NO. X06-UWY-CV-18-6046436 S ERICA LAFFERTY, ET AL : V.: ALEX EMRIC JONES, ET AL :	SUPERIOR COURT COMPLEX LITIGATION DOCKET AT WATERBURY August 16, 2022
NO. X06-UWY-CV-18-6046437 S WILLIAM SHERLACH : V.: ALEX EMRIC JONES, ET AL :	SUPERIOR COURT COMPLEX LITIGATION DOCKET AT WATERBURY August 16, 2022
NO. X06-UWY-CV-l 8-6046438 S WILLIAM SHERLACH, ET AL : V.: ALEX EMRIC JONES ET AL :	SUPERIOR COURT COMPLEX LITIGATION DOCKET AT WATERBURY August 16, 2022

MOTION TO DISQUALIFY AND/OR
RECUSE JUDGE BARBARA N. BELLIS

Attorney Norman Pattis, Esq., by and through his attorney of record, Wesley Mead, Esq., moves under Practice Book§§ 1-22, 1-23, and Conn. Gen. Stat. § 51-183 to disqualify Judge Barbara Bellis from hearing the Show Cause Notice dated August 4, 2022 (Order 421277). Due to the Court's scheduling of this matter on August 17, 2022 the ten (10) day period could not be complied with prior to this filing but the filing is necessary to preserve Attorney Pattis' objections for the record and potential judicial review. See *e.g.*, *McGuire v. McGuire,* 924 A. 2d 886 (Conn: Appellate Court 2007), "[t]he plaintiff did not raise a claim of judicial bias at any time during the course of the hearing. [h]e could have requested that the judge recuse himself." Id. at 890. It is prudent, proper and required under the law for Judge Bellis to be disqualified from hearing this attorney discipline proceeding and for Judge Bellis to proceed is a violation of Mr. Pattis' due process rights. It is so certified that this motion is made in good faith pursuant to Practice Book 1-23.

Judge Bellis is the trial judge on a highly publicized case and Her Honor's decision to bring this show cause hearing in the midst of a federal stay (as of last night August 15, 2022 the cases with respect to Alex Jones were remanded back to this Court and upon information and belief jury selection is set to resume on August 18, 2022 with Judge Bellis as the trial judge), *sua sponte* against only the defense attorneys based on nothing more than out-of-state press releases may give rise to the public the improper impression (irrespective of its validity) that the Court has improperly chosen sides in litigation. Further, Judge Bellis' comments during the August 10, 2022 hearing make clear that Judge Bellis is dissatisfied with the Grievance Committee's prior decision regarding an earlier referral Judge Bellis made against

Attorney Pattis the Judge's statements may create an improper public perception that Attorney Pattis may end up being punished not on the merits of these allegations but based on the Judge's discontent with the Grievance Committee's prior determination.

This is especially concerning in this case as attorney discipline on Mr. Pattis may leave these particular defendants completely undefended in these actions. In the interests of public perception of Judicial integrity and impartiality it would behoove this Court to allow a different and wholly independent Judge decide the issues of attorney discipline, whether it is appropriate or not, and if appropriate following a fair and impartial hearing decide any punishment.

While unique to Connecticut, *Burton v. Mottolese*, 267 Conn. 1 (Conn. Supreme Court 2003), allows Judges the power to proceed under Practice Book Section 2-45 when misconduct occurs in a Judge's presence, *Burton, supra.*, but it did not change the due process requirement that in attorney disciplinary proceedings an attorney is entitled to proper notice and a "fair hearing, and a fair determination" *Statewide Grievance Committee v. Presnick*, 215 Conn. 162, 169 (Conn. Supreme Court 1990). And of course that any determination be supported by "clear and convincing evidence." Id. at 172.

Upon review of *post-Burton* case law, a timely challenge to the propriety of the same Trial Judge's handling of the underlying cases, also handling the attorney discipline proceedings when objection is leveled based on the appearance of impropriety has not been adjudicated. This case presents issues of legitimate concern which call into question the public perception that Mr. Pattis will not be afforded a fair hearing, fair determination and if necessary fair punishment by Judge Bellis under these circumstances. It is troubling that the same Judge who is required to be impartial in an exceedingly high profile publicized trial may act to potentially publically engage in attorney discipline, potentially harming both Mr. Pattis and his client(s), and the same Judge has

the power to leave Mr. Pattis' clients undefended or even if the attorney discipline matter were held over until after the jury trial, to "chill" advocacy. This alone creates a significant issue in which the appellate courts should revisit the holding in *Burton v. Mottolese*, 267 Conn. 1 (Conn. Supreme Court 2003) as it may deny not only Mr. Pattis the due process which he is entitled, but also his clients.

Whether consciously or subconsciously because these cases are so highly publicized Judge Bellis may strive to protect Her Honor's decision to "so order" the Confidentiality Order (Docket Entry No. 850) even if from a reasonable outside legal perspective looking in, it may be determined by an Appellate Court or a prosecutor or the public at large to have left much to be desired as far comporting with state and federal statutes governing the release of confidential information.

It is notable as well that a prior motion to recuse was made in this case, the alleged facts of which if correct, would independently formulate a good-faith basis to disqualify Judge Bellis from proceeding in this attorney discipline proceeding.

To recapitulate, because the Judge appears to continue both as a trial judge and the judge on attorney discipline for a party disqualification should be ordered. Further, the Judge has noticed both purported potential violations of the Confidentiality Order (Docket Entry No. 850), which the Court itself reviewed and approved, but also potential violations of both state and federal statutes regarding the release of medical records, and did so *sua sponte*, not upon conduct occurring in the presence of the Court but upon out-of-state media reports. This poses the very real potential that the Confidentiality Order itself, even though the parties should have been permitted to fully rely upon it, and although it is believed that Mr. Pattis fully complied with it, the Confidentiality Order itself may be insufficient to protect against violations of federal and state laws governing the release of medical records.

Judge Bellis, having signed off on the Confidentiality Order will likely be in the position to support the Confidentiality Order, as it was the Court who so ordered it into the Court record. However, as the Court is aware if a violation of state or federal statutes governing medical record release occurred even for conduct which is fully compliant with the Court's Order, reliance on the Court's Order would be a defense to any prosecution, it would not prevent a prosecution, and then the Judge would be called upon to explain how Her Honor's Order upon which the parties and their attorneys so relied, complied with the applicable federal and state statutes.

In short, the Show Cause Notice implies and leaves open the possibility that Mr. Pattis could have fully complied with the Confidentiality Order but still have violated a federal or state statute governing the release of medical records, whereby Mr. Pattis' defense would be premised on compliance with the Confidentiality Order.

All of the foregoing should be given due consideration upon the Court's review of Rule 2.11 of the Code of Judicial Conduct for the Court's consideration as to disqualification should the Court consider that Her Honor's impartiality might reasonably be questioned.

A claim of an appearance of impropriety under Canon 1 Rule 1.2 of the Connecticut Code of Judicial Conduct is fundamentally different from a claim of actual bias. *Abington Ltd. Pshp. v. Heublein,* 246 Conn. 815, 819 (1998). The Code of Judicial Conduct requires a judge to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. The reasonableness standard is an objective one based on whether a reasonable person would question the judge's impartiality on the basis of all the circumstances. Based on the totality of all these circumstances this standard is met and as to the attorney discipline proceeding related to Attorney Pattis, Judge Bellis should be disqualified.

CONCLUSION

For all of the foregoing reasons, the Mr. Norman Pattis, Esq. respectfully requests that the motion to disqualify and/or recuse Judge Bellis from the Show Cause Hearing be granted in its entirety.

NORMAN PATTIS, ESQ.
BY HIS ATTORNEY

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CERTIFICATION

I hereby certify that on August 16, 2022 a copy of the foregoing was sent by to the following:

All counsel of record via electronic mail and the eservices filings system:

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