring a trialin the Circuit Court. This system would bring back an immediate sense

of justice and, I think, it would give the people of the communities, particularly the people of the gettos, an appreciation of the fact that this is their Court this is their System of Justice for regulating. After all, we may have to build and we have to build hundreds of thousands of housing units in this community and in this Country to satisfy the needs but while we are waiting for them to be built, we have got to maintain some kind of law and order and some kind of discipline. I have compared it to an elevator stuck between floors, it is crowded, we all must remain quiet and calm until it can be released - otherwise it is destruction for everyone.

One last thing, and thank you very much for listening so long. In our Judicial System, somehow or other back in history we got Motor Vehicle matters, minor Motor Vehicle matters, involved in our criminal statutes. In fact, they never should have been - there never was the kind of criminal intent involved in minor motor vehicle infractions that we understand to be a part of our criminal law. It seems to me that again we ought to take jurisdiction of a great deal of our motor vehicle violations away from the Courts and put it in the administrative body connected with the Motor Vehicle Commission and the penalties ought to be minor suspensions or fines and give them the power to fine. But it is a ridiculous procedure now to see a Judge, a Prosecutor, a Clerk, a Court Stenographer and a Sheriff and a man take his time off for a whole day from work to stand before the Court where he is involved in a minor accident and finally wind up paying a \$15.00 fine.

There is an absurdity about these procedures and I suggest to you that we can release a great deal of our man power in our Judicial System if you will remove the minor infractions of traffic laws from the Court System - giving again, the Right of Appeal but a Right of Appeal now on a civil basis rather than on a criminal basis. I thank you.

Rep. Carrozzella: Thank you very much, Mr. Brennan. Mr. Neilson of the Connecticut Bar Association.

Mr. Neilson: My name is Carl Neilson. I am from Hartford and I am Vice President of the Connecticut Bar Association. I am here this morning because the President of the Bar, Norman Parcells of Bridgeport had to be out of State and I have this statement which I would like to read to you:

The Connecticut Bar Association, by vote of its members in 1969, favored consolidation of the Superior and Common Pleas Courts. The vote was 55.1% in favor and 31.5% against. The result of this year's poll is not yet known but it will be known shortly and will be reported to the Committee.

The reasons for this merger are:

1. There seems to be no good reason for having a Court in between the Superior Court and the Circuit Court.
2. Many reports of the Judicial Council, including the 1971 Report, favor this merger because it would make for simplification in the Judicial System and for some increase in efficiency.
3. There is already in existence and functioning a single Jury Panel System for both Courts in the majority of the counties.
4. Some of the matters now considered by the Court of Common Pleas are of greater magnitude than many of the matters presently being considered by the Superior Court.
5. The single resulting higher Court, the Superior Court, would be able to function more efficiently with regard to (a) the assignment of cases; (b) the availability of counsel; (c) reduced printing costs in connection with printing of lists and assignment lists now required separately in both Courts; (d) unnecessary duplication of judicial efforts, particularly in the smaller counties, would be eliminated.

6. The tremendous increase in criminal cases coming within the jurisdiction of the Superior Court has created a pressing need for a substantial increase in the number of judges in that Court. This would entail a concomitant increase in available court rooms with additional clerks and other Court personnel. The easiest and most economical way to meet this problem is to merge the two Courts thus providing additional court room space and additional judges.

I might also add, Mrs. Finney and Gentlemen, that we of the Bar Association understand there are many Bills before you, some of which are by title only. Our Association neither by poll nor by vote of the Board of Governors has taken a position on any of these matters. Within the next six to eight weeks we intend to take such votes and to have another poll go out to our membership as soon as the poll results and votes are taken by our Board of Governors, we intend to communicate those to the Committee. Thank you.

Rep. Carrozzella: Thank you very much, Mr. Pamer. Next speaker is Mr. Pomeranz to be followed by Mr. Voskoff.

Mr. Pomeranz: My name is Edward Pomeranz, President of the Hartford County Bar Association. And although I personally am in favor of the merger of the Common Pleas Court and the Superior Court, I, like Mr. Neilson can not speak for the Hartford County Bar Association at this time as to what position they will take. We have not seen all the Bills, and I understand there are numerous Bills set before us, and at a special executive meeting that I had last Friday with my Executive Committee, it was the feeling of the Committee that they certainly want to see court reform and court re-organization at this time - but until they see the Bills and until they have a chance to review them all and study them all, they would like to defer taking a definite stand at this time as to what position they will take.

Incidentally, there is a meeting set up on February 16th and the Metna Life and Casualty Company office which is sponsored by a new organization entitled "The Connecticut Citizens for Judicial Modernization". This is not being

sponsored by the Hartford County Bar Association or by the State Bar but the State Bar has asked the Hartford County Bar to host this meeting. It will be held on February 16 and as I understand it, there will be a "round robin" discussion at this time; not only at this meeting, but there will be six of these meetings all over the State where they are going to discuss Proposals that are now pending before the Legislature. After there has been full discussion all over the whole State, we intend to take a poll of our Hartford County Bar and at that time, I would like to advise this Committee as to what our position would be.

Rep. Carrozzella: Can you make that available to the Committee?

Mr. Pomeranz: I would be glad to. Thank you.

Rep. Carrozzella: Thank you. Mr. Koskoff followed by Mr. Allman.

Mr. Koskoff: My name is Theodore Koskoff. I am a member of the Bridgeport Bar. Practicing lawyer in the Courts for over 30 years. I am here to speak in favor of S. B. #415

S.B. #415 AN ACT INCREASING THE NUMBER OF SUPERIOR COURT JUDGES.

Those of us who work in the Courts everyday are aware of the fact the base load, of our Superior Courts, have increased enormously. All kinds of new jobs have been given to the Superior Court like Sense Review, Increases in Criminal Motions, Increases in Habeas Corpus, Increase in the Incidents of Crime. What this means is, of course, that we are so understaffed in the Courts by the judges that the civil business is beginning to be affected by it. The whole Judicial System is imperiled.

When you have four or five of the six Judges in New Haven County on Criminal Business or four or five in Hartford County on Criminal Business, what it means is that the great efforts that the Legislature made a few years ago, in trying to clean up civil business, is

Thank you for the privilege of speaking about Court change. I do so only as a citizen and as a Minister who goes to Court with people who are poor. I sincerely believe that all of us in Connecticut have the common goal of Courts worthy of the highest respect for the quality of justice they dispense.

My friends and I are interested in your Bills - S.B #326 and #327.

S. B. #326 - AN ACT CONCERNING THE CREATION OF A SINGLE TRIAL COURT.

S. B. #327 - AN ACT MERGING THE COURT OF COMMON PLEAS WITH THE SUPERIOR COURT.

It may often seem as though we are not interested or concerned because it is difficult for us to discuss the structure of a Court, more so for attorneys and judges, but we are concerned because hundreds of thousands of us become involved in the Connecticut Courts every year. Probably a quarter of a million of us.

We hear skilled lawyers speak about changes that would enable the Courts to be more efficient. From a technical point of view, that is probably necessary - but our concern is with the product of the Courts, that is to say, the treatment people receive and whether or not it is justice. We think that broad changes you suggest in these Bills for Court unification could be a great advance, but we hope that they will be spelled out for us and that we will have ample time to study and discuss them. In particular, we need to know about the judges of the new Courts - their qualifications and the method of their selection.

We also need to know if there will be a true Adversary System in the Court and how prosecutors and defenders will be chosen and what their qualifications may be. It may be honorable members that you have made your proposals because you are deeply troubled about the Courts, but we are also troubled because of the harsh treatment that poor people receive. Whether guilty or innocent, every poor person suffers when he enters the Court. He is under constant pressure to plead guilty.

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It is not always because of a lack of compassion, we are not saying that, but because this System exacts more than a just punishment - bail, nollis, boundovers, work-days lost, jobs lost, families broken up are a few of those extra punishments. The working poor suffer the most.

If, on a marginal salary, a man has to pay for a lawyer to prove his innocence, the cost to him will be equal what he has to pay from anywhere from two to six months rent. Therefore, we ask you to expand your forward looking concept of a unified Court to include the selection of the highest qualified Judges, Prosecutors and Public Defenders. Thank you very much.

Rep. Carrozzella: Thank you, Reverend Johnson - Reverend Pendleton, I am sorry! Mr. Johnson to be followed by Mr. Smith. Apparently Mr. Johnson had to leave - Mr. Smith to be followed by Joyce Bauer of the League of Women Voters.

Mr. Smith: - Senator Jackson, Representative Carrozzella, Ladies and Gentlemen of the Judiciary Committee, I would like to speak today, not only

Rep. Carrozzella: Would you identify yourself, Sir for the record.

Mr. Smith: I am Philip Smith from Straford. I would like today both to the topic of Court Reform and to one specific Bill.

I propose today, a System which provides for the retention of the Supreme Court in its present form of a Superior Court which is basically a Criminal Court of three divisions. A Court of Common Pleas, which would be a basically a Civil Court also of three divisions and a Circuit Court of two divisions.

I propose that the Superior Court be divided into three divisions - a Criminal Division, a Sentence Review Division and an Appellant Division. The Criminal Division would handle all matters that are now handled on the criminal side of the Superior Court and the Sentence Review Division would handle those matters

that are now before the Sentence Review Division. I would also suggest that the Division be limited to affirming or decreasing an appellant sentence, thus eliminating the, shall we say, intimidation that there is of a possible appellant that his sentence may be increased if he does appeal.

The Division would handle appeals from the Criminal Division of the Circuit Court and also from the Juvenil Court.

The Court of Common Pleas would handle, in the Civil Division - which would be the first Division, would handle all civil matters over \$25,000. In other words, those civil matters that re now handled by the Court of Common Pleas and those matters that are handled in the Superior Court. Family Relations Division would now handle those matters that are handled on the Family Relations side of the Superior Court. The Appallant Division would handle appeals from the Civil Division of the Circuit Court and the Probate Courts.

I propose that the Circuit Court be divided into two divisions - a Criminal Division and a Civil Division. The Criminal Division would handle all felonies up to five years as was suggested earlier today and the Civil Division would handle matters up to \$25,000.

I would suggest that all traffic offenses be taken out of Circuit Court and placed before the Traffic Bureau and allow a person who is accused of a traffic violation to mail in their fine if they wish or if they wish to or they feel they are not guilty to appear before a Hearing Officer and to appeal his decision, if they wish, to the Circuit Court and to the Civil Division of the Court.

I would now like to speak very briefly, Mr. Chairman, to S. B. #58.

S. B. #58 - AN ACT CONCERNING THE SELECTION, NOMINATION AND APPROVAL OF JUDGES UNDER A NONPARTISAN COURT PLAN.

I am opposed to this Bill for many of the reasons Mr. Papandrea expressed earlier today.

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S.B. #326 - AN ACT CONCERNING THE CREATION OF A SINGLE TRIAL COURT.

S.B. #327 - AN ACT MERGING THE COURT OF COMMON PLEAS WITH THE SUPERIOR COURT.

As you gentlemen know, basically we have three Trial Courts in this State - the Circuit Court, the Court of Common Pleas and the Superior Court. The jurisdictional difference is between the Court of based parium the amounts of the controversies in question and to some extent, on the nature on the controversy so the Court of Common Pleas has jurisdiction over certain types of cases and Superior Court over other cases.

Now the system we have now, while it consists of three Courts, is basically a two-tier system so that you can go to a Trial Court of your choosing and then if you are not satisfied with the decision, you then have a right to appeal to an Appellant Court. I would like to submit that this is a very flexible system and it works out very well and that you can place a case of a certain size in the Court which deals with cases of that type. Up to now it has worked well, the cases move along very nicely.

If you gentlemen are familiar with the dockets in the Court of Common Pleas, I think you will find that the Common Pleas Dockets are up to date and that you can get a trial within a reasonable time. I can talk about the docket in Stamford - if you enter a case today, there is a good likelihood you can have your case reached within a year and even less.

Now, just picture what will happen if this Court is merged with the Superior Court. First place you will have a problem having to make decisions as to where the cases that are now on the docket stand as to where they will get in relation to the Superior Court Cases. Now, maybe they will follow in accordance with the date the cases were started - I don't know, but in any event, what I would foresee, is that you get all these small cases far behind the bigger cases and you will have a bigger backlog than you ever had before.

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The just combining physically two Courts, does not necessarily of itself make for efficiency or better results. I would like to suggest that what could happen and what probably would happen is that you will dilute the results of the quality of the justice handed down by the Superior Court if you merge these Courts - and especially if you attempt to create a single tier system in which you have the Circuit Court system combined with the Court of Common Pleas and the Superior Court.

Just imagine one docket in which you have \$100 and \$200 cases standing with \$100,000 cases. This to mean is a long side of felony cases. It would take an Administrator of great ability, probably greater ability than any of us could conceive, to render any kind of order in that kind of a combination. We are in an age of specialization and the trend today is to specialize and to compartmentalize things. I urge, that if you block them all together, you will reduce the quality rather than improve it.

I would like to ask this Committee to direct itself to the question of efficiency. Every time people come forward with the idea of combining these Courts, they talk in terms of improved efficiency. Actually, the efficiency of a Court will depend on the number of cases, the manpower and how the cases are handled. Just combining them will not necessarily do the job. All you have to do is to look into the business world where we have been through in the last four or five years with a whole lot of combinations and consolidations in businesses.

I think the case that most of us are familiar with in the State of Connecticut, the merger of the Pennsylvania Railroad and the New York Central Railroad. Now, that merger was suppose to provide everybody with great results, the Stockholders, the Publicans and the Passengers. As a result of the merger, they told us we would get great efficiency, cost would be reduced, better results for stockholders - well, look what happened. You took two big masses, you put them together, you did not get any greater efficiency. Therefore, I would suggest that this Committee look very carefully into this question and see whether or not that such efficiency will result

because these mechanical things that we talk about such as housing, thinking places for jurors, clerk's offices - those are things that can be improved in the present system by greater supervision and by better personnel and by improving the method of selecting the personnel. By harder working judges, by better judges.

I would like to suggest to you that you look into the question of the selection of judges and to try to improve the system of the selection of judges. This question of improving the Judicial System, Gentlemen, is a very large question and an important question. I would like to suggest that you give it greater study than has been suggested by these particular Bills and that, even if it takes two sessions of this Legislature, that this be gone into in great detail.

I would also like to suggest that you take this - that if this is impossible for this Committee to hold Hearings throughout the State, that possibly you might sit in four or five counties and get the ideas and the expressions and opinions from people in those counties who do not have the opportunity to come up to testify before this Commission.

I would like to state, at this point, that I am in favor of increasing the number of Judges in the Superior Court and also in favor of improving and increasing the salaries of the Judges throughout all of the levels. I think that if you looked at the salary structures of our Judges, you would find that some of them are, especially in the Circuit Court, are getting not much more than some of the students just coming out of law school and going to work for some of the law firms in New York City.

And thought also should be given to some of the suggestions made by Mr. Koskoff and Mr. Tremont in connection with possibly reducing the Civil Jurisdiction of the Circuit Court and maybe throwing some of those cases into the Court of Common Pleas, because it is very difficult on the present setup to get a fast trial on a civil case in the Circuit Court System. Thank you.

Rep. Carrozzella: Thank you. Mr. Gills to be followed by Reverend Santiago. Mr. Gills!

Mr. Gills: Members of the Judiciary Committee, I am not here on any official capacity, I am a former President of the State Bar Association, in fact, more than ten years ago. I am currently Chairman of its Judiciary Committee and in line with what the last gentleman said, we are endeavoring to get good judicial selection and certainly going to try to do our best this coming year with that.

I am primarily interested in the merger of the Superior Court with the Court of Common Pleas. I have been practicing in Litchfield County 38 years come Spring. I have been familiar with the Common Pleas Court there very intimately, in fact, I was its last prosecutor. Up until ten years ago, the Common Pleas Court made a lot of sense. It was busy out in our county, it had criminal jurisdiction and for some reason, seemed to have more civil business.

Ten years later, I think we are absolutely and completely out of date. That very nice court room that sits idle week in and week out, the State is interested in saving money on facilities, there is one that you could start picking on.

There is absolutely no question in my mind, from 38 years of observation, that one Judge of the Superior Court can handle every single bit of business in Litchfield County. The business that currently goes to the Court of Common Pleas and the business that currently goes to the Superior Court, there is no question in my mind but what he can do it and keep it current. Particularly with the Summer Sessions coming along because a lot of the Court Trials can go in the Summer.

These Court Systems get built up since Colonial Times, some of them archaic they die very hard. We were way, way overdue on the change over to the Circuit Court ten years ago. I think we are ten years late now in getting this merger through. I am just trying to give you a practical example of what has happened. There are at least three other counties, and I am not intimately acquainted with, but they are similar to Litchfield County and I think I could safely guess that the Common Pleas and Superior Court situation would be the same over there.

You are certainly going to get something more out of your Common Pleas Judges if you get them out these situations such as they have in Litchfield County and get yourself another court room to use besides.

Gentlemen, I feel I am pretty intimately acquainted with this and I think it makes a great deal of sense to consider this merger very seriously. Thank you.

Rep. Carrozzella: Thank you. Mr. Egiston to be followed by Mr. Costes - Oh! Reverend Santiago, I am sorry.

Reverend Santiago: Mr. Chairman, Members of the Judiciary Committee, I am here to urge to meet you. I want you to give special consideration to Bill 105 introduced by Senator Fauliso concerning the salary for the Court interpreter.

S.B. #105 - AN ACT CONCERNING COMPENSATION FOR INTERPRETERS EMPLOYED BY THE STATE.

I have been for the last seven years - my name is Reverend Jose Santiago - and I have been official interpreter for the 14th Circuit Court for the last seven years. I would like to pass along to the Senators. This is the record for 1970 for interpretations given within the year 1970.

Approximately there were 6,957 interpretations given in the Circuit Court in Hartford in the year 1970. That is approximately 28 persons per court days. During the riots I was in court for two days in succession until midnight. Almost every day is an all day affair until late afternoon.

I have to advise them of their rights individually and I have to interpret every trial and I have to fill out forms for Public Defenders and inform relatives, when necessary. I have to run in different Courts. There are three Courts in the same building and there a load of cases distributed among them.

In addition to that I help with the lawyers and different agencies that come to Court dealing with Spanish speaking people. For all this work, I have been presently been paid \$20 per day, which I think is ridiculous and there