



**CITY OF NEW HAVEN
BOARD OF ALDERMEN**

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City Services and Environmental Policy Committee
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May 6, 2009

Hon. Jacqueline James-Evans
78 Orchard Street
New Haven, CT 06519-1010

Hon Andrea Jackson-Brooks
102 DeWitt Street
New Haven, CT 06519-2131

Dear Alderwomen James-Evans and Jackson-Brooks:

I am responding to your letter of March 31, 2009 requesting that I seek an outside opinion regarding the appointment of Victor Bolden as the Corporation Counsel.

Your cite two Sections of the Charter, 17 and 2-304, as presenting obstacles to his appointment and request an outside legal opinion on the propriety of his appointment.

My understanding is that Mr. Bolden has been appointed to serve permanently so Section 2-304 of the Charter is no longer an issue.

That leaves Section 17 requiring that the Corporation Counsel "shall have been an attorney and counselor at law of this state for not less than ten years".

We know that Mr. Bolden has been a member of the New York Bar since 1990 and a practicing attorney for a little over 19 years. On the other hand he has lived in Connecticut since 1997 and was only admitted to the Connecticut Bar in November 2000.

Your letter contains an implicit acknowledgment that the application of Section 17 to Mr. Bolden's circumstances is unclear. If the language of Section 17 was clear, you would obviously not be seeking an outside legal opinion. You would instead be seeking his removal on the grounds that his appointment violates the clear language of the Charter you cited in your letter.

However the language of Section 17 is not clear, especially when you compare "an attorney and counselor at law of this state" (the requirement for the corporation counsel) with "shall have been admitted to the Bar of the State of Connecticut and shall have been practicing attorneys for at least two years" (the requirement for deputy and assistant corporation counsel). The latter demonstrates that the Charter can be crystal clear and explicit on qualifications to serve.

Mr. Bolden is on all other grounds one of the best qualified corporation counsel the City has had in my years of service on the Board since 1991. Those qualifications are apparent in his outstanding performance, especially as the public face of the City in the Ricci case. My mother called me to tell me how impressed she was with the "young man" she saw on television explaining the City's position.

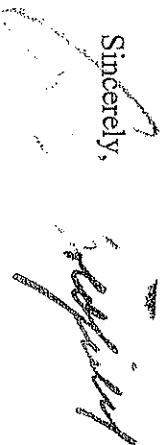
In my view, just the act of seeking an opinion letter will undercut him and the City at an especially delicate moment awaiting the Supreme Court's decision, the issuance of which will again focus the attention of the nation on New Haven.

I'm also assuming that the request is not intended to be an empty exercise in legal thinking and that you will want to act upon a negative opinion to remove Mr. Bolden from office. That will of course set the stage for a major confrontation between the Board and the Administration as the Administration has been very clear that they believe his appointment is legal. Before we begin down that path, I want to make certain that the entire Board is in agreement.

I have therefore decided not to exercise my discretion to ask for an outside counsel opinion on this matter without guidance from the whole Board.

Instead, I invite you to submit a resolution to the Board instructing me to hire legal counsel for an opinion, or if you wish to skip that step and seek a binding court opinion, to bring suit to force his removal. I will convene the Board as a Committee of the Whole to determine how we want to proceed.

Sincerely,



Hon. Carl Goldfield
President, New Haven Board of Aldermen