

TESTIMONY BEFORE THE JUDICIARY COMMITTEE

January 14, 2013

By Elizabeth A. Richter

We have been asked today, to come before you and comment on the suitability of these judges to continue in their positions as judges in the CT Judicial System.

In considering this issue, the Code of Judicial Conduct provides an excellent standard by which we can measure the performance of judges. This Code articulates the kind of good behavior, good judgment, and good character which we require of our judges in the Judicial System in the State of Connecticut.

In this Code, there are rules that particularly stand out for me which are as follows:

Rule 1.1. A Judge shall comply with the law.

Rule 1.2 A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.

Rule 2.5 (a) A judge shall perform judicial and administrative duties competently and diligently.

There are many admirable, hardworking judges who adhere to the Code of Judicial Conduct to the best of their ability.

However, three of the judges under consideration today should be censured or removed from their positions because of their wrongdoing. They are as follows:

1. Judge Barbara M. Quinn: I am an ADA Advocate. In the course of my work, on October 25, 2012, I sent a letter to Judge Quinn Certified Mail/Return Receipt Requested. In this letter I asked for two items: first, that she provide for me the name and contact information of the Designated Responsible Employee under Title II of the ADA 28 CFR Part 35 Sec. 35.107. Under federal ADA law, there should be a Designated Responsible Employee to address ADA issues in the CT Judicial Branch, and I have the legal right to know who that individual is. Second, even though I am eligible for reasonable modifications under Prong I, II, and III of the ADA, the CT Judicial Branch has repeatedly refused to provide them for me. I requested an explanation for this lapse. It is now January 14, 2013, and Judge Barbara Quinn still has not bothered to respond to my letter. This failure to respond does not promote confidence; it does not show competence or diligence. It represents a violation of federal ADA law. And, quite simply, it is rude.
2. Judge F. Herbert Gruendel: In 2009, I filed a Motion to Reopen my case. At the end of this case, I was unable to attend hearings because I was unwell and required surgery. I provided full documentation from several medical doctors in regard to my illness, and requested that the

final hearing in my case be delayed until I had recovered. The trial court denied my request and went ahead and ruled without allowing me a hearing in violation of my due process rights. I took this particular issue to Appellate Court. As one of a panel of three judges, Judge F. Herbert Gruendel participated in the concealment of several documents in my case related to the issue of my ill health. I have here a copy of my Motion For Review dated January 12, 2012 where I ask to have these documents placed in the record. Judge F. Herbert Groendel was a part of the panel that denied that motion. Furthermore, he concurred in a ruling that made several false statements about the issue of my ill health. While Judge Gruendel shares responsibility for these actions with two other judges, but this does not excuse him. It is a violation of the law to conceal documents relevant to a case. It is also a violation of the law to tell lies in an Appellate Court Memorandum of Decision. These violations show a complete lack of the kind of integrity citizens of the State of CT minimally expect of their judges.

In a second appeal, A.C. 33888 where Judge F. Herbert Gruendel was again a member of the panel, I brought before the Appellate Court the following question. Is it correct in a Memorandum of Decision for the trial court to quote out of context, without any advanced notice to the parties, excerpts from a private, custody evaluation that was sealed by order of the Court. Specifically, I was referring to a custody evaluation that was not presented to the Court as a full exhibit, and which remained hearsay since the expert who wrote it never came to court to provide his testimony as required by law. The issue I raised was that of confidentiality of medical records, more specifically, the question of whether the trial court has the right to place confidential medical records on the internet. Yet if you look at the two short paragraphs which represent the sum total of the decision on this appeal, you will see no mention of these issues. Judge F. Herbert Gruendel and his fellows on the Appellate Panel simply ignored them, in the same way that they simply ignored ALL of the issues I raised in both of my appeals. This response lacks honesty, lacks diligence, and most particularly, lacks integrity. Again, Citizens in the State of Connecticut cannot afford to have judges who do not have integrity.

3. Judge Constance Epstein: I have already provided this Committee with a letter dated May 1, 2012 expressing my extreme dissatisfaction with Judge Constance Epstein's behavior in my case. My case has been a very difficult one, lasting from 2006 up until the present, and I believe the responsibility for that lies with Judge Epstein. I made several points in my letter. However, what I think most important is that Judge Epstein, totally without any evidence whatsoever, accepted as true, false allegations Attorney Elliot Nerenberg made against me in order to get out of representing me because I had run out of money. This took me completely by surprise and left me traumatized and with no ability to defend myself. Next, Judge Epstein prevented me from making full discovery in my case by denying me legitimate subpoenas. As a result, my ex-husband was able to hide his financial status from me at the time of dissolution. However, nothing equals the rude, contemptuous and disrespectful manner in which Judge Epstein spoke to me, entirely without cause. Family Court is stressful enough. Nobody should be treated in this manner. Why? Because Rule 2.2 states that "A judge shall uphold and apply the law and

shall perform all duties of judicial office fairly and impartially." And furthermore Rule 2.6 states that "A judge . . . shall not act in a manner that coerces any party in settlement."

I am asking that you do not reappoint Judge Barbara M. Quinn, Judge F. Herbert Groendel, and Judge Constance Epstein. These are judges who do not respect the law, who do not recognize the importance of fairness and equity, and disregard due process of the law and the fundamental human rights of Connecticut's Citizens. These are judges who do not have compassion and have failed to show wisdom or the ability to make good decisions in the cases that have come before them. I am asking you to hold these judges accountable, so they will stop causing harm and damage to the many parents and children who come to family court or find themselves in a situation where they need to appeal from family court. Thank you very much for your time and attention.

Respectfully,

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