

CCDLA
"Ready in the Defense of Liberty"
Founded in 1988

Connecticut Criminal Defense Lawyers
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Judiciary Committee Public Hearing
RAISED BILL NO. 605
AN ACT CONCERNING JUDICIAL OPENNESS
March 10, 2008

**TESTIMONY OF EDWARD J. GAVIN, PRESIDENT ELECT, OF THE CONNECTICUT
CRIMINAL DEFENSE LAWYERS ASSOCIATION, IN REGARD TO PROPOSALS
REGARDING JUDICIAL OPENNESS**

Chairman McDonald, Chairman Lawlor, and Distinguished Committee Members:

The Connecticut Criminal Defense Lawyers Association (CCDLA) is a statewide organization of approximately 350 lawyers, in both the public and private sectors, dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by ensuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to criminal justice.

CCDLA's POSITION ON RAISED BILL NO. 605 REGARDING JUDICIAL OPENNESS

The Connecticut Criminal Defense Lawyers Association views Raised Bill 605 as having potentially great impact on the practicing members of the Bar.

CCDLA objects to proposals that impede on the Judicial Branch's Authority to make and impose Rules that affect the practice of law. We feel that the Legislature is overstepping its constitutional boundaries in attempting to take rulemaking authority from the Judicial Branch and is treading on a dangerous course regarding separation of powers.

We ask the Legislature to consider that in June, 2007, the Judges adopted a resolution (which will likely be made a Rule this year), requiring a high level of collaboration and information sharing with the legislative branch with regard to the Judicial Branch's rulemaking process.

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CCDLA has observed the Judicial Branch's favorable strides regarding Judicial Openness made under Chief Justice Rogers. For example, all meetings of the Rules Committee are now open, criminal dockets and conviction information are now available on the Web, and the Judiciary has adopted a policy which more liberally allows cameras in the courtrooms under appropriate circumstances. We have seen this in regard to cases being adjudicated on a daily basis. In addition, a Public Service and Trust Commission has been convened that is making even greater efforts towards openness and transparency within the Branch.

CCDLA believes that the Judicial Branch has made great gains over the last 12 months. We have been meeting with the Judiciary in Focus groups and our thoughts and concerns are being addressed. We have had unfettered access to the Office of the Chief Court Administrators and Judge Barbara Quinn, Judge Patrick Carroll and Joseph D'Alesio have been immediately responsive to our needs. We are most appreciative. We would ask that the Legislature simply allow the Chief Justice and the Branch to move forward without further legislative intrusions into what we view as the sole province of an independent and co-equal branch of government.

CCDLA will provide Oral Testimony on the specific provisions of this lengthy Raised Bill at the Public Hearing on March 10, 2008.

CCDLA applauds the efforts of the Judiciary Committee and looks forward to providing useful testimony to the Committee on Legislative Activity that affects our Criminal Justice System.

Respectfully submitted,

EDWARD J. GAVIN
CCDLA President-Elect
On behalf of the Connecticut Criminal
Defense Lawyers Association