

State of the Judiciary
Chief Justice Robert J. Callahan, Connecticut Supreme Court
Message to the Legislature
April 7, 1999

Madame President, Madame Speaker, distinguished members of the House and Senate, my colleagues on the Supreme Court, ladies and gentleman: I must say I am a little awed to address you this afternoon concerning the state of Connecticut's Judicial Branch. I never expected to be in such a position.

Before I report on the state of the judiciary, I would like to thank you for your support of the Judicial Branch. Since I became Chief Justice on September 1, 1996, 19 badly needed judgeships have been added, new courthouses have been built in Waterbury and New Britain and a building in Hartford has been renovated and occupied by the Community Court and the Housing Court. Also the construction of new courthouses in Danielson and Stamford is well under way; and now that the good people of Litchfield have voted to approve the site of a new courthouse, we hope to move ahead on construction of a modern Litchfield County courthouse as expeditiously as possible. Just to alert you -- we in the Judicial Branch feel that the next most urgently needed facilities are new criminal court facilities in Bridgeport and New Haven.

I could begin my discussion concerning the Judicial Branch by quoting the usual statistics concerning the increase in the number of cases filed in the last four years and the percentage increase in each area, but I won't bore you with those statistics. The Biennial Report of the Judicial Branch contains a multitude of statistical information regarding the number of cases filed in the courts. That report has been placed on your desks so that you may peruse it at your leisure when doing your light reading. Instead, I'd like to make you aware of the pervasive impact that the Judicial Branch has on your constituents. Each year the Branch has over 2.2 million contacts of various types with the people of the State of Connecticut. (That means contact with over two-thirds of the population annually.) It is our goal to ensure that those people who have contact with the Branch are treated properly by the system we administer.

To achieve that goal, we have put into place numerous programs and initiatives. We realize that by the very nature of the judge business, we are not going to make all our customers happy but we are trying very hard to see that they are treated fairly and efficiently. I'd like to mention briefly some of those programs.

The 2.2 million contacts that I mentioned take various forms. For instance, the number of juvenile cases filed has grown exponentially in numbers and complexity over the last few years. This increase was spurred by the recent well-publicized deaths of youngsters in tragic family situations as well as by federal mandates. The children that we deal with, some as young as two days old, are referred to the court with complex and comprehensive social, school and family problems. Almost without exception, their mental health, education and behavioral needs are considerable. To better cope with the more difficult of these cases, we have instituted the Child Protection Session in Middletown that takes the more intransigent cases from all over the state. This enables us to concentrate

psychological, sociological and judicial expertise in that location to deal with the most difficult and dangerous situations. Also, by removing those cases from the regular dockets, we enable the juvenile court judges to successfully handle their dockets and thereby serve more needy children. From personal experience, I can tell you that there are few decisions that are more difficult to make or cause a judge more sleepless nights than taking a child from its parents and that decision is faced by juvenile court judges all too often. We appreciate your support in past years to better serve the increased flow of juveniles in the court system by funding needed juvenile facilities in Hartford and Bridgeport.

Civil matters also account for a large number of the 2.2 million individuals that the Judicial Branch touches each year. It goes without saying that a viable civil justice system plays an important role in fostering a good business climate and we all benefit if the state's economy benefits. Many of our programs improve the general business climate of the state by providing litigants with an early structured opportunity to settle their differences or provide a faster trial. The most important development in this area has been the creation of the Complex Litigation Docket. The purpose of the complex litigation docket is to expedite the handling of complex cases and to remove the roadblock of these time-consuming matters from the regular civil docket. This allows other civil cases to proceed more expeditiously. The program was created by Judge Aaron Ment, in collaboration with yourselves, members of the Bar, representatives of business organizations, insurance company executives and judges. The complex litigation docket works by assigning an individual judge to a docket that consists only of those cases involving very complex legal issues or extremely large amounts of money or numerous litigants, or all of the above, and having that individual judge take charge of those cases from scheduling and discovery right through trial. To date it has been quite successful. Moreover, your action last year allowing us to expand our arbitration program has also been of assistance in handling the civil dockets. And finally in the civil area, a new court mediation program has been added to our alternative dispute resolution roster to give contesting parties more opportunity to settle cases without trial.

Also, many of our 2.2 million contacts involve family cases, cases such as dissolution of marriage, child custody disputes, and support and parental rights. These cases are emotionally charged and affect the most intimate aspects of our citizens' lives. To reduce the trauma of divorce, the Judicial Branch has developed programs designed to better equip parents with the necessary skills to effectively guide their children through changes in their family structure. Also custody and visitation evaluation programs have been developed to assist in the process. These programs attempt to resolve parenting disputes that could lead to adversarial, contentious court hearings that might satisfy the combativeness of the parents but can only hurt the children. Moreover programs have been designed to counsel children who have witnessed violence in the home in the hope that some of their trauma can be eased. The family docket can be very stressful and hostile. In fact, in the 29 years I have been on the bench we have had only one murder that actually occurred in a courtroom and that involved a case on the family docket. We thought the time had come to try to take some of the hostility out of the family docket and we are attempting to do so.

In the criminal courts, we have large numbers of victims, witnesses and offenders who appear. Those victims, witnesses and offenders account for a substantial portion of the 2.2 million contacts that the Judicial Branch has with your constituents in a typical year. To save prison

space for violent or persistent offenders, the Connecticut Judicial Branch has developed innovative, alternative approaches to incarceration that allow us to monitor, supervise and sanction pretrial detainees and less dangerous offenders without incarcerating them. These alternative approaches have proven to save the taxpayers of this state money and, most importantly, have led to lower recidivism rates, thereby improving public safety. We are proud of the fact that the U.S. Department of Justice has featured Connecticut's Alternative Sanctions Program in a recent edition of its publication entitled Practitioner Perspectives.

Also, in order to address particular problem areas on the criminal side, the Judicial Branch, at the behest of the legislature and with the financial assistance of various federal programs, has implemented a number of special court sessions.

The Hartford Community Court Session opened last November and targets "quality of life" crimes. If the Hartford session proves to be successful, it could be duplicated in other of the state's larger cities.

Drug sessions have been established in New Haven, Bridgeport and Waterbury to assist drug offenders to rid themselves of addiction and to become law-abiding and productive citizens. Connecticut's efforts in this area have received national recognition with the designation by the U.S. Justice Department of the New Haven Drug Session as a mentor site. As such, the New Haven drug program is studied and emulated by other jurisdictions throughout the country.

In 1996, the Judicial Branch implemented dockets in three Connecticut cities devoted exclusively to handling domestic violence cases. Specially trained court personnel in Bridgeport, New Haven and Waterbury work with the judge as teams to provide a coordinated approach to dealing with the complex issues surrounding domestic violence with the goal of ending the violence and keeping the victims safe. As a result of this effort, the United States Department of Justice has recognized Connecticut as a model in this area and has funded \$825,000 to further enhance this program. We may not be able to turn all families into the Brady Bunch, but we are trying to improve and make safer the lives of victims of domestic abuse.

These are good programs and the Judicial Branch is supportive of the legislature's efforts to use the power and authority of the court to create behavioral change. You should be aware, however, that these special programs are labor intensive and require the coordination of many professionals both within and without the court system and hence are expensive to maintain. Your strong financial support will be required to continue or to expand these programs if you feel, as we do, that they are successful.

I have no doubt that many of you have heard on occasion from constituents who have received a ticket for a motor vehicle violation. So have we. In fact, almost a half million of them a year. We realize that no one is happy to get a ticket, and that the Judicial Branch is not going to get any accolades from the public for extracting the fines. However, we have created two programs that enable us to address these matters in what we think is an efficient and expeditious manner and in a manner which is as convenient as possible for the recipient of a ticket. Those programs are the centralized infractions bureau and the regional motor vehicle dockets. The centralized infractions bureau was created to provide a way for people to plead

and pay the costs of an infraction by mail, thus avoiding a time-consuming court appearance. The regional motor vehicle dockets were created to centralize motor vehicle and criminal infraction cases in certain geographical locations, ensuring that motor vehicle matters that are not paid by mail are handled more uniformly throughout the state. In addition, by using magistrates along with per diem prosecutors, the regional docket allows judges and full time prosecutors to concentrate on more serious matters. Both the centralized infractions bureau and the regional motor vehicle docket concepts have been studied by other states and have been replicated in several jurisdictions around the country. These programs, we believe, make the experience of receiving a ticket a little easier to endure and save your constituents significant amounts of time.

Jury duty is another area where great numbers of state residents have contact with the courts. We are committed to and required to have a diverse jury pool that is representative of society at large. To accomplish this objective, a public awareness campaign is currently being developed to inform the public that our judicial system depends upon the cooperation and participation of all of Connecticut's citizens and that jury service is a duty as well as the right of every citizen. To accommodate the public, many of the more onerous aspects of jury service now have been removed from the system. That has been done by permitting jurors to call the clerk's office the night before they are scheduled to see if they are needed for the next day and by restricting service to one day or one trial. Because of the importance of jury duty, I have directed that each jury orientation session be attended by a judge to speak to the jurors about the jury process and to personally thank them for their service. We will continue to stress to Connecticut's citizens the importance of jury duty and continue to make improvements to enhance the juror experience by keeping jurors informed, by holding their waiting time to a minimum and by making their surroundings and their contacts with court personnel more pleasant.

I would like to turn for a moment to a matter involving the internal management of the Judicial Branch. In keeping with our mission to resolve matters brought before the courts in a fair, timely and cost efficient manner, the Judicial Branch is in the midst of implementing a major administrative reorganization that was recommended in a management and performance assessment performed by the National Center for State Courts. This study was done with the encouragement, support and cooperation of the Legislative and Executive Branches of government. As a result of its assessment, the National Center recommended that we unify several separate operations under one administrative head to promote efficiency and save administrative costs. We are, therefore, in the process of implementing an administrative consolidation of various criminal support functions such as juvenile and adult probation, bail, family relations, alternate sanctions and juvenile detention. These units will continue to perform their traditional functions but layers of administration will be stripped away and responsibility clearly identified. We are expecting by the end of this year to observe the benefits and advantages of this reorganization, particularly in the elimination of duplication.

My report to you on the state of the judiciary would not be complete without a discussion of the status of the efforts to evaluate and improve the level of public trust and confidence in the courts. Because the continued viability of our courts, as an institution, rests on public confidence and the faith that the judiciary is impartial and can deliver justice in an equitable and timely manner, I established, early in 1998, the Commission on Public Trust and

Confidence. At the commission's recommendation, the Judicial Branch contracted for a statewide study to determine the degree to which our citizens have knowledge of and faith in the work of the courts. The findings of that study revealed that trust and confidence levels were highest among citizens who have had contact with and firsthand knowledge of our court system.

These trust and confidence commission survey findings demonstrate in a very compelling way that we have an obligation to provide members of the public with sufficient opportunities to view the work of the courts, to ask questions, and to obtain useful and understandable information about our judicial process. We have, therefore, established a Judicial Community Outreach Program to increase the public's awareness of the roles and responsibilities of the Judicial Branch. As part of this program, a Speakers' Bureau has been developed to promote opportunities for judges to talk with community groups about topics pertaining to the Judicial Branch and to obtain feedback from community groups about concerns and local issues. Publications, public access television, a website and public service announcements are being utilized to educate the public about the role and responsibilities of the Judicial Branch. Court service centers and information desks have been established in courthouses to provide user-friendly resources to the public. Bilingual staff members are available to help non-English speaking customers understand court procedures and complete court forms.

As a further part of this initiative to promote educational efforts, a program is being developed in conjunction with local schools to allow students to experience first-hand the operations of the Judicial Branch. Students are given the opportunity to tour Judicial facilities and to observe trials. Moreover, last month we held a session of the Appellate Court at Quinnipiac College School of Law and later this month we will have a session of the Supreme Court at the University of Connecticut at Storrs which will be attended by several hundred students.

In conclusion, I am pleased to report to you that I believe that the state of the judiciary in Connecticut is sound. Thanks to the support of the Legislative and Executive Branches of government, I believe, as an impartial, objective observer, that the Judicial Branch is in a better position today to fulfill its mission to resolve disputes brought before it in a fair, timely and cost efficient manner than it ever has been. However, it is imperative that we all continue to work together, in partnership, to meet the demands that are placed upon us by the people we are dedicated to serve and to meet the challenges that the next century will undoubtedly bring.

Each day, we as judges are called upon to deal with problems profoundly affecting people's lives -- their liberty, their children, their spousal relationships, and their business relationships. Each day, you as legislators, are confronted with the problems of society and are asked to resolve serious issues that significantly impact the lives of all of Connecticut's citizens. We need not face those problems alone. Connecticut has a long tradition of the three branches of government working together to address the issues that confront the state. Although, each branch of government has its own defined role, our common goal is the same -- to serve the people of the State of Connecticut. We in the Judicial Branch, with your cooperation, are committed to serving your constituents in the best and most efficient way possible. Thank you for your kind attention.