

**To: State of Connecticut Joint Judiciary Committee Members**

**Re: Pro Se Foreclosure Group Opposition to the Re-appointment to the Superior Court of the Hon. Michael Hartmere of the Foreclosure Docket of the Bridgeport Superior Court**

February 9, 2012

To: State of Connecticut Joint Judiciary Committee Members (Corrected Letter)

Re: **Pro Se Foreclosure Group Opposition** to the reappointment to the Superior Court Bench of the Hon. Michael Hartmere of the Foreclosure Docket of the Bridgeport Superior Court.

Honorable members of the Joint Judiciary Committee for the Connecticut State Legislature please know that I am Louis Roman, a Bridgeport homeowner and member of a large Pro Se Foreclosure Defense group with cases in the Bridgeport Superior Court Foreclosure Docket who stand in opposition to the reappointment of the Hon. Judge Michael Hartmere to the Connecticut Superior Court Bench.

Our case is known as BNY Western Trust v Diane L. Roman, CV-00-03758565 S and we have been fighting for our home for twelve (12) years against the Bank of New York Trustee as the Plaintiff. Most of the time we have been representing ourselves Pro Se. During this lengthily battle we have made numerous discoveries and have unearthed evidence that supports our contention and representation that the Plaintiff and their legal counsel, Hunt Leibert & Jacobson of Hartford, the largest "Foreclosure Mill" in the state has been trying to take title to our home illegally. Recently the Servicer for the Bank of New York, J.P. Morgan Chase has also retained the Hartford Law Firm of Halloran-Sage to be the lead plaintiff's counsel in addition to Hunt Leibert & Jacobson. They have continued with their foreclosure action in violation of the Connecticut Practice Book ethics section in their attempt to take our home from us.

*The law firm(s) of Hunt Leibert & Jacobson and the successor law firm of Halloran & Sage are both charged with violations of Candor toward the Tribunal whereas (A) A lawyer shall not knowingly, (1) Make a false statement of material fact or law to a tribunal. (2) Fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client, (3) Fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or (4) Offer evidence that the lawyer knows to be false. If the lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures." (B) The duties stated in subsection (A) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6, (C) A lawyer may refuse to offer evidence that the lawyer reasonably believes is false. (D) In an Ex Parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer which will enable the tribunal to make an informed decision, whether or not the facts are adverse.*

*Misleading Legal Argument, Legal argument based on a knowingly false representation of law constitutes dishonesty toward the tribunal. A lawyer is not required to make a disinterested exposition of the law, but must recognize the existence of pertinent legal authorities. Furthermore, as stated in subsection (A) (3), an advocate has a duty to disclose directly adverse authority in the controlling jurisdiction which has not been disclosed by the opposing party. The underlying concept is that legal argument is a discussion seeking to determine the legal premises properly applicable to the case.*

*False Evidence, When evidence that a lawyer knows to be false is provided by a person who is not the client, the lawyer must refuse to offer it regardless of the client's wishes. When false evidence is offered by the client, however, conflict may arise between the lawyer's duty to keep the client's revelations confidential and the duty of candor to the court.*

We have been before Judge Hartmere and have tried to present evidence and filed numerous motions with exhibits and other relevant facts in our attempt to expose the misconduct of the plaintiff and fraud against the court. Judge Hartmere appears to be more concerned about the fact that this is an **"old case"** and not about the charges or facts that support our case. Time and again he has shown a blatant disinterest in the evidence and has refused to grant our request for a jury trial or in the least an evidentiary hearing where we could enter our proof into the court record.

He has ruled in favor of the plaintiff in over 99% of their motions and has consistently shown disregard for evidence and case law relative to the national epidemic of foreclosure fraud cases cited. He has stated "I don't care about any cases outside of Connecticut". However, when presented with cases such as those ruled on by the **Hon. Juliet Crawford of Connecticut** wherein she dismissed numerous foreclosure cases for **"Lack of Standing"** **he ignored the facts and case law of these cases.**

**For the record, we have attempted to pay off our mortgage in full twice with Certified Funds, once in 2006 and again in 2008** and the plaintiff refused our funds. Instead they demanded a universal and detailed release, a demand that we found rather extraordinary until we discover that the unsecured Mortgage Note was discharged in a 2004 Chapter 7 Bankruptcy that we filed Pro Se.

The plaintiff deliberately kept that information from us as Pro Se defendants and also from the court while continuing to attempt to collect the debt in violation of the Federal Chapter 7 Permanent Injunction against collecting a **"Discharged Debt"**, **therefore there is no personal liability.**

As the plaintiff has no proof of the Chain of Title and **the Assignment and Affidavit as well as the Notary are known to be fraudulent**, the plaintiff cannot claim that they are proceeding; **In Rem**, "against or about a thing," referring to a lawsuit or other legal action directed toward property, rather than toward a particular person. Thus, if title to property is the issue, the action is "in rem." The term is important since the location of the property determines which court has jurisdiction, and enforcement of a judgment must be upon the property and does not follow a person. "In rem" is different from "in personam," which is directed toward a particular person.

Our case and charges involve the following:

1. Fraudulent Assignment
2. Fraudulent Affidavit
3. Fraudulent Notary
4. ROBO Signor
5. Fraud against the court
6. Chapter 7 violations of the Permanent Injunction against collecting a “a Discharged Debt”,
7. After eleven (11) years there is no judgment in this case as judgment was vacated and the case has reverted to pleading status, in effect this has gone on for years at great expense with no legal result.
8. Fannie Mae and Freddy Mac both deny ownership of this mortgage. In the original complaint the plaintiff claimed that our mortgage was part of a trust agreement between the Bank of New York as Trustee for Fannie Mae. Upon inquiry we were informed that Fannie Mae denies ownership. Therefore the question must be asked, what trust is the Bank of New York representing?
9. Thus far no supporting evidence justifying their claims has been provided by plaintiff’s counsel with the exception of a unverified note claimed to be the original shown to Judge Hartmere in 2010. During the hearing the note was not shown to us as the defendants resulting in the subpoenaing of Judge Hartmere as a witness. We have asked for the note that was presented at that time to be subjected to a forensic examination, however, please don’t lose sight of the fact that the note was discharged in 2004 and of no effect. **We submitted a formal request to Judge Hartmere to authorize a subpoena requesting a forensic examination and he refused thereby hampering our efforts to seek the truth.**
10. In the month of August 2011, I contacted the Chief General Counsel for the Bank of New York and was able to send her the facts about our case and she responded via email that she had received and was aware of our case and would respond soon. **As she is knowable of our case we would like her to be subpoenaed and to testify as to what she knows.**

All of the Pro Se families that go before Judge Hartmere feel that **he is not impartial and is bias against Pro Se Defendants,** therefore we ask that you deny Judge Hartmere a reappointment to the Superior Court Bench as the voters and citizens of this state need a fair and impartial judge with a sense of fairness who will open his eyes to the foreclosure fraud abuses of bank plaintiffs and their legal “foreclosure mill” counsel(s).

Our case is the most extreme and well documented proof of his refusal to address the abuses of these law firms and their clients who consistently violate the Ethics section of the Connecticut Practice Book. There are many families that will be testifying before your honorable committee during Judge Hartmere's confirmation hearing **that we have been informed by the Judiciary Committee Chairman, Sen. Eric Coleman's office is scheduled for February 15, 2012,** we will also be testifying against Judge Hartmere.

**The Connecticut Practice Book, Code Of Judicial Conduct** states that under Canon 3, "A Judge Should Perform the Duties of Judicial Office Impartially and Diligently". Canon 3 section (3) and (4) and COMMENTARY: The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Courts can be efficient and businesslike while being patient and deliberate.

*Canon 3 section (4) A judge should accord to every person who is legally interested in a proceeding, or that person's lawyer, full right to be heard according to law.*

*A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where;*

*(A) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings:*

**As a matter of record we have motioned for Judge Hartmere to remove himself from our case as he was served with a subpoena as a witness relative to a hearing in October 2010 when he was the only person to see a purported mortgage note presented by the plaintiff and not entered as evidence. He had the Connecticut Legal Aid file a Motion to Quash our motion for his removal as a way to refuse to remove himself and as such he wants to adjudicate our case while possessing knowledge as a witness as well.**

Therefore based on the above and the verbal evidence that we will be presenting to the Judiciary Committee we ask that Judge Hartmere's reappointment to the Bench be tabled and subject to an investigation of the charges after which we ask that his reappointment to the Superior Court Bench be denied by this Committee.

Respectfully submitted:

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