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Testimony of Houston Putnam Lowry
Member, Executive Committee, Alternative Dispute Resolution Section
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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 Houston Putnam Lowry. I am an attorney, a member and shareholder in the law firm Brown & Welch, and member of the Executive Committee of the Alternative Dispute Resolution Section of the Connecticut Bar Association. The section's members have a great interest in legislation concerning arbitration and alternative dispute resolution procedures. The CBA Alternative Dispute Resolution Section respectfully opposes the provisions of Senate Bill 430 that require arbitrators to be attorneys. On behalf of the section, I respectfully request that the Judiciary Committee **not act** on Senate Bill 430.

The point of arbitration is for the parties to choose their arbitrator. While attorneys know the law, not all issues in an arbitration are purely legal issues. For example, the parties might want to equally divide certain personal property (such as collectibles) between the two of them. Under such circumstances, it makes sense for the arbitrator to be an expert in valuing the type of collectibles involved. Mental health practitioners best arbitrate some family matters.

If enacted, this bill may conflict with the Federal Arbitration Act or with the United States' treaty obligations under the 1958 New York Convention or the 1975 Panama Convention. It appears this issue may not have been considered when the bill was drafted.

It is up to the parties to decide what they want in an arbitrator and select an arbitrator with those characteristics. The law should not restrict the parties' freedom of choice.

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

I would be pleased to answer any questions that you may have.