
From: Bookwalter, James
Sent: Friday, November 19, 2010 1:44 PM
To: Saccente, Ken
Subject: Testimony on legis history 11-18-2010

Here is the document I was referring to on the voicemail I left you. Please let me know if you are the right person to send this info to regarding the paperless task force. Best,

Jake

Good afternoon, ladies and gentlemen. My name is John Walkley and I am the current Secretary of the Connecticut Criminal Defense Lawyers Association. As its name indicates, the CCDLA is an organization of criminal lawyers throughout the State of Connecticut. We currently have more than 300 attorneys members who are split between private practitioners and public defenders. They are solo practitioners and members of small, medium and large law firms. While I would guess that the substantial percentage of the member lawyers are courtroom practitioners, we possess a somewhat large share of appellate attorneys in state and federal courts.

Although the CCDLA is aware that these are difficult economic times -- for the citizens of Connecticut as well as our public sector -- and that ways to trim our State budget are essential. But the elimination of transcripts of public hearings before the legislative body will sharply impact the ability of our attorneys to research the important statutory issues before our courts. The CCDLA understands that the public hearings on new legislation will continue to be audio-recorded and that these audio-recordings will be available to our members for their research purposes. However, it is clear that this will be an insufficient alternative to the existing practice and likely make it next to impossible for research of our legislative history to be performed. This will dramatically affect the

ability of an attorney to assist the Court in reaching appropriate and reasoned decisions based upon interpretation of our laws in the manner intended by the legislature. It will impact our Courts at all levels.

It is our understanding that a transcript of the legislative history of a particular bill will be replaced solely by the audio-recording of the public hearings. While it is a forward-looking proposal -- the elimination of a paper product and the digitization of the information for review in its place -- it creates information in a format that can't be searched and will be difficult to be catalogued for searching. I can't state to this body what the cost would be for a palatable searchable alternative to preparing a transcript of these public hearings, but I would guess that any process used to catalogue the audio recordings would far surpass the cost as it now exists. And the rise in other costs -- other costs to the public -- would not end there.

As I mentioned a moment ago, many of the lawyer members of the CCDLA are public defenders and many of the remainder of our members accept appointment in criminal cases as what are known as Special Public Defenders: private attorneys who are willing and qualified to represent indigent criminal defendants in cases of conflicts of interest. Although these private practitioners, including myself, handle these cases at a sharply reduced hourly billable rate, even at \$75.00 per hour of billable time, it doesn't take many attorney hours to reach \$215,000.00. Obviously, this legal research time for our criminal attorneys would not all involve research on the legislative history of a statute. But surely some of it would. And the longer that research takes, the larger the invoice for that Special Public Defender's services. At \$75.00 per hour (or if it is a

capital/death penalty prosecution, at \$100.00 per hour), 2,500 hours of attorney time eliminates any savings that would be achieved through this proposed change.

CCDLA opposes this budget change and the elimination of transcripts of the public hearings before our legislative body. We insist that such action will hamper our member lawyers' ability to protect and serve our clients and the Courts and will encourage less certain and less satisfactory results for all concerned. We know that this was and is not an intended result of this proposal. At the same time, we believe that it is an apt example of being a penny-wise and a pound-foolish. Yes, something surely will be saved. But the loss in terms of real dollars through other attendant costs for attorney time and the cost to our judicial system for the certainty of what is being presented to them on important legal matters have not be properly factored in. The CCDLA asks this body to consider all of these factors in reaching its ultimate decision to eliminate these important transcripts.

Thank you.