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Testimony of Francis J. Brady, President,
Connecticut Bar Association
Appropriations Committee
Public Hearing on the Governor's Proposed Deficit Mitigation Plan
and the Impact of the Governor's Rescissions
December 9, 2009

Senator Harp, Representative Geragosian and members of the Appropriations Committee, thank you for the opportunity to appear before the committee to comment on the Governor's Proposed Deficit Mitigation Plan and the Impact of the Governor's Rescissions. My name is Francis J. Brady and I am the President of the Connecticut Bar Association, the preeminent voluntary association of attorneys in Connecticut with over 9,000 members who practice in every, diverse area of the law. The CBA has a great interest in appropriate funding for the Judicial Branch in general and for legal aid providers in particular. The CBA urges the Appropriations Committee to **oppose any reduction** in funding to legal aid providers that may be considered as a part of the deficit mitigation plan for the following reasons.

On February 23, 2009, then-CBA President Livia D. Barndollar testified before the Appropriations Subcommittee on Judicial and Corrections about the state's legal aid programs facing the worst fiscal crisis in decades and the urgent need to provide new, additional funding to literally save the legal aid programs. On March 26, I testified in my capacity as CBA President-elect before the Judiciary Committee in support of Senate Bill 1157, which established a funding source earmarked for legal aid providers through increased court fees. With broad, bi-partisan support, the General Assembly passed SB 1157 and the Governor signed the bill into law. The new law, Public Act 09-152, is expected to generate \$7.8 million annually to benefit legal aid programs, an amount that – by the barest of margins – prevents a financial disaster and the potential collapse of the state's legal aid system. That funding source, which is critical to the ability of legal aid programs to continue to deliver legal services to the poor of this State at no fee, is in jeopardy. It is our

understanding that the deficit mitigation plan may divert \$900,000 to \$1.2 million generated by PA 09-152 away from legal aid programs. A reduction of this magnitude would threaten the sustainability of a viable civil legal aid system in our state and would risk our current system of fairness and justice. Making matters worse is the potential loss of \$1.5 million in funding that the General Assembly included in the FY 10 Judicial Branch budget for legal aid programs. Cuts to the Judicial Branch's "other expense" budget line item have left the branch with zero dollars to pay the \$1.5 million to legal aid providers, further compromising the legislature's intent to adequately fund legal aid programs.

Members of the state bar and of the CBA in particular have focused on ways to help meet the civil legal needs of the state's poorest citizens. Every year, hundreds of low income families receive free legal services from CBA members. For example, during the past two years, the CBA Pro Bono Committee created a foreclosure prevention assistance program to address the foreclosure crises facing Connecticut citizens in need. Recently, I formed a CBA Task Force to recommend ways that our members may volunteer to help military veterans with a variety of legal and social needs. Such volunteerism helps to meet many of the needs of the state's indigent population. However, the volume of such needs is far beyond anything that volunteers can meet. Moreover, volunteers do not have the necessary expertise that legal aid lawyers have developed and an effective volunteer pro bono network depends upon viable legal aid programs that can evaluate how best to meet a client's needs.

The CBA fully understands the harsh fiscal reality facing the State of Connecticut, yet we must urge the legislature to **oppose any additional reductions in legal aid funding**. In addition, the CBA implores the General Assembly to work with the Executive and Judicial Branches to restore funding to the Judicial Branch's other expenses budget line item so that the Judicial Branch can fulfill the legislature's intent to provide adequate funding to legal aid programs.

I would be happy to answer any questions you may have.