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VIA HAND DELIVERY

Connecticut General Assembly
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

March 1, 2010

RE: **BRIAN MCKEOWN, SR.**
House Joint Resolution ID: HJ36

Ladies and Gentlemen:

Brian McKeown respectfully requests the General Assembly to authorize him to present his claim to the Claims Commissioner. The time limitation for presenting his claim has expired. Connecticut General Statutes § 4-148 (b) requires such authorization to be just and equitable, supported by compelling equitable circumstances. We believe Brian's circumstances are compelling. From the day Brian first approached our law firm, we have represented him for free because of his unfortunate circumstances.

Brian McKeown is permanently disabled. He suffered from a stroke in 2002 and a heart attack in 2005. As a result, he doesn't move around very well and struggles with his speech. Relying on social security disability, Brian's total income is \$993 per month. He lives in a trailer just across the river in East Hartford. He can no longer perform his two part time jobs because of his injury. He washed windshields at a car auction house for \$10 per hour and delivered the East Hartford Gazette for \$20 per week.

On May 18, 2007, Brian walked into the Hartford Family Courthouse on Washington Street at around 8:30am. The doors being unlocked, Brian walked right in. Apparently, the courthouse didn't open until 9:00am. A judicial marshal saw Brian and yelled at him to get out. As Brian turned around as best as he could and started making his way towards the door, the marshal yelled at him again. Brian started to explain to the marshal that he recently suffered from a stroke and heart attack and that he can't move very fast. The marshal said he didn't want to hear the "sob story" and then shoved Brian in the back. Luckily, Brian was able to brace himself on a railing, but in doing so he strained his back. After a few days of persistent pain, he admitted himself to Saint Francis Hospital. The medical report from his first visit showed the pain was most likely a strain of the muscles or ligaments that support his spine. Brian followed up with his primary care physician for two more visits and also had an MRI scan within the four weeks following the incident.

On July 5, 2007, Brian represented himself in a small claims action against the Judicial Marshal Service (Docket No. SCAH-191229). His claim was dismissed, outside of his presence, for failure to present his claim to the Office of the Claims Commissioner prior to bringing suit.

In another attempt to save money, Brian represented himself again by filing a claim with the Office of the Claims Commissioner on July 23, 2008. The statute of limitations for filing such a claim is one year. C.G.S. § 4-148 (a). His claim was dismissed based on the time limits of this statute and was not heard on the merits.

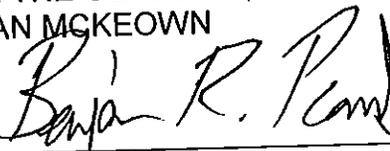
Brian first contacted our law office on May 15, 2008 by telephone. Brian explained the incident but could not remember when the incident occurred. He provided us with a copy of his medical records relating to the incident in June of 2008. From these records we were able to determine that his incident occurred on or about May 18, 2007 and that his claim would be time barred by C.G.S. § 4-148 (a). This office has since entered an appearance in Brian's claim with the Claims Commissioner and will be representing his interests at the scheduling hearing on March 3, 2010.

Given Brian's circumstances as a permanently disabled resident of Connecticut who tried to bring a timely claim only to be overwhelmed by its specific and uncommon requirements, we believe he should be given an opportunity to have his case heard on the merits. This has been a discouraging experience for Brian, who could benefit from compensation, at any level, to help put food on his kitchen table.

Brian was injured on May 18, 2007. He went to the hospital and had several visits with his doctor because of his injuries. He brought a small claims action just two months after the injury. His suit was dismissed because he did not follow the appropriate channels. When he finally brought his claim through the Claims Commissioner's office it was two months too late. He could not and cannot afford an attorney to represent him. Our office has represented him for free because we feel this man needs and deserves some help. As this is now his last resort, we respectfully request the General Assembly assert its power to direct some level of compensation under C.G.S. § 4-158 or otherwise authorize a late claim under C.G.S. § 4-148 and allow Brian McKeown's case to be heard on the merits.

FOR THE CLAIMANT,
BRIAN MCKEOWN

By



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