

ORDER

27 September 2021

ORDER REGARDING:

07/20/2021 425.00 MOTION TO DISQUALIFY

The foregoing, having been considered by the Court is hereby:

ORDER: DENIED

This matter was heard by the court on September 16, 2021. The motion before the court is the defendant's Motion to Disqualify, Judge Anna Ficeto, motion #425.

The defendant's motion seeks to have Judge Ficeto disqualified from any further amount of involvement in adjudicating this case. The defendant claims that Judge Ficeto in prior rulings made in this case acted maliciously and illegally. As a result of the prior rulings, the defendant claims that Judge Ficeto is not impartial and is biased. At the hearing, Ms. Grohs, cited various instances in the past which she felt illustrated Judge Ficeto's bias against her. When asked by the court for evidence to substantiate her claims, Ms. Grohs, asked that the court review the transcript of the hearing that took place before Judge Ficeto on September 3, 2021. The court obtained a copy of the transcript of the hearing which took place on September 3, 2021 and has reviewed the same. Prior to commenting on the review of the transcript, the court cites to the legal standards which it must follow to ascertain whether or not a judge should be disqualified from continuing to hear a case. Practice Book § 1-22 provides in relevant part that: "A judicial authority shall, upon motion of either party or upon its own motion, be disqualified from acting in the matter if such a judicial authority is disqualified from acting therein pursuant to Rule 2.11 of the Code of Judicial Conduct ...". Rule 2.11 of the Code of Judicial Conduct further provides in relevant part that: "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned including, but not limited to the following circumstances". (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer ... "A plaintiff claiming judicial bias 'is not required to demonstrate actual bias in order to prevail on a claim of violation of [the Judicial Canon]. The plaintiff will meet his burden if he can prove that the conduct in question gave rise to a reasonable appearance of impropriety.'" McGuire v. McGuire, 102 Conn App 79, 84 (2007). "Disqualification of a trial judge is not dependent upon proof of actual bias ... The controlling standard is

whether a reasonable person who is aware of all the circumstances surrounding the judicial proceeding would question the judge's impartiality." (Citations omitted, internal quotation marks omitted.). *Barca v Barca*, 15 Conn App 604, 607 (1988). "The fact that a trial court rules adversely to a litigant, even if some of these rulings were to be determined on appeal to have been erroneous, does not demonstrate personal bias." *Bieluch v Bieluch*, 199 Conn 550, 553 (1986). "Vague and unverified assertions of opinion, speculation and conjecture cannot support a motion to recuse nor are they sufficient to warrant an evidentiary hearing on the same." *DeMatteo v DeMatteo*, 21 Conn App 582, 591 (1990). A charge that a judge is not impartial implicates not only the fundamental concept of a fair trial, but the very integrity of the trial court. *Wendt v Wendt*, 59 Conn App 656, 691-97 (2000). The Court has reviewed the entire transcript of the September 3, 2021 hearing before Judge Ficeto regarding this matter. The hearing that took place on September 3, was to hear and adjudicate over twenty motions filed by the defendant, Ms. Grohs. Many of the motions were repetitive of prior motions filed. The crux of the motions involved the defendant seeking to have the court reconsider prior rulings made in this case. The most contentious of these prior rulings involved the court allowing her former spouse's wife to appear as an intervener in this case to pursue obtaining sole custody fo the Grohs' minor children. The court finds that the Judge Ficeto acted appropriately and professionally throughout the hearing. She treated Ms. Grohs civilly and with dignity. Unfortunately, Ms Grohs is not satisfied with Judge Ficeto's rulings and orders, particularly because most of the ruling were not in her favor. This, however is not an appropriate reason to seek a judge's recusal from hearing a case. As pointed out earlier, there must be evidence of bias and lack of impartiality. The transcript of the September 3rd hearing does not provide evidence to substantiate a claim of bias pursuant to Rule 2.11 of the Code of Judicial Conduct. Adverse rulings regarding Ms. Grohs motions are not proof of bias or lack of impartiality by Judge Ficeto. The motion to disqualify Judge Ficeto is denied.

Judge Salvatore C. Agati.

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