

PA12-093

SB0031

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 23
7514 - 7863**

Hearing none, this item is placed on the consent calendar.

Will the Clerk please call Calendar 485?

THE CLERK:

On page 27, Calendar 485, Substitute for Senate Bill Number 31, AN ACT ESTABLISHING A COMMISSION ON JUDICIAL COMPENSATION, favorable report by the committee on Government Administration and Elections.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox of the 146th, you have the floor, sir.

REP. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the joint committees' favorable report and passage of the bill.

DEPUTY SPEAKER ARESIMOWICZ:

The question is on acceptance of the joint committees' favorable report and passage of the bill.

Will you remark, sir?

REP. FOX (146th):

Thank you, Mr. Speaker.

What this bill does is it establishes a commission which will on a four-year basis go through a variety of criteria in order to make determinations

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and recommendations as to what they feel should be the salaries that we pay our judges and what types of increases they should receive.

Mr. Speaker, the Clerk has in his possession a strike-all amendment, LCO Number 4675. I would ask that that be called, and I'd be allowed to summarize.

DEPUTY SPEAKER ARESIMOWICZ:

Will the Clerk please call LCO Number 4675, which will be designated as Senate Amendment Schedule "A."

THE CLERK:

LCO 4675, Senate "A" offered by Senator Williams, et al.

DEPUTY SPEAKER ARESIMOWICZ:

Representative seeks leave of the Chamber to summarize the amendment.

Is there objection to summarization? Is there objection to summarization?

Hearing none, Representative Fox, you have the floor, sir.

REP. FOX (146th):

Thank you, Mr. Speaker.

What the amendment does is it makes certain that we, as a legislature, will have an input in this on a biannual basis when we go through our budget

deliberations.

I would move adoption of Senate Amendment "A."

DEPUTY SPEAKER ARESIMOWICZ:

The question before the Chamber is on adoption of Senate Amendment Schedule "A."

Will you remark further on the amendment? Will you remark further on the amendment?

If not, let me try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ARESIMOWICZ:

Those opposed, nay.

The ayes have it.

The amendment adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

If there's no objection, I would ask that this also be placed on the consent calendar.

DEPUTY SPEAKER ARESIMOWICZ:

The motion before us is to place the item on the

consent calendar.

Is there objection? Is there objection?

Hearing none, this item is placed on the consent calendar.

Will the Clerk please call Calendar 488?

THE CLERK:

On page 27, Calendar 48, Senate Bill Number 43,
AN ACT CONCERNING HIGHER EDUCATION, favorable report
by the Committee on Higher Education.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Willis of the 64th, you have the
floor, madam.

REP. WILLIS (64th):

Thank you very much Mr. Speaker. Good evening.

I move for the acceptance of the joint
committees' favorable report and passage of the bill
in concurrence with Senate.

DEPUTY SPEAKER ARESIMOWICZ:

Good evening, madam.

The question before the Chamber is on acceptance
of the joint committees' favorable report and passage
of the bill in concurrence with Senate.

Will you remark further, madam?

REP. WILLIS (64th):

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On page 7, Calendar 219, House Bill Number 5148,
AN ACT CONCERNING AN ACT CONCERNING COMMUNICATIONS TO
VICTIMS OF THE CURRENT OPERATION OF A MOTOR VEHICLE
THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY.
DEPUTY SPEAKER ARESIMOWICZ:

The distinguished Majority Leader, Representative
Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Good to see you up there.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you, sir.

REP. SHARKEY (88th):

Mr. Speaker, this represents the consent calendar
and for everyone's edification, I will be listing off
the calendar numbers in numerical order so that
everyone can follow. I'll try keep it -- and make
sure that I do it in numerical order. Thank you.

These will be: Calendar Number 90, Number 155,
Number 219, Number 223, Number 290, Number 320, Number
338, Number 345, Number 389, Number 430, Number 444,
Number 455, Number 467, Number 470, Number 475, Number
481, Number 485, Number 488, Number 489, Number 494,

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Number 496, Number 497, Number 505, Number 510, Number 513, Number 525, and Number 531.

I move adoption, I move adoption.

And with that, Mr. Speaker, I move adoption of the consent calendar. I move the consent calendar.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

The question before us is on passage of the bills on today's consent calendar.

Will you remark?

If not, staff and guests please come to the well the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting today's consent calendar by roll call. Members to the chamber please.

SPEAKER DONOVAN:

Have all members voted? Have all members voted?

Please check the roll call board to make sure your vote has been properly cast.

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

The Clerk please announce the tally.

THE CLERK:

On today's consent calendar

Total number voting	144
Necessary for passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

SPEAKER DONOVAN:

The consent calendar passes.

Any announcements or introductions? Any announcements or introductions?

Is there any business on the Clerk's desk?

THE CLERK:

A list of Senate bills, Mr. Speaker.

SPEAKER DONOVAN:

Representative Brendan Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

I move that we waive -- waive the reading of the bills and have these items placed immediately on the House calendar.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 6
1642 - 2003**

2012

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rgd/gbr JUDICIARY COMMITTEE

March 9, 2012
11:00 A.M.

CHAIRMEN: Senator Coleman
Representative G. Fox

MEMBERS PRESENT:
SENATORS: Bye, Kissel, McLachlan,
Meyer, Welch

REPRESENTATIVES: Adinolfi, Albis, Baram,
Berger, Carpino,
Clemons, Dillon,
Flexer, Fritz, Hetherington,
Holder-Winfield,
Gonzalez, Grogins,
Hewett, Hovey,
Klarides, Labriola, Lopes,
O'Neill, Riley, Rowe,
Sampson, Serra, Shaban,
Smith, Verrengia,
Walker, E. Wright

REP. G. FOX: Good morning, everybody and welcome to the Judiciary Committee public hearing for Friday, March 9, 2012. We have today certain claims for review as well as certain proposed raised bills for review. The way the public hearing is structured is the first hour is reserved for public officials and then we will go to the list of members of the public who have signed up to testify.

Our first name amongst the public officials is the honorable Chase T. Rogers, Chief Justice. And good morning.

If you could just hit the microphone. I'm sorry. Yeah. It probably helps if you sit (inaudible) microphone, too. That way --

CHIEF JUSTICE CHASE T. ROGERS: I should know how

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to do this, right? Okay. I'll start over.

Senator Coleman, Representative Fox, Senator Kissel, my name is Chase Rogers and I have the honor of serving as Chief Justice of the Connecticut Supreme Court.

Thank you for the opportunity to testify today in strong support of Governor Malloy's bill, Senate Bill 31, An Act Establishing a Commission on Judicial Compensation. This bill creates a mechanism to establish a fair, transparent and objective compensation level for judges. Specifically the bill establishes a commission similar to the compensation commission that the New York Legislature recently enacted.

Under the proposal members would be appointed by the Governor, legislative leaders from both parties and the chief justice. The commission would meet every four years and would be charged with examining judges' salaries and recommending salary levels for the next four year period.

It's important to note that legislators retain the authority to reject, modify or approve these recommendations and that they become effective only if no action is taken. The commission may recommend no increases at all after examining a number of factors such as the overall economic climate in the state, the rate of inflation, the State's interest in attracting highly qualified and experienced attorneys to serve in judicial capacities, the State's ability to fund increases in compensation and the compensation adjustments applicable to state employees. Moreover and perhaps more importantly, the entire process will be open and transparent to the public.

Under this proposal the General Assembly retains its power and authority over judicial compensation by virtue of the fact that it has absolute authority to accept or reject any proposed increases. And as I already mentioned, your leaders will appoint members to the commission which means that you will be part of the process from its inception.

Now is the time to act because frankly the current system is not working. The last time that the Legislature voted on judges' salaries was eight years ago when it passed a three-year plan. The last time that judges received an increase in compensation was five years ago. That three-year plan has come and gone and our state judges have not received COLAs, annual increments or any other increases in their pay since then.

In addition Connecticut judges are seriously underpaid compared with judges elsewhere and continue to fall behind other states. The most recent salary report issued in July of 2011 by the National Center for State Courts ranks Connecticut as 45th in the nation in what it pays its trial judges when the salary is adjusted for cost-of-living. This represents further erosion when you consider that Connecticut was ranked as 42nd in the January 2011 report. Connecticut must do better.

I think that it's necessary to take a step back to remember what we are asking our judges to do. We ask them to make difficult decisions every day that profoundly affect people's personal and professional lives, their reputation and their freedom. Put another way, we ask them to go into highly charged emotional situations and dispassionately apply the law.

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For example, a judge may have to sentence to prison an 18 year old, who will driving under the influence caused the death of his friend. Another judge could be presiding over a capital felony case with complicated legal issues where death is the ultimate penalty.

Another example may be a liability case where a young child dies as a result of an alleged defective product. A judge one day may be presiding over a complex commercial matter involving millions of dollars and then another day assigned to hear a motion in a hotly contested family case involving self-represented parties. It is impossible to overstate the importance and impact that these decisions have on the lives of Connecticut residents each and every day.

I hope you will agree that it takes a certain type of person who has all the necessary qualities to handle these types of situations year after year. These qualities include wisdom, compassion, courage, integrity and the ability to dispassionately apply the law. Historically we have been able to attract such individuals to the Connecticut bench because they have a desire to make a difference through public service and are willing to make the necessary sacrifices. However I am concerned that if we do not establish an effective mechanism to address compensation we will be unable to attract those individuals in the future.

I respectfully ask for your support of this bill. And I want to thank you again for the opportunity to testify and I'd be pleased to answer any questions that you may have.

REP. G. FOX: Thank you.

Are there questions?

Senator Kissel.

SENATOR KISSEL: Thank you very much, Chairman Fox.

Madam Chief Justice, good morning.

CHIEF JUSTICE CHASE T. ROGERS: Good morning.

SENATOR KISSEL: Great to see you.

One of -- there's a couple things that I have a dilemma with, to be quite frank. First of all, many members on my side of the aisle over the years have felt that setting up a construct where things occur in this building because we take no action -- is less than a positive methodology when it comes to being open and upfront with the public. Whether it's with union contracts or some other aspect of state government, many folks from the minority party have stated that we should stand up and be counted.

And indeed, I see that the Governor's counsel is here, my friend, Andrew McDonald. And while this is a Governor's proposal, I recall that at the beginning of the Governor's term here he had at least put forward the notion that -- at least at that time it appeared that he had some concerns regarding the -- if the Legislature does nothing, things automatically go into effect kind of construct as well.

So on that issue alone, what's your response? And is there any variation that we could do with this other than what's before us that might, if not totally alleviate those concerns, perhaps build some of those concerns into the process?

CHIEF JUSTICE CHASE T. ROGERS: Well, we understand those concerns and we tried to build it in from the front and with the way the bill is currently proposed to be done. And I think to draw a comparison between the union contract situation in this is really not a fair comparison and I can just run through that with you.

First of all, this is an open and transparent process. This is not bargaining that's happening behind closed doors. Furthermore the Legislature will have four members who have been appointed by the leadership of both parties who will be in from the inception of the process. So those voices will be heard all the way along the way.

There will be public hearings, so any voices that want to be heard can be heard. And perhaps most importantly these are only recommendations. The Legislature will be free and in fact, you know, I give the example if in 2009 when the economy really tanked, if there had been a recommendation the Legislature could have spoke loud and clear and said, this is not the time to do it. So you retain absolute authority to say, we're not going to do this.

So we really think that this is a process that makes a lot of sense. And frankly the current system is not working, Senator Kissel. So we think this is the best way to go if you want to continue to have a strong judiciary and one that's regarded as one of the best in the country.

When I meet with the other chief justices, which I do each year, we hear, you all are doing things we're not doing. We look you as a model and I think we want to retain that,

that leadership position.

SENATOR KISSEL: And my second question, Mr. Chairman, through you to the Chief Justice is this, I firmly believe and I've had an opportunity to go out to different seminars in Colorado and New York and Pennsylvania that I, not only believe, but I hear from colleagues that I run into that our judicial system is highly regarded throughout the country.

That being said, it is a rare month that goes by where I don't get somebody from within my district who has made it to the list of the judicial selection commission that says, how do I get another look by the Governor? And I am unaware that there is a large number of individuals that when offered another eight-year term turn that down.

It really does appear that in Connecticut right now once you get on the bench you want to stay on the bench. I mean, just a couple of weeks ago we had an individual sitting before us 90 years old and still wanted another eight-year term, God bless his soul.

So on the one hand if I am sitting on the bench and four or five, six years go by and I have had no bump whatsoever, after I've gotten all the benefits of a very secure job that I have sought for, if not one or two years, five or ten years, now all of the sudden that I'm at that position where it's very safe and I don't have to worry about job security if my do my job well, then all of the sudden not getting a pay increase is a problem.

But the notion that we are unable to attract candidates that want to get put on the bench I think is premature. I see no lack of that. In fact, I see more pressure as the economy

still flounders, of individuals going through this process and wanting to get before the Governor for a consideration to be put forward as a superior court judge.

So I know you have a huge amount of jurists out there that are probably unhappy. But at the same time I don't really see it work a problem on our system at this point in time. And I have to go and give an answer to that question to my constituents who say, if they're making 140, 150 thousand dollars a year job for a job and they don't have to worry about getting fired for eight years, why are they complaining. They've got one of the best jobs in the State of Connecticut. And I don't know how to answer that question.

CHIEF JUSTICE CHASE T. ROGERS: Okay. If I can -- I think there's two questions in there and I'll try to break it down.

In terms of the applicant pool, starting with that. I can tell you the opposite story, that I know a number of people who have spoken to me confidentially and said I cannot -- while I would love to do this, I cannot afford to do this when I've got two kids in college and I'm making a better living in private practice.

And I understand that's not true for everybody. But again do you really want to close off that end of the pool when what they're saying is we understand that we're not going to make as much money as a judge that we do in private practice? But we also feel that we need to be paid some sort of cost-of-living increase because otherwise we're losing money every year.

So it's not that you don't have adequate applicants. And again, I don't mean any

disrespect to the people who are actually in the pool currently, but do you really want to close off a big chunk of the jurists in the State of Connecticut who are in a position where they just can't take this kind of cut and not know that in future at least they're going to be paid objectively, fairly.

Now remember again, I don't know what the commission will come up with in the way of recommendations. So if we're not entitled to a raise in a given year, then we're not entitled to a raise in a given year. We will have to live with that and we understand that. So that's the answer to the first part of your question.

The second part I think you were asking about, that people want to come back and be judges again? Of course they do. Nobody is questioning here and least of all me. It is a wonderful job. All we're asking is that people be paid fairly for performing that function.

SENATOR KISSEL: Well, I thought that was last question. I have on last one.

CHIEF JUSTICE CHASE T. ROGERS: Okay.

SENATOR KISSEL: I guess the notion is that they would meet every four years. Let's say they meet and they have recommendations, is it contemplated that those recommendations would be for the next four years? And if so, let's say, they make their recommendations. It's 2009. The economy is bad.

CHIEF JUSTICE CHASE T. ROGERS: Right.

SENATOR KISSEL: The Legislature says, we're not doing anything now. Do they meet again in the

next three years because of that? Or do they just not meet for the next three years and hope that the Legislature in 2010 or 2011 brings up the recommendations again for consideration?

CHIEF JUSTICE CHASE T. ROGERS: My understanding of how the bill would work is that you -- it would be for the next four-year period. They would not meet again. However all they are recommendations.

So taking that example, the Legislature would say, this is the year we can't do this. And in fact we'd be able to make a louder statement about that than they might otherwise be able to do. So I, you know, I don't see that as a problem. You would retain ultimate flexibility on it.

SENATOR KISSEL: Okay. Thank you for your answers.

CHIEF JUSTICE CHASE T. ROGERS: You're welcome.

SENATOR KISSEL: Thank you, Mr. Chairman.

REP. G. FOX: Are there other questions?

Representative Adinolfi.

REP. ADINOLFI: Thank you, Mr. Chairman.

CHIEF JUSTICE CHASE T. ROGERS: Good morning.

REP. ADINOLFI: Welcome. Just a question about judges and referees. If you're a state employee and you're retired and on pension, you could work 120 hours per year and get paid for that 120 hours and still collect your pension.

Now I know that it's been public -- there are

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a lot of college professors who retire who get a pension like \$120,000 a year and then teach a two-credit course and pick up another 50,000. Does this same rule apply to judges when they become referees and so on?

CHIEF JUSTICE CHASE T. ROGERS: No. This assumes a little bit different.

REP. ADINOLFI: That's what I'm trying to understand.

CHIEF JUSTICE CHASE T. ROGERS: Right. And I'll give you, you know, my best understanding of it, but Judge Quinn is also here to testify and if she has a slightly different view then I'm sure she'll let that be known.

We're very different in the sense that judges work until age 70. At that point they could retire and collect their pension. However we happen to be one of the best deals in the State because what the vast majority of judges end up doing is they continue to work. And in fact, many of them are working so much that they're not even getting paid for the days that they're working. So it's not 120-day rule. You can -- every year I have a list of the JTRs and if I reappoint them they can work as much as they want that next year. So --

REP. ADINOLFI: And -- but I'm saying paid for 120 days. I understand they'll work for nothing.

CHIEF JUSTICE CHASE T. ROGERS: Right. Right. Right. We don't have the 120-day situation.

REP. ADINOLFI: Okay. Thank you. That's all I wanted to know. Thank you very much.

REP. G. FOX: Are there other questions?

Chairman Coleman.

SENATOR COLEMAN: Thank you, Mr. Chairman.

Good morning, madam Chief Justice.

CHIEF JUSTICE CHASE T. ROGERS: Good morning.

SENATOR COLEMAN: I'm familiar with the job that the judges do and I would say that most if not all contribute tremendous service to the judiciary and the State of Connecticut.

It occurs to me that at some point we're taking advantage of the willingness to perform public service on the part of these individuals. And along the lines of Senator Kissel's inquiry, I'm just wondering to what extent you might be able to comment concerning the effect on the morale of those who are serving as judges in our State.

CHIEF JUSTICE CHASE T. ROGERS: I think that's a very fair question. And what I would say is that the judges, like many people in state government have been working under conditions that are less than ideal. I checked yesterday. We are down 25 percent in courtroom clerks. That's a big number. So that -- and you need your courtroom clerks to get your court open.

Very few judges outside the criminal context have a marshal. My view of it is that they have continued to soldier on, to do the best job they can possibly do, doing more with less. As you know, we instituted a number of changes over the last five years as a result of the public service and trust commission.

They willingly served on those committees. It was a tremendous amount of work to try and

make the system better. So in terms of effort, you know, they get an A plus. In terms of, you know, do they feel that they've been patient and do I feel that they've been patient? Yes.

As you know, they had furlough days like many other people in state government. They also had -- for the people who joined in the last five years, they're actually losing money because of the 3 percent increase in contributions for pension that they didn't know was going to go into play for many soon after they came in.

So they've worked hard, but I think at this point, you know, I can speak for them that they feel that the time has come and the way that this bill is structured is the -- if in fact there was a recommendation of an increase it wouldn't go into effect until all their state employees, specifically the union employees, in July of 2013 would start to receive an increase.

SENATOR COLEMAN: I agree with your comment that the current system is not working and I conclude that we've got to find a better way. It just seems to me that, especially when you compare the compensation of judges to people in other branches who are serving in comparative roles of responsibility, the compensation is not fair and it is extremely unequal.

Even if you look within the judicial branch, I think when you compare some of the salaries that others who are not judges are earning -- and I say earning -- I think some adjustment and some effort to address the compensation of judges in the State of Connecticut is certainly in order.

CHIEF JUSTICE CHASE T. ROGERS: I appreciate that.

SENATOR COLEMAN: Thank you for your comments this morning.

CHIEF JUSTICE CHASE T. ROGERS: Thank you.

REP. G. FOX: Senator Kissel.

SENATOR KISSEL: Thank you, Chairman Fox for the second time. I apologize.

It's my understanding that under the current statutory construct that workers' compensation commissioners compensation tracks what judges make. If judges went up, that the compensation commissioners which trail, I think around \$10,000, would go up in a similar fashion.

Under this proposal, are the workers' compensation commissioners' salaries similarly tied should things go into effect and move forward?

CHIEF JUSTICE CHASE T. ROGERS: I don't know, but Attorney McDonald may know the answer to that.

SENATOR KISSEL: Is he scheduled to testify?

CHIEF JUSTICE CHASE T. ROGERS: Yes, he is.

SENATOR KISSEL: Okay. Then I'll just -- I'll wait.

CHIEF JUSTICE CHASE T. ROGERS: And we can get you the answer better.

SENATOR KISSEL: I think I'm going to have my answer in a few minutes. Thanks.

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CHIEF JUSTICE CHASE T. ROGERS: Okay. Very good.

REP. G. FOX: Are there other questions?

Madam Chief Justice, if I could just ask a few things.

You referenced other states and how we fall within those states. Do you know what the compensation is for our neighboring states?

CHIEF JUSTICE CHASE T. ROGERS: I should know that. I believe that New York goes into effect, that it's in the 180s or '90s range.

REP. G. FOX: Okay. I mean, you don't have to -- if you don't know we can find easily enough.

CHIEF JUSTICE CHASE T. ROGERS: Right. We can get you that information.

REP. G. FOX: Okay. And if the -- this bill --

CHIEF JUSTICE CHASE T. ROGERS: Can I just add something to that? I think you need to be a little bit careful of that because of the -- it's a lot, as we know, a lot cheaper to live, for instance in Vermont than it is to live in Connecticut. I would just add that. But I don't know what the numbers are.

REP. G. FOX: Okay. And I recognize that. I just thought you might know what the compensation is.

CHIEF JUSTICE CHASE T. ROGERS: No. I don't.

REP. G. FOX: Also if this bill passes as is, when would be the earliest judges could be eligible for a raise?

CHIEF JUSTICE CHASE T. ROGERS: That would be

July 1st of 2013.

REP. G. FOX: Okay. And the plan is to have the commission meet and to submit its recommendations?

CHIEF JUSTICE CHASE T. ROGERS: Yes. How it would work is the commission would start its work in July of this year. They would make a recommendation in January of next year. And then if there was a recommendation for a raise, that that would go into effect July 1st of 2013, so fiscal year '14.

REP. G. FOX: And the Legislature would have the opportunity if the fiscal climate so required to prevent that raise from going into effect.

CHIEF JUSTICE CHASE T. ROGERS: Yes, they would. Now I should emphasize that at least for the first year one of the factors that the commission will be considering is the economic situation in the State. So hopefully we wouldn't have a drastic change, but yes absolutely, they would have the ability to turn it down.

REP. G. FOX: And I'm just -- if the Legislature disagreed with the commission as part of the fiscal condition of the State, the Legislature could certainly take precedence.

CHIEF JUSTICE CHASE T. ROGERS: Yes. You have absolute authority.

REP. G. FOX: Okay. Well, thank you very much for your testimony and it's good to see you. You don't get here that often to testify.

CHIEF JUSTICE CHASE T. ROGERS: I don't and the reason I am here is that we really feel this is an important issue for the administration

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or justice in the State of Connecticut.

Thank you.

REP. G. FOX: Thank you.

Next we have from the Governor's office Andrew McDonald.

ANDREW McDONALD: Good morning.

REP. G. FOX: Good morning.

ANDREW McDONALD: The last time I was here I didn't need reading glasses. It's going downhill quickly.

Good morning, Senator Coleman, Representative Fox, Senator Kissel, other members of the Judiciary Committee. It's a pleasure to be with you today. My name is Andrew McDonald. I'm pleased to testify before you as general counsel to Governor Malloy in support of Senate Bill 31, the Governor's Proposal to Establish a Commission on Judicial Compensation.

Adequately compensating judges is essential to attracting and retaining a diverse and robust pool of qualified jurists. The most capable attorneys will always have the potential to earn more in the private sector, we know that. But compensating judges at a rate that is comparable to other public employees and judges in other states demonstrates to those who want to serve the public that we value the work that our judges perform year after year.

As a State we have not kept pace with our responsibilities in this area and the problem is growing. Comparing judicial salaries to those of other state employees, the percentage

increase for executive and legislative branch managers has significantly outpaced the percentage increase in salaries for judges. If superior court judges had received increases at the same rates as executive and legislative branch managers since 1995, their salary would be over 30 percent greater than it is today. Instead judicial salaries have decreased 8.5 percent in real dollars since their last adjustment in 2007.

As the Chief Justice indicated in a national survey of judicial salaries, Connecticut has dropped the 45th in the nation when adjusted for cost of living. While we are lucky to have highly qualified judges sitting on the bench today, without action our ability to continue to attract such candidates is greatly threatened. We have to do -- and in our effort to attract a more diverse pool of applicants for consideration we have to do a better job of demonstrating a willingness to compensate judges equitably.

Since joining the administration last year I can tell you that we have had at least two jurists who have identified to me that they were resigning from the bench because of financial considerations that they articulated to me.

The National Center for State Courts -- and by the way, I should mention I'm not going to divulge their names because it was mentioned in confidence, but both were extraordinary jurists that are no longer serving on the bench.

The National Center for State Courts has identified four key principles that should be applied when setting judicial salaries, equity, regularity, objectivity and separation

from politics. In a review of the process in Connecticut we failed in all four areas.

To create a more independent process the American Bar Association encourages states to develop judicial compensation commissions to determine appropriate compensation levels for judges. Consistent with that goal, the Governor has put forward this proposal for your review and consideration. We also ask that you pass it.

The judicial compensation commission proposed in this bill would remove to the greatest extent possible the consideration of judicial compensation questions from the realm of politics. The commission would be a nine-member bipartisan panel with appointments made by all three branches of government. The commission would include members who have experience in financial management, human resource administration and the determination of executive compensation. And members of the commission will be required to meet every four years to determine whether the compensation for judges is adequate.

They must consider factors such as the climate of the State, the rate of inflation since the last adjustment, the compensation received by judges in other states and on the federal bench, the level of compensation for attorneys in the public and private sectors, the State's ability to attract highly qualified attorneys to the bench, compensation adjustments made to other state employees and the State's ability to fund compensation adjustments.

The commission would submit a report of its findings and recommendations to this General Assembly, the Governor and the Chief Justice and any recommended adjustments would only go

into effect unless affirmatively modified by the General Assembly.

I do want to be very clear on one point. The Governor is not advocating for judicial raises at this time or in this economic environment. He is rather urging you adopt a bill that will allow for a rational framework for such discussions to occur in the future, separated to the greatest extent possible from the cauldron of politics.

The public's faith in our system of justice depends on judges being dispassionate, objective and apolitical. Why should the manner by which those same jurists' compensation is determined be anything less?

On behalf of the Governor I urge the members of the committee to approve this measure and I'd be happy to answer any questions you may have. I should also note that with me today is Karen Buffkin, the Deputy Secretary of OPM who is going to be testifying on the other bill before you that is a bill from the Governor's office, but I'd be happy to take any questions the panel has.

REP. G. FOX: Are there questions for Attorney McDonald?

Senator Kissel.

SENATOR KISSEL: Thank you, Chairman Fox.

Attorney McDonald, it's always fabulous to see you. I know as long as I've been lucky enough to be in this Legislature 20 years, that even now when I'm on the other side it always feels a little weird than when you're over on this side. And I don't know if that's -- if there's anything to that, even despite the

enormous power that you now have, probably far, far more than you ever had when you were chairman of judiciary.

ANDREW McDONALD: I can tell you this chair is more comfortable than those chairs.

SENATOR KISSEL: A couple of things. If we were to move forward on this this year, what's the anticipated timeframe as to how this would roll out?

And I say this because I had the pleasure of attending a North Central Connecticut Chamber of Commerce breakfast yesterday where economic directors from various towns in my neck of the woods came and spoke.

And to some extent I actually think that the impact of the recession on my part of the state was less dramatic than on Fairfield County only because, you know, the drops seem to be so precipitous for folks down in your part of the state, given how much it's tied into Wall Street and New York City.

But what was nice in that breakfast was that one of the speakers said, it's almost like you can see the crocuses popping their heads out from the soil at springtime. We're seeing a lot of positive economic news. And so we may find ourselves in a year or two in a position where raises are not unreasonable. So I'm just wondering how this would play out should the bill become law this year.

ANDREW McDONALD: Sure. Well, thank you for the question.

The bill contemplates that, if adopted by the Legislature, that that process would roll out during the balance of 2012 and that any

adjustments or recommendations of the commission would be submitted to the Legislature so that they could act on it or not during the next session of the General Assembly.

And as the Chief Justice indicated, if -- and I should have prefaced this. Again, this is just a framework for discussion. Nobody is saying that there would be any definitive outcome, but if there were a recommended adjustment, that you folks in the General Assembly would have the opportunity to address it in the next session of the General Assembly. And unless anything was done to the contrary, it would go into effect in July of 2013.

SENATOR KISSEL: And is everything on the table? I mean, would -- could salary have a cost-of-living adjustment on an annualized basis? Could raises be retroactive for five years? I mean, is it whenever they come up with? Or are there some sort of outside perimeters that would give us some assurance that this is prospective only and we don't have to worry about some sort of huge hit? Or would they sort of test the political waters? And you know, how do you think it would unfold?

ANDREW McDONALD: Senator Kissel, I don't know anybody who's suggesting that anything would be retroactive. It would be prospective from -- for the next fiscal year which is what would be -- frankly, it would give you folks an opportunity to consider the fiscal impact of any raises and work that into your budget considerations as well.

But the fact is that the raises or adjustments would be only prospective.

And by the way, if that's not clear in the bill I certainly would hope that you would make it clear.

SENATOR KISSEL: See, now that you're over there you have so much faith in us.

ANDREW McDONALD: And your LCO attorneys.

SENATOR KISSEL: All right. There we go. That's where the faith really should reside.

And in the proposals, perspective as they may be, the fact that it's tailored to be coming back every four years, would the proposals be for a bump and that would last for four years?

Or could the proposal take on the form of 3 percent raises for the next four years and we're going to -- in other words, we'll start at -- let's say the magic number is 150. All right. Right now 150. We're going to jump it to 170 and then 3 percent for the three years after that. I mean, could it be something like that?

ANDREW McDONALD: There's nothing that would constrain the commission other than the data that was presented to it. So they could potentially include COLA adjustments. They could make a fixed dollar amount, all of which would of course would be subject to your review.

SENATOR KISSEL: And my last question and the Chief Justice had alluded that you would have the answer to this, and perhaps I'm mistaken, but I had always thought that the way we do it is that the workers' compensation commissioners' salary is somehow tied to the judges' salaries and that they sort of ride along.

And while this has been brought to my attention prior to today by representatives of the judicial branch, specifically focusing on judges, is it contemplated that whatever moves forward if the bill comes to pass, if the commission makes recommendations and if the Legislature through its inaction adopts those recommendations, that there would be a similar adjustment perhaps prorated or somehow the ratio would be appropriate for the workers' compensation commissioners?

ANDREW McDONALD: Well, Senator Kissel there is a statute that ties the workers' compensation commission commissioners' salaries to superior court judges' salaries. And unless the Legislature decoupled that, which certainly you could do, those workers' compensation commission salaries would be, again still tied to any adjustments.

I should also mention that is also true for probate judges. Probate judges' salaries are tied to a percentage of superior court judges' salaries.

SENATOR KISSEL: I appreciate that second point.

ANDREW McDONALD: Let me clarify that. Probate judges' salaries are tied at least in part to, depending on weighted workloads and all the rest of it, but at least in part to superior court judges' salaries.

SENATOR KISSEL: I find that answer very helpful in our deliberation as to the ramifications of this proposal.

Thank you so much. I look forward to your colleague's testimony as well.

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ANDREW McDONALD: Thank you.

REP. G. FOX: Are there other questions of Attorney McDonald on this bill?

If I may, actually Attorney McDonald, the way the bill is drafted, it sets up the commission to make recommendations over a four-year period. Would the commission have an opportunity to intervene? Like, let's say, for example, we spoke about adopting a salary structure that would begin in 2013.

Let's say for some economic reason we wanted in 2015 to make an adjustment to that. Would that be -- would it be set up in such a way that that could happen?

ANDREW McDONALD: Well, as the bill is currently written those adjustments would be approved essentially by the Legislature for that period of time. If -- just thinking this through logically, if there were exigent circumstances that required changes, the Legislature obviously has the right to come in and change the statute back to something else if there was an emergency of some sort.

But as it's contemplated here, whatever recommendation was made by the commission, and unless modified by the General Assembly, would be sustained during that four-year period of time.

REP. G. FOX: So -- and the members of the commission then would essentially be a one-time member for that four-year period in all likelihood, unless they get reappointed or something.

ANDREW McDONALD: It is subject to the appointing authority's powers.

REP. G. FOX: Okay. Also there's a bill on our agenda today which is -- it's not a Governor's bill, but I know it's something you've worked on in the past dealing with how we fund Connecticut Legal Services. And I think, you know, while you're here testifying, do you have any -- have you had a chance to look at the bill?

ANDREW McDONALD: I have.

REP. G. FOX: I know that this is something that you worked on back when you were chair. And I don't know if --

What it essentially does is it would raise court-filing fees as a means of funding legal services. And if you have any comments or thoughts on that.

ANDREW McDONALD: Well, you know, actually, you're very gracious. I worked on that bill with a lot of you and it was a collective effort on a bipartisan basis. And frankly, I think it was 2009 what we tried to tackle the precipitous decline in revenue that was being distributed from IOLTA accounts. We thought we had a good solution not contemplating, I guess that the economy could continue to decline and I know today that folks at legal services are in very desperate straits.

The legislation that is being considered by you today would at least stabilize them and prevent any additional decline. And frankly, I think it's a very -- and I know the Governor thinks it's a very reasonable way to try to shore up a critical element of our justice system. At the same time, I thought it was very creative how there was a component of that, those resources that would be dedicated

to additional technology within the judicial system.

Because I know that it has been a priority of this committee in the past, and I believe it's still a priority to create greater public access in the judicial system. And frankly, they have been trying to do that on an almost bare-bones basis without funds necessary for bringing their technology system up to date to allow for greater access to judicial materials.

So I think it's a very reasonable approach and one that I would think you would do well to support as well.

REP. G. FOX: Okay. Well, thank you. I mean, we do have a number of members of the public who are signed up specifically to address that bill and I'm sure the room is filled primarily with people on that issue. So thanks for your comments. Are there any other questions for Attorney McDonald?

Okay. Now we will turn to the next Governor's bill.

KAREN BUFFKIN: Thank you. Good morning -- or actually now, good afternoon, Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. I want to thank you for the opportunity to offer testimony today on the Governor's Proposed House Bill 5034, An Act Concerning Retirement Provisions Relating to Judges, family support magistrates and compensation commissioners.

This bill is -- encompasses technical corrections to the pension changes that were proposed by the Governor and adopted last session by the General Assembly. Those

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committee.

MICHELLE CRUZ: Well, thank you. Thank you very much.

SENATOR COLEMAN: Chairman Fox.

REP. G. FOX: Thank you, Attorney Cruz for being here today. And thanks again for your testimony.

I know we have a number of bills during the course of the next two weeks that we'll have public hearings on that will involve victims and victim -- and how they impact victims. So we do look forward to your testimony and thanks again.

And as we go through this process, please -- and I know you will, let us know your thoughts on the various bills. Thank you.

MICHELLE CRUZ: Thank you. Thanks very much.

SENATOR COLEMAN: Any further questions?

Seeing none, thank you.

MICHELLE CRUZ: Thank you.

SENATOR COLEMAN: Scott Esdale.

Mr. Esdale will be followed by Tim -- Timothy Fisher.

SCOTT X. ESDALE: I think it's still -- good afternoon, Senator Coleman and Representative Fox, Senator Kissel and the other members of the Judiciary Committee. My name is Scott X. Esdale and I'm the state president of the Connecticut NAACP. I am here today in the spirit of the great Thurgood Marshall, Charles

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Hamilton Houston and Judge Constance Baker Motley who was born and raised in the state of Connecticut. And I'm also here in my capacity as president of the Connecticut NAACP to testify in support of Senator bill -- excuse me, Senate Bill 31, An Act Establishing a Commission on Judicial Compensation.

The NAACP is the nation's oldest, largest and most widely recognized grassroots based civil rights organization formed in 1909 by multiracial group of progressive thinkers. The NAACP is a nonprofit organization established with the objective of ensuring political, educational, social and economic equality for all people.

For over 102 years the NAACP has challenged the nation to uphold its promise of equal opportunity toward the goals of eliminating racial prejudice and removing all barriers of racial discrimination through the democratic process.

The passage of this bill is the right thing to do. This is a good government issue. It is essential for our State that we have a highly qualified and diversified bench with a variety of experiences. We need to attract highly qualified lawyers of color to the bench. I am sure you are all very aware that the minorities in this state are disproportionately represented in our criminal justice system with a large percentage of defendants being members of the minority community. It only makes sense that those working in Connecticut's criminal justice system should be as diverse as the group as the communities they serve.

Increasing diversity among everyone who works in the criminal justice system will foster

faith in the system. Diversity among judges is particularly important because they are so visible. Increasing the number of minority judges will go a long way to instill confidence in the system they preside over.

While rarely an easy or welcome task, periodic increase of the salaries of public officials is necessary to ensure the effective operation of government. No effective system of government can consistently attract and retain qualified public officials with cultural competency if their compensation falls far behind with no reliable method to fairly adjust compensation levels as the economics -- the economical conditions change.

Protecting the compensation of Connecticut public officials against inflation is extremely important. Unfortunately we seem to be in a period in which greater public dissatisfaction with the state employees and public officials has bred growing unwillingness to address the salary issue today.

During this period the value of judges salaries has diminished. And I'd like to say it is clear that the current system is not working. Connecticut judges are underpaid compared to the judges elsewhere and continues to fall behind with no consistent mechanism to adjust salaries and little hope that the Legislature will enact to pay increase in the future. Highly qualified attorneys from our community have not pursued judgeships. It is very difficult to recruit highly talented, energetic, community-oriented attorneys to this noble public service without competitive pay.

The new commission would be effective July 1,

2012. I'd like to thank the Governor for taking this initiative on. I know that he shares our commitment to increasing the number of minority judges. The bill will increase the prospects of minority attorneys applying to be judges. We need to act now.

I'd like to thank you for this opportunity to come before you.

SENATOR COLEMAN: Thank you.

Are there questions for Mr. Esdale?

Attorney Kissel.

SENATOR KISSEL: Thank you Chairman Coleman.

Mr. Esdale, thank you for coming. Are you an attorney yourself?

SCOTT X. ESDALE: No, sir.

SENATOR KISSEL: Well, I really do appreciate your testimony.

One of the things that I was thinking when the Chief Justice was speaking was how difficult it is to attract minority attorneys to participate in the process of trying to become a judge. And in part I think, while there's many applicants out there, folks of color that I've spoken to that are members of the bar, they're in high demand.

I mean, if they're highly qualified, there are corporations, there are law firms; they want them and they will pay them substantial amounts of money. And so then to say, well, shift out of that gear and then go and perform public service as a judge, I think is problematic.

So I think in particular you struck a really good chord regarding this issue, because I think in attracting -- trying to diversify our bench has always been problematic, but when you tie in the fact that African-American, Latino and other individuals of color that are highly-qualified attorneys are so much in demand. And then also when you layer upon that the extraordinary cost --

SCOTT X. ESDALE: The student loans.

SENATOR KISSEL: -- the student loans, It makes it almost impossible for potential candidates to say yes, I want to go in this direction.

So thank you so much for taking the time to appear and speak.

SCOTT X. ESDALE: Once again, thanks for having me.

SENATOR KISSEL: You've got a great organization.

SCOTT X. ESDALE: Thank you.

SENATOR COLEMAN: Are there others with questions for Mr. Esdale?

Seeing none, thanks very much.

SCOTT X. ESDALE: Thanks for having me.

REP. G. FOX: Next we have Timothy Fisher.

TIMOTHY FISHER: Good morning, members of the committee and thank you very much. I'm Tim Fisher. I am president of the Connecticut Bar Association -- bar -- excuse me, president of the Connecticut Bar Foundation, which is the organization charged with administering the funding to Connecticut's legal aid network

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Okay. Are there any other questions?

Representative Smith.

REP. SMITH: Thank you, Mr. Chairman.

And just to follow-up on your point, I think it goes a long ways -- or the committee actually might want to consider something along the lines of what you're talking about in terms of requiring the lenders to actually fund the transaction at a reasonable time.

I can't tell you how many closings I've sat through where it's three o'clock in the afternoon and we're still waiting for the wire to hit. And it's five o'clock and -- but the bank is in California, so they're thinking everything is fine on their end, but it's not so fine here.

Doesn't address -- I mean, it addresses your concerns that the money is really in and out so rapidly there's no interest being accrued on it. But it's something that we probably should look into try to make it realistic for those trying to close the transaction to actually get funds in on a reasonable time. So a little -- just a commentary. That's all.

TIMOTHY FISHER: Certainly.

REP. G. FOX: Thank you. This seems to be a statewide bipartisan problem that we've dealt with.

So are there other questions?

Well, thank you. Thank you very much.

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TIMOTHY FISHER: Thank you.

REP. G. FOX: Next is Irene Jacobs.

Good afternoon.

IRENE JACOBS: Good afternoon, Senator Coleman, Representative Fox and Senator Kissel and everybody else on the committee. My name is Irene Jacobs and I'm the president of the New Haven County Bar Association. And I'm here today on behalf of the bar association in strong support of Senate Bill 31, the Governor's bill, An Act Establishing a Commission on Judicial Compensation.

When you're just out of school and you're applying for a job, if you get hired you're grateful for what you get. But a practicing attorney who is qualified to be a judge in our State is an accomplished and successful professional who needs more information, who needs to know what's involved in making this major career decision.

The attorney can read Connecticut General Statutes Section 5147 and see what the current salary for a judge is in our State. And as you have heard and will undoubtedly hear from others who are testifying today, there may be real problems with the dollar amount of the salaries that judges in our State receive. But it's not only the current salary that an experienced and qualified attorney needs to know when considering a judicial appointment. This attorney also needs to know how becoming a judge will impact his or her financial future.

The current system simply does not give this attorney, this attorney who is eminently qualified to serve the State of Connecticut as

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a judge, any way of looking at the job of being a judge and doing financial planning for the future. In establishing a framework of predictable and fair compensation recommendations, the commission proposed in Senate Bill 31 -- will provide potential judicial applicants the information every experienced professional needs when considering a major career change.

In addition, the current system does not give our sitting judges any way of looking at the jobs they have and planning for their financial futures. The commission's function would, not only provide our judges with the information they need to prepare for their futures, it would also provide our judges with the knowledge that the issue of their compensation is going to be addressed by the Legislature on an ongoing basis.

The New Haven County Bar Association supports Bill 31 because it establishes a system that will encourage qualified attorneys to apply for judicial appointments and that will foster job satisfaction and encourage retention of the talented judges we already have.

Thank you.

REP. G. FOX: Thank you.

Are there any questions?

Thank you very much for your testimony.

IRENE JACOBS: Thank you.

REP. G. FOX: Tina St. Pierre.

TINA ST. PIERRE: Good afternoon.

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Wonderful timing.

SENATOR COLEMAN: Perfect timing.

DIANE WHITNEY: Thank you very much.

SENATOR COLEMAN: Madam President, I'm not sure -- do any of the members have questions for Attorney Whitney?

Well, I don't have a question either. I do want to make a comment, though. I was invited to the retirement -- the event for Margaret Moriarty. I regret that I was here and unable to attend that. And I do have plans of reaching out to Margaret to express best wishes and congratulations.

DIANE WHITNEY: I'm sure she'd like that. Today is her last day.

SENATOR COLEMAN: Well, if you should happen to see her, please convey my best wishes to her.

DIANE WHITNEY: I will certainly do that. Thank you.

SENATOR COLEMAN: Thank you.

Ed Gavin. And Attorney Gavin will be followed by Shalisha Miller.

ED GAVIN: Chairman Coleman, distinguished members of the Judiciary Committee, my name is Edward Gavin. I'm the past president of Connecticut Criminal Defense Lawyers Association. We're an organization of approximately 350 practicing criminal defense lawyers in the state of Connecticut. And I'm here to support urging of Governor's Bill 31, the Act Establishing the Commission on

Judicial Compensation.

I can tell you I testify regularly in front of this committee and it's a real pleasure to come up and look at a well thought out piece of legislation. My organization is supportive of its passing.

This establishes the compensation commission to review the salaries of the judges. There have been no salary adjustments since 2004, no cost-of-living increases. This is, as I put in my written testimony that was submitted to the committee, a no-brainer. The recommendations of the committee would not go into effect unless renewed by the Legislature. There's no cost proposal to this until fiscal year 2014 at the earliest. Our judiciary salaries, as rated by the National Center for State Courts, ranked Connecticut as number 45 in the nation when adjusted for cost-of-living.

The judges in the state work very, very hard. I can tell you in my own judicial district in Bridgeport we recently lost a very experienced trial judge that retired to go out into private practice. I think that this is well needed and well deserved. I support it wholeheartedly as does my organization. We ask you to respectfully pass this legislation.

Thank you.

SENATOR COLEMAN: Are there questions for attorney Gavin?

Seeing none, thank you again for your testimony.

ED GAVIN: Thank you, Senator Coleman.

Good afternoon.

KIMBERLY KNOX: Good afternoon, Senator Coleman and Representative Fox and all the distinguished members of the Judiciary Committee. My name is Kimberly Knox. I am here on behalf of the Connecticut Bar Association as the vice president in support of Senate Bill 31, An Act Establishing a Commission on Judicial Compensation.

I thank you for the opportunity to appear before you and to provide you with the reasons that you should support this. I should also indicate that I am a private practitioner here in Hartford with the firm of Horton Shields & Knox.

I speak in favor of Senate Bill 31 for two primary reasons. First, it provides an express mechanism to ensure that judicial compensation is determined in an objective, transparent and on a regular basis. The regularity of the review will protect judicial compensation against a diminution in value, which leads to my point number two.

The bill ensures that quality candidates will continue to seek judicial appointment and that those who are appointed will continue to serve in this important and honorable capacity, an important part of public service to the people of the state of Connecticut.

I should note that the CBA believes our state court system to be one of the best in the country and that's a credit to the judges who have chosen to serve in this capacity. We have judges who are unsurpassed in terms of both their qualities and their professionalism and their jurisprudence. We want to continue

to have that level and that caliber of jurors come and stay on our judicial bench.

The CBA is proud of our court system and we hope that you will support the compensation package as it will continue to make our judicial branch one of the best in the country.

I thank you for this opportunity to speak to you. If there is any questions I'd be happy to answer them.

REP. G. FOX: Well, thank you, Attorney Knox.

Are there any questions?

KIMBERLY KNOX: Thank you very much.

REP. G. FOX: Thank you.

Charles Ford. Is Charles Ford here? No.

Followed by Melissa Campbell.

PETER HANCE: Good afternoon. My name is Peter Hance. And I'm about the last person you'd expect to be here in support of the Bill 5388. I'm the deputy executive director of the Bridgeport Housing Authority. I'm also an associate professor at Columbia University.

My wife and I just celebrated our 40th wedding anniversary and we just welcomed our fifth grandson. And it kind of reminded me, I'm getting kind of old and I can remember as a child having an expression my mom taught me, which was that she liked all the stones in the garden because it helped keep her hoe sharp.

Well, with Connecticut Legal Services -- has sued the Bridgeport Housing Authority

this time Michael is required one-to-one support, but he is adapting and learning.

Without my legal aid attorney assistance I would not have been able to express or prove my concerns about Michael's public school program. And without her help my concerns would have gone ignored and unaddressed. Because of my legal aid attorney help Michael is in a better program, and hopefully because of our attempts to work with this district, the public school program has made some improvements for other children that remain in the program.

Thank you for your time and hope you will support funding for legal aid and the important work they do. I am happy to answer any questions you have.

REP. G. FOX: Well, thank you for being here and sharing your story.

Are there any questions from members of the committee?

Well thank you a lot. Thank you very much.

John Kennedy. Followed by Renee Cannella.

JOHN KENNEDY: Representative Fox, Senator Kissel, and members of the Judiciary Committee, my name is John Kennedy. I am the current president of the Connecticut Trial Lawyers Association here in Connecticut. Our organization has about 1200 members throughout the state and we deal with the courts obviously on a regular basis. I'm here to support Senate Bill 31, An Act Establishing a Judicial Commission -- excuse me, on judicial compensation -- a commission on judicial compensation.

You've heard a lot of statistics here today. You obviously have gotten a lot of written testimony and oral testimony about the bill. I'll try not to rehash too much of that. I just want to say first of all that the judges in our State are our legal system's most precious resource. Connecticut is fortunate to have judges that have a high legal acumen, that are hard-working and are conscientious.

Most of them work nights and weekends in preparation for the next day in court. Just this week I was at a pretrial with a judge in New Haven who gave up his lunch hour in order to try to resolve a very thorny case.

Let me be clear, at least from my perspective, the State is getting more than its money's worth from our judges. It's important to note that judges in this State are not elected, and I think that's an important thing and we're fortunate as a State to have that be the case. That preserves in my mind our judges' independence.

It also, however, makes our judges apolitical beings. They don't advocate for themselves for salary raises and are not political -- politically inclined. They also are not union members. These facts may explain I think why their financial package has remained static for such a long period of time.

Senate Bill 31 ensures that we will continue to attract lawyers to public service that are the highest caliber. I don't think we want a legal system where the only practitioners who can afford to become judges are those who are near the end of their career, who can so afford to be judges. What we want is judges of all persuasions and ages and I think we

want judges also who are in the prong of their legal careers. We need to ensure that the economic package for judges is fair and that it's predictable. It should be fair to the State and it should also be fair to the judges.

The current system is not working well. No consideration of raises in eight years and no actual raises in the last five years is a system that is not appropriate. Salaries of judges in Connecticut have declined to 45th nationally. It's not hard to see that the morale of the judges might begin to suffer under such circumstances. And as Mr. McDonald indicated today, that some judges have in fact left the bench. And also that it may be hard to attract new judges to the bench.

Senate Bill 31 creates a system that is both practical and appropriate. It sets up an independent commission and uses objective criteria to establish compensation. Frankly, it makes perfect sense. The bill lets the commission make an informed decision, which is actually a recommendation after objective study. And then of course the Legislature has the final say as to whether that's appropriate.

Every day in our courts, civil courts, judges are bound to and they also instruct juries to dispassionately compensate people for claims by using the words "fair, just and reasonable." Senate Bill 31 provides a criteria in a framework to do precisely that for judges' compensation. It uses a fair, just and reasonable approach to do that. I urge you to support Senate Bill 31.

Thank you very much.

MAR-08-2012 11:35

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March 8, 2012

Senator Eric D. Coleman, Co-Chair
Representative Gerald M. Fox, Co-Chair
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Dear Senator Coleman and Representative Fox:

I am currently the President of the Greater Bridgeport Bar Association and am writing to you on its behalf. The Greater Bridgeport Bar Association supports Senate Bill No. 31 (An Act Establishing a Commission on Judicial Compensation.)

Thank you for your time and consideration.

Sincerely,

Kathleen M. Dunn
President of the Greater Bridgeport Bar Association



THE HARTFORD COUNTY BAR ASSOCIATION, INC.
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March 9, 2012

VIA FACSIMILE

Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: In support of Senate Bill 31, "An Act Establishing a Commission on Judicial Compensation"

Dear Members of the Judiciary Committee of the Connecticut General Assembly,

The Judiciary is the guardian of individual liberties and rights against governmental and corporate excesses. We depend on it to resolve disputes according to law with fairness, independence and impartiality. We safeguard judicial independence and assure the dignity and value of those who sit on the Bench by enacting a process and mechanism to properly assess and adjust their compensation, removed from political pressures consistent with economic realities in an objective fashion. We, the HCBA, believe that the Governor's Bill no 31, in balanced fashion, provides such a process and conduit for meaningful dialogue and decision on this important and sensitive issue.

Respectfully,

James J. Tancredi
President, Hartford County Bar Association

Statement***Insurance Association of Connecticut***

Judiciary Committee

March 9, 2012

**SB 31, An Act Establishing A Commission
On Judicial Compensation**

The Insurance Association of Connecticut (IAC) would like to express its support for SB 31, An Act Establishing A Commission On Judicial Compensation.

All parts of our society are directly affected by the important work done by our state's judiciary. It is clearly in everyone's best interests that the state continue to attract experienced and talented lawyers to the bench.

SB 31 would establish a balanced and considered approach to the determination of fair and proper compensation for judges. The Commission on Judicial Compensation would be required by SB 31 to review numerous relevant factors when making its quadrennial recommendations to the Governor, the General Assembly and the Chief Justice of the Supreme Court. The General Assembly would retain the authority to review the recommendations before they become effective.

The system established by SB 31 would provide necessary stability to the issue of judicial compensation. IAC supports SB 31.



CRAWFORD
George W. Crawford Black Bar Association



March 9, 2012

VIA HAND DELIVERY

Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: In support of Senate Bill 31, "An Act
Establishing a Commission on Judicial
Compensation"

Dear Members of the Judiciary Committee of the Connecticut General Assembly:

On behalf of Connecticut's four affinity bar associations, the Connecticut Asian Pacific American Bar Association (CAPABA), the Connecticut Hispanic Bar Association (CHBA), the George W. Crawford Black Bar Association (Crawford) and the South Asian Bar Association of Connecticut (SABAC), we jointly write in support of Senate Bill 31, "An Act Establishing a Commission on Judicial Compensation."

The bill establishes a 9 member commission comprised of individuals with experience in human resource management. The Commission will be charged with recommending the appropriate salary for Connecticut state judges. As you know, judges' salaries are set by statute, which means that a public act is required each and every time that an adjustment is made. We recognize that adjusting compensation levels, particularly of public officials, is not easy or popular, but it is necessary to ensure that our government operates effectively and encourage diverse candidates to aspire to join the bench, as well as retain the highly qualified and diverse judges within the state to remain on the bench.

Our organizations represent the interests of many of Connecticut's minority lawyers, judges¹, legal professionals, and law students. We share a common interest in the goals of ensuring access to justice by the minority communities that we represent and believe that a highly qualified and diverse bench with a variety of experiences is fundamental to achieve this.

Last year, we surveyed CAPABA, CHBA, Crawford, and SABAC members to ascertain our members' interest in becoming a Connecticut Superior Court judge. For those who stated that they were not interested, we asked why so as to determine if there were any real or perceived barriers for our respective members to seek to join the bench. In doing so, "low pay" and "student loan debt" were two of the reasons provided. To attract qualified diverse candidates to the bench and continue to retain the

¹ Please note that any and all judges who serve on our respective boards have recused themselves from voting on any decision as to whether to support this bill.

Joint Committee on Judiciary

March 9, 2012

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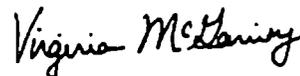
highly qualified diverse judges within Connecticut, we need a reliable method to fairly adjust compensation levels as economic conditions warrant. We believe that this Commission will do just that and ask that you support this bill as well.

Thank you for your consideration of this letter of support.

Sincerely yours,



Edward C. Lee, Esq.
President-Elect
Connecticut Asian Pacific American Bar Association
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Virginia E. McGarrity, Esq.
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Cecil J. Thomas, Esq.
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South Asian Bar Association of Connecticut
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CCDLA
"Ready in the Defense of Liberty"
Founded 1988

**Connecticut Criminal Defense
Lawyers Association**
P.O. Box 1766
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(860) 283-5070 Phone/Fax
www.ccdla.com

March 6, 2012

Hon. Eric Coleman, Senator
Hon. Gerald Fox, House Representative
Chairmen, Judiciary Committee
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: **GOVERNOR'S BILL 31**
An Act Establishing a Commission on Judicial Compensation

Dear Chairmen and Coleman , Chairman Fox and Distinguished Committee Members:

The Connecticut Criminal Defense Lawyers Association ("CCDLA") is a statewide organization of approximately 350 lawyers in both the public and private sectors dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States Constitutions are applied fairly and equally, and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to the criminal justice system.

CCDLA SUPPORTS GOVERNOR'S BILL 31
AND URGES IT'S PASSING:

CCDLA applauds the Governor for proposing this bill. CCDLA supports a strong Judiciary and believes the Judiciary should be fairly compensated. As background, the last time that the Legislature voted to increase judges' salaries was in 2004 when it passed a three-year plan that increased judges' salaries in 2005, 2006 and 2007. Judges do not receive COLAs, annual increments or other increases in their pay. With no consistent mechanism to adjust salaries and little hope that the Legislature will enact pay increases in the future, highly qualified attorneys have not pursued judgeships .

CCDLA SUPPORT'S GOVERNOR'S BILL 31**3-6-12****Page 2**

The legislation that the Governor proposed would create a Compensation Commission, similar to the Compensation Commission that was recently established in New York. This Commission is appropriate for the following reasons:

- A. Members would be appointed by the Governor, Legislative Leaders and the Chief Justice.
- B. The Commission would meet every 4 years and submit an appropriate report to the Governor, the General Assembly, and the Chief Justice.
- C. The Commission would examine judges' salaries and recommend the salary levels for the next 4-year period.
- D. The recommendations would go into effect unless rejected or modified by the Legislature.
- E. There is no cost to this proposal until FY 14 at the earliest.

It is essential for our state that we have a highly qualified bench with a variety of experiences. While rarely an easy or welcome task, periodic increase of the salaries of public officials is necessary to ensure the effective operation of government. No effective system of government can consistently attract and retain qualified and dedicated public officials if their compensation falls far behind with no reliable method to fairly adjust compensation levels as economic conditions warrant. Protecting the compensation of Connecticut's public officials against inflation and other such factors is essential to prevent genuine hardship over time, hardship that increasingly discourages recruitment and retention of talented individuals.

CCDLA SUPPORT'S GOVERNOR'S BILL 31

3-6-12

Page 3

Connecticut's judges are underpaid compared with judges elsewhere and continue to fall behind other states.

- o The most recent salary report (July 2011) issued by the National Center for State Courts ranks CT as #45 in the nation when adjusted for cost of living.
- o This represents further erosion -- CT was rated #42 in the January 2011 report.

The last time that judges received an increase in compensation was on January 1, 2007. The last time that the Legislature voted to increase judges' salaries was in 2004 when it passed a three-year plan that increased judges' salaries by 5.5% in 2005, 2006 and 2007. Judges do not receive COLAs, annual increments or other increases in their pay. With no consistent mechanism to adjust salaries and little hope that the Legislature will enact pay increases in the future, highly qualified attorneys have not pursued judgeships.

The new Commission would be effective July 1, 2012. Its report would be due on January 2, 2013. **The first opportunity for a pay raise for judges would be on July 1, 2013, which is the beginning of fiscal year 2014.** Based upon the concession agreement, union employees will receive COLAs and annual increments of about 5.5% in FY 14, FY 15 and FY 16.

THIS IS A NO-BRAINER. THE JUDGES IN CONNECTICUT ARE UNDERCOMPENSATED. THEIR SALARY STRUCTURE NEEDS TO BE REVIEWED AND THEIR COMPENSATION ADJUSTED UPWARDS.

Sincerely,



EDWARD J. GAVIN

PAST PRESIDENT

Connecticut Criminal Defense Lawyers Association

Leonard Crone, President,

Jennifer Zito, Past President,

Moira Buckley, President-Elect,

GEORGE C. JEPSEN
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

**TESTIMONY OF
ATTORNEY GENERAL GEORGE JEPSEN
BEFORE THE JUDICIARY LAW COMMITTEE
MARCH 9, 2012**

I appreciate the opportunity to support SB 31, *An Act Establishing a Commission on Judicial Compensation*. This bill will establish a nine-member commission comprised of individuals appointed by all three branches of government. Each member will serve a four year term. Commencing on January 2, 2013 and every four years thereafter, the commission will examine the adequacy of compensation for judges, family support magistrates, senior judges, trial referees and family support referees. In so doing, the commission will be guided by several very specific factors, including the rate of inflation, levels of compensation in comparable fields in Connecticut and other states, compensation adjustments for other state employees, and the state's ability to fund any proposed increases in compensation. Based on that analysis, the commission will submit a report on its findings and make recommendations to the Governor, General Assembly and Chief Justice of the Supreme Court regarding changes in compensation for the following four fiscal years. Those recommendations shall have the force of law and take effect, unless modified or abrogated by statute or resolution prior to May first of the year in which the report was submitted.

The current proposal is similar to a measure adopted by the State of New York. It will make important changes to Connecticut's current system of judicial compensation. Under the current system, every two years an eleven-member compensation commission recommends to the General Assembly proposals for salary and benefits to be paid to judges and other constitutional officers. Those recommendations, however, must be adopted as legislation in order for them to become effective. The legislature has not acted on any recommendations concerning judicial compensation since 2004, when it passed a three-year plan that increased judges' salaries by 5.5% in 2005, 2006, and 2007.

I am not supporting the current proposal because I think judges' salaries or benefits are currently too high or too low. I will leave that analysis to those who have studied the issue and have first-hand knowledge of Connecticut's ability to recruit and retain a qualified and diverse group of judges. Rather, I am supporting this proposal because I believe it is essential to insulate the judicial branch from the kinds of political considerations that may influence decisions about judicial compensation. The judicial branch is a co-equal branch of government. Its efficient and fair administration of justice is fundamental to our democracy.

I recognize that it has long been a vexing problem to arrive at the best method for arriving at appropriate compensation levels for constitutional officers in all branches of

government. Treating the compensation of judges like that of legislators and executive branch officers, however, is in my view inappropriate. Judges are in many ways different from the other constitutional officers. Among the three branches, only the judicial branch is entirely reliant on the other two for salary increases. It lacks the kinds of tools that the other branches of government have at their disposal when it comes to dealing with the kinds of political considerations that go into determinations about compensation. The executive branch lacks the ability to appropriate, but has the bully pulpit and the veto power. The legislative branch, of course, has the power to pass laws and raise and appropriate money.

It is my understanding that the concerns I am raising here today are, in part, what motivated New York to adopt a system similar to that which is being proposed today. In New York, the legislature failed to raise judicial pay for more than a decade, making it last or close to last in the country in terms of judicial compensation. As a result, judges began leaving the bench and many qualified lawyers refused appointments. The lack of fair compensation in New York eventually reached crisis levels, resulting in a number of lawsuits. Those lawsuits eventually led to the creation of a commission, which recently acted to remedy the crisis in judicial pay.

While I am not suggesting that the current situation in Connecticut is comparable to what occurred in New York, it makes sense for Connecticut to learn from the experiences of other states and adopt safeguards against any such possibilities. As a result, I urge the committee to act favorably on the bill before it. Thank you for all of your efforts on this important matter.



**Testimony of Kia F. Murrell
Associate Counsel, CBIA
Before the Judiciary Committee
Hartford, CT
March 9, 2012**

S.B. 31 AA Establishing A Commission On Judicial Compensation

Senator Coleman, Representative Fox and other members of the Committee, my name is Kia Murrell and I am Associate Counsel at the Connecticut Business and Industry Association (CBIA). CBIA represents more than 10,000 companies throughout the state of Connecticut, but most of our members are small businesses of 50 or fewer employees.

SB 31, An Act Establishing a Commission on Judicial Compensation allows the Commission to establish fair and balanced standards in determining what compensation is appropriate for Connecticut state judges. In doing this, the Commission must consider not only the daily job duties of judges, but also the larger impact that judges have on our state economy and quality of life.

CBIA member companies depend on the state court system in many facets of their business operations. Accordingly, our members need judges that are not only well-versed in the law, but also fairly compensated for the vital work that they do. If judges are not fairly compensated, Connecticut may experience significant attrition and a loss of judicial talent as has happened in other states and in the federal judiciary in the last decade. In January 2003, the National Commission on the Public Service (the "Volcker Commission") found "that the lag in judicial salaries has gone on too long, and the potential for the diminished quality in American jurisprudence is now too large." (Volcker Commission Report). The Volcker Commission recommended that Congress' "first priority...should be an immediate and substantial increase in judicial salaries."

SB 31 allows the Judicial Compensation Commission to enhance the efficacy of the state judicial branch and its standards for recruiting and retaining the best candidates by providing them with fair compensation. That is why we fully support it and encourage the Committee to adopt it.



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Testimony of Kimberly A. Knox, Vice President
Connecticut Bar Association
Senate Bill 31, An Act Establishing a Commission on Judicial Compensation
Judiciary Committee
March 9, 2012

Senator Coleman, Representative Fox, Senator Kissel, Representative Hetherington, and members of the Judiciary Committee, thank you for the opportunity to appear before you to comment in **support** of Senate Bill 31, An Act Establishing a Commission on Judicial Compensation. My name is Kimberly A. Knox and I am the Vice President of the Connecticut Bar Association. The CBA believes that our state court system is the best in the country, and that the judges who have chosen to serve the public are unsurpassed in terms of the caliber of their professionalism and the quality of their jurisprudence. The Association has a great interest in ensuring that the state continues to benefit from those who would sacrifice the advantages of private practice for the opportunities of public service. Therefore, the CBA urges the Judiciary Committee to **favorably report Senate Bill 31** for the following reasons.

Senate Bill 31 recognizes the need to review and consider judicial compensation separately from the compensation of other public officials. It would:

- Provide a mechanism to periodically review and recommend appropriate compensation for judges;
- Implement a more reliable, consistent and fair system of reviewing and increasing compensation;
- Protect the compensation of Connecticut's judges against diminution of value due to inflation and other economic factors; and
- Allow the Judicial Compensation Commission's recommendations to go into effect unless rejected or modified by the legislature and thus, provide the legislature a proper and effective oversight role.

Thank you for allowing me the opportunity to comment on Senate Bill 31. 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.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on Judiciary
March 9, 2012

In Support of:

S.B. No. 31: An Act Establishing a Commission on Judicial Compensation

The Division of Criminal Justice supports S.B. No. 31, An Act Establishing a Commission on Judicial Compensation. We commend the Governor for recommending this legislation, which would establish a commission to examine and make recommendations regarding the compensation of the Judges of the Supreme Court, Appellate Court and Superior Court.

Currently, the responsibility for reviewing the compensation of judges and making recommendations rests with the Compensation Commission for Elected State Officials and Judges established under section 2-9a of the General Statutes. This commission is charged not only with reviewing the salaries and other compensation of judges, but those for the statewide constitutional officers and the members of the General Assembly. Even a cursory review of history leaves little doubt that political considerations have weighed heavily in deciding the fate of the recommendations advanced by this commission. There is a distinct difference, however, between those who serve in elected capacity at the will of the voters in the executive and legislative branches and those who serve in the judiciary.

We have historically treated members of the judiciary differently. Federal judges serve lifetime appointments, in part to separate them from politics. We in Connecticut long ago made the wise decision to appoint rather than elect our judges, again to separate the judicial from the political. Yet it would seem that under the current Compensation Commission the recommendations on judicial salaries have been caught up along with those of the elected state officers and legislators or have simply fallen by the wayside. The process proposed in S.B. No. 31 is a logical extension of our long history of treating the judiciary differently and recognizing that we want our judges to be apart from politics. The simple reality is that we must base compensation on a factual analysis that recognizing the critical role that judges play in the administration of justice and as such the protection of public safety, individual rights and the common good. S.B. No. 31 offers an excellent foundation for an analytical rather than political process to establish compensation levels that support our efforts to attract the best and brightest to the bench.



CONNECTICUT
TRIAL
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John J. Kennedy, Jr., President

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LINE 9

Raised Bill 31
Public Hearing 3/9/12

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION
DATE: MARCH 9, 2012

RE: SUPPORT FOR RAISED BILL 31
AN ACT ESTABLISHING A COMMISSION ON JUDICIAL COMPENSATION

Thank you Representative Fox, Senator Coleman and other members of the judiciary committee for the opportunity to testify concerning Senate Bill 31 An Act Establishing a Commission on Judicial Compensation. I am John Kennedy current President of the CTLA. I speak today in favor of the Senate Bill. This legislation proposed by the Governor would create a Compensation Commission, similar to the Compensation Commission that was recently established in New York, for the payment of Judicial Compensation.

Under the basic framework of the proposed legislation, a Commission would be created and its members would be appointed by the Governor, Legislative Leaders and the Chief Justice. The Commission would meet every 4 years to examine the judges' salaries and recommend salary levels for the next 4 year period. The bill requires the commission to take into account seven (7) objective and valid factors in making their recommendations. Those recommendations for salary levels made by the Commission, under the proposed legislation, would go into effect unless rejected or modified by the legislature. The Connecticut Trial Lawyers Association believes the proposed method as described above is objective, transparent, predicable and fair. Further, there is no cost to this proposal until FY 14 at the earliest.

The Connecticut Trial Lawyers Association believes that this proposed legislation is essential for our state to help ensure we have a highly qualified bench with a variety of experiences. While rarely an easy or welcome task, periodic increase of the salaries of public officials is necessary to ensure the effective operation of government. No effective system of government can consistently attract and retain qualified and dedicated public officials if their compensation falls far behind with no reliable method to fairly adjust compensation levels as economic conditions warrant. Protecting the compensation of Connecticut's judges and other public officials against inflation and other such factors is essential to prevent genuine hardship over time. Without these measures, financial hardship and considerations might increasingly discourage recruitment and retention of talented individuals to judgeships.

Unfortunately, we seem to be in a period in which greater public dissatisfaction with state employees and public officials has bred a growing unwillingness to address the salary issue at all. During this period, the value of a judges' salary has diminished.

It is clear that the current system is not working. Connecticut's judges are underpaid compared with judges elsewhere and continue to fall behind other states. The most recent salary report from July 2011 issued by the National Center for State Courts ranks Connecticut as number 45 in the nation when adjusted for cost of living. This represents further erosion as Connecticut was ranked number 42 in the January 2011 report.

Our falling behind other states may be due to the time which has passed since the Connecticut judges were last given a compensation increase. The last time Connecticut judges received an increase in compensation was on January 1, 2007. The last time that the Legislature voted to increase judges' salaries was in 2004 when it passed a three-year plan that increased judges' salaries by 5.5% in 2005, 2006 and 2007.

Judges do not receive COLAs, annual increments or other increases in their pay. Furthermore, judges in Connecticut are not elected. The Connecticut Trial Lawyers Association believes this is a good thing because it means fair, independent, impartial judges on the bench. However, it also means that judges are apolitical and do not lobby themselves for increases or adjustments to their pay. They must rely on government to adopt pay increases. With no consistent mechanism to adjust salaries and little hope that the Legislature will enact pay increases in the future due to the economic climate, highly qualified attorneys have not pursued judgeships. This is a loss to all citizens in the state who would clearly benefit from these qualified attorneys as judges.

We need to act now.

Under the proposal the new Commission would be effective July 1, 2012 and its first report would be due on January 2, 2013. The first opportunity for a pay raise for judges would be on July 1, 2013, which is the beginning of FY 14. The Commission as proposed in the new legislation would provide an objective, transparent, predictable and fair means for judges to obtain periodic increases in their salaries so that we maintain a highly qualified and effective bench. Simply put, the bill constitutes good government. The goals should be to place the best judges possible in position for litigants in the state and to compensate them fairly. This bill is directed at achieving that goal.

WE RESPECTFULLY URGE YOUR SUPPORT OF RAISED BILL 31



NEW HAVEN COUNTY BAR ASSOCIATION

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Testimony of Irene Jacobs

New Haven County Bar Association

Judiciary Committee

March 9, 2012

Good morning Senator Coleman, Representative Fox, Senator Kissel, Representative Hetherington, and the entire Judiciary Committee

My name is Irene Jacobs. I am the president of the New Haven County Bar Association and I am here today on behalf of the Bar Association in support of Senate Bill 31, An Act Establishing a Commission on Judicial Compensation.

When you're just out of school and you're applying for a job - if you get hired, you're grateful for whatever you get.

But a practicing attorney who is qualified to be a judge is an accomplished professional who needs to know what is involved in making this major career change. The attorney can read Connecticut General Statute §51-47 and see what the current salary for a judge is in our state. And, as you will hear from others who are testifying today, there are real problems with the dollar amount of the salaries that judges in our state receive. But it's not only the starting salary that experienced attorney needs to know when considering a judicial appointment. This attorney also needs to know how becoming a judge will impact his or her financial future.

The current system simply does not give an attorney who is eminently qualified to serve the state of Connecticut as a judge any way of looking at the job of being a judge and doing financial planning for the future. In establishing a framework of predictable and fair compensation recommendations, the Commission proposed in Senate Bill 31 would provide potential judicial applicants the information every experienced professional needs when considering a major career change.

In addition, the current system does not give our sitting judges any way of looking at the job they have and planning for their financial futures. The Commission's function would not only provide our current judges with the information they need to prepare for their futures, it would provide our judges with the knowledge that the issue of their compensation is going to be addressed by the legislature rather than avoided or ignored.

The New Haven County Bar Association supports Bill 31 because it establishes a system that will encourage qualified attorneys to apply for judicial appointments and that will foster job satisfaction and encourage retention of the talented judges we already have.

Thank you

Irene Jacobs

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Testimony of
Scot X Esdaile, President
Connecticut State Conference of NAACP Branches

Judiciary Committee Public Hearing
March 9, 2012

Senate Bill 31, An Act Establishing a Commission on Judicial
Compensation

Good afternoon, Senator Coleman, Representative Fox, Senator Kissel, Representative Hetherington and members of the Judiciary Committee, my name is Scott Esdaile and I am the President of the Connecticut State Conference of the NAACP Branches. I am here today, in the Spirit of the great Thurgood Marshal, Charles Hamilton Houston, and Judge Constance Baker Motley, and in my capacity as President of the Connecticut State Conference of NAACP Branches, to testify in support of Senate Bill 31, An Act Establishing a Commission on Judicial Compensation.

The National Association for the Advancement of Colored People (NAACP) is the nation's oldest, largest and most widely-recognized grassroots based civil rights organization. Formed in 1909 by a multiracial group of progressive thinkers, the NAACP is a nonprofit organization established with the objective of ensuring the political, educational, social, and economic equality of people of color. For over 102 years, the NAACP has challenged this nation to uphold its promise of equal opportunity toward the goal of eliminating racial prejudice and removing all barriers of racial discrimination through democratic processes

Passage of this bill is the right thing to do

- This is a good government issue - it is essential for our state that we have a highly qualified and diversified bench with a variety of experiences.

- We need to attract highly qualified lawyers of color to the Bench.
- I am sure you are all very aware that minorities are disproportionately represented in our criminal justice system. With a large percentage of defendants being members of minority groups, it only makes sense that those working in Connecticut's criminal justice system should be as diverse a group as the communities they serve.
- Increasing diversity among everyone who works in the criminal justice system will foster faith in that system.
- Diversity among judges is particularly important because they are so visible. Increasing the number of minority judges will go a long way to instill confidence in the system they preside over.
- While rarely an easy or welcome task, periodic increase of the salaries of public officials is necessary to ensure the effective operation of government.
- No effective system of government can consistently attract and retain qualified public officials with cultural competency if their compensation falls far behind with no reliable method to fairly adjust compensation levels as economic conditions warrant.
- Protecting the compensation of Connecticut's public officials against inflation and other such factors is essential to prevent genuine hardship over time, hardship that increasingly discourages recruitment and retention of talented individuals.
- Unfortunately, we seem to be in a period in which greater public dissatisfaction with state employees and public officials has bred a growing unwillingness to address the salary issue at all.
- During this period, the value of a judges' salary has diminished.

It is the Right Time for this bill

- It is clear that the current system is not working.
- Connecticut's judges are underpaid compared with judges elsewhere and continue to fall behind other states.
- With no consistent mechanism to adjust salaries and little hope that the Legislature will enact pay increases in the future, highly qualified attorneys from our community have not pursued judgeships.
- It is very difficult to recruit highly talented, energetic, community oriented attorneys to this noble public service without competitive pay!.
- The new Commission would be effective July 1, 2012.
- I want to thank the Governor for taking the initiative on this important issue. I know that he shares our commitment to increasing the number of minority judges. This bill will not only increase the prospects of minority attorneys applying to be a judge, but it will also remove the determination of compensation from a political process that has undermined judges' salaries for years.
- We need to act now!!!
- Thank You for your time!!!

PAGE 1
LINE 3STATE OF CONNECTICUT
SUPREME COURTChambers of
CHASE T ROGERS
Chief Justice231 Capitol Avenue
Hartford, CT 06106
Tel 860-757-2120Testimony of Chase T. Rogers
Chief Justice of the Connecticut Supreme Court
Judiciary Committee
March 9, 2012S.B. 31, An Act Establishing a Commission on Judicial Compensation

Senator Coleman, Representative Fox, Senator Kissel and Representative Hetherington, my name is Chase Rogers and I have the honor of serving as Chief Justice of the Connecticut Supreme Court. Thank you for the opportunity to testify today in strong support of one of Governor Malloy's bills, Senate Bill 31, An Act Establishing a Commission on Judicial Compensation.

This bill creates a mechanism to establish a fair, transparent and objective compensation level for judges. Specifically, the bill establishes a Commission, similar to the Compensation Commission that the New York Legislature recently enacted. Under the proposal, members would be appointed by the Governor, Legislative leaders from both parties and the Chief Justice. The Commission would meet every four years and would be charged with examining judges' salaries and recommending salary levels for the next four-year period. It is important to note that legislators retain the authority to reject, modify or approve these recommendations, and that they become effective only if no action is taken.

Voting for this bill does not mean that you are voting to give judges a raise. To the contrary - - the Commission may recommend no increases at all after examining a number of factors such as: the overall economic climate in the state,

the rate of inflation, the state's interest in attracting highly qualified and experienced attorneys to serve in judicial capacities, the state's ability to fund increases in compensation and the compensation adjustments applicable to state employees. Moreover, the entire process will be open and transparent to the public.

Under this proposal, the General Assembly retains its power and authority over judicial compensation by virtue of the fact that it has absolute authority to accept or reject any proposed increases. And, as I already mentioned, your leaders will appoint members to the Commission which means that you will be part of the process from its inception.

Now is the time to act, because frankly, the current system is not working. The last time that the Legislature voted on judges' salaries was eight years ago, when it passed a three-year plan. The last time that judges received an increase in compensation was five years ago. That three-year plan has come and gone and our state judges have not received COLAs, annual increments or any other increases in their pay since then.

In addition, Connecticut's judges are underpaid compared with judges elsewhere and continue to fall behind other states. The most recent salary report issued in July of 2011, by the *National Center for State Courts*, ranks Connecticut as #45 in the nation in what it pays its trial judges, when the salary is adjusted for the cost of living. This represents further erosion when you consider that Connecticut was rated as #42 in the January 2011 report. Connecticut must do better.

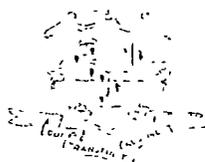
I think that it is necessary to take a step back to remember what we are asking our judges to do. We ask them to make difficult decisions every day that profoundly affect people's personal and professional lives, their reputations and

their freedom. Put another way, we ask them to go into highly charged emotional situations and dispassionately apply the rule of law. For example, a judge may have to sentence to prison an 18-year-old who, while driving under the influence, caused the death of his best friend. Another judge could be presiding over a capitol felony case with complicated legal issues where death is the ultimate penalty. Another example might be a liability case where a young child died as a result of a defective product. A judge one day may be presiding over a complex commercial matter involving millions of dollars and then another day assigned to hear a motion in a hotly contested family case involving self-represented parties. It is impossible to overstate the importance and impact that these decisions have on the lives of Connecticut residents each and every day.

I hope you will agree that it takes a certain type of person who has all of the necessary qualities to handle these types of situations day after day. These qualities include: wisdom, compassion, courage, integrity and the ability to dispassionately apply the law. Historically, we have been able to attract such individuals to the Connecticut bench because they have a desire to make a difference through public service and are willing to make the necessary sacrifices.

However, I am concerned that if we do not establish an effective mechanism to address compensation, we will be unable to attract these individuals in the future.

I respectfully ask for your support of this bill. Thank you for the opportunity to testify and I would be pleased to answer any questions that you may have.



DANNEL P. MALLOY
GOVERNOR
STATE OF CONNECTICUT

Testimony of Andrew J. McDonald

Before the Judiciary Committee

On Senate Bill 31
An Act Establishing a Commission on Judicial Compensation

Friday, March 9, 2012

Good morning Senator Coleman and Representative Fox, Senator Kissel and Representative Hetherington and other distinguished members of the Judiciary Committee. My name is Andrew McDonald and I am pleased to testify before you as General Counsel to Governor Malloy in support of Senate Bill 31, the Governor's proposal to establish a Commission on Judicial Compensation.

Adequately compensating judges is essential to attracting and retaining a diverse and robust pool of qualified jurists. The most capable attorneys will always have the potential to earn more in the private sector. But compensating judges at a rate that is comparable to other public employees and judges in other states demonstrates to those who want to serve the public that we value the work that our judges perform year after year. As a state, we have not kept pace with our responsibilities in this area, and the problem is growing.

Comparing judicial salaries to those of other state employees, the percentage increase for executive and legislative branch managers has significantly outpaced the percentage increase in salaries for judges.¹ If superior court judges had received increases at the same rates as executive and legislative branch managers since 1995, their salary would be over 30% greater than it is today.² Instead, judicial salaries have decrease 8.5% in real dollars since their last adjustment in 2007.³

In a national survey of judicial salaries, Connecticut has dropped to 45th in the nation when adjusted for cost of living.⁴ While we are lucky to have highly qualified judges sitting on the bench today, without action, our ability to continue to attract such candidates is greatly threatened. And in our effort to attract a more diverse pool of applicants for consideration, we have to do a better job of demonstrating a willingness to compensate judges equitably. Since

¹ National Center for State Courts, Executive Summary prepared for Chief Court Administrator Barbara M. Quinn., last edited July 2011. (Herein "Executive Summary")

² *Id.*

³ Using the Bureau of Labor Statistics inflation calculator: http://www.bls.gov/data/inflation_calculator.htm

⁴ National Center for State Courts, *Survey of Judicial Salaries*, July 1, 2011

joining the administration last year, I can tell you that we have had at least two jurists resign from the bench because of financial considerations that were articulated to me.

The National Center for State Courts has identified four key principles that should be applied when setting judicial salaries: equity, regularity, objectivity and separation from politics. In their review of the process in Connecticut, we failed in all four areas.⁵ To create a more independent process, the American Bar Association encourages states to develop judicial compensation commissions to determine appropriate compensation levels for judges. Consistent with that goal, the Governor has put forward this proposal for your review and consideration. We also ask that you pass it.

The Judicial Compensation Commission proposed in this bill would remove to the greatest extent practicable the consideration of judicial compensation questions from the realm of politics. The commission would be a nine-member, bipartisan panel with appointments made by all three branches of government. The Commission will include members who have experience in financial management, human resource administration and the determination of executive compensation. The members of the Commission will be required to meet every four years to determine whether the compensation for judges is adequate. They must consider such factors as the economic climate of the state, the rate of inflation since the last adjustment, the compensation received by judges in other states and on the federal bench, the level of compensation for attorneys in the public and private sectors, the state's ability to attract highly qualified attorneys to the bench, compensation adjustments made to other state employees, and the state's ability to fund compensation adjustments. The Commission would submit a report of its findings and recommendations to the General Assembly, the Governor and the Chief Justice and any recommended adjustments will only go into effect unless affirmatively modified by the General Assembly.

I want to be perfectly clear on this point: the Governor is not advocating for judicial raises at this time, and in this economic environment. He is, rather, urging you to adopt a bill that would allow for a rational framework for such discussions to occur in the future, separated to the greatest extent possible from the cauldron of politics. The public's faith in our system of justice depends on judges being dispassionate, objective and apolitical. Why should the manner by which those same jurists' compensation is determined be anything less?

On behalf of the Governor, I urge members of the committee to approve this measure and am happy to answer any questions you may have. Thank you for your time here today.

⁵ Executive Summary, supra note 1.

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**CONNECTICUT
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Seeing none, Mr. Clerk, will you call for a roll call vote on the bill?

THE CLERK:

Immediate roll call has been ordered -

THE CHAIR:

-- (inaudible) is open.

THE CLERK:

-- in the Senate. Members, please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be locked.

And Clerk will call a tally.

THE CLERK:

Senate Bill Number 33 as amended by Senate "A."

Total Number voting	35
Necessary for passage	18
Those voting yea	32
Those voting nay	3
Those absent and not voting	1

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, would ask for suspension for the purposes of -- of taking up an item that appears on Senate Agenda Number 2. It is substitute Senate Bill Number 31, AN ACT

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ESTABLISHING A COMMISSION ON JUDICIAL COMPENSATION.
Would ask for suspension for the purposes of taking up that item from the agenda.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Having achieved suspension for the purposes of taking up that item, would ask the Clerk to call that item.

THE CHAIR:

Senator, if we can stand at ease for a few moments before he does that.

(Chamber at ease.)

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar 293, substitute for Senate Bill Number 31, AN ACT ESTABLISHING A COMMISSION ON JUDICIAL COMPENSATION.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

The motion is on acceptance and passage.

Will you remark, sir?

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SENATOR COLEMAN:

Madam President, the bill before us attempts to create a commission that would make recommendations to the Legislature regarding adjustments -- appropriate adjustments to the salaries and compensation of judicial officers.

It is -- or it has been expressed to the Judiciary committee that the salaries of the judges in the State of Connecticut do not compare favorably with those of the judges of other states. And that we rank approximately 45th when cost of living is taken into account.

And the judges in the State of Connecticut have not received raises since the year 2007. And consequently, many people, particularly within the Judiciary have come together and are recommending that a separate commission be created for the purpose of reviewing, evaluating, analyzing and recommending any adjustments to compensations for judges in the State of Connecticut.

Madam President, the Clerk has an amendment, LCO 4675. I'd ask that the Clerk please call that amendment.

THE CHAIR:

Mr. Clerk. 4675.

THE CLERK:

LCO Number 4675, Senate "A," offered by Senator Williams, et al.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

I move adoption of the amendment.

THE CHAIR:

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Motion is on adoption.

Will you remark, sir?

SENATOR COLEMAN:

Madam President, the amendment before us does what I had described. And that is to create a commission which would address the compensation of Judicial officers in the State of Connecticut. The amendment specifically creates a 12 member commission with appointments by the Governor, legislative leaders and two appointments by the chief justice of the Supreme court.

In this appointment scheme, the Governor would have four appointments and there would be one appointment each for the president pro tem of the Senate, Speaker of the House, the Majority leaders of the House and Senate and the Minority leaders of the House and Senate.

And what would occur is that the commission would make a recommendation and a report to the Governor and the Legislature, Secretary of OPM, and the chief court administrator. That recommendation would be incorporated into the Governor's budget proposal. The commissioner would make a recommendation every four years, but the recommendation would be incorporated into the bud -- the Governor's budget proposal. And the Governor's budget proposal would be submitted, as is the usual process, to the Appropriations committee for consideration by the Appropriations committee, which committee would be able to make any modifications or revisions to the recommendation.

And from that point, the proposal would go through the normal legislative process with an opportunity for members of both the House and Senate to vote on a budget proposal that included the recommendation as modified, if at all, by the Appropriations committee.

Some feel that this would be an appropriate way of dealing with adequately compensating the judges in the State of Connecticut, and hopefully addressing whatever deficiencies, maybe actual or perceived to exist, in their compensation and how it compares with judges from other states as well as management level employees, even within the State of Connecticut.

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I would urge adoption of the amendment, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. And I stand in strong support of this amendment, which essentially becomes the bill.

And I -- I believe it is a splendid compromise to a thorny issue that has caused some strong feelings by a variety of folks, not only in this Chamber, but within our Judiciary committee as well.

Just by way of very brief questions. As I read this -- some questions through you, Madam President, to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL:

Thank you.

The way I read this is that this group is going to be formed the beginning of next year and that they have about a year to come up with recommendations. And that they will disseminate those recommendations January 2nd of 2013.

And my first question is, as I read this, these individuals are appointed for four years. They're -- under this amendment -- they're not to have another term after the four years although they may remain in these positions until another individual is selected by the appointing authority.

And so my first question is, through you, Madam President,

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even though these individuals serve for four years, it appears that most of their work or all of their work will be done in the first year of their appointment because they will be making recommendations one year after they're essentially formed. And I don't see anything in this bill that would give them anything to do for the three years thereafter.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Excuse me.

Thank you, Madam President.

As I read the bill, the -- if it's passed, if the amendment is passed, it would take effect July 1st of 2012. So it would appear as if the appointments or the appointing authorities are eligible to make appointments as of that point in time.

And reading further into the bill, Senator Kissel is correct that not later than January 2nd, 2013, the appointments to be made and every four years thereafter. The report or recommendations of the commission would be due in January and it's -- it's not clear whether that report or recommendation would cover every -- every single year within that four year period.

So it -- it may very well be the case, Madam President, that the work of the Commission could be done in the very first year of the term.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

So -- so again, I -- I -- I -- I read through the entire amendment. It appears that as of July 1st of this year, the appointments -- this will become effective. And that not later than January 2nd of 2013, and every four years thereafter, this group of individuals will make their recommendations. And so if they're making their recommendations every four years, I -- I don't see anything in the amendment that would give them any charge to reexamine these issues after they make their initial set of recommendations. And it does appear from my reading of the amendment, they would make recommendations for two bienniums in a row.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

I don't see anything that addresses that so I guess I would have to include as Senator Kissel does. Although there would be nothing to stop or prevent the commission from making recommendations for each biennium within the four year period.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

Well, when I read through it, that's -- that's the way I read it. I didn't highlight it. But I do believe that they would make recommendations.

Through you, Madam President. This Administration's term will be halfway concluded this year. And this group will make recommendations for the following four years. And I'm just wondering how it's envisioned that even if the Administration stays the same, how the recommendations for

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the next -- there'll be one for the following two years and then another one for the following two years after that.

I'm just wondering the mechanics of how it would work? Would this information simply be kept by the Office of Policy and Management and the appropriate committees and then -- then make sure that it's delivered or would it be the responsibility of the chief court administrator to make sure appropriate entities have it at the appropriate times in the cycles because the cycles don't seem to exactly match going forward.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Excuse me.

And thank you, Madam President.

It would be my assessment that the appropriate parties would receive the recommendation and the recommendation will cover the four years that coincides with the appointment of the members of -- of the commission.

And the report would be received by the Office of Policy and Management to be incorporated into the Governor's budget proposal for each of those four years. And that proposal would be transmitted, as is the usual and customary case, to the Appropriations committee for them to do whatever work they see fit to do with respect to the entire budget including the line items that have to do with judicial compensation.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

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Thank you very much.

That concludes the questions that I had.

Just very briefly in support of the amendment that becomes the bill, as I indicated at the outset, I think this is a splendid compromise. I think it essentially utilizes the framework that we have already set up for a variety of other areas regarding our budgeting. There's recommendations made by the chief public defender as to what she would want in her budget. The chief's state's attorney has recommendations as to what he wants in his budget. And what this would simply do would be allow that the recommendations that these individuals make would go right directly into the Governor's proposed budget going forward.

And then it would be the responsibility of us as a Legislature, starting with the Appropriations committee, as to whether to leave those recommendations intact or make adjustments as they see fit. And the reason -- one of the reasons I feel so strongly that this is an excellent, excellent amendment and compromise is that it leaves the authority regarding the purse strings with the Legislature. And I think that's our unique role. It has been historically over -- go back hundreds of years to ancient England -- but all the way up to now.

In other areas I've expressed concern that we've been sort of devolving our power over to the executive branch. And I think that that's a dangerous direction to go in. I think it's far more dangerous on the federal level than I've seen on -- on our state level, but yet, in this particular instance, what we're doing is we're -- we're melding the best of both worlds.

I like the idea in this amendment that to the greatest extent possible what these individuals -- and it says right here on line 14 -- "to the greatest extent practical, the appointing authorities shall appoint members who have experience in financial management, human resource administration, or the determination of executive compensation." - That is going to both limit the pool of individuals that will serve on this group but it also will make sure that there's a good amount of individuals that have great expertise in these fields.

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They will be able to look at what's going on in the State of Connecticut. They will be able to look at other states and what they're doing with their salaries for individuals in the judicial branch. And they will look at one of the other most important criteria. And it's delineated here and that's the state's ability to pay.

So if we are facing major deficits and the prospect of either drastic spending cuts or increased taxes, that's certainly not going to be a period of time where we'll be able to justify raising salaries for individuals in the judicial branch. But it's right in here and I would hope that these individuals would take that into consideration in making their recommendations.

So again, without belaboring this because it's no longer Wednesday, it's now Thursday at five minutes past midnight. But this amendment really accomplishes everything that I could hope for. I can tell my constituents there's absolutely no guarantee that judges are going to receive raises. We're merely going to have a group of individuals that will look at a variety of factors to make the very best recommendations possible.

But it will still be our responsibility as a Legislature to determine what's appropriate, what's inappropriate. Can we handle the spending? We will have the good folks both on the Appropriations committee and Finance, Revenue and Bonding examining how we can make ends meet and make sure that our budget is balanced.

And I think that both the individuals in the judicial branch who feel that they have been many, many years without a raise can feel good about the analysis that will be put forward regarding possible raises going into the future. And at the same time, the other important factor, our constituents who want to make sure that we maintain our responsibility over the purse strings of our state budget and at the same time be mindful of their ability to pay a very limited treasure that they have because they, too, are trying to make ends meet.

And for those reasons as well as many more that I could go into, I strongly support the amendment.

Thank you, Madam President.

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THE CHAIR:

Thank you.

Will you remark?

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

I rise to enthusiastically support the amendment before us which becomes the bill before us.

I -- in the Judiciary committee, I was with a few people -- I spoke -- I publicly spoke against the file copy. And I voted against it in committee.

And at that point, with all due respect to -- towards the judicial branch and our judges I thought that -- that the file copy, not the amendment before us, was problematic to me in the sense that I thought it was really an abdication of our legislative responsibility. I thought it was important for us in the Legislature to consider any raises for the Judicial branch in our normal appropriations/budget process.

I didn't have a -- I certainly didn't have a majority of the committee but I -- I personally felt very serious and committed to that principle. After the -- the committee process and through -- through to today, I did take some heat from -- from some individuals that thought my position was inappropriate and just kind of disagreed with me.

But I'm glad to say today that we have a wonderful compromise before us. And I do think over the past several years, granted we've been trying to cut back our spending, we've made some difficult cuts. I think we maybe in the Legislature branch have failed to properly consider giving raises to our judicial branch, our judges. They're in, you know, it's -- it's a difficult time but I just think in the future each of us need to consider that it's an appropriate decision to properly fund raises for our judges along the way.

And I believe the amendment before us, again, is an

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excellent compromise in the sense that it's not a total retreat from the intent of the file copy. But it's a good -- a very good middle ground where this commission will come together. And as Senator Kissel outlined, there are -- you know, there -- they hope to get -- you know -- qualified financial people on there that will come up with solid recommendations.

But rather than just being, you know, a paper report of recommendations, it is -- the statute says it will be automatically inserted into our Governor's budget and then presented to our Appropriations committee in the Governor's, you know, annual address, when he presents his budget.

Therefore, this bill ensures that the Appropriations committee, chaired by my neighbor next door, Senator Harp, will have to consider the -- the raises before. It doesn't force the legislative branch to accept them. But I think it's a significant step that it will be -- it -- it'll be -- these raises, you know, if recommended, whatever the raise -- if there's raises recommended, they will present it in our budget so that they're put on our plate before us and then the Legislature will have to give due consideration to the raises, which I think we should do and maybe many of us have failed over the past several years to, you know, at least give due consideration. Granted the economic times, you know, maybe wouldn't have led to many significant raises but we should have probably given more consideration.

And I think this compromise is an excellent compromise and I commend the judicial branch for presenting a compromise. And I look forward to voting in favor of this amendment, which will become the bill with the rest of the Senate.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Looney.

Good morning, sir.

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SENATOR LOONEY:

Good morning, Madam President. Good morning.

Madam President, in speaking in support of the -- of the amendment. And Madam President, I certainly wanted to endorse the comments of --of Senator Coleman, Senator Kissel and Senator Doyle, who I think have all pointed out the -- both the need for this proposal and also, its improvement from the file copy.

It is true that the Judiciary has gone a number of years without any increase at all. Nowhere near as long as the General Assembly has gone, by the way, but -- but still a significant period of time nonetheless.

And the - the benefits of this amendment are that it will guarantee that the issue of judicial compensation will be considered. That it will become part of the budget that gets submitted, transmitted from the commission through the Judicial department to the Governor's budget that gets submitted to the General Assembly and then into the -- the -- the process given by our Appropriations committee as it grapples with all of the other areas of the budget and all of the other needs of the state.

Where this, I think, is infinitely superior to the file copy is that it does, as Senator Coleman and Senator Kissel said, in particular, it does make sure that this is part of the legislative budget process. Where the merits of whatever is recommended by the Commission will be evaluated and weighed against all of the other priorities and all of the other things that have to be considered in our budget process.

One of the things that I think was the -- the major flaw in the original file copy was that it provided that whatever was recommended by the commission would go into effect the following July 1st unless it were, in effect, repealed or altered by the Legislature as of May 1st of that year.

And what that would have done was in effect, give the issue of judicial compensation a preferred place in the budget making process. Because we all know that our budget is generally not entirely decided by may 1st of the -- of the

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odd year. That is the session in which we, of course, are in session in June and we are often still in the midst of grappling with our budget. And May 1st, the file copy would have basic set -- done a carve out for that particular area of the budget while all the other areas of the budgets remained unresolved.

And what this amendment will provide is that we will be required to give consideration to that proposal just as we do with everything else that comes from the executive branch and the other agencies that feed into the executive branch in terms of the budget submission that comes to the General Assembly. But it will then be part of that process, weighed and considered with everything else as it properly should be with the legislative responsibility to do a comprehensive budget for the state.

So I -- I enthusiastically endorse the amendment.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Then all those in favor of Senate Amendment "A," please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed?

Senate Amendment "A" passes.

Will you remark further on the bill? Will you remark further on the bill?

If not, Mr. Clerk, will you please call the roll call.

THE CLERK:

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Immediate roll -

THE CHAIR:

(Inaudible) has been opened.

THE CLERK:

-- call has been ordered in the Senate. Senators, please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked.

Mr. Clerk, will you call the tally, please.

THE CLERK:

Senate Bill Number 31 as amended by Senate "A."

Total Number voting	35
Necessary for passage	18
Those voting yea	34
Those voting nay	1
Those absent and not voting	1

THE CHAIR:

The bill is passed.

Senator Looney.

SENATOR LOONEY:

Thank you -- thank you, Madam President.

Thank you, Madam President.

Madam President, would move for suspension for immediate transmittal to the House of Representatives of substitute Senate Bill 31 as amended.

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Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Good.

Thank you, Madam President.

Madam President, one additional item to refer to a committee. Madam President, Calendar Page 17, Calendar 413, Senate Bill 355. Madam President, move to refer that item to the Environment committee.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

And Madam President, would al -- further move that that item be immediately transmitted to that committee and not held.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I would yield the floor to members who may want to make announcements of committee meetings or -- or other items.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Thank you, Madam President.

Good morning.

THE CHAIR: