

**TESTIMONY OF DOUGLAS J. MONAGHAN, ESQ.**  
**IN SUPPORT OF RAISED S.B. NO. 1269**  
**AN ACT CONCERNING THE QUALITY OF LEGAL REPRESENTATION**  
**OF CHILDREN AND YOUTH IN JUVENILE MATTERS**

I am a solo practitioner with an office in Groton, Connecticut, in the practice of law for 26 years. I concentrate my practice in juvenile matters, primarily child protection cases. I serve as the secretary of the board of directors of the Juvenile Matters Trial Lawyers Association (JMTLA), with members who practice in every Superior Court for Juvenile Matters (SCJM) across the state. I am also a member of the Connecticut Bar Association, a member of its Committee on Children and the Law, a member of the New London County Bar Association and the National Association of Counsel for Children (NACC).

I am here to support passage of Raised S.B. 1269, although there are two other related bills with which S.B. 1269 must be reconciled. I have already testified in support of Raised S.B. 1203, introduced by the Select Committee on Children, and Raised H.B. 7238, introduced by the Judiciary Committee. My written testimony for those bills is on file.

S.B. 1269 is primarily an appropriations bill, although it does direct the Chief Child Protection Attorney (hereinafter "CCPA") to establish a pilot program to provide legal services to her clientele in juvenile matters "using a multidisciplinary agency model of representation." It also authorizes the CCPA to fund an independent evaluation of this pilot program and to establish a program to forgive law school loans for attorneys who commit to the full-time practice of law in the field of child protection. If the bill is funded as requested, it will also provide the CCPA with the capability of raising the rates of compensation for the lawyers who contract with the CCPA to provide legal services in juvenile matters cases.

There has been significant criticism concerning the quality of representation being afforded children and indigent parties in child protection cases in juvenile court. You may hear the testimony of children or parents who will tell you they never met their attorney, did not know they had an attorney, or maybe hardly ever had an opportunity to fully discuss their cases with their lawyers. There can be no doubt that such situations have occurred and it is disheartening and disappointing to those of us for whom such representation is a labor of love.

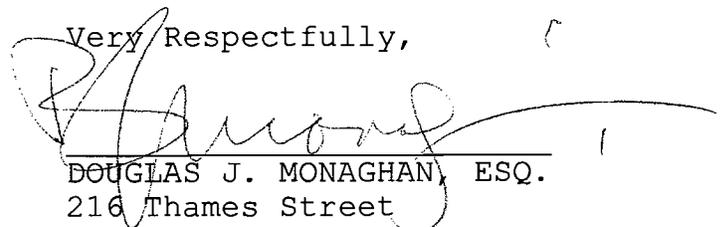
At the same time, there seems to be no dispute that the attorneys who have been doing this work have been grossly underpaid for years. In my written testimony submitted on H. B. 7238, I included the first page of the Judicial Department's fee schedule

dated 9/30/86 which reflected that attorneys were being paid about \$22.50 per hour for court time and roughly \$15.00 per hour for non-court time. The CCPA's testimony before this Committee, the Appropriations Committee and the Select Committee on Children this year has been that under the current compensation system based upon the data she has compiled, child protection attorneys are averaging about \$25.00 per hour! While I am not an economist, I don't think I'm going too much out on a limb to suggest that child protection lawyers are now actually being paid less when adjusted for cost of living and so forth than in 1986. Senator McDonald responded to my oral testimony on February 26, 2007, regarding H.B. 7238 by agreeing that the rate of \$25.00 per hour was "indefensible."

Since the creation of the Child Protection Commission and the arrival of the CCPA, there has been a serious effort to fulfill the mandate of the legislature to provide high quality, competent and zealous representation to parties in juvenile matters cases. The CCPA has instituted training, has developed and published Standards of Practice and has begun to systematically evaluate, with available resources, the quality of the lawyers who have contracts to provide representation pursuant to those contracts. But all of the good work being accomplished by the CCPA will be undone if she is not provided with the funding necessary to retain the competent, highly trained and zealous lawyers she needs to effectively represent this incredibly vulnerable population whose most important constitutional right, that of family integrity, is at risk.

Attached to my testimony as Exhibit A is an invoice from my auto mechanic I want to share with you. It is noteworthy for two reasons. One, you will see that I drive a 1992 Volvo with nearly 200,000 miles on it. This is my primary vehicle. Two, the hourly labor rate for the work performed on this vehicle is \$72.00 per hour. You are being asked by the CCPA to allow her to compensate child protection lawyers at the hourly rate of \$60.00. If you don't grant the CCPA's request, she soon won't even be able to hire auto mechanics to do this work.

Very Respectfully,



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04/04/07

**Eurocars+**

538 Poquonnock Rd.  
Groton, CT 06340  
Phone: 860-444-2001  
Fax: 860-405-0563



**Service Invoice**

3/13/2007	19078
DATE	INVOICE #

CUSTOMER NAME & ADDRESS	YEAR	MAKE	MODEL	ODOMETER
Douglas & Ann Monaghan 66 Clipper Court Mystic, CT 06388	1992	Volvo	244 Blue	192,810
	CUST #	STK#	VEHICLE IDENT NUMBER	
	1157	565	YV1AS8207N1472234	

QTY	ITEM	DESCRIPTION	RATE	AMOUNT
1	273459	Thermostat	19.34	19.34T
1.3	Shop Labor	Shop Labor Hourly - Pressure test cooling system for leak. Found leak at thermostat housing. R+R thermostat and gasket. Refill and pressure test cooling system.	72.00	93.60T
1	Coolant Note	Note- When flushing coolant during servicing, air bubbles may remain in cooling system which can take several days to clear. "Low Coolant" warning lamp may flash or illuminate during this time period. This illumination it is no cause for alarm. Call or stop by Eurocars and we will check and re-top coolant.	0.00	0.00T
		CT Sales Tax	6.00%	6.78

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I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH THE NECESSARY MATERIAL, AND HEREBY GRANT YOU AND/OR YOUR EMPLOYEES PERMISSION TO OPERATE THE CAR, TRUCK, OR VEHICLE HEREIN DESCRIBED ON STREETS, HIGHWAYS, OR ELSEWHERE FOR THE PURPOSE OF TESTING AND/OR INSPECTION. AN EXPRESS MECHANIC'S LIEN IS HEREBY ACKNOWLEDGED ON ABOVE CAR, TRUCK, OR VEHICLE TO SECURE THE AMOUNT OF REPAIRS THERETO.

CUSTOMER SIGNATURE:

[Signature Line]

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<b>Total</b>	<b>\$119.72</b>
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1. I REQUEST AN ESTIMATE IN WRITING BEFORE YOU BEGIN REPAIRS.
2. PROCEED WITH REPAIRS, BUT CALL ME BEFORE CONTINUING IF THE PRICE WILL EXCEED \$ \_\_\_\_\_
3. I DO NOT WANT AN ESTIMATE.