

April 13, 2004

gmh JUDICIARY COMMITTEE 2:30 P.M.

PRESIDING CHAIRMAN: Senator McDonald

MEMBERS PRESENT:

SENATORS: Murphy, Kissel, Coleman, Daily,

Roraback

REPRESENTATIVES: Lawlor, Stone, Farr, Abrams,

Boukus, Conway, Fritz, Giegler,

Godfrey, Graziani, Hamm, Hovey,

Klarides, Labriola, McMahon,

Michele, O'Neill, Peters,

Powers, Rowe, Serra, Spallone,

Winkler

SENATOR MCDONALD: Would the committee please come to order. We have a public hearing first today followed by the committee meeting immediately thereafter.

We have two items on our public hearing agenda today. The first is dual resolutions, S.R. 21 and H.R. 24, RESOLUTIONS APPROVING THE SETTLEMENT AGREEMENT IN STATE OF CONNECTICUT OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES VERSUS CHOINSKI, ET AL.

I believe we have with us this afternoon two individuals, Deputy Attorney General Carolyn Querijero and Brian Murphy from the Department of Corrections.

Good afternoon.

CAROLYN QUERIJERO: Good afternoon. Senator McDonald, Representative Lawlor and members of the committee, my name is Carolyn Querijero. I'm the Deputy Attorney General and I'm here to recommend approval of H.R. 24 and S.R. 21, which is the case of PNA vs. Choinski.

Basically, this is a case that was brought claiming that the

Department of Correction is violating the 8th Amendment rights of inmates with serious mental illness or either in causing the mental illness at Northern or in exacerbating mental illness that exists in inmates who already are mentally ill when they are admitted and also it is also claiming that the facilities for treatment of mentally ill inmates at Garner is constitutionally inadequate.

I should say that lawsuits of this type have been filed around the country, making similar allegations and in almost every case, the State has lost when it has gone to trial and has suffered major judgments against it.

Because of that, we entered into negotiations with the plaintiffs early in the process of the case to see if we could come to some resolution that would be in conjunction with the goals of the Department of Corrections and also satisfy the claims brought by the plaintiffs.

And I'm happy to say that we worked out an agreement that we believe does do both. The Deputy Commissioner of Corrections is here today and I believe he will say -- he will support me in saying that this is something that the Commissioner, Commissioner Lantz is very interested in. She has been looking into the issue of the provision of services to mentally ill inmates since she took office and she supports this settlement. In fact, she was already moving in the direction of the settlement before the suit was brought.

Basically, the settlement agreement provides that services for seriously mentally ill will be consolidated at Garner Correctional Institution in Newtown. The advantage of that and this is something that the Commissioner had already begun doing, is to provide better services to the inmates, but also a more efficient and cost effective way by consolidating and having specialized staff in one location.

To accomplish this right now with the inmates who are at Northern currently who maybe in need of being transferred, an evaluation of the prison population at Northern will be conducted to assess whether any inmates are seriously ill, mentally ill within the definitions contained in the agreement and if so, those inmates will be transferred to Garner.

So there is an initial evaluation of current inmates at Northern. And that one time evaluation, by the way, that will be conducted by members of the UConn Health Center Psychiatric staff.

SEN. MCDONALD: Excuse me one second. There's a lot of other conversations going on in the room and I'm actually having a difficult time hearing. If you do have conversations that need to be held, please do so outside of the committee room and I apologize for interrupting.

CAROLYN QUERIJERO: Thank you. The cost of that evaluation is estimated at \$1 million, one time, and that has been included in the budget in Section 4 of the budget document, as I understand it.

That and the amount will also include the attorney's fees which are scheduled at \$190,000, plus -- well, I'll continue with this and then I'll give you more information on that.

The cost of increased staffing and services at Garner are estimated at \$1.4 million annually and that has been included within DOC budget and as I was saying, they had already been moving in that direction to consolidate staff at Garner anyway and they were planning to do that anyway.

This agreement will be entered as an agreement with the court and it is structured so that it will last for three years and then it will end. We have language in the agreement that the jurisdiction of the court -- first of all, there will not be continuing jurisdiction by the Federal Court. That's always a concern in these types of cases. We've structured it so that there will not be continuing jurisdiction of the court other than to rule on a motion that could be filed for non-compliance with the agreement. Other than that, there's no continuing oversight by the court.

There will be consultants for both the plaintiffs and the Department of Corrections who will review the process of this, the three year agreement, but these consultants are not monitors appointed by the court or reporting to the court. They will only be reporting to the parties.

And if the plaintiffs believe that the defendants are in violation of the agreement, their only recourse is to file a motion with the court for substantial non-compliance and this is all spelled out. It would have to be substantial and a pattern, not just one incident, etcetera and the only remedy would be an order of specific performance.

The financial impact of this has also been spelled out clearly in the agreement so that the cost of the consultants is no more than \$40,000 per year for three years, plus the possibility of an additional \$15,000 a year if mediation is needed.

And the court, at the end of the three years, will lose all jurisdiction, even if there are motions pending at that time, the court will not be able to act on them.

As I've said, we reviewed other cases throughout the country that have raised these types of claims in these situations and the costs and the orders have been much more, the costs have been much greater and the intrusiveness into the State operations have been much, much deeper. So we feel that this is a good outcome for the State of Connecticut, both in the treatment of its mentally ill inmates and in the proper operation of the prisons in the system.

And so we recommend approval of these two measures.

SEN. MCDONALD: Thank you very much. Are there questions from members of the committee? Representative Lawlor.

REP. LAWLOR: Thank you, Mr. Chairman. First of all, since this is a relatively recent phenomena, I think it's important that the committee understand that our role here is simply to render either a favorable or an unfavorable report on this particular agreement. So it was only a few years ago that the Legislature began to review these stipulated agreements. I forget what the threshold is. Two million dollars or something like that?

CAROLYN QUERIJERO: Two point five.

REP. LAWLOR: Two point five million is the threshold, but the only relevant action the Legislature could take is if it deemed that this should be rejected, a three-fifths vote in both Houses would, in fact, reject this agreement. Otherwise, it stands.

And so we're obligated to take a vote here in the committee either favorable or unfavorable. Other than that, the only way it can be denied is a three-fifths vote in both Houses.

But I want to say on the merits of the proposal, you know, it sounds very good, but I think sometimes we lose sight of the fact that sort of in the bigger picture, this is not where we should be providing mental health services and for a variety of reasons, this population has ended up in the Department of Correction and I think from the point of view of the Department, it's more prudent to provide these along one location than it would have been elsewhere, but I think the ideal solution to the problem, which we shouldn't lose track of, is to minimize the number of mentally ill persons or persons with mental illness in the system and many of them, I believe at Garner, correct me if I'm wrong, -- I see the Deputy Commissioner is here -- many of

them are pretrial inmates. Many in on relatively minor charges, whose main issue is mental illness not sort of criminal behavior.

And so I think our ongoing goal should be to relieve the Department of Corrections of this particular burden because I think it can be more cost effectively done in other state agencies and by community providers.

So, this is a good solution to a very specific problem, but it's not a long term solution to a very big problem, but nonetheless, I think it's a good idea and an appropriate settlement.

I just want to congratulate you because I know this began as a very sensitive negotiation and there was an attempt not to politicize this and I think everybody participated in that in good faith and I think it's a good outcome.

So, congratulations.

CAROLYN QUERIJERO: Thank you.

SEN. MCDONALD: Thank you. Representative Farr.

REP. FARR: Yes, I wanted to join in on Representative Lawlor's comments about congratulating you and recognizing how difficult this was.

But I do think there's a balance that we have to have here and the balance is to recognize that in many cases, while Representative Lawlor said there's a lot of people in our facilities that have mental illness for non-serious criminal acts, there are also a lot of people in our facilities that have mental illness, who have done very serious criminal acts. And, of course, when you're talking about people at Northern, those are people who usually have very severe behavior problems. That's why they're in Northern in the first place.

And I think the balance that we have to reach is to recognize that it's easy to talk about the fact that somebody shouldn't be restrained or shouldn't be in isolation because that contributes to his mental illness. We have to balance that off at the fact that if that person isn't in isolation, or isn't restrained, it increases the risk to other inmates, as well as to the members of the -- the guards and the employees of the facility.

So I think that's the balance and the balance you try to strike here.

I guess I have a series of questions, though, on the agreement. The first one is on page seven, on Section 1 where you said, "absent exigent circumstances, no seriously mentally ill prisoner shall be transferred to administrative segregation without prior notice to the plaintiffs."

I guess my concern here is that prisoners are usually put into segregation because they're having a behavior problem with them. And this would seem to say that -- I believe it also says you give the plaintiff at least days advance notice of transfers. And I'm concerned here about the fact that this may reduce your ability to get proper behavior in the facilities and put people at risk.

I wonder if maybe somebody from the facility can comment on that language.

BRIAN MURPHY: Good afternoon, Representative Farr, committee members. I'd like to address that.

First of all, the Commissioner of Police supports this agreement. Over the last seven months, negotiations between the Attorney General's Office, the Department of Corrections and OPA, I think someone said it, maybe Representative Lawlor, were very intense and were attended by myself and Warden Choinski. And one of the balances we wanted to make sure that we struck is that we were not closed -- it was not closed ended and that we could deal with the type of situations that Representative Farr just alluded to.

He's very correct in that you have some very dangerous individuals who do have mental illness. This agreement allows us to handle those individuals with the appropriate checks and balances and the example you've just given, should someone seriously assault an inmate or a staff member at a facility, what we're saying here is the ascending facility has to have them evaluated for mental illness in the definition that was derived by the experts. If that is not done there, we still have the ability to send that individual to Northern and within three business days, a mental health professional should have evaluated that individual to see if they meet the definition of severe mental illness.

So, Representative Farr, I fully understand. I'm kind of smiling because I advocated for the same position, not to close ourselves off to be able to manage certain individuals at Northern. With appropriate programming, special programming, if necessary, if they deserve that type of environment.

REP. FARR: I'm going to have to rely a lot upon, obviously, your department in representing that this is an agreement which will allow you to keep the proper control without jeopardizing the safety of the inmates or our staff because that's a grave concern to me. I mean, I understand we're not -- I think this agreement, a lot of the thrust it to recognize that people with mental illness, if you put them into isolation or put them in restraints, you may make things worse for them, but we have to balance that with the safety issue and we can never forget that that's a very serious problem that you're dealing with on a day-to-day basis in your facilities.

And there was another language in here -- well there's, I guess, two questions. One is on page 14, it talks about "that defendants shall install, and maintain in good working order, calendar clocks that are visible in the cells." Exactly what are calendar clocks? I assume that that's just a clock with a day on it? Is that --

BRIAN MURPHY: Yes it is, sir. The experts testified basically that places like Northern deprive sensory deprivation and there's -- they believe there are cases where people have lost track of the time and date. So as a solution to this, an agreement was made to put those clocks where the inmates could see them so they know what time it is, number one, and they know the day.

REP. FARR: And then this agreement was going to apply, as I understand it, only to prisoners at Northern or at -- what's the other one?

CAROLYN QUERIJERO: Garner.

BRIAN MURPHY: Garner CI.

REP. FARR: Garner. And paragraph 5a talks about "no prisoner shall have a prescription changed or discontinued without prior notice." Was that intended to be just prisoners at those two facilities?

BRIAN MURPHY: Yes.

REP. FARR: And the same with paragraph six. It says, "prisoners shall have the opportunity to request mental health services seven days a week through a confidential written request system." Was that in the entire facility or intended to be those two facilities?

BRIAN MURPHY: Those are those two facilities, but if I may add,

it's part of our strategic plan. When offenders and part of the mental health consolidation, if you will, when offenders come into the Department of Corrections, they come into basically the primary jails, Hartford, Bridgeport, and New Haven, Corrigan-Radgowski. We also, as part of this process and part of our strategic plan, will have a certain time period when individuals, once they're assessed, have to be moved to Garner CI because of their mental health condition. If they meet the definition, there should be a time period no longer than 72 hours that they do go to that facility.

REP. FARR: So you envision everybody will, that has a mental problem, end up in those two facilities, but these benefits or these procedures will be followed in those facilities, but don't have to be followed in every facility that you operate?

BRIAN MURPHY: Well, you're part right and you're part wrong, sir. We don't want to put people who are identified with severe mental illness at Northern. We're basically agreeing to that. We are agreeing, I think, that Garner will be our mental health facility for the Department of Corrections for individuals with mental health issues.

I think what I'm trying to say is we're trying to incorporate the matters that make good correctional sense for the Department of Corrections and I will go back to the example I just used of the new intake coming in off the street at a facility whose identified with severe mental illness. Once that person's identified, we want to move them to the appropriate facility which will be Garner to address their mental health issues.

REP. FARR: Where are people held now when they've been sentenced to death?

BRIAN MURPHY: Northern, sir.

REP. FARR: And would those people, if anybody whose on death row has a severe mental illness, would they then be moved to Garner?

BRIAN MURPHY: That is a possibility. However, there are clauses in this agreement where exigent circumstances, the Commissioner cannot do that, as long as we set up the appropriate programs for mental health for that individual.

That is one of the issues, sir, that basically the correctional experts and the UConn experts will get together and if necessary, devise a plan for that individual at Northern.

REP. FARR: Okay, thank you very much.

SEN. MCDONALD: Thank you. Representative Stone.

REP. STONE: Thank you. Thank you, Mr. Chairman. And this is perhaps to the Attorney General or the Assistant Attorney General, Deputy Attorney General. Thank you.

You indicated that the court is not retaining jurisdiction in the case, but would have jurisdiction to hear motions for contempt, I assume, in the event that any provisions of this agreement are violated.

CAROLYN QUERIJERO: That's correct.

REP. STONE: Is that --

CAROLYN QUERIJERO: It --

REP. STONE: I don't know how the court cannot retain jurisdiction, but also entertain --

CAROLYN QUERIJERO: He's retaining jurisdiction only for that purpose. Generally in these consent decrees, the judge retains jurisdiction throughout the case. He has a monitor reporting to him. He can open it. He can issue orders. He reviews the monitor's report. He can sua sponte, do things here. No, we've been very careful to say that all jurisdiction ends with the exception if the plaintiffs were to file a motion.

REP. STONE: Someone else has to do something in order for that -
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CAROLYN QUERIJERO: Correct.

REP. STONE: Okay. And when was the case first filed, do you recall?

CAROLYN QUERIJERO: It was first filed last -- was it September?

BRIAN MURPHY: I want to say May, but -- it was filed in August.

REP. STONE: August of 2003?

CAROLYN QUERIJERO: 2003.

REP. STONE: 2003. And you reviewed -- there's some cost associated with this, attorney's fees, etcetera. You've been able to review those and those are all related to events that occurred since August to now?

CAROLYN QUERIJERO: Yes and we actually went through the costs that they presented and we knocked it down a fair amount. I don't recall the exact figures, but almost by half that we reduced what they had put in. So we were very diligent in making sure --

REP. STONE: Okay, it's not part of here, that's why -- it's not part of my package.

And then are there -- there will be a judgment entered?

CAROLYN QUERIJERO: There will be a judgment entered, yes.

REP. STONE: A judgment in accordance with this agreement?

CAROLYN QUERIJERO: Yes.

REP. STONE: Are there any other individual cases pending upon which an individual plaintiff can rely upon these representations or the obligations of the State under this agreement in pursuing their claim on those individual cases?

CAROLYN QUERIJERO: It's just to clarify, it's a judgment of dismissal. That's where I say the court doesn't retain jurisdiction on an ongoing basis. It's just -- so it's actually going to be dismissed with the court retaining just the right to hear motions.

REP. STONE: And this will be filed with the court?

CAROLYN QUERIJERO: This will be filed with the court, but are there any cases that you're aware of that are pending right now? I'm referring to two of our attorneys who worked on it, that would be effected by this?

No.

REP. STONE: Okay, so there's no individual cases out there claiming damages for the State not doing some of the things that they're now maybe required to do?

CAROLYN QUERIJERO: No, not that we're aware of.

REP. STONE: Alright, thank you. Thank you, Mr. Chairman.

SEN. MCDONALD: Thank you. Are there any other members of the committee who have questions? If not, thank you very much for your time, both of you.

CAROLYN QUERIJERO: Thank you.

SEN. MCDONALD: The other item on the public hearing agenda is the nomination of the Honorable William Holden of Bridgeport to be a Judge of the Superior Court.

Good afternoon, Your Honor. Would you please rise your right hand. Please raise your right hand.

Do you swear that the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

JUDGE WILLIAM HOLDEN: I do.

SEN. MCDONALD: Please be seated. And welcome.

JUDGE WILLIAM HOLDEN: Thank you.

SEN. MCDONALD: Obviously, it's a pleasure to have you here and normally what we do on judicial nominations is to afford the nominee an opportunity to make an opening statement to the committee and tell us a little bit about yourself and what you've been doing on the Bench for the last eight years and then we open it up to members for questions.

So, welcome.

JUDGE WILLIAM HOLDEN: Welcome. I thank you for allowing me this opportunity to appear before you and scheduling this nomination, my nomination in this public hearing.

I thank the Governor for submitting my nomination and I apologize to this august body for any delay due to me in presenting the papers necessary to complete this process. Thank you again for scheduling this nomination.

Now I have been a Judge for the past seven years. I've had the privilege, thanks to this body --

SEN. MCDONALD: Excuse me. I'm sorry, Your Honor. Is your microphone on? It seems just --

JUDGE WILLIAM HOLDEN: I've said all that and it wasn't recorded. I have to start again?

SEN. MCDONALD: There you go.

JUDGE WILLIAM HOLDEN: Alright.

SEN. MCDONALD: I apologize.

JUDGE WILLIAM HOLDEN: Let me begin by thanking you again for scheduling my nomination to this public hearing. I want to thank the Governor for affording me this opportunity by way of nomination and I apologize for any delay caused this body in my delay in submitting the materials needed for this process.

I've had the privilege of serving this great state for the past seven years as a Judge in the Superior Court. And you, of course, have afforded me that opportunity to serve the people as a Judge for the last seven years.

My, how time flies. I've had the privilege during that period of time of serving as a trial judge in a variety of matters. My primary assignments have been criminal. I've been a trial judge in matters ranging from petty larcenies to serving as a trial judge in matters involving capital felony cases.

I've also had the privilege of serving in a civil and family, and a juvenile capacity. I presently serve as a Judge assigned to criminal matters in the Waterbury JD.

I have tried, throughout my seven years, to conduct my court in a manner befitting judges, as well as the State of Connecticut in a manner with respect and dignity for all who appear before me. And my goal is, no matter the outcome, that each person appearing before this judge can leave feeling that at least they have been heard fairly and they leave with a sense of abiding justice.

Of course, I have been faithful to the Constitution of the United States and the Constitution of this great State, as well as to our laws and statutes.

I thank the Governor again for the opportunity at least to continue to serve in this capacity and I'm humbled by the nomination and I would -- my desire would be to continue to serve in this capacity for the next eight years.

And with that, thank you. Any questions I might answer?

SEN. MCDONALD: I appreciate that, Judge. Are there any members with questions? Representative Stone.

REP. STONE: Thank you, Mr. Chairman. Good afternoon, Your Honor.

JUDGE WILLIAM HOLDEN: Good afternoon.

REP. STONE: You indicated in your opening statement that you apologize for submitting the information late. Was there a reason why the information was submitted late or the application was submitted late?

JUDGE WILLIAM HOLDEN: The reason would be there were some materials that I did not diligently pursue on my part in a timely fashion to complete the process.

REP. STONE: What materials would that be?

JUDGE WILLIAM HOLDEN: What materials was that, sir? It would be taxes. I filed electronically and for some reason, I didn't have a hard copy and --

REP. STONE: It was this application?

JUDGE WILLIAM HOLDEN: Yes.

REP. STONE: Now, also as part of the application, just there are some (INAUDIBLE-MICRPHONE NOT ON)

JUDGE WILLIAM HOLDEN: I am, sir.

REP. STONE: (INAUDIBLE-MICROPHONE NOT ON)

JUDGE WILLIAM HOLDEN: On that one?

REP. STONE: (INAUDIBLE-MICROPHONE NOT ON) -- any of the other members have that form, as well, but on my form it indicates that question number 23 is "have you been arrested?" and there's no response to that.

SEN. MCDONALD: No, it is true that item number 23 is left blank on the summary questionnaire that was provided to the committee.

JUDGE WILLIAM HOLDEN: Oh, I'm sorry --

REP. STONE: You may have answered it in some other form, but --

JUDGE WILLIAM HOLDEN: I have.

REP. STONE: But I'll ask you again. Have you ever been arrested?

JUDGE WILLIAM HOLDEN: No, sir.

REP. STONE: Okay. Thank you, Judge. And there's also, under item number 26, a requirement that as a sitting judge, submit five memoranda of decisions. I don't have them in my packet, but can

I assume, Mr. Chairman, that those have been filed, as well?

SEN. MCDONALD: Give me one second. I have to apologize. I did not look at the extended materials that were provided.

REP. STONE: I can look at those, if you'd like.

SEN. MCDONALD: Yes, we do have the memoranda.

REP. STONE: Okay. And again, I just want to make sure the application's complete.

JUDGE WILLIAM HOLDEN: Yes.

REP. STONE: And that everything is in as it is required to be. And I appreciate your candor in terms of why it was late. I think there was at least some concern, at least on my part. You're part of an earlier group or was proposed to be, planned to be part of an earlier group that had come before us, but there was that delay and I just wanted to make sure that you had the opportunity to respond substantively as to why that delay took place.

Thank you very much for your testimony. You're not still in Meriden, are you, Judge?

JUDGE WILLIAM HOLDEN: Waterbury now, sir.

REP. STONE: Waterbury now?

JUDGE WILLIAM HOLDEN: Yes.

REP. STONE: Okay. And prior to -- how long have you been in Waterbury?

JUDGE WILLIAM HOLDEN: Since this term in September.

REP. STONE: Okay. And prior to that was it Meriden?

JUDGE WILLIAM HOLDEN: I was in Meriden about two years ago. I was in Milford just prior to my reassignment to Meriden.

REP. STONE: Okay and handling mostly criminal matters?

JUDGE WILLIAM HOLDEN: Meriden, mostly criminal matters, yes, sir.

REP. STONE: And how about now in Waterbury?

JUDGE WILLIAM HOLDEN: Now it's all criminal. Meriden, it was a block assignment and sometimes we had to assist in matters of domestic relations.

REP. STONE: Okay. And as between the two, the criminal side and the civil side, you obviously have a background on the criminal side, but tell me about your experience on the civil side and the family side. Do you look forward to getting back into that or do you prefer to --

JUDGE WILLIAM HOLDEN: You try to prepare yourself for every assignment, but my preference would be the criminal side.

REP. STONE: The criminal side. Okay.

JUDGE WILLIAM HOLDEN: Although the judicial branch has a tremendous assistance for judges and colleagues who need assistance. There's always a willingness to assist in every area, every issue that should arise. So it's not a concern, not a problem, but my preference would be, if that's your question, Representative Stone, it would be for criminal.

REP. STONE: Okay. And then one of the -- and I've had the pleasure of appearing before you. One of the things that your, at least in my recollection from two or some odd years ago in Meriden was that you expect counsel to be on time and prepared as they go forward. Is that a fair statement? And rightfully so, by the way.

JUDGE WILLIAM HOLDEN: It's a fair statement and you expect that because we believe that the public expects that and it breeds confidence in the entire judicial process.

REP. STONE: And there maybe and I'm sure you're aware of some circumstances that maybe emergency in nature, exigent in nature, where either counsel or others may not be in court right on time and I'm sure you'd be understanding as we go forward in addressing those situations as they come before you just as the committee, I'm sure, will be understanding in your particular situation of having to delay the formal application until now. Would that be a fair statement?

JUDGE WILLIAM HOLDEN: It's fair to say and I try to tell the lawyers information. As long as I have the information, I can make decisions. If you tell me you're not going to be there and contact the court, it's not a problem.

REP. STONE: Understood and I appreciate that consideration.

Thank you very much, Judge.

SEN. MCDONALD: Are there other members of the committee?
Representative Labriola.

REP. LABRIOLA: Thank you, Mr. Chairman. Just a comment. I also have had the pleasure of appearing before Judge Holden on dozens and dozens of occasions and as Representative Stone alluded to, he is in complete command of his courtroom. I know him to be knowledgeable and thorough and I just wanted to thank you, Judge, for your service to the people of Connecticut.

JUDGE WILLIAM HOLDEN: Thank you.

SEN. MCDONALD: Thank you, Representative. Any other questions from members of the committee?

If not, I just have one, Your Honor. In looking at the questionnaire, it indicates that during your term, I guess nine complaints have been filed with the Judicial Review Council, all of which look like they were dismissed.

Were they all dismissed by the Council itself?

JUDGE WILLIAM HOLDEN: They were. I don't know the reason for that and I talked to my colleagues and in particular, Judge Parker, whose here, Deputy Court Administrator, regarding what prompts those. No judge likes to have those, but they were.

SEN. MCDONALD: It's probably just the fact of being on the Bench, but my question really was, since the last one was apparently dismissed in May of 2003, are there any outstanding complaints of which you are aware?

JUDGE WILLIAM HOLDEN: There's none. Now in regard to whether they were dismissed by -- they all were dismissed by the panel. One, quite frankly, required an appearance, only one.

SEN. MCDONALD: Okay.

JUDGE WILLIAM HOLDEN: And although I say there's none pending, as I got my mail yesterday, there was a Judicial Review certified letter attempted to be delivered and it came after I got home. So I have to go and pick it up.

SEN. MCDONALD: Well, if that's notification of the existence of a complaint, if you would let us know, I'd appreciate it.

JUDGE WILLIAM HOLDEN: I sure will.

SEN. MCDONALD: Thank you very much.

If there are no other questions from members of the committee, I want to thank you for your time, Your Honor.

JUDGE WILLIAM HOLDEN: Thank you.

SEN. MCDONALD: Are there any members of the public who have signed up to testify at the public hearing of the Judiciary Committee? If not, I will close the public hearing and we will immediately convene the Judiciary Committee meeting.

(Whereupon, the public hearing was adjourned.)