

## SUPREME COURT PENDING CASES

*The following appeal is assigned for argument in the Supreme Court on June 22, 2020*

CONNECTICUT CRIMINAL DEFENSE LAWYERS  
ASSOCIATION et al. v. NED LAMONT et al., SC 20470

*Judicial District of Waterbury*

**Standing; Political Question Doctrine; Whether Criminal Defense Lawyers Association and Individual Inmates Have Standing to Bring Mandamus Action Regarding Conditions at State Correctional Facilities During COVID-19 Pandemic; Whether Plaintiffs' Claims Justiciable.** The plaintiffs in this action are the Connecticut Criminal Defense Lawyers Association (CCDLA), a statewide nonprofit organization whose members are criminal defense attorneys, and six individuals who are sentenced inmates or pretrial detainees at correctional facilities in Connecticut. They brought this action against the defendants, Governor Ned Lamont and Commissioner of Correction Rollin Cook, alleging that the defendants have failed to adequately mitigate the effects of the COVID-19 pandemic on the state's correctional facilities in violation of the federal and state constitutions and the defendants' statutory obligations. The plaintiffs asked that the trial court issue a writ of mandamus ordering the defendants to release inmates with heightened COVID-19 risk factors, reduce population density at state correctional facilities, and submit a plan to the trial court that addressed issues of sanitation, social distancing, and medical treatment. The defendants filed a motion to dismiss the action, arguing that the plaintiffs lacked standing to bring it and that their claims were nonjusticiable under the political question doctrine, which provides that an action is jurisdictionally defective when it involves a controversy that directly implicates the primary authority of the legislative or executive branch. The trial court granted the defendants' motion to dismiss. The trial court concluded that the CCDLA lacked associational standing or third party standing where the complaint failed to allege a direct injury suffered by the CCDLA or its members. The trial court also concluded that the individual plaintiffs lacked standing because the complaint failed to allege sufficient facts to support their claims of unconstitutional conditions of confinement. Specifically, the trial court determined that the plaintiffs had not sufficiently alleged that they had been denied "the minimal civilized measure of life's necessities" where they claimed that the defendants' failure to take adequate preventative measures resulted not in direct exposure to COVID-19 but rather in a heightened risk of

such exposure. The trial court also determined that the plaintiffs had not sufficiently alleged that the defendants had acted with “deliberate indifference” to inmate health and safety during the COVID-19 pandemic where their claims did not rise to the level of recklessness. Finally, the trial court held that dismissal of the action was warranted on the alternative ground that the plaintiffs’ claims presented nonjusticiable political questions, noting that the defendants are vested by statute with discretion to decide whether to perform the very actions that the plaintiffs sought that they be compelled to perform. The plaintiffs appeal from the trial court’s dismissal upon the granting of certification by the Chief Justice pursuant to General Statutes § 52-265a. The Supreme Court will decide whether the trial court properly dismissed the action on the ground that the plaintiffs lacked standing to bring it and on the ground that the action presents political questions that are not justiciable by a court.

*The summary appearing here is not intended to represent a comprehensive statement of the facts of the case, nor an exhaustive inventory of issues raised on appeal. This summary is prepared by the Staff Attorneys’ Office for the convenience of the bar. It in no way indicates the Supreme Court’s view of the factual or legal aspects of the appeal.*

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