RETURN DATE: FEBRUARY 7, 2023

NO: X06-UWY-CV18-6046436-S	:	SUPERIOR COURT
ERICA LAFFERTY	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES	:	JANUARY 13, 2023

. . . . . .

NO: X06-UWY-CV18-6046437-S	:	SUPERIOR COURT
WILLIAM SHERLACH	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES	:	JANUARY 13, 2023

. . . . . .

NO: X06-UWY-CV18-6046438-S	:	SUPERIOR COURT
WILLIAM SHERLACH	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES	:	JANUARY 13, 2023

WRIT OF ERROR ON BEHALF OF NORMAN PATTIS

1. This is a writ of error filed pursuant to Practice Book Section 72-1, et seq., and directed toward an order of the trial court, Bellis, J., suspending the

plaintiff in error, Norman Pattis. The writ asserts, among other claims, that Pattis was disciplined in violation of settled judicial rules and precedent; his prosecution and suspension were conducted in violation of his rights to due process and reflect a growing, and disturbing, trend among trial court judges of dispensing summary judgment against aggressive lawyers, a tendency that cannot help but undermine the adversarial system and create a more limpid inquisitorial regime.

2. Mr. Pattis was admitted to the bar of the Superior Court for the State of Connecticut in 1993. He is a graduate of the University of Connecticut School of Law.

3. Following an August 4, 2022 Order to Show Cause that was issued *sua sponte,* and related hearings held on August 10, 17, and 25, Mr. Pattis was suspended for six months by order of the Court via a memorandum of decision on January 5, 2023, in a case bearing the following captions and docket numbers: *Erica Lafferty Et Al v. Alex Emric Jones Et Al, UWY-CV-18-6046436-S; William Sherlach v. Alex Emric Jones Et Al, UWY-CV-18-6046437-S;* and *William Sherlach Et Al v. Alex Emric Jones Et Al, UWY-CV-18-6046438-S.* The suspension was effective immediately, and the trial court denied a subsequent Motion for Stay on January 11, 2023. The suspension was for alleged violations of Rules 1.1, 1.15, 3.4, 5.1,and 8.4 of the Rules of Professional Conduct.

4. For many years, Mr. Pattis has represented litigants in highly contested matters, including criminal defense cases and the civil defense of Alex Jones and his companies as related to the Sandy Hook tragedy.
5. Consistent with his duties of loyalty to his client and zealous advocacy, Mr. Pattis developed a reputation as a creative litigator who was willing to aggressively defend even the most despised clients. This reputation was shared among judges and was well known within the legal community. Clients came to him because they knew he would not back down in asserting their claims that could be supported by evidence.
6. Pattis was suspended for disclosing confidential medical records to other lawyers working on related matters for their joint client, Alex Jones.
7. One of those lawyers inadvertently sent the records to an opponent in a case involving Mr. Jones in Texas.
8. No one who received the records actually looked at them.
9. The trial Court determined that the recipients were not "counsel of record" within the meaning of a confidentiality order issued in CT.
10. At a show cause hearing, Pattis elected to assert his fifth amendment privilege as the claim arose from disclosure of HIPPA-protected material. Unauthorized disclosure of a medical record is an element of a criminal offense under Connecticut law, and, arguably, is so under federal law.
11. In a contorted act of semantic gymnastics, the trial court claimed in its decision that while it did not draw an adverse inference against Pattis for asserting the fifth in the hearing, it was nonetheless a chief aggravating factor considered by the Court as a failure to acknowledge the wrongful nature of the Respondent's conduct.
12. Pattis has no disciplinary history prior to the Jones case.

13. Pattis was entitled to a fair and impartial consideration of his alleged misconduct and did not receive it for the reasons that follow.

14. No third party initiated a complaint about his conduct; the "process" yielding discipline against Pattis was a result of the judge's *sua sponte* convening of the disciplinary hearing.

15. The trial court lacked jurisdiction over the claim in that it initiated a show cause proceeding based on allegations the court either read about in the newspaper or heard about on television. No conduct occurred before the court warranting it initiating a proceeding.

16. Moreover, the trial court had demonstrable bias against Pattis and abused its discretion in taking jurisdiction over this matter. Previously in this case, the court followed grievance procedures to refer Pattis to an independent panel for disciplinary proceedings in regard to the handling of an affidavit. Pattis was exonerated on the merits by that independent panel. See *Danbury Judicial District Grievance Panel v. Norman A. Pattis,* #19037. This procedure was available to the court in the medical records issue, yet the court elected not to refer the matter, suggesting an interest in the outcome and a desire to control the proceedings to secure the result the Court had predetermined. Unsurprisingly, this dissatisfying exoneration by an independent panel was the chief aggravating factor listed by the court in its decision to suspend Pattis.

17. Pattis had previously moved to disqualify the trial court for a pattern of abuse of discretion and an appearance of bias against his client, Alex Jones, who stood trial in Connecticut for comments he made about the shooting deaths of school children at the Sandy Hook Elementary School in 2012. The trial court denied that motion. It

was improper for the court to hear an issue involving him after Pattis had challenged the court's competence and impartiality in a public pleading.

18. Pattis had twice previously sought emergency interlocutory review of the trial court's rulings in Mr. Jones' case. On one occasion, the Supreme Court of Connecticut granted review to consider whether the trial court violated Mr. Jones right to freedom of speech for sanctioning him regarding extrajudicial comments about a lawyer in the case. The brief Pattis wrote was highly critical of the judge and was reported widely in the media. The Supreme Court sustained the judge's discipline after argument, more than a year's deliberation and a lengthy opinion. Pattis then sought certiorari and lost. Again, it was improper of the court to hear an issue involving Pattis after he had challenged her understanding of the first amendment in a highly public and widely reported upon proceeding.

19. Prior to Pattis's exoneration by an independent panel on the judge's earlier referral involving the aforesaid affidavit, the judge called Pattis to her bench for a private discussion in which she expressed her disappointment in Pattis, telling him that she had previously held him in the highest regard. This comment suggests that the judge had prejudged a decision involving Pattis before he had even had a chance to address the allegations.

20. The underlying litigation involving Mr. Jones was hotly contested, involved more than 1,000 docket entries, and was the subject of a televised trial. Pattis aggressively defended Mr. Jones in the matter, at times toeing the line between respect and contempt for the court. The trial court issued her show cause order against Pattis as the underlying matter went to trial, and the proceedings were pending during the trial, forcing Pattis to litigate under the threat of imminent discipline. In doing so, the trial court demonstrated that it had no concerns about the Respondent being a

threat of imminent harm to either the parties in the case, or the legal system at large.

DENIAL OF DUE PROCESS OF LAW

21. Paragraphs one through 20 are incorporated herein.
22. Mr. Pattis enjoyed a property interest in his law license.
23. Judge Bellis deprived him of his property interest in a proceeding over which she had no jurisdiction or authority.
24. Under Practice Book Section 2-45, Judge Bellis had the authority to exercise its jurisdiction for cause that "occurs in the actual presence of the court...". The alleged misconduct at issue did not occur in the actual presence of the court.
25. Nonetheless, Judge Bellis instituted an inquisitorial proceeding not contemplated by either the Practice Book or existing law by referring Pattis for presentment by Disciplinary Counsel in a hearing where she would be the complainant as well as the adjudicator.
26. Upon information and belief, Judge Bellis was determined to proceed in such a fashion in order to avoid being unable to control the result, as she had been unsatisfied with Pattis's exoneration by an independent panel when she had referred an affidavit issue to the Grievance Panel.
27. Judge Bellis's impartiality could reasonably be challenged based on this bias and interest in the outcome.
28. In order to assure that lawyers standing under the threat of potential discipline receive fair process, the Practice Book created a statewide grievance system

with independent fact finders, and it was an abuse of the court's discretion to proceed in the fashion that it did as well as a violation of the Respondent's right to due process of the law before an impartial adjudicator.

THE PUNISHMENT WAS DISPROPORTIONATE TO THE OFFENSE

29. Paragraphs one through 28 are incorporated herein.

30. Mr. Pattis's unauthorized disclosure of confidential records to other attorneys involved in the case was the result of a mistaken understanding of a protective order.

31. The single unauthorized disclosure extended to three attorneys, all of whom were involved in representing the parties in the case.

32. Assuming that Mr. Pattis erred and violated Rules of Professional Conduct, he did so neither for purposes of personal gain nor to serve his own interests.

33. A six month suspension for a lawyer who inadvertently made an unauthorized disclosure of this nature while aggressively advocating claims on behalf of a client in a high-conflict proceeding is disproportionate and excessive.

34. Judge Bellis's disciplinary remedy was fueled in substantial part by her personal animus against and distaste for the Defendants and attorney Pattis's decision to represent them.

THE COURT DISCIPLINED IN THE ABSENCE OF CLEAR AND CONVINCING EVIDENCE AND/OR RELIED UPON CLEARLY ERRONEOUS FINDINGS OF FACT

35. Paragraphs one through 34 are incorporated herein.

36. The trial court referred to facts outside the record of the proceedings in imposing discipline, to wit: the alleged misconduct did not occur in the actual presence of the Court.

37. The trial court made clearly erroneous factual findings in support of its disciplinary decision, as evidenced by its claim not to have drawn an adverse inference against the Respondent for invoking his constitutional rights under the Fifth Amendment while at the same time concluding that his invocation of those rights was one of the chief aggravating factors justifying his suspension.

38. The trial court's decision to discipline Mr. Pattis for multiple violations of the Rules of Professional Conduct was not supported by clear and convincing evidence as to each claim.

THE COURT ABUSED ITS DISCRETION IN DENYING THE RESPONDENT'S MOTION FOR A STAY OF THE SUSPENSION PENDING APPEAL

39. Paragraphs 1-38 are incorporated herein.

40. The Respondent filed a motion seeking a stay of the suspension pending appeal on January 6, 2023.

41. The Court denied that motion on January 11, 2023.

42. The present case is not one that qualifies for an interim suspension under Practice Book §2-42, nor is there any claim that the Respondent constitutes an imminent threat of harm to the parties, his clients, or the courts. Moreover, the court's decision to hold its disciplinary hearings and allow the Respondent to fully

litigate the case before imposing its suspension indicates that the court did not view Pattis as unfit to practice or a threat to litigants or the courts.

43. The extent of the misconduct for which Pattis was suspended was a single instance of unauthorized disclosure to other attorneys associated with the case, and one that is unlikely to be repeated.

44. Despite this, the court denied the motion for stay in a cursory order that mentioned, without analyzing, the equities it was required to balance.

45. This failure to analyze the equities was a failure to meaningfully exercise its discretion, and as such constitutes a per se abuse of its discretion. Moreover, on this record, a meaningful exercise of the court's discretion and a reasonable balancing of the equities would have resulted in the granting of the stay.

WHEREFORE, the petitioner petitions for a writ of error and claims relief as follows:

A. An order imposing a stay while the Respondent pursues his appeals;
B. An order vacating the judgment and setting aside the suspension of Mr. Pattis.

THE PLAINTIFF IN ERROR, NORMAN PATTIS

BY:/s/ Kevin Smith/s

Kevin Smith
PATTIS & SMITH, LLC
Juris No. 423934
383 Orange Street

New Haven, CT 06511
V: 203-393-3017 F: 203-393-9745

CERTIFICATION OF SERVICE

This is to certify that the Petitioner has begun the process of serving the above captioned writ by normal service of process procedures pursuant to Practice Book § 72-3(b) on the above date to:

Judge Barbara Bellis
Superior Court, Complex Litigation
400 Grand Street
Waterbury, CT 06702

Brian B. Staines, Esq.
State of Connecticut, Judicial Branch
Chief Disciplinary Counsel
100 Washington Street
Hartford, CT 06106

/s/ Kevin Smith/s/

RETURN DATE: FEBRUARY 7, 2023

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PRESENTATION OF WRIT OF ERROR FOR SIGNATURE

Pursuant to Practice Book § 72-3, the attached writ of error having been duly presented ~~and heard~~, the same is hereby ordered: SIGNED/DENIED

BY THE COURT:

Date: 1/13/2023

Beth Burns, Deputy Chief Clerk

Judge/Clerk of the Superior Court

OFFICER'S RETURN

STATE OF CONNECTICUT

ss: Hartford, January 13, 2023

COUNTY OF HARTFORD

Then and there by virtue hereof, on January 13, 2023, I served, **Brian B. Staines, Esq.**, by leaving a true and attested copy of original PRESENTATION OF WRIT OF ERROR FOR SIGNATURE AND WRIT ERROR ON BEHALF OF NORMAN PATTIS, with and in the hands of, **Brian B. Staines, Esq. at State of Connecticut, Judicial Branch Chief Disciplinary Counsel, 100 Washington Street, Hartford, CT 06106,** with my endorsements thereon.

The within and foregoing is original PRESENTATION OF WRIT OF ERROR FOR SIGNATURE AND WRIT ERROR ON BEHALF OF NORMAN PATTIS, with, with my doings hereon endorsed.

ATTEST:

PETER J. PRIVITERA
CT STATE MARSHAL
HARTFORD COUNTY

Docket No.'s: X06-UWY-CV18-6046438-S
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Fees:

Service Fee	$ 50.00
Copy	12.00
Endorsements	2.00
Travel	21.00
	$ 85.00