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Testimony of Norman K. Janes
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**House Bill 7001, An Act Concerning the Definition of "Administrative Functions"
Under the Freedom of Information Act**
Government Administration and Elections Committee
February 5, 2007

Senator Slossberg, Representative Caruso, members of the Government Administration and Elections Committee, thank you for the opportunity to submit testimony on **House Bill 7001, An Act Concerning the Definition of "Administrative Functions" Under the Freedom Of Information Act.**

My name is Norman K. Janes, and I am the President of the Connecticut Bar Association, a professional association of lawyers consisting of over 10,200 members. The CBA appreciates the efforts of the legislature, the executive branch and the judicial department to address the challenges concerning openness and accessibility of our state court system. Last August, I testified before the Governor's Commission on Judicial Reform specifically on the issue of judicial rule-making authority. The CBA is particularly interested in and concerned about any legislation that the General Assembly may consider with respect to making changes to the existing system of rule-making by our state courts. Quite simply, the CBA believes that the present system of judicial rule-making should not be changed. Therefore, on behalf of the CBA, I respectfully request that the committee **amend** House Bill 7001 by deleting subsection (H) in line number 8 of the bill, and re-lettering the remaining subsection of the bill.

The CBA believes that the inclusion of rule-making in House Bill 7001 is an unwarranted and unconstitutional intrusion into the authority of the judicial branch, and would erode further the independence of our state judicial department. Of course, the legislature may wish to

consider amending the state constitution in such a manner as to provide for changes in the present system of court rule-making. While I believe that such an effort would be unwise and would be opposed by the CBA, it would be a necessary prerequisite to providing the foundation for changing the current system of rule-making by our courts. It is our hope that the legislature will carefully consider and debate the consequences of potentially adding heretofore unknown political considerations to the current system of rule-making authority and will act with all due deliberation before approving such an amendment or change.

On behalf of the Connecticut Bar Association, I respectfully request that the Government Administration and Elections Committee **amend House Bill 7001 by deleting subsection (H)** before taking action to favorably report the bill.

Thank you for the opportunity to submit testimony on this important bill. I would be pleased to answer any questions or consider any comments you may have, and would value the opportunity to serve as a resource to the members of the committee as it considers this and similar legislation.