

**Chief Justice Chase T. Rogers
Judges Annual Meeting
June 15, 2012**

Good morning.

Judge Quinn in just a few minutes will discuss some of what has been happening over the past year. I want to spend my allotted time focusing on the future and some challenges and changes that we are going to see over the next few years.

As you know probably better than anyone, the number one challenge we face is that the number of self-represented parties continues to grow beyond what any of us could have anticipated. We see them across the board, primarily in family and civil cases, but also in criminal matters and now in arguments before the Supreme and Appellate Courts. The fact is the explosion of self-represented parties is no longer a trend. What we have is a national phenomenon that is not going to go away and requires a pro-active response from the Judicial Branch.

Just to reinforce that this is a national problem, I want to focus on a few other states. In New York, 1.8 million litigants appeared in state courts without an attorney last year, 78 percent of litigants in traffic cases are self-represented and, like us, 90 percent of housing matters involve at least one self-represented party. Likewise, in Wisconsin 70 percent of family cases have a self-represented party, and in Massachusetts, 92 percent of defendants in housing matters are self-represented.

What is the problem with these numbers? The blunt answer is the justice system is based on a model where lawyers advocate for their clients. A recent survey of judges in New York indicated the following: 63 percent of judges responding felt that it was difficult to ascertain facts as evidence is not properly

presented, 73 percent indicated unrepresented litigants failed to present necessary evidence, 70 percent felt there was confusion over issues and 84 percent felt there was lack of knowledge about the law. I am sure that your experience is exactly the same.

Now, I know that there are some who question the wisdom or propriety of the Branch's efforts to assist self-represented parties by providing services to them. I believe, however, that to ignore them is to ignore our primary responsibility as judges, which is to make sure that justice is being done.

And, even if you disagree philosophically, practically we have to respond because it is proven day in and day out that uninformed self-represented parties can slow down an entire docket, which results in delays and frustration for everyone including judges and the bar.

We also know that self-represented parties today are not only litigants who cannot afford an attorney. In this do-it-yourself world we live in, some of these individuals are highly educated and represent themselves because they simply do not want to spend the money to hire an attorney.

They also have access to technology that we never could have imagined ten years ago, which leads me to the second development that has changed the way we do business. Technology has made it easier for self-represented parties to obtain information about the law. The Internet has evolved into a vast repository of information that is readily accessible by doing a "Google" search, and research that used to take days may now be obtained within minutes through a home computer. Even more significant, businesses have also tapped into the do it yourself legal market.

We also know that lawyers are struggling to maintain their clientele while at the same time we are confronting an influx of people who might have in the

past hired these lawyers. Obviously, attorneys are greatly affected by this development and they need to be part of the solution. Just this past Monday at the CBA's annual dinner, I encouraged the bar to confront this problem and suggested a number of things they need to be considering if they are to stay relevant as a profession. Bottom line - I told them our judges need them in the courtroom.

The irony of all of this is that LegalZoom.com has, according to Bloomberg Business Week, filed an IPO in the amount of \$120 million earlier this month. Frankly, I would much rather see that money going to the legal profession so that people are represented in the courtroom.

Obviously, we also have to be part of the solution. So, how do we as a branch respond? The answer lies in three key areas. Number 1: We must continue working towards the five goals established in our initial strategic plan, namely, providing access, addressing changing demographics, accountability, delivery of services and collaboration - with an emphasis on determining what changes are actually making a difference.

Number 2: human capital. Our initial strategic plan focused on the people who come to court and use our services. It is now time to look inward and concentrate on the human capital within the Branch including the judges. Specifically, we want to focus on job satisfaction and career opportunities so that we can retain our most valued judges and staff which will in turn enhance the Branch's performance as a whole.

Finally, Number 3: we must reengineer our court system.

First of all, we need to take a serious, second look at how a court case should be processed. In other words, the outcome has to be the same, but we

may need to revamp the means by which we get there. Let me stress that the following are ideas we need to think about, not necessarily answers we have made final decisions about.

For starters, we need to consider increasing the use of mediation and/or arbitration. It is less costly for the parties and, we know that many businesses are turning to private arbitration. Our entire civil system is currently geared toward culminating in a jury trial, which actually occurs only in a small percentage of our civil cases. So, to stay relevant do we need to make mediation and ADR the main track instead? Should a trial become one of the several options available to litigants, not the assumed culmination of a lawsuit? These are questions we need to give serious thought to now if we are going to stay relevant.

Another area that must be examined is how we assign civil cases. As you know, any number of judges may be involved with a single case at any juncture. This is often frustrating for the parties, the attorneys and the judges, in that it encourages neither consistency nor familiarity. Individual calendaring, whereby a case is assigned to one judge at least up to the point of trial, would put into place that consistency and familiarity.

Under individual calendaring, the improved consistency could be especially obvious during the handling of discovery and other motions within a case. There will also be more predictability in scheduling of hearings, conferences and trials. In addition, it seems likely that the number of unnecessary or frivolous motions filed in a case will decrease. Other benefits of individual calendaring are that judges will be able to rule more quickly because you will know the case and settlement negotiations at all stages of the process will be more meaningful and productive. Our goal would be that the disposition times of cases would be reduced, the frustration of attorneys and parties would

be minimized and the satisfaction of all – judges, attorneys and litigants – would be greatly improved.

This is obviously a significant change and to make sure it will actually work, I am currently forming an advisory group comprised of judges and staff. The group will be charged with looking at best practices and developing a model that will succeed in Connecticut. Beginning in the fall, selected new incoming civil cases will be assigned to one judge in several judicial districts of varying sizes, with the remaining districts to be phased in over time when we make sure that the process works.

Now, moving to another area, we anticipate that the e-filing of family matters will begin by the end of next year. As we all know, this has been a huge success on the civil side. This, coupled with the expanded use of videoconferencing and advances in our computer technology, are moving us one step further toward creating the virtual courtroom, where the parties and the judge can be in different locations when necessary or appropriate. We are also beginning to take steps that will ultimately lead to electronic filing in criminal cases as well.

Finally, legislation passed this session increased certain court fees to provide funds for the Branch's technology revolving fund. Having a steady reliable funding source for technology will enable us to plan and implement many technology projects, most notably, the expansion of digital audio recording to all of our courtrooms. This will enable the Branch to make audio recordings of proceedings available to the bar and public on the day they are recorded and, ultimately reduce the time it takes to produce a transcript and accelerate the appeal process.

In conclusion, it is fair to say that the influx of self-represented parties and enhancements in technology have combined to have a huge impact on the way we have to do business.

Of course, we all know that 50 years from now, a whole new generation will be dealing with a new set of issues that we could not have possibly anticipated -- much like those before us could not have anticipated what we now face.

We know this won't be easy; however, I am confident that, with your help and input, we will do the best we can to assure that justice continues to be served in the Connecticut courts.

Thank you for the opportunity to address you today, and I'd now like to turn over the podium to Judge Quinn.

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