

**DRAFT
MINUTES
CHILD PROTECTION COMMISSION
OFFICE OF CHIEF PUBLIC DEFENDER
30 TRINITY STREET, 3RD FLOOR CONFERENCE ROOM
HARTFORD, CT 06106**

Special Meeting May 8, 2006

MEMBERS PRESENT

ANTHONY LAZARRO, ESQ.
REV. GREG STOKES
PAUL CHILL, ESQ.
HON. MICHAEL MACK
HON. JOHN TURNER
HON. ANN DANROW
MONIQUE FERRARO, ESQ.
SHELLEY GEBALLE, ESQ.

MEMBERS ABSENT

ANTHONY CANDIDO
THOMAS FOLEY
SHELLEY GEBELLE, ESQ.

OTHERS PRESENT

CAROLYN SIGNORELLI, CHIEF CHILD PROTECTION ATTORNEY

M/M 2nd to Convene at 5:50 p.m.

Hon Ann Dandrow announced that on June 12 at 10:30 a.m. the Child Advocate is sponsoring a program entitled, "The Untold Story of Connecticut's Children with Disabilities and Complex Medical Conditions: A Call to Action. The program will be held at Saint Joseph College 1678 Asylum Avenue, West Hartford, CT. Commission members are invited to attend an should RSVP by June 1 to 800 884 0939.

The special meeting was called in order to consider the draft "Memorandum of Agreement RE: Amendment of 2005 Agreement for Legal Representation of Children and Indigent Parties in Juvenile Matters Proceedings" (hereinafter MOA), the proposed "Agreement for Legal Representation of Children and Indigent Legal Parties in Juvenile Matters Proceedings" (hereinafter Agreement) and the "Proposed Fee Schedule for Juvenile Matters" (hereinafter PFS).

The Commission discussed the draft MOA. Some members expressed concern over repealing Section VII of the MOA which addresses standards of conduct. Members

discussed whether or not ABA and CBA ethical standards are sufficient or if it is necessary to spell out ethical duties.

CCPA Signorelli reported that she met with representatives of the Judicial Branch. Dean Skevas suggested that the PFS may not be appropriate, and that the Commission should do some research and obtain data regarding appropriate compensation before acting.

Commissioner Chill questioned whether the Commission should act now or hold off on implementing changes until we have more information. He also questioned how the Commission can effectively improve the quality of child protection representation.

Commissioner Dandrow offered that because we are a new board, that we should put forth a new face.

Commissioner Chill continued to question how we might improve representation if the same lawyers are under contract and improve the quality of representation of new contractors.

Commissioner Dandrow asked about training requirements.

CCPA Signorelli stated that we might consider mandating training.

Commissioner Stokes summarized our considerations as setting fees and standards for representation. He offered that our focus should be on the client and ensuring that the highest quality of representation be obtained.

CCPA Signorelli discussed that during the selection process that contractors who are not meeting expectations can be weeded out. The process of awarding contracts takes 4-6 months.

Hon. Mack suggested that the Commission cannot get everything accomplished by July 1, 2006. He suggested that the CCPA tell contract attorneys that the overarching concern of the Commission is the interests of the clients and that an exacting review of the contractors will determine whether or not a new contract will be awarded.

Judge Mack related that in reviewing the time spent by contractors that he is convinced that money is not the issue.

CCPA Signorelli stated that her intent is to increase compensation, encourage contractors to apply to be contractors again.

Commissioner Gebelle suggested that the cost of training could be included as an item of compensation in the contract.

CCPS Signorelli discussed the potential costs of training. She suggested that perhaps Judicial may accommodate training by closing court one day.

Judge Mack suggested that the flat fee versus hourly rate

CCPA Signorelli stated that there is not enough money to fund a complete billable hour system. She further stated that some attorneys do not want to keep track of their time and prefer a flat fee rather than hourly rate.

Commissioner Chill offered that he believes most contractors would prefer the hourly rate.

Judge Turner asked if CCPA Signorelli had thought about altering the fee for representing a parent, depending upon the role the parent plays in the proceeding.

Judge Mack offered that if contractors are not audited until they reach 20 hours on a case that it is likely that some contractors will take advantage of it.

Commissioner Chill stated that in the past, there was a panel system. Instead of contracts, attorneys sat on a panel. There were different schedules of compensation depending upon the type of client and whether the work performed, for example, in-court or out-of-court. He said that compensation is skewed in favor of representing multiple children and insufficient for termination of parental rights. Suggested increasing compensation for representing parents of multiple children to equal representing multiple children.

CCPA said she wants to ensure that we do not create a disincentive to representing children and multiple children effectively. If people feel they are being paid more fairly, they may put in more time.

Commissioner Chill offered that there are real economic considerations that drive the amount of time contractors spend on a case.

Commissioner Stokes asked whether the Commission inherited a system with contractors with low morale who need a positive message.

Commissioner Gebelle suggested that the letter sent out with the MOA address training requirements and that the CCPA study fee structure further and do something minimally with regard to fees.

CCPA Signorelli stated that in her conversations with contractors that their concern has been mostly compensation. She would like to increase compensation within available means as soon as possible and set standards for representation in the MOA. Standards for awarding contracts need to be objective and quantitative.

Judge Mack offered that whoever is involved in the contract awarding process will be the target of potential litigation.

CCPA suggested that we utilize anonymous evaluations for contractors.

CCPA Signorelli asked that the Commission consider bumping up the fee schedule, but that the Commission may not be able to decide at the instant meeting. She asked that the Commission consider the MOA.

Members expressed concern over the retroactivity of new provisions in the MOA and considered whether the MOA may be altered to apply to new cases assigned on/after July 1, 2006.

CCPA Signorelli offered that her goal is to make some immediate improvements, and one would be to increase, if only slightly, the amount of compensation for attorneys since the Commission will be expecting more from the attorneys.

Judge Mack questioned the clause referring to increasing the caseload of contractors by one-third.

CCPA Signorelli referred to the MOA that extended the agreement previously and found that the six-month extension increased each contractor's caseload by 50%. The one-third amount keeps the number of cases constant for contractors at the first year rate.

Commissioner Chill suggested that language from the original agreement be repeated to indicate that the one-third increase in cases is not a guarantee and that the number of cases assigned may not equal the maximum number allotted in the agreement.

There was a discussion of expenses related to representation and who should pay for transcripts.

There was discussion of Section 7 of the MOA repealing specific duties of contractors and requiring adherence to Standards of Practice that will be compiled by the CCPA prior to July 1, 2006.

The Commission agreed that the language referring to new rates of payment in paragraph I be removed and that issues related to increased compensation be included in new contracts.

M/M2 to, "Approve the MOA as amended." Unanimously approved by voice vote.

The Commission considered the "Memorandum of Agreement RE: Amendment of 2005 Agreement for Legal Representation of Indigent Respondents Facing Potential Incarceration in Civil Contempt Proceedings Involving their Failure to Comply with Court Orders in Family Matters and Legal Representation of Indigent Putative Fathers in Paternity Actions," (hereinafter MOA2).

CCPA Signorelli and Judge Mack offered that the process of appointing attorneys in Civil Contempt Proceedings differs from that used in Juvenile Court.

M/M2 to, “Approve the MOA2 as proposed.” Unanimously approved by voice vote.

The Commission went back to the topic of increasing compensation for contractors. Generally, the group discussed making a simple and modest increase now and to review and consider additional changes to compensation for the next contract term.

CCPA suggested that if the compensation is increased that, instead of extending the agreement six months that we extend it a full year so that contracts go on a fiscal year and could be accurately budgeted for.

There was a lengthy discussion of potentially dropping the pre-approval for service over 30 hours. Up until now, the judge in the case made the approval from service over 30 hours. Since the CCPA will be responsible, she has insufficient contact with the individual cases to be able to effectively review and approve service over 30 hours in any meaningful way.

M/M2 to, “Increase the flat rate to \$500 for a parent, \$500 for the first child, \$450 for the second child, \$400 for the third child and \$350 for every child in addition to the third child to a maximum of \$1700, extend the existing contract through the MOA one year rather than six months and the amount of compensation for service over 30 hours stay at the rate of \$40 per hour and repealing the requirement to pre-approve service over 30 hours.” Passed by a voice vote 6 to 1.

M/M 2nd to Adjourn at 8:15 pm

The next regularly scheduled meeting is May 18 at 5:30 at the Office of the Chief Public Defender.

Respectfully submitted,

Monique M. Ferraro,
Secretary