

LITCHFIELD COUNTY BAR ASSOCIATION

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Connecticut General Assembly Judiciary Committee
300 Capitol Ave # 2500
Hartford, CT 06106
Via email: judgetestimony@cga.ct.gov

March 14, 2021

In Re: House Bill 6505: "An Act Concerning Court Operations".

Dear Honorable Members:

On behalf of the Litchfield County Bar Association Family Practice Section, I respectfully object to the passage of this Act as proposed. The input of the statewide Family Section of the Connecticut Bar Association during the drafting process was, as I understand it, not solicited. The notice given of the public hearing this week was not sufficient to allow for an official position of the Section to be formulated and presented.

On a local level, the response of the members of the Litchfield County Bar Association's Family Practice Section has been unanimously opposed to the Act. It is our position that while arguably necessary during the past year of the pandemic, substituting the expediency of affidavits for the testimony of family litigants, even if via TEAMS, may have the unintended result of weakening the safety net of the judge's canvass and the right of cross-examination which are essential in a determination of the fairness and equitability of final agreements. Self-represented litigants may be rendered at a further disadvantage by this proposed practice. Perhaps permitting the use of affidavits as suggested by the Act only upon agreement of both parties may be considered by the Committee. The past customary practice of assigning Judge Trial Referees to hear and issue orders on such matters better protects the parties as well as guarantees that the practice of family law continues to be based upon justice and equity rather than administrative convenience and fiscal considerations. I would also encourage the continued cooperation of the Branch with the CBA Family Practice Section in the drafting of future proposed legislation.

Sincerely,

Regina M. Wexler
Co-chair: Family Practice Section
Litchfield County Bar Association