



## CONNECTICUT LEGAL SERVICES

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### TESTIMONY OF CONNECTICUT LEGAL SERVICES, INC., OPPOSING RAISED BILL 6692 (An Act Concerning Participation In A Program of Community Service for Persons Seeking Fee Waivers In Certain Civil Actions).

Co-Chair Senator Coleman, Co-Chair Representative Fox, and distinguished members of the Judiciary Committee: My name is Anne Louise Blanchard and I am Litigation Director of Connecticut Legal Services Inc. (CLS). CLS is Connecticut's largest private nonprofit law firm providing free legal services to low-income clients in civil matters since 1977.

Over the last 35 years, CLS has represented hundreds of thousands of low-income families in cases involving civil legal issues. We assist children in juvenile justice, education and child protection cases, we help parents in family law cases and families facing homelessness in housing cases, as well as assisting low-income elderly residents of Connecticut in a variety of civil legal matters. During this time both in Connecticut and across the country, low-income individuals have always experienced difficulty obtaining civil access to justice. Connecticut has ensured however, that at a minimum, indigent people with access to Judicial Department-created forms are able to file *pro se* motions and pleadings in Connecticut courts in the same manner as others, regardless of their income. Critical to this access is the fact that Connecticut law permits residents falling under 125% of the poverty level to request a waiver of the fees and court costs which ensure the preservation of their rights and their access to the courts. Unfortunately, Raised Bill 6692 would significantly change this process and create a barrier to the courts which many indigent residents will be unable to overcome.

Raised Bill 6692 would amend Conn. Gen. Stat. §52-259b to require that judges decide whether each indigent person being granted a fee waiver should be compelled to perform up to twenty hours of community services. The bill specifies that this community service would occur at "non-profit or tax-supported" organizations, which will be required to report to the court on the progress of the community service or lack of community service completed.

This bill is extremely troubling in a number of areas and should be opposed. On a practical level, an indigent person who lacks the income to pay court costs may also lack the ability to pay for transportation to a community service location or the funds to pay for child care while attempting to fulfill a community service obligation. Non-profit organizations, already stretched to the limit by their own work, may decline to take on the additional burden of reporting to the court, or be unwilling to accept the liability of a volunteer who could be injured while performing community service.

To the extent this bill is meant to limit the repeated filing of frivolous cases, this bill is unnecessary. Connecticut courts already can and do place limitations on frivolous litigants. In rare cases, Connecticut judges have justifiably denied fee waivers or otherwise limited frivolous litigants in their ability to bring or pursue frivolous litigation. If frivolous litigation is the concern, the bill fails to address the issue of frivolous filings by litigants who are *not* indigent.

Since *Boddie v. Connecticut*, the U.S. Supreme Court and this legislature have required fee waivers as a means for low-income people to access the justice system. This bill



removes that requirement and restricts that access. For example, the bill could prevent a low-income parent from filing for dissolution of marriage or from judicially resolving custody or visitation issues – fundamental due process rights --if community service is made a pre-condition of access to the courts

At a time when Connecticut is trying to improve access to its courts for everyone, this bill is a step backwards. It would limit access to justice by Connecticut's most vulnerable residents. The bill is unnecessary, given the inherent ability of the courts to limit filings in the event of repeated frivolous litigation. More importantly, it raises significant constitutional concerns and therefore it should not be supported.

Anne Louise Blanchard  
Litigation Director, Connecticut Legal Services, Inc.