

**HON. PATRICK L. CARROLL III
CHIEF COURT ADMINISTRATOR
PROFESSIONALISM SYMPOSIUM
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Good morning. First of all, I want to thank you for inviting me to be your keynote speaker at the 2013 Bench/Bar Professionalism Symposium. I'm honored and, to be frank, a bit nervous – as many of you know, I've been chief court administrator for a total of one month, and being a keynote speaker is a daunting task.

On the other hand, the Fairfield Judicial District is my home base. I was sworn in here as an attorney, my law office was in Fairfield, and before coming to Hartford, I served as a judge in Bridgeport. In addition, as I look around the room, I see colleagues and friends who are committed to make the Connecticut court system and the bar the best in the nation. Your enthusiasm and energy is inspiring, and so too am I inspired to speak before you today. It is a privilege to be here.

Before I get started, I'd like to take just a moment to thank the Connecticut Bar Association Standing Committee on Professionalism and CLE, and the Greater Bridgeport Bar Association for organizing this symposium. In particular, I want to extend thanks to Tom Maxwell, president of the Greater Bridgeport Bar Association; Kim Knox, president of the CBA; and Lou Pepe, standing committee co-chair. The Connecticut bar and courts are both enhanced through your commitment to excellence.

And we need that commitment more than ever as we confront the challenges of the changing practice and changing court system. Attorneys and judges 20 years ago could not have anticipated the issues we face now, and we can't possibly envision what our successors will face in the next 20 years. But one thing is certain: we cannot stick our heads in the sand. I'm not sure we'll ever be able to get ahead of change. However, if we stay informed and actively engaged in finding solutions and better ways of doing business, then there's a better chance of an even race.

When I first hung my shingle in Fairfield many years ago, this is the equipment I bought: a typewriter, a file cabinet, books, White Out, and carbon copy. Can you imagine trying to find carbon copy today? A typewriter? Maybe in a museum, but not in a modern office. To remain competitive and survive, I had to evolve and learn about new tools and resources. That experience taught me an important lesson: neither the bar nor the courts can stand on the sidelines and allow technology to envelop us. Put another way, we must remain relevant to those whom we serve.

That said, we must also keep in mind the areas where time-held practices remain essential. Civility and professionalism will never become old-fashioned; in fact, they are more critical than ever in a plugged-in, 24-7 techie world. Competent, talented attorneys, governed by the highest ethical standards, will never *not* be the norm, and we owe it to the people we serve that the system never devolve into a forms driven, fill-in-the-blank process.

So, with technology, there is the tricky balance of simultaneously unharnessing its benefits and reining in the consequences that could occur through careless or indiscriminate use. I believe the Judicial Branch has managed this balance while at the same time dramatically changing the way we do business – and thus has dramatically changed the way *you* do business.

For example, if you look at how our electronic filing system has grown over the years, the numbers are staggering. *Ninety-two* percent of our pending civil caseload (excluding family cases) is paperless. Attorneys and self-represented parties have e-filed approximately 4,500,000 documents, and the clerk's office has scanned more than 1,200,000 documents. In addition, nearly 970,000 orders have been created electronically by judges and staff. The grand total? It rings in at nearly 6,700,000 e-filed documents.

In addition, 94 percent of electronic orders on civil cases are available to attorneys, self-represented parties

and the public within *one* business day of the judge or clerk finalizing the order. Now, considering I'm before an audience that revels in details, please note that this does not mean within one business day of the case's appearance on the short calendar. Rather, it is within one business day of the date that the order is marked final by the judge or clerk.

Let's turn to small claims. Since July 2013, when executions became e-filable, attorneys and self-represented parties have e-filed 8,141 executions. And throughout 2013 so far, there have been 31,983 small claims cases initiated electronically by attorneys and self-represented parties.

We've embraced technology in other areas, which also directly impacts the bar. Since this past August, e-mail updates on civil cases are available to anyone with an e-mail address. So far, we've had nearly 7,300 people enroll for this service, with a total of 16,925 subscriptions

on civil cases. E-mails sent so far total 36,060 – so I think it's safe to say that the updates have caught on. I would imagine as well that many attorneys have taken advantage of this new service, especially since many of you were extremely supportive of the idea when we were first considering it.

And come January 2014, we'll be rolling out another big change: anyone can view disclosable documents in an e-filed civil case from a remote location. We've been working on implementing this change for some time, and I can tell you that your input was invaluable. As some of you might know, many attorneys expressed concern that documents could be accessed remotely during jury selection. We shared that concern and developed a system whereby documents will not be remotely accessible once, and if, jury selection begins in a particular case. This give-and-take, leading to positive change, is precisely the kind of cooperation that occurs routinely between the bench and bar, and we are grateful for all of your input.

Meanwhile, the evidence is clear: facets of technology, such as e-filing, may no longer be a revolutionary idea. However, the revolutionary impact of technology as a whole continues unabated.

Of course, none of us has a crystal ball. For the present, though, let me just say that we are very fortunate to have Chief Justice Chase T. Rogers leading the Judicial Branch. Immediately upon becoming chief justice, she moved forward with a visionary plan to put in place the Branch's first-ever strategic plan.

To achieve her goal, Chief Justice Rogers convened the Public Service and Trust Commission and charged it with developing a concrete and meaningful strategic plan to guide the Judicial Branch over the next five years. And then the heavy lifting began. The Commission immediately set out to capture the diverse voices of all of the stakeholders of the Judicial Branch: members of the bar, judges, Branch staff, and the people who come through our doors every day, either as parties, jurors,

members of the media, or members of the public. The Commission used various ways to gauge these opinions, including surveys, focus groups and public hearings.

With all of the information they gathered, Commission members developed the first phase of the strategic plan, which the Chief Justice approved in 2008. Since then, this plan has led to hundreds of positive, cost-effective changes within the Branch and could not have come at a better time, considering the imminent recession.

Suffice it to say that technology played a key role in Phase 1 of the plan and will continue to be center stage as we begin Phase 2. To best address the technology question, we'll be assessing the operations of our core functions and reengineering where appropriate, to make the best use of our human and financial resources. This assessment will include an examination of our civil, family, juvenile, appellate and administrative functions, where appropriate.

I want to stress again that it's important to have your input as we move forward. As the Chief Justice recently noted, your feedback is so important that past successes could not have occurred without you and future successes won't happen without you either.

Yet there's another reason we need you. Let me explain.

We all know that technology can do many amazing things. It makes our lives easier in some respects and increases efficiency in government. I think it's safe to say we couldn't live without it.

But technology, no matter how advanced or glitzy it gets, will never be more than a vehicle. In other words, the skills and expertise of an attorney will always be paramount, regardless of how efficient or fast technology becomes. Yes, I realize many people are more and more choosing to represent themselves. But the fact is, there is no substitute for a capable attorney in court to argue on

a client's behalf. That's the *job* of an attorney. And I can assure you that the judge welcomes your presence in his or her courtroom.

And that is not only because of your role as an effective advocate, but also because of your role as a commissioner of the Superior Court, and all of the responsibilities that are associated with it. This role requires you to be professional, to uphold the dignity of the court and to demonstrate respect for the legal system. In a nutshell, you are ethically obligated to be civil to your adversaries and to be up front.

You are also required to seek, and I quote from the Rules of Professional Conduct, "improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in the reform of the law and work

to strengthen legal education. All lawyers should work to ensure equal access to our system of justice for all those who, because of economic or social barriers, cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.” >End quote<

Yes, it’s a tall order, but none of you would be here today if you didn’t take your occupation seriously. I want to also note that you don’t operate in a vacuum – our judges have as much responsibility, if not more, to demonstrate every day the professionalism and commitment the bench expects from you. And none of this -- the meat and potatoes of who we are as judges and attorneys and why we do it and why it matters -- will change regardless of where technology takes us.

Albert Einstein once said, “It has become appallingly obvious that our technology has exceeded our humanity.” For the courts, however, this simply cannot occur.

Programs such as today's will ensure that technology does not exceed our humanity or our dedication to ensuring the rule of law and access to justice for all. Thank you again for the honor of addressing you today, and I look forward to the rest of today's excellent agenda.

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