

TESTIMONY FOR JUDICIARY COMMITTEE PUBLIC HEARING

Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106
Friday, March 18, 2016

Dear Judiciary Committee Members:

Good day and thank you for affording me the opportunity to speak before you today. I am here to speak in opposition to Bill HB-5495 which would increase the penalties for threatening a judge.

Before I speak out against this bill, I would like to make it very clear that I don't condone any language that uses threats of physical harm against anyone. I've openly asked other family court reformers to avoid using certain language when speaking out against problems with the courts. Whether or not you question the sincerity of my statements, inappropriate language may be used as ammunition to discredit the very worthy cause of court reform.

I do not believe this bill is required as judges in CT already have an inordinate amount of power for which they are granted absolute immunity against litigation. In light of testimony over the past years by litigants, especially parents, illustrating allegations of abuse of judicial authority, I question whether the intent of this bill is not to protect judges from physical harm but more so to intimidate so called "disgruntled" litigants from speaking out about alleged incidents of abuses that occur in the court system. These openly discussed complaints obviously cause discomfort to the judges.

Rachel Baird's comments in the Law Tribune article about this bill best exemplify the point of too much judicial authority already exists given they have complete immunity in the performance of their job unlike most persons. As many of you are lawyers, I would like to ask you a question. How do you get emails authenticated for evidence? I learned this the hard way during my first trial four years ago. There's only two ways. Either the person who sent the email acknowledges that they sent the email or a computer forensic investigation shows it was sent from an electronic device to which the alleged sender is the only person who has access. Does the Tauck case ring a bell? It's my understanding that in the Ted Taupier case neither criteria was met; Ted never testified that he sent the email and the state police computer forensics team who are experts in this matter did not find the email in question. Yet judge Gold ruled that Ted sent the email despite there being no evidence that he sent it. That was a criminal case, not a family case. The level for evidence is much, much higher than family court. So obviously judge Gold is not concerned of Ted Taupier retaliating against him in a physical manner for him to issue a ruling that appears to not meet the standard of evidence for a criminal trial.

On the day Ted was arrested, I immediately called Jen Verraneault and tried to assuage her concerns about the contents of the email. I assured her that if Ted had sent it, it was merely harmless and immature banter with too much angry hyperbole. Sadly, it did not appear that my reassurances accomplished their goal of diffusing the situation. On top of that, I went to Ted's house on the day he was arrested to get his dogs to make sure they would be taken care of while he was posting bond. I talk to the State Troopers that were present and they did not seem too concerned of any potential for harm to them by Ted. They seemed more concern that it was acceptable for me to pick up his dogs. Quite frankly, I would put a State Trooper's intuitions first

concerning potential harm before that of the many persons who decided the email was intended as a threat to a judge's well being.

A person from Quinnipiac Law school was quoted in the same Law Tribune article concerning this law. He equated judges requiring additional protection to that of a police officer. I disagree that this is a very good analogy. Police officers come across extremely dangerous situations that are highly volatile and place themselves in harm's ways in a manner that judges do not. Judges have court marshals that afford them protection in court. In addition, there aren't many cases in which a judge is physically harmed because of their position. Whereas, there are countless sad stories of police officers who are injured or killed in the line of duty.

Which brings me to my next point. It appears that this bill makes claims that judges fear for their lives without providing any proof that their fear is grounded in reality. To the best of my knowledge, no actuarial data has been presented to show irrefutable scientific evidence that a judge is more likely to die at the hands of an irate litigant than in a fall in the bathtub or of cancer. This bill serves only one purpose; that is to scare litigants into capitulating to whatever a judge may do in court. There is no scientific evidence to prove his bill is required.

Last year, I overheard Rep. O'Dea complain about an incident in which an irate litigant complained to him in front of his children at a diner and how upset he was about it. As upsetting as that incident was, his children appear to suffer no harm. Now compare this to a family court case in which incidents occur frequently of persons losing access to their children completely for questionable reasons. Yet, these persons who have lost access have not harmed any judge regardless of extremely hurt feelings. And the judges issue rulings with these types of orders many times without hesitation for their safety.

As such, although I abhor threats of physical harm and this comes from personal experience, I can not support this bill as it appears to be serving a different purpose. One in which judges may use complaints made about their performance to intimidate persons from coming forward.

Thank you for your time.

Hector Morera
119B House St.
Glastonbury, CT