



STATE OF CONNECTICUT
JUDICIAL BRANCH

CHAMBERS OF
BARBARA M. QUINN, JUDGE
CHIEF COURT ADMINISTRATOR

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Testimony of Judge Barbara M. Quinn
Judiciary Committee Public Hearing
March 23, 2009

House Joint Resolution 99, Resolution Proposing An Amendment
To The State Constitution Concerning The Practices
and Procedures Of The Courts

Good afternoon, Senator Slossberg, Representative Spallone, Senator McLachlan and Representative Hetherington, members of the General Administration and Elections Committee. I am Barbara Quinn, and I am the Chief Court Administrator of the Judicial Branch and I appear before you today in opposition to *House Joint Resolution 99, Resolution Proposing An Amendment to the State Constitution Concerning the Practices and Procedures of the Courts*. This resolution would amend the Constitution to provide the Legislature with the ultimate authority over the procedural rules of the court.

Enacting a constitutional amendment is an extreme step that should be taken only when it is absolutely necessary. For nearly two hundred years, since Connecticut's Constitution created the three branches of government, the judiciary has made the procedural rules for the courts. We are not aware of any issue that has arisen regarding the court rules that would necessitate a change in this two centuries-old process.

The purpose of the court rules is to put in place procedures to ensure that the constitutional guarantee of a level playing field is maintained, so that all are

treated in a fair and impartial manner. In many ways, judges are similar to umpires in that they call balls and strikes fairly, without influence from either team. This is the judge's role in the courtroom, and the rules put in place by our state judges re-enforce this principle. Transferring the rule-making power to the Legislature would subject this power to political factors that should not be allowed to influence the formulation of even-handed rules of court.

Proponents of the proposal to inject the Legislature into the process of adopting court rules often cite the need for the judiciary to be held accountable. This is not an issue of accountability. The rule-making process is open and allows for public input. All votes are taken in public. The members, agendas and minutes of the Rules Committee are posted on the Judicial Branch's website. The public is welcome to attend all of the meetings. Each proposed rule is subject to a public hearing, where comments are invited from members of the public, the bar and the Legislature. The Rules Committee submits its recommendations to all of the judges of the Superior Court who discuss and vote on these proposals during an open meeting that is often covered by CT-N (like the legislative sessions).

The Rules Committee also works closely with the members of the Legislature's Judiciary Committee to ensure that there is open communication. A special meeting of the Rules Committee is held twice a year with members of the Legislature's Judiciary Committee to promote dialogue about potential rules changes and to coordinate efforts. The first meeting is held early in the process to inform the legislators about the potential rules changes that will be discussed by the Rules Committee.

For these reasons, the Judicial Branch is opposed to this resolution to amend the state's constitution. It will politicize the rule-making process and disregard the 200 year history of the judiciary making the procedural rules of the court.

Thank you for the opportunity to testify.