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CONNECTICUT
GEN. ASSEMBLY

SENATE

PROCEEDINGS
1974

VOL. 17
PART 4
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Substitute for H.B. 5649. AN ACT CONCERNING A REORGANIZATION OF THE JUDICIAL DEPARTMENT, AS amended by House Amendments Schedules A. B, C, D. E, G, I, J. K and L. Favorable report of the Committee on Appropriations.

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA: (26th)

Mr. President, I understand the procedure of this body to be that I need not move the amendments in the House of Representatives individually. Is that correct?

THE CHAIR:

That's correct, senator. You can move adoption of the bill as amended, assuming there is no objection to any of those amendments. If you would start out by moving the bill as amended by the House, I think we can proceed from there.

SENATOR GUIDERA:

I would, then, Mr. President, move acceptance of the Joint Committees favorable report and passage of the bill as amended by the House and in concurrence with the House.

THE CHAIR:

Is there objection to the motion? Will you proceed.

SENATOR GUIDERA:

Mr. President, during the 1973 legislative session, the Senate and the House saw fit to enact Public Act 135 establishing the Commission to Study and Draft Legislation for the Reorganization and Unification of the Courts of the State of Connecticut.

roc

That commission commenced its duties on July 1, 1973, held public hearings statewide and in fact conducted a one-week analysis of the courts themselves by sending individuals into the courtrooms, taking notes and making reports and the product of that effort has been these three books plus a final report plus a minority report and the work of this particular commission has been outstanding. On March first, 1974, they reported back with their majority report and subsequently a minority report was issued which I believe all of you have had an opportunity to take a look at. Mr. President, any time you talk about court reorganization, you have to talk about what the great scholars of our time, what the great jurists, what the great lawyers, judges have had to say about it. One individual who has been most outspoken and well-known to the lawyers is Steve Roscoe Pond. Also Judge Vanderbilt of New Jersey, who has written extensively on this particular subject and all the authorities agree, Mr. President, members of the circle, that a unified court system is by far the very best. The bill we report out today does not create a totally unified court system but it is certainly a step in that direction and a direction in which I think the Legislature should move. The court structure today is the Supreme Court consisting of six justices; a Superior Court consisting of forty judges; a Court of Common Pleas consisting of sixteen judges; a Circuit Court consisting of fifty judges; Juvenile Court of six judges; and Probate Courts numbering 125 I believe. Mr. Pr-esident, to just put aside one matter

first of all, the bill before you today does not alter in any degree either the Probate or the Juvenile Court. What it attempts to do and what it does do is to merge the present Circuit Court and the present Common Pleas Court into one new court to be known as the Court of Common Pleas. Within that new merged court are provided two separate and distinct divisions. One is the civil division and one is a criminal division and it has been the objective of the commission in the drafting of the bill to segregate those two types of endeavors both physically and in the business of the court. The chief judge of the new Court of Common Pleas will assign judges to the various divisions based upon their expertise, based upon the desire in which division they would like to be in, after he consults with the chief court administrator. This way we will find the judges who have a flair for a criminal trial work will be in the criminal division; those who have a flair for civil will be in civil and there is nothing at all in the bill which prohibits judges from going back and forth from one division to another. Probably the one thing that came out of the commission report most strongly than anything else, Mr. President, was the very distinct caste system that we have allowed to grow up and created here in the State of Connecticut. There seems to be a very distinct feeling on the part of the members of the Bar and among the judges too that there is a superior court and then there are the inferior courts, that there are superior judges and there are inferior judges. I don't think that there are inferior courts and superior courts or inferior judges and superior judges.

There are good judges in everyone of the courts that we have and roc
judges perhaps who could be better in each one of the various courts that we have. And it is to this particular aspect that the new bill speaks. We have very clearly raised Circuit Court from a low position to a higher position and brought the two courts closer together; not only in attitude but in physical location. From henceforth, if this bill becomes law, the Court of Common Pleas will hold its civil short calendar and its civil jury trials in the County Courthouses. Probably the first thing that might come to your mind, if you are a layman, is why would I have to travel to a county courthouse in order to get a civil trial. The problem has been that when you start a civil trial in the various circuit courts throughout the State of Connecticut, either the prosecutor or somebody comes in with twenty-five arraignments, your trial is held up, terribly inconvenient to parties. You go down at one o'clock to start your' trial and by five o'clock they haven't reached you, the judge goes home, the personnel go home and you are told to come the next day. Then the next day the judge is on vacation or there is a judge's conference and by the time you get to a civil trial, if you can hold out that long, you are very weary of the entire judicial procedure. And that's the problem we've had. By taking civil jury trials and putting them in the county courthouse, we put them in a room where we know that trials will proceed expeditiously, we know that a judge will be concerned with no other matter than the civil matter before him. And in fact, we create a great convenience for the people because they will not have to

come back time and time and time again to see if they can get a trial within the Circuit Court system. roc

Another salutary aspect of the proposed bill, Mr. President, is that we will have common jury panels. It should be possible under this new bill to not have to pick as many jurors as we have in the past, to utilize jurors on a more expeditious basis and to prevent that old criticism of jurors who say that they go down there and sit around for six weeks or eight weeks and never get a chance to sit on a jury and it's about the most boring thing that anybody could conceive. With a common jury panel with the Superior Court, we could make better use of the jurors and I think that's certainly has to be something that is for the convenience of the people. With regard to appeals, we have set up the new appellate structure in the State of Connecticut and we have created an intermediate Appellate Court. There would be within the new court, the new Superior Court, the present Superior Court, an appellate division from which appeals from the Common Pleas Court would come. Now the appeals could go to the Superior Court, Appellate Court Division or they could go as a matter of rights straight to the Supreme Court but if the parties could agree they would go to the Appellate's Division of the Superior Court be taken out of the hair of the Supreme Court, thus freeing up the Supreme Court for more serious work and cutting down on its workload. The only exception would be zoning cases which would still need certification in order to get up to the Supreme Court. One question that has been banteed

around quite alot in the last couple of months after the commission made its report was are we all now going to consolidate in the county courthouses and do away with the circuit court locations. Through an amendment added in the House of Representatives to this particular bill, I think it is Amendment B, we have assured that the Circuit Court locations, in effect on April 1, 1974, will continue in effect. All motor vehicle matters will be in the old Circuit Court chamber. All small claims willbe in the old Circuit Court chamber. All trials, except jury trials, willbe in the old Circuit Court chamber. All criminal matters will be in the old Circuit Court chamber. We have not reduced the number of Circuit Court locations for the new Court of Common Pleas. The only thing that we have done is take civil juries and put them in the county courthouse where they can be handled with more quiet and dignified manner as opposed to the hubbub of the criminal matters that go on in the various Circuit Court locations.

roc

Mr. President, this is in my opinion an outstanding piece of legislation. I might say and point out to the members of the circle, I think I was the only member under Public Act 135 who had a power of appointment to the commission who did not appoint himself. And I did not appoint myself for a very, very specific reason. I wanted the commission to do its work, report back to me so that I could make up my mind very objectively. I can recall in November of 1973, receiving a questionnaire from the Connecticut Bar Association in which I was asked, what

do you prefer, merger of Common Pleas and Superior or merger roc
of Circuit Court and Common Pleas. I can remember at that time my very definite answer. There was no question in my mind at that time, it was Common pleas and Superior. And then the commission began to meet and it began to study the problem and they made some arguments which were extremely convincing. If we merge Common Pleas with Superior, we widen the gap, increase the caste system that already exists. We widen the gap between the so-called Superior courts and the so-called inferior courts. But if we merge Common Pleas and Circuit, we upgrade Circuit. Eighty-five percent of the people in this State get their impression of the judicial system, get their impression of justice in the State of Connecticut by going to the Circuit Court, not to the Court of Common Pleas, not to the Superior Court. The courts of this state do not belong to the lawyers, they do not belong to the members of this circle, they do not belong to any one but the taxpayers and the people and it's their benefit we should have in mind when we consider any kind of court reorganization. Mr. President, there is also a provision in this bill that allows the commission to stay in effect through the next two years and in 1976 to report to this General Assembly as to the total unification of the courts of the State of Connecticut. Let me make it clear that the bill does not mandate that the courts be unified in 1977. It simply says that the commission shall study such a proposal, make its recommendations and draft legislation as it feels necessary for the total unification of

the courts in 1977. Mr. President, I am not going to anticipate roc criticism. I am not going to anticipate questions. I am going to answer those as they are given to me. For an opening, I would like, for a closing I should say, I would like to read something written by Dean Roscoe Pound, which I think is excellent and I agree with completely. The principle must not be specialized courts , as we have had in this state, I might add, but specialists judges, dealing with their special subjects when the work of the courts is such as to permit but available for other work when the exegencies of the work of the courts require it. By creating the divisions that we have of civil and criminal, we allow judges to become specialists in particular areas of interest and to dispose of criminal matters as expeditiously as possible. And one final point, Mr. President, I have heard the comment made time and time again that we ought to have this Circuit Court and retain it as it is because after all, all the matters that go on in the Circuit Court are trivial, involve small amounts of money, involve small penalties and jail sentences. I don't think five years in jail is small and trivial but some people seem to indicate that. And that we should keep the rarified atmosphere in the Superior Court untouched because that's where the important matters are handled. And again I would like to quote from Dean Pound - it is here that the administration of justice touches immediately the greatest numbers of people. It is here that the great mass of an urban population whose experience of the law is not unlikely to have

been experienced only to the arbitrary disgression of police roc officers, might be made to feel that the law is a living force for securing their individual as well as their collective interests. The most real grievance of the mass of the people in respect of American law is not against the substantive law but rather against the enforcing machinery which may make the best of rules nugatory in action. Nor should petty criminal prosecutions be left out of account in this connection. Petty in respect of the penalties imposed, -they are nonetheless often a very serious import to those who are involved. And he goes on to say - small causes may well present quite a difficult problem as those involving large sums of money or valuable property. What is unprofitable for the lawyer is not necessarily unprofitable for the law.

Mr. President, this is a real step forward. It represents independent thinking. It represents courage on the part of the members of the commission. It represents a new day for Connecticut. If the people of this state, the lawyers, judges will cooperate in implementing this new plan, we are headed for a much better, much more efficient and much more convenient judicial department for the people of the State of Connecticut.

THE CHAIR:

Senator Fauliso.

SENATOR FAULISO: (1st)

Mr. President, I support this bill, as amended. I have been privileged to serve on the Commission to Study and Draft

Legislation for the Reorganization and Unification of the Courts. I must confess that initially I had a preconceived notion that the easiest way to bring about improvement in the court was to merge the Court of Common Pleas and the Superior Court. And I suppose that that belief dates back to studies that were made many years ago, but since that time, Mr. President, we have had in our judicial system the Circuit Court. So that this particular commission did have the benefit of many people, particularly the Connecticut Citizens for Judicial Modernization, League of Women Voters and so many other groups whose imput certainly is appreciated. The Aetna Life Insurance Co. loaned its computer and its top expert and there were many meetings in which we accepted and reviewed the evidence, and slowly and gradually the notion that I had had certainly disappeared in face of the overwhelming evidence. What we were concerned with was the quality of justice. And implicit in this particular concept was the utilization of court time. Certainly the consolidation of the facilities and the consolidation of jury trials were important considerations. Anyone who has had experiece in the Circuit Court knows that this is certainly a great improvement in the judicial system, but we also know that since its inception, since 1960, that the caseload has increased and the statistics show that the caseload in the Circuit Court is six times that of the combined caseload of the Common Pleas and the Superior Courts. We also are mindful, those of us who practice in the courts and I am sure those who are lawyers and those who have had the experience

of the Circuit Court know that some of the facilities are inadequate and substandard. We know that the caseload is tremendous. We know that the backlog on the civil side is certainly congested. Now, Mr. President, the first recommendation of the Connecticut Citizens for Judicial Modernization was a single tier court. Its second option was the merge of the Circuit Court and the Common Pleas Court and the third option was the merge of the Common Pleas and Superior Courts. We are not prepared to adopt the first option. Apparently we didn't have the time and the money necessary for such a giant step was certainly lacking. But in approximating the idea, for the time being, it seems to me that the best approach, of course, is the second option the merge of the Circuit Court and the Court of Common Pleas. Mr. President, we do have at the present time fifty circuit court judges. There are sixteen common pleas judges. This means the two courts would have 66 judges, five of which, however, would then be appointed to the Superior Court for the purposes of creating an Appellate Division. Mr. President, I think the one paragraph

THE CHAIR:

May we have a little order in the chamber. Really, it's very noisy and I think we should quiet down. Senator, continue.

SENATOR FAULISO:

The one paragraph in the final report of the Commission summarizes, I believe, the objectives. Page 5 of the report. The Commission's recommendation for this merger is predicated

upon the need to ameliorate public concern that inferior courts dispense inferior justice and to provide more equal justice for all. It will be a substantial step towards eliminating the real or apparent caste system of justice and judges which presently exists and will provide real impetus for improving the climate in our lowest trial court. The proposal will close the gap between the present Circuit Court and the Superior Court and will provide opportunities for greater efficiency in the utilization of facilities and personnel and possible long-range cost reductions and major improvement in the quality of justice dispensed throughout the system. Moreover the proposal will enable better utilization of the time of the citizens of this state called upon to serve as jurors in our courts.

Now, Mr. President, this does not mean the elimination of the peoples' court. I believe that the amendment mandates the retention of those facilities that are adequate. It also would eliminate the substandard facilities. It gives greater flexibility to the chief court administrator as to the locations of the trials of civil jury and those facilities that are presently in operation in the Circuit Court which are adequate. Certainly we will continue to have jury trials, both on the criminal side and the civil side. I consider this very important legislation. It's an improvement in our judicial system. While it's not the ideal, Mr. President, I certainly think its approximated and I support it.

THE CHAIR:

Will you remark further? Question is on adoption of the

bill, acceptance and passage of the bill as amended by the House. roc

SENATOR ROME:

Mr. President, I move for a roll call.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER: (21st)

Mr. President, if he didn't ask for the roll call, I would have. I'd like to rise to oppose this bill. Very frankly, I feel that this is a legislative lawyers' bill, because I find very few nonlegislative lawyers that support the concept. It falls very far short from what I expected to see here before us this year, very frankly; because just changing the name of a court and giving a raise to fifty judges and giving some new procedures, isn't my idea of real court reform. If you remember, a year ago, we stood up here and we were told, we are going to have real meaningful court reform. Very frankly, I find this falls very far short from what I expected when I heard those statements here on this floor. First of all, I would like to know whatever happened to the recommendations that were made to this committee and especially from men like Chief Justice House, Justice Cotter. I attended that hearing and in fact, I thought I was going to be a thorn among roses and I found out I was a rose amongst roses because I find out that the chief justices of the court in this State, whom I have a lot of respect for, were in there advocating things, I have advocated for years and years. And again I am talking about meaningful reform

in our court system. What happened to the recommendation that they made that we need a new method of selecting judges and I might, Mr. President, I had a fact sheet that was distributed here that I take it was from the committee, there was no signature to it; but in that fact sheet on the judicial modernization proposals, I will just quote a couple of quotable quotes out of this: major advantages--closes gap in the quality of justice between present circuit court and superior court by merging upward with the court immediately the two. In other words, an admission that this is the inferior court, I suppose on justice. Another says, it will produce greater concern over the qualifications of persons being apointed to the bench. And I have heard remarks made that this is going to really improve the quality of the appointments that the various members we're going to get to the bench. Well, I retorted to that, I'd look in the east for that star; the last time it was here was Christmas and I think that any change is going to have to be legislated in the quality. Another quotable quote - increase of two thousand dollars per year to the salary level of the present Common Plea Court judges is hardly a payoff. No really valid reason for salary discrimination. If they want judges to be equal caliber throughout our judical system, does that mean you have to pay them equally in order to have equal justice and equal capable judges. And lastly another remark, this assumes disparity in the caliber of judicial personnel in the courts. If true, then it is time this disparity is ended. All the people are entitled to equal justice. Not

the bulk of the people to the lesser justice of peoples court roc
and the big cases to the justice of the Superior Court and I ask you, Mr. President, how does this particular bill eliminate disparity in the caliber of our judicial personnel? And I'll say in my book, none at all, because we should have had either the Missouri system or a modification of that before we went into this so-called court modernization. I would like to know where is the authority that was requested for the court administrator to suspend or remove judges or discipline judges? I see nothing in this bill that gives this sort of disciplinary action to these administrators and they were up there pleading for this. Because this is one way of making judges shape up or ship out. Very frankly, there is no shaping up or shipping out in this bill. I wonder where the incorporating of the sheriffs is that was recommended and this was one of the recommendations from the justices into the court system because they are actually working in the system, yet these people have absolutely no control over them. Where are the physical improvements of the Circuit Court? And this is what they asked for primarily. They came in and said give us the buildings, give us the plants to operate with and you will have equal justice. Just by taking and pushing them up into the Common Plea is certainly not going to make better judges out of them. So, I'll say to you, Mr. President, I think that this bill is inadequate, in my estimation in court reform, I know we are getting a lot of dialogue on how tremendous this is. I think after we live with it for

a year or so, we are going to come back and make amendments to the amendments, to the amendments in this court too. I think the real intent of the committee right from the beginning was to get a total unification of the court and apparently they couldn't get public support for this. I see that this bill does call for the report coming in 1977 session to unify this, so because of the inadequacy of this bill in many of the areas of reform that should be implemented and although they might say that this is a ministep forward, I find very few people out in the general public that have any great interest in this or think that this is going to do the job. And therefore, I would oppose it.

THE CHAIR:

Senator Zisk.

SENATOR ZISK: (6th)

Mr. President, I would just like to note without commenting that it is unusual, I think, for the Connecticut Bar Association to be represented by Dr. Gunther so well here today. It seems to be somehow a contradiction in terms. Mr. President, I support this bill but I have some problems with it particularly from the standpoint of the administrator of the court system. I, too, was concerned originally with the bill because I wasn't certain what would happen with the circuit court facilities throughout the State. In talking with members of the Judiciary Committee, reading the bill and speaking to other members of the bench and bar, it has evidently been resolved now that the circuit court offices, at least, will be retained pretty much in their present

form and that a good deal of the business that the public has with the court system will continue to pass through those offices. This to me was a very important concern. As I said at the outset I am concerned with the administrator because I have also seen in our present court system a lack of enthusiasm to utilize some of the facilities that we have, for example, in my district of New Britain. Many will not agree with me, perhaps, but New Britain has taken the lead, in my opinion, in providing facilities for the court business of the State of Connecticut that are second to none. We have a brand new circuit court building with ample space for court personnel and the people who have business in that court system. We also have a new Superior Court and Court of Common Pleas facility in New Britain. But in the past, what has bothered me is that the judges of our court system have seen fit whenever there is a little problem in Hartford or perhaps in New Haven, to pull the judges out of New Britain and to send them to these jurisdictions. I hope that will not be the case with this new bill, with this new administrative criminal-civil court business. I hope that towns like New Britain will not be penalized because they have been forward-thinking and have gone to the expense and bother of providing facilities. That they will not otherwise now find themselves having to trek to Hartford. My big concern has been the convenience of the people who have to seek redress in the civil and in the criminal courts in some instances. If we can work this out and I have every reason to believe we can, I don't

doubt the words of those who have spoken here today, Senator Guidera, Senator Fauliso, and I don't think this bill will be subject to any great change in the near future; but if it turns out otherwise because as Senator Gunther has said, we have in effect a court administrator who doesn't have the power that he needs to make assignment of judges to keep them where they should be and to call one judge and require him to stay in one spot, then I will be one of those in the forefront seeking to amend this bill next year. With those reservations, Mr. President, I intend to support this bill.

THE CHAIR:

Question is on adoption of the bill. Senator Dinielli.

SENATOR DINIELLI: (31st)

Mr. President, a point of information, sir. Is your opinion, sir, under our Rule 15 and conflict of interest, that the lawyers in this chamber should vote on this bill?

THE CHAIR:

It is my opinion that the question of ethics on a voting matter should be decided by this body in the first instance and in the second instance, I very strongly believe that any ethical question must be decided by an individual and if the body objects then they can so inform me, but I am not about to dictate ethics to anyone in this chamber. Senator Scalo.

SENATOR SCALO: (22nd)

Mr. President, I rise not on a point of ethics but merely to speak on the bill. I, along with Senator Fauliso, did

serve as one of the members of the commission which was charged roc
with the duty and responsibility of investigating the present court system and determining whether substantive changes in that system should be promulgated. There was exhaustive research. We had volumes of material to take home and read. We had the benefit of computers. We had the benefit of an independent citizens group acting on behalf of the people of the State of Connecticut giving us the benefit of their information and imput. And there was quite a bit of give and take. As the result of all of the hammering out of various ideas in that commission, a recommendation was made to merge the Circuit Court into the Court of Common Pleas. At firstblush that opinion did seem somewhat strange to me as I had as a member of the Bar Association always been taught, so to speak, and counseled that any merger worth its salt would have been of Common Pleas and Superior Court. Yet, when one starts to examine the figures determining that eighty-five percent of the people of the State of Connecticut do their business in the Circuit Court, it became apparent that something had to be done if meaningful substantive reform was to flow from the efforts of that commission and a major undertaking would have to be made. Perhaps, a better approach would have been to merge all three courts and create what is commonly referred to as a unified court system. That would have provided one courthouse, one series of judges with the present manpower level, it could have then been delegated to the various areas of the state of connecticut in order to

accomplish the ends of the judicial department in providing roc
speedy and just deliberations of the issues brought before it. On that basis, as a member of the commission and also as a member of the Judiciary Committee, I feel that the bill has substantive merit. I think it is a major piece of reform legislation and that it should be supported by this body.

THE CHAIR:

Senator Gormley.

SENATOR GORMLEY: (28th)

Mr. President, I rise to oppose the bill. I was on the subcommittee which heard the testimony on this court reorganization and at the meetings I attended the only testimony presented involving a merger of the court system was a merger of the Common Pleas with the Superior Court. I don't recall anyone presenting any testimony recommending the merger of the Circuit Court with the Common Pleas. So I was quite surprised when the majority report came out and on that basis alone, I will have to vote against the bill.

THE CHAIR:

Will you remark further? Senator Fauliso.

SENATOR FAULISO: (1st)

Mr. President, I take issue with Senator Gormley. I believe that the former president of the Bar, Ralph Dickson (sp.) spoke in favor of it. Peter Costas spoke in favor of it. And there were various other individuals in the commission itself after reviewing the evidence came to that conclusion. And the

evidence that was produced as a result of the studies that were made, that were all computerized, certainly led to the conclusion that the merger of the Common Pleas and Circuit Court was the direction to take. roc

Now, Mr. President, I don't know whether Senator Dinielli was saying it in jest but I think what he did say was in bad taste. Anyone who questions my qualifications or matters of conscience of votes that take place on this floor certainly is not a matter of joking. I consider this a very serious matter. I don't consider this unethical. As a lawyer, I will view this in the best light as to what is fair and what is reasonable. I made that conclusion in the commission of which I was a member. I never questioned the right of any individual, never questioned an individual whether he had an insurance business or real estate business or a banking business or whether or not measure that he voted on was in conflict with that. And I think that the remarks were in bad taste and he certainly should think about it in the light of the fact that there are many lawyers here who have gained the esteem and respect of members of the Bar, members of the judiciary and it comes to me as a remark that is truly appalling and certainly inappropriate.

THE CHAIR:

Senator Rome.

SENATOR ROME: (8th)

Mr. President, just by way of comment on that last comment. I think that Senator Dinielli was not making a judg-

ment but was raising a question. And I think the answer to roc his question is, if I understand simply a question, that this affects the members of the bar generally and not any specific member of the Bar or any specific attorney; and as many have pointed out, the House debate and the Bar Association is split on this matter. The Bar Association has taken a position in strong opposition to the matter. Many lawyers and members of the commission who were lawyers and members of the House of Representatives who were lawyers took a contrary position. I don't think there is a single position and as it affects the members of the bar only generally, I do not think there is any conflict whatsoever.

THE CHAIR:

I would hope that we could keep our comments on the bill from now on because that's the motion before us, not any motion dealing with ethics. Senator Page.

SENATOR PAGE: (12th)

Mr. President, through you to Senator Guidera, two questions. Are we discussing the bill and the amendments because I don't recall hearing any movement on the amendments. Did I miss that or was it done?

THE CHAIR:

We are discussing the bill. The motion was made to adopt the bill as amended by the House Amendments. So we have all of the amendments and the bill before us at the present time.

SENATOR PAGE:

Thank you, Mr. President. And now, through you to

Senator Guidera, it's my understanding that in the Court of Common Pleas on Friday afternoon, there is very little, if any activity. Is this, in fact, true and if it is true, will this help to alleviate some of the backlog in the Circuit Court by moving it up and providing work where there is now no work?

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA: (26 th)

Mr. President, through you to the distinguished senator from Guilford, there is no question but that this bill will allow the more efficient use of judge manpower throughout the courts by taking eleven of the sixteen present Common Pleas judges and putting them into the new Common Pleas court, we will very, very surely allow for the disposition of business. There is no question that the Common Pleas Court has a significantly lighter workload than the Circuit Court and we feel that matters will be handled and disposed of much more expeditiously.

THE CHAIR:

Question is on adoption of the bill. Senator Dinielli.

SENATOR DINIELLI: (31st)

Mr. President, referring to the remarks of the Senator of the 1st district, I am sorry that he objected to my question and found it distasteful but I felt and still feel that it was a proper question and I appreciate the fact that your remarks are on record and I abide by those remarks. I believe that's proper to be on record in this discussion and I did not mean

anything personal to any of the members of the bar who I consider friends of mine.

THE CHAIR:

Would the Clerk please announce the roll call vote in the Senate.

THE CLERK:

There will be an immediate roll call vote in the Senate.

THE CHAIR:

The machine is open. Everyone has voted, the Chair will close the machine. Results of the roll call vote on House Bill 5649, as amended:

Total Number Voting	36
Necessary for Passage	19
Those Voting Yea	28
Those Voting Nay	8
Those Absent and Not Voting . . .	0

THE BILL IS PASSED.

THE CLERK:

Returning to Page 6 of the Calendar. Cal. 464, File 411, Substitute for Senate Bill 462. AN ACT CONCERNING FUEL COST ADJUSTMENT CHARGES BY PUBLIC SERVICE COMPANIES. Favorable Report of the Committee on Appropriations. The Clerk has Amendments A, B, C, D, E, F, G, H, I, J, K and L.

THE CHAIR:

May we have order in the chamber, please. Copies of all the amendments, I am told, have been distributed to the desks of the senators. Senator Lyons.

SENATOR LYONS: (25th)

May the record show that I am absenting myself from the

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HOUSE

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REP. CONNOLLY: (16th)

Mr. Speaker, I would like to move that Cal. No. 222, Sub. for H.B. No. ------

DEPUTY SPEAKER:

Lady from the 16th withhold her request until we're ready to assume business.

MR. SPEAKER:

House please return to order.

Clerk please call the next item.

THE CLERK:

Page 4 of your Calendar, Cal. No. 543, File No. 389, Sub. H.B. No. 5649, AN ACT CONCERNING A REORGANIZATION OF THE JUDICIAL DEPARTMENT.

Favorable Report of the Committee on Appropriations.

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Mr. Speaker, I move acceptance and passage of the Joint Committee's Favorable Report.

MR. SPEAKER:

Will you remark on acceptance and passage.

REP. BINGHAM: (147th)

Yes, Mr. Speaker. Mr. Speaker, last year this General Assembly voted an appropriation to create a commission to study the reorganization and unification of the court system in the State of Connecticut. This was a fifteen-man commission composed of judges, judges of the Superior Court, the Supreme Court,

the Court of Common Pleas, a prosecutor from the Circuit Court, hw
lawyers, and a member from the Connecticut Bar Association, a member of the Connecticut Citizens for Judicial Modernization, the chairman and ranking members of the Judiciary Committee.

This commission held hearings, did a court study, an actual on-sight court study with a grant through the Connecticut Citizens for Judicial Modernization, held public hearings throughout the state, discussed the matter with judges, lawyers, citizens, and citizens' groups. And after making a full and thorough study of the matter, an overwhelming majority of the commission came to a certain conclusion as to what should be done about court reorganization in the State of Connecticut.

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I think the commission was unanimous in their thinking that Connecticut has a fine judiciary, that since the constitution of 1818 there has never been (inaudible) in office on the part of any judge.

However we felt that there were some deficiencies in the court reorganization of the State of Connecticut and those deficiencies were based mainly upon the structure of the courts rather than the judges who were sitting in the courts.

We set forth certain principles that we were guided in our deliberations and when you're voting and listening to the debate on this bill, I think you should keep in mind certain fundamental principles that you may want for your court system, the court system of the people of the State of Connecticut.

You should consider the desirability of a unified court, unified court administration having complete control over all the

trial judges and their utilization; the desirability of the Chief hw
Court Administrator having the power to assign judges of one court to perform duties in another court in the interest of efficiency; the desirability of eliminating the present Court of Common Pleas and there is no group in the state that doesn't think we should eliminate the Court of Common Pleas and merge it with some court; the desirability of transferring to the Superior Court appellate jurisdiction from some other court; the desirability of increasing the efficiency of the Circuit Court; the desirability of creating common jury panels, therefore eliminating waste in the court system. Under the court system as it is today we have a grand proliferation of courts. Some courts performing the same function. For instance, family matters are handled in the Superior Court, the Court of Common Pleas, and the Circuit Court, all of course having chief clerks and administration, all living in grand isolation from each other, thereby causing inefficiency.

You should consider, do we wish to take a step towards eliminating old and decrepit and overcrowded facilities; do we wish to eliminate a paid differential and eliminate a different criteria of ability for selection of judges, and eliminate the statement by lawyers that there are inferior courts and inferior judges, thereby creating inferior justice. Inferior courts, members of this Assembly, cause inferior justice, and it was the feeling of the commission that we should move in a direction of having one Superior Court, one Superior Court for the whole State of Connecticut.

Now basically, members of this Assembly, this bill calls for

the merger of the Court of Common Pleas and the Circuit Court. hw There were recommendations that we should merge the Circuit Courts with the Superior Court. There were recommendations that we should merge all three courts together and there was a recommendation that we should merge Common Pleas with Superior.

It was the considerative opinion of the commission that we should work ultimately towards a unified trial court and the way, the manner in which we should work towards the unified trial court was to merge the Court of Common Pleas with the Circuit Court creating a new court called the Common Pleas Court with the jurisdiction of the old Circuit Court and the present Common Pleas Court with one exception, creating an appellate division within the Superior Court.

Therefore this plan increases the Common Pleas judges to 61, and may I point out that this plan does not add one more judge to the system. There will be no new judges appointed. The total number of judges that we have today, if this bill passes, will be the total number of judges that we will have the day after this bill passes.

What this bill calls for is a reallocation of judge power, and I think that all people will agree that our allocation of judge power is improper, it's inefficient, and it doesn't work for the best interests of the state.

There are sixteen judges in the Court of Common Pleas and there are presently 50 judges in the Circuit Court. When the court is merged, five judges will be transferred to the Superior Court for the purpose of handling appellate matters and other

Superior Court matters. Eleven judges of the Common Pleas and hw
Circuit Court will remain in the new court, the Court of Common Pleas. The new court will have a 5-year criminal jurisdiction and a $15,000 civil jurisdiction. The new court calls for the creation of division, a civil division and a criminal division, recognizing the fact that certain judges have more expertise in civil matters and they will be able to sit in civil divisions, recognizing also the fact that certain judges have more expertise in criminal matters and they will be able to sit in the criminal division.

Under the fast pace with which today's law proceedings, the criminal courts have become a major concern of the people of the State of Connecticut. The case law expands day by day. It is insufficient today merely to have cases in the State of Connecticut on Connecticut's criminal law. Criminal judges and criminal lawyers must buy the criminal law reporter, follow the federal cases, follow the Supreme Court cases, and if a judge specializes in that matter, he can give you more efficient jurisdiction. He can give you more efficient court procedure. He can speed up the way criminal matters are handled and we should set as a standard in this state that all criminal matters will be disposed of within 60 days.

Now there are some amendments which will be introduced. This basically is the outline of the bill. There will be many speakers, I expect, and will the clerk please call Amendment "A".

MR. SPEAKER:

Clerk please call House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A" offered by Rep. Bingham, LCO No. 3024. There are copies on the desks of all the members. Would you like the amendment read, sir?

REP. BINGHAM: (147th)

May I permitted to summarize?

MR. SPEAKER:

Is there objection to the gentleman summarizing House "A"? Without objection, please proceed with the summary.

REP. BINGHAM: (147th)

This amendment is basically a technical amendment cleaning up some of the language in the bill. I will briefly describe it.

May I say at the outset that this was a joint cooperation between the counsel for the minority and the counsel for the majority.

MR. SPEAKER:

Gentleman move adoption?

REP. BINGHAM: (147th)

I move adoption of House "A".

MR. SPEAKER:

Will you remark.

REP. BINGHAM: (147th)

Yes, Mr. Speaker. Line 100 and 101, we're just changing the language to "clerk's office" and line 107, we are stating, instead of saying "all other appeals pending in the court" we're designating that "such appeals that have been noticed for a hearing", that's a language change.

Line 283, we are giving more power to the Court Administrator.

We feel that he should be under his own direction. hw

We are stating in line 320, and directing that the "court administrator shall forward to the Chief Justice a formal report of the proceedings of the court."

The next lines, 367, 372, are technical in language corrections.

Line 373, again, is a clarification of what we mean by "divisions". We mean division or divisions. There are some judges who will sit in one division and there are some judges who may handle two or all divisions depending where they sit.

We have some problem as far as the clerks are concerned. The clerks read this bill and indicated that there was some difficulty with destroying records so we have provided that all records other than judgements and foreclosure records shall be destroyed after twenty-five years at the discretion of the Chief Court Administrator. Through inadvertence we stated that if a judge is sitting as a chief judge or a chief justice, he will retire at two-thirds of the salary he was holding at the time he retired, and I might say that this does not apply to judges who are already retired. This applies only to the present justices and judges.

The rest of the page is technical amendments to the language.

Turning now to page 3, half-way down the page, are all technical amendments to language. The Chief Justice requested in Sec. 285, that if we went to a senior judge system or a referee system, actions for divorce and legal separation would be referred to a judge who had been a judge of the referring court, and the rest of the amendment is a technical language change.

I move the amendment, Mr. Speaker.

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "A". Gentleman from the 140th.

REP. FABRIZIO: (140th)

Mr. Speaker, this is a very good amendment and I think everybody here should be present and I request a roll call.

MR. SPEAKER:

Question is on a roll call vote on House Amendment Schedule "A". All those in favor of a roll call indicate by saying AYE. An insufficient number in the opinion of the Chair requested a roll call. Will you remark further on adoption----

REP. FABRIZIO: (140th)

Point of order, Mr. Speaker.

MR. SPEAKER:

Please state your point.

REP. FABRIZIO: (140th)

We didn't hear whether the code of ethics is being violated. I'd like to ask a few questions.

MR. SPEAKER:

Please state your point of order. This is not----

REP. FABRIZIO: (140th)

The code of ethics is being violated, Mr. Speaker, and I feel that the lawyers are not above the law and I-----

REP. FABRIZIO: (140th)

Gentleman from the 140th please state your point of order and refrain from speaking at the time.

REP. FABRIZIO: (140th)

I feel that the code of ethics is being violated. I'd like

to ask a few questions.

MR. SPEAKER:

The Chair does not recognize any point of order by the gentleman from the 140th. If the gentleman has a point of order, please raise it or let's get on with our debate.

Will you remark further on acceptance and passage. If not, the question is on adoption of House Amendment Schedule "A". All those in favor of adoption indicate by saying AYE. Those opposed.

The amendment is adopted. Chair will rule the amendment technical. Will the clerk please call the next amendment.

THE CLERK:

House Amendment Schedule "B" offered by Rep. Bingham of the 147th district, LCO No. 2674. Copies of the amendment are on the desks. Would you like the amendment read, sir?

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

May I be permitted to summarize?

MR. SPEAKER:

Is there objection to the gentleman summarizing House Amendment Schedule "B"? Without objection, please proceed with your summary.

REP. BINGHAM: (147th)

Mr. Speaker, this is more of a substantive amendment. The language down to 20 are technical language. We felt that the authority in this matter should be in the Chief Court Administrator rather than the Executive Secretary of the Judicial Department, so

we are striking "Executive Secretary of the Judical Department" hw and adding the language "Chief Court Administrator".

Beginning on line 25 through line 36, is what I would consider a substantive amendment. In debating the bill and discussing the bill with the members of this House, the members of people who live in outlying districts, who have courthouses in outlying districts, they were concerned about publicity that was put out that we are attempting unification and efficiency, which we are, there's no question about that. But there was no intent to eliminate the local courthouses in this bill. The Majority Leader and an Assistant Minority Leader approached me on this question and therefore we have provided that short calendar and civil jury sessions shall be held in those facilities of the court located in the same building as the Superior Court in each county and judicial district, and that is the unification in the efficiency portion.

The other contributes itself towards or centralizes itself towards the local courthouses that we say the trial of small claim, summary process, support, criminal jury, motor vehicles, and matters and motions filed in connection therewith, shall be in sessions for the trial and session for the trial to the court of civil matters shall be held in the court locations that were maintained for the Circuit Courts on April 1, 1974.

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So we're saying that local matters belong in the local courts, and that the matters which are not local or civil jury matters and those other matters such as short calendar should be held in the county court with the proviso and we must always have the proviso that the Chief Court Administrator may redesignate the

use of courtrooms, not courthouses, courtrooms. He cannot abolish a courthouse. When he determines that such designation is impracticable and inconvenient for the litigants and their counsel and he must find these to be true, that it's inconvenient, and that's the term, inconvenient for the litigants, for those people who come from the smaller towns, such as West Haven, or Ansonia, or Bristol, will be reassured that their courthouse will not be closed unless it's impracticable or inconvenient for the litigants and their counsel, and does not serve the best interest of court business and the efficient use of judicial personnel.

This I consider to be an excellent amendment. It directs itself towards efficient court procedures and still maintains the local courthouses for local purposes. I urge the amendment.

MR. SPEAKER:

Will you remark further on adoption of House "B".

The gentleman from the 104th.

REP. AJELLO: (104th)

Mr. Speaker, this indeed is an important amendment. In fact, I think it's essential that this amendment pass in order for many of us to feel that we can support the concept of the bill itself.

There are some among us who are not so fortunate as to live in the major cities of our state or to be able to entertain only those clients who have large bankrolls and are big corporate giants in nature. We have to deal with the people who get into trouble at the first impression level of the Circuit Court and it is those people who are least able to afford to travel long distances to court and who are most in need of the assistance of the

General Assembly and of a convenient and affordable court. hw

I would submit to my colleagues that this is all fairly important stuff, not necessarily what I say about it but we ought to listen to one another on this one because it is pretty important.

The intent of the amendment is as the gentleman said, to insure that there will be court sessions which are convenient to people who are charged with minor offenses and were put to a great deal of inconvenience and expense to go to the county courthouse to take care of these very minor matters. It is a simple matter but one of such great importance that, as I said when I began to talk, there are many of us who could not support the bill without this kind of an amendment to preserve and protect some of the aspects of local courts that are available to people presently in the State of Connecticut.

We should remember in considering this bill that, as I said on other occasions in this session, the courts are supposed to exist to serve the people, not vice versa.

MR. SPEAKER:

Gentleman from the 111th.

REP. CAMP: (111th)

Mr. Speaker, my question is provincial but my job is in part to represent my district. For you, for the purpose of a clarification, may I ask a question please to the chairman of the Judiciary Committee. (MR. SPEAKER: Please state your question.)

The third circuit at the present time now meets in Danbury. There is also provision in the law that the Superior Court also

meets in Danbury as well as Stamford and Bridgeport. Am I correct in my assumption that because the Superior Court meets in Danbury that all matters including short calendar and civil jury sessions will be held in Danbury as presently is the case?

REP. BINGHAM: (147th)

Yes, that is correct. In Fairfield County you may return writs and matters may be tried in Bridgeport, Danbury, and Stamford. There's no problem with Danbury, Stamford, or Bridgeport.

REP. CAMP: (111th)

Am I correct that the matters on the short calendar in the third circuit court would also be tried in Danbury and that the short calendar sessions would be heard in Danbury?

REP. BINGHAM: (147th)

That's correct.

REP. CAMP: (111th)

Thank you. One other question and not quite so close to my district but nearby is the City of Norwalk which I do not believe does have Superior Court sessions. Am I correct that their short calendar for the first circuit that now meets in Norwalk would now for short calendar matters and civil jury matters now have to meet in Stamford or in Bridgeport?

REP. BINGHAM: (147th)

As I understand it, the Chief Court Adminstrator has already accomplished that fact. It will remain as it is. That's correct.

REP. CAMP: (111th)

I know there's certain instances where they seem to be meeting in both places. Thank you very much Mr. Speaker.

MR. SPEAKER:

Gentleman from the 39th.

REP. SULLIVAN: (39th)

Mr. Speaker, a question to the proponent of the amendment. (MR. SPEAKER: Chair cannot hear the gentleman.) Question to the proponent of the amendment. (MR. SPEAKER: Please state your question.) In New London we have a Superior Court building and ten circuit court facilities. The Council on Judicial Modernization said that the Superior Court building is old and has inadequate facilities, that our present circuit court facilities were abominable and should be----

MR. SPEAKER:

Gentleman from the 104th.

REP. AJELLO: (104th)

Mr. Speaker, I have no idea of what the gentleman is saying.

MR. SPEAKER:

Gentleman from the 39th would hold his microphone up, I think we could hear---we're having difficulty in the chamber hearing the gentleman and his question.

REP. SULLIVAN: (39th)

In the City of New London and eastern Connecticut we have two court facilities, the Superior Court and the ten circuit court. The Council on Judicial Modernization stated in their report that the Superior Court building was adequate but that the circuit court facilities were very, very bad and should be replaced immediately.

With this amendment, would it provide for the circuit court

administrator to designate the present Superior Court building hw as the site to hold the circuit court proceedings if there were courtrooms available?

REP. BINGHAM: (147th)

Yes. I would certainly think that the court administrator under the last sentence would say that it's not for the interest of counsel or the convenience of counsel to keep them in old and decrepit facilities, that's one of the purposes of this bill.

You have a difference with New London where you have two courts in one city, than you would in a smaller town such as Ansonia or West Haven. So I would think that the Chief Court Administrator could assign cases or files to the Superior Court building which is adequate.

REP. SULLIVAN: (39th)

Thank you, sir.

MR. SPEAKER:

Gentleman from the 124th.

REP. SULLIVAN: (124th)

Mr. Speaker, point of parliamentary inquiry, Mr. Speaker.

MR. SPEAKER:

Please state your point.

REP. SULLIVAN: (124th)

Mr. Bingham in referring to this amendment has referred to it as a substantive amendment. Am I to consider that if this amendment passes, it becomes a substantive amendment and subject to Rule 18 of the rules of the House, joint rules, excuse me.

MR. SPEAKER:

Chair will rule on that point if and when the amendment hw passes.

REP. SULLIVAN: (124th)

Thank you Mr. Speaker.

MR. SPEAKER:

Gentleman from the 82nd.

REP. EVILIA: (82nd)

Mr. Speaker, a question through you to the proponent of the amendment. (MR. SPEAKER: Please state your question.) In Meriden there is a Circuit Court and it's frankly the only thing I can relate to. Can you tell me if this amendment passes, exactly what changes are outlined, changes that will come about should this amendment and the bill pass, what changes the residents of Meriden can expect.

REP. BINGHAM: (147th)

The facilities in Meriden are not only adequate, as I understand it, they are good facilities and I would expect that there would be not much change or there would be no changes and the Chief Court Administrator would keep those matters in Meriden, small claims, summary process, support, criminal jury and motor vehicle motions for the convenience of litigants and counsel. They would stay in Meriden.

REP. EVILIA: (82nd)

It was brought to my attention, through you Mr. Speaker, it was brought to our attention, the representatives from Meriden, that should this bill pass, that the jury trials will no longer be held in Meriden but that they will be held in New Haven.

Is this correct?

REP. BINGHAM: (147th)

The bill prevents that. That's what the purpose of this amendment is.

REP. EVILIA: (82nd)

This amendment will correct that.

REP. BINGHAM: (147th)

Correct. There was a fear that that would happen and I was contacted by people from New Britain, Ansonia, Bristol, Danbury, and Ridgefield, and all of those towns who had a fear about this contacted me and we remedied it in my opinion by this amendment.

REP. EVILIA: (82nd)

Thank you.

MR. SPEAKER:

Gentleman from the 46th.

REP. SWEENEY: (46th)

Mr. Speaker, through you a question to the proponent of the bill. (MR. SPEAKER: Please state your question.) The chairman of the Judiciary Committee, three years ago the judicial department recommended a site for a new courthouse in New London County. We presently have part of it in New London and part of it in Norwich. They have recommended a site for a new building to serve the people of New London County in the Town of Preston.

Would this amendment have any effect on their recommendation?

REP. BINGHAM: (147th)

No.

REP. SWEENEY: (46th)

It would not have any effect whatsoever?

REP. BINGHAM: (147th)

It will not.

REP. SWEENEY: (46th)

Thank you Mr. Speaker.

MR. SPEAKER:

Gentleman from the 23rd.

REP. BADOLATO: (23rd)

Mr. Speaker, a question through you to the chairman of the Judiciary Committee. (MR. SPEAKER: Please state your question.)

In order to keep the record clear, you referred to courthouses in this amendment, and as I read line 31, it talks about court locations. I'd like to give you the situation in New Britain and I'm sure it might be the same in other communities, so that the record be clear that we're talking about court locations and not courthouses.

In New Britain we have a building that houses a new building that houses our police department and on one level has the Circuit Court facilities. Is this considered a courthouse under your comments or would it be under the amendment a court location?

REP. BINGHAM: (147th)

Well I think court location is general. I know the situation in New Britain. The facilities are excellent and in my opinion the Chief Court Administrator might hold all jury trials in one of the buildings, that he might designate that all jury trials should be held in the Superior Court building rather than in the circuit court building. But it is the intent of the amendment not to

remove court business at all from the City of New Britain.

REP. BADOLATO: (23rd)

Another question through you Mr. Speaker. After 1974 in line 32, it gives the Chief Court Administrator a great deal of authority and I wonder under this authority whether he could remove that courthouse that you talked about in New Britain from that location and move it somewhere else.

REP. BINGHAM: (147th)

Through you Mr. Speaker to the proponent of the question, the amendment is very specific. That in order to transfer business the Chief Court Administrator must find that it's impracticable and inconvenient for the litigants and their counsel and does not serve the best interests of justice.

In my opinion the Chief Court Administrator could never remove the business from New Britain because in my opinion under no circumstances could he find that the removal of business from New Britain would be convenient for the litigants and counsel or would it serve the best interests of justice.

I think the business is going to remain in New Britain and we so mandated it.

REP. BADOLATO: (23rd)

Thank you.

MR. SPEAKER:

Will you remark further on adoption of House "B".

Gentleman from the 140th.

REP. FABRIZIO: (140th)

Mr. Speaker, I would like a ruling. Since this bill affects

the livelihoods of all the lawyers in this hall and the code of hw ethics states, no member of the General Assembly shall participate by voting or any other action in the Senate, House of Representatives, or in committee which is violated all the time, in the enactment or defeat of legislation which he has an interest, except as follows, if on vote for final passage by the House of which he is a member concerning the legislation in which he has an interest, he first, I repeat, he first files a statement which shall be entered verbatim on the Journals stating in substance that he has an interest in the litigation notwithstanding such interest, he can cast a fair and objectionable vote on such legislation. Then he may vote on the subject.

To my knowledge, no one here has filed a statement and I feel that the lawyers should abide by this conflict of interest code of ethics rules just as I had to abide by it, and I feel that I would like a ruling that since there is a conflict they must leave the House. They've already violated the code of ethics in my opinion but they must not flagrantly violate it by voting on this bill and leave the House immediately. I'd like a ruling to that effect.

MR. SPEAKER:

Is the gentleman raising a point of order?

REP. FABRIZIO: (140th)

Yes.

MR. SPEAKER:

Chair will rule your point's not well taken. The Chair has ruled on this subject several times previously, that the conflict

of interest provisions of our statutes are subjective in nature hw and it's up to the individuals involved to determine that.

The point is not well taken.

REP. FABRIZIO: (140th)

Can I ask a few questions to prove my point?

MR. SPEAKER:

Not on a point of order. The Chair has already ruled. Question is on adoption of House Amendment Schedule "B".

Will you remark further. Gentleman from the 124th.

REP. SULLIVAN: (124th)

Mr. Speaker, through you a question to the chairman of the Judiciary Committee. (MR. SPEAKER: Please state your question.)

Through you Mr. Speaker, would you tell us, please, Mr. Bingham, the number of circuit courts, the location and number of the circuit courts that maintain the civil jury trials on April 1st, 1974.

REP. BINGHAM: (147th)

The number that maintain?

REP. SULLIVAN: (124th)

Yes. I believe that's the language in the---the court locations that were maintained for circuit courts on April 1st, 1974, and I'm reading from line 30 through line 32 of Amendment "B".

REP. BINGHAM: (147th)

I cannot give you the exact number.

MR. SPEAKER:

Gentleman from the 124th.

REP. SULLIVAN: (124th)

Mr. Speaker, with that answer in mind, I am opposed to this amendment and I personally dislike having to oppose legislation from the Judiciary Committee of which I am a member and legislation brought out by the chairman for whom I have a great deal of respect. But I must rise in order to spell out what I think is an important---what everyone thinks is an important part of this bill.

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Under the initial reading on page 38 of the file, the Chief Court Administrator had complete discretion in where this new court should sit. We are now told that this amendment removes that discretion and I must respectfully submit that I disagree with that interpretation of this amendment. In order to properly understand what this amendment does I feel that we must read carefully on page 38 the new language that is printed in large caps on that page, and I call your attention particularly to the language on 760 through 763 which I do not believe has been deleted by this amendment. It says, courthouses within such geographical area, referring to arbitrary areas that can be set up without any guidelines by the Chief Court Administrator, may be used to conduct all judicial affairs of the Court of Common Pleas. It says, except those used by the Supreme Court, the Superior Court, and the Juvenile Court, may be used to conduct all judicial affairs of the Court of Common Pleas.

What happens to the rooms that are already being used in Superior Court--courthouse buildings by the Court of Common Pleas as we know it now? We then go on to this amendment. Mr. Bingham

has told us, and I'm sure it's in all sincerety, that the court- hw
houses that now exist and are used by the Circuit Courts in areas will not be moved. Where is the standard within this law to determine whether or not they're going to be moved? How do we know what criteria is going to be used to determine whether or not the Circuit Court, the court of the people, stays in your town? The only thing we are told is that the Chief Court Administrator may redesignate the use of courtrooms when he, the Chief Court Administrator, determines that such former designations are impractical and inconvenient for the litigants and their counsel and do not serve the best interests of court business and the efficient use of judicial personnel.

That's an awful lot of leeway and I don't think we can take this amendment and accept the fact that the Circuit Court locations as we now know them are going to remain the same. I do not read that into this bill and I submit that it is not there in this amendment.

MR. SPEAKER:

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, I want to take issue with the previous speaker and I think it ironic that we hear a plea today at this time, on this amendment, from Mr. Sullivan for the people's court when at a later time, I am sure, we will hear the Bar Association's plea repeated that the judges and the litigants of the people's courts stay where they are.

I think it's very clear that this amendment says two things.

It says, No. 1, that at the present time, on April 1, 1974, hw there are eighteen, eighteen Circuit Court locations, and that those locations in those places and in those cities and towns where the people are being served will continue and will not be changed, and it says further, that the Chief Court Administrator may redesignate the use of courtrooms, not locations, courtrooms. In some instances some courtrooms can, as Mr. Bingham answered with regard to Mr. Badolato questions, perhaps he may require in the City of New Britain that jury trials be held in the Common Pleas courtroom, but the location of what was the Circuit Court and which will now under this section be the geographical area for the Court of Common Pleas, those locations will remain intact.

That's the intention of this amendment. For the record, I ask through you Mr. Speaker, of Mr. Bingham, if I have not stated the intention clearly and concisely as it was intended and is intended.

MR. SPEAKER:

Gentleman from the 147th care to respond to the inquiry?

REP. BINGHAM: (147th)

Yes, through you Mr. Speaker. I may have misunderstood the question. There are eighteen Circuit Court locations. They will remain and as I understand the statistics there are forty-seven courtrooms with eighteen locations and the locations remain the same as Rep. Avcollie has stated.

REP. AVCOLLIE: (70th)

Mr. Speaker, (MR. SPEAKER: Gentleman from the 70th.)

Mr. Speaker, apparently the argument on this amendment is the first of what we'll see in an attempt to confuse and cloud the issues, but the issues have been made clear. The chairman of the Judiciary has answered and responded specifically and I think we should get on with the amendments with those answers to the point where we can decide what will be done with court reforms, Mr. Speaker.

I support this amendment. I think those that oppose it know full well that without the amendment the bill is in danger. This amendment is designed to protect the court locations in your areas. It's designed to provide the litigants with an area for arraignment near their homes. It was put in there for you. It was put in there for the people that will benefit from this bill throughout the State of Connecticut. It was put in there to guarantee that 240,000 cases will continue to be handled in the same areas but will be handled more efficiently.

I support the amendment, Mr. Speaker.

MR. SPEAKER:

Gentleman from the 136th.

REP. NEVAS: (136th)

Mr. Speaker, through you sir a question to the distinguished chairman of the Judiciary Committee. (MR. SPEAKER: Please state your question.) Through you Mr. Speaker, I would inquire of the chairman, of the eighteen locations and the forty-seven courtrooms that he mentioned, how many of those courtrooms or how many of those locations are a single courtroom?

MR. SPEAKER:

Gentleman care to respond?

REP. BINGHAM: (147th)

Do you want to go through the list?

REP. NEVAS: (136th)

I asked a question.

REP. BINGHAM: (147th)

Yes, Mr. Speaker. Hartford, 4; New Britain, 2; West Hartford, 1; Bristol, 2; New Haven, 3; Meriden, 3; and so on.

REP. NEVAS: (136th)

Through you Mr. Speaker, on the list, how many of those courtrooms have a single courtroom?

REP. BINGHAM: (147th)

How many have a single courtroom? Middlesex, New London, Tolland, Windham, sorry, Putnam, Litchfield.

REP. NEVAS: (136th)

How about Norwalk?

REP. BINGHAM: (147th)

New Britain, in Fairfield County Norwalk has one courtroom. That is correct.

REP. NEVAS: (136th)

I counted quickly, through you Mr. Speaker, but I would estimate there are somewhere between eight to ten that the chairman mentioned where there is a single courtroom.

Through you Mr. Speaker, is that correct?

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

I'll give you the count. Seventeen.

REP. NEVAS: (136th)

Through you Mr. Speaker, are you saying then, Chairman Bingham, that there are seventeen locations that have single courtrooms? hw

REP. BINGHAM: (147th)

That's my understanding. Yes.

MR. SPEAKER:

Gentleman from the 136th.

REP. NEVAS: (136th)

Mr. Speaker, I rise to oppose the amendment and I would offer a word of caution to those members of this House who think that in voting for this amendment they are keeping courtrooms in their areas. Because by the count of the chairman there are apparently seventeen courtrooms that are single courtrooms and pursuant to line 32 of this amendment the Chief Court Administrator may redesignate the use of these courtrooms when he determines that these designations are impracticable and inconvenient.

I submit, Mr. Speaker, that the power to close down these courtrooms, not to change them from across the hall as Mr. Avcollie would have you believe, but to close them down through redesignation rests within the sole discretion of a man we call the Chief Court Administrator, and for those of you who think that you are preserving facilities for the areas which you represent and serve, I think you are sadly mistaken.

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Mr. Speaker, I respect my colleague from Westport but I must

agree with Rep. Avcollie that you have now begun to hear the first hw of the specious arguments against this bill.

If this amendment is defeated, those people who oppose this bill will say, you should vote against this bill because all the court business will be transferred to the central locations. Yet on the other hand they say, the power is in the Chief Court Administrator. Well, I tell you members of this Assembly, the power is there now. The Chief Court Administrator has always had the power to remove courtrooms. We are strengthening your communities by this amendment.

If you vote against this amendment, you are really voting against your community because we are setting standards for the court administrator. He does not have standards now. You should support the amendment.

MR. SPEAKER:

Lady from the 41st.

REP. KIPP: (41st)

Thank you Mr. Speaker. If I might, through you to Mr. Bingham, if I may just look on the dark side for one minute and say that the court administrator does decide to move my little tiny court out of Groton, and quite frankly I wouldn't blame him. It's small. It's most inadequate. We don't even have a place for the people to sit, let alone have any privacy.

May I ask you sir, can you at this point in time give me any idea without a new courthouse in New London County, where the people in my town would have to go.

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

I cannot state where they will go. The amendment states that for certain business it will remain so long as those standards are kept and hopefully we get to the rest of the bill. This bill is not designed for instant court reform and instant buildings. This is the argument that people have stated throughout this whole debate. Those people who oppose this, they say, well, you're not instantaneously creating buildings------

MR. SPEAKER:

Gentleman from the 124th state your point.

REP. SULLIVAN: (124th)

Gentleman is now debating the bill in response to a question from the lady from Groton.

REP. BINGHAM: (147th)

In a direct answer to the lady, the answer is----

MR. SPEAKER:

Gentleman from the 147th, the Chair has not ruled on the point of order.

REP. BINGHAM: (147th)

Sorry, Mr. Speaker.

MR. SPEAKER:

The Chair believes the gentleman from the 147th was attempting to answer the lady's question. Please proceed.

REP. BINGHAM: (147th)

Thank you Mr. Speaker. If there are no other facilities available, the court facility and court location will stay where

it is.

MR. SPEAKER:

Lady from the 41st.

REP. KIPP: (41st)

Thank you Mr. Speaker.

MR. SPEAKER:

Gentleman from the 50th.

REP. SAVAGE: (50th)

Through you Mr. Speaker to Mr. Bingham, the Circuit Court in Danielson, what would the status be with the passage of this amendment and the passage of this bill?

MR. SPEAKER:

Gentleman care to respond?

REP. BINGHAM: (147th)

I think you have one Circuit Court facility in Danielson and Tolland and as I stated before if there is no other facility for the convenience of the litigants and the counsel and for the interests of justice, it will remain.

REP. SAVAGE: (50th)

Mr. Speaker, through you, I'd like to thank the gentleman.

MR. SPEAKER:

Gentleman from the 82nd.

REP. E VILIA: (82nd)

For the second time, Mr. Speaker. One other question to the proponent of the amendment. If in fact everything is going to stay the same as far as the location goes, where is the reforms as far as the Circuit Court in Meriden is concerned?

MR. SPEAKER:

Gentleman care to respond?

REP. BINGHAM: (147th)

We have provided that short calendar and civil jury business shall be held in those facilities of the court located in the same building, if it is feasible and where possible. That's the court reform. We are attempting to centralize certain business which should be in a central location and there is other business which should be conducted in the local locations, such as is provided in the amendment, the small claims, summary process, support. Summary process wouldn't necessarily have to be handled in a local location. That's where the property is. That's where the landlord and tenant is.

REP. EVILIA: (82nd)

I'm not clear. I'm not trying to make an issue of this but short calendar and civil jury sessions apparently are now held in the Circuit Court, in our locality they will no longer be there, they will be going to New Haven or wherever the Superior Court is, is that correct?

REP. BINGHAM: (147th)

What business is that?

REP. EVILIA: (82nd)

Short calendar and civil jury sessions.

REP. BINGHAM: (147th)

Yes, that's correct.

REP. EVILIA: (82nd)

They presently are held in the Circuit Court?

REP. BINGHAM: (147th)

That should be of no inconvenience to the litigants or to hw the lawyers. The lawyers are usually in short calendar in the central courthouse anyway and the litigant does not have to go to short calendar.

REP. EVILIA: (82nd)

Then, I'm still not clear. We're not really changing anything in the Circuit Court in Meriden yet we're saying, we're going to do a better job there, and I'm trying to find out why. Is that because we'll have more judges there?

REP. BINGHAM: (147th)

You have better facilities in Meriden as they do in New tape #15 Britain. That's why there won't be a great change in Meriden.

REP. E VILIA: (82nd)

I see. O.K. So in other words, Meriden is really not that much affected because things are pretty good there now.

REP. BINGHAM: (147th)

The buildings are fine. The court reorganization, we may become more efficient in Meriden, yes, by the merger of Common Pleas and Circuit and you most likely will have central jury in Meriden.

REP. EVILIA: (82nd)

Thank you Mr. Speaker.

MR. SPEAKER:

Will you remark further on adoption---Chair has not recognized anyone at this point. Question is on adoption of House "B".

Gentleman from the 137th.

REP. NEWMAN: (137th)

Mr. Speaker, I oppose this amendment reluctantly because I've

had experience with the Chief Court Administrator and the location hw of courts. I represent Norwalk which is the sixth or seventh largest city in the state. We had conferences with the Chief Court Administrator last year. He threatened to take our criminal jury trials out of Norwalk and eventually perhaps to close down the whole facility such as they did in Westport which now has no Circuit Court.

We only have one courtroom. We've been contemplating building another courthouse but he said that they built some additional rooms in the Stamford courthouse and he thinks the business of the Norwalk court, at least the criminal part of it, should be transferred to Stamford.

Now the administrators always have had this power as long as I know under the present law and I don't believe this law changes it much except perhaps to put in some sort of a standard and I think those standards perhaps can be read into the present law.

Having had experience with the manner in which they abruptly want to take our court, part of our court, all of our court facilities away, I must oppose this amendment. I don't think it's a good amendment. The Circuit Court is a people's court. It should be in the locality where the people get their first impression, the court of first impression, and I just think it's a bad thing to take it out of these towns and give this power to the court administrator.

There's a (inaudible) in the amendment, they shall remain in the towns unless the court administrator decides that personnel can be more efficiently used and so on in other facilities, etc.

But the town is the loser, some of the big towns. Again, I oppose hw the amendment, sir.

MR. SPEAKER:

Gentleman from the 118th.

REP. MAHONEY: (118th)

Mr. Speaker, through you a question to the proponent of the bill. (MR. SPEAKER: Please state your question.) Did I understand the proponent of the bill to say in answer to a previous question that the administrator has the power now to move the Circuit Courts out of the areas which they're located if----

MR. SPEAKER:

Gentleman from the 147th care to respond?

REP. BINGHAM: (147th)

The court administrator has the power now.

REP. MAHONEY: (118th)

Then what do we need the amendment for?

REP. BINGHAM: (147th)

To protect the local towns. We are giving you more than you have now. We're setting standards. The court administrator made a determination about Norwalk because it was almost impossible to get a jury trial in Norwalk. Now you really have to make a decision, is one courtroom that handles non-jury business in that one courtroom and is too much business there and the court administrator made a decision. Now the court administrator will have to apply certain standards such as the convenience of the litigants, the convenience of counsel, and the interest of justice. And I think this is a protection for the local towns.

MR. SPEAKER:

Gentleman from the 118th.

REP. MAHONEY: (118th)

Mr. Speaker, through you again to the proponent of the bill. Isn't this in the opinion of the administrator?

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Through you Mr. Speaker to the proponent of the question. At the present time he has no standards. It's purely his opinion. If we pass this amendment, yes, he will make a decision, he will have to make a determination, but he'll have to follow certain standards and the local community certainly will inform him if he makes the incorrect choice and if it's not based upon the convenience of the litigants, the interest of justice, and the convenience of counsel.

REP. MAHONEY: (118th)

No further questions.

MR. SPEAKER:

Gentleman from the 89th.

REP. DICE: (89th)

Mr. Speaker, I'm sure that any language we draft here can be subject to different interpretations. If we go along and nitpick about every sentence along here, we're not going to get along very far. It seems to me that this is an attempt to maintain in the local areas courts that are there currently. If it turns out that the court administrator comes along and changes those, this legis-

lature has a power too and can subsequently indicate that we want hw court locations at certain areas. We can make the decision at that particular time.

I think this is as clear as possible designation to him that we do want courts in our local areas that are convenient to the people. Frankly, if this bill--if I'm to support this bill, something like this has to be in the bill because it at least indicates that we do want courts local and close to the people.

I'm for this amendment as it reads and subsequently if we don't like what he's doing, we can change it.

MR. SPEAKER:

Gentleman from the 143rd.

REP. MATTHEWS: (143rd)

A question through you, sir, to the proponent of the bill. (MR. SPEAKER: Please state your question.) If the Chief Court Administrator makes his decision and the community or the members of the bar and the community are not satisfied, unhappy with this decision, is there any appeal to any higher element in any way?

REP. BINGHAM: (147th)

Not directly, no.

MR. SPEAKER:

Gentleman from the 30th.

REP. ARGAZZI: (30th)

A question through you to Mr. Bingham. (MR. SPEAKER: Please state your question.) Right now in New Britain the Superior Court building and Circuit Court building are right next to each other. Quite often the judge of the Superior Court has pulled out of New

Britain because they have pressing business in Hartford. Now in hw that situation does short calendar and civil jury sessions on the Circuit Court docket have to be transferred to the Hartford Superior Court?

REP. BINGHAM: (147th)

The question is, will it have to be---through you Mr. Speaker --No, it will not. It is intended that in an unique location such as New Britain, the short calendars would be held in the same building, yes, and in the same town, and in the same location, and under this amendment New Britain certainly would be protected.

REP. ARGAZZI: (30th)

May I continue, Mr. Speaker? (MR. SPEAKER: Gentleman from the 30th.) If the Superior Court judge is not sitting in New Britain, how can he hear a short calendar or civil jury in New Britain?

REP. BINGHAM: (147th)

It's hoped that the Chief Court Administrator will send him back to hear it.

MR. SPEAKER:

Will you remark further. The gentleman from the 136th for the second time, on House "B".

REP. NEVAS: (136th)

Mr. Speaker, speaking for the second time, I would respectfully disagree with the learned chairman of the Judiciary Committee when he stated to this House that there are no standards in the law now, and I read from Section 51-251 of the General Statutes, which says, the chief judge, this is of the Circuit Court now,

this is the chapter 885 dealing with the Circuit Court, the chief judge after consultation with the judges of the Circuit Court shall designate the area of the circuits and the towns and cities within each circuit at which court sessions shall be had. Such determination shall be made for the convenience of litigants nad their counsel for the facilitation of court business and for the efficient use of judicial personnel. Virtually the same standards as are contained in this amendment.

So I would respectfully suggest that the chairman was in error when he said there were no current standards in the law, and in addition, Mr. Speaker, I would respectfully suggest to the members of this body that you are watering down those standards by the adoption of this amendment because in the section of the statutes which I just read you will remember that I said the Chief Judge and now I emphasize, after consultation with the judges of the Circuit Court, which means now if he wants to make a change, he's got to get--he's got to consult with other members of the judiciary serving that area before making a decision.

Under this amendment, he will have that sole discretion.

Thank you Mr. Speaker.

MR. SPEAKER:

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, I hope we're getting close to the point where we can vote on the amendment and stop hearing the attempts to cloud the issue.

I appreciate Mr. Nevas reading the statute but he's ingnored

two things. First of all, that the court location under this amendment cannot be changed. There must continue to be a lower court which was the Circuit Court and which is now the new Common Pleas Court in each town, and where there may be allocation of rooms in those towns where they are fortunate enough to have more than one courthouse, the Chief Court Administrator can't change the location. And if wants to reallocate rooms, he can only do so under these standards and I would point out that the standards spelled out in this amendment include the litigants. The standards spelled out in the statute Mr. Nevas called forth only included the personnel and the court.

I think again it makes it clear that this amendment is for the people. It's for Meriden, Danielson, and New Britain, and those areas that want to continue this kind of litigation, and it will in fact bring more efficiency, because in the first instance it's going to centralize the jury trials. But those situations such as small claims, summary process, and small civil matters will be in the people's backyards where they have been.

I strongly urge, Mr. Speaker, that we get on with the business and vote this amendment so that we can get down to arguing the bill.

MR. SPEAKER:

Gentleman from the 39th.

REP. SULLIVAN: (39th)

A question to Mr. Bingham, please. (MR. SPEAKER: Please state your question.) Jim, can you tell us how this amendment will ultimately affect the Preston courthouse location for New

London County.

REP. BINGHAM: (147th)

Through you Mr. Speaker, I answered the question. I cannot guarantee or change those plans which are already drafted.

REP. SULLIVAN: (39th)

But nothing will prevent those plans from being changed if this amendment goes through. In other words, the Chief Court Administrator could change his mind about the Preston site if he found that another site was more convenient to litigants and to attorneys and to the benefit of justice.

REP. BINGHAM: (147th)

Through you Mr. Speaker, yes.

REP. SULLIVAN: (39th)

Thank you.

MR. SPEAKER:

Gentleman from the 137th for the second time.

REP. NEWMAN: (137th)

Mr. Speaker, under this amendment we are anointing the Chief Court Administrator with the powers of being a czar over the life and death of circuit courts in various localities in the state. Even more so than he is at present without this amendment and may I ask that when the vote is taken, it be taken by roll call, sir.

MR. SPEAKER:

Question is on a roll call vote on House Amendment Schedule "B". All those in favor of a roll call indicate by saying AYE. All those in favor of a roll call indicate by saying AYE. 20% having indicated a desire for a roll call, will the clerk please

announce an immediate roll call.

Gentleman from the 59th.

REP. VELLA: (59th)

Mr. Speaker, through you I'd like to ask a question to the distinguished chairman of the Judiciary Committee. (MR. SPEAKER: Please state your question.) Rep. Bingham, without Amendment "B" will the small claims courts be allocated in different areas than the existing circuit courts?

REP. BINGHAM: (147th)

Through you Mr. Speaker, to the proponent of the question. Without Amendment "B" you have a great chance of losing the small claims business in your local areas. With Amendment "B" you are protecting that type of business, small claims business and summary process business, staying in your location and protecting your local community and protecting the interest of the litigants.

REP. VELLA: (59th)

Thank you very much. (MR. SPEAKER: Gentleman from the 59th)

Mr. Speaker, I rise in favor of House Amendment "B". Small claims courts in the State of Connecticut is a court for the people. Today the courts are not available to the people. If we move the courts from its present location and place them into central city locations, the people in the State of Connecticut will not realize the benefits of the present circuit court where the small claim courts are located.

I urge adoption of House Amendment "B".

MR. SPEAKER:

Gentleman from the 135th.

REP. FREEDMAN: (135th)

Mr. Speaker, I rise to agree with Mr. Bingham and Mr. Avcollie. This amendment is necessary for this bill. I've listened now to many questions put and many questions answered very patiently. I've listened to the opposition speaking against the amendment. Quite frankly, I have not been convinced by their arguments and I would urge adoption of this amendment.

MR. SPEAKER:

Gentleman from the 46th for the second time.

REP. SWEENEY: (46th)

Thank you Mr. Speaker. A question to the proponent of the amendment, please. (MR. SPEAKER: Please state your question.)

Mr. Bingham, earlier you indicated to me that there would not be a change in the proposed site for the new county courthouse in Preston. My question is now as you since then have answered several other questions and you said that the court administrator, the Chief Court Administrator, could change his mind.

Assuming that this court merger does pass, do you see any reason why he should change his mind as far as New London County goes?

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MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Through you Mr. Speaker to the proponent of the question. This amendment, if the court administrator applies the formula, will in my opinion cause the court administrator not to change his mind. I can't guarantee whether he's going to change his

mind or not. This amendment is not going to guarantee anything. What this amendment in tending to do is to protect locations that are there now and the local communities that are there now, and my answer to you now would be the same as it was before.

REP. SWEENEY: (46th)

Thank you Mr. Speaker.

MR. SPEAKER:

All members would take their seats. Nonmembers come to the well. Question is on adoption House Amendment Schedule "B" offered by the gentleman from the 147th. Machine will be open. Has everyone voted? Machine will be closed and the clerk please take a tally. Gentleman from the 14th in the negative. Gentleman from the 1st in the affirmative. Further additions?

Clerk please announce the revised tally.

ASS'T. CLERK:

Total Number Voting.....138
Necessary for Adoption..... 70
Those voting Yea.....117
Those voting Nay..... 21
Absent and Not Voting..... 13

MR. SPEAKER:

House Amendment "B" is adopted.

Clerk call House "C".

THE CLERK:

House Amendment Schedule "C" offered by Rep. Cretella and Rep. Bingham. Your LCO No. 3103. I believe copies of the amendment are on the desks of the members.

Would you like the amendment read, sir?

REP. CRETELLA: (87th)

Mr. Speaker, I move adoption of House Amendment Schedule "C" and I ask permission to summarize.

MR. SPEAKER:

Gentleman from the 87th has moved adoption of House "C". Is there objection to the summary? Please proceed with the summary without objection.

REP. CRETELLA: (87th)

Mr. Speaker, the statute as it exists today namely section 51-251 has in it language which was intended to cover a situation such as the one which will shortly exist in New Haven, namely, the Common Pleas and Superior Court will abandon their present state facility and move into the newly constructed courthouse.

It is anticipated and fully expected that the Circuit Court which presently is housed in a building in New Haven which if not shortly condemned, will fall down by itself anyway, and the Circuit Court is intended to move into the new facility.

The language in the statute raises some question as it exists today as to who is to maintain the present state building after the Circuit Court has moved into that new facility.

House Amendment Schedule "C" is drawn to resolve that question and states very simply that when that event occurs, that facility will be maintained by the state. It would apply in any other town, any other city, in which a similar situation may exist or come to be in the future. I move adoption.

MR. SPEAKER:

Gentleman from the 94th.

REP. MORRIS: (94th)

Mr. Speaker, briefly, I echo the comments of the gentleman from the 87th and I support the amendment. Thank you.

MR. SPEAKER:

Gentleman from the 97th.

REP. CANALI: (97th)

Mr. Speaker, speaking in favor of the amendment. Anyone having seen the Circuit Court facility in New Haven would have to shake their head with wonder that any person could walk into the room safely without placing their life in danger rather than hold a court trial.

Mr. Speaker, this is an excellent amendment and although the old county courthouse may be old to the Superior Court, it will be a palace to the New Haven Circuit Court.

MR. SPEAKER:

Gentleman from the 89th.

REP. DICE: (89th)

Mr. Speaker, I have a question to the proponent of the amendment. (MR. SPEAKER: Please state your question.) I'd like to know how much the State of Connecticut is going to be paying for the court facilities in New Haven that previously was maintained by the City of New Haven as the result of this amendment.

REP. CRETELLA: (87th)

How much the state is going to be paying? (REP. DICE: Yes, how much is this going to cost the state during the fiscal year 74-75.) I think they're going to pay exactly what they were paying anyway. I don't know how much that is.

MR. SPEAKER:

Gentleman from the 89th.

REP. DICE: (89th)

Mr. Speaker, if the court was replaced to another location, would the City of New Haven have to pay it?

REP. CRETELLA: (87th)

If the Circuit Court went into another facility not owned by the state, it would appear that under Section 51-251 that it would be the leasing procedure which is, I believe, now $1.50 or more, $3.50 if it goes to that. However, that's the answer to the question.

REP. DICE: (89th)

Would that facility have to be maintained by the City of New Haven then?

REP. CRETELLA: (87th)

Yes.

REP. DICE: (89th)

How many other locations in the State of Connecticut do you anticipate the state will have to assume the burden for during the fiscal years 74-75 if this amendment goes through?

REP. CRETELLA: (87th)

I know of no other one.

REP. DICE: (89th)

Are you familiar with the situation in Waterbury where there is a change being made?

REP. CRETELLA: (87th)

No.

REP. DICE: (89th)

I have no other questions. I'd like to make a comment.

MR. SPEAKER:

Gentleman from the 89th.

REP. DICE: (89th)

Mr. Speaker, I don't think that I can properly vote on this amendment at the present time because it does seem to me that what this may be doing is, putting another cost on this bill which was not costed out by the Appropriations Committee at the time it was originally costed. It was my understanding we were to have the bill and have it costed at that particular time. We're now having amendments which all of a sudden come forward and are beginning to change the cost burden on the people of the State of Connecticut.

If this one goes through, it does seem to me that what we're doing is beginning to make the shift which it wasn't my understanding was to be increased in the cost of this bill. Consequently at this time until it's set forth clearly, I'm going to vote against this amendment.

MR. SPEAKER:

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, I think I might shed some light on Mr. Dice's problem. We have to consider two things. One of which I don't have the answer for but he should and that is that there is another bill coming out increasing rentals to $3.50 a foot and I presume Appropriations has taken care of that matter.

Secondly, when we talk about the state assuming the cost of the new lower court in the old state building, we have to remember that there is therefore a decrease in that they're no longer paying rent and further that there's already money appropriated to operate and maintain that old court building.

So it's our feeling at this point that there are only two courthouses which we know of which could possibly be involved. One is New Haven for which there is an appropriation. The second is a possible Waterbury, Mr. Dice, but the Waterbury situation has not been resolved. There is mixed feeling within the community about where that court should go and I don't think we can project the cost during this fiscal year for that possible change. So I would say there are no added dollars in this matter.

MR. SPEAKER:

Gentleman from the 87th.

REP. CRETELLA: (87th)

Mr. Speaker, echoing the remarks made by Rep. Avcollie as to the $3.50 which would no longer go to New Haven since there would be no facility leased is one good point, and the second point is, in my opinion, there's no question but Section 51-251 of the statutes as it exists today, when adopted, fully anticipated the exact situation we are attempting to clarify in which it says, "The Public Works Commissioner is directed to make available for the use of the Circuit Court any courtroom facilities including chambers and jury assembly and deliberation rooms provided now for the Superior Court and Court of Common Pleas when such facilities are no longer used by such courts." This move was

fully anticipated and I do not believe there will be a financial impact. hw

MR. SPEAKER:

Gentleman from the 89th.

REP. DICE: (89th)

Mr. Speaker, the objection I have is not to the fact -- the objection I have is that this matter was not brought before the Appropriations Committee to valuate the impact on the status at this particular time.

This bill as a whole was brought to our committee. It was evaluated based on certain assumptions and this was not one of them and I think this is a beginning now to change that assumption on which it was based on and which it was originally brought before the Appropriations Committee to do. It may well be that there is no additional cost. I don't know, but it does seem to me that this amendment should go down until someone finds out about it and we can make the change in the statute subsequently, not here.

MR. SPEAKER:

Will you remark further on adoption of House "C". If not, all those in favor of adoption indicate by saying AYE. Those opposed.

The amendment is carried.

The Chair will rule the amendment technical. The question-- Clerk is in possession of House "D".

THE CLERK:

House Amendment Schedule "D" offered by Rep. Bingham and Rep. Freedman. Your LCO No. 3201. I believe copies of the amendment

are on the desks of all the members. Would you care to have the hw amendment read, sir?

REP. BINGHAM: (147th)

If I may be permitted to summarize.

MR. SPEAKER:

Is there objection to the gentleman summarizing House "D"? Without objection, please proceed with the summary.

REP. BINGHAM: (147th)

Yes, Mr. Speaker. This amendment begins to put into effect the serious removal from the courts of traffic violations for those people who wish to plead guilty.

We are providing that for all those matters which the penalty is not in excess of $100 or does not concern itself with imprisonment, that the person shall not be required to appear before the Court of Common Pleas unless the person arrested pleads not guilty, and further, that if this bill passes, the judges of the Court of Common Pleas may establish a schedule of fines to be paid for each specific violation.

Now as we know, one of the great burdens upon the Circuit Court is the handling of business in which there will be no trial and which there will be a plea of guilty, and which now if it's handled through the clerk's office, takes up much time, causes expense, and is a great inconvenience to the litigants. Some day we hope and very soon to remove alcohol and those crimes, those violations concerned with alcohol from the courts, but this is a beginning, traffic, and we expect that this will greatly improve the efficiency if this bill passes, in the handling of traffic

offenses which in the first instance do not belong in the courts. hw

I urge its passage.

MR. SPEAKER:

Gentleman from the 140th.

REP. FABRIZIO: (140th)

Mr. Speaker, I have a question of Rep. Kennelly. (MR. SPEAKER: Please state your question.) Do the Circuit Court judges want this reform?

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "D".

REP. FABRIZIO: (140th)

Mr. Speaker, I merely wish to ask some questions similar to he asked me, exactly what he asked me----

MR. SPEAKER:

You must wait until the amendment under consideration.

Gentleman from the 140th.

Gentleman from the 33rd.

REP. DZIALO: (33rd)

Yes, Mr. Speaker. To the chairman of the Judiciary. He referred to a $100 fine. I don't happen to see that written in the amendment. Can he cite that portion of the amendment that refers to, shall not exceed $100?

REP. BINGHAM: (147th)

It's in the bill in chief, Mr. Speaker. Through you, Mr. Speaker, it's recited in the bill, in line 3983, after the word "dollars", insert "shall not be required", and 3983 it states, $100.

MR. SPEAKER:

Will you remark further on adoption of House "D". If not, all those in favor of adoption indicate by saying AYE. Those opposed.

tape #17

The amendment is adopted. The Chair will rule the amendment technical.

Clerk call House "E".

THE CLERK:

House Amendment Schedule "E" offered by Rep. Bingham and Rep. Healey. LCO No. 3025. I believe copies of the amendment are on the desks. Would you like the amendment read, sir?

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

I move acceptance of the amendment, Mr. Speaker.

May I be permitted to summarize?

MR. SPEAKER:

Gentleman has moved adoption of House "E". Is there objection to the gentleman summarizing? Without objection, please proceed with your summary.

REP. BINGHAM: (147th)

Yes, Mr. Speaker. This amendment is the result of a joint effort between counsel for the minority and it was his recommendation, and counsel for the majority.

In the bill we have provided that appeals from final judgements in administrative matters shall be upon certification only, and he felt that that was too rigorous denying an appeal in these

matters on certification only, recommended that if the persons hw wish to stipulate in writing that they wish to take an appeal, they could appeal immediately to the new appellate division in the Superior Court under greatly improved and modernized appellate procedure which would afford them an immediate appeal in the new court, and if one of the parties did not choose to sign the stipulation for purposes of delay which might be the person who won the case and did not wish to take an appeal, then there would be an immediate appeal to the Supreme Court. You would not prevent the parties from going to the Supreme Court but you would facilitate and provide that the parties would be able to appeal to the Superior Court, appellate division, by stipulation.

I congratulate the counsel for the minority on recommending this amendment and I urge it.

MR. SPEAKER:

Will you remark further on adoption of House "E". If not, all those in favor of adoption indicate by saying AYE. Those opposed.

The amendment is adopted. Chair will rule the amendment technical.

Clerk please call House "F".

THE CLERK:

House Amendment Schedule "F" offered by Rep. Badolato of the 23rd district. Your LCO No. 2769. I believe amendments are on the desks. Would you like the amendment read?

MR. SPEAKER:

Gentleman from the 23rd.

REP. BADOLATO: (23rd)

Mr. Speaker, with the passage of Amendment "B", there won't be a necessity for this one. I'd like to withdraw it.

MR. SPEAKER:

Without objection, House Amendment "F" is withdrawn.

Clerk please call House "G".

THE CLERK:

House Amendment Schedule "G" offered by Rep. Dice. LCO No. 2672. Would you like the amendment read, sir?

MR. SPEAKER:

Gentleman from the 89th, gentleman care to summarize the amendment?

REP. DICE: (89th)

Mr. Speaker, first of all, I'd like to move the amendment.

MR. SPEAKER:

Question is on adoption of House "G".

REP. DICE: (89th)

Then I would like to summarize.

MR. SPEAKER:

Is there objection to the gentleman summarizing House "G"?

Without objection, please proceed.

REP. DICE: (89th)

Mr. Speaker, what this bill does is to emerge into this particular bill a bill that is coming along that had previously came from the Appropriations Committee. It continues the commission to reorganize the court but gives them a mandate. I would like to read you the mandate.

"Said commission shall study and prepare legislation for the hw unification of all the functions, powers and jurisdiction possessed by the Court of Common Pleas and the Juvenile Court, in the Superior Court and present legislative drafts to the 1976 session of the General Assembly, on or before January 1, 1976."

Then it provides funds for continuation of that commission. What this does in a sense is, commits this idea of unification of courts to continue forward and end up with one unified court in the State of Connecticut.

Frankly, I have agonized over this bill and have been talked to and have talked with many people including the judges, the people who practice in the courts, and individuals, and it's only because this is one step to unified system and am I going to be able to support it.

If this amendment does not pass, I feel that we have not gone to the substance of the matter and really done anything. I believe that we should have a unified court because the matter of utilizing the facilities entirely, the judges entirely, the clerks for the system entirely, can be shifted around and used so that if we do unify the court, this is the way that we're going to have true unification of the courts and true utilization of our entire facilities. This, to me, is the way that we can utilize to the best benefit to the State of Connecticut everything at the lowest cost.

Consequently if this bill passes or this amendment passes, what we are doing is committing ourselves by mandating this commission to come back with legislation that tells us how we

further unify it. It is only through this way that I think we're going to have true unification and true reorganization of the courts, otherwise we can get stalled in the middle. We can pass this particular reorganization bill and not get the second half of it which is to merge all the courts into one unified system.

Now by moving into one unified system this does not necessarily mean that all judges are going to be paid the same or all that it amounts to is that we have one system where we can utilize all the facilities and all the personnel.

Consequently if this does not go through, I think I'm going to be opposed or vote against this reorganization bill because I don't think that this Legislature has committed itself to what this bill is being sold as. This bill is being sold as one step in a two-step process. If we pass this bill or this amendment, I think that we are getting further towards unification as a whole. If we do not pass it, I think we have just taken one step and we may be frustrated in the middle.

If we're going to unify any courts otherwise, it's been pointed out quite clearly that we presently have in one building other courts that can be unified easier and can be unified at less expense. Consequently to me this particular amendment is a pivotal point. If we pass this, we are on the way to unification and utilization of our full facilities. If we do not, I think we have stalled on the road and I think that the present reorganization bill does not reach it entirely and I would be against it.

Thank you Mr. Speaker.

MR. SPEAKER:

Will you remark further on House "G".

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, I'll be brief. Mr. Dice has said it all and when the commission report came out we did not go to the total unification, frankly, because we could not do it all in one bite. Every group, every newspaper I read, all of the media that have supported our bill have supported it as a first step toward the total single tier unification measure.

I think this amendment addresses itself to that and continues the efforts of the commission and does mandate that we bring back legislation which will accomplish the goals sought as enunciated by Mr. Dice. It's a good amendment. It strengthens this bill and I urge its adoption.

MR. SPEAKER:

Will you remark further on House "G". Gentleman from the 83rd.

REP. MALETO: (83rd)

Mr. Speaker, a question through you to the proponent of the amendment. (MR. SPEAKER: Please state your question.) My question, Mr. Speaker, is, if I've understood you correctly, sir, you're implying greater utilization of the facilities that we now have. Would this also incorporate the features that nightcourt could provide for people?

MR. SPEAKER:

Gentleman from the 89th.

REP. DICE: (89th)

Mr. Speaker, through you, it's my understanding it could as

well as that you could provide nightcourt under the present arr- hw
angement.

MR. SPEAKER:

Gentleman from the 83rd.

REP. MALETO: (83rd)

May I, Mr. Speaker, through you---(MR. SPEAKER: On the amendment.) yes, on the amendment. Well, there is no further questions since you cautioned me on the amendment.

MR. SPEAKER:

All those in favor of adoption of House Amendment Schedule "G" indicate by saying AYE. Those opposed.

The amendment is adopted. The Chair will rule the amendment technical.

Clerk please call House "H".

THE CLERK:

House Amendment Schedule "H" offered by Rep. Bingham, Avcollie and Vicino, LCO No. 3026. Would you like the amendment read?

MR. SPEAKER:

Gentleman from the 78th.

REP. VICINO: (78th)

Yes. Would you please read the amendment. Mr. Speaker, I move the passage of the amendment.

MR. SPEAKER:

Question is on adoption of House "H". Clerk please read the amendment.

THE CLERK:

In line 48, after the period, insert a new sentence as

follows: "all interviews with any such nominees by said committee hw shal be open to all members of the General Assembly"

MR. SPEAKER:

Gentleman from the 78th.

REP. VICINO: (78th)

Mr. Speaker, I rise to introduce this amendment with mixed emotions. What the amendment suggests is that our rules have been inadequate in the past and that we should legislate the rules of this General Assembly. I think that every member here should have a right to participate in interview of a nominee for a judgeship. It has not been the practice of this Judiciary Committee in this General Assembly and I want to make that quite clear, but it has been the practice in the past where members of the General Assembly who were not members of the Judiciary Committee were excluded from participation or at least from being present when a nominee was being interviewed by that committee.

I would hope that this amendment would bring attention to this situation and that we would have agreement on both sides of the aisle that in the future there will be no closed doors in the Judiciary Committee or any other committee of the General Assembly. How can we in good faith be asked to vote on an individual who might be--who will be in fact rendering judgement on one of our twenty thousand constituents unless we have a right or an opportunity to sit and listen to the questions being asked by our very knowledgeable members of the Judiciary.

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Mr. Speaker, I certainly echo the remarks of Rep. Vicino. I'm sure that the practice of the Judiciary Committee this term has been to admit all members of the General Assembly during judicial interviews. Certainly, it's my intention, and I think I can speak for Rep. Healey that it would be his intention to continue that practice.

MR. SPEAKER:

Gentleman from the 78th.

REP. VICINO: (78th)

Mr. Speaker, I have over the years great faith in the word of our colleagues here in the House. I accept the fact that Mr. Bingham and Mr. Healey and those in the Judiciary who might follow them in the event they are not here and which I hope they are of course, and I at this time would like to withdraw my amendment.

MR. SPEAKER:

Without objection, House Amendment Schedule "H" is withdrawn.

Would the Clerk please call House "I".

THE CLERK:

House Amendment Schedule "I" offered by Reps. Ajello, Avcollie, Vicino, Beck, Kennelly, Ratchford, O'Neill, Morris, and Bingham. LCO No. 2349.

MR. SPEAKER:

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, I move adoption of the amendment and I will summarize it if I may.

MR. SPEAKER:

Question is on adoption of House "I". Is there objection to the gentleman summarizing? Without objection, please proceed with the summary.

REP. AVCOLLIE: (70th)

Mr. Speaker, consider this a technical amendment as they do the next one. The language in the file copy change the circumstance under which the chief justice served as the head of the judicial department and did at least tacitly seem to change his duties as regards the supervision of the chief court administrator.

This simply puts the law where it is right now and does not therefore address itself to any changes, and I would move adoption.

MR. SPEAKER:

Will you remark further on adoption of House "I". If not, all those in favor----the gentleman from the 143rd.

REP. MATTHEWS: (143rd)

Mr. Speaker, through you, could I just ask a question to Mr.--(MR. SPEAKER: Please state your question.) Avcollie, could you just tell us where you are on the bill relative to this amendment, please.

REP. AVCOLLIE: (70th)

Yes. I'm in line 8 through 10, lines 11 through 13. We delete the language adding the words "chief executive officer" and delete the language which makes--seems to imply an appointment as chief justice as coterminous with the appointment as a judge, and as I say, it restores this matter to the law as it is now and has been for a number of years.

MR. SPEAKER:

Will you remark further on House "I".

Gentleman from the 147th.

REP. BINGHAM: (147th)

Through you Mr. Speaker, for the reasons stated I support the amendment.

MR. SPEAKER:

Will you remark further. If not, all those in favor of adoption of House "I" indicate by saying AYE. Those opposed.

The amendment is adopted. The Chair will rule it technical.

Clerk please call House "J".

THE CLERK:

House Amendment Schedule "J" offered by Reps. Ajello, Avcollie, Beck, Kennelly, Ratchford, O'Neill, Morris, Vicino, and Bingham. LCO No. 3028.

MR. SPEAKER:

Gentleman from the 70th.

tape #18

REP. AVCOLLIE: (70th)

Mr. Speaker, I move adoption of the amendment.

MR. SPEAKER:

Question is on adoption of House "J". Would you remark.

REP. AVCOLLIE: (70th)

Mr. Speaker, this amendment eliminates the same language with regard to the chief court administrator wherein the file had made his term coterminous with his term as a judge rather than the four-year term to which he has been appointed, conforms to the other technical amendments we made earlier, and I move

it adoption.

MR. SPEAKER:

The gentleman was summarizing, I take it.

REP. AVCOLLIE: (70th)

Yes.

MR. SPEAKER:

Without objection. Will you remark further on House "J".

REP. AVCOLLIE: (70th)

I move adoption of the amendment.

MR. SPEAKER:

All those in favor of adoption of House "J" indicate by saying AYE. Those opposed.

The amendment is adopted. The Chair will rule it technical.

Is the clerk in possession of additional amendments?

THE CLERK:

There are no further amendments on the clerk's desk.

MR. SPEAKER:

Question is now on adoption--acceptance and passage of the bill as amended by House "A", "B", "C", "E", "D", "G", "I", and "J". Gentleman from the 70th.

REP. AVCOLLIE: (70th)

I don't want to hold up this very nice procession but there should be an additional amendment addressing itself to a very important aspect of the bill, Section 31 and 32 which deal with retirement of the court judges. If we want to proceed, then offer the amendment when it arrives, that poses no problem. But I do want to indicate there is another amendment coming.

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Through you a question to Rep. Avcollie. Is the amendment being prepared?

REP. AVCOLLIE: (70th)

Yes. It's in the process of preparation and should be here any moment.

REP. BINGHAM: (147th)

Then Mr. Speaker I suggest we progress with the debate on the bill and possibly we could introduce the amendment later.

REP. AVCOLLIE: (70th)

That's fine. Thank you Mr. Speaker.

MR. SPEAKER:

Will you remark. Gentleman from the 72nd.

REP. HEALEY: (72nd)

Thank you Mr. Speaker. Mr. Speaker, I was a member of the commission which worked for months and months and months on this project. I was a member of the Judiciary Committee which was involved in the actual formulation of the language of the bill and the various amendments of the bill.

I will admit very frankly, I've said all along, that at the beginning of the commission's work I was absolutely convinced the only solution was the one-tier trial court. I see no justification either in practice or in theory for a concept of echelons of justice, superior and inferior. If anybody is going to send me to jail for two weeks, I want top drawer. I want exactly the same

top drawer treatment as if I were going to jail for ten years, hw and if I want it for myself, I want it for everyone.

In the same way civil matters, even though you may call them small claims, can be of much more real and practical concern to the litigants involved than would be a one million dollar action against IBM, and those people with their petty, if you wish to call it that, their small claims are entitled to the same top drawer treatment.

The big problem with our present system of three tiers is that it automatically creates a caste system in people's minds. They think of, oh, this guy maybe he's not too hot but after all he's only going on the Circuit Court. Bunk and baloney, he's dealing with people's lives. He's dealing with people's property and we ought to make the same demands upon him as we make of a man who can sit in there and try a murder one case.

Now, it is my opinion that most of the judges of the Circuit Court are excellent, just as most of the judges of the Superior Court are excellent. We may have some unfortunate appointments in the Circuit Court but the fact that we call it the Superior Court doesn't mean that we don't have some unfortunate appointments there. But because we have three different levels people look down on the guy in the Circuit Court. They think of him as being inferior. They do not give him the proper surroundings, the proper logistical support. They do not give him the proper personnel in his courts because, oh well, after all this is an inferior thing.

There is no question in my mind that the only proper end

result is a unitary trial court where you are able to take the men and put the personnel and put them around according to needs, utilize a man according to his specialization. There are some judges who just are not good criminal trial judges but will make terrific civil trial judges. There are some judges just the opposite and we ought to be able to utilize them wherever the need is.

As the commission continued with its work I did become convinced that going in one step from our present three-tier level to a one-tier level was going to provide tremendous administrative problems and therefore I came to the conclusion that the proper way of attacking this problem was in two stages. One, the bill which you have before you now where we at least reduce the three tiers to two, and then hopefully after we've been able to work out some kinks, then go to one single tier and assure that there is one single brand and level of justice in the State of Connecticut for all parties.

Because of these administrative complexities I feel that the bill before us is the best answer in the progress toward the ultimate. I am in favor of the bill and urge its adoption.

MR. SPEAKER:

Will you remark further on acceptance and passage.

Gentleman from the 86th.

REP. BROWN: (86th)

Mr. Speaker, may I ask a question to the chairman of the Judiciary Committee, please. (MR. SPEAKER: Please state your question.) I've read through the bill and I've read through some

of the editorials and some of the other comments in the newspapers and from the TV, radios, etc. My major concern is a very simple one. It does appear to me, please correct me if I'm wrong, this is in a form of a question through the Chair, if we are going to have the same number of judges once we pass this legislation as we have today, it also appears to me that we are basically going to have the same facilities that we have today, it also appears to me that we're going to have the same workload that we have today, and I don't really see that justice is going to run a great deal faster because of those comments. Give me a comment, please, through the Chair.

MR. SPEAKER:

Gentleman from the 147th care to respond?

REP. BINGHAM: (147th)

Through you Mr. Speaker to the proponent of the question. I think the simple answer to that is and that's possibly what some of the opponents to the bill will say is, that you haven't provided instant justice with one bill. Well you can't provide instant justice with one bill. What we do is we stuck in a direction towards perfect system and there are many areas in which we have ineffectiveness and inefficiency.

One of the areas is that we use judge power and courtroom power ineffectively. This bill right now will provide a more effective and efficient use of judge power, will provide a more effective and efficient use of courtroom power, thereby giving you a better system of justice.

With the provisions in the bill in the future and with Mr.

Dice's amendment, we will in the shortest period of time have more hw adequate courtrooms for more effective system of justice and more importantly we will have it in this decade and not the next century.

MR. SPEAKER:

Gentleman from the 86th.still has the floor.

REP. BROWN: (86th)

One last question Mr. Speaker. (MR. SPEAKER: Please state your question.) Am I correct that five of the present judges will be going to a new appellate division and if so, won't that have the effect of having less judges available to handle the current case load?

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Through you Mr. Speaker, there will be fewer judges to handle the current case load and if our theory is correct, we need fewer judges to hara-kiri the current case loads because they will be handled more efficiently.

The common cry now is that the courtrooms are empty. We will be able to use the judges in the new Court of Common Pleas more effectively and more efficiently and they will be able to carry the case load in the court now.

MR. SPEAKER:

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, I rise in support of this bill.

In my opening remarks I'd like to address to the last gentle-

man who asked the question which I think is a very fine question. hw
Where do we change? I think a look at the court load will show that this bill does streamline and will provide improved facilities by making more facilities available to over two hundred and forty thousand litigants a year. It does that by making available those courtrooms which we now have in the higher courts, so to speak, available to the two hundred and forty thousand litigants presently being crammed into the Circuit Courts. Last year the two higher courts handled a total of less than four thousand cases, four thousand cases, with forty-six judges in one court and sixteen in another, and that include appeals from the lower court.

We now look at the Circuit Court that handled over two hundred and forty thousand. It's very obvious that there is justice being dispensed on one level, more or less in leisure, while justice on the lower level is harder to come by because there are no courtrooms and because the judges are handling on the basis of approximately fifteen to sixteen times more workload per judge day.

So this proposed bill, Mr. Speaker, and members of this House, certainly does streamline our court system even in its first step, certainly does bring more justice to the people in the lower court and certainly does close the gap in this caste system that continues to refer to lower courts and higher courts while it dispenses justice in the same manner.

I'd like to make some comments and I think that we cannot go by today without making comments with regard to some of the

reaction by the Bar Association and others about this bill.

I think this Legislature should take serious exception to the very great pressures that have been placed upon members of this body by some judges and some senior members of the Bar Association. Mr. Speaker, I would ask that there be some order, I--- Mr. Speaker, my remarks are at this point long overdue as the---

REP. SULLIVAN: (124th)

Point of order, Mr. Speaker.

MR. SPEAKER:

Gentleman from the 124th.

REP. SULLIVAN: (124th)

I've heard no comment ealier about what the Bar Association did or did not do. I don't think it's germane. It's not commenting on the bill.

MR. SPEAKER:

Question is on acceptance and passage of the bill. The Chair believe the gentleman to be germane. The gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, I don't intend to repeat these remarks. I would ask that they be heard. They are about the bill. They are about criticism of the bill. When I speak of the criticism of the bill I'm referring to the bill.

I think that some of the actions taken by these associations and their leading spokesman have effectively brought into question the integrity of respected members of this Legislature, and have at least questioned their intelligence, their ability to analyze

problems on behalf of all of the people of the state. hw

Apparently if one does not do what our Bar Association wants with regard to this court reform package, then one has made himself an open target for villification, and I think this body should take exception to this. Two of the members of our commission to draft this legislation which we are considering for the reorganization of the court, did in fact write a minority report questioning the decision and course of action supported by the overwhelming majority. They would have the public and this Legislature believe that a handful of very responsible individuals, including members of this body, were duped into pursuing a plan contrary to the best interests of the people of this state.

There were fifteen voting members of the commission that brought forth this legislation and those writing the minority report comprised one justice, one Superior Court justice, and two senior members of the bar. Two lawyer members of this minority have seen fit to question the conduct of the chairman, Mr. Bingham, the vice-chairman, Mr. Fauliso, in publishing reports of this legislation which reflected the positions and opinions of the overwhelming majority of this commission. They impugned the report because it was not submitted to all the members prior to publication when it should have been quite obvious that the commission operated at a very serious handicap from the standpoint of time and getting the mandate of this Legislature.

This Bar Association through various of its senior members has seen fit to launch a campaign of letter writing, a campaign in this chamber on this bill, campaign of pressure and obfuscation

of the issues. Unfortunately some of this campaign has reached hw serious lows in a disregard for the legal profession which at sometimes, particularly over the past few weeks, I have been ashamed to say I am a member.

It's one thing to advocate a cause and it's another thing to dishonor those who hold contrary beliefs. So much for the vilification of this commission and the legislation before you.

The president of the same association has argued on the merits that we will spoil the Common Pleas Court by mixing bad apples with good apples, and that's a quote. If nothing else tape #19 this statement confirms the need for this merger as a first step in a major reorganization of our judicial department. The Bar Association also argues with our commission created by this Legislature that the Common Pleas Court should no longer be maintained as a separate entity but it wants to merge the Common Pleas Court with the Superior Court to enhance the ability of that Superior Court to dispose of its civil business. Thus we assume that it believes that the Common Pleas Court is full of good apples while the Circuit Court is full of bad apples.

It's interesting to note that the Superior Court judges and many lawyers have for years resisted the merger of the Common Pleas Court with the Superior Court. Is it possible that it too contains bad apples? The important thing about this statement by the president of the bar organization who proposed to speak for over four thousand of the lawyers in this state, is it he's telling us there's something seriously wrong with our judicial system that warrants quarantine to so-called people's court. Quarantining it because

it might pollute and destroy the so-called upper courts if this hw merger went through.

I submit that the Bar Association's chairman should convince every one of us by such statements that we must have this merger because everyone of us should make sure that everyone of our courts dispenses good and equal justice. The same president's concern that the merger will do away with the people's courts, the term which he chooses to apply to the Circuit Courts. I submit that such a statement and such an attitude demonstrates arrogance and the belief that the people are properly relegated to overly crowded and overloaded courts with poor quality judges and personnel while judges and lawyers enjoy a totally different atmosphere.

It's a duty of this Legislature to insure that all the courts are for all the people and a good first step is to bring this so-called people's court up to the allegedly better level of the Court of Common Pleas and to bring the people, the people that we represent and their business into the courthouses of the Superior Court from which they have been barred throughout our history.

It's time that we legislators said to lawyers and we said to judges, there's no courthouse and no judge that's too good for the business of any citizen of this state.

The real issue here which the Bar Association clouds with terms like people's court and bad apples is that some of the judges and some of the lawyers see the handwriting on the walls, namely, that we'll ultimately merge all the courts into a single trial court dispensing equal justice, efficient justice for all

the people and all of their business. The real issues are that hw they don't want the people in the Superior Courthouses and they don't want the people's business in those courthouses. They're concerned with the quality of judges that they have been willing to let us appoint and have been after us to appoint to the Circuit Court. They now tell us that they're willing to support legislative leadership in seeking to float a bond issue of sixty million dollars to build new courthouses for the Circuit Court because they're a disgrace. They're telling us build equal facilities for the Circuit Court but keep them separate from our court. The principle of separate but equal facilities doesn't work and can never be attained. I don't think we can subscribe to it in any shape or form. The fact is, they're telling us keep the people and their business out of the Superior Court and out of the Superior Courthouses.

They've challenged us, ladies and gentlemen. The Bar Association representing the lawyers that crowd the Superior Courts with their own type of justice, they've challenged us, lawyers and laymen alike who represent the people of this state to today to determine whether we wish to preserve and lead us to the Superior Court for judges and lawyers and the people's court for the very, very bulk of the people of this state.

I say here and now we must accept this challenge. We must accept the challenges representative of the people. We must pass this bill and tell the Bar Association and the lawyers that they represent, and they don't represent me, that we want a court reform package and a court system for all the people in this State

of Connecticut. Thank you.

MR. SPEAKER:

Gentleman from the 124th.

REP. SULLIVAN: (124th)

I've listened to Mr. Avcollie and it reminds me of the situation that many lawyers find themselves in when they're trying a case in which they have the poorer side of it. You don't talk about the issues, you talk about anything else but the merits itself.

Now I didn't know that the Connecticut Bar Association was on trial here but apparently it's composed of some black-hearted villians who are out to do in the people of this state. If you want to follow the torturous reasoning that we have just heard, I suppose in the next session of the General Assembly someone is going to come up here with a bill that's going to make all teachers in this state equal because we can't have a caste system of grammar school teachers who are different than PHD's at the University of Connecticut. They're all teachers and our children deserve the best. Sure they do, but you've got to make a value judgement of who does what and where. If you follow that reasoning to its ultimate conclusion, that's what you have to come out with.

Now as far as the caste system is concerned, I think anybody who's been around this capitol for a very short period of time knows that we don't have to go out into the streets and beg and plead with people to become judges. It seems to me that there are continuous streams of people up here begging and pleading and fighting to get on the bench. I haven't heard yet of one vacancy

on the bench that went unfilled. We all know that it's quite different. Now as far as the caste system is concerned, I don't know who made up the caste system. I do know that an awful lot of Superior Court judges started out in the Circuit Courts. If you want to take the unified court system and say we're going to have one system and you take what judge's specialize in, don't you think that the judge who ends up spending all of his time on the small claims court handling matters up to $750 is going to be held in a little different repute than some hardworking brother who keeps up with all the decisions of the Supreme Court and is willing to take on a month long murder case or a six weeks malpractice case. Human beings being what they are, they have different abilities.

I had a lot more that I was going to say about this but knowing the hour I want to just bring out a couple of points. I do have to comment on the commission. I hadn't intended to, but everybody in this House knows they got a letter from my partner, and I heard what Mr. Avcollie said about it and I resented it.

No. 1, he's not a member of the Connecticut Bar Association. He resigned some time ago, many years ago in fact because he didn't like some of the policies. But I defy Mr. Avcollie to point out one untruth or inaccuracy in that letter that he signed. The initial bill that was printed here in the brown cover that all of you got contained at least two proposals, one for unified court and one for the appointment of the chief judge of this merged court by the governor which were not acted upon by the commission. I call your attention, Mr. Avcollie, to the preliminary report of

your commission, and I call your attention to the part that re- hw
fers to the court structure, and it says, the subject of the court structure was introduced on January 11th, 1974, a proposal for the merger of the Circuit Court and the Common Pleas was distributed and discussed. The subject was divided into the following four possibilities with a preference vote taken as follows: Merger of Circuit Court and Common Pleas, 8 aye, 2 nay; merger of the Superior Court and Court of Common Pleas , 3 aye, 8 nay; single trial court, 1 aye, 2 nay; no change, 1 aye, 9 nay. Now that isn't all of the members of the commission. In fact, it should be pointed out that two members of the commission were ill and never participated in the proceedings, so there were thirteen.

But the vote and the only vote, and I've examined their records and their reports, the only vote on a single trial court was 1 aye and 2 nay, and yet Section 281 of the intitial bill provided that there would be one trial court if any part of the bill that was printed became unconstitutional.

When Gregory Willis, my partner, read that he was disturbed and he asked for a meeting, a reconvening of the commission because that had not been voted on. He was then told that the commission's province was not to draft legislation and there was no further meeting held.

Now that letter that was written did not coerce anybody. It pointed out certain salient facts as to what happened insofar as the commission is concerned. If we have a bill before us, it's been drafted by the Judiciary Committee, well and good. That's their duty, but don't come in here and tell us that's what the

commission did because it isn't what the commission did, and you hw know it.

Finally, sir, I would briefly comment on what we're going here. This is a momentous change that we're undertaking towards a unified court system, and bear in mind what we're really doing is, we're going to end up in this state with about eight or ten locations someday where all the court business is going to be held, and you people are going to have to drive twenty miles to take care of a small matter and they're going to lose a day's pay and it's going to be very convenient for the lawyers because we won't have to move around the various locations. You just stay there and the clients come to you, and that's what we're doing here. We've gone from the old justice of the peace in the town courts to the idea we're going to have full-time people to bring justice to the people around the state, and now we're pulling it in tighter and mark my words, someday in the next few years somebody on this floor is going to stand up and introduce a bill to create a people's court that's going to be spread around this state so our people don't have to drive long distances in order to have their small matters taken care of, and we're going to be told it's a wonderful thing and we're going to have one new bigger bureaucracy added to this state.

This bill doesn't add one new courtroom. It doesn't add one more judge available to dispose of justice. All it does is, it gives fifty judges a raise and it raises the jurisdiction of the courts so they can say it's more important and they're handling better matters. We've been told that it's flexible and now we

can handle more business and yet we have an amendment which every- hw
body says, you can't take the courts from where they're already located.

Now, which is it? Are you going to have flexible use of this system or are you locked into where they are now? If you are locked into where you are now, where is the advantage?

Mr. Speaker, I oppose this bill. I don't think any of us are against improving the court system that we have but I submit until this General Assembly is willing to make the financial commitment to provide suitable and decent facilities for the Circuit Court, you haven't done a thing. You've changed some names and you've given some people raises but don't try and fool anybody back home that this is court reform. We've switched a few things around, thrown a coat of paint on it, and we've got the same old Circuit Court because we're not willing to do what we ought to do. Give them some money and build them decent facilities.

MR. SPEAKER:

Clerk is in possession of House Amendment Schedule "K".

THE CLERK:

House Amendment Schedule "K" offered by Reps. Ajello, Kennelly, Avcollie, Beck, O'Neill, Morris, Vicino, Ratchford, Hannon, Bonetti, and Groppo. LCO No. 3029.

REP. AVCOLLIE: (70th)

Mr. Speaker, I move adoption of the amendment and ask for permission to summarize it.

MR. SPEAKER:

Gentleman from the 70th has moved adoption of House "K".

Is there objection to the gentleman summarizing the amendment? Without objection, please proceed with your summary.

REP. AVCOLLIE: (70th)

Mr. Speaker, I'd also request that this amendment be printed in the Journal.

Mr. Speaker, the amendment being offered corrects what appears to be an ambiguity and could very well be interpreted differently. In lines 850 through 858, and again in lines 879 through 888, and lines 900, and the bill as presently written provides in Sections 31 and 32 that a judge of a Circuit Court who retired prior to the effective date of this act would receive a retirement allowance equal to two-thirds of his salary of a judge of the Court of Common Pleas. He receives under the bill this increased allowance despite the fact that he never served as a judge of the Court of Common Pleas.

The bill thus seems to grant the retroactive increase, Mr. Speaker, in addition, Section 36 as presently written would indicate that this same grant of a retroactive increase would be made to a previous retired Circuit Court judge's spouse.

The amendment we propose eliminates any implication of this increase to either a Circuit Court judge who has never served or to Circuit Court judge's spouse.

I would move its adoption, Mr. Speaker.

MR. SPEAKER:

Will you remark further on adoption of House "K". If not, all those in favor of adoption indicate by saying AYE. Those opposed.

The amendment is adopted. Chair will rule the amendment

technical. The question is now on acceptance and passage of hw the bill as amended.

Gentleman from the 70th, for the second time.

REP. AVCOLLIE: (70th)

Mr. Speaker, second and last I hope. I want to make something clear. My initial discussion a few moments ago on this bill and the points I addressed to individuals who were maligning our chairman and co-chairman, and individuals who were promulgating information on the floor of this House, had absolutely no reference to Attorney Sullivan's partner. I certainly never mentioned Greg Willis's name nor did I imply, and I want to make that perfectly clear. I enjoyed working with Mr. Willis. I think Mr. Sullivan is very fortunate to have a partner like him and for any implic-
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ation that Mr. Sullivan or anyone else may have taken that I was referring to his partner, my reference was certainly not. I tried to refer to the Bar Association and I'm familiar with the fact that Mr. Willis does not speak for the Bar Association and I do not take issue or quarrel with Mr. Willis' letter. He expressed his opinions as he did throughout the study. I respect him. I respect his opinions. I may not agree with him. I tried to say about the Bar Association that they should respect our opinions and our efforts and not malign us because we differ.

I do disagree with Mr. Sullivan and his points with regard to the merit and I think enough has been said. We are not going to reduce the courts to eight or ten. We certainly are adding more room and more judges by virtue of the fact that we're taking the middle court which works on an average of three days a week

and we're giving them a full day's work for a full day's pay. So we are in fact adding more work for certain judges and we are in fact providing more space for the trial of the matters before the people.

I urge adoption of this bill. As I said before it is a good bill and I hope if we do come back to change it, we will change it toward the unified court. Thank you Mr. Speaker.

MR. SPEAKER:

If all members would please take their seats.

Gentleman from the 135th.

REP. FREEDMAN: (135th)

Mr. Speaker, I agree with Mr. Avcollie that Mr. Sullivan is lucky to have Mr. Willis as a partner, and I might add that I think Mr. Willis is lucky to have Mr. Sullivan as a partner.

However-----

MR. SPEAKER:

Will you remark further on the resolution---

REP. FREEDMAN: (135th)

Were I against this bill, Mr. Speaker, I think I would argue essentially as my good friend, Mr. Sullivan, has argued. Because I think it's the only argument one can make and I don't blame him for making it.

But unfortunately he doesn't sustain the burden of proof and unfortunately for me he does not convince me. I was there, Mr. Speaker, I was chairman of the subcommittee on court reorganization and I sat with that commission. I was there and I saw them overwhelmingly in favor of this idea.

Perhaps if I were an attorney and not a legislator, I might hw oppose this bill but I can't afford that luxury because I am a legislator and I have to represent my people back home.

Someone said to me the other day there's no moral issue involved in this bill. How wrong they were. Underlying this whole debate, Mr. Speaker, there is a question of almost overwhelming importance. There's a practice of the Bar Association that illuminates that principle. The bar, when a nomination from the Judiciary is sent to it, states that a person is qualified for a Circuit Court only, or for Circuit Court and Common Pleas only, or for all the courts. Mr. Speaker, this concept is fundamentally, I suspect, opposed to our democratic system of justice. I consider it a major evil and what it's lead to is an elitest hierarchy of the judiciary, a caste system if you will.

I think of something that the opponents of this bill totally ignore, and the problem, the problem with it, Mr. Speaker, is that fully 85% of the people of this state see justice only through the eyes of the Circuit Court. They never get to the Superior Court, and God knows rarely to the Court of Common Pleas.

To admit that we have a better system of justice in the Superior Court, in my opinion, is the denial of our very system itself.

What the bill proposes is that we put some real substance into those words that are emblazioned across the front of the United States Supreme Court, "equal justice under law." It seems to me that's the reason this commission was founded, and that's the basic problem that we must deal with. This bill

proposes the same brand of justice in all courts, the same kind hw of justice, the same degree of justice, and that it be given to all 85% of those people down below as well as the 15% who are more fortunate perhaps up above.

I considered at great length the report of the minority of the commission. I believe it failed to address the real problems that are in front of us. Connecticut, Mr. Speaker, has cried out for reforms for twenty years or more because as our citizens grow older and our increasing complexitive society, they find that our courts are not doing the jobs for them. The minority says the problem lies in the Circuit Court only. But how would they answer the problems of the Circuit Court? They would merge the Common Pleas Court with the Superior Court which would help those 15% of those people who are up above but do nothing for the people they claim are in trouble. What it would do is, tend to reinforce that elitest hierarchy I've mentioned, but do nothing to solve the basic problems and do nothing to solve and help the overwhelming 85% of our people. If it would do anything, it would do great harm to the image of the judiciary and to the bar.

All of us, Mr. Speaker, citizens, legislators, lawyers, judges, alike have to accept one fact, and that is that the courts belong to no one but the people. They have no other justification. None of us own the courthouse. At the heart of this controversy and it's very hard, I believe, is the fundamental basic philosophical concept. Justice in a way is like a chain. It's no stronger than its weakest link, and if you accept that concept, you have to realize that if it's weak down below, it is weak all over.

Because I firmly believe that justice is an indivisible con- hw
cept and I cannot, sir, accept better judges in the Superior Court than in the Circuit Court. There may be more money involved in the Circuit Court, the penalties may be more newsworthy, but the justice that's dispensed must be equal, and I submit to you, sir, that an unjust thirty day sentence is an outrage and an unjust three thousand dollar verdict is intolerable. What we're worried about is the kind of justice. We're worried about the kind of justice courts dispense and not with the numbers involved.

Unless we accept this concept I submit to you that we will prolong in an ever so subtle way those very problems which we profess to abhor. What's important is people, and what's important are principles of law, and justice demands that everyone get equal treatment, not better treatment for those whose cases are of more value.

The opponents tend to shy away from what is unquestionably the basic problem, and Mr. Avcollie hit on it very cleverly. It's that massive contact of the courts with a large majority of those who face litigation, the less fortunate people. But unfortunately those are the ones who by and large make up the population of our litigants. If so, we reward the better Circuit Court judges as is implied by the Bar Association's approach, by raising them to the Court of Common Pleas or to the Superior Court. What we really do is take the better judges up and leave 85% of the people with those judges that we feel are less competent.

Again, I submit to you that is an outrage, and I think one of the last vestiges of that elitest system that lead to the

account of volcanic eruption of this entire country.

I have listened twice to the arguments advanced by the opponents, both in the Judiciary Committee and in the Appropriations Committee. I found a good deal of overstatement and exaggeration and indeed in one place I was told that there was some forty-two million dollars involved. I understand that the total appropriation is two hundred and twenty-six thousand dollars, quite different.

In conclusion, Mr. Speaker, once perhaps in five, ten, maybe fifteen years, legislators such as ourselves have an opportunity to vote on a bill which may in some way affect in a very positive and real nature the very society in which they live, and I believe that this is such a bill. I think we'll have progress only when we recognize this and when we give up the slavish devotion of the status quo that has for so long governed the action of our courts. Courts, I submit, are a mirror of our society. I think the choice is to perform corrective surgery this year or, by God, we will surely perform needed emergency surgery next year.

The need is critical, Mr. Speaker, the time to start is now, and the place is right here.

MR. SPEAKER:

Clerk is in possession of an additional amendment. Clerk please call the next amendment.

THE CLERK:

House Amendment Schedule "L" offered by Rep. Badolato. LCO No. 2548.

MR. SPEAKER:

Gentleman from the 23rd.

REP. BADOLATO: (23rd)

Mr. Speaker, the original, if you look at it, does have both names on it, in the front.

Mr. Speaker, in looking at Section 23, line 734, it deletes the reference to such special deputy sheriffs, and then in line 736 it goes on to point out---in line 734, with the caps, the new language, it goes on to point out that the sheriff for the county in which such court is held or such as his deputies or by such constables, and so forth. The statute limits the number of deputy sheriffs that the sheriff can name and unless you put back in there the special deputy sheriffs, I'm sure you'll find that there will not be sufficient deputies to go around to handle the work of the court. Section 6-38 of the General Statutes spells out clearly the number of sheriffs that can be appointed---the deputy sheriffs rather that can be appointed by the sheriffs of each county, and I would hope that the amendment would pass so that we wouldn't have this problem in the courts.

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "L". Gentleman from the 147th.

REP. BINGHAM: (147th)

Mr. Speaker, this is a technical correction. There could be some misunderstanding. I support the amendment.

MR. SPEAKER:

All those in favor of adoption of House Amendment Schedule "L" indicate by saying AYE. Those opposed.

The amendment is adopted. The Chair will rule the amendment technical.

If all members would please take their seats. Nonmembers come to the well. Question is on acceptance and passage of the bill as amended by ten separate amendments.

Gentleman from the 136th.

REP. NEVAS: (136th)

Mr. Speaker, like Mr. Sullivan, I had intended to speak and I had prepared remarks, but the hour is late and there is still Calendar business left, and I will attempt to be brief.

I think Rep. Evilia asked the key question here today. I think he asked, he was the one person who put his finger on the question in discussing Amendment "B", which in effect maintains the current system even though this bill is going to be adopted, and his question if you don't remember was, if you adopt Amendment "B", what do you need the bill for, why don't you stay with the existing system, and that's really the heart of this issue.

Ladies and gentlemen of this Assembly, you've been suckered in. You've been suckered in by Amendment "B" because what they did was they gave you a sop and they said, we'll keep those courtrooms and those courthouses in your area and we'll get you to vote for the bill and then next year or the year after or three years from now we'll take those courtrooms away from you, and that's exactly what's going to happen, that's exactly what's going to happen. You mark my words.

Rep. Freedman talked about surgery. Sure, this is surgery but it's radical surgery, and no one of you would submit yourself

or any member of your family to radical surgery unless you had a hw
second opinion or a third opinion before you did it, and what you're doing here today is you're accepting the word of a few people, well-intentioned scholarly people, but in my opinion, wrong, and you're accepting their word and you're going to go for this bill, and you're making a big mistake.

If you follow the logic of the argument with respect to radical surgery, and the fact that a second or third opinion is indicated, then vote against this bill, and let's come back next year with the cooperation of the Bar Association and with the cooperation of all the lawyers who have spoken out in opposition and whether you like lawyers or you don't like lawyers, you've got to respect the fact that a number of them and highly res-
tape #21 pected lawyers are opposed to this bill, and let's come back next year and really do a good job so that when this bill comes before this General Assembly every lawyer in this Assembly can stand up and say, this is a good bill and I support it, and when a respected member of this body such as the gentleman from the 124th, Rep. Sullivan, who not only is a respected member of this body but is a respected member of the trial bar in this state, stands up here and tells you, you're making a mistake, you should mark his words and listen to what he says.

Ladies and gentlemen, vote against this bill.

MR. SPEAKER:

Gentleman from the 46th.

REP. SWEENEY: (46th)

Thank you Mr. Speaker. My remarks will be very brief.

I rise to support this bill for several reasons. I think we all should give the bill a chance to work and hopefully it will serve the public well but my prime reason for supporting this bill is based on the testimony that was given to me during a question and answer period that we had earlier in the debate and I want the records to clearly indicate that I'm supporting this bill based on those answers to those questions, and they were concerning the New London County courthouse and the Town of Preston, and I am led to believe by the answers that I got to my questions that that courthouse will not be deferred, the progress will continue, we are in the stages of planning the courthouse, the land was acquired last week, and hopefully we will have it constructed in a reasonable length of time under this bill. Thank you Mr. Speaker.

MR. SPEAKER:

All members would take their seats. Gentleman from the 3rd.

REP. LaROSA: (3rd)

Mr. Speaker, as a nonattorney I think that we have listened to many remarks here that have been alluded to by the members of the law profession. I know that since I've been in this General Assembly we have passed many bills. We have passed a youthful offender act which gave more work to the Circuit Courts. We have passed an increased jurisdiction of the Circuit Courts where they can impose sentences to two and one-half to five years. In the debate it has brought to the attention of this body that the Court of Common Pleas works on an average of three days a week. I know that if this bill is passed, I can see possibly that maybe some of the judges that are on the Court of Common Pleas can maybe take

some of the caseload of possibly the youthful offenders and maybe hw give them the justice that they need, and therefore in all probability relieve some of the congestion that now exists in the Circuit Courts.

I have had the privilege of visiting many of the Circuit Courts in our state and I can say that many of the judges at Circuit Court level, I think, need some assistance. On the other hand, I think that we are going to be upgrading our justice system by merging the Court of Common Pleas and the Circuit Court. I think what will happen eventually is that the people of that area whether it be the fourteen Circuit Courts, the twelve Circuit Court, thirteen and what have you, I think will be better served.

Just mathematically, if you take two extra days a week, you take eleven judges that would be available to serve people, to me it comes to one thousand more court days a year that the people of the State of Connecticut can get speedier justice and in all probability instead of having court cases lingering on for six months, nine months, and what have you, we maybe can dispose of most of these cases within a sixty day period.

I favor the bill and it should pass.

MR. SPEAKER:

Clerk announce an immediate roll call.

Gentleman from the 119th.

REP. STEVENS: (119th)

Mr. Speaker, throughout the last two and one-half hours I think we've had perhaps one of the most spirited debates that we've had in many months here and the interesting thing is that

it clearly crosses all party lines and I think the reason it does that is that the people that spoke on both sides of this issue are sincere and feel that the position that they espouse is the correct one, and I think it's interesting to note that there's one common thread that runs through the debate this afternoon, both from those who favor this merger and those who oppose it, all seem to acknowledge that Connecticut should do something to change the existing structure which we have in our courts system, whether it is to retain the three or merge into two, both opponents and proponents say we must pay attention to our court structure and improve the facilities that are offered for the people of Connecticut who use it.

I would say to the people in the House now before we vote, what other alternative at this moment have we before us. I for one will vote for this merger and do so because I think it is a step in the right direction. The discussion here today has shown a common concern for problems in the courts of Connecticut. It has been indicated that the opposition has come from the Bar Association and perhaps certain judges. The Bar Association has suggested late in the game that perhaps we should look at some other merger. I think it's important for the members of this House that represent the legislative body of Connecticut to realize that there has been no impetus for any change whatsoever from the Bar Association or from the judiciary until the General Assembly in 1973 initiated a commission to look into the situation that exists in the courts of Connecticut. The commission looked into it and came back with a recommendation, a strong majority report and

equally strong minority report. But the important point is, you, the legislative body of 1973, said, let's look into court reorganization. It was done. A recommendation was made and I think proper facts have been put before us so that we should realize there is only one vote on whether or not we're going to have court reorganization, and that's the vote you're going to take this evening.

If this bill is defeated, I think I'm safe in saying, there will not be a court reorganization bill next year or the year after that or the year after that. This is the opportunity to start toward providing the people of Connecticut what they are entitled to. I would suggest a vote in the affirmative to start us on that road. It may be a small step but how else do you start toward what is your destination except with that step.

MR. SPEAKER:

Gentleman from the 104th.

REP. AJELLO: (104th)

Mr. Speaker, I too will rise in support of the bill and very frankly until the events of yesterday and this morning I had very mixed feelings about it and had not intended necessarily to support the bill because it is my belief that a one-tier court system is the only kind of court system that makes any sense and the only one that relates well to the needs of the people in the state, and as one who goes to court frequently and represents people at various levels of our court system, I must say that we do need to make changes. But we're not to have a one-tier court system in one step has become apparent to me. With the amendments that have

been passed today I think that we have an assurance that the court hw system as it continues, and it doesn't matter very much what we call it because somebody said that a rose by any other name would smell as sweet, and it will be either a good or bad court system no matter what we call it. The important thing is that it functions and that it do a better job than has been done in some respects by our courts of the past and that people feel that it's a place where they can truly go to accomplish their needs in a businesslike way.

If I thought for a minute that we weren't going to continue on and make refinements and further changes in the system, I would not be for this bill today because I don't think it's the ultimate answer, perhaps even the correct one, over a long period of time.

However, I think that we should support this for the reasons that have been given and that it will be a step in the right direction.

MR. SPEAKER:

Gentleman from the 12th.

REP. GENOVESI: (12th)

Mr. Speaker, I beg the indulgence of the body. I know it's late. We've had a lot of arguments but I feel that this is probably one of the most important steps that we are about to take in this session of the General Assembly, and listening to all the high-priced lawyers here I feel that as a country bumpkin from Manchester that when honest men disagree as to which route we are to take, then I have to be concerned because we have people on both sides of this issue who I respect very greatly and they have very serious questions about this particular piece of legislation.

I do have one question, Mr. Speaker, to the chairman of the hw
Judiciary Committee which I would like to ask. I read in the constitution of the State of Connecticut, Mr. Speaker, that on the fifth article, Section 1, that the judicial power of the state shall be vested in a Supreme Court, a Supreme Court, a Superior Court, and such lower courts as the General Assembly from time to time ordain and establish.

Now I read that, Mr. Speaker, as three separate and distinct courts that the State of Connecticut will have. Not one court, as I've heard so much about today. If we pass this bill, we're going to have a study as to whether or not we should end up with one court. I read that, Mr. Speaker, as three courts.

My question, Mr. Speaker, to the chairman of the Judiciary Committee is, one, if we pass this bill, do we violate the constitution of Connecticut?

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Through you Mr. Speaker, a short answer is "no". I think when we are discussing a single court or unified court we're talking about a single trial court. Nowhere in the constitution is that prohibited. As a matter of fact we might go back to 1818, there was a single trial court and that was the Superior Court and it's the hope that through this study commission that we will again have one appellate court, one single trial court.

REP. GENOVESI: (12th)

Secondly, Mr. Speaker, then I understand Mr. Bingham that if

the study that we have asked for in the bill and if it does come hw
back and tells us that we should have a single unified court, that we would not be--and we did then finally decide that we should have it, we voted on it and had it, that that would not be a violation of the constitution of the state.

REP. BINGHAM: (147th)

That would not be a violation of the constitution.

REP. GENOVESI: (12th)

We still have the three separate distinct courts as outlined in the constitution?

REP. BINGHAM: (147th)

Well it says such other inferior courts as the Legislature shall ordain and establish and that's what we're doing.

REP. GENOVESI: (12th)

O.K. Fine. Mr. Speaker, thank you very much for those answers, Chairman Bingham. I just have one other comment, Mr Speaker. We have heard a lot today about how bad the Circuit Court is. I've been reading editorials for the past number of weeks about how bad the Circuit Court is. We have statements like their rooms are dingy and rundown. We have statements saying that if you've ever spent the day or longer in Connecticut Circuit Courts, you wonder how phrases like human dignity and justice for all apply two hundred years after the establishment of the court. We have statements like neither justice nor dignity is to be found in Connecticut Circuit Courts system. Yet we stand here today ready to pass a bill that keeps those things that are worst about our courts and I don't think that's good.

I oppose the bill. I will vote against it, Mr. Speaker.

MR. SPEAKER:

If all members would please take their seats.

Gentleman from the 43rd.

REP. CROUCH: (43rd)

Mr. Speaker, coming from a small town, I think the small town should understand what is happening to them. This bill centralizes your courts and eventually everyone will have to go to the city. Of course you've had an amendment here that kind of protects you temporarily. I'm concerned more with the Circuit Court because that's the people's court, that's the court where they go to for their backyard fence fights and different things. I think the Circuit Court should be expanded with more leased premises and get out there and spend some money on them. This idea of just consolidating is absolutely not effective at all.

Now, suppose you have just a small claim, $100, or suppose you get fined $100, are you going to go running to the central city to fight it or are you going to pay the $100 and forget it? Otherwise you've got to hire a lawyer, you've got to go to the central city. I say you've got to provide more space for the people's court back in these towns where we come from and really render the justice to them.

Now this centralizing of things makes it cheaper for the state no doubt and it also makes it better for the judges and for the court personnel and for those lawyers who have offices around the central parts. But it isn't helping the small towns at all and you might as well remember it.

MR. SPEAKER:

If all members would take their seats. hw

Gentleman from the 146th.

REP. EDWARDS: (146th)

Mr. Speaker, thank you Mr. Speaker, it is rather difficult I think for many of our associates here who are laymen, although sometimes I think we practice law here without a license, to judge the merits of a bill of this magnitude, particularly with so many arguments from highly competent attorneys whom I personally respect very much on both sides and regardless of their position who I would be perfectly happy to have handled a case if I were involved. But from the laymen's standpoint there seems to be no question that change is needed. In practically every professional field there grows after a period of time an establishment and that establishment does not want to change. It appears that this is and has happened to our courts. It is true in my profession tape #22 of public relations, I feel sometimes I see it in other professions, of education, of medicine, and that.

We have taken steps here, in drugs, challenging those establishments for the benefit of the people. In listening very carefully, recognizing perhaps some of the difficulties, some of the shortcomings, not really knowing perhaps all of the technical language, one point is clear and I think the Majority Leader put it succinctly. We need court reform. Without this bill there will be none this year. I have heard, this being my fourth year, over and over again, when someone didn't want something to go through, come back next year. Come back next year, and I came back next year and it wasn't done, and I don't want to come back

here next year and not find it done, if God willing I am able to come back here.

Let's do it now and get on with it and support this bill.

MR. SPEAKER:

Gentleman from the 82nd.

REP. EVILIA: (82nd)

One question through you to the chairman of Judiciary. (MR. SPEAKER: Please state your question.) Are we going on the premise on this new bill that judges of the Court of Common Pleas have time on their hands or that they can lend a hand to the Circuit Court judges, because they have some extra time?

REP. BINGHAM: (147th)

Through you Mr. Speaker to the proponent of the question. I think that the statistics clearly show that the least worked court in the State of Connecticut is the Court of Common Pleas. The most overworked court in the State of Connecticut is the Circuit Court. Yes, the judges of the Court of Common Pleas will, in my opinion, through the provisions of this act improve the handling of business in the Circuit Court.

REP. EVILIA: (82nd)

Through you Mr. Speaker, because they have additional time on their hands or they have time, that's what I'm trying to get at, they're not too overworked at the present time?

REP. BINGHAM: (147th)

That is true.

REP. EVILIA: (82nd)

Supposing also we didn't know this bill is going to pass,

since we've been in session we've made I'm not sure how many new hw
ones or reappointed some, can you tell me how many we've made?

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Through you Mr. Speaker, to the proponent of the question. No new judges were appointed. No new judicial positions were created this session.

REP. EVILIA: (82nd)

Well, I happened to look through the Calendar. I saw three, just quickly glancing, that were appointed to the Court of Common Pleas. Maybe some were new, some were reappointed, but it doesn't make sense to me that if we don't need them back a few months ago, why we appointed additional judges, and I don't mean additional, but replace some that might have retired. I don't understand that.

REP. BINGHAM: (147th)

Through you Mr. Speaker to the proponent of the question. The statutes provide for a certain number of judges to be appointed and they were either appointed or a new judge was appointed on the retirement of a former judge. With this continuation of a study commission it may well be that eventually we will need less judges in the State of Connecticut. The only way to achieve the fact of having fewer judges in the state is to go to a more efficient system and a more efficient system is to work towards a unified trial court.

REP. EVILIA: (82nd)

Thank you Mr. Speaker.

MR. SPEAKER:

If all members would take their seats. Clerk announce an immediate roll call. Gentleman from the 116th.

REP. ANTONETTI: (116th)

Question through you to the distinguished chairman of the Judiciary Committee. (MR. SPEAKER: Please state your question.) In the bill, and it's a rather lengthy bill, is there any increase as far as cost to the taxpayers of Connecticut in this particular bill. I've been reading through it and there's some one hundred pages and I've tried to add up all those figures ----

REP. BINGHAM: (147th)

Well there are estimates. The Appropriations Committee has given us their statement on the bill, the cost is $226,000 which is provided in the fiscal note as provided for in the budget.

REP. ANTONETTI: (116th)

Is there additional funds with the amendment that we added as far as retirement, increased cost to the taxpayers?

REP. BINGHAM: (147th)

That's provided for in the figure that I gave you.

REP. ANTONETTI: (116th)

And the total was?

REP. BINGHAM: (147th)

$226,000.

REP. ANTONETTI: (116th)

$226,000, that's the total cost to the State of Connecticut in this bill?

REP. BINGHAM: (147th)

For this fiscal year. That's correct.

REP. ANTONETTI: (116th)

Thank you.

MR. SPEAKER:

If all members would take their seats. Nonmembers come to the well. Question is on acceptance and passage of Sub. for H.B. No. 5649 as amended by House "A", "B", "C", "D", "E", "G", "I", "J", "K", and "L". Machine will be open. Has everyone voted? Machine will be closed and the clerk please take a tally.

ASS'T. CLERK:

Total Number Voting.....140
Necessary for Passage..... 71
Those voting Yea.....97
Those voting Nay.....43
Absent and Not Voting.....11

MR. SPEAKER:

The Joint Committee's Favorable Report is accepted and the bill as amended is passed.

Gentleman from the 111th.

REP. CAMP: (111th)

For purposes of an announcement. (MR. SPEAKER: Please state your announcement.) There will be an unusually brief meeting of the Finance Committee in the back of the hall following the session.

MR. SPEAKER:

Gentleman from the 52nd.

REP. LOCKE: (52nd)

Mr. Speaker, may the Journal indicate that Rep. McGill of

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MR. BRENNAN: (Cont'd.) needs a complete rejuvenation and overhaul. That many of its practices are archaic and designed not to meet modern needs and I speak only on this Bill on the idea of merging two of the trial Courts. It's a step in the right direction. In my opinion, all of the trial Courts should be merged into one Court. With an Administrator who understands something about modern technology concerning motion time studies, use of facilities, and all the various factors that a lawyer generally is not involved in and whose background as a lawyer and as a trial Judge gives him no experience and has never developed any latent talents that he might have, along that line. And so it is in this regard that I address myself.

The only reason for distinctions in pays that should be allowed in industry or in State Government, is a distinction based on differences in responsibility and differences in contribution to the State. Any other basis for distinction in pay makes for unhappy people, makes for people bucking for promotion who are doing jobs that are well done in the particular areas that they are working in and promotes the Peter Principle of promotion to the point of inefficiency. There is, if you look at it, with the jurisdiction of the Circuit Court today, there is no Judge of any Court that makes a greater social contribution to the State of Connecticut; that has a greater social responsibility to the State of Connecticut, than a Circuit Court Judge. In the amount of time he gives away for incarceration, the average Circuit Court Judge certainly gets involved in considerations of that more frequently and for longer periods all told, than any Judge of the Superior Court.

In the total amount of effect upon society, in general, the Circuit Court Judge's responsibility is as great as anyone. The reasons why the distinctions are historic and no longer real, the Circuit Court Judge took over for the part time City Court Judge. He took over for the Justice of the Peace and so there was an idea that there was something inferior about that and that idea of inferiority is carrying over right to this point and the citizens of the State of Connecticut get some kind of an idea that when they appear before this particular Court, they are given a kind of inferior and hurry-up justice.

The fact of the matter is that the organization of manpower in any industry, in any occupation that you go into, if you are unfortunate enough to have an industry or business that has stratified areas and that you cannot move your people from one spot to another, depending upon need and you cannot move them depending upon their talents, you find a moribund kind of thing that just can't keep progress. And that's the situation in our Courts today. There is nobody with the authority really, to move Judges around according

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MR. BUNDOCK: (Cont'd.) Public Defenders. They're able to have a broad knowledge, a broad range of knowledge, broad range of knowledge of human beings and how they act. But I certainly appreciate the compliment you're paying our office and the recognition given to the Public Defenders for the work they do. Thank you very much, gentlemen.

REPRESENTATIVE BINGHAM: Thanks, Mr. Bundock. Frederick U. Coring? Mrs. Dimitri Odiseos? Joseph M. Delaney?

MR. DELANEY: Mr. Chairman, my name is Joe Delaney and I come from Wallingford and . . . I think - I appear here in opposition to Bill 5649 for the reason that I think it should go the other way around. I think there should be a merger between the Court of Common Pleas and the Superior Court, briefly for these reasons. The Court of Common Pleas handles the same type of business as the Superior Court. If you take a hospital bill or a general Court case - a personal injury action - they have a hospital bill of $500.00 and it's in the Court of Common Pleas or something in that area and you have a hospital bill of $2,000.00, it's in the Superior Court. If you have a low back strain in the Court of Common Pleas and in the Superior Court, there's only one other question asked and that is is there any permanency in the case. So, by training and experience the Judges of the Court of Common Pleas are doing the same work that the Judges of the Superior Court.

Many of the Judges of the Superior Court came up from the Court of Common Pleas and know the zoning appeals and cases like that. And you'd use the same facilities, the same jury assemblyroom. I think you need more Judges in the Superior Court. Since the Warren Court came along, now we have three Judges in New Haven County sitting on criminal business. We've had two Judges on the jury side in September. Now we've got three. If one Judge acts like a traffic cop, it keeps the other two Judges busy and that one Chief Judge pretries cases. It's less than we had four or five years ago when we had approximately four or five Judges in the Superior Court trying jury cases. I don't think these Judges are all fungible units. I think that this Circuit Court is a good place to have Judges - Circuit Courts should be like a training ground for Judges before they're elevated.

Directing one remark to what the Chairman commented on - the Family Court - I don't think this is as bad off as our civil jury business in the Superior Court. We have four Referees where contested cases go and we're not that -

REPRESENTATIVE BINGHAM: Why should a divorce get a Referee? Rather - a right angle collision get a jury and a Judge and a divorce gets a Referee.

MR. DELANEY: I have no objection to trying a case before a Referee. They're experienced Judges. They've been through these domestic matters for years. Judge Zarrelli who sat in New Haven this - in the Fall term, wouldn't refer a domestic case to a Referee. He insisted that he wanted to try them himself and did a very good job. It depends upon the volume of business he has. Thank you very much.

REPRESENTATIVE BINGHAM: Thank you very much. Carl Nielsen? John Tilson? Bill Winkel?

MR. WINKLER: Chairman and gentlemen, my name is Bill Winkler. I live in South Windsor, Connecticut. I'm an Official Court Reporter in the Hartford Court of Common Pleas. I'd like to speak against Bill 5649. I have done some of my own investigations since last summer. It appears to me that the possibility exists that there will be a mushrooming of cases in Connecticut within the next two or three years because of the no-fault law that came into being last year. I have friends in the insurance business and they have told me that those States that have introduced no-fault, there has been a decrease in negligence cases. Shortly thereafter, there was a definite increase in chronic liability cases, malpractice law suits against lawyers, doctors, real estate agents, insurance agents, travel agents and nurses. There is a definite increase in consumer cases and discrimination cases and class action cases. Eventually, there will be a bulk, sir, that will occur somewhere, either in the Court of Common Pleas or Superior Court or Circuit Court.

The second factor taken into consideration is the drug law that was just instituted in New York State last year. A stringent law that necessitated the appointment of one hundred new judges in New York State and New York City. At the present time, we have a law and rightfully so, that will be quite severe against the drug users and drug pushers. If this goes into effect, we'll have to appoint new Judges in a certain area of our Court system. If a law is not as severe as New York State's law, then it becomes apparent that the drug pushers, junkies will be coming into Connecticut and they will be increasing our caseload in that particular matter.

The third matter I'd like to speak to is just very briefly. Attorney Gold was here several hours ago and commented on the fact that a Committee observed that the Court of Common Pleas Courtrooms were empty quite often. When I first came here seven years ago, there was a Court Stenographer that worked in the Court of Common Pleas and we were in a Courtroom quite often trying cases. Since that time to expedite cases, the Judges have been sitting more often in the back room, settling cases and expediting more cases than ever before. In regard to the Circuit Court and the Court of Common Pleas merging together, I think it would be an inconvenience to the attorneys.

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MR. WINKLER: (Cont'd.) For example, if the criminal cases were suddenly to be held in the present Rockville Superior Court and the civil cases were to be held in the East Hartford present Circuit Court, an attorney would have a problem appearing in both cases when he does have civil and criminal cases. At the present time, an attorney can walk into the County Courthouse here on Washington Street and go to the various Courtrooms to dispense with his civil cases or criminal cases.

Another fact to take into consideration is that when I first came here, to Connecticut, I took a test, as a Court Stenographer, to enter the Circuit Court. I passed the test, waited some time and was finally appointed. While in the Circuit Court, I then took a test to get into the Court of Common Pleas. I passed that test and waited approximately three years to get into the Court of Common Pleas. One of the reasons why I and many Court Stenographers left New York years ago and other areas of New England, was because of the then discovery law, which enabled attorneys to take depositions which is a mini-trial, to help again, to expedite cases and settle as many cases as possible, before they even reach the Courthouse.

The reason why I came here was because of the four day work week and on Mondays there is no Court when enables me to either dictate, transcribe, do my bookkeeping, do my filing and, if possible, take a deposition. This supplements my income because in Connecticut, at my present level, we are paid five to ten thousand dollars less than neighboring States. If the Circuit Court and the Court of Common Pleas merge together, that will mean and I say this quite respectfully, carte blanche, the Circuit Court Stenographers, without taking a test, a much harder test than in the Circuit Court, they will come into the Court of Common Pleas. They will come in at the same salary. At the same time, I will not be able to take care of the clients that I have built up over the years, on Mondays. I will be working five days a week which will be a definite decrease in my annual income. A severe increase that will perhaps force me to quit my job - either go freelancing or perhaps move out of the State to some other State.

There are sixteen Court stenographers in the Court of Common Pleas. I'm only speaking for myself. If this is taken into consideration, sir, that there would be a definite decrease in my annual income, then the other end of the salary range would have to be increased and that would mean then, overnight, the General Sessions, Court Stenographers will be paid more than the Superior Court Stenographers. And consideration must be taken into the fact that the Superior Court Stenographers should be paid more than the sudden increase in the General Sessions being created. That is all I have to say, sir.

MR. BRENNAN: (Cont'd.) to their need and according to their ability. We have Superior Court Judges who were fine Common Pleas Court Judges and who were fine Circuit Court Judges and who may or may not be fine in the Superior Court. You have Circuit Court Judges who are doing an absolutely superb job and want to be promoted. It's a bad feature of the whole system and the sooner the State of Connecticut recognizes this and recognizes that the-we've got to preserve the three part system of our Government, but we still have-to put the simple administration, the assignment of Courts, the assignment of cases; all of those things have to be taken away from a Judge.

We're the last business in the world where all the workers gather together at 9:00 or 10:00 in the morning and spend almost an hour deciding what they're going to do that day. There can be - you cannot continue that kind of a system and hope to get the efficiency that you need for modern day. I thank you very kindly.

REPRESENTATIVE BINGHAM: Are there any questions of Mr. Brennan? Thank you, Mr. Brennan. Mr. Walter Lynch.

MR. LYNCH: Walter Lynch, Clerk of the Common Pleas in Waterbury. For almost twenty three years. Prior to that time, I was a practicing Attorney for twenty two years and that takes us back to 1929. I believe that my twenty three years as Clerk qualifies me as one who knows what goes on in the Courts. Also, I will be seventy years of age in August of this year and will be eligible for retirement. And that qualifies me as an individual who not only knows what goes on in the Courts, but who is completely sincere and unbiased.

For many years, there has been talk of a Court merger. To begin, it was a merger of our Court with the Superior Court. Later, either with the Superior or the Circuit and recently, with the Circuit as the Court of General Sessions, with appellate ramifications reaching into the Superior Court level. I have always been against any merger of the Court of Common Pleas up or down simply because I think that Connecticut needs a Court on our level. I still feel that way. You have before you, a Bill on the Reorganization of the Courts. It establishes a Court of Common Pleas which absorbs the Circuit Court and has provisions for an appellate division of five Judges to be elevated to the Superior Court level. I said that there had been a merger movement for twelve to fourteen years but within the last year, there has been a groundswell around the necessity of that merger. I wonder why. Under Special Act 135 of the 1973 Session, a Commission to Study Reorganization and Unification of the Courts was established. This Commission consisted of fifteen members. It included, I believe, mostly lawyers, including four

MR. LYNCH: (Cont'd.) Judges. According to the newspapers, the votes were about eight to four in favor of merger of the Circuit Court and the Court of Common Pleas, with one Judge voting in favor. And at that time, that Judge was on the Circuit Court. The Commission, outside two Judges and two lawyers voted against the merger. The Commission, outside of the Judges, were in my opinion, not knowledgeable of the workings and problems of both Courts. Now, please note - I said both Courts.

The Commission was assisted by an organization of volunteers who visited the Courts in October, 1973. That organization was headed by an attorney who is listed in Martindale-Hubbell as a "patent attorney". He has a biographical outline in Martindale which describes him as a patent attorney. But he was the head of the Committee to which we, as Clerks, were urged to send daily - no, weekly reports. Not one of that group came into my office during the month of October, except that one lady asked to use the phone.

I submit that neither the Commission or the volunteer group were sufficiently qualified to demand much weight from this Committee. Also from the newspapers, I gather that no Judges of the Supreme Court, Superior Court or the Court of Common Pleas was in favor of the merger of the Circuit Court with the Court of Common Pleas. There seems to be a problem with logistics in the Circuit Court. That comment is factual and not critical. The Circuit Court began in 1961. Its Civil Jurisdiction was $1,000.00. In two years, it was increased to $2500.00 and now is $7500.00. I feel that it got too big too quick. I think that the same increases were made too quickly on the criminal side. But these problems can be cured on the Circuit Court level, by reducing the jurisdiction of both Civil and Criminal sides. And any merger of the Circuit Court with the Court of Common Pleas will only swallow the successful operation of the Court of Common Pleas.

This Bill will not establish a good Court but it will kill a good Court. With the no-fault insurance law, with new Courthouses in Bridgeport, New Haven and Waterbury, this is a bad time to consider a merger. The idea of superimposing the cases of the Circuit Court on the Court of Common Pleas facilities is an idea without sufficient intelligent thought. Your Committee, and I say this very seriously, your Committee has a serious responsibility. Your recommendations on this Bill will be taken almost as gospel by the Legislature. The possibility of a judicial mistake is your responsibility. Thank you very much.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any questions? Mrs. Virginia Schroeder Burnham.

MRS. BURNHAM: Mr. Chairman, Members of the Committee on the Judiciary. I am Virginia Schroeder Burnham of Greenwich, Vice President of the Connecticut

MRS. BURNHAM: (Cont'd.) Citizens on Judicial Modernization. We are very pleased to have been invited to present our views on the various Legislative proposals before the Committee today and I am substituting for our President, William J. Pape of Waterbury who had the honor to serve as a member of the hard working Commission which generated many of the proposals before you. In addition, the CCJM has been pleased to be able to provide legal, management and lay services to the Commission in an effort to help it complete the heavy task placed upon it. Over 300 persons gave over 1,000 man days of time to monitor the several trial Courts throughout the State for one complete week and demonstrated that people are concerned about the Judicial system and want to see it improved. Unfortunately, the Minority Report of the Commission felt that the sparse turnout of persons at public hearings represented lack of interest. We are inclined to believe that the interested citizens have relied upon the CCJM as an informed and creditable spokesman.

For several years, the Connecticut Citizens for Judicial Modernization has advocated the overall merger of the Superior, Common Pleas and Circuit Courts into one Superior Court so as to eliminate any stratification in the quality of justice dispensed by our Courts and to improve the overall efficiency. We have also recommended the joining into such a merged Court of the Juvenile and Probate Courts. We have advocated the specialization of Judges according to ability and disposition rather than specialized Courts. We have recommended strengthening the professional administration of the Judicial Department.

Although we believe that an overall merger of the trial Courts is the best course of action, we generally support Committee Bill 5649, as a first step in this direction. It will enable consolidation of the facilities where possible, common jury panels for jury cases of both the merged Court and the Superior Court, use of more Judges for better and, hopefully, specialized assignment to clear civil, criminal and administrative divisions of the new Court and elimination of one administrative hierarchy. We believe the success of this move will demonstrate the logic of the next step, namely the merger of all the Courts into the most efficient unit. However, we believe that the Legislature should take this opportunity to further reduce the stratification of the Courts by bringing the Juvenile Court into the merged Court as a Juvenile Court Division, although it would still maintain its separate facilities and specialized Judges.

From the standpoint of Court administration, we support the principle of Committee Bill 149 which would require the State to provide facilities for the Circuit Court, rather than the present reliance upon the towns which has resulted in financial hardship for some towns and disreputable facilities in some towns. Our judicial system is the responsibility of the State. Its

MRS. BERNHAM: (Cont'd.) facilities must be worthy of the State and the State must assume - must assume responsibility for and control of all Courthouses. Disgraceful conditions in the Circuit Court can be tolerated no longer and unified State responsibility can lead to the most economical construction and renovation plan for consideration by the next Session of the Legislature. However, we note that the merger contemplated by Committee Bill 5649 would appear to obviate the need for this Bill.

Still dealing with the question of Court administration, we have a number of concerns with respect to Committee Bill 5767. Although we agree that the Chief Justice rather than the Governor, should have the power to appoint the Chief Court Administrator, who would serve at his pleasure, since the Chief Justice is accountable to the people for the operation of the Judicial system, it is poor management to have the Chief Court Administrator charged by Statute to "act at all times under the direction and subject to the approval of the Chief Justice". The Chief Court Administrator has very great responsibilities and must act on his own authority in carrying out the administration of the Department. The proposed language would completely undermine the principle which led this State to be among the first to establish a Chief Court Administrator who has managed to effect significant changes in our Courts. It is enough that he serve at the pleasure of the Chief Justice. It is wrong that he appear to be only the Clerk to the Chief Justice.

Moreover, we would recommend that the professional staff and responsibility of the Chief Court Administrator be augmented to provide better research and long range planning, better utilization of personnel and facilities and hopefully, less demands for taxpayer's monies. We, as taxpayers, decry the perpetual call of lawyers for more Judges when we do not use efficiently, the present Judges.

Improving the structure and efficiency of the Courts is but onestep that needs to be taken. The system is only as good as the personnel chosen to carry out its purposes. Committee Bill 5776 would improve the procedure for the screening of nominees for judicial appointment and reappointment and for this reason, we support it. However, it does not insure that those who most merit appointment are nominated. We need to insure that the most qualified attorneys are sought out and persuaded to accept judicial appointment. In contrast, our present system dictates that the nominees be selected from those attorneys who have been active politically and who must usually be of the same political persuasion of the Governor. It effectively eliminates from consideration, other highly qualified lawyers and I trust the Committee will agree that there are some in this category. We strongly urge this Committee to adopt a true merit selection plan such as we have proposed.

From the standpoint of making judicial careers of greater interest to the most qualified attorneys, we support Committee Bill 5771 which would bring judicial salaries into greater competition with the income of successful

MRS. BURNHAM: (Cont'd.) private practitioners. Committee Bills 5647 and 5656 which would permit optional retirement of Judges from full time service at age sixty two and Committee Bill 5775 which would vest retirement benefits after twelve years of service.

As we have frequently stated, there must be an effective means of disciplining and removing Judges who warrant such action. The present options of failing to reappoint at the end of the term of appointment, of impeachment and of removal by address of each house of the Legislature are cumbersome and pose no threat to justify prompt, corrective action. The present Judicial Review Council is unknown probably to most lawyers and certainly to the patrons of the Judicial System. We need a strong and effective Judicial Qualifications Commission to receive and process complaints involving the Judiciary and with powers to ensure prompt disciplinary action, either by its own action or that of the Supreme Court. Committee Bill 5777 is a step in the right direction and for that reason, we support its principle. However, we strongly urge that you consider the substitution of the more comprehensive provisions of our draft proposal which is modeled after the Commissions so successfully employed in other States.

We support the principle of Committee Bill 5773 in making a real commitment to an effective public defender system which would be adequately staffed on a merit basis and unified to ensure efficiency of operation. The disadvantaged of this State must be given the opportunity to enjoy the concept of equal justice by ensuring competent counsel who have the time to plead their case as individual clients rather than as but a part of an overwhelming caseload that defied individual attention

In conclusion, there is much of value in the proposals before you from the standpoint of moving toward our common goal of more equal justice for all. There are shortcomings which I have attempted to point out and which will be discussed in greater detail by members of our Attorney Advisory Committee. We strongly urge your favorable consideration and commend you for bringing us so close to the realization of significant judicial modernization and to recognition that the Courts are for all the people of this State and not just for Judges and lawyers. Thank you, Mr. Chairman.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any questions? Mr. William Holston? You're next on the list. Thank you. I'm sorry if I didn't pronounce your name correctly.

MR. HOLSTON: My name is William Holston. I am the Legislative Chairman for the Connecticut Council of Senior Citizens. Our interests in the Bill are the Small Claims Court - many of these people and usually the poor people and the people who have no Court experience whatsoever are being imposed upon. And they need help and many of them cannot get the help from friends or other

MR. HOLSTON: (Cont'd.) people qualified, excepting after hours. Their claims are not large enough to warrant anyone spending that much time away. So we hope that the Bill, 5749, will be approved.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any questions of Mr. Holston? Thank you, Mr. Holston. William Olds.

MR. OLDS: My name is William Olds and I'm Director of the Connecticut Civil Liberties Union. I recognize that the major discussion this morning will focus around the Court Reorganization Plan and I regret that our Board of Directors has not had time to form an opinion on that Bill. I hope that we may be able to do that at some point in the future. But I would like to speak on Committee Bill No. 5773, An Act Creating a Public Defender Services Commission.

The CCLU supports the thrust of this Bill and we think that the Judiciary Committee is to be complimented for its drafting a measure which would substantially improve the quality of the Public Defender services in both the Circuit and the Superior Courts in Connecticut and Representative Freedman and Senator Scalo, in particular, who Chair the sub-committee, should be commended. The call for full time Public Defenders is excellent and the appointment of Defenders by a Commission is also, I think, a step in the right direction. We also endorse the provision in Bill 5773 which would provide for representation in all cases involving offenses punishable by any loss of liberty. Overall, the Bill would help to promote equal protection of the laws.

The present Public Defender system, as I think the Committee recognizes, especially in the Circuit Courts, leaves very much to be desired. We have particularly been critical over the last few years, of the use of toomany part time Public Defenders and the lackof adequate numbers of investigators and secretarial services and other facilities. About two years ago, Joseph Harbaugh, who at the time was a Professor at the University of Connecticut School of Law, did a study for us regarding the Public Defender services in the Circuit Court and that study by Professor Harbaugh demonstrated that excessive caseloads, low salaries and poor working conditions placed the Defenders in the position of in effect, being the step-children of our Judicial System. Professor Harbaugh's study also showed that the twelve full time and fourteen part time Defenders handled over 15,000 cases in one year, or an average of about 750 cases per Defender. That's in the Circuit Courts. Mr. Harbaugh pointed out that the standards of the American Bar Association declared that an attorney can effectively represent 125 to 150 felony cases annually or 250 to 300 persons charged with misdemeanors. That study also showed that the salaries of the Defenders was considerably less than those of comparable Prosecutors and that the Defenders had a grossly deficient number of investigators and of secretaries. And the real victim as he showed, is the indigent client who too often, is represented by a de-

MR. OLDS: (Cont'd.) fender who may not know his name until just a few minutes before the case enters the Courtroom. And Mr. Harbaugh also noted that in too many cases, the part time Defenders could not provide adequate services because their first loyalty was to their private law practice.

As I indicated earlier, we do support the thrust of this Public Defender Bill. There are a few areas, however, where adjustments or changes should be considered. Section 4, Line 140 states that the Commission may appoint a Public Defender for each County or Judicial District. The word may is used there and we would recommend that that word may be changed to read shall. And in Section 4, that's Lines 204 to 207, it calls for a defender to be admitted to the practice of law in Connecticut for at least five years. We would suggest that that five year restriction is too restrictive and we would recommend that that be eliminated from consideration. We think that that section of five years would eliminate many dedicated attorneys and many otherwise qualified attorneys from being considered for those posts.

We would also prefer to have the Bill allow Defenders to become involved at arraignments so that the defenders could immediately move forward and ask for a bail reduction if that were necessary. Thus, the defendant would be able to receive the same kind of representation that a private person receives who can afford a lawyer.

And then two other matters that you might consider. Perhaps the need for an open budget and some form of caseload control, so that no Public Defender is overloaded with clients. And we think that that would insure adequate individual defenses. Thank you.

REPRESENTATIVE BINGHAM: Thank you, Mr. Olds. Are there any questions of Mr. Olds? Mr. Ralph Dixon.

MR. DIXON: Thank you, Mr. Chairman. My name is Ralph Dixon. I practice law in Hartford for a long time. I'm Chairman of the Legal Advisory Committee to the CCJN which has voted to approve the Bill for the consolidation of these two Courts as the first step in the ultimate establishment of a one tier system. I am a Member of the Connecticut State Bar Association and I am in almost complete disagreement with statements made by the President of the organization that I belong to. Last Fall, I was given an opportunity to speak at length to the Legislative Commission which has proposed this Bill. Although I recommended at that time that there be a consolidation of all Courts, and I still believe that's the ultimate objective of all those who want a real Court in Connecticut, I realize that this is a pretty big step

MR. DIXON: (Cont'd.) to accomplish in one lull. And I agree with the Commission that this is a logical first step toward that desireable goal. Now, the Commission has stated in its excellent report, one which I hope each one of you will read; one which I hope the press and certain editors of newspapers will read so that they will realize the wide range of subjects that your Commission considered, before coming out with these proposals. The Commission stated that the consolidation of these two Courts "should be but the first step in the ultimate consolidation of all of the principle trial courts into the Superior Court.

Now gentlemen, the status of the Circuit Court must be raised if we are going to effect any meaningful reform of our Judicial System. This is the Court which handles 300,000 cases a year, many times the number handled by the combined Superior Court and Court of Common Pleas. It's the Court as some earlier speaker said, which projects the image of our Judicial System to the great majority of our citizens. It's the Court which, practically everyone will tell you today, has woefully inadequate facilities. A Court which I think we have allowed to flap in the breeze of expediency, somehow deluding ourselves that the cases in this Court are not important. That it is an inferior Court; that it does not deserve the respect claimed by the higher Courts. We all admit this with pious words but not a blankety blank thing has been done about it over the last severalyears when those words have been uttered.

The Commission and I are satisfied and we know, from experience, that its status will not be raised until it is made an integral part of our trial Court structure and that is what this Bill does. It seems to me that it's time in this State for lawyers and Judges to overcome their indifference to what I will refer to as the smaller case. It is this attitude which allows an older trial lawyer and senior Judges to shrug off the Circuit Court by saying this Court handles a different type of business and must be run on a different basis. From the point of view of the parties involved, it can be a father with a family about to be sent to jail; it can be a family with an income of $10,000.00 fighting about a $1,000.00 verdict. These so-called small matters assume a tremendous importance and one which should be decided in a dignified judicial atmosphere. It's a concept which seems to have its motivation in the idea that the Courts are designed for the convenience of lawyers and judges. It is my thesis that the persons to be considered in the judicial structure are the public. Perhaps that is why every major judicial reform comes about because it has the support of the public. And this Bill, I believe, has that support.

MR. DIXON: (Cont'd.) You know as well as I, that most of us as lawyers, are as a rule the most vigorous opponents of change and reform. I think this will become all the more apparent to you today when you find out that the State Bar Association is fighting this Bill and in what I can only describe as an emotional reaction against progress. Now, I'd like tospend, if I may, just a minute or two telling you what I think a first rate Judicial System encompasses. One, the presentation of law suits in an attractive well-appointed and adequately staffed Courtroom where there is an appearance of decorum and justice.

Two, Judges are able, because of the surroundings, to act the part. Judges are able, because they have been selected on a merit basis and Judges continue to be able or are removed because their performances tested by a Judicial Review Council which has the power to suspend a Judge or recommend to the Supreme Court, his removal. I urge the passage of your Committee Bill 5777.

A good Judicial System has a single, administrative head with adequate staff. Our Chief Court Administrator, for example, and his staff, responsible only to the Chief Justice, with power to send Judges to those areas where the backlogs exist for as long a time as is necessary. And, in that connection, Mr. Chairman, may I point out that I think your present Bill should be modified so that the Chief Court Administrator would be appointed by our Chief Justice and would be the same gentleman that runs both Courts.

I think of a good Court system as one in which a Judge would be assigned to a Division of that Court which coincides with his wishes, his abilities and his favored specialization. Let's forget about specialized Courts. We have too many of them, operating in splendid isolation from each other and let's have some specialized Judges. We have specialized lawyers in law firms. Why not specialized Judges who in every case, will handle a matter more efficiently and more expeditiously?

I admire a Court system in which the class distinction of multi-level Courts does not exist. It exists in our system. Inferior Courts should go and along with it, the cast system of Judges. It is my own view that with the exception of intoxication cases and most Motor Vehicle cases, there is no case in our Courts which is too small for a first rate Judge to handle. I want a Judicial System with a strong, unified Public Defender System that will guarantee full time, competent Public Defender representation for the poor of the State and, Mr. Chairman, your Bill No. 5773 is a beaut from my point of view and it should be adopted by this Legislature.

MR. DIXON: (Cont'd.) I want a system which is removed as far as possible from political intervention. You accomplish this by putting the new Court under the jurisdiction of the State Court Administrator without an appointment by the Governor. I want a Court system in which appeals are handled adequately and expeditiously. Now this Bill provides for an appeal from the new Court through a division of the Superior Court as it should. As a lawyer, I'm disappointed because it also calls for what in my mind is an obsolete system of making findings in every appeal, to an Appellate Court which is similar, I agree, to that of appeals from the Superior Court to the Supreme Court. I think that every lawyer in the State would welcome a change from that but the present Bill perpetuates it.

I wish the opportunity existed for you to make that change with respect to the appeals to the Superior Court. I am convinced that the adoption of this Bill will get us well along the road to the type of a Judicial system which I have dicussed. This Bill requires that criminal jury trials, civil court trials and motions be heard in centrally located Courts, all of which will make trial lawyers more available for trying their cases. All of which will make for a more effective, economical and less painful use of jurors, Judges and Court personnel. The Commission which wrote this Bill recognizes that fewer Judges can run this combined Court. And five Judges of the present Court of Common Pleas, by your Bill, are transferred to the Superior Court.

I say if you pass this Bill and the others that are listed today for discussion, you will have tackled the most pressing problems of our Judicial system. The Circuit Court and its image, an Appellate Division in the Superior Court and a strong Public Defender system and a Judicial Review Board.

And, in conclusion, pass this Bill and these other Bills and you set the stage for a one tier trial court, hopefully, in the very near future. And let me just tell you what my concept of a single trial court is. It's very simple. It's practical. Our present Courts are lifted and incorporated into one trial Court, with a central administration, a court administrator who draws wisely on his reserves; and they would be great, with a civil division, a criminal division and a family division where Judges are specialists and become specialists in areas they enjoy, with small claims and traffic divisions operated by Magistrates or Para-Judicial personnel so that the time of Judges might be preserved, with overlapping jurisdictions of Courts eliminated and with the opportunity to improve greatly, the image of our Judicial system. Thank you, Mr. Chairman.

REPRESENTATIVE BINGHAM: Thank you, Mr. Dixon. Are there any questions? I might say that of those people who have contacted the Committee concerning the appointment of the Chief Judge to be appointed by the Chief Court Administrator and the positions of Deputy Court Administrator, we're giving serious consideration to amending the Bill together with your recommendations about findings. We think that the Committee will - if those people who wish to

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REPRESENTATIVE BINGHAM: (Cont'd.) speak on it - we certainly welcome their thoughts but I might say that the Committee is giving serious consideration to the amendment of that portion of the Bill. Mr. Charles Mayles? Mr. Charles Mayles here? Mr. Allan Piker?

MR. REICHERT: My name is Allen Reichert and I live in West Hartford. I come in opposition to Bill No. 409. I speak against it simply I don't believe you have the constitutional authority to fingerprint any individual without due process of law and then being convicted of breaking some law. In your proposed Bill here, you've got the Section shall not apply to sales of meats, groceries, conditional sales of merchandise. I happen to be a salesman myself and I've been in the business for twenty five years selling refuse collection to private homes and I service about 6,000 in several communities. And I don't believe I should be fingerprinted or required a license of $25.00 to sell public health which is needed by the community. If you can regulate a peddler or anybody, you can eventually regulate every one of us - to fingerprint us - even being a Representative or Senator. We can be regulated or fingerprinted from owning our own car or owning our own property. There again, I feel it's in violation of the Federal Constitution which, my friends, is a law of the land. Amendment 5 makes it very clear that no person shall be denied to life, liberty or property and this is to deny him the opportunity to earn his living whether he's selling books or a service to the community. We have an awful lot of laws on the books and all we do is continue to add to many of these laws. The more laws we have, the less freedom we have and before long, there will be no one who will be able to move anywhere without first getting permits to move from one block to the next.

There is only one place in the world or two places that I know that really emphasizes this system and that is two great nations across the ocean - the Soviet Socialists Republic and also Red China. Where not one citizen is allowed to move freely without first agetting permission and his passbook okayed by the local police department and this is my conclusion on that one there.

I'm also concerned about Bill 385 about searching with a warrant. I spoke to you, Representative Bingham, beforehand and I'm a little off on this one because I haven't had time to look at the statute pertaining to it. You did make it clear to me that you were going to conform to the Federal Constitution about search warrants and about seizing people without due course of that Constitution.

I'll conclude my talk today. If there are any questions, I'll be glad to answer them.

REPRESENTATIVE BINGHAM: Are there any questions? Thank you very much. Mrs. Nancy LeRoy?

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MRS. LE ROY: I am Mrs. Newbold LeRoy testifying on behalf of the Board of Directors of the Connecticut Child Welfare Association on Committee Bill 5649, An Act Concerning a Reorganization of the Judicial Department.

Historically, the Connecticut Child Welfare Association, a 4,000 member statewide citizen's group, has supported the establishment of a Family Court. We endorse the concept of Committee Bill 5649 since it is a first step in unifying our Court system. We would be more confident in our support if the Juvenile Court were to be brought into the system rather than to be left, as the famous quotation goes, twisting slowly, slowly in the wind.

A Family Division is needed now. Just a few months ago, we completed a professional study of the Circuit, Superior and Probate Court Judges on several child related issues. We solicited the Judges' views of a centralized Family Court. Sixty eight percent of the Circuit Court Judges, sixty percent of the Superior Court Judges and nearly fifty percent of the Probate Court Judges indicated that they would favor such a Court.

Our response rate was so high that the results are unimpeachable. Why, then, if this significant proportion of those whose opinions cannot be ignored, the Judges, favor the centralized Court concept, do we continue to see it denied by Legislation? At least consolidate all of the family matters of the Circuit and Common Pleas Courts together with the Juvenile Court matters in a Family Division and begin to make unification real for children. Thank you.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any questions? Mr. Robert Oliver. Good morning, Commander.

MR. OLIVER: Good morning, Mr. Chairman, honorable Members of the Committee. I'm Attorney Robert Oliver of New Haven, speaking this morning on behalf of the New Haven County Bar Association. The New Haven County Bar Association has adopted the following Resolution. RESOLVED, the New Haven County Bar Association disapproves the proposed merger of the Circuit Court of the State of Connecticut and the Court of Common Pleas. The vote on the Resolution was a close one - it was forty six in favor of the Resolution and thirty seven against. The following are the recommendations made by the Special Committee on Court structure of the New Haven County Bar Association.

In the opinion of the County Bar, the primary problem affecting the Court system is the backlog of civil jury cases in the Superior Court and the Circuit Courts with consequent delays. Currently, the system is unable to concentrate a sufficient number of Judges at a few places of trial in order to expose a greater number of cases for trial.

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MR. OLIVER: (Cont'd.) It is the opinion of the County Bar that 1974 is not the proper year to Legislate major reorganization of Connecticut's Judicial system. The 1973 Legislature added five judges to the Superior Court and six Judges to the Circuit Court. In addition, no fault went into effect January 1, 1973. The Connecticut General Assembly ought to wait and evaluate the results of the increase in the number of Judges on the one hand, and the drastic alleged, claimed potential decrease in the number of civil cases resulting from no fault on the other.

The County Bar has several interim recommendations that do not constitute major reform but I would pass them along to you. An attempt to free up the civil dockets of the Circuit Court by expanding Small Claims jurisdiction to make it more difficult to transfer Small Claims cases to the regular docket. Elminate civil jury trials in the Circuit Court. Reduce the number of places the Circuit Court sits for civil and criminal business. Lower the $7500.00 jurisdictional limit of civil business in the Circuit Court. Hold night sessions of the Circuit Court for minor criminal and motor vehicle matters at a reduced number of places of court as a result of the foregoing increase the size of the Common Pleas Court and reduce the number of Judges to the Circuit Court.

Promote a more disciplined administration of the Court system, especially docket and calendar assignments and controls. Concentrate the assignment process so as to increase the number of trial judges available at each place of trial. Explore possible merit selection system for the selection of Judges. Seek greater Bar and practicing attorney input into the selection and reappointment process for Judges. And strongly recommend Bar Association participation in the Superior Court rule making process through a system of Advisory Committees similar to those in use in the Federal Courts in this Circuit.

Study and re-evaluate the results of the computerization process now in effect in all the Courts. Reverse the trend exhibited in the '73 Legislative Session toward requiring sessions of the Superior Court in more places, such as Danbury and Stamford.

And, perhaps most important of all, appropriate sufficient funds to pay fair market rentals for leased Circuit Court facilities and authorize a sufficient Bond program to upgrade and reconstruct physical facilities of the Circuit Court with a goal of putting the Circuit Court entirely into State maintained facilities within a reasonable time.

A motion was presented to the New Haven County Bar Association to urge the General Assembly to consider merger of the Court of Common Pleas and the Superior Court. This Motion failed on an evenly divided vote and, therefore, the New Haven County Bar Association takes no position on proposals to

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MR. OLIVER: (Cont'd.) recommend the merger of the Court of Common Pleas and of the Superior Court. Preliminary analysis of Committee Bill No. 5649 reveals the creation of a number of probably unconstitutional changes, unexplainable administrative horrors and numerous strange and questionable changes which appear unrelated to the purpose of the Legislation as stated in the Statement of Purpose. With the indulgence of the Committee, I would like to point out a few of them.

First of all, Section 2 provides the Circuit Court Judges are not appointed - Section 2 - yes - provides the Circuit Court Judges not appointed to the Superior Court shall, on nomination by the Governor, be appointed to the Court of Common Pleas. Section 8 provides that five of the Judges of the Court of Common Pleas or other Circuit Courts shall be appointed Judges of the Superior Court. It seems to me and the County Bar, that the extent that Sections 2 and 8 purport to limit the power of the Governor to nominate Judges to the Superior Court which is a constitutional Court, by restricting the persons to whom the nominations must be limited, that these sections are violative of Article Fifth, Sections 2 and 3 of the Connecticut Constitution.

Secondly, numerous Sections attempt to Legislate the existing personnel of the Circuit Court into office as personnel of the Common Pleas Court without appointment by the Judges of the Court of Common Pleas. These sections are 45 as to reporters, 43 as to reporters, 45 as to messengers, 51 as to prosecutors, 59 as to clerks, 64 as to family relations officers, 150 as to public defenders and other sections as well. These sections may violate Article Second of the Connecticut Constitution providing for the separation of powers. At the very least, these sections probably present clearly the question reserved by footnote 4 in Adams vs. Rubinow, 157 Connecticut, at 163, as to whether or not personnel in the lower Courts can be appointed directly by the General Assembly rather than by the Judges of the particular court involved.

Three. The Act contains a series of administrative horrors. On the one hand, Section 11 provides that the Chief Judge of theCourt of Common Pleas appoints a Common Pleas Court Administrator to assist that Chief Judge in the performance of his administrative duties. On the other hand, Section 10 continues existing law that the Chief Court Administrator shall be the Administrator Director responsible for the efficient operation of the Courts, etc. Yet, the Common Pleas Court Administrator is not made in any way responsible to the Chief Court Administrator and appears to function entirely apart from him.

Further, most of the administrative sections of the Bill referring to the new Court of Common Pleas still refer to the Chief Court Administrator rather than the Common Pleas Court Administrator, thus providing a further conflict

MR. OLIVER: (Cont'd.) as to who is responsible and has the authority for proper functioning of the new Court of Common Pleas. I would refer you specifically to Sections 46, 74, 75 in addition to ten through twelve.

Four, Sections 12 and 46 are in apparent conflict. Section 12 empowers the Chief Judge of the Court of Common Pleas to assign Judges to each of the several divisions of the new Court, each of whom will devote his time exclusively to the business of the division. On the other hand, Section 46 cuts back by providing that the Chief Judge shall assign Judges to the several divisions and the Chief Court Administrator may assign any Judge to supply any vacancy or transfer. So 46 cuts back on the promise of 12.

In addition, the Act leaves more confused than ever, the question of what facilities are to be used for what sessions or divisions of the Court. Section 57 continues the antiquated $1.50 per square foot rental for former Circuit Court facilities, although it transfers most of the civil business and all of the jury business of the Circuit Court to the former Common Pleas Courthouse facilities. It fails to take cognizance of the new Courthouses in New Haven and Bridgeport or new, modern Circuit Court facilities in such towns as West Haven, Middletown and elsewhere. The result would be to create a mishmash with greater backlogs than ever in the County Courthouses and vacant courtrooms in the Circuit Courthouses and at the same time, and most important of all, no State commitment to a properly funded remodeled, modernized Courthouse system for the former Circuit Court.

Six, in addition, there are some questionable changes which do not appear to be directly related to the purpose of the Legislation. Thus, certain language with reference to the presentment of an accused person at the first session of Court in criminal cases, is eliminated from former Section 54-1b of the General Statutes by Section 125.

Further, numerous sections appear to cut back on the precedence for trial of certain administrative appeals - appeals from the Insurance Commissioner in 193; appeals from the Tax Commissioner in Sections 194 through 200; appeals from the Motor Vehicle Commissioner in 204 and appeals from the State Treasurer in 255. Finally, expedited appeals in Water Pollution Abatement cases from the Court of Common Pleas to the Supreme Court are also elimined by Section 252.

Presumably, inadvertently, I would trust, the Bill eliminates complaint fees and judgment file fees as elements of taxable costs to the prevailing party in any action in the Court of Common Pleas where the ad damnum is less than $7500.00. The Bill does this in Section 157a by providing that complaint and judgment file fees only apply in civil actions in the Court of Common Pleas where the ad damnum exceeds $7500.00 and in the Superior Court. At the same time, Section 280 of the Bill repeals former Section 52-257a which provided for taxable costs in actions in the Circuit Court and reenacts that

MR. OLIVER: (Cont'd.) substantially in sub-Section b of 157 without any provision for including complaint and judgment file fees as part of taxable costs. Clearly, that ought to be corrected.

Eight, in addition, there is a direct conflict between the language of 157a and 158, with respect to whether or not the Court has discretion to tax costs in cases appealed to the Superior Court. Section 157a gives the Court discretion whereas Section 158 says certain costs shall be taxed in favor of the appellant, without any discretion given.

Nine, without any real thought or analysis, the Bill creates an appellate division of the Superior Court as an intermediate appellate Court for all appeals from the new Court of Common Pleas, eliminating direct access to the Supreme Court from the Court of Common Pleas. Appeals from the Superior Court, Appellate Division, would only be permitted to the Supreme Court on certification by the Appellate panel itself or by the Supreme Court itself.

It appears to the County Bar that no need for the creation of an intermediate appellate panel has been demonstrated and this proposal would only serve to delay ultimate resolution of appealed cases, increase costs and frustrate litigants. This would be particularly true with the complicated appeals now coming to the Court of Common Pleas from such State agencies as the Public Utilities Commission, the Water Resources Commission, the Insurance Department and other such agencies.

Ten, it should be noted that Section 58 eliminates continuous civil jury sessions in the new Court of Common Pleas and this appears to conflict with the promise by the sponsors of the Bill that it can somehow facilitate this dispatch of civil jury business formerly in the Circuit Court.

Eleven, Section 28 is a pay raise and I question whether it should be part of the Court Reorganization Package. It grants the new Chief Judge of the Court of Common Pleas a $4,000.00 raise, assuming he was a Judge of the Court of Common Pleas prior to passage of the Bill; a $6,000.00 raise if he was a Judge of the Circuit Court. Judges of the Juvenile Court get a $2,000.00 raise and former Circuit Court Judges get a $2,000.00 raise unless they are promoted to the Superior Court, in which case they get an $8,000.00 raise.

Twelve, finally, in Section 281 of the Bill is a ludicrous severability clause. It appears to be an act of petulance on the part of the draftsman and it is obviously unconstitutional. It's to be doubted that the General Assembly can legislate in the alternative, in the first place, and, in the

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MR. OLIVER: (Cont'd.) second, a restriction on persons from whom the Governor can appoint Judges to the Superior Court, a constitutional Court, is a clear violation of Articles II and V of the Connecticut Constitution. More important, it just seems to be a spiteful section which, in my opinion, casts doubt as to the seriousness of the intentions of the sponsors of the Bill. In my opinion, any member of the Legislature who is a lawyer who votes for Section 281, ought to be ashamed of himself.

If you want to have a one tier court system, legislate it. In closing, in behalf of the New Haven County Bar Association we reiterate our opposition to Committee Bill 5649. Even if you want to merge the Circuit Court and the Court of Common Pleas, this Bill would frustrate an orderly merger, not promote it. Rather, the New Haven County Bar Association recommends that this Honorable Committee make no drastic changes in the Judicial structure for '74 but await instead, the results of the '73 increase in the number of Superior Court and Circuit Court Judges and the results of Connecticut's new no fault law, effective January 1, 1973. It's a pleasure to appear before some of my old friends whom I had the pleasure of sitting with and I thank you for your attention.

REPRESENTATIVE BINGHAM: Thank you, Bob. Are there any questions? Would you leave a copy of your remarks with us? Nice to see you Bob. Mr. James Isler?

MR. ISLER: Mr. Chairman, Members of theCommittee, my name is James T. Isler. I live in West Hartford, Connecticut and I am employed as a Manager by Aetna Life and Casualty. My credentials for speaking this morning in favor of Bill 5649 is that for most of the past year, I've worked with the Connecticut Citizens for a Judicial Modernization in developing, executing and analyzing the results of the major study of Connecticut's Courts that was completed last October and I believe you all have copies of those reports.

I'm concerned about the principle counter proposal which I've read about which is the merger of the Common Pleas and Superior Courts. This merger would widen the existing gulf between the lower Court and the Superior Court. The merger contemplated in the Bill, on the other hand, would tend to diminish the inferiority which we witnessed in the Circuit Court. The alternative to the merger described in the proposed Legislation would further perpetuate the uneven use of facilities we see at the present time. We have provided the Commission and I believe this Committee, with a copy of our report on the use of facilities in the Courts.

Moving the Circuit Court jury trial business into the facilities of the Court of Common Pleas will improve facility usage as well as establish a decorum more conducive to trial business. In terms of workloads, since they average

MR. ISLER: (Cont'd.) only 282 criminal jury cases in the Circuit Court, we see that there should be no overcrowding when these are moved into the Common Pleas facilities. The State Judiciary Department figures for 1971 and '72 show the backlog of cases in the Common Pleas and Superior Courts diminishing before the addition of Judges to theCourt in 1973. This fact, and the fact that there remains an excessive load in the Circuit Courts suggests that it should not be necessary to move Judges from the merged Court to the Superior Court. In fact, the proposed Bill removes Judges well from the merged Court affecting no commensurate reduction in workload. If there is available Judge time, let's devote it to the new lower Court.

The alternative merger to that contemplated in the Legislation; that is the merger of Common Pleas and Superior Court, would require a perpetuation of the use of separate jury panels. It is hopefully self-evident that the combination of the jury trial business could more effectively use citizen call for jury duty.

As mentioned by prior speakers, the Connecticut Citizens for Judicial Modernization supports a truly unified Court structure which would feature a strong central administration. A minority report from some members of the Commission to Study Reorganization of the Courts, makes reference to our Report, entitled Evaluation of Various Proposals when it suggests that we do not encourage the most - proposed merger. Our point was apparently misunderstood. We were trying to suggest that while structural change will improve the procedure of the Courts, few administrative hierarchies - the opportunity to permit specialization and assignment of Judges - we were trying to suggest that greater reforms would afford the opportunity for greater improvement. These reforms are spelled out in our recommendations and affect certain types of criminal legislation. Thank you.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any questions? Thank you, Mr. Isler. Mr. James Greenfield.

MR. GREENFIELD: Mr. Chairman, Members of the Committee, my name is James Greenfield and I am the President of the Connecticut Bar Association. I've had a rather bad cold and I hope you will excuse my voice which is a little bit shakey today. Before I make my formal remarks, I'd like to comment on a statement made by my good friend, Ralph Dixon who appeared before you and said that he has disagreed with just about everything that I said in recent days. I hope he will not disagree with the statement I'm about to make which is that I agree with just about everything Mr. Dixon has said as far as his objectives are concerned. Where we disagree is in the method to be used. We are not against reform. We are against meaningless change. I come before you today just to speak in opposition to Committee Bill No. 5649 without question. My mission today is the most important of my incumbency and your actions with respect to this Bill are the most important in the

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MR. GREENFIELD: (Cont'd.) development of the Judicial system in Connecticut since the establishment of the Circuit Court. In my judgment, if this Bill is enacted into law, it will set back the course of Judicial modernization in Connecticut for fifteen years. All other considerations must be put aside in the interest of the people of Connecticut for whom I speak today. Perhaps you'll consider me presumptuous to do so. But as Chief Officer of an organization representing 4500 lawyers in this State, the persons most familiar with the system under scrutiny and as one who has heard and argued the pros and cons of each of the solution s offered to improve and modernize our system of justice and achieve a more efficient one, I come today to ask that each of you examine this Bill solely as the Representatives of the people of Connecticut.

The Bill is wrong. It is not in the best interests of the people of Connecticut. As you know, I made a public statement last week because I felt it was of the utmost importance that the people of Connecticut be alerted and I'm here today to reassert the overriding consideration - the interest of the people of Connecticut and to urge that the Bill be defeated. Why is it contrary to public interests? First, it ignores the most essential and immediate need of the local Courts. The physical facilities - the Courtroom where ninety percent of the people who have any experience with the Courts gain their first impression. Most of the facilities are obsolete and some of them are absolutely disgraceful. Second, it completely ignores the recommendations of the Connecticut Bar Association and the Connecticut Citizens for Judicial Modernization and the minority of the Commission which was appointed to study and draft legislation in that steps be taken to change the philosophy and methods of handling such matters as motor vehicle violations, petty misdemeanors and victimless crimes. Such changes could produce substantial improvement in the Circuit Court system. As the Connecticut Citizens stated in one of their reports, this is - there is much greater potential for producing real benefits in the system, by eliminating from the caseloads, some of the cases which require Judicial time and thus freeing Judges time for those cases which demand it.

Third, it ignores the needed assistance to the one Court which is gradually drowning in its caseload - the Superior Court. Fourth, it takes one Court - the Court of Common Pleas, which has been able to handle its caseload efficiently and effectively and is most compatible for merger with the Superior Court, and instead, merges it with the Circuit Court where it adds nothing to that Court, where its filing system is incompatible with that Court and where its specialization will either be deluded and inundated in the overwhelming avalanche of Circuit Court cases or, if as the Bill mandates can be

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MR. GREENFIELD: (Cont'd.) done, it is kept separate and apart, leads one to ask why put it there in the first place? Fifth, the Bill mandates that certain cases, about 40,000 a year and that's a low estimate if we consider Short Calendar matters, including six to eight hundred jury trials which are now being handled in local Circuit Courts, must be moved to the ten County Court buildings. This particular provision will overwhelm and render obsolete, the two new County Courthouses in New Haven and Bridgeport.

It will render idle, the fine jury trialfacilities soon to be available in the present County Courthouse in New Haven and with improvements, the old Courthouse in Bridgeport. As well as Courtrooms that are in present local Circuit Court facilities throughout the State. Also, it will require persons living in such places as Milford and Ansonia, to travel to New Haven or people in Trumbull or Easton to travel to Bridgeport or people in Enfiield to travel to Hartford for criminal jury trials and for all civil trials.

When the whole purpose behind the Circuit Court was to make it available and accessible to the people in their localities. Even more unnecessarily, it will require people in Stamford to go next door where there is no room, when they have perfectly adequate facilities in their Circuit Courthouse right next door to the County Courthouse.

Six - the Bill establishes an entirely separate and distinct administration of the Court so that the Superior Court and the new Court will have independent and separated, and for the most part, duplicate administration. And, the new Court's administration will be the private preserve of the Governor.

Gentlemen, there are many other flaws and deficiencies which limitations of time will not permit me to detail. I have a statement here which contains our main objections and I will submit copies to you for your consideration. I also commend to you the minority report of the Commission which you appointed to study the reorganization of the Courts. The Report details more of the deficiencies and recommends a far more suitable means of improving our Court system. The Connecticut Bar Association has maintained and so testified before the Court Commission that a two tier trial Court system properly administered and funded, will result in a more effective and more efficient court system in Connecticut. To that end, the Association has consistently endorsed the proposed merger of the Court of Common Pleas and the Superior Court into one trial Court to be known as the Superior Court. It also urges immediate steps to resolve the problems facing the Circuit Court by funding vital improvements in Court facilities, relegating certain types of cases, particularly those in the victimless crime category to some form of pari-judicial procedures under the jurisdiction of the Circuit Court and the restoration of the Appellate Division of the Circuit Court and more effective docket and calendar control. Assuming the sincerity in the majority of the Commission, and their advisors, that they seek an efficient, two tier Court system, and that the ultimate goal is to be a unified Court

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MR. GREENFIELD: (Cont'd.) system, what could be a more logical first step than merger of the Superior Court and the Court of Common Pleas, where the offices, systems and files are easily integrated, the nature of pending cases is compatible and easily assimilated, the facilities and jury panels are presently shared and the practice and procedures are identical?

Such a merger could be achieved at little cost, leaving judicial funds available to improve the facilities of the Circuit Court - a far more urgent use of the funds than the wasteful expenditure which thepresent Bill would require. This proposal, merger of the Court of Common Pleas and the Superior Court, has been recommended by the State's Judicial Council for the past twenty years and has been advocated by the Chief Court Administrator on a number of occasions and by Governor Meskill, as a part of his campaign in 1970. Representative Collins and Sullivan endorsed such a merger in Bill No. 8124 in the 1969 Session of the General Assembly.

The Connecticut Bar Association has endorsed and recommended such a merger and polls of its members in recentyears, overwhelmingly favor this merger. While emphatically opposing the merger of Court of Common Pleas and Circuit Court.

I also have for you, statements - copies of excerpts of statements made to the Commission by Judges and other persons who appeared before the Commission in connection with this matter. And I'm told that Mr. Joseph Keefe of the Judicial Department is here in the Hall and has a detailed analysis of this Bill and I hope that this Committee will invite him to speak on some of the problems, from an Administration point of view, that this Bill will create.

Some of them have been pointed out to you by Mr. Oliver, representing the New Haven County Bar Association. The Connecticut Bar Association does not believe that the way to resolve the current problems faced by the Circuit Court is to eliminate it, change its name, increase its jurisdiction, remove it from effective control and supervision of the Judicial Department or move its business to County Courthouses. If the intent of the General Assembly is to provide a more effective and efficient court system for Connecticut's citizens, merger of the Court of Common Pleas and the Circuit Court is not the way to accomplish this. Even if a viable case for merger of Common Pleas and Circuit Courts can be made, and we are not convin- ed that it has been made to date, the General Assembly should certainly decide - if it decides upon a merger - then most certainly raised Committee Bill No. 5649 is not the means to accomplish this goal. The Judicial Department conservatively estimates it would cost $40 million to fully improve and replace the obsolete Circuit Court facilities. Yet, the Governor's budget now before the Assembly, does not even have the Department's request

MR. GREENFIELD: (Cont'd.) for appropriation of $2.1 million to renovate the old County Court House in New Haven to permit it to be used by the Circuit Court. The Circuit Court has been neglected - the General Assembly and this Committee have the power to attend to their own creation - the Circuit Court, by giving it the funding and attention it deserves to mee t the demands of the people of Connecticut and to fulfill the original intended purpose and function as the people's Court. I urge you, not only to reject the Bill, but to substitute Legislation for merger of the Court of Common Pleas and the Superior Court and additional Legislation to provide needed help for the Circuit Court. Gentlemen, I do not overstate the case when I say that the entire system of justice in the State of Connecticut is in the balance. I really believe it to be that serious and I hope that you will agree with my concern. Thank you.

SENATOR GUIDERA: Thank you. Are there any questions of Mr. Greenfield?

REPRESENTATIVE NEVAS: Allan Nevas of the Committee. Mr. Greenfield, if there were a merger of the Court of Common Pleas and Superior Court, would the Bar Association support . . .

MR. GREENFIELD: Well, I can't speak for the Bar Association because I don't know what the member's attitude would be. I personally would have no objection to five day week sessions except that there is the consideration and I'm sure you're aware of it, that the Judges must have some time to work from - on their decisions and to do their research in order to properly handle cases, particularly the kinds of cases that appear in the Court of Common Pleas.

REPRESENTATIVE NEVAS: (inaudible)

MR. GREENFIELD: The Circuit Court Judges, of course, are handling cases of far less complexity and that's one of the reasons that we have been so upset with some of the statements made by the Citizens for Judicial Modernization and by the Commission. They talk about the number of cases in the Court. The number of cases doesn't mean anything. It's the complexity of the cases.

REPRESENTATIVE NEVAS: Isn't it possible that a case in the Circuit Court involving a particular question of law could be just as complex and just as difficult . . . .

MR. GREENFIELD: There is no question on a one case per case basis that can be so. But, in the general trend of cases, if you analize the number of cases in Circuit Court and those in the Superior Court, you'll find far more difficult legal problems in the Superior Court than you will in the Circuit Court.

REPRESENTATIVE NEVAS: (inaudible)

MR. GREENFIELD: That's correct. There is no - I would think there would be no problem on the jury side, as far as the five day session is concerned.

REPRESENTATIVE NEVAS: (inaudible)

MR. GREENFIELD: To my knowledge, it has not.

SENATOR GUIDERA: Any further questions of Mr. Greenfield? Thank you. Judge Dean?

JUDGE DEAN: Gentlemen, my name is Harold Dean. I'm a Member of the Commission to Study and Unify - to Study Reorganization and Unification of the Courts and the majority report of the Commission reflects my opinion, so I will not dwell on the details.

I am - I am now a member of the Court of Common Pleas. Prior to that, I served on the Circuit Court for about ten years, as Prosecutor and Judge. I support the Bill. The Circuit Court, in my opinion, is the most important Court in the State. It is the only Court that over ninety percent of the people that appear in Court appear in. More lives are effected by a disposition of a Circuit Court Judge than probably any other Judge in the State. When we had the riots in New Haven, riots in Bridgeport, the actions of the Circuit Court Judge had a tremendous effect on the community and the State at large. So it is a very important Court. The public derives its opinion of our Judiciary from what it observes in the Circuit Court. Yet this Court has been allowed to exist in untenable facilities. The Bar Association is partly responsible for this situation. The Bridgeport and the New Havens will continue to exist unless the Circuit Court can be brought into the system. A merger of the Court of Common Pleas and the Superior Court will change nothing.

A merger of the Circuit Court and the Court of Common Pleas will finally focus attention on the Court that is servicing a major part of the population in this State. Certainly, the State Bar Association is most concerned about the Circuit Court at this time. The State Bar Association has put substantial effort into opposing this Bill. Had it put the same effort into advocating help for the Circuit Courts, we may not have been here today.

This Bill will finally bring the busiest Court in the State into the Judicial system and I support it. I would just like to make one comment. I notice Mr. Greenfield stated that the Circuit Court deals with cases of far less complexity. Now, that is an attitude that is prevalent among many of the Governors of the Connecticut Bar Association. I find nothing more important in this State than five years of a man's life and the Circuit Court has jurisdiction of up to five years - I point out that the Court of Common

JUDGE DEAN: (Cont'd.) Pleas has a function. It's an important Court. However, it is a Court of very narrow, limited jurisdiction and the Court of Common Pleas, in my opinion, must be merged into the Circuit Court at this time. Thank you.

SENATOR GUIDERA: Thank you. Any questions for Judge Dean? Thank you, Judge. It looks like Leonard Nelke?

MR. NELKE: Gentlemen, my name is Leonard Nelke. I'm the Christian Science Committee on Publication for the State of Connecticut, representing the Christian Science Churches and Christian Scientists in this State.

I call on your indulgence to - by references to Bill No. 5735, which I understand you've already had a hearing on - but I've been granted the privilege of speaking again. The intent of the Bill as expressed in Section 1f, includes these words - except it shall not affect the right of inheritance of such child or their religious affiliation of such child. This has to do with adoptions. This, of course, we're in conformity with. We agree with and are happy about. On the first page of the Bill, in Section 1, sub-section e, under guardianship, it says it is the duty and authority to make major decisions affecting such minor's welfare. And then it goes on - but not included or limited to psychiatric or surgical treatment. We would like to include in there - or other remedial treatment. So that the Bill is in conformity with its intent as expressed in the Section first quoted.

That's the only change we suggest. Aside from that, we're in agreement with the Bill.

SENATOR GUIDERA: Thank you, Mr. Nelke. Any questions? Thank you. Mr. Ben Andrews?

MR. ANDREWS: Mr. Chairman, Committee Members, I'm here representing the State NAACP Conference and Branches, representing nineteen branches throughout the State. I would first like to preface my brief remarks at the fact that we have not gone into the in-depth analysis of all the statistics that have been brought out here today but we have read and have been taking apart and to some degree, what's been happening in regard to the reforms as relate to the Judicial system here. We want to present an overview, at least, on two of those Bills. And one in reference to the merger of the Common Pleas and Circuit Court. I do agree with one point that Mr. Dean mentioned, prior to my coming up here, with the fact that some decisions were made in the Circuit Court during certain disturbances in Bridgeport and New Haven, that affected quite a few lives. And I mean that in both senses of the word. I think one of the focal points we want to relate to is the fact that a better system for people is what we should be seeking. I imagine any speaker coming before you representing any kind of organization indicates that they are speaking

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MR. ANDREWS: (Cont'd.) for the citizens or that segment of the citizenry that they represent. Where again, we are one of those who think that we are trying to state to a degree and intelligently on some issues that we feel concerning quite a few people that we have contact with as we go about our business.

And one of the problems is the fact that maybe we don't deal with all the statistics related to the cases, the complexities of certain cases as opposed to others, but what we do know that the present system and how it's operating, is not working properly for the benefit of people. That's our first concern. We are not at all concerned with the efficiency as it relates to attorney's schedule. I imagine that would have to be considered by those responsible as they work up any kind of system change. However, our primary concern is with total prejudices and the fact that we are concerned for that individual that's coming before the Court. And also those individuals sitting at home, who's depending upon the Judicial system to take care of the things that should be taken care of in their protection.

And, in that regard, we feel that we support an effort, as we have understood it anyway, that will go about the business of providing a more efficient system that would provide a closer or better access to the due process concept, which is not necessarily happening now. Truly I cannot say that I understand clearly how the Common Plea merging with the Superior Court will be more beneficial but I do know that most of the people we have interacted with or been involved in going before the Circuit Courts and many of them feel that they - well, I guess that's easy for those who've been convicted - to feel that they did not receive the proper justice but there are many who go through the rigamarole and bureaucracy of the Court system that very often their humanistic concern for that individual is lost.

So, we're supportive of this particular measure here - that's made the kind of recommendations that have been made. We do not think that this is a panacea and that all things have been considered. Hopefully, they will be some system kind of changes made to make sure that all areas are touched upon. But I think that the attorneys or the Judges in the State, as well as those who support that particular position, should recognize the concept that our first concern is strictly for the citizen - not how they represent the citizens firstly, but for the citizen having access to a Court that's going to work efficiently for them. I think that if anybody considers a management system change as proven in corporations and organizations throughout this Country as evil or condemnation is in error. Everything that we deal with here, as we go about improving our system, is to try to isolate those things that are not working and try to improve upon that situation for the best of all of us.

I think too, sloppy systems, as the result of sloppy systems I should say, people suffer. And I think there are those who have spoken against this

MR. ANDREWS: (Cont'd.) Bill who have mentioned that the situation is pathetic. They're sloppy and it's inefficient. However, they don't support it. They support another measure, without thatmeasure really dealing with the nuts and bolts that really make a distinction between the two positions.

The other point I wanted to bring up that we are supportive of, is the concept that would deal with an improved system relating to Public Defenders. Again, we interact and I don't have the specific Bill number before me, but I understand this is one of yours. We interact with a number of individuals who feel that they do not participate, at this point, fully with many of the Public Defenders assigned to them because they feel that's just an exercise of the system to assign somebody who does not really care about their case that has to go through certain kinds of motions and, as a result, many of them claim that they have either been attempted or talked out of appeals as a result of the involvement and time it would take for that person.

I think what happens here is that the nature of the system related to Public Defender breeds insensitivity as it relates to those individuals who they represent. And, needless to say, those individuals that we relate to mostly and as the result of our work, are those individuals who by and large, end up being the less affluent individual who has to - is subject toa Public Defender - that insensitivity I'm speaking of. I am not here to condemn all Public Defenders. I'm saying I'm condemning the system in which they have to operate under. I think that there are no incentives available for the Public Defender perhaps to do the things that he should do to work in the best interest of his client. But I can name or I could bring before you at least twanty five cases we've had over the last year or so that relates to cases handled by Public Defenders and it is extremely difficult to go to any attorney we relate to or anyone else and ask them to take that case, after it's been handled by another attorney, Public Defender or otherwise.

And although privately they might say he was sloppy, the guy should have had an appeal and this error was made and so forth, many will not take that. So our concern is not trying to slap the hand regarding some work that a Public Defender has done but to improve upon the system in terms of how they are either paid, selected, monitored, the incentive that is provided to them and just an overall system change to improve again, the quality of those that have to be subjected to that concept of Public Defenders.

Now, I think too that some people - we have fell on deaf ears for some time and if you talk about those individuals who have suffered the most as a result of inadequate Public Defender systems, you're talking about the poor

MR. ANDREWS: (Cont'd.) individual and very often the minority individual. For a lot of reasons, people do not feel that this is a great reason to seek change. But I also say to you that if you look at the situation, it will affect anybody who's subjected to it, regardless of race. So anybody who has to put before a person who has a limited amount of money and a limited amount of time and concern to deal with the case. So we are supportive of almost any effort and the efforts that we've seen presented before us today appears to be the kind of efforts that would lend to an improved system for Public Defender selection and working with them. Thank you.

SENATOR GUIDERA: Thank you, Mr. Andrews. Is there any question? Thank you. Mrs. Grinberg? Would the record reflect that we've received a communication from Mr. M. Donald Cardwell? We'll enter this into the record. Mrs. Grinberg? Miss Hennessey?

MS. HENNESSEY: Mr. Chairman, Members of the Committee, my name is Pat Hennessey and I'm here today representing the Connecticut Citizen Action Group. My testimony concerns Committee Bill 5749, An Act Concerning The Reform of Small Claims Court.

I will only present a summary of our more extensive written testimony which is being prepared for the Committee. Although CCAG has substantial questions about suggestions for additions to this Bill, we'd like to commend the Committee for its effort to revitalize Connecticut's Small Claims Courts. We regard Committee Bill 5749 as a pro-consumer Bill. We believe that the provision requiring the appearance in Court of claimants who wish to make a Motion for Default because the Defendant has failed to appear, offers much needed protection for consumer defendants. Section 2a providing for evening Small Claims Court sessions upon request, is a major step forward in making Connecticut Small Claims Courts equally available to all citizens.

CCAG also strongly favors the increase of the jurisdictional limit in Small Claims Court to the proposed $1,000.00. One of the most important and sensible provisions in this Bill is that providing for the opportunity of arbitration in Small Claims Courts. Many small claims are disagreements as the result of misunderstanding. Such problems are particularly suited to the arbitrator's methods. It is senseless to expend the efforts of overworked Judges and to clog Court channels with situations that can be best settled by disputing parties sitting down with an impartial third party and settling matters according to the less formal principles of arbitrarion.

CCAG urges the Committee to retain this very important Section of the Bill. I would like to bring to the Committee's attention, what I believe is a

MS. HENNESSEY: (Cont'd.) typographical error in Line 37 of the Bill as printed, which provides currently the requesting party to agree to be bound by arbitration. Obviously, I think that the intent was to have both parties agree to be bound by arbitration before it would be allowed.

Howevever, I do feel that CCAG has the responsibility to warn the Committee Members who have not yet had the opportunity to fully study this Legislation, that some elements crucial to substantive form of Small Claims Courts are missing from Committee Bill 5749. We've had the opportunity to study the draft Bill submitted to the Committee's consideration and the Legislative Commissioner's Office Number 1179 and a rough draft prepared by Robert McKenzie. Only a few of the draft Bills comments appear in Committee Bill 5749. The absence of key sections imperil the success of the changes of Small Claims Court which are called for with this Bill.

We hope you will consider our suggestions in this light. A number of cases have come to CCAG's attention that bear out the findings of Small Claims Court studies in other States. One of the most serious barriers to achieving justice in Small Claims Court is the ability of the defendant to transfer claims against him to the Circuit Court. This tactic, in some cases, amounts to harassment of pro se claimants. The frequent and anticipated result is that the claimant decides not to pursue the matter in the Circuit Court. When the potential court costs and attorney's fees are taken into account, it is hard to blame the claimant for deciding to write off his $50.00, $150.00 or $200.00 claim off to experience. Seven other States in the Northeast, have recognized this problem and did not permit transfers from the Small Claims Court docket. The current practice in Connecticut, according to several Court Clerks I've spoken to is to automatically grant Motions for Transfer. CCAG advocates that the Committee restrict the transfer procedure fees only when the defendant can substantiate a counter-claim for more than a $1000.00 Small Claims jurisdictional limit. The current procedure effectively denies citizens their day in Court.

Fundamental to the success and fairness of this restrictive transfer procedure, is the availability of an appeal from Small Claims decisions. This is vital to the protection of the rights of both claimant and defendant. We suggest that appeals should only be on questions of law raised in the initial Small Claims Court hearings, not a trial de novo. Experience in States having such appeals procedures shows that appeals on questions of law are not abused as Transfer procedure is here. The Committee may also wish to consider the institution of a modified jury trial option in Small Claims Court which would provide further protection for the defendant. A six person or even a three person jury would not be difficult or expensive to seat.

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MS. HENNESSEY: (Cont'd.) CCAG further suggests that the Committee consider restricting this option to defendants with claims of over $500.00. There are missing from Section 5 of this Bill, very important provisions regarding the improvement of the procedure of notifying defendants that an action in Small Claims Court has been initiated against them. We recommend that this Legislation require the mailing to defendants, of a checklist of procedural requirements, along with the complaint. This checklist should also include options available, such as night sessions or arbitration already provided in this Bill.

Increased awareness by defendants of their rights and responsibilities will only increase fair and effective hearings in Small Claims Court. The final point I would like to make in the summary of our written testimony is the need for non-lawyer court personnel to serve the Small Claims Court advisors. Many citizens that come to CCAG for assistance, with Consumer problems, are frightened by the prospect of going to Court alone or unaided, even though the Court was designed for use by individuals without attorneys.

We found that many Small Claims Court Clerks try to inform citizens about what is required of them in Court. Most, however, do not see this as their primary function of the job. Very few have the time to sit down with individuals to go step by step through the situations. Even with the simplified and informal Small Claims Court procedure, the first time claimant or defendant is at a considerable disadvantage with an experienced opponent or attorney. Small Claims Courts were designed to provide equal opportunity for justice. It's consistent with this design to attempt to minimize any advantages held by a person or corporation with more Court experience. A system of para-professional Court advisors or lay advocates would serve this function well.

I appreciate your consideration of my testimony and I commend the Committee's efforts in the form of Small Claims Court. I realize that this Bill is just part of a larger Court Reorganization Plan. To some, Small Claims Court may seem an unimportant issue but I'm sure theCommittee Members realize to a person who's house has just been repaired, leaving it in worse shape than when the repairer was called in - or to someone who's security deposit is being withheld by an unscrupulous landlord, Small Claims Courts are very important. CCAg is proposing to you, a consumer's court that settles small, monetary disputes quickly and fairly. This Court would be visible, available and useable. You've already gone more than half way towards creating such a Court with the provisions now written into this Bill. We urge you to finish what you have done for the citizens of Connecticut. Thank you.

SENATOR GUIDERA: Thank you. Are there any questions? Thank you. Judge Kinney here?

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SENATOR GUNTHER: Thank you, Mr. Chairman.

REPRESENTATIVE BINGHAM: Good morning, Governor.

SENATOR GUNTHER: Is that an endorsement? As a fellow said to me the other day - are you running for something? My name is Senator Gunther, 21st Senatorial District. I would like to say, for the greater part, some of the Bills here- I am for one, incidently, which might be quite a surprise for you, Mr. Chairman. I would like to support Bill 5777 which is the broadening of the powers of the Judicial Review Council. I think this is an excellent suggestion. This is one of the suggestions, I believe, that was made by Chief Justice House and Justice Cotter.

I wish that you had incorporated a few more of their suggestions at the time they testified before you because, I think, to a greater part, this is one of the few that I can see in the whole reform package that you're putting up here today, that really you followed and has given a little strength to the Review Council to do the job that I think they should be doing which is an overseeing of the judges themselves, with the power to spend and giving them a little muscle. I think it's badly needed in our Judiciary System.

As far as Committee Bill 5649, I've read the Minority Report. I've had a lot of dialogue from an awful lot of lawyers that are out operating in the field and from what I can see, I think that this is part of the whole ball game that you people have been working with up here. We were promised real, meaningful reform. I don't consider this as being the meaningful reform that is needed in the Judiciary and, again, I speak as a non-lawyer and which probably gives me a tunnel vision on the whole thing. But it still seems to be the reaction of many lawyers and many people operating within the Judicial System that it should have been the other merger - the Common Pleas into the Superior Court rather than the Circuit Court up into the Common Pleas.

Very frankly, I think every one of us has sat here and seen the lawyers who find themselves appointed to a Judgeship and it's almost like a training ground. Maybe that shouldn't be it. But I think there are a lot of reservations that many people have that one day you see a fellow walking around the street with littl or no credential, with no background to be a Judge. The next day, he's a Judge. And I think that putting him into a Common Plea level of Judgeship gives him little or no training and it's on the job training as far as the Circuit - I keep making that mistake of calling it the Circus Court because apparently a lot of lawyers have that connotation for the lower court. Very frankly, as I say, I think that if you were going to merger, you should merger as the suggestion has been made year after year

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JUDGE KINNEY: Mr. Chairman and Members of the Committee, my name is Frank Kinney and I'm a Judge of the Circuit Court and have been such since August of 1972. Prior to that time, I was a practicing attorney in New Haven, for fifteen years and practiced in the Superior Court, Circuit Court and Court of Common Pleas. I'm here today in response to your letter inviting me to express my views concerning this Bill. 5649

It's my firm feeling that a merger of the Court of Common Pleas and the Circuit Court which would include the centralization of civil and criminal jury business and short calendar sessions, held in the existing facilities of the Court of Common Pleas, would result in an instant upgrading of the physical facilities of the Circuit Court without additional expenditures. The greatly improved facilities available from use of Court of Common Pleas facilities will give greater dignity to Circuit Court proceedings and will go far toward eliminating the concept of second class justice being administered in second class facilities.

This merger will permit the use of common jury panels with the Superior Court, eliminating the present duplication of effort involved in obtaining two jury panels. In addition to a more efficient utilization of jurors, jurors will obtain the use of cleaner and more dignified facilities to which they are certainly entitled. Continuous civil and criminal jury sessions will become a reality instead of the fiction that it presently is. Resulting in civil and criminal cases being reached faster on the docket and being disposed of more expeditiously. One of the leading causes of docket congestion now, is the unavailability of trial counsel. Provision for civil and criminal jury and civil motion business in the same building in which the Superior Court is located will bring about greater availability of trial counsel who can respond to all the Courts in which they have business in the same building. A greater convenience to counsel and ultimately to their clients, is also achieved by the elimination of travel among the various Courts that they must attend and the minimization of conflicts in required Court attendance. Retention of Motor Vehicle, Small Claim and criminal arraignment dockets in local Court facilities preserves the present desireable accessibility of those facilities in those matters where counsel are least likely to be involved, yet where litigants are most likely to be involved. Since no jury business would be handled in those local facilities, less space than is currently being used should be required, bringing about some savings in space rental costs. Merger of the Court of Common Pleas and the Circuit Court should result in a reduction in personnel by attrition particularly if modern techniques such as computerized dockets, files and assignment lists are introduced into the Circuit Court on a gradual basis.

JUDGE KINNEY: (Cont'd.) The proposed merger of Common Pleas and Circuit Court would not require the appointment of any additional Judges. It would result in the addition of eleven Judges to the Circuit Court, five Judges to the Superior Court. Those Superior Court Judges who constitute the Appellate Division would not do so exclusively but would be available to handle thenormal duties of a Superior Court Judge when not engaged in Appellate work.

The resultant additional Judge power in both the Superior Court and the new Court of Common Pleas, would permit a substantial increase in Judicial time available for each case brought to each Court. By contrast, a merger of the Court of Common Pleas and Superior Court would result in sixteen additional Superior Court Judges, in my opinion, a wholly unnecessary forty percent increase with no additional personnel added to the Circuit Court, unless more Circuit Court Judgeships were created.

The Circuit Court, based on Judicial counsel figures for 1971-1972, disposes of more than three times as many civil cases as the Superior Court and the Court of Common Pleas combined. And more than twenty times the number of criminal cases, and that's exclusive of Motor Vehicle, as does the Superior Court. Merger of the Court of Common Pleas and Circuit Court accomplishes the goal of a better distribution of Judge power with consequent greater attention given the individual cases, according to case volume. And despite the claim that case volume is not important, it is important. It achieves this goal without the necessity of creating additional Judgeships. The provision for divisions, civil, criminal and administrative appeals in the merged Court will permit faster and more efficient handling of business. Judges assigned to the Civil Division will handle civil work exclusively, without being subject to diversion as it now happens, through seemingly higher priority criminal business. This result will be more time for a greater number of Judges to devote to each case. Provision for an Appellate Division in the Superior Court to hear appeals from the merged Court, will preserve the advantage of not having Appellate Judges reviewing decisions of trial Judges who are members of the same bench that they are. The gradual expansion of computerization of dockets of files and assignment lists of the merged Court will bring about the elimination of the antiquated record system presently in use in the Circuit Court and will permit meaningful statistical analysis and thus, better Court administration.

There is no necessity that 280,000 civil files presently pending in the Circuit Court to be immediately computerized at large cost. There is nothing that would prevent from the effective date of the merger, a computerization being applied only to those files that are created subsequent to the merger.

JUDGE KINNEY: (Cont'd.) Greater use of Court facilities would result from the merger of the Court of Common Pleas and the Circuit Court because eleven additional Judges would be working five days a week on a year round basis, as the Circuit Court presently functions. I don't know whether this Committee has available to it, the Report of Mr. Greenberg who is the Architect for the Judicial Department, but I would just ask the Committee to bear in mind that Mr. Greenberg's report is largely predicated on the assumption that all present business in the Circuit Court would be handled at the Common Pleas facilities, which is, of course, not the case. It discusses security problems with arraignments and large numbers of prisoners. I'm sure the Committee knows that it's not contemplated in any way that arraignments will be handled in the Court of Common Pleas facilities but would remain on a local basis. The claim, in my opinion, that $36 million in new Court construction would be rendered instantly obsolete, is just not so because the building that presently exists in New Haven, although not occupied, is more than adequate to handle the business that would go into that building as a result of a merger. The large volume of business, the large numbers of litigants and accused that come before the Circuit Court would remain handled on a local basis and not in the new facility. Thank you very much for your kind attention.

SENATOR GUIDERA: Thank you, Judge. Are there any questions? Judge Burnstein?

JUDGE BERNSTEIN: My name is Simon Bernstein. I am presently a Judge in the Circuit Court. I too want to thank the Chairmen of the Committee for inviting me here. Now, I would like to save some time by saying that I endorse many of the statements made by previous speakers who have spoken in favor of the Bill and I particularly admire the remarks of Ralph Dixon and the studied, careful remarks of the last speaker, Judge Kinney. I would like to address myself, if I may, to some points perhaps not fully covered. Just two of them.

One is that in 1965, the Constitutional Convention met. The first successful convention since 1818 and it discussed the revision of the Constitution. Now, at that time, very few changes were made in the Judiciary section of the law. But there was one significant change which apparently overlooked in the Report of the Committee here. That is, the word inferior was eliminated from the Constitution. Many of us at that convention were alert to make sure that that was eliminated. The section on the Judiciary said that the Judicial Department shall be vested in a Supreme Court, Superior Court and then it went on to say such inferior Courts. Now, we made a small change in that because we felt the word superior - inferior, was demeaning.

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JUDGE BERNSTEIN: (Cont'd.) I ought to point out that I was not a member nor - of the bench, nor did I contemplate my appointment at that time. But we did take out the word inferior because of its connotation. Nevertheless, in spite of that word change in the Judicial section of the Constitution, it has been pretty much ignored and the feeling that the Court is inferior has even pervaded the remarks of some of the most respected members of the Judiciary. For example, I believen when Justice House addressed the Assembly, he used the word inferior Courts. It has appeared in a number of decisions and recently, the Judicial Department, in setting up a bench book for Judges to use for uniformity, quotes a case which you're familiar with, I'm sure - the Walkingshaw versus O'Brien case, which took place in 1943, twenty odd years before the change, but, nevertheless, in the bench book which all Judges are to have, it cites with apparent approval, not only must any other Court the General Assembly creates be inferior Courts, it must not be so constituted as to be materially detract from the essential character of the Superior Court.

So here we are using a word with its connotation that I think is particularly harmful, both among lawyers and Judges, but also to the general public, because as Ralph Dixon pointed out, these matters are not minor. Now, the word that was substituted in the Constitutional Convention was in such lower Courts. Now, in my opinion, all Courts of first instance, are lower Courts, the Superior Court is a lower Court and any of its decisions may be appealed to a higher Court. Our Court is also a lower Court. It did not get special mention in the Constitution, but I don't see why that puts a particular Constitutional sanction on one Court over another Court.

Now, I want to speak a word or two about our Court. Our Court has many matters of original jurisdiction which the Superior Court does not have which are just as important. Just as complex in many cases. For example, we have exclusive jurisdiction on paternity matters. This not only determines the paternity of a child unable to speak for itself, but it determines the cost of support for eighteen years of a child. We have exclusive jurisdiction, subject only to a higher Court's appeal. We decide support matters with criminal jurisdiction. We can order parents to support their families on penalty of jail. It's not too dissimilar from any matters in the Superior Court and in the famioy division. We handle evictions, particularly Summary Processes. I can't think of a more personal right that the Founding Fathers respected than one's right of privacy in his person and in his home. We

JUDGE BERNSTEIN: (Cont'd.) have sole jurisdiction of that. We are a very serious and important Court. We are not the Court that some people consider in terms of the old, historical language of being inferior. And most of all, too, we are the consumer protection Court of the State. Most people, if they claim they are damaged in any way in any civil actions, have claims under $7500.00. Unless you bought a lemon that's a Lincoln or an Eldorado or a foreign car, any tire you buy, if there's a question, the dispute arises in our Court. All matters in which people are effected by sales in stores, automatically come to our Court because they're never - or rarely over $7500.00. All repair work that we all have and our wives have to put up with that are shoddy that irk people and affect their civil actions and cause people to perhaps lose their tempers, those matters are in our Court. All service s of most kind, even medical services. So we are a Court that determines the validity of most sales contracts that all of us put up with.

In other words, I want to reiterate, we are a serious Court. We take up serious problems and we deal with them seriously and I believe we are just as able to handle the problems as any Judge who sits in another Court.

Now, the second matter I wish to take up, having, I hope, established some interest in the effectiveness of our Court and its importance, is the attitude of the Connecticut Bar Association as expressed by the letter of James R. Greenfield and more or less repeated today. I'm - hope that Mr. Greenfield is still present because I would prefer to speak in his presence.

Mr. Greenfield said he doesn't believe he's presumptuous if he speaks for 4500 members of the State Bar Association. Well, he obviously didn't speak for Ralph Dixon and I might note, for the record, he did not speak for me. He may speak for many members of the State Bar who agree with him. But there wasn't any real consensus of the Bar taken that I know of. It was an elitest report of a few members on the Executive Committee. Now, I'm a member of the Bench and Bar Committee. I'm not sure the groundrules for our jurisidiction but we met a month ago and there was nothing on our agenda to discuss and get the Bench and Bar Committee's opinion about this Bill. There's a Judiciary Committee of the State Bar. I'm not sure but what this report reflects anything but the vote of the Executive Committee, whoever they are. So I caution you that merely because the person who spoke holds the present office of President of the State Bar Association, it does not necessarily reflect the Bar itself, nor are the remarks as I see them, and I want to state am unhappy with the language of these remarks, Ralph Dixon who is perhaps a finer gentleman than I am, called them emotional. I really feel that these remarks tend on the hysterical. For example, in the first major paragraph of his letter, he says a strong-willed group, for reasons

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JUDGE BERNSTEIN: (Cont'd.) best known to them, want a merger. Now, I don't know who he's referring to. Is he referring to the Committee that many of you are on - the Legislative Committee who favor this? Is he speaking to the Committee of which Ralph Dixon is a member and perhaps the most respected lawyer in the City of Hartford? And what does he mean when he says it is ill-conceived and ill-planned and a complete disaster? That's not the language of a studied report of a Bar Association which is interested in the progress of the Court. It's more like a lawyer's stance and not even a brief - more like an emotional appeal to a jury. I don't think the future system of justice in Connecticut hangs in the balance. A majority report is hardly cause for alarm. And if there are corrections in the Bill, that's the purpose of a hearing such as this. And if it needs to be corrected, it isn't a very long Bill and I'm sure corrections are in order. It certainly should be done. Now, there are many things in this letter, because it is important for you to know what the Bar feels, that I think are demeaning also, to this group before me.

Some of the things it says in here - for example, assuming as it says on page four of the letter to the Bar, assuming the sincerity of the majority of the Commission, why is there cause to question the sincerity of the majority of the Committee? He may say he disagrees with the majority of the Committee, but he is raising a question of the sincerity of members of this Commission and other Commissions. And, repeats that even for viable cases, may be made later on. I think this letter is not really anything but, in my opinion, a statement of some Judges who like to practice in the Superior Court who want to remain - have things remain as they are. The Bar Association, from my recollection, never took a stand for a one tier Court. It has always advocated this two tier trial system and voted against the one tier Court. Now, you will note in this entire letter. I'm sure all of you lawyers got it, that there are some snide remarks about our Courts. They talk, on page two, the Board of Governors voted to endorse the minority report and then it says for improving the facilities of the Circuit Court and then for upgrading of supporting personnel and modernization of handling the business. It indicates, in my opinion, part of the snobbery that goes with idea that only upper Courts are well handled. And then, on page four, it speaks for a more effective docket and calendar control when it talks of the Circuit Court, though there are no snide remarks made about the Superior Court and its activities or how it might improve itself in the entire report which we have received here. And then to say gratituously at the end - the Circuit Court has been neglected and that it's the people's court, when the entire purport of the stance of the speakers for the State Bar is to do nothing for the Circuit Court at the present time and merely asks for money.

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JUDGE BERNSTEIN: (Cont'd.) Now, the main thrust of the Report of the present President of the Bar is that it would mandate all civil business, jury and non-jury and all criminal trials and short calendar sessions into the County Courthouses. That's the real thrust of the Bill and I note in subsection b of his report, he says not only would this inconvenience the parties involved, but it discriminates against the individual citizen involved in civil or criminal matters who wish to elect a trial by a jury of his peers. Well, would I assume by that when someone goes to the Superior Court he travels to the County Courthouse - that that's a discrimination against a citizen? I mean, does the discrimination begin when it's a matter in our Court? Obviously, people who have civil and criminal cases get to County Courthouses and the objection made that people in the certain cities would have to travel a distance would be the same objection that there is to the Superior Court. And if he feels there should be more Courts, let the Bar take a position on increasing theplaces for Superior Court.

I would like to conclude my remarks by saying one - I am proud to be a member of the Circuit Court. I think we are handling matters of great seriousness and import. I believe the number of cases we try, not merely the ones that are proforma matters, are serious; that they are well handled. We have an Appellate system set up by your Legislature last year. We have had no more complaints in our Court than there are complaints made in other Courts where one side wins and another side loses. I'm in favor of this Bill because I want to eliminate once and for all, the idea that there is such a thing in Connecticut, as an inferior Court or any reference to inferior Courts. I think this Bill is the best way to get the one tier Court where all Judges have the same standard. It's ridiculous that the Superior Court, for example, may claim that if a person is in contempt in a Superior Court in Connecticut; threatens a Judge, let's say - that Court has a right to impose a higher sentence than a statutory Court. Now, if the insult to the Court or the threat to the life of a Judge is important in one Court, it is certainly important in another Court. As long as we have a separation, of the Superior Court from our Court, we will get these discriminatory rules of procedure which can only do harm to the public and not increase the validity in the public's mind, of our Court. The best way to bring the Courts together is to merge the Common Pleas and the Circuit Court, with the hope that once this is accomplished, we can then proceed to approach a one tier Court where all Judges of the first instance are Judges; all appeals are through the same procedures; all citizens know where they go and can count on judges of equal quality and standing; all libraries are available to Judges. We have no libraries in our Circuit Court, with rare exceptions. We are not privileges to have at our immediate availability, the County Libraries because we don't meet in them. All the matters that are of strict

JUDGE BERNSTEIN: (Cont'd.) importance, both to lawyers and the public, will be advanced if this Bill is approved. Thank you.

SENATOR GUIDERA: Thank you. Are there any questions of Judge Bernstein? Thank you Judge. Judge Gill?

JUDGE GILL: Mr. Chairman, gentlemen of the Committee, I am Thomas Gill, Chief Judge of the Juvenile Court, one of those gentlemen that a previous speaker des - cribed as twisting slowly in the wind. If this is true, I don't feel a bit uncomfortable. Since the Bill before the Committee, the Court Reorganization Bill, 5649, does not directly include the operations of the Juvenile Court. The question may well be asked - why am I here?

It is to share with you, gentlemen, the thinking of the Juvenile Court Judges which has already been submitted to the members of the Reorganization Committee so that you will have a better appreciation of why this Bill, which does not directly affect the Juvenile Court's jurisdiction, nevertheless, proposes to raise the salaries of the Judges to the same level as that contemplated for the Judges of the proposed new Court of Common Pleas.

As I have stated, the operations of the Juvenile Court, like those of the Probate Court, are not dealt with directly in 5649. Because, however, the Probate Courts are not one of the constituent Courts of the State Judicial System, which the Juvenile Court is, and has been since 1942, the former can remain untouched by any action of the Committee which does not directly address itself to their jurisdiction and operation. But the Juvenile Court will, for the reasons hereinafter depicted, be substantially and unfortunately adversely affected by any change which destroys its parity with the Circuit Court, even though its own jurisdiction and operations have in no way been modified.

Nothing herein presented is to be construed as representing a negative response on the part of the Judges of the Juvenile Court, to the proposed new Court of Common Pleas which, it seems to us, represents a valid response to the laudible purpose of improving the Circuit Court's position in the trial hierarchy of this State. For there is a demonstrable correlation between the credibility which a Court of Justice enjoys with both the community and the Bar and the status which by Statute, it has been endorsed. A status which in turn, depends upon two primary factors. Its jurisdiction and the compensation paid its Judges.

What is proposed in this Bill addresses itself directly to these components and the Judicial capabilities of the Circuit Court should be enhanced. For

JUDGE GILL: (Cont'd.) I cannot agree with the oft repeated statement - the quality of justice is determined solely by the Judge. A Judge does not operate in a vacuum. His opinion of himself and his responsibilities is inevitably affected for better or worse, by the nature of his Judicial setting. In like manner and to no less a degree, the readiness of others to credit a Judge with Judicial competence is subtly, but realistically related to the legal formum over which the Judge presides. These same postulants are probably the greatest single argument for one day having in this State, but one Court of general trial jurisdiction. However, assuming the present unlikelihood of such a step, the creation of what the Committee has called the two tier trial Court is an appreciable step forward. What the Committee proposes to do is take the Circuit Court which, with the Juvenile Court now constitutes the third tier of a three tier trial Judiciary, and combine it with the second tier, the Common Pleas Courts. But, this does not eliminate the third tier which is still occupied by the Juvenile Court. Herein is the problem.

In a multi-court trial system, no Court can be other than gravely handicapped if it is at the bottom of the Judicial pyramid. The last and per force to all, the least. Because this is undeniably so, it was felt when the Circuit Court was created in 1960, that by the most pragmatic yardstick, measuring the status of a Court, the salary of its Judges, they receive Judicial compensation equal to that of the Juvenile Court Judges, all of whom at that point, had served for eighteen years. The parity thus most properly achieved has been maintained for fourteen years and for all of this time, no State Court has had to combat the unevitable diminishment of its stature which is inherent in being last. Such a Court, as I've had occasion to state before, can scarcely be expected to maintain a high level of Judicial excellence for at best, it becomes a training ground for ambitious, capable Judges, striving to escape from what would be termed the Judicial cellar and, at worst, a lasting legal depository for those aspirants for Judicial robes whose talents have not been found equal to the challenge of the other Courts.

All of which is by way of emphasizing that what we strove to prevent happening to the Circuit Court in 1960, should not be permitted to overtake the Juvenile Court in 1974. To avoid the downgrading of the Juvenile Court is an unplanned and I'm sure unintended by-product of the Commission's proposed new Court of Common Pleas. There are three conceivable courses of action herein presented to the Committee's consideration which are listed in what the Judges of the Juvenile Court consider to be their order of desireability.

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JUDGE GILL: (Cont'd.) One, honor the substantial feeling which has long existed and presently exists in the creation of a Family Court and set up such a Court as a Division of the Superior Court encompassing therein as a part of such a Division all of the jurisdiction which now presently attaches to the Juvenile Court. Sooner or later, gentlemen, the logic inherent in the establishment of a Family Court, with its promise of ending once and for all a persistent growth and the splintering of a child and his family by the five judicial jurisdictions of the State - the Probate Court being the 5th, is certain to bring its creation. The opening up at this time of a sanctuary of the Superior Court's jurisdiction to permit a Family Division will, when combined with a Court of General Sessions, lay a solid foundation for the eventual implementation of a one tier trial court and will assure a true two tier trial court at the present time.

Second, leave the Juvenile Court as it is and where it is in the trial hierarchy but increase the salaries of the Judges of the Court to whatever level is proposed for the Judges of the new Court of Common Pleas, which is, of course, what this Bill does. Thereby evidencing as clearly as possible, the Committee's intention to maintain the Juvenile Court's equality with the new Court so that the two Courts exist as separate but equal Judicial partners in the Judicial system.

Three, include the Juvenile Court, as a Division of the new Court of Common Pleas. A Division wherein it would have only its present jurisdictional powers, since a Family Court could not be created in the new Court without encountering Constitutional difficulties, at least to the degree that it divested the Superior Court with some part of its jurisdiction. With this done, the Judges of the Family or Juvenile Division should not be rotated in any other Division to the Court, an arrangement which might be considered unacceptable because the flexible assignment of Judges from one Division to another in the new Court, has been seemingly considered by the Commi-tee, as one of its substantial advantages, promising as it does, the efficient use of the Court's Judicial manpower. If, in fact, this were not deemed an obstacle, I don't see why excluding one Division from rotation need prejudice the others, I would see the third proposal as being preferable to the second. Both from the standpoint of the overall efficiency of the administration of the State Judicial system the fewer its constituent courts, the better the prospects for effective, administrative management and control. This statement as to the enhanced efficiency is however, made on the assumption that the Chief Judge of the new Courts, would like the other Chief Judges of the Judicial system, be appointed by the Chief Court Administrator of the system and not as the Bill apparently presently envisages by the Chief Judge of the Court who, in turn, would be appointed by the Governor.

The Chief Justice and the Chief Court Administrator are responsible for the effective operation of the Courts of this State. Reponsibility requires accountability and it would be a mistake to depart from the present pattern

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SENATOR GUNTHER: (Cont'd.) of putting Common Pleas into the Superior Court. On raised Bill 5771. I think this is the whole ball game. Every time we come up here and practically every session, I've been up here, I find some adjustments being made for the Judges. As far as I'm concerned, this is a beautiful retirement job for ninety percent of them that are in there. I think the compensation is more than sufficient and when you take the fringe benefit of their pension which I've had actuaries take and check out which is a fantastic thing, actually where they are contributing only five percent of their pay and in ten years, which is a prerequisite for retirement, they've only contributed fifty percent of their pay, yet their first year of retirement they end up with two thirds of the pay for that year, plus widow's benefits and that type of thing.

I think the Judges in our Courts are more than fairly compensated for the work they've done. I've been very critical of the amount of time they spend in the Court - the whole setup of how many days they sit, how many day's vacation and very frankly, it's pretty difficult to get the information of exactly how many days they take off, because as I understand it, there is no vacation provision for Judges. I could be wrong and it might be changed in the last year but there is no technical vacation.

On the - I oppose 5776. I think this nomination procedure you put in here and I'm sure you're well aware - that for many years, I've tried to get the Missouri System adopted in this State. A Council form of nomination for Judges. And, very frankly, I don't find that this changes the ball game a heck of a lot except that it keeps everything in the backroom as to who has been nominated and so that nothing can be made public as far as the individual. This might be a great step in the right direction. Maybe some of the Judges would be rejected that come in here. I've been up here eight years and I've yet to hear of a nomination that ever went down the drain. So you might say this is a step in the right direction. At least the man wouldn't be held out for public scrutiny if he's put into this Committee - if they rule that he's unfit to be a Judge and that you then have an opportunity to bury him before he gets up there. As the ballgame goes now, and I've heard many a man come out of an interview in your Committee, on a Judgeship, and said - my God, how bad can they get. And yet that same man is nominated, put into the Court system and is a Judge. And I don't like to reflect on all Judges this way but it's the old bad apple philosophy that takes and applies to the Judiciary as well as it does to any other system. I think you should have a meaningful council. I think the Missouri System, whether you want to put the elective portion of that Bill in or not, but Judgeships

JUDGE GILL: (Cont'd.) of appointing Chief Judges; a mistake which could be an invitation, in my opinion, to administrative confusion. Thank you, Mr. Chairman.

REPRESENTATIVE BINGHAM: Thank you, Judge. Are there any questions of Judge Gill? Leo Gold.

MR. GOLD: Gentlemen, my name is Leo Gold and I'm an attorney practicing in Stamford and I'm not speaking on behalf of any Bar Associations. I'm here speaking on behalf of myself.

I am an attorney practicing in the Courts and in all of the Courts of the State and I've come here - I've driven up from Stamford to express my opposition to this Bill because I fear that this Bill is not the right way to reform, if that is the word, our Judicial system. The mere fact that we see in the newspapers, each day, words such as reform or reorganize the Courts seems to give the impression that their reform or reorganization is necessary. And it seems to me that a careful evaluation of our present structure would be in order to determine whether or not such reform or reorganization is in order. Because I think that the person appearing in Court is not interested in the quantity of justice and I suggest to you that by merging all Courts we're coming up with a quantity of justice - that that person is more interested in the quality of Justice. And I suggest that in the selection of our Court personnel, that this is where great emphasis should be placed and we should be concerned with that part of our procedure. Now, I have brought with me, certain statistics from Stamford - the Stamford Court of Common Pleas - to give you some idea as to the function of this particular Court.

Because, as I view it, we're talking in terms of two Courts. We're talking in terms of the Circuit Court and the Court of Common Pleas. No one can dispute that many cases are disposed of by the Circuit Court and there are all different types of cases. We can also say that the Court of Common Pleas has occupied a very unique position in our Court system in that the Court of Common Pleas has been a great Court for disposing of cases in the medium sized range of litigation. Now, I have checked and I have come up with the following statistics and I want you to bear in mind that Stamford has assigned to theCourt of Common Pleas, one and a half Judges, in effect; one Judge full time and another Judge sitting there part of the time. Now, for a four month period, from September 1, 1973 through December 31, 1973, the Stamford Court of Common Pleas disposed of 252 cases out of a total of 1350 cases that were on the list at the start of September and which were added to the list. This resulted in approximately a ten percent reduction in the total number of cases on the Court docket. Now, what concerns me is the fact that various citizens' groups can go around to the various Courts, throughout our State, and make

MR. GOLD: (Cont'd.) various studies insofar as time and when the Courts are in session and when they're not. And I would suggest to you that if that was done, you would find, throughout the State, Circuit Court, Conrt of Common Pleas, Superior Court, that the Courts do not appear to be in session because there is no Judge sitting on the Bench; no lawyers out there trying, a good deal of the time. And I would suggest to you that much - many of the proposals that various citizen groups have made, have come about as a basis of that study. Well, if you had gone down to the Court of Common Pleas in Stamford, during that four month period of time, you would have found that seven cases were disposed of by trial out of the 252 that were disposed of which indicates and which strongly suggests that a great bulk of the work is done outside of the Courtroom, in Judge's chambers or in conferences with the lawyers. And it would seem to me that with the tremendous backlog that we have, and with the limited number of Judges that we have, that this is a fact of life. Most cases are disposed of without trial.

I'm afraid that citizens are unaware of this fact and when they see an empty Courtroom, they immediately think that by combing several different Courts, they're going to get more action. Well, the fact of the matter is statistics tell us that well over ninety five percent of all civil cases, are disposed of by settlement and not by trial. And the statistics that I've given you from Stamford, I assume are equally applicable to other parts of the State.

I would suggest that this Committee examine the whys of a merger. What are the reasons for a merger? And come up with the answers to those questions before you adopt this Bill. I would suggest that by making one big Court that bigness doesn't necessarily make it better. And I cannot see the purpose of having a large Court with several parts or several different Courts. Because if this Court is going to have part one up to part thirty nine, as we do in New York or in other jurisdictions, I don't see how that's going to benefit the citizens of the citizens of the State who use our Court system.

In conclusion, I would once again reiterate the fact that I am opposed to this Bill. I believe that the Bill is one that could cause administrative chaos and I would strongly urge this Committee to give an unfavorable recommendation to the General Assembly.

REPRESENTATIVE BINGHAM: Thank you, Mr. Gold. Are there any questions? Steven Sweet, Middletown?

MR. SWEET: Mr. Chairman, Members of the Committee, my name is Steven Sweet. I practice law in Middletown, Connecticut, and have done so for twenty years. I know the Committee will be disturbed to hear that I'm not going to ursurp

MR. SWEET: (Cont'd.) too much of your valuable time because looking around the room, I see many more articulate and knowledgeable speakers than myself. But I would say, in my humble opinion, and I practice quite a bit in the Circuit Court and other Courts, that this piece of Legislation that you are now proposing, is the first, concrete reform Bill that's come before the Legislature in approximately the last ten years and I'd like to register in favor of said Bill.

REPRESENTATIVE BINGHAM: Thank you, Attorney Sweet. Any questions? Isadore Mackler, Stamford.

MR. MACKLER: Mr. Chairman and Members of the Committee, I'd like to preface my remarks by saying that I'm going to assume that every Judge in the Circuit Court is a first rate Judge; that every Judge in the Circuit Court deals with important cases and that the Circuit Court is a very vital and important Court in our Judicial system; that it handles many cases which - a large number of cases which affect probably many more numbers of people than any of the other Courts in the State. However, I'd like to state that not withstanding that, that there is nothing in this Bill which, in my opinion, would improve the Judicial system and which would render a better quality of justice to the citizens of our State.

In the first place, I'd like to state that there is nothing sacred about a single tier Judicial system or a two tier system. Much has been said about combining the trial courts into a one tier system based on the assumption that a one tier system is the panacea to all of the problems. I would suggest that it is not. The - presently, we have a three tier system - if this Bill were to pass, we would have a two tier system and I have learned for the first time today, that this is the first step in a program to make our whole Judicial system into a one tiered trial system. I would like to suggest that this is an age of specialization and if we look around us outside of the Judicial system, into other areas of endeavor, whether it's in industry or in commerce and in other activities, we will find that people are specializing today. There is nothing wrong with having specialized Courts and there is nothing wrong and, in fact, there is efficiency to be derived from specialization and there is efficiency and improved quality that may be derived from classifying cases by size. Now, just because you classify a case in terms of the dollar value of the case that is, classify the jurisdiction of the Court, that doesn't denigrate the case or state that that case is less important than any other case. All cases are important. Small dollar cases are just as important as big dollar cases.

Nevertheless, we have a system whereby cases do flow through the Judicial system with speed and dispatch. You recognize classification in other areas

MR. MACKLER: (Cont'd.) of law, besides civil law. Take a look at your criminal system where you classify crimesoften by dollar amounts. If you can do it in that area - although you do that in that area, that doesn't say that the person who commits a smaller crime or a crime of lesser degree, should be treated with any other consideration than someone who commits a higher crime.

I call this to your attention because classification isn't the answer - that is classification into a one trial system is not the answer. I believe that this is a problem of administration and personnel and if so, I would urge that this Committee and the Legislature concentrate on improving the organization and the administration of the Circuit Court and improve upon the selection of personnel of all Courts. Moving Judicial bodies from one Court to another and changing titles from one title to another does and is not a solution to our problems. If the present system isn't working, this is not the answer to it.

There is no magic, in my opinion, in the concept of the word merger or combination. If you would look around you in the field of business and take a look at many of the corporations that merged, you will find that out of merger, you don't always get efficiency. You don't always get improvement and in many cases, you have had completely opposite results.

I would like to suggest that the Legislature concentrate on improving some very substantial . . . on the changing some very substantial questions which I think if concentration were spent in that direction, would improve the quality of the Courts. Efforts have been made by this Legislature to decriminalize certain types of activities. I would like to suggest that you continue these efforts so that you take out of the Courts certain kinds of activities and cases which probably, by modern standards, should not be considered crimes. I would suggest you continue your studies in that are and make further changes. I would also like to suggest that you eliminate all traffic cases from the Circuit Court. I think if you were to take the volume of traffic cases out of the Circuit Court, you would take most of the numbers out that seem to deluge this Court and to create many of its problems. I would also suggest that you improve the salaries of the Judges because the salaries structure and especially those paid Circuit Court Judges are a disgrace. If this Committee and the Legislature were to concentrate on more basis changes, and not changes in terms of form, moving people around and changing titles, I think you will accomplish the results.

I'd like to make one other statement and that is with respect to the change in the right of appeal that I noticed in the Bill. As I understand this Bill, an Appellate Division will be created in the Superior Court, to which there

MR. MACKLER: (Cont'd.) will be a right of appeal from cases. Thereafter, if by reading this correctly, the right of appeal to the Supreme Court will be by certiorari, similar in certain instances, to the right of appeal to the Supreme Court of the United States.

I would like to suggest that this Committee give very, very serious consideration before you adopt such a change. Right now, any citizen and especially the citizens that the people who have testified here today seem to be very concerned about, do have a right to go all the way up to the Supreme Court of the State of Connecticut, and to get the final and ultimate law of the case. If you have this type system, they will only have the right to go up to a certain level, thereafter they will not have the right of appeal to the Supreme Court and there may be many areas where it may be years before a final and definitive ruling can be obtained in certain areas of law. I would like to suggest that until such time as it is demonstrated that the Supreme Court of Connecticut cannot handle the volume of cases that it - is presented to it, that this section should not be considered and that it ought to be abolished.

I would like, again, to repeat the fact that I am opposed to this Bill as a private citizen. I speak for myself. I would like also to state that there seems to be no outpouring of people in this auditorium, except certain interested groups, certain associations that may have had some experience with this, but there has not been sufficient publicity of the type of change that is sought here, amongst the people throughout the State and I think that if this were the case, you would find that many more people such as myself, lawyers and others, would come here to oppose this change. Thank you.

REPRESENTATIVE BINGHAM: Thank you, Mr. Mackler. Are there any questions? Walter Coleman, New Haven.

MR. COLEMAN: Members of the Committee, my name is Walter Coleman. I live in Hamden and I work for the Greater New Haven Chamber of Commerce. In working for the Chamber of Commerce, I got involved with the CCJM Court Study last Fall and I'm speaking today as an individual as a result of that, not for the Chamber. We had about forty volunteers in the Courtrooms in New Haven - the Superior, the Common Pleas and the Circuit, during that week. They put in roughly 109 days as volunteers. Most of them were not lawyers. I'd like to give you a few of their basic reactions, not that they could support the Bill proposed, or would oppose it because they don't have the expertise. They did see the problems as citizens sitting in the Courtrooms.

In the Circuit Court, they felt they had no real confidence that any justice was being done because of the tremendous volume and because of some cases

MR. COLEMAN: (Cont'd.) being called and settled within fifty or sixty seconds. They didn't know whether justice was being done or not but they had the feeling that everything is done so fast and without any real understanding by, say a defendant in a particular case, that the people involved can't have confidence in the system. They were rather afraid that some day they'd get in that same situation and they didn't have the faith that the Circuit Court would really consider the problem in full.

The physical setup in the Circuit Courtrooms are part of the atmosphere but the speed with which the cases are handled because of the overburdening of the Court with cases, seem to be the prime problem. Again, we're non-lawyers. But, as citizens, we couldn't have confidence.

We felt the same way in Circuit Court - not a lack of confidence in justice, but the - what seemed to us to be a tremendous waste of time. Fifty lawyers going into the room the first thing in the morning and sitting around waiting for somebody to call the cases and then finding out whether they had any work to do that day or not. To us, as non-lawyers, it seemed that the schedules could be computerized in some way so that when lawyer X is called for a case, he knows it's going to come up on X day. We realize there are problems when a case goes over several days and it's not planned for. But there appears to be no system. Again, we're non-lawyers.

We thought it was a tremendous waste of time, when, in Superior Court, when they'd call a half hour recess to send the Clerk out for a copy of the State statute. Why the heck the State can't provide a set of Statutes for each Superior Courtroom was beyond us. I bought a set last week, I think it was complete, for about forty five bucks. Certainly you can afford that in order to save the time of the Judges, the attorneys, the witnesses and everyone else who was sitting around the Courtroom.

I'm trying to speak some of the reactions of these volunteers. As I said, they put in 109 days. Whether the merger proposed is good or bad, I don't think they'd know and certainly I don't. I'm speaking only to say that as probably average citizens, they were businessmen, housewives, retireees who volunteered to work that week, they were greatly concerned that it's not working right and they look to you to make some changes which will improve it. So you can determine better than I or they, what those changes are. Thanks for your attention.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any questions?

SENATOR FAULISO: I'm just curious. What Superior Courtroom that the statutes were lacking?

MR. COLEMAN: New Haven. Whether this is typical, I don't know. It happened a couple of times with our observers, that they - during - send the Clerk out

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MR. COLEMAN: (Cont'd.) to get the volume, you know, 21 through 35 of the Connecticut General Statutes.

SENATOR FAULISO: (inaudible)

MR. COLEMAN: I'm glad to hear that, Senator, but it did not happen the day we were in Court or the week we were in Court.

REPRESENTATIVE BINGHAM: Jeanne Clepper?

MS. CLEPPER: My name is Jeanne Clepper. I am a citizen, living in Bloomfield, Connecticut and a member of the Court Monitoring Group of the Quakers. We have had the privilege of attending many of the meetings of the Legislative Commission for Reforming the Courts and we have also observed frequently in the Circuit Court for hours at a time. I'd like to speak on Act 5773, Concerning a Commission for Public Defender Services.

Our group is basically happy to see this law proposed and we feel that it should improve the services given. We have, I think, given to your Commission, an Act Concerning Vouchers for Public Defender type services which we feel would be ideal and which has been used in Ontario, Canada and has worked out well. However, we feel that the present proposal is very sound and would improve the work of the Public Defenders. We would be happy to see a Commission separating the authority over the Public Defenders somewhat from the Court, so that they could operate freely in the interests of the defendant.

We would like to suggest that the Chair person be appointed by the Commission from among its members instead of being appointed as such by the Governor. We would like to point out that in the Bill that was proposed by the Civil Liberties Union earlier, it was suggested that it be possible for applications for Public Defender to be filed by the defendants before they come into the Court. That it be possible when a person is arrested and in custody, that he have an opportunity, at that point, before coming into the Court, to have a Public Defender determine his eligibility for these services. In observing the Courts, we have seen many defendants coming in from lockup who have had no opportunity really, to get any type of legal help and as it is set up now in the Circuit Court, not only does that happen, but they have to, on their first hearings, simply be given the privilege of determining their eligibility for a Public Defender, and then have to wait for a postponed hearing before they can actually go ahead with justice in their case.

We feel that if this were changed, improved, that it would remove some of the burden of the Court, of hearing the same defendant's situation a second time. And going through all this routine with many of the people coming into the Court determining that they need legal help and then having to postpone and have them come back perhaps a week later. We feel it's really significant

MS. CLEPPER: (Cont'd.) to the defendant as many of these people are on very marginal incomes and if this results in their having to spend an extra week in jail and there are very few released on their own recognizance, this can be quite significant in terms of employment, in terms of family budget. They may even lose a job. We do feel that this should improve efficiency generally. We're glad to see that there is a plan for organizing the Public Defenders and for training them. And we are glad to see that the Public Defenders are given responsibility for determining the eligibility of the defendant for this service, so that it doesn't have to take up the time of the Judge. We are also glad to see that they are recommending, apparently, that there be sufficient Public Defenders to handle the business without such a brusque activity that there is no real justice; there is, we note, a provision providing extra Public Defenders when specially needed, or for using a trial list when additional Defenders are listed. And in this connection, we would like to say that we feel there should not be any part time Public Defenders. We are happy that in the main, it is proposed they be full time but we do question having even any part time Public Defenders who are going to have conflict of interest of trying to handle private clients as well as public cases.

And we are glad to see that the budget would be the responsibility of this Commission. We feel that it is important that sufficient funds be allowed if this is going to be a really helpful measure. I would like to say also, that we do feel that the Court reorganization proposed here has been seriously considered by people with legal and judicial experience and we think any plan to drop that proposal would be regettable.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any questions? Fred Danforth of New Haven.

MR. DANFORTH: Thank you very much, Representative Bingham and other Members of the Committee. As a member of the Bar of New Haven, I certainly have no objection to the merger of Connecticut Courts and certainly have no objection to Court reform and I agree that reform is needed, particularly in the Circuit Court. I think there has been a lot of agreement here this morning. The question seems to be how. I'm one of seventy Legal Services Attorneys in the State and we represent upwards of 25,000 clients, most of the work, as you would expect, is in the Circuit Court. For these clients, it's the most important Court in the world and I think if they could be here today, they'd have a lot to say about how reform is brought. I can't speak for them. I can't speak for other Legal Services Attorneys. I speak here for myself.

Most persons do not chose to go to Court to settle their grievances. The proceedings are expensive in both money and time. They're not terribly understandable to most laymen. For most people, Courts serve best a hassle and for

MR. DANFORTH: (Cont'd.) disgrace for all who work or must go there. Of equal importance, therefore, to upgrading Judicial salaries is a priority commitment by the State, to provide adequate Court facilities. Why is the New Haven Court, which has the most contact with New Haven's residents, that is the Circuit Court, still awaiting an adequate appropriation for renovation in its new and long awaited quarters? Why does the State continue to contribute only $1.50 per square foot for space? As long as the work of the Superior Court is considered of greater importance than that of the Circuit Court, by whatever name, there will be second class justice for most of this State's residents, both in fact and appearance and both, of course, are necessary.

What assurance can a person have voting for this Bill, that there will be adequate Court facilities for what has basically been Circuit Court work by whatever name, in New Haven, Bridgeport and many parts of the State?

Accessibility - one must assume that the drafters of this Bill were well aware of the Court facility problem, for they have removed a major portion of Circuit Court business, civil trials, both jury and non-jury, and criminal jury trials, if I understand the Bill correctly, that they be held in the County Courthouse. For the tens of thousands of Connecticut residents involved in these important actions this year, this means getting to ten Court buildings of which there are only two in New Haven County. For the poor particularly, including the low income wage earner, who lives outside of either Waterbury or New Haven, accessibility would take a giant step backwards. The building and renovation of new Court facilities which has taken place and that which is planned in many parts of the State, in my judgment, has not been based upon this assumption. Some Courtrooms would be overcrowded others might very well be vacant. Who are to be the responsible clerks for the management and movement of files - the Court of origin or the Court of trial disposition? Are unnecessary and duplicate files to be opened and maintained? What about added transportation problems, both for the State and local communities in the case of many persons in custody or for individuals who must travel extra miles to exercise a right that has been and should be closer to hom?

Accessible and adequate community Courts are needed to handle the vast majority of litigations such as the Circuit Courts now do, if adequately staffed and housed. We should continue our efforts to bring Courts of justice closer to the people, not move them further apart. It seemed that I agreed with everything that Ralph Dixon said in terms of his assumptions about Court reform. I think we disagreed primarily on how to bring it about because I think this moves Courts and justice further from the people; takes their

SENATOR GUNTHER: (Cont'd.) should be cleared by a Council, whether it's the full Missouri System or whether it's a modified Missouri System. About eighteen States have already gone to this program and I'll say I've talked to many of the Legislators from this State - these various States that have the Missouri System and again, these people tell me it works terrifically as far as getting top, competent, good judges in their Judicial System.

Just another two seconds here to remark on the total package - I wonder what happened to the testimony, before the Committee, relative to the elimination of the High Sheriffs and the reform of the Probate System? There's been nothing said in here. In fact, the Probate System in my book, has been going backwards instead of us consolidating, putting them into regional Probate Courts where they belong, we constantly see a proliferation of Probate Courts throughout the State of Connecticut. There were many good suggestions that were made and I know you have very poor turnouts. I attended the one here in Hartford. I listened to Chief Justice House and Cotter and I thought practically everything they said had been terrific but I don't see that they've had that much input in this particular report and I wish you had done it. (end of tape.)

(Next tape begins.)

REPRESENTATIVE AVCOLLIE: As very ably annunciated by Senator Gunther a few moments prior to my speaking and I think it significant that the work that the Connecticut Bar Association is doing in attempting to defeat the proposal before your Committee is even endorsed by a gentleman like Senator Gunther who traditionally has taken whatever the lawyers in this State think and opposed it, particularly on those grounds - that if the lawyers are for it, Senator Gunther is against it. Today, we hear that the lawyers have been considered by a man who I have a great deal of respect for, like Senator Gunther, in setting forth his position. And I would indicate that the Commission has not considered the Legislation proposed to your Committee - has not considered the attorneys' positions. This is not a Court Reorganization Bill for lawyers. It's not a Court Reorganization Bill for Judges. It's a Court Reorganization Bill for this State and if we were to succomb to the easy way proposed by the Bar Association of merging the two higher Courts, thus widening the gap between the high Court and the lower Court which we consider the people's Court, we would certainly have not dedicated ourselves to the duty that we were charged with by the last Legislature. 5649

I think page 41 of the Commission's Report says it very well and very briefly. The effect of a merger of the Common Pleas and Superior Courts would be widen the gap between the Circuit Court and the Superior Court, rather than to narrow it. A step which should sorely trouble the conscience of the State.

MR. DANFORTH: (Cont'd.) consideration less into account and the considerations o flawyers and efficiency into too much account. That's under this Bill. Some Court business is moved to better facilitiesbut only at the clear cost of decreased accessibility and potential costs of increased record keeping and duplication. And the large volume of business is left behind as a lower priority option in terms of facilities and status. Why? Is this reform or is it people and paper shuffling? Volume. Whatever else is done, the problem of Court volume must be faced and faced squarely and I don't believe in this Bill.

Assuming only a marginal increase in Judicial personnel, it would seem to not make much difference which Courts are merged with which other; which other names are used. What would make a difference is a recognition that at the present time, about half of the Judges who now sit in the Circuit Court handle many more times the number of cases than the other half that sit in the other Courts. Even applying a generous discount factor to offset the relative "smallness" of much of Circuit Court work, the plain fact remains that the terms - rush, rush, rush - is far more appropriate to the Circuit Courts than either theCourt of Common Pleas or the Superior Courts.

This problem will not be solved by the merger proposed or discussed here this morning. More Judges and other personnel are needed for the Circuit Courts together with more modern and efficient administration. I don't see how, under this Bill, Connecticut citizens will be treated as human beings before our Circuit Court, again, however relabelled, unless there is sufficient personnel, including Judges, to take the necessary time on each case. In this respect, although I do not have the statistics, it is our experience that the volume pressure in the Sixth Circuit Court in New Haven, far surpass that of the Circuit Courts in the other Circuits in New Haven County.

In summary then, with respect to the important values of Court facilities, accessibility and volume, three major areas of Court reform, this Bill suffers primarily from lack of attention. What it does focus on is Court management and organization and in contrast to the too little attention paid to the other areas of reform, the problem here is that the attention paid in my judgment, will worsen the situation. If one begins with the assumption that Connecticut should have a single Court system, regardless of the tiers, labels or divisions, then Connecticut should have one Court Administrator and I'm very pleased in what you said earlier, Mr. Chairman, that that change is under reconsideration because if I read the Bill correctly, there is a great diffusion and confusion in the - in who is to manage and who is responsible to whom, under the Bill.

MR. DANFORTH: (Cont'd.) Therefore, I ask and agree with the position of the New Haven County Bar Association which I didn't hear of until this morning, that more time - that more time be taken. There have been some very good statements this morning about Family Court work and problems with respect to the Juvenile Court. There have been questions about greater use of magistrates and legal work that is being done in other parts of the country. My theory is that this Bill, if enacted, will be called a reform bill and not a re-organization Bill and, in my judgment, will not move the ball forward on these key values.

The ten years that I have been in Connecticut, I've seen a Court begin with great hopes - the Circuit Court, and now we're sitting here criticizing it and trying to reform. It sounds to me that, with a little bit of status, we are now going to rename that Court another name and I'm very fearful that five or ten years from today, we'll be meeting with the same problems. I ask you to pause and reconsider your basic values that underly your assumptions. Thank you very much.

REPRESENTATIVE BINGHAM: I don't know, Mr. Danforth, if you read the companion Bill 149, Senate Bill 149.

MR. DANFORTH: I have not read that.

REPRESENTATIVE BINGHAM: Which is An Act Concerning Unitary Financing and Budgeting of the Courts which is a companion to this Bill. Further, as I understand your comments, I would take it that you tend toward Dean Pounds structure of the Court system and Justice Vanderbilt's structure of the Court system and the American Bar Association's minimum standards of justice and that you would tend towards a unified trial court, rather than towards a fragmented Court.

MR. DANFORTH: I'm surely not an expert but I would think a single trial tier with divisions, as suggested under the ideals of Ralph Dixon, would make a lot of sense.

REPRESENTATIVE BINGHAM: Which began in 1906 with Dean Pounds. I think he was laughed out of the Bar Association at that time.

MR. DANFORTH: Perhaps we should listen to him a little more. Incidently, if one of the concerns is increasing the staff of the Circuit Court Judges visa ve the Superior Court, it seems that it would not make sense to have the Appellate Division as a part of the Superior Court. It would be good to have a single Appellate Division if one is needed - an intermediate Appellate Division, through which appeals from both Courts would go and lastly, I think one of the great disgraces in this State is that all Judicial opinions are not recorded and this Bill seems to leave too much discretion to the reporter of decisions. I mean, in a common law, I think we should have much greater

MR. DANFORTH: (Cont'd_) access to reporting principles.

REPRESENTATIVE BINGHAM: All trial Court opinions?

MR. DANFORTH: I think so. I mean, I think, I don't know the added cost but you might draw the line somewhere but I know several years ago when I reviewed the Appellate Court decisions of the old Circuit Court Appellate Division, not even all Appellate Court opinions were recorded.

REPRESENTATIVE BINGHAM: Well, I think that could stand some amendment. But, I would commend to your reading, Senate Bill 149 on Unitary Budgeting. Thank you very much. Solomon Gross?

MR. GROSS: Good afternoon, gentlemen. My name is Solomon Gross. I'm a resident of Simsbury. I am also an instructor in criminal justice at the Northwestern Community College and I'm a member or Director of the Connecticut Citizens for Judicial Modernization.

I have been in the past, a policeman for twenty five years and I believe that my several decades of experience and my professional competence as a police officer and as an educator, is attested by various contributions to the various professional publications such as the Journal of Police Science and Administration, the Police Chief International Narcotic Reporter and the latest one will be in the Journal of Social Issues of the American Psychological Association give me some kind of background in making the remarks that I make.

My remarks will be addressed primarily to the effect on the police of the Bill 5649 which I heartily endorse and recommend. The law enforcement Assistment Administration of the United States Government has spend billions of dollars since the Safe Streets Act trying to make this America safer from crime. Yet last year, the FBI found that in the first five months, crime rose by one percent and violent crime even more. A recent survey by the Hartford Courant found that of 200 released offenders, seventy five percent were convicted of new crimes and sixty percent of new felonies.

The goals of the Criminal Justice System, which system includes the very inter-dependent elements of Courts, crime and corrections, must be the reduction of crime and the protection of the citizen. This cannot be done without the confidence and the trust of the people in our communities, in the relevant institutions and in the procedures of these institutions and without the active cooperation of the people in the communities, the police and the Courts cannot reduce crime and increase safety. The feeling about the Courts and the police have been well documented. The average situation

MR. GROSS: (Cont'd.) involving police and civilians in the Courtroom, especially the lower Courts, the Circuit Courts, too often leaves them with a bitter taste. I do not need to characterize the atmosphere and the processing of justice in the lower Courts. They're well known. The result though, is that too often complainants and police find that they are victims of the criminal justice system and that the open confrontation, the obligations and the privilege of participation as witnesses and complainants, has degenerated to a face as docket numbers, bargain pleas and an endless waiting and wasting ofatheir time. The pressured, clogged and resultingly brutalized lower Courts with . . . raises serious doubts as to the effectivensss of our system in preventing delinquency and . . . in the form of crime.

Certainly, the statistics cannot be interpreted without labelling the entire criminal justice system as a failure. When burglaries only have a twenty percent arrest rate, that is for every hundred burglaries, there are reported, only twenty are solvéd with arrest, coupled with an even lower conviction rate, there is little room for argument about our effectiveness in preventing crime. And the previous speakers I guess mentioned do not include the unreported crimes which one study has estimated that is five times the reported crime.

If the people will not report crime, the immediate thought is how can the police intelligently deploy and maneuveur the forces when they have incomplete data on which to proceed? If thepeople would not cooperate as witnesses, and there is evidence that more than half the Court's prosecutions are eroded because of the lack of cooperation by witnesses, then how can justice be effective?

I believe that a major portion of the problems of the police in obtaining the cooperation of the community can be traced to the perseption of the citizen that to get involved with theCourts is to get intoa swamp of legalisms, delays and bureaucratic indifference. The police, in our society, cannot operate effectively without the cooperation and participation of the public. In our fast moving, highly mobil and pluralistic society, crime obedience find many hiding places and legal covers and without the community's trusting confidence, the police are pressured and must resort, eventually, to shady performances such as bugging and evasions of civil rights, if they are to get the results that are demanded of them.

As I say, the police cannot do the job without the cooperation and support of the people who must come to the Circuit Courts where the most frequent contacts occur. This body can help serve the police and the public by accepting recommendations of the Connecticut Citizens for Judicial Modernization for combining the various Courts and giving a procedural prestige lift to the lower Courts. On ths point, it might be appropriate to relay a story that has been attributed to Justice Byron White of the Supreme Court. Justice White appeared at the dentist's office one day for some treatment to his

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MR. GROSS: (Cont'd.) teeth. Arriving at 9:00 A.M., he finally entered the Dentist's chair at 4:00 P.M. When he asked the Dentist how come he was delayed so long, the Dentist replied - About a week ago, I received a subpoena to be in Court at 9:00 A. M. I arrived to find thirty other people also with subpoenas for 9:00 A.M. At four P.M., I was called. The Dentist said, I have a great deal of respect for Judges and if they think that is the way to run a Court, maybe I should try it. So from now on, all my patients get appointments at 9:00 A.M. It may not be so good for them, but like the Judges, it's great for me.

But what I am especially concerned with here and the point I'd like to make is the effect on the police officer who, although a paid employee of the State or municipality, in effect, is an agent of the Court in a matter of criminal justice. . His actions in criminal justice are reviewed by the Courts, criticized, praised or merely acknowledged. The Court is, in essence, his boss. I believe that their effectiveness in crime attack, is related to the relationships with the Courts especially the lower Courts. To bear this point out, a study of police officers actions on the street in Chicago, by Professor Reese of Yale a number of years ago, indicated that in forty three percent of the cases where there existed probable cause to arrest for a felony, the officer failed to make the arrest.

Now, I believe that this kind of action on the part of the police in the street can, in some measure, be attributable to the relationships and the treatment in the Courts and there is current in the Behavioral Science Literature, a fairly substantiative theory known as the pigmalian affect and this theory researchers found, that the support of atmosphere and the perceptions of the superior, effect the production and the morale of the subordinate. If we apply this relationship to the police on the Court system, and have the known views of the known views of the police about Judges, bargain justice and nolle prosecutions, that we get an important input into the failure of the criminal justice system from the ground up.

One last word and I'll be finished. The ranks of organized crime are filled by the people who have learned to beat the clogged and harried lower Court system. The number runner, the bookmaker's helper and the others involved in the listed merchandising of vice all look to the lower Courts to reaffirm that organized crime does pay off fhe the little guy as well as the big guy; that the criminal justice system is easy to beat. For that reason, I believe the Courts should be merged and the recommendation of the Connecticut Citizens as implemented by the Judiciary Committee should be accepted. Thank you.

REPRESENTATIVE BINGHAM: Are there any questions? Francis Cady, Acting Dean, Connecticut Law School. Mary Ambler, Connecticut Council of Churches.

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MS. AMBLER: Thank you, Mr. Chairman. My name is Mary Ambler, from Newington and I'm speaking for the Connecticut Council of Churches and as a Member of the Citizens for Judicial Modernization. The General Assembly is to be congratulated for its commitment, not only to study the Court system as it exists today, but also to draft legislation for its improvement.

A Court survey has been made through the efforts of several hundred citizens, students in colleges, law school and social work, lawyers, housewives, retired persons, clergy and persons who took time off from jobs in business and industry to assist in what to them, was a meaningful contribution towards Court reform.

The Legislation has drafted in Committee Bill 5649, calling for the merger of the Circuit Court jurisdiction with that of the Court of Common Pleas is certainly a step in upgrading the climate of our so-called lower or inferior Court, a move toward raising the quality of justice much needed in the Courts as they are today. Clergy supporting their parishioners as they face the Court summons are appalled at the conditions in our crowded Circuit Courts. Much can be done to correct these conditions through a wiser use of existing facilities and personnel.

The drafted Legislation is open to possible needed changes and amendments, but we would support the concepts contained in Committee Bill 5649 and urge its passage. Thank you.

REPRESENTATIVE BINGHAM: Thank you. Are there any questions? Valisha Genovese. Correct me if I didn't pronounce that correctly.

MS. GENOVESE: I believe my cohort, Jeanne Clepper, covered all the ground except one area where we would like to make a suggestion. And that is in the composition of - this is on Bill 5773 - the Public Defender Bill. 5773? We are a little bit concerned about the composition of the Commission. We notice that this differed from CCLU's proposition. We feel that maybe some citizen input could go into that Commission and we would like to suggest - we haven't consulted with CCLU on this, but we'd like to see a citizen's group who represent the civil rights of the citizens and not just the convenience of the - or the you know, the ability or what the Court wants to deal with, the Judicial Department. Why not have a member from CCLU be a member of the Commission? We would feel a little more comfortable about the quality and the rights of citizens getting equal attention with the management and organization of the criminal justice system. We realize that's the important part of the criminal justice system - is the management and organization. We see a lot wanting in that direction from our observations. Because we don't want to denegrate that consideration 'cause we've looked forward to some improvement in that area - very critical area. But if you could possibly consider putting a representative of a citizen's group that represents rights.

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REPRESENTATIVE BINGHAM: We will consider that. Thank you very much. Sheila Barry, Norwich? Ruth Osfelt? Please state your name.

MS. BARRY: Sheila Barry, Norwich, Connecticut. I have been affiliated with Connecticut Citizens for Judicial Modernization. During October of this past year, I served as the coordinator of surveyors of CCJM's survey of the present court system at the Norwich Courthouse of New London County. At some time or another, every one of us has studied Connecticut's Judicial System - this was my first opportunity to observe the Circuit and Superior Courts and the workings of the law. I was fascinated, occasionally amused, and definitely confused by the disparity that exists between the simplicity of that idea we call justice and the present administration of its practical application, the law.

Unlike some of my generation, I didn't have neither the ambition or the stamina to unilaterally revolutionize the existing order. However, I am driven to take the best of what we have and make it better. For justice to be served the law, and the administration of the law, must constantly be changed and rearranged and brought up to date as the testimony of the history of Connecticut law states. I'm not implying that the present Court system doesn't work. I'm saying that it just doesn't work well enough and that with certain structural reforms and reorganizations, the continued quality of justice would be insured.

The present structural arrangement of the Connecticut Court system is not particularly efficient. The five trial Courts operate with their own separate administrative personnel, judges and jury panels. Its present structure represents an enormous waste of man hour time in producing the necessary material for the functioning of each Court, and time wasted by the necessary interaction among the Courts. The proposed merger of the Superior, Common Pleas and Circuit Courts would not only eliminate the duplicate procedures of administrative personnel, Judges and jury panels, but save considerable time in Court to Court interactions.

The key to the understanding of the proposed system is the specialization of Judges as opposed to the specialization of trial Courts. Just in comment to one of the previous speakers, he stated that bigness in a Court system does not necessarily preclude its simplicity. In this age of specialization, the way our society is set up now, specializationof Judges is a far more simple answer. Cases would not be switched from Court to Court or judge to judge. Thinking men, by nature and by choice, function in a superior fashion in those areas in which their interests lie. Authors generally do not write biographies of great men they hate. Each Court judge in the proposed system would preside over cases concerning the Judge's own specialized area from their introduction to the Courts until their completion, thus insuring a

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MS. BARRY: (Cont'd.) continuity of procedure and a superior quality of justice. As coordinator of the October survey in Norwich, I was in a unique position. The Norwich Courthouse is one of two locations in the State where the Superior, Common Pleas and Circuit Courts have simultaneously been in session.

The physical arrangement of the three Courts greatly facilitated inter-Court communication, perhaps added a few touches of atmosphere, here and there, but in no manner, aided the expeditious functioning of the Courts. Although there appears to be a widespread support for the merger between the Superior and Common Pleas Courts, such a merger would only scratch the surface of the basic problem, that being the complexity of our own Court system.

This merger is the easy thing to do but it will not alleviate the unequal distribution of caseloads among the Superior, Common Pleas and Circuit Courts, thus inhibiting the workings of law and the expedition of justice. The search for justice has been a continuing process by all persons and all people. The perfection of any ideal lies in its simplicity. It is my hope that this Committee will consider the present Court Reform Bill and in terms of its simplification of Court structure and thereby close that gap betwen ideals - that ideal justice and the administration of law.

REPRESENTATIVE BINGHAM: Thank you. Are there any questions? Thank you very much. Robert Goldberger?

MR. GOLDBERGER: Mr. Chairman, Members of the Committee, I commend you for your patience. I am an Attorney, practicing law in Bridgeport since 1933. I am also a member of the Executive Committee of the Bridgeport Bar Association and I am appearing as such and I have here, which I would like to introduce in evidence, a Resolution of the Bridgeport Bar Association which states - RESOLVED, that the Executive Committee of the Bridgeport Bar Association opposes Judiciary Bill No. 5649 or any Substitute calling for the merger or consolidation of the Circuit Court and the Court of Common Pleas. May I please introduce that?

I do not intend to go into the specifics of Bill 5649. I might say it has been covered, except to say that I agree with the criticisms made by Mr. Oliver and Mr. Greenfield and Mr. Danforth. I would like to point out that Judge Bernstein, in referring to the seriousness of the matters that come before the Circuit Court, hit the one problem that is paramount and that is the people. Mr. Danforth also referred to that. But I would like to point

MR. GOLDBERGER: (Cont'd.) out that when he talks of inferior Courts and so forth, I think that it is in the mind of the personnel. Their matters are just as serious as any other, perhaps on a smaller scale it does not have the complexity or the tenets of law that may be involved in the Superior Court or the Court of Common Pleas but yet, it wasn't set up for that. It was set up as a people's court and that has been lost sight of. Now, I will say this - and you realize that you cannot Legislate respect for a Court. I am most familiar with the Bridgeport Circuit Court and the New Haven Circuit Court to some extent and the Norwalk Circuit Court to some extent. I don't know whether you gentlemen have ever - and I know some of the Bridgeport lawyers sitting in the Assembly have - but I suggest that you go down and look at the facilities of the Bridgeport Circuit Court, which is affectionately called the Circus Court, as you know. And I might say -

REPRESENTATIVE BINGHAM: Not so affectionately sometimes, sir.

MR. GOLDBERGER: Well, I think we refer to it affectionately as such. But I might say what you need is an upgrading of the facilities, an upgrading of the personnel, an upgrading of the procedures. How can you have respect for a Court when the Prosecutors refer to the arraignment process as the pit? The upgrading of respect must be in the minds of the men. Let me ask you - how do you, by merging this Court and the Court of Common Pleas, upgrade the respect for that Court? If it continues on the same basis. I have practiced in the Court of Common Pleas in Bridgeport and New Haven. It has been working wonderfully. You are going to ruin a Court that is efficient. I know now, that a jury case in both New Haven and Bridgeport, will take less than two years from the time of the return day of the writ to trial and even less time on a Court case. By merging it, are you going to destroy that?

I believe you are setting up a Court and you call it the Court of Common Pleas. I assure you, you are setting up and the name is wrong. You are setting up the Court of common confusion, gentlemen. There's no doubt about it because you are taking over the business of the Circuit Court with all its problems and grafting it on a Court that is working well, with the net result that the Court of Common Pleas is going to be engulfed with all the ills of the Circuit Court. I say to you, you cannot take the emblem of the Cadillac and put it on a Ford Maverick and call it a Cadillac. And that's what you're doing here. It's not a Cadillac anymore. The Circuit Court and the Court of Common Pleas does not become a Court of Common Pleas. The personnel is the same and you're drafting it over.

Very little thought in this Bill is given to the people. After all, this is a Court of original jurisdiction and not inferior jurisdiction but original jurisdiction where most of the people come. It should be accessible to them. Their cases should be handled speedily and well. Reviewing somewhat, the history of the Circuit Court, it started with great anticipation. They were

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MR. GOLDBERGER: (Cont'd.) inexperienced. They didn't have the procedures and they had to learn by trial and error. The net result - and they were handicapped in the facilities that were given to them right off the bat. The net result has been that Court starts late. I've gone down to Bridgeport and many a time you get down there before ten and some of the Courtrooms don't open for business until after eleven. The Bridgeport Bar, as you know, have tried valiantly to get changes in the facilities for the Circuit Court. The net result was what we got was a drinking fountain, a telephone and a conference room for attorneys and clients. And that was it. The halls are narrow. They're crowded. The business that goes through there is impossible to conduct.

You cannot draft it on to the Court of Common Pleas and put it in the new Courthouse that we have and expect it to work properly. The facilities are not there for that type of Court. True that a merger might alleviate some of the distaste that we have for the Courthouses in being but you're going to ruin the upper Courts including the Superior Court. You're going to have a squirrel cage with people running around not knowing where to go. You must have a separate setup for this Court that will - where people can come in and go out and know where they're going and know what they're doing.

I also oppose the concept of specialization for Judges. I think it would be a big mistake. It is a tunnel approach because, as you well know, what we need are well rounded Judges. As you know, that one working or one in one position for years at a time, gets hardened and his attitude becomes set so that he's heard all the stories before and thenet result is instead of helping and giving understanding, you have an approach that is set, that is hardened and that is unchangeable in many respects.

What the Circuit Court needs is compassion and understanding and understanding of the problems of the people. In doing this, you must have the facilities for it and the time for it. Now, you have sixteen Judges in the Court of Common Pleas. On a combined C ourt, you will be taking over the fifty from the Circuit Court, plus eleven or sixteen of the Common Pleas Court. How will that reduce the load or spread the load in any way - where fifty Judges are taking care of it now and not too well, unfortunately? But, by adding sixteen more Judges to the fifty, you have sixty six Judges taking care of the business of two Courts which is a greater load than the one Court has and eleven or sixteen Judges in my opinion, cannot do it. I don't think you need a reform in the Courts or by merger or anything else. I think what you need is a reform in the administration of justice in the

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REPRESENTATIVE AVCOLLIE: (Cont'd.) Therein lies the problem. We consider the business that's being done in the Superior Court and the Court of Common Pleas as being done efficiently and being done well. I don't believe that the recommendations we made is going to, in any way, interfere with that efficiency. The recommendations we've made will improve the efficiency and improve the justice of the Circuit Court. I would concur with the Bar Association when they say that we are in sore need of facilities but they've ignored the fact that the Commission's recommendations to raise the Circuit Court people to the level of CommonPleas and to merge, in effect, those two entities will, in fact, provide immediate facilities. The Bar Association knows full well to talk about facilities is one thing. To get facilities is quite another. And it would certainly be another ten years before we could effect the kind of facilities which this Bill effects very, very immediately.

On the subject of the Commission's recommendations on review of Judges, I want to endorse it, however, with the caveat that I believe the CCJN's proposals which would have taken the choice of Judges more out of the realm of the Legislature and put it with the - in a more non-partisan arena I think would have been preferable. What's been reported and recommended is a compromise and it does, in fact, go a long way towards bringing out in the public the choice of Judges and I think that's eertainly a good area to attempt to achieve. I would, as a Legislator and as a citizen, endorse the proposals before you, wholeheartedly. Thank you.

REPRESENTATIVE BINGHAM: Thank you, Representative. Are there any questions of Representative Avcollie? Are there any other Legislators who wish to speak? Opening a little early, but I see there are people here so I'll begin with the Public Speaker's List. Judge Francis O'Brien.

JUDGE O'BRIEN: Mr. Chairman, Members of the Committee, my name is Francis J. O'Brien. I'm the Chief Judge of the Court of Common Pleas and I'd like to read a brief statement to you this morning. Traditionally, the Court of Common Pleas has been the most efficient trial court in our Judicial system. It has dealt with its caseload in a businesslike fashion and its present Court Calendars are more current than either of its sister Courts. And this despite the fact that the General Assembly has seen fit to increase its jurisdiction to include Administrative appeals and Appellate Jurisdiction over the Circuit Court.

The General Assembly is presently considering the revamping of the structure of the Judicial Department in the State of Connecticut and the Bill under advisement this morning, would merge the Circuit Court and the Court of Common

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MR. GOLDBERGER: (Cont'd.) Circuit Court and that would mean a new approach to the problems of the Circuit Court. A new approach to the way it handles its business. A new approach to its personnel and a new approach to its procedures. I think I've taken enough time. I didn't mean to take this much time. I know you've got a lot of more after me and I thank you for listening to me.

REPRESENTATIVE BINGHAM: We welcome your comments. You're speaking to one that tries cases in Circuit, Common Pleas and Superior.

MR. GOLDBERGER: That is - and Supreme Court also.

REPRESENTATIVE BINGHAM: And Supreme Court and I've even tried them in the Second Avenue Magistrate's Court in New York City.

MR. GOLDBERGER: I've tried some cases down in New York City - civil cases and I might say this as a thought -

REPRESENTATIVE BINGHAM: And I drive a Maverick.

MR. GOLDBERGER: But you can't put a Cadillac insignia on it and think you're driving a Cadillac.

REPRESENTATIVE BINGHAM: Right now, I don't want it.

MR. GOLDBERGER: I don't blame you. I might say this - when you talk about a one Court system, one tier system, the Federal Courts have done well without a one Court - one tier system. You have your District Court, Appeals Court and Supreme Court. I realize that there is only one Court of original jurisdiction but that still is a tier system and you cannot get away from a tier system in any respect. I might add one thing that there has been an upgrading in the jurisdiction of the Circuit Court and that hasn't helped. I'm not opposed to increasing their salaries, increasing anything but I am opposed of merging these two Courts.

REPRESENTATIVE BINGHAM: I take it then, that you are against a single tier Court?

MR. GOLDBERGER: I definitely am against the single tier.

REPRESENTATIVE BINGHAM: Knowing that, I take it also that you are against the American Bar Association's standards relating to Court organization because they support a single tier system. Justice Vanderbilt in New Jersey who was the original Court reform supported a single tier system and Dean Pounds supported it so. So I take it you're against all of those.

MR. GOLDBERGER: I'm a Yale man, not a Harvard man. And that might explain it but I think the one tier system is a mistake. You might as well say this - call every Judge in Connecticut the Supreme Court and then call them the Supremes. Is that what you want? It doesn't make any difference what you call a Judge if he's in one Court or another Court. He must gain the respect by what he does on the bench and the respect - and I have a lot of respect for many of the Judges on the Circuit Court. They are hard working and they do a good job. I can relate one instance. Years, several years ago, five or six years ago, a Judge of the Circuit Court was sent down to Bridgeport to clear up the backlog in civil cases and that Judge spoke to me in chambers one day about the problem there. And then, in talking to some of the personnel they just pooh-poohed it and say it wasn't going to work and they weren't going to cooperate. That's been part of your problem, gentlemen. Get rid of that and you've got a Court that will work.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any other questions? David Munich? A. Ray Petty? Morris Tyler?

MR. TYLER: Mr. Chairman, Members of the Commission, my name is Morris Tyler and I've practiced law in New Haven for the last forty years and I have been interested in Court reform since the early 50's when I became Chairman of the State Bar Committee on Civil Administration and I'm now a member of the Advisory Committee of the CCJM. I want to speak only to one Bill this afternoon and that is Bill 5777 proposing an amendment to the Constitution for the removal of the Judiciary. It seems to me that that is one of the most important Bills in your package of reform that you could possibly pass. As other speakers have mentioned today, starting back with Mrs. Burnham, the quality is all that really counts. If you haven't got it, it doesn't matter what kind of Courts you have. But if you've got quality, you're going to get respect for justice for those who have to come into Court and that's the only way you're going to get it. Now, we've got now, some 107 trial judges; fifty of the Circuit Court, sixteen in Common Pleas and 41 Superior and it would be beyond human nature if all of them on the bench developed a judicial temperament and commanded the respect of those who came into Court before them. And I get it on good authority from members in my office who practice in the Circuit Court that there, at least, there is a wide discrepancy between the manner and deportment of Judges in Court. Now the Chairman may remember that last year, we presented to this Committee, a Bill for the Commission on the Judiciary which followed the form of the Bill which is passed with a Constitutional amendment such as proposed here. In some twenty three States now and the American Judication Society has made a study of the results in those States so far as it tended to remove from the

MR. TYLER: (Cont'd.) bench Judges who clearly transgressed judicial deportment and those who, with the hand of time, had lost their capacity to handle the business properly and they either were urged to resign and many did, or they were removed. And it has tended to greatly increase the caliber of the deportment of the Judges on the bench. The very fact that such a Commission exists, according to this study, immediately made a difference in the way Judges acted on the bench. So I would strongly recommend that this Bill be passed, even if nothing else is done.

This paves the way for a Bill, after your Constitutional Amendment, which would set up a Judicial review Commission that would have the power to really act. The difficulty today is that if someone is bullied or badgered or insulted in Court by a Judge, he has no place to go to report it. At least he doesn't know of any. He could, theoretically, go to the Judicial Review Committee as it now stands under your Legislation. But it's not generally known. The States in which they have put in a Commission on the Judiciary have had a salaried Executive Director to whom complaints can be made and who can screen out the great majority of the complaints which usually are unfounded. But can institute confidential investigation into those that are. So I strongly recommend that this Bill be passed. Thank you.

REPRESENTATIVE BINGHAM: Any questions? Thank you very much. Mr. Charles Makinsky? Ron Cretano?

MR. CRETARO: Members of the Committee, I'm Ron Cretaro and I'm the Staff person of the Friends Meeting Court Monitoring Project. We are a citizen's Court watching group. Yes - I'm the Staff person of the Friends Meeting Court Monitoring Project. We're a citizen's Court watching group. There are several Bills that I wish to lend some sort of testimony to today. The first one is Bill 385 which there has been no previous testimony concerning An Act Concerning Service of Search Warrants. This Bill is to provide that every person whose premises are being searched is the recipient of an affidavit upon the search and I believe this is Senator Fauliso's Bill and we are very much in support of this Bill. We feel it's long overdue and needed and it insures due process. So we support Bill 385.

I also would like to sort of make a passing remark concerning Bills 576, 5776 and 5777. We feel that these two Bills though may be considered as progressive

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MR. CRETARO: (Cont'd.) yet, we feel that they expand the powers of the Judicial Review Council and our complaint with that is that it leaves out the citizens. It excludes the consumers and recipients and we would like to see that this Judicial Review Council undertake a sort of an affirmative action program of its own to may be more expansive and inclusive of more elements of the Community.

Also, on Bill 5771, the Act Concerning Compensation of Judges, we would just like to see the things brought together and not to be such a pyramidal and hierarchial structure as far as the value and work of the Judge. We feel that the Circuit Court Judge is just as - should be as esteemed with salary as should any other Judge in our Court system.

And also, on Bill 5649, the Act Concerning Reorganization of the Judicial Department, though the arguments that seem to be valid that this is a step forward and it narrows the gulf in the criminal justice system, I suspect yet I feel that I have great reservations as - and lack of confidence, that this in any way, is of real substance and a substantive change. I think that the Legislature is asking us to be content with only slight improvement and my question is why do we have to continue to settle for so little? I think - I was also a participant in the Citizens for Judicial Modernization's survey. I think many of our expectations and hopes were raised by this and I think now, that many of us are disappointed. We spent long hours on this and some of us have continued in our monitoring efforts in hopes of seeing the Courts change. We feel that the crippled horse of justice is now just going to be a little lame and we think that things can go further.

I also have copies of a guest editorial from the Hartford Times that one of our members that I'll submit.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any questions? Joseph Lynch?

MR. LYNCH: Mr. Chairman, Members of the Committee, my name is Joseph Lynch. I live in Portland. I'm here today representing someone who is unable to be here because he's at home. About three weeks ago, he was getting out of the shower, preparing for a full day's work in Court as he has been doing, even though he was 80 years old last August 31st, and he injured his leg. He's in a cast. We did inquire about means of getting him up here personally but that was impossible. So I'm just reading his statement for the record, although it's unnecessary to say so. This is a statement by a man who's been Governor of this State, United States Senator, Chief Justice, noted trial lawyer now sitting actively except for his temporary disability as a State Referee and I speak of the Honorable Raymond E. Baldwin. This is his statement which he called me yesterday and asked me to pick up from his Secretary this morning and I'm reading it into the record now.

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MR. LYNCH: (Cont'd.) With respect to any questions that you gentlemen might have, he advised me to tell you that he would be delighted to respond to any, either by telephone or in writing.

"I have read the letter of March 21st which was sent by the President of the Connecticut Bar Association to every member of the Bar. I am in hearty agreement with what was stated in that letter.

I came to the Bar in June, 1921. At that time, there were 69 town, city and borough Courts throughout the State, all of which had different jurisdiction, return days, etc. In addition to that, there were in the smaller towns the Trial Justice of the Peace system. During that time, during the time that I have been in public life, I have spent a great deal of thought and effort toward a remodeling of our whole system. Way back in 1939, we created a Commission headed by Justice Newell Jennings, which Commission contained not only members of the Bench, but also members of the Bar and lay members as well. Down through the years, I have seen the Court system evolve so that instead of the Trial Justice and Grand Jury system in each town, we created Trial Justice Courts and the Trial Justices of the Peace and Assistant Trial Justices of the Peace being appointed by the Selectmen, along with a Grand Juror.

This was successful in putting a stop to the Trial Justice racket which existed in many towns. During my term of office, we were successful in getting an Amendment to the State Constitution which provided for the nomination by the Governor and the election by the General Assembly of the Judges and Deputy Judges of the Town, city and borough Courts. This, too, was a marked step forward and took a lot of politics out of the town, city and borough Court system which formerly had been entirely in the hands of the General Assembly.

The next step along the line was the creation of the Circuit Court. We inaugurated this while I was Chief Justice. The Judges were appointed on an entirely bi-partisan basis, half Republicans and half Democrats. In addition to that, we had created in the Superior Court and in the Circuit Court, a Domestic Relations Division which has been most successful and serves primarily as a family court. It compares favorably with any family court in the United States and has been acclaimed as such by Judges from other States. While I took an interest in all of this work, many of the suggestions for the changes and great help came from a large number of the Judges and members of the Bar who had the welfare of our Judicial system deep in their hearts. In this statement, I do not mean to question the good intentions of the people who have framed and backed this Bill. I do, however, with other members of the Bar, question the wisdom of putting it into law.

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MR. LYNCH: (Cont'd.) The Superior Court, which is our trial Court of general jurisdiction, is one of the oldest Courts in the United States. It has an enviable record. It may very well be that many appointments to it have been the result of politics. However, in all my experience, I have never known of any Judge, Republican, Democrat or otherwise, to be influenced by his early political affiliations. We have a sound principle in the Bench and the Bar which has been recognized for years - that none of our Judges can be approached or any influence in his decisions attempted by political considerations.

When I first came to the Bar, there were Courts of Common Pleas in only three counties, Hartford, New Haven and Fairfield. I think there was also one in Litchfield. In addition, there was the District Court of Waterbury. Now, the Court of Common Pleas sits in all Counties. These Courts have, through the years, oonstituted a trial Court of Common Pleas for all of the Counties. They originally had criminal jurisdiction on appeals from the town, city and borough Courts, but that has been done away with.

My personal view now is that it would be a good plan to merge the Court of Common Pleas and the Superior Court and make them trial courts of general jurisdiction.

The Circuit Courts should be left as a single Court. It handles more business than all of the other Courts combined. It labors under considerable difficulties because of the inadequate Court facilities. These should be improved, as I am sure they will be. It would be a very serious mistake to merge this Court with the other two Courts and create one trial court system. It would result, as the President of the Connecticut Bar Association stated in his letter, in chaos. We are not only concerned with the matter of Judges, but we are involved with the matter of Clerk's Offices, Sheriffs, Court Messengers and other officials, not to mention a very expensive system which has been installed to handle the present docketing of matters in our higher Courts.

Government institutions, particularly Courts, become much better when the changes come about by evolution and not by revolution.

During my term as a Justice of the Supreme Court, I attended many meetings of Appellate Court Justices in other States. They all spoke most favorably of the Connecticut system. Arthur Vanderbilt, who renovated the Judicial system of New Jersey personally, told the Connecticut Bar at a meeting in New Haven, that many of the changes which he proposed came from practices and procedures which we have used in Connecticut.

MR. LYNCH: (Cont'd.) Down through the years, many changes have been made in the Court rules, all in the interest of expedition of Court business and a simplification of Courtprpcedures. Since I came to the Bar in 1921, there have been several revisions of court rules; one in 1922, another in 1934, another in the 1950's and a general and complete overhaul in 1963 while I was Chief Justice. On that Commission, we had some of our ablest trial Judges serve, notably, the Honorable Richard Phillips, late of Farmington. My feeling is we should not try to imitate other States who have problems much different from ours. We should cling to what we now have that we find workable and good and constantly strive to improve it.

Again, I repeat that I am opposed to House Bill No. 5649 because it would in my humble judgment, attempt a revolution of the entire Judicial system of the State which would result in a crisis from which it would take us years to recover. I regret that a serious injury which has confined me to my home, makes it impossible for me to appear personally. I deeply appreciate your willingness to receive this statement of my views.

REPRESENTATIVE BINGHAM: Thank you very much. Mrs. Marlene Isler?

MS. ISLER: I'm not sure why I'm here now. Since everything I could say has been said at least three times by several other people. My name is Marlene Isler. I'm a housewife from West Hartford and I participated in the survey in October with the CCJM. I was coordinator for Courthouse, for Circuit Court 14 which means that I spent most of my waking hours for five full days in that Courthouse. And I've also spent some time observing in the Superior Court. I have to say that the contrast is kind of startling. I'd have to characterize Superior Court as a Country Club atmosphere where there is at least a semblance of dignity and the legal process demands some respect. In Circuit Court, all I can see is a herd being moved through a room and, although I have a great deal of respect for the Judges and the personnel in the Courthouse, I can understand why they might get a little dull-eyed after seeing three hundred and fifty cases dailey, brought before them. I hope there is something that can be done about that.

The two things I noticed while I was in the Courthouse that I'd like to speak about today have to do with, first of all, the Public Defender Bill. 5743
One of the things that is quite apparent is that the Public Defenders are assigned during Court time. It takes up the Judge's time and it takes up Courtroom time. I don't understand why Public Defenders cannot be assigned before Court convenes. These people know they need one. It can be explained to them before Court opens or when they're arrested. That's when you need an

MS. ISLER: (Cont'd.) attorney, not after you're in front of a Judge. After the defendant has a Public Defender, they walk over to the side of the room and confer for two or three minutes in full view of fifty to a hundred people. I don't consider that a suitable atmosphere for conferring with my attorney. I don't see why someone with a Public Defender has to have that kind of situation.

I would also like to have the Public Defender's job be a full time job because if a case is continued and you have a Public Defender, it's quite possible that the next time your case is called, you'll have another Public Defender, since your original Public Defender is probably not going to be there. I don't think that's justice. And I think it's a waste of my taxpayer's money because you just can't have it work that way.

The other thing I'd like to talk about is jury panels. Jury panels convened and the Judge spoke to them and then they went back to their waiting room and they sat and they waited. Six of those jurors were used in the course of a week and the rest of them had to sit in a dingy room with nothing to do. Now, I don't know if they weren't told what would be happening to them but no one had anything to read. There was nothing in the room. As I understand it, the same situation existed with the common jury panel used by the Common Pleas Court and the Superior Court.

Now, if this situation was duplicated in Hartford, I'm sure it's duplicated in other places. We pay jurors on a daily basis and that's my taxpayer's money again. Also, if you're doing jury duty and you go down and don't try to weasel out of it, you should feel that you're doing something worthwhile, not that you're sitting there totally bored. I have better things to do than sitting there for four or five days and I'm sure everyone else does. If I'm called to jury duty, I want more chance to serve on a jury. I want to feel that I'm contributing and you're not going to get people that you consider your peers on a jury panel unless they can feel that they're doing something worthwhile. I advocate a common jury panel for a merged trial Court for that reason because I think it makes more efficient use of a jury panel. That's all I have to say.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any questions? Mr. Melvin Katz.

MR. KATZ: Mr. Chairman, Members of the Committee, or hearty survivors thereof, my name is Melvin Katz. I'm an attorney here in Hartford. I am a member of the

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MR. KATZ: (Cont'd.) Lawyer's Advisory Committee to the CCJM, the Connecticut Citizens for Jury Modernization of which Ralph Dixon, who spoke previously is the Chairman. I, a few years ago, was a member of an antecedent organization an ad hoc committee of lawyers who worked hard and long with the CCJM. We had a series of meetings throughout the State with Judges of all the different Courts and with many other people who had an interest in the field. As a member of that committee, I was the Chairman of the sub-committee on Court Reorganization and in that capacity, helped to write a preliminary report which I believe was provided at least some of the matters that have received the consideration of the Commission and that hopefully now, are receiving the consideration of the Judiciary Committee.

In the course of studying the various problems as I have tried to, I some time ago, became convinced of the advisability of a one tier trial court. I believe that it provides efficiency and flexibility in the use of Judicial manpower and the use of attorneys who do most of the trial work in this State in the use of Courthouse facilities and of Courthouse personnel far above what we now have. And it puzzles me, Mr. Chairman, when I hear one person after another say very learnedly that a one tier trial Court is the solution, but that it is not yet the time politically to consider it. I wonder whether if all of the members of the Legislature who have said that were asked to vote whether we mightn't have a majority for a one tier trial court now and I urge, hopefully, that there be further consideration of a one tier trial court which I believe, could, in the long run, solve many of the problems with which our Court system is beset at this time.

The place at which I diverge from at least some of the other members of Mr. Dixon's Committee, is at the point where it becomes a question ofwhat do we do if we take one step. And at that point, Mr. Chairman, I see no real advantages by way of efficiency or in any other direction, in merging the Court of Common Pleas and the Circuit Court. On the other hand, I see many in merging the Superior Court and the Court of Common Pleas. And I am not thinking in terms of inferior courts - I don't regard it that way. I am not thinking in terms of appearances. I am thinking only in terms of increased efficiencies. The only Court in the State, Mr. Chairman, that needs more Judges today is the Superior Court. My good friend, Peter Costas accuses me sometimes of not liking statistics. It isn't that I don't like statistics, I'm not always sure and I am frequently quite uneasy with the conclusions that can or should or should not be drawn from statistics. I note in the statistics that have been developed here, for example, that in the year 1972 and in the year 1973, there were marginally more dispositions than new cases in the Superior Court. And it appears to have been deduced from that that there is, therefore, no backlog in the Superior Court. And

MR. KATZ: (Cont'd.) nothing could be further from the truth, Mr. Chairman. I'd like to introduce a new statistic or two. Last week, I stopped in at the computer room, so-called, of the Clerk's Office of the Hartford Superior Court because I wanted to check one or two of our cases and I do this occasionally because they seem to be getting lost and more, somewhere in the backwash and when I found out what the situation was on the case, I then asked the young lady in charge what year have you reached in assigning for trial, cases which have been pre-tried already? And she looked at me and smiled a little and she said 1971. Now, I'm sure, Mr. Chairman, that you and some of the Members of this Committee at least, can realize what that means in terms of time.

In the first place, for a case to have been pre-tried in the Superior Court in 1971, means that it probably was entered in that Court in 1969 or 1968 and it means that whatever the facts were that were the subject of the law suit, that it probably occured a year or two before that. Now, if that same case is going to be reached on the assignment list and hasn't been yet today, and if it's going to be hopefully some time in 1974, it will then have the better part of a year to be on that list before that is actually reached for trial. Two or three years ago, Mr. Chairman, we seemed to have made substantial progress in eliminating the backlog in our Superior Courts. We seem to be going very much the other way now. Again, I don't know the reasons statistically. I think perhaps there are a number of explanations for that. For one thing, there was some discussion here earlier today on the question of how complex the matters are that are handled in our Superior Court. And there are a great many that are far more complex than they are in the other Courts. It is not unusual today for a medical malpractice case to take three to four months to try. It's that complex. It is not unusual for a trade secrets case to take six week, two months, three months to try. Those are the complexities that beset the Superior Court. Those are the complexities that are setting it further and further behind. Now some of us lawyers, Mr. Chairman, are being accused of having selfish motives and I'm not at all sure I've seen anybody spell out what they're supposed to be. My interests and I'm sure those of the other lawyers who have spoken here today, are the interests of my clients and my clients are members of the public. In the interests of my clients, I want to see prompt justice and I want to see high quality justice and those are the areas in which the Superior Court needs the greatest help today and it would get none from the present plans that are proposed in the Act that is now before this Committee.

I think it's unfortunate, Mr. Chairman, that in the heat of the arguments and the expression of various positions here today, that have been a few

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JUDGE O'BRIEN: (Cont'd.) Pleas into a new Court to be known as the Court of Common Pleas. Many problems and difficulties face your Committee and the General Assembly in the fashioning of a new enlarged Court to dispose of the business now handled by both the Circuit Court and the Court of Common Pleas. Many objections to the Bill, such as the appointment of the Chief Judge of the Court of Common Pleas by the Governor, to hold office at his pleasure, the appointment of an Administrator by the Chief Judge to serve at the pleasure of the Chief Judge and the provisions, under Section 281 of the Bill, under which all the Judges of the Circuit Court and the Court of Common Pleas would become Superior Court Judges automatically, in the event that any portion of the Bill was declared as unconstitutional. Also the holding of criminal jury trials now held in the Circuit Court in the County Buildings, among others, will be discussed by other speakers here this morning. My remarks will be confined to the general concepts envisioned by the proposed action.

The Circuit Court is the most important Court in the State of Connecticut in our Court structure from the viewpoint that it is there that the majority of the people of our State get their first and sometimes their only impressions of the Judicial System of the State of Connecticut. The Circuit Court deserves careful consideration from the General Assembly in the upgrading of its facilities, improving of its administration and making it responsive to the needs of the people it serves.

It is suggested, however, that its merge into a larger, more complex Court structure, with increased administrative personnel, will magnify rather than lessen the problems it now faces. Such a merger would entail extensive cost, disproportionate to the results accomplished. It is believed that only a solution to the present problems of the Court system would be better served by the direction of your attention to the facilities and the programs within the present Court structure.

However, in the event that you have determined that a merger of Courts is in order, a far more simple, less expensive one is the merger of the Court of Common Pleas into the Superior Court. The new Court facilities in our larger counties have been built with that prospect in mind. This is an approach that has been recommended by outstanding members of the Judiciary, by the Bar and by many knowledgeable observers of the Court system in the recent past. The Judicial Council of the State of Connecticut has made similar recommendations to the Governor for the past twenty years. If a merger is deemed necessary, this would appear to be the better path to follow. I thank you very much.

REPRESENTATIVE BINGHAM: Judge, at present, there are forty Judges in the Superior

MR. KATZ: (Cont'd.) comments made which have been perhaps less than complimentary by one lawyer against another lawyer or against a group. I think this is most unfortunate. I'm sure that nobody really intended any such thing and I don't believe, for one, that any member of my profession has any ulterior motives in dealing with the issues here. I believe that all of us are here to talk in the interests of the public at large and to talk in the interests of our clients as members of the public. Again, I would point out - I think it's been mentioned here already today - there was a poll of the State Bar Association, not just the President and the Board of Governors, in 1970. That poll was very heavily in favor of merging the Superior Court and the Court of Common Pleas. It was just as heavily against merging the Court of Common Pleas and the Circuit Court.

That is not the only time that the State Bar Association has expressed itself. I have been a member of the Practice and Procedure Section of the State Bar Association for perhaps at least a dozen years. For a portion of that time, I have been its Chairman and I am still a member of that section. And to my recollection, there have been at least three different occasions when that section, at meetings that were heavily attended, has voted on these particular issues and that section is a section which is very heavily represented by lawyers who do the bulk of the trial work in this State and, in each instance, again, the vote has been heavily in favor of merging Superior Court and Court of Common Pleas, heavily against the other kind of a merger. I would urge this Committee and the Legislature to take another serious look at a one tier trial Court. But if that is not to be, I would hope that we could see the help that the Superior Court needs by way of additional Judges which are not provided here - the five Judges I do not see as a practical way of resolving these problems.

REPRESENTATIVE BINGHAM: Mr. Katz, do you know if the Bar Association has addressed itself to the unified trial Court?

MR. KATZ: To the what?

REPRESENTATIVE BINGHAM: One tier Court?

MR. KATZ: I don't believe so, Mr. Chairman.

REPRESENTATIVE BINGHAM: Is there some magic about two tiers with the Bar Association?

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MR. KATZ: Oh, I don't think so. I think that in 1970, when this vote was taken of the State Bar Association, I think some of us were already looking at a one tier trial Court. But I don't think that it was in the public eye the way it is now. I would like to see such a poll, Mr. Chairman.

REPRESENTATIVE BINGHAM: Thank you, Mr. Katz. Mr. Brown, State Urban League? Mr. Munich?

MR. MUNICH: My name is Dave Munich and I'm an Assistant Clerk of the Superior Court in Bridgeport and also Vice President of the Bridgeport Bar Association. I think I have the distinction of having held the office of Assistant Clerk in the Superior Court for twenty nine years, which is longer than anybody else I think, in the State of Connecticut. I think that that might possibly detract from my qualifications to speak before you gentlemen, but in any event, I want to make another record here and that's to make the briefest speech that's been made today. I compliment you all on your patience. I don't know how you do it. I'd like to say that I am opposed to this Bill and I hope that the brevity of my remarks won't detract from the sincerity of what I said. Thank you, gentlemen.

REPRESENTATIVE BINGHAM: Thank you, Mr. Munich. Mrs. Eileen Lichter? Bill Davis?

MR. DAVIS: Mr. Chairman, I too, will be brief by virtue of the hour and the small attendance. My name is Bill Davis. I practice law in Hartford, Connecticut. I speak in opposition to Bill 5649 for the prime reason that, in my judgment, this Bill does not do the job that it should be done at this particular time. In your preface, you note that there are three types of people; people who make things happen, people who watch things happen and people who wonder what happened. I think that it's time that we face up to theproblem that we have with reference to our Judicial system and put that problem to bed once and for all at this particular time. We spent a lot of time - this Commission has spent a lot of time investigating the problems as they exist in the Courts today and at no other time, do I think, in our history, do we have as much statistical information and as much knowledge with reference to this particular problem. And very briefly, as I see the problem, I think that we're agreed that from the standpoint of the Court of Common Pleas, there is not a problem. They are current with reference to their work and their business. We all recognize that there is a problem with reference to the Circuit Court. Likewise, Mr. Chairman, today I have heard nobody speak with reference to the problem, outside of Mr. Katz, one of the last speakers, that exists in the Superior Court. I would like to point out that at this time, in Hartford

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MR. DAVIS: (Cont'd.) County, there are approximately 2,000 cases, civil jury cases, waiting to be tried. That can be multiplied by the situation as it exists in New Haven, the situation as it exists in Bridgeport. In Litchfield, there has not been a civil trial this term because the Court has devoted itself to criminal business. In Middletown, as of the moment, there are no civil trials for like reason. So that I think very succinctly, we can say we have two problems. A problem in the Circuit Court and a problem in the Superior Court. And in the past years, the answer to that problem has been well - let's give the Superior Court a few more Judges and that puts a rest to the problem as it exists. But I respectfully submit that it does not.

The criminal business takes a great deal of the time of the Court and the criminal business takes preference over all other business. I respectfully submit that, by adopting this Bill, you are only solving one half of the problem. I think that this Committee, at this particular time, in this session of the Legislature, should go the whole way. The only way to put this problem to bed, once and for all, is by virtue of a one tier Court system, with a strong Court Administrator, assigning Judges where the need arises and at times when the - and having flexibility to move Judges around to - we don't need more Superior Court Judges. We need a unified trial system and I think that now is the time to do that.

It's interesting to me in reading your final report under date of March 1, 1974, that perhaps you attempt to do that through the back door, by virtue of Section 281, I think it is. You indicate that if this Bill is declared unconstitutional, that the Circuit Court and the Court of Common Pleas are abolished and that all Judges of those two Courts are adopted into the Superior Court. Let's not do it through the back door. Let's do it now by passing a Bill. And the Bill that was recommended by the Advisory Committee, likewise of which I was a member, Chaired by Mr. Dixon. And I was not aware of the fact that this group had compromised its position with reference to its proposal and was now adopting or promulgating a merger of the Circuit Court and the Court of Common Pleas. Thank you.

REPRESENTATIVE BINGHAM: Are there any questions? Roger Sherman and James Madison compromised their position in 1787. William Cole?

MR. COLE: Mr. Chairman and Members of the Committee, I'll try to confine myself to three minutes, in the interests of the large number of people who have spoken and still have to speak. I'm appearing here - my name is William Cole. I'm appearing here as President-Elect of the Connecticut Bar Association and I want to start by saying that there is no question as to the Board

MR. COLE: (Cont'd.) of Governors of the Association being solidly behind this statement that Mr. Greenfield presented to the Committee. His position was reviewed in detail, by the Board of Governors at its last meeting and their votes were unanimous. The second point I want to submit is that the Board of Governors is not, as has been characterized earlier in the day, is not an elite organization. The Board of Governors is largely an elected organization. Most of the members are elected by the membership and they are a cross section of the Bar and they are a good cross section. And a large number of them practice, frequently, in he Circuit Court so there is no question, insofar as I'm concerned, of the Board of Governors not having familiarity with the problems which it was asked to consider.

The third point I want to make is that the Bar Association is wrongly characterized when it is said that it is always against and never for in this area. The Bar Association has been advocating higher Judicial salaries, improved facilities, improved personnel, for years, monotinously, to the point where it never has gotten what it has asked for and it is bound to feel sooner or later, somewhat discouraged by what transpires.

The Association, I think, and the Board of Governors certainly, believe very much in accessibility of the lower trial Courts and for this reason, this is a major reason for the position that the Bar Association is taking on this Bill.

I think I should also say, Mr. Chairman, that there is nothing on the record of the Bar Association, which opposes a single tier system but to my knowledge, I know of no action by our Association which has opposed that type of solution. The principle objection, I think, to the merger of the Court of Common Pleas and the Circuit Court, is that it is - that this is not a real solution. This is an - if you will - applying an adhesive plaster to what could perhaps - shouldn't be called a cancer, but which is a pretty difficult situation.

It would be our feeling or it would be my feeling, that if salaries are improved, if facilities are improved and I mean very substantially - I mean far beyond what is contemplated in any of this Legislation, in both these areas, I think you're going to get a better system. But, unless you pay for it, you're not going to. And, if I may say so, the policy of the State over the years, has been underpayment and under facilities.

Now, still, you may ask why is it a bad Bill if it merges two of the Courts and reduces you to a double tiered Court? Or upgrade you, if you will, to a double tiered system rather than the triple tier system that we have now? I think one of the major objections is that this cuts down on flexibility and it cuts down on accessibility. If so much of the business of the Court

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MR. COLE: (Cont'd.) is to be transferred into the County Courthouses. Ultimately perhaps, this can be worked out. But I would suggest this to you and this is what I wish to close on. This Bill - 5649, has an effective date of October 1st and, speaking just of Hartford County, of which I have a little familiarity, there are five Common Pleas Courtrooms in this County, at this time. There are thirteen Circuit Courtrooms. None of the Common Pleas Courtrooms, I am informed, have facilities for criminal trials. If this Bill becomes law on October 1st, with its mandatory requirement that a very substantial part of its business be transferred on that date to October 1st, I can only say I hope I don't have to try a case there on October 2nd.

REPRESENTATIVE BINGHAM: It's been recommended that Line 485 will state, where feasible and it's not mandated. My question would be has the Bar Association considered the single trial court? It's my understanding that they are recommending a two tier system and that they are recommending the addition of sixteen Justices to the Superior Court which would - in numbers, would say twenty two new Superior Court Judges to the Superior Court and neither the Chief Court Administrator nor the Chief Justice have asked for that number of Judges in the Superior Court.

MR. COLE: Mr. Chairman, I don't want to protract this, but when you transfer those Judges, you transfer their business too, don't you? So you do not wind up with more Judges doing the amount of business that less Judges were doing. You wind up with the same number of Judges doing the same amount of work. You do get, hopefully, some increase in flexibility in the ability to assign Judges and cases and things of that kind, if you confine them to one Court, or if you embrace them in one Court. I feel quite strongly about that and that this element of flexibility is of tremendous importance and stratification doesn't do it.

REPRESENTATIVE BINGHAM: I notice that, throughout the day, the Bar Association has concentrated on civil jury trials and it would appear to me that they should really concentrate on family matters, rather than civil jury trials. That the number of writs returned to Court now are far in excess - matrimonial matters exceed every other matter. And that still we have, in Stamford, more civil jury time dedicated to less cases than we have family trials.

MR. COLE: Well, I can't comment on that. I don't know quite how the Bar Association is going to cure the marriage - strengthen the marriage bond and I would say that you have to take the cases as you find them and as they come in. I don't think the question of what should be done with the domestic relations court or the domestic relations calendar has been considered beyond the Amendment in the divorce or the revision of the divorce statute, which the Legislature adopted last year and in which the profession had a

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MR. COLE: (Cont'd.) considerable hand.

REPRESENTATIVE BINGHAM: Thank you. Are there any other questions? Mr. Anthony DeMaio? New Haven County Bar. But you are from New Haven.

MR. DE MAIO: Thank you, Mr. Bingham. You've already heard probably everything that I could add to this from people who, at least feel that they know more about the Bill than I do. I would just make a general comment that I don't know whether anybody's told you this as bluntly, but I think the whole darned Judicial system in Connecticut is in pretty desperate shape right now. And I don't think what you're attempting to do, although well motivated, I'm sure, is going to solve the problems of the Circuit Court's inadequacies, nor is it going to accomplish what you think it's going to accomplish and I would assume that would mean giving everyone a proper forum, speedy justice and quality justice. I think it's unfortunate that the Circuit Court has been permitted to drift without attention. Their facilities are deplorable, their morale has been shot full of holes. I don't think merely changing the name is going to accomplish what is really needed and I recall in 1969 and '70, when I was President of the State Bar Association, a survey of the Circuit Court system aimed at trying to find out what the lawyers found to be inadequate in that system consisted of, was prepared and was conducted by the State Bar Association. This was passed on to the Chief Court Administrator for his - it was prepared at his request - I'd suggest that the Commission might ask him to see that report. I think it might give you some valuable material from the practitioner's standpoint and I think it would indicate why some of this material - that you are including in your Bill - is either unnecessary or not applicable. One of the things you cannot get around, gentlemen, is the fact that too often, the people who have the appointing power are not exactly careful about their appointments. Whether it's in the guise of politics, charity or what you want to call it, we are all - we all know of some pretty sad personnel that we have operating our Courts and expecting them to do a first class job. When the Judges, the Legislature and the Administrators are prepared to think in terms of efficiency and ability and ignoring such things as their political affiliation, you might be in a position to do something as grandeous as you're attempting to do with this Bill. I don't think you're going to be able to do it with the personnel, with the facilities, with the built-in problems you've got now just by trying to wipe the slate clean and apply this paint brush. You may give it a coat of whitewash but I'm afraid the imperfections are going to show through in very short order.

I don't say that this - in any attempt to be disrespectful of the efforts exhibited by the Circuit Court personnel nor by your Committee, but I suspect that the situation that you're confronted with requires a lot more study before you jump into this move. Thank you.

REPRESENTATIVE BINGHAM: Thank you. Are there any questions? Ruth Osfelt? Maxwell Heiman?

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MR. HEIMAN: Mr. Chairman, Members of the Committee, my name is Maxwell Heiman. I practice law in Bristol and I'm President of the Hartford County Bar Association. I'm not going to rehash everything that Mr. Greenfield and Mr. Oliver and all the rest say. The Hartford County Bar Association acts, by its Executive Committee and by a Committee on Court Reform and Reorganization and yesterday, the Hartford County Bar Committee on Reform and Reorganization Executive Committee, voted unanimously to oppose the passage of Committee Bill No. 5649. I also should tell the Chairman, who has asked this question of all of the members of the Bar who have appeared, that the Hartford County Bar Executive Committee did take up the question of a one tier court system. And, if that were the Bill that were presented to us, the Hartford County Bar Association, acting as I've indicated, would be here in support of such a measure. By unanimous vote of both Committees, it was voted that the one tier Court system would be the answer to the problem.

Let me just make two comments and then I'll yield to someone else. I was somewhat disheartened by Judge Kinney's comments about the poor facilities which exist in the Circuit Court. I think we're all aware of those and it seemed to me that what the Chairman just mentioned with respect to the criminal cases is appropo of that remark. It seems to me that bad facilities are bad facilities, whether they're used for arraignment purposes or whether they're used for trial purposes. If a facility being used by the Circuit Court is so bad, so detrimental to the welfare of the administration of justice in this State, that it ought not to be used for trials. It ought not be used for arraignments either. And I would submit, gentlemen, that to take the Common Pleas Court and the Circuit Court and merge them, in effect, leave the arraignment facilities as they are, is no solution to the bad situation that exists. I think Mr. Greenfield said that it does not avail us to change the name and the jurisdiction of the Court and leave all of the problems that exist as they are. As I understand it, there were 81,000 odd arraignments last year. These people are entitled to decent facilities. I would urge, Mr. Chairman, that an unfavorable report be returned on Committee Bill 5649 and that the Committee raise a Bill seeking a one tier Court system. Thank you.

REPRESENTATIVE BINCHAM: Thank you, Mr. Heiman. Any questions? John Byrne? Joseph Gormley?

MR. GORMLEY: My name is Joseph Gormley. I'm the Chief State's Attorney for the State of Connecticut. I'm here on two Bills; the Court Reorganization Bill and also the Bill with reference to search warrants. It's difficult, after over four hours, obviously, to think of anything new or different than has not already been said by other speakers. But I believe my remarks, at least are restricted to the application of this Bill as it would effect the

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MR. GORMLEY: (Cont'd.) criminal administration of justice which is really the only interest I have in the job that I now have in Connecticut.

I spoke several weeks ago at a hearing of the Commission itself and I generally related my remarks to the one tiered system and I just indicated that as I understood it was being proposed that I was opposed to it because I saw no real improvement in the system. It seemed to me that the criminal business was still going to be handled in the same places by the same number of prosecutors and the same number of cases would have to be disposed of and no matter what kind of a name you placed on it, unless you did, in fact, improve the facilities, you were not going to improve anything.

Unfortunately, I think the same criticism is available to the Bill that is before the Committee today. I'm afraid it is a cosmetic change and nothing much more than that. Everyone seems to be talking about facilities. Just about every prior speaker that's been here said the way to improve the lot of the Circuit Court is to improve its facilities. And that is something that certainly is not new. They've been talking about that for as long as the Circuit Court has been in existence and no one has really done very much about it. No one up here in the Bar Association, I don't think, has really put their shoulder to the wheel on that subject. I don't think it's an impossible subject. I think things can be improved in the Circuit Court with a little bit of effort. Since we took over or since this job of the Chief State's Attorney was created back in July, we've done some things in the Circuit Court for its prosecutors that did not previously exist. There was major complaint that none of them had any insurance to cover them in being sued in civil rights actions. We got insurance for all of the prosecutors in the State of Connecticut. The Library facilities for Circuit Court prosecutors were woefully inadequate. We got decent Libraries for Circuit Court prosecutors. And, in only six of the righteen Circuits, was there a clerical assistant actually assigned to the prosecutors. As of July 1, we will have a system where every Circuit Court in the system will have a clerical assistant assigned to it. So I just don't accept the idea that the only way you can better the facilities of the Circuit Court and upgrade its stature, is to go and change its name and call it something that it really is not. Looking at it purely from the disposition of criminal matters, and that's what I have to look at here today, I'm not even able to say on behalf of the prosecutors in the Circuit Court that we like it, ' cause we all got a pay raise, because the salaries for the prosecutors in this Bill remains exactly the same. So there is not even that one advantage to prosecutors that may well exist for the Judges. But, beyond that section 57 of your Bill, which I understand you are prepared to change, does

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MR. CORMLEY: (Cont'd.) say that all of the jury business, and that would include the criminal jury business, would be transferred into the Superior Court facilities and I think everyone recognizes now, that that just is, in fact; an impossible situation. And it really requires several assumptions to even make it work to begin with. One is the assumption that Circuit or that the Superior Court facilities, in all cases, are better than Circuit Court facilities, which I don't think is true. The second assumption is that there is space in either the old or the new Superior Court buildings to handle all of these additional jury cases which certainly is not true. And a third assumption that the Circuit Court has no decent jury facilities, which is also untrue.

Many of the Circuits that I can name have very excellent facilities and are handling the criminal business, both the jury and non-jury, in a proper fashion. I'd hate to see that lost. So I understand that you understand that problem and how the language might be placed in the Bill, where feasible, business would be transferred. And I'm a very practical individual and I try to understand what that is going to mean. And what you essentially are going to mean that where you can't move the business into the Superior Court building, which is in almost all cases, I think, that you're going to go back and leave it where it is because it just plain isn't feasible to move the jury cases, both criminal and civil in the Circuit Court, into the Superior Court facilities. I don't think it's possible anywhere to do it and, therefore, by adding those words where feasible, you're going to go right back to where you were before, with the same group of inadequate facilities. Because there's not one dime listed in this Bill to solve the real problem of upgrading those facilities.

So I don't see this as really giving an answer to the question. If I saw a large amount of money attached to this Bill to really build some decent facilities - I'm not opposed to merger itself. I am opposed to a merger I feel is cosmetic rather than real. There are many other provisions of this Bill that you had to include in your Bill, for amendment and I just briefly want to mention because they are subjects that we have proposed Legislation - that is the Office of Chief State's Attorney and in many of the areas, we have not been able to get a hearing on those Bills. But if you are seriously interested, at least on the criminal side of the Circuit Court, in improving the case flow, there are two Bills that we put in and that have not been heard that become a part and they are within your reorganization plan here that I think would go a long way to solving some of the problems. And one would be the elimination of the bindover hearings in the Circuit Court and provide in that Bill, that in cases where the arrest was made without a warrant, that a hearing be provided at the Superior Court level on motion and that was where there was an arrest warrant involved. The matter of jurisdiction can be tested after the Superior Court level. And a second major suggestion that the Prosecutors have made for the last two years, would be

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MR. GORMLEY: (Cont'd.) the elimination of jury trials for Class B and C misdemeanors. There is no constitutional requirement for that and if you were to do that, you would reduce the jury backlog in criminal cases by an unbelievable number and get that Court moving. I think with some of these kinds of changes that are really substantive as opposed to cosmetic, and giving them the facilities that they need and require down there, and even give them the increased salaries. They have nothing against that, you'll go a lot further to solve the problems of congestions and lack of stature in that Court than you will by passage of this Bill.

I have and I will leave with your Clerk here, some technical amendments should the Bill pass in some form or another. There are some language changes that we would suggest that I think are necessary, mostly in light of the fact that the creation of the Office of Chief State's Attorney they change language that I think is necessary.

For some of the substantive changes that I just briefly mentioned here, are listed within this but it is mainly relates to technical changes that I think someone should take a look at before possibly, this Bill would be passed on finally. Thank you.

REPRESENTATIVE BINGHAM: Thank you very much. Are there any questions? Pat Hennessey? Mrs. Lundborg? Captain McDonald?

MR. GORMLEY: The Chair? I didn't speak on the second Bill. I'm back on Bill 385.

REPRESENTATIVE BINGHAM: Have you read Senate Bill 149?

MR. GORMLEY: No, I have not.

REPRESENTATIVE BINGHAM: It addresses itself to money.

MR. GORMLEY: On raised Bill 385, which Captain McDonald I know was going to speak on, is the Bill with reference to a search warrant problem where a copy of the affidavit would be required to be left with the person on the premises to be searched. All I can say is that since this Bill was raised, I've had so many phone calls from so many Police Departments and law enforcement agencies all of whom are opposed to it. I don't know where this Bill particularly came from. I think it is terribly destructive of the investigative process of law enforcement agencies and I'm sure Captain McDonald will express it to you better than I can. There is no requirement now in the issuance of a bench warrant in Superior Court when we arrest somebody for murder, to give that person a copy of the affidavit in support of that motion. The affidavits are removed and all the law requires is that the warrant itself,

REPRESENTATIVE BINGHAM: (Cont'd.) Court, is that correct?

JUDGE O'BRIEN: I believe so.

REPRESENTATIVE BINGHAM: Last year, we added five Judges to the Superior Court so we started with thirty five and we took the Chief Probate Court Administrator - he's now a Trial Judge. So that's - we've added six Trial Judges to the Superior Court and by your recommendation, we'd be adding sixteen more Judges to the Superior Court which would be a total of twenty two Judges to the Superior Court. That's practically a fifty percent increase and, as I understand it from the Chief Court Administrator's figures, there isn't enough business to take care of twenty two Judges in the Superior Court. Do you have any knowledge of those figures?

JUDGE O'BRIEN: No. I really couldn't comment on it intelligently because I'm not familiar with the caseload of the Superior Court. I do know that our dockets are in much better condition than those of the Superior Court. Maybe they don't have the work but you can get a trial in the Court of Common Pleas I think, a lot faster than you can get in the Superior Court and apparently they've got problems in connection with disposing of the cases they have. More so than we do.

REPRESENTATIVE BINGHAM: I think the reason is obvious too, the work isn't there.

JUDGE O'BRIEN: I don't know.

REPRESENTATIVE BINGHAM: Thank you, sir. Daniel Brennan?

MR. BRENNAN: My name is Daniel E. Brennan. I'm a lawyer from Bridgeport, Connecticut. I've practiced law in Connecticut since 1938. I'm a Member of the various Bar Associations and I speak here only as a private citizen who is interested in our State's welfare. Before - I would keep my remarks very brief and so I should make this caution. That I may, in being brief, over simplify the problems that the Courts face. Believe me, I recognize that the logistics of any trial are enormous to accumulate Judges, jurors, attorneys, witnesses, parties and so forth, is a logistic problem and it occurs many, many times in a day in every Court. And it is an enormous problem that there never will be an easy solution to. There was a time when I tried cases on a pretty regular basis and then, later on in my practice, and I did not, at that time, observe anything particularly wrong with the system.

Later on in my practice, I became involved in Labor work and I became involved in manpower studies and time studies and motion studies and things of that nature. And it was only then that I began to realize that the Court system

MR. GORMLEY: (Cont'd.) be served on that person. Now, if that's not a requirement for a bench warrant, certainly there should be no requirement that the affidavit go along with the search warrant. Many searches are made in the process of continuing investigations on matters that may apply to other criminal matters the Police Departments are investigating. The probable cause at that time, which is set forth in that affidavit, if it is turned over to the defendant at the time, is going to stop that investigation right at that spot. The defendant whose only real reason for requiring or wanting that affidavit at some point, if he's entitled to get it at some subsequent point to his arrest, would be to test the sufficiency of that affidavit to test the validity of that search, has all of those rights. None of those rights are removed. He has all that available to him now. And what this Bill does is just one more major roadblock in the efforts of law enforcement to properly investigate crimes.

This Bill and the ten day rule on the service of warrants from whatever source they came, are just totally contrary to the best interests of law enforcement which I think is at least as importantin interest to this Committee as to the rights of individuals. I would rather have the Captain possibly describe -

REPRESENTATIVE BINGHAM: Why should he have to move to get it?

MR. GORMLEY: Pardon.

REPRESENTATIVE BINGHAM: Why should he have to move to get it?

MR. GORMLEY: I don't think he has to move. I think if he wants -

REPRESENTATIVE BINGHAM: I know what the practice is in the Circuit Court and you don't get it unless you move.

MR. GORMLEY: Well, possibly that is lamental. I don't think that was ever my experience at the Superior Court level and I wouldn't object that once an arrest has been made, that warrants be turned over.

REPRESENTATIVE BINGHAM: Would you agree that there would be a dismissal though, if he doesn't get it within ten days after arrest?

MR. GORMLEY: I don't see what would be wrong with that. I wouldn't want -

REPRESENTATIVE BINGHAM: Would you accept that amendment?

MR. GORMLEY: As long as there was some provision in there that if it was done by mistake. I mean I don't want to get into a position where because someone in a Clerk's Office fails to mail out something in ten days that a case gets dismissed. I think upon request, in whatever form it may be, that the State

MR. GORMLEY: (Cont'd.) would have ten days to turn over those affidavits and I think they would - I certainly think ten days is not too long. I just wouldn't want to lock myself into saying that if something isn't done within ten days, the case is dismissed because in too many of these situations, if someone, just by inadvertent or so mistakes, sends something out on the 11th day, I don't think you'd want to see a case necessarily just go down the drain because someone in a clerical position did not comply with a rule. But I would have no objection to the - subsequent to the arrest that warrants or the affidavits attached to arrest warrants and search warrants be turned over on an automatic basis. In most places, that is essentially being done now.

REPRESENTATIVE BINGHAM: What period of time?

MR. GORMLEY: I would think that ten days would be reasonable.

REPRESENTATIVE BINGHAM: Thank you.

REPRESENTATIVE FREEDMAN: Mr. Gormley, you indicated that you did not think there would be any difficulty with getting this sort of thing, upon request and the Chairman indicated that sometimes it is difficult and that a Motion is required. Would there be any possibility of you sending a Memorandum around to Circuit Court Prosecutors?

MR. GORMLEY: We certainly could send a Memorandum around. Just how -

REPRESENTATIVE BINGHAM: I think it's sometimes the fault of the Police Department. They hold onto them.

MR. GORMLEY: That's possible. I don't know - individual situations, I can't judge. But I think everyone accepts the fact that Counsel are entitled to the affidavits that are attached to either search warrants or arrest warrants and any method to facilitate Counsel getting them, I would have no objection to, as long as it were not written in such a way that by inadvertence or mistake of a clerical person, that a case was lost. I think everyone would want to protect against that.

REPRESENTATIVE FREEDMAN: It seems to me that if someone is holding back when they shouldn't be holding back, they ought to be talked to about it.

MR. GORMLEY: If that is, in fact, the case that they are, they should be talked to. I'm not necessarily aware that that is the case, although everything is possible.

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REPRESENTATIVE BINGHAM: Thank you.

CAPTAIN MC DONALD: Captain Tom McDonald from the Connecticut State Police Department, speaking in opposition to Bill 385 which requires a copy of the application for and a copy of all affidavits on which search warrants are based be left at the premises or be given to the owner of the premises searched.

I feel this would greatly hamper much of our investigative process. As Mr. Gormley stated, the information is available through the Courts and we feel that that is the time and the place for the information to be available and not from the Policeman to the accused or whoever the occupant or the person happens to be at that time, then I feel that's the proper time and place.

Often times, the owner or the occupant of a premises is not really, in fact, the person against whom the search warrant is directed and if we left a copy of the affidavit behind, that person would have much information and in a sense, he's not really entitled to it. Itwas not directed against him in the first place and the person who it was directed against, I feel his civil rights are being violated in a sense and that much information relative to him is being given out when it shouldn't be.

If the premises are unoccupied, which happens many times, a copy of the search warrant is left behind. Subsequent persons coming into that premises, all they have is a search warrant at that time. Under the proposed Bill, they also have the affidavit and this information can fall into anybody's hands who happens to come into the premises. And I don't think that is really the intent of this proposed Legislation either. Many times, where are numerous persons on the premises. There might be anywhere from forty to fifty people on the premises. A strict reading of the law, we would have to give a copy of the affidavit to each one of those people when, in affect, none of them might be accused and never even go to Court. Many times, we search numerous places at the same time. We may serve seven or eight search warrants at one night and for one reason or other, we might not chose to serve a search warrant later in the day or in the afternoon. But, if we left the affidavit behind at the first one, all the later people have all the information through their grapevine. So we would lose much investigative power there. It would definitely frustrate us. I know Mr. Fauliso is very interested in this Bill. I wish he was here.

REPRESENTATIVE BINGHAM: Don't limit it to Senator Fauliso.

CAPTAIN MC DONALD: I know he, in particular, is interested in it.

REPRESENTATIVE BINGHAM: Do you agree it should be given to the defendant ten days after arrest?

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CAPTAIN MC DONALD: We don't object to any time limit. Just as fast as we can process it and get it to the Court. He should have it.

REPRESENTATIVE BINGHAM: Would you agree that if the Police Department keeps any of those affidavits the case should be dismissed?

CAPTAIN MC DONALD: I have no knowledge of them being intentionally kept. I won't say mistakes aren't made -

REPRESENTATIVE BINGHAM: It would help you not to keep them, right? If the case were dismissed?

CAPTAIN MC DONALD: Well, it would be a little prod for us to get moving a little faster probably. But I would hate to lose a major case, for instance, a homicide case, just because somebody along the line dropped the ball and didn't comply with the ten day limitation. It seems like a pretty severe penalty.

REPRESENTATIVE BINGHAM: What period of time do you think you need?

CAPTAIN MC DONALD: I believe we could get the application to the Court within the ten day period. In fact, we could probably give it to him right at the very moment it was signed because we have to go to the Court to get it signed in the first place. I would have no objections to leaving it right then and there.

REPRESENTATIVE BINGHAM: Thank you. Are there any other questions?

CAPTAIN MC DONALD: Thank you.

REPRESENTATIVE BINGHAM: Phil Brown? He's not here. Joe Spinella? Mr. Colamore?

MR. COLAMORE: Mr. Chairman, Members of the Committee, my name is Donald M. Colamore. I'm an attorney with offices in Fairfield, Connecticut and I've been a practicing attorney for twenty two years, prior to that, I had eleven years experience as a police officer in the Town of Fairfield. So I bring to my remarks the feeling that I have been fairly close to the Departments and particularly with the changeover that we've had, while I've been an attorney, in our Court system and also in some of our Police Departments. I'm really surprised, this morning, sir, that so many lawyers appearing before you that nobody said they wanted to make anything perfectly clear but I registered as

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MR. COLAMORE: (Cont'd.) a member of the Fairfield Bar. I'm President of the Bar Association and I am not here mandated by the Bar Association but I did check with - personally checked with ten members of that Bar Association and bring you their view on it and each one was unanimous that they are unalterably opposed to this Bill, 5649.

Gentlemen, my own personal feeling on it - I would like to go and touch upon only two aspects of it. One is that this will create any efficiency in the Court system and again, I will dwell only on that aspec t as it relates to Police Departments and the Police Officers. I've seen in my own, being in the Circuit Court where a great deal of my practice is right at the present time, that on any given day, you will have as many as five or six officers, just from the one Department of Fairfield alone, in the Circuit Court. They're not there only bring officers in and I understand that the feeling might be that Deputy Sheriffs would take over this aspect of the prisoners if it was turned over to the Court of Common Pleas. They are there bringing the prisoners. They are there also on Motions that are made by Counsel for defendants and are brought in on . . . or at the request of the prosecutors. And these officers sometimes are uniformed and many other times, are members of the Detective Bureau and are in civilian clothes. But I know them well and I can assure you that that many do appear on a day in the Circuit Court in Bridgeport. On that basis alone, you have to go out of the Town and have the men who are on duty respond to a Common Pleas Court in an area as large as would be encompassed in Fairfield County in the two Common Pleas that we have, I think you're going to cause much more of a drain on the Police Departments than have already been done.

My other matter that I would like to briefly touch on is the one of the cast system in Court and this is that it's an inferior Court. Gentlemen, I remember when I was very young that it was told that if I had a case of poison ivy on my arms, I shouldn't just take my shirt off and put a heavy jacket on - what I should do is take the shirt off, scratch the itch until it hurt and then take care of the area - the entire area, with some medication. And I think this is what you're going to have to do with the Circuit Court. I think you're going to have to operate in a manner that's going to possibly hurt and that is financially. I think that you must improve the Circuit Court. I don't mean in the quality of the Judges or the quality of the Clerks or the personnel that's there. I mean in the financial arrangements that are made. Make it attractive enough so that what you're trying to bring to this Common Pleas or the Superior Court is the same drive that you will bring to the Circuit Court as it is. Pay the Judges theproper amount. Let there be no cast system as far as the differential in money is

MR. COLAMORE: (Cont'd.) concerned. Let them have the same nomenclature. They are Judges of the Court here in the State of Connecticut. If you're going to retain the name Superior, you immediately think that the opposite of that is inferior. I don't regard our Circuit Court as inferior to any Court. I have been in the Court andpracticed in the Circuit Court and do a great deal of practice there and I feel that that Court operates as well as either of the other Courts in the State of Connecticut. Thank you, gentlemen.

REPRESENTATIVE BINGHAM: Thank you very much. Any questions? Peter Costas.

MR. COSTAS: Mr. Chairman, Members of the Committee, I am Peter Costas of West Hartford, Connecticut, a member of the Law Advisory Committee of the CCJM and I would like to address myself to only one aspect of the principle Bill before you, 5649 and then the related Bill, 5767.

I think that one thing that was demonstrated by the surveys which we did conduct on behalf of the Commission, was the need to enhance the professional Court administration of the State. I believe that two of the provisions to which you alluded earlier, Mr. Chairman, namely the provision which would provide for the appointment of the Chief Judge by the Governor would be detrimental to the concept of good, Judicial administration.

Secondly, I believe that the concept of a separate Court Administrator for this Court would be detrimental to the concept of good, Judicial administration because a Court Administrative operation should worry about all the Courts and not just one of theCourts. If there is anything that we can quarrel with, it is the fact perhaps, that the Judicial Department has concentrated too much upon the problems of the Superior Court and not enough on the problems of the Circuit Court. I think that the Committee Bill No. 5767 would be detrimental to the interests of good, judicial administration.

The language may, for example, with respect to the appointment of a Chief Court Administrator, rather than shall, I think opens up the question as to whether we should, in fact, have a Chief Court Administrator. There's no question that the Chief Court Administrator is an essential part of our operation. He has served us well. Perhaps not well enough. I think also that the language that is proposed to be added in Lines 27 and 28, stating at all times act under the direction and subject to the approval of the Chief Justice, would be contrary to the interests of good, Judicial administration. It is sufficient that the Chief Court Administrator serve at the pleasure of the Chief Justice. That I agree should be the case because the Chief Justice is accountable for the system. The Chief Court Administrator should be appointed by him to serve at his pleasure. But from that point on, the Chief Court Administrator should be given all the power and all the support necessary to efficiently run the Department because we will be charging him with administrative responsibility. I would go several steps further with respect to your Bill 5767 and suggest that the anachronism of maintaining the office of Executive Secretary apart from the Chief Court

MR. COSTAS: (Cont'd.) Administrator should be eliminated and that it's time that we recognize that the Executive Secretary of the Judicial Department actually functions as the Deputy Chief Court Administrator and that the staff of that office is, in fact, part of the staff of the Court Administrator and that we tie sections 51-8, etc., into the concept of the Chief Court Administrator and made it part of a beefed-up Court Administration operation. I would suggest that you would specifically define several things.

One, that the Assistant Chief Court Administrator, under the Deputy Chief Court Administrator, and that an Assistant Court Administrators who would have responsibility for geographical areas of the State. I don't know if you gentlemen are aware of the salary levels that we pay for our Court Administration personnel, but they're deplorable and frankly, the salary levels right now, make it almost impossible to assume we could find people who would function as Deputy or Assistant Court Administrators of the caliber that we wanted. I think that you might consider amending the Act so as to put them on a pay scale comparable to comparable positions in Executive Departments so that as pay raises were granted to other employees, their salary would automatically go up. I would also suggest that you beef up the responsibilities of the Court Administrator from the standpoint of what he should be doing to search and to improve the system.

I have some proposed amendments which I'll present to you, Mr. Chairman. Thank you.

REPRESENTATIVE BINGHAM: Thank you, Mr. Costas. Frank J. White, Jr.? Anthony DeMaio, for the second time.

MR. DE MAIO: I want to apologize. I didn't realize, because of my late arrival, that one could speak on all Bills at one time. I thought you were restricting the discussion to the one Bill. I would just like to speak briefly on the Public Defender Bill, No. 5773, which unfortunately, I only received last evening and had to read rather hastily and, since you've been getting quite a bit of abuse up 'til now today, I wonder if I can depart from my traditional role for a moment and commend the Committee for this Bill because I think a careful reading of it does indicate that it apparently represents a sincere effort to put Public Defenders on a par with their adversaries on the other side of the fence. And I just have a couple of comments I would like to make with the hope that you might consider some appropriate modification. They aren't substantial. They don't detract from the intent or from the tape of organization or anything of the sort. But, under - let's see - on page seven, you have a requirement for five years of service for certain Public Defenders and three years for others. The five years would

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MR. DE MAIO: (Cont'd.) require - is required for an Assistant in Superior Court I believe. And in the Circuit Court. I would suggest that you give some thought to reducing that to what it is now. In Superior Court, you can be an Assistant at three years and a Chief at five and there is no requirement in the Circuit. You may feel it necessary for a person to have some experience before going into the Public Defenders Office. Private Counsel, of course, can go in at any time into any of our criminal Courts. The thing that bothers me about such a stiff requirement is that it makes it virtually impossible to attract young people and there are a lot of sharp young lawyers coming out of law school and attracting them into public defender offices with the thought that they will make it a career. Five years is rather - by the time they get practicing five years, they may not be interested. So, I would urge your reconsideration of any minimum. I would, in particular, urge that it be reduced to three if you feel you need a minimum. I'll give you a specific example of why I think this is appropriate. I have a young lady working for me at the present time who is in her second year of practice and she has been with me for all of those two years, in the Public Defender's Office, full time, doing nothing but criminal work.

She's not paid by the State. She's here on a Federal Grant. But right now, I think she is as capable as practically any Public Defender and can do practically anything but try a murder case or serious criminal case. I would like to keep somebody like that in the Public Defender system but requirement like yours might present some problems for me. Your following section, where you indicate that people engaged in certain on a certain date will be retained. I can only see one possible injustice to that and it's to people such as this young lady I'm talking about who may be operating in Public Defender Offices now, with a different title than Assistant Public Defender or Public Defender because of their Grant status and whom we might lose by virtue of either the time service requirement or that designation. And if you could incorporate something in there to make it the equivalent or reduce the time, I think it might be a little fairer to these young people who certainly, from what I can tell, seem to be doing a pretty good job.

Other than that, I think I'm pleasantly surprised that we're this far. You know how long we've been talking about getting equality for Public Defenders and I apologize for having to force you folks to put up with me so long but you did ask for my comments on each occasion and I tried to give them to you.

MR. DE MAIO: (Cont'd.) And I look forward to seeing the Bill adopted in something like this form. I'll say this to you. The Bill is so good that I might be tempted to go full time.

REPRESENTATIVE BINGHAM: Is that a promise?

MR. DE MAIO: I'll have to talk to my wife.

REPRESENTATIVE BINGHAM: Herbert Bundock.

MR. BUNDOCK: Mr. Chairman, my name is Herbert J. Bundock. I'm an attorney and also the Public Defender for Fairfield County and, like Anthony DeMaio, my colleague, we have been looked down upon for many years and it is a pleasure to see somebody that at least recognizes the service we are performing for the State of Connecticut.

I want to be a little more concrete and the reason I'm telling you this is that a lot of people don't know it - that I think that of all the Judicial employees that we do, I think, the highest type service for the public. And we are looked down upon by the public and also by others who don't know any better so that let me give you a few facts which you haven't been getting too many of, from the people who have been talking here and I noticed a lack of facts. And I might say that, as a former Senator, I can appreciate your position. I know the politics involved in every Bill. But let me just tell you this. In thirteen years as Public Defender for Fairfield County, I have processed close to 5,000 cases. The average cost of processing a case in the United States, Public Defenders - and you can check with California and see what they cost them - is at least $300.00. Now, $00 times 5,000, if my mathematics are correct, is $1.5 million. So that we, if you look at our costs and Mr. Keefe is here and he can probably give you some costs, as to the operation of our office, you'll find out - and I'm quite sure that this is accurate - that we have spent less than a half million dollars during the thirteen years and 5,000 major cases have been processed. And I submit that for the salary that the State of Connecticut is paying us, one homicide processed, is worth the salary. Now, I go back to 1962 when I first started, when I processed one homicide and I came to the Supreme Court twice on it. Got a reversal the first time and came up again. And got a reduction in the sentence on the second trial. We go to the Supreme Court of Errors - it used to be of errors - the Supreme Court of Connecticut now. I've been there about twenty times. We go to the sentence review board. I came from there this afternoon. The only reason I'm here is because it was in Cheshire and I figured I might as well come up and at least give you some facts that might help you. But I certainly want to tell you that I appreciate the fact

MR. BUNDOCK: (Cont'd.) that this Bill has been raised because we do tougher work, harder work, than the State's Attorneys - not the State's Attorneys, let me correct that. The Assistant State's Attorneys. We do comparable work to the State's Attorneys. Joe Gormley was here. He'll tell you. If you ask him, he'll tell you the work that we do and how much time we consume in doing it. So that I think it's a good bill. I think you should allow flexibility. I don't think you need full time, Public Defenders. I don't think it has to be written into the Bill. I think that could be determined by your Commission or your Chief Public Defender. I don't think you need that in there. I don't think you have to tell people that they can't practice law. Why every fireman and cop and every teacher moonlights and yet, when it comes to attorneys, for some reason, somebody raises the spectre of conflict of interest. This is just a lot of baloney, because the attorneys that I have had working under me have done a competent job in every case. I have never seen anybody sell the client down the river. So that there's no problem there. But this is a little bit, to me, demeaning to the attorneys.

Another thing that I would like to bring to your attention, Jim, is the fact that lawyers in the Government service are not being paid adequately. That doesn't include - only include the Public Defenders. It includes all lawyers. They treat us like we didn't spend seven years of our life and ten years more trying to get established. The public has to realize that we give a big service, a huge service to the public. We are doing things for the public that the public doesn't see. And yet, they give us the lowest salaries. I think that it's time that the Judiciary Committee started to look into that and making sure that there is a minimum salary paid to every lawyer that works for the State of Connecticut and that it shouldn't go below that. And I'd like to see a Bill raised to that effect and if all you did, instead of this Bill, is to pay me what I actually - the services I actually render the State of Connecticut, that's all you'd need. You don't have to have any Commission to tell me what to do. You don't have to have any C ommission to tell the average lawyer what to do. You have good men in the Public Defender's Offices and I know them all. I know Tony DeMaio, Art Gidden and the ones - Quinn from Waterbury and the rest of them and Basil Tsakonas, all competent men. All men of integrity. But don't demean us and say that we can't practice because there might be a conflict. Why, every time you put in a part time Public Defender - not a part time, but a Special Public Defender, he's practicing law. But we do is we avoid that. We avoid the constant appointment of Special Public Defenders. We take his place. There's no reason why we have to be demeaned and the insinuation that we commit a conflict of interest by practicing law also. Why, it makes them better lawyers if they practice law on the side. It makes them better