

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Maria Araujo Kahn (married name since 1988)

Maria Jose Violante Dias Araujo was my birth name and my name at the time I immigrated to the United States. When I became a naturalized citizen, I changed my name to "Maria J. Araujo."

2. **Position**: State the position for which you have been nominated.

United States Circuit Judge for the Second Circuit.

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Place of Employment: State of Connecticut
 Supreme Court
 231 Capitol Avenue
 Hartford, Connecticut 06106

Residence: Cheshire, Connecticut

4. **Birthplace**: State year and place of birth.

1964; Benguela, Angola.

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1986 – 1989, Fordham Law School; J.D., 1989

1984 – 1986, New York University; B.A. (*cum laude*), 1986

1982 – 1984, Southern Connecticut State University; no degree (transferred to NYU)

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have

been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2017 – present
Connecticut Supreme Court
231 Capitol Avenue, 3rd Floor
Hartford, Connecticut 06106
Associate Justice

2017
Appellate Court, State of Connecticut
75 Elm Street
Hartford, Connecticut 06106
Appellate Court Judge

2006 – 2017
Connecticut Superior Court
Office of Chief Court Administrator
231 Capitol Avenue
Hartford, Connecticut 06106
Superior Court Judge:
Bridgeport Criminal Court (2012 – 2017) (Part A Trial Judge)
New Britain Criminal Court (2010 – 2012) (Part A Trial Judge)
Bridgeport Criminal Court (2008 – 2010) (GA Trial Judge)
Waterbury Juvenile Court (2007 – 2008) (Presiding Judge)
New Britain Juvenile Court (2006 – 2007)
Waterbury Criminal Court (2006)

1997 – 2006
United States Attorney's Office for the District of Connecticut
157 Church Street, 24th Floor
New Haven, Connecticut 06510
Assistant United States Attorney, Computer Crimes Coordinator (2004 – 2006)
Assistant United States Attorney, Criminal Division (1999 – 2004)
Assistant United States Attorney, Civil Division (1997 – 1999)

1993 – 1997
Office of Protection and Advocacy for Persons with Disabilities
60-B Weston Street
Hartford, Connecticut 06120
Staff Attorney

1991 – 1993
Division of Public Defender Services, State of Connecticut
Office of the Chief Public Defender

55 Farmington Avenue, 8th Floor
Hartford, Connecticut 06105
Deputy Assistant Public Defender

1989 – 1991

United States District Court for the District of Connecticut
450 Main Street
Hartford, Connecticut 06103
Law Clerk for Hon. Peter C. Dorsey

1988 – 1989

Chief State's Attorney's Office
300 Corporate Place (formerly located in Wallingford, CT)
Rocky Hill, Connecticut 06067
Legal Intern – Appellate Unit (compensated)

1988

Cummings & Lockwood
6 Landmark Square
Stamford, Connecticut 06901
Summer Associate

1987

Connecticut Legal Services, Inc.
5 Colony Street
Meriden, Connecticut 06451
Summer Legal Intern (compensated)

1982 – 1987

MidState Medical Center (formerly Meriden-Wallingford Hospital)
435 Lewis Avenue
Meriden, Connecticut 06451
Phlebotomist (1984 – 1987)
Microbiology Laboratory Technician (1982 – 1987)

Teaching Affiliations

Fall Terms 2020 and 2022

Adjunct Faculty – Electronic Discovery & Digital Evidence
University of Connecticut School of Law
55 Elizabeth Street
Hartford, Connecticut 06105

2012 – present

Adjunct Faculty – Electronic Discovery & Digital Evidence
Quinnipiac University School of Law

370 Bassett Road
North Haven, Connecticut 06473

1991 – 1993
Adjunct Faculty – Legal Methods (Legal Writing & Moot Court Course)
University of Connecticut School of Law
55 Elizabeth Street
Hartford, Connecticut 06105

Other Affiliations (uncompensated)

1997 – present
Congregation Mishkan Israel
785 Ridge Road
Hamden, Connecticut 06517
Vice President (Served twice between 2004 and 2015)
Assistant Treasurer (2002 – 2003)
Member, Board of Trustees (2002 – 2015)
Co-Chair, Religious Education Committee (1998 – 2002)

2020 – present
Portuguese American Leadership Council of the United States (PALCUS)
9255 Center Street, Suite 404
Manassas, Virginia 20110
Advisory Council Member (2022 – present)
Member (2020 – present)

2010 – 2011
Choate Rosemary Hall
333 Christian Street
Wallingford, Connecticut 06492
Parent Advisory Council

1994 – 2001
Connecticut Legal Services
62 Washington Street, 4th Floor
Middletown, Connecticut 06457
Board Member

1995 – 1997
Carriage House Day Care Center, Inc.
320 Colony Street
Meriden, Connecticut 06451
Board Member

1993 – 1996
Oliver Ellsworth Inn of Court
Hartford Chapter of American Inn of Court
280 Trumbull Street
Hartford, Connecticut 06103
Barrister Member

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Honorary Doctor of Laws Degree, Quinnipiac Law School (2019)

Portuguese Bar Association's Americo S. Ventura Lifetime Achievement Award (2017)

Ladder Award, CBA Pathways to Leadership for Women Lawyers (2017)

PALCUS Leadership Award in Public Service (Portuguese American Leadership Council of the U.S.) (2015)

Day of Portugal Honoree, Connecticut State Capitol (2014)

International Institute of Connecticut & U.S. Citizenship and Immigration Services, Keynote Speaker at Naturalization Ceremony (2013)

Connecticut Immigration and Refugee Coalition 16th Annual Immigrant Day Honoree (2013)

U.S. Department of Justice Special Achievement Award (yearly 1998 – 2005)

U.S. Department of Health and Human Services, Office of the Inspector General, Integrity Award in Recognition of Prosecution of Health Care Fraud Cases (2000, 2003)

United States Postal Inspection Service, Office of the Inspector General, Recognition of Prosecution of Identity Theft Cases (2003)

Citigroup Exceptional Performance Award (2003)

Federal Bureau of Investigation, Prosecutive Skills Award (1999)

Fordham Law School

Member, Moot Court Board (1987 – 1989)

Noreen E. McNamara Scholarship Recipient (1986)

Braxton Craven National Moot Court Competition, North Carolina, 1988

New York University Scholar (1986)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

National Advisory Group ATJ Chairs Meeting (2019 – present)

Access to Justice Initiatives, Racial Justice Working Group, Co-Chair (2020 – present)

Standing Committee on Legal Aid and Indigent Defense (2019 – present)

Connecticut Bar Association

Advisory Council of Connecticut Bar Association's State of the Legal Profession Task Force (2019 – present)

Connecticut Bar Foundation James W. Cooper Fellow (2010 – present)

Connecticut Judicial Branch

Access to Justice Commission (ATJC)

Chair (2019 – present)

Co-Chair (2014 – 2019)

Limited English Proficiency Committee, Co-Chair (2008 – present)

Digital Evidence Committee, Member (2017 – 2018)

Grand Jury Work Group, Member (2014 – 2015)

Sentence Review Division of Connecticut Judicial Branch, Alternate Member (2012 – 2017)

Judges' Education Committee, Member (2009 – 2015)

Judges' Education Curriculum Sub-Committee, Member (2007 – 2015)

Cultural Competency Committee, Member (2009 – 2010)

Lawyers' Collaborative for Diversity

Member (2009 – present)

Portuguese Bar Association of Connecticut

Member (2008 – present)

Portuguese American Leadership Council of the United States (PALCUS), Advisory Council (2021 – present)

New Haven County Bar Association (2022 – present)

New Haven Inns of Court (2007 – present)

Oliver Ellsworth Inn of Court (1991 – 1993)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Connecticut, 1989

New York, 1991

There have been no lapses in membership. I have been an inactive member of both bars (judicial status) since my appointment to the bench in 2006.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court, 2003

United States Court of Appeals for the Second Circuit, 2000

United States District Court for the District of Connecticut, 1990

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Congregation Mishkan Israel (1997 – present)

Vice President (2016 – 2018)

Member, Board of Trustees (2002 – 2015)

Treasurer (2013 – 2014)

Assistant Treasurer (2005 – 2006)

Mount Laurel Ski Club (2014 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of these organizations currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Language Access in Court Systems, Connecticut Supreme Court History Volume XII, 2020, Connecticut Supreme Court Historical Society. Copy Supplied.

With Hon. Douglas Lavine, *Effective Advocacy in the Digital Age: Ten Suggestions for Today's Practitioners*, 35 Quinnipiac L. Rev. 769 (2017). Copy Supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

During the time that I have served as chair or co-chair of the Access to Justice Commission and co-chair of the Limited English Proficiency Committee, the Commission and Committee issued several reports to the Chief Justice on the implementation of the Judicial Branch's Strategic Plan which was developed as part of the Public Service and Trust Commission's 2008 Report. The Commission and Committees continue to issue annual reports. Although the members of the Commission and Committees contribute to these reports, they represent the work of the Commission or Committees as a whole and not any single member. The agenda and minutes of the Commission and Committee's meetings are public and available online on the Connecticut Judicial Branch's website.

I have searched my files and electronic databases in an effort to locate all reports, memoranda and policy statements responsive to this question. I have located the materials listed below, but it is possible that there are a few that I have been unable to identify or locate.

Limited English Proficiency Committee. The committee's website, which contains all information relating to the commission, including agendas and minutes for its public meetings, may be found at <https://www.jud.ct.gov/committees/pst/lep/default.htm>.

Limited English Proficiency Committee, Language Access Plan. Copy Submitted.

Limited English Proficiency Committee, Annual Report 2021. Copy submitted.

Limited English Proficiency Committee, Annual Report 2020. Copy submitted.

Limited English Proficiency Committee, Annual Report 2019. Copy submitted.

Limited English Proficiency Committee, Annual Report 2018. Copy submitted.

Limited English Proficiency Committee, Annual Report 2017. Copy submitted.

Limited English Proficiency Committee, Annual Report 2016. Copy submitted.

Limited English Proficiency Committee, Annual Report 2015. Copy submitted.

Limited English Proficiency Committee, Annual Report 2014. Copy submitted.

Limited English Proficiency Committee, Annual Report 2013. Copy submitted.

Limited English Proficiency Committee, Implementation Phase Four, October 2011. Copy submitted.

Limited English Proficiency Committee, Phase Three Implementation Report, September 2010. Copy submitted.

Limited English Proficiency Committee, Phase Two Implementation Report, July 2010. Copy submitted.

Limited English Proficiency Committee, Phase Two Implementation Report, September 2009. Copy submitted.

Limited English Proficiency Committee, Phase One Implementation Report, 2009. Copy submitted.

Limited English Proficiency Committee, Interim Report of May 28, 2009. Copy submitted.

Limited English Proficiency Committee, October 1, 2008, Report on the Implementation of the Strategic Plan. Copy submitted.

Access to Justice Commission. The commission's website, which contains all information relating to the commission, including agendas and minutes for its public meetings, is available at <https://www.jud.ct.gov/Committees/access/default.htm>.

Access to Justice Commission's Annual Report to the American Bar Association, Update 2020-2021 for National Access to Justice Committee Meeting. Copy supplied.

Access to Justice Commission's Report, 2019 Retrospective Update & Overview. Copy supplied.

Access to Justice Commission's Annual Report to the American Bar Association, Update 2019 for National Access to Justice Committee Meeting. Copy supplied.

Access to Justice Commission's Report, 2018 Retrospective Update & Overview. Copy supplied.

Access to Justice Commission's Annual Report to the American Bar Association, Update March 2017 for National Access to Justice Committee Meeting. Copy supplied.

Access to Justice Commission's Annual Report to the American Bar Association on the LawyerCorps program 2014. Copy Submitted.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

On February 28, 2018, I testified before the State of Connecticut Judiciary Committee as a nominee to be an Associate Justice on the Connecticut Supreme Court. Video available at <https://ct.com/ctnplayer.asp?odID=10011> (my portion of the hearing is from approximately 12:12 to 12:18). Responses to questions for the record are supplied.

On November 1, 2017, I testified before the State of Connecticut Judiciary Committee as a nominee to be an Associate Justice on the Connecticut Supreme Court on an interim basis as the legislature was not in session. Testimony and responses to questions for the record supplied.

On May 22, 2017, I testified before the State of Connecticut Judiciary Committee as a nominee to be a Judge on the Connecticut Appellate Court. Testimony and responses to questions for the record supplied.

On February 19, 2014, I testified before the State of Connecticut Judiciary Committee as a nominee for reappointment for a second eight-year term as a Superior Court Judge for the State of Connecticut. Testimony and responses to questions for the record supplied.

On March 21, 2006, I testified before the State of Connecticut Judiciary Committee as a nominee for reappointment for a second eight-year term as a Superior Court Judge for the State of Connecticut. Testimony and responses to questions for the record supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my files and electronic databases in an effort to identify all events responsive to this question. I have located the materials listed below, but it is possible that there are a few that I have no record of and thus was not able to identify.

April 28, 2022: Judge, CIVICS FIRST, Advancing Democracy & Law Education in Connecticut, 2022 Middle School Mock Trial Competition, Hartford, Connecticut. I judged a middle school statewide final round mock trial competition and met with the students. I have no notes, transcript, or recording. The address for Advancing Democracy & Law Education in Connecticut is 30 Bank Street, New Britain, Connecticut 06051.

April 28, 2022: Speaker, OLF Portuguese School, Hartford, Connecticut. I was asked to speak informally to a group of students about my experiences growing up in Angola, the revolution in Portugal, and being an immigrant in the United States. I have no notes or transcript. I played a short clip, which is supplied, of an interview about my life.

March 4, 2022: Panelist, The Quinnipiac Law Review symposium, "History of the Connecticut Constitution," North Haven, Connecticut. Video available at https://quinnipiac.zoom.us/webinar/register/WN_OldWMxKETuGewQiOoVwPVg.

July 5, 2021: Speaker, Westfield Academy's Distinguished Speaker Program. Westfield Academy is a summer debate and speech school. I was asked to speak to students in a virtual program about my role as both a trial and appellate judge. It was

a question-and-answer session. I have no notes, transcript, or recording. Westfield Academy's address is 144 South Quaker Lane, West Hartford, Connecticut 06119.

June 10, 2021: Speaker, Message to the Winners of the 21st Annual Quintin Johnstone Statewide High School Essay Contest, Connecticut Bar Foundation. Video available at <https://www.youtube.com/watch?v=EC85fPtpYps&t=72s>.

April 22, 2021: Speaker, OLF Portuguese School, Hartford, Connecticut, 06106. I was asked to speak informally to a group of students about my experiences growing up in Angola, the revolution in Portugal, and being an immigrant in the United States. I have no notes or transcript. I played a short clip, previously supplied for the event on April 28, 2022.

March 26, 2021: Moderator, Symposium entitled "Does an Impartial Jury Exist? An Analysis of Implicit Bias in Jury Selection," University of Connecticut School of Law. This was a virtual program and I was given questions to pose to each panel member. I have no notes, transcript, or recording. The address for the University of Connecticut School of Law is 55 Elizabeth Street, Hartford, Connecticut 06105.

March 25, 2021: Presenter, "Turn Off Auto-Pilot: An Implicit Bias Training and Discussion for Fordham Law Recent Graduates," New York, New York. PowerPoint supplied.

November 12, 2020: Judge, Hastie Moot Court Competition, University of Connecticut Law School. I judged a law school moot court competition. This was done virtually and at the end of the program I gave some general feedback to the students and encouraging remarks. I have no notes, transcript, or recording. The address for the University of Connecticut School of Law is 55 Elizabeth Street, Hartford, Connecticut 06105.

October 28, 2020: Facilitator, Table 5: Limited Scope Representation and language Access: Challenges and Solutions. Sponsored by the American Bar Association – ABA National Meeting of State Access to Justice Commission Chairs: 2020 Webinar Series. I facilitated a discussion of several states around challenges of implementing limited scope representation to individuals of modest means and providing language access in courts. I have no notes, transcript, or recording. The address for the ABA is 321 North Clark Street, Chicago, Illinois 60654.

September 30, 2020: Panel Discussion: "Where is the ATJ Commission Movement Headed in the 2020s and Beyond?" American Bar Association - ABA National Meeting of State Access to Justice Commission Chairs: 2020 Webinar Series. Video available at https://players.brightcove.net/1866680404001/default_default/index.html?videoId=6196864399001.

July 15, 2020: Speaker, "A Virtual Conversation on Racial Injustice with Chief Justice Richard A. Robinson and Justice Maria Araujo Kahn," Connecticut Bar

Foundation (virtual). Video available at <https://www.ctbarfdn.org/what-we-do/programs/constance-baker-motley-speaker-series-on-racial-inequality/inaugural-event.html>.

May 26, 2020: Speaker, “Fundação Luso-Americana para o Desenvolvimento (FLAD) - Maria Araujo Kahn: O Supremo Tribunal de Connecticut em tempos de COVID-19.” Video available at <https://www.youtube.com/watch?v=1fQkzZnydYs>.

March 3, 2020: Speaker, Read Across America, Highland Elementary School, Cheshire, Connecticut. I participated in the Judicial Branch’s Program to have judges go to elementary schools to read a book to children and speak about our role as judges. I have no notes, transcript, or recording. The address for Highland School is 490 Highland Avenue, Cheshire, Connecticut 06410.

February 26, 2020: Panelist, Fordham Law School Center for Judicial Events & Clerkships, “First to the Bench: A Discussion with First Generation Judges on the Federal and State Courts,” Fordham Law School, New York, New York. I spoke about my experiences as an immigrant, first generation lawyer, judicial clerk, and now a judge. I have no notes, transcript, or recording, but press coverage is supplied. The address for Fordham Law School is 150 West 62nd Street, New York, New York 10023.

February 4, 2020: Speaker, Connecticut Bar Association (CBA) Appellate Advocacy Section Meeting, New Britain, Connecticut. I participated in a question-and-answer session with members of the Appellate Advocacy Section. I have no notes, transcript, or recording. The address for the CBA is 30 Bank Street, New Britain, Connecticut 06510.

January 31, 2020: Speaker, The Feerick Center for Social Justice and The Stein Center for Law and Ethics, Third Annual Women’s Leadership Institute, Fordham Law School, New York, New York. I participated in a “Fireside Chat” and answered questions about my experiences as a woman and an immigrant and how they influenced my personal and professional life. I have no notes, transcript, or recording. The address for Fordham Law School is 150 West 62nd Street, New York, New York 10023.

January 6, 2020: Participant, Gateway to Practice, Quinnipiac Law School, North Haven, Connecticut. An innovative teaching program that assigns students to research and prepare an oral presentation for a senior partner. I played the role of senior partner in mentoring and guiding students through a teaching exercise. I have no notes, transcript, or recording. The address for Quinnipiac Law School is 370 Bassett Road, North Haven, Connecticut 06473.

December 4, 2019: Speaker, South Asian Bar Association of Connecticut (SABAC) Annual Members Meeting, Wethersfield, Connecticut. I gave special remarks on the Judicial Branch’s ongoing efforts to ensure equal access to the courts and court

services for those of limited English proficiency and individuals of limited and modest means. I have no notes, transcript, or recording. The address for the South Asian Bar Association of Connecticut is P.O. Box 230436, Hartford, Connecticut 06123.

October 28, 2019: Presenter, New England Regional Conference of State Court Administrators (COSCA), Newport, Rhode Island. PowerPoint supplied.

October 17, 2019: Speaker, Women in the Law and Gender Issues, Oliver Ellsworth Inn of Court, Wethersfield, Connecticut. PowerPoint supplied.

September 24, 2019: Presenter, Idaho Judicial Conference, "Turn Off Auto-Pilot: Cultural Competency, Limited English Proficiency and the ADA," Idaho Supreme Court, Boise, Idaho. PowerPoint supplied.

June 2019 (specific date unknown): Presenter, "Turn Off Auto-Pilot: Cultural Competency, Limited English Proficiency and Implicit Bias," Office of the Chief Public Defender. I do not recall the location of the event. PowerPoint supplied.

June 20, 2019: Speaker, Westfield Academy Distinguished Speaker Program, West Hartford, Connecticut. PowerPoint supplied.

June 5, 2019: Speaker, Withers 2019 summer associate class, Withers Worldwide, LLP, New Haven, Connecticut. I participated in an interactive question and answer session which touched on a variety of topics that included mentoring, professional relationships, and work/life balance. I have no notes, transcript, or recording, but press coverage is supplied. The address for Withers is 157 Church Street, 12th Floor, New Haven, Connecticut 06510.

May 11, 2019: Commencement Speaker, Quinnipiac University School of Law, Hamden, Connecticut. Speech supplied.

May 10, 2019: Speaker, Appellate Advocacy Institute, Connecticut Bar Association, New Britain, Connecticut. Notes supplied.

April 26, 2019: Speaker, Hamden Hall High School, Hamden, Connecticut. I was asked to speak to a group of High School students about my life and career. I have no notes, transcript, or recording. Hamden High School is located at 240 Dixwell Avenue, Hamden, Connecticut 06514.

April 18, 2019: Speaker, University of Connecticut, Undergraduate Pre-Law Program, Storrs, Connecticut. Remarks supplied.

April 8, 2019: Speaker, Liberty Day Celebration, Dodd Middle School and Cheshire Lions Club, Cheshire, Connecticut. I used the same PowerPoint as is provided for the March 5, 2018, event.

April 4, 2019: Moderator, Screening of “Resilience, Biology of Stress & the Science of Hope,” Connecticut Bar Association and University of Connecticut School of Law, Hartford, Connecticut. Notes supplied.

April 2, 2019: Presenter, Implicit Bias Training, First Forensic Social Work Conference at Eastern Connecticut State University. Chief Justice Robinson and I were asked to conduct an Implicit Bias Training. I have no notes, transcript, or recording, but press coverage is supplied. ECSU is located at 83 Windham Street, Willimantic, Connecticut 06225.

March 15, 2019: Panelist, “A View from the Bench: Insights & Anecdotes from 3 Prominent Female Jurists” as part of a Symposium: WOMEN IN LEADERSHIP: Knowing Our Power, Connecticut Trial Lawyers Foundation (CTLA), Norwich, Connecticut. PowerPoint supplied.

March 12, 2019: Speaker, Read Across America, Highland Elementary School, Cheshire, Connecticut I participated in the Judicial Branch’s Program to have judges go to elementary schools to read a book to children and speak about our role as judges. I have no notes, transcript, or recording. The address for Highland School is 490 Highland Avenue, Cheshire, Connecticut 06410.

January 10, 2019: Presenter, “Get off Auto-Pilot.” Connecticut State Legislature, Hartford, Connecticut. PowerPoint supplied.

October 22, 2018: Speaker and Presenter, Diversity Week, State of Connecticut Judicial Branch’s Committee on Cultural Competency, Hartford, Connecticut. Notes and presentation supplied.

September 27, 2018: Speaker, Choate Rosemary Hall Students, External Affairs Division of the Judicial Branch, Hartford, Connecticut. I was asked to speak to a group of high school students from Choate Rosemary Hall that were visiting the Supreme Court. I have no notes, transcript, or recording. The address for the External Affairs Division is 231 Capitol Avenue, Hartford, Connecticut 06106.

August 22, 2018: Speaker, University of Connecticut School of Law Students, External Affairs Division, Hartford, Connecticut. I was asked to speak with the first-year law students who were visiting the Supreme Court as part of their law school orientation. I have no notes, transcript, or recording. The address for the External Affairs Division is 231 Capitol Avenue, Hartford, Connecticut 06106.

June 2018 (specific date unknown): Presenter, “Turn Off Auto-Pilot: Cultural Competence, Implicit Association and Racial Anxiety,” Vermont Law School, South Royalton, Vermont. I have no notes, transcript or recording, but the presentation would have been substantially similar to the one on August 18, 2017, which is

supplied. The address for Vermont Law School is 164 Chelsea Street, South Royalton, Vermont 05068.

June 21, 2018: Presenter, Training on Cultural Competency and Implicit Bias, "Turn Off Auto-Pilot: Cultural Competence, Implicit Association, Conference of State Court Administrators (COSCA) Human Resources Summit, Office of State Court Administrator, Denver, Colorado. PowerPoints supplied.

June 19, 2018: Speaker, Formal Swearing-In Ceremony, Office of Governor Dannel Malloy, Hartford, Connecticut. Video available at <https://ctn.com/ctnplayer.asp?odID=10352&jump=0:12:54>.

June 12, 2018: Presenter, Diversity and Inclusion, Connecticut Bar Association (CBA) Annual Meeting and Conference, Hartford, Connecticut. PowerPoint supplied.

May 31, 2018: Presenter, Civics First Mock Trial and Debate Awards Ceremony, Civics First, Hartford, Connecticut. Speech and press coverage supplied.

May 16, 2018: Speaker, St. Mary's School Students, External Affairs Division of the Judicial Branch, Hartford, Connecticut. I was asked to speak to a group of students from Simsbury visiting the Supreme Court. I have no notes, transcript, or recording. The address for the External Affairs Division is 231 Capitol Avenue, Hartford, Connecticut 06106.

May 10 – 13, 2018: Panelist, Access to Justice Initiatives, National Meeting of Chairs of Access to Justice Commissions, American Bar Association (ABA), San Diego, California. I served as a panelist to discuss some of the latest access to justice initiatives from Connecticut's ATJC. I was also asked to facilitate a regional state break-out session. I have no notes, transcripts, or recordings. The address for the ABA is 321 North Clark Street, Chicago, Illinois 60654.

May 4, 2018: Presenter and Moderator, Symposium on Limited Scope Representation, Connecticut Bar Foundation and the Connecticut Bar Association, Hartford, Connecticut. Materials supplied.

May 2, 2018: Panelist, The Grit Project, How to Develop the Secret Skills of America's Top Women Attorneys, Connecticut Bar Association, New Haven, Connecticut. I served on a panel and spoke about my background and career. I have no notes, transcript, or recording. The address of the CBA is 30 Bank Street, New Britain, Connecticut 06510.

April 25, 2018: Speaker, OLF Portuguese School, Hartford, Connecticut. I was asked to speak informally to a group of students about my experiences growing up in Angola, the revolution in Portugal, and being an immigrant in the United States. I have no notes or transcript. I played a short clip, previously supplied for the event on April 28, 2022.

March 28, 2018: Presenter, Pathways to Leadership for Women Lawyers Annual Ladder Award, Women in Law Section of the Connecticut Bar Association, Rocky Hill, Connecticut. PowerPoint and introductory remarks supplied.

March 26, 2018: Speaker, Appellate Advocacy Section Meeting, Connecticut Bar Association (CBA), Hartford, Connecticut. I participated in a question-and-answer session with members of the Appellate Advocacy Section. I have no notes, transcript, or recording. The address for the ABA is 30 Bank Street, New Britain, Connecticut 06510.

March 8, 2018: Testimonial Speaker, Celebrate with the Stars Awards, Connecticut Bar Association, Southington, Connecticut. Notes supplied.

March 5, 2018: Speaker, Liberty Day Celebration, Dodd Middle School and Cheshire Lions Club, Cheshire, Connecticut. PowerPoint supplied.

March 2, 2018: Speaker, Read Across America, Highland Elementary School, Cheshire, Connecticut. I participated in the Judicial Branch's Program to have judges go to elementary schools to read a book to children and speak about our role as judges. I have no notes, transcript, or recording. The address for Highland School is 490 Highland Avenue, Cheshire, Connecticut 06410.

February 9, 2018: Panelist, A Panel Discussion to Empower Women, Black Law Students Association (BLSA) at Vermont Law School, South Royalton, Vermont. I was asked to participate on the panel discussion as part of the celebration of Black History Month. Video available at <https://www.vermontlaw.edu/news-and-events/newsroom/press-release/blackgirlmagic-panel-aims-empower-women-feb-9-vls>.

January 30, 2018: Speaker, Northeast Association of Pre-law Advisors - Atheneum Dinner Keynote Address, Northeast Association of Pre-Law Advisors (NAPLA), Hartford, Connecticut. I was asked to speak about my experiences applying to law school and how pre-law advisors can help students who do not have the financial means or family and friends to advise them about the law school application process. I have no notes, transcript, or recording. The address for NAPLA is 106 Turnbridge Road, Baltimore, Maryland 21212.

January 20, 2018: Speaker, Portuguese Community Leaders Meeting, Portuguese Community of Mineola, Mineola Town Hall, New York. I attended a program hosted by the Portuguese community in Mineola, New York, where I discussed my experiences as an immigrant. I have no notes, transcript, or recording. The Portuguese Community of Mineola does not have a physical address.

October 19, 2017: Panelist, Building Careers Symposium, Lawyer's Collaborative for Diversity, Murtha Cullina, LLP, New Haven, Connecticut. I was asked to serve on a

panel to provide advice to multicultural and diverse attorneys on how to build successful practices. I have no notes, transcript, or recording, but press coverage is supplied. The address for Murtha Cullina, LLP is 265 Church Street, 9th Floor, New Haven, Connecticut 06510.

October 6, 2017: Presenter, "Get off Auto-Pilot," Office of the Attorney General, Hartford, Connecticut. PowerPoint supplied.

August 18, 2017: Presenter, "Turn Off Auto-Pilot: Cultural Competence, Implicit Association and Racial Anxiety," Vermont Law School, South Royalton, Vermont. PowerPoint supplied.

April 20, 2017: Presenter, Program on Implicit Bias, University of Connecticut School of Law, Hartford, Connecticut. I conducted a presentation on implicit bias. I have no notes, transcript, or recording. The address for the University School of Law is 55 Elizabeth Street, Hartford, Connecticut 06105.

Spring 2017 (specific date unknown): Speaker, Edgewood School Students, New Haven, Connecticut. I spoke with students about my role as a judge. I have no notes, transcript, or recording. The address for Edgewood Elementary School is 737 Edgewood Avenue, New Haven, Connecticut 06515.

March 31, 2017: Speaker, Liberty Day Celebration, Dodd Middle School and Cheshire Lions Club, Cheshire, Connecticut. PowerPoint and press coverage supplied.

October 2016 (specific date unknown): Speaker, Career Day, Edgewood School, New Haven, Connecticut. I spoke with students about my role as a judge. I have no notes, transcript, or recording. The address for Edgewood Elementary School is 737 Edgewood Avenue, New Haven, Connecticut 06515.

March 2016 (specific date unknown): Speaker, Liberty Day Celebration, Dodd Middle School and Cheshire Lions Club, Cheshire, Connecticut. PowerPoint supplied.

September 16, 2015: Moderator, Equal Access to Justice Fair, Judicial Branch's Access to Justice Commission, University of Connecticut School of Law, Hartford, Connecticut. Materials supplied.

June 11, 2015: Presenter, Program on Cultural Competency and Implicit Bias, Connecticut Defense Lawyers Association (CDLA) 2015 Annual Spring Meeting. We were asked to give a presentation similar to that given to other groups of attorneys on cultural competency and implicit bias. I have no notes, transcript, or recording. The address for the CDLA is P.O Box 991, Glastonbury, Connecticut 06033.

May 1, 2015: Keynote Speaker, Law Day Program, Danbury Superior Court, Danbury, Connecticut. I was asked to speak to a group of students at the annual law day celebration about pursuing their dreams. I have no notes, transcript, or recording, but press coverage is supplied. The address for Danbury Superior Court is 146 White Street, Danbury, Connecticut 06810.

March 2015 (specific date unknown): Speaker, Read Across America, Highland Elementary School, Cheshire, Connecticut. I participated in the Judicial Branch's Program to have judges go to elementary schools to read a book to children and speak about our role as judges. I have no notes, transcript, or recording. The address for Highland School is 490 Highland Avenue, Cheshire, Connecticut 06410.

February 12, 2015: Presenter, New Canaan Domestic Violence Partnership Meeting, Lapham Community Center, New Canaan, Connecticut. Notes supplied.

November 2014 (specific date unknown): Speaker, Meriden Chapter of Hadassah, Meriden Public Library, Meriden, Connecticut. Outline supplied.

October 29, 2014: Presenter, Domestic Violence Roundtable Discussion – Recurring Issues – Judges Presiding over Family, Civil, Criminal and Juvenile Matters, Judicial Branch, Middletown, Connecticut. Materials supplied.

June 12, 2014: Facilitator, “Why Grammar Matters: Conjugating Verbs in Modern Legal Opinions” by Professor Robert C. Farrell, Connecticut Judges’ Institute, New Haven, Connecticut. PowerPoint supplied.

June 2014 (specific date unknown): Speaker, Mercy Learning Center, Bridgeport, Connecticut. Notes supplied.

March 26, 2014: Keynote Speaker and Panelist, A Conversation with Chief Justice Chase Rogers and Judge Maria Araujo Kahn, Eastern Connecticut State University, Willimantic, Connecticut. I have no notes, transcript, or recording of the panel discussion, but press coverage is supplied. Keynote remarks supplied.

December 2013 (specific date unknown): Keynote Speaker, Naturalization Ceremony, International Institute of Connecticut & US Citizenship and Immigration Services, Bridgeport, Connecticut. Draft speech supplied.

June 13, 2013: Presenter, “Get off Auto-Pilot,” Training on Implicit Bias, Cultural Competency, Limited English Proficiency and ADA, Connecticut Judges’ Institute, Judicial Branch, New Haven, Connecticut. Course materials and PowerPoint supplied.

May 2013 (specific date unknown): Speaker, Law Day Program, Cheshire High School, Cheshire, Connecticut. PowerPoint supplied.

March 2013 (specific date unknown): Presenter, "Get off Auto-Pilot," Training on Implicit Bias, Cultural Competency, Limited English Proficiency, Quinnipiac Law School, North Haven, Connecticut. PowerPoint supplied.

October 2, 2012: Panelist, National Summit on Language Access in the Courts - Plenary Session: Components of a Language Access Plan - National Center for State Courts (NCSC), Houston, Texas. I was asked to serve on a panel to discuss the Connecticut Judicial Branch's efforts to provide language access. I have no notes, transcript, or recording. The address for the NCSC is 300 Newport Avenue, Williamsburg, Virginia 23185.

June 14, 2012: Presenter, Effective Enforcement of the Victims' Bill of Rights, Connecticut Judges' Institute, Judicial Branch, New Haven, Connecticut. Course materials and PowerPoint supplied.

November 17, 2011: Panelist, George W. Crawford Black Bar Association's Judges of Color Reception, Lawyer's Collaborative for Diversity (LCD), Wiggin and Dana LLP, New Haven, Connecticut. I participated in a panel discussion regarding diversity in the legal profession and provided advice to young attorneys. I have no notes, transcript, or recording, but press coverage is supplied. The address for Wiggin and Dana LLP, 265 Church Street, New Haven, Connecticut 06510.

September 18, 2011: Speaker, MidState Medical Center Annual Cancer Survivor Picnic, MidState Medical Center, Meriden, Connecticut. As a survivor, I encouraged other cancer patients to remain hopeful in their own struggles with cancer. I have no notes, transcript, or recording, but press coverage is supplied. The address for MidState Medical Center is 435 Lewis Avenue, Meriden, Connecticut, 06451.

June 7, 2011: Presenter, "Understanding the Workings of Computer Communications and Internet Postings and Downloadings: What, How, and Who Put Them There?," Connecticut Judges' Institute, Judicial Branch, New Haven, Connecticut. Course materials and PowerPoint supplied.

June 2010 (specific date unknown): Presenter, "To Disqualify or Recuse: That is the Question" Connecticut Judges' Institute, Judicial Branch, New Haven, Connecticut. Course materials and PowerPoint supplied.

April 23, 2009: Presenter, Search and Seizure of Digital Information, Connecticut Judges' Institute, Judicial Branch, Rocky Hill, Connecticut. Course materials and PowerPoint supplied.

June 26, 2008: Presenter, "Evidentiary Issues Unique to Juvenile Court," Connecticut Judges' Institute, Judicial Branch, Hartford, Connecticut. Course materials and PowerPoint supplied.

Fall 2008 (specific date unknown): Speaker, YMCA's Men of Meriden, YMCA, Meriden, Connecticut. I spoke to the group about my role as a Superior Court Judge and as a Federal Prosecutor. I have no notes, transcript, or recording. The address for the Meriden YMCA is 110 West Main Street, Meriden, Connecticut 06451.

June 27, 2007: Presenter, "*Crawford v. Washington*: The Defendant's Right to Confrontation," Connecticut Judges' Institute, Judicial Branch, Hartford, Connecticut. Course materials and PowerPoint supplied.

Summer 2007 (specific date unknown): Speaker, Career Day, Highland Elementary School, Cheshire, Connecticut. Materials supplied.

April 2003 (specific date unknown): Presenter, "Practical and Affordable Technology in Connecticut Courts," Connecticut Bar Association, New Britain, Connecticut. I spoke about and demonstrated the use of Sanctions, an Electronic Courtroom Presentation Program that I had just used in a criminal trial in federal court. I have no notes, transcript, or recording. The address for the CBA is 30 Bank Street, New Britain, Connecticut 06510.

June 1996 (specific date unknown): Faculty, "Connecticut Mental Health and the Law: Current Issues," HealthED, Connecticut. In my role as Staff Attorney for the Office of Protection and Advocacy for Persons with Disabilities (OPA), I spoke about a newly implemented Connecticut state statute that provided patients with due process hearings prior to being forcibly medicated with psychotropic medications. I have no notes, transcript, or recording. The address for OPA is 60B Weston Street, Hartford, Connecticut 06120.

September 1995 (specific date unknown): Faculty, "Representing Clients with Psychiatric Disabilities in Probate Court," Connecticut Bar Association, Hartford, Connecticut. I spoke about representing individuals with psychiatric disabilities. I have no notes, transcript, or recording. The address for the CBA is 30 Bank Street, New Britain, Connecticut 06510.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have searched my files and electronic databases in an effort to identify all events responsive to this question. I have located the materials listed below, but it is possible that there are a few that I have no record of and, thus, was not able to identify.

Richard Roberts, "Legends of the Bar," New Haven County Bar Association, Apr. 1, 2022. Video will be available at <https://www.newhavenbar.org/page/legendsvideos>.

Dennis House, This Week in Connecticut: Interview with all Seven Justices, WTNH Channel 8 News, Apr. 2021. Videos available at: <https://www.wtnh.com/on->

air/thisweekinconnecticut/this-week-in-ct-part-one-of-interview-with-all-seven-justices-of-connecticut-supreme-court/?msclkid=8492efe5cf0a11ec913d78870e081cc4; <https://www.wtnh.com/on-air/thisweekinconnecticut/this-week-in-ct-part-two-of-exclusive-conversation-with-justices-of-ct-supreme-court/?msclkid=981e0ad4cef111ecab7c2dd46e9b523d>; <https://www.wtnh.com/on-air/thisweekinconnecticut/this-week-in-ct-part-three-of-sit-down-with-justices-of-ct-supreme-court/?msclkid=542283a6cef111ecab3987e97f9d86aa>; and <https://www.wtnh.com/on-air/thisweekinconnecticut/this-week-in-ct-part-four-of-discussion-with-justices-of-ct-supreme-court-flashback-to-sheff-vs-oneill-ruling/?msclkid=b050d888cef011ec84c92a01471cac82>.

Robert Storace, "Burnout on the Bench: Judges Grapple with Stress, Fatigue," Conn. L. Trib., Feb. 24, 2020. Copy supplied.

Brian Zahn, "Hon. Lubie Harper, Jr. - 2018 Person of the Year," New Haven Register, Dec. 30, 2018. Copy supplied.

Ray Legendre, "Calling the Shots - 100 Years of Women at Fordham Law," Fordham L. News, Oct. 16, 2018. Copy supplied.

Robert Opotzner, "American Dream," Community Forum, Comcast Channel (Station #3), Mar. 15, 2018. I have no transcript or recording, but the prepared questions are supplied.

Felix Rivera, "Hablando En Serio," Radio WPRX 11:20 AM, Feb. 5, 2018. I have no transcript or recording, but prepared questions and responses are supplied.

Connecticut Portuguese Bar Association, Interview, Nov. 3, 2017. Video previously supplied in response to Question 12d.

Felix Rivera, Program on Domestic Violence, Radio WPRX 11:20 AM, Nov. 24, 2015. I have no transcript or recording, but prepared questions and responses are supplied.

Felix Rivera, Program on Role of Judge, Radio WPRX 11:20 AM, Mar. 2014 (specific date unknown). I have no transcript or recording, but prepared questions and responses are supplied.

Eve Britton, "Local Resident Honored for Contributions to the Bench," Cheshire Citizen, May 2, 2013. Copy supplied.

Josh Morgan, "Kahn's Immigrant Story Ends with a Place on the Bench," Cheshire Herald, May 2, 2013. Copy supplied.

Ralph Homan, "New Superior Court Judge Ready for Her Challenging Role," Rec. J., Apr. 24, 2006. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

Since 2017 I have served as an Associate Justice on the Connecticut Supreme Court. This is an appointed position. The Connecticut Supreme Court has jurisdiction that is provided to it by the Connecticut Constitution Article V §§ 1-2, amend. XX §§ 1-2 and Conn. Gen. Stat. § 51-199. The Connecticut Supreme Court has jurisdiction over appeals from the Connecticut Appellate Court. Although in some cases appeals may be filed directly with the Court, the Connecticut Supreme Court determines which cases it will hear by reviewing petitions for certification.

From June to October 2017 I served as a judge on the Connecticut Appellate Court. This was an appointed position. The Connecticut Appellate Court has jurisdiction that is provided to it by the Connecticut Constitution Article V §§ 1-2, amend. XX §§ 1-2 and Conn. Gen. Stat. § 51-199. The Connecticut Appellate Court has jurisdiction over appeals from the civil, family, criminal, juvenile and probate divisions of the Superior Court.

From 2006 to 2017 I served as a judge on Connecticut Superior Court. This was an appointed position. The Connecticut Superior Court is a trial court and it has jurisdiction that is provided to it by the Connecticut Constitution Article V §§ 1-2, amend. XX §§ 1-2 and Conn. Gen. Stat. § 51-199.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

As a trial judge from 2006 to 2017, I presided over thousands of cases in criminal and juvenile courts. During the last five years that I served at the trial court level, I presided over approximately 50 criminal trials, many of which resulted in a verdict. Prior to my assignment to Part A criminal court, I served as a trial judge at the GA courts in Bridgeport and New Britain where I presided over dozens of trials, many of which also resulted in verdicts. During the first two years of my tenure as a trial court judge, I presided over numerous civil court trials involving child protection matters. In addition to my work on criminal and juvenile matters, I also presided over several administrative appeals.

- i. Of these, approximately what percent were:

jury trials:	80%
bench trials:	20%

- ii. Of these cases, approximately what percent were:

civil proceedings:	10%
criminal proceedings:	90%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

I have searched my files and electronic databases in an effort to locate all of the opinions I have written. I have found a total of 91 opinions: 62 opinions as an Associate Justice of the Connecticut Supreme Court (55 majority opinions and 7 separate opinions), 8 opinions as a judge of the Connecticut Appellate Court, and 21 opinions as a judge of the Connecticut Superior Court.

Supreme Court Opinions

Majority Opinions:

State v. Smith, 2022 WL 3146507 (Conn. Aug. 9, 2022)

State v. Bowden, 2022 WL 3146509 (Conn. Aug. 9, 2022)

Winakor v. Savalle, 343 Conn. 773 (2022)

State v. Rivera, 343 Conn. 745 (2022)

State v. Torres, 273 Conn. 163 (2022)

State v. Tyus, 342 Conn. 784 (2022)

State v. Taveras, 342 Conn. 563 (2022)

State v. Patel, 342 Conn. 445 (2022)

AllState Ins. Co. v. Tenn, 342 Conn. 292 (2022)

Grabe v. Hokin, 341 Conn. 360 (2021)

Larmel v. Metro North Commuter Railroad Co., 341 Conn. 332 (2021)

Tillman v. Planning & Zoning Commission, 341 Conn. 117 (2021)

State v. Turner, 340 Conn. 447 (2021)

State v. Gibson, 340 Conn. 407 (2021)

Gallagher v. Fairfield, 339 Conn. 801 (2021)

State v. Roy D. L., 339 Conn. 820 (2021)

State v. Haughwout, 339 Conn. 747 (2021)

U.S. Bank National Assn. v. Rothermel, 339 Conn. 366 (2021)

State v. Francis, 338 Conn. 671, cert. denied, 142 S. Ct. 292 (2021)

Viking Const. Inc. v. TMP Construction Group, LLC, 338 Conn. 361 (2021)

State v. Gonzalez, 338 Conn. 108 (2021)

One Elmcroft Stamford, LLC v. Zoning Board Appeals, 337 Conn. 806 (2021)

Ross v. Commissioner of Correction, 337 Conn. 718 (2021)

State v. Stephenson, 337 Conn. 643 (2020)

State v. Raynor, 337 Conn. 527 (2020)

State v. Carey, 337 Conn. 463 (2020)

Fisk v. Redding, 337 Conn. 361 (2020)

State v. Lamantia, 336 Conn. 747 (2020)

State v. Ramon A.G., 336 Conn. 386 (2020)

Borelli v. Renaldi, 336 Conn. 1 (2020)

Boone v. Boehringer Ingelheim Pharmaceuticals, Inc., 335 Conn. 547 (2020)

Hall v. Hall, 335 Conn. 377 (2020)

Dickerson v. Stamford, 334 Conn. 870 (2020)

Coughlin v. Stamford, 334 Conn. 857 (2020)

State v. Edwards, 334 Conn. 688 (2020)

Jenzack Partners, LLC v. Stoneridge Associates, LLC, 334 Conn. 374 (2020)

Saunders v. Briner, 334 Conn. 135 (2019)

Bowens v. Commissioner of Correction, 333 Conn. 502 (2019)

Lederle v. Spivey, 332 Conn. 837 (2019)

Griffin v. Commissioner of Correction, 333 Conn. 480 (2019)

McKay v. Longman, 332 Conn. 394 (2019)

State v. Owen, 331 Conn. 658 (2019)

State v. Brown, 331 Conn. 258 (2019)

State v. Daniel B., 331 Conn. 1 (2019)

In re Jacob W., 330 Conn. 744 (2019)

Restaurant Supply, LLC v. Giardi Ltd. Partnership, 330 Conn. 642 (2019)

Browning v. Brunt, 330 Conn. 447 (2018)

State v. Newton, 330 Conn. 344 (2018)

State v. Simpson, 329 Conn. 820 (2018)

Levin v. State, 329 Conn. 701 (2018)

Kelsey v. Commissioner of Correction, 329 Conn. 711 (2018)

Eubanks v. Commissioner of Correction, 329 Conn. 584 (2018)

State v. Norman P., 329 Conn. 440 (2018)

State v. Castillo, 329 Conn. 311 (2018)

State v. Porter, 328 Conn. 648 (2018)

Concurring & Dissenting Opinions:

State v. Mark T., 339 Conn. 225, 255 (2021) (concurring and dissenting)

State v. Rodriguez, 337 Conn. 175, 202 (2020) (concurring)

State v. Liebenguth, 336 Conn. 685, 719 (2020) (concurring)

Osborn v. Waterbury, 333 Conn. 816, 834 (2019) (dissenting)

State v. Leniart, 333 Conn. 88, 152 (2019) (concurring)

State v. Jacques, 332 Conn. 271, 294 (2019) (concurring)

State v. Parnoff, 329 Conn. 386, 406 (2018) (concurring)

Appellate Court Opinions:

State v. Walker, 180 Conn. App. 291 (2018), *rev'd in part*, 332 Conn. 678 (2019)

U.S. Bank v. Christophersen, 179 Conn. App. 378 (2018), *cert. denied*, 328 Conn. 928 (2018)

Colon v. Commissioner, 179 Conn. App. 30 (2017), *cert. denied*, 328 Conn. 907 (2018)

State v. Johnson, 178 Conn. App. 490 (2017), *cert. denied*, 328 Conn. 905 (2018)

Rosenthal v. Bloomfield, 178 Conn. App. 258 (2017)

CitiMortgage v. Tanasi, 176 Conn. App. 829 (2017), *cert. denied*, 328 Conn. 905 (2017)

Questell v. Farogh, 175 Conn. App. 262 (2017)

State v. Njoku, 163 Conn. App. 134 (2016), *cert. denied*, 321 Conn. 912 (2016)

Superior Court Decisions:

As a trial judge, I wrote many decisions that were not submitted for publication. However, some decisions appeared in certain publications and are available through Westlaw or other electronic research databases.

State v. Lombardi, CR-08-164501, 2016 WL 3391689 (May 24, 2016)

State v. McDowell, CR-14-182955, 2016 WL 3391737 (May 24, 2016)

State v. Blaine, CR-12-0269040, 2015 WL 4726790 (June 29, 2015)

State v. Morrison, No. CR-12-0267989, 2014 WL 7271774 (Nov. 12, 2014)

State v. Cunningham, CR-12-266739, 2014 WL 3584227 (June 10, 2014)

State v. Blaine, CR-12-0269040, 2013 WL 6916747 (Dec. 5, 2013)

State v. Spence, CR-12-265481, 2013 WL 6671221 (Nov. 19, 2013)

State v. Aviles, CR-08-0235061, 2013 WL 1493048 (Mar 19, 2013)

State v. Perez, CR-10-0254182, 2013 WL 812058 (Jan. 31, 2013)

State v. Brown, CR-05-0224052, 2012 WL 3089813 (July 5, 2012)

State v. Herring, CR-10-02513305, 2012 WL 593531 (Jan. 5, 2012)

Chevra v. Hartford, CV-10-6003847, 2011 WL 7029763 (Dec. 5, 2011)

State v. Herring, CR-10-02513305, 2011 WL 5120655 (Oct. 11, 2011)

State v. Abbate, MV-10-0365585, 2011 WL 4953495 (Sept. 28, 2011)

Spitz v. State, CV-08-4018603, 2009 WL 5698144 (Dec. 23, 2009)

State v. Rodriguez, CR-08-0231300, 2008 WL 5481199 (Nov. 26, 2008)

State v. Cronin, MV-07-00412830, 2008 WL 5156430 (Nov. 12, 2008)

In re Taya O., CP-05-005315, 2008 WL 2552963 (May 29, 2008)

In Re Carlos D., CP-05-004955, 2008 WL 2313301 (May 13, 2008)

Handleman v. DCF, CV-06-4012364, 2008 WL 271676 (Jan. 11, 2008)

In Re Antoine S., CP-07-008944, 2007 WL 2080929 (Apr. 12, 2007)

Rosa v. State Siting Council, CV-05-4007974, 2007 WL 829582 (Mar. 1, 2007)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *State v. Tyus*, 342 Conn. 784 (2022)

In an opinion I authored on behalf of the Connecticut Supreme Court, we considered whether the Appellate Court correctly concluded that the trial court had not abused its discretion in joining the defendant's case with that of his codefendant because the evidence in both cases was cross-admissible. The defendant and the codefendant were both charged with murder and conspiracy charges in connection with a shooting that occurred outside a café. At trial, the defendant's sole objection to joinder was that the codefendant's confession to the crime would not be admissible against him under the coconspirator exception to the hearsay rule because the conspiracy charges against him had been dismissed for falling outside the statute of limitations. The Appellate Court had concluded that the defendant's position relating to the inadmissibility of the codefendant's

confessions was incorrect as a matter of law. Although we agreed with the Trial Court and Appellate Court's analysis, we cautioned trial judges on the potential dangers of the joinder of codefendants for trial, particularly when there may be questions about the cross-admissibility of evidence.

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2. *State v. Taveras*, 342 Conn. 563 (2022)

In an opinion I authored on behalf of the Connecticut Supreme Court, we considered whether the First Amendment to the United States Constitution protected certain allegedly threatening remarks made by the defendant to employees of his son's preschool.

At the time of the remarks at issue, the defendant was on probation for previous convictions of charges of threatening and assault, and the state sought to revoke his probation based on this incident. During the revocation hearing, the state proceeded on the theory that the testimony and evidence presented were sufficient to prove that the defendant had violated the terms of his probation by committing breach of the peace. In ruling in favor of the state and revoking probation, the trial court explicitly found that the defendant had exhibited a "threatening nature and demeanor" that led preschool employees to contact the police.

The defendant then appealed, claiming that the evidence presented at his probation revocation hearing was insufficient to support a finding that his remarks constituted a true threat and, therefore, that they were protected by the First Amendment. The Appellate Court, in a split decision, agreed with the defendant and reversed the judgments of the trial court, reasoning that the defendant's remarks did not convey an explicit threat and that the state had failed to provide sufficient context to resolve the resulting ambiguity. A certified appeal followed and the Connecticut Supreme Court concluded that the statements fell within the "true threats" exception to First Amendment protection because the defendant's history at the preschool, his general demeanor during the course of the incident, and the reactions of the preschool's staff would all cause a reasonable person in

defendant's position to know that his statements would be perceived as a serious threat of physical violence.

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3. *State v. Correa*, 340 Conn. 619 (2021)

In this case, the Connecticut Supreme Court considered whether the Connecticut Constitution allowed police to conduct a warrantless canine sniff of the exterior door of a motel room for the purpose of detecting the presence of illegal drugs inside the room. In a unanimous decision authored by one of my colleagues, we concluded that a warrantless canine sniff of the exterior door to a motel room violated Article First, § 7, because it constituted a search subject to the warrant requirement of that state constitutional provision. This case is also significant because it was the first time our court undertook a detailed analysis of the independent source doctrine. Ultimately, our court remanded the case to the trial court so that the state could have the opportunity to adduce testimony establishing the applicability of the independent source or inevitable discovery doctrine.

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4. *Fisk v. Redding*, 337 Conn. 361 (2020)

In this appeal, in which I authored the majority opinion, the Connecticut Supreme Court had to review eighty years of case law to refine the elements of the common law tort of public nuisance claims and determine whether, in this case, the jury's responses to two special interrogatories relating to two separate elements were inconsistent. In this case, a pedestrian, who fell off a six-foot retaining wall near a local bar and broke his leg, sued a municipality claiming that his injuries were the result of the town's failure to erect a fence on top of the retaining wall. After the jury returned a verdict for the defendant, the trial court denied the plaintiff's motion to set aside the jury's verdict. The plaintiff appealed from that denial, claiming that the jury's responses to two special interrogatories finding that the retaining wall was inherently dangerous, but not an unreasonable use of the land, were legally inconsistent with one another. In a divided opinion, the Appellate Court reversed the trial court's decision and ordered a new trial. The Connecticut Supreme Court concluded that the jury's responses to the interrogatories were not inconsistent and that, in analyzing the reasonableness of the fenceless retaining wall in isolation, the Appellate Court ignored the multiplicity of factors that the jury could have taken into account in finding that the defendant's use of the land was not unreasonable. Thus, we concluded that the trial court did not abuse its discretion when it denied the plaintiff's motion to set aside the verdict because the jury's answers to the first and third interrogatories, finding that the retaining wall was inherently dangerous but not an unreasonable use of the land, were not mutually exclusive in light of our public nuisance jurisprudence.

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5. *State v. Owen*, 331 Conn. 658 (2019)

This case gave the Connecticut Supreme Court the opportunity to provide trial judges with guidance on their role in reviewing a prosecutor's exercise of discretion. The defendant was arrested for assaulting and attempting to strangle his girlfriend. The defendant's girlfriend had moved out of state but the state had made arrangements for her travel to the state to testify. Due to inclement weather

the trial was postponed. Later, the prosecutor sought to enter a nolle prosequi on the grounds that the girlfriend had become “disabled” because she was suffering from depression and was too afraid to testify. The defendant opposed a nolle, and requested either a dismissal of the charges or an immediate trial. Specifically, the defendant argued that fear of testifying alone did not constitute a disability under the applicable statute, Conn. Gen. Stat. § 54-56b. The record reflected that the prosecutor made various representations consistent with the position that the girlfriend suffered from a disability that prevented her from being able to testify, including that she had stated that she suffered from bouts of depression and crying, needed counseling, was afraid, and could not stop thinking about the incident. The trial court held argument on the prosecutor’s motion and found that the prosecutor had not abused her discretion in a manner contrary to public policy. In an opinion I authored on behalf of the Connecticut Supreme Court, we held that the prosecutor’s representations fell within the range of a good faith disagreement regarding the meaning of “disabled” pursuant to § 54-56b. Nothing in the record suggested that the prosecutor was acting with an intent to harass the defendant or otherwise abusing her discretion. In light of the prosecutor’s representations, we concluded that the trial court properly deferred to the prosecutor’s exercise of discretion and allowed the nolle to enter. We noted that § 54-56b strikes a balance between “the state’s right to enter a nolle prosequi in a pending prosecution and the defendant’s constitutional right to a speedy trial.”

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(203) 574-0029

6. *State v. Daniel B.*, 331 Conn. 1 (2019)

This case called upon the Connecticut Supreme Court to consider whether, in determining the sufficiency of the evidence to support a conviction for attempt to commit murder, under the substantial step provision of the attempt statute, the proper inquiry should focus on what the actor had already done or on what the actor had left to do to complete the crime of murder. The defendant and his wife were in the process of divorce and the defendant attempted to hire a hit man (who was actually an undercover police officer) to kill his wife. The jury found the defendant guilty of attempt to commit murder. The defendant appealed his

conviction claiming that the determination of what constitutes a substantial step in a course of conduct intended to culminate in murder depends on “what remains to be done” as opposed to what “has already been done.” Thus, he claimed that that there was insufficient evidence to support his conviction for attempted murder, because the state failed to prove that his conduct constituted a substantial step insofar as he had not yet paid the fake hitman. In an opinion I authored, the Connecticut Supreme Court held that the determination of what conduct constitutes a substantial step under § 53a-49 (a) (2) focuses on what the actor has already done rather than on what the actor has left to do to complete the substantive crime. Under this standard, the state presented sufficient evidence to permit a jury reasonably to find the defendant guilty of attempt to commit murder under the substantial step subdivision. The judgment of the Appellate Court upholding the defendant's conviction was affirmed.

For the State:
Ronald G. Weller
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For the Defendant:
Phillip D. Russell
Phillip Russell LLC
1 River Road
Cos Cob, CT 06807
(203) 661-4200

7. *Browning v. Brunt*, 330 Conn. 447 (2018)

In an opinion I authored on behalf of the Connecticut Supreme Court, we addressed the question of whether the trust beneficiaries are the proper parties to bring an action against third parties on behalf of a trust. The plaintiffs in this action were beneficiaries of a trust their father left for them and their sister. A secrecy clause in the trust prevented the sister, who was serving as trustee, from disclosing the percentage of the assets left to each of her siblings for five years, and from distributing any funds from the trust to the plaintiffs and herself until five years after their father's death. During that time, however, the sister withdrew hundreds of thousands of dollars from the trust and comingled the funds with her own personal finances. By the time the plaintiffs learned of the withdrawals, there was a minimal amount left in the trust. As beneficiaries of the trust, they sued the financial advisors for the trust and its employee for breach of contract by allowing their sister to withdraw the trust funds. The trial court dismissed their action for lack of standing. The plaintiffs appealed from the dismissal, claiming that they should be authorized to file suit based on the exception that allows beneficiaries to bring an action against third parties if the trustee improperly refuses or neglects

to do so. In affirming the trial court's dismissal, we concluded that the beneficiaries did not fall into the exception because under that exception, the beneficiaries must demonstrate that the trustee, in this case their sister, was asked and refused to bring an action on behalf of the trust.

For the Plaintiff:
Kenneth A. Votre
Votre & Associates P.C.
90 Grove Street
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(203) 498-0065

For the Defendant:
Daniel J. Krisch
Halloran & Sage LLP
One Goodwin Square
225 Asylum Street
Hartford, CT 06103
(860) 522-6103

8. *State v. Porter*, 328 Conn. 648 (2018)

This case raised the issue of what sources of information courts can consider in reviewing a defendant's double jeopardy claim relating to charges brought in a single trial. The defendant had attacked police officers with a screwdriver as they attempted to remove him from a vehicle and was convicted of both assault of public safety personnel and interfering with an officer. The defendant contended that the Appellate Court erred in looking beyond the charging documents when rejecting his double jeopardy claim. Given the lack of clarity in this area of the law, in an opinion I authored on behalf of the Connecticut Supreme Court, we explained the applicable two-step process for double jeopardy analysis in the context of a single trial: (1) whether the charges arise out of the same transaction and, if so, (2) whether, applying the traditional *Blockburger* test, the charged crimes are the same offense. We noted that, in the first step, it is not uncommon for courts to look at the evidence presented at trial and to the state's theory of the case. If it is determined that the charges arise out of the same act or transaction, then a court should proceed to step two. At the second step, Connecticut case law has been consistent that courts look only to the charging documents and bill of particulars and may not consider evidence offered at trial. Because the Appellate Court was not limited to the charging documents and had correctly determined that the offenses charged arose from different acts or transactions, we concluded that an analysis under *Blockburger* was unnecessary, and that the defendant's conviction of both offenses did not violate double jeopardy.

For the State:
Jennifer F. Miller

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300 Corporate Place
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For the Defendant:
Mark Rademacher
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(203) 574-0029

9. *State v. Blaine*, Docket No. CR-12-0269040, 2015 WL 4726790 (June 29, 2015); *State v. Blaine*, 168 Conn. App. 505 (2016) (affirming trial court); *State v. Blaine*, 325 Conn. 918 (2017) (reversing Appellate Court); *State v. Blaine*, 179 Conn. App. 499 (2018) (affirming trial court for a second time following remand), *aff'd*, 334 Conn. 298 (2019).

The defendant in this case, over which I presided as a trial court judge, was charged with murder after he and three other young man robbed an individual from whom they had purchased marijuana earlier in the day. The co-defendants were all given cooperation agreements and testified against the defendant. There were many evidentiary issues raised in this case. Ultimately, the jury acquitted the defendant of murder and convicted him of the same conspiracy charge that the remaining defendants had pleaded guilty to under their own respective plea agreements. The defendant then appealed his own conviction, raising claims of instructional error relating to third party culpability and intent. After several appeals, the defendant's conviction was ultimately affirmed.

For the State:
Howard Scott Stein
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14 West River Street
Milford, CT 06460
(203) 874-3361

For the Defendant:
Robert M. Frost, Jr.
Frost Bussert, LLC
350 Orange Street Suite 100
New Haven, CT 06511
(203) 495-9790

10. *Chevra v. Hartford*, Docket No. CV-10-6003847, 2011 WL 7029763 (Dec. 5, 2011).

I presided over this administrative appeal filed by Chabad Chevra, LLC, challenging a decision by the zoning board of appeals enforcing a cease-and-desist order issued by a Hartford zoning enforcement officer. The City of Hartford alleged that Chabad Chevra had changed the use of the premises by the previous owner as a non-profit administrative office to run a student center and to provide religious services for non-employees. Chabad Chevra claimed that the zoning board had acted illegally, arbitrarily, and in abuse of its discretion because, the evidence established, the premises were to be used in the same manner as they had been operated by the previous owner, the Baptist Church. I concluded that the on-going activities by Chabad Chevra and the representations to the board as to the intended use of the premises were completely consistent with the activities of its prior owner and the board's decision to uphold the cease-and-desist order was not supported by substantial evidence in the record.

For the Plaintiff:
Jeffrey J. Mirman
Hinckley, Allen & Snyder LLP
20 Church Street, 18th Floor
Hartford, CT 06103
(860) 725-6200

For the Defendant:
Catharine H. Freeman (formerly of the Hartford Corporation Counsel's Office)
Connecticut Legal Services
85 Central Avenue
Waterbury, CT 06702
(860) 344-0447

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *State v. Patel*, 342 Conn. 445 (2022)

For the Plaintiff:
Kathryn W. Bare
Office of the Chief State's Attorney
300 Corporate Place
Rocky Hill, CT 06067
(860) 258-5800

For the Defendant:
Richard Emanuel
Law Offices of Richard Emanuel
256 Goose Lane, Suite 106

Guilford, CT 06437
(203) 689-5761

2. *State v. Tyus*, 342 Conn. 784 (2022)

For the State:
James A. Killen
Office of the Chief State's Attorney
300 Corporate Place
Rocky Hill, CT 06067
(860) 258-5807

For the Defendant:
Charles D. Ray
185 Asylum Avenue, 36th Floor
Hartford, CT 06103
(860) 275-6774

3. *AllState Ins. Co. v. Tenn*, 342 Conn. 292 (2022)

For the Plaintiff:
Paige D. Beisner
Nuzzo & Roberts, LLC
One Town Center
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Cheshire, CT 06410
(203) 250-2000

For the Defendant:
Eamon T. Donovan
154 West Street
Cromwell, CT 06416
(860) 635-7373

4. *State v. Haughwout*, 339 Conn. 747 (2021)

For the Plaintiff:
Timothy J. Sugrue
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300 Corporate Place
Rocky Hill, CT 06067
(860) 258-5807

For the Defendant:
Jennifer Lynn Bourn
Legal Services Unit

55 Farmington Avenue, 8th Floor
Hartford, CT 06105
(860) 566-1345

5. *State v. Raynor*, 337 Conn. 527 (2020)

For the State:
James A. Killen
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(860) 258-5807

For the Defendant:
Andrew P. O'Shea (formerly of Kirschbaum Law Group, LLC)
Division of Public Defender Services
55 Farmington Avenue, 8th Floor
Hartford, CT 06105
(860) 509-6400

6. *State v. Liebenguth*, 336 Conn. 685, 719 (2020) (concurring)

For the Plaintiff:
Timothy F. Costello
Office of the Chief State's Attorney
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Rocky Hill, CT 06067

For the Defendant:
John R. Williams
John R Williams and Associates, LLC
51 Elm Street, Suite 409
New Haven, CT 06510
(203) 562-9931

7. *Boone v. Boehringer Ingelheim Pharmaceuticals, Inc.*, 335 Conn. 547 (2020)

For the Plaintiff:
Brenden P. Leydon
Wocl Leydon, LLC
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(203) 333-3339

For the Defendant:
Paul Schmidt

Covington & Burling, LLP
850 Tenth Street, Northwest
Washington, DC 20001
(202) 662-5272

8. *McKay v. Longman*, 332 Conn. 394 (2019)

For the Plaintiff:
James R. Fogarty
Fogarty, Cohen, Russo, & Nemiroff, LLC
1700 East Putnam Avenue, Suite 406
Old Greenwich, CT 06870
(203) 661-1000

For the Defendant:
David K. Fiveson (Pro Hac Vice)
Butler, Fitzgerald, Fiveson & McCarthy
9 East 45th Street, 9th Floor
New York, NY 10017
(212) 615-2200

9. *State v. Brown*, 331 Conn. 258 (2019)

For the State:
Harry Weller
Office of the Chief State's Attorney
300 Corporate Place
Rocky Hill, CT 06067

For the Defendant:
Jennifer B. Smith (formerly of Bansley, Anthony, and Burdo, LLC)
Public Defender's Office
55 West Main Street
Waterbury, CT 06702
(203) 574-0029

10. *State v. Newton*, 330 Conn. 344 (2018)

For the State:
The Honorable Kevin M. Shay (formerly of the Office of the State's Attorney)
Connecticut Superior Court
112 Broad Street
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(860) 443-8343

For the Defendant:

Mark Rademacher
Public Defender's Office
55 West Main Street
Waterbury, CT 06702
(203) 574-0029

- e. Provide a list of all cases in which certiorari was requested or granted.

I have searched electronic databases to determine whether certiorari was requested in the United States Supreme Court in any of my cases. I found one case in which a party sought certiorari.

State v. Francis, 338 Conn. 671, *cert. denied*, 142 S. Ct. 292 (2021)

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

State v. Walker, 180 Conn. App. 291 (2018), *rev'd*, 332 Conn. 678 (2019). In this case, I concluded that the confrontation clause of the Sixth Amendment to the United States Constitution, as extended to the states through the due process clause of the Fourteenth Amendment, was not violated when the trial court permitted a forensic science examiner to testify about a comparison she had made between a DNA profile she generated from crime scene evidence and a second DNA profile another analyst in the laboratory generated from the defendant's buccal swab. The Connecticut Supreme Court subsequently reversed, concluding that admission of testimony related to the DNA profile generated from the defendant's buccal swab violated the defendant's right to confrontation, as the forensic science examiner had neither participated in nor observed the processing of the known sample.

State v. Blaine, Superior Court, Docket No. CR-12-0269040-T (2014), *aff'd*, 168 Conn. App. 505 (2016), *rev'd*, 325 Conn. 918 (2017), *on remand*, 179 Conn. App. 499 (2018), *aff'd*, 334 Conn. 298 (2019). The defendant in this case appealed a judgment of conviction rendered following a jury trial over which I presided claiming (1) insufficient evidence, (2) improper denial of a third-party culpability instruction, and (3) instructional error regarding intent. The Appellate Court rejected the defendant's sufficiency claim, found that any error with respect to the denial of a third-party culpability instruction was harmless, and concluded that the defendant had waived any claim of instructional error with respect to requisite intent. Pursuant to *State v. Rosado*, 147 Conn. App. 688 (2014), the Appellate Court further concluded that the defendant's waiver with respect to the third claim categorically precluded plain error review. The Connecticut Supreme Court, following a grant of certification to appeal, summarily reversed the Appellate

Court's judgment and remanded for reconsideration of the plain error claim in light of its recent reversal of *Rosado* in *State v. McClain*, 324 Conn. 802 (2017). On remand, the Appellate Court rejected the defendant's plain error claim on the merits, and again affirmed. The defendant then appealed for a second time to the Connecticut Supreme Court, which affirmed the Appellate Court's judgment.

State v. Hutton, Superior Court, Docket No. CR-13-0274786-T (2016), *rev'd*, 188 Conn. App. 481 (2019). The defendant in this case appealed a judgment of conviction rendered following a jury trial over which I presided, claiming a witness's videotaped interview with police was improperly admitted into evidence. Specifically, the defendant claimed that the witness was functionally unavailable for cross-examination at trial because the witness had refused to give verbal responses to any of the questions asked of him on the stand and that, as a result, the admission of the video violated his constitutional right to confrontation. The Appellate Court agreed with the defendant and reversed, concluding that the witness's mere presence on the stand was insufficient to satisfy the requirements of *Crawford*.

State v. Gray-Brown, Superior Court, Docket No. CR-14-0276277-T (2017), *rev'd*, 188 Conn. App. 446 (2019). The defendant in this case appealed a conviction rendered following a jury trial over which I presided claiming, among other things, that the evidence presented at trial was insufficient to sustain his conviction of carrying a pistol without a permit. The Appellate Court agreed, concluding that the jury could not reasonably have inferred that the defendant had possessed a firearm with a barrel of less than twelve inches in length from a police officer's generic testimony that spent casings were ejected from "a handgun," the discovery of a sawed-off barrel from a firearm in the defendant's basement, the type of ammunition used, or testimony that the defendant typically carried a concealed gun. The Connecticut Supreme Court subsequently denied the defendant's petition for certification to appeal certain unrelated claims on which I had been affirmed by the Appellate Court.

State v. Martinez, Superior Court, Docket No. CR-09-0241967-T (2010), *rev'd*, 143 Conn. App. 541 (2013), *rev'd*, 319 Conn. 712 (2015). The defendant in this case appealed a conviction rendered following a jury trial over which I presided claiming, among other things, that the reliability of certain scientific evidence proffered by the state during the course of trial should have been tested by means of a formal hearing pursuant to *State v. Porter*, 241 Conn. 57 (1997), and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Specifically, the defendant claimed that evidence pertaining to the results of a narcotics field test should have been subjected to a *Porter* hearing and that he was deprived of his constitutional right to due process by certain statements made by the prosecutor in closing. The Appellate Court agreed with the defendant that field testing should have been subjected to a *Porter* hearing, but concluded that any error with respect to the absence of such a hearing in the defendant's case was harmless in light of the remaining evidence presented by the state at trial, including subsequent

laboratory testing of the materials in question. The Appellate Court also agreed with the defendant's prosecutorial misconduct claim, concluding that the prosecution had improperly implied the absence of evidence previously suppressed at trial and had improperly argued facts not in evidence relating to the customs and practices of drug dealers. The Appellate Court concluded that the cumulative impact of these improprieties deprived the defendant of due process and reversed. Following the grant of the state's petition for certification to appeal, however, the Connecticut Supreme Court reversed the judgment of the Appellate Court and remanded with direction to affirm the defendant's convictions in full, concluding that the prosecutor had not improperly argued facts not in evidence relating to the customs and practices of drug dealers and that, although the prosecutor's arguments with respect to the absence of evidence previously suppressed were improper, those improprieties did not deprive the defendant of his due process right to a fair trial.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As an appellate judge, I have not issued any unpublished opinions. As a trial court judge, I wrote many decisions that were not submitted for publication. I also issued many decisions on the record. In some cases, I ordered a transcript of the proceedings and that became the court's official opinion. Superior Court opinions are not often published. However, some decisions appeared in certain publications and are available on Westlaw (citations included above) or Loislaw. I would estimate that approximately 90 percent of Superior Court Judges' opinions, including mine while sitting primarily as a trial court judge, are not published.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

State v. Smith, 2022 WL 3146507 (Conn. Aug. 9, 2022)

State v. Bowden, 2022 WL 3146509 (Conn. Aug. 9, 2022)

State v. Torres, 273 Conn. 163 (2022)

State v. Tyus, 342 Conn. 784 (2022)

State v. Taveras, 342 Conn. 563 (2022)

State v. Patel, 342 Conn. 445 (2022)

State v. Turner, 340 Conn. 447 (2021)

- State v. Gibson*, 340 Conn. 407 (2021)
- State v. Roy D. L.*, 339 Conn. 820 (2021)
- State v. Haughwout*, 339 Conn. 747 (2021)
- State v. Francis*, 338 Conn. 671, *cert. denied*, 142 S. Ct. 292 (2021)
- State v. Gonzalez*, 338 Conn. 108 (2021)
- Ross v. Commissioner of Correction*, 337 Conn. 718 (2021)
- Boone v. Boehringer Ingelheim Pharmaceuticals, Inc.*, 335 Conn. 547 (2020)
- State v. Edwards*, 334 Conn. 688 (2020)
- Bowens v. Commissioner of Correction*, 333 Conn. 502 (2019)
- Griffin v. Commissioner of Correction*, 333 Conn. 480 (2019)
- State v. Brown*, 331 Conn. 258 (2019)
- State v. Castillo*, 329 Conn. 311 (2018)
- State v. Porter*, 328 Conn. 648 (2018)
- State v. Rodriguez*, 337 Conn. 175, 202 (2020) (concurring)
- State v. Liebenguth*, 336 Conn. 685, 719 (2020) (concurring)
- State v. Jacques*, 332 Conn. 271, 294 (2019) (concurring)
- State v. Parnoff*, 329 Conn. 386, 406 (2018) (concurring)
- State v. Walker*, 180 Conn. App. 291 (2018), *rev'd in part*, 332 Conn. 678 (2019)
- State v. Njoku*, 163 Conn. App. 134 (2016), *cert. denied*, 321 Conn. 912 (2016)
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on any federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed

the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

Appellate Courts:

The Appellate and Supreme Court employ a partial automatic recusal system. All Appellate Court matters contain a listing of the trial judges involved in the case and any appellate jurist that was involved with the case at the trial level is automatically recused. The justices provide the chief clerk and staff with a list of attorneys, firms, or other entities for which they should be recused. We also review the cases that are ready to be scheduled for oral argument in order to identify any cases where we may have a conflict of interest or otherwise may be recused. I submit annual financial disclosure statements relating to my financial interests and business associations and those of the members of my household.

It is the standard practice of the Connecticut Supreme Court to not disclose the basis for an individual justice’s decision to recuse from a particular case. As a Supreme Court Justice, I have recused myself from any and all matters where there was the potential for a conflict of interest or the appearance of such.

I have searched our databases and was able to generate a list of all the Supreme Court cases in which I have recused myself. In many cases, I was automatically recused because my name was included as one of the trial judges that had some involvement in the case. I have recused myself from several cases that I was familiar with and were filed or pending in Fairfield County, the jurisdiction where I sat as judge prior to my elevation to the Appellate Court. In a couple of cases, I only noticed when I was reviewing the case to prepare for oral argument that I had had involvement in the case at the trial level.

In addition to these cases, I have recused myself from cases in which I or my husband had a personal interest or a relationship with an individual with a personal stake in the outcome of the case.

The following is a list of published opinions related to matters in which I have recused myself:

Garcia v. Cohen, 344 Conn. 84 (2022)

Birkhold v. Birkhold, 343 Conn. 786 (2022)

Lopez v. William Raveis Real Estate, Inc., 343 Conn. 31 (2022)

Dorfman v. Smith, 342 Conn. 582 (2022)

State v. Daniels, 342 Conn. 538 (2022)

State v. Tomlinson, 340 Conn. 533 (2021)

Doe v. Madison, 340 Conn. 1 (2021)

State v. Richards, 339 Conn. 628 (2021)

Cohen v. Statewide Grievance Committee, 339 Conn. 503 (2021)

State v. Watson, 339 Conn. 452 (2021)

State v. Courtney G., 339 Conn. 328 (2021)

State v. Weathers, 339 Conn. 187 (2021)

State v. Michael T., 338 Conn. 705 (2021)

State v. Komisarjevsky, 338 Conn. 526 (2021)

State v. Cody M., 337 Conn. 92 (2020)

State v. Gomes, 337 Conn. 826 (2021)

State v. Ruiz, 337 Conn. 612 (2020)

Klein v. Quinnipiac University, 337 Conn. 574 (2020)

Gomez v. Commissioner of Correction, 336 Conn. 168 (2020)

Garcia v. Cohen, 335 Conn. 3 (2020)

State v. Rhodes, 335 Conn. 226 (2020)
State v. Jackson, 334 Conn. 793 (2020)
Rutter v. Janis, 334 Conn. 722 (2020)
State v. Lebrick, 334 Conn. 492 (2020)
State v. Blaine, 334 Conn. 298 (2019)
State v. Lewis, 333 Conn. 543 (2019)
State v. Elmer G., 333 Conn. 176 (2019)
State v. Walker, 332 Conn. 678 (2019)
Girolametti v. Michael Horton Associates, Inc., 332 Conn. 67 (2019)
Redding Life Care, LLC v. Redding, 331 Conn. 711 (2019)
State v. Davis, 331 Conn. 239 (2019)
D'Attilo v. Statewide Grievance Committee, 329 Conn. 624 (2018)
State v. Roszkowski, 329 Conn. 554 (2018)
State v. Grajales, 181 Conn. App. 440 (2018)
Ferreira v. Martins, 180 Conn. App. 1 (2018)
State v. Bobe, 179 Conn. App. 878 (2018)
Aspic, LLC v. Poitier, 179 Conn. App. 631 (2018)
State v. Blaine, 179 Conn. App. 499 (2018)

I also recused myself in the following appeals that were dismissed, withdrawn, transferred, or currently remain pending.

Adams v. Adams (AC 40343) (Appeal Dismissed)

Freer v. Fu (AC 40304) (Appeal Dismissed)

Freer v. Chien (AC 40144) (Appeal Dismissed)

Leigh v. Schwartz (SC 19997) (Appeal Withdrawn)

Leigh v. Schwartz (SC 19857) (Appeal Withdrawn)

Leigh v. Schwartz (SC 19793) (Appeal Withdrawn)

Morrin v. Freedom of Information Commission (SC 20573) (Appeal Withdrawn)

Dino v. Safeco Ins. Co. of America (SC 20197) (Appeal Withdrawn)

Maurice v. Chester Housing Associates Ltd. Partnership (SC 20060) (Appeal Transferred)

Markatos v. Zoning Board of Appeals (SC 20682) (Pending)

Pryor v. Brignole (SC 20583) (Pending)

Pryor v. Brignole (SC 20581) (Pending)

State v. Sayles (SC 20575) (Pending)

State v. Rogers (SC 20469) (Pending)

State v. Douglas C. (SC 20456) (Pending)

State v. Alexander (SC 20316) (Pending)

State v. Brandon (SC 20371) (Pending)

Trial Courts:

The Superior Court does not employ an automatic recusal system. However, I was always careful to recuse myself from any matter where there might have been a potential conflict of interest or an appearance of such. As a trial judge, to the best of my recollection, I only recused myself, sua sponte, in a case where the defendant had been the target of a federal investigation during my tenure as a federal prosecutor. I disclosed the potential conflict to the parties and asked the presiding judge if he would cover the matter. Additionally, a recusal motion was filed in the following case.

State v. Koslick, H15N-CR07-0233627-S; H15N-CR07-0608097-1; and H15N-CR07-0032957-T: After a bench trial, a pro se defendant moved to recuse me from deciding the post-trial motions based on a claim of bias after my decision to convict him of four of the seven charged counts in the information. The same defendant also filed a grievance with the Judicial Review Council. Based on my review of the applicable rules, recusal was not warranted. However, in an overabundance of caution, I asked the presiding judge to assign the motion for recusal to an independent judge. After a hearing, the independent

judge denied the motion for recusal and also determined that the filing of the grievance was not a basis for recusal. The case was reassigned to me for resolution of the post-trial motions. The case was subsequently appealed and the conviction was affirmed.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1989 to 1991, I served as a law clerk to the Honorable Peter C. Dorsey of the United States District Court for the District of Connecticut.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1991 – 1993
Deputy Assistant Public Defender
State of Connecticut Office of the Public Defender
30 Trinity Street, #4

Hartford, Connecticut 06106
Deputy Assistant Public Defender

1993 – 1997
State of Connecticut Office of Protection & Advocacy
60-B Weston Street
Hartford, Connecticut 06120
Staff Attorney

1997 – 2006
United States Attorney's Office
157 Church Street
New Haven, Connecticut 06510
Assistant United States Attorney

2006 – 2017
State of Connecticut Judicial Branch
231 Capitol Avenue
Hartford, Connecticut 06106
Superior Court Judge

2017
Connecticut Appellate Court
75 Elm Street
Hartford, Connecticut 06106
Appellate Court Judge

2017 – present
Connecticut Supreme Court
231 Capitol Avenue
Hartford, Connecticut 06106
Associate Justice

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

From September 1989 to August 1991, following graduation from Fordham Law School, I served as a law clerk to the Honorable Peter C. Dorsey, United States District Court Judge for the District of Connecticut.

Following my clerkship and until 1993, I worked as a Deputy Assistant Public Defender for the State of Connecticut. I represented juveniles in delinquency matters in both Hartford and Plainville juvenile courts.

From 1993 to 1997, I was employed as a staff attorney at the State of Connecticut Office of Protection and Advocacy for Persons with Disabilities (“OPA”). In that capacity, I handled all aspects of civil rights litigation on behalf of individuals with disabilities before administrative hearing officers and state and federal courts.

From 1997 to 2006, I served as an Assistant United States Attorney in the District of Connecticut. During the first three years, I was a health care fraud prosecutor in the Civil Division. In that capacity, I prosecuted both civil and criminal health care fraud cases. In January 2000, I transferred to the general crimes section of the Criminal Division and handled a variety of criminal investigations and prosecutions, including white collar matters involving theft of intellectual property, identity theft, computer crimes, healthcare fraud, tax fraud, and bank fraud.

From 2006 to 2017, I served as a Connecticut Superior Court Judge and presided over criminal and civil matters.

I was appointed to the Appellate Court in May 2017 and elevated to the Supreme Court in November 2017, where I continue to serve as an Associate Justice.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As a Deputy Assistant Public Defender from 1991 to 1993, I represented indigent individuals, primarily juveniles, who were charged with state criminal offenses.

When I was at the Office of Protection and Advocacy, I represented individuals with disabilities in administrative, state, and federal courts. I handled cases dealing with employment, housing, criminal matters, patients’ rights, and reasonable accommodations under the Americans with Disabilities Act.

As an Assistant United States Attorney, I represented the United States in both civil and criminal matters. I started my position as an AUSA handling affirmative civil enforcement matters particularly in the area of

health care fraud under the False Claims Act. I transferred to the criminal division within the first two years and specialized in the prosecution of complex white collar cases involving theft of intellectual property, identity theft, computer crimes, healthcare fraud, tax fraud, and bank fraud. At the end of my tenure as an AUSA, I served as the computer crimes coordinator for the district.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

During my entire legal career, I focused on criminal or civil litigation and, as an attorney, I appeared frequently in both federal and state courts. Prior to my appointment to the bench in 2006, I appeared in U.S. District Court at every stage of criminal matters, including initial appearances, detention hearings, status conferences, plea hearings, trials, and sentencings, and appeared before the Second Circuit for appeals. During my time at the U.S. Attorney's Office, I prosecuted dozens of criminal cases from investigation to conviction and sentencing, including six complex white collar fraud cases that were tried to verdict before a jury.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 75% |
| 2. state courts of record: | 20% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 30% |
| 2. criminal proceedings: | 70% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

As an Assistant United States Attorney, I handled six jury trials to verdict. I was associate counsel on four cases and chief counsel on two cases. I also argued two appeals before the Second Circuit Court of Appeals.

As a Staff Attorney at the Office of Protection and Advocacy, I handled an administrative appeal to verdict. I was sole counsel on the matter and also handled appeals before the Superior, Appellate, and Supreme Courts.

- i. What percentage of these trials were:

- | | |
|----------|-----|
| 1. jury: | 95% |
|----------|-----|

2. non-jury:

5%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Yalincak*, Criminal No. 3:05-CR-111 (JBA) (D. Conn.) (Arterton, J.)

I served as the lead prosecutor in an investigation and indictment of several individuals involved in a complex hedge fund fraud scheme. The primary defendant, Mr. Yalincak, created a fake investment company and obtained millions of dollars from investors in a sophisticated Ponzi scheme that included the creation of fake financial records. The defendant ultimately pled guilty to defrauding investors in the "hedge fund" out of approximately \$11.5 million. He was sentenced to two concurrent terms of 42 months of incarceration, followed by supervised release, ordered to pay restitution of \$4,182,000, and subjected to deportation. This case received nationwide media attention because of the sophistication of the scheme, the victims, and the young age of the defendant.

Co-counsel:

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Defense Counsel:

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2. Operation Higher Education: *United States v. Lerman*, 3:05-CR-50 (D. Conn.)
(Chatigny, J.)

From 2004 to 2006, I was part of a multinational investigation of an underground online community consisting of individuals and organized groups who used the Internet to engage in large-scale, illegal distribution of copyrighted software, such as video games, movies, and MP3 files. This investigation led to the simultaneous execution of approximately 120 search warrants in 12 countries including the United States, Belgium, Denmark, France, Germany, Hungary, Israel, the Netherlands, Singapore, Spain, Sweden, and the United Kingdom. Several participants in the United States were prosecuted in the District of Connecticut and most received sentences under one year of incarceration or home confinement and community service which included education of teens on the risks of engaging in this type of conduct. On March 5, 2005, Mr. Lerman, a prominent member of the group, waived indictment, and pled guilty to one count of conspiracy to commit criminal copyright infringement.

Co-counsel:

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3. *United States v. Chuang*, Criminal No. 3:03-CR-22 (AVC) (D. Conn.) (Covello, J.)

I served as co-counsel in this large investigation, which involved allegations of false claims submitted by the owner of a major transportation contractor for Connecticut highway signage projects. The scheme also involved allegations of tax fraud for failure to report income. The defendant was indicted on multiple counts, ultimately pled guilty, and was sentenced to 33 months of imprisonment. As part of a joint civil and criminal resolution, the United States and four states recovered \$8.7 million in civil penalties, criminal fines, and restitution.

Co-counsel:

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Defense Counsel:

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4. *United States v. Rottman*, 3:02-CR-83 (CFD) (D. Conn.) (Droney, J.)

This case involved the investigation of the President and owner of a printing business who had applied for and received a Small Business Administration guaranteed loan for \$450,000 in October 1996. He was the personal guarantor of the loan and claimed to have significant net assets. In November 1996, however, he filed for personal bankruptcy and failed to disclose his ownership in the business or his right to receive trust income that he had listed on the loan application. I served as lead counsel during the grand jury proceedings and subsequent trial. The defendant was indicted on bankruptcy fraud charges. After jury selection but prior to the start of the trial, the defendant entered into a plea agreement that limited his exposure to a jail sentence. He ultimately received a sentence of two years of probation, an order of restitution, and a fine.

Co-counsel:

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5. *United States v. Canova*, Criminal No. 3:01CR 264 (AVC) (D. Conn.) (Covello, J.)

I was lead counsel during the investigation and trial of this case. My co-counsel took the lead on the appeals which continued after I was appointed to the bench. This case involved a health care fraud investigation initiated following a whistleblower complaint alleging that Raytel Cardiac Services Inc., a national cardiac monitoring services company, was fraudulently billing Medicare for transtelephonic cardiac monitoring that was not performed in accordance with Medicare regulations. The corporation and two corporate officials entered guilty pleas. As part of a joint civil and criminal resolution, the United States recovered \$11.5 million in civil penalties, criminal fines, and restitution. The vice president of the corporation was indicted and convicted after a jury trial in which I was the lead attorney. I also worked on the first appeal of the conviction and sentence and my co-counsel argued the appeal. There was a second appeal taken by the United States, but I had been appointed to the bench and did not participate in that appeal.

Co-counsel:

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(800) 233-6847

Defense Counsel:

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6. *United States v. Capp*, Criminal No. 3:99-CR-203 (SRU) (D. Conn.) (Underhill, J.)

I was the lead counsel in the investigation and prosecution of Dr. Capp, a physician licensed in Connecticut as medical doctor specializing in psychiatry and in New York as an acupuncturist. After a jury trial, Dr. Capp was convicted of four counts of health care fraud and eighteen counts of submitting false claims in connection with a scheme to defraud Medicare in Connecticut. Dr. Capp was operating a practice in Greenwich and billing Medicare for medical services that were not rendered when he was instead performing acupuncture, a service not covered by Medicare. Although Dr. Capp initially received a sentence of house arrest followed by supervised release, he was incarcerated after violating the terms of his release.

Co-counsel:

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Defense Counsel

Phillip Russell
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Cos Cob, CT 06807
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7. *United States v. Anthem Blue Cross and Blue Shield of Connecticut*

I served as lead counsel in the investigation and resolution of Civil False Claims Act claims against a government contractor responsible for the administration of the Medicare program for the reimbursement of medical services to hospitals. The contractor was responsible for advancing Medicare payments to hospitals in the form of periodic interim payments throughout the year. In turn, hospitals would submit cost reports which the contractor would audit to determine if the interim payments were accurately issued. The case involved allegations of government contractors altering hospital cost reports to

hide prior overpayments to those hospitals, and then making additional illegal overpayments to hospitals to cover up the scheme. The purpose of the scheme was to improve its ratings with government evaluators in an effort to retain the government contract. The case resulted in a \$74 million settlement under the False Claims Act and represented the second largest national health care fraud recovery by the United States against a Medicare contractor. This case also resulted in the recovery of overpayments and damages from approximately ten hospitals, including the leading hospital, St. Raphael. Although the case was reported in the media and in industry journals, it settled prior to a complaint being filed.

Co-counsel:

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David Fein (formerly of Wiggin & Dana) (represented St. Raphael's Hospital)
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8. *U.S. v. Aquino*, 3:98CR153 (JBA) (D. Conn.) (Arterton, J.), *aff'd*, 216 F.3d 1073 (2d Cir.) (Kearse, Sack, Sotomayor, J.J.), cert. denied, 531 U.S. 945, 121 S. Ct. 343, 148 L. Ed. 2d 276 (2000)

This case arose out of a three-year investigation that culminated in two lengthy health care fraud criminal trials involving numerous witnesses and hundreds of trial exhibits.

The defendants were owners of an enterprise that provided transtelephonic cardiac monitoring services to identify transient symptomatic cardiac arrhythmias. The defendants were charged with engaging in a scheme to misuse the device on otherwise healthy individuals and contrary to the medically acceptable use of the device in order to maximize profits. The scheme resulted in Medicare paying millions of dollars in fraudulent bills. They were among the first complex health care fraud trials in the District of Connecticut stemming from a Department of Justice national health care fraud initiative. This case was particularly challenging because approximately 26 witnesses who did not speak English were called to testify. My role in this case was as co-counsel during both the investigation and trial phases. Mr. Aquino was convicted of mail fraud, among other crimes, and sentenced to 51 months imprisonment. The trial court also fined him \$25,000 and ordered payment of restitution to Medicare programs in both Pennsylvania and Connecticut. I also served as second chair in the trial of the co-defendant, Oscar Perez Gomez, who was also convicted of mail fraud and sentenced to 60 months imprisonment. I successfully argued the appeal before the Second Circuit Court of Appeals for this case and the co-defendant's case.

Co-counsel:

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Defense Counsel:

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9. *CAD et al. v. Middlesex Memorial Hospital et al.*, Civil No. 3:95CV02408 (AHN) (D. Conn.) (Nevas, J.)

This was a federal class action lawsuit filed on behalf of several named individual plaintiffs and the Connecticut Association of the Deaf ("CAD") against several Connecticut hospitals for failure to provide interpreters and other reasonable accommodations to deaf and hard of hearing patients. I initiated the investigation and the filing of the case as lead counsel and successfully defended motions to dismiss filed by the hospitals. The Civil Rights Division of the United States Department of Justice intervened and ultimately the matter resolved with the establishment of a statewide interpreter system. This case was recognized by the Department of Justice as a leading

case under the Americans with Disabilities Act. I ended my involvement in the case when I became an Assistant United States Attorney in August 1997.

Co-counsel:

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Assistant U.S. Attorney Lauren Nash (Representing DOJ)
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John B. Hughes (Chief Civil Division) (retired)

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10. *Toise v. Rowe*, 243 Conn. 623 (1998)

The Connecticut Supreme Court granted petition for a writ of certiorari seeking reversal of the State Appellate Court's judgments in two cases affirming the trial courts' dismissal and denial of right to administrative hearings to recipients of state agency services. My client, who had a learning disability, had been denied rehabilitation services from the Bureau of Rehabilitation Services (BRS). I represented her in an administrative hearing in which she was successful. BRS reversed the hearing officer's decision and we appealed that decision to the Superior Court, Appellate Court, and ultimately the Connecticut Supreme Court. I was sole counsel at each level. Since I had started my position as an Assistant United States Attorney prior to this appeal being heard, the U.S. Attorney authorized me to take leave and gave me permission to argue this appeal before the Connecticut Supreme Court. The agency's position was that because my client had no statutory right, under the Uniform Administrative Procedures Act, to the underlying administrative hearing, she was not entitled to bring an appeal from an administrative hearing the agency had voluntarily afforded her. Under this interpretation of the federal regulations that funded the services provided by BRS, future clients of that agency could be denied administrative hearings and the right to appeal from those decisions. The Connecticut Supreme Court agreed with my client's position that the federal regulations entitled her to a both an administrative hearing and a right to an appeal. This appeal involved complex issues of administrative law and resulted in the establishment of due process rights for future BRS clients.

Defense Counsel:

Assistant Attorney General Nyle K. Davey
Assistant Attorney General Richard J. Lynch
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Hartford, CT 06106
(860) 808-5160

18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List

any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As an Assistant U.S. Attorney, I personally handled numerous investigations that led to convictions after guilty pleas. In addition to some significant health care fraud investigations, I also investigated a number of fraud cases involving Department of Defense contractors. During the wars in Afghanistan and Iraq, there was an increase in the number of referrals received by the Defense Criminal Investigative Services (DCIS) of alleged fraud by defense contractors. I worked closely with agents from DCIS to investigate and prosecute those cases. I also worked with DCIS and other federal law enforcement agencies to develop and approve an undercover operation designed to identify individuals who were illegally obtaining and selling protected military technology to foreign entities.

Toward the end of my tenure at the U.S. Attorney's office, I served as the computer crimes coordinator for the district. In that capacity, I worked closely with the Computer Analysis Review Team (CART) agents to review and draft search warrant terminology and protocols for the seizure and review of digital evidence. I also worked on an international investigation called Operation Higher Education which was one of the largest components of a global law enforcement action known as Operation Fastlink announced by the Department of Justice in 2004. Operation Higher Education was conducted by the Federal Bureau of Investigation's New Haven office in coordination with the U.S. Attorney's Office for the District of Connecticut and the Department of Justice's Computer Crimes and Intellectual Property Section (CCIPS).

I have not engaged in lobbying activities nor registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

As an Adjunct Professor, I have taught a course on Electronic Discovery and Digital Evidence at Quinnipiac University School of Law since 2012, and at the University of Connecticut Law School since 2020. This course examines the procedural and evidentiary issues that arise in litigation with respect to electronically-stored information. Familiarity with these issues – including the retention, storage, production in pre-trial discovery, and admissibility at trial of such information – is an essential competency for lawyers in an increasingly digital world. Students participate in simulations and role-plays that engage their written and oral advocacy skills in applying the rules of procedure, evidence, and ethics to civil and criminal case scenarios. Syllabi provided.

From 1991 to 1993, I taught Legal Methods at University of Connecticut Law School. This course was a legal writing and moot court course for first year students. I am unable to locate any syllabi.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

As a Connecticut Judge, I participate in a 401k plan and I contribute to the State Judges' defined pension plan, in which I have vested. I will be eligible for a state pension at the age of 65.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My husband is a physician and is both a shareholder and employee of ProHealth Physicians Inc. and Optum, a division of United HealthCare Group. I would recuse myself from any matters that would involve ProHealth Physicians or Optum and their related companies. No other family members or other persons,

parties, categories of litigation or financial arrangements are likely to present conflicts of interest for me.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would handle any matters involving actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical canons or rules.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As a judge for the past sixteen years, I have not been authorized to practice law and am unable to represent individuals or entities as a pro bono attorney. However, I try to fulfill my professional responsibility to serve the disadvantaged through my work as chair of the Access to Justice Commission; Limited English Proficiency Committee; and my work on dozens of legal and community organizations where I have volunteered my time.

26. **Selection Process**:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On February 28, 2022, I submitted an application to Senators Blumenthal and Murphy for a vacancy on the United States Court of Appeals for the Second Circuit. On March 19, 2022, I was interviewed for that position by an advisory committee, which forwarded my name to the Senators for their consideration. I met with the Senators on March 29, 2022. On April 28, 2022, the White House Counsel's office contacted me concerning my application and I met with attorneys from that office the following day. Since April 29, 2022, I have been in contact with officials from Office of Legal Policy at the Department of Justice. On August 1, 2022, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner

that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.