

TO: Judiciary Committee
Connecticut General Assembly

FROM: Melanie B. Abbott
Associate Professor of Law,
Quinnipiac University School of Law
Resident of Branford, CT

RE: Raised Bill No. 6692

To whom it may concern:

I am writing to urge you to reject Raised Bill 6692, “Requiring Community Service for Fee Waivers.” I teach Poverty Law to upper-level law students at Quinnipiac University School of Law. I am an advisor to the law students’ public interest law organization and was a co-author, with colleagues from the state’s other law schools, of a recent report to the Connecticut Judicial Branch Access to Justice Commission. I am deeply concerned that this bill would have a serious detrimental effect on the ability of our fellow state residents who already face insurmountable odds in their daily lives to exercise their Constitutional right to seek relief in court.

A substantial proportion of the people living below the poverty line in Connecticut have civil legal problems (7 of 10, according to the Connecticut Bar Foundation). Of those, only one in four was able to get legal assistance to help address the problem. Imposing this unnecessary and unfair community service requirement for those seeking fee waivers would ensure that even fewer indigent people in Connecticut would seek assistance because they would recognize that the ‘service’ requirement would impose yet another barrier to their access to the courts.

The proposal would likely face Constitutional challenges, requiring the state to expend scarce resources to provide a defense that might well fail. It would also require the creation of a system for monitoring of compliance with the ‘service’ requirement, a burden on agencies already seriously stressed by more important problems. And it would require those forced into this ‘service’ to lose time from their jobs, to pay for child care and transportation, and to suffer the resentment of those who would be required to supervise and record their performance.

I suspect that any attempt to condition access to the courts for wealthy or middle-class litigants on the performance of community service would be met with howls of indignant outrage. I urge the members of the Committee to consider how they would feel if a loved one seeking a divorce, seeking to regain custody of children from an unsuitable caretaker, seeking relief from an unfair or abusive collection effort, were told that their access to the court would depend on their performance of some menial tasks for an agency or organization in which they otherwise had no interest. If a middle-class person would feel degraded and demeaned by being forced into such a position, why should we assume that forcing those who already suffer the innumerable daily indignities of life in poverty to do the same would not cause the same result? Or do their feelings not matter?

I understand that the bill was prompted by a concern that there are some individuals who take advantage of the fee waiver system by filing numerous lawsuits. The bill does not limit its effect to those filing multiple, frivolous lawsuits. And even if it did, it would be unnecessary; Connecticut courts have found ways to limit or prevent such abuse of the court system. Placing additional, likely insurmountable, barriers in front of those who have no resources is not the way to address the problem of serial filers.

Connecticut has long been proud of its history as the state in which the access to court for indigent litigants was established in *Boddie v. Connecticut*. To me, as a lifelong resident of Connecticut, it is important that we work to improve the chances of our fellow citizens to enjoy the benefits of life in our state. Subjecting poor people seeking to use the courts to help them rectify a wrong to onerous, demeaning and above all unnecessary labor, merely because they cannot afford to pay the substantial filing fees and need a waiver, is mean-spirited and wrong.

I urge you in the strongest possible terms to reject this bill. Thank you for your consideration.