

News > New Haven

## New Haven contends oversight no longer needed for Fire Department promotions

Wednesday, June 29, 2011

By William Kaempffer, Register Staff

[wkaempffer@nhregister.com](mailto:wkaempffer@nhregister.com) / Twitter: [@kaempffer1](https://twitter.com/kaempffer1)

---

NEW HAVEN — The private attorney who, under court decree, has overseen Fire Department promotions for most of the last decade is stepping down as “special master” — with the city contending such oversight no longer needed.

“From the city’s perspective, it is no longer necessary ... given the city’s track record of compliance with the court order,” said city Corporation Counsel Victor Bolden.

He called court-imposed oversight an “extraordinary form of relief” that is not meant to continue indefinitely.

But attorneys both for the Fire Department union and the firefighters whose lawsuit led to the oversight order in the first place voiced skepticism.

“We have indicated to the court that we do think it is necessary that there be a continuation of the special master,” said attorney Martyn Philpot, who successfully sued the city on behalf of black firefighters with claims that the city violated the law by manipulating its own civil service rules.

“There is absolutely no trust between the parties, between the union and the city,” said Patricia Cofrancesco, attorney for New Haven Fire Fighters Local 825.

In 2002, a Superior Court judge ruled in favor of the black firefighters and, among the remedies, ordered that a special master review all impending promotions and report back to the court. Special Master Bill Clendenen, a New Haven lawyer, recently informed the court that he is leaving. He did not return messages seeking comment as to the reason for his departure.

Clendenen also, for nearly three decades, served as special master overseeing the Bridgeport Police Department after a 1983 federal court ruling. Federal oversight there ended in 2010. In Bridgeport, he was bestowed — and exercised — significantly more power than in New Haven, where his role was limited to ensuring promotions were handled correctly.

Clendenen’s departure comes as the court prepares to hear arguments about proposed promotions in the department’s fire marshal’s office. When the test was administered, the fire union cited “irregularities” in the process and about who was permitted to compete for the positions.

Now, the court will decide two other issues: Whether there is a continued need for the oversight of a special master, and, if there is, should the court or a private attorney handle the responsibility.

"We were surprised and disappointed when he stepped aside," Cofrancesco said of Clendenen. "He has a vast institutional knowledge of the New Haven Fire Department and a historical knowledge of this file going back to the commencement of the ... litigation."

Cofrancesco said the union believes there is an absolute need for continued oversight. She said the city repeatedly pointed to its "substantial compliance" with the court's order.

"The union's position is 'substantial compliance' isn't good enough. There has to be compliance, period," she said. "That's what we would expect and that's what the law requires."

Bolden viewed that as splitting hairs over language.

"Whether you call it 'compliance' or 'substantial compliance,' the city has met the letter of the law."

---

URL: [http://www.nhregister.com/articles/2011/06/29/news/new\\_haven/doc4e0a590aa8040467237638.prt](http://www.nhregister.com/articles/2011/06/29/news/new_haven/doc4e0a590aa8040467237638.prt)

© 2011 nhregister.com, a **Journal Register** Property