

**State of Connecticut**  
**GENERAL ASSEMBLY**  
**Judiciary Committee**  
Public Hearing, 21 March 2016

**TESTIMONY OF DANIEL M. LYNCH IN OPPOSITION TO**  
**HOUSE JOINT RESOLUTION No. 99**

On Thursday, 17 March 2016, the undersigned learned of House Joint Resolution No. 99, a "RESOLUTION CONFIRMING THE DECISION OF THE CLAIMS COMMISSIONER TO DISMISS THE CLAIM AGAINST THE STATE OF DANIEL M. LYNCH" and set for public hearing Monday, 21 March, 2016. Said resolution reads:

"That the decision of the Claims Commissioner, file number 23461 of said commissioner, ordering the dismissal of the claim against the state in excess of twenty thousand dollars of Daniel M. Lynch, is confirmed."

**BRIEF HISTORY**

On 18 November 2013, I filed a notarized claim with the Office of the Claims Commissioner (hereinafter "OCC"), accompanied by the \$50.00 filing fee. That 10-page claim and supporting 47-page appendix was later assigned as claim #23461. The claim alleged certain acts and omissions, claiming damages in excess of \$200,000 and requesting permission to file suit against the state. It also specifically noted an inability to "ascertain the full extent of said damages" at that time because of a continuing course of conduct by the Judicial Branch, several of its employees, as well as acts and omissions of other state actors. Indeed, the damages, financial and otherwise, have significantly escalated since the time of filing of the original claim.

The origin of the claim is based on prolonged, wilful, and well-documented attorney misconduct during the course of a dissolution of marriage proceeding (pre and post judgment) in the Judicial District of Fairfield at Bridgeport. It involves the Statewide Grievance Committee (including Statewide Bar Counsel and at least two Local Grievance Panels), the Office of Chief Disciplinary Council, Judicial Review Council, and ultimately all levels of our state court system (Superior, Appellate, Supreme) and other judicial and/or quasi-judicial bodies conspiring to cover up malfeasance.

## RELEVANT FACTS

Original claim was filed on 11/18/2013. The respondent State of Connecticut filed a motion to dismiss on or about 6/13/2014 and claimant objected to same with a filing dated 10/24/2014. Claimant also filed a "Statement of Conflicting Responsibilities re: Attorney General's Office," dated 3/12/2015. Said filing referenced C.G.S. § 3-125, detailing the principal duties and responsibilities of the Attorney General:

"Among the critical missions of my office are to represent and advocate the interests of the state and its citizens as vigorously as possible, to ensure that state government acts within the letter and spirit of the law, that public resources are protected for present and future generations, that the quality of life of all our citizens is preserved and enhanced, and that the rights of our most vulnerable citizens are safeguarded." (emphasis in original as quoted)<sup>1</sup>

Claimant had noted that he was declared an indigent resident of the state of Connecticut, the recipient of state assistance, without a home, and a qualified individual with disabilities pursuant to the Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 12101, et seq. and C.G.S. § 46a-70, et seq.

A hearing on respondent's motion to dismiss was held before Commissioner Vance on 4/14/2015. Claimant, a non-attorney without financial means for legal counsel, was allowed to submit a supplemental brief, which he filed on 5/29/2015, and to which the State of Connecticut responded with a brief dated 6/03/2015 (Robert J. Deichert, Esq., Assistant Attorney General, for respondent).

On 11/20/2015, the undersigned received a Memorandum of Decision, signed by Commissioner Vance, dated 11/02/2015, envelope post marked 11/06/2015. Notice was given on 11/20/2015 by claimant to the OCC (copy to respondent) as to his intention to seek review of said decision as provided by statute, confirmation of receipt of said notice acknowledged by the Office of the Claims Commissioner on 11/23/2015.

The undersigned claimant notes for the record that he was not given notice of the drafting of the Joint House Resolution, nor of the public hearing to which this testimony is now filed. Nonetheless, he has learned of this scheduled public hearing and now respectfully submits this written testimony pursuant to the established procedures set forth for this Joint Committee on Judiciary.

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<sup>1</sup> Office of the Attorney General, web site:  
<http://www.ct.gov/ag/cwp/view.asp?A=2175&Q=295628>

## **LAW AND ARGUMENT**

Claims against the state are governed by C.G.S., Volume 1, Title 4, Chapter 53, §§ 4-141 to 4-165c. More specifically, § 4-158 (a)(4) provides the Claims Commissioner with authority to “authorize a claimant to sue the state, as provided in section 4-160.”

The General Assembly has authority, pursuant to § 4-159 (b)(1)(B), to “Vacate the decision and, in lieu thereof, (i) order the payment of the claim in a specified amount, or (ii) authorize the claimant to sue the state.” Further, § 4-159 (c) notes, “The General Assembly may grant the claimant permission to sue the state under the provisions of this section when the General Assembly deems it just and equitable and believes the claim to present an issue of law or fact under which the state, were it a private person, could be liable.”

### **A Right Without a Remedy**

“In the momentous 1803 case *Marbury v. Madison*, Chief Justice Marshall observed that the ‘very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury’ and warned that a government cannot be called a ‘government of laws, and not of men . . . . if the laws furnish no remedy for the violation of a vested legal right.’

When the government itself violates individuals’ rights, it is especially important for courts to furnish a remedy. To be sure, providing remedies to the victims of unconstitutional conduct after the fact is often at best an imperfect solution. While money plausibly provides full compensation to, say, a government worker denied income while suspended for engaging in First Amendment–protected activity, it may be far less effective in a case involving an unconstitutional strip search: Can money really restore the sense of security that the victim has lost?” *Boston Review*, Karlan, 3/1/2012

In previous public hearings, I have given testimony as to the loopholes and unconstitutional nature of statutes relating to our Statewide Grievance Committee (“SGC”) and Judicial Review Council (“JRC”). This Committee, our Chief Justice, and others tout the available remedies, yet the promise is far different than the reality. Both SGC and JRC statutes provide for one-sided appellate review, favoring the respondent and leaving the complainant with no recourse for flawed or manufactured decisions which protect insiders and allow an environment of malfeasance to flourish.

As noted in claim #23461 as filed, the undersigned had pursued a grievance against opposing counsel for prolonged misconduct before the court during a dissolution of marriage action.<sup>2</sup> After a local grievance panel found probable cause of misconduct, the matter was assigned for prosecution by the Office of Chief Disciplinary Counsel ("OCDC") and a disciplinary hearing was held at Middletown on 11/14/2012. In addition to this claimant's grievance, there were three other disciplinary actions pending against that same attorney for which probable cause of misconduct had also been found.

The attorney did not attend the disciplinary hearing, nor was he represented by counsel. Evidence was later presented to the OCDC that Goldstein had played in a golf tournament that day, clearly unconcerned about any true or meaningful penalties.

The SGC Reviewing Committee (Attorney's Donna Woviotis and Susan Cousineau and Mr. Robert Myers) was represented by Atty. Maureen Horgan. At the conclusion of testimony regarding the complaint by Mr. Lynch, Atty. Horgan noted:

"This hearing will remain open until the Reviewing Committee issues its written, final decision. It is the policy of the Statewide Grievance Committee to issue its decision within 60 days of the date of this hearing. Prior to issuing its final decision, the Reviewing Committee can issue additional findings of probable cause or schedule additional hearings. The parties would be provided with written notice of any additional findings of probable cause or with the date of any additional hearings, if any. Thank you." Hearing Transcript, 11/14/2012, p. 22

Just two weeks before the Reviewing Committee was due to publish its written final decision in the Lynch grievance, as well as others, the OCDC and Superior Court at Bridgeport accepted the resignation, in absentia, of the attorney in question. This was done in spite of specific knowledge by the OCDC and the Court that Mr. Lynch would be foreclosed from seeking any possible remedy or recovery from Goldstein under these same set of facts given the Connecticut Supreme Court opinion in *Simms v. Seaman*, 308 Conn. 523 (2013), which had been argued before that tribunal 9/19/2012.

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<sup>2</sup> Atty. Stanley M. Goldstein had a prior disciplinary history, including 2008-09 probation with terms ordering, among other things, there could be no further violations of the Rules of Professional Conduct (FBT-CV08-4026002-S). The Court at Bridgeport (*Bellis, PJ*) accepted his resignation, 12/27/12, FBT-CV12-6031744-S, even while knowing that Mr. Lynch would be foreclosed from any further remedy to recover the significant financial damages being alleged. Upon acceptance of said resignation, the Statewide Grievance Committee then dismissed all pending actions against this attorney, claiming lack of further jurisdiction as to same.

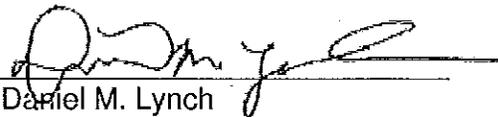
## **CONCLUSION**

Since 2009, virtually every state agency, judicial or quasi-judicial body involved in the underlying matter has abandoned its responsibility to me as a law-abiding citizen of Connecticut, as well as other citizens similarly situated. Each has pointed the finger elsewhere and/or attempted to hide behind one or more forms of immunity (sovereign, judicial, quasi-judicial, prosecutorial, absolute). The whole record validates this fact.<sup>3</sup>

The purported legal remedies which you and previous legislators have worked so hard to craft, are not available as true remedies at all, but instead are being exploited as a legal gauntlet through which few, if any, can ever pass.

**WHEREFORE**, based on the foregoing, as well as the oral presentation, including questions and answers which may follow at public hearing, I respectfully request:

1. That this Committee **vote NO**, thereby rejecting House Joint Resolution No. 99 at this time, thereby preserving claimants rights and giving an opportunity to more fully understand the underlying issues which may require legislative changes;
2. That this Committee, pursuant to § 4-159 (b)(1)(B), recommend changes to H.J.R. No. 99, to vacate the decision of the Commissioner and authorize suit;
3. That this Committee convene a sub-committee to review and, if warranted, recommend legislative changes to current statutes regarding the Office of the Claims Commissioner, Statewide Grievance Committee (including Statewide Bar Counsel and Local Grievance Panels), Judicial Review Council, and Office of State Ethics, especially with respect to the federal constitutionality of certain statutes which provide unequal protection for respondents vs. complainants;
4. That this Committee take any other measures it deems appropriate and reasonable at this time regarding the matters raised herein.



Daniel M. Lynch  
Mailing Address: P.O. Box 40, Trumbull CT 06611

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<sup>3</sup> Pursuant to C.G.S. § 4-159 (a)(2), a copy of the Claims Commissioner's findings and the hearing record were submitted to the General Assembly at the start of this legislative session.