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THE CLERK:

Calendar page 33, Calendar Number 472, File Number 678, Substitute for Senate Bill 1157, AN ACT CONCERNING FUNDING FOR LEGAL SERVICES AND JUDICIAL BRANCH TECHNOLOGY, favorable report of the Committee on Judiciary; and Finance, Revenue and Bonding. The Clerk is in possession of one amendment.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

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

THE CHAIR:

Acting on acceptance and approval of the bill, would you like to remark further, sir?

SENATOR MCDONALD:

Yes, Mr. President.

Mr. President, the bill before the chamber addresses a critical need for legal services in the State of Connecticut. Many members of the circle know that legal services in Connecticut is primarily funded through interest on lawyers' trust accounts. And it is well known in this chamber and across the state that investments on trust accounts or any bank account

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for that matter has -- have plummeted. As a result, Mr. President, the legal services operations of the state has been significantly hindered and -- and compromised as a result of the precipitous decline in revenue for funding of those services.

Mr. President, this legislation is intended to help restore, at least in part, some of those funds through the fees that are charged in our court system.

And I believe the Clerk has in his possession LCO Number 7844. I ask that it be called, and I be granted leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7844, which will be designated Senate Amendment Schedule A and is offered by Senator McDonald of the 27th District.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Mr. President, I move adoption of the amendment.

THE CHAIR:

Motion's on adoption, sir, would you like to remark further?

SENATOR MCDONALD:

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Yes, Mr. President.

Mr. President, this is a strike-all amendment that does several things, as I said, to help restore funding for legal services, but it also would provide a revenue stream for much needed technology improvements within the Judicial Branch to facilitate their transition to a essentially a paperless system or at least a -- an opportunity for them to include on their technology systems copies of filings so that they are more readily available to the public.

Mr. President, this amendment removes any mention of the occupational tax for attorneys and raises several types of fees within the Judicial Branch that in many cases haven't been raised for 20 years. Under this proposal, Mr. President, the Chief Court Administrator would be tasked with responsibility to identify that portion of the fees that are part of this legislation and 50 percent of those fees would be transferred for purposes of legal services, and 50 percent would be retained for the purposes of technology improvements within the branch.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Debicella.

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SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, through you, some questions to the proponent of the bill.

THE CHAIR:

Senator McDonald.

SENATOR DEBICELLA:

Thank you, Mr. President.

Through you to Senator McDonald, looking at the fiscal note for this amendment, it seems to indicate that there would be a increase of \$14 million from the increase in court fees that would then be allocated half and half between the Legal Aid and Judicial Department IT. Through you, Mr. President, is all of that money flowing through the General Fund?

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President. While I certainly am not a member of the Appropriations Committee, my understanding is that it does not.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Then, through you, Mr. President, the -- Senator

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McDonald mentioned that the increase in court fees had not occurred in over 20 years. And I've seen that in the underlying bill he also had originally the attorney occupational tax increase to help pay for this. Through you, Mr. President, if we were to increase these fees, could they not be used to reduce the deficit that we current have -- the \$8 billion deficit that we're facing? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President. While that certainly is a possibility, the testimony we received in the Judiciary Committee, however, was specifically with reference to legal services. I should note that most of the attorneys who work for legal services, first of all, work for a fraction of even what attorneys in the State of Connecticut employment make and many of them have taken 20 percent pay cuts. Their managers have taken 35 percent pay cuts just trying to survive and even still many of those attorneys have been laid off and the -- the ability of the legal services operations to actually sustain their services is seriously compromised. As a result of that, Mr.

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President, the -- the real possibility exists of many of those individuals, who no longer would have representation, would be representing themselves in courts. And the fear, which is being borne out by observations in our court system, is that those pro se litigants are going to seriously slow down the administration of justice.

And, finally, I should note, Mr. President, and, through you to Senator Debicella, all of these fees were reviewed and endorsed by the Judicial Branch for raising -- for the needs of the Judicial Branch and legal services.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

I thank Senator McDonald for that explanation. The -- unfortunately or possibly fortunately, the Judicial Branch does not set the budget for the State of Connecticut. Even if they agree upon these fees, this legislature has the responsibility for crafting a budget.

And, through you, Mr. President, the final question. Why aren't we dealing with this in the context of the budget negotiations that are going or

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right now? I don't think I'm breaking very much confidence to tell you we are talking about everything, including fees. And it seems to me that we are dealing with a new appropriation and a new increase in fees outside of the context of what we're talking about in a holistic budget. Why are we doing this as a separate bill and not as a part of the budget where we can compare and contrast this with other priorities? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President, I certainly am not privy to those negotiations not being a chair of one of the budget committees. I do know, however, that the urge -- that the need for these fees and the use to which they would be put is urgent. And -- and it was the opinion, at least, of the Judiciary Committee that this would be the most efficient way of providing those needed fees as quickly as possible.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Mr. President, I thank Senator McDonald for those answers, and I stand in opposition to this bill. Not

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on the merits because I believe that Senator McDonald has laid out a case for why incremental appropriations may be necessary. However, I have to tell you that if we start taking piecemeal items that are worthy and debating them in the circle, you are inherently saying that this \$14 million is more important than everything else we're talking about in the context of budget.

I think we would all agree that the Democratic budget, the Republican budget and the Governor's budget all make different tough trade offs, and a lot of stuff in there that none of us really like. Nobody wants to talk about higher taxes. Nobody wants to talk about cutting spending. They're tough, tough choices. But what this bill does is say this is more important than that. So let's actually raise these fees -- \$14 million that could be used to reduce the deficit and let's just spend it. And it might be a very worthwhile thing to spend money on but without the context of the trade off of saying is this more important than cuts to DCF or cuts to DSS or cuts to higher education. All of which exist in all of our budgets that we've purpose.

This essentially says don't worry about that, we're going to take care of this one issue rather than

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looking at it in a holistic context. And I can tell you, Mr. President, that people on both sides of the aisle and from both the executive and the legislative branch are making a good-faith effort to come to a conclusion on the budget deficit. Let's not, by passing this bill here today, start the precedent this session of tying the hands of budget negotiations by piecemeal passing the fees increases and new spending.

I'd be more than glad, Senator McDonald, to talk about this in the context of the broader budget. I think the underlying rationale has merit.

I just do not believe, Mr. President, we should be passing these things piecemeal today. I would encourage a no vote on the amendment and the underlying bill.

Thank you.

THE CHAIR:

Thank you, sir.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

Some questions, through you to the proponent of the amendment.

THE CHAIR:

Senator McDonald.

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SENATOR KISSEL:

Senator McDonald, my good friend and colleague, not to be tedious and while we are living in a super high-tech world right now where folks could probably go online and -- and get access to this amendment, just as we can, I think it would be helpful since this particular amendment is proposing a significant number of fee increases if for those folks who might be watching this on the CT Network either right now or at 3:00 in the morning, and particularly those who might be interested because they either practice law or they might be looking at filing some kind of litigation either in regular superior court, civil docket or maybe small claims. If we could just walk through these changes so that we know exactly what we're about to move from, as far as fees, and to, as far as fees.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Mr. President, the -- through you to Senator Kissel, certainly, members of the public had an opportunity to watch our public hearing where this was talked at length in our committee meeting where the proposal -- the underlying proposal was debated and

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voted out unanimously by all of the members of the Judiciary Committee where these items were discussed.

But, in general, the fee increases deal with the filing of civil actions, the entry fee for small claims actions, the fees for jury char -- jury claims -- I should say -- the fees for judgment of creditors and bank executions are all raised in various amounts as outlined in the amendment. And, certainly, any member of the public can view that on our website under this bill number, which is 1157. And the LCO Number is 5 -- 7844.

But just for -- by way of example, the jury fee would be going from \$350 to \$425. And the fee for entry of a small claims matter would be going up to \$75. The fee for civil cases would be -- also be rising and the fee for filing an open -- a motion to open a judgment would be going from \$70 to \$125 if that's of assistance to Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And I very much appreciate your response, Senator McDonald.

So that we all have an idea as to what's happening with fees in our Judicial Branch, they're

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increasing in excess of 25 percent, essentially, across the board. Regarding in the area -- and I know that you and I have discussed it several weeks ago, but one of the areas that is -- does touch upon folks that may not have often dealings with the court system is small claims. And the small claims bump is fairly significant, but it's also my understanding that there's a handful of law firms that really generate most -- most of the business in the small claims courts. And if you could, through you, Mr. President, to Senator McDonald, extrapolate on that so that the folks watching this know that our committee put an awful lot of time and thought into this impact on small claims matters, through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President.

Through you to Senator Kissel, the fee for small claims actions in the -- on the -- in the underlying bill would have been actually different for those individuals or entities that filed large -- numbers of small claims actions. This amendment eliminates that distinction because there were arrang -- concerns raised about not only the fairness but perhaps the

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legality of having that differential rate. So this would make it clear that all small claims cases would be going to \$75 per case. I should also mention that, though, that is a significant increase, we did a couple of years ago also raise the amount that could be in controversy in a small claims action. I believe it's from \$3500 up to \$5,000. And, at that time, there was no similar change in the filing fee at the time that we made that adjustment.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

And, again, to extrapolate on some of this, because I think it's important for folks to know because, at least from my perspective, my gut says, I'm against tax increase, I'm against fee increases, going in this direction is not healthy or helpful to the people of the State of Connecticut but acknowledging that there's the slight increase in the small claims and that most of these other fees are going to directly devolve upon folks that practice before the Judicial Branch. I'm wondering it's my recollection that folks from the Connecticut Bar Association made a representation on behalf of their

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membership and that they actually went through the process of soliciting opinions that they feel so strongly about trying to help keep Legal Aid and Legal Aid attorneys afloat that they were supportive of these fee increases; is that a correct statement?

Through you, Mr. President

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President, that -- that is correct, Senator Kissel. The Connecticut Bar Association, the Connecticut Bar Foundation, the -- even the Judicial Branch, everybody was very, very encouraged by this proposal because it would meet such a substantial need for those who are the least fortunate in our justice system.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And no further questions to the proponent of the amendment, which would become the bill, but what I wanted to state also is that as much as there's been an incredibly precipitous drop in the amount of funds available to our legal aid societies here in the State

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of Connecticut -- and I'd be the first one to say that in housing matters or other matters when I bumped up against an attorney that was involved with legal aid, they know the law upside down and sideways. They are very, very good at what they do. But, also, as much as it was difficult to litigate against folks involved in legal services, they performed an extraordinary valuable service.

And I know in talking to folks from the Judicial Branch and, indeed, at a -- a recent dinner discussion where folks from not only the bar association were present but also sitting judges that have been tasked by Chief Justice Rogers to examine how the recession's going to impact the Judicial Branch, the tremendous of new numbers of pro se litigants or litigants that are representing themselves that quite often what we're going to find is, in difficult times, difficult economic times, there's even more responsibilities and burdens put on those attorneys that have set out a career path, maybe not to make a ton of money, certainly not to make a ton of money, but to represent those most in need, the indigent, the poor, the people that just can't make ends meet. And so if we don't go about the business of, maybe, with a grain of salt going forward with this kind of increase and taking

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some of these proceeds and helping folks in the legal aid societies and folks that have dedicated their careers to helping those in need, what we're going to find is an even greater influx of pro se litigants that despite the best of intentions and despite pamphlets and even DVDs that are going to be promulgated to help assist them work their way through the court system, that at the end of the day if legal aid and -- and those attorneys aren't there, then it creates even that much more of a burden on the Judicial Branch and, ultimately, costs us all more to get that quality of justice that we expect here in the State of Connecticut.

So for those reasons, I believe this is a tempered approach. I understand that it's controversial. I'm extremely sensitive and understanding of the concerns raised by my friend and colleague, Senator DeBicella. At some point, as budget negotiations move forward as we are all hopeful that continue to do, this may end up being part of the equation. But that's -- at this point in time, given the legislation before us and its extraordinarily laudable goals, I stand in support of the amendment and urge my colleagues to support it as well.

Thank you, Mr. President.

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THE CHAIR:

Thank you, sir.

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President.

If I may have a question, through you to Senator McDonald.

THE CHAIR:

Senator McDonald.

SENATOR CALIGIURI:

Thank you, Mr. President.

And I apologize if this was addressed in your summary, Senator McDonald. And I'll -- I won't ask you to repeat for you to repeat yourself if you -- if you did address it in your summary, but I don't recall you doing so.

As I read the amendment as compared to the underlying bill, I think the primary difference between the two is the elimination of the increase in the occupational tax on attorneys and the substitution in lieu thereof of higher court fee increases. That strikes me as being a principle if not primary difference between the amendment that we're on right now and the underlying bill, through you, Mr. President; is that correct?

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THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President. I would say that that's a significant character or component of the amendment, yes.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President.

And this is not by way of comment, I -- I don't have any additional questions for Senator McDonald.

I wanted to establish that because I'm a supporter of the amendment, and, ultimately, of the underlying bill because I think notwithstanding Senator DeBicella's concerns, I view the bill and the reason why I'm going to support the amendment is because I view this as providing much needed funding to legal aid. And, in my judgment, you can't have a just and democratic society without ensuring that every member of our society, including our poorest members of our society, have access to quality legal representation. And we simply cannot do it at the levels of funding that are currently in place.

Frankly, if I had my druthers -- and this is why

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I asked Senator McDonald the question that I did -- I would have preferred the original version of the bill where members of the bar shoulder that obligation. Because when I look at the differences in fees, we are going to be imposing higher court fees in lieu of imposing higher occupational tax fees on attorneys. And the reason I was -- a reason that I was a supporter of the underlying bill when it was originally presented to me is because I felt attorneys had a moral obligation as members of the bar to step up and pay more in order to help make sure that the system within which we are operate is properly funded and that justice is available to everyone. And so I would have much preferred to have seen that happen even though that would have meant that I and others in the bar would have to pay more. But, notwithstanding that, I still think this is something that's worthy of support because this is going to raise much needed support for legal services, which is essential to maintaining a truly just and widespread court system that everyone can benefit from in our society.

And so for those reasons, I'll be supporting the amendment, but I wanted to go on record as saying I would have preferred that we do it the way the underlying bill had originally suggested it.

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Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, speaking in support of the amendment, I would want to thank Senator McDonald and Representative Lawlor and the Judiciary Committee for -- for bringing this forward. They have been dealing during this entire session with the crisis and funding for legal services in Connecticut. And, indeed, a crisis it is because that enterprise -- and it's several offices around the state, in Hartford, New Haven and other parts of the state have been heavily dependent upon funds through the interests on lawyers' trust accounts, which we all know has taken an extraordinary hit with the decline in the economy, beginning with the -- with the mortgage sector. And the -- those proceeds were from real estate closings primarily being held in escrow and that has been more than anything else accountable for the crisis that we face. And, as Senator Caligiuri said, there is an obligation to provide legal services. There are low-income people throughout Connecticut who pressing

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legal problems. And the people who were in those legal services offices around the state have borne a disproportionate burden of the -- of the economic crunch because they have taken significant pay cuts. They continue to work hard to advocate for their -- for their clients. This bill and the next bill, which I believe that Senator McDonald will be bringing out deals with -- are companion bills in a way dealing with this -- this issue. And the -- raising of fees in the bill also is a reasonable response. Many of these fees have -- have not been raised in a substantial period of time, and they are significant generators of -- of revenue for what I think we can all agree is a crucial service in the state of Connecticut and would ask for a roll call vote on the amendment.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President.

I supported this bill in both Finance and Judiciary with the understanding that the legal community was going to participate in the funding

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requirements of -- of legal aid to those who are desperately in need of it. And although I was very reluctant at the time to entertain the thought of raising fees to anyone for that matter, I do, in fact, ally my thoughts with the comments of Senator Caligiuri in that I am disappointed that this amendment has removed that responsibility of the legal community participating in a greater way by an increase in fees. And I will continue to support this bill, but I just want to voice my strong opposition to this change.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Mr. President, I, unfortunately, rise in opposition to the amendment on two grounds. One, I think the underlying bill is a more fair and equitable way to raise resources to help IOLTA and the Judicial Branch with their technological and necessary technological improvements. But, number two, I -- I side with Senator DeBicella that this is not the right

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time and place to do this.

There's no doubt that we need to provide the help for legal aid. No doubt about it. And I would dare say that all four caucuses of this legislature and the Governor in crafting a budget want to make sure that that's part of the budget that, hopefully, we'll reach in a bipartisan fashion. As to the technological needs of the Judicial Branch, that also I think might be something that we would look at. I wish to these two issues were separated because I'd be far more willing to make an exception for legal aid than for legal aid in judicial department technological advancements.

There is some talk and there has been some talk -- I know the Chief Justice -- I met with her about giving the Judicial Branch its own block grant budgeting, and maybe that's something that might happen. This would seem to be additional money on top of that so I'd be concerned about that as well.

I -- I think and -- and I don't have any criticism for Senator McDonald. I think he's doing something that he believes is right and necessary to do, and it is necessary to do. I just don't think now's the time to do it. We are raising fees here, and I don't want to go over all of them. I did see

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briefly one which is an increase in the fee in the small claims courts. I think that should be a little bit troubling to some of us. We've raised the threshold for small claim matters, which has made more people move to small claims courts. Tend to be people who don't hire attorneys, represent themselves, and I'm concerned that for some that may be a bar of bringing a claim. You know, if your have a \$700 claim, are you going to, you know, go in for a -- a fee that might be maybe, you know, a third of that.

So we've been here before as well, Mr. President, towards the end of sessions. We don't have a budget agreement. There are important public policy issues that need to be acted upon and we tend to do them piecemeal. Senator Caligiuri said, and he's absolutely right, that without legal aid it's hard to have a fair and just democratic system and I agree. I dare say that he would probably agree with me that it's hard to have a fair and just society when we have people living in our streets at night without a home. So does that mean I can offer an amendment to raise fees and provide money for homeless shelters? I could. Maybe the majority would vote with me. Maybe I will do that. But then I'm sure another senator in this circle could get up, and maybe Senator Witkos

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could say, it's hard to have a fair and just society if we don't have the rule of law and the very people who put their lives on the line every day to protect the rule of law are police officers, and so we're going to offer a bill to fund them. And then somebody might stand up and talk about how none of that would matter if we don't properly educate our children. What's the point of all of it? Education is the equalizer for everybody. And so we can offer a bill just to do something to make sure we've properly funded education in the State of Connecticut. And so I think you get my point. We begin to do a budget piece by piece by piece. And this is a very critical piece for legal aid. There's no doubt about it. But it is a part of what should be a much larger budget that is adopted by this legislature and signed by the Governor, hopefully, by June 3rd or at least by June 30th this year.

So I'm going to stand in opposition to the underlying -- to the amendment because I think the underlying bill provides a better, fairer way. There may be discussions later where attorney occupational fees and other fees of other occupations are looked at, perhaps in the budget context. So I understand why they're probably taken out here. But I know

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everybody in this circle wants to help legal aid.  
That's why we're doing this.

And I don't have any criticism for the people who wanted -- want to do that because I want to do it, too. I just think this is the right time or place. I think when you create an exception like this for one, we're going to have a lot people knocking on that door to create exceptions for them because there are so many important things that we need to do as a state, as a legislature, with respect to our budget. And that's where this should be done, in our budget discussions with a budget deal, hopefully agreed upon by all four caucuses.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

I, too, rise with conflicted heart and conflicted head. I -- in both the Finance and the Judiciary Committee have been I think the most ardent of proponents of finding a way to help legal aid keep its head above water, because I, like Senator McKinney,

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recognize the imperative of having a strong legal aid component of our society. However, when I look at the amendment before us, I'm fearful that we're working at cross purposes. Because when we raise the small -- the small claims entry fee from \$30 or \$35 to \$75, we're, in fact, erecting a barrier to justice to people that are least able to avail themselves of our courts.

Mr. President, I think that the more equitable way -- and it's great, we hear the Connecticut Bar Association supports the amendment. I don't know if they support it because we've removed that part of the amendment which would have asked lawyers who best understand the need for legal services to pay a little bit more to support the program or whether they're asking us to support the amendment because of their belief that we should continue funding legal services.

If they believe we should continue funding legal services, then, quite frankly, I think the legal community ought to be the first to belly up to the bar to support the program. None of the fees that we see here are paid by lawyers. Don't be -- don't be deceived into thinking that these fees are costs that will be borne by lawyers. It might be a much more attractive bill to people if they thought that were

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the case. But these fees are borne by members of the public who are trying to get justice. These fees are passed on by lawyers to their clients, or, in the case of small claims, they're fees that are paid by our constituents who are trying to take advantage of the rule of law.

So I sadly think that we -- we could do better. I think the underlying bill was the more responsible way to do it, a fairer way to do it. And I think that we shouldn't breathe life into legal services at the expense of making justice more difficult to access for the ordinary citizen in Connecticut. And for that purpose, with sadness, I'll be voting no on the amendment.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Amendment A? Will you remark further? If not, Mr. Clerk, please call for a roll call vote. The machine will be opened.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call has been ordered in

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the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators have voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption Senate Amendment Schedule A

Total Number Voting 35

Those voting Yea 28

Those voting Nay 7

Those absent and not voting 1

THE CHAIR:

The amendment passes.

Will you remark further on the bill as amended by Senate A? Will you remark further?

Senator McDonald.

SENATOR MCDONALD:

Mr. President, just -- as I said the underlying -- the underlying amendment was a strike-all amendment. I would just urge members of the circle to support the bill because the cause is a worthy one and, in my opinion, deserving of their support.

THE CHAIR:

Thank you, sir.

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Will you remark further? If not, Mr. Clerk, please call for a roll call vote. The machine will be opened.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage on Senate Bill 1157, as amended

Total Number Voting	35
Those voting Yea	31
Those voting Nay	4
Those absent and not voting	1

THE CHAIR:

The bill, as amended, passes.

Mr. Clerk.

THE CLERK:

Calendar Number 473, File Number 686, Senate Bill

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SENATOR LOONEY:

Yes, Mr. President, thank you. Mr. President, calendar page 4, Calendar 412, Senate Bill 931. I would move to place that item on the consent calendar.

THE CHAIR:

Motion is on the floor to place Calendar 412 on the consent. Without objection, so ordered sir.

SENATOR LOONEY:

Yes, thank you, Mr. President. And Mr. President, also on calendar page 37, Calendar 358, Senate Bill 1078. Would move to place that item also on the consent calendar.

THE CHAIR:

Motion is to place Calendar 358 on consent. Without objection, so ordered, sir.

SENATOR LOONEY:

Yes and Mr. President, one additional item.

THE CHAIR:

Yes, sir.

SENATOR LOONEY:

Calendar page 38, Calendar 472, Senate Bill 1157. Would move to place that item also on the consent calendar.

THE CHAIR:

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Motion is on the floor to place Calendar Number 472 on consent. Seeing not objections, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Handley.

SENATOR HANDLEY:

You -- Mr. President for a point of personal privilege.

THE CHAIR:

Please proceed ma'am.

SENATOR HANDLEY:

Thank you, Mr. President. I rise to wish our colleague and my next door neighbor here, Senator LeBeau, a happy birthday. Happy birthday Senator LeBeau.

THE CHAIR:

Happy birthday. Senator LeBeau.

SENATOR LeBEAU:

For a point of personal privilege, Mr. President.

THE CHAIR:

Please proceed, sir.

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Senate on the consent calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the consent calendar.

Will all Senators please return to the chamber.

Mr. President the items placed on the first consent calendar begin on calendar page 4, Calendar Number 412, Senate Bill 931; calendar page 12, Calendar Number 643, Substitute for House Bill 6320; calendar page 32, Calendar Number 427, Senate Bill 826; calendar page 37 -- correction, calendar page 34, Calendar Number 502, Substitute for Senate Bill 1127;

Calendar page 37, Calendar Number 358, Senate Bill 1078; and calendar page 38, Calendar 472, Substitute for Senate Bill 1157.

Mr. President, that completes the items placed on the first consent calendar.

THE CHAIR:

We'll call for the consent calendar, the machine will be open.

THE CLERK:

The Senate is now voting by roll call on the consent calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the consent calendar. Will all Senators please return

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to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call a tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 passes. Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. Would move for immediate transmittal to the House of Representatives of items acted upon today here in the Senate requiring additional action by the House.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if we

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Those absent and not voting 6

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed.

The House will stand at ease.

(Chamber at ease.)

The House will come back to order. We'll  
continue with the Call of the Calendar.

Mr. Clerk, please call Calendar Number 661.

THE CLERK:

On Page 23, Calendar Number 662, Substitute for  
Senate Bill Number 1157 AN ACT CONCERNING FUNDING FOR  
LEGAL SERVICES AND JUDICIAL BRANCH TECHNOLOGY.

Favorable Report of the Committee on Finance, Revenue  
and Bonding.

DEPUTY SPEAKER GODFREY:

The gentleman from West Haven, Representative  
Lawlor.

REP. LAWLOR (99th):

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

DEPUTY SPEAKER GODFREY:

The question is on acceptance and passage. Would  
you explain the Bill, please, sir.

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REP. LAWLOR (99th):

Thank you, Mr. Speaker. This is a Senate Bill. The way it was passed in the Senate, it intends to restore some of the funding to the legal aid services provided throughout our state to replace money that has, in essence, vanished on account of the recent economic downturn in our state, which typically would be funneled through the interest on lawyers' trust accounts program, the IOLTA program.

Mr. Speaker, the Senate adopted an Amendment, LCO Number 7844. I'd ask that the Clerk call and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 7844, previously designated Senate Amendment Schedule "A". Would the Clerk please call.

THE CLERK:

LCO Number 7844, Senate "A", offered by Senator McDonald.

DEPUTY SPEAKER GODFREY:

The Chairman has asked leave of the Chamber to summarize. Is there objection? Hearing none, please proceed, Representative Lawlor.

REP. LAWLOR (99th):

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Thank you, Mr. Speaker. It's my intention to urge rejection of this Amendment because it's my intention to offer a subsequent Amendment, which in effect rewrites this Amendment.

But for purpose of clarity, the Amendment the Senate adopted accomplished two goals, by raising a variety of court filing fees, number one.

It dedicated money to Legal Services to replace some of the lost IOLTA money, and in addition to that, allocated some of the revenue derived from the increase in court fees to the judicial branch for a variety of purposes.

Mr. Speaker, I urge rejection of the Amendment because it's my intention to offer a subsequent Amendment, which will significantly curtail what had been proposed in the Senate Amendment that had been adopted.

DEPUTY SPEAKER GODFREY:

The question before the House is rejection of Senate Amendment Schedule "A". The question is on rejection of Senate "A"? Representative O'Neill.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker. I assume that if we reject Senate "A", and this is a question, that there

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is a subsequent Amendment that will be called to  
replace it. Is that true?

DEPUTY SPEAKER GODFREY:

That is what Representative Lawlor said.

REP. O'NEILL (69th):

And with respect to the status of what that  
Amendment will indicate, from what I've been able to  
glean from looking at our Amendments that have been  
filed, that Amendment will not contain any funding for  
the court functions that data processing fund and  
information processing and that sort of thing?

Am I correct in that? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

You should probably actually wait until that  
Amendment is called, but I will allow that.

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. That's correct.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Since what Senate Amendment "A" does is provide  
funding for these activities of the court system, is

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there, has this funding issue been resolved some other way?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. To my knowledge, no.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

And I can see the Speaker was weighing whether or not this was really pertinent to the Amendment, but if the, I guess one of the purposes the Senate had in mind was to help fund part of the court operations, we're taking away that money, then the next question that I would have is, do these operations currently exist, or would these be new operations that would have been funded anew through Senate "A". Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. It's to my understanding that the Amendment offered in the Senate, which is

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what we're debating now, by its terms takes effect on July 1st, I believe all of these activities are currently being undertaken or are required to be undertaken by the Judicial Branch, and as a result, funding would have to be provided for them, or the mandate to provide them would have to be amended.

July 1st is the effective date of the Amendment. It's anticipated that we'll have a budget in place in some fashion prior to that time, and I believe the sense was it's better to leave that to the budget-making process.

So I believe these are current activities. In the future there was some hope that they'd be extended, and that will be left to another day should this not be successful.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. The Chair of the Judiciary Committee is probably the most optimistic person with respect to where we're going on the budget, but I talk to all day if he thinks we're going to be finished with the budget by July 1.

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But I guess the idea of rejecting Senate "A", and the reason why I wanted to get into this a little bit as to figure out what's going on in Senate "A" is frequently we reject the Senate amendments and it's perfectly reasonable for the House to give them short shrift, but on the other hand, this does seem to be a budget-related item, actually all of Senate "A", not just the parts related to the court, and I did want to try to explore exactly what Senate "A"'s objectives were and whether they've been met in some other way.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Ready for the question. All those in favor of rejecting Senate Amendment Schedule "A" signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, Nay. The Ayes have it. Senate "A" is rejected. Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. The Clerk has LCO Number 8777. I'd ask that the Clerk call and I be allowed to summarize.

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DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 8777,  
which will be designated House Amendment Schedule "A".

Mr. Clerk, would you please call the Amendment.

THE CLERK:

LCO Number 8777, House "A", offered by  
Representatives Lawlor, Staples and Senator McDonald.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the Chamber to  
summarize. Is there any objection? Hearing none,  
please proceed, Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. This is a strike-all  
Amendment, and so the Amendment by its terms  
substitutes different types of fee increases for  
persons using the courts for a variety of legal  
matters.

According to the fiscal note, the net gain in  
revenue from these fee increases is \$7,728,390 and by  
the terms of this Amendment, the entirety of that net  
revenue gain, whether or not, whatever the amount  
turns out to be, it's projected to be the amount I  
just stated.

That additional net gain through these fee increases is to be allocated to the, for the purposes stated, which are, provide assistance to our legal services operation in the state.

Specifically, the fees that are being raised are the general fee for filing civil actions, which is being raised from \$300 to \$425. The fee for designating a matter as a complex litigation case from \$250 to \$325.

An application for a pre-judgment remedy, the fee for that is being increased from \$100 to \$175.

A motion to open, set aside, modify or extend a civil judgment is being increased from \$70 to \$125.

The application for filing a motion to open or re-argue a judgment in any civil appeal is being raised from \$70 to \$125.

And the application for a wage execution, the fee for that is being raised from \$35 to \$75.

Based on prior performance, the estimates total out to \$7.7 million. The last paragraph of the Amendment requires the Chief Court Administrator to determine the actual net increase in revenue and to allocate all of that to legal services through the

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interest on lawyers clients' funds or the IOLTA  
account.

Mr. Speaker, I think it's important to talk about why we are doing this, apart from the specific revenue gain and apart from the specific increase in the various fees. The reason we are doing this is because Legal Aid throughout the state, which represents countless people who cannot afford to have their own attorneys in a variety of matters.

Most recently there's been an extraordinary increase in representation of persons who are being foreclosed upon, whose homes are being foreclosed upon. But this also extends to many domestic violence type situations, where people are applying for protective orders, restraining orders.

It also applies to a variety of creditor type situations, divorce, family-type cases. These are people who have no access to attorneys except through legal aid.

Apart from the benefits of those individuals to be represented by competent counsel, there's an extraordinary benefit to our court system to ensure that people coming before the court are actually represented, as opposed to representing themselves.

When parties are before the court without an attorney representing themselves, the general rules, those cases are much more complicated for judges to deal with. They take much more time. They're a significant drain on court resources, and tend to tie up a court much longer than would normally be the case if there were attorneys representing all the parties involved.

The judges themselves came before the Judiciary Committee earlier this year and asked us to ensure that Legal Aid would survive this, what we hope is a short-term economic downturn in order to protect the efficiency of the court system.

Without these legal aid lawyers, I think there's no question the court system would begin to break down and it would end up costing the taxpayers a lot more money through delays in the court, and other people using the court system would be disadvantaged by this fact.

So I think everybody's a winner by ensuring that legal aid continues to be functioning throughout this economic downturn. I think it's all of our hope that in a year or two, when our budget, our nation's economy, our state's economy, returns to normal, the

IOLTA funds will get back to where they've historically been.

And so for people who are not familiar with the IOLTA account as a general matter, attorneys deposit money that they're holding on behalf of their clients, typically for a short period of time as part of a real estate closing, that type of thing in the short-term bank accounts.

And the question is, does any interest accrue to those short-term bank accounts during the day or two that those funds are being held. It's extremely complicated to open a separate account just for a day or two, so what lawyers typically do is pool all of this money in a trust account and the banks are required to pay the interest into the IOLTA fund.

With the downturn in the real estate market, there's far fewer closings. The consequence, there's a lot less money being held in trust accounts by attorneys. As a consequence, there's much less money coming into the IOLTA account.

Hopefully, that's a temporary situation. In the meantime, we have to find a way to help Legal Aid function. This will replenish some of those funds,

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but not all those funds starting on July 1st, and will continue for as long as this crisis endures.

So our goal is to help solve that problem. I think pretty much everybody who's been consulted on this matter agrees this will solve the major part of the problem on a short-term basis and for those reasons, Madam Speaker, I urge adoption.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Lawlor. The question is on adoption of House Amendment Schedule "A". Will you remark? Will you remark on House Amendment Schedule "A". Representative O'Neill of the 69th, you have the floor, Sir.

REP. O'NEILL (69th):

Yes, thank you, Madam Speaker, and I just have a couple of quick questions, I think, on House "A" if I could.

DEPUTY SPEAKER ORANGE:

Please proceed, Sir.

REP. O'NEILL (69th):

Earlier on in the process of attempting to find funding for the Legal Aid attorneys, one of the things that was proposed was an increase in the tax on attorneys, and then at one point it became an

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expansion of the base of that tax to include government attorneys, and I believe that was in the underlying file copy, that Senate "A" would have eliminated those tax increases on attorneys.

But my question to the Chair is, does the House "A" contain any of those tax increases, or are they also eliminated from House "A"? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker. No, they are not included in this Bill, in this Amendment.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And the amount of money that's going to be generated, I was about to grab the fiscal note when the Chairman concluded his remarks to see what it is, but then I might as well ask.

What is the amount of money that we anticipate will be generated by the increases in these fees?

Through you, Madam Speaker.

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DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker. As I stated earlier, the estimate from the Office of Fiscal Analysis for the upcoming fiscal year is \$7,728,390.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

And how does that, through you, Madam Speaker, how does that compare with the shortfall that the Legal Aid system is currently facing. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

If I could just have a moment, Madam Speaker, I know we got some testimony on that. If I can just consult it.

DEPUTY SPEAKER ORANGE:

You certainly may, sir.

REP. LAWLOR (99th):

Madam Speaker, according to testimony received on March 26, 2009 from the Connecticut Bar Foundation,

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which oversees the IOLTA account, Connecticut's IOLTA income of \$20 million in 2007 fell to \$8 million in 2008 and this year, 2009 is projected to fall to \$3.5 million, so that's a total drop of \$16.5 million compared to 2007 based on these projections.

So replenishing \$7 million will get us above where we were last year, but nowhere near where it was in 2007 when the real estate market was really in its prime.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. I guess the question I should have asked is, if we know, whether the \$7 million or thereabouts in additional fees will be sufficient to keep the Legal Aid system going?

I'm assuming that there probably were some surpluses that built up when the real estate market was going great guns, so compared with their operating expenses and what IOLTA is generating currently, projected to generate the \$3 million or so, how much of a shortfall is that likely to relieve the Legal Aid system to try to cope with?

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Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker. Well, to date there has been significant layoffs at the various Legal Aid organizations. There's been some give backs from their own, from their attorneys and from their staff, so that they're already dealing just as state employees and many people throughout the state are going through the economic downturn in the same fashion.

However, we do believe that the addition of this \$7.7 million for next year will be enough to maintain existing services. There will be a hardship. I'm sure there's going to be a lot overtime, uncompensated overtime by the professionals that work there, but I think people seem to believe that they will be able to get through the next year to meet their basic and most important needs, their court functions, so to speak with this.

But ideally, to get back to where they were in the past and would be able to expand into a few other areas.

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But I think it's safe to say that the addition of \$7.7 million in revenue will rescue the Legal Aid function for the upcoming year. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And at one point I think I had received some communications from the Legal Aid attorneys. Does the Chairman remember approximately how much of a salary reduction the Legal Aid attorneys had agreed to as part of this effort to try to stabilize the financial situation.

He indicated there were give backs and it was, I have a vague recollection, but I was hoping he might have a more specific one. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Well, it's important to understand that Legal Aid is carried out through a number of different nonprofit organizations throughout the state, so it's not necessarily uniform, but I believe the number was about 20 percent.

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I think that a 20 percent wage reduction by the attorneys throughout the state, hopefully on a temporary basis, but nonetheless a significant sacrifice on their part. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. Because I think the comparison with what those of us in the Legislature for the most part have given up, and what is called for in the reductions of the furlough days and so forth, that the Legal Aid attorneys have actually seemed to have given up a great deal more than the folks that actually work for the state government have, not counting health insurance benefit issues. They may have done the same thing on that score as well.

I think that I have supported this legislation as we've been moving along in the hope that we would find a solution to their financial problems.

There are some issues that I believe will be discussed a little later. One that I did want to mention, and that is, if the real estate market does turn around sharply, which sometimes is how it works,

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that it suddenly goes from very, very poor to very, very good in a relatively short time, that we have not made, as far as I can tell in this Amendment, which looks to become the Bill, a provision for, say two years from now or three years from now the IOLTA account is back generating \$20 million a year or more for a reduction in the fee structure.

And I think that's an issue that perhaps we might want to think about in terms of not just sort of letting this thing roll along without ever being looked at again.

I want to thank the Chair for his answers to my questions. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you remark further on House Amendment Schedule "A". Representative Noujaim, you have the floor, sir, good evening.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. Good evening, Madam Speaker. Madam Speaker, through you to Chairman Lawlor for legislative intent, a question if I may?

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. NOUJAIM (74th):

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Chairman Lawlor, thank you for the explanation about the difference between Senate Amendment "A" and House Amendment "A". I was going to be asking the question and you were kind enough to do the explanation.

And for legislative intent, now that House "A" eliminates the funds going to the Judicial Branch, the title of the Bill, I presume, is going to be updated and changed because the title of the Bill says now, with allocated to the, with the balance allocated, the allocated funds to technology projects within the Judicial Branch, and would this now become obsolete, untrue with the title of the Bill be changed before it is published and becomes law? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker, yes, the Legislative Commissioner's Office typically would modify the title if the contents of the Bill has been significantly changed. So that's their function and they do it automatically without guidance from the Legislature.

Through you, Madam Speaker.

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DEPUTY SPEAKER ORANGE:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. Probably this was the easiest answer the Chairman answered this evening.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House Amendment Schedule "A". Representative Alberts of the 50th District, you have the floor, sir. Good evening.

REP. ALBERTS (50th):

Good evening, Madam Speaker. If I may, several questions to the proponent.

DEPUTY SPEAKER ORANGE:

You may. Please proceed.

REP. ALBERTS (50th):

Thank you, Madam Speaker. I'm unfamiliar with these fees, so I hope the proponent will just bear with me a little bit.

When the dollar figure was calculated in terms of the fiscal note, what was the basis for the number of transactions? Was it based on a run race for the most recent fiscal year? Through you, Madam Speaker.

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DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker. It was as stated, based on, I don't know whether it was last year or last calendar year, last six months, but it's based on what they believe is the likely number of these transactions.

Of course, it does vary from year to year, but I think there is, it's pretty consistent, although not exactly the same. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And when were these fees last raised, if the proponent could provide that, that would be great. Thank you.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Through you, Madam Speaker, I don't know the exact dates. These are different fees so it's possible that some were raised at different times, but I'm being told about seven to ten years ago, something

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in that range. But it's not unusual for the fees to be modified, sometimes one at a time, sometimes as a group, but it's been a while.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker, and do we have any knowledge of how these fees may compare with similar fees, the comparable fees in other states, our neighboring states?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Madam Speaker, through you, I don't know. I would guess they're probably pretty comparable. These tend to be pretty consistent around the country, and they are ratcheted up over time, of course, corresponding with inflation.

But I don't know for sure.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

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REP. ALBERTS (50th):

Thank you, Madam Speaker. And I thank the proponent for his answers. I'm inclined to support this. The fees haven't been raised in several years. It seems like it's a reasonable way for us to fund a program that is very critical and is underfunded at this time.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Sir. Will you care to remark further on House Amendment Schedule "A"? Representative Candelora of the 86th, good evening to you, and you have the floor, sir.

REP. CANDELORA (86th):

Good evening, Madam Speaker, thank you. If I may, just a couple of questions to the proponent.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Madam Speaker. Just to be clear as I read this, in Lines 100 through 101, what we're doing here is we're increasing the fees and what is going into this account is not the entire court fees that are contained in the Amendment, but it would just be

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the differential between what the current fee is, and what would have been raised if the Bill passes. Am I correct?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker. Yes, that's correct.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker, and to the proponent's knowledge, is this Amendment contained in any of the Appropriations budget that was passed on April 2nd?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor, do you care to answer, sir?

REP. LAWLOR (99th):

Thank you, Madam Speaker. Not to my knowledge.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

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Thank you, Madam Speaker, and I appreciate the answers. I guess I'm torn on this Bill. It did come before the Finance Committee, and in there, on that Committee, I supported the Bill because I agree with the intent of making sure that we fully fund Legal Aid.

It certainly is a critical service that is provided. However, I am troubled by the fact that we are passing this Bill as a stand alone rather than having this discussion as an overall concept to our budget negotiations.

As far as I know, this Amendment is not contained in any of the budgets that have been proposed thus far, and so I'm just concerned by that, that we're seeking to raise fees to divert some of these fees into a fund for legal services when I guess we're all at a disadvantage of seeing the big picture and the entire scope of how this budget lays out.

I think that this discussion probably is more appropriate to have as part of the global picture of our budget, and so I am concerned that in supporting this as a stand alone, and so I'm hesitant at this time to support it on the floor.

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I just stated that in Committee, that I certainly, again, support the notion of fully funding our Legal Aid services and certainly all of our agencies and businesses have seen a significant revenue decline.

Legal Aid certainly didn't see this coming and a 50 percent drop in revenues for them is a tough, almost impossible task for them to overcome in order to try to maintain those services and cut staffing and be sufficient.

But again, I just believe that this discussion should be part of the entire budget package, so as a result I cannot support the Amendment and I will not be supporting the underlying Bill, although I think that the overall goal in spirit I do support. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you for your comments. Will you remark further on House "A"? The Deputy Minority Leader, my classmate, Representative Klarides, you have the floor, ma'am.

REP. KLARIDES (114th):

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Thank you, Madam Speaker. If I may, through you, a question or two for the Chairman of the Judiciary Committee.

DEPUTY SPEAKER ORANGE:

Please proceed, ma'am.

REP. KLARIDES (114th):

Thank you, Madam Speaker. My colleagues have basically asked the questions I had, and they were certainly ably answered by the Chairman.

I was just wondering, as Representative Candelora had mentioned and Representative Lawlor answered, just the extra money, the amount we're raising today, just that extra money from where we started is going to Legal Aid, but how is that going to be actually logistically worked through when that money comes in?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker. It's the responsibility of the Chief Court Administrator to ensure this happens. I assume what they'll do is multiply the number of filings times the additional

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fee that would be required, based on the passage of  
this law, and that would be the total.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. And to your knowledge,  
Mr. Chairman, have we thought through to the future as  
to whether this is going to be a permanent increase in  
fees once the economic situation improves? Through  
you.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

I don't know that we've thought it through. I  
think that ideally it's a temporary problem, the IOLTA  
problem. Whether or not the fees will ever be reduced  
I couldn't tell you. History tells us probably not,  
but I think that's a decision for next year's General  
Assembly or it's successors.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. And I thank the gentleman for his answers.

I must associate my remarks with my colleague from North Branford. I have actually had this topic before me in the Judiciary Committee and the Finance Committee, and I also find myself very torn.

I wholeheartedly agree with the fact that as a legal community and as a state, the help of Legal Aid is integral to the way we operate and the needs of the people of the State of Connecticut, so anything we can do to help them I certainly support, and I have actually met with them on this issue in the beginning of the year.

What really impressed me and what really made me sit down and say to them, you know, any creative ideas you can come up with to help us help you I'm certainly open minded to is the fact they really took a hit on their own and laid people off and took layoffs to help themselves, and I think that they are certainly a model for a group that's not just saying, okay, we're in trouble. We need help.

They helped themselves before they came to us and I certainly admire that, and that should be something that's well known throughout this state.

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But as I mentioned in the Finance Committee, I have grave concerns about making a decision in a vacuum, which is what we're doing here. We are closing in on a \$9 billion deficit and there are so many moving parts in those negotiations that it's obvious we're nowhere near a resolution on that.

And to make this decision separate and apart from that is very problematic to me. You know, I lean in the direction of supporting this because I do feel very strongly about the goal, but I think this is a very bad precedent to set in this body, to be making these decisions in a vacuum.

This is a very important decision, and it needs to be made all together with all of our concerns.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you care to remark further on House Amendment Schedule "A"? Will you care to remark further on House Amendment Schedule "A"?

If not, let me try your minds. All those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

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DEPUTY SPEAKER ORANGE:

All those opposed, Nay. The Ayes have it. The  
Amendment is adopted.

Do you care to remark further on the Bill as amended? Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker. The Clerk has LCO Number 8697. I'd ask the Clerk to call and I be allowed to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 8697 designated as House Amendment Schedule "B".

THE CLERK:

LCO Number 8697, House "B", offered by  
Representative Lawlor and Senator McDonald.

DEPUTY SPEAKER ORANGE:

The Representative has, seeks leave of the Chamber to summarize. Representative Lawlor, do you care to summarize, Sir?

REP. LAWLOR (99th):

Thank you, Madam Speaker. This Amendment is substantially similar to a bill that was approved by the Judiciary Committee and is directly related to the topic of the Bill we're currently debating, and I

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think for efficiency sake, it would be appropriate to combine this with the Bill.

In effect what this does, it solves a somewhat complicated problem for lawyers dealing with the circumstances under which they're obligated to set up a separate account versus deposit money into their trust fund, which accrues, where the interest accrues to the IOLTA account.

This simply clarifies that there are factors that must be considered by an attorney when he or she is deciding whether or not clients funds in an amount in excess of \$10,000 can be kept in an IOLTA trust fund, or whether or not a separate account has to be established where the interest would accrue to the client.

If you read the current laws, there is something of a conflict on what the attorney's ethical responsibilities are. This clarifies the guidelines, which an attorney should look to in determining whether or not an amount over \$10,000 or an amount that's going to be held for a particular period of time should be in a separate segregated account or in the IOLTA account.

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I think, well, I know the testimony before our Committee indicated the criteria set forth in the Bill corresponds to the criteria, which most of the ethical experts have agreed should be the appropriate criteria for an attorney to follow.

The net result of this, Madam Speaker, is some funds, which are not currently deposited into the IOLTA type accounts may end up there. It would not in any way disadvantage any specific client of an attorney because all of the costs associated with setting up an account would probably offset whatever possible interest could be accumulated.

So the end result is to solve this complicated dilemma for attorneys. It doesn't disadvantage any clients because they would certainly be consulted on this, and the attorneys would have to follow these guidelines, but it could possibly result in some small additional revenue for the IOLTA account, which of course would ultimately benefit the Legal Aid programs, which we're so worried about in the passage of this Bill.

So I urge adoption.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption. Will you care to remark further on House Amendment Schedule "B"? Representative Labriola of the 131st, you have the floor, sir.

REP. LABRIOLA (131st):

Thank you, Madam Speaker. A question through you to the proponent of the Amendment.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. LABRIOLA (131st):

Thank you, Madam Speaker. You referred to the fact that it's a complicated dilemma that some attorneys have, and I guess I'm trying to think of an example of what this language is trying to avoid, or the scenario we're trying to avoid. Through you.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker. The current law basically says that if it's an amount less than \$10,000 or expected to be held for a period of not more than 60 days, there's an obligation of the attorney to deposit this into a trust account.

The complexity is how do you understand, how do you predict how long the money is going to be held for, et cetera. So the factors, because the failure to do it is a violation and an attorney could be subject to discipline for failing to deposit money into the IOLTA account, or conversely under certain circumstances could be potentially subject to discipline for not setting up a segregated account for the client.

So the guidelines, which you can see here in the Amendment of which there are seven specific factors to be considered, are what seem to be agreed or acknowledged to be the appropriate considerations for an attorney to make.

The amount of the funds in total, so obviously a million dollars is different from \$12,000.

The expected duration of the deposit, including the likelihood of delay in resolving the relevant transaction et cetera, so it allows you to factor in the possibilities of certain delays, gives you some guidance to look to.

The rates of interest available at the time, so if it's a half percent interest available for such a short-term deposit, then the cost of setting up the

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account might outweigh the potential benefit to the client.

Some additional language about the expected yield of those deposits, the costs to the law firm, which of course will be billed to the client if the law firm has to expend administrative staff time in setting up the account. Of course, that would be billed to the client. That might offset the potential interest and make it sort of counter productive to set up a special account for the client for those funds.

And the cost of preparing the tax reports or any other circumstances that affect the capability of the funds to earn income.

So the bottom line is, the principle, ethical obligation of the attorneys to the client. The current law doesn't seem to provide explicitly for consideration of these factors. It seems to be an arbitrary cut off, the \$10,000 or the 60 business days, and obviously, depending on the circumstances, \$10,000 might be the wrong number. Sixty business days may not be readily ascertainable, so depending on the circumstances an attorney can make a case-by-case decision on whether or not to set up a segregated account or deposit the money into a trust account.

So this gives the attorney the reassurance that these are the factors that would be relied on in determining whether or not the attorney engaged in misconduct either by setting up a separate account or depositing it into the IOLTA account, and at the end of the day it would probably benefit the IOLTA account to have this take place.

Because the aggregate of all of the, the combination of all of these monies, even over a short period of time does generate some interest, and would be significant in the aggregate. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you for your answer, sir. Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Madam Speaker. So that the central question then with this Amendment is whether or not the setting up of the account, the cost incurred in doing so would be so great that it would be counter productive to the client. Is that essentially what this Amendment purports to do? Through you.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

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REP. LAWLOR (99th):

Thank you, Madam Speaker. Yes.

DEPUTY SPEAKER ORANGE:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you. I thank the gentleman for his answers, and I do support the Amendment. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir for your comments. Do you care to remark further on House Amendment Schedule "B"?

Representative Arthur O'Neill of the 69th, you have the floor, sir.

REP. O'NEILL (69th):

Wrong microphone. Just a couple of quick questions, I think.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. O'NEILL (69th):

Through you, Madam Speaker, looking at the seventh item in the list of criteria, it says any other circumstances that affect the capability of the funds to earn income for the client in excess of the costs incurred to secure such income, and I was wondering if there were any examples of the kinds of

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things that would fall into that category, or that  
genus of things?

It appears as though the first five or six,  
rather, are fairly exhaustive of the kinds of factors  
that one might think about. Are there any examples of  
what this obvious catch all was meant to catch?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Through you, Madam Speaker, I can't think of any,  
but I think that inclusion of this language allows,  
you know, I think it's important to keep in mind under  
the existing law the attorney has an obligation under  
certain circumstances to deposit money in the IOLTA  
account, and under other circumstances has an  
obligation not to deposit money in the IOLTA account.

And at the end of the day, the main question to  
the attorney is, his or her legal obligations and the  
best interests of their own clients.

So there may be a situation where in the absence  
of this language it's clear that it would hurt the  
client to set up a separate fund. I can't predict  
what those would be, and in those circumstances the

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client would, if this language were enacted, would have the opportunity, would have the assurance of knowing that if he or she deposited the money into the IOLTA account you couldn't be disciplined for doing that.

Now, because of the fact I can't think of an example, and apparently Representative O'Neill can't think of an example either, we just want to emphasize that the purpose of having this sort of catch all at the end is, if there ever should be a circumstance where it's clear that the cost of setting up a separate account for whatever reason, outweigh the benefit to the client of setting up a separate account, the attorney has the option of depositing this money into the IOLTA account, and there may be some unforeseeable types situations.

God knows, we've seen the banking system contort itself quite a bit over the past year, and there may be future circumstances, which we can't envision, but which would clearly indicate that the best interests of the client are not served by setting up a separate account.

And if that were ever to be the case, the attorney would not be exposed to any type of penalty for depositing that money into the IOLTA account.

So I guess that's the best way to explain it. It's all about the best interests of the client in this particular case. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And I appreciate the difficulty the Chairman had in trying to envision what the catch all is meant to catch, since I was having a hard time thinking of one.

But I think that we should adopt this language this evening. I think that it does deal with a problem that lawyers have increasingly been confronted with.

My understanding is no one has actually been sanctioned, but the ethics reviews that have been made of attorneys certainly have been such as to start to become worrisome since, for those attorneys who thought that their safe harbor was to just deposit the money into the IOLTA account as a main recourse in

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dealing with these situations, and the language before us would clarify that.

I guess one other thing I should ask and that is, is there now or will there shortly, is it anticipated there will shortly be a language change in the rules of professional responsibility that lawyers are governed by, or is this going to be what the lawyers are going to need to rely upon in terms of the guidance as to what they're supposed to do with clients funds?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Madam Speaker. Under the existing law that is restated in this language that we're considering now, the Judicial Branch has an obligation to adopt rules consistent with the policies outlined in the statute, and my assumption is they would do so.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

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Thank you, Madam Speaker, and I thank the  
Chairman for his answers.

DEPUTY SPEAKER ORANGE:

Thank you, sir, and thank you for your comments.  
Would you care to remark further on House Amendment  
Schedule "B"? Will you care to remark further on  
House Amendment Schedule "B"?

If not, let me try your minds. All those in  
favor signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, Nay. The Ayes have it. The  
Amendment is adopted.

Do you care to remark, will you care to remark  
further on the Bill as amended by House Amendment  
Schedules "A" and "B"? Will you care to remark  
further on the Bill as amended?

If not, staff and guests to the Well of the  
House. Members please take your seats. The machine  
will be opened.

THE CLERK:

The House of Representatives is voting by Roll  
Call. Members to the Chamber.

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The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members voted? Please check the board to determine if your vote has been properly cast.

If all the Members have voted, the machine will be locked and the Clerk will take a tally.

And the Clerk will please announce the tally.

THE CLERK:

Senate Bill Number 1157 as amended by House "A" and "B".

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	129
Those voting Nay	15
Those absent and not voting	7

DEPUTY SPEAKER ORANGE:

The Bill passes.

Will the Chamber please stand at ease.

(Chamber at ease.)

Representative Piscopo, good evening to you, sir, and for what purpose do you rise?

REP. PISCOPO (76th):

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 19  
5934 - 6284**

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The difference, though, is that police officers are not subject to the Connecticut practice book, because they are not officers of the court. So therefore, the practice book only applies to them by extension, if at all.

REP. COUTU: Okay. I know the federal government, the military, actually utilizes encrypted signatures. And the great thing about it is you can actually track the process, such as if a person wanted to know in probate where their file was, it's sent up and down the chain and it's tracked, and it really holds people accountable.

And personally, I look forward to the government throughout our state going to more of that type of system. I know there might be some issues within judiciary that we've got to think about, but thank you for being here it today and testifying. And thank you, Chairman.

SENATOR McDONALD: Thank you. Anything further? If not, thanks very much.

JAMES DONNELLEY: Thank you, Senator. I appreciate it.

SENATOR McDONALD: You're from the other law school in Connecticut now, Hugh Macgill, followed by Scott Jelescheff, and then we're going to work in the next department head, which is Natasha Pierre. Is Natasha here? Okay, she's gone.

That would -- is Senator Hartley here? Okay. She will be here. So please proceed.

HUGH MACGILL: Chairman McDonald, members of the committee, thank you for giving me the opportunity to appear before you today. I'm here as president of the Connecticut Bar Foundation, no institutional academic

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affiliations I may be chairman of, and I speak on behalf of the foundation as the nonprofit agency designated by the judges of the Superior Court to administer the IOLTA, Interest on Lawyer Trust Accounts, program in Connecticut, was established by statute by the legislature in 1992, which has worked reasonable well, ups and downs, plus times and (Inaudible), up until one year ago, about a year now.

I think many of you know -- and I won't belabor the (Inaudible), the IOLTA receipts have tanked. They have simply collapsed. The -- the bathtub has just drained out. We have lost 84 percent of IOLTA income between 2007 and the moment. We've been advised to cut grants to all legal services programs in the state by 50 percent, and we've been able -- we hope we're able to maintain that level of funding only by throwing every bit of our rainy day reserve -- almost every bit -- into the pot for this year only.

Come next year, we will have perhaps three and a half million dollars worth of income as opposed to 20 million two years ago. We don't have anything in the bank to help supplement the situation. All right.

Now, what happens when the financial crisis hits? IOLTA depends on a robust real estate market. The real estate market tanked. It depends on reasonably healthy interest rates. They've never been lower in anyone's -- in any living person's memory. Hence, no money.

The funding as it is has driven the situation where attorneys in legal services programs have taken deep reductions in pay. (Inaudible) and administrators have agreed to 30 percent cuts, all in the hope that they can put off the day when final layoffs have to be implemented and

the programs themselves will be completely or partially significantly gutted.

Now, the cynical and the comfortable might ask, well, times are tough, everybody suffers, so, so what? The answer to that question is the other half of the story.

In the 2008, rent-paying tenants in this state found themselves thrown out on the street because their landlords had been foreclosed upon. Fannie Mae, Freddie Mac closed in on the house when the -- on the building when the landlords could no longer pay the mortgage. Tenants who are actually bona fide with their rents and they were paying their rents, were thrown out on the street.

So as statistics go, you would have a single foreclosure, but you might have six families homeless on the street with the kind of pressures then on the social service agencies of our state, overburdened and underfunded, as necessarily they are and will be, which you can imagine.

The bank bailout legislation last fall actually contained language that prohibited Fannie Mae and Freddie Mac from evicting bona fide tenants following foreclosure on the landlords. But the mortgage Goliaths ignored the law, even if they knew of it, and tenants didn't know anything about it at all.

Two legal aid attorneys in Hartford found the protective language in the law. And their colleagues in New Haven carried the issue further, forcing Fannie Mae, and more recently Freddie Mac, to offer leases to tenants instead of the sidewalk. Together these attorneys brought Goliath down.

I've been associated one way or another with legal services programs for over 40 years, in three different states. This is the most spectacular triumphing I can recall being accomplished by -- by legal aid workers.

SENATOR McDONALD: Thank you very much, Dean, and let me first before I ask you some questions about your testimony thank you for your public service. I -- since I was a student years and years ago at UConn Law School, I knew you as a law professor, but since that time, you've seen you in so many different forums volunteering your time, whether it was in the -- in the ethics commission the citing council --

HUGH MACGILL: No good deed goes unpunished.

(Laughter.)

SENATOR McDONALD: Well, but -- true, but every time anybody in government has ever called upon you for your experience and time, you have been very generous with both. And -- and that should be acknowledged, because it is a lot of time that goes without much appreciation, but -- but you have mine. Thank you.

With respect to this issue in particular, we have a couple of pieces of legislation that we're working on, because we -- I -- I think all of us on this committee know how desperate the situation is and you've -- as you will -- encapsulated it perfectly. So I don't know how much money the bills that we have out here are going to generate.

If they're passed by this committee, we'll get the fiscal notes, we'll have a better idea of how much of that bathtub we could fill up again, but it's extraordinarily important, and I -- and speaking for myself, I remain committed to -- to try and to put as much back

into that bathtub as possible.

If you or if the foundation or if anybody else in this room were -- or anybody who might be listening to this hearing have ideas, please bring them forward, because -- because what these folks do is just incredibly important to the overall administration of justice in the state, not just the -- not as you indicated, not just to the individual litigants but also to the entire process.

And so I -- it's rare for me to actually make statements as opposed to asking questions, but -- but I appreciate you being here and for your advocacy.

Representative O'Neill.

REP. O'NEILL: Following up on the Chairman's line of -- it wasn't inquiry but observation, you mentioned this triumph of over Fannie Mae, and I'm just wondering in the course of this kind of litigation, where we're obviously -- vast sums of money are potentially at stake, what happens or does -- can legal services, essential legislative review, make a claim for a fee against the entity that was doing something, such as in this case Fannie Mae or Freddie Mac, any of those entities.

HUGH MACGILL: Not that there are any statutes that I'm aware of, Representative.

REP. O'NEILL: Okay. So --

HUGH MACGILL: They can vindicate their clients' rights, but there is no recovery that I'm aware of.

REP. O'NEILL: Well, I'm just wondering if it might make sense -- if they are successful in

litigation -- I mean, the way most lawyers make their living is that they're successful in litigation; they get paid by the losers. As part of the settlement or part of the -- a judgment.

And if we're not collecting from the people who are the malefactors who are being discovered by legal services folks -- I'm not suggesting that the individual attorneys necessarily get paid, because an individual attorney would be -- or the bar foundation be the recipient of -- of some kind of amount of money when -- when these matters are brought to a successful conclusion.

Is that something that would be considered somehow trending towards an unethical, improper deviation from the mission of legal aid or anything like that.

HUGH MACGILL: No, I don't think so, Representative. Let me comment on that, because you raise an extremely important possibility from our point of view, trying to -- it's obvious that we're never going to go back to IOLTA-funded legal services, so we've got to look for other ways of generating an (Inaudible) stream that can be a little more reliable, predictable than (Inaudible).

Going after Freddie Mac and Fannie Mae isn't going to -- because they've stopped. They're not going to do it anymore. That's -- in 2011, they will be free from sin and therefore immune from -- from (Inaudible).

But, for example, we're now going through a range of practices and statutes in Connecticut now, existing ones, which might allow a provision for legal services to be considered, such as punitive recoveries under Connecticut Unfair Trade Practices Act, what possible

(Inaudible) are there that would conceivably produce a relatively modest but continuing amount of revenue that could be turned to for these purposes.

And any suggestions anyone has, we would love them. (Inaudible) and we've got a group that is a subcommittee that working on this problem not for this year, but is tough enough as it is, and I think Raised Bill 1157 is a remarkably good job, given the circumstances which we now face, but these are circumstances that are going to stay with us in the future, and we want to be able to come back into the next session -- in next year's session with some really carefully calculated and elaborated proposals for additional changes that would help beat the situation.

REP. O'NEILL: To that end, I -- I would hope that the folks at legal services would be looking at potential -- the kinds of cases they've had. I -- obviously we don't want to have legal services basically turn into just another litigation firm looking for cases that generate money rather than looking to vindicate individual rights where -- because if there's a big pot of gold at the end of the rainbow, presumably a private attorney will handle the case --

HUGH MACGILL: Exactly.

REP. O'NEILL: -- on behalf of an individual person. But there are cases, probably big, complicated, messy ones that are sort of long-shots but that legal services, if they do prevail, should be reimbursed for that effort by the -- by the people --

HUGH MACGILL: You raise an important point. I think it's important to understand that our

support for Raised Bill 1157 is shared by the Connecticut Bar Association. I think the Connecticut Bar Association might be a little less warm in its support if it looked as though we were getting into contingent fee litigation. That would be a collision of -- unnecessary.

REP. LAWLOR: Are there further questions? If not, thank you --

HUGH MACGILL: Can I make one -- I'm sorry, one sentence at the end?

REP. LAWLOR: Please do.

HUGH MACGILL: This is high rhetoric, I understand, but, by God, it matters. If you are able to turn 1157 into a law and half the funds generated by the increases in fees that are enumerated in that bill are allocated to legal services, the other half to the technology innovations in the judicial branch, which are very important portions of an overall campaign to increase access to justice, I think a great deal of help will have been -- will have been furnished.

We're just talking about adding Connecticut to a list of 32 states that already do advocate court fees for one degree or another, support in legal services.

And I go back to, believe it or not, President Obama. When he came into office, he talked about the responsibilities of citizenship, and we hadn't heard that for a long time.

Preservation of the programs which most help the neediest in times of greatest need I think have got to rank pretty high among those responsibilities. And we look around, and where in the world is -- where are the means

with which we can do it? What, then, is Connecticut's answer?

I think if we grasp the responsibility gladly, not grudgingly, as President Obama suggested, and we all work together, as we have done in putting together 1157, that surely Connecticut's answer can be yes, we can.

And I hope that you will do with Raised Bill 1157 all that you can to help make it so, and I thank you very much for putting up with me.

REP. LAWLOR: Thank you very much. And thanks for your passion and commitment on this.

HUGH MACGILL: Well, this is serious stuff.

REP. LAWLOR: No, seriously, it's often overlooked and not just your personal commitment but the importance of this issue as well. So thank you.

HUGH MACGILL: Thank you.

REP. LAWLOR: Next is Scott Jelescheff. And Mr. Jelescheff will be -- is -- is Natasha Pierre not here or she is here? Okay. Well, then, senator heartily will be next. Please have a seat.

And we're alternating back and forth between the state officials and the members of the public, and so following Senator Hartley will be Diane Whitney and then Wes Hortman.

So please go ahead, Mr. Jelescheff.

SCOTT JELESCHIEFF: Good afternoon, committee members. As you said, my name is Scott Jelescheff. I'm Connecticut regional counsel for the International Brotherhood of Police

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a very long day and you always have long agendas, but thank you so much.

And I want to thank the Taylors for their willingness to come forward and tell this egregious story. Thank you.

REP. LAWLOR: We see time and time again that it's through these personal stories, tragic as they are, that attitudes change, laws change, and it's important -- it's very courageous and very important that you're doing this. We appreciate it a lot. Thank you.

Next is Diane Whitney. Is Diane here?

DIANE WHITNEY: My name is Diane Whitney, I am the chair of the board of Greater Hartford Legal Aid and a partner at Pullman & Comley. With me is Attorney Aaron Bayer, who is chair of the board of Connecticut Legal Services. And Attorney Diane Polan, chair of the board of New Haven Legal Services -- Legal Assistance was with us, but had to leave to be in court.

We are talking today about Senate Bill 1157 and agreeing with Dean Macgill, which is in my opinion always a good idea to do.

You are hearing from many deserving entities asking for funding. We are here to tell you how deserving and how desperate the situation is for legal aid in Connecticut.

Our three legal aid organizations coordinate our work to cover the entire State of Connecticut. We handle over 15,000 cases per year, which affect more than four times that number of people.

Our clients are desperate people, people who are losing their homes, who are the victims of

domestic violence, who have no food or medical services, whose children are being thrown out of school, who are not being paid for work they are doing, who have no idea what resources are available to help them make it through the day.

We want you to understand that we not only help our clients survive and maintain some level of dignity, we save the state money. A client can -- who can keep his or her life together is a productive member of society, not someone who needs additional support at state expense.

That is what we help our clients achieve. And we are now in crisis.

The State of Connecticut supports legal aid largely with IOLTA funds, as you have recently heard. But that system has now collapsed. IOLTA revenues, which had been two -- which have been two-thirds of legal aid funding, have dropped by over 80 percent. The Connecticut Bar Foundation is spending out its reserves, and even with that, has had to cut the grants to legal aid by 50 percent.

Our system, always an efficient one, where every penny counts, is now on the brink of disaster. We have responded by increasing our fundraising efforts, which though likely to be fairly successful, will not come close to filling a \$9 million gap.

And we have seriously cut costs. Our attorneys, always under paid by any much, have agreed to significant cuts in their pay and benefits. Things like seminars and out-of-state travel are gone. And both attorneys and staff have been laid off, which is extraordinarily painful.

The situation that Dean Macgill explained to you about the tenants who were being evicted because of foreclosure, one of the attorneys who handled that matter has been laid off.

Legal aid attorneys are passionate about what they do for their clients. That is why they are legal aid attorneys. What hurts now even more than the significant impact on their personal finances is that the needs of their clients are not being met.

Legal aid has already had to turn away clients, and now we have to turn away more. We need a new source of funding and ask that you consider using the increase in attorney occupational tax and Superior Court filing fees to help meet our very serious gap at this time.

Our attorneys are lifelines. When we lose attorneys, we lose lifelines. In answer to a question that was asked earlier about fees, indeed whenever we have the opportunity to recover legal fees in our litigation, we do so. It does not happen that often, but when we can recover fees, we do.

SENATOR McDONALD: Thank you very much. Good to see you, Diane. Good to see you, Aaron. Thanks for being here and lending your voices to -- to Hugh MacGill's and I suspect to a lot of others -- on this issue.

The bills that we have are unfortunately works in progress, as they say here, because there's nothing definitive yet, and we're certainly trying to figure out where all of the other revenues for a whole host of other priorities is coming from. But -- but we --

I think we are all on the same page, that we need to address this issue and -- in some

capacity. And how we're going to do it remains to be seen, but your involvement and the groups that you represent are critical to this process.

We -- as you're saying, going from \$20 million to --

DIANE WHITNEY: To less than four.

SENATOR McDONALD: To less than four is nothing short of devastating for the entire system. And we'll get there somehow. I -- I don't promise that we'll get back the 20 million, but you certainly have made sacrifices and -- and we need to make sure that -- that the system doesn't collapse in on itself.

So thank you for your -- and, Aaron, if you had any comments --

AARON BAYER: I'll just underscore one point which Diane raised, which is that legal aid is not only a critical component of the administration of justice in our state, it does have a significant economic impact, because typically what legal aid lawyers do is step in and stabilize indigent people at a time of crisis in their lives and by doing so, help keep them in a job, keep them in a home, help keep their kids with them and keep their kids in school, the kinds of things that can snowball.

And if there isn't a lawyer there to help stabilize a person's life at that point, they fall through to the social safety net, which the state funds at tremendous expense.

So there's both an economic and a justice component to fixing legal aid funding.

SENATOR McDONALD: And let me ask you, both of you,

if you know this number. I know that the perception is that anybody who comes in for legal services gets representation, and I know that's not true, that you folks have to make some very tough decisions and sometimes tell people that you can't help them out.

What -- what is that number, if you know, the number of people who request your services versus those clients that are actually able to -- to be serviced and -- and any assistance from the folks in the trenches is much appreciated.

(Laughter.)

DIANE WHITNEY: Apparently.

(Laughter.)

DIANE WHITNEY: Approximately one in eight who apply for representation from legal aid get full representation. The remainder get something less than that and sometimes simply get information about how they might be able to help themselves.

SENATOR McDONALD: And I think that's important, because I think there's a perception out there that what you're asking for is to get back up to fully funding so that everybody who comes in the door gets services, and that's never been the case.

DIANE WHITNEY: That's true.

SENATOR McDONALD: And what you're -- what you're trying to do is prevent it from going from one in eight to one in 15 or 20.

DIANE WHITNEY: Fifteen. Exactly right.

AARON BAYER: And those -- those percentages are of a group of people that by our income guidelines

are already extraordinarily poor, so that the guidelines we use I think are 120 percent of the federal poverty -- poverty level.

So for an individual, you're talking about somebody who's making \$13,000 or less to be eligible to be considered to be one of those -- you know, the one in eight.

For a family of four, I think the cap would be about 25,000. So you're talking about serving a small portion of a -- of a very -- of an often working but very poor segment of our state.

SENATOR McDONALD: Okay. Thank you.

And we -- while we're talking about that component, it shouldn't go unrecognized that there are a lot of working poor who make more than 25,000 but certainly less than would allow them to -- to receive legal services from the private sectors that don't have any options.

So we're -- we're making brutally hard choices all along the spectrum, but I -- I appreciate -- appreciate your time.

Are there any questions? Representative Walker, followed by Representative Gonzalez.

REP. WALKER: Thank you. And thank you for your dedication. We do have to work this -- this out. This is very important, because I know a lot of people who you helped and work with, especially in New Haven.

Could you just tell me what your revenue sources are right now currently?

DIANE WHITNEY: IOLTA has always been the -- the largest component of our revenue sources.

REP. WALKER: Okay.

DIANE WHITNEY: Other than that, there are a number of our grant -- and I'm -- I'm most familiar with Greater Hartford legal Aid. I suspect, however the situation is the same with the others.

There are other funding sources, other foundations from which we get revenue. I believe there's a small component of state support also, but it's -- it's really very small. Each of us has private fundraising initiatives so that we -- we solicit donations from individuals, and I don't know if I'm missing anything important.

United Way.

REP. WALKER: United Way. Okay.  
You don't get any federal dollars?

DIANE WHITNEY: There are some block grants, apparently. My understanding is not a significant number of dollars, but there are block grants that -- that we also qualify for.

AARON BAYER: There are restrictions on the use of those federal funding, so that's passed through to other functions but not -- direct to legal aid representation of clients.

REP. WALKER: Okay. So -- okay so as far as the state, it's a minimal amount, but the majority of your clients are probably (Inaudible) recipients, a lot of low-income families, working families also?

DIANE WHITNEY: And a lot of what legal aid does is access benefits to -- to which our clients are entitled.

REP. WALKER: Uh-huh.

DIANE WHITNEY: But they don't know that or they don't know how to achieve it or, you know, there's some barrier you.

REP. WALKER: Thank you. Thank you very much.

DIANE WHITNEY: Thank you.

SENATOR McDONALD: Representative Gonzalez.

REP. GONZALEZ: Good afternoon. Thank you, Mr. Chair.

I know that the legal aid funds are, you know, very important, and some of the questions you -- you also answered some of my questions, you already answered, so thank you.

But I have a comment. Me as a -- when I was a welfare mother, I remember legal aid gave me the first opportunity to work. I did have a friend there, and she -- she help me to get a part-time job in legal aid. And then -- and that also was a welfare mother.

And then when I have my second job, I did have a big problem, and I remember that I qualify, and they -- they represent me in court, and they did a wonderful job

And up to today, you know, I still talking about that, because it was great. The result was great.

So I know there's -- the funding is very, very important, and I also can I say that I receive a lot of phone calls, you know, from people in my community every day, almost every day, and I refer people to legal aid services, and sometimes I go with them and -- as a group, and

the results are great.

So I think that we should look into that and help legal aid, because you people are the ones that help our people, the ones that they don't have the resources. You are there for them. Thank you

DIANE WHITNEY: That's very nice to hear. Thank you.

AARON BAYER: Thank you very much.

SENATOR McDONALD: Anything further? If not, thank you.

DIANE WHITNEY: Thank you.

AARON BAYER: Thanks for hearing us.

SENATOR McDONALD: Rick Moore -- I'm sorry, is Wes Horton here? Wes Horton, followed by Rick Moore and then Sharon Langer.

Mr. Horton, I understand you've been very busy today.

WESLEY HORTON: Yes.

SENATOR McDONALD: (Inaudible) on both sides of Capitol Avenue.

WESLEY HORTON: Yes, yes, it's surprising --

SENATOR McDONALD: You can sit here, though, you don't need to stand.

(Laughter.)

WESLEY HORTON: Maybe I should rethink who's in charge of the rules. That's right.

**JOINT  
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know the leadership has always been available to me when I've needed them, and I hope that I've been the same way to them.

SENATOR McLACHLAN: Thank you, your Honor. Thank you, Mr. Chair.

SENATOR McDONALD: Thank you.

Is there any further? If not, again, your Honor, thanks for taking the time to come talk to us.

JUSTICE ZARELLA: Thank you very much.

SENATOR McDONALD: Rick Moore, followed by Sharon Langer.

And thank you very much for your patience, Mr. Moore.

RICHARD MOORE: No problem. Good afternoon, Mr. Chairman and committee members. My name is Rick Moore, I'm deputy executive director for the Bridgeport Housing Authority, and I'm here in support of SB 1157, which is a kind of an unusual support from the housing authority, because on many occasions, we're sitting on opposite sides of the table with legal aid, with Connecticut Legal Aid Services.

And so to be here to -- in support them to the fact that they're very important to us as an agency, they understand our program and how it's funded, and they also understand the limitation of federal funding.

Many times when issues arise, it's a matter of how the funding is -- is administered versus the needs of some of our clients, which we have mutual clients many times.

Contrary to popular belief, the housing authority is not in the business to evict families. We're in the business to house families. When issues arise where there are issues or concerns or misunderstanding, we've been able to sit down many times and -- and map out these issues and concerns long before it gets to a situation where it goes to court or a family is -- is set out.

The housing authority experiences great expenses when we evict families, you know, and many times, this is a -- this is housing of last result. So if we can spare that burden, it helps us out in rehabbing apartments and possibly having families become homeless.

Proper representation allows the housing authority to administer its programs more effectively. There's no hidden agendas, and the tenants are not being taken advantage of on either side (Inaudible).

Collaboration allows better understanding for both parties. Non -- we're into quite a few nonpayment of rent cases, and -- and that avoids families being terminated, their tenancy terminated, and so we enter agreements many times based on the collaboration between housing authority and Connecticut Legal Services.

The greatest asset for the tenants is time to correct the situation, and Connecticut Legal Services gives them that time. We cannot be near completion of our Father Panik Village and Pequannock Village without the cooperation -- cooperative agreements between housing authority and Connecticut Legal Services.

And just to bring it to a close, after decades of arguing, both BHA and CLS realize that both

parties need each other and share the goals of the lower income populations of the state. Thank you very much.

SENATOR McDONALD: Thanks for coming out today and -- and testifying on behalf of (Inaudible). Are there any questions from members of the committee? Thanks very much.

RICHARD MOORE: Thank you.

SHAWN LANG: Sharon Langer, followed by Susan Smith.

Is Sharon Langer here? All right, then Susan Smith.

And then the -- then Jeanne Milstein will be next.

Good afternoon.

SUSAN SMITH: Good afternoon, Mr. Chairman and members of committee. My name is Susan Smith, and I'm here to support Raised Bill No. 6532. Our written materials were submitted, and they may have been erroneously given the House Bill No. HB 5446.

I'm a lawyer in private practice, and I have worked with victims since the mid 1970s and have represented them in the capacity of a lawyer since 1984. I can't remember a time since I was admitted to the bar that I did not represent a number of victims.

I have been here every time that the statute of limitations has been modified. For a number of years, I sat on the board of the Connecticut Sexual Assault Crisis Service, and I also was the Chair of the victim services oversight committee when the Office of Victim Services was established.

SENATOR McDONALD: Next is Jose Figueroa, followed by Liz Flavin and Nilda Fernandez. Is Nilda Fernandez here?

JOSE FIGUEROA: (Through interpreter.) Good afternoon, sir. My name is Jose Figueroa. I'm a Latino man here. I'm very proud and happy to be here to represent the Latino community. Excuse me. I'm a little bit nervous. I'm a little disabled, and I'm a little nervous.

SB1157

I'm here in this moment because it's -- this program is very important to me. The case -- my case is very clear and just. I'm mentally and physically disabled, and I don't have a lot of economic resources. The people who don't have work and don't have money to pay for lawyers, this program of legal services for much time has been a lot of help.

Everybody in New Haven, Connecticut and in the world knows about this program and how it helps everybody, whatever their race or their color. Because the cases of discrimination and -- people who don't know how to speak English and don't have enough money, they can face discrimination.

I had a case in 2007 with legal aid, and my lawyer, Amy, and Maria Valez, who's been my interpreter, I'm very proud and very thankful to this program. And that's why I'm here today. I have many animals, and I lived in this apartment from 2001 until now. I have animals which are my support animals. I love them totally.

And the landlord of this house has been discriminating against me for a while. Thanks to my lawyer, who you're meeting now, this program has been able to help me (Inaudible).

'm very sad in my heart that this program is in a crisis. And the whole world has to be educated that I'm not -- I don't think this program should stop or should be (Inaudible), because it has to help people who are poor and don't have resources.

The biggest landlords who have a lot of money and can have their lawyers, it's not fair that -- I understand that there's a -- I hope that you will hear me. And I hope that you can seek resolution to support legal services and give it all the support that it needs.

AMY EPPLER-EPSTEIN: And Mr. Figueroa is asking that all the people that are here today to support legal aid if they could stand to show their support, we know that we won't all get a chance to testify, given the lengthy hearing. He says thank you -- that's very good. Does my heart good.

SENATOR McDONALD: Please, please. You know, first of all, Mr. Figueroa, thank you for being here, and thank you for your testimony, sitting around all day.

Certainly may not be easy, but it's extraordinarily important, and I appreciate not only you being here but all of the folks here who are here to support legal services, because it is extraordinarily important, as is your testimony before us, and it looks like you -- you had the great help of a great lawyer, and if you could actually just identify yourself for the record.

AMY EPPLER-EPSTEIN: My name is Amy Eppler-Epstein, I'm an attorney at New Haven Legal (Inaudible).

SENATOR McDONALD: Well, thank you very much. And again, thank you for your time.

Are there questions? Representative Gonzalez.

REP. GONZALEZ: Mr. Speaker, I'm going to ask permission to the rest of my colleagues to speak Spanish? Can I?

SENATOR McDONALD: That's fine. I -- just so you know, it probably won't get transcribed in the transcript, but it's more than appropriate. Okay. I'll do the whole thing.

REP. GONZALEZ: (Speaking in Spanish.) Thank you for you being here. I recognize the importance of these services. I was in your same shoes. I was there once as a welfare mother. I was there. I was looking for services, and I know the importance for, you know, the people that came from different places, they don't speak Spanish. I know the importance of these services. And again, in the name of all the Latinos, I'll say thank you for you being here. Thank you.

SENATOR McDONALD: Thank you, are there any questions for Mr. Figueroa? If not, thanks again.

AMY EPPLER-EPSTEIN: Thank you.

SENATOR McDONALD: Liz Flavin, followed by nil da Fernandez, and then Jeanne Milstein.

Good afternoon, and welcome to the Judiciary Committee.

ELIZABETH FLAVIN: Good afternoon, Mr. Chairman and other committee members. My name is Elizabeth Flavin, and I'm here today with my colleague, Vicki Clark, and we first of all would like to

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Fernandez here? If not, then we'll go to --  
back to the elected officials.

Jeanne Milstein. Public officials. Thank you.

JEANNE MILSTEIN: Good afternoon, Representative Fox, and members of the Judiciary Committee. My name is Jeanne Milstein. I'm the child advocate for the State of Connecticut, and I appreciate the opportunity to testify today.

I'm here to discuss two bills. One which I oppose, which is House Bill 6702, An Act Concerning Public Access to Proceedings in Certain Juvenile Matters, and one which I support, Bill 1157, An Act Concerning Funding for Legal Services and Judicial Branch Technology.

I'm opposed to House Bill 6702. There is no question that our system for caring for abused and neglected children is in need of significant improvement. It is critical that we improve accountability of all the participant in juvenile court proceedings.

It is also critical that we ensure that attorneys practicing in juvenile court have good training and provide good quality legal representation in what is an extremely complex legal environment.

Finally, we must raise public awareness about abused and neglected children in our state. There is simply no evidence, however, that opening juvenile court proceedings to the public will accomplish these goals and good reason to believe that opening such proceedings has the potential to harm children.

I've provided you with a number of different studies that really show what the impact is and

the members to operate under strict guidelines to ensure confidentiality of personally identifiable information.

The oversight body could be required to report regularly to the legislature regarding the activity of the juvenile court and provide recommendations for improvement. I believe that this body would be then able to provide the public with information on the functioning of juvenile courts, including the quality of legal representation, the social work by the Department of Children and Families, legal representation, while, most importantly, protecting children from the public release of personally identifiable information.

I now move on to the second bill, 1157. I'll be very brief. I'm speaking of good legal representation. Legal aid programs provide legal assistance to our most vulnerable citizens, and I've been privileged to work with the attorneys over the years protecting the rights of our children.

Legal aid attorneys ensure that children with mental health issues are cared for appropriately in their own communities and do not languish unnecessarily in institutional and residential settings.

Legal aid attorneys have worked to ensure that children in foster care are not bounced around from home to home. Legal aid attorneys work to make sure children aren't bounced around from schools to schools. They work to protect children from losing medical coverage.

We need a good, strong legal aid program now more than ever. In difficult economic times, children and their families are at greater risk of domestic violence, homelessness, behavioral

health issues and substance abuse. They need legal health to help get them through entitlement, enforce their legal rights and -- so I urge you to support this piece of legislation, and I thank you.

REP. FOX: Thank you very much for your testimony. Are there any questions? Senator Meyer.

SENATOR MEYER: Thank you, Mr. Chairman. Jeanne, thank you. Thank you for your service.

I want to ask -- look at the open courtroom with juvenile proceedings for a moment in the bill here. Is there a possible middle ground? And that would be that selective media and court monitors would be allowed to come into the courtroom under a condition of anonymity of the child in question in order to add a certain accountability without -- without breaking that umbrella. HB6702

JEANNE MILSTEIN: I think that is something that we could certainly consider. I, you know, go back to the idea of having this oversight body that would include members of the press and other professionals.

I think the strength of a model like that is that this group of trained individuals could monitor what's going on over a period of rather than just a snapshot. And typically, I would think that the media would cover some of the more salacious cases, and I think a sustained institutionalized model would end up providing better information.

SENATOR MEYER: Thank you.

REP. FOX: Representative Walker.

REP. WALKER: Thank you, Jeanne, for your testimony.

back to the public officials. Is Werner Oyanadel still here? I know I saw him out there.

CHERYL KOHLER: Good afternoon.

REP. FOX: Good afternoon.

CHERYL KOHLER: My name is Cheryl Kohler, actually, and I'd like to present the testimony of Carolie Joseph, if I may. Carolie was here this morning, but she had to leave for childcare matters. She was hoping to testify in person. You do have copies of her testimony.

REP. FOX: Okay. Just have a seat and --

CHERYL KOHLER: Thank you. This is the testimony of Carolie Joseph in support of Senate Bill 1157, An Act Concerning Funding for Legal Services. And I'm going to read it in the first person as much as I can.

Good morning, members of the committee. My name is Carolie Joseph. I'm a mother of two girls, ages four and six. I met my husband when I was 16 and he was 32. Since I was 18, we worked together. For years I was trapped in an abusive relationship because I had no idea what my rights were or even if I had any.

My husband is an American citizen, and he was supposed to help me be legal in this country, but I think he wanted to control me and make sure I was dependent on him. The abuse started by manipulation, putting me down with words, controlling who I talked to. I was not allowed to be friends with anybody, even his family members.

Since I was 18, we worked together, but I never

got paid for my work. I did not know how to write a check, open a bank account. I lived in fear of losing my children and not having a home to stay in.

I went to a shelter in Bridgeport after I was beaten badly by my husband. Carolie had nearly -- both her hands why nearly broken, and she had some head injuries.

I spent four months in shelter, but because of my status, I needed to go back home to my husband after the four months were up.

Finally, in the summer of 2008, we had a horrible fight, and I got a protective order. It was only a partial protective order, but the policeman gave Carolie a Safe Haven card, is the local domestic violence shelter.

Safe Haven told me some of my rights and introduced me to Attorney Joanne Lewis from Connecticut Legal Services. We worked together getting my documents, putting my papers together, and now I have authorization to work in this country. That was truly the happiest day of my life. Finally I had hope.

Things with my husband grew worse, and even though I had the partial order, my husband was arrested again, and now I have a full no-contact protective order. Through all of this when my husband was not giving me any money for food, I was living on canned goods that Safe Haven could give me. I also went to the food pantry. A friend brought gallons of milk every week for the kids.

I tried to apply for help with the state, but they did not believe me that my husband was not living in the house with me. Even when I showed them the criminal protective order, they

would not help me.

Safe Haven referred me to another attorney who explained my situation to the state. The next day after she spoke with them, a state worker was in my house to see whether my husband was living there or not. I showed him my cupboards, my fridge, and I showed the worker my protective order and explained why I needed the food. And the next week, I had food stamps.

Even though I had already shown them everything before and Safe Haven had tried to help me, the state would not listen to me without and without legal services I would still be dependent on the food pantry and whatever the shelter could do for me and my children.

Connecticut Legal Services has given me hope and the ability to work and help me with my emergency needs. Without this program, I do not know where I would be. Please support funding for Connecticut Legal Services so they can be a lifeline for other women in my situation.

I just wanted to say that as an attorney for legal services, unfortunately I hear stories like this all the time, and I'm blessed to be able to help in many cases. And I -- I want to say this on behalf of Carolie, because she's a survivor and she's doing great and we're all real proud of her, but she -- she we'll really wants to make sure that there are other -- that there's the ability to help other people in her situation.

Thank you very much.

REP. FOX: Thank you. Are there any questions?  
Thank you.

Is Werner Oyanadel here? Then Judge Quinn.  
Good afternoon, your Honor.

JUDGE QUINN: Good afternoon, members of the  
committee. I'm Barbara Quinn, and I'm the  
chief coordinate court administrator.

There are many bills on your agenda today that  
concern the courts. We have submitted written  
testimony about many of these bills, and I'm  
here to testify about four of them. I know  
you've heard from Justice Zarella about the  
constitutional amendment and the process by  
which the procedural rules for the court are  
adopted, and I know you've also heard from  
Wesley Horton on this topic, so I will not be  
covering that.

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Later on, you will also here a little bit from  
our legislative liaisons, Attorneys Deborah  
Fuller and Stephen Ment on a few of what others  
have liability the more technical bills that  
may be of interest to you.

Let me turn now to the bills that I'm going to  
testify about. The first two concern the  
family support magistrates, Senate Bill 858 and  
House Bill 6700.

By way of background, there are nine family  
support magistrates and three family support  
magistrate referees who were appointed by the  
Governor for terms of three years. This  
process has been in place since 1986 when the  
General Assembly created the Family Support  
Magistrate division to establish and enforce  
child support and spousal support payments and  
to recover funds paid out for state assistance.

There has been a significant change in the  
program since that time. It is no longer a

You've heard, I think, a number of compelling stories and testimony concerning Senate Bill 1157, just recently the speaker before me, which is An Act Concerning Funding for Legal Services and for Judicial Branch Technology, and we have worked with members of the committee to identify fee increases that would provide significant revenue with the understanding that the revenue generated will be used to fund legal services and our technology needs.

These are the fee increases that aren't included in the bill. And I couldn't pretend to speak as eloquently as Dean Macgill and the others from the legal services boards, but certainly the economic downturn has contributed to a funding crisis for legal services organizations.

And access to justice in the courts is a critical component of our system of justice, and many of our state citizens, as you've heard, suffer significant deprivations when such funding cannot be provided.

Chief Justice Chase Rogers has adopted as one of the five overarching goals of her strategic plan for the branch securing access to the courts for all. We have been working closely with bar leaders to assist in the efforts to secure such funding.

Another aspect to the bill addresses our significant needs for increased funding for technology. In recent years, we've received only limited funding for IT systems. And at the same time, more demands have been made on us for information, particularly on the criminal justice side that we store, take in, and then disseminate.

And I think our residents in the state assume that public information will be available around the clock, and other state agencies rely upon us.

We need to maintain this information daily and keep it current, and it is especially important in times of fiscal crisis, because it becomes the platform on which we can do more with less. But a certain amount of funding for the infrastructure that's needed is, of course, required.

I know earlier when these bills were talked about there was some questions about the estimate of revenue that would be generated. And, of course, there will be a fiscal note appended to this bill. Our best estimates at this time is that between these two fees, there would be somewhere in excess of \$9 million, so each of the funding recipients, legal aid and then the branch, would receive about 4.5 million. That gives you some idea.

The last bill that I will address is Section 21 of House Bill 6710, which is the court operations bill. This section of the bill addresses the budget process for the branch. And the current budget process, I think it's fair to say, is not working well for any of us, the legislative branch, the executive branch or the judicial branch.

And also, it's become clear to me that these difficulties have existed for many years but are made worse by our present fiscal crisis. Recognizing these conflicts, legislative leaders have for the past two years been questioning the existing process and are now suggesting to us that the budget process should be changed.

JUDGE QUINN: We will give you all that detail.

REP. FOX: Okay.

JUDGE QUINN: It will not take long to assemble.  
I'm sorry, I just don't have it at hand.

REP. FOX: Okay. Well, thank you very much.  
Are there any other questions? Thank you.

JUDGE QUINN: Thank you.

REP. FOX: Next is Nancy Dunn. And if she's not  
here, Francis Brady, followed by Wendy Roberts.

FRANCIS BRADY: Good afternoon, Mr. Chairman.

REP. FOX: Good afternoon.

FRANCIS BRADY: Members of the distinguished  
committee. I am Francis Brady. I'm here as  
president-elect of the Connecticut Bar  
Association, and I think. You know, the  
Connecticut Bar Association is the preeminent  
bar association in Connecticut, having some  
9,000 members, and I'm here to speak on their  
behalf with respect to a bill -- Senate Bill  
1157, and that's An Act Concerning the Funding  
of Legal Services and Judicial Branch  
Technology.

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Judge Quinn has addressed that from one  
perspective a few moments ago. I understand  
that other speakers today have spoken at  
considerable length with respect to the needs  
of our society in terms of those who need legal  
services and simply do not have the means to  
secure it on their own behalf.

What I would like to do very briefly, without  
burdening the committee with repetition of what

other speakers have said, to indicate that certainly those of us who are in financial straits and have need for legal services are people who -- whom society as a whole has responsibility for.

This committee and this legislature in the past has discharged that responsibility very honorably. The prime example I'd like to cite is IOLTA itself. You passed that statute. You allowed the funding to be accumulated to serve these people in their legal needs over many years.

That funding has now reached crisis proportions because of circumstances beyond anyone's control.

I'm proud to report that the Connecticut lawyers have also discharged their responsibility over the years in terms of legal aid by funding in the sense that we have as -- last year contributed -- putting you a side all other charitable contributions -- close to a million dollars in terms of private donations to support legal aid.

We have devoted countless hours to the training, to the board membership with respect to legal aid, and in terms of private one-on-one legal representation of persons who need help. Unfortunately, as we know, that is not enough under today's circumstances.

So just this month, the Connecticut Bar Association took the somewhat I think remarkable position of endorsing a position that would increase the tax on lawyers within our state. That -- that flows from 1157.

We have taken the position that the tax on lawyers -- the occupational tax -- be increased

by one-third, from \$450 to \$600 per year, per lawyer. And we have done so with the request that that additional funding be directed to the legal aid needs of our community, and we respectfully request that 1157 has articulated that as a purpose, and it's a -- it's a valid and commendable purpose.

And with that in mind, the bar association strongly recommends that bill for that purpose.

There is one other aspect of the bill, and that is one that Judge Quinn addressed a moment ago, and that is the filing fees that are contemplated being raised. Those filing fees, eye as I understand the bill, would be allocated partially for technology in the courts, which is a sanction, and partially for the legal aid community that is necessary as I've described.

I understand I'm near the end of my -- my tenure, but I'd like to add one important point, and that is the issues that are confronting legal aid community affect all lawyers. They affect all persons.

The heros of this effort to solve these dilemma are the legal aid lawyers themselves. They put aside the opportunities to go into the lucrative private practice area. They have worked diligently over the many years to provide services for those who are less fortunate.

And at this point, because of curtailments in finances, they're having their hours curtailed. They're being laid off. Things are bad right now. They're going to be worse if relief cannot be had. And the consequences of that wonderful recovery services will be that our citizens, our fellow citizens, and their

clients will be disadvantaged significantly.

As a corollary -- I ask for your indulgence, Mr. Chair. As a corollary, I would like to also add our endorsement to the companion bill, if I may, which deals with client trust accounts. That has been addressed in great detail. That is Senate Bill 1160. The bar association has taken a position overwhelmingly in favor of that bill.

So with due respect, I request the favorable consideration of both Senate Bill 1157 and 1160 to benefit those of us in our communities who are less fortunate, and to provide them with the services necessary in order for them to have civil justice and to leave a meaningful life.

REP. FOX: Thank you very much for your testimony. And I certainly would agree with your comments about the legal aid attorneys. They are often the -- the finest and best attorneys that I -- I've come across, and they're really helping the people who have nowhere else to turn, and they do a terrific job.

Are there any questions? No? Thank you very much.

FRANCIS BRADY: Thank you very much.

REP. FOX: Thank you for your patience. Next is Wendy Roberts, followed by Rick Kenny.  
Good afternoon.

WENDY ROBERTS: Hi. My name is Wendy Roberts, and I've been receiving services from Connecticut Legal Services since 1994. At that time, I was in a marriage that reeked of domestic violence, and I was trying desperately to save myself and protect my children, who were ages five and

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seven.

I didn't have a job or any money, and I needed a divorce, protection and resources to help me provide a safe home for my kids and myself. I contacted almost every attorney's office in the phonebook, but without money I couldn't obtain a lawyer.

It was during the process of the restraining order that the victim's advocate told me about Connecticut's legal services. I called CLS, knowing that they were my last resort. They gave me hope and helped me obtain protective orders, food assistance, and after two long years and many court hearings, a divorce.

Then came the aftermath of all the violence. My five-year-old son needed extensive mental health treatment, which consists of countless hospitalizations and therapeutic treatment plans. Managed care and not the treating physicians were controlling all of Joseph's medical treatments.

This was doing great harm to Joseph's well-being and costing the State of Connecticut an enormous amount of money. With the help of CLS, this matter was taken to court. When all evidence was disclosed, Joseph received an exemption from managed care, and the State of Connecticut dropped this insurance company as one of their managed care providers.

This was a huge victory for us and other families who were being denied necessary medical treatment. I could not have done this without Connecticut Legal Services.

My son's mental health status prevented him from being taught in a regular school setting and was not capable -- and I was not capable of

controlling his unstable, unpredictable and explosive outbursts. Our home was once again an unsafe to live.

DCF, the school system and Joseph's psychiatric treatment team all recommended that he be placed in a residential treatment facility. It took my quite a bit longer to come to that conclusion, but once I did, I found myself in another situation where my family desperately needed the support of Connecticut Legal Services.

DCF wanted me to give up my parental rights and guardianship. In return, they would place Joe. I love my son, and there was no way I was going to give him up, nor should I have to. DCF has never claimed that I was an unfit mother, and they documented statements from therapists, doctors and others involved with our family that I was anything but unfit.

DCF's argument was that because I was receiving voluntary services and Joseph was not committed, they were not required to provide him with this placement. They wanted to take my son away because of his illness, not because I had done anything wrong.

In fact, one time my child was in the hospital, and he couldn't lift his head off his pillow. He was drooling, and he could barely talk.

Can I continue?

He had -- he had been given tranquilizers as a form of restraint. I insisted that they stop giving him these heavy-duty drugs. The doctor didn't like that and wrote a letter to the court stating "mother is interfering with son's treatment, and parental rights should be revoked."

You revoke a driver's license, not a mother's responsibility for her child.

Connecticut Legal Services represented me in juvenile court, and DCF and the child's advocate were there to defend me. The doctor's request was denied. With the assistance of Connecticut Legal Services, I was able to have Joseph placed in a residential treatment facility without giving up guardianship or any of my rights.

While he was in residential, a discharge plan was implemented, but DCF had no place for him to go, and they didn't attempt to provide such place. Even after probate court ordered DCF to find a creative place for Joe, they still didn't do anything.

For years, DCF dragged their feet in providing my son with the appropriate community-based program. I asked Connecticut Legal Services how I could make DCF help my son and all the other families who have the same issue.

In 2002, we filed a lawsuit in federal court for Joseph and other children like him. We needed to do what most people are afraid of doing. We had to stand up to DCF and hold them accountable for their actions, or lack of action, to provide children with mental illnesses the appropriate placement and services deemed necessary for a healthy and safe environment.

In 2007, we settled the W.R. v. Dunbar DCF lawsuit, and my son got the help he needed. My daughter has graduated college and is a vet tech at our local animal hospital. I am working full time as an assistant town clerk.

Without the help of Connecticut Legal Services, I could not have taken on the managed care system and the Department of Children and Families and been successful.

Also, I don't know where my children and I would be today if Connecticut Legal Services had not taken on our case and recuse us from domestic violence.

REP. FOX: Thank you very much for your testimony. Are there any questions? Representative Reeves.

REP. REEVES: I just want to thank you for your courage to come and testify. Your pain is all over your face, and we really appreciate hearing from you, and I hope we can do something to help you.

WENDY ROBERTS: Well, you can by helping Connecticut Legal Services, but...

(Laughter.)

WENDY ROBERTS: But without them, I wouldn't be sitting here.

REP. FOX: Thank you very much for your testimony.

WENDY ROBERTS: Thank you.

REP. FOX: Next is Rick Kenny. He'll be followed by Kristin Celez.

Good afternoon.

RICHARD KENNY: Good afternoon, Mr. Chairman, members of the committee. My name is Rick Kenny. I'm an attorney in Hartford, and I speak with respect to the Raised Bill 6532 involving the extension of the statute of

entity out there that negligently supervised or negligently hired, that would not apply to a governmental entity.

It is -- it is true there may be another cause of action, but these types of actions would not apply to governmental entities.

SENATOR McDONALD: Okay.

Well, thank you for your -- for your testimony. I think there certainly are some significant problems with the -- with the proposal as drafted. I don't -- I don't necessarily think the ones you've identified are the most glaring problems there, but I -- but I appreciate you pointing those out for us.

JOHN KING: I stayed away from those, Senator McDonald. I just was testifying on this one aspect, because we did want to bring this inequity to the attention of the committee.

SENATOR McDONALD: Well, thank you very much. Are there other questions? If not, thanks for your time.

JOHN KING: Thank you.

SENATOR McDONALD: Aishah Cope? Is that right? I apologize if I mispronounced your name, ma'am.

AISHAH COPE: (Inaudible).

SENATOR McDONALD: Aishah. Okay.

AISHAH COPE: Once again, my name is Aishah Cope, and I'm 21 years old. I just turned 21 two weeks ago, and that will correlate with my story.

In June 2005, the summer before my senior year,

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I was taken to Stamford Hospital after I was violently beaten by my father. After that incident, my father kicked me out of his household. I was fortunate that my best friend's mom allowed me to live with her while my friend was away at college. I was 17 years old, and I was alone with no one to depend on.

I worked at a local hardware store part time in order to support myself while attending high school. During my senior year in high school, I realized that I wanted to attend college so that I could improve my life.

Unfortunately, my father refused to provide me with the necessary tax information in order to apply for financial aid. I immediately became negative, and I almost gave up on my dream to attend college.

My dream of attending college almost became nonexistent. Luckily, a social worker at Stamford High School referred me to Connecticut Legal Service for help. Cecily Ziegler, an attorney in children risk unit Connecticut Legal Services found a law that allowed me to apply for something called independent student status. Independent student status, which meant that schools would determine my financial eligibility without considering my parents' income

First, my attorney helped me to file a petition for emancipation in Stamford Juvenile Court to officially establish my independence. Then, once I got accepted to Norwell Community College, she assisted me with my petition for independent student status based upon my emancipation.

The tremendous assistance that I received from Connecticut Legal Services changed my life

forever. If it had not been for Cecily and Connecticut Legal Services, I would not have received the proper about many guidance to pursue a college education and, most importantly, start my life on a new constructive path.

In addition, I still remain in contact with my attorney until this day. I am fortunate enough to have her in my life, and I feel comfortable confiding in her. I contact her just to give her an update of how I'm doing in school or whenever I'm confused and unsure of legal or life issues. She's become an important person in my life over the years, and I consider her my friend.

Without a doubt, my story demonstrates that raising money for legal aid should not be a burden or even a question for the State of Connecticut, because it's an investment in the future of individuals that are in need of help and legal guidance.

When I was first introduced to my legal aid attorney, I was alone, living on a friend's couch, and strongly considering dropping out of high school. There are many directions that my life could have taken.

For example, I could still be working a minimum wage job or end up on welfare, or I could be the line on a (Inaudible) financial support, or even worse, I could be homeless, but I'm not.

Fortunately, none of this is a part of my life, but rather my life has been quite successful, and my future's looking really well.

Connecticut Legal Services again helped me with my petition for independent status when I decided to transfer to Southern Connecticut

State University.

My petition was immediately granted, and I received enough financial aid so that I was to pay for room and board. I'm here today before you as a junior and an influential resident advisor at Southern Connecticut State University.

I credit all my success over the last four years to the help I received from Connecticut Legal Services. My plans for the next two years are to graduate with a BA in English from Southern and apply to Sacred Heart University to earn a master's in education.

Do you think that I could have achieved all this on my own? I say no. I'm able to do this because of Connecticut Legal Services and (Inaudible).

SENATOR McDONALD: Well, thank you very much. Let me just say, you know, many of us on this committee are attorneys, and I don't think any attorney could ask for as much as you've just given to your attorney by coming up here today and sharing your story.

You know, many attorneys practice a whole lifetime in the hopes of getting that kind of praise. But I also want to congratulate you for what you've done with your life.

Do you still live in Stamford?

AISHAH COPE: No, I'm --

SENATOR McDONALD: Oh, see --

AISHAH COPE: No.

SENATOR McDONALD: -- you were batting a thousand,

but...

(Laughter.)

AISHAH COPE: No, no, I live in New Haven all year round, because I'm an RA and I just live there all year long.

SENATOR McDONALD: Okay.

Well, I just want to -- I want to -- I was going to yield in a moment to Representative Walker --

AISHAH COPE: But I love Stamford High School.

SENATOR McDONALD: Which is where I went to high school. But just in all seriousness, it's very important that you came up here today and -- and shared that story. And congratulations with everything you've done so far in your life, and I'm sure you're going to do great things in the future.

Are there any other questions? Representative Walker of New Haven.

REP. WALKER: I just want to -- well, I'm glad you decided to come to the real city, New Haven.

(Laughter.)

AISHAH COPE: That was --

REP. WALKER: So are you still in school? Turn on your microphone.

SENATOR McDONALD: The button.

REP. WALKER: The red button.

AISHAH COPE: Yes, I'm in my junior year at Southern.

REP. WALKER: Oh, congratulations.

AISHAH COPE: I'm an RA there, too.

REP. WALKER: Oh, really? Very good.  
Congratulations.

AISHAH COPE: Thank you.

REP. WALKER: And thank you for -- for letting us know that -- the human side of legal aid. We sometimes always sort of think about only the court side and the cases, but we -- we get a good idea when we get people like you to come up and testify and remind us that there's a human side, and there's a lot of things that they do beyond just the court.

AISHAH COPE: They do. Because, I mean, when you're 17 and you have no direction and you're not sure what you're going to do with your life, just having someone like Cecily, you know, worked for Connecticut Legal Services, step in and say these are, you know, different steps you can take, this is what you could do, this is how you could get money, it makes a big difference.

Because had it not been for that, I'm not sure where I would really be. I get to live at school, I get to pursue an education, I get to, you know, know my resources because of her, I mean --

REP. WALKER: What's your major?

AISHAH COPE: English.

REP. WALKER: English, very good.  
I thought maybe it might be law or something.

(Laughter.)

REP. WALKER: Thank you, and thank you for coming up to testify.

AISHAH COPE: Thank you.

SENATOR McDONALD: Thank -- hold -- there's somebody who's not yet living in New Haven, but Representative Lawlor of East Haven would like to probably take some type of dig on Stamford at the moment.

(Laughter.)

REP. LAWLOR: I spend a lot of time in New Haven, and it is a great city. And -- but I wanted -- you said something, and I'm not sure I agree with that.

You said that you would not have been able to do it without your lawyer, and I'm pretty sure it might have taken a little bit longer, it might have been a more roundabout way, but I'm pretty sure you would have been able to do all of what you've already done without your --

I mean, you seem very talented and the best thing you said is that you're planning to be a teacher.

AISHAH COPE: Yes.

REP. LAWLOR: You're planning to go into education.

AISHAH COPE: I would not, because, I mean, of course I could have pursued this all this on my own, but when you don't know the laws, you don't know different ways in how to get and the resources, it makes it very difficult.

I mean, not many people will listen to a

seven-year-old -- 17-year-old. I couldn't just walk in and demand money from Norwalk at the time.

REP. LAWLOR: What I meant to say was you seem extraordinarily poised and committed and both feet on the ground.

AISHAH COPE: Thank you.

REP. LAWLOR: And I think in part you got a lot of help, but in part they had a lot to work with with you, and that's a great thing.

AISHAH COPE: Thank you.

REP. LAWLOR: And I'm -- and I'm glad you're going into teaching, because you can do for other people what people have done to help you.

AISHAH COPE: Yes, thank you.

SENATOR McDONALD: Representative Hewett.

REP. HEWITT: I just got a quick question for you where are you from originally?

AISHAH COPE: I was born in Jamaica.

REP. HEWITT: I'm telling you, gal.

(Laughter.)

REP. HEWITT: I was picking up your being a sent there. I know you're from somewhere over there, but just remember one thing, you -- you're going places, and you can do anything you want to do, you know?

(Laughter.)

AISHAH COPE: Thank you.

SENATOR McDONALD: Is there anything further?

Thanks very much --

AISHAH COPE: Thank you.

SENATOR McDONALD: -- for being here.

And I apologize, I apparently was supposed to --

(Pause.)

SENATOR McDONALD: Okay. I'm sorry. Adele Patterson. I got lost in my blizzard of paper here.

Good afternoon.

ADELE PATTERSON: Good afternoon. Representative Lawlor, Senator McDonald, members of the committee, I am Adele Patterson. I'm the acting chief of habeas corpus services for the Office of the Chief Public Defender. And this is Karen Goodrow, (Inaudible) her, she's the director of the Connecticut Innocence Project public defender.

With permission, we'd like to both address the committee this afternoon. But I did submit extensive written testimony in opposition to Raised Bill 6705. It goes through the bill section by section, setting forth the public defender objections to the bill.

I have been sitting here all day. I have listened to the testimony that's been given on the bill. I would summarize our objections to this bill as being primarily that it's going to be an extremely costly bill. Nobody who's testified before the committee today has discussed the fact that the institution of a statute of limitations that says once this -- if this bill were to be passed, everyone who's

jr JUDICIARY COMMITTEE

10:00 A.M.

BEV BRAKEMAN: Good evening, Senator McDonald and members of the committee. It's been a long day. I admire your patience.

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I am here tonight on behalf of the United Auto Workers. Most people don't know that we actually represent legal service and legal aid attorneys throughout the country, and we represent the workers -- proudly represent the workers at Connecticut Legal Services, and I'm very happy -- although I'm tired and my kids are waiting to go swimming with me, I'm very happy to be here. I'm proud to be here to support them and the services for legal aid.

I don't have to really read my whole testimony. You guys have it. I think you know what they're up against because of the IOLTA prices. There's a \$9 million deficit. The bill before you tries to raise -- they estimate about 6 million in -- by increasing Superior Court fees and attorney tax fees.

And, you know, you should know just a couple of things. The workers at Connecticut Legal Services, a lot of them here tonight, their jobs are on the line. They've already, you know, stepped up to the plate. They've cut their hours by 20 percent, and still keeping up the same levels of service that the citizens of this state need and deserve.

You've heard of the work they've done. I don't need to repeat that. I'm just here to -- actually, one other thing I will say, I've heard a lot of people -- I'm working on this issue in a lot of states, and I've hear a lot of folks say, well, why can't we get, you know, white-collared lawyers or corporate lawyers or to give pro bono and do these services, you know, to help out with the crisis?

And that's really not a good solution. This is -- I think most of you know -- a lot of you are lawyers. This is a very highly expertise area of law. You have to know lot about Medicare, Medicaid and foreclosure and domestic violence, and not any lawyer, I don't think, would just step into doing the work that these attorneys do.

And -- and they overwork, and they're underpaid and they're the most committed people that I've ever met. And if Aishah's testimony didn't show you that, then -- then certainly I can't do it justice.

But I'm here in solidarity with them to ask you to pass Senate Bill 1157 and to help them, you know, in their creative attempts to find ways to -- to meet the funding deficits that they're up against, and I appreciate you taking the time to listen to everybody's stories, because we all know what good work they do.

SENATOR McDONALD: They do great work, and I didn't know you actually represent them. But thank you for your patience and your testimony. I'm sorry we kept you from your kids and your swimming.

BEV BRAKEMAN: Well, they'll live. They're actually going -- I'm going to meet them there.

SENATOR McDONALD: We're sinking.

(Laughter.)

SENATOR McDONALD: Are there any questions? Thanks very much.

BEV BRAKEMAN: Thank you. Bye-bye.

SENATOR McDONALD: Maria Huertas, followed by Tim O'Keefe.

Is Mr. O'Keefe here? Mr. O'Keefe? All right. Then how about Karen Macedonia? Is Karen Macedonia here? John Conran? You'll be next, Mr. Conran.

Good evening. Could you hit -- hit the -- there you go. No, you just turned it -- there you go.

MARIA HUERTAS: My name is Maria Huertas, and I'm employed with Connecticut Legal Services in the New Britain offices as their legal assistant.

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I've been a part of the legal aid network in Connecticut since 1975, and worked in different legal services programs throughout the years. I believe in our mission statement, and that is that to help -- I'm sorry. I believe in our mission statement, and that is to help low-income individuals and families obtain justice through the legal system.

Local legal aid programs make a real difference in the lives of low-income families by helping them resolve everyday legal matters, including family law, housing, homelessness, education, juvenile law, consumer issues, and by helping them obtain wrongly denied benefits, such as Social Security and veterans' pensions.

People who are unable to resolve basic legal problems are more likely to experience greater hardship and require assistance from public social services programs. The legal aid programs are the nation's primary source of legal assistance for women who are victims of domestic violence and identify domestic violence as one of the top priorities in their caseloads.

Today, consumer fraud matters and the mortgage

foreclosure crisis are at the forefront. In addition to affecting low-income homeowners, the foreclosures are also forcing low-income renters from their homes.

On an average, four households will experience at least one and perhaps as many as three serious legal problems each year. Every day, new situations arise that continue to stretch the ability of our country to ensure that low-income persons can fairly resolve their legal problems through the justice system.

Our primarily funding source has collapsed and we need your help. Unless we can make up the loss in funding, there will be huge staff cuts among the legal aid programs. And we will be forced to deny services to thousands of low-income people in Connecticut.

On behalf of low-income families in -- on behalf of low-income individuals and families who need but cannot afford legal assistance, and myself, I ask that you support funding for legal services programs so that we can continue to provide high-quality legal services to the poor citizens of Connecticut.

Thank you.

SENATOR McDONALD: Well, thanks very much for your testimony.

Are there any questions? Thanks so much have a good evening. And once more, Tim O'Keefe is not here? Okay. Karen Macedonia? Okay.

And John Conran is next. And as Mr. Conran comes up, is Megan Yorio here? You'll be next.

Good evening, sir. Thanks for your patience.

witness has an opportunity to respond if they wish.

You don't need to, but you're more than welcome if you wish to. Okay. Well, are there any other questions? Representative Walker.

REP. WALKER: I just want to thank you for your courage to come and testify to us and talk to you about -- I know this issue is extremely difficult, but we definitely want to hear from everybody about situations that have happened to them, and we will work on trying to make a better situation for all.

So thank you for your courage, and you did a wonderful job, sir, thank you.

JOHN CONRAN: Thank you.

SENATOR McDONALD: Anything further? Thank you very much for your time, sir.

Megan Yorio. And is Judge Jones still here? I don't see -- how about Joan Walsh? Is Joan Walsh? Michael Culhane? Is he still here? Okay. Please proceed, ma'am.

MEGAN YORIO: Hello, my name is Megan Yorio, and I'm here to testify in support for funding for legal services organizations, SB 1157.

As a therapist working in the IICAPS program at the Village for Families and Children, I can personally attest to the value of the services that legal aid organizations provide.

Greater Hartford Legal Aid has been monumental in assisting our clients in getting adequate support and much-needed representation within the school systems.

The IICAPS program (Intensive In-home Child and Adolescent Psychiatric Services) works specifically with children with severe psychiatric and behavioral problems. These problems are so severe that these kids are at risk of being hospitalized or removed from the home.

As such, for most of the children in the IICAPS program, school has proven to be one of the biggest obstacles and greatest stressors. For some of them, years of not getting adequate support has caused school to be the biggest trigger for behavioral problems or psychiatric symptoms.

Because of this, many of the IICAPS kids have been wrongfully labeled as oppositional, disruptive, out of control or defiant, without any -- without an adequate assessment of how their disability manifests into maladaptive behaviors within the school.

The outcome of this is that children end up having problems in school, skipping class regularly, getting suspended for days at a time, or expelled. For these youth, Greater Hartford Legal Aid attorneys have worked to get services that are necessary to manage these behaviors in school.

Through attendance at planning and placement team meetings, legal aid attorneys inform parents about educational rights and ensure the school is adhering to the law.

With their advocacy, legal aid attorneys have been able to successfully secure smaller class sizes, structured classroom, individual paraprofessional for one-on-one support, additional tutoring, and therapeutic placements outside of the district.

Attorneys at legal aid have also assisted in getting much-needed testing to determine if specialized support is needed, such as speech or occupational therapy.

What is the impact of these services? The children demonstrate confidence in being able to navigate through school successfully towards a high school graduation and beyond.

From a therapeutic perspective, we see stability in terms of their symptoms because they're working in a system that can support their needs. The services provided have also helped parents to feel empowered with the knowledge and awareness of what their children are entitled to receive and how to go about obtaining it.

We have even seen parents who are able to better provide for their families on a whole because they no longer have to stand by the phone waiting for a phone call from the school asking them to pick up their children.

Without funding to legal aid, these children will continue to be overlooked in school and lost in life. More broadly, the educational advocacy work encourages the school system to evaluate children on an individual basis in order to meet their unique needs for these reasons, I would like to encourage you to support funding for legal services organizations.

Thank you.

SENATOR McDONALD: Thank you very much for sticking around tonight. Are there any questions?

Thanks a lot.

here. Tim Fisher? Tim Fisher still here?  
Kevin Price? Kevin, sorry, Melanie Stark?  
Okay. Enelsa Diaz. Okay.

And I think there's some other folks that  
signed up on another sign-up sheet, but I just  
wanted to get the next group.

So I very much apologize. Thanks for bearing  
with that. So it sounds like we have about ten  
more folks to go, more or less, so...

ERIKA TINDILL: Good evening. My name is Erika  
Tindall, I'm the executive director of the  
Connecticut Coalition Against Domestic  
Violence.

I'm here today to testify on three bills.  
House Bill 6245, An Act Concerning the  
Recommendations of the Task Force on Domestic  
Violence in Immigrant Communities, House Bill  
6710, An Act Concerning Court Operations, and  
Senate Bill 1157.

With respect to HB 6245, the coalition supports  
passage of this bill. In our work with  
immigrant communities of domestic violence, we  
know the obstacles they face in order to  
overcome abuse are far more complex than their  
counterparts.

Among other things, the complexity of obtaining  
relief for this group of victims stems from  
struggling to function in an environment of  
fear that is complicated by the reality of  
their -- (Inaudible) systems. So the U-Visa  
law enforcement official designation  
requirement and notification mandate are  
particularly important steps in closing those  
gaps.

CCADV supports passage of HB 6710 with the

following additional language added to Section 16(c): "But shall not include any information that will compromise victim safety or reveal" -- thank you -- "or reveal a victim's confidential location."

As the voice for victims of domestic violence and the programs who provide them with direct services, we have to insist that victim safety be a part of this -- this equation.

And finally, regarding HB 1157, crime victims, CCADV supports the funding of legal services programs. You have my written testimony there, and I just want to say that prior to coming to CCADV, I was deputy director at New Haven Legal Assistance and was a staff attorney there doing family law for a decade, and so I know firsthand about how important the work we do is with the families that CCADV serves.

I cannot stress enough how important it is to fund legal services and to come up with creative ways that are laid out in this bill, for example, of increasing court fees.

Any innovative ways that we can try to fill in those funding gaps, because the legal services programs across the state are -- are really suffering. I had the unfortunate opportunity to experience that prior to -- to my leaving legal services, but we are very committed to the work we do, and it's extremely, extremely important to the citizens of Connecticut.

If you can imagine for a moment a state without legal services programs, where would those people go? And in this economic environment, more people will be eligible for legal services, and more people will be trying to access and -- you know, use legal services to

solve their legal problems.

They have married legal problems, housing, immigration, domestic violence issues, civil matters, criminal matters, custody, you name it. Legal services lawyers handle all of that within the context of poverty.

These are people who but for legal services attorneys could not access the legal system. So I would urge you to support any funding of legal services.

Thank you. I'm happy to answer any questions, even though my four-year-old and one-year-old would like for me to read to them this evening, so --

REP. LAWLOR: Or you could read to them right now. They can watch it on TV. Go for it.

(Laughter.)

REP. LAWLOR: Thank you, Attorney Tindill. And by the way, your former colleagues at New Haven Legal Services very much regret the fact that you've moved on, but all the folks at CCADV -- from all the reports I've gotten -- are delighted to have you on board, and we are as well.

Thank you.

ERIKA TINDILL: I'm happy to do the work. Thank you.

REP. LAWLOR: It's a great thing. Representative Fox has a question for you.

REP. FOX: Thank you, Erika.

I want to thank you for sticking around today. I know it's a long night, and -- but your work

HB6245

And I think your paper does a great job, and I enjoy reading your editorial pieces, both the ones that are --

CHRISTOPHER POWELL: Tell me another.

(Laughter.)

SENATOR KISSEL: -- associated with your name and some of those that aren't.

No, you're an astute observer of what goes on here in Hartford, and I think everybody that -- that reads the Journal Inquirer is well-informed. I would say that, and I have no problem saying it. Thank you for your patience.

CHRISTOPHER POWELL: Thank you, Senator.

SENATOR McDONALD: Anything further? Thank you very much.

Jean Aranha, followed by Elizabeth Cafarella and then I believe Michelle Cruz.

Good evening.

JEAN ARANHA: Good evening, Senator McDonald and members of the committee. Thank you for hearing me this evening.

My name is Jean Mills Aranha, I'm an elder law attorney with Connecticut Legal Services in Stamford, and I'm here to testify in support of Senate Bill 1157 on behalf of our clients, the many thousands of people of Connecticut who have no place else to turn for civil legal services.

For almost 20 years, I was a trusted state's

attorney in Stamford and Greenwich. I was a regular contributor to Connecticut Legal Services. I did a significant amount of pro bono and reduced-fee work. I supported the local shelters for the homeless, and I thought I knew a lot about the poor people in Connecticut and that I did a lot for them.

Then in January of last year, I left Shipman & Goodwin and took a staff's attorney position with Connecticut Legal Services. And I began to learn from very specific detail all the things that I didn't know about the lives of poor people in Connecticut. And the breath and the depth of their problems and the courage with which they face them amazes me every day. And there are a lot of them.

Based on the 2000 census, the Connecticut Legal Service area contains some 190,000 people financially eligible for our services. I'm going to assume with the 2010 census, that that number's going to go.

We currently have 55 attorneys on staff to meet that need, and as you've heard in some detail today, we're facing some significant layoffs of those attorneys without help. And I'm hoping that you won't let that happen.

You -- Connecticut Legal Services has worked on some big cases that I'm sure you're all aware of. But in my elder law practice, I tend to see a steady stream of smaller, individual cases which are nonetheless critically important to the people involved in them.

I see elderly men and women, some in their 80s and 90s, many of whom have worked all their lives, and who now find themselves living on a couple of hundred dollars a month. And

particularly in lower Fairfield County, that doesn't go very far. When they have a legal probable leadership, they're in deep trouble.

I have some examples in my written testimony, but I'd just like to share one with you, even though I know it's late. This is one of my first cases. A 70-year-old Vietnam War veteran was seriously injured, had never asked for or received a single dollar of benefits, and he was ashamed to ask now. But he needed Medicare coverage for his hospital stay. He was denied that coverage because he couldn't produce his birth certificate from Puerto Rico. And the Puerto Rican authorities told him that he had to appear in person in order to get a birth certificate.

And he was not in health or financial condition to do that. We immediately contacted the Department of Social Services and established that his military papers, his discharge papers, which he had, were sufficient legal identification of his identity and his age, and that he could recognize who he was and how old he was based on his service.

Ultimately, one of our bilingual legal assistants was able to get a birth certificate from Puerto Rico by mail, which allowed him to apply for elderly housing. He's now living in dignity in (Inaudible) public house, receiving food stamps from medical assistance benefits to which he's entitled from a nation he served in his youth.

I don't have time, but I would like to commend my written testimony on the work that we do on behalf of nursing home residents who are extremely vulnerable in this state.

As I said at the beginning, I'm new to legal

services, and I'm privileged to stand shoulder to shoulder with an exceptional group of attorneys, some of whom have been doing this work for decades for incredibly minimal compensation.

The great American hero and activist Rosa Parks once said, "I would like to be known as a person who is concerned about freedom and equality and justice and prosperity for all people." She stood up for those principles and changed the world.

We at legal services work on those concerns day by day, person by person, case by case. I hope you help us continue this work. Thank you very much for your time.

SENATOR McDONALD: Thank you, Jean. I don't think we've ever met before. If we have, I apologize.

JEAN ARANHA: No, I don't think so.

SENATOR McDONALD: Okay. How long were you in private practice?

JEAN ARANHA: Almost 20 years; 19 years.

SENATOR McDONALD: And you've now been with legal services for how long?

JEAN ARANHA: This will be my 15th month.

SENATOR McDONALD: Okay.

Well, first of all, congratulations on a great career choice and -- and I know folks at your former firm and a lot of firms donate services, but I suspect while you're in this 24 hours a day, you have no idea of the breadth and scope of the work that's being done, and it's a real

jr JUDICIARY COMMITTEE

10:00 A.M.

calling in many ways.

So I wanted to thank you for meeting that call. And, the reality is, and let's be honest about it, if this problem persists, you might not have a job.

JEAN ARANHA: Certainly true.

SENATOR McDONALD: And that would be -- would be a great strain not only for you as a professional but for the clients you serve, so we are -- we are working on it. I certainly hope we can do what we need to do for the mission that you serve and the job that you do.

So thank you very much.

JEAN ARANHA: Thank you very much.

SENATOR McDONALD: Are there any questions? And thanks again for being so patient.

JEAN ARANHA: That's all right. Thank all of you.

SENATOR McDONALD: It's a great -- great ride back home to Stamford, right?

(Laughter.)

SENATOR McDONALD: Elizabeth Cafarella was next shelter programs, and then Michelle Cruz. After Ms. Cruz I believe is Peri Pogson; is that right?

Good evening.

ELIZABETH CAFARELLA: Good evening, Senator McDonald, and members of the committee. My name is Elizabeth Cafarella, and I'm the director of public policy at Connecticut Sexual Assault Crisis Services.

HB6532  
SB646  
HB6702

everybody, been very patient tonight. But speaking out on behalf of your spouse and -- is bold and courageous on your part, too.

And I have to tell you, it's very powerful testimony that you've shared with us, and I appreciate that.

PERI POGSON: Thank you very much for giving us the opportunity.

SENATOR McDONALD: Absolutely.

Are there any questions? All right. Thanks very much and have a good night.

PERI POGSON: You, too.

SENATOR McDONALD: Kevin Price. Oh, okay. Melanie -- and then Melanie Stark.

SANDRA TRIONFINI: Good evening, Mr. Chairman, members of the committee.

SENATOR McDONALD: Good evening.

SANDRA TRIONFINI: My name is Sandra Trionfini. I'm an attorney with Connecticut Legal Services. Mr. Price had to leave at 4:00, and as I walked him to the elevator, he made me promise that I try to stay and read his testimony.

SENATOR McDONALD: Tell him he should have picked a higher -- a better number.

(Laughter.)

SANDRA TRIONFINI: I picked the number, and I think I was first in line, too.

But anyway, this is in support of Senate Bill 1157, and these are his words. He wrote them

out in ink, and they were typed for him.

At Capital Region -- I'm reading this in the first person, obviously.

At Capital Region, I didn't get very good medical care. They used to let me eat whatever I wanted. They took me out to eat several times a week. They left me alone in a restaurant a few times.

I got out to exercise only to go across the street. I weighed in at 325 pounds. I got put in the hospital for edema and congestive heart failure.

I was supposed to go back to Capital Region when I got out of the hospital. When I got out of the hospital, I was moved to another house. My stuff wasn't moved with me. By the time I tried to get my things back, most of my stuff was gone.

Mom and I tried to get my bed back, but someone was sleeping in it.

While at my group home, I was treated very poorly. Staff did not care what I did throughout my day, like take a shower, bathe, eating, et cetera.

The staff let me get away with not bathing or shaving for days on end. They let me steal my roommates' food and/or stuff without caring. After two weeks, Capital Region put me in a nursing home.

Most of the time I stayed inside of the room and listened to music, watched TV, ate and slept and played cards with my mom. There were too many temptations like food, drinks, et cetera, around that I was able to

take.

I felt bad about being there. My lawyer, Sandy, from Connecticut Legal Services, got me out of Park Place, the nursing home. It took Sandy years to get me out.

I'll just state that Kevin Price was inappropriately placed in a nursing home because of lack of community services, and we brought litigation on his -- on his part. He was in the nursing home for seven years from about the age of 26 or so until his mid 30s.

Now, my life is great. I have staff that care about me. I go to school. I do things in the community, and I'm learning how to control my diet on my own. I have a girlfriend. I've lost 75 pounds in ten months, and I am no longer on insulin anymore. Thank God. I'm very happy with my life.

There are thousands of more out there like me who need help. They need support and someone to fight for them. If people like Sandy from Connecticut Legal Services weren't around to help these people, they wouldn't get a second chance. They'd be stuck in nursing homes. Please support Senate Bill 1157. Kevin Price. Thank you.

SENATOR McDONALD: Thank you. And thanks for sicking around on behalf of Mr. Price.

SANDRA TRIONFINI: Thank you.

SENATOR McDONALD: Thanks very much for your testimony. Melanie Stark, followed by Enelsa Diaz. Is that right?

MELANIE STARK: Good evening, Senator McDonald.

SENATOR McDONALD: Good evening.

MELANIE STARK: And other esteemed members of the committee.

SENATOR McDONALD: Good to see you.

MELANIE STARK: My name is Melanie Ellis Stark. I'm an attorney in the Children at Risk unit of Connecticut Legal Services. I appreciate opportunity to speak to you even at this late hour. I appreciate your attention and your perseverance throughout this very long day for all of us.

SB1157

I chose to begin my legal career at Connecticut Legal Services because I wanted to be an advocate for those who are disadvantaged and often invisible in their community.

I firmly believed then and now that lawyers are uniquely positioned to give a voice to those in our society who are silenced by poverty.

In my own personal history, my family came here from Central America and accessed attorneys when we first started our journey into American life.

As a young attorney, I have been taught to take into consideration the day-to-day challenges that face our clients. Mental illness, homelessness and job insecurity are often elements that complicate the issues that they bring to us.

attorneys across practice areas have worked even harder. As a team, we structure solutions that help our state's weakest citizens maintain a decent existence.

Personally, I have experienced mentorship,

opportunities to reach out in the community, as well as opportunities to train others so that they can help themselves.

I think this is the value of legal services. The partnership that we spent with other social services agencies in addition to other attorneys throughout the state really truly help us to do the work that our numbers could never help us do.

In my work as a special education attorney, parents who come to me for help are often unaware of their children's rights. Nonetheless, they inspire me, because despite all their challenges, they're still dedicated to ensuring that they are children have better opportunities.

These are individuals who themselves were often sidetracked educationally but value the means of getting out of poverty by accessing education and reaching out to all resources that their children can access.

I can look back at one of my earlier clients. It's a good example of this. Lee was an 18-year-old boy. He was disabled and he was at a local high school, in the tenth grade, but could barely read. He brought his mother with him to our first interview, because he was embarrassed, as he did not think he would be able to understand what I had to say to him.

His basic reading and math skills were at a third grade level, and his mother had never finished high school, and her fear was that he would not be able to finish either and when she were to pass on, her concern was that he would not be able to take care of himself.

Working with the school and the Department of

Developmental Services, we developed a unique educational program for him that involved individual tutoring, a mentor and vocational training.

This meant that finally, he would be on a path to self-sufficiency, and he would be able to successfully hold a part-time job as he finished high school.

In conclusion, I ask you as an attorney and a concerned citizen to protect the legal rights of people like Lee, the people who are really at our discretion, who really have nothing more than the responsibility of waking up every day, going to the job and trying to make ends meet. These individuals need legal services to speak for them, and they need their legislators to fight for them.

By cutting legal assistance to this already underserved segment of our population, we will be punishing them for their poverty and limiting their access to their rights.

I thank you, committee, for your time.

SENATOR McDONALD: Well, thank you. Clearly a great advocate for legal services, and I'm sure for your clients.

MELANIE STARK: Thank you.

SENATOR McDONALD: Appreciate you being here and being so patient with us as we go through a long agenda today.

Are there any questions? Thanks a lot.

MELANIE STARK: Thanks for your time. Have a good evening.

SENATOR McDONALD: Enelsa Diaz. I just want to run through what I believe are the final names just to see who's here and who's not.

Jim Neill? Is Jim Neill here? Mark Dumas? Mark Duman? Pete Sullivan? Libby D'Antonio? Nadine Olivieri? Susan Demaria? Demaria? And Vickie Horay? Horell? Okay. (Inaudible). Okay, we'll go with that pronunciation.

Is Vickie here? All right. Is there anybody else who has not yet testified before the committee?

I apologize. Thank you very much. Thank you. He will have the last word. You have the second to the last word. Good evening.

ENELSA DIAZ: Good evening, Senator McDonald, Representative Lawlor and members of the Judiciary Committee, my name is Enelsa Diaz.

I'm a staff attorney at Greater Hartford Legal Aid where I represent victims of domestic violence and family and immigration cases. I'm testifying today in support of Senate Bill 1157, An Act Concerning Funding for Legal Services and the Judicial Branch Technology.

The work that we do at legal aid is so important, because we not only assist individuals in asserting and protecting their fundamental legal rights, but we also advocate for the basic human needs of those living in poverty.

To give you an example of how our work impacts the lives of those living in poverty, I'll tell you a little bit about my client, who I shall call Maria.

Maria was an immigrant who was being violently

abused by her American husband. He treated her like a slave, wouldn't let her work, wouldn't let her leave the house, and he would viciously beat her and her son.

When Maria attempted to stand up to her husband, he filed for divorce, hired an attorney to fight Maria for custody of their young child.

Vulnerable, humiliated and terrified, Maria might have lost custody if I had not been there to represent her. I was able to safety plan with Maria in her own language, understand her needs and assert her rights in court.

Only with the help of a lower experienced in representing domestic violence victims could Maria stand up to the abuse and win court orders that protected her and her children.

Free from violence and the control of her ex-husband, Maria now works and supports her own family and owns her own home.

Her children can now play and grow up in safety and without fear.

At legal aid, what we do is so much more than the mere filing of a complaint or attending a hearing. We giving those who would not otherwise be heard a voice, often for the first times in their lives.

We protect victims of family violence. We secure the rights of low-income children to a quality education, and we keep people in their jobs and in their homes.

So I respectfully request tonight that you please increase funding to legal services so that we can continue to protect victims of

family violence, victims like Maria and her children. Thank you.

SENATOR McDONALD: Thank you very much for your testimony. Excuse me, I'm losing my voice.

Are there any questions for Ms. Diaz?  
Representative Fox.

REP. FOX: I just want to thank you for sticking around all day. I know it's a long day. And also to thank you for all the help that you've given all of us in terms of the domestic violence in the immigrant communities as well. You've been a great educator to many of us and taught us on the task force as well as -- as far as how we -- what we need to do in -- in going forward.

So I thank you again for your help.

ENELSA DIAZ: Thank you.

SENATOR McDONALD: Anything further? Thanks very much.

ENELSA DIAZ: Thank you.

SENATOR McDONALD: Representative Candelora. And I don't know that this -- this may be a first, that a state representative is the last to speak. So I appreciate you sticking around all day as well.

REP. CANDELORA: Thank you. I was here anyway.

(Laughter.)

REP. CANDELORA: Thank you, Chairman McDonald.

SENATOR McDONALD: What other committee is going?

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 21  
6584 - 6932**

**2009**

March 26, 2009

Testimony in support of S.B. 1157- An Act Concerning Funding For Legal Services & Judicial Branch Technology

Kevin E. Price  
55 Oxford Drive  
Norwich, Connecticut 06360

At Capitol Region I didn't get very good medical care.

They used to let me eat whatever I wanted.

They took me out to eat several times a week. They left me alone in a restaurant a few times.

I got out to exercise only to go across the street.

I weighed in at 325 lbs. I got put in the hospital for edema and congestive heart failure (minor).

I was supposed to go back to Capitol Region when I got out of the hospital.

When I came out of the hospital I was moved to another house, my stuff wasn't moved with me. By the time I tried to get my things back most of my stuff was gone. Mom & I tried to get my bed back but someone was sleeping in it.

While at my group home I was treated very poorly. Staff did not care what I did throughout my day like take a shower, bath, eating etc...(poor hygiene). The staff let me get away with not bathing or shaving for days on end.

They let me steal my roommates' food and/or stuff w/out caring.

After 2 weeks Capitol Region put me in a nursing home. Most of the time I stayed inside of the room & listened to music, watched TV, eat and slept and played cards with my mom.

There were too many temptations like food, drinks etc around that I was able to take.

I felt bad about being there.

My lawyer Sandy from Connecticut Legal Services got me out of Park Place (the nursing home).

It took Sandy years to get me out.

Now my life is great. I have staff that care about me, I go to school, I do things in the community and I'm learning how to control my diet on my own!!

I have a girlfriend.

I've lost 75 pounds in 10 months, and I am no longer on Insulin anymore. Thank God.

I'm very happy with my life.

There are thousands or more out there like me who need help. They need support and someone to fight for them.

If people like Sandy from Connecticut Legal Services weren't around to help these people they wouldn't get a second chance, they'd be stuck in nursing homes.

Please support S.B. 1157.

Kevin Price

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March 26, 2009

**To: Senator McDonald, Representative Lawlor, and Members of the  
Judiciary Committee**

**From: Robert Madore, Director  
Beverley Brakeman, Community Action Program Representative**

**Re: Senate Bill 1157 AAC Funding for Legal Services and Judicial Branch  
Technology**

Good evening Senator McDonald, Representative Lawlor and members of the committee.

My name is Beverley Brakeman and I am here tonight on behalf of our Director Bob Madore, who was unable to attend this meeting because he is out of state.

The United Auto Workers (UAW) is here this evening in solidarity with the CT Legal Services (CLS) and other legal aid programs in the state to urge you to support Senate Bill 1157.

Legal services/aid programs have a combined \$9 million deficit as a result of the economy. Interest on Lawyers' Trust Accounts (IOLTA) have provided most of legal services funding, but the stalled housing market and near-zero interest rates have caused an 80% drop in IOLTA fund.

It is estimated that this bill could raise approximately \$6 million in funds for legal aid by increasing Superior court fees (about half of which would support legal aid) and increasing the attorney occupational tax.

UAW Local 2320 NOLSW is proud to represent the employees of CLS and that our members have stepped up to the plate so their clients don't suffer. They have taken 20% cuts in pay and hours, increased their contribution to their health care and have been actively involved in working with management to identify

other cost saving measures. Even with these cuts these programs are facing a loss of up to ¼ more of the remaining positions if additional funding is not found.

That said, we are here today because we know this is not about member's jobs alone. This is about the jobs our members do to help Connecticut's neediest residents. This is about their deep commitment to their clients and the incredible wealth of knowledge and experience they have developed practicing law to help poor and low income residents of this state.

We have heard some lawmakers say that these jobs could be done pro bono by white collar lawyers donating their time. This won't work. This type of legal assistance requires a high degree of expertise and knowledge of Medicaid, medicare, foreclosure, housing, healthcare, disability, consumer, domestic violence and other types of laws. It is a myth to think that any lawyer can just pick up and do the work of our legal aid attorneys.

The legal aid network in Connecticut, as you know, provides urgently needed legal services throughout the state that save the state money by:

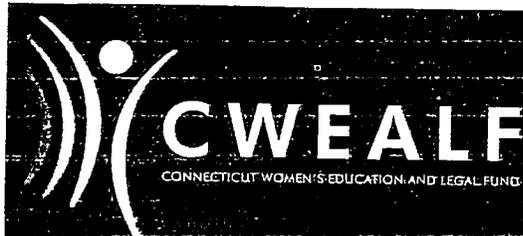
- a. helping people keep a job or find other means of support;
- b. finding ways for people to stay in their homes rather than homeless;
- c. assisting individuals in getting appropriate medical and behavioral health keeping them from having to access costly emergency care;
- d. securing access to quality education for children and those with disabilities;
- e. protecting consumers, especially elderly and disabled individuals, from costly consumer scams;
- f. avoiding harmful discrimination based on race, ethnicity, disability or source of income.
- g. Finding legal and other resources for victims of domestic violence.

In essence, CLS and the other legal aid program maximize the impact of their efforts by undertaking cases and projects that cost-effectively benefit large numbers of needy people.

Without your assistance, people in this state will suffer. There is no question about that and we look to you to help restore this lost funding so our attorneys can continue to be a vital part of the state's safety net for low income individuals and families.

Thank you.

BB:tg  
opeiu494



*Judiciary Committee Hearing  
Public Testimony in Support of S. B. No. 1157 (RAISED) An Act Concerning Funding For Legal  
Services And Judicial Branch Technology  
Submitted by Amy Miller, Program & Public Policy Director,  
Connecticut Women's Education and Legal Fund  
March 26, 2009*

My name is Amy Miller and I am the Program & Public Policy Director of the Connecticut Women's Education & Legal Fund (CWEALF). CWEALF is a statewide non-profit organization dedicated to empowering women, girls and their families to achieve equal opportunities in their personal and professional lives. Thank you for this opportunity to submit testimony in support of S.B No. 1157 An Act Concerning Funding for Legal Services and Judicial Branch Technology.

Before you this year are critical and difficult budget decisions. Some of the budget cut decisions you make will address problems for the short-term while others will have long-term implications. I argue that by not providing adequate funding to legal service programs will contribute to continued strains on Connecticut's infrastructure tomorrow as well as long into the future. While it is difficult to implement new taxes, it is important that you continue your support of legal services programs to ensure economic stability for individuals, communities, and agencies.

Our relationship with legal services occurs on multiple levels. CWEALF provides legal information and referrals on family, employment, education and civil rights law. Our Information and Referral (I&R) Service frequently receives phone calls that are referred from legal services. From the thousands of calls we receive annually, more than 15% of them have been referred from legal services. Often the people they refer to us do not qualify for their services due to their incomes. However, *many individuals do qualify, but because they are already underfunded, legal service programs must make difficult decisions on who is perceived as the most in need of their services.*

In order to maximize their resources, legal services is a generous collaborator. They recognize that the more they share their knowledge and expertise, the better they can meet the needs of those they will not be able to represent. They have excellent written materials which explain to individuals their legal rights in custody, child support, modifying orders, addressing housing issues, etc. Our organization uses these publications almost daily to send to the individuals who contact our program. Besides the written materials, they annually host a Poverty Law conference for social service agencies, which my staff consistently attends. The information provided at this conference is valuable to the community and helps local agencies understand the impact of legal issues their clients face and better prepare them to case manage the situations. Additionally, legal services staff have provided trainings on topics such as SSI & SSD to our staff when we recognized a growing need for this type of information.

When we look to reduce costs we identify the ways in which we can cut waste, stream-line processes and avoid duplication of services. Legal service programs have already done all of these measures and more. By representing individuals, they reduce strain on the court system. By being advocates in the system they identify ways to navigate systems more efficiently. And by collaborating with organizations they strengthen communities throughout the state. For these and many more reasons, I strongly urge you to financially support legal service programs through such solutions as in SB 1157 to ensure equitable access to the court for low-income people in Connecticut.

**March 26, 2009**  
**Before the Judiciary Committee**  
**Testimony in support of**  
**SB 1157 – Legal Services Funding**

My name is Maria Huertas and I am currently employed with Connecticut Legal Services in the New Britain Office as a legal assistant.

I've been working a part of the legal services network since 1975 working in different capacities and in different programs. I can't imagine working any where else; my heart is with the clients that we serve.

Local legal aid programs make a real difference in the lives of low-income American families by helping them resolve everyday legal matters, including family law, housing, education, and consumer issues, and by helping them obtain wrongly denied benefits such as social security and veterans' pensions.

People who are unable to resolve basic legal problems are more likely to experience greater hardships and require assistance from public social services programs

As you already know, today, consumer fraud matters and the mortgage foreclosure crisis are at the forefront. In addition to affecting low-income homeowners, the foreclosures are also forcing low-income renters from their homes.

Legal aid programs are the nation's primary source of legal assistance for women who are victims of domestic violence and identify domestic violence as one of the top priorities in their caseloads.

Various legal needs studies show that, on average, poor households will experience at least one, and perhaps as many as three, serious legal problems each year. Every day, new situations arise that continue to stretch the ability of our country to ensure that low income persons can fairly resolve their legal problems through the justice system.

Our primary funding source has collapsed and we need your help. Unless we can make up the loss in funding, there will be huge staff cuts among the legal services programs and we will be forced to deny services to thousands of low income people in Connecticut.

On behalf of low-income individuals and families who need but cannot afford legal assistance and myself, I thank you for your consideration of this request.



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March 26, 2009

Before the Judiciary Committee

### TESTIMONY OF MELANIE ELLIS STARKS IN SUPPORT OF SB 1157 re FUNDING FOR LEGAL SERVICES

Good day Senator McDonald, Representative Lawlor and members of the Judiciary Committee. My name is Melanie Ellis Starks. I am an attorney in the Children at Risk Unit of Connecticut Legal Services, Inc. (CLS) I practice in our New London office serving people in need throughout the county.

I appreciate the opportunity to speak to you today about the importance of Legal Services funding to our state's poor.

I chose to begin my legal career at Connecticut Legal Services because I wanted to be an advocate for those who are disadvantaged and often invisible in their communities. I firmly believed then and now that lawyers are uniquely positioned to give a voice to those in our society who are silenced by poverty.

As a young attorney, I have come to see how Legal Services' approach to serving underserved populations provides these individuals with a new voice and respect. I have been taught to take into consideration the day-to-day challenges that face our clients. Mental illness, homelessness, and job insecurity are often elements that complicate the issues that they bring to us. As times have gotten tougher, Legal Services attorneys across practice areas have worked as a team structuring solutions that will allow our state's weakest citizens to maintain a decent existence.

This is a daunting task. However, I welcome the chance to do this work. On a regular basis I am humbled by my clients, and feel rewarded when I can share in their victories.

As a special education attorney, the parents who come to me for help are often unaware of their children's rights. Nonetheless, these parents inspire me because, despite all the challenges in their lives, they are still dedicated to ensuring that their child has a better opportunity. These are individuals who were sidetracked during their own educational journeys, yet value what education could mean for their child—a way out of poverty. They look to legal services to advise them regarding their legal rights and to help the family navigate the often confusing laws governing education.

I can look back at one of my earliest clients as a good example of this. Lee was an 18 year old disabled student at a local high school who was in 10th grade but could barely read. He brought his mother with him because he was embarrassed that he had repeated several grades and was worried he wouldn't understand our discussion. His basic reading and math skills were at a 3rd grade level. His mother had never been able to finish high school. His family's biggest fear was that if something were to



happen to his mother, he would be unable to care for himself. Working with the school and DDS, we developed a unique educational program for Lee that involved tutoring, a mentor and vocational training. This meant that finally Lee would be on a path to self-sufficiency and he was able to successfully hold a part-time job while finishing high school.

As an attorney and a concerned citizen, I am testifying to ask you to protect the rights of our state's weakest citizens by protecting Legal Services. These individuals need Legal Services to speak for them and to fight for them. By cutting legal assistance to this already underserved segment of the population, we will be punishing them for their poverty and limiting their access to their rights.

March 26, 2009  
Before the Judiciary Committee

**Testimony of Wendy Roberts In Support of SB 1157 Funding for Legal Services**

My name is Wendy Roberts and I have been receiving services from CLS since 1994. At that time, I was in a marriage that reeked of domestic violence and I was trying desperately to save myself and protect my children who were ages 5 and 7. I didn't have a job or any money and I needed a divorce, protection, and resources to help me provide a safe home for my kids and myself. I contacted almost every attorney's office in the phone book, but without money I couldn't obtain a lawyer. It was during the process of a restraining order that the Victim's Advocate told me about Connecticut Legal Services. I called CLS knowing that they were my last resort. I spoke with and met Attorney Garrett Tuller. He was our first lifeline. He gave me hope and helped me obtain protective orders, food assistance, and after 2 long years and many court hearings, a divorce.

Then came the aftermath of all the violence. My five-year-old son, Joseph, needed extensive mental health treatment, which consisted of countless hospitalizations, and therapeutic treatment plans. Managed Care and not the treating physicians were controlling all of Joseph's medical treatments. This was doing great harm to Joseph's well being and costing the State of Ct an enormous amount of money. With the help of CLS and Attorney Royal Stark, this matter was taken to court. When all evidence was disclosed, Joseph received an exemption from managed care and the State of Ct dropped this insurance company as one of their Managed Care Providers. This was a huge victory for us and other families who were being denied necessary medical treatment. I could not have done this without CLS.

Next came Special Education issues. Joseph's emotional and mental health continued to decline. He was in the 2<sup>nd</sup> grade and the school was denying him Special Ed programs even though they could not educate him in a regular classroom setting. The school's solution was to continuously suspend him. I had a part time job in the Town Hall but after a short period of time, I had to quit because the school kept calling me to come get my son. That's when Attorney Doug Crockett from CLS stepped in. I say that with a smile because this man worked on our case even as he went into retirement and out of the country! Attorney Crockett knew the laws of Special Ed and he made sure that all required testing was done and that my son received the services deemed necessary and appropriate. Sadly, even with all the services that were being provided, in home and at school, Joseph's mental and emotional state continued to spin out of control. Joseph was now being arrested regularly due to behaviors caused by his mental illness. He was now part of the juvenile court system.

Joe's mental health status prevented him from being taught in a regular school setting and I was not capable of controlling his unstable, unpredictable and explosive outbursts. Our home was once again an unsafe place to live. DCF, the school system and Joseph's psychiatric treatment team all recommended that he be placed in a residential treatment facility. It took me quite a bit longer to come to that conclusion, but once I did, I found myself in another situation where my family desperately needed the support of CLS. It was at this time that I met Attorney Anne Blanchard.

DCF wanted me to give up my parental rights and guardianship; in return, they would place Joe. I love my son and there was no way I was going to give him up nor should I have to. DCF has never claimed that I was an unfit mother and they documented statements from therapists, doctors, and others involved with our family that I was anything but unfit. DCF's argument was

that because I was receiving "Voluntary Services" and Joseph was not committed, they were not required to provide him with this placement. They wanted to take my son away because of his illness not because I had done anything wrong. In fact one time my child was in the hospital and he couldn't lift his head off his pillow; he was drooling, and could barely talk. He had been given tranquilizers as a form of restraint. I insisted that they stop giving him these heavy-duty drugs. The doctor didn't like that and wrote a letter to the court stating, "mother is interfering with son's treatment and parental rights should be revoked." You revoke a driver's license not a mother's responsibility for her child. Attorney Blanchard brought DCF and a Child Advocate to the hospital to see my son in that condition. When the doctor's letter was presented in court, Attorney Blanchard represented me. DCF and the Child Advocate were there to defend me; the doctor's request was denied. With the assistance of CLS, I was also able to have Joseph placed in a residential treatment facility without giving up guardianship or any of my rights.

While my son was in Residential, a discharge plan was implemented. This plan stated that Joseph needed to live in a community based program; one in our community. It was also stated that there needed to be a 24-hour, 7 days a week support system in place for him in order to make this transition successful. But DCF had no place for him to go and they didn't attempt to provide such a place. Even after Probate Court ordered DCF to find or create a place for Joe, they still didn't do anything. For years, DCF dragged their feet in providing my son with the appropriate community based program.

I was running out of time. My son was going to be 18 and he was legally going to be able to make his own decisions and DCF was going to welcome, with open arms, Joseph's request to stop treatment and their involvement in his life. The problem with that was my son was not capable of making such decisions because of his mental illness and his lack of knowledge of the real world.

I asked Attorney Blanchard how I could make DCF help my son and all the other families who have the same issues. In 2002 we filed a lawsuit in Federal Court for Joseph and other children like him. We needed to do what most people are afraid of doing. We had to stand up to DCF and hold them accountable for their actions or lack of action to provide children with mental illnesses the appropriate placements and services deemed necessary for a healthy and safe environment. Attorney Blanchard worked on this lawsuit nonstop. Even when she was on vacation and DCF would try to badger me into something that I knew wasn't right or acceptable, she would take immediate action. If that weren't possible, Attorney Bet Gailor or someone else from CLS would. I have never witnessed such dedication, commitment and hard work as I do with all the attorneys at Connecticut Legal Services. In 2007 we settled the W.R. v. Dunbar/DCF lawsuit and my son got the help he needed.

Today, my daughter has graduated college and is a Vet Tech at our local Animal Hospital. I am working full-time as an Assistant Town Clerk. Without the help of Connecticut Legal Services, I could not have taken on the Managed Care system and the Department of Children and Families and been successful. Also, I don't know where my children and I would be today if CLS had not taken on our case and rescued us from domestic violence.

Wendy L. Roberts

**Written Testimony of Sheila Harris, African-Caribbean-American Parents of  
Children with Disabilities, Inc. (AFCAMP)  
In support of Funding for Legal Services**

SB 1157

My name is Sheila Harris. I am the family support and school coordinator for AFCAMP, a parent advocacy organization whose central mission is to educate, empower, and support parents of children with disabilities in the cities of Hartford, Bridgeport, Waterbury, and New Haven. I am here today to speak in support of increased funding to the legal services programs in Connecticut.

AFCAMP has always collaborated closely with the legal services programs in Connecticut: Greater Hartford Legal Aid, Connecticut Legal Services, and New Haven Legal Assistance. Our AFCAMP community is the same community served by legal services, with the same compelling concerns: access to appropriate education, juvenile justice issues, and child protection issues. When our parents' issues reach the level where we know they need an attorney involved, the legal services programs have always been there to help, from providing legal information, to giving family-specific advice, to direct representation.

Recently, Greater Hartford Legal Aid has assisted many AFCAMP families whose child was without an appropriate education plans and school placement. Recently, Greater Hartford Legal Aid also assisted one of our families with a difficult expulsion case, ensuring that the child, who was disabled, continued to receive an appropriate educational plan during the period of the expulsion, so he could learn.

In addition to education-related work, the legal services programs have been invaluable when we refer families who need help in other legal areas, including housing, family, employment, and public benefits. Their help in these areas prevents families from falling apart.

Our families rely heavily on the state legal services program. On behalf of AFCAMP families and many other families across the state, I urge you to support funding for legal services to ensure their continued work for the low-income community. Without legal services' help, our families would be put out on the street, denied financial support to which the law entitles them, and denied adequate educational services.

Thank you.

Testimony of Megan E. Yorio  
IICAPS Clinician, The Village for Families and Children

SB1151

Hello, my name is Megan Yorio and I am here to testify in support of funding for Legal Services Organizations.

As a Therapist working in the IICAPS Program at The Village for Families and Children, I can personally attest to the value of the services that Legal Aid organizations provide. Greater Hartford Legal Aid has been monumental in assisting our clients in getting adequate support and much needed representation within the school systems.

The IICAPS Program (Intensive In-home Child and Adolescent Psychiatric Services) works specifically with children with severe psychiatric and behavioral problems. These problems are so severe that these kids are at high risk of being hospitalized or removed from the home. As such, for most of the children in the IICAPS program, school has proven to be one of the biggest obstacles and greatest stressors. For some of them, years of not getting adequate support has caused school to be the single biggest trigger for behavioral problems or psychiatric symptoms. Because of this, many of the IICAPS kids have been wrongfully labeled as oppositional, disruptive, out of control, or defiant, without an adequate assessment of how their disability manifests into maladaptive behaviors within the school. The outcome of this is that children end up having problems in school, skipping class regularly, getting suspended for days at a time, or expelled.

For these youths, Greater Hartford Legal Aid attorneys have worked to get services that are necessary to manage these behaviors in school. Through attendance at Planning and Placement Team meetings, Legal Aid attorneys inform parents about educational rights and ensure the school is adhering to the law. With their advocacy, Legal Aid attorneys have been able to successfully secure smaller class sizes, structured classrooms, individual paraprofessionals for one-on-one support, additional tutoring, and therapeutic placements outside of the district. Attorneys at Legal Aid have also assisted in getting much needed testing to determine if specialized support is needed, such as speech or occupational therapy.

What is the impact of these services? The children demonstrate confidence in being able to navigate through school successfully towards a high school graduation and beyond. From a therapeutic perspective, we see stability in terms of their symptoms because they are working in a system that can support their needs. The services provided have also helped parents to feel empowered with the knowledge and awareness of what their children are entitled to receive and how to go about obtaining it. We have even seen parents who are able to better provide for their families on a whole because they no longer have to stand by the phone waiting for a call from the school asking them to pick up their children. Without funding to Legal Aid, these children will continue to be overlooked in school and lost in life. More broadly, the educational advocacy work encourages the school system to evaluate children on an individual basis in order to meet their unique needs.

For these reasons, I would like to encourage you to support funding for Legal Services organizations. Thank you.

SB1157

Dear Ladies, Gentlemen and Legislative Committee members

As U S citizens, we have all become aware of the financial and economic crisis that has hit us all. As a result of these hard economic times we are all needing to cut back where we can. I can appreciate that our state finds itself in need of lowering debt and increasing assets. However, having said that I have recently become aware of the request to create further cutbacks in our legal aid system.

As a Marriage and Family therapist working for Catholic Charities, I am most often working with no income or low income families that are living within the city of Hartford.

In my service to this community and other low income communities around the state, I have become aware that children identified with significant behavioral problems from early elementary through highschool are looked at with psychopathology and mandated for mental health services. It is during the counseling process that I most often find undiagnosed learning disabilities or learning challenges within this population.

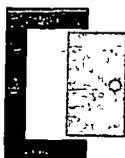
Parents and caregivers of these children often are not able to effectively communicate with the educational administrators and teachers. Parents are often unaware of how to attend a PPT meeting or can even begin to know how to advocate for their child's rights. Because many educational facilities have become overburdened with too many students and not enough funding, the schools are not apt to help a family obtain further services for a child that the school simply cannot afford. As a result, many children with learning disabilities and challenges, without a proper advocate, do not get the tools that they need to become successful students. Instead, these children often drop out of school, become further behavior problems and at times can create a further burden on the community and taxpayers.

I urge you not to dismiss our young people who have learning challenges. I urge you to allow further funding to our legal aid system so they may continue to advocate for our children.

Thank You.

Nadine Oliveri  
Marriage and Family Therapist

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## Testimony of Jean Mills Aranha, Connecticut Legal Services In Support of SB1157 - An Act Concerning Funding For Legal Services And Judicial Branch Technology March 26, 2009

Good Morning, Chairs and Members of the Judiciary Committee. My name is Jean Mills Aranha; I am an elder law attorney with Connecticut Legal Services in Stamford. I am here today to testify in support of Senate Bill 1157, on behalf of our clients – the many thousands of people in Connecticut who have no place else to turn for civil legal services. They include survivors of domestic violence, children struggling with behavioral health issues and people living with disabilities.

For almost 20 years before joining Connecticut Legal Services (CLS), I was a trusts and estates attorney in Stamford and Greenwich. I was a regular contributor to Connecticut Legal Services and I often did pro bono or reduced fee work for people who couldn't afford my fees. I was and am a supporter of our local Shelter for the Homeless and other organizations serving the poor. I thought I was pretty well informed about the lives of poor people in our state. Then, in January of last year, I left Shipman & Goodwin and took a staff attorney position with Connecticut Legal Services. And I began to learn in very specific detail that I knew very little about how our most vulnerable citizens live every day. The depth and breadth of their problems, and the courage with which they face them, amazes me every day.

And there are a lot of them. Based on the 2000 census, the CLS service area contains some 190,000 people financially eligible for our services; many of them have multiple legal issues. The number of people becoming poor enough to qualify for help can only increase in the current economy. We currently have 55 attorneys on staff to meet that need. We have voluntarily taken pay cuts to buy some time to resolve the funding crisis created by the collapse of IOLTA funds, but without the funding from this bill, CLS will have no choice but to institute significant layoffs, further reducing the help available to the poor. Please do not let this happen. They need your help.

I am sure that many of you have read of some of the big, systemic cases CLS has worked on over the years, including the recent class action case to obtain access to adequate dental treatment for Connecticut's poor children. But in my elder law practice, there tends to be a constant stream of smaller, individual cases, which are nonetheless critically important to the individuals involved. These are elderly women and men, some in their eighties and nineties, many of whom have worked all their lives, who now find themselves living on a few hundred dollars a month. This does not go far in lower Fairfield County. I'd like to share with you some details of a few of my cases over the last year.

An eighty-year-old woman called me, frantic because her bank account had been frozen. Years earlier, she had added her grandson to her account, so that he could get money for her while she was ill and unable to get out. Unbeknownst to her, her grandson was in arrears in his child support payments. The Child Support Enforcement office had learned that he was a joint account holder, and froze the grandmother's account, which received only the direct deposit of her Social Security checks. She had no access to money for food, or more important to her, to pay her rent on time, as she had done every month of her adult life. The bank told her she needed a court order to get the funds released. We were able to get her funds released in four days, without going to court at all.

In another case, a seventy-year-old Vietnam War veteran was seriously injured. He had never asked for or received a single dollar of benefits from the state or federal government. Now, he needed Medicaid coverage for his hospital stay. He was denied that coverage because he could not produce his birth certificate from Puerto Rico. The Puerto Rican authorities told him that they could only issue a new certificate if he appeared in person – something he had neither the health nor the money to do. We immediately contacted the DSS worker and pointed out that his military papers were a legally sufficient alternative means of identification. Ultimately, one of our bilingual legal assistants was able to get a certified copy of his birth certificate issued by mail, which helped him apply for elderly housing. This veteran is now living in dignity and security in public housing, receiving food stamps and medical assistance, the benefits to which he is entitled from a nation he served in his youth.

We are also seeing an increasing number of cases of nursing home residents who are being discharged in violation of their rights under both federal and state law. We find that these are often patients who have needs for extra attention from staff, or who have challenging behaviors. In one case, a client was sent to a hospital for a medical emergency. When the hospital had treated her and was ready to send her back to the nursing home, the home claimed that it could not care for her – despite the fact that it had been doing just that for the last year. To add insult to injury, their attorney took the position that the resident was not entitled to a hearing because they had not discharged her! We took the case to a fair hearing, and ultimately the case was settled when the nursing home agreed to take their resident back, and to provide the care she needed.

Civil legal aid provides low-income and vulnerable people with meaningful access to justice. These services can be as simple as educating clients about their rights and responsibilities. More complex problems may require more extensive representation. There is a great divide between those who can afford a lawyer and those who cannot. The elderly are particularly vulnerable, many on fixed incomes, home bound and technologically challenged, and unable to address and navigate service systems. Because there is currently no right to an attorney in civil matters, Legal Services is the primary source of civil justice representation to those who cannot afford it.

As I said at the beginning of my testimony, I am new to legal services. I am privileged to stand shoulder to shoulder with an exceptional group of attorneys at Connecticut Legal Services, some of whom have been laboring in these fields for decades, for incredibly modest compensation. A great and brave American hero and activist, Rosa Parks, once said, "I would like to be known as a person who is concerned about freedom and equality and justice and prosperity for all people." She stood up for those principles and changed the world. We at legal services work on those same concerns day by day, person by person, case by case. I hope you will help us continue this work.

Thank you for your time and support.

CONNECTICUT  
VOICES  
FOR CHILDREN

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Testimony In Support of An Act Concerning Funding for Legal Services and Judicial  
Branch Technology

Sharon D. Langer, M.Ed., J.D.

Committee on Judiciary

March 26, 2009

Dear Senator McDonald, Representative Lawlor, and Members of the Judiciary Committee:

I am a Senior Policy Fellow with Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth and families.

I am here today to support S.B. 1157, **An Act Concerning Funding for Legal Services and Judicial Branch Technology**.

**This bill will help stabilize the funding for the network of Legal Services programs that provide critically needed representation in civil legal matters to Connecticut's poorest children, youth and families.**

The Legal Aid Network cannot rely on its major funding source – IOLTA (interest on lawyer trust accounts) due to its collapse in this economic downturn. Even with the additional funding envisioned by SB 1157, the legal offices will see their funding reduced by 10 to 15%.

Legal Services Programs provide a *unique* service to children with complex behavioral and medical needs, at-risk youth struggling to get out or stay out of the juvenile justice system, and low-income working families struggling to keep food on the table and a roof over their children's heads

I know of what I speak because for almost twenty years I was a staff attorney for Connecticut Legal Services, Inc. (CLS). The policy advocacy I engage in now at Connecticut Voices for Children is informed each and every day by my experiences and those of my former colleagues at CLS and the other legal aid programs who represent kids and families.

As you have heard from others today, the precipitous economic downturn has had a devastating effect on the funding for legal services programs. I know that my former colleagues, as well the Connecticut Bar Association, lawmakers and others are doing everything they can to prevent the decimation of this vital service.

I was employed by CLS during the last severe fiscal crisis when staff took furlough days, wage freezes, and watched as we lost many good lawyers. It took many years to try to repair the damage. Then - as now - my former colleagues are willing to share the financial pain in an attempt to save jobs and to maintain high quality representation of kids, youth and families. However, they urgently need the state to be a full partner in this undertaking.

Our most vulnerable families need this legal lifeline – now more than ever – when the economy is in freefall. They need qualified legal representation in family court, juvenile court, in hearings before unemployment appeals referees and special education hearing officers, and in many other venues. It will be terrible if the Legal-Services Programs have to lay off more attorneys in the coming months and years.

Please ensure there is adequate state funding for legal services to poor kids, youth and families in our state.

Thank you.

Testimony of Atty. Amy Eppler-Epstein  
New Haven Legal Assistance Association  
In Support of Funding for Legal Services

SB 1157

March 26, 2009

My name is Amy Eppler-Epstein, and I have been an attorney at New Haven Legal Assistance since graduating from law school in 1986. My work has been primarily in the area of housing law, representing tenants. I want to tell you about some of the work we've been doing in an area that you have been hearing a lot about these days: foreclosures. Although a lot of the news has focused on the high rate of homeowners losing their homes to foreclosure, legal services advocates in CT have been focusing on another problem: the effect of foreclosures on tenants. I want you to hear what kind of advocacy work will be lost if legal aid programs are forced to lay off staff as a result of the economy's impact on IOLTA.

Now, in 2008 and 2009, we have been fighting another battle: throughout the state, banks are foreclosing on the landlords of multi-family properties, and then automatically evicting the tenants, leaving properties boarded up and vacant, targets for vandalism and crime; causing neighborhood destabilization and blight; and dislocating hundreds of families who are forced to uproot their families and move despite following all the rules and paying their rent. Legal services advocates throughout the state have combined our efforts to tackle this problem, and are achieving results: in December, after threatening suit under a provision buried in the federal bank bailout law, we were able to get Fannie Mae, and more recently Freddie Mac, to institute a nationwide moratorium on evictions. They agreed to stop evicting tenants after foreclosure, and develop programs to offer such tenants month to month leases while Fannie Mae and Freddie Mac market the properties for sale.

Recently, we were here testifying before the Housing Committee on a bill, HB 6143, that we proposed to require other lenders to do the same. Under the bill, lenders who have foreclosed on a landlord can only evict the tenants for good cause (such as non-payment of rent or damage to the property), or if the lender has a contract to sell the property that requires the property to be vacant. I am attaching some newspaper articles that describe in greater detail this important advocacy work, and hope that you will support it when it comes before the Judiciary Committee.

One thing that these stories show is that *writing* a good law is often not enough; you need to have good advocates to make sure that the law is enforced. In the case of Fannie Mae and Freddie Mac, it took legal services advocates first to *find* the tenant protections in the federal law, and then to threaten suit, in order to get it enforced. Just a few weeks ago, I had to fight with a bank's attorney in housing court, to force him and his client to abide by the provisions of the recent tenant

protections enacted by the Connecticut legislature during the special session in November. This is why it is so important to provide enough legal aid lawyers to be able to operate in courtrooms throughout all parts of the state, and make sure that these laws are enforced throughout Connecticut.

Further, these stories show that in protecting the rights of the poorest and most vulnerable in society, legal services advocates at the same time protect the rights of us all. When we make sure that banks cannot put low income tenants on the street with no opportunity for them to be heard in court, those same protections apply to all tenants. When we ensure that Fannie Mae offers leases instead of eviction cases to tenants whose landlords have lost the property to foreclosure, that protection applies just as much to a middle class renter, as to a poor one. Similarly, the systemic protections for victims of domestic violence, or for children, that are the subject of the work of some of my colleagues, benefit more than just the neediest population.

I have been before this legislature at various times in my 22 years with legal services, urging your support for various pieces of legislation to help my clients. This is the first time that I have ever come here to ask for your support to help legal services; because never before have we faced such a dire funding situation.

My colleagues and I at legal services are very committed to the work that we do. We see it as our mission to help low income people, who are so often marginalized and voiceless, get a fair shake from our legal system. Our salaries are far below those of our peers who take jobs in the private bar; and in the past few months, they have been even lower, as the lawyers at NHLAA have taken a 20% pay cut in response to this funding crisis.

I urge you to pass SB 1157, and do whatever you can to help us fill the funding gap caused by the collapse of IOLTA funding, so that we can continue to do this important work throughout the state, to help our clients.

**TESTIMONY OF AISHAH K. COPE****In support of****SB1157 - An Act Concerning Funding For Legal Services and Judicial Branch Technology**

My name is Aishah Cope, and I am twenty-one years old. I was born in Kingston Jamaica, and my mother still resides there. I came to the United States when I was nine years old with my father, and I have not seen my mother since. My father's wife and children moved to the United States when I was fourteen years old, and that is when the mental and physical abuse towards me began. It became very difficult for me to focus on my school work; sadly my grades and my health began to suffer.

In June 2005, the summer before my senior year, I was taken to Stamford Hospital after my father had beaten me and I called the police. After that incident, my father kicked me out of his household. I was fortunate that my best friend's mom allowed me to live with her while my friend was away at college. I was seventeen years old and I was alone with no one to depend on. I worked at a local hardware store part-time in order to support myself, while attending Stamford High School.

During my senior year in high school, I realized that I wanted to attend college, so that I could improve my life. Unfortunately, my father refused to provide me with the necessary tax information in order for me to apply for financial aid. I immediately became negative, and I almost gave up on my dream to attend college, because I did not know how I was going to pay for it. My dream of attending college almost became non-existent. Luckily, a social worker at Stamford High School referred me to Connecticut Legal Services for help. Cecily Kerr Ziegler, an attorney in the Children at Risk Unit at Connecticut Legal Services found a law that allowed me to apply for something called *Independent Student Status*, which meant that schools would determine my financial eligibility without considering my parents' income. First, my attorney helped me file a Petition for Emancipation in Stamford Juvenile Court to officially establish my independence. Then, once I got accepted to Norwalk Community College, she assisted me with my petition for Independent Student Status based upon my Emancipation.

The tremendous assistance that I received from Connecticut Legal Services changed my life immensely. If it had not been for Cecily Kerr Ziegler and Connecticut Legal Services, I would not have received the proper guidance to pursue a college education, and most importantly get my life on a new and constructive path. In addition, I still remain in contact with my attorney until this day. I am fortunate

enough to have her in my life, and I feel comfortable confiding in her. I contact her just to give her an update of how I am doing in school, or whenever I am confused or unsure of legal or life issues. She has become an important person in my life over the years and I consider her my friend.

Without a doubt, my story demonstrates that raising money for legal aid should not be a burden or even a question for the state of Connecticut because it is an investment in the future of individuals that are in need of help and legal guidance. When I was first introduced to my legal aid attorney, I was alone, living on a friend's couch, and at the time strongly considering dropping out of high school. There are many directions that my life could have taken. For example, I could still be working a minimum wage job having never gone to college, or I could be on welfare, or I could be relying on a man for financial support, or even worse, I could be homeless.

Fortunately, none of the above is part of my life, but rather my life has been quite successful, and my future is looking good. After taking classes full time at Norwalk Community College, and averaging a GPA of 3.7, I decided to transfer to Southern Connecticut State University. Connecticut Legal Services again helped me with my petition for Independent Student Status. My petition was immediately granted, and I received enough financial aid, so I was able to pay for room and board at SCSU as a full time student. I am here today before you as a junior, and an influential resident advisor at SCSU. I credit all my successes over the last four years to the help I received from Connecticut Legal Services.

My plans for the next 2 years are to graduate with a BA in English from SCSU, and apply to Sacred Heart University to earn a Master's in education. Do you think I could have achieved all this on my own? I strongly believe that I could not! I am able to pursue an education, and I have achieved great things, and made remarkable life accomplishments because of Connecticut Legal Services. Please do not let Connecticut Legal Services' doors close. Thank you for listening to my testimony today.

Sincerely,

Aishah K. Cope

**Written Testimony submitted by Dr. David G. Carter  
to the Judiciary Committee  
Re: Senate Bill 1157, An Act Concerning Funding for Legal Services  
March 26, 2009**

Senator McDonald, Representative Lawlor and members of the Judiciary Committee, I am pleased to submit testimony, in my capacity as a citizen of the State of Connecticut, in support of state funding to ensure the continued viability of legal services being provided to Connecticut's low income citizens.

In its current issue, *Connecticut* magazine observed that "the meltdown of the nation's economy has left few untouched, but it has been particularly difficult for Connecticut's legal-aid providers." That is a circumstance that deserves remedy.

As you know, Connecticut Legal Services, New Haven Legal Assistance and Greater Hartford Legal Aid, which provide these services, are in dire financial straits. Unfortunately, the ramifications of this fiscal reality are not limited to the individuals employed by these organizations, but fall most heavily on the people they serve, and in many ways, our entire state. That is because, in my view, the disintegration of legal aid in our state, if we allow it, runs the risk of undermining the effectiveness of our judicial system when it comes to the representation of the less affluent among us.

Why do I support legal aid? Because I have seen what it can do, and the difference it can make.

I am most familiar with the services provided in the Willimantic area, from my years as President of Eastern Connecticut State University. And what it comes down to is this: without sufficient funding, the services provided to those who otherwise would not have the means to pay for legal services may well disappear – or at least be more difficult to come by. That's not how our legal system – grounded in equal justice under the law – was meant to operate. Especially during tough times, the need for effective legal recourse, especially for those on the lower rungs of society's economic ladder, has never been greater.

I well understand the difficult choices facing this legislature, and all of us in Connecticut. I certainly do not underestimate the task you face, but I would respectfully urge your favorable consideration of the preservation of legal aid services in our state.

Thank you very much.



STATE OF CONNECTICUT  
JUDICIAL BRANCH

CHAMBERS OF  
BARBARA M. QUINN, JUDGE  
CHIEF COURT ADMINISTRATOR

231 CAPITOL AVENUE  
HARTFORD, CT 06106

Testimony of  
Judge Barbara M. Quinn, Chief Court Administrator  
Judiciary Committee Public Hearing  
March 26, 2009

**Senate Bill 1157, An Act Concerning Funding for Legal Services  
and Judicial Branch Technology**

The Judicial Branch supports Senate Bill 1157, An Act Concerning Funding for Legal Services and Judicial Branch Technology. By way of background, the Judicial Branch worked with the Committee to identify fee increases that would provide significant revenue, with the understanding that the revenue generated would be used to fund legal services organizations and Judicial Branch technology. These are the fee increases included in this proposal.

I am sure that you are familiar with the funding crisis that has hit legal services organizations, and of the significant need in that area. However, you may not be aware of the Judicial Branch's significant needs in the area of information technology. In recent years, the Judicial Branch has received only limited funding for our information technology (IT) systems. Yet, at the same time, more and more demands are being put on those systems. The public and other state agencies rely on the currency and accuracy of the information we take in, store and disseminate. The residents of our state assume that public information is available on the internet around the clock. Other state agencies rely on the information that is provided to them by the courts each day,

particularly in the areas of criminal matters and protective and restraining orders. All this information must be maintained and kept current on a daily basis. This is particularly important during this time of fiscal crisis, as technology becomes even more critical during times of dwindling resources. This bill, by providing the Judicial Branch with a funding stream dedicated to maintaining our information technology systems, would greatly assist us both at the present time and in the future.

In conclusion, this bill would significantly benefit the residents of our state, both by providing funding for legal services organizations and by ensuring the currency and accuracy of the information that flows through and from our court system. I urge the Committee to act favorably on this proposal.

Thank you for your consideration.

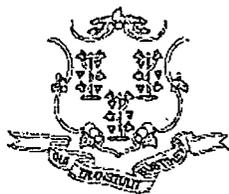
**Testimony of Lourdes Burgos****In support of****S. B. No. 1157 (RAISED) AN ACT CONCERNING FUNDING FOR LEGAL SERVICES AND JUDICIAL BRANCH TECHNOLOGY.****March 26, 2009**

Good afternoon, members of the Judiciary Committee. My name is Lourdes Burgos and I am testifying on behalf of Greater Hartford Legal Aid. I spent many years in DCF foster care.

When I was a teenager, I had a baby, which DCF took away from me immediately. Luckily, Greater Hartford Legal Aid represented me in court. My lawyer convinced DCF to see my strengths, and got DCF to reunite my baby and me in the St. Agnes Home in West Hartford.

Later, after my daughter's father abused me, legal aid convinced DCF not to terminate my parental rights, but to give me extra help instead. When my baby and I had difficulties in later foster homes, legal aid made sure DCF placed me in a better home, and made sure I had the help I needed to be a better parent. This included financial help, which I used to go to college.

Now, I have three beautiful children, a college degree, a career in education, a stable home and a wonderful partner. Just when I did not have any hope and even DCF was against me, Greater Hartford legal Aid was able to help me. They impacted my life in such a positive way. There are a lot of people like me that need legal services and cannot afford them. Legal services helps people accomplish their goals, like keeping their children and their homes, being safe, and going to school. So please vote for increased funding for legal aid. There has to be a way that we could work together.



# State of Connecticut

## Office of Consumer Counsel

**Mary J. Healey**  
*Consumer Counsel*

**Judiciary Committee**  
**March 23, 2009**

### **R.B. 1157, AAC Funding for Legal Services and Judicial Branch Technology**

#### **Testimony of Mary J. Healey, Consumer Counsel**

The Office of Consumer Counsel (OCC) recognizes the vital nature of the services provided by Connecticut's legal aid organizations and supports the reorganization of funding as proposed by R.B. 1157.

OCC has had numerous opportunities to work with legal services attorneys who advocate on behalf of their clients in the fields of public utility regulation and energy law and policy. For limited-income families, utility bills are a significant portion of monthly budgets, often equal to or higher than housing costs. OCC has seen firsthand the tireless efforts of legal aid attorneys to ensure their clients are not outmatched by the significant legal resources available to public utilities, energy providers, and landlords who pass on utility costs to their tenants.

The majority of the funding for legal aid in the past came from the Interest on Lawyers' Trust Accounts, or IOLTA. Because of the housing crises and general economic downturn, the funding for legal aid from IOLTA has all but dried up, causing a \$9 million shortfall in legal aid funding. R.B. 1157 provides for the reorganization of legal aid funding through an increase in various court fees in order to help cover this shortfall.

Connecticut's legal aid organizations operate on a shoestring budget, yet provide services to thousands of people most in need of assistance in navigating the legal system. The return on investment is tremendous, as would be the impact of a significant reduction in funding. Connecticut's legal community and policymakers must take all necessary steps to ensure that this crucial resource is preserved.



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF PUBLIC DEFENDER  
JUVENILE COURT  
978 HARTFORD TURNPIKE  
WATERFORD, CONNECTICUT 06386

ATTORNEY JAMES W AUWOOD  
(860) 440-5870  
(860) 440-5875 FAX

March 25, 2009

Sen. Andrew McDonald, Co- Chair  
Rep. Michael Lawlor, Co-Chair  
Sen. Mary Anne Handy, Vice Chair  
Rep. Gerald Fox, Vice Chair  
Sen. John Kissel, Ranking Member  
Rep. Arthur O'neil, Ranking Member

Dear Sir or Madam:

I am writing you in support of House Bill 1157. I have worked with Connecticut Legal Services for the past 11 years. They have been an integral part of helping us resolve our clients cases in a favorable manner. Often times kids are referred to court for school based issues which stem from simple truancy all the way to acts of violence and property destruction. Upon investigating these cases we find that much of the time these children have underlying issues that were not being addressed by the school district at the time of the incident, issues such as learning disabilities and emotional disturbances. We find in a lot of cases that these children are just languishing in the district, and are not excelling. When we see cases like this, we always consult with Connecticut Legal Services for advice as to how to proceed with trying to secure school based services for our client. If we are not successful, we then refer the case to C.L.S. so they can help the parent and child get the services from the school that they are entitled to under both Federal and State law. Without C.L.S.; helping parents and children get the services they need from their school system, less children would be diverted away from the Juvenile Justice System, and more children would fail to thrive and benefit from an appropriate education, which would not only effect them in the short term, but in the long term too.

I firmly believe in and support House Bill 1157 because without Connecticut Legal Services, the indigent people in Connecticut will be at a greater disadvantage than they are already today.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Onnembo".

Michael Onnembo MSW  
Public Defenders Office

March 26<sup>th</sup> 2009

TO: Members of the Judiciary Committee

RE: Support for Senate Bill 1157, An Act Concerning Funding for Legal Services

My name is Angela Brown and I am writing to testify on why New Haven and Connecticut as a whole needs to have more funding for Legal Aid Services. As it stands currently, Legal Aid is actively working with all of the residents of W.T Rowe towers. Which is mostly made up of elderly/ disabled low income tenants. We are in the process of negotiating with a private financial company for a rebuild of our building. Legal Aid has worked with us every step of the way, making sure we are all aware of our rights, and has helped our community tremendously. They have also worked with some of the residents that felt they were being unfairly evicted from their homes. It is my belief that without the help they have provided us we would have ended up signing into agreements that held no legal ground on our behalves.

I also have had some very personal issues that I brought to Legal Aid some years ago. I was a victim of some very serious Domestic Violence. I had found my way out of it, but the person involved broke into my home and assaulted me. Breaking many bones in my body and not to mention my spirit. I found myself in the middle of a legal battle I was not equipped to handle on my own. I had not only lost interest in fighting for my life but I also lost my ability to believe in people. I was told by a friend to contact Legal Aid and promised they would do all they could to help me. So I did so, and was pleasantly surprised at the treatment I received. Not only were they very concerned for my safety but they also showed what seemed to me to be a genuine concern for my welfare. They walked me through everything step by step. Giving me invaluable information that would eventually end up saving my life. Just that alone helped me to believe that there was still good people in the world. I am explaining this story to you in hopes that you will see they do so much more then just represent people as lawyers. They also give them hope and strength. Funding for Legal Aid is imperative, it is something that all of Connecticut needs more of.

Thank you,  
Miss Angela Brown  
904 Howard Avenue Apt. 3F  
New Haven CT, 06519  
(203) 859-5919



Greater Hartford Legal Aid

SB1157

March 26, 2009

Members of the Committee

**Re: Testimony of Diane Whitney, Chair of Greater Hartford Legal Aid before the  
Judiciary Committee of the Connecticut Legislature**

Dear Committee Members:

My name is Diane Whitney; I am Chair of the Board of Greater Hartford Legal Aid and a partner at Pullman & Comley, LLC. With me are Attorney Aaron Bayer, Chair of the Board of Connecticut Legal Services and Attorney Diane Polan, Chair of the Board of New Haven Legal Assistance.

You are hearing from many deserving entities asking for funding. We are here to tell you how deserving and how desperate the situation is for legal aid in Connecticut.

Our three legal aid organizations coordinate our work to cover the entire state of Connecticut. We handle over 15,000 cases per year, which affect more than four times that number of people. Our clients are desperate people; people who are losing their homes, who are the victims of domestic violence, who have no food or medical services, whose children are being thrown out of school, who are not being paid for work they are doing, who have no idea what resources are available to help them make it through the day.

We want you to understand that we not only help our clients survive and maintain some level of dignity, we save the state money. A client who can keep his or her life together is a productive member of society, not someone who needs additional support at state expense. That is what we help our clients achieve.

And we are now in crisis. The state of Connecticut supports legal aid largely with IOLTA funds, but that system has now collapsed. IOLTA revenues, which had been 2/3 of legal aid funding have dropped over 80%. The Connecticut Bar Foundation is spending out its reserves, and even with that has had to cut the grants to legal aid by 50%. Our system, always an efficient one where every penny counts, is now on the brink of devastation. We have responded by increasing our fundraising efforts, which, though likely to be fairly successful, will not come close to filling our \$9 Million gap, and by seriously cutting costs. Our attorneys, always underpaid by any measure, have agreed to significant cuts in their pay and benefits; things like seminars and out-of-state travel are gone, and both attorneys and staff have been laid off, which is extraordinarily painful.

Greater Hartford Legal Aid, Inc.

999 Asylum Avenue, 3Fl Hartford, CT 06105-2465 • Tel 860 541 5000 • Fax 860 541 5050 • TTY 860 541 5069 • [www.ghla.org](http://www.ghla.org)

Legal aid attorneys are passionate about what they do for their clients – that is why they are legal aid attorneys. What hurts now, even more than the significant impact on their personal finances, is that the needs of their clients are not being met. Legal aid already has to turn away many clients because the resources are not there to serve all who need help; with the cuts in place now and the additional cuts probably coming, fewer clients will be served at just the time when need are increasing dramatically.

Connecticut's legal aid organizations are effective, coordinated and efficient. They are well-supported by Connecticut's private attorneys and by other grant-making entities, but those sources cannot support the entire structure. We need a new source of funding and ask that you consider using the increase in attorney occupational tax and in Superior Court filing fees to help meet our very serious funding gap at this time.

We very much appreciate your thoughtful consideration of our situation and are eager to work with you to solve what we consider a serious problem for the poor in Connecticut.

Very truly yours,

A handwritten signature in cursive script that reads "Diane Whitney".

Diane W. Whitney

March 23, 2009

To: The Judiciary Committee  
State of CT

Re: CT Legal Services – SB1157

Human Services throughout the State of CT rely on the CT Legal Services programs to assist clients who come to us who are challenged by limited resources and special situations that keep them from hiring private attorneys.

In the Town of South Windsor where I oversee the Human Services program, I know that our workers use CT Legal Services and Greater Hartford Legal Aid with clients on a regular basis.

The issues that face clients here in the suburbs most often have to do with housing issues, formerly they were mostly landlord/tenant issues, now they are more often regarding foreclosure law.

In addition, there are multi-generation families residing together, often impacted by substance abuse and/or mental illness who seek help with domestic related issues.

On behalf of our department, I write in support of Senate Bill 1157 which will provide additional funding for these needed Legal Services.

Sincerely,

*Irene M. Murray*

Irene M. Murray  
Coordinator of Adult and Senior Services  
South Windsor Human Services  
(860) 648-6357



[www.tolland.org](http://www.tolland.org)

TOWN of TOLLAND/ 21 tolland green, tolland connecticut 06084

March 26, 2009

Connecticut General Assembly  
Judiciary Committee

SB 1157

To our legislators;

The Town of Tolland Human Services has been fortunate in having Connecticut Legal Services as a resource for our low-income residents and for ourselves. We urge the Judiciary Committee to seriously consider an alternative funding mechanism to support the ongoing efforts of this nonprofit organization that serves our most vulnerable residents.

As you are aware, several years ago the legislature set up IOLTA as the prime funding source for this very essential program. Unfortunately this innovative funding has been dramatically reduced as a result of the economic devastation to the real estate market. This leaves legal aid facing budget cuts and layoffs, just at a time when our low-income residents need their services more than ever. Our justice system is a right that should be available for all citizens, but without legal aid, low-income citizens have no way of accessing this right. We have seen firsthand the difference that Connecticut Legal Services has made in the lives of residents.

This year the legislature faces so many challenges and we greatly respect the difficulty in the decisions that you will be required to make. One decision that will prove to be advantageous for so many residents living at the poverty level will be your decision to supplement funding for Legal Services. Residents who use legal aid services are those whose faces are often not seen and voices not heard. They live in every Connecticut community and face the daily struggle of trying to provide just the basic needs for their families and children. They are faced with a multitude of limitations; lack of legal representation should be added to that list.

Sincerely,

Beverly Bellody, M.S.  
Director, Tolland Human Services  
(860) 871-3611 Fax: (860) 871-3663

Nancy Taylor Dunn, L.P.C.  
Coordinator, Tolland Youth Services  
(860) 871-3612 Fax: (860) 871-3663



Department of Human Services  
Adult & Family Services – Youth & Family Services – Rose City Senior Center

March 24, 2009

Testimony on CT Legal Services Funding – SB1157

My name is Lee-Ann Gomes and I am the Supervisor of Social Work for the City of Norwich's Human Services Department. I am here to ask for your assistance with the budget shortfall Legal Aid is facing due to the collapse of their IOLTA funding stream.

CT Legal is a tremendously valuable resource to clients and to social workers. Not having access to legal information in times of crisis can have dire consequences for the people we serve...it may mean the difference between remaining in their home or being locked out by a misinformed landlord...it may mean that a child is denied necessary medical care by someone misinterpreting a policy/procedure...it may mean that a social worker has a legal argument to hang her hat on rather than just an emotional plea for her client. There has to be one place left where clients and the remaining advocates can go to ensure justice...one final attempt at protection before the bad thing happens.

New and complex problems are arising for our clients...foreclosures of their landlord's property, employment loss that seems unjust but causes denial of UCOMP benefits, illegal lockouts from housing, allegations of child abuse that are directly due to poverty issues (e.g. is it abuse if you can't afford your oil bill?). We, social workers, need guidance on these issues, as do our clients.

I have cases where I've called CT LS and just a phone call or letter from them has changed the dynamics of the situation...Even just being able to say, "You know, I've checked with an attorney on this and what you're doing has no basis in law"...is a powerful and persuasive tool to help a clients...sometimes, even the police officers get it wrong and like an opinion fro CT LS. There are no other resources to turn to for this type of assistance...As well intentioned as private sector attorneys can be, they have no time to sit with a low income client or social work on the phone a review of a case for free...nor do social service agencies have funds to pay attorneys for their time and council...

As the State of CT and the federal government start slashing programs and aid to the most needy in our communities it becomes even more vital that we protect what rights citizens have.

Why should we place funding in CT LS while programs for people are being cut? Because, they are the last firewall between people and imminent danger. Well, we all understand the realities of the budget crisis we find ourselves in. We realize adjusting postage and mileage accounts cannot make up these deficits. We must however, ensure that whatever is left of programs and services to the poor is well guarded and properly administered....that people have recourse. As the economy has worsened, everyone has become a little more desperate to protect their own interest, often at the expense of those who cannot protect themselves. Allow poor people to have at least the safeguard of CTLS.

Robert Kennedy once said...Each time a man (or a woman) stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he (or she) sends a tiny ripple of

hope..... those ripples build a current which can sweep down the mightiest walls of oppression and resistance." *-Robert Francis Kennedy, speech at Day of Affirmation,*

CT LS attorneys and services offer our clients and us hope. Each time they assist them or us with an issue, we learn and carry those lessons forward. Create a current!!

-----  
----- Thank you. -----  
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Sincerely,

Lee-Ann Gomes  
Supervisor  
Norwich Human Services

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**Testimony by Kim McLaughlin**  
**Before the Connecticut Legislature's Judiciary Committee**  
**In Support of Senate Bill 1157**  
**March 26, 2009**

Good afternoon. My name is Kim McLaughlin. I am a community organizer, working with public housing residents in state and federal public housing communities throughout Connecticut as a staff person for the Connecticut Public Housing Resident Network and the Connecticut Housing Coalition.

I am here today to urge the members of this committee to support Senate Bill 1157 which will significantly increase funding for Connecticut Legal Services programs in our state. As you know, nearly two-thirds of Connecticut Legal Services' funding had been provided by Interest on Lawyers Trust Accounts (IOLTA) and that pot of money has been severely crippled by the economic recession.

Legal Services provides legal assistance to low income residents in many different issue areas. My experience with the agency lies in the public housing arena.

In 2006, I began working with a small group of low income public housing resident leaders living in the Corbin Heights Pinnacle Heights Extension community in New Britain. Their state public housing community was being redeveloped, with plans for its sale to a private developer. Special Acts had been passed by the Legislature in 2003 and 2004 that provided certain critical resident protections during this process thanks to diligent work by New Britain's Legislative delegation, Senator Don DeFronzo and State Representative Tim O'Brien in particular. Despite the special laws, hundreds of residents living at Corbin Pinnacle did not have the right to legal representation at the decision making table during the redevelopment process. Residents' legal protection from displacement and the right to affordable rents were not guaranteed.

Residents were terrified. Many had lived at Corbin Pinnacle for 30 years or more, were retired from low wage jobs, and had only social security checks for monthly income. They had legitimate questions about the changes that were coming, such as, "Will I have a place to live when redevelopment ends?" and "Will I be able to afford to live here after redevelopment?"

Residents began organizing themselves to fight for their rights. They developed and ratified resident proposals, elected resident negotiators and successfully

insisted on 3 way discussions between their resident organization, CHFA (Connecticut Housing Finance Agency), owner of the property, and Konover Richman, developer of the property. Difficult at first, the discussions began to move ahead as CHFA and Konover Richman came to recognize that residents were not going to accept second class status in the decision-making process to redevelop their community. Recently, the discussions have resulted in a Tri-Party Agreement that will guarantee Corbin Pinnacle residents additional legal rights during the redevelopment of their community.

Sitting beside Corbin Pinnacle resident leaders during every 3 way negotiation session was David Stowe, their resident organization's Legal Services attorney. He was also there for private resident leadership strategy sessions, information sessions for all residents of the community, and one-on-one discussions with individual residents about personal concerns. Residents came to understand that, without their Legal Services attorney, they would have been in a very weak and compromised position in their fight for a seat at the table during redevelopment. They came to understand that without David Stowe, they would have become confused, then hopeless, and finally resigned to losing their homes. With the help of their Legal Services attorney, they developed the confidence they needed to join together to stand their ground and fight for their rights.

The Corbin Heights Pinnacle Heights Extension community in New Britain is one of the first state public housing communities to undergo conversion from public housing to affordable private government financed housing. Over 10,000 low income residents living in state public housing communities throughout Connecticut may be on track for the same experience over the next few years. Without a fully funded Legal Services program, we at the Connecticut Public Housing Resident Network believe that thousands of low income residents may lose important housing rights or be displaced from their communities because they do not have adequate legal advice.

We are a nation that believes in the rule of law. Please guarantee that Connecticut's legal system is one that assures access for all of our residents, including low income residents. Please help Connecticut Legal Services continue at full capacity by supporting passage of Senate Bill 1157.

Thank you.

Carolie Joseph testifying in support of : SB1157 - An Act Concerning Funding For Legal Services And Judicial Branch Technology.

Good morning members of the committee, my name is Carolie Joseph. I am a mother of two girls, ages 4 and 6. I met my husband when I was 16, and he was 32. For years, I was trapped in an abusive relationship, because I had no idea what my rights were, or even if I had any. My husband is an American citizen and he was supposed to help me to be legal in this country, but I think he wanted to control me, and make sure I was dependent on him. The abuse started with manipulation, putting me down with words, controlling who I talked to-I was not allowed to be friends with anybody-even his family members. Since I was 18, we worked together, but I never got paid for my work-he controlled everything. I did not know how to write a check, or open a bank account. I lived in fear of losing my children and not having a home to stay in. I went to shelter in Bridgeport after I was beaten badly by my husband.

In 2005, the abuse was getting worse-happening week after week, until one snowy night at 9:00 PM in December he beat me up at a place where we were working. I decided that I had to leave-to run. I ran home in the cold and dark across town, and by the time I got to my apartment, my husband had turned off the service of my cell phone, so I could not call for help. My 16 year old stepdaughter (his daughter) who lived with us, went to our neighbor's and borrowed a phone. My stepdaughter said that if I didn't call for help, she would. I called 911.

I spent that night in the Waterbury shelter, but it wasn't safe for me in that town, so I was transported to a shelter in Bridgeport. My husband had nearly broken my hands, and hit me in the head. I stayed in shelter in Bridgeport with my children for 4 months. I didn't want to go back to my husband then, but I had to after a while, because there was no place else for me to go, based on my immigration status.

Those 4 months in the domestic violence shelter were the first that I had spend away from my husband since I was 18. I learned at the shelter that I deserved be treated differently-and I returned to my marriage wanting to be treated like an equal. I started asking questions about why he did not pay me for my work. I tried to understand and be involved in our life together, but it did not work.

Finally, in the summer of 2008, my husband went away and left me with no money and not enough food for three weeks. When he came home I told him that I needed food for the kids, and we had a big fight. My neighbor upstairs heard my husband say that he was going to kill me and she called the police. I was very afraid for myself and my children-that was a horrible time, but thank the Lord my kids slept through the ordeal, even they are not light sleepers. My husband was arrested, and the police gave me the card for Safe Haven, the women's shelter. After a day, my husband got out of jail with a partial protective order. He was still living in the house, but he was not allowed to hit me, and

yell at me. After this, he started just completely ignoring me, except for writing me notes. He wouldn't buy food for me and the kids-I had to depend on the food pantry. Things with my husband got worse, even though I had a partial protective order. My husband was arrested again, and I now have a full no contact protective order.

I finally knew that I could not go on the way I was living, so I contacted the number that the police had given me for the local domestic violence shelter, Safe Haven. They told me some of my rights, and they introduced me to attorney Joanne Lewis from Connecticut Legal Services. We worked together getting my documents, putting my papers together, and I now have authorization to work in the country. That was truly the happiest day of my life. Finally I have hope. I was also able to talk with another attorney about what my rights are regarding keeping myself and my children safe, about child support, and divorce.

Through all of this, when my husband was not giving me any money for food, I was living on the canned goods that Safe Haven, could give me. I also went to the food pantry. A friend bought me a gallon of milk every week for the kids. I tried to apply for help at the state, but they did not believe me that my husband was not living in the house with me. Even when I showed them the criminal protective order they would not help me. Safe Haven referred me to another Connecticut Legal Services attorney who explained my situation to the state. The next day after she spoke with them, a state worker was my house to see that my husband was living there. I showed him my cupboards, my fridge, I showed the worker my protective order, and explained why I needed the food, and the next week I had my food stamps. Even though I had already shown them everything and even the Domestic Violence Shelter had tried to help me, the State would not listen to me before, and without Legal Services, I would still be dependent upon the food pantry and whatever the shelter could do for me and my children.

Connecticut Legal Services has given me hope-has given me the ability to work, and has helped me with my emergency needs, and given me knowledge. Without this program I do not know where I would be. Please support funding for this Connecticut Legal Services so that they can be a lifeline for other women in my situation. Thank you.

**Written Testimony of Joan Walsh, Parent,  
in support of funding for Legal Services Programs in Connecticut**

SB1157

My name is Joan Walsh. I am a parent and citizen of the state of Connecticut and a resident in the City of Hartford. I am here to speak in support of increase funding for Legal Services.

Recently, Greater Hartford Legal Aid assisted me to appropriately and effectively advocate for my son, who was without an appropriate school placement for over 4 months. During this 4 month period, my son was at home, receiving minimal tutoring. He did not receive any of the support services he needed, such as occupational therapy, speech therapy, or social skills training. With Greater Hartford Legal Aid's assistance, my son was able to access an appropriate education program and started this program 3 weeks ago. With the on going assistance of my Attorney from Greater Hartford Legal an appropriate educational plan is being developed, and my son will be compensated with additional support for the delay in services to help him catch up.

I urge you to support funding for legal services so that they can continue to work for low-income families in Connecticut. Without their help, my son might still be out of school.

Thank you.

Joan Walsh, Parent  
Cell: 954-701-8872



30 Bank Street  
PO Box 350  
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06051 for 30 Bank Street  
  
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Testimony of Francis Brady, President-Elect,  
Connecticut Bar Association

**Senate Bill 1157, An Act Concerning Funding for Legal Services  
and Judicial Branch Technology**

Judiciary Committee

March 26, 2009

Senator McDonald, Representative Lawlor and members of the Judiciary Committee, thank you for the opportunity to appear before the committee to comment in **support of Senate Bill 1157, An Act Concerning Funding for Legal Services and Judicial Branch Technology**. My name is Francis Brady and I am the President-Elect of the Connecticut Bar Association, the preeminent voluntary association of attorneys in Connecticut with over 9,000 members who practice in every, diverse area of the law. The CBA has a great interest in appropriate funding for the Judicial Branch in general and for legal aid providers in particular. The CBA urges the Judiciary Committee to **favorably report Senate Bill 1157** for the following reasons.

The State's legal aid providers are facing their worst fiscal crisis in decades. Interest on Lawyers Trust Accounts (IOLTA), which has been the source of about 60% of legal aid funding in this State, is being hit by both the reduction in interest rates and economic activity. In 2007, the IOLTA program generated over \$20 million; this year, the IOLTA program is projected to generate approximately \$3.25 million, a decrease of almost 85%. The consequences of such a decrease are staggering: Legal aid attorneys and staff have already sacrificed by voluntarily accepting salary and benefits reductions. Layoffs of attorneys and support staff have been unavoidable and, unless additional funding is forthcoming, further terminations of attorneys and staff and reduction of salary and benefits to the surviving workforce are inevitable.

At a recent hearing before the Appropriations Committee on February 23, 2009, many clients and supporters of legal aid providers spoke eloquently and simply about the impact legal

aid attorneys made on their lives. Clearly, our very system of fairness and justice is at risk without a sustainable civil legal aid system. Delivery of legal services to the poor of this State at no fee should be a concern of each of us as citizens of Connecticut. Members of the state bar and of the CBA in particular have focused on ways to fill that need. Every year, hundreds of low income families receive free legal services from CBA members. In addition, in 2008, lawyers and law firms in Connecticut contributed approximately \$800,000 and donated countless hours of time to serve to the boards of legal aid programs, to train legal aid attorneys and to offer advice and assistance in areas outside the expertise of legal aid lawyers. The CBA has a standing Pro Bono Committee, chaired by the Vice President of the CBA each year and composed of judges, attorneys, academics from our area law schools and officers of nonprofit organizations involved in the delivery of legal services to the needy. By way of a focused example during the past 18 months, the CBA Pro Bono Committee created a foreclosure prevention assistance program to address the foreclosure crises facing Connecticut citizens in need.

In ratifying the CBA's support for increased funding for legal aid providers, the CBA House of Delegates voted at its March 9, 2009 meeting to support 1) an increase in court filing fees and fines, 2) an increase in taxes and fees which are not directly imposed upon attorneys and, 3) if necessary, an increase in the occupational tax on attorneys, if the increase is used to provide funding to legal aid providers. This vote represents a significant change in the CBA's long-held position to oppose any increase in the occupational tax on attorneys.

The CBA fully understands the harsh fiscal reality facing the State of Connecticut, yet we must urge the legislature to provide additional legal aid funding because it is such a critical need of our citizens and to the administration of justice. The legal aid network in Connecticut does much more than confirm our society's commitment to equal access to justice; it provides necessary legal assistance to assure that families do not unfairly lose their homes, that the elderly

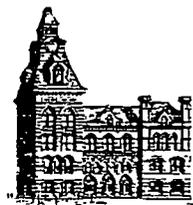
and disabled receive benefits, that poor consumers are not taken advantage of and that women and children are protected from domestic abuse.

Thank you for allowing me the opportunity to comment on Senate Bill 1157, An Act Concerning Funding for Legal Services and Judicial Branch Technology. On behalf of the CBA, I urge this committee to act favorably on the bill.

I would be happy to answer any questions you may have.



**COMMUNITY SERVICES  
ADMINISTRATION**  
City of New Haven  
165 Church Street  
New Haven, CT 06510



**John DeStefano, Jr.**  
Mayor

**Kica Matos**  
Administrator

**STATEMENT OF KICA MATOS, Community Services Administrator, City of New Haven Before the Judiciary Committee**

**IN SUPPORT OF FUNDING FOR THE CONNECTICUT LEGAL SERVICES PROGRAMS**

SB1157

My name is Kica Matos. I am Director of Community Services for the City of New Haven. I am grateful for the opportunity to present testimony today in support of Connecticut Legal Services Programs.

This testimony serves as support for New Haven Legal Assistance, a community institution that provides invaluable services to thousands of New Haven residents. Due to a drop in revenue from IOLTA (Interest on Lawyers Trust Accounts), they have lost 40% of their funding for the fiscal year 2009, and their attorneys have made numerous concessions in order to keep their doors open. They have taken 20% pay cuts, almost completely lost their pensions and have accepted greatly reduced benefits. Many of their talented attorneys and staff were forced to seek employment elsewhere.

The work of New Haven Legal Assistance is invaluable at the local, state and national levels. Not only does the office provide direct representation to thousands of clients in legal and administrative proceedings, but the impact of their work has been felt nationally as well, as evidenced by their recent success in convincing Fannie Mae and Freddie Mac to suspend evictions of tenants of foreclosed-on landlords. New Haven Legal Assistance has also taken a leadership role in supporting and guiding the city's newly launched re-entry initiative, aimed at assisting ex-offenders reintegrate into their communities.

Our office often receives calls and walk-ins from New Haven residents with a variety of problems, such as domestic violence victims, immigrants who need help completing naturalization papers, and parents with child custody concerns. We have always referred these clients to New Haven Legal Assistance. It is important for us to know that we can continue to make referrals and that these vulnerable residents will continue to be provided with quality legal representation.

I strongly urge you to consider their request for funding so that our clients and residents can continue to have a place to go for affordable legal assistance.

**NEW HAVEN** IT ALL HAPPENS HERE

Phone (203) 946-7909 Fax (203) 946-7908 Tty/tdd/tt (203) 946-8582

JB 1157

March 24, 2009

To whom it may concern.

I, José Figueroa do not agree that the office of New Haven Legal Assistance be closed for any reason. This program is very helpful for all those people like me with low income and low resources. There are many low income families, many physical and mentally disabled people that cannot afford to pay for a lawyer. I don't know what we will do without the office of New Haven Legal Assistance.

I, José Figueroa would regret it if this office ends up closing, for lack of money to pay the lawyers. The lawyers do everything that is possible to help our community. There has to be a solution to this economic crisis. I have lived in Connecticut for many years and I have always come to New Haven Legal Assistance for help.

Since 2007, New Haven Legal Assistance has been helping me with a case that I have with the owner where I live. My Attorney, Amy Eppler-Epstein and her assistant, María Vélez are helping me with this case. The owner is discriminating against me and my dogs and wants me out of my apartment. First, the owner tried to evict me because I did not pay my rent. What happened was that the money order was lost in the mail. The money was refunded by the post office, the rent was paid to him and the matter was resolved. Now, he does not want to renew my lease and wants me to move out because he doesn't want my dogs.

I am disabled, and I suffer from anxiety, depression and a nervous disorder. I rely on my animals for my emotional support. Being around my animals, and caring for them, is what gives me peace and stability, and is the main focus of my daily living. My dogs perform an important therapeutic function in the treatment and stabilization of my mental disability. They are my companions and my support animals. I cannot live without my dogs. My dogs are my life. The thought that I would have to either give up my dogs, or lose my apartment, has caused me terrible stress and anxiety. My lawyer at legal aid has helped me fight against this discrimination, so that I am not evicted and can keep my dogs. It has been a great relief to have a lawyer to help me with this case, otherwise I do not know what I would have done. Please help legal aid get the money it needs so it can keep helping people like me.

24 de Marzo de 2009

A quien pueda interesar:

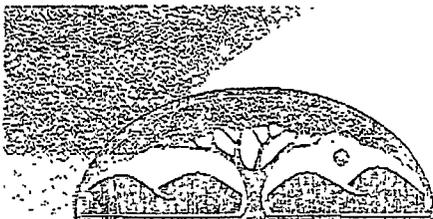
Yo, José Figueroa no estoy de acuerdo en que la oficina de New Haven Legal Assistance se cierre por ninguna razón. Este programa es de mucha ayuda para todas aquellas personas como yo, de bajo ingreso y de bajos recursos. Hay muchas familias de bajo ingreso, muchas personas incapacitadas física y mentalmente que no pueden pagar por un abogado. Yo no se lo que será de nosotros sin la oficina de New Haven Legal Assistance.

Yo, José Figueroa me lamentaría si esta oficina llegase a cerrarse por falta de dinero para pagarles a los abogados. Ellos hacen todo lo posible por ayudar a nuestra comunidad. Tiene que haber una solución a esta crisis económica. Yo he vivido en Connecticut por muchos años y siempre he venido a New Haven Legal Assistance para ayuda.

Desde el 2007, New Haven Legal Assistance, me está ayudando con un caso que tengo con el dueño donde yo vivo. Mi Abogada Amy Eppler-Epstein y su asistente María Vélez me están ayudando con este caso El dueño me esta discriminando a mi y a mis perros y quiere desalojarme de mi apartamento. Primero el dueño trato de desalojarme por que yo no le pague la renta. Lo que sucedió fue que el giro postal se perdió en el correo. Ya el dinero fue reembolsado por el correo, se le pago la renta y el asunto se arreglo. Ahora el no quiere renovar el contrato de renta y quiere que yo me mude porque el no quiere a mis perros.

Yo soy incapacitado, y sufro de ansiedad, depresión y desorden nervioso. Yo dependo de mis animales para mi apoyo emocional. Yo siento paz y estabilidad al estar alrededor de mis animales y cuidarlos, y ellos son lo principal en mi vida diaria. Mis perros realizan una función terapéutica importante en el tratamiento y la estabilización de mi incapacidad mental. Ellos son mis compañeros y mi apoyo. Yo no puedo vivir sin mis perros. Mis perros son mi vida. Solo de pensar que tendría que abandonar a mis perros, o que perdería mi apartamento, me ha causado un estrés y una ansiedad terrible. Mi abogada en la oficina de legal aid me ha ayudado a luchar contra esta discriminación, para que yo no sea desahuciado y pueda quedarme con mis perros. Ha sido un gran alivio de tener a una abogada que me ayuda con este caso, de otra manera yo no sé lo que yo hubiera hecho. Por favor, ayude a la oficina de legal aid a conseguir el dinero que necesita para poder seguir ayudando a personas como yo.

SB1157



**BIRMINGHAM GROUP  
Health Services, Inc.**

*Providing Hope - Changing Lives...*

Providing outpatient, inpatient, case management, rehabilitation, domestic violence, and substance abuse prevention and education services to the Lower Naugatuck Valley and surrounding communities.

March 25, 2009

Dear Editor of the New Haven Register:

I was recently made aware that the New Haven Legal Assistance Association, as well as other organizations of its kind across the state, will be facing drastic budget cuts. As the director of a busy domestic violence program for the past 18 years, I am well aware of the excellent services that New Haven Legal Aid provides. In 1998, a partnership was formed between the New Haven Legal Assistance Association and the Connecticut Coalition Against Domestic Violence so that the 18 domestic violence programs statewide would be able to provide civil legal assistance to those who could not afford legal services. Priorities for cases have included such issues as benefits, health care, disability, children's education and support, housing, representation in criminal hearings, service to undocumented immigrants and to the Hispanic community (a historically underserved population). Through the years, I have observed many success stories that have come about because an attorney from NHLA provided quality services on behalf of a victim. I have observed the look of relief on client's faces when they are told that an attorney who will advocate on their behalf is available immediately.

On a personal level, as the parent of an adult child who is severely disabled, I am again reminded all of the time of the commitment and incredible supports that are provided by attorneys of NHLA. It is through this support that my son is able to live independently, giving him some quality to his life.

Due to a crumbling economy, most of us are experiencing some difficulties in the day to day management of running a household. Some of us can make adjustments that will get us through the rough times. However, the poor will not have the same options. Cutting NHLA at a time when it is most needed would be devastating for the people that we jointly serve. The cuts come at a particularly bad time since the legal needs of our community will be increasing. I am sure that I am not alone as I speak out and advocate for the legislature to support an increase in funding for NHLA so that the low-income community will have the resources necessary to support their efforts to function with some quality to their life and that of their families.

Sincerely,

Susan DeLeon, LMFT  
Director

The Umbrella

P.O. Box 148 435 East Main Street Ansonia, Connecticut 06401 Phone: 203/736-2601 Fax: 203/736-2910  
24-Hr. Family Violence Crisis Hotline: 203/736-9044 Web: www.bghealth.org E-mail: umbrella@bghealth.org

Testimony of Peter Goselin in Support of SB1157

My name is Peter Goselin. I am a partner in the law firm of Livingston, Adler, Pulda, Meiklejohn & Kelly here in Hartford, and the Connecticut coordinator for the National Lawyers Guild, an organization of lawyers, law students, legal workers and jailhouse lawyers dedicated to human rights. Thank you for this opportunity to speak to you today in support of SB1157, the bill to create additional funding sources for Connecticut's legal services organizations.

For the last two years, on the second and fourth Wednesday evenings of the month, the Stamford office of Connecticut Legal Services has opened its doors for the Day Laborer Wage Collection Clinic. On every one of those evenings their waiting area quickly fills to capacity with people looking for help. They are restaurant workers, janitors, landscapers, roofers, domestic workers and more. They come, week after week, because their employers have cheated them out of wages and the Stamford clinic is one of the only places these hard working people can go for help.

I have been privileged to be a volunteer attorney at the Wage Collection Clinic from its beginning. Its clients are a face of Connecticut that would shock many members of this committee. Imagine working six days a week, ten hours a day, under grueling conditions. At the end of two months your boss pays you half of what you are owed. When you complain he threatens to call the police and have you run off his property. Imagine being a domestic worker, working 70 or 80 or even 90 hours a week and being paid what amounts to \$2.00 an hour. Imagine being a restaurant worker in the kitchen of a restaurant - the kind of place that gets glowing write-ups in the New York Times - but in the steam and sweat and grease of the kitchen you work fourteen hours a day for \$50 a day.

These are the people that the Clinic helps. Staff and volunteers make phone calls and write demand letters to employers, and when that doesn't work they help these workers to bring legal claims to enforce Connecticut's minimum wage, overtime and wage payment laws. This is where the investment that Connecticut makes in legal services is transformed into tens of thousands of dollars recovered for the working poor in Stamford.

This is why adequate funding for legal services is so vital. Because you, Connecticut's legislators, have passed many good and humanitarian laws. But laws are not self-enforcing and statute books are lifeless ink on pages. Somebody has to do what you intended when you passed these laws: take these words and shape them into tools for the benefit of Connecticut's people, so that words like "each employer . . . shall pay weekly all moneys due each employee on a regular pay day" are not just a nice idea or an opinion about what is fair, but a means to secure an honest day's wage for an honest day's work.

In this economic crisis more than at any other time in the last seventy years, Connecticut's most vulnerable and most exploited need help. One important way of doing that is making sure that there is someone on their side, enforcing the laws that you have passed. Respectfully, I ask that you support SB1157 to ensure that Connecticut's network of legal services organizations is there to do that job.

National Lawyers Guild - Connecticut Chapter  
c/o 557 Prospect Avenue, Hartford, Connecticut 06105  
860-570-4638 pdgoselin@lapm.org



**National Organization of Legal Services Workers**  
**International Union, UAW Local 2320, AFL-CIO**

*113 University Place, 6<sup>th</sup> Floor, New York, NY 10003 -- (800) UAW-2320 -- (212) 228-0992*

Testimony notes of Susan DeMaria, Regional Organizer, NOLSW, UAW Local 2320

SB-1157

I am a Regional Organizer of the National Organization of Legal Service Workers, UAW Local 2320. I represent fourteen legal service organizations in New England. In Connecticut, I represent the employees at Connecticut Legal Services, the paralegals in New Haven Legal Assistance Program and the employees at Connecticut Statewide Legal Services.

Since November 2008, there have been budget deficit reduction negotiations at Connecticut Legal Services and New Haven Legal Assistance. These Legal Services do not receive federal funds, as does Connecticut Statewide Legal Services. As you have heard, the IOLTA (Interest on Lawyers Trust Accounts) were depleted due to the reduced interest rates and the lack of private attorneys need for use of the trust accounts. The IOLTA funds for CT Legal Services and New Haven were approximately half of what they had been. This affected many of Connecticut's citizens including the employees of Legal Services.

Legal Service employees are selfless, committed public servants. They are underpaid and overworked. But, these are committed legal people. They are committed to providing to the most needy of our citizens with getting their basic human needs met. The legal service lawyers, paralegals and assistants help prevent homelessness, starvation and domestic violence.

Legal Service attorneys and legal assistants are at the maximum amount of work for which they can handle. They work endless hours. Their workload has increased. During bad economic times for an individual or family, legal services is often the last resort between food and no food, housing and homelessness. And, just at a time when legal services is needed more than ever, their funding is substantially decreased.

What do many of these selfless, committed people do? They took a pay cuts in the form of hours reduced, reduced pensions, increased contributions to health coverage, lesser health insurance coverage and/or a lesser health plan.

At Connecticut Legal Services, the entire workforce agreed to a 20% cut in hours of work; in effect a pay cut. They did this, so that their colleagues would not get laid off. How many actually have reduced their workload is unclear. These legal service employees agreed to have their salaries frozen. Their health plan was changed to a lesser plan.

At the New Haven Legal Assistance Program after a 50% loss in IOLTA funding, at least 3 paralegals were laid off and open job position were not filled. The remainder paralegals and support staff agreed to put a hold on their employer's pension contributions. I was told they could not come today because they had too much work to do. I was told they are overwhelmed and

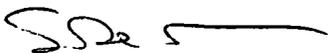
depressed that they can not accommodate their clients' needs. One paralegal said she is now doing what was the work of four people.

As lawyers and paralegals, they could get much better paying jobs, and probably less stressful jobs, in the public and private sector...The attorney salaries range from \$40,000 to \$99,000. Ninety-nine thousand is received only after working in legal services for 21 years! Imagine being a young lawyer, paying off school loans, raising a family and earning \$40,000 a year. A paralegal's salary can start as low as \$24,000.

If there is no increase in funding for these organizations, they will be faced with more cuts this upcoming fiscal year. When the economic times are grim, these legal service workers are the people most needed for those who are hurt by the economy. Without them, the poor is left unprotected and vulnerable. These public servants are much needed at this time. Please increase their funding.

Thank you for your time and consideration in this matter.

Sincerely,



Susan DeMaria



**TO: MEMBERS OF THE JUDICIARY COMMITTEE**  
**FROM: CONNECTICUT BAR FOUNDATION**  
**DATE: MARCH 26, 2009**  
**RE: SUPPORT FOR RAISED BILL NO. 1157**

**TESTIMONY OF HUGH MACGILL**  
**PRESIDENT, CONNECTICUT BAR FOUNDATION**  
**MARCH 26, 2009**

Thank you for the opportunity to appear before you today. My name is Hugh Macgill and I am the President of the Connecticut Bar Foundation (the Foundation), the non-profit agency designated by the judges of the superior court to administer the Interest on Lawyers' Trust Accounts (IOLTA) program in Connecticut. I urge you to support Raised Bill No. 1157. I speak on behalf of the Foundation.

We all hope we don't have much more to learn about the financial catastrophe. However, an important story about its impact on our entire community has appeared in piece-meal form in the media, and it is time to put the pieces together.

Many people know by now that the funds that support legal services for Connecticut's indigent have all but evaporated in the past year. Those funds come from interest on lawyers' trust accounts (IOLTA), where because of the amount of money involved or the time it sits in a bank would not earn a client any income. Legal services programs all over the United States depend on this funding. The funding itself in Connecticut, however, depends on a healthy real estate market and healthy interest rates. The tanking of the real estate market was the first sign of crisis, and current interest rates have never been lower. As a result, Connecticut's IOLTA income of \$20 million in 2007 fell to \$8 million in 2008 and will fall to about \$3.5 million in 2009. The Foundation has committed most of its reserves for the current year and nonetheless has been obliged to reduce all grants by 50%. Attorneys in the legal services programs have taken deep reductions in pay and hours, and administrators have agreed to 30% cuts, hoping to put off the day when final layoffs can no longer be avoided, and the programs themselves may be gutted.

The cynical (and comfortable) may ask, so what? The answer to that question is the other half of the story. Recently, rent-paying tenants in Connecticut found themselves thrown out on the street because their landlords had been foreclosed upon. The bank bailout legislation last fall contained language (with the blessing of Senator Dodd) prohibiting Fannie Mae and Freddie Mac from evicting "bona fide tenants" following foreclosure upon their landlords. The mortgage Goliaths ignored the law, and tenants knew nothing of its protection. Two legal aid attorneys in Hartford found the protective language in the law and their colleagues in New Haven carried the issue

further, forcing Fannie Mae, and more recently, Freddie Mac, to offer leases to tenants, instead of the sidewalk. Together they brought Goliath down, an astonishing triumph. The law alone did not protect the tenants. Legal aid attorneys, as vigilant on behalf of their clients as corporate attorneys are for theirs, were the watchdogs. There is a "trickle-up" to the watchdogs' work: higher income tenants also benefit from Fannie Mae's turn-around. Neighborhood property owners no longer need fear the impact of a boarded-up house next door on their property values. The entire state benefits, as keeping responsible tenants in foreclosed buildings will help stave off further urban blight in this severe recession.

But because IOLTA funding has collapsed, one of the Hartford lawyers who helped engineer the triumph has already received a pink slip, and more will follow. As the number of lawyers falls, do we imagine there are fewer people who need their help than there were a few years ago? Obviously this cannot be so. The 10% of our population economically and socially marginalized, chronically plagued by domestic violence, language problems, deteriorating family structure, and employment and housing discrimination, now must add unemployment and homelessness to their tribulations. And their watchdogs are being laid off. Access to justice for all our citizens is at the very core of any such contract. In these times, how can the comfortable decently enjoy their advantages without knowing they have done everything they can to assure equal opportunity for everyone else to become similarly comfortable?

We face a dreadful deficit this year. What money can be found to save legal services? No one imagines we can maintain existing levels of service. But as all of us with a stake in this crisis scramble to find a bit of help here and a bit more there, we know that it is crucial to the health of our society that we preserve the core integrity of our legal services programs, and their accumulated professional experience and social wisdom, so that when better times do return, there will remain a sound foundation upon which we can re-build. And so we now we come before you seeking increases in the fees enumerated in Raised Bill No. 1157 and ask that half of the funds generated by these increases be allocated to the Foundation to provide legal services to the poor, and the remaining half of the funds be allocated to technology projects within the Judicial Branch. A list of states that currently allocate court fees is attached.

Again, on behalf of the Foundation, I urge you to support this proposed legislation. The President has spoken of the responsibilities of citizenship. Preservation of those programs which do the most to help the neediest, in time of greatest need, must rank high among those responsibilities. But can Connecticut do it? If we grasp our responsibility gladly, not grudgingly, and all work together, surely Connecticut's answer must be: Yes, we can.

03/26/09

## States in Which Court Fees Support Legal Services

----- Under \$3,000,000 ----- \$3,000,000 to \$5,999,999 ----- \$6,000,000 or More -----

Arizona	California	Florida
Georgia	Kentucky	Maryland
Hawaii	Missouri	Michigan
Illinois	Nevada	New Jersey
Kansas	Oregon	Ohio
Louisiana	Tennessee	Pennsylvania
Maine	Texas	Virginia
Mississippi		Washington
Montana		
Nebraska		
New Mexico		
New York		
North Carolina		
North Dakota		
Rhode Island		
South Carolina		
West Virginia		

To: Judiciary Committee  
From: Enelsa Diaz, Staff Attorney  
Greater Hartford Legal Aid, Inc.  
Date: March 26, 2009  
Re: SB1157: An Act Concerning Funding for Legal Services and Judicial Branch  
Technology

Senator McDonald, Representative Lawlor, and members of the Judiciary Committee, my name is Enelsa Diaz. I am a staff attorney at Greater Hartford Legal Aid where I represent victims of domestic violence in both family and immigration cases. I am testifying in support of increased funding to legal services.

The work that we do at Legal Aid is so important because we not only assist individuals in asserting and protecting their fundamental legal rights, but we also advocate for the basic human needs of those living in poverty.

To give you an example of how our work impacts the lives of those living in poverty, I will tell you a little bit about my client Maria. Maria was an immigrant who was being violently abused by her American husband. He treated her like a slave, wouldn't let her work or leave the house, and he would viciously beat her and her son. When Maria attempted to stand up to her husband in their divorce, he hired an attorney to fight Maria for custody of their young daughter. Vulnerable, humiliated, and terrified, Maria might have lost custody if I had not been there to represent her. I was able to safety plan with Maria in her own language, understand her needs, and assert her rights in court. Only with the help of a lawyer experienced in representing domestic violence victims could Maria stand up to the abuse and win court orders that protected her and her children. Free from the violence and control of her ex-husband, Maria now works and supports her family. Her children can now play, go to school and grow up without fear.

At Legal Aid, what we do is so much more than filing a complaint, or attending a hearing. We give those who would not otherwise be heard, a voice -- often for the first time in their lives. We protect victims of family violence, secure the rights of low-income children to a quality education, and we keep people in their jobs and in their homes.

Please increase funding to legal services so that we can continue to protect victims of family violence -- victims like Maria and her children. Thank you.

STATE OF CONNECTICUT  
JUDICIAL BRANCHCHAMBERS OF  
BARBARA M. QUINN, JUDGE  
CHIEF COURT ADMINISTRATOR231 CAPITOL AVENUE  
HARTFORD, CT 06106Testimony of  
Judge Barbara M. Quinn, Chief Court Administrator  
Judiciary Committee Public Hearing  
March 26, 2009**Senate Bill 1157, An Act Concerning Funding for Legal Services  
and Judicial Branch Technology**

The Judicial Branch supports Senate Bill 1157, An Act Concerning Funding for Legal Services and Judicial Branch Technology. By way of background, the Judicial Branch worked with the Committee to identify fee increases that would provide significant revenue, with the understanding that the revenue generated would be used to fund legal services organizations and Judicial Branch technology. These are the fee increases included in this proposal.

The economic downturn has contributed to a funding crisis for legal services organizations of unprecedented proportions. Access to justice in the courts is a critical component of our system of justice and many of our states citizens suffer significant deprivations when it cannot be provided. Chief Justice Chase Rogers has adopted as one of the five overarching goals of the Strategic Plan for the Judicial Branch securing access to the courts for all. We have been working closely with bar leaders to assist in the efforts to secure such funding. The proposed fee increases would provide such assistance and we ask you to consider them favorably.

The Judicial Branch also has significant needs in the area of information technology. In recent years, the Judicial Branch has received only limited

funding for our information technology (IT) systems. Yet, at the same time, more and more demands are being put on those systems. The public and other state agencies rely on the currency and accuracy of the information we take in, store and disseminate. The residents of our state assume that public information is available on the internet around the clock. Other state agencies rely on the information that is provided to them by the courts each day, particularly in the areas of criminal matters and protective and restraining orders. All this information must be maintained and kept current on a daily basis. This is particularly important during this time of fiscal crisis, as technology becomes even more critical during times of dwindling resources. This bill, by providing the Judicial Branch with a funding stream dedicated to maintaining our information technology systems, would greatly assist us both at the present time and in the future.

In conclusion, this bill would significantly benefit the residents of our state, both by providing funding for legal services organizations and by ensuring the currency and accuracy of the information that flows through and from our court system. I urge the Committee to act favorably on this proposal.

Thank you for your consideration.



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Testimony of Francis Brady, President-Elect,  
Connecticut Bar Association  
**Senate Bill 1160, An Act Concerning the Interest Earned on  
Lawyers' Clients' Funds Account Program**  
Judiciary Committee  
March 26, 2009

Senator McDonald, Representative Lawlor and members of the Judiciary Committee, thank you for the opportunity to appear before the committee to comment in support of Senate Bill 1160, An Act Concerning the Interest Earned on Lawyers' Clients' Funds Account Program. My name is Francis Brady and I am the President-Elect of the Connecticut Bar Association, the preeminent voluntary association of attorneys in Connecticut with over 9,000 members who practice in every, diverse area of the law. The CBA has a great interest in the administration of the Interest on Lawyer's Trust Account (IOLTA) program, in particular because that program currently provides the majority of funding for the State's legal aid providers. The CBA urges the Judiciary Committee to **favorably report Senate Bill 1160** for the following reasons.

As set forth in the CBA's testimony in support of another bill being heard today, Senate Bill 1157, An Act Concerning Funding for Legal Services and Judicial Branch Technology, the State's legal aid providers are facing a funding crisis. IOLTA has historically accounted for some 60% of legal aid funding in this State. However, this year, the IOLTA program is projected to generate revenues of approximately 85% less than it did in 2007. The effect of such a drastic reduction in IOLTA revenues on the State's legal aid providers has been swift and devastating, both for legal aid attorneys and staff as well as their clients.

The CBA supports Senate Bill 1160 for two, primary reasons. First, the bill will enable attorneys to better manage their client trust accounts. Second, the bill will allow the client trust

accounts to generate more revenue which will ultimately inure to the benefit of the State's legal aid providers. The result is a win-win situation for the State: the changes made by SB 1160 to section 51-88c of the general statutes will result in additional revenue being generated for legal aid providers without costing the State's taxpayers a single dime. During these hard, economic times, these are the type of changes that make eminent sense.

Thank you for allowing me the opportunity to comment on Senate Bill 1160, An Act Concerning the Interest Earned on Lawyers' Clients' Funds Account Program. On behalf of the CBA, I urge this committee to act favorably on the bill.

I would be happy to answer any questions you may have.



To: Judiciary Committee

From: Erika Tindill, Esq., Executive Director  
Connecticut Coalition Against Domestic Violence

Date: March 26, 2009

Re: H.B. 6245, H.B.6710, and H.B.1157

Good afternoon Senator McDonald, Representative Lawlor and members of the Judiciary Committee. My name is Erika Tindill and I am the Executive Director of the Connecticut Coalition Against Domestic Violence (CCADV). I appreciate the opportunity to be heard regarding three bills before you today – House Bill 6245: An Act Concerning the Recommendations of the Task Force on Domestic Violence in Immigrant Communities, House Bill 6710: An Act Concerning Court Operations, and Senate Bill 1157: An Act Concerning Funding for Legal Services and Judicial Branch Technology.

With respect to H.B. 6245, the Coalition supports passage of this bill. In our work with immigrant victims of domestic violence, we know that the obstacles they face in order to overcome abuse are far more complex than their counterparts. Among other things, the complexity of obtaining relief for this group of victims stems from struggling to function in an environment of fear that is complicated by the fact of their status. This is partly due to a lack of supportive networks and impediments to accessing resources, but also to a lack of knowledge about the intricacies of American governmental systems. The U-Visa law enforcement official designation requirement (outlined in Section 1(A)(2)) and notification mandate (in Section 2(g)) are important steps in closing the gaps.

CCADV supports passage of H.B.6710 with the following additional language added to Section 16(c): "but shall not include any information that will

**compromise victim safety or reveal a victim's confidential location."** As the voice for victims of domestic violence and the programs who provide them with direct services, we must insist that victim safety be part of the equation.

**Regarding H.B.1157, CCADV supports the funding of legal services Programs.** Using increased court fees to help fund legal services is far more cost-effective to the taxpayers of Connecticut than allowing the offices to downsize further or to close. I hope this Committee and those in positions of power understand that even in a strong economy, legal services programs are grossly underfunded and cannot serve a large majority of people who desperately need their help due to a chronic lack of resources. As the financial crisis deepens, we will see an increased need for legal services as more people become eligible for and seek such services.

The work of CCADV and its members is inextricably linked to the legal representation and advocacy provided by the network of legal aid offices across the state. I know firsthand the importance of having a lawyer counsel and represent a victim of domestic violence and the life-altering impact it can have. For many of the men, women and children CCADV member programs serve, legal services attorneys are the only lawyers who are willing or able to assist them. Without the hard work and dedication of legal services attorneys, paralegals, and support staff, many victims would not have the resources to effectively navigate the numerous legal and social service systems that are hurdles to their safety and self-sufficiency.

Having access to legal aid attorneys and staff who are culturally-competent, bilingual, and effective advocates, is perhaps one of the most important services CCADV provides. We urge you to consider the positive impact and long-lasting

effects that funding for legal services has on Connecticut residents, particularly those who are victims of domestic violence.

Thank you for your time and consideration.



Jeanne Milstein  
Child Advocate

## STATE OF CONNECTICUT

OFFICE OF THE CHILD ADVOCATE  
999 ASYLUM AVENUE, HARTFORD, CT 06105

Testimony of Jeanne Milstein, Child Advocate

Judiciary Committee  
March 26, 2009

Good morning Senator McDonald, Representative Lawlor, and members of the Committee. Thank you for the opportunity to testify today:

- **in opposition to House Bill No. 6702, An Act Concerning Public Access To Proceedings In Certain Juvenile Matters; and**
- **in support of House Bill No. 1157, An Act Concerning Funding For Legal Services And Judicial Branch Technology.**

**I am strongly opposed to opening House Bill No. 6702, which would create pilot projects in three juvenile courts to allow broad public access to such proceedings.**

There is no question that our system for caring for abused and neglected children is in need of significant improvement. It is critical that we improve accountability of all of the participants in juvenile court proceedings – the Department of Children and Families (DCF), attorneys appointed to represent children and indigent parents, attorneys representing DCF, and judges. It is also critical that we ensure that attorneys practicing in juvenile court have good training and provide good quality legal representation in what is an extremely complex legal environment. Finally, we must raise public awareness about abused and neglected children in our state.

There is simply no evidence, however, that opening juvenile court proceedings to the public will accomplish these goals and good reason to believe that opening such proceedings has the potential to harm children. Studies in Minnesota and Arizona are often cited as studies that show that opening juvenile court proceedings do not harm children. In fact, the methodology of those studies has been challenged and the findings regarding lack of harm to children have been called into question. Professor William Wesley Patton, a professor at Whittier Law School and an expert on the legal and pediatric psychiatric effects of opening child dependency proceedings, provided the Committee with an extensive analysis of both studies and I would urge you to read the information he provided. In addition, the Minnesota study noted significant evidence that opening the proceedings had no impact on public awareness, the quality of child protection hearings, or on accountability.

Having presumptively open juvenile proceedings has the potential to harm children. First, once proceedings are presumed open, there is little ability to protect the privacy of those children who may be harmed by publicity. While the bill proposes giving the court authority to exclude members of the public, it is not likely that this would occur. The Minnesota study found that once courts were presumptively open, decisions to close the court were rare. In those instances where courts would issue orders to exclude the public from a particular case, such exclusion would likely

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lead to motions for temporary injunctions and appeals as media attempts to gain access. Second, while the bill proposes granting the court the authority to prohibit the dissemination of any personally identifiable information disclosed during open proceedings, such orders would be difficult, if not impossible, to enforce.<sup>1</sup> Third, the evidence suggests that it is the fear of publicity that has the most significant impact on the child. I would refer you again to the information submitted by Professor Patton, which includes a discussion of a longitudinal study conducted in Canada.

I urge you to also consider the potential for potential ramifications of this bill. What kind of hearing would be required to determine on a case-by-case basis who should be excluded from the courtroom? What rights to appeal would persons excluded to the courtroom have? Could persons excluded from the courtroom delay proceedings pending appeal? What kind of hearing would be required to determine on a case-by-case basis whether there is a compelling reason to prohibit a member of the public who is lawfully present at the hearing from using or disseminating the name, address, photograph or other personally identifiable information about a child? What rights to appeal would exist if the court issued such orders? How would the court enforce such orders? Is there really any meaningful remedy for a child who is taunted after the personal details of the abuse or neglect he or she has suffered are made public by a neighbor or by the press?

Given the potential for harm to children, and the lack of evidence that public access will result in greater accountability or outcomes for children, I urge you not to move forward this bill.

Instead, ask yourself what else can be done to improve accountability without potential harm to children? One of the most important things this legislature can do to improve accountability and outcomes for children is to ensure that all attorneys appointed to represent children and parents provide the highest quality of legal representation. Lawyers that provide good representation meet with their clients and hold DCF and judges accountable by investigating the facts, researching the law, filing motions, making good records, and filing appeals if necessary. They challenge other attorneys to do the same. The creation of the Commission on Child Protection several years ago, with established caseload and practice standards was a good first step to improving legal representation. We must remain vigilant to ensure that children and indigent parents have high quality legal representation. We must ensure that the appointment system attracts and retains highly skilled attorneys, provides them with the resources they need to provide the best legal representation, and incorporates quality assurance so that attorneys who aren't zealously representing their clients no longer receive contracts.

Another step the legislature can take would be to create an oversight body, comprised of volunteer attorneys, pediatricians, child and adolescent psychologists and psychiatrists, social workers, parents, members of the community, and members of the press. It could be structured to ensure that all members would be trained to understand the proceedings they observe and to require all members to agree to operate under strict guidelines to ensure confidentiality of personally identifiable information. This oversight body could be required report regularly to the legislature regarding the activity of the juvenile court and to provide recommendations for improvement. Such an oversight body would provide the public with information on the functioning of the juvenile courts, including the quality of legal proceedings, social work by the Department of

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<sup>1</sup> The United States Supreme Court has made clear that publication of lawfully obtained information is protected speech under the First Amendment. See *Bartnick v. Vopper*, 532 U.S. 514 (2001); *Smith v. Daily Mail Publishing Co.*, 443 U.S. 97 (1979).

Children and Families, and legal representation, while simultaneously protecting children from the public release of personally identifiable information.

I urge you to consider these alternatives rather than opening juvenile courts

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I support House Bill No. 1157, An Act Concerning Funding For Legal Services And Judicial Branch Technology. This bill would raise approximately \$6 million in funds for legal aid by increasing Superior Court fees and increasing the attorney occupational tax. Such funding would reduce the cuts in legal aid services during the economic downturn, until a revived economy results in recovered IOLTA (Interest of Lawyers' Trust Accounts) funds.

Legal aid programs provide legal assistance to our most vulnerable citizens, including our children. The Office of the Child Advocate has been privileged to work with some of the finest attorneys in Connecticut on protecting the rights of our children and I can tell you that they play a vital role in improving the systems that serve children. Legal aid attorneys ensure that children with mental illness are cared for appropriately in their own communities and do not languish unnecessarily in institutional and residential settings. Legal aid attorneys have worked to ensure that children in foster care are not bounced around from home to home and school to school. Legal aid attorneys worked to protect children from losing medical coverage and prescription drug coverage and access. Legal attorneys have worked to reduce the numbers of children who are ending up in adult prisons.

Legal aid programs have lost about \$9 million because of the 80% drop in IOLTA funding due to the poor housing market and near-zero interest rates. Legal aid program attorneys and staff have been forced to take significant pay cuts from already low salaries and without help, many will lose their jobs.

In difficult economic times, children and their families are at greater risk of domestic violence, homelessness, behavioral health issues, and substance abuse. Children need legal help to make their way through entitlements, enforce their legal rights, and secure necessary housing, education and medical care. We need legal aid programs now more than ever.

Please support House Bill No. 1157 to ensure that legal services programs can continue to provide their much needed services to children and their families.

Thank you for the opportunity to testify. I would be happy to answer any questions you may have.