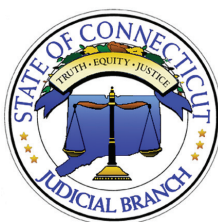




Connecticut's Courts



The judicial power of the state shall be vested in a supreme court, an appellate court, a superior court, and such lower courts as the general assembly shall, from time to time, ordain and establish. The powers and jurisdiction of these courts shall be defined by law.

Article V, § 1, of the Constitution of Connecticut, as amended by article XX of the amendments, § 1.

The purpose of this booklet is to provide the people of Connecticut with a basic understanding of the history, organization and operations of their judicial system. It is based upon the laws of the State of Connecticut and the rules and procedures set forth in the Connecticut Practice Book at the time of publication.

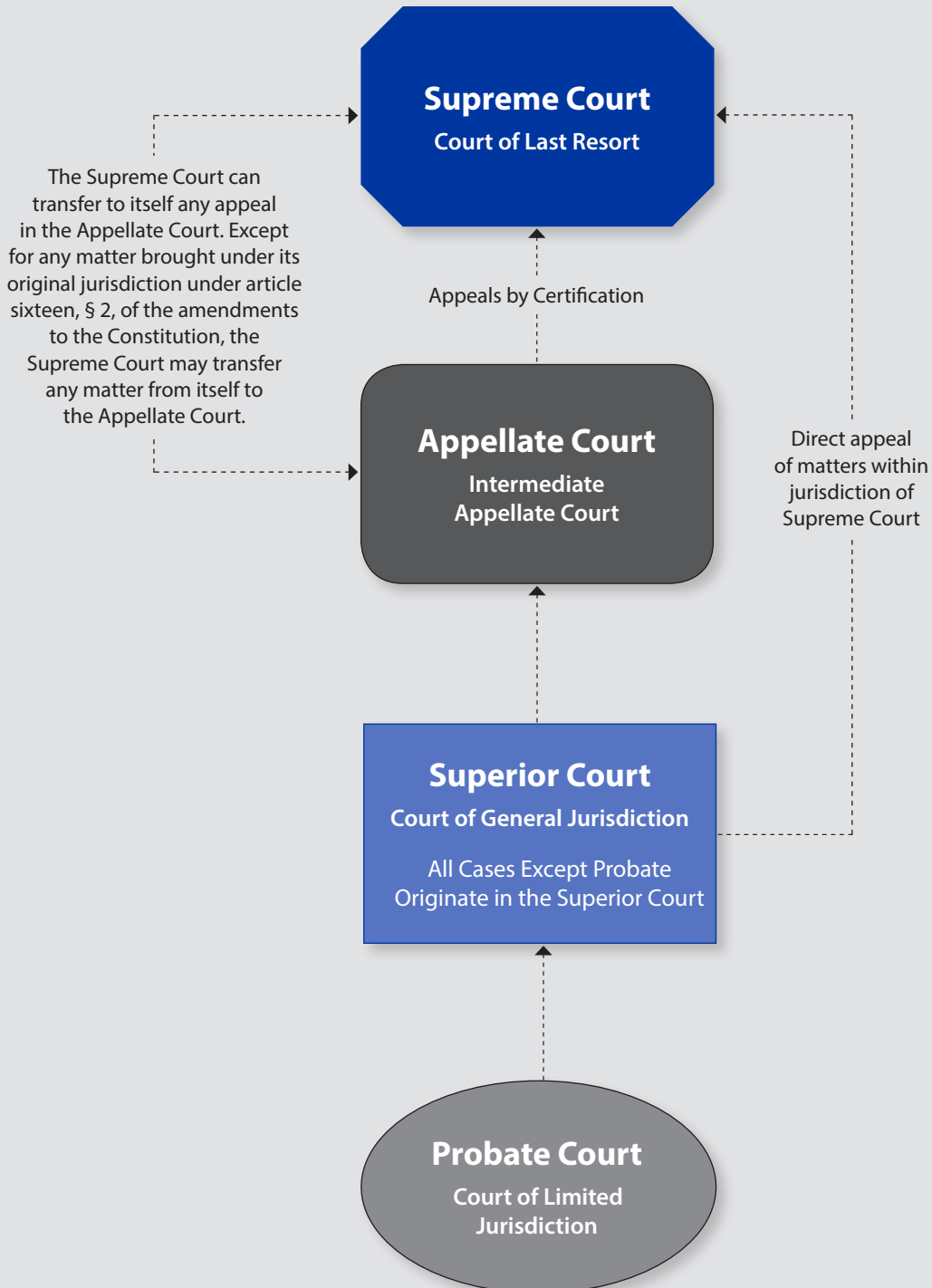
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Relationship Between Connecticut's Courts

Dotted Lines With Arrows Indicate Routes of Appeal



The Role of the Courts

The judicial system in Connecticut is established to uphold the laws of the state. Our courts help to keep order in our society by:

- Determining the guilt or innocence of persons accused of breaking the law
- Resolving disputes involving civil or personal rights
- Interpreting constitutional provisions of laws enacted by the legislature or deciding what is to be the law of the state when none exists for certain situations. The court decision then becomes a precedent, a principle established in an earlier case. If a case is close in facts or legal principles to an earlier case, the court applies the precedent unless the precedent is overruled or modified by the Supreme Court or the General Assembly.
- Determining whether a law violates the constitution of either the State of Connecticut or the United States.

Separation of Powers

Under our constitution, the courts are one of three branches of government. The **legislative branch** (the Senate and House of Representatives) creates new laws. The **executive branch** (the governor and executive branch agencies) enforces them. The **judicial branch** interprets and upholds our laws.

State Courts vs. Federal Courts

In Connecticut, as throughout the United States, there are two judicial systems. One is the state system, established under the state constitution; the other is the federal system, established under the United States Constitution. Connecticut courts are courts of general jurisdiction, meaning that they handle most criminal matters and a variety of civil matters, including contracts, personal injury cases, divorce (called “dissolution of marriage”) and other legal disputes. In some instances, decisions of state courts may be

appealed to the United States Supreme Court if there is a question of federal constitutional law.

Federal courts handle matters involving federal law and the following matters: cases brought by the United States, cases between two states or the citizens of two different states, cases between a state and a foreign state or its citizens, admiralty and maritime cases, and cases affecting ambassadors and other diplomatic personnel.

Organization of the Courts

Supreme Court

The Supreme Court is the state’s highest court. It consists of the Chief Justice and six associate justices. In addition, justices who are eligible and who have not yet reached the age of 70 may choose to take senior status. Since the September, 2009 term, the Supreme Court hears and decides all cases *en banc*, meaning as a full court of seven justices, unless there are disqualifications. When one justice is disqualified, the court will sit as a panel of six. When two justices are disqualified, the court will sit as a panel of five. When there are not enough Supreme Court justices or senior judges available because of disability, disqualification or unavailability, a judge or senior judge of the Appellate Court or a judge of the Superior Court may be chosen by the Chief Justice to sit as a member of the Supreme Court to hear a particular case.

The Supreme Court reviews selected decisions of the Appellate Court. It also reviews certain issues that cannot otherwise be appealed, such as summary criminal contempt judgments or a trial court ruling against someone who is not a party to the case.

Generally, the Supreme Court does not hear witnesses or receive evidence. It decides each case on:

- The record of lower court proceedings;
- Briefs, which are documents prepared by a lawyer or party on each side of a dispute to explain to the court the key points of each party’s case; and
- Oral argument based on the content.

The state constitution defines which matters can be brought directly to the Supreme Court without an appeal, such as a challenge to redistrict the state House of Representatives. When a case is brought directly to the Supreme Court, it is described as being brought under its original jurisdiction.

State law specifies which types of appeals may be brought directly to the Supreme Court from the Superior Court, thereby bypassing the Appellate Court. These cases include, but are not limited to: decisions where the Superior Court has found a part of the state constitution or a state statute invalid and election disputes.

The Supreme Court may transfer to itself any matter filed in the Appellate Court and may agree to review decisions of the Appellate Court through a process called certification. Except for any matter brought directly to the Supreme Court, under its original jurisdiction, the Supreme Court may transfer any matter pending before it to the Appellate Court.

The Supreme Court has eight two week sessions over the period from September through May of each year. The dates of each session are posted on the Judicial Branch website: <http://www.jud.ct.gov>. The Supreme Court courtroom is located in the Supreme Court Building at 231 Capitol Avenue in Hartford.

Appellate Court

The Appellate Court, like the Supreme Court, reviews decisions made in the Superior Court to determine if errors of law have been committed.

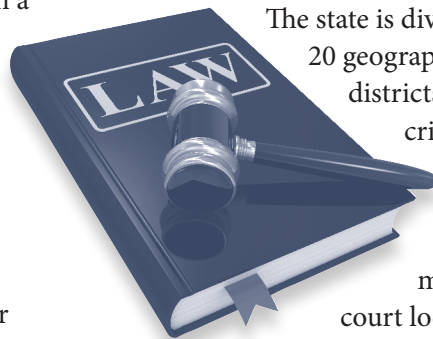
There are nine Appellate Court judges, one of whom is chosen by the Chief Justice to be Chief Judge. The Connecticut General Statutes allow for ten judges of the Appellate Court when the Chief Court Administrator is a judge of the Appellate Court. In addition, judges who are eligible and who have not reached the age of 70 may

choose to take senior status and remain as members of the court. Generally, three judges hear and decide each case, although the court may also sit to hear a case with all members. When this happens, it is called hearing a case “en banc.” Like the Supreme Court, the Appellate Court does not hear witnesses but makes its decision based upon the record, briefs and oral argument.

Appellate Court sessions are held in the Appellate Court courtroom at 75 Elm Street in Hartford.

Superior Court

The Superior Court hears all legal disputes except those disputes which, by law, only the Probate Court can decide.¹ Probate Court matters may be appealed to the Superior Court.



The state is divided into 13 judicial districts and 20 geographical areas. There are also juvenile districts statewide. In general, major criminal cases, civil matters and family cases that are not juvenile matters are heard at judicial district court locations. Other civil and criminal matters are heard at geographical area court locations. Cases involving juvenile matters are heard at Juvenile Court locations.

The Superior Court has four principal trial divisions: civil, criminal, family and housing.

Civil Division

A civil case is usually a matter in which one party sues another to protect personal or property rights. Examples of typical civil cases include landlord-tenant disputes, automobile accidents, personal injury, medical malpractice and contract disputes.

In most civil cases, the party that filed the case (plaintiff) seeks to recover money damages from another party (defendant). Cases may be decided by the judge or by a jury, depending on what type of case it is and what the parties would like.

¹ See page 12.

The Civil Division is divided into five parts:

- Landlord-tenant, including evictions (called “summary process”);
- Small claims;
- Administrative appeals;
- Civil jury; and
- Civil non-jury

Criminal Division

A criminal case is one in which a person (defendant) is accused of breaking the law. The two sides in a criminal case are the state, represented by a state’s attorney (because crimes are considered acts that violate the rights of the entire state), and the defendant.

The following types of cases are heard in the Criminal Division:

- Crimes
 - Felonies – punishable by prison sentences of more than one year
 - Misdemeanors – punishable by prison sentences of not more than one year
- Violations, including motor vehicle – punishable by fine only
- Infractions – fine may be paid by mail without requiring a court appearance (for example, traffic tickets)

Generally, the most serious criminal matters, such as murder, are tried in the judicial district courts, which are also called J.D. courts. Geographical area courts, which are also called G.A. courts, typically handle all criminal arraignments, misdemeanors and certain felonies. In addition, G.A. courts handle motor vehicle matters, infractions and violations that require a court appearance.

Housing Division

Cases involving housing are heard in special housing sessions in the Fairfield,² Hartford, New Britain, New Haven, Stamford-Norwalk³ and Waterbury judicial districts. In all other judicial districts, these cases are part of the regular civil docket.

Clerks in the housing session can help parties by providing booklets that explain court procedures, while housing mediators try to work out problems between landlords and tenants. If asked by the court, housing mediators can inspect where the tenant lives and assist the parties with finding financial help so they can do what is needed to follow court orders.

The following types of housing matters are heard at judicial district housing session locations:

- Summary process (eviction);
- Housing small claims (for example, for return of a security deposit);
- Housing code enforcement by tenants;
- Civil jury and non-jury (for example, actions for back rent, property damage and return of security deposits, administrative appeals and receiverships); and
- Criminal jury and non-jury, involving housing code violations

Family Division

The Family Division is responsible for deciding family relations matters and juvenile matters in a fair and timely manner. Examples of family relations matters include: divorce (called “dissolution of marriage”), dissolution of civil unions, legal separation, visitation of children, paternity, name changes, child custody, relief from abuse (temporary restraining orders), and family support payments. Juvenile matters include delinquency, child abuse and neglect, and termination of parental rights.

² The Housing Session for the Judicial District of Fairfield is located in Bridgeport.

³ The Housing Session for the Judicial District of Stamford-Norwalk is located in Norwalk.

Juvenile Matters

Juvenile Matters is a special subdivision of Superior Court and has juvenile courts statewide. It is designed to protect the rights of children and family relationships, and all records are confidential.

Cases in Juvenile Court include:

- Termination of parental rights;
- Delinquency;
- Neglected or uncared for children and youth;
- Families with service needs; and
- Emancipation of a minor

Special Sessions of the Superior Court

The Superior Court has eight special sessions:

Child Protection Session

There are two Child Protection Sessions: one in Middletown and one in Willimantic. The Child Protection Session accepts child protection cases referred by local juvenile matters judges. The referral criteria include: age of the case, significance of the action (termination of parental rights is the most important), and complexity of the case.

Complex Litigation Docket

The Judicial Districts of Hartford, Stamford-Norwalk and Waterbury currently have Complex Litigation Dockets. This docket handles civil cases with many parties and/or legally challenging issues. A party can apply to have a case referred to this docket. If the case is accepted, it is assigned to an individual judge, who handles all aspects of the case.

Land Use Litigation Docket

The Judicial District of Hartford has a Land Use Litigation Docket for planning and zoning matters, inland/wetlands/environmental enforcement and miscellaneous land use litigation. In addition, certain affordable housing appeals are transferred to this docket, as appropriate.

Community Court in Hartford

The Judicial Branch and local authorities work together on matters in the Community Court to address “quality of life” crimes that impact local neighborhoods.

Those crimes include breach of peace, criminal mischief, prostitution, criminal trespass, and larceny (shoplifting). Most defendants who are convicted of these crimes in the Community Court are ordered to perform community service, instead of being sent to jail and/or being ordered to pay fines. For example, defendants may work on street clean-up crews or help deliver food to the needy. The court also requires all defendants to meet with a member of the Community Court Social Services Team.

Domestic Violence Dockets

Prosecutors, family relations counselors, domestic violence victim advocates, and representatives of law enforcement work together on matters that are on this docket and meet regularly. Defendants are required to return to court frequently to make sure that they are following court orders.

Housing Session (See Housing Division, page 5)

Regional Family Trial Docket

The Judicial District of Middlesex has the Regional Family Trial Docket. It handles contested custody and visitation matters referred to it from any judicial district in the state. One judge presides over and manages the docket. The goal is to handle contested cases involving children quickly and without interruption. Cases are referred to the Regional Family Trial Docket by the family presiding judge when they meet the program criteria: involving a child focused issue; being ready for trial; having a family relations case study completed, the case is not more than nine months old; and an attorney has been appointed for the children.

Tax Session

The Tax Session is located in the Judicial District of New Britain. It handles estate and municipal tax appeals and appeals from state administrative agencies under the Uniform Administrative Procedure Act.

Steps in a Jury Trial

Selection of a Jury

- ❶ Potential jurors take an oath that they will answer questions truthfully. This oath is called the “voir dire oath.” Voir dire means to speak the truth.
- ❷ Potential jurors are questioned by the attorneys for the parties, without the other jurors being in the room. This questioning is called “voir dire.”
- ❸ When the attorney for a party does not want a certain potential juror to be on the jury they “challenge” the potential juror. There are two types of challenges:
 - For cause (for a reason)
 - Peremptory (without giving a reason)
- ❹ Completion of jury selection
 - Civil trials and most criminal trials: 6 jurors, 2 alternates (sometimes more alternates)
 - Certain serious crimes: 12 jurors, 2 alternates (sometimes more alternates)
- ❺ When the jury is chosen for a case, it is “impanelled.” The jurors take an oath, and the judge gives them directions regarding their duties.

The Trial

- ❶ Opening statements: generally short statements, made by the attorneys for each side

- ❷ Presentation of evidence
 - Testimony: attorneys ask witnesses questions on direct and cross-examination
 - Exhibits
- ❸ Closing arguments

Judge’s Charge to the Jury

- ❶ Explanation of the law to the jury
- ❷ Review of the procedures for the jury to use in reaching the verdict

Jury Deliberation

- ❶ Led by the jury foreperson, who is elected by members of the jury to deliver the verdict to the court
- ❷ Free discussion by jurors, who are to listen with open minds

The Verdict

- ❶ The verdict (the formal finding or decision of a jury) must be unanimous in civil and criminal cases, meaning all the jurors must agree
- ❷ The verdict is written in civil cases and said out loud by the foreperson in criminal matters
- ❸ The jury foreperson presents the verdict to the court by reading or saying the verdict



Judges – Appointment and Terms

Judges of the Supreme Court, the Appellate Court and the Superior Court are nominated by the governor from a list of candidates submitted by the Judicial Selection Commission and are confirmed by the General Assembly. They serve eight year terms and are eligible for reappointment. To qualify to become a judge, a person must be a Connecticut resident and registered voter and an attorney admitted to practice law in Connecticut. He or she must also meet certain other qualifications, such as having a reputation for the truth, faithfulness, honesty, integrity and fair dealing.

The Connecticut Constitution provides that judges may not hold their offices after reaching the age of 70. At that time, they retire and become state referees for the rest of their terms. They are eligible for reappointment as state referees during the rest of their lives. The Chief Justice may choose, from among the state referees, judge trial referees, to whom certain cases may be referred. Judges who retire from full-time active service prior to age 70 are known as senior judges.

Non-judicial Officers

Not all legal disputes are heard by judges. They may also be heard by the following:

Small Claims Commissioners

Attorneys designated by the Chief Court Administrator to hear and decide small claims cases if the parties agree.

Attorney Trial Referees

Attorneys appointed by the Chief Justice to preside over civil non-jury matters. They may not render judgments but, rather, make findings of fact and file proposed decisions with the court. The court may render judgment in accordance with these findings.

Magistrates

Attorneys appointed by the Chief Court Administrator to hear small claims matters, certain motor vehicle infractions and violations, certain other violations and certain non-jury motor vehicle cases.

Fact Finders

Attorneys appointed by the Chief Court Administrator to hear certain contract cases.

Arbitrators

Attorneys appointed by the Chief Court Administrator to hear any civil jury action in which the judgment is reasonably expected to be less than \$50,000.

Special Masters

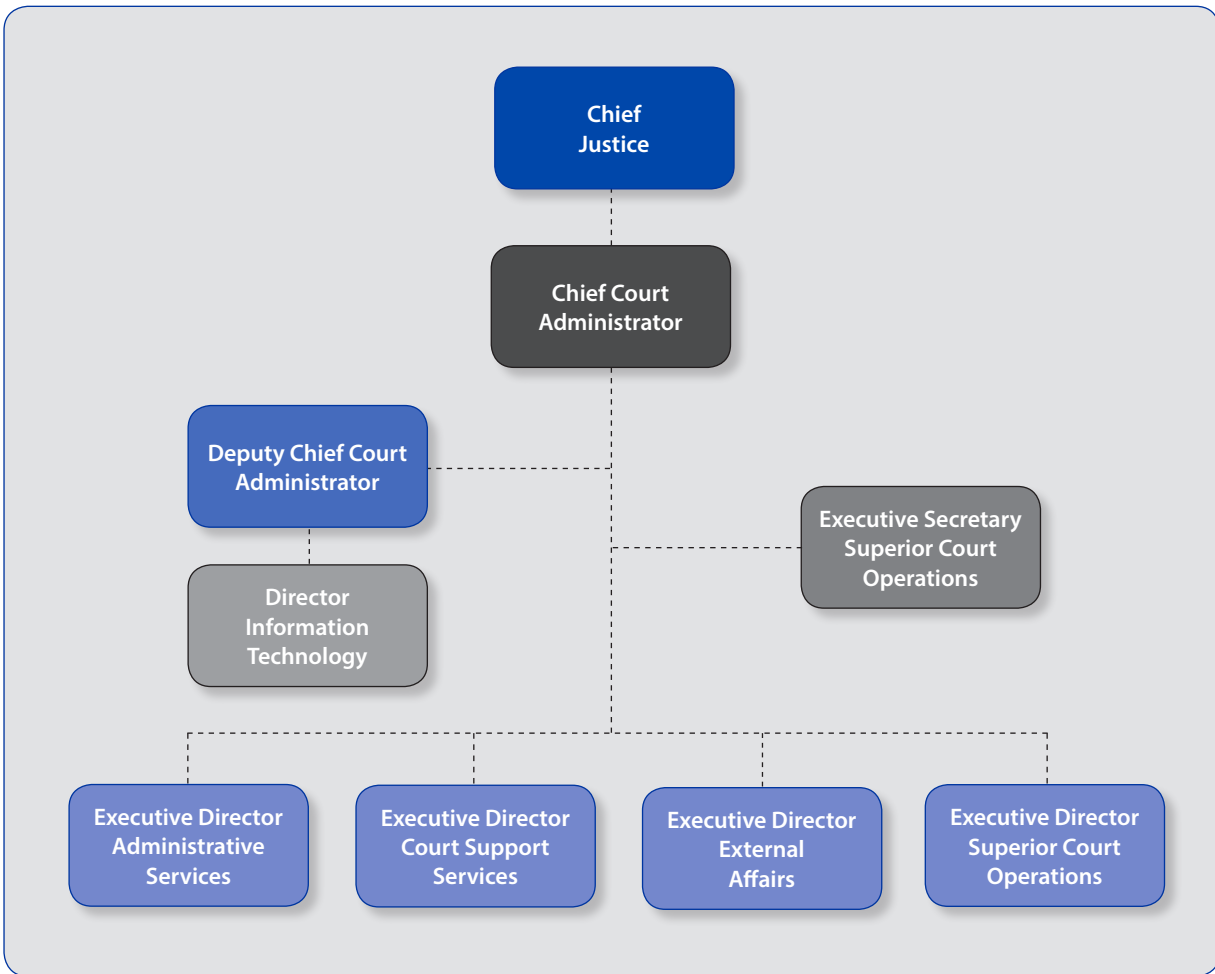
Individuals designated by an administrative or presiding judge to conduct settlement conferences or mediation in areas such as tax, family relations and construction on a pro bono basis (free of charge).

Funding for the Courts

The Judicial Branch receives its funding as part of the legislatively enacted state budget.

All fines, fees and costs collected in the courts are deposited into the state's general fund and other funds established by the legislature.





Court Administration and Operations

The mission of the Judicial Branch is to serve the interests of justice and the public by resolving matters brought before it in a fair, timely, efficient and open manner.

The Chief Justice of the Supreme Court is the head of the Judicial Branch. Its administrative director is the Chief Court Administrator.

Judicial Functions

The judicial functions of the Branch are concerned with the fair determination of cases at the trial and appellate levels. All judges have the independent, decision-making power to preside over matters in their

courtrooms and to determine the result of each case before them.

Administrative Operations

The Chief Court Administrator is responsible for the administrative operations of the Judicial Branch. In order to provide a wide variety of services necessary to effectively carry out the Judicial Branch's mission, the following administrative divisions have been created:

Administrative Services Division

Provides a number of centrally conducted, statewide services for the benefit of all divisions within the Judicial Branch, such as data processing, financial services, personnel matters, affirmative action and facilities management.

Court Support Services Division

Provides a variety of services to support the Judicial Branch in maintaining a high quality of justice, enhancing public safety and helping individuals and families through effective interventions. Consists of Bail Services – *Intake/Assessment/Referral (IAR) units* – which is responsible for pretrial arraignment, supervision, and diversionary programs; Adult Probation Services, which is responsible for the effective supervision of court sentenced individuals; Family Services, which is responsible for a variety of functions in both criminal and civil family court; Juvenile Probation Services, which is responsible for providing assessment and supervision in all cases referred to Juvenile Court; and Juvenile Residential Services, which oversees a network of programs and services for court involved juveniles.

External Affairs Division

Coordinates a variety of legislative, media, educational and informational activities designed to inform and educate the public and private sectors about the mission, activities and goals of the Judicial Branch.

Information Technology Division

The Information Technology Division is dedicated to designing, developing, implementing, and maintaining the Judicial Branch's complex data and information processing, storage, retrieval, publishing and printing systems for the Judicial Branch, customers in the legal community and the public.

Superior Court Operations Division

The Superior Court Operations Division includes the following:

Administration provides support services and guidance to all parts of the division by directing the administrative, strategic planning, staff training and business activities, and provides for court transcript services, interpreter services, and the safekeeping and disposition of seized property.



Court Operations ensures that the Superior Court Clerk's offices professionally and efficiently follow statutory, Practice Book and Judicial Branch policy in processing all matters. Court Operations also oversees jury administration and provides technical assistance and support services.

Judge Support Services ensures the prompt delivery of services and programs to Superior Court judges, family support magistrates and others involved in the judicial process. Such services include: resources from law libraries, legal research, judicial performance evaluations, continuing education, management of grants, and support for technology.

Judicial Marshal Services provides courthouse security and prisoner transportation.

Legal Services serves as the Branch's in-house counsel, giving advice on legal and policy matters to the Chief Court Administrator, all executive directors and Branch officials and divisions. It provides support services in areas such as attorney ethics, discipline and bar admission.

Office of Victim Services provides services, information, and financial compensation to victims of crime.

Support Enforcement Services enforces, reviews and adjusts family support orders in accordance with federal and state regulators, rules and statutes.

Staff Development Unit manages Branch and Court Operations education programs for the professional and personal development of Branch employees.

History of Connecticut's Courts

The first Connecticut judicial proceedings probably were held on April 26, 1636, at “A Corte holden in Newton” (Hartford) under the commission granted to eight leaders by the General Court of Massachusetts Bay.

In 1638, the General Court established the Particular Court (often called the “Quartet Court” because it was required to meet every three months). While the General Court, later called the General Assembly, controlled the administration of justice, the Particular Court was the principal judicial body until the union of the New Haven and Connecticut colonies and the granting of the Charter from Charles II in 1662.

In 1665, with the new Charter, the Particular Court was abolished and two new levels of courts were established: the Court of Assistants in 1665, and the county courts one year later. Separate probate courts were established in 1698 to handle such matters as wills and estates.

The Court of Assistants was abolished in 1711. Its powers of original and appellate jurisdiction were assumed by the newly created Superior Court, the forerunner of the sole trial court of general jurisdiction which exists in Connecticut today.

During the period between the Revolutionary War and the adoption of the Connecticut Constitution in 1818, significant developments in the direction of creating an independent judiciary took place.

In 1784, the Supreme Court of Errors was created as the highest appellate tribunal of the state, with the power to review lower court cases based on a writ of error, a power previously held by the General Assembly.

In 1818, the first Connecticut Constitution was adopted, setting forth the doctrine of separation of powers and establishing the three separate branches of government. This constitution created “a Supreme

Court of Errors, a Superior Court, and such inferior courts as the general assembly shall from time to time ordain and establish.”

County courts were abolished in 1855 and their functions were transferred to a strengthened Superior Court. As the number of cases continued to increase, however, the General Assembly found it necessary to create a series of Courts of Common Pleas.

The development of the state, county and municipal courts was paralleled by the important contributions of the justices of the peace, who first came into use about 1686. By the end of the century, justices were commonly authorized to take jurisdiction over small actions, and they played a vital part in the judicial system for more than 250 years. As towns were incorporated, the General Assembly authorized the creation of town and borough courts, presided over by justices of the peace, to handle small cases. In 1939, the trial justice system was enacted, vesting the limited criminal jurisdiction formerly within the power of all justices of the peace in specially designated trial justices.

In 1921, Connecticut's first juvenile courts were established in several towns, and in 1942, a statewide Juvenile Court came into existence.

In 1941, the General Assembly enacted legislation to establish a single Court of Common Pleas for the entire state with judges subject to periodic reassignment on a statewide basis. Prior to this legislation, judges sat only in the counties to which they had been appointed.

When the General Assembly abolished county government in 1960, the municipal courts and trial justice system were replaced by a statewide Circuit Court. The three level system of state, county and municipal courts was dissolved in favor of a completely state-maintained system.

Timeline: Connecticut's Courts

1636	First Connecticut Judicial Proceedings "A Corte holden in Newton"
1638	Particular Court "Quartet Court"
1639	The First Constitution of Connecticut – Fundamental Orders
1662	Charter of the Colony of Connecticut
1665	"New Charter" Court of Assistants and County Courts
1698	Probate Courts Established
1711	Superior Court Created
1784	Supreme Court of Errors Created
1818	First Connecticut Constitution
1921	First Juvenile Courts
1939	Trial Justice System Enacted
1942	Statewide Juvenile Court
1960	Circuit Court Established
1978	First Unified Court System in the Country – Superior Court
1982	State Constitution Amended Establishing Appellate Court

On December 31, 1974, the Circuit Court was merged with the Court of Common Pleas. Circuit Court judges were elevated to the Court of Common Pleas. This consolidation was followed four years later by the merger of the Court of Common Pleas and Juvenile Court with the Superior Court on July 1, 1978. Common Pleas and Juvenile Court judges became judges of the Superior Court. The Superior Court thus became the sole trial court of general jurisdiction in the state and Connecticut acquired the first unified court system in the country.

In 1982, the state constitution was amended to establish the Appellate Court to help ease the caseload burden on the Supreme Court. The new court began hearing cases the following year.

Probate Court

In addition to the state-operated courts, Connecticut has Probate Courts. Probate Courts have the power to hear and make judgments in certain types of cases, such as: the estates of deceased persons, testamentary trusts, adoptions, conservators, commitment of the mentally ill, guardians of the persons and estates of minors and those with intellectual disabilities, and certain name changes.

Each Probate Court has one judge who is elected to a four year term by the electors of the probate district. Probate judges elected after January 5, 2011, must be attorneys admitted to practice law in Connecticut. Probate judges who are not attorneys are allowed to continue to serve if they were in office on January 4, 2011. Probate judges are paid for their services from court fees.

Visiting the Courts

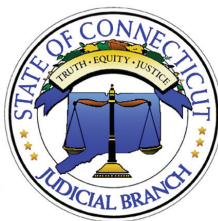
The Supreme Court is located at 231 Capitol Avenue in Hartford. Members of the public are invited to attend oral arguments. The Judicial Branch provides tours of the Supreme Court courtroom from Monday through Friday during regular business hours. To obtain the schedule of cases, please visit the Judicial Branch's website at www.jud.ct.gov. To arrange a tour, please call the External Affairs Division at (860) 757-2270.

The Appellate Court, located at 75 Elm Street, is also open to the public, and members of the public may

attend oral arguments while the court is in session. The schedule of cases is available on the Judicial Branch's website at www.jud.ct.gov.

Trial courts are generally open to the public Monday through Friday between 9:00 a.m. and 5:00 p.m., except on holidays. Members of the public are welcome to visit the courthouses and to observe court proceedings. To arrange for a tour of a Superior Court, please contact the Connecticut Bar Association at (860) 223-4400.





www.jud.ct.gov

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

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