

Joan L. Zygmunt
20 Hendrie Court
Stamford, CT 06902

April 12, 2016

Dear Members of the Joint Committee on Judiciary:

I am writing in opposition to the renomination of Judge Barbara Brazzel-Massaró as a Superior Court judge. When Judge Brazzel-Massaró was before the Judiciary Committee in 2008 regarding her nomination, she expressed her view that police officers should have immunity from liability even in cases of excessive force, and she said she had expressed that view in a lecture she gave to the Practicing Law Institute in New York. Under Rule 2.11(a)(4) of the Code of Judicial Conduct, a judge has the duty to recuse when he or she had made a public statement that appears to commit the judge to rule in a particular way in a proceeding. I was a self-represented plaintiff in a civil lawsuit in Stamford Superior Court, *Joan L. Zygmunt et al v. Norman Pattis et al*, claiming malpractice and deceit by lawyers in an underlying federal civil rights case that included an excessive force claim and other claims of police misconduct. Judge Brazzel-Massaró repeatedly ruled for the defendants in our action, in many cases without the authority to do so. It was not until after the case had gone through appeal that I learned not only of Judge Brazzel-Massaró's public remarks in defense of police misconduct, but that she had an association with lawyers involved in our case who were also involved in the federal cases of *Terebesi and Guizan v. Town of Easton et al*, concerning the worst excessive force incident in Connecticut's history. Judge Brazzel-Massaró's husband, Carl Massaró, is Chairman of the Town Council of the Town of Trumbull, a defendant in those actions, and would have more than a de minimis interest in our case, giving the judge additional reasons to recuse from our case under Rule 2.11.

On July 29, 2010, the court (Lager, J) granted our motion to have the case transferred to the Stamford Complex Litigation Docket, and the case was "assigned to the Hon. John F. Blawie for all further proceedings." A little over a year later Judge Brazzel-Massaró replaced Judge Blawie on the case without due process and in violation of Practice Book Rule Sec. 23-13 and the standing orders of the Complex Litigation Docket, signed by Judge Blawie. She denied my motion to default defendant Pattis for his failure to answer any allegations of the complaint regarding his Federal Grievance Committee hearings, though he filed no motion for a protective order. She denied my motion to default Pattis and refer his lawyer Robert C. Laney to the bar for fraud on the court and violations of CGS Sec. 53a-156 regarding perjury, and CGS Sec. 53a-155, failure to disclose and tampering with or fabricating physical evidence, in connection with violations of court discovery orders (Tierney, JTR). In my appeal she denied my motion for an articulation of her postcard denial of my motion for default, depriving me of my right to appellate review.

Judge Brazzel-Massaró interfered with my request for accommodation under the Americans With Disabilities Act, causing it to be denied, and when I filed a complaint she called judicial marshals into the courtroom to intimidate me in retaliation. One of the marshals had been on the duty desk and abandoned it to officiate in the courtroom for about an hour, leaving the 7th floor of the courthouse unguarded, including the case flow management office. When I told Judge Brazzel-Massaró I would request ADA accommodations for the scheduled trial, she effectively cancelled the trial by illegally issuing a sua sponte order of summary judgment on unbriefed issues that were unsupported by evidence, depriving me of due process.

I filed a complaint against Judge Brazzel-Massaró with the CHRO for discrimination against me on the

basis of my physical disabilities. It passed the merit assessment and is presently pending in that agency. While my complaint was pending in the CHRO, Judge Brazzel-Massaró improperly involved herself in my case on two motions, even though she had been replaced on the Stamford Complex Litigation Docket by Judge Genuario, and even though she had been transferred to Derby and then Waterbury on the regular docket. She failed to comply with Rule 2.11 of the Code of Judicial Conduct in that she failed to notify opposing counsel that I had filed a complaint against her and she failed to hold a hearing on her disqualification. One of the matters she improperly ruled on—and denied--was effectively a final judgment. On another of my post-appeal motions, she came all the way from Waterbury to Stamford to preside over the matter, which concerned the retaliation allegations of my complaint, by her use of marshals to intimidate me. At that hearing she improperly attempted to intimidate me as a witness, again having a judicial marshal come into the courtroom and sit behind me. (There were no members of the public in the courtroom).

The statements made by Judge Brazzel-Massaró to the Judiciary Committee in 2008 expressing her bias favoring police officers, even in excessive force claims, would preclude her from presiding over any matter in which a police officer's statements or actions are challenged, including criminal matters. Her use of marshals in the courtroom, even taking them off their assigned floor duty, leaves our courthouses at risk. Because Judge Brazzel-Massaró has a temperament which adversely affects the orderly carriage of justice, the Committee should vote against her renomination.

My disabilities make it difficult for me to travel to Hartford to appear in person to testify, but I can provide the Committee with evidence supporting my comments. I have filed grievances with the Judicial Review Council and have gotten nothing more than one-sentence denials.

Sincerely,
/s/ Joan L. Zygmunt

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