

JUDICIAL BRANCH
HARTFORD JUDICIAL DISTRICT
AT HARTFORD, CONNECTICUT

**PUBLIC SERVICE & TRUST COMMISSION
HARTFORD PUBLIC HEARING**

DECEMBER 3, 2007

COMMITTEE MEMBERS PRESENT:

The Honorable Alexandria D. DiPentima

Mr. Joseph F. Camilleri

Mr. William H. Carbone

Attorney Melissa A. Farley

Honorable James T. Graham

Ms. Lisa Holden

Chief State's Attorney Kevin T. Kane

Ms. Caren Kittredge

Honorable Douglas Mintz

Attorney Joseph R. Mirrione

Honorable Joseph M. Shortall

Attorney Carolyn A. Signorelli

Attorney Toni M. Smith-Rosario

Mr. Alex Wood

Transcribed by: Heidi D. Glazier
Court Monitor

1 JUDGE DiPENTIMA: I'd like to thank you for
2 taking time out of your busy schedules to attend
3 this public hearing of the Public Service & Trust
4 Commission.

5 My name is Alexandra DiPentima; I'm the Chair
6 of this commission and as you can see we have
7 various members of the commission here this evening
8 to listen to your comments.

9 Before I proceed any further, I want to ask the
10 Spanish-speaking interpreter to come forward and to
11 inquire as to whether there's anyone here, at this
12 point, who would need the services of the Spanish-
13 speaking interpreter and if you do to let this
14 gentleman know and also the sign language
15 interpreter is here as well and if anyone needs the
16 services of that interpreter she will ask you the
17 same now.

18 (The Interpreters inquire.)

19 JUDGE DiPENTIMA: By way of background, Chief
20 Justice Chase T. Rogers established the Commission
21 to create a strategic plan to assist the Judicial
22 Branch in its mission to resolve matters in a fair,
23 timely, efficient and open manner.

24 The plan will be based on an examination of our
25 state judicial system on such issues as physical and
26 logistic accessibility of our courts, the fairness
27 of treatment in all matters and to all people, and

1 the efficiency and competence in Judicial Branch job
2 performance. Such an examination would be
3 incomplete without comments from the public.

4 This public hearing is one of the ways for us
5 to collect input from the public regarding our
6 courts. We are also conducting a survey of some 500
7 individuals who have recently used the court system
8 and we have conducted approximately 80 focus groups
9 of individuals who work within or regularly use the
10 system.

11 As for this evening, if you wish to speak and
12 you have not yet signed up, please do so at the
13 sign-up sheet located in the back of the courtroom.
14 If you have made copies of your remarks, as we have
15 asked, would you please provide them to Melissa
16 Farley and she is this woman right here.

17 We will be limiting our speakers to five
18 minutes of testimony so that all interested persons
19 will have the opportunity to speak and also to
20 permit time for discussion among the commission
21 members.

22 I would ask that the speakers direct their
23 comments to their recommendations for the strategic
24 plan. If something is working please tell us. If
25 something needs improvement, we want to know that as
26 well and I am sure that you are all aware, talking
27 about particular cases is not within this

1 commission's purview.

2 Before we get started, I want to thank you once
3 again for coming out tonight on this wintery,
4 blustery night to express your concerns,
5 observations and suggestions.

6 And I would ask the commission members who are
7 here to come forward if they'd like to sit at the
8 table.

9 All right. The first individual who has signed
10 up to speak tonight is Albert Lebrun. And I
11 apologize ahead of time to all of you for -- if I
12 mispronounce your names.

13 Good evening.

14 MR. LEBRUN: Good evening, Your Honor.

15 I'm here to tell you that the Rockville court
16 perform extortion scheme. I've been fighting with
17 that court for 17 years; I don't get anywhere. I
18 was served with documents; my own lawyer told me
19 that those documents were worthless and with those
20 worthless documents they attach my home for
21 \$100,000. Five years later they gave me a trial, I
22 lost because they stopped me. Anything I tried to
23 do, they stopped me. And on June 16th of this year I
24 almost lose my home because of that attachment of
25 \$100,000 or \$90,000; a lien against my house for
26 \$90,000, a lien against my place of business for
27 \$90,000. I could not borrow money, no way, because

1 of all this and all this is done illegally. I could
2 prove that to you at any time even. Because my own
3 lawyer told me -- my own lawyer told me the document
4 that was served were worthless and then he decided
5 to go along, and he relies on the Judge to get a
6 lawyer and all that and he decide to go along with
7 the whole thing and that's where we are now.

8 It's terrible what they could do to you. I
9 need help; I need help very, very bad. For 17 years
10 I've been fighting this thing so I'm wondering if
11 you people -- I could prove to you everything that I
12 say here. I could prove that to you. I have all
13 the document. I've been copying for two days; I've
14 got a briefcase full of document.

15 I even got a case that went to Washington D.C.
16 the case of Durr, a guy from Meriden and I learned a
17 lot from that case because what they do there, they
18 attach you solid and then they got you to capitulate
19 to their extortion scheme. That case there showed
20 them when the case -- when a case goes to trial the
21 plaintiff win one and a half percent of the time.

22 So, I got also some document to show you that
23 the pre judgment remedy statute is illegal because
24 it's vague and I am suggesting how to fix it and
25 it's very -- they know -- the Commission knows since
26 1985 -- December of 1985, the statute has to be
27 fixed but they did nothing to fix it, so I'm

1 suggesting to you, if you read the document I have
2 prepare you will see how this could be fixed.

3 Okay. So, if you want me to give you all those
4 document, I have them all with me.

5 JUDGE DiPENTIMA: Mr. Lebrun, you certainly can
6 provide any of -- any written documents or
7 testimony, like I said, to Ms. Farley; you just give
8 us a copy of what you want us to consider about your
9 remarks this evening.

10 MR. LEBRUN: I'll give you a copy of everything
11 I have, yes. Do I bring them to you there, the
12 copies?

13 JUDGE DiPENTIMA: We'll have someone get it
14 from you, sir.

15 MR. LEBRUN: Okay. Thank you.

16 JUDGE DiPENTIMA: Okay. Thank you, Mr. Lebrun.
17 The second speaker is Jane Russo.

18 MS. RUSSO: Good evening. I put my views in
19 letterform; I hope that's permitted. I didn't name
20 any names for cases, but I kind of referenced
21 certain issues that happened with the cases and if I
22 -- and if you feel I'm getting lengthy, just cut me
23 off here.

24 I'm Jane Russo; mother of two college students,
25 caregiver of two elderly parents, working in
26 customer service and a Christian. I'm a member of
27 the False Allegation Solution Team based in

1 Pennsylvania and a concerned citizen.

2 For years I have watched the families of
3 wrongfully convicted deplete their bank accounts,
4 borrow money from friends and relatives, max out
5 credit cards and pay for lawyer services that didn't
6 help them at all. Some are called criminals while
7 they are actually victims of the justice system.
8 Wrongfully convicted they sit helplessly in prisons
9 for years while their appeals continually are
10 delayed.

11 The mis-justice reeks of lies, cover-ups, and
12 schemes to protect crooked police, judges and those
13 who set up these false allegations against them.
14 Why did they falsely accuse someone? Angry spouses
15 during or after divorce to gain custody of children,
16 others for monetary gain, and those who just want to
17 hurt someone. This crime get -- against the
18 innocent gets overlooked because there are so many
19 true criminals that do commit these acts against
20 others.

21 What is there to do when a jury sits and
22 listens to half the story, sees a signed confession
23 because an accused person is scared, uneducated in
24 the devices used in interrogation, and just wants to
25 cooperate with the police as we've all been taught
26 to do if you're any decent person. I have seen
27 first hand people wrongfully convicted of crimes

1 they did not commit. What does this do to them and
2 their families? I could expand, but I need to be
3 concise. A person sits in a jail cell, his or her
4 calls are listened to, shortened, food is less than
5 you would feed a dog, they sleep on steel beds with
6 a stranger that may be a real derelict. If you're a
7 true convict maybe this wouldn't bother you, but
8 would you want your sweet son or daughter, mom or
9 dad, relative that you love so much to be put in a
10 compromising situation of danger, depression and
11 hopelessness?

12 They lose their jobs at home; lose their
13 reputation because even if it's overturned, there
14 are always those who say, maybe they did do it. How
15 does this happen? The justice system. It used to
16 be based on the burden of proof, or you were
17 innocent until proven guilty. Now, the police
18 coerce the accused to confess with their forceful
19 techniques and threats; the lawyers convince the
20 accused to plea bargain, pleading guilty too, for a
21 lesser sentence even when they're innocent.

22 The judges have the authority to pick and chose
23 that which will be used as evidence exhibits. They
24 cover up the truth, suppress it from the juries so
25 that the jury only sees bits and pieces of what they
26 need to decide; the fate of someone's life.

27 Where there was supposed to be an interview,

1 those who served on a jury, there are people that
2 sometimes know the accused before they are -- and
3 they are biased. There are deals between judges and
4 lawyers. It's not about truth anymore. If someone
5 says they are innocent and there is valid evidence
6 to prove it, all should be submitted to the jury for
7 review.

8 I've watched families miss once-in-a-lifetime
9 events due to electronic monitoring or jail time;
10 parent nights, football games, weddings, funerals of
11 immediate family, even the loss of family members
12 due to the stress involving the incarceration,
13 babies are born and grown up before the accused can
14 even enjoy them. It seems like a small thing to
15 those not involved, but to have to enjoy life from
16 photograph and wait for commissary money to enjoy
17 your birthday and not eat holiday meals that you
18 used to prepare for your family or enjoy with the
19 family, or even your church family; it hurts.

20 It hurts everyone who loves these inmates
21 because we know they're innocent. We talk to a deaf
22 ear. No one answers our letters and no one can help
23 us because it's not their area.

24 I know a woman who was caring for an elderly
25 woman who allowed her to verbally take out a
26 business loan for her to open a deli and she was
27 going to pay the woman back. The relatives came

1 around and said the woman was senile and that the
2 caregiver had committed identity theft. The court
3 would not allow the elderly woman to testify at the
4 trial to state the truth; it was suppressed and this
5 caregiver remains in prison awaiting an early
6 release that was just blocked due to the Cheshire
7 home invasion; a horrid and criminal crime. Unlike
8 this crime, the innocent are treated with the same
9 sentence for crimes they did not commit.

10 Please make our country a place to be proud of
11 again; listen to the hearts of people, rehabilitate
12 the real convicts as well to make this one nation
13 under God, indivisible, with liberty and justice for
14 all.

15 I thank you for your time.

16 I'd like to add this for back up to my letter
17 if I could leave that for the committee.

18 JUDGE DiPENTIMA: Thank you very much.

19 The third speaker is Joanne Linarte, am I
20 pronouncing that correctly?

21 MS. LINARTE: Chief Justice Chase Rogers and
22 committee members, I, Joanne Linarte, former owner,
23 operator of Joanne's Kids Family Daycare, stand
24 before you a victim of the system we are here today
25 to discuss.

26 My innocent son, Frank, was wrongfully
27 convicted of a crime he did not commit. He has ben

1 incarcerated for over three and a half years and
2 has been sentenced to 40 years serving 20
3 concurrently on circumstantial evidence alone. I
4 had no choice -- because I own the daycare -- to
5 plead nolo contendere because Frank was already
6 convicted. I'm on probation and the DOC has not
7 allowed me to see my son since March 16, 2004.

8 This was the result of a poorly handled case
9 botched up by Officer Reilly of the Norwalk police
10 department because he failed to investigate
11 anything; not even the families that attended my
12 daycare. He took the easy way out by coercing a
13 confession from an 18-year old with a processing and
14 speech delayed disability that prevented him from
15 understanding his Miranda rights. This is the --
16 they wouldn't acknowledge that he was in special
17 needs from the file from school.

18 He didn't understand his Miranda rights yet
19 that fact was repeatedly ignored throughout the
20 trial by the state prosecutor Richard Colangelo and
21 a direct violation of the IDEA Act of 1973.

22 The police needed to investigate the validity
23 of accusations and the credibility of the accusers
24 but did not.

25 The girls had been examined and found to be in
26 tact; no signs of sexual abuse, yet they claimed
27 being penetrated 1200 to 1800 times. The Department

1 of Children and Family Services did their own
2 investigation and concluded that the charges were
3 unsubstantiated but the judge did not allow the jury
4 to hear that but because of the coerced confession
5 the State went forward with the case.

6 I feel my son's constitutional rights have been
7 violated since the very beginning of this
8 miscarriage of justice which was allowed to spiral
9 out of control. The coerced confession was on
10 August 30th and he wasn't booked until November,
11 three months later. When Attorney Sherman asked the
12 officer if he had confessed -- if he had a
13 confession, why did he release him? Couldn't you
14 have arrested him right then? The police officer
15 said, yes, but he had given him his word to let him
16 go if he signed the statement so he let him go.
17 That's a promise that is acknowledged in the appeal
18 brief -- this is the appeal we're waiting for -- as
19 a bribe.

20 The Innocent Project is reviewing our case.
21 The problem with that is that there was never any
22 DNA because no crime was committed.

23 The judge from the beginning of the trial
24 treated Frankie as if he were guilty and referred to
25 the girls as victims. This sends the -- a signal to
26 the jurors as to the outcome the judge expects.

27 The DA prepped his prospective jurors by asking

1 only one question; could you convict a person with
2 no evidence? If the perspective juror asked, what
3 do you mean, no evidence? Of course there has to be
4 evidence, the prosecutor Mr. Colangelo dismissed the
5 juror.

6 The medical records were not allowed in as
7 exhibits but referred to as showing no physical
8 signs of abuse yet she claimed it happened 1200 to
9 1800 times. The prosecution's key witness was not
10 the doctor that examined the girls, but a nurse that
11 gave a lecture, complete with charts on how the
12 hymen can be repair -- how it can repair itself with
13 the high levels of estrogen in young girls going
14 through puberty.

15 She said that the hymen rupturing from
16 penetration was a myth and it is actually a very
17 elastic membrane that allows things to pass through
18 it.

19 This has been referred to as junk science by a
20 pathologist, Dr. Freeland, and he stated that the
21 testimony should never have been allowed in court
22 under Daubert.

23 The other child claimed anal penetration 100
24 times yet there was not signs of scar tissue or
25 damage. The expert claimed that it wasn't unusual
26 for there not to be any rupture because that is a
27 place where things normally pass through and they

1 had time to relax in anticipation.

2 The list of inconsistencies were ignored as the
3 DA was allowed to claim that their stories remained
4 consistent, in his closing argument.

5 One of the jurors, Dr. Jose Neil, presented
6 himself as a doctor from Greenwich, which in fact,
7 was a Norwalk doctor associated with a Norwalk
8 hospital where the accuser's mom worked for 20
9 years. Norwalk Hospital is not a very large and the
10 nurses make it a point to know all the doctors.

11 Frankie is awaiting an appeal which is based on
12 actual innocence and ineffective counsel.

13 The motion for an appeal was first entered on
14 March 16th of 2004, transcripts were due January 5th
15 of 2005 but --

16 JUDGE DiPENTIMA: Ms. Linarte, we -- you've
17 used up your five minutes and I see that you're
18 reading from the material that you've given us so I
19 think that if you would just --

20 MS. LINARTE: Can I just -- can I just say
21 right now that Frankie has missed his graduation
22 from college, the death of two grandfathers, the
23 birth of three nephews, and he has -- and he is
24 about to spend his fourth birthday, on December 8th,
25 as well as the loving arms of his mother for four
26 years due to the failed system and the corrupt
27 justice that has overtaken factual truth.

1 The sad thing is that cases are created for
2 federal funding.

3 Thank you.

4 JUDGE DiPENTIMA: Thank you.

5 Steven Ericson.

6 MR. ERICSON: My name is Steven with a "v",
7 middle initial G, E-r-i-c-s-o-n.

8 JUDGE DiPENTIMA: Good evening.

9 MR. ERICSON: Okay. Would you like my --

10 JUDGE DiPENTIMA: Yes. Thank you.

11 MR. ERICSON: I came to Connecticut in 1994. I
12 was a -- I bought a HUD house and I later bought
13 rental properties in Stafford Springs and being a
14 landlord you need the courts to work and you need
15 the police to work. If they don't you don't have a
16 business; you don't make any money.

17 So, I went to see elected officials and I
18 started writing to newspapers for, you know, what I
19 needed just to survive as a property owner. I
20 proposed laws to elected officials and I ended up
21 being threatened by police to leave Connecticut, or
22 else.

23 Having run cases through civil courts in
24 Rockville, I ended up complaining about Judge
25 Jonathan Kaplan; I tried to have him removed, I
26 lodged complaints against prosecutor Keith Currier,
27 and the heat got more.

1 So, I ended up being attacked on the property;
2 like a home invasion, where I was mugged, told I'd
3 be killed if I didn't turn over my wallet.

4 I was attacked on my property, only I was
5 arrested, and the police would take no statements
6 from my tenants, or me, and then committed perjury
7 at court.

8 My first day at court Judge Jonathan Kaplan
9 told me I was guilty and going to jail. It didn't
10 sound like I was going to get a fair trial. There's
11 also a video tape that was played to the jury on how
12 to find me guilty but nothing about innocence or
13 reasonable doubt.

14 I wanted to -- I had Attorney Michael H.
15 Agranoff as my lawyer, and I told him to strike on
16 of the jurors who was a worker for the police. So
17 the worker for the police became the foreman, so I
18 was attacked on my property so we started winning,
19 so Michael H. Agranoff said he was called into
20 chambers by Judge Kaplan and told that he wasn't
21 allowed to dispute police or the prosecutor or to
22 defend me. So basically -- I also found out from
23 Attorney John O'Brien that Judge Kaplan will tell an
24 attorney to win or lose a case or how it's going to
25 end up.

26 So being attacked on my property I was
27 sentenced to year in prison, three years probation,

1 high fines and I don't think anybody, in the
2 history of Connecticut has gotten a year in prison
3 with no record for assault third and breach of
4 peace; breach of peace has to be in public, I was
5 attacked on private property.

6 I lost contact with my daughter; I wrote to her
7 from jail. My entire family disowned me. I had a
8 small business; lost. If I want to get a place to
9 live, week to week, I have a criminal record. I
10 can't load boxes on Federal Express; I'm considered
11 violent; most jobs I can't get. Most apartments I
12 can't get. I got a job down in New Orleans helping
13 people after Katrina hit; was making \$2600 after
14 taxes, per week, as an insurance adjuster. I got
15 all sorts of promotions; I changed the way video
16 claims are done because I showed the old brass how
17 to do that, and I can't get a job now.

18 I've had to live out in the cold, I have no
19 family, I've had no income for five years. This is
20 the type of damage that a rouge judge, rouge
21 prosecutor and police that can commit perjury exact
22 on so many people in Connecticut.

23 If you do a word search on my name, Steven with
24 a "v", middle initial G, Ericson -- E-r-I-c-s-o-n,
25 just in Google or in YouTube, I'm compiling lists of
26 other victims of the courts and it's going to be
27 more than just one of us that this has happened to.

1 We're finding that there's a pattern of abuse and
2 as far as ethics in the courts, if you can go to jail
3 -- prison, for being attacked on your own property,
4 the judge knew that my life was threatened, that
5 money was demanded from me, he also knew that my
6 assailant, a felon, was given immunity for
7 threatening my life, threatening to kill me and
8 robbing me. And the individual came after me again
9 and again and it was just a joke to the police, the
10 courts and the prosecutor.

11 JUDGE DiPENTIMA: Thank you, Mr. Ericson.

12 Chris Kennedy.

13 MR. KENNEDY: My name is Chris Kennedy, I'm
14 represent the Connecticut Civil Rights Counsel. I
15 appreciate you all for coming out tonight. I was
16 told that only an Irishman would wear a short-
17 sleeved shirt in an ice storm but that's all I had.

18 Anyhow, the issues essentially, my life has
19 been consumed with litigation; defending myself and
20 my family against retaliation by the court. I've
21 given you a document about ten pages long that
22 illustrate about half of the issues.

23 The -- I guess the main problem I see is that
24 there's no accountability for judges in the judicial
25 branch, there's no accountability for family
26 relations officers, it's even difficult for State
27 prosecutors and that judges often will work with the

1 prosecutors to settle a case.

2 My initial introduction to the family court or
3 to the court was through the family court. My
4 children were taken away from me, not for any abuse
5 but what I see as bias and discrimination against a
6 person with a disability. I have Attention Deficit
7 Disorder and the judge based his ruling, in part, on
8 my disability, why he gave sole custody to the
9 mother.

10 We ended our divorce with equality, joint
11 custody, shared parenting, and a couple days later
12 the mother filed for sole custody with no changes in
13 circumstances and the judge gave it to her; against
14 every recommendation.

15 The mother at the time was on trial for
16 stabbing me and had a protective order in place that
17 she continued to violate and I don't understand how
18 a court could do that. But this is Rockville court;
19 I'm hearing, it sounds like a theme here tonight. I
20 wasn't allowed counsel, I told the judge that I
21 talked to the judicial review counsel, that I was
22 entitled to an attorney for a contempt motion and
23 Judge Graziani's response was too bad.

24 I saw bias against fathers being held to
25 varying incomes -- just what I saw was a pattern of
26 abuse in the family court and not just by this judge
27 but judges in general; there's a consistent bias

1 against fathers in family court. And there is not
2 accountability to the judges and there's very little
3 law as -- and so a judge is free to do what he
4 wants. Judge Kaplan was my worst experience. He
5 granted a restraining order against me with regard
6 to my son claiming I committed a violent, aggressive
7 act based on an argument with my son. He went into
8 my family -- my Irish history, my religion, he said
9 he had a case of a father just like me and I was
10 going to end up the same way as him, my parenting
11 rules were stupid, he admitted to calling
12 prosecutors in a pending case -- I had a pending
13 case in Enfield, and he admits to calling the State
14 prosecutor and telling him not to nolle the case. I
15 mean, how can a judge do that? This is the head of
16 Rockville court.

17 He said that I was -- he's assuming that I'm
18 guilty of a crime, I should be arrested, he asked
19 where I lived, he said well, the State Police will
20 take care of it because of where I live, he admitted
21 to meeting with family relations, meeting with the
22 other attorney, meeting with counsel privately; I
23 mean I thought that ex parte communication wasn't
24 allowed but apparently in Rockville it's okay.

25 And then the restraining order included the
26 mother because of a computer error which he refused
27 to fix. It was brought to his attention by the

1 clerk but he said, well, that's a computer problem,
2 we can't get to it now, I'm not going to do anything
3 about it.

4 And then what he did is he took that document,
5 knowing it was false, drove it down to Hartford
6 court and gave it to the State prosecutor telling
7 them to have me arrested and that was put in an
8 arrest warrant affidavit and used to have me
9 arrested. So here you have a judge committing a
10 felony. The head of Rockville court committing a
11 felony by submitting -- knowingly submitting false
12 documents in an arrest warrant affidavit.

13 And so I was arrested. The judge -- I filed a
14 complaint and he issued a second restraining order
15 against me taking away my daughters. There's no
16 allegations of abuse, there was no children even
17 listed, I walk into court and ask why I'm being
18 restrained or who am I being restrained from and he
19 said that's what the trial lawyer -- that's what the
20 hearing will decide. Well, how does he take away my
21 kids if he doesn't even know?

22 And so, you know, on and on; Judge Klaczak
23 meeting with family relations calling the criminal
24 courthouse telling them to issue a protective order
25 against me; again Rockville court. Judge Graziani
26 adding the mother to the restraining order and then
27 last January he denies his involvement in front of

1 the judicial committee at his reappointment. Here
2 you have a judge lying under oath to the judicial
3 committee and they know it.

4 And I guess Judge Scheinblum is the most
5 colorful. I received a call the other night of a
6 judge -- a person saying -- I'm sorry, I'll wrap it
7 up -- but he told a defendant that if he wanted his
8 case dismissed he could stand on the bench and crow
9 like a rooster and he's dismiss the case; so he did.
10 Or sentencing people with a violin; a good note for
11 a good sentence; bad note for a bad sentence.

12 And then just to wrap it up, we talk about
13 opening the courthouse but at Rockville court I have
14 two judicial complaints that have been sealed and
15 added to my family court folder. They're sealed
16 from the public so it will bias anyone who reads my
17 court folder, only judges will see it, so now they
18 know I file complaints against judges.

19 And so it goes on and on; I've given you the
20 documents. And please review them and some action
21 needs to be taken; some accountability.

22 JUDGE DiPENTIMA: The next two speakers who
23 signed up, I believe are not -- are no longer here
24 so the next one ready is Francis Knize.

25 MR. KNIZE: It's Knize.

26 JUDGE DiPENTIMA: Excuse me.

27 MR. KNIZE: Francis Knize.

1 I certainly, as a citizen, appreciate this --
2 the fact that this commission is formed and that
3 Connecticut does attest to wanting to reform its
4 judicial system. And I think as we see, a lot of
5 the comments here today, there are severe problems
6 with a lot of the procedures and the ethics
7 concerning the judges.

8 My original brief here was actually based on
9 rules that we need changed concerning what I have
10 gathered as a producer doing a series called *In The*
11 *Interest of Justice*, and I see that to really talk
12 about these rules where we need changes it's going
13 to take much longer than five minutes, so I'm not
14 going to deal with them so much tonight, but talk
15 about my own case.

16 I do have a divorce case here in the state of
17 Connecticut, and since that's what people are
18 addressing tonight, that's what I'm going to testify
19 to and submit later documents concerning that case.

20 In my case --

21 JUDGE DiPENTIMA: Well, sir, just to reiterate,
22 I did say that we aren't really addressing
23 particular cases, so if you want to stress instead
24 what you think this commission should be looking at
25 for its strategic plan, the commission members would
26 certainly appreciate hearing that since we cannot do
27 anything about your individual case.

1 MR. KNIZE: Okay. First of all I think you
2 have to do all you can to create the judges
3 following the constitutionality of their rulings.
4 Justice Borden was very vocal about this and as we
5 all well know and there does seem to be a problem as
6 I've been fighting for consistently in my case.

7 In terms of -- so I'm just going to go through
8 some of these rules.

9 In terms of legal assistance programs at
10 courthouses, you should use competent employers who
11 know how to construct every motion properly. My
12 experience is that they don't and they don't
13 understand what the heck is going on, they
14 understand some of the forms but they can't answer
15 all the questions.

16 As well as there's a notary public assigned by
17 the State and I had to go through a lot of hurang
18 and deal with the administrative assistant to the
19 courts to finally tell this notary that he must
20 notarize all documents and not just documents
21 concerning the forms. I think I actually did create
22 that change so I'm happy to see that -- but it
23 should be written into the rules.

24 Two, the -- I think we have to have a
25 reexamination, especially by the judicial review
26 counsel, on exactly what misconduct should be. As a
27 matter of fact, I'm following this misconduct issue

1 on a local, state and national forum concerning the
2 judicial conference, on the national forum dealing
3 with the judiciary committees at both the House and
4 the Senate, and if you want to know more about that
5 please go online and go to YouTube and look up *In*
6 *The Interest of Justice* and you will find my
7 testimony given to the judicial conference
8 concerning all those points.

9 I would have to say, in my case, when I went to
10 the judicial review counsel and I told them that the
11 Supreme Court panel denied and dismissed my case
12 because they didn't think that my mother being hit
13 by a car was just cause to file a motion late so the
14 whole thing is dismissed; my family tells me that my
15 mother's not going to live the weekend, that I must
16 leave immediately, I put it in a motion to file late
17 and this was denied. But this isn't an ethical
18 question. As far as the Judicial Review Counsel is
19 concerned, so what, the judge had his discretion.

20 I think we have to reexamine what misconduct
21 is. And I'll talk -- and I'll send you more
22 material late on that.

23 This whole idea that -- up at the Appellate
24 Court that you need 16 copies is extremely
25 burdensome, especially in this electronic age where
26 we can provide one copy or three copies or even six
27 copies, but why does the Appellate Court need 16

1 copies; that is so burdensome for the average pro
2 se defendant, and especially if we can provide a
3 disc that all judges and clerks can have access to,
4 and it's online. There's no reason for that these
5 days.

6 Furthermore, understand there's a system that
7 lawyers can submit motions and all sorts of online
8 all sorts of legal maneuvers online and I've been
9 asking the court administration for years now -- for
10 three years -- it's time you made that same access
11 to pro se defendants.

12 As I say, I didn't even touch some -- a lot of
13 these points, but do read them and I've submitted
14 them before, but if I had ten more seconds here, I'd
15 say that writs of error must be returned to the
16 judiciary; they're very important.

17 That strict scrutiny must be abided by; you
18 can't just dismiss a case when strict scrutiny was
19 asked for by the court to prove it's strict -- under
20 strict scrutiny, the least restrictive remedy to
21 violating a fundamental right. We need that.

22 JUDGE DiPENTIMA: You've provided the written
23 -- these written comments and we'll make copies of
24 it.

25 MR. KNIZE: I thank you for your time.

26 JUDGE DiPENTIMA: Thank you, very much.

27 Joe -- Joe Leslie.

1 MR. LESLIE: As stated in the press release
2 from the judicial branches external affairs division
3 on the judicial branch website, one of the tasks in
4 creating a strategic plan that addresses those needs
5 is to examine public perceptions of our state
6 judicial system. It is to that end that I offer my
7 perception and a list of things that format -- and
8 format perception.

9 But perception comes from successfully
10 defending myself, pro se, against a wrongful
11 foreclosure action brought in 2004, and
12 coincidentally, in Rockville.

13 The reason that I was pro se is that after
14 talking with scores of lawyers I couldn't find any
15 that would say anything other than there is no
16 defense to a foreclosure; we'll help you get the
17 best deal, we'll watch the process for you, we'll
18 stall, but it was a wrongful foreclosure and I
19 really felt that I wanted to protect my rights as a
20 consumer, and I couldn't find anybody that could
21 help me.

22 My constitutionally protected opinion and
23 perception, a perception I believe by the majority
24 of folks that are defendants in foreclosure actions
25 is that the judicial system is all too eager to do
26 the work of the banks for them.

27 I believe the two most worsened manifestations

1 of this perception is that very few people do
2 defend themselves in foreclosure actions and there
3 are very few lawyers, if any, and again I haven't
4 met any yet, that either think there are defenses to
5 a foreclosure or know what to do.

6 The first perception that I have and moving
7 away from my notes because somebody mentioned the
8 Clerk's Office; the Rockville Clerk's Office, being
9 the first perception you get of a court, is
10 horrendous. They make you sit there and ring a
11 bell; if you're an attorney they'll wait on you
12 right away, they generally know the attorneys, but
13 you can die of old age if you're a pro se or a
14 defendant -- a regular defendant sitting there.
15 It's -- it's -- it's almost humiliating having to
16 ring a bell and just wait there while they look at
17 you through the glass for sometimes 15, 2 minutes.

18 Beyond that, the next perception that you're
19 faced with is really the perception of the court
20 towards you as, in my case, a pro se litigant.
21 Usually, you have to climb the hurdle of, you know,
22 you're ignorant of the rules, to the laws, you're
23 guilty of the claims of the plaintiff, and you're
24 without defenses.

25 It's a huge hurdle to get over because you
26 feel, and again, perception at least, that the court
27 is bias toward you because you're a named defendant.

1 I understand the economics of foreclosure and
2 the business of lawyering so I can't say I don't
3 understand why a lot of lawyers don't know how to
4 defend a foreclosure action. If you're a lawyer and
5 you want to make some money, which I think is fine,
6 would you rather represent a bank who is going to
7 give you 20 or 39 foreclosure cases a month, cookie
8 cutter deals that you just walk in and get a slam
9 dunk, or would you rather have to first go find your
10 customer every time and then listen to the probably
11 20 or 30 hours worth of sob story and then hope
12 there's some kind of defense, and hope that the
13 defendant has some money, which is typically not the
14 case because they're usually debtors in a
15 foreclosure action.

16 The banks offer steady business; again the time
17 of defending, first prosecuting would be a big
18 hurdle to do business as defending debtors;
19 homeowners.

20 Because defendants don't defend themselves that
21 much, the courts seem to do whatever plaintiffs ask
22 without scrutinizing the file. Again, a
23 generalization, but a perception, and that is that
24 nobody is there to kind of raise their hand and say,
25 wait a minute, there's not note. Wait a minute, the
26 complaint says that X bank is the plaintiff, whereas
27 the note says another bank is and there's no

1 assignment; who's standing before this court?

2 Connecticut is unique in that it's a strict
3 foreclosure state. Yes, a creature of the
4 legislature branch, perhaps, but again, we're
5 talking perception and I believe that the perception
6 is, again, our system as whole is on the side of the
7 banks to foreclose very quickly with no regard or
8 little regard to the plaintiffs -- I mean the
9 defendant's rights.

10 JUDGE DiPENTIMA: Thank you, Mr. Leslie.

11 Margaret Levy. Good evening.

12 MS. LEVY: Good evening.

13 I'm a criminal defense lawyer in Hartford. I
14 believe, however, that my comments apply throughout
15 the state.

16 It's my concern that the money bail system as
17 it operated in Connecticut is a disaster. The
18 failures of the money bail system must be addressed
19 within the next few years. The system is long
20 overdue for change.

21 Racial disparity in jails and prisons is due in
22 significant measure to economic disparity among
23 racial groups in Connecticut; poverty limits the
24 ability of minority defendants to make bail.

25 My case load consists exclusively of special
26 public defender representation in the state courts
27 and court appointments in the federal courts. By

1 definition my clients are indigent, they cannot
2 afford a private lawyer, they can rarely afford
3 bail. Setting bail at a particular level for all
4 defendants charged with a given crime may sound
5 fair, however it serves to detain defendants who
6 have little money available.

7 On paper Connecticut's bail system looks
8 flexible, however, reading the Practice Book chapter
9 38 refers to pretrial release, gives it no sense
10 whatsoever of the way the system actually operates.
11 Several years ago a judge of the Superior Court here
12 in Hartford set bail for one of my clients at
13 \$300,000; that is a substantial sum. But a person
14 with property may be able to post real estate, cash
15 in an insurance policy, or perhaps take a loan from
16 a credit union.

17 My client had the nerve to tell the judge, I'm
18 just an ordinary guy from the north end of Hartford,
19 there is no way my family can put up \$300,000.

20 My client had been found indigent and eligible
21 for court-appointed lawyer. No one ever questioned
22 that finding. He was just plain out of luck the way
23 lots of other defendants are because the court
24 system does not take into consideration his
25 financial situation.

26 Just one other example; a couple of years ago I
27 had a client who was 16. He was being raised by a

1 drug-addicted single mother; she had been evicted
2 from her apartment a few days before the court
3 hearing; he never met his father. The charge was
4 attempted larceny; it was my client's first charge
5 in adult court. We explained to the judge that the
6 \$100,000 bond he proposed would effectively detain
7 the child without bail. It did. After several
8 months the client gave up fighting the legal aspects
9 of his case, he pled guilty just to get rid of the
10 case, he needlessly obtained a felony criminal
11 record which he could likely have avoided by making
12 a reasonable bail, had one been set, or had
13 reasonable conditions been set.

14 This young man, more than any other client I've
15 ever had, sincerely wanted to get out of jail to go
16 to school. The Hartford public school system was
17 willing to take him back, he asked the counselors at
18 Manson Youth Institution whether he'd be permitted
19 to attend both the morning and afternoon educational
20 sessions there even though they were the same --
21 covering the same material because he so much wanted
22 to be exposed to teachers, be able to have access to
23 education. Instead he copped out, rather than being
24 able to be released on some bond to live with
25 relatives who showed up in court explaining that
26 they were prepared to take him into their homes.

27 The injustices of the bail system really

1 deserves the attention of this commission. The
2 bail system must be reformed. There's got to be a
3 better way of dealing with individuals who are
4 presumed to be innocent.

5 Thank you.

6 JUDGE DiPENTIMA: Thank you.

7 David Zilkla.

8 MR. ZILKLA: I'm not going to read my letter
9 because I think it's too case specific and I've
10 taken your comments about not being able to
11 investigate specific cases has sunk in, but I was in
12 Manhattan earlier today and when I found out about
13 this meeting I drove up to get here on time because
14 I did want to present a situation.

15 So I guess the way I would phrase it more
16 generally is, I would urge you to investigate the
17 issue of for profit supervision.

18 In my divorce agreement in 2005 I agreed to
19 limited set of supervised visits because my ex-wife
20 really insisted upon it. And a guy was appointed to
21 be the "gatekeeper" who was going to transition me
22 to unsupervised relationship with my children as
23 soon as possible. Well, when the supervisor, after
24 many many months I was told it would be about a
25 dozen sessions that I was to prove myself that I
26 didn't need supervision, started writing that it
27 wasn't necessary, that I was a great guy and a great

1 dad and all that.

2 The -- first of all he allowed -- my ex-wife's
3 attorney completely -- into changing his
4 recommendation. The gatekeeper did nothing, instead
5 just continuing it; the guardian ad litem as well,
6 just turned a blind eye.

7 Since then my divorce and actually supervision
8 started before, I spent a million and a half dollars
9 on supervision and the divorce. Whenever anyone
10 sends an email it goes to eight people at \$250 an
11 hour. I think my children are essentially being
12 held hostage. And when I hired Attorney Patterson
13 in February who took the case because he never heard
14 anything like it, this same gatekeeper cancelled my
15 right to see my kids. I haven't seen them since
16 February.

17 He basically retaliated against my children and
18 me. Just to give you an idea of what the supervisor
19 said when he recommending that it end, I do want to
20 read this because it just shows you how brazen this
21 thing is, he wrote to everybody, I can truly say
22 that I have not often seen this type of connection
23 between a father, and that was his emphasis, and his
24 children that I see in David when he's with Cloe and
25 Jake. I wish that I could have had that connection
26 with any one of my own crew, by which he means his
27 adopted children.

1 Within a week the gatekeeper and the guardian
2 ad litem had commented about clandestine meetings
3 between my ex-wife's attorney and the supervisor
4 that should not be happening, it's a quote,
5 clandestine meetings is what the gatekeeper called
6 them.

7 He totally changed his opinion. Nobody
8 questioned his change of opinion.

9 I told you about the money since then, and then
10 this brazen retaliation against me and my children.

11 When I hired an attorney -- I'd like to give
12 you a data point about that too because it's also, I
13 think, instructive, it seems as if there was
14 communication between the attorney and the
15 gatekeeper the very day that he cancelled my visits.
16 His records show that they were talking; we believe
17 that she told him Patterson will sue everyone,
18 careful.

19 He asked to be indemnified. Three minutes
20 after he asked to be indemnified the ex-wife's
21 attorney indemnified him. Clearly there -- I don't
22 think that was a coincidence nor does Attorney
23 Patterson. When we refused to indemnify him that's
24 when he cancelled the visits.

25 There's a racket going on. You know, children
26 are being held hostage to a gravy train;
27 supervisors, gatekeepers, guardian ad litem, child

1 therapists.

2 I'd just like to mention one other thing, my
3 wife's -- I believe that my wife's intention is to
4 completely cut off the relationship between me and
5 my children, she's remarried and so forth.

6 When my mother -- we have a very close family,
7 you know, I've been to all my cousin's weddings and
8 so forth when my mother wanted to see the kids this
9 mother, the children's therapist said she could see
10 her grandchildren if she didn't mention me or any of
11 their cousins or show any pictures of any family
12 members -- I have a sister and seven stepbrothers
13 and sisters -- she wasn't allowed to show any
14 pictures or even mention any of the children's
15 cousins or their father by name. And that was the
16 condition of her seeing her grandchildren.

17 It's disgusting. It's completely disgusting.
18 I would love one of you to take up my case. I heard
19 that you can't investigate cases, but you know, I'm
20 doing my best not to burst into tears.

21 I want to see my kids. I was denied seeing
22 them again last weekend. Again, the emails sent by
23 this gatekeeper -- he's still in the case, he CC'd
24 eight people, you know, -- I can't see my kids.
25 It's just disgusting. The whole for profit thing is
26 totally compromised, it's sick and the people who
27 are suffering, I believe, are my children, as well

1 as me, but no one seems to care much about fathers,
2 but at least the children, and I hope you guys will
3 care about me too.

4 Thanks.

5 JUDGE DiPENTIMA: Thank you.

6 The next person signed up has withdrawn her
7 name. Bill Mulready.

8 MR. MULREADY: Yes. Good evening. Thank you
9 for this opportunity. Judge DiPentima, you yourself
10 have described my case as the parties putting the
11 court in a very difficult position, maybe in an
12 impossible position; this was back in Litchfield. I
13 want my babies back. I'm not going to pull punches
14 here. I'd like to know how many judges are sitting
15 in the room, besides the obvious.

16 JUDGE DiPENTIMA: We have four judges up here I
17 think; yes.

18 MR. MULREADY: I'd like to know what the
19 policies and procedures for -- under the Americans
20 with Disabilities Act is; I'd like to know what the
21 notification is that you have; I'd like to know the
22 trained designated responsible employee or ADA
23 coordinator either -- title work for Title II; I'd
24 like to know what the written grievance policy is.

25 JUDGE DiPENTIMA: I'm sorry, the what?

26 MR. MULREADY: I'd like to know what the
27 written grievance policy is.

1 Again your notifications; I'd like to know the
2 definition of disability and why you don't have a
3 definition of disable compatible to the Americans
4 with Disabilities Act. Title II of the Americans
5 with Disabilities Act has been designated or
6 confirmed in Tennessee v. Lane in the U.S. Supreme
7 Court, and the Fourteenth Amendment protection and
8 you don't have these protections for the members of
9 the public.

10 You have a human resource person who, if you
11 search and search and search you're told as your ADA
12 coordinator and that person puts Title I barriers in
13 front of you.

14 You must remedy the past, eliminate current and
15 prohibit future disability discrimination. I've
16 read your charge and I don't want to sound -- I'm
17 angry but I don't want to sound angry at the
18 committee but your charge, where are you today and
19 where are you going tomorrow, eliminating the past
20 keeps you in the Buck Bell days of castrations and
21 sterilizations and disabled individuals hidden from
22 society, lest they nauseate the public, the good
23 people of the community.

24 I've identified eight barriers to date; you
25 don't have Title II of the Americans of Disabilities
26 Act compliance, that's Federal law, again; Title I,
27 you are covered probably in entirety, I haven't

1 studied that but when you ask for modifications,
2 reasonable, or protections, if you get any answer,
3 again, it's employment related. Any notification
4 you have is an employment poster most of them in the
5 employees section of the court.

6 Complacency, you just think that you're --
7 you're just assuming that you're under -- in
8 compliance. Attitudes is a big umbrella, spectrum,
9 color. Ignorance, denial, certain physical
10 accessibility things such as wheelchair ramps,
11 elevators, push button doors, parking places and
12 direct; so what if you're disabled, they're going to
13 take your kids from you anyways. That didn't happen
14 to me but certain other individuals.

15 The attorneys, the public, the judges,
16 yourselves, you have no guidance in this area. Do
17 you have any representatives from the elderly or the
18 disabled communities sitting with you?

19 If you don't fix the disabled and the elderly
20 problems, and you've had notice of that, somebody
21 from earlier in court went out to Reno, Nevada,
22 supposedly, and sat in with 200 other of your peers
23 back in the early 90's to get you going on it.

24 But if you don't fix and I relate this to
25 school -- I heard the bell -- if you relate this to
26 what they do in an educational setting where what's
27 needed by one becomes available to all, and again

1 relate it to the wheelchair ramps, I've used it, I
2 don't have a wheelchair, I've carried papers up it,
3 wheeled them behind me.

4 Pretty much, I guess, that's about it. I could
5 go on for days.

6 JUDGE DiPENTIMA: Thank you, Mr. Mulready.

7 MR. MULREADY: You're welcome.

8 David Cummings.

9 MR. CUMMINGS: Good evening. My name is David
10 Cummings. In 1984 I suffered a mild traumatic brain
11 injury and there have been a lot of things that have
12 transpired as far accommodating my disability.

13 Many of the acts are with malice from some of
14 the court reporters. Back in '98 I had Judge Rush,
15 in Bridgeport at the time, order where I get copies
16 of the audiotapes. And this was done formally, and
17 despite this the -- many times they weren't complied
18 with, and to this day it still continues. Since
19 2000 I've requested real-time transcription and I
20 don't know if this panel, by raising hands, and I
21 don't mean to be disrespectful, if they know what
22 real-time transcription is, okay. I see the nods,
23 thank you.

24 This has been requested, it's been requested
25 for Chief Clerk Kathy Chase in Rockville, Tolland
26 district; it was made to Judge Sferrazza, they were
27 made to Judge Klaczak, for whatever reason, I

1 believe it's Nancy Brown wrote a letter saying that
2 my disability -- I wasn't hearing impaired. They
3 never went to Bob Coffey in human resources, which a
4 lot of people here in this room are probably aware
5 of Bob -- it appears that the procedure for real-
6 time transcription is continually to be manipulated.
7 As to what is the requirement, how it should be
8 handled, should it be handled by a formal motion, in
9 my opinion it does not have to be ordered by a
10 judge, but in fact, Judge Hiller the Chief
11 Administrative Judge, back on December 1st of '06,
12 did order it. There was no appeal taken. You would
13 think that would be the end of it but unfortunately
14 it's not.

15 It was agreed that I would get the information
16 on a computer disc, which wasn't provided at that
17 time, I apologize, because I didn't prepare a
18 statement; I wasn't prepared to come in tonight --
19 it continues. There after, in Tolland district I
20 had a case and I requested -- gave the clerk notice
21 that Judge Hiller ordered real-time transcription.
22 Weeks later I got a call from Roy Smith, the clerk
23 over on Park Street that my request has been denied.
24 I'm like, what do you mean; what do you mean it's
25 been denied? I says, it shouldn't be. So I says,
26 can you put that in writing? He says, well, I don't
27 know, we'll see what happens at the status

1 conference.

2 So they put it in writing, I requested an
3 extension of time to file a reconsideration so I can
4 make a record despite the fact that no appeal was
5 taken, despite the fact this is not the procedure
6 for real-time transcription. Judge Kaplan denied it
7 the very same day. That's a malice act. Say he
8 wasn't aware of it, which he is well aware of my
9 disability and everything, he was very clear, to
10 allow me to make a record to do that. He denied it
11 the very same day and as the attorneys on this panel
12 know that when you get to the appellate court
13 nothing new comes in. That -- that -- that is
14 really sad, okay.

15 So now what has transpired is I'm on -- over in
16 Manchester now, I gave the clerk notice again, I
17 write to Joe D'Alesio, I contact Bob Coffey, I said,
18 Bob, look, I says, my disability isn't something I
19 have to air in a public courtroom, how do you want
20 this handled? They continue to try to manipulate
21 what the procedure is; not Bob Coffey, Bob said,
22 Dave I want you to go to Joe D'Alesio. I write to
23 Joe D'Alesio; two weeks passed, it was like three
24 days prior to the hearing and I still don't get a
25 response. I call up and they said well, Kate
26 Nicolante, which is a clerk in Manchester, is going
27 to respond.

1 Most people are not ever aware of real-time
2 transcription is and it's like it's not an issue if
3 you have a disability, it's the cost and that is jut
4 completely wrong. So, I fire off the letter, Judge
5 Hiller's order, which I complied with to show my
6 disability, the whole nine yards.

7 The day of the hearing I get a response letter
8 from, and I apologize, Martin Libben, which states
9 well that was in Cummings v. Debcon, not this case.
10 So, I called him up when I got home, I says, you're
11 trying to tell me that I have to retry my disability
12 every time I go into court of law? He's like -- I
13 couldn't get a straight answer out of Mr. Libben.
14 Everybody knows Martin's a smart guy.

15 So this went on, so now despite this, it's like
16 I write letter after letter, it goes from Bob Coffey
17 to Joe D'Alesio and it's going round and round but
18 I'd just like to -- I think it really needs to be
19 clarified, the policy and procedure needs to be
20 posted because what's happening is the clerks are
21 being allowed to manipulate rulings through this by
22 not following the proper channels and where I'm
23 going now with this, because I'm exhausted, is the
24 U.S. Department of Justice is the ones that oversee
25 Title II violations, which this is.

26 I apologize, I wasn't prepared and I'm going to
27 follow up because I have documentation to show

1 everything and it's just really sad because a lot
2 of times it's just retaliation, you know, because of
3 discrimination with malice acts by clerks.

4 But I thank you for your time and I apologize
5 for my tone.

6 JUDGE DiPENTIMA: Mr. Cummings, you can
7 certainly give us written testimony later.

8 MR. CUMMINGS: Well, I think that, you know --
9 Bob Coffey -- I respect Bob, but unfortunately the
10 procedure is being manipulated so they can't put
11 out, like I asked Martin Libben, I says, do you have
12 something in writing that says it requires the judge
13 to order this. Well, I'll have to look. It's --
14 that's not, you know, it needs to be clarified.

15 Thank you very much.

16 JUDGE DiPENTIMA: Thank you, sir.

17 Brian Patterson. Good evening.

18 MR. PATTERSON: Good evening.

19 Honorable members of the Public Service & Trust
20 Commission, thank you for this opportunity to appear
21 before you and offer recommendations for your
22 strategic plan. My name is Brian Patterson; I am on
23 the Board of Directors for the Shared Parenting
24 Counsel of Connecticut.

25 Included in the mission of the Shared Parenting
26 Counsel of Connecticut is the work within the
27 legislative and judicial systems of Connecticut to

1 promote more psychologically sound, socially
2 appropriate and judicially responsible approach to
3 carrying out the State's responsibilities to serve
4 the best interest of the child in family court
5 deliberations. For that reason the Shared Parenting
6 Counsel of Connecticut has a great interest in the
7 judiciary branch commissions to resolve matters
8 brought before it in a fair, timely, efficient and
9 open manner.

10 And we see changes in family court procedures
11 as enormous opportunity for achieving the Chief
12 Justice's goal of developing a strategic plan that
13 will enhance public trust by improving the services
14 of judicial branch offers to you and thousands of
15 people who enter the courthouse everyday.

16 My current estimate is more than 50% of married
17 adults along with more than 50% of all children in
18 Connecticut are impacted by the family court system
19 through divorce and custody proceedings alone. All
20 will look back to that experience with a lasting
21 impression of the Connecticut judicial system.

22 Unfortunately as the process is currently
23 structured, most will view themselves either as
24 winners or losers. Sadly the winners will often
25 have little more respect as will the losers. Much
26 of the public sees the judiciary as a complicit tool
27 in a dirty little business of custody involving

1 family relations, guardians ad litem, custody
2 evaluators, and attorney influence with judges and
3 court personnel. Even those individuals most
4 intimately family court refer to it as nearly -- by
5 comparison to the rules and procedures of the
6 remainder of the judiciary.

7 Sadly the attorneys still shop for the judge
8 they believe they can best influence; there is no
9 jury. Scheduling is arranged in favor of certain
10 attorneys, cases are directed toward specific
11 guardians ad litem or custody evaluators who are
12 known to provide the kinds of assessments specific
13 law firms want.

14 Status conferences are used as an off-the-
15 record means to lobby the judge with emotionally-
16 laden half-truths. Judges so financially encumber
17 the loser that an appeal is an impossibility. The
18 cost and chances of an appeal from the family court
19 decision make want an injustice and inevitability.
20 The routine and unnecessary elimination of
21 completely fit parents from an authoritative role in
22 their child's life in favor of an antiquated primary
23 custodial model leads to a lack of genuine respect
24 for the law and the courts on the part of all
25 involved.

26 There's also the heart of all classic and well
27 documents -- ills that dominate in children from

1 single parent families which are well known to
2 snowball into a burden of judicial resources in
3 numerous other areas. IN fact, we know that the
4 children of those children will be later adding
5 disproportionately to the court's burden; it doesn't
6 have to be that way.

7 In 2002 I testified before the Governor's
8 commission on divorce custody in support of revision
9 of section 46b-56 of the Connecticut General
10 Statutes. The commission ultimately identified the
11 continuing involvement of both parents as one of the
12 five critical system challenges effecting outcomes
13 for children. Responsible legislature passed Public
14 Act 05-258 an Act concerning arbitration and certain
15 family relations matters and adopting certain
16 recommendations of the Governor's commission on
17 custody, divorce and children.

18 The efforts of the commission the legislature
19 should be viewed as a notable and a very well
20 intended first step in responding to a divorce and
21 custody issue that has grown from being socially
22 trivial in the 50's to socially overwhelming in the
23 present day. Unfortunately in the revision the
24 legislature did not act as the Chief Justice
25 recommends to this commission; they did not think
26 small and act large, in responding to the
27 identification of the continuing involvement of both

1 parents as a critical system challenge affecting
2 outcomes for children, instead the legislature
3 created a long optional list of criteria for
4 consideration even when both parents are completely
5 fit parents which ignores the overriding benefits to
6 children having two parents in their lives with
7 shared authority.

8 The legislature at least provided a mechanism
9 for shared authority via approved parental
10 responsibility plan but the family court judiciary
11 has all but ignored even these changes that the
12 legislature introduced. Currently six states;
13 Alaska, Iowa, Kansas, Oklahoma, Texas and Wisconsin
14 have legislation which -- equal access when both
15 parents are fit. However, Connecticut still has yet
16 to recognize the overwhelming research showing that
17 shared parenting for fit parents is both in the true
18 best interest of the child, and eliminates the
19 enormous waste of time, money, emotion and personal
20 energy of divorcing parents, attorneys, sheriffs,
21 court personnel, and judges that otherwise go into
22 an unnecessary competition for domination of the
23 parenting.

24 I believe this body has the knowledge and the
25 power to set the family court judiciary on a path to
26 first use the tools that the legislature has already
27 provided to them by the Parental Responsibly Plan,

1 to eliminate the contention designation of primary
2 custodian and provide the steps for balance sharing
3 of authority which will result in children being
4 able to continue to have two real parents in their
5 lives as is truly in their greatest best interest;
6 second, I believe that if this formidable commission
7 wishes to drastically reduce the high conflict in
8 divorce and custody that disproportionately drains
9 judiciary resources that will work with the
10 legislature to further simplify and refine the
11 legislatures 2005 effort.

12 When parents realize there is nothing to be
13 gained through the courts by continuing conflict,
14 that they cannot eliminate the other parent or be
15 eliminated themselves from an authoritative role in
16 their children's lives, as research is showing,
17 wherever shared parenting is used for otherwise fit
18 parents such parents are accepting there is a
19 parenting authority and almost unbelievably even
20 working together to a reasonable extent.

21 What more could the courts want and hope for in
22 their responsibility to provide for the best
23 interest of the child?

24 And finally, especially during business of
25 favor selection and scheduling of judges,
26 competition to have selected a certain law firm,
27 preferred guardian ad litem and custody evaluator

1 and the practice of off-the-record status
2 conference, must be addressed, with absolutely no
3 excuses.

4 Thank you for allowing me to present my
5 recommendations.

6 I'd be happy to answer any questions.

7 JUDGE DiPENTIMA: Thank you, Mr. Patterson. If
8 you want to -- if you want to give us something in
9 writing that you've written that would be great.

10 MR. PATTERSON: You do have all of this. Thank
11 you very much for your time.

12 JUDGE DiPENTIMA: Okay. Thank you, sir.

13 John Clapp.

14 MR. CLAPP: Thank you very much. You do have a
15 copy of my testimony. I'm with the Shared Parenting
16 Counsel, one page copy.

17 The Shared Parenting Counsel of Connecticut in
18 an incorporated non-profit group that advocates for
19 redefining the best interest of the child. The
20 focus on substantial and continuing involvement by
21 both parents in their children's lives provided that
22 the parents are not found to be abusive by a very
23 substantial amount of evidence.

24 The Shared Parenting Counsel has a vision of a
25 time when the state of Connecticut actively
26 encourages parental involvement and mediation of
27 disputes between parents. The judicial branch could

1 substantially improve its operations and the public
2 perception of fairness by actively encouraging both
3 parents, and in fact, you have the tools to do that
4 now. We have helped provide that; we had modified
5 section 46b-56 a couple of years ago in 2005 with
6 Public Act 258 and it lists 16 factors that you
7 should consider in awarding custody and the new
8 factors, well, for the first time it really defines
9 what is in the best interest of the child and it
10 talks about active encouragement of both parents in
11 the children's lives.

12 One issue I'd like you to address is
13 transparency. It's not very transparent and if you
14 look up custody on the Web, you find the old version
15 of 46b-56, you don't find the amended version so I
16 would submit that many parents going through a
17 divorce are not aware of the new law and I would --
18 and I would venture to guess that some judges are
19 not aware of it either. So I would like to see
20 transparency addressed in that way.

21 As an example of the problem I would refer to
22 the case of Tauck v. Tauck, it was recently decided
23 by Holly Abery-Wetstone who rendered her decision in
24 that case. I have some details here, but in the
25 interest of time I'd like to point out that over 40
26 motions were filed as of June in that case, and it's
27 one of the longest running divorce cases in the

1 country and perhaps the longest running, and I
2 think you should ask yourselves, why did that happen
3 in Connecticut? And I think the judge said, you
4 know, I can't write a decision until all of you stop
5 filing motions.

6 So I think the problem here is that there is a
7 winner take all ethic here or atmosphere here in the
8 state of Connecticut and the Tauks went into court
9 with large amounts of resources; they spent about 13
10 million dollars -- million dollars -- and they
11 wanted to destroy each other in court, and we
12 encourage that. There's something in our ethic here
13 in our state that encourages parents to try to
14 destroy the other parent to get control of the
15 children.

16 You could change that and you have the tools
17 for doing that with P.A. 05, 258.

18 So here's what I suggest; that you encourage
19 both parents, and the judges should ask each parent
20 during these custody hearings, what have you done to
21 encourage the other parent to be actively involved?
22 And just by asking that question of each parent you
23 could change things and you could reverse this ethic
24 of winner take all and destroying the other parent
25 and start rewarding the parent who encourages the
26 other parent.

27 So basically I'm asking you to implement the

1 wisdom of King Solomon, if you remember the Old
2 Testament story, there were two parents, they were
3 both women -- which kind of raises another question
4 with civil unions, what happens when two women split
5 up -- but anyway, they both claimed the same child
6 and King Solomon couldn't figure out which one was
7 the real parent, so he said, well, I'll have to saw
8 the baby in half. And then one parent said -- the
9 real parent said, no, no, I'd rather you give the
10 child to the other parent. And King Solomon said
11 now I know who the real parent is because the one
12 who encourages the other parent.

13 So I think you could do that. It's a matter of
14 education, it's a matter of transparency, and I hope
15 you consult with Judge ----- Wetstone who said, Mr.
16 and Mrs. Tauck, it's going to be extraordinarily
17 difficult for the two of you to walk out of this
18 courtroom after all this time and affectively parent
19 your children. I want you both to remember that
20 children have two parents and need the two parents.
21 It takes two parents to raise a child.

22 So thank you very much. Any questions?

23 JUDGE DiPENTIMA: Thank you, Mr. Clapp.

24 MR. CLAPP: Thank you.

25 JUDGE DiPENTIMA: Alyssa Peterson

26 MS. PETERSON: Good evening. I would like to
27 thank Chief Justice Rogers for the numerous

1 initiatives she has started to further modernize
2 Connecticut's judiciary. Given her relatively young
3 age maybe she'll be around to see the change
4 actually occurs, otherwise people like myself will
5 keep coming to these public forums.

6 The tragic reality of Connecticut civil courts
7 is that they are no longer accessible to a small
8 business or someone of middle income, rather they
9 increasingly serve corporations or wealthy
10 individuals.

11 To remedy the costs of legal actions and trial
12 expense, the Connecticut judiciary must offer an
13 effective and formalized alternative; professional
14 mediation units or a mediation board similar to the
15 recently suggested -- to the recently suggested
16 professional parole board. It would be staffed by
17 salaried experienced attorneys who understand the
18 cost of doing business in 2007. The current form of
19 mediation provided by trial referees is too informal
20 and too antiquated. Such a professional mediation
21 unit or board could handle cases where awards might
22 range from \$15,000 to \$75,000 or recommend action
23 such as splitting of proceeds, rights or property.
24 It could also eliminate the number of pro se cases
25 that might be clogging trial courts.

26 Legal mediation outside the court is a
27 possibility but should be strictly overseen by a

1 licensing unit within a judiciary. Mediators
2 should be attorneys and have the requisite legal
3 background and should ensure that parties entering
4 into mediation are authorized agents with a power to
5 settle.

6 Hearings in damages should also be -- should
7 equally be formalized. Judges should be located in
8 each courthouse that are more expert and able to get
9 through them quickly, methodically, and
10 formulaically in order to prevent unnecessary
11 expense for litigants. For those judges who sit
12 through trials and hear the damage phase of an
13 action, they should receive adequate training in
14 updated accounting and evaluation methods,
15 appraisals, contempt of court or fraud assessment
16 and expert witness assessment. All the elements to
17 meet out a modern day award versus an award that was
18 appropriate 25 years ago.

19 Other forms of efficiency that can be found in
20 the formulization of processes that would bring down
21 the cost of litigants; better kept files that
22 include a log imprinted on the inside of the file
23 cover that tracks orders and outcomes. I've had to
24 pay hourly attorney rates so that my attorney could
25 argue via numerous letters about the existence of a
26 court order only to learn that the order was stapled
27 to the side of a file box and not caught on tape.

1 The online case detail must be improved so
2 that the information fields accurately reflect the
3 outcome of a certain order or hearing. I've had to
4 pay for transcripts to be produced at an expedited
5 rate because the judge's determination was recorded
6 incorrectly.

7 Additionally, the online case detail is now
8 used for the official appellate record. It is
9 frustrating, time consuming, and expensive to have
10 to go back and attempt to correct such in order for
11 use at the appellate level. Another note in the
12 appellate court; litigants should no longer have to
13 pay incredible copying costs for 15 of everything.
14 A copy or two is warranted and the rest should be
15 scanned so that judges can look at documents online.

16 To reduce outrageous transcript costs the
17 judiciary should purchase voice recognition software
18 so court monitors are only using tapes to ensure
19 accuracy and make corrections produced via the
20 software versus typing them from scratch.

21 The clerk's offices contain terrific people,
22 however I think staff is sometimes hamstrung when
23 the public asks them to explain next steps required
24 for a particular motion. If a clerk must say I
25 cannot explain that or else I would be giving you
26 advise, it is frustrating for both the public and
27 the clerk. A simple solution would be to add guides

1 for all common processes and motions and keep them
2 where forms are located. If there's not enough wall
3 space the public should be referred to the
4 courthouse library or public room where such guides
5 can be printed out or copies made.

6 Such guides should be written by one Lawerence
7 Cheeseman of the Connecticut State Library System.
8 I don't know Mr. Cheeseman, but I personally think
9 he's a saint. His pathfinders available online are
10 excellent. He should be given a medal and a raise
11 and then be pressed into service to publish guides
12 for all court processes and common motions.

13 Finally I've mentioned the following during
14 other public hearings but will briefly re-mention
15 them; one is the clerk's office should send
16 reminders to judges that the four-month decision
17 period is expiring or refer the case to the PJ for a
18 waiver. Court management should be aware of judges
19 having trouble with time management or who are too
20 overloaded. This would eliminate costs for letters
21 back and forth with the judge or opposing counsel.

22 The other item is, Superior Court judges should
23 be required to hear and answer motions for
24 reconsideration where there are obvious factual
25 errors contained in written decisions. Litigants
26 should not have to resort to the expense of
27 appellate legal counsel or appellate court expense

1 to resolve such flawed decisions. One method to
2 cut down on such errors would be a random audit of
3 trial -- of written trial court decisions.

4 I think judicial management might be shocked to
5 find out; A) how poorly written some of these
6 decisions are; and B) the amount of factual error
7 contained in them.

8 The knowledge that written decisions might be
9 audited could force judges with their note taking
10 and to check the record and evidence more closely.
11 Such measures would add integrity to the decision
12 process and save litigants time and money and
13 possibly shorten the number of cases going on to the
14 appellate court.

15 That's all for now. Thank you for your
16 committee participation and for listening.

17 And I put my address on there is my -- those
18 itemized items are not explicit or explanatory
19 enough I can elaborate on how I might solve them for
20 you.

21 JUDGE DiPENTIMA: Thank you. Thank you Ms.
22 Peterson.

23 MS. PETERSON: Thank you again for your time.

24 JUDGE DiPENTIMA: Janet Patterson. Is there a
25 Janet Patterson?

26 I think it's Skip but I'm having trouble
27 reading the handwriting; Skip Kunajuker, from New

1 London. Is there someone from New London who
2 wanted to speak?

3 MR. KUNAJUKER: It's a mistake. I didn't --

4 JUDGE DiPENTIMA: And Tom from Hartford. Did
5 you want to say anything; I can't ready your last
6 name.

7 No, okay. All right.

8 Is there anyone else who hasn't spoken who
9 wants to speak this evening?

10 All right. I want to thank you, all of you who
11 spoke this evening and all of you who submitted
12 written testimony. I'm thanking you on behalf of
13 the commission members who are here and the entire
14 commission. Many of the points you've made we may
15 have heard in different context; we will certainly
16 study your written testimony as well as the
17 transcript we will be getting of this public hearing
18 as we proceed with our work which is, as you all
19 recognize, a fairly large task. But I, for one,
20 learned a lot tonight and I do appreciate you all
21 coming out tonight and being here and I'd like to
22 thank those members of the commission who came out
23 tonight to hear your remarks.

24 So have a good evening and a safe ride home.

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