

Connecticut Supreme Court Historical Society

Minutes

Board of Directors Meeting – December 19, 2016

President Wesley Horton called the meeting to order at 2:03 p.m. in the Supreme Court Lawyers Lounge. Others present were: Jeff Babbin, Dean Jennifer Brown, Kathy Calibey, Judge Henry Cohn, Pat Fahey, Bill Fish, Dean Tim Fisher, Paul Giguere, Dean Eric Gouvin, Daniel Krisch, Molly LeVan, Matthew Necci, Donald Rogers, Erick Sandler, Jonathan Weiner, Jeff White, Mike Widener, Kendall Wiggin, and Justice Peter Zarella.

Mr. Horton noted Justice Zarella's upcoming retirement from the Connecticut Supreme Court and made several remarks regarding the Justice's help in getting this Society off the ground. Other members expressed their gratitude to Justice Zarella.

The Board voted to approve the minutes of the Board meeting from September 12, 2016.

The Board voted to approve the Treasurer's Report as of December 16, 2016. There was a discussion of printing costs for the Journal and of dues invoices.

For the Membership Committee, Dan Krisch reported no change in membership and that renewal notices were being sent.

Judge Henry Cohn and Jeff White were appointed to the Nominating Committee, to report at the Annual Meeting.

There was a long and wide-ranging discussion about law schools and their students becoming more involved with the Society. The Long-Range Planning Committee had suggested that law school deans be made members of the Society. Jeff White remarked that the CBA Young Lawyers Section had sought to involve law students as liaisons to the Section. Matt Necci suggested having appellate law events that combined this Society, the Young Lawyers Section, and law students. There was a discussion that millennials are interested in "access" – and perhaps there should be a brown bag lunch involving 15-20 law students and a Supreme Court Justice or prominent appellate lawyer. Dan Krisch suggested having law students as ex officio members of the Board and then obtain their ideas, and also to man a table at law schools when there is an opportunity, and also to consider reaching out to History Departments at colleges (query whether graduate students or also undergraduates?). Don Rogers agreed that reaching out to History Departments is a good idea.

Dean Tim Fisher referred to possibly having appellate arguments at UConn with the Society involved in making introductory remarks. Dean Jennifer Brown referred to law students being anxious about jobs, and we should think about mentoring and networking opportunities; and, also, that one way to interact with law students might be through the law school journals. There was also a suggestion about interacting with state affinity bars or law student groups that might

be interested in how the Connecticut Supreme Court has handled various issues. Dean Eric Gouvin remarked on challenges, including fewer law students today – and that law students are interested in connecting with actual lawyers and it might be hard to convince them to attend events billed simply as “history” events – and that history students might be more promising targets, particularly if there was an internship opportunity (to connect school studies to the larger world).

A suggestion was made about re-enacting old cases, perhaps obtaining student help for extern credit or as a connection for jobs (i.e., a palpable payoff). Molly LeVan suggested marking our programs better known, and any assistance from the Deans to the Society’s Program Committee would be useful in identifying who to contact at the law schools and push the right buttons. Dean Brown said she’d be happy to help find the right path at her law school for each Society event. Dean Gouvin suggested that students would react more positively if information about programs came through trusted social media rather than through a law school dean. Don Rogers suggested reaching out to history and government faculty working with students, and that CCSU has public history students who might be interested in internships. Dean Gouvin acknowledged that it could be hard to interest law students in Connecticut Legal History, even if it was pitched as a competition. Dan Krisch suggested having an event at a law school each year. A suggestion was also made to provide an opportunity for a student to publish in a Society publication.

Matt Necci was appointed as chair of a Student Involvement Committee.

Dean Fisher will talk to Mr. Necci to give him ideas. Dean Fisher also suggested taking an existing event at a law school and tie this Society into that event and perhaps have someone from the Society give some remarks at the event.

The meeting turned to the topic of restoring a plaster model of the State Library-Supreme Court building (and Justice Zarella left the meeting at this time). Ken Wiggin distributed a proposal for treatment of the model from the Williamstown Art Conservation Center, which includes three options and recommends the listed Option A. (Attached.) It was suggested that one way to honor Justice Zarella would be to restore and display the model. There ensued a discussion of a location for the restored model, perhaps in the lobby of the building. There was also a discussion of funding the restoration (whether through fundraising or from the Society’s general fund). Ken Wiggin remarked that Justice Zarella had been very supportive of the building, and he suggested that we move forward with the Option A as set forth in the proposal. A motion was made to approve the Option A and use the Society’s general funds up to \$6,600 (i.e., the \$5,600 for Option A set forth in the proposal, plus a \$1,000 reserve) with the ability to come back to the Board if more funds are needed. The motion passed. It was stated that the project would be done in honor of Justice Zarella and his contribution to the Society.

The Program Committee distributed a report (attached), which referenced the Fall 2016 Society meeting and the upcoming Annual meeting on April 5, 2017, at the New Haven Lawn Club (with the talk given by Columbia law school Professor Philip Hamburger).

A discussion ensued about how to honor Justice Zarella at the Annual Meeting. The Program Committee will work in how to do this, including announcing the model restoration and have

some photos available. The Chief Justice will be asked to make some remarks. A picture of the model can be given to Justice Zarella as a gift.

On the day of the Annual Meeting, at 3:30 p.m., Mike Widener will host a tour for the Board in the rare book room of the Yale Law School library.

Don Rogers presented a proposal for Connecticut History Day's competition on April 29, 2017, with the Society offering a prize (\$500 each for middle school and high school awards), and with the proposal (see Attached) offering a description of the prize to guide the competition's judges. After discussion, a motion was made to approve the prize description set forth in the first bullet point in the attached Don Rogers memorandum, and the motion was approved.

It was discussed that Barbara Schellenberg is in touch with the printer and that we are on track for publishing the next edition of Supreme Court History.

It was announced that the next Board meeting will be held at 5:00 p.m. on Wednesday, April 5, 2017, at the New Haven Lawn Club, before the Annual Meeting.

Mike Widener made a motion for the first batch of the Society's archives to be donated to the Connecticut State Library's archive, with Wes Horton to sign the Deed of Gift for the State Archivist to take custody of the records. The motion was approved.

The meeting adjourned at 3:08 p.m.

Respectfully submitted,

Jeffrey R. Babbin
Assistant Secretary/Assistant Treasurer

From: Wiggin, Kendall [mailto:Kendall.Wiggin@ct.gov]
Sent: Tuesday, December 06, 2016 10:22 AM
To: Cohn, Henry
Subject: Model of the State Library and Supreme Court Building

Good morning Henry,

The Museum staff are recommending that we only proceed with the first option which is basically to clean and restore broken elements on the model. We feel taking off the latex paint is an expense that is not needed at this time. The cost that was quoted for option A is \$5,600.00.

Looking forward to seeing you on the 19th.

Ken



Kendall F. Wiggin | State Librarian | Kendall.Wiggin@ct.gov | Office: (860) 757-6510
www.ctstatelibrary.org | 231 Capitol Ave. Hartford CT 06106 | Fax: (860) 757-6503

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Williamstown Art Conservation Center, Inc.

227 South Street, Williamstown, MA 01267

413-458-5741 tel • 413-458-2314 fax

Examination Record

Artist: Date: 4/26/2016
Title: *Hartford, CT State Library Supreme Court Building* By: Helene Gillette-Woodard
Date:
Kind: Plaster Model
Size: 18" x 48" x 12"
Lab # OB-845
Accession #
Owner: Connecticut State Library
Kendall Wiggin
231 Capitol Ave
Hartford, CT 06106

This plaster model was made for a design competition for the State Library-Supreme Court Building in 1908. The Building was built and dedicated in 1910. The is a pen and ink drawing of the Building on display in the Library/Museum Gallery that shows many of the small details that are damaged in the model and some changes that should be researched.

The model is constructed from molded slabs that were cast in plaster of paris. These molded sections were assemble into the two winged building with very detailed architecture elements, such as front entry statues. The building is situated on a flat ground that appears to be cut away at the two side basement doors. This cutaway is different then what is illustrated in the pen and ink drawing and maybe a later addition.

The surface of the model is covered with a white "latex" paint with no auto UV light fluorescence. This paint layer is covering at least one layer of buff colored oil paint that has a yellow auto UV light fluorescence. There may be a least three separate layers of paint covering the surface of this plaster model.

The base of the model has been supported by a wood frame. There is a 1 inch thick plywood panel under the base of the model. The edge of the base is covered with 1-1/2 inch high ¼ rounds that are nailed into the plywood panel. This wood frame is covered with the same "latex" paint as the model.

Condition:

The major areas of damage are related to the top horizontal surface of the base. This damage seems to be related to the addition of the wood frame that surrounds the base. There is a skim coat of recently applied plaster that was used to cover the top surface of the model and fill in any gaps between the base and the wood frame. When the wood of the frame moved due to changes in humidity the plaster was placed under a great deal of pressure and cracked along the edges as well as between the skim coat and original plaster layer. This resulted in the numerous chips and shards note around the edges of the base. There is a large structural crack in the back wall of the building that is a result of this movement and possibly the vibration caused by hammering the frame into the plywood base.

There are other areas of damage that have occurred before and after the repainting with the latex paint that are the result of impact damage. The missing sculptures and sculptural elements associated with the front entrance of the building. The proper right back corner of the building is detached.
The surface of the model is covered with a dense layer of dust and grime.

Williamstown Art Conservation Center, Inc.

227 South Street, Williamstown, MA 01267

413-458-5741 tel • 413-458-2314 fax

Proposal for Treatment

Artist: _____ Date: 4/26/2016
Title: *Hartford, CT State Library Supreme Court Building* By: Helene Gillette-Woodard
Date: _____
Kind: Plaster Model
Size: 18" x 48" x 12"

Owner: Connecticut State Library Lab # OB-845
Kendall Wiggin Accession #
231 Capitol Ave
Hartford, CT 06106

Option A
Treatment Proposal

1. Clean surface of model with soft brushes and control suction from a HEPA filter vacuum.
2. Remove Wood ¼ round elements of frame from the plywood base. This will not be done if it appears to be damaging the original plaster elements.
3. Using Conservation approved materials the loose fragments will be reattached and the stress cracks stabilized. The associated losses will be filled with a spackling compound of a bulked resin. The fills will be reintegrated with the surrounding surface.
4. Reconstruct a frame that protects the edge of the plaster, but does not cause further damage.

Labor: 50 hours @ \$100 per hour	\$5,000.00
Materials:	\$500.00
Photography:	\$100.00
Total Treatment Costs:	<hr/> \$5,600.00

Option B
steps 1-4 and 5

5. Remove the latex paint from the surface of the original oil paint, prior to reattaching the fragments.

Labor: 90 hours @ \$100 per hour	\$9,000.00
Materials:	\$600.00
Photography:	\$100.00
Total Treatment Costs:	<hr/> \$9,700.00

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Option C

Steps 1-5 and 6

6. Determine if the raised ground is original to the model. If it is not original and can be safely removed, an additional proposal will be given to the client for its removal.

Labor: 92 hours @ \$100 per hour	\$9,200.00
Materials:	\$600.00
Photography:	\$100.00
	<hr/>
Total Treatment Costs:	\$9,900.00

To authorize treatment, please sign this form.

Rates are effective through 6/30/2016. Please see payment terms on the reverse.

Conditions of Acceptance of Proposal for Treatment:

1. **Authority:** The Owner requests and authorizes the Williamstown Art Conservation Center, Inc. (the "Center") to perform the treatment of your art object(s) in the manner and on the terms and conditions set forth in this "Examination and Proposal for Treatment" (the "Contract"). In addition to the treatment described in this Contract, the Center may also prepare transcripts of records of examination and treatment reports and opinions for the object(s) the Owner submits to the Center (the "Services").
2. **Emergency Treatment:** The Owner understands that treatment is subject to variables and unforeseen treatment needs. While the Center will endeavor to contact the Owner and obtain the Owner's permission before performing emergency treatment not otherwise set forth herein, there are some circumstances and occasions when the Center, in the process of performing the treatment described in this Contract, may deem it critical to perform additional treatment without delay to avoid or prevent damage to your art object. The owner hereby authorizes the Center, in its sole and absolute discretion, in those circumstances when it deems it critical to perform such additional treatment without delay, to perform such emergency treatment at the expense of the Owner.
3. **Ownership:** The Owner represents, warrants and certifies that the Owner is the lawful owner of the object(s) described on the reverse side of this Contract and has full authority to make this request for treatment from the Center and any subsequent work agreed to by the Owner on the terms and conditions hereof; or, if the undersigned is not the Owner, then the undersigned has been duly authorized by the Owner to enter into this agreement and is signing on behalf of the Owner ("Designee"), all as set forth on a separate Power of Attorney given by the Owner to its Designee, or on another document signed by the Owner and duly authenticated granting authority for the Center to perform the Services set forth on the reverse side of this Contract, all as satisfactory to the Center.
4. **Assumption of Risk:** The Owner understands that the treatment of art objects is subject to high risk and that the Center cannot predict or guarantee the success of effectiveness of any treatment, and the Owner specifically assumes any risk of loss or damage resulting from such treatments, unless such loss or damage was the result of the gross negligence or wanton and willful misconduct of the Center.
5. **Liability: Release and Indemnity Provisions:** The Owner agrees that neither the Center nor the Clark Art Institute, their representatives, employees, servants, agents, officers, trustees and assigns, shall be liable or responsible for any losses, claims, causes of action, actions, suits of whatever nature, damages, judgments and expenses (including without limitation attorneys fees and expenses) relating to or arising out of the Center's services for such objects, except in the event of the gross negligence, or wanton and willful misconduct of the Center. The Owner expressly releases, discharges and agrees to indemnify and hold harmless the Center and the Clark Art Institute, and their representatives, employees, servants, agents, trustees, officers and assigns from any and all losses, claims, causes of action, actions, suits of whatever nature, damages, judgments and expenses (including without limitation attorneys' fees and expenses) which may be related to or arise out of the Owner's objects or the Center's Services, except in the event of the gross negligence, or wanton and willful misconduct of the Center.
6. **Limited Insurance:** We encourage the Owner to secure their own insurance coverage for the objects submitted to the Center. For objects in the Center's possession, insurance coverage is limited. If there is no agreed value set forth on the reverse side of this Contract by the Owner, then the Center's insurance coverage for the object(s) is limited to the cost of any restoration, including depreciation or replacement, but not exceeding the Center's available coverage then in effect. If there is an agreed value set forth, then that value will form the basis of the valuation for insurance coverage purposes.
7. **Liability: Transcripts, Reports and Opinions:** If the Owner requests transcripts of records of examination and treatment, reports and opinions concerning objects submitted to the Center by the owner, then the Owner expressly releases, discharges and agrees to indemnify and hold harmless the Center and the Clark Art Institute, and their representatives, employees, servants, agents, trustees, officers and assigns from any and all loss, claims, causes of action, actions, suits of whatever nature, damages, judgments and expenses (including without limitation attorneys fees and expenses) which may be related to or arise out of the release of transcripts, reports and opinions, except in the event of the gross negligence, or wanton and willful misconduct of the Center.
8. **Use Limitation: Transcripts, Reports and Opinions:** The Owner hereby grants permission for the records of examination and treatment to be used by the Center for educational and scholarly purposes, but for no other purposes. If the owner wishes additional copies of such records then will be furnished on request, but only at the Owner's sole expense.
9. **Release:** Objects will be released only to the Owner; or its Designee.
10. **Special Conditions:** In the event of danger arising from natural disturbances, or as a result of prevailing conditions including a threat for military violence, the Center, for the objects listed on the face of this Contract will be free to determine the course to be followed for these objects and storing them, and any such determination will be final and will not subject the Center, the Clark Art Institute, or their agents, offers, trustees, or employees to any liability whatsoever.
11. **Successor Provisions:** The provisions of this Contract are binding upon the Owner, its Designee, its legal representatives and assigns.
12. **The Center has received the object(s) pursuant to the provisions of Massachusetts General Laws c. 255, §31F. The Owner must claim the object(s) within one year of the Center's completion of its work, or the objects may be sold for payments not made hereunder.**
13. **Applicable Law:** This agreement will be construed in accordance with Massachusetts Law, and may only be changed or amended by the written agreement of both parties. If any one or more provision hereof is deemed invalid or unenforceable, then all other provisions will remain in full force and effect.

PAYMENT TERMS

WACC Members: The project cost will be debited from your member drawing account if funds are available, unless you request a special invoice (notify Terry Haskins, Accounts Manager: thaskins@williamstownart.org).

By: _____ Name: _____ Date: _____
Signature Print

TO: Connecticut Supreme Court Historical Society Board
FROM: Program Committee
RE: Periodic Report
DATE: December 2, 2016

The program committee submits the following report regarding the fall meeting and its plans for the annual meeting.

Fall meeting: The Society met at The Hartford Club on November 1, 2016, to hear Ilya Somin, professor of law at George Mason University, speak about his book *Democracy and Political Ignorance: Why Smaller Government is Smarter*. Approximately 40 people were in attendance.

Annual meeting: The annual meeting will be held on Wednesday, April 5, 2017, at the New Haven Lawn Club. The social hour will begin at 5:30 p.m., dinner will be served at 6:30 p.m. and followed by a talk to be given by **Philip Hamburger**, the Maurice & Hilda Friedman Professor of Law at Columbia Law School. Professor Hamburger will speak about **the Symsbury case and the limits of consent**. The committee is grateful for the assistance of Mike Widener, who brought Professor Hamburger to the committee's attention. As he has in years past, Mike has invited the Board to visit Yale Law School to tour an exhibit immediately prior to the annual meeting. Details regarding dinner at the Lawn Club will be forthcoming in late winter.

MSL/

3:30 tour -
Mike at Yale

Will Adams

From: donald rogers <donrogershistorian@yahoo.com>
Sent: Sunday, December 11, 2016 10:24 AM
To: Wesley Horton; Wesley Horton
Subject: Proposing Description for CSCHS's Connecticut History Day Prize

Dear Wes,

To advance the Connecticut Supreme Court Historical Society's plan to award another prize at the Connecticut History Day final competition on April 29, 2017, Rebecca Taber-Conover asks us to propose a prize description to guide the judges.

I understand that this issue is coming up at the next CSCHS board meeting on December 19. Not knowing if the Society already has a prize description, I am herewith suggesting some language for the award for your consideration now, or for the board as a whole. There are two versions, one with a generic title and a second honoring Justice Zarella on the occasion of his retirement. May I put these forward?

- Prize for Outstanding Entry in Connecticut Legal History. The Connecticut Supreme Court Historical Society exists to promote study and learning of Connecticut's judicial and constitutional history and traditions. The Society therefore presents an award to an Outstanding Connecticut History Day entry in any category or division that relates to law in Connecticut history, especially in the state and/or the federal courts.
- Justice Peter Zarella Prize for an Outstanding Entry in Connecticut Legal History. The Connecticut Supreme Court Historical Society exists to promote study and learning of Connecticut's judicial and constitutional history and traditions. A scholar as well as a jurist, Justice Zarella is a foremost champion of studying Connecticut's legal past. The Society therefore presents an award to an Outstanding Connecticut History Day entry in any category or division that relates to law in Connecticut history, especially in the state and/or the federal courts.

Commentary: I chose to focus the descriptions on "legal history" rather than "law," to broaden the scope of the prize beyond just the present time and just black-letter doctrine or statutory history. I also chose to open the prize to entries that touch on legal events that rose to federal jurisdiction, as well as state jurisdiction. These expansions make it more likely that History Day judges will find an entry that fits in CSCHS's criteria. We do not want it to be too narrow. Do we even want to confine it judicial cases?

Those are my suggestions. I hope that they will help us move forward on this initiative.

Best regards,

Donald Rogers
Member, CSCHS
Adjunct Lecturer in History
Central Connecticut State University
Housatonic Community College

If you are not the intended recipient, please contact the sender by reply e-mail and destroy all electronic and print copies of the original message.

From: Taber-Conover, Rebecca [<mailto:Rebecca.Taber-Conover@cga.ct.gov>]

Sent: Monday, November 21, 2016 2:14 PM

To: Jane Dube <Jdube@hortonshieldsknox.com>

Cc: 'donald rogers' <donrogershistorian@yahoo.com>

Subject: Special Prizes at 2017 State History Day Contest

Dear Wes and Don,

We so appreciate the CT Supreme Court Historical Society's support of Connecticut History Day and your great kindness in sponsoring a Special Prize at the State Contest. I am working on assembling this year's list of Special Prizes to post on our website and I wanted to check in with you to see if the SCHS would still be willing to sponsor a special prize. In past years the SCHS sponsored two prizes: one for the Junior Division and one for the Senior Division. I think that this year's NHD theme of Taking a Stand in History will lend itself to some really wonderful legal topics.

In the past, the prize has been for the Outstanding Entry Related to Connecticut Law. If you prefer something different (i.e. Outstanding Entry Related to CT Legal History, for example), please let me know. It would also be helpful if you could put together a 1-2 sentence description of the prize's focus. This would be helpful for judges in selecting appropriate projects to nominate. I've included an example from the National Contest to give you an idea of what I'm looking for. Thanks so much in advance!

American Labor History

The American Labor Studies Center is a non-profit organization whose mission is to collect, analyze, create and disseminate labor history and labor studies curricula and related materials. The American Labor Studies Center prize is awarded to an outstanding entry in any category, in either division, that involves an aspect of American labor history, including the role that individuals and/or labor organizations have played in American economic, political, legislative, social or cultural life.

Best wishes for a great Thanksgiving.
Rebecca

Rebecca Taber-Conover

Connecticut Public Affairs Network

Head of Public Programs and History Day

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www.ctdemocracycenter.org

