



# Senate

General Assembly

**File No. 73**

January Session, 2003

Senate Bill No. 905

*Senate, March 25, 2003*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## **AN ACT CONCERNING AN ATTORNEY ASSISTANCE PROGRAM.**

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

1 Section 1. Section 51-81d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Superior Court, in accordance with rules established by the  
4 judges of the Superior Court, may (1) establish a Client Security Fund  
5 to (A) reimburse claims for losses caused by the dishonest conduct of  
6 attorneys admitted to the practice of law in this state and incurred in  
7 the course of an attorney-client relationship, and (B) provide crisis  
8 intervention and referral assistance to attorneys admitted to the  
9 practice of law in this state who have mental health, alcohol, substance  
10 abuse or gambling problems, and (2) assess any person admitted as an  
11 attorney by the Superior Court, in accordance with section 51-80, an  
12 annual fee to be deposited in said Client Security Fund. Not more than  
13 fifty per cent of any increase in such annual fee that takes effect after  
14 the effective date of this section shall be used to provide crisis

15 intervention and referral assistance pursuant to subparagraph (B) of  
 16 subdivision (1) of this subsection. The specific percentage or dollar  
 17 amount of such increase to be used for crisis intervention and referral  
 18 assistance pursuant to subparagraph (B) of subdivision (1) of this  
 19 subsection shall be determined from time to time by the judges of the  
 20 Superior Court.

21 (b) The Commissioner of Revenue Services, or the commissioner's  
 22 designee, shall collect any fee established pursuant to subsection (a) of  
 23 this section, record such payments with the State Comptroller and  
 24 deposit such payments promptly with the State Treasurer, who shall  
 25 credit such payments to the Client Security Fund. The Treasurer shall  
 26 maintain the Client Security Fund separate and apart from all other  
 27 moneys, funds and accounts and shall credit any interest earned from  
 28 the Client Security Fund to the fund. Any interest earned from the  
 29 fund [during the period from its inception to May 26, 2000, shall be  
 30 retroactively] shall be credited to the fund.

31 (c) The Client Security Fund shall be used [only] to satisfy the claims  
 32 and provide crisis intervention and referral assistance approved in  
 33 accordance with procedures established pursuant to rules of the  
 34 Superior Court and to pay the reasonable costs of administration of the  
 35 fund.

36 (d) The Commissioner of Revenue Services shall notify the Chief  
 37 Court Administrator or his designee of the failure of any person to pay  
 38 any fee assessed in accordance with subsection (a) of this section.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Judicial Dept.	Client Security Fund - Potential Cost	Less than 350,000	Less than 350,000

**Municipal Impact:** None

#### **Explanation**

The bill permits the Client Security fund Committee of the superior court to establish a program providing crisis intervention and referral assistance to attorneys who have been admitted to the practice of law in Connecticut and have mental health, alcohol, substance abuse or gambling problems. The bill's program would be supported solely by the Client Security fund, which was established in 1997 to reimburse victims of dishonest conduct by attorneys. Attorneys must pay an annual fee (currently \$75) into the Client Security fund. The current fund balance is about \$4.5 million.

Under the bill, up to fifty per cent of revenues resulting from any future increases in the annual fee could be used to support the attorneys assistance program. The Client Security fund Committee is expected to increase the annual fee from \$75 to \$100 in the next fiscal year. Such an increase would yield approximately \$350,000 for the attorneys assistance program annually.<sup>1</sup>

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<sup>1</sup> Calculated as follows: \$12.5 ( ½ the expected fee increase) \* 28,000 (# of attorneys).

**OLR Bill Analysis**

SB 905

***AN ACT CONCERNING AN ATTORNEY ASSISTANCE PROGRAM*****SUMMARY:**

This bill authorizes the Superior Court to establish an attorney assistance program funded by part of the annual fees Connecticut attorneys pay to the Client Security Fund. (Superior Court judges establish these fees, which currently are \$75 per year.) It authorizes the program to provide crisis intervention and referral assistance to licensed Connecticut attorneys with mental health, alcohol, substance abuse, or gambling problems. The program would be run under rules Superior Court judges must adopt.

The bill specifies that up to 50% of any increase in the annual fee that occurs after the bill becomes law may be used to fund the assistance program. It authorizes the judges to periodically determine the specific percentage or dollar amount of any fee increase for such assistance.

Under current law, the fund is used to reimburse claims for losses incurred in the course of an attorney-client relationship as a result of the dishonest conduct of attorneys.

EFFECTIVE DATE: Upon passage

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0