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Good Morning Senator Doyle, Senator Kissel, Representative Tong, and members of the Judiciary Committee. I would like to express my most enthusiastic support for the nomination of Justice Andrew McDonald to be the Chief Justice of the Connecticut State Supreme Court.

Justice McDonald was my colleague in the State Senate from 2003 to 2011. I also previously co-chaired the Finance, Revenue and Bonding Committee with his late mother (Representative Ann McDonald). Senator McDonald and I worked together on numerous pieces of legislation; he was the chair of the Judiciary Committee and I have an interest in criminal justice reform. Justice McDonald is highly intelligent, extraordinarily incisive and has a superb sense of humor even in the most difficult moments. It was the Senate's loss when he resigned from the General Assembly to serve as Governor Malloy's chief legal counsel, but it was the State's gain when he served in that position as well as in his current position on the State Supreme Court.

I know there are those who claim that Justice McDonald is some kind of radical judicial activist; that claim is absurd. Justice McDonald represented towns in Fairfield County and he worked at a large Fairfield County law firm before his election to the senate. He is in the mainstream of politics in that region and in the state. In fact, his progressive stands on social issues are often intended to prevent government infringement on individual rights. For example, why should the

government infringe on the rights of consenting adults to accept the privileges and duties of marriage? He did not believe that government activism on that issue was an appropriate use of government authority.

His Judicial philosophy includes similar restraints; he is no activist jurist. He often offers appropriate deference to the role of the legislature even in cases where he personally would have preferred a different result<sup>[1]</sup>.

I realize that there are two veins of opposition to the elevation of Justice McDonald. The first one I have addressed above: the argument that Justice McDonald is an activist outlier; this is conventional discourse expressing a view with which I simply disagree. The second vein of opposition, however, is extraordinarily troubling. It includes vitriolic hatred and intolerance with

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[1] A SC19953 - Corsair Special Situations Fund, L.P. v. Engineered Framing Systems, Inc. (Any changes to property execution statutes, even in large outlier cases, is something for the legislature to do, not the courts). Here the marshal who was the agent for service of process received the percentage of the settlement which was an amount far out of proportion with a rational reimbursement for service of process. B. SC19608 Concurrence - State v. Skipwith (courts cannot provide remedy for clear constitutional violation of Victim Rights Amendment without legislature providing by statute the authority for the courts to do so and, so far, the legislature has not passed any such statute). Justice McDonald here implores the legislature to provide a remedy as a right with no remedy isn't much of a right and yet he does not create a remedy where one does not exist at law: "This case provides a stark reminder that a constitutional right, unadorned by a remedy to enforce or vindicate that right, is a hollow one. Indeed, a victim of crime who is denied her constitutional rights by a prosecutor or the court is, in a very real sense, victimized all over again. Without understating the significance of the primary victimization, this second victimization may be in some ways more odious because it is inflicted upon her by the levers and gears of the judicial system itself, the very institutional mechanism she—and all people in civilized society—relies on to have her offender held to account. We as a state must do better than this."

C SC19109 - State v. Riley (declining to provide a remedy for constitutional violation of sentencing in a juvenile case because it was premature and the legislature is considering a remedy, and deference should be given to their policy considerations in the first instance.). Here again deference was given to the legislature which had been considering possible policy options.

thinly veiled threats of violence from anonymous cowards on the internet. There is no place in our state for this behavior.

I am proud to support Andrew McDonald for Chief Justice of the Connecticut State Supreme Court. He is a kind and compassionate man as well as a brilliant and thoughtful jurist. I urge the Judiciary Committee to confirm Justice McDonald as Chief Justice and to resist this developing atmosphere of corrosive bigotry. Justice McDonald on the basis of ability and merit clearly deserves the support of this committee and confirmation by both chambers of the General Assembly.

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