

TESTIMONY FOR JUDICIARY COMMITTEE PUBLIC HEARING

Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Friday February 14, 2014

Dear Judiciary Committee Members:

Good morning and thank you for affording me the opportunity to speak to you today. I hope all of you received an email I sent to you this morning concerning recommendations for the recent Task Force on Gal/Child Custody issues.

I am here speaking not so much to push against the re-appointment of Judge O'Lear but to provide some construction criticism from a Pro Se's point of view with respect to my experience with Judge O'Lear.

In the past 3 years I've appeared before Judge O'Lear three times as a Pro Se. She seems to try to be fair but I feel she along with most judges are too influenced by the Family Attorneys.

On the first occasion, three years ago Judge O'Lear allowed my ex wife's attorney to violate the Practice Book and present an oral pleading during a short calendar session for a motion I had put forth. As a new Pro Se at the time, this put me in an awkward position, antagonize the judge by saying I am not prepared to argue her pleading or allow the pleading to go through. I chose not to antagonize the judge and she ruled against me.

On the second occasion, my ex-wife's attorney asked at a status conference for a rescheduling of some motions that I filed without following the correct procedure of filing a continuance and affording me the opportunity to file a proper objection to it. My ex wife's attorney knew well before hand that she would not be available on the date that the motions were short calendared. Once again, this placed me an in awkward position, either risk sounding un-cooperative before the judge or risk not properly presenting my case.

Once again, I chose not to antagonize Judge O'Lear and she ruled against me.

In summary, the Pro Se is often much maligned as not knowing the rules of the court, but on my three occasions before Judge O'Lear, Judge O'Lear allowed the opposing attorney on 2 occasions to violate the Practice Book. The Pro Se is criticized for not knowing the rules to follow but it's hard to follow rules for which a judge has leeway to set aside. I understand that behind the scenes attorneys have the same complaints about judges also and that is why they push their clients for agreements rather than gamble before a judge but I wish the same would apply to Pro Se's.

I would also like to point out that the Pro Se is at the mercy of judges for subpoenas. Unlike attorneys, who may file subpoenas without request from the court, the Pro Se must request one from the court. It is very hard to refute testimony without being allowed to subpoena evidence and persons. Every single one of my subpoenas except for one were denied. I spoke to numerous Pro Se's including Ms. Susan Skipp and they echo my sentiments that judges routinely deny Pro Se subpoenas making it very hard to properly present their case.

Thank you for your time.

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