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Testimony of Francis J. Brady, Immediate Past President,
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**House Bill 6342, An Act Concerning the Qualifications
for Candidates Seeking Election to the Office of the Attorney General**
Judiciary Committee
April 12, 2011

Senator Coleman, Representative Fox and members of the Judiciary Committee, thank you for the opportunity to appear before the committee to comment in support of **House Bill 6342, An Act Concerning the Qualifications for Candidates Seeking Election to the Office of the Attorney General**. My name is Francis J. Brady and I am the Immediate Past President of the Connecticut Bar Association, and I am appearing today on its behalf. The CBA is the preeminent voluntary association of attorneys in Connecticut with over 9,000 members who practice in every, diverse area of the law. The CBA appreciates this committee's willingness to raise House Bill 6342, and for the following reasons, urges the Judiciary Committee to favorably report the bill.

House Bill 6342 would clarify the qualifications for the office of Attorney General by amending Connecticut General Statutes Section 3-124 to specify that the law should not require ten years of litigation experience for an attorney to be elected and serve as Attorney General. It would change the effect of the 2010 Connecticut Supreme Court decision in *Bysiewicz v. Dinardo*, which interpreted the present statute to require litigation experience as a criterion for eligibility for service as Attorney General.

Section 3-124 was adopted in 1897 and arguably is no longer consistent with the modern requirements demanded of the modern day Attorneys General. The Attorney General's Office employs more than 200 attorneys and a significant number of support staff. As such, it very

much resembles a large law firm. The work performed by the Attorney General's Office is not limited to litigation; substantial time and resources are devoted to reviewing contracts, providing legal advice to state agencies and preparing and issuing opinions. In its current form, Section 3-124 would disqualify many if not most Connecticut attorneys from running for or serving as Attorney General. For instance, the General Counsel of United Technologies Corporation or General Electric, former Attorney General Joseph Lieberman, and former Chief Justice of the Connecticut Supreme Court Ellen Ash Peters would not qualify for the office following the decision in *Bysiewicz v. Dinardo*. A statute that is interpreted as requiring the Attorney General to have substantial litigation experience is unnecessary; the Attorney General's Office has many, highly skilled and professional staff to handle those matters. Further, the complexity, breadth and scope of matters handled by the Attorney General's Office make it impossible for the Attorney General to appear in court in the vast majority of cases handled by his or her office. Finally, the CBA believes it is the voters who should determine whether and much litigation experience is desired for the Office of Attorney General.

Enacting House Bill 6342 would:

1. Recognize the need for legal experience and maintain the qualification requirement of being admitted to the bar for a minimum of ten years.
2. Avoid the specter of litigation influencing or deciding the qualifications of candidates nominated for the office during the heat of an election.
3. Allow the voters rather than the courts to decide who is best qualified for the Office of Attorney General.

Thank you for allowing me the opportunity to comment on House Bill 6342. On behalf of the CBA, I urge this committee to act favorably on the bill.

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