

Testimony by Roger Emerick to the Judiciary Committee, 4/10/2015
Subject Matter: Judicial Nominations – Judge Chase T. Rogers

Madam Chair, Mr. Chairman" (as appropriate) and members of the committee.

I am Roger Emerick and I speak to support the re-nomination of Judge Rogers to be Chief Justice.

Why? Because she is already embedded in the current legal culture, she would be in the best position to effect timely changes and improvements to the legal system as regards to my concern, which is self-represented parties in civil actions.

In the 1980's I was involved in litigation and forced to go 'pro se' owing to exhausting my finances to lawyer bills. I studied the rules of practice & procedure, and the applicable laws and Appellate Decisions. Although self-serving, I think my work product is on a par or above that of opposing 'lawyers'. Since 2010 I have been involved in some 'non-monetary, make the world a better place' civil litigation at the Superior and Appellate Level. There have been dozens of decisions involving Motions to Dismiss, Motions to Strike, Motions for Summary Judgment, and Appeals therefrom. Although the Practice Book, 64-1, requires a judge's decision to encompass each claim of law raised by the parties and the factual basis therefor, all of my recent decisions have merely reflected the brief's of opposing lawyers. Indeed one decision taken 'on the papers', simply took the lawyer's 'Memorandum of Law', and changed the title to 'Memorandum of Decision', replacing the lawyer's signature with the judge's signature. A subsequent appeal addressed this secondary 'due process' issue by footnote, noting "no substantial injustice", but the Decision on the primary issue also only considered the 'lawyer' argument. In my many appeals, I have never actually had the Appellate court address my issues as briefed, and all decisions reflect only the opposing lawyer brief, or unbriefed 'sua sponte' issues. My petitions for reargument and/or certification have all been denied. It leaves me disenchanted when, on Petition for Certification to Judge Chase's Court, the brazen factual errors upon which decisions were made, are not acknowledged. On several occasions I have taken what I consider black & white infractions of judicial ethics to the JRC (the Judicial Review Council aka the 'judge rescue club'). I believe Judge Rogers may even be on the Council. My grievances have not necessarily been to obtain a violation of ethics, but, as provided CGS §51-51(l)(b) to at least find that such conduct "*gives the appearance of impropriety or constitutes an unfavorable judicial ... practice, the council may issue an admonishment to the judge ...*". These grievances have been brought to open their eyes to the problem. All have been denied.

One of the most visible results, as it affects society (or at least our youth), you'll notice the growing replacement of kiddy slides for municipal diving boards in pools built before 1982 throughout the State. There are many, and none have had injuries, the safest recreation statistic in our State. Their loss is a direct result of legal indifference, incompetence, and (pardon my opinion), outright corruption, owing to a 'business of law' allegiance, over that of law and regulations.

The Practice Book, is written by lawyers and judges for lawyers and judges. It specifically states it is written to facilitate the 'business of law' (twice 1-8 and 60-1), rather than the 'administration of law'. Egomaniacally Incredible. The judicial branch of government has migrated from a people's court in theory to a business for lawyers. The CT's business of law industry (CBOLI), has literally hijacked the Judicial Branch of Government as idealized by its creators.

I think Judge Rogers is in the best position to correct this problem, once it is surfaced and acknowledged. The most frightening reality is, it may not be correctable. The idealized Code of Judicial Conduct Rule 2.2 requires impartiality and fairness, even noting reasonable accommodations for self-represented parties. But in reality lawyers do not lose to pro se's in law; and in reality, judges are lawyers with political appointments. There is professional courtesy. Can Judge Rogers correct it? And in closing I noticed from a Courant newspaper article that many are unhappy with the family court; it is my opinion that a self represented defendant male in a dissolution, with a lawyer represented plaintiff, is like stepping into a slaughterhouse. Supportive stories are legion.