

Legislative History for Connecticut Act

HB 5605 RA 436 1976

Jud: 258-272 15p.

Sen: 2651-2690, 2781-2784 44p.

House: 2861-2902, 3044-3054
3255-3277 76p.

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JUDICIARY

March 4, 1976

Representative Clark: ...that's what you're asking

Attorney Gofarb:is of no consequence; the State can always invoke the defense of sovereign immunity

Representative Clark: Then you're saying that the State will not be liable because there is sufficient insurance for the on behalf of the defendant that you feel

Attorney Gofarb: I do not foresee any financial responsibility that may be incurred by the State or any damages that the State may incur as a result of this lawsuit. All I can see is the State's recognizing that they want to shore up or do something to shore up the sliding land. It's on a hill and I can show you the here in West Hartford on New Britain Avenue not far from here. But, the grade is still sliding down and the building is cracking every day as I said; and what the State wants to do -- even though we've asked for injunctive relief ... that the State not do anything further That I think we're entitled to and that is the basis in which we sued the Department of Environmental Protection that they least be enjoying any further encroachments on our property and any further excavation. That is the only way we kept the State in on an equitable basis without seek we're not seeking damages against the State here, in effect ... we cannot possibly do that. We can only seek injunctive relief you see? The damages are against the contractors who performed the facilities. We cannot sue the State for damages without its consent.

Representative Clark: And that's what you're asking for ...

Attorney Gofarb: I'm asking for a waiver of the immunity; and I say that if the State is chargeable with paying for damages which I doubt it will be, any damages that it will be charged to be paid will be it is indemnified for under these insurance contracts. And I do not believe that a waiver of that immunity will under any circumstances jeopardize or prejudice the insurance company or the defendant company.

Representative Clark: Thank you, Mr. Gofarb.

Attorney Gofarb: Thank you.

Representative Healey: Is there anybody else on these two Special Acts? Mr. Bingham.

James F. Bingham: Mr. Chairman, I'm here to speak in favor of Raised Committee Bill 5605 - An Act Transferring All Trial Jurisdiction To the Superior Court. This is the culmination good morning, Mr. Chairman

Senator Reiditz: Let me answer that for the record: Good

morning, Mr. Bingham. It's nice to see you here after laboring in the vineyards on the matter for a long time ...

Mr. Bingham: this began most probably by a small group called the Connecticut Citizens for Judicial Modernization which brought out a report in 1972 recommending many of the features of this Bill by their Ad Hoc Committee. They published a report wherein they recommended that they have a single tier trial court and one court of appellate jurisdiction generally among other recommendations.

This Commission is the second Commission to reorganize the courts, and we were mandated by the Legislature as you know to bring in a report and draft a bill for the unification of all the functions and powers of jurisdiction possessed by the Court of Common Pleas and the Juvenile Court.

The Commission took testimony, the Commission interviewed judges from other jurisdictions -- namely, the District of Columbia and the State of Illinois. Both those jurisdictions -- the District of Columbia especially -- has a single tier trial court jurisdiction and the Chief Justice of that jurisdiction has indicated to the Commission that the Judiciary and the Bar is extremely happy with the operation of the single tier court in the District of Columbia. One of the Appellate Judges of the State of Illinois also testified and indicated that the principles enunciated here were well accepted in the State of Illinois.

We have many witnesses who are here to testify in favor of the Bill, so I will basically outline the Bill. This Bill -- and I might add, as a part of history, Roscoe Cahn has written a book, The Organization of the Courts and many, many years ago it was Dean Cahn's recommendation that the Judicial Departments or the State Judicial Departments tend towards a single tier court so that we do not have specialized courts in specialized areas because I think we can demonstrate and we can demonstrate very well that when we have such ... specialized courts in specialized areas with limited jurisdiction and we have courts that live in grand of all the other courts. Simplification is the hallmark of this particular bill. We can demonstrate and we have demonstrated in the past through our statistics that Judicial business will move much better and much faster and have a better form of justice if we have a flexible system such as outlined in this Bill transferring all jurisdiction to the Superior Court.

As you know, gentlemen, we did merge the Circuit Court with the Court of Common Pleas during the last Session and that has been working, and I think it's been working very well. Most of the members of the Bar and the Judiciary are happy with the operation of the Circuit Court merged with the Court of Common Pleas. The statistics show that the merged court -- the new Court of Common Pleas -- can handle and has handled more business than the separate Court of Common Pleas and the separate Circuit Court as they existed before.

It is recommended then, gentlemen, that the Legislature enact this Bill. And the major principles of this Bill areas follows: To transfer all trial jurisdiction from the Juvenile Court and the Court of Common Pleas to the Superior Court. Administration of the courts are to be in the Judicial Department which shall be headed by a Chief Justice who shall appoint a Chief Administrative Judge from among the ah ... judges to administer court business.

The rulemaking powers will remain in the courts and the judges shall establish by rule parts and divisions of the said court as they determine necessary.

Juvenile matters are to be kept separate and apart from the other Superior Court business as far as practicable. As you gentlemen know, we have a separate Juvenile Court now and they have separate facilities and ... in separate buildings. And we intend to keep that so far as practicable within the Judicial System of the State of Connecticut.

Judges' salaries are to have step increases. Family matters are to be handled as a unit. The Family Law Committee of the Connecticut Bar Association has given us great study and it has been their feeling and their recommendation that we proceed to a family division of the Superior Court. Prior to the merger of the Court of Common Pleas and the Circuit Court we had family matters handled in Circuit Court, Common Pleas and Superior Court. It can be demonstrated that this is a great, great waste of judicial time and it is extremely complicated to the litigate who wishes to have his family matters settled expeditiously and with justice.

All appeals will go directly to the Supreme Court except that appeals from administrative decisions go to the Supreme Court by certification.

And, and geographical areas for the arraignment of criminal defendants, motor vehicle matters,

summary process, support, paternity and small claims and such other matters as the Superior Court shall determine by rule shall be kept with the local court. We recognize that we call a "small matter" -- and I don't recognize any case as being small -- it may be small as far as the fees and the lawyers are concerned, but no case as Roscoe Cahn stated is small as far as the litigant is concerned or small insofar as the people of the State of Connecticut are concerned. But we do recognize that there are cases which take less time than other cases. And those cases should be kept in the local courts and that's why we have provided the motor vehicle matters, summary process, support, paternity, small claims be kept with the local courts.

We have also provided that family matters so far as practicably shall be kept in the local area.

The Bill further provides that the expense and maintenance of the courts to be borne by the State. The Connecticut Bar Association has long recommended this; we believe that local support of courts does not inure to the benefit of the people.

And, finally, this Bill provides for the maximum use of personnel in courthouse facilities which in my opinion will bring about great savings to the State of Connecticut in the way of money and will add stature to the court system and stature and provide a better form of justice to the people of the State.

We have fine judges in this State; we have a fine Judiciary. And, if we give them the tools with which to work, I think that the State of Connecticut will have the finest Judicial System in the whole United States. Thank you, gentlemen.

Representative Healey: Any questions of Mr. Bingham? Thank you Mr. Bingham. Carmen Laveri?

Carmen Laveri: Members of the Commission: My name is Carmen Laveri, I'm here as President of the Connecticut Bar Association. This morning I wish to speak in favor of the Bill. Incidentally, we have some material consisting of the votes on the various issues involved here of the membership of the Connecticut Bar Association. We will make that available to the Clerk and as you will see, the membership of the Connecticut Bar Association voted 78 percent in favor of the concept of the organization of the courts as expressed in this particular in 5605.

For about two years we had a committee chaired by Attorney John Mertha who is here with me to study

the problem. That committee came up with a report last October. It is attached to and a part of the final report of the Commission. I would like to say, however, that the third page from the end contains a statement that the report had not been approved by the Board of Governors. This was true at that time. Since then, we have taken a poll of our members which is enumerated in the report and the Board of Governors have approved, unanimously, the principles set forth in the last two pages of the Commission Report.

Now the bill -- that is, 5605 -- generally and in concept fulfills the principles set forth in our committee's set of principles on court organization. There are two items, however, in our set of principles which are not in the Bill because they do not properly belong in this Bill. And that is, the question of Judicial Selection Commission and the question of judicial discipline, tenure and removal. We understand that there are other bills pending before the Legislature at the present time which provides for these two items. We feel that the whole thing is a package and that it hangs together and if Bill Number 5605 is adopted, the other two measures be adopted along with it. I gather that perhaps there are constitutional problems and that these will be discussed and hopefully these bills providing for the necessary constitutional amendments will be adopted.

We would like to have an opportunity to study the details of the Bill and furnish you with information concerning any problems we might find. We have various committees studying and at the present time perhaps within two weeks we'll have a report which we will furnish to you if you'd like concerning anything in ... of a technical nature that we might discover.

We also would make ourselves available to come here at any time to assist in any way in bringing this thing to its final conclusion. Thank you very much.

Senator Neiditz: I'd like to at this point compliment the State Bar Association for the ... not just the hours but the dedication that they have given to this project over the last few years. I think that you should be proud of the role that they have played in bringing us this far and the contributions of many members of the Bar Association to the Commission and in aiding this Committee have been invaluable. So I think we're very happy that the relationship is good and we look forward to continuing it and we certainly would want your advice and counsel as we're drafting things in this area.

Mr. Laveri: Thank you very much. This reminds me of an

early April deadline, though.

Representative Healey: I was going to remark on that: the deadline for this Committee I believe is the fifth of April, so that if your group can give us this additional information within two weeks that would be most helpful. I would hope that it not be delayed beyond that.

Mr. Laveri: I think we can do that ...

Representative Healey: Thank you. Any further questions of Mr. Laveri? Thank you, Sir. John Murtha?

John Murtha: I have nothing to add, Mr. Chairman. I was just here to answer any questions if there were any.

Representative Healey: Thank you very much. Ralph Dixon?

Ralph Dixon: Mr. Chairman and members of the Committee: My name is Ralph Dixon, I've been practicing law for a long time and I have been, the last four years, Chairman of the Legal Advisory Committee for CCJM. I can't help but note the friendly atmosphere with which I approach this subject; it hasn't always been that way.

This Bill which I support, I believe, represents a revamping of our court system which will put Connecticut in the forefront of court simplification and modernization. The concept is not new, it's been pushed by the American Judicature Society for twenty-five years. Since 1974, by the American Bar Association which at that time recommended the principle that all courts within a system ought to be included in a single organization; and the further principle that the jurisdiction of a single trial court should embrace all matters of first instinct heretofore generally distributed among two or more trial court levels. For nearly four years -- and this has already been called to your attention -- the concept has been debated and discussed before local Bar meetings, Legislative Committees, media representatives and businessmen and although it was first opposed, the governing body as you have now heard, of the Connecticut State Bar Association has endorsed the concept. I think that ... the fact that the State Bar Association saw fit to change its initial reaction is just added proof that this is a Bill which should be passed. I might say the endorsement by the State Bar pleases me immensely because three or four years ago I felt that I was going to spend the rest of my life arguing the matter with members of the Association. All that remains now is the passage of this Bill to make the concept a reality.

I think it's extremely wise that the effective date of the Bill is set for July of 1978; it will enable the judges of the Supreme Court and the Superior Court to establish rules for this single trial court. The establishment of such rules is a power which Chief Justice House has often stated is essential to the basic principle of our System of Government -- namely, that we have an independent Judicial Department. The General Assembly as you've already been told, took the first step towards this single tier court with the merger of the Court of Common Pleas and the Circuit Court. A glowing report on that for the year 1975 was issued recently by the judge of that court, and I think this means and indicates those of us who practice law and to the judges, that this will work in Connecticut.

Now, if I may repeat myself, I've on something that I've said several times in talks favoring this, this is my concept of such a one tier court. Our present specialized courts are lifted and incorporated into a one-trial court with a central administration. A court administrator who draws wisely upon his reserves -- he can send judges anywhere; with civil, criminal and family court divisions where judges become specialists in the areas they may enjoy. With small claims and traffic divisions operated by administrative or para-judicial personnel so that the time of judges may be preserved. With overlapping jurisdiction of courts eliminated; with better facilities for thousands of people who formerly appeared in inadequate circuit courts and with the resultant opportunity to improve the image of our State Judicial System; I think this Bill deserves the support of the General Assembly.

Thank you.

Senator Neiditz: I couldn't help but think back when Mr. Dixon, I guess, was the prod, catalyst and ... in this matter. I think that he has served in the last few years with people like Morris Tyler in the highest tradition of the Bar in this State or in this country. I think that I guess that one person that might say ... that we might say that the State owes a great deal of debt to is Ralph Dixon for sticking his neck out ... being the rops commanto and deserto (chuckles) and Mr. Clark knows what I mean by that.... so we thank you; and I think the citizens of this State in the future will bless you. Thank you so much.

Mr. Dixon: I appreciate your over-enthusiastic(chuckles)

Representative Healey: Thank you, Mr. Dixon. Paul Flynn?

Paul Flynn: Chairmen, members of the Judiciary
Committee: My name is Paul Flynn; I practice law in the

State of Connecticut; and by what means I don't know and I don't remember if I was ever told I was asked to serve on the Commission to study the establishment of a single tier court system.

As a member of that Commission, I think it's appropriate for me -- although I don't think it's necessary to repeat for you gentlemen -- it is appropriate for me to make some observations about the general history of our Judicial System and some of the demographics of this State.

At the Superior Court and the Court of Common Pleas most of the (coughing) in the earliest days appeared before a trial justice and after a few years in some of our major cities special acts were passed in order to establish a Municipal Court System because the Trial Justice System just wouldn't work. With a few years of that, the Legislature began to adopt general rules of legislation with respect to appointments and in the 1950's with the population boom if you will, that came after World War Two, the Legislature decided to study whether or not that Trial Justice System and the Municipal Court System would really effectively work because it was in effect a part-time system of justice.

In the late fifties it finally adopted our Circuit Court System, having in mind that they had no idea at that time that there would be a boom in the law of crime. I think that any statistic that is produced by the Judicial Department in this State would indicate that it has grown enormously over the period of the last ten or fifteen years. And there has been, as a result of that, at least as I interpreted the mandate as a member of the Commission -- there has been as a result of that, some loss in judicial manpower and historically there has also been some development in the minds of the public. If there is such a thing as a big judge and a little judge, a big case and a little case. The Judicial Department of this State exists so that it can serve the public interest. That means, as I view the concept of this Commission, that there should be some method of achieving maximum use of judicial manpower. And affording the public the knowledge that there is no judge too big to hear their case. There is no because to that individual litigant, whether it be civil or criminal, the matter is important to him.

I think that Section 1 achieves that result and it's another item in the progression of the development of the Judiciary of this State to accommodate the rather enormous growth in our population in the last twenty years. I think ... if my recollection serves me correctly, the population of this State in the Census of

1950 was two million, five thousand people. And in 1970 had grown by five or six hundred thousand each decade, and it's now well in excess of three million people. Until the onset of the sixties and the Circuit Court System, I think you'd have to take a long drive around the State of Connecticut to find that we've even made improvements in the facilities for the administration of justice. I think Section 10 of this proposed legislation gives administrative (inaudible) that may not hardly exist in the Chief Administrative Officer under the concept and the ... and that's the Chief Administrative Judge of the Department of the Judiciary. I think that's an essential element of an improvement in the application of justice to all the people of the State.

I think, too, that it is only fair to comment, at least from my point of view, that, as I view this proposed legislation there is no increase in cost in the operation of our Judiciary. There are no pay raises built in or anything of that nature. In fact as I read the Act if a judge is appointed under this Act the first time he'll get a pay raise, he'll get it in 1979.

There is, I think, a technical error on Line 822 of Section 35, that some of us have been commenting on this morning; and it appears that somebody was getting paid under this Act as of the day that he is appointed -- I think that should be changed so that otherwise, frankly, there will be a complaint that there will be a charge back to the State and that was not the intention of this Bill.

And in addition, it was not the intent of this Commission to close a single existing facility; I think that went into very detailed discussion. That is basically an administrative process that may require from time to time some action by the Legislature down the road. The concept, however, I believe this 526-page document is that it will improve the administration of justice in this State by improving the accessibility of the public to judicial manpower. Thank you.

Representative Healey: Any questions of Mr. Flynn? Thank you, Sir. Joseph Lynch?

Joseph Lynch: Mr. Chairman, my name is Joseph G. Lynch, I'm from Portland, I am a member of the Court Commission and also serve as a member of the Bar Association's Committee On the Organization and Administration of the Courts. I want to speak briefly in favor of this legislation.

I speak also as a journeyman lawyer who has tried a case, I guess, in every courthouse in the State; in fact I know most of the custodians by name....

I think that this will....the package of this Bill will aid not only the public in the rapid disposition of their legal business but also the Bar. I think the flexibility of administration that's provided in Section 6 allow ... judges to divide the court into divisions and parts as the need arises and as it changesits an excellent innovation. I like the fact that the rule-making power stays with the judges where it in my opinion, belongs. The Bill should not and cannot reach its peak affect by being passed alone. We need the Intermediate Appellate Court -- (coughing) understand resolution pending before this Session and I urge its adoption.

Finally, no matter what we do with this with respect to the administrative framework of our courts and the legislative framework, there is no way to avoid the overriding problem which is inadequate court facilities throughout the State (much inaudible) this legislation, but it isn't going to work unless the whole package is adopted. Thank you.

Representative Healey: Thank you, Mr. Flynn Mr. Lynch.
Thomas White?

Thomas White: Messrs Chairmen and members of the Committee: My name is Thomas C. White; I have no prepared statement although I have one item of statistics which I would like to leave with the Committee following my remarks.

My residence is in Colbrook, Connecticut, and I am here today speaking as a representative of the Family Law Section of the Connecticut Bar Association. I'm here on behalf of the Section and in the interest of the people who have occasion to make use of our courts for resolution of their family problems. To support the concept of this Bill, not so much because it provides for unification of the courts because this is a question which our Section has taken no position. But, rather, because this Bill provides an opportunity to solve what we perceive to be a serious problem in the administration of justice in our State.

According to figures we received in 1974, from the Coordinator of Administrative Services of the Judicial Department of the State of Connecticut, of the Superior Court Civil Cases entered that year non-family total all counties was 8,576; family total all counties 14,594.

I have not official figures but unofficial tabulation for the years 1972, 73, 74; in each instance making reference to the court year ending August 31; showing that civil actions in the Superior Court by percentage were as follows: Family cases, 1972: 58.52%; 1973: 60.34%; 1974: based on the figures I just gave you, 62.98%. I do not have the most up-to-date figures at hand but I suspect that the sampling of these three years is probably fairly representative of what we are facing today.

I mention these figures because I think they illustrate dramatically the need for attention to the family problems that are dealt with in our court system. Specifically now I would like to pass on to a resolution which was adopted at a meeting of the Family Law Section November 12, 1974. This resolution consisted of two parts: One - more judicial time should be available for family law matters;

Two - a family law division of the Superior Court should be established and judges assigned to this division should have an interest in, aptitude for, and experience with the judicial resolution of family law matters.

These two simple but basic concepts were touched upon by two previous speakers -- Mr. Dixon and Attorney Flynn. Mr. Dixon, with regard to specialization and Attorney Flynn with the problems we face with regard to judicial manpower.

With those basic resolutions behind us, the Family Law Section then turned to work with the Legislative Commission with the Bar Association Committee of which Attorney Murtha was head, to review some specific proposals. I should, since I am speaking on behalf of a group and not as an individual person at this point, make reference to my authority -- and that is set forth in a letter from me to Mr. Bingham dated February 26, 1975, in which, with two relatively minor exceptions the Family Law Section endorses the Legislative Commission's Family Law Sub-Committee Report which I believe was adopted by the Legislative Commission on February 3, 1975. I would not presume upon the time of this Committee to go through the details of the report which we endorsed, nor to touch upon the relatively minor differences we had with that report.

I would, however, like to mention very briefly the highlights of what that report was about.

First: The Committee agreed that a Family Division of the new unified court should definitely be

created having equal status with other divisions and with adequate personnel to carry out its function. All family matters should be placed under one umbrella and the Family Division should have continuous sessions. Trained personnel should be available for counselling and investigative work within the Division.

Two: All matters presently under the jurisdiction of the Juvenile Court including violation of laws concerning the education, care and protection of children, with the proviso that the physical facilities of the Juvenile Court shall be kept separate from the regular Superior Court and the atmosphere of the Juvenile Court shall be retained, should be a part of the Family Court Division. The provisions of the instant bill as I read them are not inconsistent with this concept.

Finally and significantly, particularly in light of the provisions of Section 90 of the current Bill which is found at Page 58 of its present form: The Committee discussed the desirability of encouraging local facilities for all family matters handled by the Family Division except jury trials. It was felt that both matters including dissolution of marriage and related matters could easily be handled in present court facilities in smaller towns as well as in larger cities. There is a definite value in decentralization in this Division for the convenience of those using the courts. Also, confidentiality should be stressed and encouraged in matters handled by this Division.

So, to sum up, then, I am here to support the Bill, to express the hope that it will lead to the formation of a Family Law Division and that of the Superior Court ... and that the judges assigned to that Division will be sitting in many places around the State and to that extent I urge your consideration of the present wording of Section 90 of the Bill which does provide, as I read it, for family relations sessions at Hartford, New Haven and Bridgeport, but seems to suggest that family relations matters in other counties, unless otherwise ordered by the Chief Court Administrator, would be dealt with by the judge sitting and handling regular civil business at those locations. Now, I think if one is convinced of the merit of the argument that family law, family relations matters should be handled by a separate division, then the question arises as to the extent to which the assignment of personnel and the locations and availability of those Family Division judges should be a legislative function or a judicial function. Naturally, we would like to win the case in this court.

I would like to leave these statistics if I may, with the appropriate person and state that the Section certainly would cooperate-wishes to cooperate and be of

assistance to this Committee to the extent that it can be. We have not had an opportunity as a Section to review the details of this Bill and I would hope that we might take our cue from Mr. Laveri and perhaps if we find something troublesome in the Bill, communicate that to you by writing within the next couple of weeks. Thank you very much.

Representative Healey: Thank you, Mr. White. Rhoda Loeb?

Rhoda Loeb: Members of the Committee: I'm Rhoda Loeb and practice in New Haven. I am Chairman of the Committee On Juvenile Justice which is a committee of the Family Law Section of which Thomas White, previous speaker, is Chairman of the Connecticut Bar Association Section.

I agree wholeheartedly with all the comments made by Tom White and I won't repeat those. Most of my practice is in Family Law with a good deal of time spent in the Juvenile Court in the Second District. I would like to speak for a moment on that subject of the Juvenile Court.

I wish to support the concept of Bill 5605. And, I'm very much interested and delighted that it includes in that Bill the fact that juvenile matters will be included in the Family Relations Division although in separate facilities wherever possible. It is my hope that this Bill, where it makes reference to social and psychiatric services that there will be provision that a full range of these services will be provided in all the districts and in all the Juvenile Courts. We are privileged in the Second District in New Haven to have a Juvenile Court where we have a special clinic with excellent psychiatric services which some of you may not know about but which I will be delighted to give you full information on if you would like; because this is a pilot program and it has worked out to the benefit of all those involved.

You have heard Tom White report on statistics and the fact is, that these statistics prove that family matters needing judicial action at the present time affect more families and citizens than any other field of law. And these citizens deserve the judges who want to listen and to determine issues and family disputes. And who have backgrounds and special skills to evaluate the psychiatric and other professional reports which are often necessary for a determination of these issues.

I urge the support of Bill 5605 and a full list of services to be included with the Juvenile Court in..... as a Division of the Family Law Section.

Representative Healey: Thank you very much. That concludes the

list which I have For the benefit of those of you who are not that familiar with our procedures We did have in the back of the room sign-up lists and we use those in calling people. However, the fact that you have not signed up does not preclude you from letting the Committee know your attitude toward the Bill. Is there anyone else in the room who wishes to speak? Come up.

Virginia Burnham: Mr. Chairman, members of the Committee: I'm Virginia Shroeder Burnham of Greenwich, and I am here to testify in favor of HB 5605 - An Act Transferring All Jurisdiction To the Superior Court. I'm here as a member of the State Commission to Study the Reorganization and Unification of the Courts and as a private citizen deeply involved and interested in the modernization of our Judicial System. This Commission was charged, as you know, much of this may be repetitive; please forgive me. But I'll try and put my own words in it too by the Legislature this Commission was charged to draft legislation for a single court, single tier trial court. This mission is accomplished by the creation of the Act and the discussion we're having today on it.

Connecticut is fortunate to have an excellent Judiciary working within, unfortunately, an antiquated system. And the defects of this system are the result of the system and not of the caliber of the judges. The main defect of the present system is the waste of judicial personnel and this wastes public and private money. Duplication of effort across ... because of ill-defined jurisdictional lines is the cause of this waste. Furthermore, the process of ... the practice of rapid rotation of judges sitting in civil jury, court cases, criminal files and divorce proceedings compounds the waste. It is my sincere judgment that unification of the courts is imperative under the conditions of today. As clearly demonstrated in other states and the District of Columbia, the single tier court has been, in effect, successful. The result is simplification, flexibility and effective control of the administration of the courts.

Again, I repeat and vehemently stress the necessity of updating and tailoring our Judiciary System to the pace of the present time. And the first step in the accomplishment of this goal is the transference of all trial jurisdiction to the Superior Court. Therefore, it is my prerogative and privilege to add my voice as a as a private citizen to that of the Commission as a whole and recommend that the Constitution should be amended --

One: to provide for the merit selection
of judges;

Two: provide for the retirement, removal

and discipline of the Judiciary short of impeachment; and

Three: a further constitutional amendment to permit the Legislature to define the jurisdiction of the courts.

It's recommended that the Legislature enact a statute providing for the following: Now these ten points were outlined by Mr. Bingham. In the interest of time, I won't waste your time again. They are listed in our report -- the report of the Commission which is available to you, I'm sure. And so I won't repeat because time is of the essence.

But our little State of Connecticut is ideal for pioneering and ideal of ... for innovative programs. This has been amply demonstrated over the past number of decades, not only in the legal field but in many other fields of endeavor -- the medical field which I'm sure you're familiar with; and we're blessed here in Connecticut with the highest caliber personnel of citizens, professionals and we should be proud of this. And we have the know-how, so all we need is the blessing of the Legislature and the voices and votes of the people in November. Lets make the reorganization of the courts the next Connecticut "first". Thank you for listening to me.

Representative Healey: Thank you, Miss Burnham. Anyone else?
Mr. Pape.

William Pape: Mr. Chairman, members of the Judiciary Committee: My name is William J. Pape; I'm publisher of the Waterbury Republican American and a member of the Commission To Study the Reorganization and Unification of the Courts. I am here to speak in favor of Raised Committee Bill 5605. I firmly believe the Bill if passed will increase the efficiency of Connecticut courts and improve the quality of justice as administered by our courts and do much to reduce the delay in the courts. In the long run, this more rational structure of our courts should tend to decrease the cost to litigants, defendants and the State itself. In addition to urging the passage of this Bill, I would also ask the Committee and the General Assembly to consider constitutional amendment to provide for discipline and removal of judges by means other than impeachment and to provide for a system of merit selection of judges. I think with this Bill and those constitutional amendments, Connecticut will stand foremost of the fifty states in their structure of justice. Thank you very much.

Representative Healey: Thank you, Mr. Pape. Anyone else? Thank you very much for coming and your help to us. I declare the hearing closed.

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CONNECTICUT
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PROCEEDINGS
1976
SPEC. SESS.
JUNE

VOL. 19
PART 7
2627 - 2965

May 4, 1976 J.G.T. 25

THE CLERK:

Calendar 863, File 594, Favorable Report of the Joint Standing Committee on Judiciary. Substitute for House Bill 5605. AN ACT TRANSFERRING ALL TRIAL JURISDICTION TO THE SUPERIOR COURT. (As amended by House Amendment Schedules "A", "B", "D" and "E").

THE CHAIR:

Senator Neiditz.

SENATOR NEIDITZ:

Mr. President, I move adoption of the Joint Committee's Favorable Report and passage of the bill as amended by House Amendments Schedule "A", "B", "D" and "E" in concurrence with the House.

THE CHAIR:

Do you care to remark on the bill, Senator?

SENATOR NEIDITZ:

Yes, Mr. President. This bill ...

THE CHAIR:

Senator Barry.

SENATOR BARRY:

Mr. President, may the record show that under Rule 15, I've absented myself from the Chamber during the debate on this bill.

THE CHAIR:

The record will ...

SENATOR BARRY:

And on the vote on this bill, Mr. Chairman.

THE CHAIR:

The record will be so noted. Senator Neiditz, continue.

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SENATOR NEIDITZ:

Yes, thank you, Mr. President. Mr. President, the thrust of this bill, the reason for this bill, is to provide for the unification, simplification, flexibility and effective responsible control of the administration of the courts of the State of Connecticut. We have good Judges. It's the machinery which is the problem. We have a system which is more in tune with the needs and problems of the 1930s than of the 1970s. The main defect of the present system is the waste of judicial personnel which in turn wastes public and private time and money. This waste is caused by ill-defined jurisdictional lines causing duplication of efforts. Piecemeal handling of single controversies simultaneously in different courts compounds the problem. Another way of wasting judicial power is the practice of rapid rotation of judges where they sit in turn in civil jury, court cases, criminal trials and proceedings for the dissolution of marriage. Valuable time is wasted in learning the art of handling special cases. As all of us know, in the recent years we have passed a plethora of new statutes in the Environmental field, in the Consumer Protection field, areas of the law which call for expert technical handling of administrative appeals. We passed the Administrative Procedure Act. We passed the State Anti-Trust Act. We added things on reflecting the complexity of the times in which we live. Mr. President, the bill comes to us from the Judiciary Committee after years of study of a Study Commission made up of Judges, Attorneys, citizens, and what we have before us now is the result of their undertaking. It was interesting this morning, Mr.

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President, that the New York Times, on the front page, should have article, "Carey Proposes a Single Court for State Trial." The Governor of New York is today proposing what we have before us after years of study. What we are proposing is similar to what is in effect and what the Commission had testimony on in the State of Illinois and in the District of Columbia. What we have before us today is something that has been, has the overwhelming approval, over 80% of the members of the bar of this State in a poll conducted early this year by the Connecticut Bar Association. What we have here is something that goes to the heart of the administration of justice and the improvement of the machinery of our courts system. I think it's important, Mr. President, that this bill has an effective date of July of 1978. Something as major as this bill cannot be implemented immediately and with that in mind, the Committee felt that it knows that at least two years will be necessary for the courts to write rules to implement the bill. In addition, an Advisory Committee of Judges, Lawyers, citizens will be appointed who will serve without pay to go through the two year period and advise in the making of rules, and funds, well, no appropriation is necessary. They are allowed to receive funds from such public and private sources as are available. Mr. President, a question was raised, or has been raised, regarding the steps for judicial compensation which would, in line with other sections of the bill take place commencing after July of 1978. It's a six step process of increases for new Judges who go on the court at that time. People wonder why we have that here. I think, Mr. President, in my view and the view of those of us who have studied

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this area, it is to encourage good lawyers to choose a judicial career. I think that judicial careers should start earlier and they should not be, come late in life where we don't get the best years of people and to encourage this and to say "Look, you go on the Bench. There is some assurance of where you're going to go without being subject to the, getting back into the political aspects of waiting for someone to be in State Government or in a political position to assure a promotion." Mr. President, this bill which, taking effect in '78, puts the responsibility squarely on the Chief Justice of the State of Connecticut, because it is he or she who will choose the Chief Court Administrator, who will serve at the pleasure of the Chief Justice. Our judicial system, our system of criminal justice, our system of civil litigation, has been under attack from many sources, and I think that if there is to be responsibility, if the judicial system is to take responsibility, it must have the power to act, to act fairly, firmly, decisively. Question was raised, has been raised, in other forms regarding the uniformity of judge's salaries or the non-uniformity that this might create. I think it's important that this matter be addressed for the record. This bill which merges the Superior Court and the Court of Common Pleas, provides step increases in the salaries of newly appointed Superior Court Judges. In the opinion in McGovern vs. Mitchell, '78 Connecticut 536 at page 547, and this incidentally, was a 1906 decision, the opinion makes an off-hand comment that compensation for Judges must be "uniform" for each court. This remark does not prohibit the proposed step increase in salary for the following reasons; there is no provi-

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tion in the Constitution of the State of Connecticut which requires that salaries of Judges of the same court be uniform.

2. The McGovern case had nothing to do with the question of uniformity of Judge's salaries. The issue before the court was whether the General Assembly had the power by legislation to increase the salaries of Judges despite section 2 of article 11 of the Constitution, which was then article 14, which prohibits extra compensation to public officers during their continuance in office. The court held that the Constitution prohibited extra gratuities, but did not forbid the General Assembly from passing legislation to increase Judge's salaries. At page 571, in summarizing its opinion, the court held "any general law establishing for the future the compensation of public officers is not unconstitutional, but is a valid exercise of a legislative power and is nonetheless valid because it may also be in performance by the Legislative Department of a duty imposed upon it by the Constitution in respect to the Judicial Department" The opinion also notes at page 554, "The power of regulating by law the compensation of public officers is inseparable from one of the broadest and most important fields of legislative power, namely that of creating a whole machinery of government and providing for its administration, a free hand in adapting the amount and kind of compensation to the varying conditions of public service required is essential to the efficient execution of this power." And lastly, the reference to uniform salaries in the opinion can only be interpreted as requiring the General Assembly to determine Judge's salaries by general legislation and forbidding gratuities for certain indivi-

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dual Judges. It does not prevent the General Assembly from enacting legislation which provides for different salaries for Judges on the same court based on objective criteria.

I apologize, Mr. President, for reading a relatively long memorandum, but I think I wanted to make the record clear as to the inapplicability of the off-hand dictum in the case of McGovern vx. Mitchell. Mr. President, should this bill pass, clearly the responsibility is where it should be, is on the Judges, is on the courts. This will enable, and only enable them, to give us a better system to meet changing conditions. The job is up to them, and this legislature, next legislature, next two years, will watch their progress. There will be two more opportunities before this bill goes into effect for the legislature to put something back on the track if it's going off the track. There will be time to look into the rules that are made by the courts to implement this, and the fiscal impact of this bill will only be felt when it is in full operation in 1983 and '84.

SENATOR HANNON:

Mr. President.

THE CHAIR:

Senator Hannon, will you just wait one moment? Senator Ciccarello? Look in the caucus room please. Senator Ciccarello wanted to explain his absence from the Chamber. Senator Ciccarello?

SENATOR CICCARELLO:

Thank you very much, Mr. President. I'm sorry that I wasn't present earlier to ask that I be noted that under Rule 15 as ab-

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staining. Will the record so note?

THE CHAIR:

The record will be so noted, Senator Ciccarello. Excuse me, Senator Hannon. Will you please proceed?

SENATOR HANNON:

Thank you, Mr. President. Mr. President, pursuant to Senate Rule 32, sub-section 7, I move you, Sir, that calendar No. 863, File 594 be committed to the Joint Standing Committee on Appropriations and when the vote be taken it be taken by roll call.

THE CHAIR:

Are there remarks to be made on the motion? Senator Rome.

SENATOR ROME:

Mr. President, very briefly, because I believe this bill is well understood, and I have been an advocate of the single trial system in Connecticut for the ultimate improvement of the system for over five years, I rise to oppose the motion to refer to Appropriations. I believe there are two things that are important to consider. The first of which is that in this fiscal year, it is clear that there will be no impact, and I submit to you that the benefits that derive from this bill in subsequent fiscal years will more than offset the dollars that are plugged in or will be plugged in beginning in 1978 for some nominal raises as the elevation occurs. I intend to reserve my debate on the main bill and any amendments to a future time, but I believe it's important that we act on the main bill, and we act upon it directly today. The bill has been considered not only in this General Assembly, but by some distinguished citizen study commissions, and in each

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instance, as well as prior legislators, in each instance, it's clear that the better solution to the problems of delivery of justice both criminal and civil in Connecticut require us to go in this direction. I urge a "no" vote on the committal to Appropriations.

THE CHAIR:

Senator Flynn.

SENATOR FLYNN:

Mr. President, I'm going to restrict my remarks also to this motion, and my remarks are simply that we have a bill before us of some 500 some odd pages. I have read this bill. I have read it a couple of times, and tried to understand it as best my limited abilities allow, and I think that at this juncture that bill deserves the faith of this Chamber, deserves votes of the Senators who choose to vote on it, for or against it, and it deserves more than this type of reference.

THE CHAIR:

If there are no further remarks, will the Clerk please announce an immediate roll call in the Senate?

THE CLERK:

An immediate roll call has been ordered in the Senate. Would all Senators please take their seats. An immediate roll call will take place in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Question before us is committing the One Tier Court Bill to the Appropriations Committee. Are you ready for the question?

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Machine is open. Please cast your votes. Machine is closed and locked. Total voting 33, necessary for passage 17, yeas are 14, the nays are 19. The motion is defeated.

SENATOR HANNON:

Mr. President.

THE CHAIR:

Senator Hannon.

SENATOR HANNON:

Mr. President, believing Sir that we shouldn't take the time of those proponents of the bill to bring the bill out and offer dilatory tactics, I chose to offer what I thought were meaningful motions to begin with. Upon failure of those motions, it would be my hope that we could proceed with the bill. The obvious effective date of this bill is January 1st, July 1st, 1978, some 26 months away. I would move you, Sir, pursuant to Senate rule 13, that it be continued to the next session of the General Assembly and when the vote be taken it be taken by roll call.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, I would have hoped that we go immediately to that dilatory motion and take that in due course. I would hope we would not debate the matter and we're all in our chairs. Obviously, I rise to oppose the motion.

THE CHAIR:

Question in on the .. make the announcement. Yes, go ahead.

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THE CLERK:

Immediate roll call in the Senate. Would all Senators be seated. Immediate roll call has been ordered in the Senate. Would all Senators please take their seats.

THE CHAIR:

Question then is on the motion to refer the matter to the next session of the General Assembly. Machine is open. Please cast your votes. Machine is closed and locked. Total voting 33, necessary for passage 17, yeas 9, nays 24. The motion is defeated. Remark further? There are, I believe amendments. Does the Clerk have amendments?

THE CLERK:

Clerk has Senate Amendment Schedule "A", File 594, substitute House Bill 5605, LCO 4113, offered by Senator DiNielli.

SENATOR DINIELLI:

Mr. President.

THE CHAIR:

Senator DiNielli.

SENATOR DINIELLI:

Mr. President, move adoption of the amendment.

THE CHAIR:

Will you remark on it, Senator?

SENATOR DINIELLI:

Mr. President, this is an amendment which this body has discussed before and probably would not require much time to add it to this bill. It's an amendment ...

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THE CHAIR:

Just a minute, Senator. The animated conversations will be taken out of the Chamber into the corridors or some other place. Excuse me, Senator. Go ahead.

SENATOR DINIELLI:

Thank you, Mr. President. Under current law, the Judges appointed prior to 1967, receive full retirement benefits, which the judiciary are entitled to, but they make no payment into the retirement fund. Those Judges appointed after 1967 pay 5% of their salaries into this fund. Now there are many cases where Judges sitting side by side or doing the same job are getting the same salary, yet the net result is that one is getting 5% less than the other. I'm sure you'll agree, Mr. President, that this is unfair. We should do what we can to correct this. I've been asked if this was an attempt to kill the bill and I have to respond that, while I'm opposed to the bill, I feel that if anything ever deserved an amendment that corrected the situation which I'm discussing, it is certainly a bill of this status and this stature. The simple fact is that the judiciary, at the present time, receive a very, very fair and equitable retirement plan, much better, I must say, than the State employees in general. We still have about seventy or eighty Judges who are not paying ~~any penny into this fund~~ and I think that if I can get this amendment passed we can correct that wrong.

THE CHAIR:

Will you remark further on the amendment? Senator Neiditz.

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SENATOR NEIDITZ:

Mr. President, I rise to oppose the amendment, both on the amendment itself and obviously, from my view, this amendment put on to delay passage of this bill. This amendment, Mr. President, was brought to us earlier this session on another bill. It passed this Chamber and the bill to which it was attached, was recommitted in the House. So we have had the subject matter before us. I'd also point out that the, that this amendment would not have any impact or any effect until 1978, and this matter could be addressed next year and to have a possibility of losing a bill of this magnitude with an amendment of this type, in my view, would be too bad, so I therefore, urge rejection of Senator DiNielli's amendment.

THE CHAIR:

Senator DiNielli.

SENATOR DINIELLI:

Mr. President, in response, to claim that this would have no effect, my amendment would have no effect until 1978, is absolutely true. The bill to which I'm attaching this amendment to will have no effect until July of 1978. I don't see what the difference is. You know, while it's all right for the bill to have that effective date, I can't see what's wrong with the amendment to have that effective date.

SENATOR NEIDITZ:

Mr. President.

THE CHAIR:

Yes, Senator Neiditz. I really want to get Senator Gunther

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into this because he's shown admirable restraint up until the present time. Do you want to respond one more time?

SENATOR NEIDITZ:

Yes, Sir.

THE CHAIR:

All right.

SENATOR NEIDITZ:

Just that the reason for the 1978 delay on the bill itself is to allow, as I said in my earlier remarks, for the courts to write rules and for the matter to be studied by the Advisory Committee as well as the judicial personnel who are involved, and that's the difference between the bill in chief and the amendment as proposed.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Mr. President. I rise to support the amendment. You know, we talk about this delaying of time and that. I can tell you, at least four years ago, if not longer than that, I put bills into this legislature for consideration by the Judiciary Committee and of course trying to get that bill out of that committee is like getting a snowball into hell, because it's impossible to get this type of legislation out of the committee. Now it's no wonder we have to go two routes this session merely to try to get consideration on this and apparently the Senate passing it, certainly it showed the nature of the Senate that we thought this was the proper procedure that should be taken. This is darn good amendment, and

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it's amazing how things can come out of judiciary that they want, but if they don't want 'em, God bless you, because you'll never see them on this floor unless they come in by amendment. I think it's a good amendment, and I don't think there's any harm in doing this. In fact, maybe the next session, we can put this in, have it effective immediately so that maybe in 1978, they'd already be in gear on the payments for the pension fund. So I think this is an amendment we should and could support.

SENATOR ROME:

Mr. President.

THE CHAIR:

Yes, Senator Rome.

SENATOR ROME:

Briefly I have to concur on the remarks that Senator Neiditz. We did support this amendment in a different form on a different matter, and we have certainly adequate time to bring up the very same amendment next session. This bill, this change in the system of justice, in my belief, needs the kind of lead time that its sponsor, Senator Nieditz and the Judiciary Committee afford it. I believe that the same necessity for change is not change immediately. Implementation later is not apparent in your amendment. Therefore, I oppose the amendment, urge defeat of the amendment, and would be very happy to again support an amendment or a similar amendment on another bill, if in fact, you and I are both back.

THE CHAIR:

Question then is on the .. yes, Senator DiNielli.

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SENATOR DINIELLI:

Mr. President, if I may for the third time very briefly ...

THE CHAIR:

Surely.

SENATOR DINIELLI:

In answer to Senator Rome's comments, for the very reason he stated that is the reason that the amendment is before us. First, the Senate did approve this amendment to another bill, and knowing that the sense of the Senate was in favor of this amendment, I took the liberty of introducing it again. It was never discussed in the House because the bill was recommitted before it ever got to the floor for discussion, so I felt that this (?) should have another chance. Secondly, I have to reiterate what was said in caucus, the fact that, this bill had been submitted, this amendment had been submitted in bill form a number of times to the Judiciary Committee and had never been reported out to my knowledge, so that this is the only route that it can take. Secondly, if that is the case, if it has to be amended in bill form, I have no assurance that I'll have a bill that I can attach it to next year. No vehicle, and that is entirely possible because, if this bill is enacted, there may be no changes to the judiciary system next year and I won't have a vehicle and knowing the record of the Judiciary Committee in not reporting this bill out, I have to ask that it be acted on today, and Mr. President, when the vote is taken, it be taken by roll call.

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THE CHAIR:

Roll call has been requested on Senate Amendment Schedule "A". Will the Clerk please announce an immediate roll call in the Senate.

THE CLERK:

An immediate roll call has been ordered in the Senate. Would all Senators please be seated. Immediate roll call has been ordered in the Senate. Would all Senators please take their seats.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Rising, for the second time, again I reiterate my opposition. There's a time and a place for everything, and if we want to get to the merits of this very vital legislation, this is not the time or the place for this amendment. We have considered it, I voted for it favorably one time, I hope some day in the future to vote again, and I'm sure, Senator, knowing the amount of matters that come out of the Judiciary Committee cannot be serious to suggest that there would not be a proper forum for amendment on a bill in a subsequent year.

THE CHAIR:

Question then is on the adoption of Senate "A". The machine is open. Please vote. Machine is closed and locked. Total voting 33, necessary for passage 17, Yeas are 7, nays are 26, Senate Amendment Schedule "A" is defeated.

THE CLERK:

Clerk has Senate Amendment Schedule "B". File 594, Substitute

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House Bill 5605, LCO 3356, offered by Senator Houley.

THE CHAIR:

Senator Houley.

SENATOR HOULEY:

Mr. President, I rise to support the amendment. Basically, this grandfathers the Superior and Supreme Court Judges that are currently retired and this stems from an identification about two weeks ago, ^{of} some great inequities in the judiciary with reference to retirement funds and that is the objective of this particular amendment. It also handles the Juvenile Circuit Court and the Court of Common Pleas who are now retired, and they will maintain a grandfather-type status quo except that, if there are any future increases in the base of judicial salaries, those that are retired, will conform to all State employees and the annual cost of living adjustment, whatever it may be, at any given time. Any and all new members of the judiciary will get whatever benefits they are entitled to by way of retirement based on their retirement salary plus a 3% cost of living if that's the standard set in any given year. The same applies for the conditions of retirement for the unemployment compensation commissioners.

There was a lot of concern expressed with reference to the question of vesting. This section 5 amendment says that any member of the judiciary with ten years of service plus, but, less than twenty-five years will have vested pension rights and that amount of retirement is two thirds of the salary times the service over service to age sixty-five. Sixth section deals with allowing all Judges to withdraw the principal of their 5% contribution

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if they choose to retire and leave the judiciary prior to ten years with no interest, and this is, again, a uniform standard for all State employees and finally, section 7, deals with the unanswered question of spouses who receive one third of the pension of the member of the judiciary and simply states that under the terms of this amendment, a Judge can elect by his own choice to do the same. In effect, it places retirees of the judiciary on the same types of standards of all other State employees. The effective date is 1, July, 1976 and there's no conflict between the main bill and its effective date and the effective date of the passage of this amendment. It's in perfectly good order. I'm sorry that this amendment comes late. The last time we offered it, and we did before, it failed for other reasons. The bill was recommitted in the House. If, when the main bill before us was first double-starred on Friday, April 30th, if we had had our discussion, we might not have the type of situation that we do have which is of genuine concern, and I did have reservations in proposing the amendment, but I do propose it now because I think it's fair and reasonable for the members of the judiciary who do contribute in part to their retirement ought to have vested rights. Their spouses certainly ought to be protected and certainly they ought to have the same conditions of retirement as all other State employees at their highest base.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, I rise to oppose the amendment. The amend-

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ment. The amendment, if in fact it's important, and I do believe it is, ought to be suggested or should have been suggested at either on earlier bills which the good Senator favored and hoped would pass and therefore would show his earnestness about the amendment, or in the alternative, it ought to be proposed as a bill or an amendment as early as possible in the next session which would have implementation in terms of equity earlier than the implementation of the bill proposed by Senator Neiditz. For those reasons, I think it's incumbent upon us all to oppose the amendment at this time.

THE CHAIR:

Senator Neiditz.

SENATOR NEIDITZ:

For the same reasons, Mr. President, as expressed by Senator Rome, I would oppose the amendment.

THE CHAIR:

No further remarks or questions on the adoption of Senate "B"? Did I hear Senator Houley request a roll call.

SENATOR HOULEY:

I would certainly not request a roll call on this, Mr. President. Your ruling on a voice vote, a standing vote, your choice, Sir.

THE CHAIR:

All in favor of Senate Amendment Schedule "B" please rise? Please sit down, Gentlemen, and will those for opposed please rise? I would say the nays have it. "B" has failed. All right. Now we're back to the main bill. Are we ready for the question?

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Clerk please announce an immediate roll call in the Senate and after your announcement, we'll recognize Senator Gunther.

THE CLERK:

An immediate roll call has been ordered in the Senate. Would all Senators please take their seats. An immediate roll call has been ordered in the Senate. Would all Senators please return to the Chamber.

THE CHAIR:

Senator Gunther. Will you remark?

SENATOR GUNTHER:

Mr. President, I rise to oppose the bill. Just last year we were sitting here listening to the expounding of the great things that were going to happen in the court with a two-tier system, when we moved the circuit court into the common plea, and we had a year to see this system operate and I daresay that when I was up here on the floor I said the main accomplishment the two-tier system would make was to give raises to Judges and I believe that, getting comments back from the various people in the legal field, that was one of the main impacts of this particular a year ago. Now the same leadership that led us down into that two-tier system, now suggests the one-tier and, incidentally, I think everybody in this Circle last year knew that the ultimate attempt was going to be a one-tier for the State of Connecticut. When Senator Neiditz started out with his presentation, he started to read from a summary that accompanied this 265 page bill, and I wish you'd gone through the whole summary, Senator, because, there are areas in there that should be pointed

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out. I think that the public act 74-183 that we passed last time gave no choice in what type of a system the State of Connecticut should have. It was a dictative act that we passed in the last session, said, "Said Commission shall study and prepare legislation for the unification of all the functions, powers and jurisdictions assessed by the Court of Common Plea and the Juvenile Court in the Superior Courts." In other words, there's no question the direction was and the only consideration that should be given under that law was a one-tier court system. There are other recommendations that came out of this commission. Senator Neiditz cited some of them, but he deleted one which I think is the motor that ought to be in this car that they're trying to sell here, when he talks about machinery. I think one of the recommendations here, and this is a recommendation that's come out time and time again, that is a merit system of selecting Judges. Now we had a merit system a year ago. What happened to that bill? That didn't come back into this session. Did they study the merit system? It's a recommendation of this commission. When are we going to get the motor for the car? Are we going to wait for another couple of years or maybe we'll wait until after 1978 before we have a merit system for selecting Judges. Now they run a survey of the bar members, and again this was cited by Senator Neiditz and 80% of all the lawyers in the State of Connecticut support this principle. All I can say is, I'd like to know how many of those 80% ever read the bill. I've talked to an awful lot of them. They don't even know what it looks like. They've had comments, they've had some dialogue, they've had some talk about it, but I

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don't think the Bar Association or the legal profession in the State of Connecticut has ever taken the time to read 265 pages. Might be nice to poll 'em and find out if they've ever read it and understand all the intricacies of this particular bill. In that same report it says, "unification of the courts will not do everything." And this is what we're talking about, the bill we have before us. "There must be Judges equal to their task and courageous in the performance thereof, except no matter, how able a judiciary may be, they cannot achieve the results demanded of them by today's condition without the proper machinery." And this is the machine we got on the deck today, is the one-tier system. It says, "The ideal is the right personnel with the right machinery." But we have no merit system for selecting Judges in the State of Connecticut. We still have the old system, and the old machinery for appointing Judges, and it seems to me that should have been a first demonstration by the judiciary that they really were going in the right direction with this particular type of legislation to make sure that both were in place. This bill, I think, Mr. President, has been well lobbied, and when I say that, I understand that the, well the comments I get that Judges of the Superior Court are against this, because we're bringing everybody up and through. I haven't had that type of a lobby. I've had some oral lobby, and it hasn't been Judges that have been lobbying this particular bill. I think that, again, we're talking and I have to go back to the presentation by Senator Neiditz. I think about half of his time on the floor introducing his bill was introducing it on the basis of salaries and why Judges in the same

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court shouldn't all be paid the same salaries and that, and I might get a little hang-up here because I know the benefits and the salaries and that type of thing. I get a little upset over this, and of course, everybody, the proponents all say this is going to take care of everything. Everything in the courts going to be taken care of. We're going to get a, a Chief Administrator's going in there, he's going to see these Judges work, they're going to have night court, they're going to have everything that you can think of and this bill's going to give it to us, except that it all don't spell it out there. We're throwing the entire control into that court and I say that we'll probably come back here if this is successful today, we'll be back here in another year or two or a year after it becomes effective and somebody's going to say, what did that one-tier court do for you? And I'm pretty darn sure there's going to be people that are going to be standing here and saying, well, we put all those Judges, good, bad and indifferent, we made Superior Court Judges of 'em, ultimately, they all got a pay raise, but beyond that, we're still wondering what's going to happen with that bill. I think this is a bill that ought to be put to rest so we can have people out there, and when I say out there, I mean all the members of the bar, I think it should be made available to everybody. Let's get some input on exactly what the one-tier court proposal that you have here will do for the State of Connecticut. Let's see what we're going to get. Maybe we should have some legislative input into the judiciary. I'm not ~~that~~ sure that we shouldn't. I think that the courts should reflect the attitudes of the people. I think somewhere that input ought to get to the

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judiciary itself because there's a lot of reform right now that the courts could implement. We're talking about the same people that are involved in that court right now. It's the same personalities. All you're doing is reshuffling authorities and that type of thing. There are many things that could have been done in the State of Connecticut to improve our judiciary, but has it been done or does it get done unless there's a dictate? I have serious reservations about that, and I think this bill ought to be put to rest for a year. We should have taken and sent it back to Appropriations because we're talking money that's going to be committed, if not to take and hold it over to the next session. That's where it belongs. 265 pages of dialogue that very few people have seen except the members of the bar that sit in this Circle and people that have direct input. I don't think it's enough to take and set up a one-tier judiciary in the State of Connecticut.

SENATOR HANNON:

Mr. President.

THE CHAIR:

Senator Hannon.

SENATOR HANNON:

Mr. President, in Senator Rome's words, I shall be mercifully brief for I know that much time will be spent in the delivery of this bill and this bill will be delivered as it was fated to be delivered. There'll be much said in glowing terms about this bill and all the wonderful things that it will do for the people of the State of Connecticut. I stand, Mr. President, to oppose this bill. It's almost ironic, it's almost laughing when we talk about re-

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forming anything, the first thing we always talk about is promotions and pay raises and everything else seems to fall in line. Contrary to what is vogue in this Circle today, supporting one-tier court, I wished Mr. President and my Colleagues that we were back to the four-tier court starting with the old Town Court Judge who doled out the punishment to the local citizens and then we got very sophisticated, two year ago, Mr. President, and we had to do some wonderful things for the tax-payers of Connecticut and so we said, we don't know which two courts to merge. I almost thought for a time we were going to flip a coin to find out which two courts of the three we were going to merge and we suddenly decided to merge the Circuit Court with the Court of Common Pleas and give 44 Circuit Court Judges new names, new robes and new salary schedules, and then we go into deep deliberation, and I have deep respect for Senator Neiditz, he's a very talented, very hard-working member of the Circle, and I am just about as opposed to this bill that he authors in anything that he and I have spent together over ten years, because I think there is much to do in the judiciary prior to starting with pay raises and new positions, and just before I sit down, Mr. President, I have been here ten years and I have seen lobbying from within and from without, and I must give this a report card of "A" because nowhere in my ten years have I seen the arm-twisting and the subtle pushing and shoving that I have seen on this bill and I lament once again this year that I shall not be able to join the majority in what I know will be over-whelming support for this bill.

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THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, I rise to support the bill. I have supported a single-tier system and I note with some degree of pleasure that New York State is considering the same kind of system. Maybe this bill has been well lobbied, but more important than the lobby effort on the bill is the communication effort on this kind of legislation. There have been two extensively concerned and broad based citizen's groups that have concerned themselves with the judicial system in Connecticut and have concluded that a single tier system is an improvement, not a panacea, but an improvement and the course for us to take. Some of the most distinguished members of the bar and citizens groups have made this conclusion with what I consider the most thoroughly aired piece of legislation that I have ever had the opportunity to perceive in the years that I've been in the legislature and before. There have been hearings on the problems attended with judicial reform throughout the State of Connecticut for more than eight years. Sure, I'm an advocate of the single-tier system. I've been, Dr. Gunther, a consistent advocate. I advocated it when I had reservations about the merger of the Common Pleas and the Circuit Court last year as you had reservations, yours being stronger than mine, but I had no reservations about the necessity of going ultimately to a single-tier and the reason is, there ought to be only one kind of justice, the best that we can deliver. There ought not to be two courts. There ought not to be three courts. There ought not to

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be a feeling that 90% of the people in Connecticut who address themselves to the justice system, address themselves at the lower level. Unfortunately, sometimes referred to as the inferior court level. I think that's a disgrace in Connecticut, and I really believe we have an opportunity not merely to merge the system, but to elevate our aspirations to what that system ought to be, and that ought to be the best that we can possibly deliver. That means clear division of responsibility, obligation in administration. There ought not to be fault-finding between the various administrative branches of that judiciary as to which court is failing. There ought not to be forum searching in both the criminal and civil divisions of the various courts by lawyers throughout the State of Connecticut. We talk about the right to appeal. I'm suggesting to you that the right to appeal, if in fact it's important, means a right to speedy appeal, means a right to clear demarkation of responsibility in how that appeal will be handled, and it means, in fact, both in civil and in criminal cases, speedy justice. I think it would be foolish for me to spend the hours that I could spend in debate on this bill for each and every one of you have heard better advocates, proponents of this legislation, both members of the bar and members of citizens groups throughout the State. If in fact you're really concerned about judicial reform and not paying lip service, you've had all the debate you need on this subject. If in fact you're serious about what our direction ought to be and the delivery of justice to the rich and the poor, and yes, to middle Americans, who can't afford the appeal avenues that are available to either

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the rich or the poor, then in fact, you've heard all the debate you need to hear and you'll join the citizen's group not only in advocating and in voting for this bill, but in doing everything you can to promote it not only now but after its passage as we find as we will from time to time, as we find that there are some problems in the Judicial Department. Yes, there are three branches of Government. Yes, all three inter-relate, and yes, we have a role to play in our relationship with the judicial process and the judiciary and yes, I believe this is the best help-mate we can give that Judicial Department to improving the quality of justice and the delivery of justice and the effectiveness of justice in Connecticut. I would hope for your vote in the affirmative.

SENATOR SCHWARTZ:

Mr. President.

THE CHAIR:

Senator Schwartz.

SENATOR SCHWARTZ:

I rise to support the bill. I've given it a good deal of consideration since it's been in the files before, in fact, it has been something I've had before me since before my election. I'd like to be associated with the remarks of Senator Rome because I think that he said very eloquently why we need this system, but I'd also like to say that in addition to the fact that in some people's minds there are inferior and superior courts, in the discussions that surrounded this bill, I have had people tell me that there are inferior and superior Judges and this just cannot be. We should demand one goal in the quality of our Judges

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Certainly some Judges are more capable of handling certain judicial situations as all of us here have different field of expertise and different fields of talent, but certainly the quality that we seek in our judiciary is the utmost importance, but there seems to have been built into system, in the selection of our Judges, an idea that he isn't qualified to be a Superior Court Judge, so let's make him a Common Pleas Judge or let's make him a Circuit Court Judge. We can't tolerate this system because there is only one standard of justice and there's only one standard of Judge to mete out this justice. I therefore see no other way but to support this bill and I urge its adoption.

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA:

Mr. President, it's been my pleasure during the past two years to serve as the ranking Minority Member on the Committee on Judiciary. I commend Senator Neiditz and Representative Healey for fighting as hard as they have for this particular piece of legislation. This all began as Senator Rome said many years ago with a study by various citizen groups, the question of our judicial framework. In 1973-1974, we worked hard on the bill to join Circuit Court and the Court of Common Pleas. You may all recall, at that time, that a poll among the lawyers in the State of Connecticut, strongly indicated that they were not in favor of that merger, that they were, if there had to be a merger at all, they were in favor of a merger of the Court of Common Pleas and the Superior Court. What has happened in two years? Senator Gunther

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says that nothing has happened in two years to benefit the people except that the Judges now receive higher pay. Well, something must have happened because a poll taken very recently among the attorneys in the State of Connecticut indicate a marked shift in their opinion. They now agree to the extent of four out of every five lawyers responding to the poll indicating that they feel that a complete final step, final merger of the courts into a single-tier system is preferable. Mr. President, I think you have to go back and you have to look at the historical significance of this so-called judicial framework that we have in this State. Probably it started with the Constitution of 1818. I'm not going to go into boring history, but I do touch on it because it was described very eloquently by the Supreme Court in a recent decision, the name of which escapes me, but the one in which they decided that this legislature had no power to grant to the Circuit Court jurisdiction over criminal matters up to five years. They said that misdemeanors up to one year penalty were permissible, but we had no power beyond that, and they base it on the Constitution of 1818 and the continuance of certain language in the Constitution of 1965. I'd ask anybody in this Circle if we did not have a Judicial Branch and I asked each of you to structure one for me, how many of you would create a Supreme Court, a Superior Court, a Circuit Court, a Juvenile Court, a Probate Court, and a Court of Common Pleas. How many of you would say that the jurisdiction of the Court of Common Pleas should be one year or \$2500.00? Some few would say \$10,000.00. Some of you would say two years. Some of you would say six months. We'd

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all have 36 different opinions on how to structure it, which points up to me, very, very clearly and should point up to you also, the historical absurdity of the situation that we have. Every leading authority on court reform from Justice (inaudible) in New Jersey to others throughout the country over many, many years has indicated that the single-tier court system is absolutely the best, not only for the Judges and the lawyers, who by the way do not own the courthouse, but the people who pay for them. In those States in which they have a single-tier court system, they have streamlined the system completely. There is one court to which you go for a trial. It's the same court. You call it by the same name. There is not a superior Judge and an inferior Judge, and if any of the members of this Circle think that there are not some certain lawyers and certain Judges who feel that once they've made it to Superior Court, through political maneuverings usually, once they've made it there, that they are somehow superior. Well I just want to point out to most of you here, that most of the Judges of the Superior Court started in the Circuit Court, moved their way up to the Court of Common Pleas and are now in the Superior Court, and the only difference in their minds, is their experience. Really, we ought to have one court system. We ought to have one in which a man comes in, gains experience on the bench, can serve in various kinds of law suits, can serve on the criminal side as well as the civil side, can be apportioned (?) by the chief court administrator, can gain his experience, can increase his pay as he gains experience and this is important, it seems to me. I know Judges that have sat

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on the Circuit Court for ten years, got less pay than somebody who was an excellent politician and got on the Superior Court and was there for two days. Mr. President, just because you're on the Superior Court doesn't mean you're a better Judge than if you're on the Court of Common Pleas. I think one of the things we have to keep in mind as we look at a single-tier court system, one of the things we must really keep in mind is that the courts do not belong to the lawyers. They do not belong to the Judges. And while it's important to me to know the Judges feel that they aren't getting enough money for what they do, that they can make more out in private practice and therefore we're not getting the kind of calibre of Judge who we really need, while all of that is important, the most important thing to me is the people. They have bought and paid for this judicial system. They have (indistinguishable) in their own constitution, and it seems to me, that we should put our money and our effort into those areas in which the vast majority of people find themselves and at present, the vast majority of people see justice in this State or fail to see it in the Court of Common Pleas not in the Superior Court. Mr. President, I think the one compelling argument that I feel in my own mind, and others may have a different opinion, the compelling argument for a single-tier court system is the development of expertise. If we had a single-tier court system, we could have the administrative division that would hear zoning cases, we could have a civil division, we could have a criminal division and we could have a family court division that would develop expertise in the area of family matters, everything from adoption

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if this legislature saw fit to the matter of divorce, and it seems to me, Mr. President, that that's what we ought to be shooting for in the future. I very strongly support this. I supported it when the Bar Association was opposed to it. I'm glad the Bar Association is with us now. I think that the snobbery that has existed over the years, and that's exactly what it's been, between the Superior Court and the so-called inferior courts of this State, has got to come to an end for the benefit of the people. Let's have a common bench so the Judges can be apportioned equitably and so that the greatest amount of work load can be handled by the fewest number of Judges and let's have a common jury pool, and let's get on with the business of streamlining the courts for the benefit of the people. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator DeNardis.

SENATOR DENARDIS:

Mr. President, I find in listening to Senator Gunther and Senator Hannon that I agree with a good deal of what they have said here this afternoon about the need for comprehensive form in our judicial system, particularly Senator Gunther's very telling remarks about the need for merit selection of Judges and how that proposal has been horsed around over the years. I feel however, that although the bill before us falls short of the specifications that have been set forth for comprehensive reform, that I will support the bill because I remain basically an optimist and feel that the one-tier approach does represent the promise of some movement in the direction of improving the sys-

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tem. One trial court under a single administrator, assigning Judges to their area of proficiency seems to me to be a step that we ought to take, using the same jury panels when possible, the possibility of being able to do away with more capital expenditures for judicial structures, more official, more efficient use of judicial assignments through perhaps a central computerized system, all of these things are attributes that commend themselves to me and compel me to vote for the bill. Also the fact that when I look at the case load of the present system and I read in the report that was published in 1973 and '74 that some 350,000 cases per annum are handled by the Common Pleas Court and six to seven, perhaps eight thousand cases are handled by the Superior Court, although they are infinitely more intricate and difficult cases, I will admit, nevertheless, since 85% of the workload of the administration of justice is handled by a court that now has sixty-one Judges and the Superior Court with fifty-one Judges is handling 10 - 15% of the work load, I think there can be a more equitable distribution of the workload, and a more efficient one, so for these reasons, I will support the bill with no great enthusiasm and I would make one additional point, particularly to some of the lawyers who are in this Circle. When I say to them that some of the issues involved here in the question of Judicial reorganization are not unlike the issues that some of us tried to raise when we talked about reorganization in the field of higher education, but since there are only a few of us in this Circle who apparently are deeply concerned with efficiency and effectiveness in the world of public higher education, in my opinion,

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our day in court was a very limited one and a very brief one and I feel and I may be wrong and someone will certainly take me to task for this, but the issue of reorganization in the area of public higher education has been treated quite cavalierly by this General Assembly, at least by this body. There is time to repair that, but there's no great hope that that will happen. It's awfully difficult to get the attention of this Assembly on questions affecting education. It is rather more easy ...

SENATOR SCHNELLER:

Point of order. Mr. President, point of order, Sir.

THE CHAIR:

Senator Schneller.

SENATOR SCHNELLER:

We're discussing the Court Reform Bill. The matter of higher education and restructuring higher education is still in the Committee of Conference and I would ask, Sir, that we confine our discussion here to the Court Reform Bill and not to a matter which is presently in the Committee on Conference.

THE CHAIR:

I think the point is well made.

SENATOR DENARDIS:

Properly admonished, Mr. President. I've made my point anyway.

THE CHAIR:

Senator Strada, do you have remarks? Senator Strada? No. Good. Now, let's get to the question. We've debated this matter at length, Senator DiNielli, are you stretching or are you going

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to speak?

SENATOR DINIELLI:

Mr. President, I intend to speak in opposition to the bill.

THE CHAIR:

Very well.

SENATOR DINIELLI:

Do so for a number of reasons, Mr. President. I've seen many times this session bills of one sentence, one paragraph, one section amended, reamended, sent back to the House, Committees of Conference. Here we're faced with a bill of great import, 675 sections and we have to accept it without any amendment. I find it very hard to believe it's perfect. Those who proposed the bill and support the bill will admit it's not perfect, yet, we are all going to sit here and prove it. I think that's wrong. Secondly, through you, I'd like to ask Senator Hannon, oh I see he's not here, I was going to ask, Mr. President, if he graded that report card on the curved method or on a straight method when he gave an "A" to the lobbying effort. I would have to say that the report card should be rated an "A" plus. Seems it's the first time in my memory that the Judges worked all week-end. In fact, I think it should be said that we had the ludicrous situation of a Judge who was appointed to the lower court within the last six months lobbying for this bill, and I think, you know, it really has been a ridiculous situation. However, I guess I can't say that I blame him for looking for a promotion so soon. I, through you, would like to ask a question tho of Senator Neiditz, and I'll pose this, Sir, situation. On last Independence Day, I read in the Hartford Curreant, a release that stated that

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Judge Roman Lexon had decided that there would be no jury trials during July and August, and one of the reasons I had voted against the two-tier system was that I felt that we were moving away from people and creating a greater distance between people and their court system, and of course as you know, the two-tier system did pass. We're into it only about a year, year and a quarter and now we're faced with the one-tier proposal and when I queried Judge Lexton on that, he said that it was very difficult to assign Judges during those periods, July and August, because they're all on vacation, and anyway the Superior Court had been doing that for years, and, through you, Sir, I would like to question Senator Neiditz if in fact we are now compounding a situation of removing the court system farther from the people, denying jury trials during July and August except in the most extreme cases as proposed by Judge Lexon, and if this, Sir, is the case, it will be the case and continue to be the case under this new proposal.

THE CHAIR:

Senator Neiditz, do you care to respond?

SENATOR NEIDITZ:

No.

SENATOR DINIELLI:

Then, Sir, through you, Sir, could Senator Neiditz indicate where in the bill that's corrected. I'm not being dilatory, Sir. I had a real problem. I feel, Mr. President, that the court system wasn't being responsive to people's needs. People incarcerated had to, because Judges were on vacation, were at the mercy of this July and August in jail, this situation in jail and I, you

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know, I think it's a horrendous situation and I see now that we're combining one system with another that established July and August vacation system for Judges.

THE CHAIR:

If there are no other remarks to be made, let's get to the bill. If minds were going to be changed, the Lord knows they've been changed between then and now. Now we're going to announce a roll call vote and everybody attach themselves to their chairs please until we get ready for the vote? Let's have the issue determined in a proper way. Announce a roll call, please.

THE CLERK:

An immediate roll call will take place in the Senate. Would all Senators return to the Chamber. An immediate roll call has been ordered in the Senate. Would all Senators please return to the Chamber.

THE CHAIR:

Question now, Ladies and Gentlemen is on the main bill, on the single-tier court. Machine is open. Please cast your votes. Machine is closed and locked. Total voting 33, necessary for passage 17, the yeas are 28, nays are 5. The bill is adopted.
Senator Neiditz.

SENATOR NEIDITZ:

While we're here I'd like to move reconsideration of the bill just approved and ask when the vote be taken it be voted by roll call, and certainly I favor a "No" vote on reconsideration.

THE CHAIR:

Senator Neiditz has moved reconsideration. We're going to

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have a quick announcement and then I'm going to push the button.

THE CLERK:

An immediate roll call in the Senate. Would all Senators be seated. An immediate roll call has been ordered in the Senate. Would all Senators please take their seats.

THE CHAIR:

Motion has been made to reconsider. Machine is open. Please cast your vote. Machine is closed and locked.

SENATOR NEIDITZ:

Mr. President.

THE CHAIR:

Senator Neiditz. Total voting 32, necessary for passage 17. Yes 3, nays 29. Motion to reconsider has failed. Senator Neiditz.

SENATOR NEIDITZ:

Point of personal privilege, Mr. President.

THE CHAIR:

Yes, Senator Neiditz.

SENATOR NEIDITZ:

This has been a long, interesting study, interesting bill and an interesting debate. There is one person with us today that I really would like to introduce because I feel a great sense of obligation to him for the labors that he's put in and for sticking his neck out very early on an issue where there is not unanimity. People were very sensitive including some of his best friends, most of his best friends. I refer to Attorney Ralph Dixon of Hartford, who is, I believe President of the Connecticut Citizens for Judicial Modernization, but more than that I think, repre-

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sents in the truest sense, a public member of the bar. He's a credit to the bar, and he's a credit to our community. I know he will rise and flush red, as he usually does, the Senate would give him their usual greeting. (Applause)

SENATOR NEIDITZ:

Mr. President.

THE CHAIR:

Senator Neiditz.

SENATOR NEIDITZ:

I move to suspend the rules for immediate transmittal to the Governor.

THE CHAIR:

Motion has been made to suspend. Without objection, rules are suspended to permit immediate transmittal to her Excellency. Senator Bozzuto.

SENATOR BOZZUTO:

Mr. President, while Mr. Dixon is still in the audience, and while all the attorneys are still around the Chamber, I would only suggest that now that we have made some stab at judicial modernization that the 16 attorneys and the one aspirant in this Circle do something about modernization of the legal processes by which we operate. Thank you, Mr. President.

THE CHAIR:

Thank you for your suggestion, Senator Bozzuto.

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tion for the dedication and accomplishments of Ruth Sayles Gallup and Henry E. Frink of Sterling.

SENATOR LIEBERMAN:

Mr. President, I move for suspension of the rules for immediate consideration and adoption of those Resolutions.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Clerk has three items from the House's table. Unfavorable report of the Joint Standing Committee on Appropriations, House bill 5410, AN ACT ESTABLISHING A COMMISSION ON THE HANDICAPPED. Favorable report of the Joint Standing Committee on Appropriations, Substitute Senate Bill 260, AN ACT UNMANDATING CERTAIN STATE FUNCTIONS. Favorable Report of the Joint Standing Committee on Appropriations, substitute Senate Bill 438, AN ACT CONCERNING CREATION OF A SPECIAL REVENUE INVESTIGATIVE UNIT.

SENATOR LIEBERMAN:

Mr. President.

THE CHAIR:

Table for the calendar. Yes, Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, on page 7 of the calendar, HR-5605 calendar 863, after that bill had been adopted, there was a motion for suspension of the rules to allow for immediate transmittal to the Governor, which motion passed. I was on the prevailing side of that motion. I would like at this time to move for reconsideration of the motion.

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THE CHAIR:

Senator Lieberman has moved reconsideration of calendar 863 on page 7. Um? On the suspension of the rules? Is that the only?

SENATOR LIEBERMAN:

Yes, Mr. President.

THE CHAIR:

All right. All in favor of suspension say aye, opposed nay.
Move is suspended.

SENATOR LIEBERMAN:

Mr. President, my aim then is a question, through you, to the Clerk is to bring the bill back to the Chamber. In other words to remove our previous action in creating immediate transmittal to the Governor.

THE CHAIR:

Got that, Madam Clerk?

SENATOR LIEBERMAN:

Our intention would be that the bill would not be reconsidered on its substance but be transmitted to the Governor in the normal course of operations.

THE CHAIR:

Very well.

SENATOR SCHWARTZ:

Mr. President.

THE CHAIR:

Senator Schwartz.

SENATOR SCHWARTZ:

I just rise for a point of inquiry of the Clerk. Now that

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we've suspended rules, is there anything left in the Chamber, I mean as far as, are all the bills going some place?

SENATOR LIEBERMAN:

Mr. President, through you, I believe that Senator Schwartz may have misunderstood. What we did was to move reconsideration of the previous suspension on the Court Merger Bill which had allowed it to go immediately to the Governor so that it could go to the Governor not immediately but in the normal course. The rules were not generally suspended.

SENATOR SCHWARTZ:

So that the Court Bill will stay here for the one legislative day?

SENATOR LIEBERMAN:

Mr. President, that's correct. It has already been reconsidered.

THE CHAIR:

That's right.

SENATOR LIEBERMAN:

And the intention was merely to prevent it from going immediately to the Governor. There's no intention to reconsider the bill because that's been done the one time allowed.

SENATOR ROME:

Mr. President, if I can get on the prevailing side, I have, I support the motion. The reason is that it's a very lengthy bill. If it goes immediately to the Governor, that's taken literally, which it has never been in prior sessions of the legislature to my knowledge. It must be then acted upon by the Governor in five days.

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The normal event in the past has been the tradition is even tho we say immediate transmittal, it doesn't go immediately unless there be some misconstruction it will go in due course which means that it will go through the Legislative Commissioner's office, etc., etc.

SENATOR SCHWARTZ:

Mr. President, may I, through you, offer my thanks of explanation to the Minority Leader. May I also ask, was the suspension for movement of the business in the House out of the House? as we do normally at the end of the Consent Calendar?

THE CLERK:

Well, we just tabled three pieces of business from the House into our calendar. Three bills from the House.

SENATOR ROME:

Mr. President, I believe I might answer and expedite. The question was, you know, was the suspension ... after some bills that were passed, there was immediate suspension for transmittal to the House. All of those matters that belonged in the House.

THE CHAIR:

They may have all gone. There was only this one single tier court that did not go immediately to the Governor.

SENATOR SCHWARTZ:

Thank you. Reason explained.

THE CHAIR:

Thank you, Senator.

SENATOR LIEBERMAN:

Mr. President, I just, having settled all ^{the} major issues, want to remind the Members of the Senate that we've ordered dinner in

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GEN. ASSEMBLY
HOUSE

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GEORGE J. RITTER:

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May I be recorded in the affirmative, please.

MR. SPEAKER:

Representative Ritter in the affirmative.

The following is the result of the vote:

Total number voting	139
Necessary for passage	70
Those voting Yea.	71
Those voting Nay.	68
Those absent and not voting	12

The bill is passed as amended by House "A".

THE CLERK:

Calendar 675, Substitute for H.B. 5605, an Act transferring all trial jurisdiction to the Superior Court.

JAMES T. HEALEY:

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

MR. SPEAKER:

The question's on acceptance and passage. Will you remark?

JAMES T. HEALEY:

Mr. Speaker, in my opinion, this is one of the most important bills to come before this Session of the House of Representatives or the Senate. It embodies a proposition which has been advocated by legal scholars for a great number of years.

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Dean Crown, more than a generation ago, was very much in favor of the concept embodied in this bill. It was also advocated by such people as Chief Justice Vanderbilt, who did such a magnificent job in the administration of the Courts of the State of New Jersey. It is, in fact, a concept which has been adopted by a number of jurisdictions, but only two of them have had it in effect long enough to have had any real experience...the District of Columbia and the State of Illinois. In the State of Illinois, a unified Trial Court has existed for, I believe, it's 13 or 14 years. I had the pleasure of attending a meeting in Chicago area approximately a year-and-a-half ago which was devoted entirely to the concept of what we can do to improve the justice delivery system. One of the speakers was a Judge from Illinois, who told us very frankly that when the concept was first advanced 13 or 14 years ago he was one of the strongest opponents. But after having had experience with it, he is now one of the most enthusiastic supporters. What the bill does is to combine the trial jurisdiction which is now spread between the Superior Court, the Court of Common Pleas and the Juvenile Court into one Court...the Superior Court. What this will mean, in my opinion, is a significant improvement in the quality of our Courts. Why? Two very basic, essential reasons. One, when you have varying levels of Courts you have varying tiers. You have some with great jurisdiction... some with limited jurisdiction. It is inevitable that an appointing authority may well say, "Well, so and so...he's a nice guy. He's not really qualified for the Superior Court. Let's put him in one of the inferior Courts." Under the concept in this bill,

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an appointing authority will not have that luxury. They will be efr
faced with the knowledge that whoever is appointed to this Court
may, next week, have to face a murder one case, and I say to you,
ladies and gentlemen and Mr. Speaker, that this inevitably has to
have an impact upon the testing of the qualifications of those who
are appointed. The inevitable result is that for the future there
will be definitely an improvement in the caliber of those who are
under consideration. The second big thing that this bill will
accomplish is provide for much more effective utilization of
available manpower. One of the problems which we have now when
we have Judges of varying jurisdictions is that a Judge, through
no fault of his own, may readily run out of available work in a
particular area. Under the present system where he has limited
jurisdiction, we cannot move him in to help another Judge who is
overworked. There is no alternative other than let him take the
rest of the day off. Under this bill, all Judges being of com-
parable jurisdiction, they can be much more effectively utilized.
Now, this has been proven by the merger of the Court of Common
Pleas and the Circuit Court. For instance, in the last full year
of operation of the Circuit Court and the Court of Common Pleas
as separate entities, the two Courts added together disposed of
365,515 matters. In the first full year of consolidation of those
two Courts, the consolidated Court disposed of 399,034 matters...
an increase in dispositions of over ten percent, and yet did it
with exactly the same manpower which we had before. In the geo-
graphical area covering Waterbury, G.A. 4, as of January, 1975,
when the Circuit Court terminated, there were pending...undisposed

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of...499 criminal jury matters. As of the end of last month, efr
March of 1976, there were undisposed of jury criminal matters only
145...a reduction of 70%. Why? Because the consolidation meant
that the manpower available could be more efficiently utilized.
The results in some of the other districts: in New Haven, January,
1975, there were 182 undisposed of criminal jury matters; in March
of 1976, that had been reduced to 115. In G.A. 14, which covers
Hartford, in January of 1975, there were 288 undisposed of jury
criminal matters. Now, listen to this one. In March of 1976,
there were 62...25% of those which had been disposed of before.
This has to be a result of this much more efficient utilization of
available manpower. All right, what does the bill do? It pro-
vides, as I've already said, for the consolidation of all trial
jurisdiction in one Court. It beefs up the power of the Adminis-
trator of the Courts in assignment of cases. Mr. Speaker, could
we have some order?

MR. SPEAKER:

Please direct your attention to the gentleman from the
72nd.

JAMES T. HEALEY:

Thank you, Mr. Speaker. It does not increase the number
of Judges. What it does is it provides for a number of Superior
Court Judges equal to the total presently authorized for the
Superior Court, the Court of Common Pleas, and the Juvenile Court.
I anticipate the high degree of probability that the much more
efficient utilization of manpower will mean that pressures for the
increase in the number of Judges will be put off for a great

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number of years over what otherwise would be a situation facing us, because of the more efficient utilization of what we have, they will be able to dispose of a greater amount of business than has been the case in the past, and, therefore, it will not be necessary to create new judgeships to keep up with the expanding population of the State of Connecticut for a substantial number of years. Although it abolishes the Juvenile Court, it does retain the distinction as to juvenile matters and does provide that they will continue to be handled as a confidential item...that they, insofar as practical, that they will be disposed of in other facilities than the ones where adults are disposed of...or rather, those over 16. It continues to provide for four orderly sessions of Family Relations docket. It authorizes domestic relations matters, including dissolution of marriage, to be tried in the geographical areas, which, I think, is going to considerably facilitate matters. It will be much more convenient for litigants and for attorneys involved. As a technical thing, it extends to persons arrested under a bench warrant the same protection which is now given under a bindover. I think that we have very possibly taken care of that in another bill. It further provides that the Bail Commissioners will continue not to be involved in a situation where the Court, in issuing the warrant, has directed the conditions of release. It continues the existing geographical areas as far as venue is concerned. Section 671 mandates that Courthouse facilities presently in use for the geographical areas must be continued to be in use. This, of necessity, is going to force a wider dispersion of the business of the Court with the end result that a matter can

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be tried closer to where a person lives, closer to where the lawyer has his office, closer to where, in most instances, the witnesses will be, and, thereby, it will considerably facilitate their actions. Mr. Speaker, the Clerk has an Amendment. I ask that the Clerk call L.C.O. 3822.

MR. SPEAKER:

The Clerk please call L.C.O. 3822, the Chair will designate House "A".

THE CLERK:

House Amendment Schedule "A", offered by Mr. Healey, of the 72nd.

JAMES T. HEALEY:

Mr. Speaker, I ask permission to summarize.

MR. SPEAKER:

Is there objection? Is there objection? Hearing none, the gentleman for that purpose.

JAMES T. HEALEY:

Mr. Speaker, this is a very simple nine-page Amendment. Practically 99.4% of it is strictly technical. Obviously, in typing up any bill which runs to 512 pages, some gremlins have to creep in, and, therefore, almost all of this Amendment is strictly and exclusively for the purpose of picking up errors which arose from the fact that the computer is geared to the 1975 revision, and not in every instance did we pull out the 1975 Public Acts. Examples of the important things which we've done...we've provided that when the bill becomes effective...I'll get into its effective date shortly...any matter pending in the Court of Common Pleas, we

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goofed and said will continue to pend in the Superior Court. Well, obviously, that isn't what we meant. What we meant was it would be regarded as pending in the Superior Court. This is typical of the sort of thing which is embodied in this Amendment. There are only three substantive matters in the Amendment. One of them has to do with the salaries of Workmen's Compensation Commissioners. Under presently existing statute, the salary of Workmen's Compensation Commissioners is tied in to the salary of a Common Pleas Court Judge. Insofar as if the bill is enacted, we will end up without the Common Pleas Court Judges, that means that there is no salary whatsoever for the Compensation Commissioners. So, in the Amendment we provide that the salary of the Compensation Commissioners will be \$6,000 less than the top level of a Superior Court Judge, which works out to 28,500, which is exactly the same salary they are now receiving. Another portion of it which could be regarded as being substantive is on Page 9. This is the direction to the Legislative Commissioners Office that in printing the bill he will recognize our intent that all references to Amendments of existing statutes apply not only to the Revision of 1975 but also to the Public Acts of 1975. Mr. Speaker, may I point out that sitting before me is Marcia Smith of the Legislative Commissioners Office, and James Brown of the Office of Legislative Research, whom I've asked to sit in front of me so that they can help in locating various parts of this very complicated bill. Oh, yes. Lines 307 to 311 of the Amendment provide that if action is returned with an ad summum clause of less than \$7500, which is entitled to an entry fee of only twenty bucks, if you amend it to increase the

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ad summm to over 7500, why then the...you have to pay an additional efr entry fee of \$45. Mr. Speaker, I move the Amendment.

MR. SPEAKER:

The question is on adoption of House "A". Will you remark? If not, all those in favor of House "A" signify by saying "aye". Those who are opposed. House "A" is adopted. The Chair rules it technical.

JAMES T. HEALEY:

Mr. Speaker, going back to the bill itself, there is an important provision with respect to salaries. Presently, a Judge of the Court of Common Pleas receives a salary of \$28,500, and the Judge of the Superior Court receives a salary of \$34,500. What the bill provides is that any person first appointed to the Superior Court after the enactment of the effective date of this legislation, they will start at a salary of 28,500. In other words, it's the same amount which a Judge of the Court of Common Pleas would presently receive. It then provides that over a six-year period there will be steps...increments...so that at the end of six years, as a Superior Court Judge, that person will have gotten up to the 34,500 level. I would also like to point out what I consider an important provision of this Act, and that is it's effective date. There are three sections of the bill itself which will become effective on passage. One is a direction to the Executive Secretary of the Judicial Department to take such steps as are necessary to prepare for the transition to a one-tier Court system. The second is a direction to the Judges of the Superior Court and the Supreme Court to address themselves immediately to the question

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of rule changes which will be necessitated by the transition. The third is the creation of a commission to aid in the transitional period, and there is a mandate in that part to the effect that no State funds may be expended by that commission, but it may accept private grants. We are informed that private grant money will be available for this purpose. Mr. Speaker, the Clerk has another Amendment. I ask that he call L.C.O. No. 3829.

MR. SPEAKER:

The Clerk please call L.C.O. 3829...the Chair will designate House "B".

THE CLERK:

House Amendment Schedule "B", offered by Mr. Healey, of the 72nd.

JAMES T. HEALEY:

Mr. Speaker, may I summarize?

MR. SPEAKER:

Is there objection? Is there objection? Hearing none, the gentleman for that purpose.

JAMES T. HEALEY:

Mr. Speaker, there presently exists a judicial district of Ansonia-Milford. It exists, however, for the purposes of a Court of Common Pleas only. What this Amendment does is it transfers it in to a Superior Court judicial district with the same geographical venue as presently exists and (inaudible) for the Court in that judicial district jurisdiction over all civil matters and jurisdiction over all criminal matters up to and including Class D felonies. The Class D felony jurisdiction is

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presently in the Court of Common Pleas for the judicial district efr
of Ansonia-Milford. Mr. Speaker, I move the Amendment.

MR. SPEAKER:

The question is on adoption of House "B". Will you
remark?

RICHARD O. BELDEN:

Thank you, Mr. Speaker. A question, if I might, to the
proponent of the Amendment.

MR. SPEAKER:

Please frame your question.

RICHARD O. BELDEN:

Mr. Healey, does this Amendment, in plain English, mean
that there will continue to exist in the geographical area of
Milford and Ansonia a Court facility?

MR. SPEAKER:

Gentleman from the 72nd, if he cares to respond.

JAMES T. HEALEY:

Yes, Mr. Speaker. Through you, sir, this, when in
connection with Section 671 of the Bill, means that there will
continue to be a Court facility in that district...positively.

RICHARD O. BELDEN:

Thank you, sir.

MR. SPEAKER:

Are you prepared to vote on House "B"? All those in
favor of House "B" signify by saying "aye". Those opposed. House
"E" is adopted. The Chair rules it technical.

JAMES T. HEALEY:

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Mr. Speaker, I would invite the attention of the House to efr the corrected Fiscal Note. Unfortunately, a Fiscal Note did get out which had various impact to the bill placed in the incorrect columns. We now have a corrected Fiscal Note, which indicates that during fiscal year 1976 to '77, the oncoming one, there will be no fiscal impact from this bill. In 1977 to '78 there will be no fiscal impact from this bill. In 1978 to 1979, Office of Fiscal Analysis estimates that because of the change in the entry fee, there will be a net gain in revenue of \$180,000. In 1979 to '80 there will be a net gain in revenue of \$106,800. In 1983 to '84, which will be the first year in which the thing is in full operation, the maximum cost estimated by the Office of Fiscal Analysis ...and by full operation I mean the Judges who are first appointed as Superior Court Judges...assuming every one of them lives...none of them retires...so that they^{all}/have hit the maximum rank as far as pay is concerned...will be \$166,000 only. The Fiscal Note goes on to state that there's a high degree of probability that the net cost will be less than that, because undoubtedly some of the Judges will have died, some of them will have retired, and, therefore, they will be succeeded by other persons first appointed to the Superior Court at the bottom step as far as salary is concerned. Mr. Speaker, I move the bill as amended.

MR. SPEAKER:

The question is on adoption of the bill as amended by House "A" and House "B". Will you remark?

VINCENT VILLANO:

Mr. Speaker, I know that Representative Healey brings

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out good bills, and this would be a good bill if the effect of the intent of the sponsors could improve the Court system. The trouble with the Court system as I've known it for the past 25 or 30 years is the tremendous backlog of cases that keep accumulating each year, particularly the civil jury cases. In the New Haven area, after non-privileged jury cases are filed, it takes about five years for a case to be reached for trial in the Superior Court. In Hartford, it's somewhat less. The number of jury cases filed each year far exceeds the cases tried, settled, or otherwise disposed of. When a suit is filed in the Court of Common Pleas...in the Superior Court...the case dies or lies dormant in the records of the Court for about five years before it's reached for trial. The delay in reaching a case for trial is also caused by privileged cases, which have priority in the assignment, such as suits by administrators and by other privileged cases. The delay in reaching a case for trial works an injustice on the litigant. Also, a hardship. It has to wait to get recompensed for monetary loss that he suffered, which he may badly need. The witnesses vital to his case disappear...are lost in the meanwhile, which prejudices his right in the case...and older people die before their case is reached. The Court recognizes this, Mr. Speaker...that sometimes death can overtake an individual before his case is reached for trial, and there's a special rule in the rules for practice that if a man is 65 years old, his case is a privileged case...has priority over the other cases, and I think that's a recognition of a fact that our system of justice is slow and delayed, and it's delayed by prejudiced people. Now, I read the bill...24,383 pages...lines

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...and 512 pages. I went through the bill. Of course, I skimmed through it. I didn't go into depth. It's a monumental work. It doesn't hold your attention like a mystery novel would, and I think Representative Healey is to be recommended for the performance of a Herculeon task, if you might call it that, which he deserves great credit. But the bill, Mr. Speaker, does not address itself to the problem of the delay in the assignment of case, because the backlog keeps building up. It is notable, for instance, that after case is reached for trial, somehow or other it gets settled without a trial. A large majority of the cases get settled without a trial, when the case is reached for trial five years later, and there's no reason why this case cannot be settled before it reaches trial...some time after the pleading and the case is ready for trial. A system, I think, ought to be devised. The bill ought to contain some provision requiring the disposition of these cases within a limited period of time after the case is filed in Court and the pleadings are closed. There are methods of expediting the settlement of cases, and one of them is, perhaps, can be found in the Federal District Court in New Haven, where, as soon as a case's pleadings are closed, and the case can be assigned... is ready to be tried and heard...two special masters are appointed to review the case and recommend a settlement. There are also other methods for expediting a settlement of a case, which have never been tried in this Court. Some years ago in New Haven they called a blitz, because they took the backlog of cases...some Judges, and this was an example of utilization of the judicial system. In the week before the Judges change the venue, they

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have a one week's recess. Prior to that week's recess, the Judges don't do much business...can't get much business...because they can't take on cases that are going to go beyond the date when the recess is. So, therefore, they brought together some 25 or 30 Judges from ^{the} / different districts, and they have what they call a blitz. 1500 cases were assigned. Judges were called in from different areas. Referees were brought in together, and lawyers were told to be there with their clients, and insurance company lawyers were told to be there with their adjusters with the check-book. We disposed of 900 cases in a week's time and reduced the backlog by a tremendous number. This happened for two or three years, but nothing has been done about that, and I think this is one of the things that perhaps might be considered in the bill. I think some system...some system or some method ought to be devised for these long delays in a case being reached for trial after the suit is filed, and I think perhaps it might be a good idea to perhaps to recommit this bill. I'm not making a motion, but recommit this bill and study some ways that can be found, other than restructuring the Court. I might say that Mr. Healey said that this is going to help. I discussed this bill with him. It's his hope. It's a pious hope, and I think it's a good objective of the bill, but my experience so far is this... that in the Court of Common Pleas, where is the joiner of the two Courts, there's been a delay in cases. Before the join of the Courts, in the Court of Common Pleas you filed a motion to go on the short calendar. A week later it was on the short calendar. Now you have to wait four weeks, and I don't think that's a good

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illustration of what joining the two Courts does. Thank you, Mr. efr
Speaker.

MR. SPEAKER:

Are you prepared to vote?

GARDNER E. WRIGHT, JR.:

Mr. Speaker, the Clerk has an Amendment.

MR. SPEAKER:

The Clerk please call House "C". Will the gentleman
please indicate the L.C.O. number?

GARDNER E. WRIGHT, JR.:

L.C.O. No. 3851.

THE CLERK:

House Amendment Schedule "C", offered by Mr. Wright
and Mr. Grande...L.C.O. 3851.

GARDNER E. WRIGHT, JR.:

I would like permission to summarize.

MR. SPEAKER:

Is there objection? Is there objection? Hearing none,
the gentleman for that purpose.

GARDNER E. WRIGHT, JR.:

Okay. Mr. Speaker, this Amendment addresses itself to
the portions of the bill that deal with the retirement plan for
Judges in the State of Connecticut, and it makes some minor
changes...some things that the Judges will approve of, and some
things that the Judges may not be so happy with, but, on balance,
I think it's a good Amendment. Let me just go through briefly and
tell you what it does. At the present time, a Judge who retires

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receives as his compensation for retirement two-thirds of the pay of the Judge in the same category that he was and is receiving now. So, when a Judge gets a thousand dollar raise, a retired Judge gets two-thirds of that. What we've done for Judges who are already retired is leave them on the basis...for Judges who have not yet retired, when they retire they will receive two-thirds of their pay for that year, plus they will receive a cost-of-living adjustment as contained in the State Employees Retirement System, and that is three percent of their pay, assuming the cost-of-living goes up three percent. Judges of the Superior Court, or Supreme Court, who have already retired will receive pay based on what the Judges in those Courts are being paid. Mr. Speaker, can we have some order? Mr. Speaker, can we have some order?

MR. SPEAKER:

May we have some order in the Hall of the House. The gentleman of the 77th, for the purposes of a few short remarks.

GARDNER E. WRIGHT, JR.:

Thank you, Mr. Speaker. I'm trying to summarize an Amendment. We have added a section dealing with vesting for Judges. At the present time, there's no vesting. We've added a section that provides if a Judge leaves the bench after ten years of service he is entitled to receive a pension when he reaches age 65. If he leaves with less than ten years of service, he can withdraw his employee contributions. This was not available at the present time. It's being added so those Judges who wish to leave the bench can take their contributions with them. We are making the cost-of-living adjustment for the benefit of the

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spouses of a Judge an election for the Judge to make and not mandatory. It is now an election in the State Employees Retirement System, and we are adding those sections by this bill will become effective on July 1st, 1976. Mr. Speaker, I move adoption of the Amendment.

MR. SPEAKER:

The question is on adoption of House "C". Will you remark?

GARDNER E. WRIGHT, JR.:

Yes, Mr. Speaker. Mr. Speaker. I would just...

MR. SPEAKER:

I thought the gentleman moved for the adoption of House "C".

GARDNER E. WRIGHT, JR.:

I summarized it and moved adoption. Now I would like to comment briefly on it.

MR. SPEAKER:

Gentleman from the 77th still has the floor.

GARDNER E. WRIGHT, JR.:

Thank you, Mr. Speaker. You must realize that the Judges in the State of Connecticut have the most expensive pension plan of all State employees. Mr. Speaker, can we have some order? I can't hear.

MR. SPEAKER:

Gentleman from the 77th...please direct your attention to the gentleman from the 77th.

GARDNER E. WRIGHT, JR.:

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Under our present plan, a Judge of the Superior Court can retire at age 65 with ten years of service and receive a pension that is worth almost \$300,000. That's \$300,000 for ten years of service. He would contribute to that approximately \$22,000, leaving the net balance of 260 or 270 thousand to be paid by the State of Connecticut. The Amendment that we're offering does not do violence...serious violence...to that pension. It makes the return of contributions and the vesting and the cost-of-living adjustment and the election of a spouse's benefit in line with the State employees' plan. It eliminates the part which says every time a Judge gets a raise a retired Judge gets a raise. I don't think there's any fiscal impact to this in the next year or two, but as Judges retire and as we can make adjustments in their retirement salary, there will be significant savings to the people of the State of Connecticut. Thank you, Mr. Speaker.

JOHN G. MATTHEWS:

Mr. Speaker, through you, a question, sir, to Mr. Wright.

MR. SPEAKER:

Please frame your question.

JOHN G. MATTHEWS:

Mr. Wright, sir, a very minor question to you, perhaps, but one for clarity's sake. If the contributions are not taken when the Judge relieves himself of his duties within the ten-year period, and he remains for another year or two, perhaps, what... does he have the privilege of removing his contributions if he so wishes at that time, or is he locked in and must wait until age

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65 to receive the pension?

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MR. SPEAKER:

Gentleman from the 77th, if he cares to respond.

GARDNER E. WRIGHT, JR.:

Through you, Mr. Speaker, under the present statute there is no way that a Judge who leaves the bench can ever get his contributions back. Under this Amendment, he can get them back when he leaves or at any time prior to age 65, and I think that's something that the Judges are interested in receiving.

JOHN G. MATTHEWS:

Thank you very much.

MR. SPEAKER:

Are you prepared to vote?

JOHN G. MATTHEWS:

Mr. Speaker, I do have another question, and I'm sorry for...one other, Mr. Wright. Can you give us an idea what kind of interest is accumulated on his contributions if he doesn't take them out right away?

GARDNER E. WRIGHT, JR.:

This is written...is a copy of the wording included in the State Employees...it's the same interest that the State employees receive on their contributions. That's zero.

RICHARD R. MARTIN:

Mr. Speaker, I rise to oppose the Amendment. I would point out to the Members of the House that this Amendment appeared as a bill on our Calendar on April the 20th, on a Wednesday, and in the wisdom of the House, it was referred to the Judiciary Committee

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for further study, because of the violence it would do to the existing pension plan for the Judges. It could very well be at some point in time that this might be the direction to go, but having this bill...this Amendment come before us today in the form of an Amendment to the existing bill would no previous knowledge as to the direction intended to take, I have to oppose it. I think it's another attempt on behalf of those who want to do serious violence to the retirement system of the Judges appointed before 1967. I think the bill...the Amendment should be defeated. The matter should go to Judiciary for study and an evaluation and should come before us in better form in the next session. I oppose the Amendment.

MR. SPEAKER:

Are you prepared to vote on House "C"?

NICHOLAS M. MOTTO:

Mr. Speaker, I also rise to oppose this Amendment, and I arise because this is another example of things that happen that have not been referred to a committee that generally has to oversee some of these pension rights, even though this is a Judiciary matter. Both Judiciary and Public Personnel should look at this before we put our stamp of approval on it. So, therefore, I also disapprove of this Amendment.

ROBERT D. TOBIN:

Mr. Speaker, a point of parliamentary inquiry. Would the Speaker rule this Amendment substantive, assuming that it would pass?

MR. SPEAKER:

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The opinion of the Chair is that the Chair would rule it
substantive. efr

ROBERT D. TOBIN:

Mr. Speaker, I rise also in opposition to this Amendment. I think it's an improper way to consider a very complex and very difficult problem. I think that both Public Personnel and Judiciary Committee should have input into the process of judicial retirement funds, and I don't think that it should be handled by an Amendment, and I, therefore, rise to oppose it.

MR. SPEAKER:

Are you prepared to vote on House "C"? Are you prepared to vote? All those in favor of House "C" signify by saying "aye". Those who are opposed. House "C" fails. Are you prepared to vote? Members please take their seats; the staff come to the well.

ALAN H. NEVAS:

Mr. Speaker. Quick on that button, Mr. Speaker.

MR. SPEAKER: :

Your button's off.

ALAN H. NEVAS:

Mr. Speaker, the Clerk has an Amendment, I.C.O. 3834.

MR. SPEAKER:

The Chair will designate House "D".

THE CLERK:

House Amendment Schedule "D", offered by Mr. Nevas.

ALAN H. NEVAS:

Mr. Speaker, I seek leave to summarize.

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MR. SPEAKER:

efr

Is there objection? Is there objection? Hearing none, the gentleman for that purpose.

ALAN H. NEVAS:

Mr. Speaker, first I would move adoption of the Amendment.

MR. SPEAKER:

The question is on adoption of House "D". Will you remark?

ALAN H. NEVAS:

Mr. Speaker, this Amendment makes a fundamental change in one portion of this bill, and it's a change that I have discussed with the Chairman of the Committee, Mr. Healey, and we have a difference of opinion. I really think it's a matter of philosophy, and I know, and I think Mr. Healey will tell the Members of this Assembly that the subject of this Amendment was given serious consideration in the Committee and was rejected. I think I know why it was rejected, and I hope that I will be able to dispel those objections. The Amendment, Mr. Speaker, changes the requirement of the bill as currently stated that the Chief Court Administrator must be a Judge of the Superior Court and alters that requirement so that he need not be...he or she need not be a Judge. Under the terms of the bill in the file the Chief Court Administrator must be a Judge. My Amendment says that he need not be. I think, Mr. Speaker, that in considering the merits of this Amendment the Members of the Assembly should bear in mind the increased complexity and the technology that has been brought to the

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whole area of Court administration in recent years, particularly with the advent of the computer and other sophisticated methods of administration. There are, currently, in the United States in one or more law schools that I know of graduate programs in Court administration, which are offered to persons who already have their law degrees, and who are interested in the whole field and area of Court administration, and these programs now permit them to go on, or to come back after a period of practice, to obtain Master's Degrees in Court administration and to then go out into the field in this area. The purpose of my Amendment, Mr. Speaker, is to enable the State of Connecticut, should this bill become law, to attract the most experienced and the most well-trained people available in the field of Court administration, and in my opinion, by requiring that that person be a Judge, severely limits the availability of the best qualified personnel in this field. In addition, Mr. Speaker, it seems to me that to take a Judge who's been trained and experienced in the practice of law and in the administration of justice as a Judge and to then take him out of that and limit his activities to that of a Court Administrator is a waste of Judge time and judicial experience. Judges should judge and Administrators should administer. Mr. Speaker, the distinguished Chairman of the Judiciary Committee said, in bringing out this bill, that in his opinion it was one of the most important bills to come before this Session, and I agree with him, and I think that this Amendment is a very important Amendment, because I think it goes to the heart of the quality of the judicial system in Connecticut, should this bill become law. Now, Mr. Speaker,

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I can anticipate the objections that are going to be voiced by the distinguished Chairman, and I think basically what he is going to say, because I've heard the argument not only from him but from others, he's going to say, "It's probably a good idea, but it won't work, because Judges won't listen to a non-Judge. They won't take their orders from them. They won't take direction from them." And I say, Mr. Speaker, that that's nonsense. If the Chief Justice of our Supreme Court sees fit to designate an individual as the Chief Court Administrator of the judicial system of this State, and that person works under the aegis of the Chief Justice, his directives and his orders and the policies that he establishes will, in essence, be the policies and directives of the Chief Justice and of the judicial system of this State, and any Judge who fails to recognize that and who would be so impertinent as to fail to follow those orders and directions should reconsider his own position on the bench. Mr. Speaker, this is a good Amendment. It's an Amendment that will immeasurably improve and broaden the ability of this single tier system to be a model for other states to follow, and I urge its adoption.

JAMES T. HEALEY:

Mr. Speaker, I must rise in opposition to the Amendment. I very much appreciate the fact that Alan Nevas was a very real gentleman and continued the cooperation which he has given to me in the past years and, incidentally, when I was in the minority that I gave to him and the Chairman of the Judiciary Committee in the prior session. The concept which he is advocating was considered very carefully by the Court Commission, which worked for

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two years on this bill. We did give very serious thought to the idea of a lay person as Court Administrator. The reason that we rejected it was the Commission became unanimously to the conclusion that a lay person simply would not have the clout with Judges that a Judge would have. I think that this has proven out to be the fact, because when Justice Cotter, who is the present Chief Court Administrator, issued a directive to a Judge they follow his direction. When Lexton, who is Chief Judge of the Court of Common Pleas issues an order to a Judge, they follow what he tells them to do. But when Joseph Keefe, who is the Executive Secretary to the Judicial Department, a lawyer but not a Judge, attempts to tell a Judge what to do, more often than not the answer comes back, "Who are you to tell me?" We gave thought to this. We rejected it only after very serious study. There's nothing in this bill which would prevent the Chief Administrator Judge from having on his staff a person trained along the lines that Representative Nevas has mentioned. However, we have to keep in mind that such training is available for Judges. There is an institute out in Reno which devotes itself exclusively to this. I don't think that you can compare Judges with the doctors in a hospital, where, admittedly, the Administrator of a hospital need not be a doctor... in fact, probably should not be...but the administrator in a hospital is an arm of the Board of Trustees, who run the hospital, and, therefore, he can issue directives which the doctors have no choice other than to follow. But the lay person dealing with Judges is not in that same position. I oppose the Amendment.

RICHARD A. DICE:

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Mr. Speaker, I'd like to support the Amendment, and I support it because I think that this particular Amendment and the way the Courts are administered is really the heart of the bill that we're here passing. The heart of the bill is the ability of the system to be flexible when it comes to the use of the facilities, the use of the personnel, and the use of the Judges themselves, and I have had some experience in the administration of the Court, because the last four years I've dealt with both the Administrator as well as with the personnel who put together and administer the budget, and I think Mr. Healey's statement is correct as far as who do they take orders from, but I think it's correct only because Mr. Keefe does not have the statutory responsibility. We have given him, in effect, responsibility but not given him the clout to put it forward with. It seems to me that if we're going to have the most efficient operation of the Courts we should have it by an expert...by a pro...not someone that we brought up from the ranks and said, "All of a sudden you became an expert in the administration of a system that is as complex as we have now and which will be substantially more complex by virtue of merging the two systems...the Court altogether." We're making it complex from the viewpoint that we are currently substituting and putting into the system a lot of data processing equipment. We are putting into it a lot of new techniques, and techniques that it seems to me that we should have someone who has some experience beforehand, rather than, in a sense, taking a Judge from the ranks of the Court somewhere and putting into effect. I think that the doctor on now...he is a good one, and I

efr

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think if you'd look around in our other systems in the State...in efr
the administration of business and administration as a whole...we
ask for experts to administer...not people who happen to have some
experience in what is being done within the particular organiza-
tion, but an administrator, and I think that this is a good Amend-
ment, and it will really carry forward what we intended by merging
the Courts...that is, the efficient operation of same. I support
it wholeheartedly.

MR. SPEAKER:

Are you prepared to vote on House "D"?

JOHN G. MATTHEWS:

Very briefly, I would heartily support Amendment "D"
by Mr. Nevas. I think Mr. Dice has very pointedly identified
some major issues in the need for a person who can administer and
manage. It is quite obvious that while we are saying, in this
Amendment, that it should not necessarily be a Judge, we are not
indicating that the person may not be a lawyer, and I think that's
pretty important. There are many people who are practicing law
who could be appointed to this particular position, who are ex-
tremely capable people, and I certainly would not wish to see them
eliminated from the possibility of being appointed. As we all
know, there are many attorneys who have excellent administrative
and management capacities. Their abilities are geared to some-
thing more than just thinking in terms of the legal profession,
and I think in the operations of the new Court system, this is
extremely important. I would heartily support this Amendment.
I think we owe it to the Court system in this State to obtain the

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greatest benefit we can from it. It's an excellent program which efr we are about to go into, and I think we have every reason to expect the epitomy of results from it, but we must do it with the best aptitudes and abilities that we can find, and I don't believe that a person who is only a Judge is necessarily the best person to assume this responsibility.

MR. SPEAKER:

Are you prepared to vote on House "D"?

ALBERT R. WEBBER:

Mr. Speaker, a question, through you, to Mr. Nevas, please.

MR. SPEAKER:

Please frame your question.

ALBERT R. WEBBER:

Mr. Nevas, when I heard the Amendment read, I didn't quite follow it, I don't think, to its fullest detail. Do you mandate the appointment of a trained administrator, or are you ...does your Amendment read that this kind of administrator...a non-Judge administrator...could be appointed?

MR. SPEAKER:

Gentleman from the 136th, if he cares to respond.

ALAN H. NEVAS:

Mr. Speaker. Through you, Mr. Speaker, I'm glad that Mr. Webber asked that question, because he really anticipated me. I was...I had made a note to myself to rise and make that very point, which I failed to make in my initial presentation, and that is to say that it is not mandated. It is optional. The choice is

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with the Chief Justice. If the Chief Justice sees fit to name a Judge as Chief Court Administrator, he will have that option. But the purpose of my Amendment is to give him the option and to say to him if, in fact, there's someone else outside the judicial system who has the necessary experience and expertise and qualifications to do this job, then he should have the ability to make that choice.

ALBERT R. WEBBER:

Thank you, Mr. Nevas. Under the circumstances, I think the Amendment makes some sense, and I shall support it.

MR. SPEAKER:

Are you prepared to vote on House "D"? Are you prepared to vote? All those in favor of House "D" signify by saying "aye". Those who are opposed. House "D" passes. The Chair rules it technical.

RICHARD O. BELDEN:

Mr. Speaker. Thank you, Mr. Speaker. If I might, sir, a question to the proponent of the bill.

MR. SPEAKER:

Please frame your question.

RICHARD O. BELDEN:

Mr. Healey, with the elimination of the Court of Common Pleas and the Superior Court becoming the first level of justice, will the appeals now go to the Superior Court, and what is your feeling toward the number of cases that may be appealed and thus pending before the Superior Court?

MR. SPEAKER:

Representative from the 72nd, if he cares to respond.

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JAMES T. HEALEY:

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Mr. Speaker, I'm not sure that I am quite entirely clear on the question. ; Are you referring to the administrative appeals ...in other words, from such things as Zoning Boards, public utilities...that sort of thing...to the Court?

MR. SPEAKER:

Gentleman from the 113th has the floor.

RICHARD O. BELDEN:

Mr. Healey, let me try to rephrase the question maybe. Do you anticipate that the number of appeals that will now go to the Supreme Court of the State of Connecticut will increase, and if so, by what amount?

MR. SPEAKER:

Gentleman from the 72nd, if he cares to respond.

JAMES T. HEALEY:

Mr. Speaker, through you, sir, under present law, appeals from the Juvenile Court go to the Superior Court. Under the bill, appeals of juvenile matters would go to the Supreme Court. We discussed this provision with the Chief Administrator...Chief Court Administrator Cotter, with Justice Loiselle, and other members of the Supreme Court, and they were of the opinion that this would not really have a significant impact upon the business before the Supreme Court, because there are a very small number of appeals from the Juvenile Court. Under present law, appeals from administrative agencies, other than Boards of Zoning appeals, go to the Court of Common Pleas, and then they can go to the Supreme Court only upon certification. In other words, you do not have

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an automatic right of appeal to the Supreme Court. That provision is continued in the present bill, but it's expanded in that appeals from all administrative matters can go to the Supreme Court only on the basis of certification. The rationale behind that is that you've already had two (inaudible) bites. You've had a full due process hearing before the administrative agency. You've had a full appeal before a judicial agency, and, therefore, you shouldn't automatically be able to get a third bite out of the sandwich. That would have the result of decreasing the number of appeals to the Supreme Court. However, there presently is provision where under certain matters in the Court of Common Pleas are appealed to an Appellate Division of the Superior Court, and that Appellate Division of the Superior Court will be abolished under this bill, because we do not think it proper that Judges at one level sit in the (inaudible) in an appellate manner upon actions of other Judges at the same level. This part will have...result in an increase in the appeals to the Supreme Court. We have not been able to get any hard statistics as to what the impact will be as far as numbers are concerned, but there will be some additional work to the Supreme Court of the State of Connecticut. Yes, sir.

RICHARD O. BELDEN:

Thank you very much.

CLARICE A. OSIECKI:

Mr. Speaker. Thank you, Mr. Speaker. May I ask a couple of questions of Mr. Healey, please?

MR. SPEAKER:

Please frame your question.

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CLARICE A. OSIECKI:

efr

Mr. Healey, could you tell me whether or not you would anticipate that Juvenile Judges would maintain their separate jurisdictions within the one-trial Court?

MR. SPEAKER:

Gentleman from the 72nd, if he cares to respond.

JAMES T. HEALEY:

Through you, sir, the bill does mandate that juvenile matters will continue to be handled as they presently are. There will be a separate staff as far as the probation staff is concerned, the social workers, and all that sort of stuff, and it does mandate that they will continue, ~~insofar as~~ practical to do so, to conduct juvenile matters in other facilities (inaudible) are used for the other business of the Court. It also mandates that the Judges will adopt rules setting up divisions and parts, and particularly they will adopt rules for the handling of juvenile matters, and, therefore, I anticipate that very much the same treatment of the juveniles...matter or problem...will continue under this bill as it presently exists.

CLARICE A. OSIECKI:

Thank you. That is what I wanted to know, Mr. Healey, and then to follow that through on the division and parts and the rules, can you tell me if we will have any legislative oversight or review through your Committee, or through the full General Assembly, as to the rules to be adopted in advance of the total merger?

MR. SPEAKER:

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Gentleman from the 72nd, if he cares to respond. efr

JAMES T. HEALEY:

Mr. Speaker, through you, sir, we do bump into a separation of powers question here, obviously. However, the bill does mandate the Judges...^{that} they must adopt the rules prior to the effective date of the great portion of this bill, which, I believe ...I don't know whether I mentioned it or not...before July 1, 1978. Therefore, we will have available to this body the rules prior to the effective date, and we will meet in '77, and we will meet in '78, and if we don't like the rules they've adopted, why we will be in a position to do something about them. TAPE #10

CLARICE A. OSIECKI:

Thank you. Then it is anticipated that those of us in the General Assembly who might have further suggestions or further ideas will have the total opportunity to review somewhere before this total merger takes place? That's it.

MR. SPEAKER:

Gentleman from the 72nd, if he cares to respond.

JAMES T. HEALEY:

Mr. Speaker, through you, sir, I do anticipate exactly that.

CLARICE A. OSIECKI:

Thank you.

RICHARD A. DICE:

Mr. Speaker, I concur with some of the remarks that have been made before and state that I think that this bill is one of the most important bills in the Court system since we established

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the Courts in this State. It gives a flexibility, as was stated efr before, that we've never had in the Court system as far as the way we administer them economically. As Chairman of the sub-committee of Appropriations and at one time of the Appropriations Committee that watched the administration of expenses that have gone to the Court, I say that this bill has been a long time in coming. It has been a necessity a long time in the administration of the efficient operation of millions of dollars that we've poured into our Court systems. We can now, by this bill, finally utilize each structure for the entire Court system, rather than having separate structures for separate Courts. We can utilize the personnel of the various Clerks the same way, as well as the Judges, as pointed out by Mr. Healey. I think it is one of the most important bills that we've passed, or are about to pass, I hope, in the last...in the years that I've been here. It is a crucial to the saving to the taxpayers as well as the administration of the Judges in the State of Connecticut. I urge your passage. Thank you.

MR. SPEAKER:

Are you prepared to vote?

JOHN G. MATTHEWS:

Mr. Speaker, through you, a question to Mr. Healey, please, sir.

MR. SPEAKER:

Please frame your question.

JOHN G. MATTHEWS:

On the bill itself, Mr. Healey, can you give me any indication as to how we are going to be certain that the

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qualifications of the Common Pleas' Justices now sitting on the bench will be capable of handling the Superior Court cases which appear before them? Is there any reason to have concern about that in any way? I think this is one of the major elements in this bill.

MR. SPEAKER:

Gentleman from the 72nd, if he cares to respond.

JAMES T. HEALEY:

Thank you, Mr. Speaker. I think it's well-known that the lawyers who have had experience with them that we have a very significant pool of excellent talent in the Court of Common Pleas. We have many Judges...many of them...in the Court of Common Pleas who can handle a murder one case tomorrow afternoon at three o'clock without any sweat whatsoever. I will not be so naive, sir, as to say that every Judge of the Court of Common Pleas is triple A one, but I also am not so naive as to say that every presently sitting Judge of the Superior Court is triple A one. I think that the important thing here is that we will make available a pool...a pool which contains a great number of highly qualified people. By setting up divisions and parts, we will make it possible for the person who administers this on a peer review of the abilities of the people in that pool to see to it that the ones who perhaps are not quite as strong as others are put into somewhat less demanding situations, but most important, sir, for the future, it puts tremendous pressure upon the appointing authority to insist upon excellent quality of any future appointments. We have to start some place. This is the

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time to start.

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JOHN G. MATTHEWS:

Thank you. I accept your explanation. I think it's very important that^{at}/this point we follow it up. I am fully in favor of it. I think it's a very necessary program which we're entering into. I'd like to make one or two other brief comments. One is that I would like to hope that in some way the program which we will shortly be voting has a program that the public can understand and accept in a better way than we have been able to do so in the present Circuit and Common Pleas melding. I think that the public was confused, and they will be again, and I hope that in some manner, through whatever means you may have, that the public can be fully and very...in layman's language...be given the facts, so that they understand why and how this is being done. I've no doubt that you have that in mind, and I would only emphasize it. I'd also like to make one brief comment about the difference between, in my mind, the Juvenile Court problems and the other Court problems, and I think we must be very careful that the Judges who are sitting in the Juvenile Courts are, in essence, remaining to handle all the Juvenile cases. I think you've touched on that, and, in essence, that is probably what will happen. At least in the near future, I would encourage that to happen... whoever assigns the Judges to the Courts.

MR. SPEAKER:

Are you prepared to vote?

JOHN G. GROppo:

Mr. Speaker, I had hoped you would recognize me earlier,

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and maybe we wouldn't have this debate for over an hour. Mr. Speaker, I rise in opposition to the bill and ask that it be referred to Appropriations, because there's no question in my mind that a bill of 236 pages has to have a fiscal impact. If you read the bill, and as Mr. Healey stated, there's no fiscal impact for '76-'77, and I think he indicated that, in '77 to '79, there would be some revenue. But, Mr. Speaker, if you read the bill, you will find that eventually all the Judges will be receiving the salaries of the Superior Court Judge, and that, to me, sir, certainly has a fiscal impact. What we're doing here this afternoon, and I can stand here, sir, and say this because I'm not a lawyer, because all the lawyers certainly stood up here this afternoon telling you what a great bill this is, and maybe it is. We were told two years ago that a great bill would be if we merged the Court of Common Pleas with the Circuit Court, and we certainly haven't resolved some of the problems that have been created by that merger. And here we are this afternoon, we're asking to create a one-tier Court. This bill is so good, Mr. Speaker, it's had three Amendments attached to it already. It's been in our file, and as I indicated earlier, it's 236 pages, and what we're doing here today, we talk about mandating cost to towns. Well, we're mandating a cost to future Legislators that come here and take our seats. We're saddling them with a bill that in my estimation will be over a million dollars. So, Mr. Speaker, I move that this bill be referred to the Appropriations Committee and that it be...and that the vote be taken by roll call.

MR. SPEAKER:

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The motion's on reference to the Appropriations Committee.
tee.

JAMES T. HEALEY:

Mr. Speaker, I must oppose vehemently...

HERBERT V. CAMP, JR.:

Mr. Speaker, excuse me, point of order.

MR. SPEAKER:

What is your point?

HERBERT V. CAMP, JR.:

I believe that the...Mr. Groppo made a...

MR. SPEAKER:

The Chair will put the question at the proper time. The Chair has not forgotten.

HERBERT V. CAMP, JR.:

Oh. Thank you.

MR. SPEAKER:

Thank you.

JAMES T. HEALEY:

Mr. Speaker, I must oppose vehemently the proposal by Mr. Groppo. This bill has absolutely no impact whatsoever on the '76-'77 Budget. It has no impact whatsoever upon the '77-'78 Budget. It has minimal impact upon the '78-'79 Budget, when it will generate some additional income...net income. It has minimal impact...

MICHAEL J. MORANO:

Mr. Speaker, point of order. Point of order, Mr. Speaker.

MR. SPEAKER:

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What is your point?

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MICHAEL L. MORANO:

There's a motion before the House for a roll call vote.

MR. SPEAKER:

The Chair will put that question...

MICHAEL L. MORANO:

I believe that takes precedence before any comment can be made.

MR. SPEAKER:

Your point's well-taken. All those in favor of a roll call signify by saying "aye". The Chair feels a sufficient number has indicated a roll call, and a roll call will be called at the proper time.

JAMES T. HEALEY:

Thank you, Mr. Speaker. The '77 Session of this Legislature is going to have ample opportunity to review this legislation. The '78 Session will have ample opportunity to review this. The fiscal impact will not come until about 1981, when it will be minimal. There is no purpose to be served in referring a bill which is going to have some element of expense in it in 1981 to the 1976 Appropriations Committee. I am against the motion.

MR. SPEAKER:

Remark further? Remark on the motion to refer to Appropriations?

HERBERT V. CAMP, JR.:

Mr. Speaker, with some reluctance, because I think I would support the bill, I think I would have to support the motion

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for reference to Appropriations is the proper procedure for this House to follow. If the theory upon which Mr. Healey operates is that merely because the bill doesn't affect the immediately succeeding fiscal year, the appropriations in that year, I respectfully think he's mistaken. He certainly is mistaken as to the purpose of our rules, which is to see that those items which, indeed, will have a fiscal effect are considered by the appropriate committee. It has occurred to us many times when a bill that didn't happen to affect the immediately succeeding year would, nevertheless, tie up the State in the future, and if we're going to do that...such a thing...then we can tie up the State rather clearly for years ahead by merely pushing the effective dates off. I think in terms of the manufacturers...the tax on...I'm sorry...relieving the Personal Property Tax, which, in effect, was not put through until two years succeeding the time that it was adopted but, nevertheless, went to the Finance Committee. I ...other instances were at the tip of my mind, but I can't think of them. Whatever may be the merits or demerits of the bill, I do think that it's important that we follow whatever procedures we have to follow here, and I would concur in Mr. Groppo's motion.

MR. SPEAKER:

Will you remark further on the reference to refer?

GARDNER E. WRIGHT, JR.:

Mr. Speaker. Thank you, Mr. Speaker. I, too, speak in favor of the motion to refer to Appropriations. We have found it too easy in this Legislature to pass a bill by saying it has no fiscal impact this year only to find out that the year after, or

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two years later, it costs one, two, five or ten million dollars. I efr think the Personal Property Tax exemption that Mr. Camp talks about is a good example...something we had to repeal after only one year. I think pensions, and here again I always come home to pensions, but I have said in the past, pensions are going to bankrupt us, and there are more increases for Judges' pensions in this bill. If we're going to know what our Budget is going to look like in a few years, Appropriations Committee should look at it now and should make plans for that. I think this is a tremendous fiscal impact with this bill, and it should be referred there for review.

MR. SPEAKER:

Are you prepared to vote? The Members please take their seats; the staff come to the well. The question's on reference to the Committee on Appropriations. The machine will be opened. Has every Member voted? Is your vote recorded in the manner you wish to have it recorded? The machine will be closed. The Clerk please take a tally. TAP: #11

ABRAHAM A. GILES:

In the affirmative, Mr. Speaker, please.

MR. SPEAKER:

Representative Giles, from the 4th, in the affirmative. The Clerk please announce the tally.

The following is the result of the vote:

Total number voting	145
Necessary to refer to Appropriations.	73
Those voting Yea.	74

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Those voting Nay. 71 efr

Those absent and not voting 6

The bill is referred to the Committee on Appropriations.

HAROLD G. HARLOW:

Mr. Speaker.

MR. SPEAKER:

For what purpose does the gentleman rise?

HAROLD G. HARLOW:

For purposes of making an announcement, Mr. Speaker.

MR. SPEAKER:

Please proceed.

HAROLD G. HARLOW:

Thank you, Mr. Speaker. Will the record please note that Representative Matties is out of the State on legislative business for the State of Connecticut.

MR. SPEAKER:

The Clerk please note.

HAROLD G. HARLOW:

Thank you.

MR. SPEAKER:

For what purpose does the gentleman rise?

MARTIN B. BURKE:

Mr. Speaker, for purposes of an announcement.

MR. SPEAKER:

Please proceed.

MARTIN B. BURKE:

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The machine...has everybody voted? Run. Everyone voted? Are you efr
going to vote, Mr. Giles? Is your vote properly recorded? The
machine will be closed. The Clerk please take a tally. The Clerk
please read the tally. TAPE #29

The following is the result of the vote:

- Total number voting 132
- Necessary for passage 67
- Those voting Yea. 102
- Those voting Nay. 30
- Those absent and not voting 19

The bill as amended is adopted. I understand that my time here is
over. I would...my opportunity to adjourn is gone. I would like
to thank the Speaker. I would also like to thank the Members for
their courtesies, and I would also remark to them that unless
you've been here, and I hope everybody does, you get an entirely
different position. Maybe I'll reform. Thank you.

THE SPEAKER IN THE CHAIR

MR. SPEAKER:

The Chair would simply note that neither the Lord nor
man expect the impossible. For what purpose does the gentleman
rise?

PAUL C. DEMENNATO:

Mr. Speaker. Thank you, Mr. Speaker. Mr. Speaker, I
move for reconsideration of our previous action on Calendar 675,
Substitute for H.B. 5605. I was on the prevailing side, Mr.

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Speaker, and when the vote is taken, I ask that it be taken by roll call.

MR. SPEAKER:

The attention of the Members is referred to Page 6 of today's Calendar, Calendar 675, Substitute for H.B. 5605, File 594. The gentleman from the 87th has moved for reconsideration of our previous action which was a reference of the matter to the Joint Committee on Appropriations. The motion is appropriate and entertainable today and only today pursuant to Joint Rule 29. The gentleman in furtherance of his motion has requested a roll call vote, and all those in favor of the vote being taken by roll will indicate by saying "aye". In the opinion of the Chair, there was not a sufficient number supportive of the motion. A roll call will not be ordered. Will you remark on the motion?

PAUL C. DEMENNATO:

Yes, Mr. Speaker. Mr. Speaker, after discussing this bill with several of my colleagues, I believe it deserves a vote on the floor of the House by every Member of the House and full and open debate. I do not question the wisdom or intentions of the distinguished members of the Appropriations Committee, but time is short, and the end of the Session is near. I move that we reconsider this, Mr. Speaker.

MR. SPEAKER:

Remark further on the motion?

JOHN G. GROPPA:

Mr. Speaker, I rise in opposition to reconsideration. Mr. Speaker, I think we debated this for over an hour this after-

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noon, and after the vote was taken, Mr. Speaker, I certainly didn't go around twisting anyone's arms, and I'm asking the ones that voted to refer it to Appropriations not to be swayed to change your vote. You did the right thing then, and I'm sure you'll do the right thing again.

MR. SPEAKER:

Will you remark further on the motion?

HERBERT V. CAMP, JR.:

Mr. Speaker, I would join with Mr. Groppo in opposing reconsideration. The fact that we're getting towards the end of the Session is no reason whatsoever to set precedence which will be unhappy to live with in the future. The matter ought to go to Appropriations. It ought to go on the first day of the Session. It ought to go on the last day. I would urge the Committee on Appropriations, if the matter is referred, to get it back here quickly and promptly. I don't know why it came out so far along in the Session, but I know I've had this rather lengthy bill since the beginning of the Session. If the intention was to hold it for some reason to this time, then I think the intention was ill-founded. But, nevertheless, it seems to me that before changing our procedures in here, we ought to either follow them or forget them, and if our procedure is if you have a cost on something, we ought to send it to Appropriations where it belongs. Too many times in this House, in my judgement, have we passed things that aren't going to be effective next year, and we've said, "Well, let's let somebody worry about it in a couple of years," and that's one of the reasons I think why we're in a great deal of

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trouble in the State of Connecticut. It belongs in Appropriations. efr
It ought to go. It ought to go today. I hope it'll come back to-
morrow, but I think those rules and those considerations are more
important than passing a bill which won't become effective for
three years.

MR. SPEAKER:

Are there further remarks?

JAMES T. HEALEY:

Mr. Speaker, speaking in favor of the motion, although we
did have an extensive debate, it was a very, very short debate upon
the question which was before us as to reference. The lengthy
debate was as to the substance of the bill. I agree and admit,
whatever you want to call it, that it's a long, long bill. It's
512 pages long. However, the substance of the bill is the first
ten sections...not very much...especially for a very adept file
reader, such as the last gentleman to speak. 99% of the bill
simply takes existing legislation and changes the references to
the Court of Common Pleas to the Superior Court. Mr. Speaker,
when the vote is taken, I move it be taken by standing vote.

MR. SPEAKER:

The Chair would treat the gentleman's request, in effect,
as a motion by division. The motion by division is entertainable
when and/or if the voice vote upon failure of the motion for a
roll call vote is doubted, and the motion for division is enter-
tainable either from the floor or the Chair's own initiative.
Absent a request for such motion for a division...not a division
of the question parenthetically, but a vote by division...by way

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of explanation, a vote by division...I will further treat the gentleman's comment as an applied point of parliamentary inquiry, because /it is an unusual...I think it's a first instance situation in as such a vote by division is a standing vote with tellers appointed in each of the sections...the affirmative vote rising in place firstly, and the negative vote secondly, with tellers tallying and reporting to the Clerk and the Chair. If there is doubt and absent a request for a division from the floor, the Chair will, of its own initiative, request a division. The Chair's comments are pursuant to the Rules of the House...Rule 34. Will you remark further on the motion to reconsider?

CHRISTOPHER SHAYS:

Mr. Speaker. Thank you, Mr. Speaker. Through you, I would like to ask two questions to Representative Groppo.

MR. SPEAKER:

Please frame your question, sir.

CHRISTOPHER SHAYS:

Thank you. I would like to just make a statement beforehand. I would like to know the intent of the Chairman of this Committee whether he plans to give this bill careful consideration and make an attempt to report it back out to this floor by tomorrow, or whether, in fact, it was his intention to have it recommitted to kill the bill, and I'd like a very sincere and honest answer to that.

MR. SPEAKER:

The gentleman still has the floor. Will you remark further on the motion to reconsideration? If not, in view of the

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prospect of a request to division...for a division...will the Mem- efr
bers please be seated. Will the staff and guests come to the well.
Will the Members please remain seated in their chairs.

THOMAS C. CLARK:

Mr. Speaker, a point of parliamentary inquiry, if I might.

MR. SPEAKER:

Please proceed, sir.

THOMAS C. CLARK:

On a question...on the 20% vote, I would move to recon-
sider, if it's appropriate, on the grounds that I did not vote,
and, therefore, was on the prevailing side.

MR. SPEAKER:

Well, the gentleman originally rose when the Chair
recognized him for the point of parliamentary inquiry. At least
that was my understanding.

THOMAS C. CLARK:

Yes.

MR. SPEAKER:

What is your point?

THOMAS C. CLARK:

My point is parliamentary...strike that, if I may, Mr.
Speaker.

MR. SPEAKER:

Let's start all over again.

THOMAS C. CLARK:

Yes, let's start all over again.

MR. SPEAKER:

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Will you remark further on the motion?

efr

THOMAS C. CLARK:

Yes. Mr. Speaker, I was on the prevailing side in the vote...the 20% vote...and I would like reconsideration of the 20% vote for purposes of a roll.

MR. SPEAKER:

The motion is for reconsideration of the Chamber's previous action, more specifically and particularly the motion of the gentleman from the 87th that the vote be taken by roll, and the motion is properly before the Chamber, and the motion to prevail will need a majority of those present and voting. Will you remark further on the motion for reconsideration of the prior request for a roll call? Hearing none, the motion is for reconsideration of a prior action. All those in favor of the motion for reconsideration will indicate by saying "aye". All those opposed. In the opinion of the Chair, the "ayes" have it. In the opinion of the Chair, the "ayes" have it, and the motion for reconsideration of our previous action carries. Will you remark further? Will you remark further on the motion for reconsideration of our previous action, specifically in reference to Calendar 675 to the Joint Committee on Appropriations? At this...the Chair will of its own initiative will indicate to the Chamber its perception of the present status of the issue before us. At this point in time, the only matter before us is the original motion by the gentleman of the 87th...the main motion for reconsideration of our previous action. At this time, will you remark further on the main motion?

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THOMAS C. CLARK:

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

MR. SPEAKER:

There's a motion that the vote be taken...when the vote be taken on the main motion that it be taken by roll call. All those in favor will indicate by saying "aye". The motion clearly carries, and when appropriate, a roll call will be ordered. Now, will you remark further on the motion for reconsideration? The Members please be seated; the staff come to the well. The Chair does not mean to be presumptuous, but the Chair will state the question. The motion is for reconsideration of our previous action. A vote in the affirmative brings the bill back into the possession of the Chamber for its further consideration and deliberation...a vote in the affirmative. A vote in the negative, the bill remains where it presently is, as of this point in time, in the Joint Committee on Appropriations. Are you prepared to vote? Remark further? If not, the machine will be opened. Have all the Member voted? Have all the Members voted, and is your vote properly recorded? If all the Members have voted, and your vote is properly recorded, the machine will be closed, and the Clerk will take a tally. The Clerk please announce the tally.

The following is the result of the vote:

Total number voting	129
Necessary to reconsider and rescind	65
Those voting Yea.	70

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Those voting Nay. 59 efr

Those absent and not voting 22

The motion for reconsideration carries.

WILLIAM A. O'NEILL:

Mr. Speaker, I move that the item just reconsidered be passed retaining its place on the Calendar.

MR. SPEAKER:

Is there objection?

JAMES T. HEALEY:

Yes, Mr. Speaker.

MR. SPEAKER:

Hearing none...

JAMES T. HEALEY:

We still have a motion before us.

MR. SPEAKER:

For what purpose does the gentleman of the 72nd rise?

JAMES T. HEALEY:

Parliamentary inquiry, sir.

MR. SPEAKER:

Please proceed, sir.

JAMES T. HEALEY:

We have moved to reconsider. Do we not now have to act upon the motion of reference?

MR. SPEAKER:

The Chair would ask the gentleman of the 72nd to restate his point of parliamentary inquiry.

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JAMES T. HEALEY:

My point of parliamentary inquiry, sir, is this. The action which we have just taken is to reconsider. Now there remains before this body the motion to refer. My parliamentary inquiry is, is it not essential to act upon the motion to refer today insofar as the change of reference thing is peculiar under our Rules, and I am in doubt as to whether or not disposal of that motion must be made the same legislative day as the original reference.

MR. SPEAKER:

Well, the Chair would observe that the gentleman's made a point of parliamentary inquiry and in the course of his inquiry has made an affirmative comment as to his interpretation of the Rules, which the Chair believes to be somewhat gratuitous and, parenthetically and most respectfully, sir, incorrect. The bill is back in the possession of this Chamber. The action reconsideration rendered the prior motion of reference to Appropriations a nullity. The matter is in our possession at this time for the Chamber to work its will by way of a motion for acceptance and passage, amendatory or no, to be retained, to be passed temporarily, or to be referred to another committee. The main matter is back in the possession of the Chamber, as the Chair responded to the satisfaction of the gentleman from the 72nd on his point of parliamentary inquiry. Will you remark further on the motion of the gentleman from the 34th to have the matter passed retaining its place on the Calendar? That is the motion before the Chamber, and the gentleman from the 105th.

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PAUL PAWLAK, SR.:

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I have a question regarding parliamentary procedure. Is it not proper now to rescind our previous action before we take action to pass retain, since we've already voted to reconsider? Is not the next step the action to reconsider our previous action to refer to Appropriations, following which we can p.t., or p.r., rather?

MR. SPEAKER:

In response to the gentleman's question, a point of parliamentary inquiry, that's really what we've just done, sir. The motion for reconsideration was a motion to reconsider that prior motion of reference. The reconsideration having prevailed, as I indicated in response to the prior point of parliamentary inquiry, rendered that prior motion a nullity. So, at this time, the status of the matter is as though it were on the Calendar and before us and susceptible to any appropriate action which the wisdom of this body will work its will upon. Are there any further points of parliamentary inquiry? Then, the main motion is the motion of the gentleman from the 34th to pass the matter retaining its place on the Calendar. Will you remark on that motion? All right. Is there objection to the matter being retained? Hearing none, the matter is retained. Are there any announcements or points of personal privilege at this time?

JOHN G. GROPPA:

Mr. Speaker, before the members of Appropriations leave, we have a petitioned bill that has to be acted upon immediately.

MR. SPEAKER:

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Virginia Connolly.

efr

REPRESENTATIVE CONNOLLY, OF THE 16TH IN THE CHAIR

THE CLERK:

Page 12. On Page 12, matter returned to the Calendar, Calendar 675, Substitute for H.B. 5605, an Act transferring all trial jurisdiction to the Superior Court, previously as amended by House Amendment Schedule "A", "B" and "D".

JAMES T. HEALEY:

Madam Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill as amended by House Amendments "A", "B" and "D".

MADAM SPEAKER:

The question is on the acceptance and passage of H.B. 5605 as amended by Schedules "A", "B" and "D". Will you remark?

JAMES T. HEALEY:

Yes, Madam Speaker. Madam Speaker, may I yield to the gentleman from the 23rd.

DOMINIC J. BADOLATO:

Madam Speaker, the Clerk has an Amendment, L.C.O. 3859.

MADAM SPEAKER:

Will the Clerk please call the Amendment. Will the Clerk please call the Amendment. It will be House Schedule Amendment "E".

THE CLERK:

House Amendment Schedule "E", L.C.O. 3859, offered by Mr. Badolato, 23rd; Mr. Morris, of the 25th; Bordiere, of the 24th; Hermanowski, of the 26th; St. Pierre, of the 22nd.

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MADAM SPEAKER:

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The question is on acceptance of House Amendment "E".

Will you remark?

DOMINIC J. BADOLATO:

Madam Speaker, I request an opportunity to summarize the Amendment.

MADAM SPEAKER:

Please proceed. Is there any opposition to summarization? Please proceed.

DOMINIC J. BADOLATO:

Madam Speaker, the Amendment simply establishes a Court in New Britain as a Judicial District and retains, of course, the same jurisdiction as presently provided; limits its authority similar to an Amendment to be placed on the bill several days ago. It's something that we need in New Britain badly and would hope that we would get support for this Amendment.

MADAM SPEAKER:

Thank you. Will you remark further on Amendment "E"?

JAMES T. HEALEY:

Madam Speaker. Thank you, madam. Madam Speaker, I support the Amendment. I have a Fiscal Note indicating that there would be a very minimal fiscal impact sometime in fiscal year 1977-'78. The reason for this is that although writs may now be returned for New Britain, they are returned to Hartford for New Britain, and, therefore, the computer terminal is in Hartford. With the independent Judicial District of New Britain, it will be necessary to install a computer terminal in New Britain itself.

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The Fiscal Note also indicates that there might be an increase in efr the burden of business upon the Clerk's office in New Britain, but there would be a corresponding decrease upon the business of the Court in Hartford, and, therefore, this would be handled very readily without expense by a shift of personnel. In actual fact, New Britain will end up, under this bill, with the ability to try exactly the same cases they can try under present law. I think it's a good Amendment, and I support it.

MADAM SPEAKER:

Will you remark further on Amendment "E"? If not, the question is on acceptance and passage of Amendment "E". All those in favor please say "aye". Those opposed. The "ayes" have it. Amendment "E" is passed. Amendment "E" is adopted...ruled technical. Now, will you remark on the bill.

JAMES T. HEALEY:

Madam Speaker, I think that this bill has been amply discussed in the House so that we are all aware of what it's all about. I think the only remaining question is whether or not this bill has the votes or not, and there's only one way of finding out, and that is to vote, and, therefore, I suggest that we get on with the vote.

MADAM SPEAKER:

Will you remark further?

HERBERT V. CAMP, JR.:

Mr. Speaker. Madam Speaker...excuse me. Old habits go hard. Not to interfere with the plans to vote rapidly on this bill, but I would like to ask at least one question. It's my

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understanding of the bill that the various Court Judges may be efr
divided into divisions to handle particular matters of expertise.
Am I correct in my understanding?

MADAM SPEAKER:

Would you care to reply?

JAMES T. HEALEY:

Thank you, Madam Speaker. Correct.

HERBERT V. CAMP, JR.:

Through you, please, a further question, and what I'm particularly concerned about as I understand the bill the basic improvement in the bill that we will obtain is the more efficient use of judicial manpower, and with that goal, I certainly am fully in accord. I think particularly of the City of Danbury in which, at the present time, there are two Courts. There's a Superior Court sitting on the second floor. There's a Court of Common Pleas sitting on the first floor. In this particular situation, I think it's well acknowledged that probably the Superior Court Judge has less business before him than does the Common Pleas, and if you could divide up the proceeding, I'm sure that everybody would be better off. What I'm a little concerned about is if we have a division, say in the Family Law provision, will, in fact, one of those Judges be able to handle some family law cases, or will all the family law cases suddenly disappear down to Stamford, or some other area? I would ask that, please, as a question, through you, to the Chairman of the Committee.

MADAM SPEAKER:

Do you care to reply, Representative Healey?

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JAMES T. HEALEY:

efr

Yes, Madam Speaker. Although the bill provides for divisions, it in no way inhibits or limits the jurisdictional power of each of the Judges, and, therefore, if he ran out of one particular grouping of business, he could then shift gears into another group. No problem at all, sir.

HERBERT V. CAMP, JR.:

So that just...so there's no misunderstanding at all, it would be possible, then, without getting a different kind of a Judge, or a different personage in Danbury, to continue to hold the regular calendar in Danbury for matrimonial matters, as is done at the present time?

JAMES T. HEALEY:

Absolutely. That is the primary intention of this... is to permit that shifting around so as to more effectively and efficiently dispose of business.

HERBERT V. CAMP, JR.:

Thank you. I very much appreciate the remarks of the gentleman. I have been somewhat in a quandry on this bill. I think I'll vote in favor of it. I do not like the fact that it's here without going before the Appropriations Committee, as I think was the proper procedure, but that's not a good enough reason, it seems to me, to defeat the bill on its merits. I would comment, however, that we're going to have a couple of problems...certainly initially, but we'd have them at any time...and that is, it seems to me, that Judges who are appointed with the idea in mind and perhaps erroneously or not, that they would not be handling

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relatively minor matters, that is, perhaps, small claims and perhaps traffic violations, will, under this Act, presumably handle those matters. I think this may be the reason that some of the Superior Court Judges, frankly, object to the bill. Conversely, people who we have appointed and who we've approved in this House to handle lesser matters, so-called, although I think sometimes they're mistaken, will suddenly be thrust upon them the business of the Superior Court. I would bring to the attention of the House...I think it was within the last Legislative Session...that a specific Judicial nominee...at least there was a lot of talk around here...would be approved for one Court but would not have been approved for the other Court, so I think it's not just idle chatter, but it's something that's been on our minds. The other thing that disturbs me a little bit is that I'm not altogether sure we will get perhaps the highest quality of people because of the fact that in going for this one-tier Court there are matters sometimes in which they'll have to sit on cases that they don't consider worth their dignity. On the other hand, we have a great advance in the field, it seems to me, of efficient use of judicial manpower, and, secondly, on theoretical grounds, it seems to me that each person who comes before a Court is entitled to the best quality of justice that we can give him. The idea that we have inferior and superior Courts, it seems to me, is erroneous. For the person in the street, the matter of a \$500 claim in Small Claims Court is probably far more important to him, or well may be, than a \$100,000 corporation suit in terms of what it will do or not do to an individual. For that reason, I will vote for the bill with

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these misgivings, of course, but we're all going to have misgivings efr
about bills from time to time. Thank you.

MADAM SPEAKER:

Thank you. Will you remark further?

JOHN G. GROPPPO:

Madam Speaker. Thank you. Madam Speaker, I rise in
opposition to the bill, and I'd like to leave the Members with the
remarks that were made when this bill was reconsidered the other
day. This is too important of a bill not to discuss on this
floor. The distinguished gentleman from the Judiciary stood up,
moved for passage of the bill, adopted one Amendment, said the
bill was in it, and sat down. It's a new day and a new ballgame.
As I said the other day, this bill, in my mind, certainly is
going to cost dollars. There was an Amendment passed Monday
that said that a Chief Administrator did not have to be a Judge.
That alone will put a \$30,000 figure within this bill. This is
another bill that we're passing...we're saddling the future Legis-
lature with a mandated one-tier Court that, in my opinion, is
going to cost millions of dollars. You're going to be paying a
Judge...a Superior Court Judge...\$34,000 after he's in that
circuit for a number of years to make decisions on small claims
in one room, and a Judge making a decision on a murder charge,
or whatever you may have, in another room at the same cost. It
certainly doesn't make sense to me. Back in '59, when we adopted
the Circuit Court concept, that was the answer to the problems.
Four years ago, we said if we merged the Circuit Court with the
Court of Common Pleas that would solve the problems. Here we

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are in 1976 asking that we merge all the Courts into one Superior efr
Court and that will solve the problems. I say to you it will not
solve any problems. It's going to create some greater problems.
Just to show you how inconsistent we are, here is a bill of some
300 odd pages that was discussed for one hour on Monday, defeated
...or referred to Appropriations. That decision was reversed.
We're here today, and in five minutes we're asking to vote on the
bill, and yet we've had bills come out of Appropriations, and
bills on this floor, that cost less...far less...than the dollars
that are tied into this particular bill, and we've debated them,
and if there was any question that there was a dollar sign, they
were referred to the Appropriations Committee. I say to you,
Madam Speaker, that we're doing a great disservice to the judi-
cial system in this State; to the people in this State. The only
service we're going to do, if we pass this bill, is to the lawyers,
and there are lawyers here that practice before the Common Pleas
Court that certainly would be against this bill, but they would
be put on a spot should they appear before a Judge in the Court
of Common Pleas. There are others here who practice before the
Superior Court, and certainly if they voted against this bill,
they would be in better graces if they appeared before the Judge
of the Superior Court. Maybe the fair thing to do would be to
ask all the lawyers to disqualify themselves and let the lay
people decide whether this is a good bill for our State. I urge
you to defeat the bill.

MADAM SPEAKER:

Will you remark further?

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RICHARD R. MARTIN:

efr

Madam Speaker. Thank you, Madam Speaker. Madam Speaker, I rise to oppose the bill and support the Committee Chairman on Appropriations. I think too long we have made drastic changes in State government at the unknown cost on the yearly level, let alone on a projected level of at least five years. I think what has to happen to this legislation, it should go back to the Appropriations Committee. We should get some hard figures...some real hard cost figures as to what the projected cost of this type of legislation will do to the budgetary document of the State of Connecticut five years down the road. We haven't had an opportunity to discuss it in Appropriations in any detail. I don't know, at this point in time, whether I'm for the bill or against the bill. There's been no debate on the bill. The debate that took place at the previous time the bill was being heard dealt mostly with whether we should or should not be referred to Appropriations. So, I would urge the Members of this House to really consider seriously this particular vote. The session is drawing to a close, and now the floodgates are going to start to open. Upstairs in the Senate, there's being a movement made, as I understand it, to start to move cost bills. They're going to be coming down here. If you vote for this one without any justification of cost, then how can you, in all reality, vote against those that will come in the future. I think what we have to do in this State is develop a sound policy of careful review of any kind of major legislation of this kind and what it will do to the cost to the State in the budgetary document a little further than just next year. Now, I'm on the Appropriations

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Committee with others. We've done the best we could to hold down efr
the level of spending. It seems to be the will of the General As-
sembly to put that philosophy aside this session. I don't ^{know} what
the reasoning for it is. We all have our individual reasons for
supporting or not supporting the bill, but I think what you have to
realize, and I think the Chairman of the Committee has pointed it
out...what you're in essence doing is giving the Judicial branch
of government a blank check. You don't know what it's going to
cost to administer this kind of a program. It hasn't been ana-
lyzed, and I would seriously suggest that you consider voting
against it, and at this time, I would, again, move that it be re-
ferred to Appropriations. and when the vote is taken, I ask that
it be taken by roll call.

THOMAS C. CLARK:

Madam Speaker.

MADAM SPEAKER:

Yes. Please proceed.

THOMAS C. CLARK:

Yes. Speaking to the bill, I would like to clear up one
misconception which I believe was stated by Chairman Groppo. He
stated that this was a lawyers' bill, which came out because
lawyers were interested in the bill.

RICHARD R. MARTIN:

Point of order, Madam Chairman. I believe I have a
motion before the Chair on a request for a roll call on that
motion. If it's in order, I would appreciate it being put.

MADAM SPEAKER:

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Did you place that in the form of a motion?

efr

RICHARD R. MARTIN:

I so placed it. If I was misinterpreted, I place it now.

MADAM SPEAKER:

Thank you. There is a motion before the House for...

ALAN H. NEVAS:

Point of order, Madam Speaker. Madam Speaker, I rise to a point of order and raise the point as to whether or not there can be another consideration of a reference to Appropriations, since this House has already acted on a reference to Appropriations, then reconsidered that move, and I question whether or not the gentleman's motion is proper.

MADAM SPEAKER:

Would the Chamber be at ease, please. Will the House please come to order. The Chair will recognized Representative Nevas.

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ALAN H. NEVAS:

Madam Speaker, in furtherance of my point of order, I would cite to the Chair House Rule 29, which reads in part that no question previously before the House shall twice be reconsidered, and my point of order, Madam Speaker, is that the motion for reference to the Committee on Appropriations has already been reconsidered by this Chamber on Monday evening, and the motion by the gentleman from New London would be in violation of House Rule 29 that no question shall be twice reconsidered.

MADAM SPEAKER:

Your point is well-taken. We will continue discussion

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on the bill.

efr

RICHARD R. MARTIN:

Madam Chairman, I move that the subject matter under debate be referred to the Committee on Judiciary.

THOMAS C. CLARK:

Point of order, Madam Speaker.

MADAM SPEAKER:

Will you hold your question for just a moment, please. I would point out to the gentleman from the 39th that the proper motion is not refer to Judiciary but recommital to Judiciary.

RICHARD R. MARTIN:

With your permission, Madam Chairman, I'll rephrase my motion along the lines you so interpreted.

MADAM SPEAKER:

Thank you. The motion is for recommital to Judiciary. Will you remark?

JAMES T. HEALEY:

Madam Speaker, I must oppose the motion. This matter came out of the Judiciary Committee. It came out of the Judiciary Committee after some two years of work, not only by the Committee, but also by a Special Commission created by this General Assembly, which was mandated to bring in recommendations for the unification of the Courts. That Commission had broad representation from C.C.G.A.M., the Connecticut Citizens for Judicial Modernization. It had representatives of the Supreme Court on it, which are not affected by this bill. It had a wide range of expertise. There is nothing further for the Judiciary Committee to consider. I am

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absolutely opposed to recommital to the Judiciary Committee. It is efr
a patent attempt to kill the bill and nothing else.

MADAM SPEAKER:

The motion is on recommital. Will you remark further?

JAMES T. HEALEY:

Madam Speaker, when the vote is taken, I move it be taken
by roll call.

MADAM SPEAKER:

Thank you. All those in favor of a roll call please say
"aye". More than 20% have requested a roll call. At the proper
time, we will have a roll call. Will you remark further on the
motion?

RICHARD R. MARTIN:

Just briefly, madam. Madam Speaker, and Members of the
House, I don't appear here or rise at this point in time to speak
against this particular bill. It could have great merit, but that
has to be decided in open debate, which hasn't taken place for one
reason or another. My purpose of objecting to the legislation
being considered at this time is because no one can tell us what
the projected cost of this legislation is, and I would remind you
that those of us who served in previous legislative bodies here
made the mistake in the past of considering legislation of this
kind, which were major changes in the structure of the State of
Connecticut, without at least knowing at the time we considered it
what the projected cost of this type of legislation would be to the
State a little further down the road. Now, it could very well be
that this is the way to go. That would be determined when those

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who support the legislation are willing to speak in greater depth on it. I don't have the training of a professional person, referring particularly to the members of the bar, so that I can sit here and digest 300 and some pages of very detailed information. I expect, and I would hope, that if the motion is defeated that we'll get into the debate, but at this point in time, I am using the only avenue open to me as I interpret it of seeing that this bill goes back to Committee, and those who feel it has merit and want to support it can bring forth to the rest of us the real cost in dollars to the State of Connecticut, and I think those real costs are to be projected, as I said before, a little bit further than one year. I think this is what you're going to have to do from now on with all of the areas of State participation that have dramatic effects on the cost of State government. So, I don't think it's a question here, now, as far as I'm concerned whether Mr. Healey's presentation asking for support of this bill is valid or not valid. I think what you have here is your own determination whether you want to put a check on the cost of operation of this State until such time as you know what those costs are, and I would urge support of the motion that has been made. Thank you.

MADAM SPEAKER:

Will you remark further? Will you remark further on the motion for recommital?

ABIJAH U. FOX:

Madam Speaker, I would like to speak against reference of this bill and for its consideration by this House. This is a bill that's been worked on by commissions for many years. They have

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made searching analyses. They have made recommendations. Basically, these recommendations are adopted by the Bar Associations and the profession which is most directly affected by it. A public hearing was held which lasted for several hours. There was extensive favorable comment and recommendations for its adoption. There was no criticism or opposition from any person at all...any group at all...and I think the time has come for this bill, and I would urge that we act on the bill and act favorably on it and not refer it back to any committees.

MADAM SPEAKER:

Will you remark further?

RICHARD A. DICE:

Mr. Speaker, I rise rather hesitantly, because when a lawyer stands up here on this kind of a bill, we have one side of the House that says, "Oh, it's a lawyers' bill. We should kill the situation." On the other hand, on the other side of the House we have someone that stands up and says, "Because it's a lawyers' bill, nobody's speaking on it." So, I guess I'm going to brave the storm and speak about it. If Mr. Martin will look at the Fiscal Note, he'll note that there are projections for four years concerning this bill. There are savings that are projected for three years, and then there is a cost in the fourth year of \$166,000. Being the Chairman of the sub-committee of the Appropriations Committee having to do with Judiciary, and if you recall my comments on bringing out that bill was that we're going to continue to pile up and backlog cases, because we're not funding the Judiciary department sufficiently. This bill, in my opinion, will help cut

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down the costs of the State of Connecticut, because we're going to be able to use courtrooms entirely. We won't use it for part of a day and then have it vacant. We're going to be able to use the personnel entirely. We won't be able to use them...have to separate one case from another, and say this is Common Pleas and this is Superior. We're going to be able to do the same thing with the Judges themselves, as was pointed out before. Although I was not sitting and did not sit on the Committee that, in effect, brought this bill out as the Judiciary, nor did I sit on the Committee that brought the bill as a whole, looking at the Court system, having some experience in it, and being deeply involved in the subcommittee of Appropriations having to do with Judiciary, I cannot see but what that this bill is greatly needed. It will save the State of Connecticut a great deal of (inaudible), and I think we should pass it. Thank you.

ALBERT R. WEBBER:

Madam Speaker. Thank you, Madam Speaker. Speaking as a non-lawyer...as a lay person...but a member of the Judiciary Committee, and I am proud to identify myself as a member of that Committee of one of four or five lay people...I served on the Study Commission two years ago. Admittedly, I did not attend that Judiciary meeting when the vote was taken to bring this bill out, but had I been there, I most certainly would have voted for it. The Commission, and the members of the Judiciary, and other legal minds brought in from other parts of the State, members of this ad hoc committee, as it were, who were not members of the Legislature brought a tremendous amount of input to these discussions.

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This matter was discussed thoroughly and for a long, long time, and I have every confidence that the result of these conferences...the result of all of these hours and hours of meetings...and the contributions made to the finalization of this draft by these people from the outside, including our own legal minds...certainly is enough evidence for me to feel comfortable with the result of their work, and I would point out, too, although we're not supposed to be, at this moment, debating the merits of the bill, it will give the lay people...those who come into the Courts not as money-earners and not as members of the Courts, but those of us who have to appear in Court frequently or infrequently...the thought, and mind, and belief that we are being treated on a basis of total equality regardless what the extent of our involvement might be...whether it be a two-dollar parking ticket or a \$100,000 corporation matter which was brought out. We will be given the same kind of justice, and I think this is extremely important. I am opposed to recommital.

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MARTIN B. BURKE:

Madam Speaker, I rise in opposition to the motion to recommit this bill, and I would just call the Members' attention, or ask them to recollect, the Board of Regents Bill that we just discussed in this Chamber last week. I think there's a similar concept here, and that is as is true in the system of higher education with the various layers of bureaucracy, we have in the judicial system a separate bureaucratic structure, if you will, for the Juvenile Court, for the Superior Court, and for the Court of Common Pleas, which would be merged by this bill into a single

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tier, and it just makes logical sense to me if you're concerned efr
about fiscal impact that a one-tier system has got to be cheaper
than a multi-layered bureaucracy, if you will. I strongly oppose
recommittal.

MARCUS H. BORDIERE:

Mr. Speaker. Madam Speaker. I'm sorry. I speak in
opposition to refer to the Judiciary Committee, also. This bill
was not developed overnight. A few years back, the thought of
merging all of our Court systems, at that time was basically a
three-tier system, went to a two-tier system, which has been in
effect for the last 18 to 24 months. In planning for the two-tier
system, the ultimate was to create the one-tier after pulling the
fragments of the vast Court system together, and I'd like to echo
the statement that Representative Burke just pointed out that it
is likened to the Board of Regents. To make the operation more
efficient, you bring it under one roof; you make the operation of
the Courts fully effective; and there is no doubt that this, again,
has been fully studied, and I urge that you vote against referral
to Judiciary.

GEORGE J. RITTER:

Madam Speaker, I, too, rise to oppose the motion of
referral. I think that there are very few bills that one can
know in advance are going to be historic. This is one of those
few bills. We have a rare opportunity in this Session to vote for
such a measure. I believe that all of us who are aware of our
Court system and are aware of what this bill does recognize that
this is a landmark bill. This will be that bill that we will be

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able to say to our grandchildren that made it worth our while to
give the sweat, toil, and, indeed, the tears that we've all gone
through in this Session. I hope, therefore, that we will not have
a majority vote to refer, so that we will have the opportunity to
debate this, and I'm sure when it's debated that even those who
might otherwise now not realize it that when it's, in fact, de-
bated, I'm confident that it will receive the near unanimous sup-
port by the Members of this House. I oppose referral.

RICHARD D. TULISANO:

Madam Speaker, I awake with questions about the merits
of this bill. However, I have heard the full debate in Committee.
As a member of the Judiciary Committee, I still have questions in
my mind. However, I also would oppose recommittal.

MADAM SPEAKER:

Will you remark further on the motion for recommittal?

IRVING STOLBERG:

Madam Speaker, as a non-lawyer who has served on the
Judiciary Committee, I oppose recommittal. We've debated this bill
for almost two days now. I would suggest we defeat recommittal and
then either pass or defeat the bill and move on to the scores of
bills remaining on the Calendar.

MADAM SPEAKER:

Will you remark further, or are you prepared to vote?

If you are prepared to vote, will you please take your seats. Will
you clear the aisles. The machine will be opened. I will explain
the vote. If you favor recommittal, you vote "yes"...recommittal to
Judiciary. If you oppose recommittal, vote "no"...red. The machine

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will be opened. The machine is still open. Has everyone voted, efr
and have you checked to see that your vote is properly recorded?
If so, the machine will be closed. The Clerk will take a tally.
Will the Clerk announce the tally, please.

The following is the result of the vote:

Total number voting	144
Necessary to recommit to Judiciary.	73
Those voting Yea.	41
Those voting Nay.	103
Those absent and not voting	7

The motion for recommital fails. We will now discuss the bill as amended by Schedule "A", "B" and "D". Will you remark?

THOMAS C. CLARK:

Madam Speaker, addressing myself to the remarks made by Chairman Groppo and Mr. Martin, I would add one other piece of information which, in the course of the debate, has come out, and that is that the C.C.J.M., which I consider probably the prime mover behind this bill is the Connecticut Citizens for Judicial Modernization, the vast majority of those people were lay people. They spent hundreds of hours and hundreds of people spent hundreds of hours in the Courts of our State with print-out sheets marking down each movement that the Judge made...each matter that he considered...every single thing that he did in that Court day-in-and-day-out. That material was all compiled together, and based on that, they held conferences. They held a meeting at the Sonesta

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in 1972, and subsequently to that time, they held a number of conferences. As a result of that information, they concluded that a more efficient use of the Court system would be this one-tier system. Now, I'm the first to admit that there is no panacea to the problem of the continuing number of cases which come to our Courts. I can only say that no more time was taken on any bill that I've seen come before this House than was taken by the C.C.J.M. on this bill.

MADAM SPEAKER:

Will you remark further?

JOHN G. GROPPPO:

Madam Speaker, a question, through you, to the Chairman of the Judiciary Committee.

MADAM SPEAKER:

Please proceed with your question.

JOHN G. GROPPPO:

Mr. Healey, in your opinion, is this bill Constitutional?

JAMES T. HEALEY:

Madam Speaker, through you, sir, I have no reservations whatsoever in saying it's absolutely Constitutional.

JOHN G. GROPPPO:

Through you, Madam Speaker, Mr. Healey, are you familiar with a decision of McGovern versus Mitchell in March of 1906?

JAMES T. HEALEY:

Madam Speaker, indeed I am, sir.

MADAM SPEAKER:

Will you question further, Representative Groppo?

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JOHN G. GROPPPO: efr

I'm at a disadvantage here, Madam Speaker, as a non-lawyer, but as I read the decision, it says that the Legislative Department has the duty to establish by law adequate compensation, and as I understand the bill that the legislative power will be taken away from the Legislature, because all the Judges eventually will be on the same pay scale...

MADAM SPEAKER:

Is that in the form of a question?

JOHN G. GROPPPO:

No, that's no longer. I know when I'm a loser, Madam Speaker, and I would never argue with a lawyer. I'm afraid they'll charge me for it. But, I think this raises some questions, and I think the Chairman indicated that there could be some Constitutional questions, and I only remind the Members, again, that if you want to leave here passing this kind of legislation, so be it. I certainly want to leave here with a clear conscience, and I'm going to vote against this type of legislation. Thank you.

MADAM SPEAKER:

Will you remark further? If there are no further remarks, will the Members be seated; the staff come to the well. The machine will be opened. The machine is still open. Has everyone voted, and will you check to be sure your vote is recorded as you wish? If so, the machine will be closed. The Clerk will take the tally. Will the Clerk report the tally.

The following is the result of the vote:

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Total number voting 147
 Necessary for passage 74
 Those voting Yea. 100
 Those voting Nay. 47
 Those absent and not voting 4

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The bill as amended is passed.

THE SPEAKER IN THE CHAIR

THE CLERK:

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WILLIAM P. AMBROGIO:

Mr. Speaker.

MR. SPEAKER:

For what purpose does the gentleman from the 95th rise?

WILLIAM P. AMBROGIO:

For an announcement.

MR. SPEAKER:

Please proceed, sir.

WILLIAM P. AMBROGIO:

Mr. Speaker, and ladies and gentlemen, I am very pleased to announce, and especially to the 124 people in this Chamber who voted for the Martin Luther King Bill, that it just passed the Senate 32 to 4. Thank you.

THE CLERK:

Page 11, Calendar 74, S.B. 49, an Act concerning violations of regulations and orders concerning burning in the open air. As amended by Senate Amendment Schedule "A" and House Amendment