

**Chief Justice Chase T. Rogers Opening Statement**

**Judiciary Committee**

**April 10, 2015**

Good morning and thank you very much for the opportunity to address you today. I am honored and privileged to have served as Chief Justice for the last eight years and am grateful to Governor Malloy for his decision to re-nominate me.

As you know, I wear two hats: one as the administrative leader of the Judicial Branch and the other as Chief Justice of the court of last resort in Connecticut. Beginning with the administrative function, I thought it would be helpful to summarize our primary areas of focus for the past eight years and, if confirmed, what some of our goals and objectives are for the future.

Eight years ago when I initially went through the confirmation process, many of you expressed concern about the transparency of Judicial Branch operations. For me, this was the easiest concern to

address because my view of the Branch has always been that we can take great pride in how we conduct our judicial functions both in and out of the courtrooms.

When I appeared before this Committee in 2007, I wholeheartedly endorsed many of the initiatives already underway to enhance openness in the Branch. Since then, we have continued to find ways to make our courts more transparent and open. Let me give you just a few examples.

- To enhance accountability, we have opened our meetings to the public and have expanded court rules to facilitate cameras in our courtrooms so that the public can see their justice system at work on a daily basis at the Superior Court, Appellate Court and Supreme Court.
- We have used our website to increase the amount of information that is readily available for free to the public.

- For example, all disclosable documents in civil cases with a return date on or after January 1, 2014 are now available to the public online.
- In order to educate people regarding pending legal matters, the Supreme and Appellate Courts now have a case look-up section on the Judicial Branch's website that allows any member of the public to access briefs at no cost.

In addition to our transparency efforts, we have strengthened our commitment to access to justice. By way of background, soon after I was appointed Chief Justice in 2007, we developed a long-term strategic plan that would serve as a clear blueprint for the future. The plan's overlapping five goals are access to justice, addressing the need of changing demographics, delivery of services, collaboration with other branches and accountability. The initial focus of this plan was to make sure we were providing the best possible service to all of our stakeholders thereby ensuring continued confidence in the judicial system. As part of this plan, just like on the national level, we

recognized the ever-increasing number of self-represented parties in Connecticut (25 percent in civil matters and 85 percent in family cases). Because of this self-representation trend, we made a firm commitment to do everything we could to make sure individuals representing themselves also have meaningful access to justice. I would say that *if* there is one overarching theme it is that the Judicial Branch is committed to providing access to justice for everyone who comes into contact with our court system. If people can't speak the same language as a clerk, don't know what forms to fill out or simply don't know what the purpose of a hearing is, what hope can we have that justice will be served in their matters? To ensure that everyone has access to justice, we have made hundreds of improvements to Judicial Branch programs, many of them focused on the intelligent use of technology. I am, therefore, extremely proud to say that the Connecticut judicial system was recently recognized as No. 1 among the 50 states in its commitment to providing access to justice by the National Center for Access to Justice. Only the District of Columbia scored higher. I was also honored to be asked to speak at a White

House Forum on improving access to justice because of the many innovative ideas that the Connecticut Judicial Branch has implemented. Just a few examples of the changes we have made include the following:

- Last year, we used telephonic interpreting services over 13,000 times in 48 different languages. The service, known as Language Line, provides dual-handset phones that allow Branch staff to communicate with an individual with the assistance of an interpreter anywhere in the courthouse.
- We have sponsored two pro bono summits and, due to an enthusiastic response from the bar, have been able to establish thirteen Volunteer Attorney Day programs in eight different court locations, in which attorneys donate their time to assist members of the public in foreclosure, family and small claims matters. Volunteer attorneys are also on site to help with restraining orders in domestic violence cases. Many lawyers have stepped up to help self-represented parties who are trying to navigate the

court system and, to date literally thousands of people have taken advantage of these services.

- We have started using video-conferencing between courthouses where, for instance, lawyers sitting in Waterbury can now help self-represented parties who are in the New Britain courthouse.
- We have trained more than 130 Branch employees to serve as local contacts for people with disabilities who need an accommodation under the ADA when they come into contact with the judicial system.
- We established the first-in-the-nation Courthouse Observation Team to help ensure uniform and quality service, where staff go undercover to evaluate the level of service provided enabling us to provide direct feedback to our staff about how they are interacting with the public.
- To enhance access to justice in civil matters, I came up with an idea that has ultimately resulted in LawyerCorps Connecticut,

which provides fellowships to attorneys who are selected to work with legal services organizations for a two-year period. This project was embraced by the business community in Connecticut which provides the funding and the legal aid organizations that oversee the work of the fellows. Three fellows were selected last month who will now be providing high-quality legal services to low-income people.

- Because of their extended hours and multiple locations, we are working closely with Connecticut's 225 public libraries so that we can provide self-represented people with written materials and tutorials about legal information and resources available within the Branch and the legal aid community.

In addition to continuing all of our initiatives from the first strategic plan, many of which have been implemented at minimal cost, I am proud to say we are now into our second five-year strategic plan where the focus is on civil and family reengineering. I would now like to turn to those initiatives. Again, one of the goals of this process

is to improve access to justice for people representing themselves by reducing the cost of litigation and streamlining the court process.

As a result of the restructuring, we have implemented individual calendaring, so that in many civil cases one judge handles a matter from start to finish. This new system is in place in four judicial districts and we hope to have it statewide by the end of the year. Individual calendaring should offer many advantages, such as consistency in court rulings, reduced cost to the parties and a timelier resolution of disputes. We are also strongly encouraging the use of video-conferencing for status conferences and other case management matters to reduce the associated time and cost for lawyers and parties. Finally, we are also looking at developing a mediation center where experienced judges will be available to exclusively mediate cases in a proper environment.

Turning to family court, you know that the Judicial Branch implemented all of the changes that you enacted last session pursuant to Public Act 14-3 regarding the appointment of guardians

ad litem. To put this in context, there are approximately 10,000 pending family cases. In nine out of ten cases, it's not necessary to appoint a GAL because the parties reach an agreement regarding custody either through their own efforts or with the assistance of our family relations officers. In the approximately 10 percent of cases where a GAL is appointed, this is done solely to aid the court in determining the best interest of the child when the parents cannot agree.

The judges have and will continue to receive training on the significant legislation that you passed recently and we will continue to monitor what effect these changes are having. We are also making additional changes because the Branch believes that there is still more we can and should do to improve the family court system.

In order to come up with the best plan, we conducted an independent survey of family court users. To accomplish this, we contracted with an independent marketing research company to

conduct a survey of 1,000 people who had taken part in a family court case, randomly selected by the research company.

The survey indicated that 73 percent of the respondents were satisfied or somewhat satisfied with their overall court experience. Significantly, our staff received a 78 percent positive rating. This is a fairly good number when you consider the fact that the vast majority of people who walk through a family courthouse door understandably would rather be anywhere else than in our courthouses getting a divorce.

We learned from the survey, however, that respondents felt the process took too long and that rulings were not always consistent. To respond to these concerns we plan to implement an individual calendaring pilot program for family matters starting in September. Under this model, one judge would handle certain family cases from start to finish. We also confirmed through the survey that a number of respondents had concerns about the GAL system which, as I mentioned earlier, we are addressing through the comprehensive

legislation that was passed and which we continue to work to improve.

We are also seeking legislation to develop a simpler process for people who want to divorce, have no children and who agree on the terms of their dissolution. Under this model, judges could grant the divorce “on the papers,” without the parties having to appear in court. Clearly, the parties would benefit, but so would other individuals in family court because this process would allow the court to more effectively allocate resources based on the complexity of a case.

Finally, despite very limited resources, the Judicial Branch recently hired sixteen more family relations counselors dedicated to helping mediate family cases and we will also be piloting a program where family relations counselors will assist parents in resolving post-judgment dissolution and custody matters at no cost to the parties. This type of program in other states has shown a 25 to 33 percent reduction in post judgment activity.

In sum, I have been and remain committed to examining and improving all aspects of our family courts. We will continue to work hard and make improvements that benefit the families we serve, recognizing the emotional and financial burden that dissolution of marriage and determinations of child custody present.

I would now like to turn to another priority of mine over the last eight years and address three topics regarding diversity: first, diversity within the Judicial Branch's work force; second, diversity on the bench; and last, serving a diverse community.

Regarding Branch employees, we have worked hard to increase diversity because it is essential that we represent the face of the people we serve. As a result, I am pleased to report that by the end of 2014, we increased minority representation in our workforce to 31 percent.

With respect to enhancing diversity on the bench, while I understand that it is the responsibility of the Executive Branch to nominate candidates for judgeships and that it is the Legislature's role

to review and approve these candidates, I also believe that it is appropriate for the Judicial Branch to encourage qualified minority attorneys to apply for judgeships.

To that end, eight years ago I began meeting regularly with representatives of the minority bar associations. As we began talking about diversity, we agreed that many attorneys were unfamiliar with and/or intimidated by the process of becoming a judge. To address this concern, the leadership of the minority bar associations, enlisting the help of judges and court staff, organized multiple forums for attorneys who were interested in learning about the process.

Thanks to the efforts of all three branches, the percentage of minority judges serving in our state courts increased to approximately 22 percent by the end of 2014. We can all take pride in this step forward.

Finally, in serving a diverse community, we must address head-on any issue of mistrust of the criminal justice system and, for purposes of today's discussion, the courts. As I hope my previous

comments have made clear, we have taken many concrete steps to enhance trust and confidence in the court system by making it more accessible and by making us more accountable. We have also conducted, and will continue to conduct, regular training for both judges and staff addressing implicit bias, and understanding and respecting diversity so that we are responsive and respectful of the needs of all who we interact with.

Finally, turning to my other function as Chief Justice of the Supreme Court, I'd like to now address just a couple of points.

Beginning with the September, 2009 term, the Supreme Court began to hear cases en banc with all seven justices hearing every case in which there are no disqualifications as opposed to previously sitting in random panels of five. This policy recognizes that the public has an interest in having every justice hear and decide every case, whenever possible.

Even with the justices now sitting en banc, the Supreme Court hears between 120 and 135 cases a year, and from 2011 through

2014, the average time between hearing arguments and the publication of an opinion was 178 days.

In closing, there are many challenges ahead, but I am confident that the changes we have already implemented will continue making a difference. I can also assure you that the Judicial Branch has been and will continue to be vigilant in seeking ways to improve. If confirmed, I look forward to a continuing, constructive dialogue with both the Legislative and Executive Branches. Thank you for the opportunity to provide these comments, and I would be happy to answer your questions.