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Testimony of Edith McClure, Member, Executive Committee.
Family Law Section of the Connecticut Bar Association
Senate Bill 430
An Act Concerning Arbitration in Family Matters
Judiciary Committee
March 17, 2006

Senator McDonald, Representative Lawlor and members of the Judiciary Committee, thank you for the opportunity to appear before the committee to comment on Senate Bill 430, An Act Concerning Arbitration in Family Matters.

My name is Edith McClure. I am a member of the Executive Committee of the Family Law Section of the Connecticut Bar Association and a Fellow in the American Academy of Matrimonial Lawyers. My practice, for over 25 years, has been concentrated in the area of family law. The CBA Family Law Section consists of over 700 members who have a great interest in bills affecting family law procedures and issues concerning dissolution of marriage. On behalf of the section, I respectfully request that the Judiciary Committee **not act** on Senate Bill 430.

Last year, the General Assembly passed Public Act 05-258 ("the Act"), which modifies Connecticut General Statutes 46b-66 and 52-408 to permit binding arbitration of family matters, which law became effective on October 1, 2005. The Act specifically excluded certain aspects of family matters, specifically dealing with child related matters. A number of experienced family lawyers testified in front of the Judiciary Committee in favor of the bill. The Act did not require that the arbitrator be an attorney.

The section applauds the intention of SB 430 to assure the highest quality of arbitrators in divorce actions. Often, however, parties agree on most issues and choose to arbitrate only certain aspects of their divorce. These parties would logically choose experts in the specific field for such an

arbitration. For instance, for the determination of the value of a closely held corporation, the parties might choose an accountant or other business evaluator as the arbitrator.

There are other aspects of a divorce settlement which do not require legal expertise such as the division of personal property. Often in a divorce case the parties are able to agree on complicated financial issues only to get hung up on the division of pots and pans. The expense to the parties in a divorce action of requiring a lawyer arbitrator for this issue could be prohibitive. Faced with such an expense such parties could well choose to litigate personal property issues.

Thank you for allowing me the opportunity to comment on Senate Bill 430. The CBA Family Law Section respectfully requests that the Judiciary Committee **reject** this Bill.

I would be happy to answer any questions you may have.