

Civil Gideon: The Time Has Come to Provide Meaningful Access to Connecticut's Court for Low Income and Disadvantaged Connecticut Residents



Quinnipiac School of Law Dean Brad Saxton, Former Connecticut Bar Foundation President and University of Connecticut School of Law Dean Timothy S. Fisher, Legal Services Leadership Award winner the Honorable Raymond R. Norko, and Connecticut Bar Foundation President Peter Arakas.

Connecticut has a long and vibrant history of pro bono publico legal services to the disadvantaged. In 1914, Thomas Hewes, a young associate at the Hartford firm of Robinson Robinson & Cole, began to work with the Charity Organization Society (COS), which was organizing legal aid committees nationwide. While working with the COS Legal Aid Committee of Hartford in 1914 and 1915, he handled 164 cases. During this period, Attorney Hewes developed the Connecticut Plan for Legal Aid which led to the establishment of the Hartford Municipal Legal Aid Bureau by a city referendum in 1916.

Flash forward to the present—on May 1, 2013, the Connecticut Bar Foundation honored the Honorable Raymond R. Norko with its prestigious Legal Services Leadership Award. Judge Norko has dedicated his professional life to securing legal representation for low income and disadvantaged citizens in Connecticut. In further recognition of Judge Norko's efforts, the Connecticut Bar Foundation honored him by issuing a \$5,000 grant to fund the James W. Cooper Fellows Legal Aid History Project. Former Connecticut Bar Association President Norman K. Janes chairs the project and recently completed the project's first oral history interview of Judge Norko.

Year in and year out, Connecticut attorneys have provided vital representation to Connecticut's low income and disadvantaged citizens. The report to the Connecticut Judicial Branch Access to Justice Commission by Melanie B. Abbott, Leslie C. Levin, and

Stephen Wizner, dated February 15, 2013, reports that Connecticut lawyers provide tens of thousands of hours annually to pro bono publico legal services. Still, less than one in five low income individuals received the legal assistance they needed. The February 15, 2013 report concludes that "even if the pro bono effort were doubled, it would not fill the large gap in the need for legal services."

Here is where history helps us: In the late 1960's, New Haven Legal Assistance filed a series of cases seeking meaningful access to the courts. In 1971, the United States Supreme Court affirmed that due process requires that persons forced to settle their claims of right and duty through the courts must be given a meaningful opportunity to be heard. *Boddie v. Connecticut*, 401 U.S. 371 (1971).¹ Justice Hugo Black, who dissented in *Boddie* in May of 1971, provided the answer to meeting the legal needs of Connecticut's low income and disadvantaged residents. He explained:

In my view, the decision in *Boddie v. Connecticut*, can safely rest on only one crucial foundation—that the civil courts of the United States and each of the States belong to the people of this country and that no person can be denied access to those courts, either for a trial or an appeal, because he cannot pay a fee, finance a bond, risk a penalty, or afford to hire an attorney....I believe there can be no doubt that this country can afford to provide court costs and lawyers to Americans who are now barred by their poverty from resort to the law for resolution of their disputes. *Meltzer v. C. Buck LeCraw & Company*. 402 U.S. 936 (1971).²

History has shown that despite all the pro bono efforts of private attorneys and the legal services providers in Connecticut, the need for meaningful access to Connecticut's courts cannot be met under the present model. On May 1, 2013, Judge Norko called upon all of us to establish a "Civil Gideon"³ in Connecticut. The time has come to hear our oracle's call. **CL**

Notes

1. On remand 329 F.Supp. 844 (D.Conn1971). See also *O'Brien v. Trevethan*, 336 F.Supp. 1029 (D. Conn 1972).
2. New Haven Legal Assistance's case of *Frederick v. Schwartz*, 296 F. Supp. 1321 (D. Conn 1969) was vacated in this decision to allow Connecticut welfare recipients access to the Superior Court without the need to pay filing fees.
3. *Gideon v. Wainwright*, 372 U.S. 335 (1963).