

CCDLA

Connecticut Criminal Defense Lawyers
"Ready in the Defense of Liberty"
Founded in 1988

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March 27, 2009

Appropriations Committee
Room 2700, Legislative Office Building
Hartford, Connecticut 06106

RE: [H.B. No. 6363](#) (RAISED) AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING GENERAL GOVERNMENT, CONSERVATION, DEVELOPMENT, REGULATION, PROTECTION, JUDICIAL AND CORRECTIONS

TESTIMONY OF EDWARD J. GAVIN, PRESIDENT OF THE CONNECTICUT CRIMINAL DEFENSE LAWYERS ASSOCIATION, OBJECTING TO HOUSE BILL 6363's COURTHOUSE CLOSURES

Dear Chairman Harp, Chairman Gergosian 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 ensuring 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 criminal justice.

CCDLA OBJECTS TO SECTION 16 OF RAISED HOUSE BILL 6363, AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING JUDICIAL, MORE SPECIFICALLY THE CLOSURES OF THE MERIDEN AND BRISTOL COURTHOUSES.

CCDLA understands the State of Connecticut's financial difficulties. As practicing lawyers, we see the effects of the devastating economy on our clients and businesses every day. We also recognize that cutbacks will need to be

made to balance the budget requiring compromises by many Connecticut communities, agencies, organizations, businesses and citizens. We submit, however, that the sacrifice should not be shouldered by Connecticut's poorest and downtrodden; it should not be borne by citizens seeking redress in a court of law on domestic violence issues, for instance, or those exercising their constitutional right to due process when facing criminal and motor vehicle charges. House Bill 6363's Section 16 proposal to eliminate the Meriden and Bristol courthouses will impose a tremendous hardship on the citizens of Meriden and Bristol and their surrounding communities who in large part rely on local public transportation or their feet to get to court. Furthermore, it will place a further burden on the Middlesex and New Britain courthouses while eliminating state employees, particularly Public Defender positions whose services are never in more need than during a downturn in the economy. Lastly, CCDLA objects to the Governor's recommendation to close specific courthouses without consulting the Judicial Branch or seeking its input. Instead, CCDLA urges this Legislature to defer to the judgment of the Judicial Branch in how it can best absorb budget shortfalls.

I. Courthouse Access:

As criminal defense lawyers, we are most concerned with protecting our clients' constitutional rights to defend themselves in a court of law. Due to Connecticut's size and demographics, public transportation is extremely limited between communities, and particularly sparse in rural and suburban communities such as Plymouth, Burlington, Cheshire and Wallingford. Those who frequent the G.A. courts in Bristol and Meriden are often unemployed and lacking transportation. Closing these local courthouses will impose a significant burden on criminal defendants who often walk to court or rely on local public transportation. The burden and cost of having to travel from Meriden to Middletown or from Bristol to New Britain will result in an enormous increase in defendants failing to appear in court simply because they do not own cars, cannot afford public transportation even if available, or cannot, in most instances, even find public transportation that will get them to court on time. This will result in additional prosecutions, a delay in cases that could otherwise be disposed of, additional re-arrest warrants, a surge in Bail Commissioners' letters and more fugitives all to the financial detriment of the State.

II. Eliminating Public Defenders in a Bad Economy Results Is Not Cost Efficient In the Long Run.

It is estimated that approximately 80% of the criminal cases in Connecticut are currently being defended by the Public Defender's Offices throughout the State. While devastating to the private defense bar, the reality is that most criminal defendants cannot afford attorneys' fees in this economy where many have been laid off, lost second incomes in their families, face escalating mortgage interest rates and lost their homes in foreclosure. As a result, the Public Defenders in Connecticut are carrying an unusually high caseload. The Governor's budget seeks to nevertheless eliminate 5 Public Defender positions. The already overburdened office of the Public Defender will be further imposed upon ultimately resulting in the hiring of special public defenders from the private bar at State expense, and more habeas corpus petitions and appeals to be defended and brought at State expense. CCDLA urges this body to consider the shortsightedness of eliminating these positions in this economy when defendants cannot afford counsel, but are nevertheless entitled constitutionally to the services of an attorney provided by the State. The integrity of the system cannot be compromised during fiscal crisis; the end result is higher costs in the long run and potential miscarriages of justice.

III. The Judicial Branch is in the Best Position to Determine Which Courthouses Should be Closed.

Upon information and belief, the Governor's office neither consulted with the Judicial Branch nor the Chief Court Administrator, The Honorable Barbara Quinn, prior to recommending the closures of the Meriden and Bristol courthouses. CCDLA submits that the Judicial Branch managing court operations statewide should determine which courthouses should be closed, if any. The Governor's selection of these two courthouses for closure appears politically rather than rationally based. CCDLA opposes any legislation that denies access of Connecticut's citizens to courthouses, particularly where it infringes on criminal defendants' ability to appear in court and defend themselves. If courthouses must be closed, the decision must be rational and well planned to ensure timely and affordable public transportation from the towns and cities to the newly assigned courthouses. The Judicial Branch is in the best position to gauge the business of each courthouse and to know the most suitable courthouses to accept additional business given physical plant limitations, parking limitations, lock up facilities, handicap access, courthouse security and staffing issues. The ramifications of closing these courthouses must be fully studied and appreciated before

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the State denies citizens local court access, lays off Public Defenders and interferes in the business of the Judiciary.

WHEREFORE, CCDLA opposes the passage of House Bill 6363, Section 16 repealing C.G.S. Section 51-344 reorganizing the Judicial Districts in Connecticut to eliminate the courthouses in Bristol and Meriden.

Respectfully submitted,

EDWARD J. GAVIN,
CCDLA President
On behalf of the Connecticut
Criminal Defense Lawyers
Association