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Connecticut Commission to
Study the Intesration of
the Judicial System of the
State.

[Minutes, bulletins, corre-
spondence, and miscellanea]

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Edward C. Fisher

Report dated

Sept 7, 1944

1943 Special Acts
no. 218

File No. 178

Substitute for Senate Bill No. 119.



Senate, March 3, 1943. The Committee on the Judiciary reported through Senator Mead of the Twenty-sixth District, Chairman of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CREATING A COMMISSION TO STUDY THE
ORGANIZATION OF THE JUDICIAL DEPART-
MENT.

*Be it enacted by the Senate and House of Representatives in
General Assembly convened:*

1 SECTION 1. There is created a commission to study the
2 integration of the judicial system of the state.

1 SEC. 2. Said commission shall consist of ten electors of
2 the state, ~~of whom seven shall be members of the Connect-~~
3 ~~icut bar.~~ Five of the members of said commission shall be
4 appointed by the governor, three shall be appointed by the

5 speaker of the 1943 house of representatives from the mem-
6 bership thereof and two shall be appointed by the president
7 of the 1943 senate from the membership thereof. The gov-
8 ernor shall appoint one of his appointees to be chairman of
9 said commission. The members of said commission shall
10 receive no compensation, but their necessary expenses
11 incurred in the performance of their duties shall be paid
12 by the state.

1 SEC. 3. Said Commission may appoint and, with the
2 approval of the governor, fix the compensation of the clerks
3 and stenographers needed for the performance of its duties.
4 The expenses of said commission shall be certified by the
5 chairman and, upon approval by the governor, be paid by
6 the comptroller.

1 SEC. 4. Said commission shall study the integration and
2 reorganization of the judicial system of the state, including
3 the supreme court of errors, the superior court, the court
4 of common pleas, the municipal courts, justices of the peace,
5 the juvenile court, workmen's compensation commissioners,
6 unemployment compensation commissioners and the probate

7 courts, to determine the most efficient and economical
8 methods of integrating and reorganizing the same into one
9 ~~judicial system, including, but not limited to, methods of~~
10 ~~integrating and reorganizing the same into one~~ judicial sys-
11 tem, including, but not limited to, methods of appointment
12 of judges and such commissioners and their tenure of office
13 and salaries.

1 SEC. 5. All departments and agencies of the state are
2 directed to furnish to said commission such information as,
3 from time to time, it requests.

1 SEC. 6. The commission shall complete its duties on or
2 before January 1, 1945, and, on or before said date, shall
3 make its report and recommendations to the governor and
4 shall include therewith drafts of proposed legislation neces-
5 sary to carry out such recommendations. Such report and
6 recommendations shall be made public forthwith and shall
7 be printed and distributed in the same manner as the regular
8 reports of state departments.

ROLL OF MEMBERSHIP

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Newell Jennings Chairman	Bristol Office - Hartford	Bristol 6440 Hartford 5-2121
Kenneth Wynne Vice-Chairman	County Building, New Haven Home - No. Pease Road, Woodbridge	New Haven 5-5798 New Haven 8-6786
Hugh M. Alcorn, Jr.	750 Main St., Hartford	Hartford 2-1216
Albert L. Coles	886 Main St., Bridgeport	Bridgeport 6-1127
Warren F. Cressy	300 Main St., Stamford	Stamford 4-4156
Philip E. Curtiss	Norfolk	Norfolk 184
Edward L. Fenn	37 Orchard Drive, Greenwich Business: Miller's Falls Co. 28 Warren St., New York	Greenwich 2889 Barclay 7-2887
Noyes L. Hall	Milford	Milford 1443
Charles McK. Parr	Saw Mill Cove Farm, Chester	Deep River 774
Louis Shapiro	Unionville	Unionville 436-3

Edward C. Fisher, Secretary	State Library Bldg. Home	Hartford 5-2121 Hartford 3-7855
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Minutes - Commission to Study Integration of Judicial Department
Originals on file with state library.

Pages 22, 49, 50 are missing from
this duplicate set.

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

HELD JULY 19, 1943

A meeting of the commission to study integration of the judicial system of the State was held in the lawyers' room, Supreme Court Building, Hartford, on July 19, 1943.

The meeting was called to order at 10:30 a.m. by the chairman, Hon. Newell Jennings, and all the members were present, as follows:

Hugh M. Alcorn, Jr., Albert L. Coles, Warren F. Cressy, Philip E. Curtiss, Edward L. Fenn, Noyes L. Hall, Charles McK. Parr, Louis Shapiro, and Kenneth Wynne.

Hon. Kenneth Wynne was elected vice-chairman, and Edward C. Fisher, executive secretary of the judicial department, was elected secretary.

The secretary was instructed to confer with the comptroller to the end that an appropriation be set up from which the expenses of the commission can be paid, and also to furnish the members of the commission with necessary supplies. It was VOTED that future meetings of the commission begin at 10:30 in the forenoon.

Judge Wynne spoke of the desirability of having one member of the committee appointed to supervise publicity, issuing press releases, etc., and on his nomination, Mr. Curtiss was unanimously elected press relations chairman.

The chairman opened a discussion of the objectives of the commission and the scope of the investigation to be conducted, and mentioned that under Sec. 4 of the act creating the commission it was its duty to study the re-organization and integration of the named courts, to which might be added coroners' courts and the Danbury traffic court; he stated that the trend of

modern thought is toward one court for a state or jurisdiction, and that the advantages thereof are economies to be effected by the consolidation of work, and the elimination of jurisdictional disputes, and called upon other members of the commission to express their ideas of the objectives of the commission.

It was Mr. Alcorn's opinion that no material changes need to be made in some of the courts listed in the act, and that as to others, changes or eliminations could be made. He believed that the commission should set up broad, general objectives, and then consider how the present units could fit into that system; that the commission should present a bold program to the Legislature, and work toward the accomplishment of as much thereof as possible. In Mr. Alcorn's opinion the courts of the State could be limited to the Supreme Court at the top, a Superior Court with three divisions - civil, criminal and probate - and one lower court of original jurisdiction, which might be called a District or Municipal Court.

Mr. Curtiss said that he would not be in favor of making changes for the sake of the change; that he believed the results of the committee's investigation should be submitted to the General Assembly in separate bills rather than in one broad bill to cover the whole subject; that he was not impressed with the single court system, and did not believe extensive changes were necessary in a State as small as Connecticut; he hoped that something might be done to reduce the Court of Common Pleas to the handling of work inferior to that of the Superior Court, which he felt should be the more important court even to the extent of being able to intervene in Common Pleas business; he believed that there might be considerable overlapping - both geographical and jurisdictional - in the inferior courts, which might be corrected; he was in favor of retaining justice of the peace courts, because of their familiarity with local conditions, and in support thereof stated that he

felt the State Juvenile Court did not operate as well in the small communities as the old justice of the peace system.

At 12:30 the meeting adjourned to 1:15 for lunch.

The meeting was again called to order at 1:20 p.m., and on motion of Judge Wynne it was VOTED that when the meeting adjourn it be to August 23d in the same room, and at 10:30 in the forenoon.

Judge Jennings stated that he would contact Dean Gulliver, of the Yale Law School, and Joseph Berry, president of the Connecticut Bar Association, for such help and suggestions as might be offered by those organizations.

Continuing the discussion of the committee's objectives, Judge Wynne stated his belief that if the committee could agree on a long-range program early enough to present it to the public, and create public opinion in its support, much could be accomplished at the next General Assembly; and in his opinion the most important reform to be accomplished is the change in the method of appointing judges of the municipal courts so that they would be elected by the General Assembly on nomination of the Governor.

Mr. Hall stated that as a layman he would prefer to defer anything he might have to say until the work of the commission had proceeded further.

Mr. Cressy stated that he was in sympathy with those who would consolidate the courts of the State, perhaps eliminating the Court of Common Pleas and present municipal courts, but also realized the improbability of enacting such a program into law; he believed unification of municipal courts so as to provide administrative control was a desired immediate improvement, and should the committee feel it within its jurisdiction to suggest changes in particular courts or procedures, he mentioned the selection of juries, the handling of motor vehicle cases in the same manner as workmen's compensation

cases, pre-trial procedure, and the vesting of the rule-making power exclusively in the Superior Court, as some of the things to be considered.

Mr. Shapiro stated that he inclined toward the small-town point of view and the desirability of retaining the local court, such as the town court, probate court, and justice of the peace court; and that he was not convinced that nomination of judges of such courts by the Governor rather than their direct election by the General Assembly, would accomplish the removal of such courts from partisan politics.

Mr. Fenn also deferred any statement until he had become more familiar with the work of the committee.

Mr. Parr also favored the retention of the local courts, and would do nothing to destroy the great respect which the public has for the courts as a whole. He was in favor of a supervisory setup over the whole State judicial system, and believed that the commission should contact the municipal court and justice of the peace assemblies.

Mr. Coles was convinced of the value of municipal courts as they now exist, and in the event the committee felt it necessary to recommend changes in the Common Pleas organization he would be in favor of leaving minor civil jurisdiction in the local courts rather than in any system of district courts.

Judge Jennings stated he believed the committee could perhaps now agree on at least one thing - the advisability of some type of administrative control over the entire judicial system of the State, and explained the work of the Superior Court personnel committee.

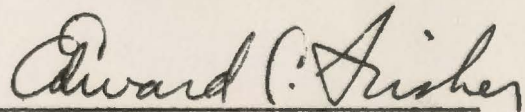
The chairman asked the secretary to be prepared at the next meeting to outline advantages of an administrative office, assuming that the

judicial structure remained as is, and also suggested the following topics for discussion at the next meeting:

- (1) Method of appointment and tenure of office of municipal court judges;
- (2) The Court of Common Pleas;
- (3) Probate Courts.

The meeting adjourned at 2:55 p.m.

Respectfully submitted,



Secretary

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

HELD August 23, 1943

The second meeting of the judicial survey commission was held in the lawyers' room, Supreme Court Building, Hartford, on Monday, August 23, 1943, and was called to order at 10:45 a.m. by the chairman. All the members of the commission were present at the opening of the meeting except Senator Fenn, who arrived about 11 o'clock.

Judge Jennings reported that the Yale Law School would not be able to render much help to the commission because most of the men who would be interested in such work or research as would be required were on leave of absence, and in the federal service, and that those remaining were otherwise too busily engaged. He further reported that Mr. Joseph Berry, president of the State Bar Association, would take up with his executive committee the question of co-operating with this commission, and probably would appoint a committee after the September meeting of the Connecticut Bar Association executive committee. It was suggested that perhaps this commission could present something definite for consideration of the State Bar Association at its meeting in October.

The chairman reported that the Governor would be glad to assist members in obtaining supplemental gasoline rations if it were necessary so that they might attend meetings of the commission, but none of the members required additional gasoline at this time.

The chairman also reported the receipt of a letter from Mr. George Hull,

of Burlington, who suggested that trial justices should be authorized to appoint a salaried constable to assist the trial justice courts and the prosecuting grand jurors in making investigations.

At the suggestion of the Chair the commission instructed the secretary to procure letterheads which should have Section 4 of the Act creating the commission, printed on the reverse side of the sheet.

Judge Jennings stated that in view of the enormous and complicated problem confronting the commission he was concerned that the entire field could not be covered, and that in attempting to do as much as possible the activities of the committee might become spread too thin; he felt that the commission needed some concrete objectives, and hoped that perhaps such objectives might result from the current meeting.

In response to the request of the Chair as to general suggestions for a program, Mr. Alcorn stated that he felt it would be advisable to ask other lay groups for suggestions, and mentioned medical associations, labor associations, manufacturers' associations, the Grange or other farmers' groups, groups of insurance executives, bank executives, transportation companies, etc., as those which the committee should contact.

Mr. Parr suggested the clergy, and Mr. Cressy, the Press Association as other groups which should be asked for suggestions; and Mr. Parr further suggested a letter be sent to the members of the General Assembly, not in their official capacity, but as citizens, requesting them to make such suggestions as they should care to concerning the work of this commission. The Chair asked Mr. Parr to draft such a letter for consideration at the next meeting of the commission. Mr. Parr also stated that he had found a large group of the public dissatisfied with delays in bringing civil actions to

trial, and hoped that something would be done to remedy this situation.

Judge Wynne stated that he agreed with the chairman that the committee should adopt broad objectives, but that the details of the court administration as to delays in trials were not proper subjects for consideration, but must be left to the individual court. As one of the objectives which should be adopted by the commission Judge Wynne further stated that he felt the most important thing the commission could do would be to recommend that judges of the municipal courts be appointed by the Governor and elected by the General Assembly; he felt that this method of appointment would in the long run do more to eliminate party politics from the selection of municipal court judges and improve administration of justice in those courts than any other action. Mr. Shapiro stated his belief that merely transferring the power of appointment from the General Assembly to the Governor would not eliminate politics. Mr. Curtiss stated that he favored appointment by the Governor because although it might not eliminate politics, it would fix the responsibility for the appointment. Mr. Alcorn was of the opinion that whatever method of appointment were followed, the holding of public hearings on all nominations would remove much of the criticism.

A long discussion of this subject was participated in by all of the members of the commission, following which Judge Wynne suggested that an informal expression be taken of the sentiment of the committee to find out how many members approved the appointment of municipal court judges by the Governor in the same manner as judges of the supreme and superior courts. Before a vote was taken, the meeting recessed at 12:45 p.m. for lunch.

The meeting reconvened at 1:35, and after further discussion a vote was taken, and the Chair declared it was the sense of the majority of the members that a recommendation should be made for such change in the method of

appointing judges of the municipal courts.

Judge Wynne was designated to draft a constitutional amendment to accomplish that objective, and the Chair stated that consideration of such amendment, and other municipal court matters, would be the first matter to be discussed at the next meeting.

In response to a suggestion of the Chair, it was found to be the consensus of the commission that a draft of an act creating an administrative office for the judicial department should be prepared for submission to the next meeting of the commission, and the secretary was instructed to draw such a draft to supplement his report regarding such an office.

A brief discussion was held concerning probate courts, Mr. Cressy stating that he felt it would be difficult to get radical changes through the Legislature, but that consolidation and reduction of districts would be feasible. Mr. Alcorn stated that in his opinion the ideal system would be to transfer probate jurisdiction to the superior courts, with local offices in each town for the handling of clerical matters. The Chair asked Mr. Cressy to suggest a re-districting plan, and Mr. Alcorn to submit a summary of his plan for consideration at the next meeting.

At 3:45 the meeting adjourned to 10:30 a.m. on September 27, 1943.

Respectfully submitted,

EDWARD C. FISHER:

Secretary

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

HELD SEPTEMBER 27, 1943

A meeting of the judicial survey commission was held in the lawyers' room, Supreme Court Building, Hartford, on Monday, September 27, 1943, and was called to order by the chairman, Hon. Newell Jennings, at 10:45 a.m., with all the members present.

The chairman reported that Mr. Joseph F. Berry, president of the Connecticut State Bar Association, had appointed a committee consisting of himself, Arthur Brown, of Norwich, and William B. Gumbart, of New Haven, to co-operate with this commission, and a meeting of that committee with the chairman of this commission would soon be held.

Judge Jennings also reported that he was to address the meeting of the State Bar Association to be held at Hartford in October, on the activities of the commission, and that he would confine himself to specific activities under consideration by the commission. He thought it fair to say that it is not the present intention of the commission to recommend a complete reorganization of the judicial system because of probable legislative opposition. Mr. Curtiss suggested that perhaps the commission was avoiding certain lines of action because of the fear that the legislature might not approve, whereas the difficulty might be in obtaining favorable action by the commission. Judge Jennings stated that he would bear that in mind in reporting to the Bar Association.

The chairman stated that he would submit to the next meeting a draft of a report on certain courts which do not call for extensive investigation, such as the supreme court, the superior court, workmen's compensation commission,

and unemployment compensation commission, and would probably include a recommendation abolishing the Danbury Traffic Court, and the office of coroner. This draft would be the basis for discussion.

It was VOTED that the Danbury Traffic Court be requested to cooperate with the secretary of the Commission to Study the Organization of the Judicial Department insofar as statistics of the court are concerned.

The chairman appointed the following committees to make preliminary reports on particular courts, the reports to be made as soon as possible and to include a preliminary survey of the problems, possible solutions, and definite recommendations if possible: Common Pleas Court, Mr. Coles; Trial Justice Courts, Mr. Curtiss; Juvenile Courts, Mr. Shapiro.

It was suggested by Mr. Shapiro that the members of the commission submit such suggestions as they might have concerning these courts to the committees named above.

It was VOTED that a letter be sent to the members of the 1943 General Assembly, substantially in the form as submitted to the meeting by Mr. Parr, the chairman to revise the letter as he deemed necessary, and to prepare a questionnaire to accompany the same, to be submitted to the members of the commission before it is issued.

In outlining his plan for the reorganization of the probate courts, Mr. Cressy explained that he had borne in mind two objectives,- first, that probate judges should be placed on salaries adequate to their districts,- and second, that the local character of courts should be retained as far as possible. He had reduced the number of districts to 43 by grouping of the districts having an income of \$1,000 or less with an adjacent town or district having a more substantial income. Under his plan most of the districts would consist of several towns, in one of which the office of the court would be located, and in one or more other towns but not in all of the towns of the dis-

tract a clerk's or registrar's office would be combined with the office of town clerk in the district.

Mr. Alcorn outlined his plan for the same court, using the word "surrogate" instead of "probate" to identify it as a different court, the jurisdiction of which would include personal relations matters, such as divorce, guardianship and domestic relations, as well as probate matters. Mr. Alcorn suggested a court of state-wide jurisdiction with judges appointed as are judges of the superior court, who would be on circuit throughout the state and within the counties to which they were assigned for different terms. Each town in the state would elect a clerk or registrar, or whatever the name. This plan would furnish trained, impartial personnel to adjudicate disputes, leaving clerks and records of the court in the local communities.

At this point, 12:20 p.m., recess was taken for lunch.

After lunch a discussion of the aforesaid plans concerning the probate courts was started by the chairman, who stated that the obvious advantages of the Cressy plan were that no constitutional amendment would be required, and the number of districts would be substantially reduced; that Mr. Alcorn's plan would require a constitutional amendment, but that it would furnish a limited number of full-time judges, leaving records of the court in the local communities.

Judge Wynne suggested that perhaps consideration of probate courts should not be undertaken by the commission, as it was a subject broad enough to be handled by a separate committee, but that in any event the probate assembly might be working on somewhat the same problems and should be consulted. Mr. Coles suggested that perhaps if the commission recommended salaries for the judges and nothing more, that would accomplish all that was necessary at the present time.

After further discussion the present attitude of the commission as to action to be taken concerning the probate courts was found to be as follows: (1) Three members of the commission were sympathetic in principle with the provision of probate districts as suggested by Mr. Cressy, and felt that this scheme should have further study; (2) Five members of the commission favored the state court scheme involving a constitutional amendment as suggested by Mr. Alcorn; (3) The idea of doing nothing more than placing judges of probate on salaries found no support; (4) Eight members of the commission felt that further study should be made of both plans, to the end that the best features of each be combined in one plan.

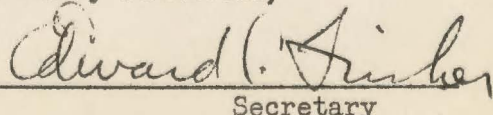
The chairman appointed Mr. Cressy and Mr. Alcorn a committee to make this study and submit a report to the next meeting if possible.

The next matter considered was the administrative proposal submitted by Mr. Fisher, and after preliminary discussion, six members of the commission were in favor of Draft A, which placed the supervision of the department in the superior court; four members favored Draft B, which created an administrative council composed of representatives of various courts. Draft A was considered section by section and given preliminary approval with certain corrections in phraseology, Mr. Parr and Mr. Curtiss being opposed in principle to the exclusive rule-making power outlined in Section 2-a, and Mr. Parr being opposed to Section 6, as he favored the appointment of the executive secretary by the General Assembly.

The chairman stated that he would work with Mr. Fisher, and with Mr. Phillips, secretary of the judicial council, who had made certain suggestions, and a revised plan would be submitted on or before the next meeting.

At 3:50 p.m. the meeting adjourned until 10:30 a.m. on October 25, 1943.

Respectfully submitted,


Secretary

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

HELD October 25, 1943

A meeting of the Judicial Survey Commission was held on October 25, 1943, in the lawyers' room, Supreme Court Building Hartford, and was called to order at 10:35 by the chairman.

The following members were then present: Messrs. Curtiss, Hall, Cressy, Shapiro, Fenn, Parr and Jennings; Judge Wynne came in at 12:10 p.m.

It was VOTED that the next meeting be held on Monday, November 15, 1943 at 10:30 a.m., in the same room.

The chairman reported that he had written personal letters to the following: Judge Charles E. Clark; Yale Law School; Carter W. Atkins, of the Connecticut Public Expenditure Council; Oliver R. Beckwith, of the Aetna Life Insurance Company; John J. Egan, of the A. F. of L.; Clarence R. Wyman, C.I.O., George W. Hull; Grant N. Nickerson, of the Junior Bar; Joseph F. Berry, Conn. Bar Association; Alfred E. Fuller, State Manufacturers' Association, and Sherman K. Ives, of the Grange; and that he was compiling a list of the local bar associations with which he would also communicate. It was suggested that letters also might be written to public utilities organizations, the chamber of commerce, the clergy, and the chairman of the republican and democratic state committees.

Judge Jennings thought that public hearings should be held in January or February, and that whatever decisions had been made before the hearing should be given publicity and circulated among the organizations which had signified an intention to co-operate. It was suggested by Mr. Shapiro that the hearings should be held before the policies of the commission were settled, and that

thereby the commission would have the benefit of the suggestions made at the hearing to help it in formulating the policies.

The form of letter and questionnaire to be sent to the members of the 1943 General Assembly was approved in the form submitted by the chairman.

The revised Administrative Act (October 11, 1943) was then discussed section by section, and the following amendments were adopted:

Section 2. Next to the last line, insert "which establish procedures" before the word "inconsistent".

Section 3. Fourth line from the top of page 2, omit the word "such", and the parentheses before and after "state-maintained".

Section 10. In the eighth line omit the words "deemed to be".

As so amended the Act was approved, subject to the right of members of the committee to submit minority reports on this or other problems as they deem advisable.

At 12:40 p.m. adjournment was taken for lunch, and the meeting reconvened at 1:35 p.m.

The chairman suggested that decision should be made on the question of whether or not to completely integrate municipal and trial justice courts by recommending maintenance of such courts by the state, and collection by the state of revenues thereof. This matter was tabled, to be decided at the time of consideration of those courts by the commission.

Judge Wynne moved that the committee include in its report a recommendation that the appointment of judges of the municipal courts be by the governor, following the line of the tentative report previously submitted by him. After discussion, an informal statement of opinion was taken, and it was found that Messrs. Wynne, Curtiss, Cressy and Jennings were in favor of this suggestion; and Messrs. Hall, Shapiro, Fenn and Parr were opposed. No final

action was taken, the matter being deferred until a meeting at which all members should be present.

Judge Wynne moved that the committee recommend a constitutional amendment extending the term of office to four years for municipal court judges. The motion was unanimously adopted.

It was moved that the commission recommend the adoption of proper measures to require that public hearings be held on the nomination of municipal court judges. This motion was unanimously adopted.

Discussion was had on the question of whether a dead-line should be imposed after which nominations for judgeships could not be made at sessions of the General Assembly. Action on this was postponed, and members of the commission were requested by the chairman to submit suggestions for measures necessary to accomplish this purpose, the suggestions to be made on or before the next meeting date.

Judge Jennings' report on Sundry Courts was then submitted, and it was VOTED to accept his recommendation for the abolition of the Danbury Traffic Court. With this exception and without taking action on the recommendation concerning coroners, the report was approved.

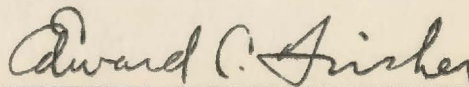
Mr. Cressy reported that he and Mr. Alcorn had agreed that judges of probate should be placed on salary, all fees to be collected by the state, but that they had not had opportunity to further consider the matter of the probate courts.

Judge Wynne agreed to speak to the Hon. Elbert Manchester, of Winsted, president of the probate assembly, and to suggest the appointment of a committee thereof to work with this commission on the subject of probate courts.

Mr. Curtis reported progress on the subject of trial justice courts, and stated he felt there would be no recommendation for radical changes in the present system.

After a discussion of press releases, the meeting adjourned at 3:26 p.m.

Respectfully submitted,


Secretary

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

HELD NOVEMBER 15, 1943

A meeting of the judicial survey commission held on Monday, November 15, 1943, in the lawyers' room, Supreme Court Building, Hartford, was called to order by the chairman, Hon. Newell Jennings, at 10:35 a.m., the following members being present: Messrs. Hall, Wynne, Curtiss, Parr, Shapiro; Messrs. Fenn and Cressy came in at 10:45 a.m.

The chairman reported that after a long delay, the clerk of the City Court of New Haven had answered his letter requesting a list of the employees of the court and their salaries, and that he would analyze the information for the committee in order that there might be a record of the expenses of one municipal court. He also reported that the sub-committee on probate courts - Messrs. Cressy and Alcorn - had been in communication with Judge Elbert Manchester, chairman of the Probate Court Assembly, who had agreed to appoint a committee of probate judges to consider the matters before this commission. There was nothing further concerning probate courts for discussion at this meeting.

The chairman called attention to Mr. Coles' report on the common pleas court submitted to the members at this meeting, and suggested that the report be studied, particularly with reference to Mr. Coles' suggestion of taking all civil jurisdiction from municipal courts and vesting it in the common pleas court.

At the request of the chairman, the secretary reported that 19 replies to the questionnaire had been received, and gave a brief analysis thereof.

Mr. Shapiro reported hearing from his co-representative from the Town of Farmington - Mr. Hoppin - who was opposed to the nomination of municipal court judges by the governor, and suggested that nominations be made by a joint caucus

of members and representatives instead of joint resolution.

It was VOTED to hold a Public Hearing on December 13th in the Old Senate Chamber, State Capitol, beginning at 11 o'clock in the morning and continuing as long as necessary; the committee to meet at dinner that evening at the Hartford Club. It was further VOTED that formal notice of the meeting be published in the Connecticut Law Journal, and that the chairman prepare press releases for all the newspapers in the state, substantially in the form of the "Statement" appearing on pages 20 and 21 of Judge Jennings' bulletins.

Mr. Shapiro reviewed his report on the juvenile court, stating that he was very favorably impressed with the present system, and had found considerable support for it, particularly from the county commissioners, who had business with the courts under both setups, and were unanimously in favor of the new state court. He suggested extending the jurisdiction of the court to include paternity cases, and the right to decree legal separations. Such opposition as he had met was reported to be a feeling that the court in considering delinquency cases was more concerned with the juvenile than with the effect on society of the offense committed by the juvenile.

Mr. Curtiss re-stated his position that the juvenile court did not make sufficient distinction between delinquency cases and neglected and uncared-for cases. He felt that the officials of the court tended to forget that the child under 16 years could be a criminal, whose activities could be curbed only by prompt prosecution and punishment. He cited examples of the effect such procedures had under the old system in curbing juvenile delinquency. Mr. Curtiss suggested that the regularly constituted criminal courts should have the power to intervene in delinquency cases, and that the juvenile court should report to the criminal court all such cases reported to it.

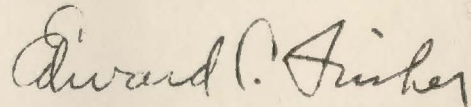
After a lengthy discussion of this subject, the report by Mr. Shapiro was left as a report of progress.

Mr. Shapiro made a further report on the matter of probation, and the chairman outlined the probation facilities that would be available after the adoption of the new system being considered by the judges of the superior court.

Mr. Shapiro said that in talking with some lawyers about the superior court procedures it had been suggested that court cases should be assigned for trial beginning on Monday and continuing through Friday of the court week, and that the judge who sat during one week should not have any assignments the week following, or should have as much of the week following as necessary to decide the cases heard and write the opinions.

The meeting adjourned at 1 p.m.

Respectfully submitted,



Secretary

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

HELD DECEMBER 13, 1943

In accordance with a published notice, a public hearing of this commission was held in the Old Senate Chamber, State Capitol, on December 13, 1943, with all members present except Mr. Cressy.

About fifty persons attended the hearing including representatives of the American Bar Association (Junior Bar), the State Bar Association, The Connecticut League of Women Voters, the American Federation of Labor and the Juvenile Court.

The meeting started soon after 11 a.m., recessed from 1 to 2, and adjourned at 3 p.m. Immediately thereafter the commission went into executive session and discussed the matters brought up at the hearing.

It was Voted that the next meeting of the commission be held in the usual place on January 31, 1944, at 10:45 a.m.

Mr. Alcorn for the committee on the probate courts, agreed to submit the recommendations of that committee for discussion at that time.

It was the sense of the meeting that the chairman invite a committee of the judges of the court of common pleas to attend the next meeting of the commission to present such recommendations as they might have.

The meeting adjourned to the Hartford Club at about 4:30 p.m.

Senator Fenn was host to the commission at a dinner at the Hartford Club, which started about 6:30 and adjourned at 9:15. The discussion started in the afternoon continued throughout the dinner, being concerned principally with the proposal to recommend that the constitution be amended to provide for nomination of municipal court judges by the Governor, a discussion in which all participated. The two members who were absent when the original vote on this

proposition was taken - Messrs. Alcorn and Cowles - cast their votes in favor, so that the final result was six to four in favor of the proposition. The principal new suggestion advanced during the discussion was that the people of the state, never having had an opportunity to express their opinion, should be permitted to do so by voting on the proposed constitutional amendment.

Attest:

Wm. Jennings
Secretary pro tem.

control of the legislature, but he felt that eleven could carry on the work of the court. He further said that while the judges of the court may not have been too busy during the past two years, the court had not had a fair trial because of marked decrease in litigation due to the present emergency. He called attention to the fact that the court of common pleas had always been a popular court with younger lawyers, and served a useful purpose in relieving the superior court of considerable minor litigation; that this was sufficient reason for the existence of the court, and that thereby the efforts of the superior court could be freed for major business.

As evidence of the decrease in business under present conditions, Judge Bordon cited the following figures from the operation of the court since its creation on July 1, 1941:

	<u>1941-42</u>	<u>1942-43</u>	To Dec. 31, 1943 <u>1943-44</u>
(1) <u>Cases Returned to Court</u>	5120	3970	1589
(2) Cases Tried	672	538	192

Judge Bordon further stated that in the first year of its existence, a year which was more or less normal, the court tried 177 more cases than in the previous year.

In conclusion Judge Bordon said that he felt the court was justified because it was the first attempt to make the common pleas system uniform throughout the state, and that it did not add much expense.

In answer to questions by members of the commission, Judge Bordon said that he felt that eleven judges could transact the business of the court; that one judge could handle the work in both the county of Litchfield and the district of Waterbury; that there was little jury work in the small counties, and that such business might make for duplication of expense; that the common pleas court, with eleven judges, could handle all of the civil business of the municipal

courts, but in that event court fees should be scaled down to meet present municipal court fees.

Judge Pickett stated that the duty of preparing the assignments of the judges had been his responsibility for the past two or three years, and that while ten judges might possibly be able to handle the work of the court, it would be preferable to have eleven, so that the contingencies of illness could be met; he further believed that the court could handle the civil business of the municipal courts, and pointed out that the judges of the court of common pleas had adopted a policy of co-operation with the judges of the superior court and had been in frequent contact with the chief justice, and had no objection to a more uniform administrative control.

Judge Bordon suggested that granting criminal jurisdiction to the court of common pleas in Hartford county would make the system uniform and relieve the superior court from handling minor offenses, some of which are carried over from term to term because of the volume of business in the superior court.

In response to this, Mr. Alcorn suggested that dividing the business between the two courts might operate only to spread the burden, and with less efficiency; he pointed out that it was more efficient to handle all criminal business in one prosecuting office, and that many cases which seemed at first to be of small importance, often yielded facts upon investigation which pointed to the need of prosecution for more serious offenses, and that with the divided jurisdiction this would mean initiation of prosecution in both courts.

Judge Pickett stated that from his experience he felt that appeal cases should be handled by an appellate court rather than by a court also engaged in original prosecution; that usually the prosecuting officials in an appellate court gave more attention to the handling of appealed cases, which thereby had better treatment both from the point of view of the accused and the state.

After the common pleas judges had left, at 12:20, Judge Jennings brought to the attention of the commission several matters upon which action would be taken at a later date, for example, summoning of jurors by the clerks instead of by the deputy sheriffs; the report of the auditors concerning the taking of notes for unpaid fines and costs; and the contemplated report on unemployment compensation commissioners, workmens' compensation commissioners, and coroners.

Mr. Alcorn presented to the commission a situation brought about by the release of jail prisoners by county commissioners, to enable the prisoners to work in offices and factories, and suggested this as a matter to be considered by the commission, if such matters of detail were felt to be within the scope of activities of the commission.

Recess for lunch was taken at 1 o'clock, after which the commission proceeded to discuss the common pleas courts.

The chairman stated that the general question was - "Shall the court of common pleas be retained in some form?"- and asked for discussion on this question.

It was Mr. Alcorn's opinion that the average practicing lawyer believes that the court is useless and should be abolished. Mr. Cressy stated that in Fairfield county the court serves a very useful purpose, because sessions are held at Stamford, Norwalk and Danbury, at which it is possible for the lawyers to transact considerable business, thus relieving them of the burden of travel to Bridgeport, with parties and witnesses, in the small cases within the jurisdiction of the court; he believed that the civil jurisdiction of municipal courts should be granted to the common pleas court, provided sessions of the court would be held at places convenient to counsel and litigants.

It was Mr. Shapiro's opinion that the court is expeditious in dispatching business, and a distinct advantage to those towns which have no municipal court having civil jurisdiction. Mr. Parr stated that he believed that the court made justice more accessible to the average citizen at little cost to the

state, in which opinion he was joined by Senator Fenn. Mr. Hall was of the opinion that the court should be left as it now is, except that there should be a reduction to eleven judges.

Judge Wynne was of the opinion that there was no need for the court of common pleas, except in Fairfield, Hartford and New Haven counties, in which the judges should be on circuit, and provision made for holding court in various places in those counties; he stated that courts should not be established unless there was a need for them, and that in his opinion the superior court could handle all of the business except in the three large counties. Mr. Curtiss stated it to be his opinion that there should be no over-lapping jurisdiction between any of the courts, and that each should have its jurisdiction sharply defined; he felt that the municipal courts should have exclusive jurisdiction in all matters involving \$1,000 or \$2,000, from which court an appeal might lie to the superior court; that all other cases between the jurisdiction of the municipal courts and \$5,000 should be returned to the common pleas court, above which cases would be returned to the superior court, together with all matters of equity; and that in cases returned to the common pleas court either party would have the right to move for transfer to the superior court, the judgment of that court on such motion to be final.

Senator Coles was of the opinion that the court of common pleas served a real purpose, particularly in the larger counties, and should be retained. He stated that it served as a place for the younger lawyer to get his experience, and that the judges thereof were more accessible to the lawyer than the judges of the superior court; he also believed that if any criminal jurisdiction is to remain in the common pleas court, then the office of the prosecuting attorney must be separate from that of the state's attorney.

The following questions were then submitted by the chairman, with the result indicated:

- (1) Shall the court of common pleas be retained in some form?

Adopted unanimously.

- (2) Shall the number of judges be reduced to eleven, by failure to replace the two judges who will next retire?

Voted unanimously.

- (3) Shall the civil jurisdiction of the municipal courts, except in small claims cases, be vested in the court of common pleas?

Adopted by a vote of 7 to 2.

- (4) Shall the court of common pleas be eliminated in all counties except Fairfield, Hartford and New Haven, in which event the municipal courts would retain their civil jurisdiction in the smaller counties?

Rejected by voice vote.

- (5) Shall appeals from zoning boards revert to the exclusive jurisdiction of the superior court?

Adopted unanimously.

- (6) Shall appeals from boards of relief revert to the exclusive jurisdiction of the superior court with power in that court on its own initiative to refer the matter to a state referee?

Adopted unanimously.

- (7) Shall appeals from the liquor control commission revert to the exclusive jurisdiction of the superior court?

Adopted by voice vote.

Senator Coles agreed to reduce to writing the resulting common pleas situation, and send the report to members of the commission before the next meeting.

The chairman reported that the junior bar conference had presented the commission with "Warren on Traffic Courts", and that it was available for the use of the members.

Messrs. Cressy and Alcorn reported that they had met with a committee of probate court judges, and that such meeting had not resulted in any suggestions for the re-organization of probate courts; their impression was that the probate judges would prefer to have the courts remain as now constituted.

The chairman announced that the probate court would be the order of the day for the next meeting. The questions to be put will be:

(1) Should the courts remain as they are, or (2) if not, should the Cressy plan be recommended, or (3) should the Alcorn plan be recommended, or (4) should some combination of these plans be recommended. The chairman requested that each member be prepared to discuss these propositions.

At 3:50 p.m. the meeting adjourned, until March 20th, at 10:30 a.m.

Respectfully submitted

EDWARD G. FISHER.

Secretary

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

HELD March 20, 1944

A meeting of the committee to study integration of the judicial system of the state was held in the lawyers' room, Supreme Court Building, Hartford, on March 20, 1944, and was called to order at 11 a.m. by the Chairman, Hon. Newell Jennings, with other members of the commission present, as follows:

Messrs. Wynne, Cressy, Fenn, Shapiro and Coles.

The Chairman reported that the snowstorm had prevented Messrs. Curtiss, Parr and Hall from attending, and that Mr. Alcorn was out of town; he also reported that both Mr. Parr and Mr. Curtiss, in talking with him on the telephone, had suggested that judges of probate with whom they had talked, were of the opinion that the commission should interview the committee of the probate assembly which had met with Mr. Cressy and Mr. Alcorn, to consider suggestions with reference to the probate court, and that it would be advisable to invite them to appear at a subsequent meeting.

The Chairman read a letter from Mr. Alcorn regretting his inability to be present, because he had in mind urging the reconsideration of the position taken by the commission with reference to its report. Mr. Alcorn was of the opinion that unless the commission changes its course it shall have "accomplished little which could be said to be a determination of the most efficient and economical methods of integrating and reorganizing (the courts) into one judicial system". It is Mr. Alcorn's conviction as stated by him in this letter, that an integrated and efficiently organized judicial system should be worked out and recommended even though its passage is not certain in the near future, and that

any integration of the courts would mean a change in the existing setup of the probate courts, bringing them into a state administered system, and that the common pleas courts as they now exist should be abolished.

In opening the discussion of the probate courts, the Chairman stated that he had originally favored the course of action as outlined by Mr. Alcorn, and might submit a minority report containing an outline of an integrated court, but he realized that the idea of the majority of the commission in proposing to recommend changes which probably would be favorably considered by the General Assembly was a practical approach to the situation, and possibly the better one; insofar as the probate courts were concerned he favored a plan along the lines proposed by Mr. Cressy calling for a reduction in the number of districts, and placing of the judges on salary.

Mr. Coles said that he did not favor any general change in the attitude of the commission, and felt that only those things should be recommended which would have a prospect of being accomplished; that as to the probate court he favored a plan whereby the judges would be placed on salary, all fees to be remitted to the state.

Judge Wynne agreed with Mr. Coles, and felt that notwithstanding the words of the Act creating the commission, it should make a realistic approach to the solutions of the problems presented to it and not a theoretical one; that it should recommend whatever was felt to be a step in the right direction and had a chance of being accomplished; and that in accord with this position he favored the Cressy plan over any theoretical integration of the probate courts.

Supplementing his former report, Mr. Cressy stated that perhaps the salaries as originally recommended by him, particularly for the larger districts, were too low; that the terms of office should be four years, and that the judges should be prohibited from making any political contributions.

Mr. Shapiro stated that he was in accord with the Cressy plan, and felt that a four-year ~~term~~ would be advisable.

Judge Wynne stated that in his opinion the subject of the probate court was one which might very well be considered by a special commission, and that this procedure could be recommended in the report of this commission.

Judge Wynne moved that the next meeting be held April 10, and that the probate assembly be invited to send its representatives to appear at that meeting. This motion was adopted, and the secretary was instructed to write to the president of the probate assembly.

It was VOTED to recommend the repeal of the statutes permitting sheriffs and county commissioners to accept notes in lieu of costs, and that all notes now held to be cancelled six years after their date.

After a brief discussion of the workmen's compensation commission, it was VOTED to approve the suggestion of the commissioners for the appointment of an additional "roving commissioner", but another suggestion for a panel of three judges of the superior court to hear all appeals in workmen's compensation cases was rejected.

After a discussion, and on motion of Judge Wynne, it was VOTED that the commission make no recommendation concerning coroners and medical examiners.

Other matters discussed were (1) Mr. Coles' report on the common pleas court, the final draft of which should reserve to the superior court appellate jurisdiction in matters involving zoning questions; (2) the juvenile court, with the suggestion that Mr. Shapiro draft an amendment giving that court the status of a family court with respect to legal separations; (3) summoning of jurors by clerks instead of by deputy sheriffs; (4) salaries and appointments, and (5) selection of jurors.

The meeting adjourned at 1 p.m.

Respectfully submitted,

EDWARD C. FISHER.

Secretary

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

Held April 10, 1944

A meeting of the commission was held in the lawyers' room, Supreme Court Building, Hartford, on Monday, April 10, 1944, and was called to order at 10:45 a.m. by the Chairman, other members present being as follows:

Messrs. Curtiss, Hall, Cressy, Shapiro, Parr and Alcorn.

Inasmuch as Mr. Parr and Mr. Curtiss were absent from the previous meeting, the Chairman asked them to state their present position as to probate courts, and Mr. Parr said that he favored placing the judges on salary and giving them a four-year term of office. Aside from that, he felt that there were many good qualities in the present system, and believed in local control of the courts.

Mr. Curtiss favored placing the judges on salary, but felt there was no advantage to changing the present districts unless it was done at local option: he believed that the courts should be brought within the judicial department, but was not in favor of any such plan as suggested by Mr. Alcorn.

For the consideration of the commission Mr. Cressy submitted a comment on the present method of selection of jurors, attached to which was a table showing the ratio of the number of jurors to population in Hartford County.

At 11 o'clock the commission was joined by a committee representing the probate assembly, consisting of Elbert G. Manchester, judge of the district of Winchester and president of the probate assembly; Russell Z. Johnston, judge of the Hartford district; Patrick J. Healey, judge of the Waterbury district; Eugene W. Latimer, judge of the Coventry district, and A. William Pruner, judge of the district of Litchfield.

Judge Jennings outlined the problems before the commission with respect to the probate courts, the plan submitted by Mr. Cressy, the plan submitted by Mr. Alcorn, and a suggestion that perhaps the 50 districts with net incomes of an average of less than \$1,000 could be excluded from any proposed plan, or it could combine such small districts with other towns.

At the request of Mr. Curtiss the committee was identified as above, and Judge Manchester further explained that it was composed of representatives of large districts, namely, Judges Johnston and Healey, and representatives of small, rural districts - Judges Latimer and Pruner - and further that the latter two judges were laymen and the others on the committee were lawyers.

To open the discussion the Chairman asked if the assembly of probate judges generally favored letting the courts remain as they are now constituted, or if the committee had any plan to suggest for changing the setup.

Judge Manchester replied that in all probability the judges of probate would prefer to be placed on a salary, but that determining the proper amount of salary presented many difficulties: he said that the probate assembly as now constituted under the law had authority to adopt rules and regulate practices in the probate courts, and that under this authority the assembly had adopted a schedule of uniform fees, and was working on standard forms, and he felt that after these two major objectives were accomplished the assembly would proceed to set its own house in order, taking such steps as were necessary to correct the many petty criticisms.

There was a general discussion of probate fees, and whether or not all of the courts followed the fee schedule adopted by the assembly, and Judge Johnston said that probably there were some judges who did not follow the schedule; that it was possible for judges to differ in interpreting the schedule as well as it was possible for different interpretations to be placed upon the statute, and that he felt that there should be some supervision to assist in

maintaining a uniform application of the fee schedule throughout the state: he said that while the statute creating the assembly provided for the appointment of an executive secretary, no appropriation was made for the salary and expense of that office, hence no such person had been appointed. At this point Judge Jennings inquired as to the reaction of the assembly to a minimum fee in each estate, the balance of the fee to be based on the amount of the inventory. Judge Johnston replied that this would be "rough justice".

Judge Healey said that he had made some investigation in his own court on the amount of fees charged, and that in 200 decedent estates the fees averaged between \$60.00 and \$65.00, and that in those same estates the inventory averaged \$9,000, the largest being an estate of \$1,300,000, in which the fees charged were less than \$600.00.

Judge Latimer felt that the people of his district would react unfavorably to a consolidation of the same with other districts which would require them to travel too far to the court: he felt that the town of Coventry could be more profitably added to the Willimantic-Scotland district than to the Rockville-Vernon district, although it could with advantage as far as distance was concerned be divided between those two districts.

Mr. Shapiro asked if \$500.00 would be a reasonable compensation for the judges in the small districts, and Judge Latimer seemed to feel that he was giving his services as a matter of public service, and that the present income of the court, or a salary of \$500.00, did not compensate for the many headaches involved, and that this would be true in all the small districts.

Judge Pruner questioned the premise that the present probate system was not good and that some change should be made: he outlined the many different matters handled by the courts, such as decedent estates, trusts, guardianships, adoptions, appointments of conservators, etc., and said a large part of the benefit derived by the public from the present system was in the personal services

performed by the judges for which there was no fixed compensation; that the personal contact of the judge was a large factor in the present operation of the courts, and that much of the time of the judge was taken up in rendering services for which there was no fee: he felt that the greatest difficulty in setting up a new system would be to arrange for the retention of the benefits to be derived by the public from the personal services and contacts of the judges.

Judge Healey said that as far as he knew, the greatest amount of criticism against the present system was aimed at the incomes of the judges in the larger districts, and there seemed to be the complaint that they were excessive in comparison to the incomes of the judges of the supreme and superior courts. He pointed out that in addition to their salary the judges of the latter courts received other advantages, such as life tenure, personal security upon retirement, and an allowance for their widows, and he pointed out that it would cost him \$6,000 a year to provide these same benefits for himself: he also pointed out that he paid an income tax on about \$20,000 a year, and that after deducting the tax and what it might cost him for an annuity as outlined above, he would have left less spendable money than a judge of the superior court: he also pointed out the political uncertainties of the office of judge of probate, particularly in obtaining nominations, and the many demands upon the judges for contributions for political and other causes: he felt that the important thing to be considered was not the income of the judge of a few districts, but what the public derived from the present system: he pointed out that in 95 percent of the matters before his court there was no attorney, and that the judge had to act as attorney; that the business of the court was disposed of speedily, and hearings assigned at times to suit the convenience of the parties involved, and were heard promptly at the time assigned. He felt that a centralized system would include many hidden expenses which the present gross income of all probate courts might not be sufficient to meet. Mr. Alcorn inquired if the judges would like to be relieved of the pressure of political-35- and other contributions, to which no definite reply was made.

Judge Johnston stated that he believed that consideration of the problems involving the probate courts was a large assignment and required more study and research than this commission could give, along with its study of all the other courts. He did not feel that it was sufficient reason to change the system involving 118 courts simply because a few judges received a large income: he criticised the plan suggested by Mr. Cressy as being merely a "rehash" of the present system, and not going far enough, and that the minimum salaries suggested were too small: he did not believe that omitting 50 small courts from any proposed change of the system would accomplish anything: he felt that an ideal system would be something along the lines suggested by Mr. Alcorn, but that more judges would be required than was suggested, and that these judges should devote their full time to their work, not be required to go on circuit, and be given a longer term of office and retirement benefits that would accrue from state maintenance of the courts. While Judge Johnston felt this would be an improvement in the system, he pointed out that there was another school of thought which believed that the personal contact of the present system was something from which the public derived the most benefit and which should not be lost, and might be lost in placing judges on salary.

The judges of probate left at 1:15 p.m., and the members of the commission proceeded to a discussion of the arguments presented. Mr. Cressy said that he would like time to digest the information he had received, but felt that his plan was still the most practical one. Mr. Curtiss' position was not changed from his statement at the beginning of the meeting. Mr. Alcorn felt that the most fertile ground for doing something constructive within the province of the committee lay in the probate court field, and that he believed the commission should recommend a state system somewhat along the lines of his original suggestion: he did not feel that the Cressy plan was anything but a compromise, and that unless the commission was willing to go the full distance he would favor

merely placing the judges on salary, fixing a longer term, and leaving consolidation of the districts to local option. He commented that the personal touch emphasized by the judges of probate also many times worked to the disadvantage of the parties involved, the judge being subject to the bias or prejudice of his personal knowledge or contact.

Mr. Hall's position was essentially the same,--that the judges should be placed on salary, given a four-year term, and a consolidation of districts left to local option.

Mr. Shapiro stated that after hearing the arguments of the probate judges he was inclined toward Mr. Alcorn's suggestion. He favored having all fees collected by the state, and believed that in any event there should be some state supervision, such as a secretary of the probate assembly paid by the state, and given sufficient authority to supervise application of uniform fee schedules, collection of fees, etc.

Mr. Parr observed that he felt there were two problems,-- one, the larger court, and second, the small court, and that the same measures could not be applied to both. He believed that there should be some integration.

The chairman stated that he would proceed to prepare a draft report, one section including the uncontested matters before the commission, and another to include those on which there was a difference of opinion, and that the next meeting would be called after the report was completed and had been circularized.

The meeting was adjourned at 2:25 p.m.

Respectfully submitted,

EDWARD C. FISHER. Secretary

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

HELD MAY 15, 1944

A meeting of the commission was held in the lawyers' room, Supreme Court Building, Hartford, on Monday, May 15, 1944, and was called to order by the Chairman at 10:45 a.m., with the following members present: Messrs. Hall, Wynne, Cressy, Fenn, Curtiss, Shapiro and Parr. Mr. Coles joined the meeting some time later.

The draft report as prepared by Judge Jennings was discussed, and corrections noted. The chairman explained the provisions of a suggested recommendation concerning the unemployment compensation division, and it was VOTED to make the recommendation outlined under the heading "I - Unemployment Security Division" as submitted to the meeting in amended form.

The possibility of combining the Judicial Conference, provided in Sec. 6 of the Administrative Act, with the present Judicial Council, was given consideration. Mr. Parr suggested that he was in favor of changing the administrative group from the judges of the superior court, to a group made up of judges of that court and representatives of other courts. After considerable discussion, the meeting adjourned at 12:40 for lunch.

The commission resumed at 1:55, Judge Wynne and Mr. Fisher absent for an hour attending another meeting. During this time the chairman kept the minutes.

The desirability of combining the work of the Judicial Council and that of the Judicial Conference proposed by Sec. 6 of the Administrative Act, was discussed at length, and on motion by Senator Coles it was VOTED that the chairman redraft and submit to the commission Sec. 6 of that Act, substituting for the

proposed Judicial Conference the existing Judicial Council, but enlarging the latter's personnel and powers to conform to the present draft of Sec. 6.

After a general discussion of the other provisions of the Administrative Act, it was VOTED to approve it, with the exception of Secs. 3 and 7, which the commission desires to reconsider at the next meeting.

It was also the sense of the meeting that the question of public hearings on nominations of all judges be further considered at the next meeting.

Mr. Cressy cannot be present on June 12 and he wished to be recorded as in favor of the "Cressy Plan" on probate courts with some revision upwards in the salary scale; in favor of the present draft of Secs. 3 and 7 of Appendix A; and in favor of public hearings on new nominations of the judges of the higher courts.

Mr. Curtiss's bill expanding the jurisdiction of trial justices was defeated.

It was VOTED to hold the next meeting on June 12th.

It was VOTED to recommend adoption of an amendment to Sec. 1341e of the General Statutes concerning claims for unemployment benefits as contained in Appendix I of the draft report.

It was VOTED to recommend a state-administered adult probation system as contained in Appendix G of the draft report.

It was VOTED to recommend that the Danbury Traffic Court be abolished as of June 30, 1945 in accordance with the terms of Appendix J of the draft report.

The committee approved the provisions of Appendix N of the draft report concerning the disposition of unpaid notes taken for fines and costs.

At 3:45 the meeting adjourned until June 12, 1944.

Respectfully submitted,

EDWARD C. FISHER.

Secretary

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

HELD JUNE 12, 1944

A meeting of the commission was held in the lawyers' room, Supreme Court Building, Hartford, on Monday, June 12th, and was called to order at 10:30 a. m. by the Chairman, all members being present with the exception of Mr. Coles.

Mr. Alcorn submitted the draft of an act to provide for a workmen's compensation commissioner-at-large for the state, and after discussion, and with minor corrections, the draft was adopted, to become Appendix H of the commission's report. As adopted, the proposed act reads as follows:

"On or before July 1, 1945, and every five years thereafter, the governor shall appoint one workmen's compensation commissioner at large for a term of five years. Such commissioner at large shall be vested with the same powers as are conferred by chapter 280 of the general statutes upon the other workmen's compensation commissioners, and, when sitting within any district, shall exercise the same powers and perform the same functions as the commissioner appointed for and serving such district. Such commissioner at large shall, at the direction of the chairman of the workmen's compensation commissioners, act in case of the disqualification, absence or illness of any one of the district compensation commissioners and shall, at the direction of the chairman of the commissioners, be assigned to any district or districts where there appears to such chairman to be unusual congestion upon the docket. Such commissioner at large shall receive an annual salary of eight thousand dollars and shall devote his entire time to the duties of his office."

The Chairman reported that he had in his possession a proposed amendment to the unemployment compensation law, which would substitute one commissioner for the five commissioners authorized at present; that under this proposed change, applications for benefits would be made at field offices of the commission, and that the first appeal would be to a referee, who would be an

employee of the commission, and that any second appeal would be to the single commissioner who would hold a hearing. The Chairman stated that copies of the proposal would be distributed to the members of the commission. Mr. Cressy suggested that hearings should be held in the communities where the interested persons resided; and Mr. Alcorn suggested that appeals should be direct to the courts. Mr. Parr was of the opinion that the average citizen would prefer to have his case heard by a court rather than an administrative commissioner, and Judge Jennings suggested that these proposals could be considered at the next meeting, when discussing the bill which would be submitted by that time.

Mr. Shapiro submitted a proposed act concerning the jurisdiction of the juvenile court, which, if adopted, would become Appendix G of the report. His proposal would permit the juvenile court to order a legal separation of the husband and wife if such were found to be best for the welfare of a child or children of the marriage, as well as granting jurisdiction to the court to otherwise control the activities of parents of children before the court, and in providing for the support of such children. Mr. Shapiro stated that the objective of the bill was to make the juvenile court a domestic relations court, and to permit the court to consider cases on the application of any interested person whether or not the case of a neglected or delinquent child was then pending before the court. The proposal was rejected on a voice vote.

Mr. Shapiro stated that at the request of the Chairman, he had also prepared a proposed law which would transfer jurisdiction in bastardy actions to the juvenile court. Discussion was had as to this proposal, and an alternative one by which such actions would be handled by the common pleas court from the beginning. It was suggested by Judge Wynne that these proposals were outside of the proper scope of activity of the commission, and on a voice vote it was decided not to include them in the report.

Mr. Curtiss submitted a proposed act concerning jurisdiction of trial

justices in criminal prosecutions, which would permit trial justices, with the consent of the state's attorney, to make final disposition of offenses for which a state's prison penalty is provided. Mr. Alcorn felt that such a provision would bring the state's attorney into a great many cases, and that if he were to have the responsibility, he should have the right as well as the obligation of investigating each case before giving his consent to such procedure. Judge Wynne believed that such a law would create a multitude of evils, while perhaps working to advantage in some individual cases. The proposal was rejected by a voice vote - Mr. Curtiss not voting.

In beginning a discussion of the probate courts the Chairman said that this topic was one of the most important, if not the most important subject for the commission to consider; he felt that the situation with respect to the probate judges had a great deal to do with the creation of the commission, and that the legislature expected recommendations from the commission of the best possible methods of integrating all courts, including probate courts, into a judicial system, and that the report of the commission must contain a recommendation concerning probate courts; he felt that the plan submitted by Mr. Alcorn would be the best theoretical method to integrate the probate courts, but realized that it had practical difficulties; he re-stated the possible dispositions of the subject by the commission as outlined on pages 18 and 19 of the draft report, and called for an expression of opinion by each member.

Mr. Shapiro suggested that the probate districts should be left as now established, any changes therein to be by local option; that judges should be given a four-year term; that all income from the courts should go to the state, which should pay the expenses of the courts, including salaries; and that the courts of the state should be divided into three or four groups upon some basis such as population or income, and salaries fixed for each of the

groups; in any event he felt that minimum salaries should be fixed for the smaller courts, which salaries would be considerably in excess of present incomes.

Judge Wynne expressed his belief that the subject of probate courts was too much for this commission to handle within the time at its disposal, and that the report to the Governor should do nothing more than highlight existing evils, perhaps suggesting some changes such as a four-year term for the judges, or consolidation of certain districts, and leaving the general subject to be disposed of by the General Assembly by reference to another commission or in some other way.

Mr. Hall said that in substance he agreed with Mr. Shapiro; he felt that the principal evil was in the income of the judges in the larger districts, which might be cured by splitting up those districts; he felt that the judges should be placed on a salary; that all of the income of the courts should go to the state, which should pay all expenses, including salaries.

Mr. Curtiss favored abolition of the fee system for compensating the judges; that they should be paid salaries fixed on some basis such as average income of the courts; that the judges should be given a four-year term, and that consolidation of districts should be left to local option.

Mr. Cressy stated that he was now inclined to agree with Judge Wynne, and suggested that all plans be embodied in the report so that the General Assembly could have the opportunity to consider them, and refer them to a new commission, if advisable, which would have no other function. In any event, he believed in a four-year term for the judges, and now thinks the salary schedule contained in his original proposal was too low.

Senator Fenn also agreed with Judge Wynne that the matter should be passed on to a separate commission which would have nothing else to consider; he felt that it was a very difficult subject, and that there should be no hasty

changes in the present setup.

Mr. Alcorn's opinion was that the commission should recommend the best possible plan regardless of the practical difficulties in obtaining passage of such a plan through the General Assembly; he felt that the commission should point out an ideal system such as the administration of probate matters by full-time judges appointed in the same manner as judges of the superior court, and with county-wide jurisdiction, perhaps pointing out the difficulties thereof, and the length of time necessary to bring such changes about, and suggesting that in the meantime some progress could be made by putting the judges on salary, giving them a four-year term, and providing that all income should be paid to the state, which would pay the expenses of the courts.

Mr. Parr stated that he believed that the judges should be placed on salary; that the consolidation or separation of districts should be left to local option, and on the whole agreed with Mr. Shapiro's statement.

Judge Jennings summed up the statements of the members of the commission, and said that it was evident that the committee could not agree on any ultimate scheme. When he called for the sense of the meeting on the following matters the members of the commission unanimously approved a suggestion that the subject should be further studied by the legislature or some group other than this present commission, and those present were in unanimous agreement that the judges should be given a four-year term of office. Only two members present were opposed to a suggestion that the report should include a recommendation that pending further study and the ultimate solution of the problem all judges should be placed on a salary, all income from the courts to be paid to the state, which would pay the expenses of the courts, including salaries, and that administrative control of the courts be granted to the state.

The Chairman stated that he would prepare such a report, which would also contain a discussion of such other suggestions concerning the probate

courts as would be helpful to a further study of the problem.

After deciding that the next meeting of the commission would be held on July 10th, recess was taken at 1:15 for lunch.

Upon reconvening at 2:25 p.m. the commission considered the draft of a bill submitted by Mr. Cressy, which would make changes in the law as to the number of jurors from each town. It was unanimously decided (Mr. Cressy having left the meeting) that this was a matter which was not within the purposes of the commission and should not be included in the report.

It was VOTED to combine a public hearing with the next meeting of the commission; that the hearing should commence at 10 o'clock in the forenoon, and that the Chairman should prepare a summary of the report, which would be considered at the next meeting and then distributed to the press and other interested persons.

The Chairman presented questions to obtain final decisions on three matters contained in the draft of Appendix A concerning the administration of the judicial department. The following question was put: Shall Section 3 of the draft be amended so that representatives of all courts will be members of the administrative body? By a vote of six to three it was decided not to make this change but to leave the section as it is, vesting the powers of administration in the judges of the superior court.

The Chairman then asked whether it was the sense of the meeting that Sections 5 and 6 be omitted, substituting in place thereof an amendment to Section 5362 of the General Statutes concerning the judicial council, and which would carry out the purposes intended to be accomplished by the creation of the groups provided for in said Sections 5 and 6.

It was unanimously VOTED that the Chairman rewrite Sections 5 and 6 so as to combine the most desirable features of those sections as written and of Section 5362 of the General Statutes (the judicial council act). He was specifically directed to provide for at least one public hearing in each year.

It was VOTED to make no change in the method of appointment of the executive secretary as set forth in Section 7 of Appendix A,- Mr. Parr voting in the negative,-and as to this question and the question of whether or not the administrative body should include representatives of other courts, he reserved the right to take individual action irrespective of the recommendations of the commission.

It was VOTED that the constitutional amendment to be recommended, Appendix B, should contain a dead-line for the submission of nominations by the Governor of judges of the municipal courts, and that if the Governor failed to make appointments before the dead-line, then the General Assembly should proceed to appoint.

The meeting adjourned at 4 p.m.

Respectfully submitted,

EDWARD C. FISHER. Secretary

MINUTES OF MEETING

COMMISSION TO STUDY ORGANIZATION OF THE JUDICIAL DEPARTMENT

HELD JULY 10, 1944

A meeting of the commission was held in the lawyers' room, Supreme Court Building, Hartford, on Monday, July 10, 1944, with all members present except Mr. Alcorn. The Chairman called the meeting to order at 10:45 a.m. and stated that a public hearing had been opened by him in the Supreme Court Room at 10 a.m. and closed at 10:30 a.m., and that there was a very small attendance.

The following bills for clerical services were approved:

Stella K. Mezochow, \$10.00, Alta M. Mellen, \$200.00, Mrs. Dorothy G. Weeks, \$350.00.

After a brief review and discussion the summary draft of the report was adopted, and the Chairman stated that it will be mimeographed, and copies circulated to those with whom he had been in contact during the work of the commission, and that it would be given as wide distribution as possible.

The draft of the final report as prepared by the Chairman was reviewed and discussion had as to its contents. Mr. Coles submitted proposed amendments to the law concerning the court of common pleas and it was

VOTED, That in accomplishing the purposes of the commission to give to that court the civil jurisdiction of municipal courts, the changes should be so drafted that the municipal courts would retain jurisdiction of civil actions wherein the matter in demand did not exceed \$100.00, and also of summary process and bastardy proceedings. It was further

VOTED, That the taxable costs and fees in the court of common pleas in civil actions wherein the matter in demand did not exceed \$500.00 should be

the same as at present established for municipal courts in municipalities having a population of less than 15,000; and that in actions wherein the matter in demand is more than \$500.00, taxable fees and costs should be as now established for the court of common pleas.

The Chairman stated that there would be no further recommendation concerning the unemployment compensation commission. Mr. Curtiss agreed to shorten the history of the trial justice courts, and with these corrections and the insertion of the matter on the common pleas courts, the final report was adopted as submitted. It was also understood that if there were to be any minority reports they would be submitted and printed with the final report.

The secretary was asked to submit a proof of the report to the members of the commission.

It was VOTED, That the members of the commission who become members of the 1945 General Assembly should be a legislative committee, the duties of which would be to effect the introduction of all proposed bills accompanying the report of the commission or necessary in order to give effect to its recommendations.

The Chairman presented a request from the legislative council that the commission consider a suggested recommendation concerning sessions of the court at New Milford in Litchfield County and payments to the bar association for a library at New Milford. It was

VOTED, To advise the legislative council that this commission considered such matters were proper for legislative consideration and not within the province of this commission.

There being no further business, the meeting adjourned subject to the call of the Chair.

Respectfully submitted,

EDWARD C. FISHER.

Secretary

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Bulletins - Originals on file - State Library

Pages 1 thru 9 missing from this duplicate set.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

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1917

October 27, 1917

BULLETIN NO. 3

September 15, 1943

I.

The next meeting of the commission will be held in the lawyers' room in the Supreme Court Building at Hartford on September 27, 1943, at 10.30 a.m. in accordance with the vote at the last meeting.

Newell Jennings

Chairman

II.

The following agenda and comments are respectfully submitted for your consideration. The agenda does not follow the plan outlined at the last meeting because there are two or three comparatively unimportant matters that we may be able to dispose of quickly before taking up the main topics. I have therefore put them first. Incidentally, I have no exclusive right to comment and if you have any ideas you wish to circulate before the next meeting, I hope you will feel free to send them around. If they are mailed to Mr. Fisher he can probably get them mimeographed and they will then be uniform with the other papers in our minute book.

III.

The State Bar Association has invited me to make a statement at their fall meeting with reference to the work of this commission. I shall be glad to receive any suggestions as to the form this statement should take. My present plan is to confine myself mainly to the problems involved rather than to their solution unless we should reach some fairly definite conclusions at the September meeting. I think I could safely say that the present main topics under consideration are a new administrative set-up; a change in the method of appointment of

judges in the minor courts; the set-up of the probate courts; and what, if anything, to do about the courts of common pleas. I take it from our discussions that it would be correct to say that the present mood of the commission seems to be opposed to a complete reorganization of the judicial department along the lines of the Minnesota plan but rather to take certain concrete steps leading perhaps in that direction.

IV.

This is only our third meeting and I think the progress we have made is excellent but since more frequent meetings are probably impracticable under present conditions it is not too early to start some additional lines of inquiry. If agreeable to you, I will submit at the October meeting a draft of a report on certain courts which do not seem to call for extensive investigation, especially as we must concentrate on certain concrete problems. From our discussions I gather that these courts would be at least the supreme court, the superior court, and the workmen's and unemployment compensation commissions. From what I know now I expect to recommend the abolition of coroners and the Danbury Traffic Court. The act provides that all state instrumentalities shall cooperate with this commission as far as furnishing information is concerned and in case the material is not otherwise available I should like to have the following vote passed:

"VOTED: That the Danbury Traffic Court be requested to cooperate with the secretary of the Commission to Study the Organization of the Judicial Department in so far as the statistics of that court are concerned."

The problems of the municipal courts and probate courts are now being studied. I recommend that sub-committees be appointed to work on the remaining courts listed on bulletin No. 2 page 9, to wit: court of common pleas, justices of the peace and the juvenile court.

V.

Consideration of Mr. Parr's draft of a letter to the members of the legislature.

VI.

As to the letter which I was instructed to write to various state agencies, the determination of the person involved has proved somewhat difficult but I hope to report progress at the September meeting.

VII.

Comments on Judge Wynne's report. In case you decide to adopt this report in principle, it may be helpful to have the wording of the proposed constitutional amendment before you for consideration. Two forms are submitted. The first is that recommended by the 1939 commission. It has the great advantage of brevity but the word "judge" as used therein is open to construction. For instance, compensation commissioners and trial justices of the peace are commonly called judges. I cannot imagine their coming within this amendment but it is best to avoid the necessity of construction where possible. I am therefore inclined to favor the second or longer form.

(a) 1939 proposal Cum. Sup. 1939 page 793:

"Article XLI of the Amendments to the Constitution is amended to read as follows: The judges of the supreme court of errors, of the superior court, of the courts of common pleas and of any other courts, except courts of probate, shall, upon nomination by the governor, be appointed by the general assembly in such manner as shall by law be prescribed."

(b) Article XLII. "Article XXVI of the Amendments to the Constitution as amended by Article XLI is further amended to read as follows: The Judges of the supreme court of errors, of the superior court, of the courts of common pleas, of the district courts, (this refers as far as I know only to the Danbury Traffic Court) and of the municipal courts, shall, upon nomination of the governor be appointed by the general assembly in such manner as shall by law be prescribed."

(c) In view of the discussion with reference to the possibility of the governor's holding up his nominations until late in the session, you may want to include in this section something along the following lines:

"If the governor fails to submit a nomination for any of the foregoing judicial offices which will become vacant before the convening of the next regular session of the general assembly, on or before March first or within two months of the convening of the current regular session, whichever is shorter, the general assembly shall appoint a judge to fill such vacancy in such manner as shall by law be prescribed."

(d) Article XLIII. "Article XX of the Amendments to the Constitution is amended to read as follows: Judges of the courts of common pleas and of the municipal courts shall be appointed for terms of four (4) years"

(e) While I do not have a copy of the report of the 1939 commission here in Bristol where I am working, it is my recollection that machinery was provided for the consolidation of two or more towns to be served by one municipal court, the expense to be equitably divided between the towns involved, possibly in ratio to the respective grand lists. I cannot find that this was adopted but it seems to me to have considerable merit. It would reduce the number of municipal courts and increase the number of towns served by those institutions. When transportation becomes normal that element should cause no difficulty. For instance, Hartford could serve East Hartford, Bloomfield, Windsor, South Windsor, West Hartford and Wethersfield, or any part thereof. I am of the opinion that if such consolidation appears desirable, it should be carried out by the legislature rather than leaving it to the initiative of the towns involved as was done under the 1939 proposal.

(f) While I am not prepared with figures here, I am sure that the expense of the courts and the number of personnel in some towns is grossly excessive.

A solution of this problem, if we are to continue to have municipal courts, is not easy but as a palliative I suggest that a set of teeth be furnished to Mr. Fisher for use in securing statistics from those courts and that it be made his duty to furnish this information to the judiciary committee of the general assembly. I make such a suggestion in discussing his report.

VIII.

Comments on Mr. Fisher's report. We are all indebted to Mr. Fisher for his careful work on his report and his drafts on proposed legislation to implement the same. Personally I am inclined to prefer draft A because the administrative council provided for in draft B seems clumsy to me. I am undoubtedly prejudiced in favor of the superior court but it seems as if, especially in view of the provision for consultation with representatives of the other courts, the superior court could be trusted not to abuse its power and to function with reasonable efficiency. The actual work would probably be delegated to an executive committee and after the experience we have had with the personnel committee, the work of which I described at our first meeting, I am sure an efficient membership of that committee could be selected. Coming now to the specific recommendations of draft A

Section 2 (a) looks as though it was copied from some other act. While it may be sufficiently inclusive, I suggest that the making of rules relative to appeals both from ordinary courts and administrative bodies, including at least the compensation commission, the liquor control commission and zoning boards of appeals, be specifically included. For the information of the members of the commission unfamiliar with this work, I may say that there is respectable authority for the proposition that the rule making power resides exclusively in the courts anyway. Be that as it may, there is a strong tendency to definitely place that power in the courts following the thorough housecleaning given the federal judicial system. The federal courts now have the complete and exclusive rule making

power covering all forms of litigation. As a practical matter the judges have lived very comfortably with the legislature on a policy of give and take in regard to this matter but I am informed that the files of the judicial committee are cluttered up with perhaps hundreds of bills relating to procedure, very few of which ever see the light of day. Whether the Connecticut General Assembly would be willing to fall in line with this is of course a question but if it is right, I think the recommendation should be made.

Section 2 (b). Would you care to do so far as to add after the first line of this section something to the following effect:

"including the salary, number and standards required of their employees not regulated by statute."

Section 5. I do not find that the term "chief judge" is defined in the proposed act. I therefore suggest a rephrasing of the first sentence of this section along the following lines:

"Under such rules as the superior court may prescribe a conference shall be held at Hartford at least once each year. The membership in such conference shall be prescribed by the rules but shall include at least one representative of each court involved."

If this is adopted, it would require the elimination of the words "chief judge or" in the eighth line of the section.

Section 7 (f). This is the set of teeth to which I referred. Add to this section

"If any officer or employee of any court shall fail to comply with the request of the executive secretary for statistical data or reports, it shall be the duty of the executive secretary to certify the name of the person responsible to the officer through whom the salary of such person is disbursed. The disbursing officer shall suspend further payments for salary or services to such person until notice is received by him

from the executive secretary that the latter's requests have been fulfilled."

Since the case of the Norwalk Street Railways Appeal, 69 Conn. 576, Connecticut courts have uniformly refused to assume administrative duties. Cases on the subject are collected in Maltbie and Townshend's Digest under the word "Constitutional law section IV c". These decisions, as I read them, relate to such things as the location of street railways, the granting of liquor permits, etc. The courts have always done a large amount of administrative work in connection with their own activities and anticipate no trouble on this ground.

I hope you will have an opportunity to study the report and draft supplied by Mr. Fisher. In my humble opinion if we accomplish nothing else, something along this line would contribute vastly to the efficiency of the courts.

NEWELL JENNINGS

October 20, 1943

NOTICE OF MEETING AND AGENDA

The next meeting of the commission will be held at the usual place,
October 25, 1943, at 10:30 a.m.

AGENDA

I. Preliminary matters:

- a. Date for next meeting.
- b. Are any changes in committee assignments desired?
- c. As I reported at the last meeting, I have had some trouble finding the proper parties to write to about the work of the commission, but append a list of those to whom I have written. If anyone knows of anyone else to write to, please make a note of it and bring it to the meeting.

Judge Charles E. Clark, Yale Law School,
Carter W. Atkins, of the Conn. Public Expenditure
Council, Hartford,
Oliver R. Beckwith (insurance),
John J. Eagan, A. F. of L.,
Clarence R. Wyman, C. I. O.,
George W. Hull,
The Junior Bar of the American Bar Association,
(Grant N. Nickerson, Esq., Box 1832,
New Haven),
The State Bar,
Alfred E. Fuller, State Manufacturers' Assn.,
Frank Peet, Grange,

(I am now working on a list of the local bar associations.)

II. It was agreed at the last meeting that Judge Wynne's report on municipal courts should be the order of the day. Please see his report as filed, and pages 12 et. seq. of the bulletins. It is my hope that we can decide on this one way or the other at this meeting.

III. Mr. Parr's letter and questionnaire. We should also be able to clean this up.

IV. Mr. Fisher's revised draft of the administrative set-up. Due to the injection of new matter, we may be unable to dispose of this at this meeting, but an attempt should be made to do so.

V. My report on sundry courts.

VI. Reports of progress from the committees on probate courts, common pleas courts, juvenile courts, justice courts.

VII. Press releases, if any.

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For your information I inclose a copy of the statement I made to the State Bar. I hope you do not think I went too far in this statement. If we can stir up some public interest and comment I think it will be helpful.

NEWELL JENNINGS

Chairman

October 28, 1943

BULLETIN

When Mr. Shapiro suggests that a hearing to get the ideas of the public with reference to our recommendations should be held before those recommendations have crystallized in our minds, he has something. As we have tentatively agreed to have at least one public hearing for this purpose and one to consider our tentative report, it seems to me advisable to have the first hearing before we go any further with our work. Our discussions, including that at the coming meeting, should enable us to at least have a fair grasp of the problem we are facing.

With that in view I inclose rough drafts of a public advertisement of the hearing, and of a brief outline of the subject matter. It is my thought that the first should be run as a paid advertisement, and the second sent to those persons to whom I have written about cooperating in our deliberations. The question whether the statement should also be released to the press should be considered.

NEWELL JENNINGS

Chairman

PUBLIC HEARING

COMMISSION TO STUDY THE ORGANIZATION

OF THE JUDICIAL DEPARTMENT

A public hearing to consider suggestions in connection with the recommendations to be made by the commission will be held in the old Senate Chamber, State Capitol, Hartford, Connecticut, on the ____ day of December, 1943, at ten o'clock in the forenoon. The matters to be considered will be taken up in the following order:

10 a. m. to 1 p.m.

1. Should the Danbury Traffic Court be continued?
2. Should the coroners and medical examiners be continued?
3. What should be done about the municipal courts?
4. What should be done about the courts of common pleas?

2 p.m. to 5 p.m.

5. Should the probate courts be re-organized?
6. Is the juvenile court operating satisfactorily?
7. General discussion including the supreme court, the superior court, the justice courts, workmen's compensation commissioners, unemployment compensation commissioner, and any other relevant matters.

(The commission reserves the right to close the hearing as to any of these matters in order that the field may be covered. Another public hearing to hear further suggestions will be held if necessary. A public hearing on the tentative recommendations of the commission will be held in any event before those recommendations are filed.)

By order of the commission,

Secretary

STATEMENT

The following notice has been given (copy of above notice to be inserted). In accordance therewith the commission hopes to survey the field during the day, and will appreciate any suggestions that may be made with reference to its work.

The commission has decided not to recommend at this time a complete integration of the courts, but is studying a number of concrete problems which seem to require attention. Those which are giving us the most concern relate to

the court of common pleas, the municipal courts, the juvenile court, the probate courts, the coroners and the Danbury Traffic Court.

The experience with the work of the court of common pleas since its expansion by the 1941 General Assembly indicates that the amount of work accomplished does not justify the expense involved. Four suggestions are now being considered:

1. Repeal the 1941 act and let the court revert to its former status.
2. Abolish the court and have the work done by the superior court.
3. Let the court remain as it is.
4. Expand the court so that it will absorb the work of the municipal and trial justice courts.

If the municipal courts are to be continued in their present form, the commission feels that the term of the judges should be extended to four years and that public hearings should be held on the resolutions appointing them. The question as to whether the judges should be nominated by the governor and confirmed by the legislature as are the judges of the higher courts, is still under consideration.

The commission has tentatively decided to recommend that the judges of probate be placed on salary, and is considering two other propositions:

1. That the courts should be made a state court with circuit judges.
2. That the present 117 probate districts be consolidated so that there would be not more than 40 or 50.

In either event local offices for the filing of formal papers would be provided.

The commission is also considering recommending the abolishment of coroners, medical examiners and the Danbury Traffic Court.

NEWELL JENNINGS

Chairman

November 10, 1943

NOTICE OF MEETING AND AGENDA

The next meeting of the commission will be held at the usual place and time on November 15, 1943.

NEWELL JENNINGS
Chairman

AGENDA

I.

Report on questionnaires.

II.

Consideration of Public Hearing.

III.

Further consideration of Judge Wynne's report.

IV.

Mr. Shapiro's reports on the Juvenile Court and Probation.

V.

Progress reports on Common Pleas Courts, Justice Courts and Probate Courts.

VI.

Any other business.

BULLETIN

November 16, 1943

To the Members of the Commission:

In accordance with my promise I inclose a copy of the press release drafted as far as I was able in accordance with your instructions. My present plan is to send this to all the papers, with an explanatory note suggesting that they use it, and to have the formal notice of hearing published in the Connecticut Law Journal which carries notices of that type. In addition I plan to write a letter, inclosing the statement, to all of my numerous correspondents (Grange, Chamber of Commerce, etc.) and suggest to them that this hearing will afford them an opportunity to hear about the progress of our work and to make any suggestions they have for the good of the order. This should reach you the last of this week and any suggestions received by me up to and including November 24th will receive attention before the final draft is made up. Please address correspondence on this subject to me at 4 Oakland Street, Bristol. I plan to send out the material as soon thereafter as practicable but due to the Thanksgiving holidays shall probably not get it out until early in the week of November 29th.

NEWELL JENNINGS

Chairman

STATEMENT

The 1943 legislature authorized the appointment of a commission to study the organization of the judicial department. The bill (Special Act. No. 218) provided for the appointment of two members by the president of the senate, three members by the speaker of the house and five by the governor, who was also authorized to appoint the chairman of the commission. The senate members are:

Albert L. Coles, of Bridgeport and Edward L. Fenn, of Greenwich; the house mem-

bers: Noyes L. Hall, of Milford, ^{Philip Curtiss} ~~Charles McK. Parr~~, ^{Norfolk} ~~of Chester~~, and Louis

Shapiro, of Unionville. The governor appointed Newell Jennings, of Bristol, as

chairman, Hugh M. Alcorn, Jr., of Hartford, Warren F. Cressy, of Stamford, ^{Parr} ~~Philip~~

~~Curtiss~~, ^{Chester} ~~of Norfolk~~, and Kenneth Wynne, of New Haven.

As soon as the personnel of the committee was appointed the commission completed its organization by the election of Judge Wynne as vice chairman and Edward C. Fisher as secretary. Monthly meetings have been held starting in July, with nearly perfect attendance at each meeting.

Certain tentative conclusions have been reached by the commission, but before proceeding further with its work it has decided to hold a public hearing at which any interested parties may make suggestions for its consideration. The following notice of this hearing has been published:

PUBLIC HEARING
COMMISSION TO STUDY THE ORGANIZATION
OF THE JUDICIAL DEPARTMENT

A public hearing to consider suggestions in connection with the recommendations to be made by the commission will be held in the Old Senate Chamber, State Capitol, Hartford, Connecticut, on the 13th day of December, 1943, at eleven o'clock in the forenoon. The matters to be considered will be taken up in the following order:

11 a.m. to 1 p.m.

1. Should the Danbury Traffic Court be continued?
2. Should the coroners and medical examiners be continued?
3. What should be done about the municipal courts?
4. What should be done about the courts of common pleas?

2 p.m. to 5 p.m.

5. Is the juvenile court operating satisfactorily?
6. Should the probate courts be reorganized?
7. General discussion including the supreme court, the superior court, the justice courts, workmen's compensation commissioners, unemployment compensation commissioner, and any other relevant matters.

The commission reserves the right to close the hearing as to any of these matters in order that the field may be covered. Another public hearing to hear further suggestions will be held if necessary. A public hearing on the tentative recommendations of the commission will be held in any event before those recommendations are filed.

By order of the commission,

Edward C. Fisher,

Secretary

As stated above, no final conclusions have been reached but for the assistance of those who may care to attend the hearing some further explanation of the progress made may be helpful as a guide.

The operative section of the Special Act reads as follows:

Said commission shall study the integration and reorganization of the judicial system of the state, including the supreme court of errors, the superior court, the court of common pleas, the municipal courts, justices of the peace, the juvenile court, workmen's compensation commissioners, unemployment compensation commissioners and the probate courts, to determine the most efficient and economical methods of integrating and reorganizing the same into one judicial system, including, but not limited to, methods of appointment of judges and such commissioners and their tenure of office and salaries.

After long discussion and careful deliberation the commission is not prepared at this time to recommend a complete integration of the courts but is studying a number of concrete problems which seem to require attention. The most difficult of these relate to the court of common pleas, the municipal courts, the probate courts, the juvenile court, the coroners and the Danbury Traffic Court.

The court of common pleas as reorganized by the 1941 session of the General Assembly has now been in operation for two years. There is a temporary drop in the number of cases tried in all courts due to the absence of so many parties and witnesses in the armed forces and this applies to the court of common pleas. For this reason an accurate appraisal of the work done by that court is difficult at this time but the situation should be reviewed. Four suggestions are now being considered by the commission:

1. Repeal the 1941 act and let the court revert to its former status.

This would mean that there would be civil and criminal courts of common pleas in the counties of New Haven, Fairfield, New London, Litchfield and the judicial district of Waterbury and a civil court of common pleas in Hartford.

2. Abolish the court and have the work done by the superior court.

This would involve the appointment of some additional superior court judges and the expansion of the offices of the state's attorneys but the net savings in overhead and simplification of procedure would be considerable.

3. Let the court remain as it is - a state court operating in all the counties of the state.

4. Expand the court so that it will absorb at least the civil work of the municipal courts.

If the municipal courts are to be continued in their present form, the commission feels that the terms of the judges should be extended to four years and that public hearings should be held on the resolutions appointing them. The question as to whether the judges should be nominated by the governor and confirmed by the general assembly, as are the judges of the higher courts, is still under consideration.

The commission has tentatively decided to recommend that the judges of probate be placed on salary. They are now compensated by fees collected for the settlement of estates, from which they pay most of the expenses of running their offices. Two other propositions in connection with these courts are under consideration:

(Copy)

1. Make the probate court a state court with circuit judges.
2. Consolidate the present 118 probate districts so that there would not be more than 40 or 50.

In either event local offices for the filing of formal papers would be provided for the convenience of persons having to do with these courts.

The annual expense of the coroners, medical examiners and the Danbury Traffic Court exceeds \$100,000. The commission is considering the elimination of these facilities as an economy measure.

Discussion will not be limited to the foregoing topics. One day may prove insufficient to hear all the parties interested, but an effort will be made to cover the whole field in a general way. As stated in the notice, another public hearing can be held if that seems advisable.

BULLETIN

January 4, 1944

The proposed meeting of the 31st will mark six months of activity by this committee. It seems advisable to review the work accomplished and to plan for the completion of our report. Our file is growing, and it is not my purpose to rehearse here material already contained in our minutes and reports.

The introduction to the report should not be written until the report is at least in draft form. The report might then continue with a revision of "Tentative Draft of Report by the Chairman on Sundry Courts" dated 11th October, 1943. Looking this over I find that a change in the procedure before the commissioners in the employment security division as described on page 3 is recommended. I will try to have a definitive report on this before the next meeting.

The second division might be an explanation of the "Second Revised Draft" of the act defining the judicial department and providing for the administration thereof, dated October 25, 1943, with a copy of the act in the appendix.

The third division would be Judge Wynne's report on the nomination of judges by the governor, the extension of terms to four years and public hearings on the nominations. This report is undated, but was sent to you on August 31, 1943. This would have to be implemented by proposed constitutional amendments and legislation if called for.

As far as I know, this pretty well covers the matters on which we have at least tentatively agreed.

I hope that Mr. Curtiss will have his report on the trial justices ready for this meeting and according to his statement no radical changes in this procedure will be recommended.

Then there is the matter of the juvenile courts, on which Mr. Shapiro reported on November 9, 1943, which also does not appear to present serious difficul-

ties unless we decide to recommend an expansion of the jurisdiction.

This will leave as main items for consideration the courts of probate and the courts of common pleas. It is perhaps too much to hope that we can come to even a tentative conclusion on these courts at this meeting, but I hope progress can be made. Mr. Alcorn and Mr. Cressy have promised to present something on the probate courts at that time. The judges of the court of common pleas will send a delegation to discuss their court with us.

To sum the matter up briefly, I should hope to clean up everything so that a tentative report could be drafted as to all matters under consideration except the probate courts and common pleas courts at this meeting, and that material progress could be made as regards the last two matters. There may be a few small items like Mr. Downes' suggestion.

We should also decide what, if any, recommendations should be made with reference to the salaries and appointment of judges and commissioners. I hope you will all think these things over before the meeting in order that we may make such progress as is possible.

NEWELL JENNINGS

Chairman

BULLETIN

25 January 1944

At my request, Mr. Shapiro talked with the members of the Commission attending the legislature. January 31 is an impossible date for some and inconvenient for others. The consensus of opinion is that February 21 is the nearest practical date for a meeting. This is a little late but seems to be the best we can do. Another notice will be sent. I shall try to make up for it by working on the "agenda" sent you January 4, and hope you will do the same.

I have the draft of an amendment to the unemployment compensation law, but would like to take it up with Mr. Danaher, the Commissioner, before submitting it to you. Inclosed you will find a copy of Mr. Cursiss' report on the Justice Courts.

NEWELL JENNINGS

Chairman

Notice of Meeting

The next meeting of the commission will be held at the usual place at 10:30 a.m. on March 20, 1944.

Edward C. Fisher, Secretary

BULLETIN

March 13, 1944

It was agreed at the last meeting that the probate courts would be the order of the day at this meeting. We have voted to recommend that probate judges be on a salary but the practical method of working that out has, as you know, given us great difficulty. I hope each member will give the matter his best attention and come prepared to express his views on the subject.

Senator Coles has agreed to put the votes with reference to the common pleas courts in form and if he is able to submit that report before the meeting, we can discuss that.

Mr. Shapiro has agreed to get the juvenile court matter into shape so that we can decide whether we have any specific recommendations as to that court.

This leaves some other matters that I have been tending to. Perhaps we can act on them after lunch even if we have not finished the more important subjects. They are as follows:

1. The matter of summoning jurors by the clerks instead of deputy sheriffs hardly seems to me to rate as a part of our program and I recommend that we take no action on it for that reason and for the reasons given by me at our last meeting.

2. If the sections of the statutes which bother Mr. Downes are repealed, the matter of release of prisoners will be handled by application

to the judge. The occasions for exercising this authority will be so rare now that no costs are imposed that I would think it advisable to repeal the sections in question and so recommend. If you wanted to tack on a provision that any note on which nothing had been paid for six years could be destroyed, that would gradually clean them out and perhaps relieve the minds of the auditors.

3. The situation on unemployment compensation is that Mr. Graham may be unable to complete his investigation in time to put up a concrete proposition in time for action at the next meeting. In order that you may be considering the matter I will say that the report will presumably cover two changes in the present setup. The first will probably give an intermediate appeal to the employer as well as the employee. As I told you, the appeal of an employee goes now to a commissioner and then to the superior court, whereas an appealing employer has to go directly to the superior court. The chances are that the decision of the commissioner would be accepted in most cases and would be a quicker, cheaper and simpler method of determining the matter.

The second matter under consideration is of more importance. There are at present five commissioners who hear these appeals, and the aggregate expense of their salaries and the maintenance of an office for each is large. This situation has attracted unfavorable comment from the federal budgetary authorities who pay the bills.

In my opinion one commissioner with competent clerical help could handle the matter for the state. In that case the hearings to ascertain the facts, which are now held before the several commissioners, could be held before employees of the unemployment compensation commission as referees. These hearings rarely take much time, and the field deputies could probably work them in without any additional cost to the state. Their findings and recommendations would then go to the central office for review and final entry. It would cer-

tainly be much cheaper and I should think just as efficient. You can see, however, that it is taking a little time to work out the details. I hope to present a concrete recommendation on this subject at the April meeting.

4. In regard to workmen's compensation, the only two recommendations we have are from the commissioners themselves. They would like a commissioner at large to help out in case of illness, disqualification or especial pressure of work, and they would also like a provision for a three judge court to hear compensation appeals.

The first request seems to me reasonable since the commissioners anticipate a considerable rise in their case load as the war work slacks off. The second provision is theoretically sound but presents practical difficulties. After all, there are rarely more than a dozen compensation cases that reach the supreme court in a year. This means that the decision of the superior court is accepted as final in all other cases. The machinery of such a panel is cumbersome in our small state and with our limited personnel, and on the whole I am not inclined to recommend the adoption of this request. I am putting all these things down, however, so that you can be thinking about them and so that we may be reminded to take definite action before we get through.

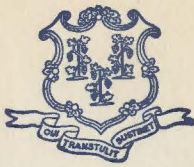
5. No action has been taken in regard to coroners and medical examiners. You have all of the information in your files and I would like sometime to get a vote on this subject. As I have said in discussing the matter, I do not think these officials are useless and do feel that they are energetic and honest, but it does not seem to me that the amount of work done by them in addition to the work which would normally be done by the police and prosecution departments justifies the expenditure of eighty odd thousand dollars.

6. There remains as far as I know only one more subject, and this we have not considered at all. Since it is included in the specific directions

of the act I think we shall have to report on it. I refer to the method of appointment and salaries of judges and commissioners. I will state my own position to assist in crystallizing your reactions to these propositions. As far as appointments go, I think if we can get the change in the method of appointment of municipal court judges, we will be in pretty good shape. The question of salaries, except as it affects probate judges, is complicated by present economic conditions and their unsettled character. By the time the 1945 legislature meets we may be in the same position we are now, but there is at least an equal chance that we will be either in a depression, or perhaps more likely, an uncontrolled inflation. In view of this situation it is my recommendation that we put something into our report to the effect that this report is being filed at least six and probably nine months before action can be taken thereon, and that in view of the unstable economic world conditions, we think that any recommendations as to salaries should be deferred or possibly referred to a commission not so closely connected with many of the courts involved. This is to me an important and somewhat embarrassing fact, for we have representatives on the commission of the justice courts, the common pleas court, the superior court and the supreme court.

NEWELL JENNINGS

Chairman



State of Connecticut

COMMISSION TO STUDY
THE ORGANIZATION OF THE
JUDICIAL DEPARTMENT

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NEWELL JENNINGS
BRISTOL

Vice-Chairman
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BRIDGEPORT

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STAMFORD

PHILIP E. CURTISS
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GREENWICH

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MILFORD

CHARLES MCK. PARR
CHESTER

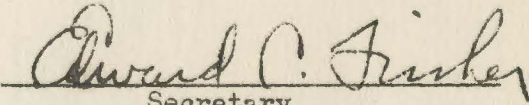
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UNIONVILLE

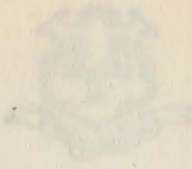
Secretary
EDWARD C. FISHER
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March 31, 1944

NOTICE OF MEETING

You will recall that the next meeting of the commission was fixed for April 10, 1944, at 10:30 a.m., in the usual place. The probate judges have accepted the invitation of the commission to send representatives to this meeting to state their case. Some additional material on these courts is included. There is nothing else on the agenda at this time.


Secretary



OFFICE OF THE
COMMISSIONER OF THE
JUDICIAL DEPARTMENT

March 31, 1944

This commission was created by Special Act No. 218, Session of 1943, of which section four reads as follows:

Sec. 4. Said commission shall study the integration and reorganization of the judicial system of the state, including the supreme court of errors, the superior court, the court of common pleas, the municipal courts, justices of the peace, the juvenile court, workmen's compensation commissioners, unemployment compensation commissioners and the probate courts, to determine the most efficient and economical methods of integrating and reorganizing the same into one judicial system, including, but not limited to, methods of appointment of judges and such commissioners and their tenure of office and salaries.

[Handwritten Signature]
Secretary

20 May, 1944

BULLETIN

Notice of Meeting

The next meeting of the commission will be held at the usual place at 10:30 a.m. on June 12, 1944. It is my hope that we may come to at least a tentative conclusion on all pending matters so that the draft report can be completed.

Newell Jennings.

Agenda

I.

The Administrative Act.

Sec. 3. Reconsideration. Specifically: Shall the administrative control of state-maintained courts be in the judges of the superior court or shall other courts be represented?

Sec. 6. To be redrafted by me in coincidence with the vote.

Sec. 7. Reconsideration. Specifically: Shall the executive secretary be appointed by the governor and confirmed by the General Assembly?

II.

Appendix B.

This was overlooked at the last meeting.

III.

Further drafts of proposed statutes which are desirable but not essential at this time:

Appendix C: Common Pleas -- Mr. Coles.
Appendix G: Juvenile Court - Mr. Shapiro.
Appendix H: Workmen's Compensation - Mr. Alcorn.
Appendix I: Unemployment Compensation - Mr. Jennings.
Appendix M: Jurors - Mr. Cressy.

STATE OF CONNECTICUT
JUDICIAL DEPARTMENT
OFFICE OF THE EXECUTIVE SECRETARY

To the Members of the Judicial Survey Commission:

Binders containing the minutes of the first meeting and other material have been mailed to each member of the commission. If any have not been received, please let me know. Minutes of subsequent meetings need not be so lengthy and comprehensive unless the commission considers such recording to be of value, but we felt that a detailed report of the first meeting might be helpful.

Other material which we hope will be informative is enclosed herewith, the first being a comparative summary of expenditures for the State-maintained courts for the past four fiscal years. This information is not required by any particular topic now before the commission, but may help to familiarize you with the fiscal affairs of the department you have undertaken to survey. We believe that this office can furnish you with any breakdown or further detail of the expenditures which you may require.

One topic assigned for discussion at the next meeting concerns the probate courts. These courts are not State-maintained, and are entirely independent of the so-called judicial department. In fact, they are independent of each other except for such rules or regulations as may be adopted by the Probate Assembly, an organization of all probate judges, created by the 1941 General Assembly. By the terms of that law each probate court must file with the Secretary of State an annual report listing gross receipts, itemized expenditures and the balance remaining. To acquaint you with the fiscal operations of these courts we enclose schedules analyzing the two sets of annual reports. Enclosures are as follows:

- (1) For reference - a list of the probate districts composed of more than one town.
- (2) Statement of receipts, expenditures and balances for all courts for the years of 1941 and 1942.
- (3) Analysis of expenditures as reported by all courts for the year 1941.

(4) Analysis of expenditures as reported by all courts for the year 1942.

One of the first items apparent from these schedules is that the average net receipts of all probate judges for these two years is nearly \$349,000 - better than 60% of the gross receipts. The income of the individual judges has ranged from a deficit in one year of \$14.67 in the district of Eastford, to almost \$40,000 in the district of New Haven. The latter amount is more than three times the salary of either the Chief Justice or the Governor of Connecticut, and several thousand dollars more than the salary of the Chief Justice of the United States.

For the purpose of comparison we have divided the courts into four groups with respect to their annual receipts, expenditures and balances, with the following result:

	<u>1941</u>			
	<u>Under \$250</u>	<u>\$250 to \$1000</u>	<u>\$1001 to \$5000</u>	<u>Over \$5,000</u>
Gross receipts	18	26	48	25
Expenditures	49	32	28	8
Bal. remaining	21	30	49	17
	<u>1942</u>			
Gross receipts	14	27	49	27
Expenditures	47	33	29	8
Bal. remaining	21	34	42	20

Carrying this analysis a little further, there is developed the following interesting figures concerning the income of the districts listed above:

<u>Classifier</u>	<u>No. of Dists.</u>	<u>1941</u>		
		<u>Per cent to total</u>	<u>Net income produced</u>	<u>Per cent to total</u>
Under \$250	21	18	\$ 2,127.50	0.6
\$250 to \$1000	30	26	16,634.99	4.9
\$1001 " \$5000	49	42	107,443.80	31.7
Over \$5000	<u>17</u>	<u>14</u>	<u>212,782.23</u>	<u>62.8</u>
Totals	117	100	\$338,988.52	100.0
		<u>1942</u>		
Under \$250	21	18	\$ 3,220.68	0.9
\$250 to \$1000	34	29	20,276.40	5.6
\$1001 " \$5000	42	36	98,793.71	27.6
Over \$5000	<u>20</u>	<u>17</u>	<u>236,376.56</u>	<u>65.9</u>
Totals	117	100	\$358,667.35	100.0

It must be difficult to maintain an efficient office where the gross receipts are under \$1,000, and with more emphasis where the gross receipts are under \$250.00, however desirable the maintenance of a court in such districts may be because of sentiment or the desire for home rule. Ninety-two of the probate courts had a 1941 gross income of less than \$5,000 each; forty-four of less than \$1,000; and eighteen of less than \$250.00. In 1942 ninety courts had a gross income of less than \$5,000 each; forty-one of less than \$1,000; and fourteen of less than \$250.00. It is also interesting to note that in 1941 only seventeen courts, or 14% of the total produced 62.8% of the total net income of all courts, and that in 1942 twenty courts, or 17% of the total produced 65.9% of the total net income of all courts.

Other deductions can be drawn from the schedules, and we hope to be able to furnish you with further analyses before the next meeting.

Respectfully,

Edward C. Fisher

Hartford
August 6, 1943

State of Connecticut
Judicial Department
Office of the Executive Secretary

To the Members of the Judicial Survey Committee:

To continue the examination of probate courts a little further, two additional exhibits are enclosed which analyze receipts and expenses of 14 courts, selected at random except that at least one is in each county. The analysis is by percentage of gross receipts rather than in dollars and cents.

Within this group expenditures range from 18% of gross income in the Ellington district to 74.5% in the Hartford district as will be seen by reference to the smaller exhibit. Consequently the income of the judge in the Ellington district is 82% of his gross income and that of the Hartford judge is 25.5% of his gross income. Of course, there is a great difference between the gross income of these two districts, but districts with gross incomes more nearly alike also show great variances. For instance, the two districts with the largest incomes, Hartford and New Haven, vary over 23% in both expenses and net incomes. With a gross income within \$5,000 of each other, the expenses of these two courts are more than \$21,000 apart and the net income of New Haven is \$16,000 more than Hartford.

Aside from whatever might be disclosed by a study of the business handled by these two courts, these variations could result from differences in the size of clerical forces, in salaries paid, in items included as expenses, etc. Some of these differences are apparent by an examination of the second exhibit. For example, 62%, or

about \$50,000, of the gross income of the Hartford district is spent for salaries of clerks and assistants, while in New Haven this is only 44%, or about \$33,000. Again Hartford is the only court in the state which attempts by means of insurance, the premium for which has averaged \$5,191.23, to provide retirement benefits for its employees.

The variations in single items of expense surely call for explanation. For example, Hartford reports nothing spent for "Dues and Subscriptions", while New Haven spent \$3,543.52 per year for this item, and Derby over \$1,000. Is it possible that some of this is for political contributions? If so, the net income of the Hartford district is probably less than reported, for surely the judge of that district made some such contributions.

The fact that some districts, such as Stamford and Torrington, report only one expense item - salaries - would indicate that the judges of those districts are more successful in obtaining appropriations from the towns in their districts to cover other expenses. Etc., Etc.

Whatever other conclusions are to be drawn from this analysis, it is indisputable that there is no uniformity among probate courts as a whole as to the method of conducting business. Even from such studies of the fiscal reports as we have submitted, it is not hard to guess at the existence of inefficiency.

Yours very truly,

Hartford
August 12, 1943

Edward C. Fisher.

State of Connecticut
Judicial Department
Office of the Executive Secretary

To the Members of the Judicial Survey Commission:

Judge Jennings requested me to outline to you at the next meeting of the commission on August 23rd my ideas of the place and functions of an administrative office in the organization of the judicial department as it exists at present. To supplement whatever I may be able to say, I am attempting by means of this letter to set down in a more permanent form some of the advantages of such an office.

It would perhaps be well at the beginning to define what is meant by the "judicial department." Frankly, I don't know exactly what it is. The constitution names it as one of the departments into which the state government is divided, but, in the article directly touching upon the organization of that department, does little more than establish two or three courts and grant the general assembly power to create others. The statutes nowhere define or constitute a department. Perhaps a satisfactory definition is that the judicial department consists of all courts named in the constitution or created under its authority by the general assembly. A general listing of these courts, grouped according to the source of their financial support, is as follows:

State Maintained

1. Supreme Court of Errors
2. Superior Court
3. Court of Common Pleas

4. Juvenile Court
5. Traffic Court of the District of Danbury
6. Other agencies partaking of the nature of courts, but whose functions are principally administrative. (Not discussed herein.)

Otherwise Maintained

1. Probate Courts - 117
2. Municipal Courts - 68
3. Trial Justice Courts - 102

Most of the above listed groups are entirely independent of each other, and neither the constitution nor the statutes provide for an administrator for the department as a whole. This is certainly not the common conception of a department of government, nor is it the case with other departments or divisions of government.

As to the first group, the state-maintained courts, the supreme court consists of five of the twenty judges of the superior court, one of whom is named the Chief Judge, or Chief Justice. In the conduct of their non-judicial work these two courts act as one for all practical purposes, and in the person of the Chief Justice it may be claimed that they have a joint administrator, although his powers as such are not defined by law.

The common pleas court is composed of thirteen judges. It has no Chief Judge and is independent of any other court. Its only tie to other units within the department, so-called, lies in the fact that the Chief Justice is required to preside at meetings of the judges and may call special meetings and make special assignments of the judges in emergencies. The law grants him no other administrative powers in this court.

The Danbury traffic court is a unit subject to no control or supervision except that of its own judge.

It is thus apparent that there is no administrator nor administrative office for the state-maintained courts as a group. Each court is independent of the others with respect to policies controlling such things as appointments, salaries, vacations, practices and procedures in clerks' offices, etc., and because of differing policies or lack of any, inequalities have crept in and continue to do so and there are as many different business procedures as there are clerks.

On adjunct of the first five of the group of state-maintained courts is the office of the executive secretary, which was established as of July 1, 1937. The law creating it (§§ 1377e and 788f, supplement to General Statutes) outlines the following duties:

1. To act as auditor for the expenditures of all state courts.
2. To keep on file information as to the expenses of conducting the judicial department.
3. Perform such duties with reference to above matters as the judges of any state court may direct, and
4. Such duties of a non-judicial character with reference to the administration of the judicial department, including municipal courts and trial justices, as the judges of the superior court may direct.
5. File an annual report as of July 1st with the Chief Justice.

Under authority of the judges, the executive secretary acts as payroll clerk for all state-maintained courts, and all purchasing, under similar authority, is handled by requisition to his office.

As a result of all of this, most of the fiscal or non-judicial business of the state-maintained court system at least passes through the office of the executive secretary.

Prior to the creation of that office there were 20 places in which requests for the payment of expenses were originated and sent to the executive offices for payment - 20 offices in which mistakes could be made, 20 offices in which different interpretations of the law could be applied, 20 offices with which the executive departments had to do business. Thirty-one budgets were regularly prepared and 31 appropriations made each two years for courts and their agencies. Since July 1, 1937, there has been one office to conduct business with the executive departments; statutory changes and cooperation with other departments have reduced budgets and appropriations to five; one agency has existed to seek and apply the instructions of the judges so as to give uniform construction and application of the law to all agencies and all transactions; there has existed one office through which passes the fiscal business of all departmental agencies and which consequently has the necessary broad outlook and experience to avoid discriminations and discrepancies, and to apply policies as to each unit alike.

With respect to purely fiscal matters perhaps the office of the executive secretary conforms to what might be termed an administrative office, but it is not a central office with activities extending to all units of an integrated department, it really is a business office for five separate organizations, subject to five possible theories or policies of administration. Whatever unification has been brought about has been due to the support of the judges of the superior court, aided, perhaps, by an unwarranted

assumption of authority by the executive secretary.

The establishment of an efficient administrative office for the judicial department of this state, even without expanding it beyond the activities now handled by the office of the executive secretary, calls first for the creation of a policy making body, a board of directors, for the department as a whole. Such a board or council, or whatever it might be called, should comprise representatives of each court or unit which is to be affected by its supervision or activities. At least a majority of this group should consist of judges of the supreme and superior courts, for not only are the members of the bench of those courts the more mature and experienced in judicial administration and free of partisan political bias or activity, but they are the men for whom the public has the greatest confidence and respect. This group should have the authority to adopt policies controlling the non-judicial activities of at least the five state-maintained courts, and the administrative officer should be responsible to this group for the execution of its policies.

If no restriction were placed upon the freedom of action of these courts in strictly judicial matters within the limits established or guaranteed by the constitution, it would seem that this could be done by statutory enactment. It assuredly accomplishes the integration of the non-judicial work of these courts, and integration is a principal purpose of the law creating this commission.

With the approval of this council the administrative officer should have authority to appoint the employees of his office and fix their compensation and, under the supervision and direction of the council, have charge of

1. All administrative matters relating to the offices

of the clerks and other agencies of the courts, perhaps reserving to the courts the right of appointment, but including fixing of salaries and grades of the clerical staff within limits established by the council, temporary filling of vacancies, granting leaves of absence, etc.

2. Purchase, transfer and distribution of equipment and supplies.
3. All accounting and auditing.
4. Preparation of budget estimates for submission to appropriate executive offices, subject to approval of council.

The above is not an amplification of the present work of the executive secretary, except perhaps to provide the administrative officer with more authority and to provide one group directly charged with the responsibility supervising the non-judicial work of the whole department. A logical and necessary expansion of the work of the executive secretary would be to lodge in the administrative office the responsibility to compile, analyze and disseminate such statistics as would lead to the improvement of judicial procedure and administration. There is no such information available at the present time, and it is obvious that proper statistics are necessary for good management and invaluable in all efforts looking toward reform and progress.

At present the judicial council gathers information as to the volume of work in the supreme, superior and common pleas courts and publishes it once every two years, about five months after the expiration of the period covered; divorce statistics are gathered by

the health department, some criminal statistics by the state police department, juvenile court statistics by that court, information as to motor vehicle law offenses by the motor vehicle department and probate information by the secretary of state. It would seem only logical that an administrative office should be empowered and directed to survey the situation and provide for the collection of necessary and adequate statistical information about the judicial work of the state, which should be currently available for any purpose whatsoever. Such statistics would undoubtedly disclose avenues of research leading to progress in judicial administration.

As time goes on new activities are bound to become attached to and part of the judicial system and distinct functions will require administration and direction within the department. For example, the 1943 General Assembly empowered the superior and common pleas courts, as distinguished from a judge of those courts as heretofore, to appoint probation officers, and obligated the state, instead of the counties, to pay their compensation and expenses. As this service grows it will require supervision, perhaps it does at the present time. The person who supervises this work should be a part of the administrative organization, not the holder of an independent, isolated position in one unit of the department. Again, the judges of the superior court have recently established a domestic relations section. It could be the function of an administrative office to see that clerical procedures relating to this new work were initiated and carried through. Indeed, adequate statistics might long ago have disclosed the need for a separate domestic relations docket and would certainly have made much easier the gathering of the information upon which the action of the judges in creating it was based.

So far we have not touched upon that group of courts which are maintained otherwise than by the state. They are part of the constitutional "judicial department" but entirely independent of the actual department except for the fact that the Chief Justice is the presiding officer at the annual meetings of the judges of the municipal courts and of the trial justices, and the executive secretary is clerk of such meetings. These two courts are, moreover, asked to report to the executive secretary concerning the state of their business, but there is nothing to compel the filing of such reports.

Until such time as these courts are made an integral part of a judicial department, under supervision of a central authority with adequate power, an administrative officer could be given the responsibility and authority to enforce the collection of necessary statistical information concerning the work of these courts. Such statistics are just as valuable as any pertaining to the work of the higher courts, but, unless accurately and completely assembled, are of no use whatsoever.

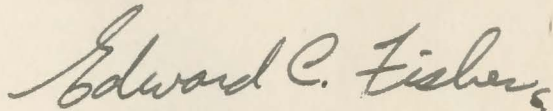
It seems to me that the public expects and the legislature intended this commission to recommend action necessary to bring these non-state-maintained courts within a cohesive, integrated department, particularly the probate courts. In that event other activities of an administrative office would apply to this group as it would to all other courts.

Some of the activities of an administrative office would impinge upon the judicial work of the state court system. For example, adequate statistics should disclose the nature of the work handled by the courts, its volume and the method and speed of disposition. Such information is essential to intelligent action in

formulating rules governing the judicial work of the courts and practice and procedure therein. Therefore it might be a logical step to vest in a council or policy making body, as suggested above, the rule making power now possessed by individual courts, or authorizing it to supervise the judicial work of those courts.

To summarize, it seems to me that the State of Connecticut has no actual judicial department; that a central administration of the non-judicial work of the state court system should be provided and is just as necessary in government or any division thereof as in business or industry; that the essential management and supervision could be provided by a consolidation or expansion of the office of the executive secretary into an administrative office responsible to a board of managers or directors composed of representatives of all courts, which group might be empowered to make rules concerning the judicial work of the state court system.

Yours very truly,



Edward C. Fisher.

Hartford
August 19, 1943

To the Members of the Judicial Survey Committee:

Attached is Judge Wynn's suggestion for a report by the commission on the question of the method of appointment of judges of municipal courts. He is not submitting the text of any constitutional amendments because, to quote from his letter, "my thought was that the constitutional amendments are so simple and formal that the text would offer nothing for discussion. It is the idea, rather."

Yours very truly,

Edward C. Fisher
Secretary

Hartford
August 31, 1943

(Judge Wynne's report on method of appointment of municipal court judges)

We are convinced that nothing has so contributed to the respect for the State's judiciary as the manner of appointment of the judges of the supreme and superior courts, and now the court of common pleas. We feel that judges of local courts should be appointed in the same way. Also we believe that the terms of these judges should be four years. The suggested changes require amendments to the constitution. They can be made so as to preserve all that has worked out so well with the higher courts without in any way affecting the essential prerogatives of the General Assembly or the principle of local influence.

To effectuate the proposed changes it would be necessary to amend Article XX of the Amendments to the Constitution by making the terms four years; and by amending Article XXVI of the Amendments to include the judges of all of said local courts.

By having the manner of appointment "as shall by law be prescribed" the General Assembly can provide for any check it sees fit. Hearings could be provided and the appointments could be made subject to a two-thirds vote of each branch of the Assembly.

If the General Assembly of 1945 should initiate the proposed amendments, the Assembly of 1947 would be called upon to approve them by a two-thirds vote of each house; and thereafter they would be submitted to the people. It would not be until 1949 that the amendments would be effective. By that time well-thought-out legislation could be prepared and public opinion formed.

The committee strongly recommends that the General Assembly of 1945 take the action indicated; and believes that the long-range changes contemplated would be of incalculable benefit to the permanent welfare of the state.

To - Members of the Judicial Department Survey Commission
From - Edward C. Fisher, Secretary
Subject - Administrative Office.

Enclosed are two drafts of a suggested law to define the judicial department and provide for the administration thereof. The plans outlined by these bills differ in principle, but either would accomplish the objects outlined in my letter of August 19. Although neither draft is a finished product, it is hoped the schemes are sufficiently well stated to provide the basis for discussion.

Draft "A" defines the department and places the administration thereof in the superior court. This has the advantage of placing the direction of the department in a group which now exists and is well known to the public. It would not require the establishment of any new, untested agency. Moreover, the general administration of the affairs of the department would be entrusted to the judges of the superior court, who are mature and experienced men, probably the most expert in judicial administration in this state.

Draft "B" has the advantage of providing an administrative body upon which each court or group of courts would be represented. It has the disadvantage of calling for a new and untried agency, the constitution of which must be carefully considered, because it would be disastrous, perhaps, if the courts of a lower level or levels should acquire the balance of power, thus controlling the administration of the affairs of the department as a whole, including the supreme and superior courts.

Both plans suggest the creation of a judicial conference, through which representatives of all courts, of bar associations, of lay groups, and individual lawyers and citizens could be given an opportunity to be heard in matters affecting the administration of justice.

Both drafts outline the organization and duties of the administrative office, but not in too great detail. The powers of the office should be stated in the law in general terms, to be defined in more detail by the administrative body, whatever it may be. Judges of the superior court may be relied upon to restrict improper activities of any administrative officer. The broad objectives of such an office should be, - first, to handle all the detail administrative work of the department, such as auditing, accounting, purchasing and the like, relieving the judges - particularly the chief justice - of such work so that they may be left free to do the work for which they were selected and appointed; and second, to provide a service agency for all units of the department - one which would be so organized as to handle any function or supervise any activity supplementing the judicial work of the courts, and which would have the necessary information and facilities as to provide a research agency for such bodies as the judicial council or your commission.

Neither in the phrasing nor in the principles outlined is there too much originality in the drafts submitted herewith. Much of the material was taken (some verbatim) from laws of other jurisdictions, particularly from the United States Statutes concerning the administrative office of the U. S. Courts, which has been in successful operation since 1939.

Yours very truly,

Edward P. Fisher

Hartford
August 31, 1943

(DRAFT A)

ACT DEFINING THE JUDICIAL DEPARTMENT AND PROVIDING FOR THE
ADMINISTRATION THEREOF.

Section 1. The judicial department of the state shall consist of the supreme court of errors, the superior court, the court of common pleas, the juvenile court, the traffic court of the district of Danbury, the probate courts, the municipal courts, and the trial justice courts.

Section 2. The supervision and management of the department shall be vested in and exercised by the superior court, which shall have the power to

(a) Prescribe by general rules for all courts the forms of actions, process, writs, pleadings and motions and the practice and procedure in civil actions at law and in criminal actions and proceedings, provided that said rules shall ~~neither~~ ^{not} abridge, enlarge nor modify the substantive rights of any litigant. Said court shall fix the effective date of said rules and thereafter all ~~laws~~ ^{statutes prescribing methods of procedure in the courts} in conflict therewith shall be of no further force or effect.

(b) Exercise a supervisory control over all inferior courts, and for the purpose of expediting any business of such courts which is not otherwise specifically regulated by any of the general rules hereinabove provided for, and for the purpose of facilitating a speedy and proper administration of justice, the superior court shall have the power to prescribe additional rules for the ~~conduct of the~~ ^{both judicial & administrative} business in any court, ~~judicial or administrative.~~

Section 3. The first five courts enumerated in Section 1, and the assemblies of probate court judges, municipal court judges and trial justices, may adopt additional rules for the conduct of the business of such courts, provided

such rules shall not be inconsistent with, nor in conflict with, the rules prescribed by the superior court.

Section 4. The superior court is authorized to appoint a committee ~~consisting of lawyers admitted to practice in the courts of this state, not excluding those lawyers who may be judges of any of the inferior courts enumerated in Sec. 1 hereof,~~ which shall assist the court in the preparation, administration and revision of the rules of practice and procedure.

Section 5. Under such rules as the superior court may prescribe, a conference of the chief judge of each court of state-wide jurisdiction, and a representative of each of the probate, municipal court and trial justice assemblies, together with such other representatives of those courts, and such other persons as may be permitted by said rules, shall be held at Hartford at least once each year. It shall be the duty of the chief justice or any associate justice of the supreme court of errors designated by him, to preside at such conferences, and it shall be the duty of every chief judge or representative of a court or assembly of courts, to attend and remain throughout the proceedings, and to advise as to the needs of his court and as to any matters in respect to which the administration of justice in the courts of the state may be improved. Such conference shall consider the state of business in each court, including the number and character of cases on the docket, *the convenience of the public,* the business in arrears, the cases disposed of, and such other matters concerning the administration of justice therein as may be brought before the conference, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

Section 6. The superior court shall appoint an executive secretary of the judicial department, who shall be a member of the bar of this state, for such term of office as ^{it} ~~they~~ may determine, any vacancy to be filled by the chief justice of the supreme court of errors until a successor shall be appointed, and may fix

his salary and allowances for the expenses of himself and his office. The executive secretary shall establish an administrative office for the judicial department, act as director thereof, and, subject to the approval of the superior court, shall appoint such employees as are necessary to perform the functions and duties vested in such office and fix their compensation. During his term of office or employment no officer or employee of said office shall engage directly or indirectly in the practice of law.

Section 7. Under the supervision and direction of the superior court the executive secretary shall have charge of

- (a) All administrative matters relating to the offices of the clerks and other clerical and administrative personnel of the state-maintained courts, provided that nothing herein contained shall be construed as affecting the authority of the courts to appoint their administrative or clerical personnel;
- (b) The examination and audit of vouchers and accounts of officials and employees of the state-maintained courts, including all claims for expenditures from state appropriations for the judicial department, or any unit or function thereof;
- (c) The keeping of all state appropriation accounts and the maintenance of accounting records for the state-maintained courts;
- (d) The purchase, exchange, transfer and distribution of equipment and supplies for and among the state-maintained courts;
- (e) The preparation and submission to the appropriate executive department estimates of expenditures and appropriations necessary for the maintenance and operation of all state-maintained courts and accessory units and functions, including the administrative office;
- (f) The preparation of statistical data and reports of the business transacted by all courts and units of the department, state-maintained

or otherwise; the examination of the dockets of all courts, and securing information therefrom by report or otherwise, and the prompt submission of all such information to the judicial conference established by Section 5 hereof;

(g) Such other matters as may be assigned to him by the superior court and the judicial conference described in Section 5.

Sec. 8. It shall be the duty of the executive secretary to provide facilities for the administration of all non-judicial functions that have been or may hereafter be established within the department, and it shall be the duty of all officers and employees of the department to comply with any and all requests of the executive secretary for assistance or information necessary to comply with the terms of this act.

(DRAFT B)

ACT DEFINING THE JUDICIAL DEPARTMENT AND PROVIDING FOR THE
ADMINISTRATION THEREOF.

Section 1. The judicial department of the state shall consist of the supreme court of errors, the superior court, the court of common pleas, the juvenile court, the traffic court for the district of Danbury, the probate courts, the municipal courts and the trial justice courts.

Section 2. The superior court shall have the power to prescribe by general rule for all courts the forms of actions, process, writs, pleadings and motions and the practice and procedure in civil and criminal actions and proceedings, provided that such rules shall neither abridge, enlarge nor modify the substantive rights of any litigant. Said court shall fix the effective date of the rules, and thereafter all laws in conflict therewith shall be of no further force or effect.

Section 3. The superior court is empowered to appoint a committee consisting of lawyers who have been admitted to practice in the courts of this state, not excluding those lawyers who may be judges of any of the inferior courts enumerated in Section 1 hereof, which shall assist the superior court in the preparation, administration and revision of the rules of practice and procedure.

Section 4. In addition to such rules as may be promulgated by the superior court, any of the inferior courts or the assemblies of probate judges, municipal court judges and trial justices may adopt additional rules for the conduct of the business of such courts, provided such rules shall not be in conflict with nor inconsistent with the superior court rules.

Section 5. The supervision and management of the non-judicial business of the department and the supervision and control of all courts inferior to the superior court shall be vested in and exercised by an administrative council composed of the president or chairman of the executive committee of the trial justice assembly, the president of the municipal court assembly, the president of the probate assembly, the presiding judge of the juvenile court, the chief judge of the court of common pleas (to be elected by the judges of that court), nine judges of the superior court (to be elected by the judges of that court), at least two of whom shall be associate justices of the supreme court of errors, and the chief justice of the supreme court of errors, who shall be the chairman of such council.

Section 6. For the purposes of administering the non-judicial affairs of the department and of exercising a supervisory control over such inferior courts and to facilitate a speedy and proper administration of justice, the administrative council may adopt rules, not inconsistent with those promulgated under Section 2 hereof, for the conduct of the business of any court.

Section 7. The administrative council shall appoint an executive secretary of the judicial department, who shall be a member of the bar of this state, for such term of office as they may determine, any vacancy to be filled by the chief justice of the supreme court of errors until a successor shall be appointed, and may fix his salary and allowances for the expenses of himself and his office. He shall establish an administrative office for the judicial department, act as director thereof, and, subject to the approval of the administrative council, appoint such employees as are necessary to perform the functions and duties of the office, and fix their salaries. During his term of office or employment, no officer or employee of said office shall engage directly or indirectly in the practice of law.

Section 8. Under the supervision and direction of the administrative council the executive secretary shall have charge of

- (a) All administrative matters relating to the offices of the clerks and other clerical and administrative personnel of the state-maintained courts, provided that nothing herein contained shall be construed as affecting the authority of the courts to appoint their administrative or clerical personnel;
- (b) The examination and audit of vouchers and accounts of officials and employees of the state-maintained courts, including all claims for expenditures from state appropriations for the judicial department, or any unit or function thereof;
- (c) The keeping of all state appropriation accounts and the maintenance of accounting records for the state-maintained courts;
- (d) The purchase, exchange, transfer and distribution of equipment and supplies for and among the state-maintained courts;
- (e) The preparation and submission to the appropriate executive department of estimates of expenditures and appropriations necessary for the maintenance and operation of all state-maintained courts and accessory units and functions;
- (f) The compilation of statistical data and preparation of reports of the business transacted by all courts and units of the department, the examination of the dockets of all courts and securing information by report or otherwise as to the business of all courts, and the publication and distribution thereof;
- (g) Such other matters as may be assigned to him by the administrative council and the judicial conference hereinafter established.

Section 9. It shall be the duty of the executive secretary, under the supervision of the administrative council, to provide facilities for the administration of non-judicial functions or of services to implement the judicial functions of departmental units, and it shall be the duty of all officers and employees of the department to comply with any and all requests of the executive secretary for assistance or information necessary to comply with the terms of this Act.

Section 10. Under such rules as the superior court may prescribe, a conference of the administrative council, other representatives of the courts enumerated in Section 1 hereof, representatives of bar associations and other organizations and persons as permitted by the rules, shall be held at Hartford once each year, and at such other places and times as may be prescribed. It shall be the duty of the chief justice, or any associate justice of the supreme court designated by him, to preside at such conferences, and it shall be the duty of every judge or other representative of a court or assembly of courts to attend, remain throughout the proceedings, and advise as to the needs of his court and as to any matters in respect to which the administration of justice in the courts of the state may be improved. Such conference shall consider the state of business in each court or class of courts, including the number and character of cases on the docket, the business in arrears, the cases disposed of, and such other matters concerning the administration of justice therein as may be brought before the conference, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

REPORT ON REFORM OF PROBATE PROCEDURE

The proposal of any reform in the present probate system must be a practical one. The ideal system, if such a one could be devised, must be tested by the probabilities involved in carrying it to a successful conclusion.

Obviously any plan will be more easily adopted if first, it is within the frame of the present constitutional provisions, and second, if it conforms to a plan with which the people are familiar.

That which is here suggested involves the reduction of the one hundred and seventeen existing districts to forty-three. It places in the largest town in each district a judge with a salary sufficient to attract men of ability commensurate with the work involved, and provides for a clerk or registrar in such towns as have an adequate amount of business.

A tabulation is annexed to this report, suggesting for purposes of discussion such a rearrangement of districts. This table shows the gross and net income of each of the present districts for 1942, with suggested salaries for judges, clerks and registrars. A map is attached to the report keyed to the suggested districts.

In connection with the proposed arrangement, the following suggestions are made:

First: Judges shall be elected under the existing method for districts which include more than one town.

Second: The town clerk in the town designated as the registrar's office shall act as registrar and assistant clerk.

Third: The judge of probate shall, unless there shall be no business for his attention, hold court at the registrar's office or such court room as may be furnished him, at least once in each week, and shall dispose of the mat-

ters brought to his attention by the registrar promptly.

Fourth: The registrar shall have power to receive all papers offered for filing, to issue orders of notice, and to perform all purely administrative acts. He shall be authorized to administer oaths. He may receive petitions for administration and admission of wills to probate from any part of the district.

Fifth: Each town in which a court of probate or registrar's office is located shall provide a suitable court room, and the town designated as the seat of the court shall maintain an adequate vault for the files and records of the court, accessible only to the judge of probate and his clerks.

Sixth: The administrative office of the judicial system shall, subject to approval of the administrative council, fix the salaries of judges, clerks and registrars, in proportion to the amount of business in each district and the number of offices maintained. Such salaries may, however, in case of hardship, and for the efficient conduct of business, exceed the amount of fees received in districts having an income less than \$3,000. Such salaries may be taxed by the Superior Court or any judge thereof, and may be paid when approved by the Board of Finance and Control.

Seventh: All forms and record books used in probate offices shall be uniform and shall be furnished by the state at its expense. The expense of operation of the probate courts shall be paid by the state in the same manner, under the control of the administrative office, as now provided for the offices of the clerks of the Superior Court.

Eighth: It shall be the duty of the clerk of each court to collect the statutory fees, and such fees shall be paid over to the state for its use. The clerk shall be required to furnish bond as directed and fixed by the administrative office.

Ninth: All judges shall be required to devote their entire time to the duties of their office. No judge shall make any contribution to any political

party. Judges shall be elected for a term of four years at the election midway between presidential elections.

The plan here submitted can, it is believed, be adopted, if clearly presented. A plan which involves constitutional changes, and which will require a two-thirds vote upon its second submission to the general assembly and a majority vote of the electorate thereafter, would in all probability fail because of an opposition, not only in the smaller towns but also from existing judges in the larger districts. Many lawyers, as well as parties, also object to the decentralization of the probate courts because of the distances to be traveled for hearings and for the examination of records. A general feeling exists that the intimate relation of these courts to the people should be preserved.

It is probable that the suggestion for the regrouping of districts has many defects. Possibly the number of districts might be still further reduced. The plan is submitted as suggestive only and as a basis for further exploration.

WARREN F. CRESSY

September 18, 1943

	Gross Income 1942	Net Income 1942	Proposed Salary	Clerks and Registrars.
Andover)				
Columbia)	\$1,093	\$774	\$1,500	\$500
Bolton)				
Coventry	727	621		
Mansfield	602	383		R 500
Hebron	226	196		
	<u>\$2,648</u>	<u>\$1,974</u>		
Ansonia)				
Derby)	\$11,618	\$7,587	\$5,000	\$2,000
Seymour)				
Shelton	3,479	2,629		R 1,800
	<u>\$15,097</u>	<u>\$10,216</u>		
Bloomfield (from Hartford, estimated)	\$3,000	\$2,000	\$2,500	\$800
Avon	460	246		
Simsbury	1,088	528		
Canton	985	673		R 800
Granby	394	333		
East Granby	122	117		
	<u>\$6,049</u>	<u>\$3,897</u>		
Branford	\$3,375	\$2,361	\$3,500	\$1,800
North Branford	300	153		
Guilford	2,976	2,071		R 500
Madison	1,637	782		R 500
	<u>\$8,288</u>	<u>\$5,367</u>		
Bridgeport)	\$45,219	\$25,277	\$9,000	\$15,000
Trumbull)				
Monroe)				
(Less Easton estimated 500-400)				
Bristol	\$6,985	\$4,797	\$4,500	\$2,800
Burlington	154	135		
Plainville	1,081	1,048		
Southington	2,380	1,813		R 1,500
	<u>\$10,600</u>	<u>\$7,793</u>		

	Gross Income <u>1942</u>	Net Income <u>1942</u>	Proposed Salary	Clerks and Registrars
Canaan	\$2,286	\$1,751	\$2,000	\$800
North Canaan				
Cornwall	192	149		
Sharon	1,079	1,062		R 800
Salisbury	<u>1,326</u>	<u>944</u>		R 800
	\$4,883	\$3,906		
Colchester	\$1,119	\$1,027	\$2,000	\$1,000
East Haddam	1,871	1,832		R 800
Salem	653	645		
Lebanon	224	213		
Bozrah	<u>126</u>	<u>130</u>		
	\$3,993	\$3,847		
Danbury	\$7,840	\$5,872	\$4,500	\$2,300
New Fairfield				
Brookfield	426	426		
Bethel	<u>1,283</u>	<u>846</u>		R 1,200
	\$9,549	\$7,144		
Darien	\$7,607	\$5,580	\$5,000	\$1,500
New Canaan	<u>6,035</u>	<u>4,979</u>		R 1,500
	\$13,642	\$10,559		
East Haddam	\$1,871	\$1,832	\$2,000	R \$500
Lyme	126	121		
Old Lyme	<u>1,232</u>	<u>886</u>		
	\$3,229	\$2,839		
Enfield	\$3,960	\$2,912	\$2,500	\$800
East Windsor	2,618	2,093		R 1,000
South Windsor				
	<u>\$6,578</u>	<u>\$5,005</u>		
Essex	\$2,183	\$1,381	\$3,000	\$1,500
Chester	1,852	1,738		R 500
Saybrook				
Old Saybrook	1,566	772		
Westbrook	530	469		
Killingworth	257	140		
Clinton	<u>1,400</u>	<u>855</u>		R 500
	\$7,788	\$5,355		

	Gross Income 1942	Net Income 1942	Proposed Salary	Clerks and Registrars
Fairfield	\$9,418	\$6,388	\$3,500	\$2,500
Easton (estimated)	<u>500</u>	<u>400</u>		
	\$9,918	\$6,788		
Greenwich	\$23,252	\$15,416	\$9,000	\$6,000
Groton	\$3,750	\$2,650	\$3,000	\$1,500
Stonington	2,500	2,338		R 1,000
North Stonington	427	292		
Ledyard	<u>246</u>	<u>246</u>		
	\$6,923	\$5,526		
Hartford (less Glastonbury)				
Windsor Locks and				
Bloomfield,				
apportioned) \$70,843	\$52,893	\$9,000	\$12,000
West Hartford)			
Newington)			
Wethersfield)			
Rocky Hill)			
Farmington)			
Killingly	\$2,345	\$1,413	\$2,500	\$1,000
Plainfield	1,268	1,233		
Sterling	<u>265</u>	<u>265</u>		
	\$3,878	\$2,911		
Litchfield)			
Morris) \$4,362	\$2,938	\$2,000	\$1,000
Warren)			
Manchester	\$7,852	\$5,102	\$5,000	\$2,600
East Hartford	4,643	4,219		R 1,800
Glastonbury (apportioned)	<u>1,600</u>	<u>1,000</u>		
	\$14,095	\$10,321		
Meriden	\$13,434	\$10,566	\$8,000	\$2,500
Wallingford	4,825	3,590		R 1,500
Cheshire (apportioned)	<u>1,524</u>	<u>1,239</u>		
	19,783	15,395		

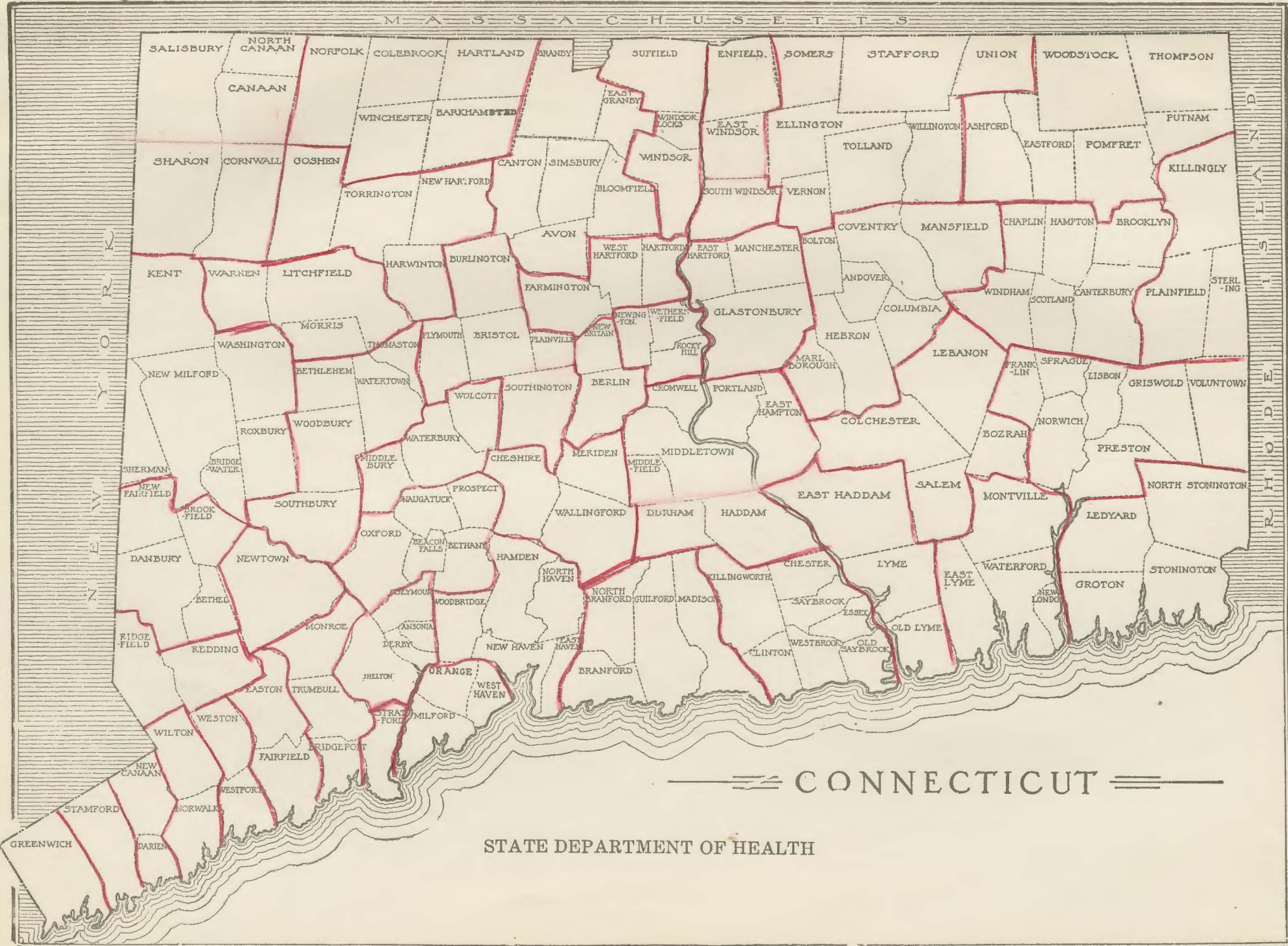
	Gross Income <u>1942</u>	Net Income <u>1942</u>	Proposed Salary	Clerks and Registrars
Middletown)	\$11,191	\$8,459	\$6,000	\$2,500
Cromwell)				
Middlefield)				
Durham)				
Portland	1,699	1,375		R 1,200
East Hampton	<u>944</u>	<u>762</u>		
	\$13,834	\$10,596		
Milford	\$5,369	\$3,362	\$3,500	\$2,000
Orange (estimated)	4,360	3,018		
West Haven				R 800
	<u>\$9,729</u>	<u>\$6,380</u>		
Naugatuck)	\$6,376	\$3,472	\$3,000	\$2,000
Beacon Falls)				
Oxford	340	140		
Prospect (apportioned)	184	150		
Bethany	<u>282</u>	<u>160</u>		
	\$7,182	\$3,922		
New Britain)	\$14,479	\$9,139	\$5,000	\$3,000
Berlin)				
New Haven)				
East Haven)				
North Haven)	\$68,679	\$30,264	\$9,000	\$35,000
Hamden)				
Woodbridge)				
less estimated Orange and West Haven	\$4,360 gross, \$3,018 net			
New London)	\$16,821	\$13,926	\$7,500	\$2,500
Waterford)				
Montville	764	637		
East Lyme	<u>1,110</u>	<u>981</u>		R 500
	\$18,695	\$15,544		
New Milford)	\$3,967	\$2,517	\$2,500	\$1,000
Bridgewater)				
Kent	686	409		R 500
Roxbury	300	267		
Washington	<u>996</u>	<u>666</u>		
	\$5,949	\$3,859		

	Gross Income <u>1942</u>	Net Income 1942	Proposed Salary	Clerks and Registrars
Newtown	\$7,124	\$3,812	\$3,000	\$2,800
Norwalk Wilton	\$10,394	\$5,705	\$4,500	\$2,000
Norwich)	\$14,828	\$6,864	\$6,000	\$4,500
Franklin)				
Sprague)				
Lisbon)				
Griswold)				
Voluntown)				
Preston)				
Pomfret	\$2,422	\$1,845	\$3,000	\$1,000
Putnam	1,973	1,405		R 800
Thompson	2,086	1,882		R 800
Woodstock	1,820	1,551		R 800
Ashford	178	132		
Eastford	<u>383</u>	<u>340</u>		
	\$8,862	\$7,155		
Ridgefield	\$5,868	\$4,568	\$4,000	\$1,200
Redding	<u>1,835</u>	<u>1,828</u>		
	\$7,703	\$6,396		
Stamford	\$24,798	\$18,087	\$9,000	\$6,000
Stratford	\$6,641	\$5,110	\$3,000	\$1,600
Torrington)	\$7,158	\$5,078	\$3,500	\$2,000
Goshen)				
New Hartford	624	609		
Harwinton	<u>305</u>	<u>301</u>		
	\$8,087	\$5,988		
Vernon)	\$7,525	\$6,299	\$4,000	\$1,200
Ellington)				
Tolland)	1,056	525		
Willington)				
Somers	308	288		
Stafford)	1,981	918		R 1,000
Union)				
	\$10,870	\$8,030		

	Gross Income 1942	Net Income 1942	Proposed Salary	Clerks and Registrars
Waterbury)				
Wolcott)	\$32,227	\$21,997	\$7,500	\$11,000
Middlebury)				
Watertown	\$2,965	\$2,940	\$2,500	\$1,000
Thomaston	1,040	595		
Bethlehem)				
Woodbury)	2,015	1,670	R	1,000
Southbury)				
	<u>\$6,020</u>	<u>\$5,205</u>		
Westport)	\$4,836	\$3,276	\$3,000	\$1,200
Weston)				
Winchester)	\$2,472	\$1,650	\$3,000	\$1,000
Colebrook)				
Norfolk	2,416	1,886	R	1,000
Hartland	176	88		
Barkhamsted	255	236		
	<u>\$5,319</u>	<u>\$3,860</u>		
Windham)	\$5,290	\$3,253	\$3,000	\$1,500
Scotland)				
Canterbury	615	590		
Brooklyn	1,100	1,000	R	1,200
Hampton	194	99		
Chaplin	157	121		
	<u>\$7,356</u>	<u>\$5,063</u>		
Windsor	\$2,317	\$1,692	\$2,000	\$800
Windsor Locks				
(from Hartford, estimated)	1,500	809		
Suffield	2,011	1,511	R	800
	<u>\$5,828</u>	<u>\$4,012</u>		
GRAND TOTALS - - - - -	<u>\$590,257</u>	<u>\$395,631</u>	<u>\$186,500</u>	<u>\$174,600</u>

R represents the proposed salary of registrar.

M A S S A C H U S E T T S



CONNECTICUT

STATE DEPARTMENT OF HEALTH

Proposed Reorganization of the Probate Courts

Any proposal with reference to reorganization of the Probate Courts will undoubtedly meet with opposition in the General Assembly of Probate Judges no matter how moderate it may be if it means any substantial change in the present districting of the state for probate purposes. It would be a hollow gesture to attempt any reorganization of the probate system which would preserve the existing antiquated and bizarre district system. I believe a system could be worked out which would make more local rather than less local the essential control of probate matters but which would at the same time bring about uniformity in procedure and the servicing of the courts in controversial matters by full-time, trained judges. The essentials of such a plan could be worked out upon the following lines:

1. The creation of a surrogate court either:

(a) As a division of the Superior Court, or

(b) As a separate and independent unit in the judicial system.

2. This court, whether as a part of the Superior Court or as an independent unit in the judicial system could be vested with exclusive jurisdiction of all matters of probate, divorce, domestic relations and guardianship. It might be well to consider the advisability of residing in this court also jurisdiction over children and minors which would mean the absorption of the three existing juvenile courts within this court.

3. The judges of the surrogate court should be appointed as are Superior Court Judges now, for terms of eight years and at a salary of \$12,000 per annum. If the surrogate court is to be created as an independent unit in the judicial system, it might be worth considering abolishing the Common Pleas Court as it is now constituted and utilizing the services of the existing Common Pleas Court Judges as judges of the newly

created Surrogate Court.

4. There would be elected for a term of four years in each town, city and borough in the state a magistrate or recorder of the Surrogate Court who would receive a salary to be fixed by the judicial department of the state and paid by the state. All fees collected by the Surrogate Court would be divided equally between the town in which the matter originates and the state.

5. The magistrate or recorder of the Surrogate Court would be vested with general authority to receive and handle all formal and non-controversial matters for hearing, order continuances, and be the general administrative head of the Surrogate office in his particular community.

6. The judges of the Surrogate Court would be on circuit within the county to which they are assigned by the Chief Justice or other assigning authority within the judicial department of the state. Controversial matters would be heard upon special assignment only made by the magistrate or recorder and would be heard either in the community in which the controversy arises, or, upon stipulation or by order of the judge, at such other place within the county as may be fixed by such stipulation or order. Appeal would lie directly to the Supreme Court of Errors.

* * * * *

The plan briefly outlined above in some respects may be characterized as drastic and, therefore, not having reasonable prospects of passage. It preserves the local control so strongly advanced as a reason for the existence of the present Probate Courts and in fact gives "local control" to some communities which, on the present district basis, do not now have and never have had any local control or local touch in probate matters. While it permits this local control in all formal and purely administrative matters, it replaces it with a trained, impartial judicial personnel in controversial matters - a change which has long been needed.

HUGH MEADE ALCORN, JR.

September 24, 1943

11 October, 1943

Tentative Draft of Report by the Chairman on Sundry Courts

At the first meeting of the commission it appeared that, in order to do effective work, our investigations should center on certain specific problems and that we would probably be unable to cover the entire field within the limited time at our disposal. The courts about which there seemed to be the least question were the supreme court, the superior court, the workmen's compensation commission and the employment security division. All of the statistical information is based on information in the office of the executive secretary of the judicial department, the published reports of the comptroller or other equally reliable sources. For the purposes of this report, round figures and averages seemed sufficient.

The work done by the supreme court is analyzed and published biennially in the reports of the judicial council to which reference is hereby made. Its opinions are contained in the Connecticut Reports. Its receipts are small and the average expense over a four year period has approximated one hundred thousand dollars a year. We are informed and believe that this court is making a continuous study of the simplification of appeals, the reduction of their cost to litigants and the reduction of the time now elapsing between judgment in the trial court and argument in the supreme court. Opinions are handed down as promptly as the exacting work involved permits. Practically every case argued during the year is decided and the opinion written before the judges separate for the summer recess. It sometimes happens that the pressure at the end of the court year makes this impossible but those occasions are exceptional.

There are fifteen judges of the superior court engaged in trial work and the number is ordinarily sufficient to handle the cases. It occasionally happens

that a judge is incapacitated for a time or is held up by an exceptionally long trial like the Waterbury conspiracy case which took nearly a year, and when either of these events occurs the calendar sometimes becomes congested. Under the elastic provisions of the circuit system, however, it is usually possible to assign extra judges in counties where there is congestion and this remedy has proved efficacious. Omitting the large item of board of prisoners and taking credit for the receipts by way of fees and costs, the average expense of the superior court over a four year period is approximately \$800,000. The judicial council also collects and publishes the statistics as to the work done by this court.

The only specific criticism of the superior court voiced in the commission was the inconvenience and expense caused by the delays after the case is assigned for trial. A witness may have to return several times before he can be excused after giving his testimony. Litigants, lawyers and jurors are kept waiting around and put to great inconvenience. Due to war conditions and the absence of parties, witnesses and attorneys in the armed forces, this condition is probably not susceptible of much improvement for the duration. The method of alleviating this situation does not lie within the purview of legislation but must be handled by the judges of the superior court. The commission desires, however, to emphatically call this matter to the attention of the judges and requests that through a wider use of pretrial procedure, a more efficient method of assigning cases, or otherwise, an effort be made to put an end to these delays. Since the court rooms presently available for use by the superior court are limited in number, these methods seem more practical than an increase in the number of trial judges.

The workmen's compensation commission is a quasi judicial body engaged principally in administrative work. No complaint of the method by which it is

transacted has been heard from industry, labor or any other source and the commission has no specific recommendations in regard thereto. The work done by the workmen's compensation commission is described in its annual reports which are published and the expense over a four year period has averaged about \$69,000.

The employment security division, formerly known as the unemployment compensation division, was established in 1939 pursuant to a report made to the governor to integrate this work with the federal act established for a similar purpose. The financial set-up is elaborate and complicated and it would serve no useful purpose to analyze it here. The net result is that the total burden of both the benefits paid to the unemployed under the act and the cost of administration is borne by a tax paid by the employers to the federal government. No state funds, as such, are involved.

*The vast amount of administrative work is handled by state employees, appointed and paid by the state which is reimbursed in full by the federal government. When an employee claims benefits, the claim is first passed on by the department. If either the employer or employee is dissatisfied with its decision, an appeal lies to a commissioner. A hearing is held and an appeal lies from the commissioner's decision to the superior court which is bound by the former's findings of fact. When, on the other hand, the issue is as to whether the employer is subject to the tax, the determination is made by the department ex parte and from its decision an appeal lies directly to the superior court. It would seem that the employer should be entitled to be heard before this determination is made without being subjected to the expense, delay and inconvenience of an appeal to the superior court. This hearing could be provided if the appeal were, in the first instance, to the commissioner. In most cases, his decision would probably settle the matter promptly and inexpensively. There is a commissioner for each congressional district who is paid \$5,000 a year for part-time

* (Note: This paragraph is tentative and based on incomplete information.)

work and these appeals would not be an undue burden upon them. We recommend that this feature, which is operating successfully in New York, be added to our act.

The Danbury traffic court was set up in 1929 at the request of the then motor vehicle commissioner, Mr. Stoeckel, as an experiment to handle traffic cases arising in the towns of Danbury, Bethel, New Fairfield, Redding and Ridgefield, and has continued to the present time. (Sp. Acts. 1929, Sec. 339.)

It has no civil jurisdiction. The records disclose that now about one case a day or between three and four hundred a year, including cases nolle and pleas of guilty, are handled, although the number formerly ran to between four and six hundred. The receipts are small, and less certain payments which may be made by the clerk, are divided between the town where the offense occurred and the motor vehicle department in the proportion of one to four. The expense to the state is nearly \$19,000 per year. No reason appears why this work cannot be equally well done by the local authorities. We believe that the abolition of this court would be a net saving to the state of its cost and would not interfere with the enforcement of traffic rules within the area covered.

The office of coroner is historically one of the oldest connected with the judicial department and in former times undoubtedly served a useful purpose. Coroners are appointed by the judges of the superior court for terms of three years on the recommendation of the state's attorney of the county. (G.S. Sec. 240.) The coroners appoint a sufficient number of medical examiners and the state pays the coroners a salary and their expenses, clerical and otherwise, and pays the medical examiners on a fee basis. With the improvement of police methods, this expense seems unnecessary. The principal contributions of the coroners to the administration of justice are two. In the first place they have quite arbitrary

powers in securing statements from witnesses on the spot when it seems that a crime has been committed and may arrest on a coroner's warrant. In the second place, the medical examiners are called in whenever there is a death which is or is suspected to be due to other than natural causes and the coroner relies and acts on the medical examiner's report. The number of examinations made under these circumstances is surprisingly large amounting to between four and five thousand each year. If a law were passed that all persons, including physicians, must report any such death to the local police or prosecuting authorities, the latter could, as they now do, handle the situation without the assistance of the coroner. The judge of the local court having jurisdiction should have the power to order an autopsy, which power now resides in the coroner. (G.S. Sec. 246.) The abolition of this office would be a net saving to the state of the money now spent in that regard. Over the last four years the total expense has varied from a low of \$70,000 to a high of \$92,000, considerably more than half of this amount being made up of the fees and expenses of the medical examiners. The average is about \$83,500 a year. The occasions when a failure in the administration of justice would result would be rare. For these reasons we advocate the abolition of the offices of coroner and medical examiner. This is not intended as a criticism of the conscientious work now done by these officials.

October 11, 1943

To the Members of the Judicial Survey Commission,

In accordance with the vote at the last meeting, the proposed Act defining the judicial department and providing for the administration thereof has been revised, Judge Jennings and Richard H. Phillips, secretary of the judicial council, assisting. The new draft submitted herewith contains all of the specific suggestions made by the members of the commission and has been re-phrased for the purpose of clarification. Major changes, perhaps, are the insertion of the last two sentences of Section 3 and the addition of Section 10. Either can be omitted from the final draft, but they do present questions of policy for the decision of the commission.

Mr. Phillips made another suggestion which has not been incorporated but which could be adopted in the final recommendation, should you so desire. It is his feeling that the question of whether or not to integrate the municipal, probate and trial justice courts into the judicial department, is one of policy for the General Assembly to decide, but that if they want to accomplish it, the state should pay the expenses and receive the income of those courts. The following would carry out his suggestion:

"The salaries of the judges of the courts enumerated in Section 1 shall be fixed by statute and paid by the state. The salaries and compensation of all other officers and the administrative and clerical personnel of said courts, and all other expenses of and expenditures by said court shall be paid by the state. All fees, fines, forfeitures and other revenue of said courts shall be paid to the state."

It is believed that all of this is accomplished by present law in so far as present state-maintained courts are concerned, and it would seem to be the intent of the commission to add the probate system to this group. Action on

Mr. Phillips' suggestion would, therefore, center on whether or not such control should be extended to the municipal and trial justice courts. From a superficial survey of the expenses and receipts, I believe that if the probate court continued to produce its current income, the receipts of the courts taken over under this proposition would substantially balance the expenditures. A study of this phase of the question can be made should the commission so desire.

Also enclosed are the minutes of the last meeting, Judge Jennings' report concerning miscellaneous courts, and a draft of the letter and questionnaire to be sent to the members of the General Assembly, both of which have been revised to meet the suggestions made at the last meeting. One question to be decided with reference to this questionnaire is whether or not to include the specific questions in the second section.

Yours very truly,

Edward C. Fisher
Secretary

Oct. 11, 1943

REVISED DRAFT

ACT DEFINING THE JUDICIAL DEPARTMENT AND PROVIDING FOR THE
ADMINISTRATION THEREOF.

Section 1. The judicial department of the state shall consist of the supreme court of errors, the superior court, the court of common pleas, the juvenile court, the traffic court of the district of Danbury, the probate courts, the municipal courts, and the trial justice courts.

Section 2. The judges of the superior court shall have the power to prescribe by general rules for any or all of such courts the forms of actions, process, writs, pleadings and motions, and the practice and procedure in civil and criminal actions and proceedings therein, to fix the time when such rules shall go into effect, and give such notice thereof as they may deem advisable; and to revise the same from time to time. Such rules shall neither abridge, enlarge nor modify the substantive rights of any litigant. Upon the taking effect of such rules, all provisions of statute, both public and private, inconsistent with or superseded by them, shall be deemed to be repealed to the extent necessary to render such rules effective.

Comment: The provisions of this section concerning the effective date of the rules and the repeal of inconsistent statutes are the same as now contained in Section 5360, General Statutes.

Section 3. The supervision and management of the department shall be vested in and exercised by the judges of the superior court, who shall, for the purpose of expediting the business of such courts not otherwise regulated by rules adopted pursuant to Section 2, and to facilitate a speedy and proper administration of justice, make such orders and rules for the conduct

of the administrative business of any such court or courts as they shall deem necessary or advisable. Such order or rules may determine the qualifications, number, duties and salaries of the officers and the administrative and clerical personnel of any such (state-maintained) court or courts, except as now definitely fixed by public or private act. The appointment of such officers and administrative and clerical personnel shall be made by the judges of the respective courts.

Section 4. In addition to such rules as may be promulgated by the judges of the superior court, any of the inferior courts or the assemblies of probate judges, municipal court judges and trial justices may adopt additional rules for the conduct of the business of such courts, provided such rules shall not be in conflict with or inconsistent with the orders and rules adopted under Sections 2 and 3.

Section 5. The judges of the superior court are authorized to appoint a committee of attorneys or laymen or both, to assist in the preparation and revision of the rules of practice and procedure.

Section 6. The judges of the superior court shall provide by rule for a judicial conference, composed of representatives of the courts enumerated in Section 1 hereof, and of such other persons, representatives of bar associations and other organizations as may be prescribed by said rules, to be held at Hartford once each year, and at such other places and times as may be designated. Such conference shall consider the state of business in any such court or courts, including the number and character of cases on the docket, the business in arrears, the cases disposed of, and such other matters concerning the administration of justice, including the convenience of the public, as may be presented, and shall submit such suggestions to any such court or courts as may be deemed to be in the interest of uniformity and the expedition of business.

Section 7. The judges of the superior court shall appoint an executive secretary of the judicial department, who shall be a member of the bar of this state, for such term of office as such judges may determine, any vacancy to be filled by the chief justice of the supreme court or errors until a successor shall be appointed, and may fix his salary and allowances for the expenses of himself and his office. The executive secretary shall establish an administrative office for the judicial department and act as director thereof under the supervision of the judges of the superior court. During his term of office or employment no officer or employee of said office shall engage directly or indirectly in the practice of law.

Section 8. Under the supervision and direction of the judges of the superior court, the duties of the executive secretary shall include, but need not be limited to, the following:

(a) Supervision of all administrative matters relating to the offices of the clerks and other clerical and administrative personnel of the state-maintained courts, provided that nothing herein contained shall be construed as affecting the authority of the courts or the judge or judges thereof to appoint their administrative or clerical personnel;

(b) The examination and audit of vouchers and accounts of officials and employees of the state-maintained courts, including all claims for expenditures from state appropriations for the judicial department, or any unit or function thereof;

(c) The keeping of all state appropriation accounts and other accounting records for the state-maintained courts;

(d) The purchase, exchange, transfer and distribution of equipment and supplies for and among the state-maintained courts;

(e) The preparation and submission to the appropriate executive department of estimates of expenditures and appropriations necessary for the maintenance and operation of all state-maintained courts and accessory units and functions, including the administrative office;

(f) The preparation of statistical data and reports of the business transacted by the courts and units of the department, state-maintained or otherwise; the examination of the dockets of the courts and securing information therefrom by report or otherwise, and the prompt submission of such information as may be required by the judges of the superior court or any judicial conference held pursuant to Section 6 hereof.

(g) He shall make a continuous study of each of the courts and make recommendations to the judges of the superior court from time to time as to the number of officers and administrative and clerical personnel to be attached to each, and their remuneration.

Section 9. It shall be the duty of the executive secretary to provide facilities for the administration of all non-judicial functions that have been or may hereafter be established within the department, and it shall be the duty of all officers and employees of the department, including all courts enumerated in Section 1, to comply with any and all requests of the executive secretary for assistance or information necessary to comply with the terms of this Act. If any person shall fail or refuse to comply with the reasonable request of the executive secretary, the latter shall certify the matter to the judges of the superior court for such action thereon as they shall deem advisable.

Section 10. When a vacancy occurs in the office of judge of any state-maintained court, the chief justice shall certify to the governor whether or not, in the opinion of the judicial conference created by Section 6 hereof, the business of said court justifies the appointment of a judge to fill the vacancy. If the certificate is negative, and in accordance therewith the governor does not nominate a judge to fill the vacancy before the adjournment of the General Assembly then or next in session, the number of judges comprising said court shall be deemed to be decreased accordingly. When, in the opinion of said judicial conference, the state of business of any such court requires the appointment of an additional judge or judges, the chief justice shall certify such fact to the governor, who shall lay such certificate before the General Assembly then or next in session, together with his recommendation thereon.

Oct. 25, 1943

SECOND REVISED DRAFT

ACT DEFINING THE JUDICIAL DEPARTMENT AND PROVIDING FOR THE
ADMINISTRATION THEREOF.

Section 1. The judicial department of the state shall consist of the supreme court of errors, the superior court, the court of common pleas, the juvenile court, the traffic court of the district of Danbury, the probate courts, the municipal courts, and the trial justice courts.

Section 2. The judges of the superior court shall have the power to prescribe by general rules for any or all of such courts the forms of actions, process, writs, pleadings and motions, and the practice and procedure in civil and criminal actions and proceedings therein, to fix the time when such rules shall go into effect, and give such notice thereof as they may deem advisable; and to revise the same from time to time. Such rules shall neither abridge, enlarge nor modify the substantive rights of any litigant. Upon the taking effect of such rules, all provisions of statute, both public and private, which establish procedures inconsistent with or superseded by them, shall be deemed to be repealed to the extent necessary to render such rules effective.

Section 3. The supervision and management of the department shall be vested in and exercised by the judges of the superior court, who shall, for the purpose of expediting the business of such courts not otherwise regulated by rules adopted pursuant to Section 2, and to facilitate a speedy and proper administration of justice, make such orders and rules for the conduct

of the administrative business of any such court or courts as they shall deem necessary or advisable. Such order or rules may determine the qualifications, number, duties and salaries of the officers and the administrative and clerical personnel of any state-maintained court or courts, except as now definitely fixed by public or private act. The appointment of such officers and administrative and clerical personnel shall be made by the judges of the respective courts.

Section 4. In addition to such rules as may be promulgated by the judges of the superior court, any of the inferior courts or the assemblies of probate judges, municipal court judges and trial justices may adopt additional rules for the conduct of the business of such courts, provided such rules shall not be in conflict with or inconsistent with the orders and rules adopted under Sections 2 and 3.

Section 5. The judges of the superior court are authorized to appoint a committee of attorneys or laymen or both, to assist in the preparation and revision of the rules of practice and procedure.

Section 6. The judges of the superior court shall provide by rule for a judicial conference, composed of representatives of the courts enumerated in Section 1 hereof, and of such other persons, representatives of bar associations and other organizations as may be prescribed by said rules, to be held at Hartford once each year, and at such other places and times as may be designated. Such conference shall consider the state of business in any such court or courts, including the number and character of cases on the docket, the business in arrears, the cases disposed of, and such other matters concerning the administration of justice, including the convenience of the public, as may be presented, and shall submit such suggestions to any such court or courts as may be deemed to be in the interest of uniformity and the expedition of business.

Section 7. The judges of the superior court shall appoint an executive secretary of the judicial department, who shall be a member of the bar of this state, for such term of office as such judges may determine, any vacancy to be filled by the chief justice of the supreme court of errors until a successor shall be appointed, and may fix his salary and allowances for the expenses of himself and his office. The executive secretary shall establish an administrative office for the judicial department and act as director thereof under the supervision of the judges of the superior court. During his term of office or employment no officer or employee of said office shall engage directly or indirectly in the practice of law.

Section 8. Under the supervision and direction of the judges of the superior court, the duties of the executive secretary shall include, but need not be limited to, the following:

(a) Supervision of all administrative matters relating to the offices of the clerks and other clerical and administrative personnel of the state-maintained courts, provided that nothing herein contained shall be construed as affecting the authority of the courts or the judge or judges thereof to appoint their administrative or clerical personnel;

(b) The examination and audit of vouchers and accounts of officials and employees of the state-maintained courts, including all claims for expenditures from state appropriations for the judicial department, or any unit or function thereof;

(c) The keeping of all state appropriation accounts and other accounting records for the state-maintained courts;

(d) The purchase, exchange, transfer and distribution of equipment and supplies for and among the state-maintained courts;

(e) The preparation and submission to the appropriate executive department of estimates of expenditures and appropriations necessary for the maintenance and operation of all state-maintained courts and accessory units and functions, including the administrative office;

(f) The preparation of statistical data and reports of the business transacted by the courts and units of the department, state-maintained or otherwise; the examination of the dockets of the courts and securing information therefrom by report or otherwise, and the prompt submission of such information as may be required by the judges of the superior court or any judicial conference held pursuant to Section 6 hereof.

(g) He shall make a continuous study of each of the courts and make recommendations to the judges of the superior court from time to time as to the number of officers and administrative and clerical personnel to be attached to each, and their remuneration.

Section 9. It shall be the duty of the executive secretary to provide facilities for the administration of all non-judicial functions that have been or may hereafter be established within the department, and it shall be the duty of all officers and employees of the department, including all courts enumerated in Section 1, to comply with any and all requests of the executive secretary for assistance or information necessary to comply with the terms of this Act. If any person shall fail or refuse to comply with the reasonable request of the executive secretary, the latter shall certify the matter to the judges of the superior court for such action thereon as they shall deem advisable.

Section 10. When a vacancy occurs in the office of judge of any state-maintained court, the chief justice shall certify to the governor whether or not, in the opinion of the judicial conference created by Section 6 hereof, the business of said court justifies the appointment of a judge to fill the vacancy. If the certificate is negative, and in accordance therewith the governor does not nominate a judge to fill the vacancy before the adjournment of the Gneral Assembly then or next in session, the number of judges comprising said court shall be decreased accordingly. When, in the opinion of said judicial conference, the state of business of any such court requires the appointment of an additional judge or judges, the chief justice shall certify such fact to the governor, who shall lay such certificate before the General Assembly then or next in session, together with his recommendation thereor.

REPORT OF JUVENILE COURT
OF CONNECTICUT

The State of Connecticut is divided into three (3) Districts, over which Hon. Stanley Mead of New Canaan is Judge of the First District, and Hon. Fred D. Faulkner of New Haven, named presiding judge, is Judge of the Second District, and Hon. Thomas D. Gill of Hartford, is Judge of the Third District. A director of probation of each district has been chosen by the Personnel Division after competitive examination, and a staff of thirty-six (36) probation officers were selected from a similar list. Clerical assistants were provided for each of the three main district offices, and fourteen (14) area offices. The population of the State is about one million eight hundred thousand (1,800,000), and the area comprises some five thousand (5,000) square miles.

The three judges referred to, informed me that their number is sufficient to take care of the juvenile problems that arise within the Court's jurisdiction. They also feel that problems reach them in a reasonably short time, depending on the necessary investigation and the type of case, and that were it not for a depletion in the ranks of investigators and probation officers, because of the war and draft, the present system would work out with regularity.

After attending a conference of the judges and Court workers, and going through considerable literature, I am of the opinion that the present setup is adequate to properly and promptly care for the juvenile problems that arise. (I shall later give a comparison with an out of State Court). There is a great difficulty however, encountered by the Judges in obtaining adequate facilities in which to hold hearings in the various towns. It appears that most of the cities, and a good many of the towns, afford adequate quarters for hearings, but in some towns such facilities are not available, and the holding of the hearing is made a very trying task for the Judge and the Court personnel. The Court hearings are informal, and Judges generally will arrange hearings for five or even six days

of the week if the amount of work requires it.

In this brief report, I could not go into statistics of the present Juvenile Court, but suffice to say that this Court has, "Exclusive original jurisdiction over all proceedings concerning uncared-for, neglected, dependent and delinquent children within its territorial limits, except in matters of guardianship and adoption, and all matters affecting property rights of any child over which the Probate Court has jurisdiction". Said Court also has authority to make and enforce, within its territorial limits, such orders directed to parents, guardians, custodians, or other adult person owing some legal duty to a child therein, as it shall deem necessary or appropriate to the welfare, protection and proper care to a child subject to its jurisdiction, and the Juvenile Court is further authorized to collect money paid. (See Section 380g).

By way of comparison, the Children's Court of Westchester County, New York is presided over by one Judge. Westchester County covers a population of about six hundred thousand (600,000), and an area of nearly five hundred (500) square miles. The Hon. George W. Smyth, Judge of this Court, advised me that in the years on the bench he has been able to adequately handle all juvenile problems that came to him. This Court has the facilities of a probation department which serves not only the Children's Court, but all Courts of the County, except those of the cities, which have their own probation departments. Judge Smyth's Court handles matters adequately and in a timely way, he states, but encountered the same difficulty through an undermanned staff due to the war. This Court has exclusive jurisdiction over all delinquent, neglected, abandoned, destitute, physically handicapped, and mentally deficient children. It also has exclusive jurisdiction in paternity actions and to provide for support of children born out of wedlock by the natural father. This Court also has broad jurisdiction in certain domestic relation cases, such as ordering a legal separation between husband and wife, with children involved. The Court has also jurisdiction in the

case of wayward minors between the ages of 16 and 21, etc. Judge Smyth is emphatic in stating that the present method of handling juvenile delinquency far excels the old method of handling these problems by justice and municipal Courts. He contends further that the proper treatment of a delinquent child requires a very careful study of his history, influence of his environment including his home, together with a complete social history and clinical study of the child, etc. (I give you this paragraph concerning the Westchester County Children's Court by way of information and opinion by one who has no connection with our Connecticut Courts, or any interest other than that of a Judge handling problems concerning juveniles).

As to the jurisdiction of the Connecticut Courts, the thought has been advanced that our Juvenile Court may well handle paternity actions, which are now handled by our municipal and justice Courts, and a further thought has been advanced that our present statutes be re-worded so that our Court would have the jurisdiction to direct a legal separation between husband and wife where the welfare of a child requires it. Both of these thoughts appear worthy of consideration, and would cause little or no conflict with the jurisdiction of Connecticut's other Courts, since the matter of legal separation is not even considered under present Connecticut law. I feel further that some provision should be made by law to afford and insure adequate facilities for hearings in the various municipalities throughout Connecticut without any exception. It seems that such cooperation would undoubtedly help to better handle problems from the standpoint of a municipality's interest where juvenile delinquencies occur.

In comparison with our previous method of having a juvenile brought before justices and municipal Courts I am thoroughly convinced that this previous method is outmoded. I have discussed this old method with various people who were and are connected with, and interested in juveniles and their problems, and

most of them have the strong feeling that our present Juvenile Court system is a great step forward, and that juvenile problems are now being more adequately, more systematically and more completely investigated and handled than ever before.

There is presently set up in our Superior Court, a domestic relations side, which handles appeals from the Juvenile Courts and such other matters concerning children or family relations as may be determined by the Judges of the Superior Court. It may well be that the two Courts can work out a means of handling most of the juvenile problems, and coordinate the investigation and probation systems for use by both Courts.

The present system is undoubtedly here to stay and should not be tampered with other than to consider enlargement of the Court's jurisdiction; the personnel as to number need not be enlarged, and no further cost needs to be added to the present maintenance of this Court by the State of Connecticut.

LOUIS SHAPIRO

November 9, 1943

REPORT ON PROBATION SYSTEM
IN CONNECTICUT

At the present time we have no Statewide probation system in Connecticut. The Juvenile Court has its exclusive probation system which handles juvenile problems entirely. Other than that, the Judges of the Superior Court, Court of Common Pleas may, for their respective Courts, and the Judges of each municipal Court shall appoint one or more probation officer, male or female, to act under the direction of such Court, and remove them at pleasure. (Section 743g.)

Accordingly, most municipal Courts have their own probation officers who are paid by their respective municipalities for their services. The Court of Common Pleas, based on information I have received, does not have a probation system. The Superior Court Judges however, are now working on setting up an adult probation system to be used in connection with this Court. This may possibly develop into a coordinated and centrally handled adult probation system under the Judges of the Superior Court. If such a system can be developed, and the facilities sufficiently extended, it may well be that this probation system can be developed and enlarged to a point where towns and cities in Connecticut can partake of its facilities.

The juvenile probation system appears to be working well. The only present difficulty encountered is in the shortage of personnel due to the war, etc. However, the Judges of the Juvenile Court feel that if the intended probation personnel were intact, there would be a smooth and coordinated probation setup in properly, promptly and competently handling the juvenile problem before and after a hearing.

In the General Assembly Session of 1943, a statewide adult probation bill was presented and defeated, and it is my understanding that similar bills have been presented at previous sessions, meeting the same fate. It may be that

a statewide setup could handle the adult problems in a similar manner and as effectively as the probation system now handles the juvenile problems. If this could be accomplished, it seems self-evident that this system would cost considerably less than the present system where each municipal or higher Court has its own probation department. It must also be borne in mind that a centralized system would include specialized and trained probation workers who would have a better grasp of the social problems than those without this highly effective training.

LOUIS SHAPIRO

November 9, 1943

December 8, 1943

To the Members of the Judicial Survey Commission:

In place of short answers to the questionnaire on the form supplied, three members of the 1943 General Assembly, Messrs. E. Lea Marsh, majority leader in the House, John R. Thim, a member of the judiciary committee from the House, and Henry H. Hunt, member of the committee from the Senate, have submitted thoughtful suggestions in the form of letters of considerable length.

The following is a digest of their communications:

E. Lea Marsh

1. Probate Courts

- a. Continue to elect judges.
- b. Continue present districts, except possible split-up of Hartford district.
- c. Consolidation of some small districts upon approval of residents thereof.
- d. Uniform system of fees.
- e. All fees collected to be paid into general fund of the state.
- f. Judges to be placed on salary, and all salaries and expenses paid by state.
- g. Towns of the district to furnish and maintain court accommodations.

2. Serious consideration of means to make litigation less expensive and more convenient (Question 2).

3. General Assembly to appoint administrative officer.

4. Opposed to nomination of municipal court judges by the Governor.

John R. Thim

1. Common Pleas Courts

- a. Merge into superior court.
- b. Judges to become judges of superior court.
- c. Superior court to remain open twelve months each

(John R. Thim)

c. (continued)

year, judges to have vacation of 30 days.

d. New court to have exclusive civil jurisdiction of all matters involving more than \$100.00.

e. Municipal courts to have exclusive civil jurisdiction up to \$100.00.

2. Probate Courts

a. Judges in larger districts to be placed on salary; term extended to four years; all fees to be paid over to towns of district which would pay expenses of court.

b. No change in appointment of municipal court judges.

Henry H. Hunt

1. Courts to be reorganized to include

a. Supreme Court of Errors.

b. Superior court, with civil jurisdiction above \$1,000 and superseding the common pleas court.

c. District courts - to replace municipal and trial justice courts, with civil jurisdiction to \$1,000.

d. Abolish justice of peace system.

e. Establish separate tribunal to hear and determine appeals from administrative boards.

2. Redistrict probate courts into one for each county, judges to be appointed and paid same as judges of superior court.

3. If district courts not established, leave municipal courts and appointment of judges as is, unless term extended to six years with salary sufficient to call for full-time service, when nominations should be made by Governor.

You are reminded that the commission will hold a public hearing in the Old Senate Chamber, at 11 A.M. on Monday, December 13th, and following the hearing, Judge Jennings has arranged for the commission to meet for dinner at the Hartford Club, at 6 P.M.

Yours very truly,

Edward C. Fisher Secretary

THE TRIAL JUSTICE COURTS

The trial justice courts of Connecticut were established by an act of the General Assembly in its session of 1939. Their powers were increased in the session of 1941 and their operation clarified by further acts in the session of 1943. The establishment of these courts was the direct result of studies made by a commission similar to this one, the purpose being, in part, to restore the original dignity and effectiveness of the ancient office of justice of the peace, but chiefly to meet certain criticisms which, for many years had been directed against the simple justice of the peace system. These objects have been accomplished, and in general these courts seem to be functioning admirably.

Before 1939 each town could elect not less than five, and in the cases of most towns, a much larger number of justices of the peace. By law these justices were equally or almost equally divided between the two leading parties, and any justice once elected, could assume office by merely taking the oath before a notary or anyone else qualified to administer oaths. He was paid by fees which were taxed against the accused in criminal cases, except on judgments of not guilty, in which case they were paid by the town. The justice himself was the sole and final custodian of his own records in both civil and criminal cases unless he happened to die while holding office, in which case his records were deposited with the town clerk.

In actual practice, at least in the smaller towns, a simple process of natural selection usually took place. Most of the elected justices would have merely allowed their names to be used to "fill out the ticket", and few of them would have any intention of ever holding court. Many, indeed, would not even bother to take the oath before the expiration of the time limit, and one or two of their number, who had the desire and the apparent ability to fill the office, would be allowed to do so by common consent. Endorsements by both parties were

frequent, and it was quite common for one justice to administer the office alone for ten or twenty years. In this way the great majority of justices of the peace, even under the old system, were earnest and intelligent men and women who had deep respect for their office, administered it with firmness and fairness, and were well acquainted with those parts of the law which came within their province.

At the same time there were possibilities that the system could be abused, one of the most obvious of these being that the arresting and complaining officers could control justice by selecting the justice of the peace before whom a given criminal case should be tried. In a town in which from five to ten or more justices had been elected and had taken the oath, and in which from two to six grand jurors had also qualified, it would be natural that there might be certain ones who had no great respect for their offices and little knowledge of the law. There would also be others who had ties of friendship with constables or other arresting officers, and still others who while meaning well, would be easily swayed by forceful personalities. It has always been a perfectly natural human trait that an officer who has gone to the trouble and even the danger of making an arrest should feel aggrieved if he does not obtain a conviction. Thus, under the old system, a constable or other officer would gravitate toward a grand juror with whom he "worked well", and the grand juror, in turn, could direct the complaint to a justice who was equally congenial. On the other hand, if the arresting officer or the grand juror had friendly ties with an accused person, they could avoid a justice who was known to be "strict" or "too fussy".

All this could happen within the open framework of the law and without any real element of actual venality. The fee system, however, made the latter quite possible. Just how much fact and how much myth existed in the old stories of speed traps and roadside tribunals it would now be useless to inquire. Motorists have always been notoriously bad historians of their own acts. In the earlier days of the automobile many drivers carried on a sort of sporting guerilla warfare with the officers of the law, and many a tourist who told a derisive story

about being haled into the back room of a feed store and fined five dollars overlooked the fact that under a more formal court system he would have been obliged either to spend the night in the town or post a bond and come back for trial from the end of his journey.

Nevertheless, whether or not actual venality did exist to any great extent, it was entirely possible. To be sure, the justice, the grand juror, and the arresting officer got the same fees whether the accused was found ^{or not guilty,} guilty/ but in the latter event the fees were taxed against the town, and it would not have been likely that the town authorities would have looked with favor on a long list of trials for trivial infractions for which the town was obliged to pay the costs.

A third obvious weakness in the old justice of the peace system lay in the fact that each justice kept his own records, even after he went out of office, except as noted above. As most arrests in rural districts, even before 1939, were made by the state police, who kept their own records, this did not do any great harm, but it would be easy to imagine many instances, such as divorce, deportation, and citizenship proceedings, in which it would be necessary to establish a previous conviction or acquittal. If the trial had been held in a small Connecticut town before 1939 it might have been necessary to interview every justice of the peace who had even taken the oath for the years in question, and if any of them had died or moved away since leaving office, their records would probably have disappeared.

All of these weaknesses in the old justice of the peace system were remedied by the acts of 1939, which established the trial justice system, except that continuity of records was provided by an act of 1941, which requires that a trial justice on leaving office shall pass all his records on to his successor.

Under the present system a single trial justice is appointed by the selectmen of the town, and a single prosecuting grand juror is appointed by the trial justice, and they alone may act in criminal prosecutions. The trial justice

is appointed from the list of elected and qualified justices of the peace, and the prosecuting grand juror from the list of elected and qualified grand jurors. Each has an alternate, appointed in the same manner as himself, but the alternates may act only when the principal is absent or disqualified. Both trial justices and prosecuting grand jurors may be removed for cause by the Superior Court on action of the state's attorney for the county.

Both the trial justices and the prosecuting grand jurors are paid by salary, but except in a few of the larger towns, these salaries are so minute that they are not an object in themselves, and it may fairly be assumed that men and women occupying these offices are doing so because of interest in the work or from a sense of public duty. Another act of 1939, applying to all courts, prohibited the paying of a fee to any officer making an arrest in a motor vehicle case, and the final death blow to the evils of the fee system was struck by an act of 1943 which abolished the taxing of costs against the accused person in criminal prosecutions.

In spite of all these facts there still exists a considerable body of opinion, especially among members of the bar, that the whole trial justice system should be abolished and district courts established in its place.

The main argument for district courts is that they would be professional, that they would be, in short, a step toward modernization and efficiency. This argument in itself cannot be denied. A man who has studied a particular subject for years, and makes its exercise his sole occupation, naturally acquires an adeptness that cannot be reached by the best of laymen. Furthermore, it is no doubt true that with the finest intentions in the world the trial justice is subject to local prejudices and pressures from which the district court judge would be entirely free.

Curiously, these two arguments, advanced in favor of the district court, are also among the arguments advanced against it. It is felt that, precisely

because a district court would be professional, it would thereby run the risk of being perfunctory. Being a criminal court of the first instance, such a court would be required to hold sessions virtually every day, and to lump in a few hours all manner of cases from a large number of towns. Also, what a district court judge might gain in detachment he would lose in that intimate knowledge of local situations which is the main asset of the small-town trial justice.

Less debatable as arguments in favor of the justice courts are probably those most often heard: first, that the justice courts are largely self-supporting; they cost the state nothing and the town little, if anything; and secondly, that they are so deeply embedded in the traditions of Connecticut and of the towns they serve that to attempt to uproot them, without a wide change of public opinion would be to deny to a large part of the state the right to be judged by courts of its own choosing.

Assuming then that the trial justice courts are to be continued and encouraged, the most important of present proposals for enlarging their usefulness lies in a plan to allow these courts to operate also as small claims courts. Several bills for this purpose were introduced in the General Assembly of 1943, most of them proposing that all trial justice courts should automatically become small claims courts. One bill, however, provided that the selectmen of any town could, at their option, give small-claims functions to the trial justice court of their town. None of these bills were favorably reported, but special acts were passed giving to the trial justice courts of four towns the right to operate as small claims courts.

Concerning the value of small claims courts, as such, there can be no question. They enable the creditor to recover the greatest possible part of the face of his claim, and they lay the smallest possible added expense on the debtor. Reports, moreover, from three of the four trial justice courts already operating

under this plan were at first most enthusiastic but later reports cast strong doubt on the practicability of the system as applied to trial justice courts in small towns. One of the justices who has such a court in operation has reported that in seven months he has had only one case and that that was withdrawn. Another has reported that the small claims court has put on him a mass of detailed and vexatious work for which he has received no proper compensation in money or in personal interest. At the annual assembly of trial justices in May, 1944, the justices present were unanimously against the idea of giving small claims powers to trial justices. The principal reasons were as follows:

As noted earlier in this report, trial justices perform their work largely as a matter of public service and, while they are willing to do this in questions of law and order or of human relations, they feel that, in the intimacy of a small town, establishment of a small claims court would force them to be bill collectors between their neighbors or, still worse, between outside firms and their fellow townsmen.

In the larger cities, where small claims courts originated, the small claims business is usually concentrated into a single day a week and its not inconsiderable routine is conducted by the clerk, who receives an ample income. Few trial justices have personal offices or clerical assistance and, by rural custom, any public officer is open to call at any time of day or night that anyone wishes to reach for a telephone. It is feared by trial justices in general that the many petty demands of both debtors and creditors would become intolerable and there is a genuine possibility that, if such a court were forced on all towns, many trial justices who are now performing

a valuable service would resign or refuse to seek reelection and it would be difficult to secure citizens of proper training to fill their places.

This commission thus feels that any further legislation on this subject would be premature and that towns which wish to add small claims powers to their trial justice courts should do so by special act.

A second question of active importance concerning trial justice courts is that of increasing their jurisdiction without increasing it too much. When the sentencing power of trial justices was increased by the General Assembly of 1941, Section 6396 of the General Statutes was amended, becoming Section 872f of the Cumulative Supplement. This provides that:

"No trial justice shall have final jurisdiction of any prosecution for crime, the punishment for which may be imprisonment in the State Prison. When any person shall be brought before a trial justice upon any complaint charging an offense for which the punishment may be greater or less than a fine of one hundred dollars and an imprisonment for sixty days he may try the same; and if, in his opinion, no greater punishment ought to be imposed, he may render judgment therein for a fine of not more than one hundred dollars and an imprisonment for not more than sixty days but, if in his opinion, such offense shall be of so aggravated a nature as to require greater punishment, the accused shall be bound to the next Superior Court"

The intention of this section is obviously to provide that a trial justice may render final judgment in any criminal prosecution except one involving a crime for which the sentence, in a higher court, might be a term in the State Prison, but an apparent contradiction between the first and second sentences, together with use of the unfortunate word "may" in two different senses, has given rise to no little discussion and it has been reported that in one or two instances trial justices, misinterpreting this section, have acted beyond their powers.

At the very least, the section should be clarified by changing the word "may", in the first sentence, to "might" and the words "an offense", in the second

sentence to "any other offense", but continuous situations which have arisen under this act give some basis for believing that the old rule of "any offense which does not carry a prison sentence" should no longer be the limit of a trial justice's jurisdiction.

It is obvious, of course, that trial justices should not have final jurisdiction in cases of serious crimes, but there are many arrests arising out of incidents in which the crime charged is nominally serious but the actual violation is comparatively trivial.

Two instances which have recently occurred in trial justice courts will illustrate this. In the first, a salesman of poultry supplies, working on commission, failed to turn in to his employer collections of fourteen or fifteen dollars. If the accused had deliberately stolen the same amount, or three times the amount, from a merchant's till or his neighbor's pocket, the trial justice before whom he was presented could have adequately and legally disposed of the case, but the relation between employer and employee made it a case of embezzlement, and there was nothing for the trial justice to do but bind the man over to the next term of the Superior Court, which would not open for nearly three months, and as the accused was not a resident of the town it was necessary to put him under fairly heavy bond.

In the second case, a motorist was arrested for speeding, and was found to have in his car a rifle and a hunting knife with a cutting edge of more than four inches. Testimony brought out the facts that the accused lived in New York State but worked in Connecticut, and that he carried the weapons back and forth in order to hunt deer on the New York State side of the line, which he had a license to do.

Under the Connecticut law there was nothing to prevent him from carrying the rifle, but possession of the knife in a motor vehicle was a potential state prison offense, and this was the charge on which he was presented. The trial

justice was convinced that the knife was intended for use on the throats of deer and not of human beings. A small admonitory punishment was the most that was called for under the circumstances, but under Section 872f, the justice had no final jurisdiction. He could not fail to find probable cause because the knife was there and the statute was explicit. On the other hand a binding over to the Superior Court would have been grotesque. The justice finally cut the Gordian knot by directing the grand juror to enter a nolle prosequi although there was an obvious question as to whether he had the right to do this because acceptance of a nolle, after the facts had been proved, was in itself, a form of taking final jurisdiction. The state's attorney, to be sure, could have re-opened the case, but in the meantime the bird would have flown.

Cases of this kind occur constantly, and to send them to the Superior Court is not only a burden on that court itself, but an injustice to individuals who must sometimes be held in jail for weeks in lieu of bond, for acts that in themselves are not serious. Indeed, state's attorneys are frequently forced to ask for special hearings in order that such injustices may be avoided.

Many of the smaller municipal courts (the former town courts) are presided over by laymen, yet for years these courts have had the privilege of taking final jurisdiction up to the limit of their sentencing powers, in cases in which a prison sentence might otherwise be possible. There is little question that if given the same privilege, the trial justices would exercise equally good judgment, but if this appears too broad, Section 872f might well be amended to provide that a trial justice could forward to the state's attorney the complaint and warrant in any prosecution beyond his ordinary jurisdiction, and that if the state's attorney endorsed his consent thereon, the justice could render judgment and impose sentence.

In closing this survey it should be stated that no little part of the success of the trial justice system is due to the fact that the same acts which

created the plan also provided for a permanent state organization, which not only acts as a supervising body, but also works constantly for uniformity among the justice courts and possible improvements in the whole system. Great credit is also due to the administrative branch of the judicial department, which now obtains and compiles semi-annual reports from all trial justices and also forwards to them information on new laws and practices.

PHILIP E. CURTISS

January 18, 1944

BULLETIN

REPORT ON COMMON PLEAS COURT

March 20, 1944

Albert L. Coles

The Commission has concluded that the present Common Pleas Court system of state-wide jurisdiction with judges on circuit should be retained with certain modifications.

The various Small Claims Courts throughout the state which are adjuncts of municipal courts seem to fulfil an important function in the litigation and disposition of minor legal matters at a modest expense. However, the treatment generally accorded civil matters otherwise brought to municipal courts within their respective civil jurisdictions seems to warrant the transfer of all such civil business, excepting small claims, to the Common Pleas Courts. As demonstrated in Fairfield County, the Common Pleas Court can and should hold sessions in various towns throughout the various counties where the volume of business warrants this practice, and where facilities are made available. The suggested transfer of jurisdiction will require an amendment to Section 737f of the 1941 Supplement to the General Statutes, concerning jurisdiction of municipal courts, and to Section 808f of the 1941 Supplement to the General Statutes, concerning jurisdiction of the Court of Common Pleas. Similarly, provisions for costs in municipal courts, Section 739f of the 1941 Supplement to the General Statutes, should be incorporated in present provisions concerning costs for the Court of Common Pleas.

Section 810f of the 1941 Supplement to the General Statutes gives exclusive jurisdiction to the Court of Common Pleas of all appeals from the doings of any municipal board, officer or commission and all appeals from the doings

of the Liquor Control Commission. We believe that appeals on tax matters, particularly from boards of relief, and appeals from the Liquor Control Commission, should be vested exclusively in the Superior Court and that in the case of appeals from the boards of tax relief the Superior Court should have the authority, upon its own initiative, to refer such an appeal to a state referee. These recommendations would require amendments to various sections of the General Statutes and amendments providing for appeals in such cases.

It is felt that the personnel of the court has been over-expanded. Eleven judges can adequately staff the court, even with the increase of present court business. The simplest and most equitable method of reducing the present personnel is by providing for the abolition of the next two judicial offices to become vacant either through retirement, resignation, death or otherwise.

We have considered at length various other possible changes in the present Court of Common Pleas, and many factors motivate our limited recommendations. The Court, as a state-wide system, has functioned for only a brief period of time, during most of which court business has been far from normal. The return to the Superior Court of exclusive jurisdiction over the matters indicated will reduce somewhat the volume of business in the Court of Common Pleas but this change seems to be desired because of the extreme importance of this sort of litigation. However, the increase of business incident to the transfer to the Court of Common Pleas of the present municipal court civil business will not only increase the volume of work of the court but it should result in a more satisfactory and happy administration of minor, but nevertheless important, judicial matters.



State of Connecticut

COMMISSION TO STUDY
THE ORGANIZATION OF THE
JUDICIAL DEPARTMENT

April 4, 1944

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BRISTOL

Vice-Chairman
KENNETH WYNNE
NEW HAVEN

HUGH M. ALCORN, JR.
HARTFORD

ALBERT L. COLES
BRIDGEPORT

WARREN F. CRESSY
STAMFORD

PHILIP E. CURTISS
NORFOLK

EDWARD L. FENN
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NOYES L. HALL
MILFORD

CHARLES MCK. PARR
CHESTER

LOUIS SHAPIRO
UNIONVILLE

Secretary
EDWARD C. FISHER
STATE LIBRARY BUILDING
HARTFORD 1, CONN.

To the Members of the Commission

Subject - Administration of the
Judicial Department

Gentlemen:

There can be no doubt but that a suggestion made by Governor Baldwin in his inaugural address was directly responsible for the creation of this commission. The Governor said, "We have a system of courts and jurisdictions which have not been developed in accordance with any general plan and which have in large part been independent of one another. *** We began in 1939 a process of integration, and progress was made in many administrative and procedural matters. There has never been, however, a complete survey of the entire system or an authorized attempt to better integrate our courts and their jurisdiction into one complete Judicial Department. *** I recommend, therefore, the legislative authority for the appointment of a commission to study the whole court system and its jurisdiction and power to the end that a comprehensive judicature act may be proposed, considered and adopted."



State of Tennessee
COMMISSION TO STUDY
THE ORGANIZATION OF THE
JUDICIAL DEPARTMENT

April 1, 1944

To the Members of the Commission

This commission was created by Special Act No. 218, Session of 1943, of which section four reads as follows:

Sec. 4. Said commission shall study the integration and reorganization of the judicial system of the state, including the supreme court of errors, the superior court, the court of common pleas, the municipal courts, justices of the peace, the juvenile court, workmen's compensation commissioners, unemployment compensation commissioners and the probate courts, to determine the most efficient and economical methods of integrating and reorganizing the same into one judicial system, including, but not limited to, methods of appointment of judges and such commissioners and their tenure of office and salaries.

This for the creation of this commission. The Governor said,

"We have a system of courts and jurisdictions which have not been developed in accordance with any general plan and which have in large part been independent of one another. We have in 1939 a process of integration, and progress was made in many administrative and procedural matters. There has never been, however, a complete survey of the entire system or an authorized attempt to better integrate our courts and their jurisdiction into one complete judicial department. We recommend, therefore, the legislative authority for the appointment of a commission to study the whole court system and its jurisdiction and power to the end that a comprehensive judicious act may be proposed, considered and adopted."

The legislative act which followed created the commission "to study the integration and re-organization of the judicial system of the state *** to determine the most efficient and economical methods of integrating and re-organizing the same into one judicial system ***."

Whatever else may have motivated the Governor, I know that suggestions for such a study were made to him before his inauguration, at least one on the ground that over the years various repairs and alterations had been made to the machinery of justice, some of which might be called tinkering,- others being attempts to adapt the old machinery to new uses - and that now there was need for a complete overhauling, or the establishment of a simple and modern machine; and another suggestion based on the fact that a judicial department actually did not exist, because the so-called department consisted of separate and independent courts or groups of courts over which no person or group had any over-all administrative or supervisory authority; that no means existed for securing adequate information as to court operations; that the absence of control caused lack of uniformity or standards as to such things as salaries and wages; that many of the routines required in transacting business with the executive department were based on laws enacted in the days when each clerk transacted his fiscal business directly with the executive department rather than through a central office, and that despite the creation of a central fiscal office, the department was still so decentralized as to create awkward administrative situations; that the archaic system of taxation of costs was based on fees that no longer had any relation to the costs of litigation, civil or criminal, that provisions concerning costs and the courts in general were scattered throughout the body of statutory law rather than in one section or code; and that judicial statistics were gathered by several agencies, with no attempt at correlation or intelligent planning as to the need for or the nature of statistics to be

compiled.

It now seems likely that the commission will make recommendations for structural changes in present organizations rather than a complete overhauling or reformation to create an "efficient and economical (unified) judicial system" such as was contemplated by the Governor and perhaps by the last General Assembly, and appears to be the course preferred by Mr. Alcorn.

At this date the recommendations which have been decided upon are the following:

- (1) Passage of an act defining the department as consisting of the named courts, and providing for administration of all courts by the judges of the superior court.
- (2) Restoring to the superior court some of the jurisdiction taken away in enlarging the common pleas courts.
- (3) Transferring to the common pleas court the civil jurisdiction of municipal courts, except in small claims matters.
- (4) The nomination of municipal court judges by the Governor for terms of four years.
- (5) That public hearings be held on such nominations.
- (6) That the Danbury Traffic Court be abolished.
- (7) Minor changes in the organization of the workmen's compensation commission.

(Final action has not been taken on juvenile courts, trial justice courts, probate courts; on the question of whether or not municipal and trial justice courts should be completely integrated into a state system, and on a dead-line for submission of the nominations of municipal court judges.)

It is, of course, for the commission to decide whether its recommendations carry out the purposes of the Governor in suggesting it and the legislature in creating it. It seems that the only step taken in meeting the requirement of integration or unification has been the decision to recommend the act defining the department and providing for its administration. That act provides

for administration of the non-judicial business of at least the state-maintained courts, and in the grant of rule-making power, gives indication of possible improvement in the operation of the courts as a "judicial system."

Attached is a chart of the administrative organization of the department as outlined in this proposed administrative act. It seems to us to show how much simpler and more efficient the organization will be than is the present setup as portrayed in the other charts attached to the copy of the letter to the Budget Director, also enclosed herewith. In working out this chart from the administrative act as it now stands, it seemed to us that the following provisions needed clarification:

- (a) Sec. 8(g) Should the study called for extend to the personnel of courts other than those maintained by the state.
- (b) Sec. 9. Duty of executive secretary to establish facilities should be limited to non-judicial functions of state-maintained courts, only.
- (c) Sec. 10. There is no relation between the Chief Justice, as such, and the judicial conference. Perhaps this section should be changed so that the presiding officer of the conference, whoever he might be, would certify to the Governor.

In the first drafts of the administrative act, duties of the executive secretary were enumerated to indicate that the work to be performed by him would be truly administrative and always under the control of the policy-making group selected by the commission. From this enumeration, some members of the commission apparently got the impression that after its enactment, the executive secretary would be a super bureaucrat. I hope that the material enclosed herewith, as well as the copy of my last report to the Chief Justice, will better explain the work of the office, its scope and its limitations, and serve to allay all fears that a new dictator is being created. I hope it is as plain to others as it is to me, that the work of the office will not be materially

different under the new plan, except that the judges of the superior court may grant to the executive secretary sufficient authority and discretion to enable him to carry out the duties smoothly and efficiently. Nowhere in the act is there anything which would empower him to establish policies for the administration of the affairs of the department.

Perhaps it would be as well if Sections 7 and 8 were omitted altogether, and an addition made to Section 3, substantially as follows:

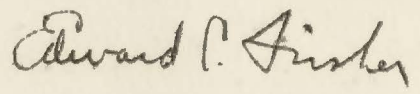
"The judges of the superior court shall appoint a lawyer as the administrative director of the judicial department, who shall be known as the executive secretary and shall have direction of all administrative matters pertaining to the department (state-maintained courts?); he shall be subject to the authority of the judges of the superior court, who shall more particularly define his duties."

The work of this commission will not be complete, of course, until it has agreed on the text of the recommended legislation which will accompany its report. The preparation of the proposed laws will not be an easy task, and particularly will that be so if it is intended to recommend a complete judicature act as contemplated by the Governor. It would certainly be a great achievement if all the laws concerning the courts were to be codified. Preparation of such a code would mean the inclusion of acts recommended by the commission, reenactment of others, such as the laws governing the jurisdiction of the several courts, the repeal of some and amendment of other statutes. Whether or not this is done, a complete survey of the statutes concerning the courts, and legal remedies and procedures should be made, in the course of which many changes in existing laws and practices will undoubtedly be suggested. The relative position of the office of executive secretary insofar as its auditing duties are

concerned, and the office of the state auditors is one problem that would arise, and I would like the opportunity to present this for the advice and consideration of the commission. Another situation which will be encountered in such a survey and which might require action before the work of this commission can be said to be completed, is the routine under statutes which control the conduct of affairs with the executive department, which were enacted many years ago when practices were different, and which keep the conduct of business so decentralized.

Among other things this letter is intended as a review of the work to date, and a survey of what may lie ahead. I intended to keep it as objective as possible, but failure to do so may be excused by the fact that my thinking is, perhaps, influenced by my official connection with administration, and because of my interest in the achievements of this commission growing out of the fact that I made one of the original suggestions to the Governor.

Sincerely yours,

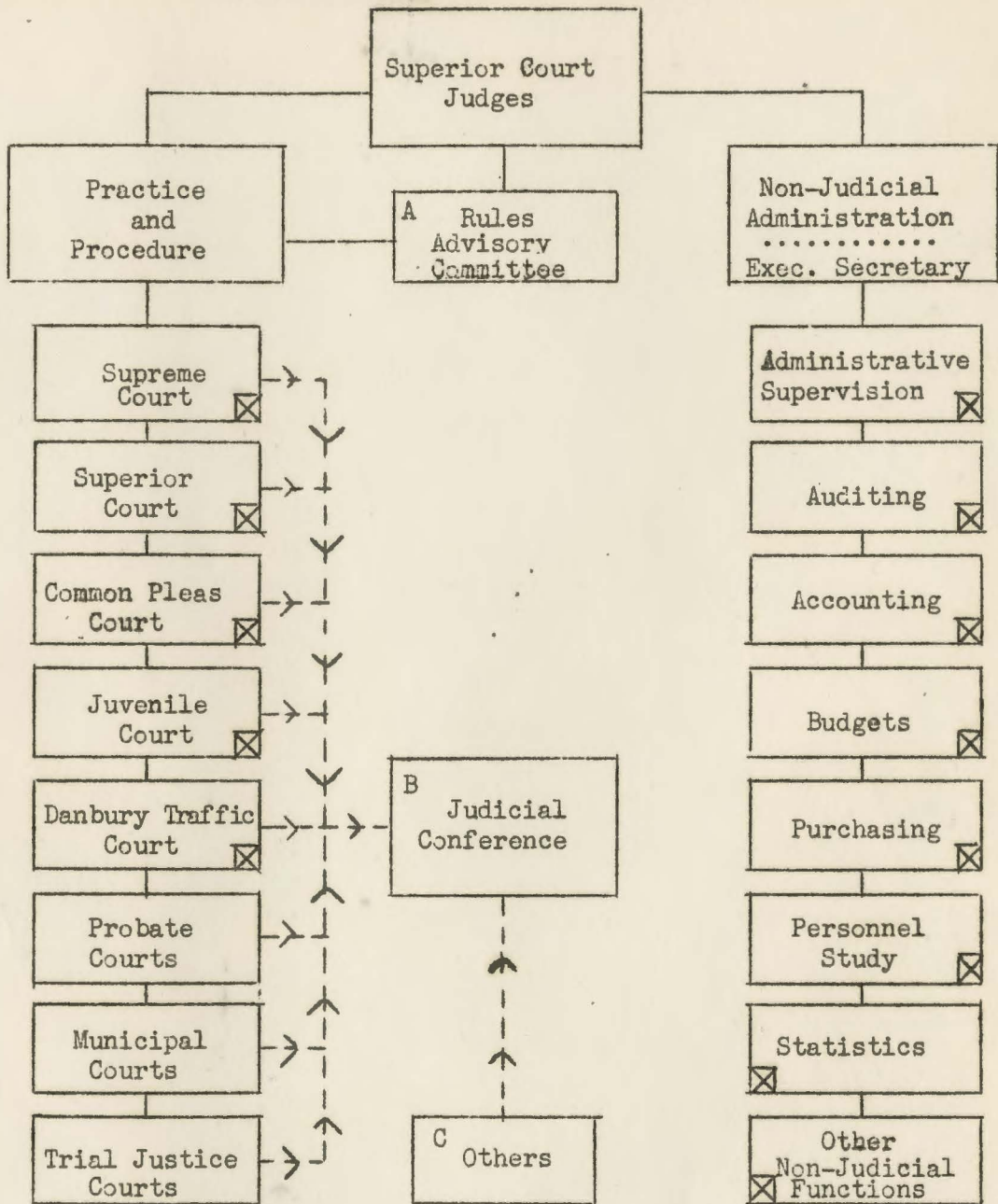


Secretary

Enclosures.

JUDICIAL DEPARTMENT

PROPOSED ADMINISTRATIVE ORGANIZATION



LEGEND

State maintained courts.

All courts.

--- To be represented on.

A- An advisory group of lawyers, laymen or both.

B- An advisory committee of court representatives, and

C- others to make recommendations for the improvement of justice.

State of Connecticut

JUDICIAL DEPARTMENT

EDWARD C. FISHER
EXECUTIVE SECRETARY

STATE LIBRARY BUILDING
HARTFORD, CONNECTICUT

C O P Y

March 14, 1944

Hon. Robert H. Weir
Director of the Budget
State Capitol
Hartford, Connecticut

Dear Mr. Weir:

Some time ago you asked for an organization chart of the judicial department - something which we did not have and did not feel able to prepare. Since then, however, we have spent some time working out a chart or charts, and the result of our efforts is attached hereto.

In the sense that a department is a branch or division handling a major function of government, the judicial department deals with the administration of justice, and by and under the authority of Article Fifth of the Constitution, is composed of the Supreme Court of Errors, the Superior Court, the Court of Common Pleas, the Traffic Court of the District of Danbury, the Juvenile Court, the Municipal Courts, the Trial Justice Courts and the Probate Courts.

In the administration of state affairs the department is commonly understood to consist of those courts which are state maintained, namely, the first five above enumerated. We assume that you are mainly interested in this latter group, and the following comment and the charts attached are confined principally thereto.

Chart I - Consisting of five separate and detached squares, each of which bears the name of one of the state maintained courts, may not be the kind of chart you expect, but it accurately and forcibly portrays the actual organization - or lack of organization - of the department. Each unit of the department is independent of each other unit in so far as administration is concerned.

Chart II - While more elaborate, and perhaps closer to what you had in mind in asking for an organization chart, it is not fundamentally different from the first. A line drawn around each court with its subsidiary offices would not intersect any/broken line connecting one court with another, again demonstrating the independence of each unit. The two groups of municipal and trial justice courts are included in this chart although not state maintained, because one representative of the municipal courts is ex officio a member of the judicial council, and to introduce both of them into the picture as they do have a common contact with the other courts through the office of the executive secretary, as will be shown in Chart III. Probate courts have not been included because they have no contact whatever with any other unit or agency thereof.

The judicial council is constituted "for the continuous study of the organization, rules and methods of procedure and practice of the judicial system of the state", and is included in Chart II because its membership is composed largely of representatives of the court groups. It is not an administrative body, having authority only to make recommendations to the Governor, or to the judges of the respective courts.

A limited contact exists between some of the courts in the person of the Chief Justice. He is Chief Justice of the Supreme Court of Errors, a Judge of the Superior Court, and presides at assemblies of the superior, common pleas, municipal and trial justice courts. He has authority to call special meetings of these assemblies and to make special assignments of the judges of the superior and common pleas courts. We do not know how to illustrate the duties of the Chief Justice by the use of a chart. He has no official contact with the Juvenile Court or the Danbury Traffic Court, and except for the prestige which is attached to the office and the personal influence of the individual, he has no administrative or policy-making power with respect to any unit.

The one agency with which each court portrayed in Chart II has contact is the office of the executive secretary. While he is appointed by the judges of the superior court, he is named executive secretary "of the judicial department", and has certain duties fixed by statute as to all courts, except probate courts. The specific statutory duties are auditing "of the bills of costs and expenses to be submitted to any judge of a state court for taxation", and accounting, as that has been inferred from the duty to "keep on file information as to the expense of conducting the judicial department". Authority to delegate to the executive secretary "other duties of a non-judicial character with reference to the administration of the judicial department, including municipal courts and trial justices" is granted to the judges of the superior court. Pursuant to that, and other provisions of the law creating the office, the executive secretary has been designated as pay roll clerk for state maintained courts, and acts as purchasing agent, with limited authority. He serves as secretary of the assembly of common pleas judges, municipal court judges and trial justices, and collects reports from municipal and trial justice courts of the nature and volume of business handled.

Chart III. We have attempted to outline the kind of work handled by the office of the executive secretary, and to show the authority therefor.

We realize that you have the necessary experience and training which we lack, to enable you to evaluate this work, hence we would be pleased to have your comments, and to know whether or not it complies with your request.

Yours very truly,

(signed) EDWARD C. FISHER

Executive Secretary
Judicial Department

CHART I.

ORGANIZATION CHART

JUDICIAL DEPARTMENT

STATE MAINTAINED COURTS

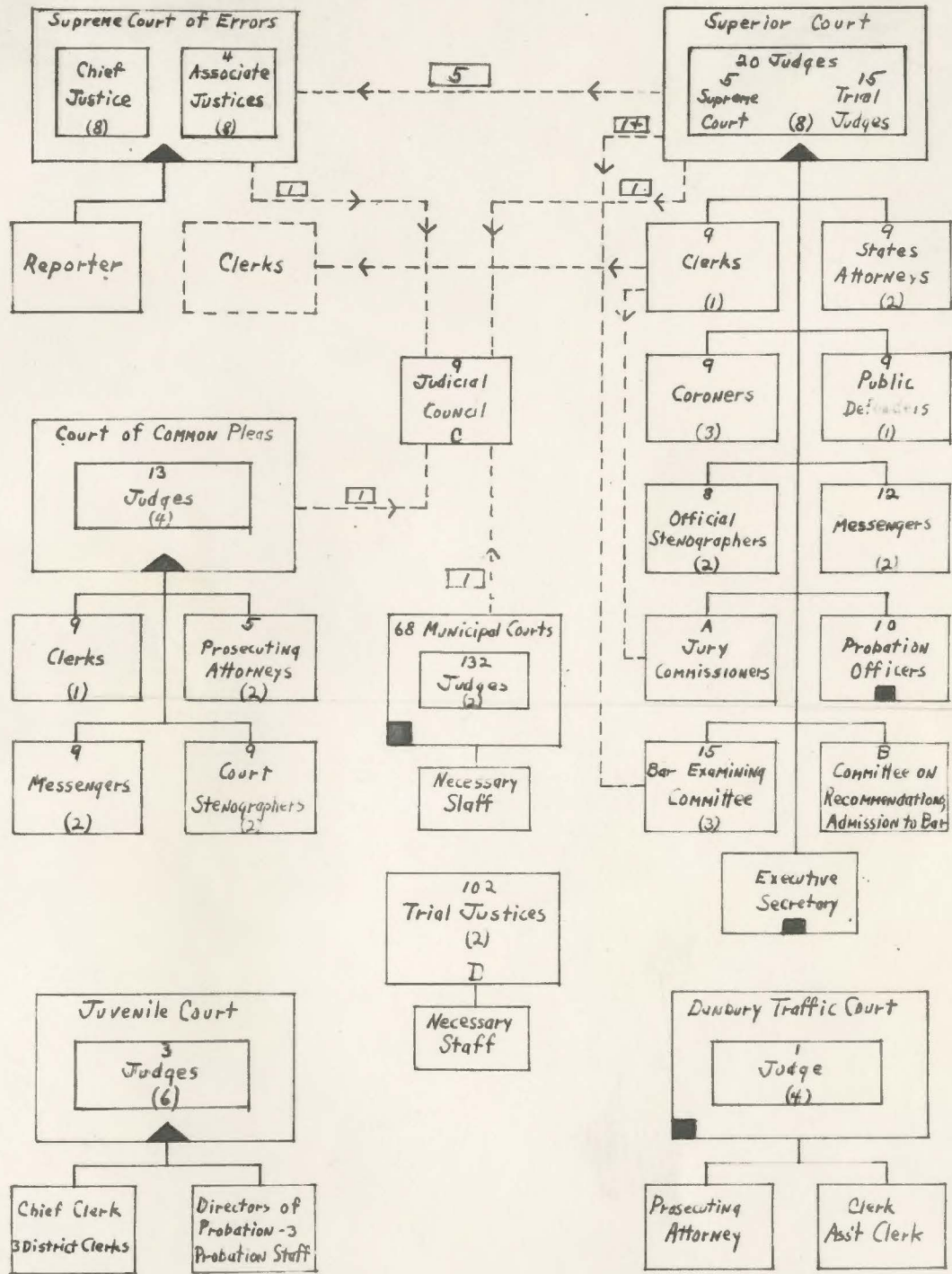
Supreme court

Superior Court

Court of Common Pleas

Juvenile Court

Danbury Traffic Court



LEGEND

Upper figure indicates number of officials.

Lower figure indicates length of term.

A-Clerk of court ex officio, and two electors in each county

B-3-5 members in each county, 3 year term.

C-Plus one states attorney and four lawyers appointed by the Governor for terms of not more than 4 years.

D-Named by selectmen of town.



Term at pleasure of appointing authority.



Named by General Assembly.



Governor nominates, General Assembly appoints.

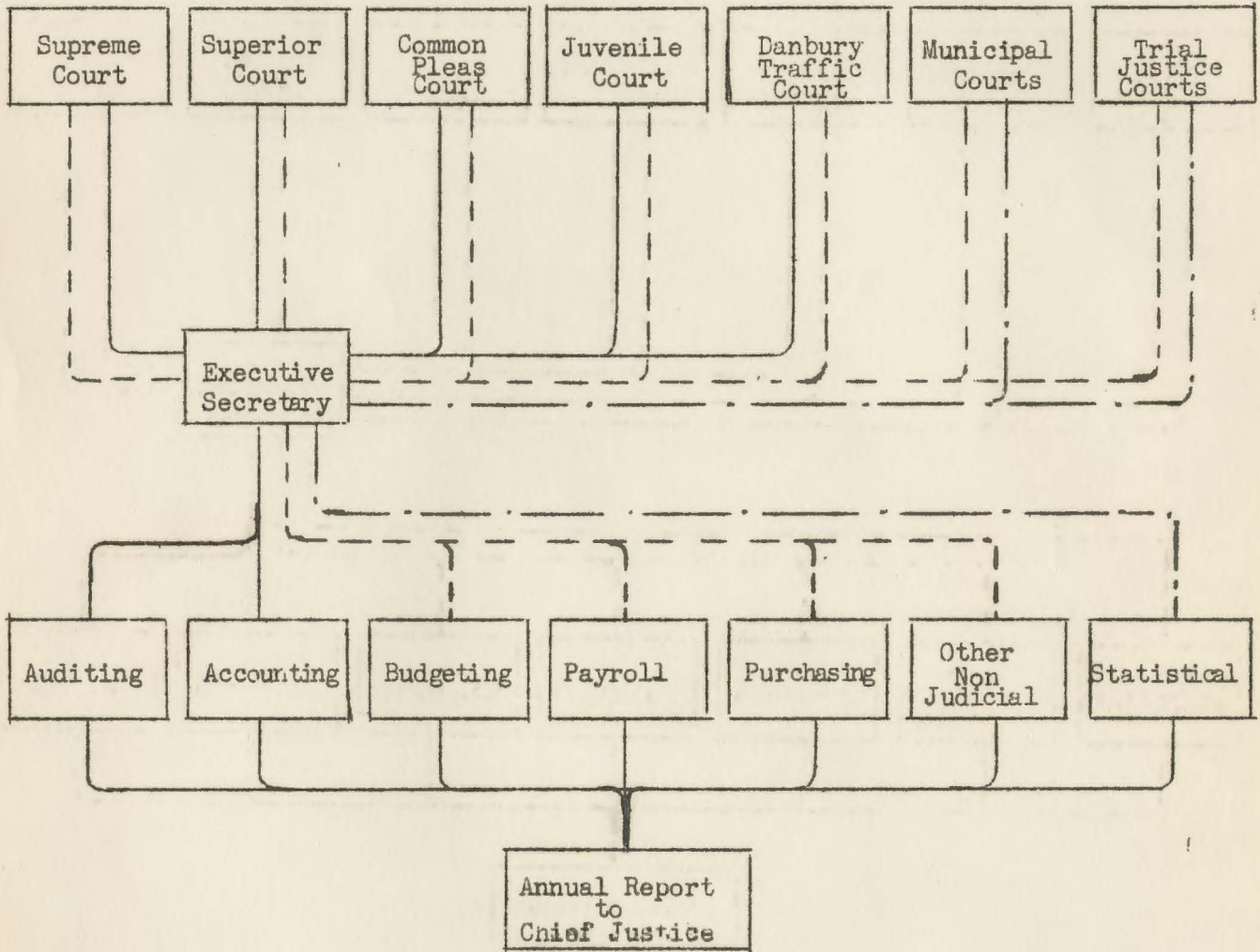
--- ex officio.

- [2] - more than one.

CHART III.

OFFICE OF THE EXECUTIVE SECRETARY

CHART OF DUTIES



Key to above:

—————

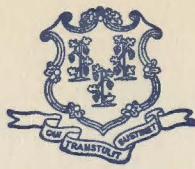
Specifically authorized by
Sec. 1377e, amended by 788f.

- - - - -

Assumed or delegated under
general authority Sec. 1377e, 788f.

— . — . — .

Sections 1358e, 1368e, 1369e.



State of Connecticut
COMMISSION TO STUDY
THE ORGANIZATION OF THE
JUDICIAL DEPARTMENT

March 30, 1944

Chairman
NEWELL JENNINGS
BRISTOL

Vice - Chairman
KENNETH WYNNE
NEW HAVEN

HUGH M. ALCORN, JR.
HARTFORD

ALBERT L. COLES
BRIDGEPORT

WARREN F. CRESSY
STAMFORD

PHILIP E. CURTISS
NORFOLK

EDWARD L. FENN
GREENWICH

NOYES L. HALL
MILFORD

CHARLES MCK. PARR
CHESTER

LOUIS SHAPIRO
UNIONVILLE

Secretary
EDWARD C. FISHER
STATE LIBRARY BUILDING
HARTFORD 1, CONN.

To the Members of the Commission

Subject - Probate Courts

Gentlemen:

From the attitude of the members present at the meeting on Monday, March 20th, it seemed probable to me that the recommendation to be most seriously considered by the commission would be one along the lines of Mr. Cressy's original plan. Among the modifications intimated during the discussion, was that perhaps no change should be recommended with respect to the smaller courts, for example, those having net annual incomes of less than \$1,000.

For the assistance of the commission in studying this subject, tables are enclosed which give average annual receipts, expenses, and net income for each probate district, the figures being based on the reports for the last three years (or for as many years as reports have been filed). These tables divide the courts into groups with respect to their net income - for ease of study - and to determine the relation, if any, that exists between population and net income.



State of Michigan
COMMISSION TO STUDY
THE ORGANIZATION OF THE
JUDICIAL DEPARTMENT

March 30, 1944

To the Members of the Commission

This commission was created by Special Act No. 218, Session of 1943, of which section four reads as follows:

Sec. 4. Said commission shall study the integration and reorganization of the judicial system of the state, including the supreme court of errors, the superior court, the court of common pleas, the municipal courts, justices of the peace, the juvenile court, workmen's compensation commissioners, unemployment compensation commissioners and the probate courts, to determine the most efficient and economical methods of integrating and reorganizing the same into one judicial system, including, but not limited to, methods of appointment of judges and such commissioners and their tenure of office and salaries.

to be one along the lines of Mr. Gregory's original plan. Among the
modifications introduced during the discussion, was that perhaps
no change should be recommended with respect to the smaller courts,
for example, those having not annual incomes of less than \$1,000.
For the substance of the commission in studying this sub-
ject, tables are enclosed which give average annual receipts, ex-
penses, and net income for each probate district, the figures be-
ing based on the reports for the last three years (or for as many
years as reports have been filed). These tables divide the courts
into groups with respect to their net income - for ease of study -
and to determine the relation, if any, that exists between popu-
lation and net income.

The following observations seem relevant:

(1) There are 50 courts, each with an average income of less than \$1,000 per year during the last three years. This is one group which might be omitted from a re-districting scheme, thereby avoiding some probable legislative opposition.

(2) There are difficulties in describing or defining this group by a standard based upon net income - which varies from year to year - or based upon population, which has no definite relation to income.

(3) It will probably be necessary, therefore, if a re-districting scheme is recommended, to create districts arbitrarily, as is done in the present statute, Sec. 4763, General Statutes, naming the towns which will constitute each probate district. Provision could be made for the merger of towns to form a new district, or to be consolidated into a larger district at local option.

(4) There was some discussion at the meeting as to whether or not judges placed on salary should be permitted to make political contributions. Of course the judges, under this plan, will continue to be nominated by one party or another - and elected - and campaigns for that purpose cost money. To make adjustments in salaries for that reason is to recognize the obvious, but who can say what is the proper adjustment, and who can tell what contributions a judge will make, once he is elected? Judges of probate are distinguished from judges of other state courts in the method of their selection, but otherwise they should be just as independent as to judicial action. It can be argued that even to sanction political contributions tends to subject the judge to improper influence, and to create the opportunity to bargain nominations to the highest bidder, or to refuse a nomination to a judge who has not "come across". Would

it not be better to fix salaries with respect to some standard such as services to be performed, revenues to be expected, or the like. .

(5) In fixing salaries, perhaps consideration should be given to other considerations than the income of the district. For example, the present district of Berlin - continued in Mr. Cressy's plan - has a population of 73,915, making it larger than Stamford and twice as large as Greenwich, but with gross income about 60 per cent of those two districts, and net income about one-half. It is reasonable to suppose that the Berlin district may be as busy as the other two, may have just as many estates to handle, but that these estates are enough smaller to account for the difference in revenue. Some investigation should be made along these lines.

You may have noticed comment by "The Connecticut Yankee" in the newspaper column of the same name, on facts disclosed by the probate court reports. He noted that one judge, with gross income of \$75,000, has a net income of \$15,000 (Hartford), while another judge, with gross income of \$30,000, has net income of \$20,000 (Waterbury); that one judge, with gross income of \$75,000, has net income of nearly \$40,000 (New Haven); that the net income of one judge was \$5,000 less than the previous year, while the gross income was only \$1,000 less (Hartford), and that the net income of one judge increased \$5,000 over the previous year although gross income was only \$3,000 more (New Haven).

The reasons for some of these things can be seen by reference to another schedule enclosed, which lists the principal expenses of the group of courts designated as Group I in the schedules mentioned above. For example, in the New Haven and Hartford districts, which are substantially alike in population and gross income, there is a variance of about \$25,000 a year in net income to

the judge, the larger of the two - Hartford - having the smaller income. The difference is principally in the amount spent for salaries, with the Hartford district spending \$17,000 to \$19,000 more per year than the New Haven district. It is not unreasonable to make other comments on the facts shown by this schedule, as follows:

(1) The "dues and subscription" expense of the New Haven and Derby districts appears to be beyond mere subscriptions to legal periodicals, or dues in professional associations, etc. Perhaps political contributions are thus listed by these two courts and not by others.

(2) The large "miscellaneous" expense of the Hartford district includes annual premiums of \$4,500 or more on employees' retirement income policy. This is the only district in the state providing this benefit to employees, at least as far as is shown by the record.

(3) The schedule shows that while some of the 19 courts in this group spent considerable amounts for the categories listed, seven spent nothing for dues and subscriptions; fourteen had no miscellaneous expense.

The full reports of the courts also disclose that the Hartford district spends about \$2,500 per year for postage, no other court claiming to have spent as much as \$300 in any year; twenty-eight of the courts filing reports for 1943 claim no other expense than for salaries and wages,- included in this group are Stamford, Bristol and Torrington, (Berlin, Ellington, Greenwich, Manchester and Norwalk had very slight additional expense) indicating that all probate districts may pay part of the expense of the courts; and that in the last two years the Bridgeport district has spent well over \$4,000 each year for equipment, much in excess of any other district.

The facts outlined in this letter all point to the lack of uniformity between the courts, in the preparation of the reports as well as in the fees and expenses on which the reports are based, and emphasize the discrimination that exists in so far as employees are concerned. It should also be observed that there is no audit or verification of the reports. Whatever may be recommended as the method of integration of these courts, integration of itself should at least give some assurance that employees of these courts would be treated alike, and that one judge would not be favored over another merely because of the per capita wealth of the residents of his district.

I hope that the material submitted herewith will be of some help.

Yours very truly,

Edward C. Fisher

Probate Courts

Districts	Population 1940 Census	Average Annual		
		Gross Receipts	Total Expenditures	Balance Remaining
Group II Net Income Over \$4,000				
New Haven	160,605			
East Haven	9,094			
Hamden	23,373			
North Haven	5,326			
Orange	2,009			
Woodbridge	<u>2,262</u>	202669	# 7557920	# 3822812
Bridgeport	147,121			
Easton	1,262			
Monroe	1,728			
Trumbull	<u>5,294</u>	155405	4106167	1793890
Waterbury	99,314			
Middlebury	2,173			
Wolcott	<u>1,765</u>	103252	3040896	1019279
Hartford	166,267			
Bloomfield	4,309			
Glastonbury	6,632			
Newington	5,449			
Rocky Hill	2,679			
West Hartford	33,776			
Wethersfield	9,644			
Windsor Locks	<u>4,347</u>	233103	7847347	5983001
Stamford	61215		2430633	665083
Greenwich	35509		2448493	744253
New London	30,456			
Waterford	<u>6,594</u>	37050	1309273	244891
Meriden		39494	1294103	268415
Berlin	5,230			
New Britain	<u>68,685</u>	73915	1427372	532500

(Group I continued next page)

Districts	Population 1940 Census	Average Annual		
		Gross Receipts	Total Expenditures	Balance Remaining
Group I (continued)				
Norwich	34,140			
Franklin	667			
Griswold	5,343			
Lisbon	1,131			
Preston	4,206			
Sprague	2,285			
Voluntown	<u>723</u>	48495	# 1507553	# 765112
* Middletown	26,495			# 722441
Cromwell	3,281			
Durham	1,098			
Middlefield	<u>1,230</u>	32104	993374	273693
Derby	10,287			
Ansonia	19,210			
Seymour	<u>6,754</u>	36251	1114000	413428
Norwalk	39,849			700572
Wilton	<u>2,829</u>	42678	1136745	462863
Fairfield		21135	935468	275116
Bristol		30167	763688	216233
Ellington	2,479			
Vernon (Rockville)	<u>8,978</u>	11457	699302	127800
Manchester		23799	815792	277943
Torrington	26,988			
Goshen	<u>778</u>	27766	780946	202333
Danbury	27,921			578613
New Fairfield	<u>608</u>	28529	659053	205939
				453114

Districts	Population 1940 Census	Average Annual			
		Gross Receipts	Total Expenditures	Balance Remaining	
Group II Net Income Between \$3,000 and \$4,000					
Newtown	4023	\$ 680871	\$ 282239	\$ 398632	
Wallingford	14788	521345	124150	397195	
New Canaan	6221	488554	113001	375553	
East Hartford	18615	531721	160136	371585	
Milford	16439	582183	215424	366759	
Stratford	22580	496546	144598	351947	
Ridgefield	3900	487461	136000	351461	
Darien	9222	574293	226158	348135	
Westport	8258				
Weston	1053	9311	493701	156183	337518
* Windham	13,824				
Scotland	478	14302	506050	192392	313658
Naugatuck	15,388				
Beacon Falls	1,756	17144	523571	212809	310762
Group III Net Income Between \$2,000 and \$3,000					
Litchfield	4029				
Morris	606				
Warren	328	4963	428007	136247	291760
Shelton		10971	372171	83800	288371
Watertown		8787	284002	2563	281439
Branford		8060	335453	63564	271889
Groton		10910	389633	120533	269100
Enfield		13561	367003	100766	266237
New Milford	5,559				
Bridgewater	537	6096	415242	152310	262932
** West Haven (From Jan. 1, 1943 only)		30021	343541	93984	249557
Stonington		11002	252696	13863	238833
Pomfret		1710	255591	47866	207725

Districts	Population 1940 Census	Gross Receipts	Total Expenditures	Balance Remaining	
Group IV Net Income Between \$1,000 and \$2,000					
Farmington	5313	\$ 394365	\$ 197216	\$ 197149	
Windsor	10068	238800	60625	178175	
Thompson	5577	202445	24790	177655	
Killingly	9547	259964	82655	177309	
East Haddam	2217	179060	5517	173543	
Norfolk	1333	260743	87855	172887	
East Windsor	3967				
South Windsor	<u>2863</u>	6830	207421	38709	168712
Southington	9649	209713	45881	163832	
Putnam	8692	226067	67476	158591	
Cheshire	4352				
Prospect	<u>1006</u>	5358	202951	47268	155683
Suffield	4475	204843	50000	154843	
Plainfield	7613	149081	2933	146148	
Quilford	3544	226420	80944	145476	
Saybrook	2332				
Chester	<u>1676</u>	4008	148863	10186	138677
Redding	1758	138883	3067	135816	

(Group IV continued next page)

Districts	Population 1940 Census	Average Annual			
		Gross Receipts	Total Expenditures	Balance Remaining	
Group IV (CONTINUED)					
Bethel	4105	\$ 191407	\$ 56166	\$ 135241	
Woodstock	1912	159655	28095	131560	
Winchester	8482				
Calebroke	<u>547</u>	9029	186242	60976	125266
Portland	4321	156146	32766	123380	
Salisbury	3030	160732	38368	122369	
Plymouth	6043	179931	57583	122347	
Sharon	1611	148475	35022	113453	
East Hampton	2955	131398	19454	111944	
Woodbury	1998				
Bethlehem	715				
Southbury	<u>1532</u>	4245	145424	36825	108599
Simsbury	3941	174875	67352	107523	
* Old Saybrook	1985	223791	116473	107318	
Madison	2245	192276	85740	106536	
Canaan	555				
North Canaan	<u>2304</u>	2859	161618	60996	100622

Districts	Population 1940 Census	Average Annual			
		Gross Receipts	Total Expenditures	Balance Remaining	
Group V Net Income Between \$500 and \$1,000					
Essex	2859	\$ 150446	\$ 51538	\$ 98902	
East Lyme	3338	103059	11275	91784	
Old Lyme	1702	114219	25232	88987	
Canton	2769	110128	30831	79297	
Colchester	2333	85044	10056	74988	
* Stafford	5835				
Union	<u>234</u>	6069	173625	100300	73325
Washington		2089	117663	44608	73055
* Clinton		1791	110310	40375	69935
Brooklyn		2403	69668	5621	64047
Montville		4135	68101	8091	60009
Granby		1544	60859	3668	57191
New Hartford		1836	57905	1500	56405
Plainville		6935	152393	96928	55465
Haddam		2069	119897	64994	54903
Tolland	1192				
Willington	<u>1233</u>	2425	106895	53347	53548
Coventry		2102	57229	5847	51382
Thomaston		4238	100180	49500	50680

Districts	Population 1940 Census	Average Annual		
		Gross Receipts	Total Expenditures	Balance Remaining
		Group VI Net Income Below \$500		
Westbrook	1159	\$ 54666	\$ 6305	\$ 48361
Kent	1245	70293	23106	47187
Canterbury	992	47763	2133	45630
Andover	560			
Bolton	728			
Columbia	553			
North Stanington	2141	64820	19842	44978
Brookfield	1236	52768	9433	43335
Salem	1345	43008		43008
Somers	504	38730	732	37998
Mansfield	2114	38758	3000	35758
Ledyard	4559	47188	14935	32252
Roxbury	1426	29716	678	29038
North Branford	660	29500	4667	24833
Harwinton	1438	47825	23475	24350
Lyme	1112	23677	155	23522
* Marlborough	717	24124	619	23505
Lebanon	476	26900	3525	23375
Barkhamsted	1467	24950	1636	23314
Avon	724	21608	796	20812
Sterling	2258	36710	18374	18336
Hebron	1251	18240		18240
Cornwall	999	17578	1512	16006
Eastford	907	20160	4340	15820
East Granby	496	23253	8508	14745
Bethany	1225	14458	542	13916
Ashford	706	22573	9010	13563
	704	16750	4761	11999

(Group VI continued next page)

Districts	Population 1940 Census	Average Annual		
		Gross Receipts	Total Expenditures	Balance Remaining
	Group VI (Continued)			
Hampton	535	# 21073	# 9800	# 11273
* Killingworth	531	19181	8610	10571
Burlington	1246	11266	643	10623
Oxford	1375	23750	13669	10081
Chaplin	489	13466	3600	9866
* Sherman	477	17317	8747	8570
Hartland	300	14325	6331	7994
Bozrah	904	10603	6242	4361

* "Average Annual" figures based on two year period as 1943 report not filed at time of preparation, Mar. 22, 1944. All other figures based on three year period.

** Court began operations Jan. 1, 1943. Income in subsequent years will undoubtedly be larger.

Probate Courts
Group I
Principal Expenses

Districts	Pop'n	Gross Income			Salaries			Dues and Subscriptions			Miscellaneous		
		1941	1942	1943	1941	1942	1943	1941	1942	1943	1941	1942	1943
New Haven	202,661	7697710	7703947	7672503	3193800	3192500	3304370	407755	300950	267277	59972	29777	00
Bridgeport	155,405	3186366	4591977	4540109	1202550	1539550	1570725	00	00	00	00	00	00
Waterbury	103,252	2722543	3222726	3177419	809595	760000	835000	2725	8475	5903	9935	193898	250386
Hartford	233,003	8317720	7694341	7539981	4868950	5121650	5229520	00	00	1900	947865	174014	420899
Stamford	61,215	2956260	279816	2353824	609150	671100	715000	00	00	00	00	00	00
Greenwich	35,509	2853265	2325204	2167010	793000	778800	697185	00	00	00	00	00	00
New London	37,050	985408	1682162	1260250	182500	205000	130000	38395	24610	27660	00	31389	15378
Merriden	39,414	1209310	1343445	1329555	291500	265500	180000	800	8175	4600	00	00	00
Berlin	73,915	1311025	1447900	1323191	520000	524000	523500	00	00	00	00	00	00
Norwich	48,985	1514039	1482126	1325784	620226	698500	546615	7500	12276	19066	00	00	00
Middletown	32,009	867620	1119128		260000	260000		800	8175		00	00	00
Derby	36,251	1129400	1161800	1050800	249500	227600	244400	98500	113700	95319	00	00	00
Norwalk	42,678	1200078	1039425	1170734	432575	448250	444338	00	00	00	00	00	00
Fairfield	21,125	820797	941870	1043739	210500	291000	276055	3000	3000	3000	00	00	00
Bristol	30,167	824885	689506	776675	214300	207000	209600	00	1500	00	00	00	00
Ellington	11,457	575330	762576	760000	105800	130600	140000	00	00	00	00	00	00
Manchester	23,799	807267	785217	854892	264000	264000	280680	00	00	00	00	00	00
Torrington	27,766	793435	715875	833530	171000	208300	208000	00	00	00	00	00	00
Danbury	22,529	473165	789075	719920	182000	182000	218500	00	00	1750	00	00	00

ACCOPRESS BINDER

BP 2507 EMB.

Manufactured by

ACCO PRODUCTS, INC.

LONG ISLAND CITY, N. Y., U. S. A.

