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APPELLATE Court

of the

State of Connecticut

AC 45424

CHRISTOPHER AMBROSE

v.

KAREN AMBROSE

Brief of the Defendants in Error the Honorable Gerard I. Adelman and the Honorable Thomas G. Moukawsher with Attached Appendix

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For the Defendants in Error
Hon. Gerard I. Adelman
Hon. Thomas G. Moukawsher

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Counterstatement of the issues

A. Whether the trial court's procedures satisfied federal constitutional due process requirements where they provided detailed oral and written notice to Plaintiff in Error that reminded her of her responsibilities under the Rules of Professional Conduct, detailed the transactions in which she violated those Rules, expressly advised her of the seriousness of the matter, and gave her nearly a month to prepare for a hearing before the trial court imposed any discipline. (pp.28-38)

B. Whether the First Amendment to the United States Constitution allowed the trial court to disbar Plaintiff in Error, an attorney, for repeatedly lying to the trial court in open court in support of her baseless claims that another sitting trial court Judge was biased in favor of Jewish litigants, against disabled litigants, and against woman litigants. (pp.38-42)

C. Whether the trial court's findings that Plaintiff in Error violated the Rules of Professional Conduct were supported by clear and convincing evidence where Plaintiff in Error, among other things, admittedly repeatedly lied to the trial court in support of her baseless claims that a sitting trial Judge was biased in favor of Jewish litigants. (pp.42-47)

D. Whether the trial court abused its broad discretion by disbarring Plaintiff in Error where the Connecticut Supreme Court and multiple other appellate courts have rejected challenges to disbarments based on conduct less egregious than Plaintiff in Error's and the trial court's decision was consistent with both the relevant standards and Chief Disciplinary Counsel's recommendation. (pp.47-51)

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I. Introduction

The Connecticut Supreme Court recognized well over a century ago that "[i]t is not enough for an attorney that he be honest. He must be that, and more. He must be believed to be honest." *Fairfield County Bar v. Taylor*, 60 Conn. 11, 17 (1891). No matter what learning and skills an attorney may possess, if he comes to the point "where craft and not conscience is the rule, and where falsehood and not truth is the means by which to gain his ends, then he has forfeited all right to be an officer in any court of justice or to be numbered among the members of an honorable profession." *Id.* at 18. The Supreme Court held that an attorney who reached that nadir could "be disbarred and forever prohibited from practising law before the courts of this state." *Id.* at 14.

The Courts' commitment to truth has not changed in the intervening years. In furtherance of that commitment, the trial court disbarred Plaintiff-in-Error Nickola Cunha ("Plaintiff") after she repeatedly lied in open court in support of claims that a sitting trial Judge is biased in favor of Jewish litigants and against woman litigants. Among other things, she accused the Judge of ignoring substantiated sexual abuse by a father of his children when, in reality, those claims were unsubstantiated.

On appeal, Plaintiff does not dispute the trial court's findings that she repeatedly lied and that her accusations of substantiated sexual abuse were false. Instead, Plaintiff primarily argues that the trial court deprived her of due process and seeks refuge in the First Amendment.

Plaintiff's arguments lack merit. The trial court gave Plaintiff more process than she was legally due. And an attorney has no First Amendment right either to lie in open court or to maliciously levy false allegations against Judges. The trial court's disbarment of Plaintiff was well within the trial court's broad discretion and consistent with

Supreme Court precedent affirming disbarment based on less egregious conduct. This Court should dismiss the writ of error.

II. Counterstatement of facts

A. Plaintiff's Motion to Disqualify and Recuse Judge Adelman.

This writ of error arises out of Plaintiff's actions in an underlying marital dissolution proceeding. *See* CA 3-25. Plaintiff appeared on behalf of the defendant in the dissolution proceeding (the wife and mother in the marriage). *See id*. at 4.

After extensive litigation and complaints by Plaintiff regarding the trial court, the trial court (Adelman, J.) *sua sponte* ordered a hearing on whether the trial court should recuse itself. The Presiding Judge of the Regional Family Trial Docket (Moukawsher, J.) presided over the hearing.

Before the hearing, Plaintiff filed a Motion to Disqualify and Recuse Judge Adelman ("Motion to Recuse"), with a supporting Affidavit. CA 37-53. In the Affidavit, Plaintiff accused Judge Adelman of "blatant disregard of" the "basic human rights" of Plaintiff's client and her "minor children." *Id*. at 40, ¶ 5. The Affidavit characterized Judge Adelman's actions as "clear acts of gender bias," *id*. at 43 ¶ 18, and testified as an Officer of the Court that "Judge Adelman has established a clear pattern of gender bias against women, against mothers, [sic] against individuals with disabilities." *Id*. at 49 ¶ 43.

B. The Trial Court's Hearing on Plaintiff's Motion to Recuse.

Plaintiff began the December 1, 2021 remote hearing on the Motion to Recuse by calling "the Court's attention to" March 31, 2021, "the first day of trial in this matter." *12/1/21 Tr.*, p. 3. According to Plaintiff, that "first day in and of itself sets the stage" for "the significant bias that Judge Adelman holds against women, against

individuals with disability," and "against anyone that is not of the Jewish faith." *Id.* at 3-4.

1. Plaintiff's Unsupported Allegations that Judge Adelman is Biased Against Non-Jews.

Plaintiff opened the hearing by claiming that an "enormous amount of information" had "come to" Plaintiff regarding Judge Adelman's alleged "bias against individuals that are not . . . of the Jewish faith." *Id.*

The trial court (Moukawsher, J.) carefully and repeatedly questioned Plaintiff as to what took her claims "beyond simply a disagreement with" Judge Adelman's "ruling towards something that shows bias . . . against women, the disabled, and people who aren't Jews?" *Id.* at 10; *see also id.* at 18, 33-34, and 38.

In response, Plaintiff acknowledged that Judge Adelman had discretion to rule as he did but claimed that Judge Adelman was "intention[ally]" ruling against Plaintiff's client as part of a "conspiracy" to allow guardians ad litem to charge fees. *Id.* at 14-15. Plaintiff represented that she "wholeheartedly" believed that Judge Adelman was "engaged in racketeering" in violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq*. *Id.* at 15-16; *see also id.* at 21.

The trial court pointed out that Plaintiff accusing Judge Adelman of racketeering in violation of federal law was "a very serious thing to say" and asked what evidence Plaintiff had to support her allegations. *Id.* at 17. Plaintiff acknowledged the seriousness of her accusations, and based them on what she claimed a Senator characterized as a "blatant[ ] lie" by Judge Adelman during a reappointment hearing. *Id.*; *see also id.* at 25.

The trial court responded that Plaintiff's accusation that Judge Adelman "lied to the Judiciary Committee" was "again . . . a very serious thing to say." *Id.* at 18. The trial court reminded Plaintiff:

> You're a lawyer. You know I need to have evidence. You can't just assert things. You have to have the evidence. So, if you're going to claim that one reason I should recuse [Judge Adelman] is that he lied, then what's—what is the support for it? You can't just say people say he lied.

Id. The trial court further noted that Plaintiff was accusing Judge Adelman of "corruption" and reiterated that such an accusation is "a serious thing to say as an Officer of the Court" and asked again to see Plaintiff's evidence. *Id.*

In response, Plaintiff relied on a transcript of the reappointment proceedings where she represented that a Senator accused Judge Adelman of lying but Plaintiff did not have the relevant portion readily available. *See id.* at 18-22. The trial court gave Plaintiff time to locate it. *See id*. Plaintiff was initially unable to identify it, and moved on. *See id.* at 22.[1]

The trial court yet again reminded Plaintiff that she was "an officer of the court" and that the specifics of—and evidence for—her allegations against a sitting Judge "matters." *Id.* at 23. In response,

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[1] Plaintiff identified the transcript later in the proceeding. *See 12/1/21 Tr.* at 106-07. Contrary to Plaintiff's representation that a Senator "objected to Judge Adelman's reappointment because Judge Adelman had notably blatantly lied . . . under oath to the review committee," *id.* at 17, the transcript indicated that the Senator said that Judge Adelman's statement at issue "might not be a lie and untruth, but it also isn't the truth." *Id.* at 106-07. On appeal, Plaintiff correctly admits "that Sen. Winfield did not say the judge was a liar." *PB* 9.

Plaintiff claimed that Judge Adelman "favored Attorney Aldrich" not only in the current case, "but historically in all cases that she has come before him in." *Id.* at 24. Plaintiff repeatedly represented that she had "a list" of all the cases that supported her allegation that Judge Adelman favored Attorney Aldrich and would "recite off" the "entire list." *Id.* at 25-27.

The trial court carefully probed Plaintiff as to the bases for her allegations of bias in favor of Jews. The trial court asked Plaintiff whether there was anything in the relevant transcripts of the dissolution proceeding that would reveal who was and was not Jewish. *See id.* at 39. Plaintiff responded that she did "not believe that there is someplace in the transcript that would support that" but Plaintiff"—while "admit[ting]" she was "naïve" to the "particular subject"—claimed to "have learned" that Attorney Aldrich (opposing counsel), Attorney Hurwitz (the guardian ad litem), Dr. Biren Caverly ("the custody evaluator"), and Dr. Horowitz ("the supposed reunification therapist") all were Jewish. *Id.*; *see also id.* at 56.

The trial court asked Plaintiff the basis for her representation that "somehow outside of the record" Judge Adelman "secretly knows that certain people are Jews and not Jews." *Id.* at 40. Plaintiff responded that she "didn't think it's some secret knowledge," and that "it's well-known within the Jewish community who the Jewish professionals are." *Id.* The trial court responded that it was "dangerous" for Plaintiff to allege without evidence that there is "a universal understanding among the Jewish community as to what professionals are Jewish or not." *Id.*

Plaintiff responded that she understood. *See id.* Plaintiff proceeded to expand her allegations to include allegations that Judge Grossman—in addition to Judge Adelman—conspired to rule in favor of Attorneys Aldrich and Hurwitz because (according to what Plaintiff

had heard) those attorneys are Jewish. *See id.* at 41-44. The trial court asked Plaintiff why she believed the Jewish conspiracy existed, and Plaintiff responded *inter alia* "[b]ecause it's a money thing." *Id.* at 44-46. Plaintiff proceeded to support her claims of an alleged Jewish conspiracy largely with rulings in the dissolution action that Plaintiff disagreed with that were in favor of attorneys she had heard were Jews. *See id.* at 46-54.

The trial court questioned Plaintiff as to the basis for her claims that Judge Adelman knew the people he was alleged to have discriminated in favor of were Jewish. In response, Plaintiff admitted that she did "not know any specifics about Judge Adelman's connections" and that she could not "prove that Judge Adelman knew that" any of the people involved were, in fact, Jewish. *Id.* at 57-58. Despite that, Plaintiff again represented to the trial court that she had "a list of cases" that would support her allegations of pro-Jewish bias. *Id.* at 58; *see also id.* at 25-27.

When Plaintiff was unable to immediately provide the list, the trial court noted that it assumed that Plaintiff had the list already and Plaintiff represented that she did. *See id.* at 59-60. When Plaintiff claimed to be continuing to have difficulty "pul[ling] the list up," she asked if she could print it "during the break" and said that "then, we can go over the names." *Id.* at 60. The trial court offered to take a 15-minute break to allow Plaintiff time to get the list. *See id*. Plaintiff responded "[p]erfect," and thanked the trial court. *Id.* at 61.

After the break, Plaintiff admitted that she did "not" actually have the list of cases to support her claim of pro-Jewish bias that Plaintiff previously and repeatedly represented to the trial court she had. *Id.* at 71. Plaintiff further told the trial court that she wanted to make "very clear" to the trial court that she did "not have a specific evidentiary trail to support the Jewish faith biasness [sic]." *Id*.

2. Plaintiff's Unsupported Allegations that Judge Adelman is Biased Against Women.

After Plaintiff admitted that she neither had the promised list of cases nor a "specific evidentiary trail" to support her claims of pro-Jewish bias, Plaintiff agreed that she was "done with that question" and that she "want[ed] to move on to the gender issue." *12/1/21 Tr.*, pp. 71-72. Plaintiff claimed that the underlying dissolution case was one of a "pattern of cases" that would show that Judge Adelman was biased against a category Plaintiff referred to as "[p]rotective mothers." *Id.* at 73-76.

Plaintiff again represented that she had a list of cases that would show bias. *See id.* at 84. In contrast to the list of cases Plaintiff claimed to have showing Judge Adelman's pro-Jewish bias (which Plaintiff eventually admitted never existed), after the lunch break Plaintiff produced a list of five cases she claimed would show that Judge Adelman was biased against a category of women. *See id.* at 108-09. The trial court said it would look at the cases on the list. *See, e.g., id.* at 157-58.

A primary allegation underlying Plaintiff's bias allegation was her representation that Judge Adelman had "ignored" complaints "of sexual assault" against the plaintiff husband and father in the dissolution action, and that "[i]t has been established that the complaints have been substantiated by a multidisciplinary taskforce team." *Id.* at 96-97; *see also id.* at 100. Plaintiff initially had difficulty identifying what evidence she relied on for that allegation, but ultimately told the trial court "[i]t's Exhibit Number 71." *Id.* at 101. The trial court told Plaintiff that it took her "claim seriously" and was going to "look at" Exhibit 71 to determine whether it supported Plaintiff's allegations of bias. *Id.* at 102.

3. Plaintiff's Allegations that Judge Adelman is Biased Against People with Disabilities.

Plaintiff represented that Plaintiff's client had "a diagnosed learning disability which is documented in the custody evaluation" and accused Judge Adelman of "attack[ing]" her client for not responding quickly enough during testimony. *12/1/21 Tr.*, pp. 103-04.

When the trial court asked whether Plaintiff raised her client's claimed disability with Judge Adelman, Plaintiff responded that she did not "believe that" she "was able to articulate on the record the aspect relating to the disability." *Id* at 104. The trial court gave Plaintiff additional time and opportunities to provide further support for her allegation that Judge Adelman was biased against people with disabilities. Plaintiff ultimately relied solely on the above exchange as well as "elements" of the cases on Plaintiff's list supporting her claim of bias against a specific category of women. *See id.* at 116-17.

C. The Trial Court Denies Plaintiff's Recusal Motion.

The trial court denied Plaintiff's Motion to Recuse in a written decision issued after the hearing. CA 54-72. The trial court began by noting that Plaintiff was "free to" disagree with the rulings by Judges Adelman and Grossman. *See id*. at 55.

However, Plaintiff went far beyond proper disagreement with judicial rulings and made the dissolution action "a case about a case," by "clogg[ing] the docket, delay[ing] the trial, and cost[ing] the parties a fortune by repeatedly hurling baseless personal allegations against lawyers, judges, the guardian, and many others." *Id*. "Indeed," Plaintiff's "behavior ha[d] become the biggest problem in the case." *Id*.

1. The Trial Court Finds Plaintiff's Claims of Bias Against Non-Jewish People Baseless.

The trial court began by addressing Plaintiff's allegations that Judge Adelman is biased against non-Jews and "part of a Jewish

conspiracy" engaged in racketeering, saying Plaintiff's allegations took "the court flat aback." CA 56. The trial court noted that, while some members of the public might embrace conspiracy theories,

> [L]awyers are different. They are officers of this court. They are bound by a Code of Professional Responsibility. It charges them with a duty to truth. The Code warns that they may be punished if they frivolously make false claims in court. The Code makes a lawyer both "an officer of the legal system" and "a public citizen having special responsibility for the quality of justice."

Id. Unlike members of the public, lawyers in the courtroom have an obligation to the truth and to support their allegations with evidence. *Id*. at 57-59.

The trial court found that Plaintiff failed in that obligation by making "baseless claims about a Jewish conspiracy." *Id*. at 59. The trial court noted that Plaintiff "professed no actual knowledge of Judge Adelman's specific community activity." *Id.* And Plaintiff's claims that that "'everyone knows'" who is and is not Jewish "suggested that" Plaintiff "had swallowed and asserted in court a typical racist canard—Jews all know each other and are in touch." *Id*.

The trial court noted that when it asked Plaintiff for the evidence to support her claims that Judge Adelman was part of a Jewish conspiracy, she "said she had a list of cases" showing a pattern "and that when the court examined them the conspiracy would be revealed." *Id*. However, Plaintiff "didn't have the list handy." *Id*. at 60. Plaintiff "fumbled with some papers for a bit" and the "court offered to take its fifteen-minute morning recess early so she could find this documentation of the Jewish conspiracy." *Id.* Plaintiff agreed, came back fifteen minutes late from the recess, and finally "admitted that she had no list of cases showing the Jewish conspiracy she alleged." *Id*.

The trial court went on to discuss and reject Plaintiff's remaining assertions in support of the claimed Jewish conspiracy. *See id*. at 60-61. The trial court found Plaintiff's baseless claims to be "a very serious matter," noting that history shows that "empty claim[s] about secret religious cabals of any faith can breed mindless hatred, and mindless hatred breeds violence" that "has dug millions of graves." *Id*. at 61. "[H]ere a lawyer is shoveling, in a place devoted to the peaceful resolution of disputes, the same fear of the 'other' that has taken so many lives." The trial court found that "[a] lawyer making baseless claims in court against a judge based on his religion sets off the loudest alarm bells in the lawyers' Code of Professional Responsibility." *Id*. at 62.

2. The Trial Court Finds Plaintiff's Claims of Bias Against Disabled People Baseless.

The trial court found Plaintiff's claim that Judge Adelman was biased against disabled people to be "made up out of thin air." CA 62. Plaintiff failed to "show that she or anyone else ever told Judge Adelman that [Plaintiff's client] was disabled." *Id*. "Of equal importance," Plaintiff could "hardly say with any respect for truth that Judge Adelman has a general bias against the disabled based on the single incident she allege[d]." *Id*.

3. The Trial Court Finds Plaintiff's Claims of Bias Against Women Baseless and Rooted in a Lie.

As to Plaintiff's claim that Judge Adelman is biased against women, the trial court began by noting that Plaintiff "claimed she could prove in two ways that Judge Adelman was biased against women who claim abuse": (1) Judge Adelman's actions in connection with the cases on the list Plaintiff provided; and (2) Plaintiff's representation that Judge Adelman ignored findings by a multi-

disciplinary task force that the plaintiff in the dissolution action had sexually abused his children. The trial court found that Plaintiff "expressly and emphatically staked her credibility on the second claim." CA 63.

With regard to Judge Adelman's actions in other cases involving women who claimed abuse, the trial court "examined aspects of each of" the five cases Plaintiff identified on her list "for signs of bias against women claiming abuse." *Id.* The trial court found none. *See id.* "To do a thorough job," the trial court did not "stop at studying the small number of instances from years ago" that Plaintiff relied on. *Id.* at 65. Rather, the trial court "also chose to study a sample of decisions from thirteen recent cases as well." *Id.* That review "did nothing" to raise concerns of bias. *Id.* at 66. Indeed, "[f]ar from any bias against women or women claiming abuse, the decisions showed that the evidence led Judge Adelman to lean toward the women in these cases more than the men." *Id.* Therefore, Plaintiff presented—and the trial court found—no basis in other cases to support Plaintiff's claim that Judge Adelman was biased.

That left Plaintiff's representation that Judge Adelman's bias showed when he ignored DCF's substantiation of sexual abuse allegations against Christopher Ambrose, the plaintiff in the dissolution action. *Id.*

The trial court found that Plaintiff's representation regarding the DCF report was false. *See id.* at 67. The trial court noted that it "looked carefully at the document at issue" and "read all of" its "over 90 pages." *Id.* It was clear "in black and white" and beyond "debate" that neither the DCF nor a multi-disciplinary panel of experts concluded that the plaintiff in the dissolution action "abused his children in any way." *Id.*

To the contrary, the report showed "that over a half dozen DCF experts and supervisors studied the abuse claims," including "repeatedly" speaking "with the children" and the plaintiff in the dissolution action (their father), speaking with "one of the children's therapists, two other therapists, the guardian ad litem . . a custody evaluator," "the children's mother, her therapist, and her lawyer." *Id.* at 67-68. Notably, "[a]ll three experts involved with the children said they had no concerns about the father's behavior and that no child made any abuse claim to them." *Id.* at 68. Based on that review, the report expressly stated "that as of February 5, 2021, DCF had declared the abuse claims to be 'unsubstantiated'" and that conclusion "was reviewed and confirmed by DCF managers." *Id.* The trial court further found that the report "shows that on page 67 that the Madison Police Department studied the matter and decided not to accuse" the children's father "of child abuse or anything else." *Id.*

Based on its careful review of the report, the trial court found that Plaintiff, "a court officer, lied to a judge emphatically, repeatedly, and with ample warning that the judge would check for the truth." *Id.* at 69.

4. The Trial Court Sets a Hearing to Decide what, if any, Action to Take Against Plaintiff and Expressly Advises Plaintiff that the Matter Is Serious.

The trial court denied Plaintiff's Motion to Recuse "because it was entirely unsupported and frivolous." CA 70. The final part of the trial court's decision detailed various actions Plaintiff had taken in or related to the dissolution action and found that Plaintiff "capped all this off with lies before this court on this motion, not just about what a document said but with false claims of a judge's bias against people based upon race, disability, and gender." *Id.* at 69.

The trial court noted that "judges have primary jurisdiction over lawyers who do not meet their obligations as officers of the court" and that the trial court was "obliged to act on the matters that happen before it on the record." *Id*. at 70 & n.2 (citing Practice Book § 2-45). The trial court detailed the various possible sanctions it could impose, including disbarment. *See id*. The trial court set a hearing "on whether to act against Attorney Cunha, and, if action is warranted, what action to take" for January 10, 2022, at 10:00 a.m. *Id*. The trial court explicitly warned Plaintiff that she "should have no illusions," that "[t]he matter is of the utmost seriousness," and that Plaintiff "would be well advised to be represented at the hearing by an attorney." *Id*.[2]

D. The Trial Court Holds a Hearing on what, if Any, Action to Take Against Plaintiff

Plaintiff represented herself at the hearing. At the outset, the trial court noted that in its decision it had "strongly" urged Plaintiff to retain counsel, noted that Plaintiff's representation of herself "probably" was "not" in her "best interest" and advised Plaintiff that anything she said could "be used" against her. *1/10/22 Tr.*, p. 2. Plaintiff indicated she understood "quite well" and that she was "fully aware and understand[s] what the nature of these proceedings are." *Id.* at 2-3.

The trial court informed Plaintiff that it had "already concluded that" Plaintiff had "made material misrepresentations to the Court" and that the hearing was for the trial court "to consider what measures that may be taken against" Plaintiff "with respect to those

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[2] The trial court further directed the clerk to "send a copy of this ruling to the chief disciplinary counsel" and indicated that the trial court "would welcome participation by any appropriate disciplinary entity to appear as a friend of the court for the upcoming hearing." CA 71.

misrepresentations." *Id.* at 3. Plaintiff responded that the trial court's "findings are clearly erroneous," and levied various accusations and insults against the trial court that will be discussed in more detail in the below section on the trial court's written decision. *See id.* at 4-5.

The trial court responded by reminding Plaintiff that the only issue before the trial court was "the misstatements and the false claims that" Plaintiff made before the trial court in its December 1, 2021 hearing. *Id.* at 5. The trial court told Plaintiff that before it decided what, if any, action to take against her, the trial court wanted to give Plaintiff "the opportunity" to tell the trial court "any reasons in support of why" the trial court should not "take any action to you, or against you, or that" the trial court "should take some less[e]r action against you" and suggested various potential mitigating factors. *Id.* at 5-6; *see also id.* at 7-10.

Plaintiff replied that Judge Moukawsher should disqualify himself. In response, the trial court noted that its opinion cited authority establishing that it is the trial Judge's "responsibility to take disciplinary action against a lawyer" who does what Plaintiff had done. *Id.* at 11. The trial court then heard from Plaintiff's opposing counsel, *see id.* at 11-14, as well as Disciplinary Counsel. *See id.* at 14-39. To assist the Court, Disciplinary Counsel analyzed the Rules of Professional Conduct and other relevant authorities in detail. *See id.* Based on that analysis, Disciplinary Counsel concluded that the "appropriate sanction" would be that Plaintiff "be disbarred for a period of five years and that she be required to apply for reinstatement pursuant to section 2-53 of the Practice Book." *Id.* at 38-39.

The trial court then gave Plaintiff an opportunity to respond. *See id.* at 39. Plaintiff apologized in part "to the Jewish Americans of this state and of this country," *id.* at 40, in part to the trial court, and in part to her client, her client's children, and others whom Plaintiff

believes are subject to "the abuse of professionals." *Id.* at 40-41; *see also id.* at 74-76, 81. Plaintiff said she has "never, ever made a misrepresentation to a court, or anyone else, knowingly, or intentionally." *Id.* at 43. Plaintiff made no effort to reconcile her representation during the disciplinary hearing that she had never made a knowing or intentional misrepresentation to a court with her repeated false representations during the Motion to Recuse hearing that she had a list of cases to support her allegations of pro-Jewish bias. *12/1/21 Tr.*, p. 71; *see also* CA 59-60. Plaintiff also accused her opposing counsel and others involved in the dissolution action of making "material knowing misrepresentations to this Court." *1/10/22 Tr.*, p. 43.

The trial court made clear that it was concerned about Plaintiff's "claim that the DCF report reported a multidisciplinary team had found" the plaintiff in the dissolution action "had sexually assaulted his children," which the trial court had found to be false based on its review of the relevant report (trial Exhibit 71). *Id.* at 49. Plaintiff claimed that she had "read that report" and had taken "very clear notes because" she claimed "there was not enough time to make copies." *Id.* at 51. Plaintiff told the trial court that to the extent the trial court's conclusion based on its review of the exhibit was inconsistent with Plaintiff's notes, Plaintiff said that she believed the trial court "now has a problem that needs to be investigated with somebody tampering with the evidence in the court's file because" Plaintiff "can read" and her "notes are clear." *Id.* at 55. Plaintiff did not introduce her notes into evidence. Nor did Plaintiff indicate that she sought to obtain a copy of the report in the month between the trial court's scheduling of the disciplinary hearing and the hearing itself to confirm the accuracy of her notes. The trial court carefully questioned

Plaintiff on the issue and Plaintiff maintained her position. *See id.* at 55-61.

The trial court then asked Plaintiff about mitigating circumstances. Plaintiff represented that she had no disciplinary history, but that she believed there were four claims pending against her. *See id.* at 62-65. The trial court made clear that it would not consider those against Plaintiff because they had not been fully adjudicated. *See id*.

As to Plaintiff's claims that Judge Adelman was biased in favor of Jews, Plaintiff indicated that after lunch break for the December 1, 2021 hearing she had sought to focus on "the claims that were raised in" Plaintiff's written motion (those of gender and disability bias) and said that the trial court "completely misunderstood, and misconstrued," Plaintiff's "statements with respect to the Jewish faith." *Id.* at 70. In response, the trial court quoted the portion of the transcript in which Plaintiff claimed to have an "enormous amount" of information to support her claims of pro-Jewish bias. *Id.* at 71. Plaintiff initially claimed that based on her past experience she prefers to rely on audio recordings rather than transcripts, but eventually said that though she did "not recall specifically saying verbatim" what the trial court had read, "absent information that I said something different" Plaintiff had "to agree with the transcript." *Id.* at 73-74.

E. The Trial Court's Order Disbarring Plaintiff

The trial court disbarred Plaintiff. *See* CA 73-92. The trial court found that Plaintiff's "offenses were particularly rank" given that they "not only involved a fraud on the court, but a scurrilous assault on the integrity of a judge." *Id*. at 73-74. Plaintiff's "offense was aggravated by its context and by" Plaintiff's "behavior at the hearing on potential punishment." *Id*. at 74.

The trial court found that Plaintiff's "**offenses were most serious.**" *Id.* (bolding in the original). As to Plaintiff's claim that Judge Adelman was biased against non-Jews, the trial court recounted Plaintiff's allegations of racketeering and conspiracy. *See id.* at 75-76. The trial court found that "[o]f particular concern" was Plaintiff's "claim that her allegation about favoring Jews was based on 'the enormous amount of information and evidence'" that Plaintiff claimed had come to her. *Id.* at 76 (quoting the transcript). The trial court noted that Plaintiff based her claim on "a list of cases where the bias would appear." *Id.* at 76-77. The trial court found that after the trial court "waited for half an hour while" Plaintiff "said she was 'looking' for the list" and gave Plaintiff "every chance to produce it," Plaintiff ultimately "admitted the list she said existed in fact never existed." *Id.* at 77-78.

The trial court found that Plaintiff made "a baseless charge of racism against a judge," and that "is a monstrous claim to make without thought, without evidence, without restraint, repeatedly, on the record, in court, with a specific claim about a list—that proves not to exist." *Id.* at 78. Plaintiff's "lies about a Jewish conspiracy are particularly reprehensible" because she made them as an attorney with a professional obligation to be truthful. *Id.* at 78-79. "Without the court exposing" Plaintiff's claims "as lies, the public might give them some credit when they deserve none." *Id.* at 79.

As to Plaintiff's claim that Judge Adelman was biased against women because he ignored a finding that the plaintiff in the dissolution action had sexually abused his children, the trial court again referenced the transcript of the December 1, 2021 hearing and confirmed that Plaintiff's representations that a multidisciplinary taskforce team substantiated the allegations of sexual assault were false. *See id.* at 79-80. The trial court further found that Plaintiff made

false statements regarding DCF's investigation during the January 10, 2022 disciplinary hearing. *See id*. at 81-83. The trial court found that "[t]he reality of what DCF did shows that" Plaintiff's "disrespect for the truth is glaring and makes her offenses of the most serious kind." *Id*.

The trial court found that Plaintiff's "wrongdoing" was particularly "serious" given that "[p]rior to the" disciplinary "hearing the court gave" Plaintiff "almost a month's warning." *Id*. at 83. The trial court told Plaintiff "she faced serious potential consequences," "urged" Plaintiff "to hire a lawyer," and "warned" Plaintiff that "it was giving leave for the chief disciplinary counsel's office to appear as *amicus curiae*—as friend and advisor to the court." *Id.*

In light of all that, the trial court had "hoped that" Plaintiff "would reconsider her claims," and "expected" Plaintiff "might say how she came in good faith to believe things that proved false." *Id*. Instead, Plaintiff opened the disciplinary hearing by saying she found the "'**proceedings to be intentionally harassing and intimidation**'" intended to shut Plaintiff down for raising claims of "'**corruption**.'" *Id*. at 84 (quoting the transcript, emphasis by the trial court). Plaintiff accused the trial court of engaging in "'**gross malfeasance**,'" called the trial court's Memorandum of Decision denying Plaintiff's Motion to Recuse "'**a joke**'" and "'**pathetic**,'" and said the trial Judge "'**should be ashamed**'" of himself. *Id.* (quoting the transcript, emphasis by the trial court). Plaintiff further said she was "'**ashamed to even be sitting before**'" the trial court and accused it of "'**engaging in material misrepresentation**'" and "'**l[ying] to the public**.'" *Id.* (quoting the transcript, emphasis by the trial court). Based on those and other examples, the trial court concluded that Plaintiff's "behavior at the [disciplinary] hearing highlights the seriousness of her misconduct and is one of the aggravating circumstances the court considered under the Rules of Professional Conduct. *Id*.

The trial court found that Plaintiff "violated at least seven" of the Rules of Professional Conduct: Rule 3.1 (Meritorious Claims and Contentions), Rule 3.2 (Expediting Litigation), Rule 3.3 (Candor toward the tribunal), Rule 3.5 (Impartiality and Decorum); Rule 8.2 (Judicial and Legal Officials), Rule 8.4(3) (providing that it is misconduct for a lawyer to "[e]ngage in conduct involving dishonesty, fraud, deceit or misrepresentation"), and Rule 8.4(4) (providing that it is misconduct for a lawyer to "[e]ngage in conduct that is prejudicial to the administration of justice"). CA 85.

As to the Rules "involving dishonesty," Rules 3.1, 3.3. and 8.4(3), the trial court found by clear and convincing evidence that Plaintiff "intentionally and persistently misrepresented the facts to the court . . . to continue to pursue a false narrative about sexual abuse conclusions that she has maintained throughout her time in" the dissolution action "against judges, lawyers, guardians, evaluators," and the opposing party. CA 85. Relatedly, the trial court found that Plaintiff's "false narrative" was "part of a tactic of stalling and diverting this case" and of a piece with other dilatory conduct that violated Rule 3.2. *Id*.
The trial court was bothered "the most" by Plaintiff's violations of "[t]he rules that implicate the dignity and integrity of the bench and the judicial system." *Id*. (citing Rules 3.5, 8.2, and 8.4(4)). The trial court found that Plaintiff "had disrupted proceedings, baselessly impugned the integrity of Judge Adelman, and prejudiced our system of justice by using it to punish a party opponent along with all the legal professionals in the case rather than to vindicate some righteous claim." *Id*. at 86.[3]

[3] The trial court considered and rejected Plaintiff's assertions that the trial court needed to recuse itself, that Plaintiff was not given due process, and that the First Amendment protected Plaintiff's conduct.

As noted above, the trial court found that disbarment was the appropriate penalty for Plaintiff's violations. *Id*. at 88-91. The trial court supported its finding with both Connecticut Supreme Court precedent and the American Bar Association's Standards for Imposing Lawyer Sanctions ("*ABA Standards*"). *See id*. at 89 (quoting *Burton v. Mottolese*, 267 Conn. 1, 49 (2003), and referencing *ABA Standards* §§ 5.11(b), 6.11, and 7.1). The trial court considered Plaintiff's lack of disciplinary history and putative apology as mitigating factors (while rejecting the latter) and found that there were "numerous aggravating factors." *Id*. at 90.

F. Procedural History Before the Appellate Court

Plaintiff initially sought appellate review through both a writ of error and a direct appeal. This Court dismissed the direct appeal based on failure to comply with the Rules and the Court's Orders.

Plaintiff's writ of error was initially untimely, but this Court granted her motion for permission to serve and file a late writ of error. This Court then dismissed this writ of error based on Plaintiff's failure to file required materials and correct defective filings. Plaintiff filed a Motion for Reconsideration, which this Court ultimately granted, reinstating this writ of error.

Defendants sought and were granted through April 14, 2023 to file their Brief.

CA 86-88. To the extent Plaintiff challenges those decisions on appeal, Defendants will discuss those issues in more detail in the argument section.

III. Argument

A. The Trial Court Gave Plaintiff More Process than was Due.

1. Standard of Review

This Court exercises plenary review over whether attorney disciplinary proceedings provided due process. *See, e.g.*, *Cimmino v. Marcoccia*, 332 Conn. 510, 521 (2019).

2. Argument

Plaintiff does not dispute that the trial court had the authority under both the Rules and the statutes "'for just cause'" to "'disbar'" Plaintiff. *PB* 20 (quoting Practice Book § 2-44); *see also* Conn. Gen. Stat. § 51-84(b) (providing *inter alia* that the Superior Court "may suspend or displace an attorney for just cause"). Plaintiff also does not dispute that if the "cause" for disbarment "occurs in the actual presence of the court, the order may be summary, and without complaint or hearing." Practice Book § 2-45; *see also PB* 20 (citing Practice Book § 2-45). "These rules of practice impliedly contemplate the trial court's inherent authority to discipline an attorney who commits misconduct in its presence." *Burton*, 267 Conn. at 29. Indeed, the trial court has primary jurisdiction and responsibility when an attorney commits misconduct in its presence. The Rules explicitly provide that the existence of other disciplinary options does not "limit[ ] the inherent powers of the court" and that "if attorney misconduct occurs in the actual presence of the court, the Statewide Grievance Committee and the grievance panels shall defer to the court if the court chooses to exercise its jurisdiction." Practice Book § 2-45.

With no basis to challenge the trial court's authority, Plaintiff argues that the trial court's exercise of that authority violated due process. *See PB* 20-22. Plaintiff's argument lacks merit.

What constitutes "'due process is flexible and calls for such procedural protections as the particular situation demands.'" *Burton*, 267 Conn. at 19 (quoting *Thalheim v. Greenwich*, 256 Conn. 628, 648 (2001)). Thus, "'[t]he constitutional requirement of procedural due process . . . invokes a balancing process that cannot take place in a factual vacuum.'" *Id.* (quoting *Thalheim*, 256 Conn. at 648).

The trial court correctly recognized that it could have summarily disbarred Plaintiff consistent with due process. CA 87 (citing Practice Book § 2-45); *see, e.g.*, *Pounders v. Watson*, 521 U.S. 982, 991 (1997) (holding in the related context of criminal contempt that summary proceedings to punish misconduct in the court's presence are an "exception to the normal due process requirements" and that state judges "have latitude in determining what conduct so infects orderly judicial proceedings that" punishment "is permitted"). But the trial "court gave [Plaintiff] a [separate additional] hearing anyway." CA 87. The trial court's non-summary actions had both the intent and the effect of giving Plaintiff "more process than she was legally due." *Id.*

Plaintiff correctly acknowledges that in the context of non-summary attorney discipline due process requires that the attorney receive notice of the charges against her and a fair hearing. *See, e.g.*, *Burton*, 267 Conn. at 19; *see also PB* 17. Plaintiff received both.

a. The Trial Court's Notice Amply Satisfied Due Process

The form and type of notice due process requires depends on the nature of the proceedings and the parties involved. In the attorney disciplinary context, the notice "may be oral or written" and need only "adequately inform[ ] the attorney of the charges against him or her and allow[ ] him or her to prepare to address such charges." *Burton*, 267 Conn. at 21. "[T]he notice given to an attorney need not refer to specific Rules of Professional Conduct." *Id.* at 22 (citing *Briggs v.*

McWeeny, 260 Conn. 296, 319 (2002)). Rather, "to satisfy due process standards, the notice" need only "'apprise the attorney of the transactions that form the basis of the allegations of misconduct.'" *Id.* (quoting *Briggs*, 260 Conn. at 319).

The notice the trial court provided Plaintiff amply satisfied that standard. The trial court repeatedly reminded Plaintiff of her obligations under the Rules of Professional Conduct during the hearing on Plaintiff's Motion to Recuse and cautioned her that a failure to comply with her obligations could lead to consequences. *See, e.g., 12/1/21 Tr.*, pp. 18, 25-26, 40; *see also Burton*, 267 Conn. at 21 (noting that oral or written notice may satisfy due process).

The trial court followed that oral notice to Plaintiff with additional written notice in its 19-page written decision denying Plaintiff's Motion to Recuse, which detailed the "transactions" that could lead to discipline. CA 54-72. Specifically, Plaintiff: (1) "clogged the docket, delayed the trial, and cost the parties a fortune by repeatedly hurling baseless personal accusations against lawyers, judges, the guardian, and many others," CA 55; *see also* CA 6; (2) made baseless claims against Judge Adelman "based on his religion," CA 62; (3) in the course of making those baseless claims that Judge Adelman was engaged in a Jewish conspiracy, falsely represented to the trial court that she had a list of cases that would support her claims, CA 59-60; (4) baselessly claimed that Judge Adelman was biased against the disabled, CA 62; (5) claimed without meaningful evidence that Judge Adelman was biased against women, CA 62-69; and (6) repeatedly and falsely insisted "that a multi-disciplinary task force found that Christopher Ambrose had sexually assaulted his children," CA 67. Plaintiff cannot credibly argue that she was unaware of the transactions that formed the basis for the trial court's concerns. *See Burton*, 267 Conn. at 22-24 (holding that notice satisfies due process if

it apprises the attorney of the transactions that form the basis of the allegations of misconduct).

The trial court also warned that Plaintiff's misconduct could lead to serious consequences. CA 69-72. In the penultimate section of its decision on Plaintiff's Motion to Recuse, the trial court explicitly informed Plaintiff that it would "**hold a hearing on whether to discipline**" her and notified Plaintiff that such discipline could include a fine, a suspension, or disbarment. CA 70 (emphasis in the decision). The trial court expressly warned Plaintiff that she "should have no illusions," that the "matter is of the utmost seriousness," and that Plaintiff "would be well advised to be represented at the hearing by an attorney." *Id*. The oral and written notice the trial court provided Plaintiff amply satisfied due process.

Charitably read, Plaintiff's Brief appears to make three arguments to the contrary. Each lacks a legal basis, a factual basis in the record, or both.

First, Plaintiff appears to argue that due process required the trial court to provide Plaintiff notice as specific as a "charging document[ ]" in a criminal action or a "pleading[ ]" in a civil action. *PB* 20. As an initial matter, Plaintiff's own Brief is internally inconsistent on this issue—on the one hand, Plaintiff appears to criticize the trial court because its notice "did not specify the Rules of Professional Conduct that she violated," *PB* 13, while elsewhere in her Brief Plaintiff expressly (and correctly) concedes that a "hearing notice does not need to specify the exact sections of the Rules of Professional Conduct" to satisfy due process. *PB* 18.

Plaintiff had it right the second time. The Supreme Court held well over a century ago that "disbarment proceedings" are "in no sense criminal, but . . . undertaken 'for the purpose of preserving the courts of justice from the official ministration of persons unfit to practice in

them.'" *State v. Peck*, 88 Conn. 447 (1914) (quoting *Ex parte Wall*, 107 U.S. 265, 288 (1882)). "Neither are they civil actions." *Id.* at 452. Rather, in attorney discipline proceedings, an initiating document need not "be marked by the same precision of statement" as a criminal presentment or a civil complaint. *Id.* at 453.

Peck remains good law and applies to Plaintiff's due process argument. *See, e.g.*, *Burton*, 267 Conn. at 26-28 (applying *Peck* in rejecting an attorney's due process challenge to disbarment); *see also Thalheim*, 256 Conn. at 650 (similar). Indeed, Plaintiff herself relies on *Peck*. *See PB* 17.

Plaintiff's second argument—that the trial court did not give Plaintiff notice that it would consider her stalling and delaying conduct as a potential ground for discipline, *PB* 19—simply ignores the trial court's written decision notifying Plaintiff of the transactions at issue. That decision explicitly said that Plaintiff "ha[d] clogged the docket, delayed the trial, and cost the parties a fortune by repeatedly hurling baseless personal accusations against lawyers, judges, the guardian, and many others," CA 55, and reiterated those concerns later in the decision. CA 69.[4] That was more than sufficient to put Plaintiff on notice for due process purposes. Plaintiff does not address these facts, which are fatal to her argument.[5]

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[4] Plaintiff does not dispute the trial court's findings in her Brief, nor could she credibly.

[5] Even if this argument had merit (it does not), Plaintiff does not dispute that she was on notice that she was subject to discipline for what the trial court found "to be" Plaintiff's baseless or unjustified "attacks on the court and false statements." *PB* 17. As Defendants will discuss in more detail below, that conduct alone provided ample support for the trial court's decision. *See, e.g.*, *Disciplinary Counsel v.*

Finally, Plaintiff argues that the trial court violated due process by finding that Plaintiff committed misconduct based largely on her conduct during the Motion to Recuse hearing and "not allowing" Plaintiff "an opportunity to contest" those findings at the subsequent disciplinary hearing. *PB* 13; *see also id*. at 18, 19. Again, Plaintiff's due process argument is foreclosed by the very Supreme Court precedent she cites.

Due process required the trial court to afford Plaintiff "adequate notice and a meaningful opportunity to respond **before the trial court imposed sanctions**." *Lafferty v. Jones*, 336 Conn. 332, 382 (2020) (emphasis added); *see PB* 16, 23, 24, 25 (relying on *Lafferty* for other reasons). That is precisely what the trial court did. After Plaintiff *inter alia* "admitted she had no list of cases showing the Jewish conspiracy she alleged" despite having repeatedly represented to the trial court on the record that she had such a list, CA 60, the trial court gave Plaintiff written notice that it would hold a disciplinary hearing to "**consider whether to discipline**" Plaintiff. CA 69 (bolding in decision); *see also id*. at 70 (similar). The disciplinary hearing gave Plaintiff a full opportunity to argue that the trial court should not impose sanctions at all before the trial court imposed any sanction on Plaintiff. That amply satisfied due process. *See, e.g.*, *Lafferty*, 336 Conn. at 382; *Hardy v. Superior Court*, 305 Conn. 824, 842, 844, 850-51 (2012) (rejecting a due process challenge to a conviction and sentence of 120 days' incarceration for summary criminal contempt and noting that "the trial court may find a person in contempt *before* affording him

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Sporn, 171 Conn. App. 372, 382 (2017) (applying harmless error in the attorney discipline context).

notice of the charge if it advises him of the basis of the contempt finding and then invites him to allocute" (emphasis in *Hardy*)).[6]

To the extent Plaintiff cites precedent, she yet again fails to address the portions of that precedent that fatally undermine her argument. In *Botwick*, the Supreme Court pointed out that "[a]n exception to" the general due process notice requirements "applies when an attorney's conduct is *malum in se*, because a reasonably prudent attorney would know that such behavior is actionable." *Botwick*, 226 Conn. at 308 n.9 (citing *Ruffalo*, 390 U.S. at 552-56 (White, J., concurring)). Plaintiff's conduct easily meets that standard; "'all responsible attorneys would recognize'" that, among other things, repeatedly and falsely representing to the trial court that you have a list of cases that will show that another Judge is part of a Jewish conspiracy is "'improper for a member of the profession.'" *Id.* (quoting *Ruffalo*, 390 U.S. at 555 (White, J., concurring)). That independently defeats Plaintiff's due process notice argument. Plaintiff failed to call

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[6] The limited authority Plaintiff relies on to support her notice argument does not, in fact, support it. *See PB* 18 (citing *In re Ruffalo*, 390 U.S. 544 (1968) and *Statewide Grievance Committee v. Botwick*, 226 Conn. 299 (1993)). Both cases involved proceedings initiated by disciplinary entities based on conduct that occurred outside the court's presence. *See Ruffalo*, 390 U.S. at 546, 550-52; *Botwick*, 226 Conn. at 300. In both, the attorneys were disciplined based solely on issues of which they had "no notice. . . until *after*" they testified in response to the disciplinary charges. *Ruffalo*, 390 U.S. at 550 (emphasis in *Ruffalo*); *Botwick*, 226 Conn. at 311 (similar). Here, the conduct occurred in the trial court's presence and the trial court's notice informed Plaintiff of the transactions at issue before the disciplinary hearing.

that directly adverse aspect of the known controlling authority to this Court's attention.

b. The Trial Court's Disciplinary Hearing Amply Satisfied Due Process

The United States Supreme Court rejected an attorney's federal[7] due process challenge to summary disbarment well over a century ago, holding that "[c]onceding that an attorney's calling or profession is his property, within the true sense and meaning of the Constitution, it is certain that in many cases, at least, he may be excluded from the pursuit of it by the summary action of the court of which he is an attorney." *Ex parte Wall*, 107 U.S. 265, 289 (1882). The Court pointed out that "[i]t is a mistaken idea that due process of law requires a plenary suit and a trial by jury, in all cases where property or personal rights are involved." *Id*. Rather, "important right[s] of personal liberty [are] generally determined by a single judge," including "writ[s] of habeas corpus." *Id*. "In all cases, that kind of procedure is due process of law which is suitable and proper to the nature of the case, and sanctioned by the established customs and usages of the courts." *Id*.[8]

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[7] Plaintiff references the Connecticut Constitution in her Brief, but offers no independent analysis under the Connecticut Constitution. *See, e.g.*, *PB* 12 and 14. Therefore, any and all state constitutional arguments are "'abandoned and unreviewable.'" *State v. Brandon*, 345 Conn. 702, 707 n.3 (2022) (quoting *State v. Rivera*, 335 Conn. 720, 725 n.2 (2020)); *see also Town of New Hartford v. Connecticut Resources Recovery Authority*, 291 Conn. 489, 491 n.5 (2009).

[8] *Ex parte Wall* remains good law. *See, e.g., Office of Chief Disciplinary Counsel v. Miller*, 335 Conn. 474, 479, 482-83 (2020) (adopting a trial court decision citing *Ex parte Wall* "as a proper statement of the applicable law concerning" issues of attorney discipline).

The trial court had the authority to summarily disbar Plaintiff under both the Rules and the statutes. *See* Practice Book §§ 2-44 and 2-45; *see also* Conn. Gen. Stat. § 51-84(b). Those Rules and statutes reflect "the established customs and usages of" Connecticut courts in attorney discipline proceedings and provide due process. *Ex parte Wall*, 107 U.S. at 289.

Plaintiff appears to concede that the trial court could have summarily disbarred her consistent with due process. *PB* 20. But she argues that the hearing—which gave her "more process than she was legally due"—somehow deprived her of due process. CA 87.

Plaintiff's argument has no support in either logic or law. She admitted misconduct in the trial court's presence. *See, e.g., 12/1/21 Tr.*, p. 71; *see also* CA 76-78. The trial court could have summarily disciplined her. Instead, the trial court gave Plaintiff detailed written notice, warned Plaintiff that her misconduct was serious, told Plaintiff that there would be a disciplinary hearing, recommended that Plaintiff retain counsel, stayed the trial, and gave Plaintiff a full month to prepare for the disciplinary hearing. *See* CA 54, 70. That amply satisfied due process.

Plaintiff cites a single case to support her contrary argument. *PB* 20 (citing *Disciplinary Counsel v. Williams*, 166 Conn. App. 557 (2016)). That is insufficient to properly brief the issue. *See, e.g.*, *Taylor v. Mucci*, 288 Conn. 379, 383 n.4 (2008) (finding claims to be inadequately briefed where the plaintiff cited "just one case" to support them). But even if a single case could be enough, *Williams* undermines Plaintiff's argument.

Williams arose out of a state criminal trial that followed the defendant's acquittal on similar charges in federal court. *See id*. at 559. The state court trial Judge ordered that the federal jury verdict not be mentioned without the court's prior permission. *See id*. Despite that,

the defendant's counsel mentioned the acquittal during cross examination based on his (in the trial court's view erroneous) understanding that the trial court had given permission. *See id*. at 563-64. The trial court told defendant's counsel that a hearing on potential discipline would be scheduled "*after the conclusion of this trial*." *Id*. at 565-66 (italics in *Williams*). The trial court stated that it was "*not an urgent matter*" and explicitly told defendant's counsel that he would have "*a fair hearing*" and the "*opportunity to order a transcript*" that might contain mitigating evidence. *Id*. (italics in *Williams*).

The trial continued. Six days after the initial issue, defendant's counsel mentioned in his closing argument that his client had not been convicted in federal court. *See id*. at 567. The prosecutor objected and the trial court again warned that it would hold a sanctions hearing. *See id*. Two days later (eight days after the initial issue) and "[i]mmediately following" the bail hearing that itself immediately followed the jury's verdict, the trial court held its hearing. *Id*. at 568. Counsel told the trial court that he had not anticipated the hearing on that day and time; that he had ordered but not yet received the transcripts; and that he "had not had time to prepare for a hearing." *Id*. "Notwithstanding" counsel's "protestations," the trial court held the immediate hearing and suspended counsel. *Id*. "Under" those "particular circumstances," this Court found a due process violation because counsel "was not given adequate notice of and time to prepare for the hearing." *Id*. at 569.

The circumstances here are fundamentally different in ways that highlight the weakness of Plaintiff's argument. In *Williams*, the trial court held the hearing despite its explicit assurance that the matter would not go forward until the attorney obtained transcripts. Here, though, the trial court gave Plaintiff a full month to prepare for

the hearing and stayed the trial during that period, *see* CA 54, 70. *Cf. Williams*, 166 Conn. App. at 567-68) (allowing only eight days during a criminal trial). Here, the hearing date was set and never changed. Here, Plaintiff admitted important aspects of her misconduct on the record in the initial hearing. *Compare Williams*, 166 Conn. App. at 563-64 (noting that the attorney believed the trial court had granted permission). And, importantly, here, the trial court did not hold the hearing over the attorney's protestations that she had not had time to prepare and despite the trial court's earlier explicit assurance to the attorney that the matter would not go forward until the attorney had the time to obtain transcripts. *Compare Williams*, 166 Conn. App. at 565-66, 568. To the contrary, Plaintiff did not raise concerns about the timing of her hearing either below or in her opening Brief to this Court.

Due process analysis is always circumstance-specific, *see, e.g.*, *Burton*, 267 Conn. at 19, and this Court explicitly limited its holding in *Williams* to that case's "particular circumstances." *Williams*, 166 Conn. App. at 569. Plaintiff cites—and Defendants located—no case that found a due process violation under circumstances remotely analogous to those here. Consistent with the trial court's expressed intent, the trial court gave Plaintiff "more process than she was legally due" and Plaintiff's arguments that the trial court proceedings deprived her of due process lack merit. CA 87.

B. The Trial Court Did Not Violate Plaintiff's First Amendment Rights.

1. Standard of Review

This Court reviews the legal determination of whether the First Amendment protects Plaintiff's speech *de novo* but must defer to the trial court's "credibility determinations regarding disputed issues of

fact" and "accept all subsidiary credibility determinations and findings that are not clearly erroneous." *State v. Krijger*, 313 Conn. 434, 446-47 (2014).

2. Argument

Plaintiff concedes—as she must—that "[l]awyers and litigants do not have complete, unfettered rights to free speech." *PB* 25. Plaintiff also does not dispute that "lies and misrepresentations are not protected speech in the courtroom." *Id*. at 26. Those obvious, undisputed, and foundational principles are fatal to Plaintiff's argument that the trial court violated her constitutional speech rights.

Plaintiff admitted below—and the trial court found—that she repeatedly lied on the record. Plaintiff explicitly represented to the trial court multiple times that Plaintiff had a list of cases that would show Judge Adelman's pro-Jewish bias. CA 76-78. Plaintiff went so far as to pretend to be having difficulty pulling the list up on her screen and to say she would look for it over break before finally admitting, after the break, that "the list she said existed in fact never existed." *Id.* at 78.

On appeal, Plaintiff does not challenge the trial court's finding that she repeatedly lied about the list. Nor does she try to contextualize or minimize those lies; the only reference to the non-existent list in Plaintiff's entire Brief is her admission that "[s]he claimed to have a list of cases which demonstrated Judge Adelman's [pro-Jewish] bias." *PB* 9. Plaintiff's admitted lies should be dispositive. "'[S]imply stated, an attorney has no First Amendment right to lie to a court.'" *Florida Bar v. Mogil*, 763 So. 2d 303, 311 n.2 (Fla. 2000) (quoting *In re Benjamin*, 698 A.2d 434, 441 (D.C. 1997)).

In addition to Plaintiff's admitted lies about the list, the trial court found that Plaintiff "lied" to the trial court about the contents of the DCF report "with ample warning that the judge would check for

the truth." CA 69. On appeal, Plaintiff admits that "the record does not show that she was correct in her allegations and arguments" about the report but claims she did not knowingly lie. *PB* 29-30. This Court is required to "accept" the trial court's "subsidiary credibility determination[ ]" that Plaintiff lied. *Krijger*, 313 Conn. at 447. Even if this Court were not required to accept the trial court's determination, the trial court's finding that Plaintiff lied finds support in Plaintiff's multiple other admitted and apparent lies before the trial court. *See, e.g.*, CA 76-79 (discussing Plaintiff's admitted lies about the list); *12/1/21 Tr.*, p. 71 (Plaintiff representing to the trial court that she had "never, ever made a misrepresentation to a court . . . knowingly, or intentionally" despite her prior admitted misrepresentations to the trial court in this matter).

Unable to defend her admitted and found lies, Plaintiff fails to address them and represents that she suffered "swift disbarment for an argument." *PB* 26. The argument would lack merit even if this Court looked past all of Plaintiff's lying. In Plaintiff's view, the First Amendment protected her right to present any arguments she wanted "even if they were poorly prepared and research [sic]," *id*., and involved "accusations" of bias against a sitting Judge that Plaintiff admits "can be fairly characterized as controversial, offensive and unproven." *Id*. at 27.

That is not the law. "It is well established that statements critical of public officials that are made 'with knowledge of their falsity or in reckless disregard of whether they are true or false' are not protected by the first amendment of the United States constitution." *Notopoulos v. Statewide Griev. Committee*, 277 Conn. 218, 233 (2006) (quoting *Garrison v. Louisiana*, 379 U.S. 64, 78 (1964)); *see also Statewide Griev. Committee v. Burton*, 299 Conn. 405, 414 (2011) (reaffirming and applying *Notopoulos*).

Here, Plaintiff admitted that some of statements at issue were knowingly false and the others were both found to be knowingly false and were, at best, made with reckless disregard as to their truth or falsity. Plaintiff admitted before the trial court—and the trial court found—that Plaintiff did not "have a specific evidentiary trail to support" her claims of "Jewish faith" bias. *12/1/21 Tr.* at 71; *see also* CA 78. In addition, the trial court found that Plaintiff's other attacks on Judge Adelman lacked an objectively reasonable factual basis. *See, e.g.*, CA 74-91. Plaintiff does not argue otherwise in her Brief. That should be dispositive under established First Amendment doctrine. *See, e.g.*, *Burton*, 299 Conn. at 414.

Unable to defend her conduct under the applicable standard, Plaintiff asks this Court to extend the First Amendment standard applicable to extrajudicial statements by non-attorney litigants to the "actions and speech of an attorney during litigation." *PB* 25 (discussing *Lafferty*, 336 Conn. at 359-63). Plaintiff cites no case from any jurisdiction that did what she asks this Court to do.

That is not surprising. Our entire system of attorney ethics is founded on the idea that attorneys are different from non-attorneys and that attorneys have an obligation to tell the truth in court. As the trial court aptly put it, "lawyers are different." CA 56. They are "officers of th[e] court," who are bound by "a Code of Professional Responsibility" that "charges them with a duty to truth" and makes clear that "they may be punished if they frivolously make false claims in court." *Id.* As the Supreme Court noted in the very case Plaintiff primarily relies on, courts "take seriously" attorneys' "statements on the record because '[i]t long has been the practice that a trial court may rely [on] certain representations made to it by attorneys, who are officers of the court and bound to make truthful statements of fact or law to the court.'" *Lafferty*, 336 Conn. at 370 (quoting *State v.*

Chambers, 296 Conn. 397, 419 (2010)). The First Amendment does not force this Court to jettison that practice and give attorneys the constitutional right to lie to the court.

C. The Trial Court's Conclusions were Supported by More than Clear and Convincing Evidence

1. Standard of Review

This Court reviews whether the trial court's finding that Plaintiff violated several Rules of Professional Conduct was based on clear and convincing evidence in the record. *See Burton*, 267 Conn. at 37-38. To the extent, if any, that "the factual basis of the court's decision is challenged," this Court determines whether the trial court's factual determinations are "clearly erroneous" and whether the facts found are sufficient as a matter of law to support the judgment. *Id*. (quotation marks omitted). This Court "give[s] great deference to the findings of the trial court because of its function to weigh and interpret the evidence before it and to pass upon the credibility of witness" and will "uphold a factual determination" unless this Court is "left with the definite and firm conviction that a mistake has been made." *Id*. at 38 (quotation marks omitted).

2. Argument

Plaintiff admitted below that she repeatedly lied about having a list of cases that would show Judge Adelman's pro-Jewish bias. *See, e.g.*, CA 76-79. Those admissions were sufficient to establish that the trial court's decision was supported by clear and convincing evidence. *See, e.g.*, *Sowell v. Dicara*, 161 Conn. App. 102, 127 (2015) ("conclud[ing] that there was clear and convincing evidence to" support the trial court's decision based on the attorney's admission in a writ of error challenging the trial court's finding that the attorney violated the Rules of Professional Conduct).

Plaintiff does not argue otherwise in her Brief. Instead, Plaintiff does not address those lies, apparently hoping that this Court will somehow not notice them even though they were an important part of the trial court's decision. *See* CA 59-60, 76-78. This Court can—and should—affirm the trial court on that basis alone; this Court "need not address the propriety of the trial court's ruling because the plaintiff[ ] ha[s] presented this court with an inadequate brief regarding an issue that was central to the trial court's holding." *Sienkiewicz v. Ragaglia*, 167 Conn. App. 730, 733-34 (2016) (Per Curiam). Plaintiff's admitted lies—in and of themselves—provided clear and convincing evidence that Plaintiff violated Rules 3.1, 3.3, 8.2, 8.4(3) and 8.4(4). *See, e.g.*, *Cohen v. Statewide Griev. Committee*, 339 Conn. 503, 524-26 (2021) (noting that "[i]t is not unusual" for the same conduct to violate multiple Rules, and holding that the attorney's "knowingly false statement" violated Rule 8.4(3)); *see also Burton*, 267 Conn. at 37 (indicating that it is the appellant's burden to challenge "the factual basis of the court's decision" if they intend to do so (quotation marks omitted)).

But Plaintiff's admitted lies were far from the only evidence supporting the trial court's decision. There is no dispute that Plaintiff's allegations that Judge Adelman was biased in favor of Jewish litigants, against disabled litigants, and against women implicated Rule 8.2. Plaintiff admits—as she must—that Rule 8.2(a) prohibits a lawyer from making a statement concerning a Judge that the lawyer either knows to be false "or with '**reckless disregard as to its truth or falsity.**'" *PB* 29 (quoting Rule 8.2(a); emphasis added). At best, Plaintiff levied every claim of bias with reckless disregard. She admitted that she had no evidentiary trail for her claims of pro-Jewish bias, and the trial court found that all of her claims of bias were baseless. *See 12/1/21 Tr.*, p. 71; *see also* CA 56-69; CA 75-83. Again,

Plaintiff does not even attempt to argue on appeal that she did not act with reckless disregard. And, again, Plaintiff's failure to address that "central" issue in her Brief would be a more than sufficient basis for this Court to affirm the trial court's decision. *See, e.g.*, *Sienkiewicz*, 167 Conn. App. at 733-34.

Addressing Plaintiff's arguments seriatim in Rule number order, the sum total of Plaintiff's discussion as to Rule 3.1 is a single confusing paragraph bereft of authority that does not even claim—let alone persuasively argue—that the trial court erred. *See PB* 31. That is inadequate to present any issue. *See, e.g., Taylor*, 288 Conn. at 383 n.4. In any event, controlling authority establishes that the trial court did not err. This Court upheld the application of Rule 3.1 in a case comparable to this one that Plaintiff does not address. *Brunswick v. Statewide Griev. Committee*, 103 Conn. App. 601, 614-21 (2007) (affirming a decision finding that an attorney's baseless allegations of a decision-maker's partiality or corruption violated Rule 3.1).

Plaintiff's discussion of Rule 3.2 likewise consists of a single paragraph, without citation to authority, that is inadequate to present any issue. *See, e.g.*, *Taylor*, 288 Conn. at 383 n.4; *see PB* at 30. As Plaintiff acknowledges, the trial court found many of her motions to be dilatory in violation of the Rule. *See PB* at 30. The trial court found that Plaintiff had repeatedly attacked Judge Adelman; attacked "all the other legal professionals in the case"; and made various filings "in juvenile court, a filing for emergency custody, appeals, and even a separate case for injunctive relief." CA 85. "On top of" all that, at Plaintiff's request the case had "been continued fifteen times." *Id*. The trial court found those tactics to be intentional and groundless. *See id*. Plaintiff does not offer a reasonable basis for any of those actions or argue that they did not result in delay. *See PB* at 30. Instead, she says merely that it was "possib[le]" that Plaintiff "was filing motions in a

zealous and strategic manner that was just unsuccessful." *Id*. Plaintiff's speculation is puzzling. If she had a strategic reason for her filings, she should have enlightened the trial court below and this Court in her Brief.

Plaintiff's discussion of Rule 3.3 ignores her multiple admitted lies, which easily establish clear and convincing evidence of a violation. Beyond that, Plaintiff's argument never grapples with the relevant definition of "knowing" falsehood, under which knowledge "may be inferred from circumstances." Rule of Professional Conduct 1.0(g). Plaintiff does not argue that the trial court unreasonably inferred scienter, especially given Plaintiff's repeated admitted lies. And the one case Plaintiff cites does not help her. *See Disciplinary Counsel v. Parnoff*, 324 Conn. 505 (2016). *Parnoff* did not involve Rule 3.3 at all. Nor did it involve a situation where the trial court inferred knowing misconduct from the circumstances. The opposite is true—in *Parnoff*, the trial court explicitly found that the attorney did not have wrongful intent. *Parnoff*, 324 Conn. at 517. Not so here.

Again, Plaintiff's single paragraph of Rule 3.5 argument, lacking any citation to authority, is inadequate to present any issue. *See, e.g.*, *Taylor*, 288 Conn. at 383 n.4; *see PB* at 31. Despite Plaintiff's implication that she did not engage in "abusive, obnoxious conduct in the presence of the court," *PB* 31, the record is replete with Plaintiff's "belligerence or theatrics." *Commentary to Rule 3.5*; *see, e.g.*, CA 84 (noting an example where Plaintiff berated the trial court and called its decision *inter alia* "**a joke**" and "**pathetic**" (emphasis in the original)). The evidence that Plaintiff violated Rule 3.5 surpasses clear and convincing. *See, e.g.*, *Burton*, 267 Conn. at 12-13, 59 (dismissing a writ of error challenging an attorney's disbarment based on *inter alia* a violation of Rule 3.5 premised on less belligerent conduct than Plaintiff's).

Defendants discussed Rule 8.2 in detail above. Plaintiff has waived any argument regarding that Rule—she discusses it only in a single sentence with no authority or analysis. *See, e.g.*, *Taylor*, 288 Conn. at 383 n.4; *see PB* 31.

Similarly, Plaintiff has inadequately briefed any argument as to Rule 8.4(3). *See PB* 30. The limited argument Plaintiff offers is obviously wrong. Plaintiff represents that Rule 8.4(3) required clear and convincing evidence that Plaintiff "was intentionally dishonest or deceptive rather than just wrong." *PB* 30. This Court has held exactly the opposite. *See Ansell v. Statewide Griev. Committee*, 87 Conn. App. 376, 387-89 (2005) ("conclud[ing] that" Rule 8.4(3) "has no scienter requirement" and was violated by statements that were unintentionally "contrary to fact"). Plaintiff does not cite *Ansell*, let alone persuasively distinguish it.

That leaves Rule 8.4(4). Plaintiff's single sentence reference to that Rule piggybacks off of Plaintiff's meritless argument on Rule 3.2. Yet again, Plaintiff ignores controlling precedent that found a violation based on less egregious facts even though Plaintiff relies on that very precedent to support other parts of her argument. *See, e.g.*, *Chief Disciplinary Counsel v. Rozbicki*, 326 Conn. 686, 703-05 (2017) (affirming a trial court's finding that an attorney violated Rule 8.4(4) as a result of his baseless attacks on multiple Judges).

Ultimately, this Court's review of the trial court's findings of misconduct "is of a limited nature" given the trial court's "wide discretion" and the deference due the "discretion of the fact finder . . . because the fact finder is in the best position to evaluate the evidence and the demeanor of the parties." *Id.* at 700 (quotation marks omitted). This Court cannot interfere with the trial court's decision "except in a case of manifest abuse and where injustice appears to have been done." *Id.* at 701. Here, the trial court's findings of misconduct are supported

by more than clear and convincing evidence and this Court should affirm them.

D. The Trial Court was Well Within its Discretion to Disbar Plaintiff

1. Standard of Review

When faced with attorney misconduct, a trial "court is free to determine in each case, as may seem best in light of the entire record before it, whether a sanction is appropriate and, if so, what the sanction should be." *Burton*, 267 Conn. at 54 (quotation marks omitted). On review, this Court must give "every reasonable presumption in favor of" the sanction the trial court decides to impose. *Id*. (quotation marks omitted). Whether this Court "would have imposed a different sanction . . . is irrelevant"; the only issue is "whether the trial court abused its discretion" in disbarring Plaintiff. *Id*. (quotation marks omitted).

2. Argument

The Supreme Court dismissed a writ of error challenging a trial court's disbarment of an attorney for conduct less egregious than Plaintiff's in *Burton*, holding "that the trial court did not abuse its discretion when it disbarred the plaintiff from the practice of law." *Id*. at 53. There—as here—the attorney "engaged in misconduct against the civil justice system, which is vulnerable to unsubstantiated attacks by attorneys." *Id*. at 58. In *Burton*, those attacks took the form of claims of gender bias. *Id*. at 45-52. Here, Plaintiff baselessly accused the trial court of three separate forms of bias: in favor of Jews, against disabled people, and against women. Plaintiff also repeatedly lied to the trial court in making her claims.

Burton and the Supreme Court's subsequent decision affirming a later disbarment of the same attorney for similar misconduct foreclose any credible argument that the trial court abused its

discretion by disbarring Plaintiff. *See Burton*, 299 Conn. at 407. The Supreme Court's decisions are consistent with decisions from other jurisdictions concluding that conduct analogous to—though less egregious than—Plaintiff's warranted disbarment. *See, e.g.*, *In re Evans*, 801 F.2d 703, 703 (4th Cir. 1986), *cert. den.*, 480 U.S. 906 (1987) (affirming a trial judge's disbarment of an attorney for accusing the judge of incompetence and pro-Jewish bias without a basis); *In re Whiteside*, 386 F.2d 805, 806 (2d Cir.), *cert. den.*, 391 U.S. 920 (1968) (Per Curiam) (affirming a trial court's disbarment of an attorney based on his unfounded claims that by ruling against his client various judges and government lawyers became criminal conspirators); *State Supreme Court Board of Professional Ethics & Conduct v. Ronwin*, 557 N.W.2d 515, 523 (Iowa 1996) (disbarring an attorney based on *inter alia* baseless attacks on judges).

In addition to being consistent with the caselaw, the trial court's decision was consistent with both the American Bar Association's Standards for Imposing Lawyer Sanctions ("the ABA Standards") and the Chief Disciplinary Counsel's recommendation regarding the appropriate sanction. *See ABA Standards* § 5.11(b); *see also 1/10/22 Tr.*, pp. 38-39 (Disciplinary Counsel's recommendation). The trial court acted well within its discretion in disbarring Plaintiff.

Plaintiff's Brief does nothing to undermine that conclusion. *PB* 33-37. Plaintiff does not substantively challenge the trial court's application of the ABA Standards. And she cites no case—let alone a case with comparable facts—holding that a court abused its discretion by disbarring an attorney. She says only—without citation to any authority—that other options would have been reasonable under the Standards. *PB* 37. That is irrelevant. *See, e.g.*, *Burton*, 267 Conn. at 54 (holding that whether the reviewing court would have chosen a

different sanction is "irrelevant" to whether the trial court abused its discretion in disbarring an attorney).

Plaintiff's failure to cite a single case holding that a court abused its discretion by disbarring an attorney highlights the breadth of the trial court's discretion. The trial court properly could—and did—join the Connecticut Supreme Court and other courts in concluding that disbarment was appropriate given that Plaintiff's conduct was "such as to put in doubt h[er] ability to exercise the judgment which advocacy requires." *In re Whiteside*, 386 F.2d at 806.[9]

E. Plaintiff's Post-Disbarment Conduct Illustrates the Correctness of the Trial Court's Decision.

This Court should affirm the trial court's decision based on Plaintiff's conduct before the trial court alone. However, this Court also may "note" events "subsequent to the trial court's action in the present case" in reviewing the trial court's decision. *Burton*, 267 Conn. at 56 n.51 (noting that after the trial court's decision under review, the attorney had "been sanctioned in other cases").

This Court's ability to note post-disbarment events is particularly important given Plaintiff's representation to this Court that Plaintiff "was not accused and punished in" her disbarment "proceeding for mishandling client funds, conflicts of interest, [or] criminal behavior." *PB* 24. After Plaintiff's disbarment—and before Plaintiff filed her Brief here—the trial court found Plaintiff in contempt for having withdrawn $30,000.00 from her IOLTA account in

[9] Plaintiff's lack of disciplinary history before the trial court's decision did not insulate her from disbarment. *See, e.g.*, *In re Lain*, 857 S.E.2d 668 (Ga. 2021) (affirming an attorney's disbarment despite a lack of prior disciplinary history); *In re Ivy*, 374 P.3d 374, 386 (Alaska 2016) (similar).

violation of a court order. *Memorandum of Decision in In re: Cunha* (Docket No. 116.00) (MOD, p.1).[10] In so doing, the trial court noted that Plaintiff "may have stolen" the money, but reserved decision on that issue. *Id*. at p. 3. The trial court then was forced to execute a capias to secure Plaintiff's appearance—after the trial court stayed the capias four separate times to allow Plaintiff opportunities to appear without compulsion. *See* Entry Nos. 119.00, 119.10, 119.20, 119.30, 121.00, 121.10, and 121.20 in *In re: Cunha.*

In addition, in her self-represented capacity, Plaintiff filed a federal suit against Judge Moukawsher in both his personal capacity and official capacity accusing him of *inter alia* "criminal mischief under 18 U.S.C. § 242" and demanding *inter alia* compensatory and punitive damages. *Complaint in Cunha v. Moukawsher*, 3:23-cv-00037-VAB (D. Conn.) (Complaint, p.1))[11]; *see Burton*, 267 Conn. at 58 n.55 (noting that the attorney had filed a federal action against the trial court seeking declaratory and injunctive relief, which the trial court construed as an attempt to intimidate the court). Plaintiff made

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[10] This Court "may take judicial notice of files of the trial court in the same or other cases." *Saggese v. Beazley Co. Realtors*, 155 Conn. App. 734, 746 n.15 (2015) (quotation marks omitted). It may also take judicial notice of the Complaint in Plaintiff's federal action. *See, e.g.*, *Velasco v. Commissioner of Correction*, 214 Conn. App. 831, 834 n.2 (2022).

[11] Plaintiff served her federal Complaint on April 3, 2023 and Defendant, though counsel, anticipates responding with *inter alia* a Motion to Dismiss raising multiple arguments, including that the Eleventh Amendment and absolute judicial immunity foreclose Plaintiff's claims under established United States Supreme Court and Second Circuit precedent.

similar allegations in a self-represented motion she filed with this Court and this Court denied in this writ of error. *See Motion to Strike* (AC 223150). Plaintiff's post-disbarment conduct illustrates the correctness of the trial court's decision.

Conclusion

For the foregoing reasons, this Court should dismiss this writ of error.

Respectfully submitted,

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