

JUDICIARY COMMITTEE OPENING COMMENTS

David Schoolcraft: 04/28/08

Good morning, Chairman McDonald, Chairman Lawlor, Senator Kissel, Representative O'Neill, Members of the Committee:

I would like to begin by saying how honored I am to be appearing before this Committee today, and how grateful I am to Governor Rell for the confidence she has expressed in me, by nominating me, for your consideration. As someone who has worked in the workers' compensation field for most of his adult life, it is hard to express just how excited I am about the possibility of taking on this new role, and the chance to have a direct, positive impact on our workers' compensation system.

By way of background, I live in Hebron, with my Wife Debra, former WC lawyer turned Middle school teacher, and my daughter Kate, a student at RHAM middle school. I grew up in Groton. My mother, Eleanor, is from that area but my father, Don Schoolcraft, is from the hills of West Virginia. As is so often the case in Groton, it was the Navy that brought them together. My father retired from the submarine service and opened a small automotive business when I was about 13. Pretty much from that point forward my spare time was well accounted for: Pushing a broom, selling gasoline and auto parts, auto repairs, and pretty much everything else that needs be done in a family business. My parents were active in public service and government as far back as I can remember, and my father, went on to serve in this General Assembly, as a Senator. For my part, I served on Hebron's Planning and Zoning Commission for eight years, and I'm now Chairman of the Board of Selectmen. (I will be stepping down from my seat if I am confirmed.)

I graduated from UConn in 1980 and worked as a newspaper reporter, for the Norwich Bulletin, before deciding to go to law school. I got my J.D. from Western New England College in 1985.

My first law job, back in 1985, was with a small, plaintiff's firm in Willimantic. I had actually been hired to handle P.I. cases, but when I arrived my boss told me I was going to be a workers' compensation lawyer. I didn't even know what that was at the time, but it turns out he was right. workers' compensation turned out to be the core of my professional life for the next two decades.

Like commissioners, workers' compensation lawyers handle a large volume of case. It certainly would not be an exaggeration to say that the informal hearings I've attended and depositions I have taken over the years numbers in the thousands. As for Formal Hearings, when I last kept count there had been somewhere between 110 and 125 fomals that went to decision. I have also handled many cases on appeal, mostly to before the CRB and the Appellate Court. And, I have also handled some Federal Longshore and Harbor Workers cases.

In terms of "extra-curricular" activities, I have written articles on workers' compensation (back when I had time), I have spoken at workers' compensation seminars, and I served on the executive board of the Workers' Compensation Section of the CBA, as well as having served as CBA's legislative liaison for compensation matters. Finally, I have served on Chairman Mastropietro's Legal Advisory Panel.

This is the Workers' Compensation Bulletin from 1985. When I started practicing this was in my pocket at all times. This is what it looks like, now. Admittedly, the print is larger now. Still, it is a fairly detailed statutory scheme that has evolved over the past century, and between the statutes themselves, the case law, and the evolving medicine, there can be a significant learning curve. I believe my experience with the law, and my years of working with medical issues, would allow me to jump in and start providing some relief almost immediately.

I should note that my legal experience is not limited to workers' compensation. For the past five years, for example, I have been primarily concentrating on civil jury trials. I think that experience will

help me to be an effective Commissioner, for several reasons. The first is purely practical. By not being in the compensation offices every day, I have put some distance between myself and attorney's that would be practicing before me. To a certain degree I think I will be starting with a cleaner slate than if I had practiced compensation exclusively up to this time. Second, in trying cases to juries I have learned to speak English. Because workers' compensation is statutory and technical, and because of the volume and pace of the practice, very often the conversations that go on at an informal hearing seem like some staccato code. The claimants, even employers, often sit there and hear themselves spoken about, rather than being spoken to. Working with a jury teaches you to communicate legal matters clearly, without "speaking down" to people. Third, having worked in civil litigation, I am better able to understand what workers' compensation system is meant to be and do.

1. WC system must be swifter than Courts. A worker without income does not have the luxury of time.
2. WC system must be less formal, more accessible and understandable to average person.
3. WC must be more focused on managing injuries and disability, and getting people better and back to work. In P.I. litigation, the settlement or verdict is the goal line. In compensation, settlement is still the exception, not the rule. Our system must stay focused, first and foremost, on treating and financially sustaining the injured worker, and getting him/her back to gainful employment.

I am as committed to that now as I was in 1985, and I look forward to stepping out of the role of advocate, and into a role where I think I can have a more direct and positive impact on our system, and the people it serves.

So, in closing, I would again like to thank you for your time and consideration. I happy to try to answer any questions you may have.