

CHAIRPERSON: Senator Gary Winfield,
Representative Steve
Stafstrom

SENATORS: Bergstein, Kissel,
Bizzarro, Champagne,
Haskell, Sampson

REPRESENTATIVES: Blumenthal, Rebimbas,
Concepcion, Cummings,
Currey, Dillon, Hill,
Horn, Labriola, McGorty,
Miller, O'Neil, Palm,
Porter, Riley, Smith,
Young

REP. STAFSTROM (129TH): For Friday, February 14th,
2020, I'd like to turn it over to my co-chair,
Senator Winfield for safety instructions.

SENATOR WINFIELD (10TH): Good morning. In the
interest of safety I would ask you to note the
location of and access to the exits in this hearing
room. The two doors through which you entered the
room are the emergency exits and are marked with
exit signs.

In the event of an emergency, please walk quickly to
the nearest exit. After exiting the room, go to
your right and proceed to the main stairs or follow
the exit signs to one of the fire stairs.

Please quickly exit the building and follow any
instructions from the capitol police. Do not delay
and do not return unless and until you are advised
that it is safe to do so. In the event of a

lockdown announcement, please remain in the hearing room and stay away from the exit doors until an all clear announcement is heard.

REP. STAFSTROM (129TH): Okay. This morning we have approximately a dozen State Trial Referees up for reconfirmation hearings. We're gonna take them in alphabetical order, call folks up. We'll ask that when the nominee comes up but before you take a seat you raise your right hand, I'll read the oath, you will then have three minutes to make an opening statement and the committee may have questions for you after your opening statement.

We will start with the Honorable Richard E. Arnold of Orange. Judge Arnold? If you would raise your right hand. Do you swear or affirm, as the case may be, that the information you'll provide to this committee will be the truth, the whole truth and nothing but the truth so help you God or under penalty of perjury?

RICHARD ARNOLD: I do.

REP. STAFSTROM (129TH): Thank you. Go ahead, have a seat, just make sure that microphone is turned on in front of you. You look like you've done this before, so.

RICHARD ARNOLD: Twenty-four years, I've done it before.

REP. STAFSTROM (129TH): Exactly, thank you.

RICHARD ARNOLD: Good morning, Chairman Winfield, Chairman Stafstrom, Vice Chair Blumenthal, Ranking Member Kissel, Ranking Member Rebimbas and distinguished members of Judiciary Committee.

I'm honored to be given this opportunity to appear before you. I would like to thank Governor Lamont for nominating me for a fourth term to the bench. It's been an honor and a privilege to serve the citizens of Connecticut these past 24 years as a Superior Court Judge, a Senior Judge and now as a Judge Trial Referee.

I was initially appointed as a Superior Court Judge in 1996. I have served in various capacities and assignments relating to criminal matters, civil matters and juvenile matters.

During the past eight years my assignments have been close to split between criminal matters as a presiding Judge in Milford and G.A., too in Bridgeport and a Trial Judge for the civil docket in Bridgeport.

I am currently assigned to civil matters at the Judicial District of Fairfield and Bridgeport where I preside mostly over short calendar motions and arguments, pre-trials, mediation hearings and short trials.

During my judicial career, I have issued somewhere between 500 and 600 written decisions involving civil and criminal case issues. I take my responsibilities seriously to ensure that the parties who appear before me are treated fairly and with respect.

I truly enjoy serving the state of Connecticut and its citizens. I would be grateful to this committee and to the members of the General Assembly to be given the opportunity to continue to serve for another eight-year term. I now welcome any questions that you might have.

REP. STAFSTROM (129TH): Thank you, Judge. How many days per week are you working presently?

RICHARD ARNOLD: It depends. For medical reasons it depends. It could be two days, could be three days. It just depends upon my treatment day.

REP. STAFSTROM (129TH): Okay. Questions from the Committee?

RICHARD ARNOLD: But certainly every Monday for short calendar. They love people who volunteer for short calendar.

REP. STAFSTROM (129TH): I'm well aware. Questions from the Committee. Senator Kissel?

SENATOR KISSEL (7TH): Just -- thank you, Mr. -- thank you, Mr. Chair. Just to say it's great to see you. Those 24 years just few by. Seems like just yesterday you were before us at your last confirmation and I just wish you the very best going forward.

RICHARD ARNOLD: I had much darker hair at that time.

REP. STAFSTROM (129TH): Senator Winfield.

SENATOR WINFIELD (10TH): Good morning. And on these forms, question 18 asks if there is a complaint that had been filed against you and I see you had three and they were all dismissed. I just wonder if you know what the reason for the dismissal of the first one, (a) was. I -- it might be in there; I just didn't see it.

RICHARD ARNOLD: No, we only get a letter saying that it was dismissed. What the deliberations would be regarding the review of those complaints, we

wouldn't be aware of them unless you were eventually called forward to give an explanation of yourself.

We receive copies of the complaint, all right, the -- my particular habit is always just to provide a transcript and then whatever deliberations would happen at the judicial review are their deliberations. We receive -- in fact I have all the letters with me that say the complaint was dismissed. What their reasons were, I don't know.

SENATOR WINFIELD (10TH): I appreciate that. I was just wondering because a lot of the time we'll have that it was a time issue or it just --

RICHARD ARNOLD: No, none of these had statute of limitations problems.

SENATOR WINFIELD (10TH): Okay.

RICHARD ARNOLD: Or none of them were an erroneous judge. They were all cases that I do remember and I think I tried to give you probably a little bit more than you wanted to see. I tried to give you almost all the detail that I could because I brought transcripts of all those hearings with me.

SENATOR WINFIELD (10TH): Well, I appreciate it and you'll never give me more than I want to see. Thank you.

REP. STAFSTROM (129TH): Further questions or comments? Representative Rebimbas.

REP. REBIMBAS (147TH): Thank you, Mr. Chair, and good morning, Your Honor. Your Honor, I must say having overlooked your questionnaire specifically to your point regarding even the complaints, usually we get two words or a sentence at most but you

certainly did take the time to provide some information, more in-depth information in that regard so I do wanna thank you for that.

I also just wanted to mention on behalf of the minority leader, Themis Klarides, who wanted to actually be here in this room today addressing you but unfortunately -- or fortunately -- she's actually spending the day with our Veterans in West Haven, providing Valentines.

But she certainly wanted to make sure that I mentioned to you her good wishes on your reappointment and she wanted me to share also that she certainly has known you for most of her adult life and has known you to be a Judge of first order with the highest possible professional and personal integrity.

And then certainly most importantly, she's happy to call you a member of her family, not by blood but certainly friendship and she urges the colleagues and the members of this committee to support your nomination.

So I certainly think that that speaks volumes that she took the time to reach out to me this morning to make sure that that was part of the record so I certainly just wanted to convey that and also share in her good wishes as to your reappointment.

RICHARD ARNOLD: Well, I thank you very much and she's reached out to myself as well a little while ago and said, "Don't leave until I get there." So she must be on the way. Thank you.

REP. STAFSTROM (129TH): Well, further questions or comments from the committee? Seeing none, Judge,

thank you for being with us, thank you for your continued service on our Superior Court bench and know the bar down in Bridgeport think highly of you and we appreciate you continuing to serve with your -- through your cancer treatments and the like, so we give our best.

RICHARD ARNOLD: Thank you. Well, the Bridgeport bar is one of the better bars. Thank you.

REP. STAFSTROM (129TH): Agreed. All right, next up will be the honorable Leeland Cole-Chu of Salem.

Judge, if you could raise your right hand. Do you swear or affirm,, as the case may be, that the information you provide to this committee will be the truth, the whole truth and nothing but the truth so help you God or under penalty of perjury?

LEELAND COLE-CHU: I do.

REP. STAFSTROM (129TH): Great. Make yourself comfortable and you can proceed with your opening statement whenever you're ready.

LEELAND COLE-CHU: Thank you very much, Chairman Winfield and Chairman Stafstrom and Ranking Member Kissel, Ranking Member Rebimbas, Vice Chairman Blumenthal and members of the Committee.

Thank you for the opportunity to be here. Unlike Judge Arnold, I'm a relative newbie. This is my first reappointment. I am a Judge Trial Referee. I thank the Governor for the confidence in his reappointment and you for taking the time to see us all today and me in particular.

I live in Salem, I was -- I began as a Judge on Leap Day in 2012. I worked in a G.A. Court, what I call

a boot camp for Judges, for 14 months before switching to a civil assignment, first in New London for about four-and-a-half years and since then to the Judicial District of Windham for now about two-and-a-half years.

In that civil work in which seems to be quite a bit of momentum that I'll stay in civil although I'm happy to do anything that is assigned to me. I have dealt with many motions and trials, both court and jury trials. I have written about 2,000 pages of decisions over the last eight years and feel very strongly that the parties which were a case in counsel are entitled to know the Judges reasoning.

My philosophy is that the quality goes in before the name goes on and this has resulted in some late decisions but now as a JTR there is no risk of repeat of that because the workload is lighter. There have been no complaints to the Judicial Review Counsel.

So I value the opportunity to serve the people of Connecticut, a state which has been so good to my family and to me and hope for a favorable vote to continue to serve the state.

I invite your questions.

REP. STAFSTROM (129TH): Thank you, Judge. I'm glad you addressed in your opening statement, obviously you noted on your questionnaire that about a dozen times you failed to issue a decision within the 120 day time limitation which -- which you can be concerning but you know, for the benefit of the Committee, I know that you are a fairly prolific writer and tend to write fairly lengthy and robust decisions analyzing different areas of law.

I've never had the opportunity to appear before you but I know I have certainly cited two cases and decisions you've written before and I do appreciate the amount of time and the thoughtfulness that you put into your written decisions.

Oftentimes it seems like sometimes our Superior Court Judges are -- are hesitant to do that for whatever reason and sometimes that can make it tough on practitioners in the state because they don't have, you know, as robust authority to rely on as they may for some -- some nuanced areas as well, so I'm glad you -- I'm glad you addressed that issue head-on in your opening statement.

Questions or comments from the Committee. Seeing none, thank you for being with us, Judge.

LEELAND COLE-CHU: Thank you very much.

REP. STAFSTROM (129TH): Next up will be the Honorable Edward Dolan of Branford. Will you raise your right hand? Do you swear or affirm, as the case may be, that the information you provide to this committee will be the truth, the whole truth and nothing but the truth, so help you God or under penalty of perjury?

EDWARD DOLAN: I do.

REP. STAFSTROM (129TH): Thank you. Make yourself comfortable and when you're ready you can proceed with your opening statement.

EDWARD DOLAN: Senator Winfield, Representative Stafstrom, members of the committee. I wanna thank you for the opportunity to appear before you today. I also want to thank Governor Lamont for re-

nominating me for a third term of eight years as a Judicial Referee.

The last 16 years have been the most rewarding of my 50-year legal career. It has been an honor and a privilege to serve the citizens of Connecticut as a Superior Court Judge and Judicial Referee, primarily hearing family cases for the last 16 years. For the last eight years, I have been assigned to hear family cases in New Britain.

I hope you will afford me the opportunity to continue to serve the citizens of Connecticut for an additional eight-year term. I would be happy to answer any questions you may have.

REP. STAFSTROM (129TH): Questions from the Committee. Judge, I know you listed several -- several complaints have been filed with the Judicial Review Council on the last page. Could you just -- just briefly summarize, provide some context to the Committee on that?

EDWARD DOLAN: I'm sorry.

REP. STAFSTROM (129TH): Just briefly summarize, I know you listed a few Judicial Review complaints filed within the last -- within your last term. Could you briefly summarize that for the Committee?

EDWARD DOLAN: I've had, I think, nine grievances filed during the last eight-year period.

During that time, I probably had more than 10,000 people appear in front of me in various divorce cases and hearings for restraining orders. And in probably 80 percent of those cases, people were not represented by counsel and this is a very, very emotional area for people and -- and on occasion,

people use their frustration by filing a grievance at the end because it's the only outlet that's available to them.

But all of the grievances were dismissed and I'll be happy to answer any questions you might have about any of the particular ones.

REP. STAFSTROM (129TH): Okay, questions from the Committee? All right, thank you, Judge.

EDWARD DOLAN: Thank you.

REP. STAFSTROM (129TH): Next up will be the Honorable Michael Hartmere of Milford. Judge, if you'll raise your right hand. Do you swear or affirm as the case may be that the information you provide to this committee will be the truth, the whole truth and nothing but the truth so help you God or under penalty of perjury?

MICHAEL HARTMERE: I do.

REP. STAFSTROM (129TH): Great. Make yourself comfortable and when you're ready, proceed with your opening statement. Make sure you hit the button in front of you there. Thanks.

MICHAEL HARTMERE: Is it on now? Okay, thank you. Representative Stafstrom, Senator Winfield, distinguished members of the Committee, thank you for the opportunity to appear here today and thank you to Governor Lamont for nominating me for another term.

I first appeared before this Committee in July of 1987, nominated by Governor O'Neill. This is my sixth time here, I believe.

My career started off mostly criminal. I sat mostly criminal but I think I've presided over and in just about every assignment that Superior Court Judges complete and I've sat in multiple judicial districts.

I'm from Milford but I began in Waterbury, went to New Haven, in the city of Milford, on to New Britain and Bridgeport. The last eight years I've been in Bridgeport doing the civil docket and I do trials, I do motions, re-judgement remedies, conjunctions and basically the civil docket.

I've enjoyed all of my assignments and as difficult as some cases are, which we do -- as I said, I've enjoyed it, it's been a great honor to serve the people of the state of Connecticut and I would appreciate the opportunity to continue to serve the people of the state of Connecticut.

Thank you and I'll answer any questions you may have.

REP. STAFSTROM (129TH): Judge, approximately how many days a week are you working at this stage of your career?

MICHAEL HARTMERE: I work three to five. I like working three but for example I have a jury trial starting next week and I'll be working five days for the next couple of weeks, it'll be about a two-week trial.

REP. STAFSTROM (129TH): And you -- and at this point you're doing mostly -- mostly trial work?

MICHAEL HARTMERE: Yes. Yes, I do.

REP. STAFSTROM (129TH): Okay. How many -- how many cases did you sit on last year, approximately?

MICHAEL HARTMERE: I saw that question on there and I didn't count the trials but in terms of cases or matters I handled, it would be in the hundreds because we do, for example, civil protective orders, we can do numerous cases like that and motions. So it's in the hundreds somewhere. Over a hundred I'd say last year.

REP. STAFSTROM (129TH): Okay. All right. Are there questions from the Committee? Seeing none, thank you for being with us.

MICHAEL HARTMERE: Thank you very much.

REP. STAFSTROM (129TH): Okay, next would be the Honorable Holden, William Holden of Bridgeport. Judge, do you swear or affirm, as the case may be, that the information you will provide to this committee will be the truth, the whole truth and nothing but the truth, so help you God or under penalty of perjury?

WILLIAM HOLDEN: I do.

REP. STAFSTROM (129TH): Thank you, Judge. Please have a seat, make yourself comfortable and proceed with an opening statement.

WILLIAM HOLDEN: My name again is William Holden and I have had the privilege of serving the citizens of this great state for the last 24 years as a Judge of the Superior Court. And I wanna thank this honorable Commission, Chairperson, for allowing me to address you in support and give you information regarding my job as a Superior Court Judge over the

last 24 years. I can publicly tell my daughter -- yes, I'm this old.

Now I want to thank Governor Lamont for the opportunity again to serve the state of Connecticut. I've been assigned as a Superior Court Judge since May of 1996. I have served as a Superior Court Judge and most of the courts as a Superior Court Judge in the state of Connecticut, you must prepare and be prepared for your assignment. It could be in any court, although you've heard some have settled in particular courts in this state.

I primarily have been involved in criminal matters through trials as well as G.A. matters. I like to say where the rubber hits the road in the G.A. matters and as well serving in the corridor -- 95 corridor south and north -- Norwalk, I'm now in Bridgeport and have been in Bridgeport over the past four years.

And it'll be my privilege to serve as a Trial Judge Referee for another eight-year term.

REP. STAFSTROM (129TH): Judge, you noted on your questionnaire that you were suspended by the Judicial Review Council for 20 days back in 2012.

WILLIAM HOLDEN: In 2012, shamefully, yes.

REP. STAFSTROM (129TH): Could you explain the circumstances?

WILLIAM HOLDEN: It was an opinion and I thought it was in and it was not. Simple. I thought the opinion had been rendered and it was not. There was some -- it was my fault. It wasn't there. Should've been there, it was not.

REP. STAFSTROM (129TH): Okay so you thought you had rendered an opinion.

WILLIAM HOLDEN: I thought it had been processed properly, apparently, and again it's my fault. It was not.

REP. STAFSTROM (129TH): Okay. Was the -- certainly a -- you know, a 20-day suspension, was this a -- was this a first instance of failure to render an opinion?

WILLIAM HOLDEN: It was and -- yes, it was.

REP. STAFSTROM (129TH): Okay, did they give you any indication of why a 20-day suspension was appropriate, given the fact that it was --

WILLIAM HOLDEN: No.

REP. STAFSTROM (129TH): -- one opinion?

WILLIAM HOLDEN: They just rendered it.

REP. STAFSTROM (129TH): Is that the only time you've ever appeared before the Judicial Review Council?

WILLIAM HOLDEN: Yes.

REP. STAFSTROM (129TH): Judge, you've been on the bench for -- like you said, close to -- close to a quarter of a century. How do you avoid what sometimes this Committee refers to as robitis? Having been sort of out of the practice of law for -- the day-to-day practice of law -- for close to 25 years, how do you avoid sort of taking on a mentality that -- that may seem -- may seem abrasive or how you interact with the public on a daily basis?

WILLIAM HOLDEN: It comes with the enormous responsibility you have as a Superior Court Judge of power. This Judge -- Superior Court Judges -- can do and have power over the lives of the persons who appear before them.

And I do that humbly. I accept those challenges and I decide and look for discernment and ruling on my cases particularly in the G.A. where as you politicians may know, you never know what's before you and you know the impact you have on the lives of those persons and I try -- I desperately try to use discernment to make a fair and impartial decision.

Aware again of the enormous power a Superior Court Judge has. So I strive to do that in a humble fashion.

REP. STAFSTROM (129TH): Questions from the committee? Yeah, Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. Good morning, Judge. I just wanted to make a quick comment which is how much I appreciate your candor about the error. It's very rare that people just own up to a mistake that bluntly and I just -- you have my admiration, sir, for it.

WILLIAM HOLDEN: Thank you.

REP. STAFSTROM (129TH): Further questions from the Committee? Seeing none, thank you for being with us, Judge.

WILLIAM HOLDEN: Thank you, panel.

REP. STAFSTROM (129TH): Next up will be the Honorable Burton A. Kaplan of Easton. Take your time. Alan, can we get --

BURTON KAPLAN: I have it. Want me to stand?
People of Gaylord would be happy if I stood.

REP. STAFSTROM (129TH): No, no, you're perfectly
fine. If you would just raise your right hand.

BURTON KAPLAN: I just want to tell you I can do it.

[Laughter]

REP. STAFSTROM (129TH): Do you swear or affirm as
the case may be that the information you provide to
this Committee will be the truth, the whole truth
and nothing but the truth so help you God or under
penalty of perjury?

BURTON KAPLAN: I do.

REP. STAFSTROM (129TH): Thank you. Please have a
seat and whenever you're ready you can proceed with
your opening statement.

BURTON KAPLAN: Good morning, Senator Winfield,
Representative Stafstrom, Ranking Members, members
of the Committee. It's an honor to have this
opportunity to appear before you today.

I'd like to thank Governor Lamont for nominating me
for reappointment. This is the fourth time I've had
an opportunity to appear before this distinguished
committee.

I was first appointed to the Superior Court bench in
March of 1996. I became a Senior Judge in July of
2009 and a Trial Referee in August of 2016.

Since the last time I appeared before this
committee, I finished out my term as Presiding Judge
in G.A.Five in Derby. That ended in August of 2012.
I was then assigned to Juvenile Court in Bridgeport

where I sat until August of 2017. Since that time I've been at my current assignment of Superior Court for Juvenile Matters in New Haven.

It's an honor and a privilege to sit on the Superior Court bench and preside over cases that are so important in the lives of our citizens. I'm presently recuperating from neck surgery; I intend to return to work on Tuesday.

I would be most grateful to this Committee and the General Assembly for an opportunity to continue to serve the state of Connecticut and its citizens by approving my nomination for reappointment. I'll be more than happy to answer any questions.

REP. STAFSTROM (129TH): Judge, I guess I should ask you a question about some previous nominees as well. You've been on the bench for, you know, 20-plus years, 25 years. How do you try to avoid robitis after all these years?

BURTON KAPLAN: Just try to remain calm. I was a prosecutor for 24-and-a-half years. Until I became a Judge, I didn't realize how powerful I was as a prosecutor so it's easy not to develop robitis and just perform your task and treat everybody fairly.

REP. STAFSTROM (129TH): Questions from the Committee. Seeing none, thank you for being with us.

BURTON KAPLAN: Thank you.

REP. STAFSTROM (129TH): next up will be the Honorable Edward Mullarkey of Rocky Hill. Judge, do you swear or affirm as the case may be that the information provided to this Committee will be the

truth, the whole truth and nothing but the truth so help you God or under penalty of perjury?

EDWARD MULLARKEY: I do.

REP. STAFSTROM (129TH): Thank you.

EDWARD MULLARKEY: Morning Mr. Chairman. Again, as my brethren, I wish to thank the Governor for the nomination, thank the Chief Justice for the appointment as a JTR. Thank this Committee for giving me an opportunity to answer any questions either about this last viproccated [phonetic] term. For the rest of the total 32 years I have spent on the Superior Court bench.

I view being a JTR as a privilege and an honor but also as a job. Over the four years that I have been a JTR, I have worked three days a week on average. Much of my work has been in the Criminal Court and I was a State's Attorney myself before becoming a Judge.

Although I have done, in addition to that, numerous quasi-criminal procedures called writs of habeas corpus as well as petitions for new trial in criminal cases. And while both of those are ruled by the civil procedure laws, they arise out of the criminal field.

I spent the first half of this term as Chairman of the Criminal Jury Instruction Committee. That was the four years of my total tenure on that of ten years and during that period of time, starting in 2006, we -- ten members of the committee -- rewrote the entire criminal jury instruction book as well as adding about 100 new instructions and kept it updated on very, very short notice when a new

decision would come out from the Appellate or the Supreme Court.

And I thank you for this opportunity. Do you have any questions?

REP. STAFSTROM (129TH): Judge, I'll ask you the same question. After all these years, how do you avoid robitis on the bench and can you remember what it was like back in your days of practicing law.

EDWARD MULLARKEY: Well, I never really had -- there is no vaccine for it. And for a number of years I was privileged to teach the new Judges the course on search and arrest warrants and I would include in that course the information to the new Judges that when you go to a courthouse in your first term, everybody's gonna tell you that you're greater than sliced bread and don't believe it.

I come from Parkville. I went to New Park Avenue Grammar School which is now Parkville Community School and I went to the old Hartford Public High School which was right up the street here past the armory.

And subsequent to that I spent some time in the US Army and I found that I learned more about dealing with people at those three institutions than I ever did in law school.

Secondarily since graduating from law school, I have held positions of authority -- first as an officer in the United States Army First Cavalry Division and part of that time I was acting Company Commander.

And then I was a Prosecutor for 15-and-a-half years and been a Judge for 32. I think you either like people or you don't. You're either brought up to

treat them with respect aside from what our church -- my church teaches us about all people being children of God. I take the job seriously but I don't take myself seriously.

REP. STAFSTROM (129TH): That's a good attitude, Judge, appreciate it. Questions or comments from the Committee? Seeing none, thanks for being with us.

EDWARD MULLARKEY: Thank you.

REP. STAFSTROM (129TH): Next up will be the Honorable Susan Peck of Chester. Judge, before you sit, if you could just raise your right hand.

SUSAN PECK: Yes.

REP. STAFSTROM (129TH): Do you swear or affirm as the case may be that the information provided to this Committee will be the truth, the whole truth and nothing but the truth so help you God or under penalty of perjury?

SUSAN PECK: I do.

REP. STAFSTROM (129TH): Thank you. Please have a seat and whenever you're ready, give your opening statement.

SUSAN PECK: Thank you. Good morning, Senator Winfield, Representative Stafstrom, members of the Judiciary Committee.

My name is Susan Peck, I wanted to appear before you this morning. I want to thank Governor Lamont for nominating me to what I hope will be my fourth term as a Judge. This is the first time I am seeking my appointment as a Judge Trial Referee, having turned 70 in 2016.

I was first appointed as a Superior Court Judge in 1996 so I have been a Judge like so many of my colleagues here today for 24 years.

Since my appointment, I have presided over criminal matters in Waterbury, juvenile matters in Rockville and Willimantic. Civil matters in Hartford, New London, Rockville and the Conflict Litigation Docket.

I've also presided over the Housing Court in both Hartford and New Britain. Presently and for the last ten years, I served as a Civil Trial Judge in Hartford Superior Court at 95 Washington Street.

I have a deep respect and love for the law. I've always aspired to listen well, to treat people with equal regard and to decide cases fairly and in accordance with the highest standards of the law.

It will be a privilege to continue in the role for another term. Thank you for the time and attention you've given to my nomination. I'm happy to answer any questions that you may have for me.

REP. STAFSTROM (129TH): Questions from the Committee. Yeah, Representative.

REP. REBIMBAS (70TH): Thank you, Mr. Chair. Good morning, Judge, it's good to see you.

SUSAN PECK: Good morning.

REP. REBIMBAS (70TH): You entered that election law cases were among the most interesting that you've handled. Can you just tell us briefly what those were?

SUSAN PECK: My most recent one, I'll start -- I'm gonna go in reverse order. My most recent one was

actually in -- decided in the summer of 2018, it was -- went to the Connecticut Supreme Court and was affirmed last June -- last summer.

I -- it was a case involving the independent party -- competing independent party factions in Connecticut. So it was -- there's a lot of law on majority parties in our General Statutes but there's only five provisions governing minor parties.

And the independent party achieved minor status -- minor party status -- in 2008 when Ralph Nader was on the ballot for president and attained requisite number of votes to qualify the independent party as a major party.

So that was quite a challenging case and I wrote on a blank slate. It was not a difficult -- it was -- it was -- we had a lengthy hearing; it was challenging to say the -- to say the very least.

I also had several cases involving the city of Hartford, everything from a Democratic town committee, challenges concerning the validity of petitions that -- in support of different candidates.

I had a couple of very interesting challenges in primary elections as I'm sure you folks know, the election laws in Connecticut, we -- they cover primary elections but since it's up to the legislature to decide who may be seated, those questions in the general election are reserved for the General Assembly.

But the primary election cases, many of which interestingly are very, very close, often result in automatic recounts. Those automatic recounts

sometimes conflict with the results. On at least one occasion necessitated that I order another recount and in that case involving the seat in Hartford and it was a newly created seat that included the city of Hartford and part of the town of Windsor.

And there were four people running for the seat in the legislature and three of them, I think, were tied at the end of the election. One of them dropped out, there was a recount that was complicated and so I had to order -- I actually ended up ordering a new election in that case because it came down, as it often does, to the absentee ballots and validity of absentee ballots.

And we had -- it had been reported that one woman was in a nursing home and somebody had written -- it was a tie after the second recount. Somebody had written deceased on this absentee ballot and the clerks, you know, when I ordered them to go back and recount again, the clerks chased around and uncovered -- discovered -- that there was no record indicating that this woman had passed away either at Hartford or Windsor or I do believe she was originally a resident of Windsor. They actually found her alive and well and living in a nursing home so her absentee ballot mattered.

So interestingly, and I'm sorry this is -- this has happened several years ago and I'm doing my best to recall all the interesting details. But this was certainly the most interesting.

So we had a tie and they brought the -- I ordered that the ballot be brought into court the next day. Everybody came in great anticipation. Courtroom was filled. They passed me the envelope and I opened

the envelope and honestly, I -- I had to -- I had to -- I had to laugh. There were three -- at that point there were three candidates. Two of them were -- two of them were tied, the third candidate had dropped out, as I indicated.

And I opened it up and the vote was for the candidate that dropped out so we -- we still had a tie and so we had to have a new election.

So those, you know, those races, unfortunately there's such a low turnout during primary elections, people don't realize that 25 or 26 percent of the vote can decide an election because in the city of Hartford, of course being so heavily Democratic, whoever wins the Democratic primary wins the election.

So I'm sorry but I've had a number of these cases and I didn't mean to take up so much time.

REP. REBIMBAS (70TH): And then one last question. Being an admirer of Constance Baker Motley who's from our hometown, I just wondered, I'm intrigued by your work on the Oral History of Women's Lawyers and also the Portrait Project, can you just tell us really briefly what those are about and why are you involved in them?

SUSAN PECK: Well, you know, I was actually first assigned to Hartford as a Civil Trial Judge in 1998. And at that time, in my courthouse at 95 Washington Street where several of the women -- or either in that courthouse or certainly in the Supreme Court or the Appellate Court at that time -- there were women who were among the very first women who had been appointed to the Superior Court.

And it occurred to me that, you know, we had an opportunity to record their stories. And so I contacted the -- the bar foundation, I talked to a number of people before I started the -- this project. But I was looking for a way to record the stories of not just the women Judges but the women lawyers who were still available to us.

But even at that time, we had already lost a couple but we still had people like former Chief Justice Ellen Peters, Antoinette Dupont was -- she was -- of course Ellen Peters being the first woman to be Chief Justice of the Connecticut Supreme Court, first Justice on the Connecticut Supreme Court, first Chief Justice. Antoinette Dupont, who was the first Chief Judge of the Appellate Court.

So we had so many women in -- available to us, so fortunately it took us a -- we struggled for a while and after that project got started, two or three years into the project we started doing oral histories of, you know, Ellen Burns and the former -- she, Ellen Burns was actually the first woman to be a Superior Court Judge in the state of Connecticut and she was the first woman to be a Federal Judge in Connecticut. First woman to be a Chief Judge.

And sadly, you know, she passed away just this year. But she had a remarkable career. She started out in the Legislative Commissioner's office, she never really practiced law but she turned out to be a wonderful Superior Court Judge and a highly respected United States District Court Judge.

So a couple years into the project, a young woman who was a lawyer who was no longer practicing approached me and told me she was a portrait

photographer and that she would be very interested in doing black and white portraits of the women Judges. So that was the genesis of the woman Judges Portrait Project.

At some point it got very expensive to do that and very time consuming and she switched to digitals. So we have some really lovely digital color photographs of the more recent women who have joined the bench.

REP. STAFSTROM (129TH): Thank you. Further questions from the committee. Seeing none, thank you very much, Judge.

SUSAN PECK: Thank you very much.

REP. STAFSTROM (129TH): Next up will be the Honorable Kenneth B. Povodator or Fairfield. If you could raise your right hand, Judge. Do you swear or affirm as the case may be that the information you provide to this committee will be the truth, the whole truth and nothing but the truth so help you God or under penalty of perjury?

KENNETH POVODATOR: I do.

REP. STAFSTROM (129TH): Thank you. Make yourself comfortable and then whenever you're ready you can proceed with your opening statement.

KENNETH POVODATOR: Thank you. Good morning Senator Winfield, Representative Stafstrom and the other members of the Judiciary Committee.

My name is Kenneth Povodator, I'm honored and privileged to appear before you today. I want to thank Governor Lamont for re-nominating me or nominating me for reappointment, this time as a

State Referee. I also wish to express my sincere appreciation to each member of this Committee for considering my nomination.

I was appointed to the bench in February of 2012. Throughout my eight years I've been serving in Stamford. For the first approximately year or so I was assigned to the Criminal Division and the G.A. although towards the end of that period I began transitioning to the Civil Docket. For approximately the last seven years, I've been assigned to the Civil Division of Stamford.

Since I became a Judge Trial Referee in 2018, I've continued performing essentially the same role as I did as a Superior Court Judge.

It has truly been an honor to serve as a Judge and Judge Trial Referee for the last eight years. I'd be most grateful to this committee and the General Assembly for the opportunity to continue to serve the state of Connecticut in this capacity and I would be happy to answer any questions you may have.

Thank you.

REP. STAFSTROM (129TH): Judge, that commute from Fairfield to Stamford hasn't gotten to you yet?

KENNETH POVODATOR: I try to take the train most of the time but yes, it can be -- and when I do leave in the morning it's early enough that it's only bad as opposed to what it is later in the day.

Normally when I do court calendar, I always have the caveat that I don't take -- I start at 9:30 but as I say, I normally don't take matters before 10:00 when not everyone's present because I know that no matter how much extra time people are leaving to get to

Stamford, there's always someone who didn't leave enough extra time.

REP. STAFSTROM (129TH): I know us members of the bar who live further up the 95 corridor appreciate that.

Questions or comments from the committee.
Representative Blumenthal.

REP. BLUMENTHAL (147TH): Good morning, Your Honor.

KENNETH POVODATOR: Good morning.

REP. BLUMENTHAL (147TH): I just wanted to say having -- having the opportunity to try a case -- or help try a case in front of you that I very much appreciate the experience and appreciate the thoughtfulness and the fairness that you dedicated to all the parties and I appreciate your continued service to this day.

KENNETH POVODATOR: Thank you.

REP. STAFSTROM (129TH): Further questions or comments. Seeing none, thank you for being with us, wish you all continued success.

KENNETH POVODATOR: Thank you very much.

REP. STAFSTROM (129TH): Next up will be the Honorable Thelma Santos of West Hartford. Judge, if you could raise your right hand. Do you swear or affirm as the case may be, the information provided to this committee will be the truth, the whole truth and nothing but the truth so help you God or under penalty of perjury?

THELMA SANTOS: I do.

REP. STAFSTROM (129TH): Okay.

THELMA SANTOS: Good morning, Chairman Winfield, Chairman Stafstrom and members of the Judiciary Committee.

I would like to thank Governor Lamont for his nomination for my reappointment as a Judge Trial Referee. And this is the first time that that has occurred. The last was when I was a Superior Court Judge at age 67.

Now I would also like to thank, obviously, this Committee for considering that nomination at this time. It has been my honor and privilege to serve the people of Connecticut since January 8th, 1988 when I was sworn in by Governor William O'Neill to become a Superior Court Judge.

Over the last 32 years and many -- many who testified earlier this morning had the same length of time and experience -- I've had just this day a number of very interesting and challenging assignments. They include criminal -- in the criminal division, the G.A. force in the civil division trials and hearings. Family matters, housing matters, habeas corpus matters and the juvenile division, both neglect and delinquency proceedings.

Now I will tell you also, generally, where I have sat. And then again, it is in a variety of geographical locations. Rock Hill, Waterbury, Hartford, Middletown, Plainville, Westville and New Britain. And I am currently sitting in the Hartford JD in the civil division.

I would also like to indicate that in every one of those varied assignments, I have truly tried to be

sure that all of those who appear before me are treated fairly in this respect.

And I would be most grateful at this time, after this -- after the Committee has heard answers to any questions that you may have, that you do approve my nomination.

Thank you and I would now be happy to answer any of those questions.

REP. STAFSTROM (129TH): Judge, I'll start. I'll ask you the same question. You've been on the bench for quite some time. How do you go about avoiding robitis after all these years?

THELMA SANTOS: I don't think I ever had to avoid it. I simply never had it and I always considered this -- appointment and the -- the obligations after I took the oath of office, that I was a civil servant and I did -- and I always respected everyone, as I indicated earlier, who came to court before me.

I did not at any time feel I had such power over the outcome. Power used improperly. I knew I had power over the outcome but never thought about using it in a manner that was either biased or improper and did not consider both sides of the argument in a criminal court, the prosecutor and the defendant or the defense counsel. I would look at everything very objectively and I -- and I still do.

REP. STAFSTROM (129TH): Further questions or comments from the Committee? Senator Winfield.

SENATOR WINFIELD (10TH): Just for clarification, in the issues -- I question 18 where it asks if you had any complaints.

THELMA SANTOS: Yes.

SENATOR WINFIELD (10TH): The one with the marshal, I believe it is, in 2014. Is that the issue that was in the newspapers?

THELMA SANTOS: That -- yes. And that was the issue that was self-reported.

SENATOR WINFIELD (10TH): Okay, thank you.

THELMA SANTOS: And -- and that issue was dismissed. That -- that grievance was dismissed for no factual basis.

SENATOR WINFIELD (10TH): Okay. Thank you.

REP. STAFSTROM (129TH): Ranking member Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman, and good morning. Congratulations on your -- certainly your nomination for reappointment and I just wanted to take the opportunity because of your long history of serving on the juvenile system. Not to certainly put you on the spot and provide too many specifics, but as a Judge sitting in juvenile court and having seen the changes over the years, can you describe any types of challenges that you may have found or -- or just things that may be different that maybe you would want to go back or something that you feel that we can change moving forward to improve it.

THELMA SANTOS: Well, I know that the Change the Age was -- or Raise the Age -- that -- that advocacy group that recently has had some further publicity because of the new issue that they are taking on at this time.

That issue, the first issue, when the 16 to 17 -- through 17-year-olds were taken away from the adult court and placed under the jurisdiction of the juvenile court, I thought was an excellent result and I think the people of Connecticut felt that way as well.

But from my perspective when prior to that actual change, legislatively, when I did also, at one point, preside over the youthful offender docket, I -- it was just to me a no-brainer that these were not people -- the 16 through 18-year-olds -- that should, in fact, be treated in a different manner than those younger. And that they should be under the umbrella of the juvenile court.

And the way I treated that docket was significantly different but unfortunately the way it was presented to me as a separate docket than the juvenile court, the prosecutors, the adult prosecutors, did not treat these people as the type that might not have the mens rea to have accomplished what they did.

But maybe it was for another reason. And didn't often go behind -- it was very difficult for the -- for the defense counsel or public defenders, in other words, to create these defenses that would in many cases stick had I not been a juvenile Judge prior to that and know -- know what essentially the

behavior of these people might have resulted in the arrest or the crime.

But at this point, I'm very encouraged to hear, also, that the younger children, may -- this is what they're advocating, at least this group now. I understand that they want to remove the 12 and below to age five which is now the -- the starting point for those children that might be within the purview of the -- of the Juvenile Court. That are essentially now. And they would like that, the lower group, although it's a Raise the Age, it's the raise the age to cutoff at a higher age.

So it's -- it's quite interesting to see the evolution. I saw a lot of other changes early on, too, when the law had changed to automatically take the discretion of the juvenile Judge out of that -- the purview of the Judge who was presiding in juvenile matters at a district when someone should be transferred to the adult court.

There was no -- what we used to have when I first was placed on the bench is separate hearing. And there would -- then there would be another hearing in the -- you got two bites at the apple, in other words, with the younger child if -- if the child were transferred first from -- there was a full hearing on that issue.

Now when I was -- the last time I remember having actually sat in a juvenile court where I was asked to do this in Hartford, to simply sign a piece of paper saying this person is now going to adult court. And I have no say as to whether or not that should happen. It was -- I felt very uncomfortable

doing it but I did it because I had sworn to uphold all the laws of the state of Connecticut.

And hopefully because of this new ruling, new possible change, there may be better results in the prosecuting or non-prosecuting of -- handling differently of the younger group that we're talking about.

REP. REBIMBAS (70TH): If I may, Mr. Chair, the discretion to any Judge to transfer or not to transfer, do you think that would be important to continue to maintain, certainly for the example that you maintain that maybe there is an individual that you felt should stay in juvenile but maybe possibly as well for an individual that you believe may have exhausted all resources in juvenile and might be able to receive the resources in the adult court.

THELMA SANTOS: Well, it's not a question of receiving the -- the services in the adult court. That -- that's the concern I have. But I -- it's -- it's simply the way things have been running now for quite a while and some people feel they support that, some people don't.

But I -- but my -- just from the perspective of a Judge, I'm very uncomfortable having to do that if I am in the juvenile court and having to make that decision or that -- that transfer. It -- it's not -- there's no facts that I hear at all. Any longer.

REP. REBIMBAS (70TH): And do you have any thoughts or ideas to offer for those repeat offenders that you might see consistently in the juvenile court? Are there any resources that you believe that maybe

we haven't provided that would be of any type of assistance?

THELMA SANTOS: Well, at this point the services and the programs usually end up with the responsibility of the Department of Children and Families because generally when you have somebody that's a repeat offender, it often results in a case where the Department of Children and Families gets involved in one way or another.

I cannot -- I certainly feel that there are not enough mental health programs for younger people in our state. Still. Even though the need for that was obviously apparent for many years now and hopefully that -- it -- it is generally for those purposes that you like to see available services, not -- not placements where there is simply punishment. Because at that point punishment isn't going to help. Or restricting the environment of someone excessively is not going to help.

The person is still a child and thinks as a child emotionally. And I think only things like behavioral programs for -- that is behavioral therapy programs, therapeutic programs -- would be necessary. And I -- again, I don't think there are enough of those at this point in our state for mental health issues that are not necessarily ordered but are available to -- to parents. Or to the Department of Children and Families to have children in the supportive setting to get those benefits.

REP. REBIMBAS (70TH): I want to thank you, Your Honor, for sharing those thoughts and points. I

think, you know, quite often there's a lot of issues that come before us and when we have the opportunity to ask the individuals who actually see this on a regular daily basis is very important and I think your highlighting the mental health aspect is certainly a very important one.

So thank you again and congratulations on your reappointment.

THELMA SANTOS: Thank you.

REP. STAFSTROM (129TH): Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair, and thank you, Your Honor, for being here today. Congratulations on your nomination for reappointment.

I just want to piggyback off of what the good Representative was talking about around the juveniles because I actually do sit on the Juvenile Justice Policy Oversight Committee and look about us raising the floor.

We're actually looking to present legislation that would raise the age from what is currently seven -- we're currently incarcerating seven-year-olds in the state -- to 12. And I do applaud you for mentioning the mental health piece because that is something that has come up in the data and the research that has come back from the Council of State Government where there is a disproportionate impact and you can definitely speak to this as being a Judge that has sat on a bench and had juveniles come before you.

We're excited because it is the tenth year of Raise the Age and that is a reason to celebrate but I have some reserve in their celebration because the data also shows that even though the numbers are going down for juveniles overall that are being justice impacted, there still is a disproportionate impact where the white youth are seeing a decrease and the black and brown youth are actually seeing an increase in their contact with the justice system.

So I wanted to know if you could speak to that and what your thoughts are around how do we address -- effectively address -- the issues that are contributing, right? Because you spoke about Judges having discretion.

So I want you to speak about how that discretion may be able to actually alter those data points and level the playing field, right? How do we get it to the point where we can boast and brag about a decrease in justice impacted youth across the board that encompasses all youth and not just white counterpart?

THELMA SANTOS: Well, I think -- and it's been in -- in the press recently. On TV we see these clips of children being sent to mental institutions. Sometimes not even informing the parents. Apparently they have incredible laws in Florida that do this type of thing.

I think if there were available at -- at institutions such as the Connecticut Medical Center, some type of clinic -- and this would be again probably it'd have to be on a basis of either a

sliding scale of services or no cost at all so it would cost the state quite a bit to do that.

But to have some type of resource that a parent, even prior to any contact with the court, the police, the school, could bring a child to -- voluntarily -- to such a clinic for mental health treatment.

We talked about this for adults as well. And there's just not enough availability of those kinds of either agencies or services still in this state.

And I think that because many of the children that we have seen in the juvenile court come from environments that are traumatic in themselves, they -- they're subject to trauma from birth. That their behavior may not be the greatest even though they're not -- they have no criminal intent to do anything and their behavior may not be the greatest.

If they get to a school at a point, a public school, the public schools often have no resources in their environment to have an ongoing mental health treatment or behavioral type of program. And the first thing they do is call 911 and have the police take the child away.

And it may be that the child has, as we've known now, there's -- so hopefully it's been up in education -- to the educational departments that many children are born and they are mentally disabled. And they are on an autism scale or have some other learning disability that might cause them or simply -- simply -- I've seen this, too -- they're just hyperactive.

And the school does not know -- the schools don't even know how to deal with this. And so they -- instead of sending them to some behavioral clinic that can -- mental health clinic that can take care of this issue, even on an outpatient basis, there's nothing for them. There really isn't. Except the kind of very restrictive agencies or programs such as the Institute of Living or the Weaver Clinic or the number of these schools that use what I consider punishment for trying to behaviorally treat them.

REP. PORTER (94TH): And I thank you for [crosstalk].

THELMA SANTOS: And I don't think fear helps.

REP. PORTER (94TH): Right. And I thank you for that as well because, you know data research supports the fact that punitive is not the answer, that it doesn't work. We need to be leaning more towards restorative justice.

But just in closing, if you could just speak to specifically around what I find most troubling is, you know, with the numbers that I just shared with you and the disproportionate impact and the disproportionality of once -- because my question was why. Why is it that we have, you know, a decrease overall but the decrease is a one-sided victory so to speak?

Why are what we're doing for white youths not working for what we're doing for black and brown youths? And as a Judge that has sat on the bench in juvenile court, what can you tell us as legislators and lawmakers that what's the conversation that we

need to be having with your peers sitting on the bench on why -- they're only treated different once they touch the system is what the -- it's not that these kids are committing any more serious crimes or more crimes than their counterparts. But once they touch the system, they're treated differently.

So what is the conversation as a lawmaker do I need to be having or we need to be having with your counterparts that sit on the bench [crosstalk].

THELMA SANTOS: I -- I tell you -- [crosstalk].

REP. PORTER (94TH): To help solve this issue.

THELMA SANTOS: The only thing I -- the only way I can answer that question is that I personally have never had that experience.

So I don't know why the statistics necessarily are that way. I'd have to ask the sociologist. But I'm telling you that there's nothing that would -- that you can legislate that would help in that regard.

REP. PORTER (94TH): Thank you for your honesty, I appreciate you being here today and I wish you well with this reappointment. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. Representative Miller.

REP. MILLER (145TH): Thank you, Mr. Chair. Good morning, Your Honor and congratulations on your nomination to be reappointed.

I want to address your five complaints that were filed against you. The filed complaints -- five. And it gives me pause because two of them in 2012 and 2013 were filed because the individuals felt that they were discriminated against because they were African-American. And the only reason they were dismissed is because it was time barred on the statutes.

So can you speak to those two complaints?

THELMA SANTOS: Yes. The first one, and I'll give you the names, the grievance was actually not against me personally. It was against -- it was -- or -- or at least in that person's case. What the person stated in the grievance is that in a -- I should give you the name, I just had it a moment ago.

Let's see, I think that was the [Inaudible 01:14:19] complaint. No, I'm sorry, Laurence Townsend [phonetic] was the first. What his claim was was that in every case where -- that I had had in the habeas court to date, whenever I -- I was sitting in there, sitting in the habeas matters court a couple of years or a year-and-a-half and then I came back and then so it was like a total of three years.

That in every single case where the habeas movement was black that I denied the habeas. That was the gravamen of the grievance. So it really wasn't -- there was no factual basis that in his case, Mr. Townsend, that I -- in other words, it was an improper habeas writ to begin with.

But again, it was time barred. So now what happened is Mr. Luthar [phonetic] picked up on that and he was claiming that in his case, because of various -- and then that was one that was even stranger. He had claimed that he had written to my husband who was a practicing attorney at the time and wanted to have him represent him.

Then when I -- when I got the case, when it was referred to me -- and I had no knowledge of this, of course, that this is what happened but he never spoke to my husband, he never answered his letter, I don't believe. I never -- never actually even discussed it afterwards but I know that ultimately it was factually incorrect in terms of his claim that I denied his ultimate habeas. First I think he claimed that I did not appoint an attorney for him. Or either my husband or someone else.

And I don't know whether the claim was made so I would disqualify myself. That that perhaps was the reason. But I didn't, I just denied his -- his request. We heard the case and I denied his habeas.

And then he -- when he filed the grievance again, that one too was time barred. However, there was no -- it would not have had any credence because he was claiming I denied it because he was black, just as I did every other -- that all of the matters, anytime there was a black person before me, I would deny the case.

Which again, I can only tell you, was never the case with any of the habeas matters that I heard. It was either -- I was either denying it because it was not

-- he did not prove his case or if for some other reason but never because of race.

REP. MILLER (145TH): Thank you for your response. And then the other two -- I guess it's -- speaks to your conduct. One, I believe you self-reported the incident with the marshal where the marshal claimed that you shouted at him.

And then the second case with Dr. Noriko, I guess it's doctor, Michael Noriko said that you were hostile, accusatory, insulting, argumentative and harassing. Can you speak to those, please?

THELMA SANTOS: Yes. In the first matter, it was self-reported. And ultimately, after investigation by the grievance counsel and investigation by the Judicial Branch internally, factually, it was dismissed because they felt there was no -- there was no grievance to be had at all.

The person who signed the -- or prepared the written complaint was not the marshal that was involved. And it wasn't directed -- actually the comment that they're claiming I said specifically was not said at all.

And it wasn't directed at the -- there was a police officer involved who was there. I'm not gonna go into detail and explain the facts but ultimately there was a -- it was a total fabrication as to what was said and what was presented to the presiding Judge in writing from the Chief Marshal who was a former police officer in Hartford.

And eventually what came out when every -- all the investigation was done is the words in the -- in that written report were not correct. That did not happen the way they stated. And the -- the matter was dismissed by the counsel, too, because they felt -- and the basis they dismissed it under -- that there was no factual basis for the grievance.

So that one, I was totally exonerated.

REP. MILLER (145TH): And then the [crosstalk].

THELMA SANTOS: And then the second -- that's a more interesting one. Michael Norko is -- was the psychiatrist who was at the time running Whiting. About a year-and-a-half later he was fired. And for other reasons but similar -- I mean I can draw certain similarities as to what happened here.

But at any rate, he was not present at two hearings that were involved in this grievance, one of which was first a person whom I concluded after three tries by the -- by Whiting Forensic -- that in -- when I was in the community court, the prosecutor had asked that she be referred for psychiatric treatment there to restore her to a point where she could work with her public defender and because we were a rehabilitative court, we wanted her to do that and not have to go to trial.

Her misdemeanor was that she was in an Office Max or a Staples, I can't remember, one of these stores. And she was causing a public disturbance. She is and was a paranoid schizophrenic. And she was upset because they weren't getting her printing done quickly.

This is a 45, 46-year-old woman who had gone to law school many years before for a year and had a nervous breakdown. Went to Columbia Law School. And they provided her treatment. Her family just kind of abandoned her when all this happened and she was -- she had a daughter, which the daughter also abandoned her. Lived in -- she lived in Boston.

And so here's this woman living in some apartment that the state provided to her, she was on Title Nine. And she was taking medication but apparently that day either she didn't take her medication or something happened -- and getting mental health treatment from the state.

So she gets involved with our court. Unfortunately it was the wrong person for me to refer. I never did it again. We all decided we were never gonna do it again. Had her come back. She was literally lobotomized chemically when she came back for the third time and to me she was fine. She understood who the Public Defender was at that point.

The Prosecutor didn't want -- certainly didn't want to proceed and so he was gonna dismiss the case. My concern, the only concern I had was that her housing was gone. So -- and her conservator wasn't in court that day. So, but I nevertheless, I felt I should dismiss it.

In the meantime, before -- when she was in the lockup, the social worker had gotten a physician's certificate faxed over from somebody at the Whiting Forensics saying she should be recommitted. We should take her back. The state -- if the court's

not gonna do it, we need her back here because we feel she needs more treatment.

That happened. I heard her scream in the lockup as I'm sitting there on the afternoon docket and they -- they took her away. She's a schiz -- a paranoid schizophrenic. She really wouldn't cooperate with their training programs. Even as much as she was lobotomized.

So we have now a situation where I want to find out, at least, what happened. It was a fact-finding hearing. We had the hearing, the Administrative Judge felt I should do this hearing, I conferred with her, we have the hearing and Mr. -- or Dr. Norko is not there either.

Then I get this grievance afterwards because we did find out a number of things and one of the agencies said, "We're really sorry but we never tried to give her notice except through the conservator who never did. And we'll try to get her apartment back for her." Now, you know. But now she's back at Whiting.

So -- and there's nothing I can do about that. So at what -- but what did happen is I answered the complaint, the counsel read my response and decided that there was no factual basis for what this man said. Nothing. I lis -- even listened to my transcript because it was a monitor, not a referral.

I don't think I raised my voice to the level I'm talking now. I was very respectful. I was -- I asked the proper questions. I didn't bring anyone in there to say, "I'm gonna blame you", and I made

that very clear in my opening -- when I opened the court. So I, you know, this is just insane. I don't really know what I can say otherwise except they dismissed, factually, this matter.

REP. MILLER (145TH): Well, thank you for your explanation and I appreciate the fact that you did take the time to listen to the transcript because I was going to ask you that question, if you in fact did raise your voice.

And the fact that -- and you used the word respectful because I think that the Judge sets the tone of the courtroom and being respectful is one of those things that the Judge should do in setting the tone, right? And said that regardless of what a person has done, they're still human and they still deserve respect. Like they should respect you as well.

So I really do appreciate the fact that you did mention that you felt that you were responsible and you did go the extra mile to listen to the transcript to see what your actions were. So thank you very much.

Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Further questions or comments from the committee? Seeing none, thank you for being with us.

THELMA SANTOS: Mm-hmm.

REP. STAFSTROM (129TH): Next up will be the Honorable Michael R. Sheldon of Farmington. Do you

swear or affirm, as the case may be, the information you provide to this committee will be the truth, the whole truth and nothing but the truth so help you God or under penalty of perjury?

MICHAEL SHELDON: I do.

REP. STAFSTROM (129TH): Thank you.

MICHAEL SHELDON: Good morning. Good afternoon. I'm Michael Sheldon, formerly of Canton, currently of Farmington. I want to thank the Governor for nominating me for what would be my first term as a Referee. And thank the prior Governors who nominated me before that. Want to thank the committee for meeting with me today -- Mr. Chairman, Ranking Members, members of the Committee -- really appreciate your review of my application.

It's been my great privilege to serve for 28 years as a Judge in this state. The first 20 of those was as Trial Judge, as a Superior Court Judge, where I sat primarily on civil and criminal matters and an occasional time when I was in Litchfield doing some family work and some juvenile work but it was very, very limited. Almost all my time was spent on criminal and civil.

The last eight years I have been on the Appellate Court where we do everything. And on any given day we touch every aspect of Superior Court work plus, of course, the review of Workers Compensation matters.

It's been a fascinating opportunity to serve. It's been a very interesting opportunity to serve. I

have served with a wonderful group of other Judges in a very highly collegial atmosphere working on a large number of cases every year.

And until this last year when I took senior status for about five days and then became a referee upon turning age 70.

I would be honored to have this Committee and the Legislature approve me for another eight-year term, this term to serve as a Referee with the expectation that if I am approved that I would serve primarily in the appellate court or perhaps on occasion in the trial court.

Thank you.

REP. STAFSTROM (129TH): Questions from the committee? Senator Kissel.

SENATOR KISSEL (7TH): Thank you, Mr. Chair. I just wanted to say congratulations, great to see you again. As I had stated earlier to Judge Arnold, I just don't know where these years go by. Seems like not that long ago you were here before us but that must have been eight years ago, so I wish you continued excellent prosperity and thank you for your public service to the people of the state of Connecticut.

Thank you, Mr. Chairman.

MICHAEL SHELDON: Thank you, Senator.

REP. STAFSTROM (129TH): Representative Hill.

REP. HILL (17TH): Thank you, Mr. Chairman. Good morning, Your Honor. It's nice to have you here today, I just wanted to -- I'm disappointed to learn that you're no longer a constituent of mine in Canton but my knowing of you goes back to my days as a TAC at Hartford Superior when you showed a great deal of kindness and respect to myself and to all the other clerks that worked there and I just wanted to congratulate you on your very distinguished career and look forward to seeing what you will continue to do in your ongoing distinguished services to the state. Thank you.

MICHAEL SHELDON: Thank you very much. We love Canton. We finally sold our house. [Laughter]

REP. HILL (17TH): Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions or comments from the committee. Representative O'Neil.

REP. O'NEIL (69TH): Good morning, Your Honor.

MICHAEL SHELDON: Good morning.

REP. O'NEIL (69TH): Like you, I am reaching a point of changing careers here and won't be running for re-election so this is our last time together. And I remember our first time together. I don't know if you remember the exchange we had.

MICHAEL SHELDON: I do.

REP. O'NEIL (69TH): But it -- it was, I thought, the kind of interplay and back-and-forth that really helps me and I hope helps the nominees better

understand what we're all about and what we're trying to do here and so personally it was one of the more memorable exchanges that I've had with a traditional nominee in probably 30 years, I guess, that I've been on this committee in terms of the discussing the concepts we talked about and the ramifications and implications of some of the ideas that -- that you had as a professor at that time as well as that as a Judge, obviously.

But I'll always remember that exchange. It's one of those highlights of the sort of debate back-and-forth between judicial nominees and members of this Committee.

So I want to thank you for that and thank you for all your other service of the law. I do wonder where the days -- where the years went, also.

MICHAEL SHELDON: So do I. Thank you very much.

REP. STAFSTROM (129TH): Further questions or comments. Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair and good morning, Your Honor. Congratulations.

MICHAEL SHELDON: Thank you. Good morning.

REP. PORTER (94TH): I just wanted to ask you because I see under the areas of law you did have some experience with criminal law and procedure.

MICHAEL SHELDON: Yes.

REP. PORTER (94TH): And I'm just interested to know how do you -- how would you say that experience is gonna serve you going forward in this nomination in the appellate court?

MICHAEL SHELTON: Well, I -- you know, I taught criminal law procedure for 15 years and I ran the criminal clinic at the University of Connecticut, so I had clients and with students who represented these clients in the -- really every place in the northern part of the state of Connecticut as well as doing appeals before the Supreme Court and for the Appellate Court once the Appellate Court was created.

That was a terrific experience, obviously, preparing to be a trial judge because I'd spent my life trying to persuade judges to treat my clients with respect and now I'm in a position where I'm going to get the chance to enforce that in the court. And I heard you mention that before, it's a very important job of the Judge.

The appellate work that I have been doing the last eight years, I think, has benefitted from the experience I had as a criminal defense lawyer and also as criminal Judge and I must say I think it's very important for people to understand the back-and-forth that occurs in a criminal trial, the difficulties there are in keeping things together in responding to unimaginable changes in circumstance that will occur and doing it in such a way as not to, in any way, prejudice the jury. Not to prejudice the right to the defendant and frankly not to undermine the state's right to prosecute which is also a substantial right.

In all of this, of course, there are victims who come forward and witnesses who come forward and their interests in the case are very substantial as well.

What I would hope from all of this is that in reading transcripts and reading arguments, always bear in mind that there is an immense and overpowering human factor behind all of the things that happen in court. Rarely are things intentionally done wrong but unfortunately the results will sometimes be what's called suboptimal. Not as we would wish them to be.

And so in trying to adjust those controversies and answer those questions, we're not only trying to resolve the issues in the case before us but imagining how whatever we declare should have been done or should be done better or differently will affect people in the future. Affect lawyers who will try to enforce these -- these rights that are identified. Affect Judges who will try to read what we say and figure it out and then do in our own courtrooms.

I think we necessarily develop and build upon the experience that we've had and we just hope to get it close to right.

REP. PORTER (94TH): Well, thank you for that, I do appreciate your response and I'm excited that you do have the bandwidth that you have. And that you have actually come full circle in this process and I think that the appellate court should be benefitting to a great degree with your welcome knowledge.

So thank you for your service and I wish you all the best moving forward.

MICHAEL SHELDON: Thank you very much.

REP. PORTER (94TH): Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions, comments from the committee. Seeing none, thank you, Judge Shelton.

The Honorable Elliot Solomon of West Hartford. Judge, do you swear or affirm, as the case may be, that the information provided to this committee will be the truth, the whole truth and nothing but the truth so help you God or under penalty of perjury.

ELLIOT SOLOMON: I do.

REP. STAFSTROM (129TH): Thank you. Just have a seat and when you're ready you can make your opening statement.

ELLIOT SOLOMON: Good morning, Senator Winfield, Representative Stafstrom. Senator Kissel, Representative Rebimbas and members of the Committee.

It's an honor and a privilege to appear before you today. I want to thank Governor Lamont for nominating me to a fourth term on the bench and my first as a state referee. I would also like to thank all of you for your consideration of this nomination.

Since I last appeared before you in 2012, I completed my final year as the Administrative Judge of the Tolland Judicial District following which I was appointed by Chief Justice Rogers to serve as the Deputy Chief Court Administrator under Chief Court Administrator Judge Patrick Carroll.

I stepped down as Deputy Chief Court Administrator approximately five years later in 2018 following my decision to take senior status. As a senior Judge, I presided over a number of criminal trials however, most of my service over the past year has occurred at the Hartford Mediation Center where I mediate family cases from around the state that had imminent trial dates.

The use of the Mediation Center for family court mediations has been very successful and spared many families the expense, anxiety and harm typically associated with ongoing mitigation in a prolonged trial.

I hope that my record of service over the past 24 years has earned your trust and the opportunity to continue serving the people of our state for another term. I will answer any questions you may have to the best of my ability.

REP. STAFSTROM (129TH): Thank you, Judge. How have you enjoyed the transition from being administrator back to -- back to actually interacting with lawyers and the clients on a day-to-day basis?

ELLIOT SOLOMON: I've enjoyed it. I enjoyed my time as the Deputy Chief Board Administrator, it was certainly a different chapter in my life but I was

trained to be a lawyer and trained to become a Judge and I like working with people. I've always thought it was my strong suit. And I like solving problems. Not that there weren't any problems to serve when I was the Deputy Chief Board Administrator, these were just different problems that I enjoy a lot. Thank you.

REP. STAFSTROM (129TH): Questions from the committee. See -- up front, question for the committee? Oh, Representative Porter.

REP. PORTER (94TH): Thank you, Your Honor. Thank you Mr. Chair. And just looking over number eight, the areas of law that you enjoy the most and why, you did enjoy criminal law and you already stated family law.

You started out as a defense lawyer and then you became a prosecutor. So I just want to know what was the train of thought making that transition and why.

ELLIOT SOLOMON: The train of thought was a gentleman by the name of Colonel Taharite [phonetic]. I was in the Judge Advocate General's court. When they bring you in, you start off as a defense lawyer. After they've trained you for a while, they make you a prosecutor and that's how the transition occurred.

And then when I left the Army after three years of active duty, I went up to Patterson, New Jersey where I was a prosecutor up there and again, a colleague of mine in the Army had taken a position

in the prosecutor's office and called me up and said, "Why don't you come on up?" And I did.

REP. PORTER (94TH): Oh, okay. Thank you for that because I didn't realize it was part of military. And that you start out as a defense and it's just an automatic transition into being a prosecutor.

So give me your favorite of defense and favorite of prosecutor and the difference.

ELLIOT SOLOMON: I found defense work to be more challenging because it's you and your client against the rest of the world. You don't have a lot of resources and I would say since most cases result in a conviction, you're fighting an uphill battle. Depending on the nature of the case, you may not only be fighting an uphill battle in the courtroom but even in the eyes of the public.

So I thought it was very challenging but I enjoyed working with individuals in those cases because I know that role is a critically important role in our society. If our rights mean anything, they start amongst others with the right to be represented by competent counsel and I always thought that I provided that.

On the state side, when I was a prosecutor, I found it -- I know my colleagues, former colleagues who were prosecutors don't wanna hear this -- but I found it to be easier because there you did have all the resources in the world. You had all the law enforcement people, you had investigators. You usually had better facts working for you.

But I enjoyed, again, the personal contact. I said before I liked working with defendants when I represented them. I liked working with victims as well. They were going through a tough time in their life and at the end of the day, the way you treat them is gonna impact not only their view of fairness in their case but also the justice system as a whole.

So I like that, too.

REP. PORTER (94TH): Thank you for that response, I appreciate the way you were able to bring some clarity for me personally around the difference in those responsibilities and what those challenges are as an attorney.

And the last thing that I will say is that I just want to thank you for your compassion specifically stated in your answer around your enjoyment of family court because I've had experience with family court and I can tell you that I applaud any Judge that can stay, you know, and exercise with compassion because many times people don't feel that compassion when they are in that court.

So thank you for your service. I wish you all the best moving forward and thank you, Mr. Chair.

ELLIOT SOLOMON: Thank you, Representative Porter.

REP. STAFSTROM (129TH): Further questions or comments. Representative Miller followed by Ranking Member.

REP. MILLER (145TH): Thank you, Mr. Chair and good morning, Your Honor and congratulations.

ELLIOT SOLOMON: Thank you.

REP. MILLER (145TH): Your Honor, I just had a question on number seven, your current assignment. Can you explain exactly what you do at the Hartford Mediation Center? Or what you would do, I'm sorry. No, that's --

ELLIOT SOLOMON: No, I'm doing it now. I've been doing it for the last year, actually. Cases come in to Family court and -- and many of them go away fairly quickly, there's not a lot to fight over or the parties have come in reasonably and decided they want to resolve the matter on their own.

But a number of cases come in and they can be contentious. Not only just custody cases but financial cases as well. And at some point in time, as they go down the path, they get assigned a trial date and they're gonna consume a certain number of days of trial.

My job in the mediation center is to try to work with these to come to an agreement which is mutually acceptable to both. Not necessarily everything they want but it's acceptable and what I call within the zone of reasonableness in the hopes that when they get to yes they can avoid -- as I say in -- as I said in my earlier comments -- the expense and the anxiety and the harm that comes from a trial.

Trials, I don't like trials. I mean I enjoy them professionally but I don't think trials are really

an answer for most people and I think they wind up not getting out of a trial what they hoped they would. So I'm hopeful when I meet with these folks and it's usually a full day mediation, we have a mediation center in Hartford which is geared specifically to giving people a break-out room, the opportunity to speak with their attorneys and hopefully by the end of the day we get to yes and the parties are able to avoid their trial.

REP. MILLER (145TH): Thank you for your response, Your Honor.

REP. STAFSTROM (129TH): Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman and Your Honor, congratulations on your nomination. I just wanted to take the opportunity, obviously, to thank you also for your many years of service and I think your expertise and professionalism has certainly been appreciated not only by the Judicial Branch but also by many of us serving here on this committee on all of your services on the various committees that you've served on and the good work that you've done.

So I just wanted to take the opportunity to say thank you and congratulations on your nomination.

ELLIOT SOLOMON: Thank you and it's been my pleasure as well.

REP. STAFSTROM (129TH): Seeing no further questions, thank you, Judge.

ELLIOT SOLOMON: Thank you.

REP. STAFSTROM (129TH): All right, at this point we have heard from all of our nominees. We're gonna turn to the public sign up list. The first name I have is Lee Whitnum.

And just for members of the public, we have sign-up lists, folks will have three minutes to testify and then there'll be a bell and perhaps questions.

LEE WHITNUM: My name is Lee Whitnum. Members of the Judiciary, I am here to oppose the confirmation of Judge Arnold. He lies on the record, takes up personal and political vendettas from the bench and he is cruel.

Background. In Stamford, in May 2012, my husband Baker and I discovered that his \$5 million dollar portfolio had been fraudulently conveyed into a trust controlled by his adult children.

That was during our marriage and without our consent. My infirmed husband, distraught, went to collect his artwork from his old residence and he disappeared. I never saw him again in private. We were railroaded into divorce.

Fifteen months after -- fifteen months later, without even a private conversation, several judges ganged up on me and issued a [Inaudible 01:45:49] and lawful ruling. I believe this was instigated by one Judge who targeted me due to the fact that I had been a political candidate for Congress and Senate and publicly against the United States funding of Israel.

Five Judges -- Ammons, Schofield, Richards, Hellman and Monroe refused to compel the due process of the Wells Fargo transfer documents which would have enabled me to negotiate with my husband's powerful adult children to bring my infirmed husband home.

Four Judges denied motion of telephone conversation -- Ammons, Adams, Motolease [phonetic] and two judges denied injunction, Arnold and Genuario, to be able to get mail in to my husband and other access such as a decision for a visit to be Baker's choice and Baker's alone.

At the time of the Judge Genuario denial of injunction, we were still married. Judge Genuario's ruling stunned me as he lied on the record about the evidence presented. Judge Arnold did also.

In the railroaded divorce, I was awarded not even a dime. Nothing. At the time of the injunction to Judge Arnold, my husband and I were divorced. I knew my husband didn't have much time and I was desperate to see him or speak to him. I had been kept from him. No private conversation, no access for 29 months at that point.

Judge Arnold knew exactly what he was doing when he threw Judge Bellis off the injunction hearing. He even stated, "Time is of the essence" and yet it took him nine months to issue a ruling on the injunction. Nine months knowing full well what I had been through and how much I had been unlawfully kept from my own husband.

What was I asking for? To be able to walk up to the desk of Atria Darien and be able to ask for Baker

and to have them call up to him and say, "Mr. Baker, would you like to see your ex-wife?" That's all. For the choice to be Baker's. Not Atria staff and not Baker's children who didn't live at the facility.

Under threat of unlawful arrest and actual arrest when I went to bring my own husband that was married at the time a cake with my assistant, I was arrested for trespassing. My husband never told I was there.

My husband -- Judge Arnold knew exactly what he was doing. Or didn't understand, the law pretended he did. And I presented him the trespassing statutes 47(a). It says, "Tenant/landlord. A tenant has exclusive possession of the property and a landlord or the police may not remove a tenant."

In other words, my husband paid \$7,000 a month at Atria Darien and the choice of who he should be able to see should have been his by law. But Arnold ignored that. The evidence that they claimed that in his order was a photocopy of a typed note on my husband's son's stationery. My husband didn't type, he had Parkinson's disease -- with a photocopy of a signature. Where's the original?

And an affidavit with no notary seal? I mean it was ridiculous.

REP. STAFSTROM (129TH): Thank -- Ms. Whitnum.

LEE WHITNUM: I presented 48 pieces of evidence, I am the only one testifying today, can I have a few minutes, please.

REP. STAFSTROM (129TH): The bell went off; I need you to wrap up. [Crosstalk]

LEE WHITNUM: I presented 48 pieces of evidence and Judge Arnold and his order which is a liable mission, didn't mention any of it. Nine months when time was of the essence. My husband died on October 16th, 2016. I never saw him. I was kept from him four-and-a-half years in total and Judge Arnold, had he been lawful and not doing the bidding of powerful people or just out of sheer cruelty, could have allowed me to at least see him.

REP. STAFSTROM (129TH): Thank -- thank you, Ms. [crosstalk].

LEE WHITNUM: He had -- he was a man --

REP. STAFSTROM (129TH): Thank you, Ms. Whitnum.

LEE WHITNUM: He was a man, not an animal and he had a right to self-determination to marry a younger woman, to leave his hard-earned wealth to his grandchildren and skip a generation. He had a -- we had a right to be left alone.

REP. STAFSTROM (129TH): Ms. Whitnum, thank you. Thank you.

LEE WHITNUM: Thank you. Do not --

REP. STAFSTROM (129TH): Questions? Are there any questions from the committee? Are there any questions from the committee? Senator Winfield.

SENATOR WINFIELD (10TH): Just one question, did you file some -- a complaint?

LEE WHITNUM: Um, I have a complaint here I'm going to be submitting.

SENATOR WINFIELD (10TH): No, I mean have you gone through the process of a complaint?

LEE WHITNUM: I -- no.

SENATOR WINFIELD (10TH): Thank you.

LEE WHITNUM: I didn't -- I didn't do that. Last year when I [crosstalk].

REP. STAFSTROM (129TH): Further -- further questions. Thank -- thank you, ma'am. Thank you, we need to move on.

Okay, are there other members of the public who have not signed up who have not had a chance to testify who would like to testify? Going once. Anyone else who would like to testify who has not had a chance to testify. Going twice.

Okay. I'm gonna declare this public hearing closed. We are going to convene the committee meeting. We are gonna take a very brief recess so that we can get set up for the committee meeting and we'll return shortly.