

CT court employees face tough questions over conflicts of interest

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Photo: AP

Anne Stevenson



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WASHINGTON, May 20, 2013 - Several Connecticut state employees may soon find themselves in hot water for using their positions as judges and Judicial Branch managers to promote a Judicial Branch vendor that they personally founded and operate from their State offices.

In April 2013, the Connecticut Commission on Judicial Ethics issued [an informal opinion](#) stating that it would be

a violation of judicial canon for court officers and their staff to serve on the board of directors of nonprofit organizations that provide services to court-involved clients who appear before them and receive the majority of their funding from contracts with the Judicial Branch.

The Connecticut Secretary of State's office has confirmed that at least one such business was not properly registered and may face sanctions.

Paul Boyne, a Connecticut father of four, says the CJE's ruling comes too late for his children, who he says have not been allowed to visit him in years. Boyne says that since his divorce case opened in 2007, the custody case has remained open due to the fact that the judges who currently serve as [corporate directors](#) for the vendor refuse to establish a custody or visitation schedule.

These same judges have ordered his family to patronize various vendor affiliated services from Dr. Sidney Horowitz, who does not have a [State contract](#) to provide therapeutic services on behalf of the Judicial Branch. Court transcripts show that in July 2012, Judge Holly Abery Wetstone recused herself from hearing the Boyne matter, then authorized payments from the Judicial Branch to an unnamed vendor, despite the fact that there were no motions for fees pending before her to rule on at that time.

Judicial Branch billing records are kept separately from the court case filed in the Court's administrative offices, and parties who wish to see the invoices submitted by professionals appointed to their cases are required to request them under the State's open records laws. The heavily redacted [records](#) Boyne obtained from the Judicial Branch show that Horowitz had [billed over \\$4,200](#) to the state on the Boyne case, however, Boyne and his ex-wife's attorney confirm that Horowitz did not provide them with copies, nor did the Judicial Branch seek their approval for the charges Horowitz submitted.

Boyne says that Horowitz failed to provide all the services and reports outlined in the court order, then recused himself from his appointment to the Boyne case in May 2012. Yet in fall 2012, Judge Lynda B. Munro and Judicial Branch Manager Mary Kay West administratively [authorized payments](#) to Horowitz at more than twice the state rate, even though no court order on record had approved the payments.

Through an open records request, the Judicial Branch provided the same billing records on the Boyne case which were less redacted than the records the state provided to Boyne himself. The copy showed that Horowitz made calls to the Connecticut Department of Children and Families the day before he recused himself from the Boyne case.

Both Boyne and his ex-wife's attorney, Daniel Kennedy, confirmed in emails that prior to being contacted, they were unaware of any communications Horowitz may have had with DCF about the Boyne case. Boyne says that his [correspondence with DCF](#) show Horowitz had billed the State for a report the doctor made against his ex-wife,

which was rejected by DCF because Horowitz had never met the Boyne children.

Is this really the best deal for the taxpayers?

Judicial Branch employees go into business with court employees nationwide

Established 1975, the [Association of Family and Conciliation Courts](#) (AFCC) is now a Wisconsin based international trade organization for family court industry professionals founded by judges, court administrators, and the family court professionals who may appear before them. Documents obtained from the State and the AFCC show that the AFCC has been a vendor for the Connecticut Judicial Branch for over 30 years, and at one point even had a corporate office within the Hartford Superior Court.

The articles of incorporation list Judicial Branch Manager Anthony Salius as a founding director. In addition to Salius, the list of [former AFCC presidents](#) also includes Judicial Branch managers Robert Tompkins and Stephen Grant. [AFCC newsletters](#) also show that for over a decade, Court support services managers [Debra Kulak](#) and Marilous Giovannucci have teamed up with AFCC affiliated Judicial Branch vendors like Dr. Phil Stahl and Dr. Marsha Kline Pruitt to assist with AFCC fundraising and [policy initiatives](#).

According to William Silk, a staff attorney for the Connecticut Secretary of State's office explained that in most cases, the [Connecticut Nonstock Corporations Act](#) requires all nonprofit businesses to file registration documents with his office, the IRS, and the Attorney General's Office before conducting business in the state. Documents obtained from Silk's office show that Jessica Pearson, Ann Milne, and Frank Orlando (a Florida judge) first registered the AFCC with the Connecticut Secretary of State in 1982 while Pearson was under contract to set up the court's mediation services.

However, the AFCC has not been registered to do business in Connecticut because in 1985, its application was withdrawn by then AFCC president and Judicial Branch manager Anthony Salius. The IRS's website does not list the Connecticut AFCC as an approved charity.

But Judicial Branch employees may also be facing bigger problems from the CJE, who [recently decided](#) that it would also be a violation of canon for family court judges to join the [American Academy of Matrimonial Lawyers](#), an organization similar to AFCC. Documents obtained from the State of Illinois and both these organizations show the AAML and AFCC are cross affiliated through founding officials and current members. The AFCC is also [cross-affiliated](#) with pedophile friendly militant fathers rights groups, such as the [Children's Rights Council](#). According to their websites and newsletters, these organizations promote and operate various policy driven projects, such as crafting legislation and industry guidelines, lobbying, and training court industry officials. According to documents obtained from the IRS, various Secretary of State's offices, and a [2002 report](#) released by the California Chapter of the National Organization for Women (NOW), the AFCC has a [checkered past](#) with authorities, and their right to do business in California, Florida, and Kansas has been revoked (and sometimes reinstates) at various times.

[AFCC newsletters](#) state that a Judicial Branch vendor, Pearson and the AFCC set up several demonstration projects family courts around the country, including Connecticut, which were funded by the state, the U.S. Department of Health and Human Services, and the U.S. Department of Justice. But Pearson was also a co-founder of another company called the Center for Policy Research, which Pearson [admits](#) writes reviews of these [same projects](#) for the funding federal agencies.

Records obtained from the Judicial Branch show that the corporation continued to transact routine business in the State and serve as an often relied upon Judicial Branch vendor well after Salius withdrew their application in 1984. Vendor reports show that between 2007 and 2010, the Judicial Branch paid the AFCC over \$70,000 for services provided to the family court by Dr. Klein Pruett, her assistants, and the Charter Oak Group.

Various correspondence with the Connecticut Secretary of State's offices confirmed they are aware that the AFCC remains unregistered and have begun to formally inquire as to whether the AFCC's operations in Connecticut are in compliance with state laws. While Silk's office says that they have no authority to prosecute the AFCC criminally, they are able to issue fines against unregistered foreign corporations illegally conducting business in the state.

Judicial Branch officials create another AFCC corporation, do business with Judicial Branch

On March 14, 2013, Connecticut Judicial Branch Manager Marylou Giovannucci sent [an email](#) from her state work account to roughly 800 family court industry professionals soliciting business and donations for the First Annual Conference of the Connecticut Chapter of the AFCC being held on April 12, 2013 at Quinnipiac University in Hamden. Judge Munro, who is also a professor at Quinnipiac Law, was a featured speaker at the conference. Dr. Horowitz and several Judicial Branch managers and vendors were listed on the flyer as AFCC conference committee members.

The problem according to attorneys from the Secretary of State's office, was that neither the AFCC nor the Connecticut AFCC was registered to do business in the state at the time. The Connecticut AFCC's incorporation documents filed with the Secretary of State's office on March 26 show that founding board members include Judge Munro, Judge Wetstone, Judge Gerard Adelman, as well as Judicial Branch managers Kulak, Giovannucci, and Phyllis Cummings-Textiera.

The addresses listed on the application as the Connecticut AFCC's business offices matched the addresses of law firms affiliated with incorporator Robert Zaslow and Thomas Esposito, two attorneys who also serve as guardian ad litem in family court cases.

According to Martin Libbin, attorney for the Connecticut Judicial Branch, states that Chief Administrative Judge Barbara Quinn and other Judicial Branch managers approved paid education days for employees to attend the conference, and federal funds from a Court Improvement Grant were used to cover their cost of attendance. The AFCC's website shows those fees ranged from \$120-\$170 per person.

Regardless of the Court's actual reasons for withholding Paul Boyne's access to his children, surely the entire family deserves a fair hearing on the matter before an impartial tribunal not affiliated with questionable Judicial Branch employee owned corporations. When contacted for comment, the Connecticut Attorney General's Office did not respond to inquires as to whether they had opened an investigation into either corporation's activities in the state.

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Anne Stevenson is a policy analyst and consultant who

researches the efficiency of publicly funded programs, then helps clients create an effective advocacy strategy and materials to improve the policies affecting their families.



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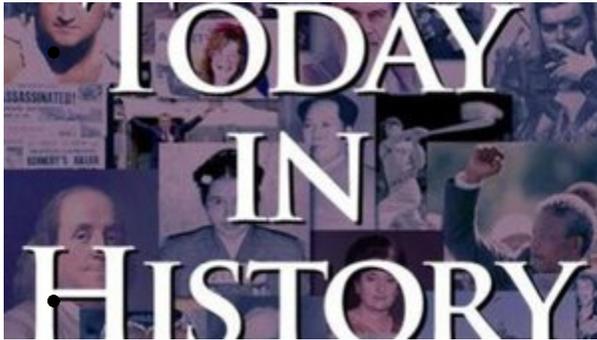
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