

letter from Williamson family attorney for PH of March 3, 2014

Re: Raised Bill No. 261, LCO 1653
Connecticut General Assembly
Joint Committee on the Judiciary

February 28, 2014

Submission of Testimony of John Stoddard Klar regarding Raised Bill No. 261, LCO No. 1653

AN ACT CONCERNING THE INHERITANCE RIGHTS OF A BENEFICIARY OR SURVIVOR WHO IS FOUND NOT GUILTY OF MURDER OR MANSLAUGHTER OF THE DECEASED BY REASON OF MENTAL DISEASE OR DEFECT.

As a member of the Connecticut Bar and as a personal friend of Heather (Williamson) Messenger, and also as legal counsel to the Williamson family, I humbly proffer the following comments for consideration by this honorable committee:

David Messenger killed his wife, and was found not guilty by reason of some still-nebulous mental illness. He inherited everything Heather owned, and it is likely that he also received life insurance proceeds for her death (though we do not know). I drafted and executed the Wills for this couple, under standard Connecticut form.

As lawyers we expect, whatever legal definitions of the sanity of the human mind, that the law will be mostly sane. Or similarly correctable where it is deficient, so that society may be protected not just from insane people but from insane laws.

To me personally, it was hard to fathom that Connecticut law had permitted such a result as unfolded here. No law proscribed such a heinous outcome; no common sense prevailed judicially. A lay judge in Probate Court unquestioningly allowed David Messenger's personal legal counsel to serve concurrently as Executrix of my friend Heather Williamson Messenger's Estate. With no violation of the ethics code, a single attorney was allowed to do what would be completely unconscionable to common sense: transfer the estate of the victim of a violent crime to the legal title and interest of the man who had unquestioningly and brutally killed her.

This Committee does great public service to correct these unconscionable deficiencies. None of the affronts visited upon this family by the foregoing legal failings could occur again with the passage of Raised Bill No. 261. No family would have angst wondering whether the killer of their loved one had collected her life insurance proceeds -- they would know they could not. Nor would they have to worry that a single un-supervised attorney could quietly scuttle moneys to the wealthy killer of their loved one, without even public awareness of the act until many years on.

The many victims who are left dazed by a horrific and bizarre homicide; they are not equipped, or even arming themselves, against the kinds of injustice that were perpetrated on this family by subsequent legal proceedings. The Williamsons have tried to heal, and to nurture a child who suffered unimaginable trauma. With the passage of this Bill, other families who suffer violence will not have to experience what this family endured.