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RC ID # 2018-004 a

Del Ciampo, Joseph

From: Del Ciampo, Joseph
Sent: Wednesday, October 03, 2018 12:55 PM
To: 'Robert Berriault'
Subject: RE: Request to add a proposal for the next Rules Committee meeting

Dear Mr. Berriault,

In general, if you wish to submit to the Rules Committee a proposed new rule or an amendment to an existing rule, you should submit your proposal together with a specific explanation of why the new rule or amendment is needed. Your proposal and explanation may be addressed to the Rules Committee in care of me.

Additionally, each May, the Rules Committee holds a public hearing on the rules and forms it is considering recommending to the judges for adoption. Members of the public are welcome to speak at such public hearing to voice their opinions in favor of, or in opposition to, the rules and forms being considered.

I acknowledge your below request and will present it to the Rules Committee for its consideration. Thank you.

Joseph J. Del Ciampo
Director of Legal Services
Connecticut Judicial Branch
100 Washington Street, 3rd Floor
Hartford, CT 06106

e-mail: Joseph.DelCiampo@jud.ct.gov

Tel: (860) 706-5120

Fax: (860) 566-3449

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From: Robert Berriault [mailto:Robert.Berriault@outlook.com]
Sent: Monday, September 24, 2018 2:15 PM
To: Del Ciampo, Joseph
Subject: Request to add a proposal for the next Rules Committee meeting

September 24, 2018

Good Afternoon Mr. DelCiampo,

My name is Bobby Berriault. I am writing to you to inquire about the process of requesting that a amendment to the rules (specially the CT Bar Examination Committee rules) be added to the agenda. Is it possible for me to propose such a change for the committee to consider? If so, what is the format I should submit it? Once the committee hears the proposal, if it were to pass the rules committee at the next meeting is there another step the proposal has to go through in order to be enacted or would it be enacted with a favorable vote of the Rules Committee? Finally, would I be permitted to speak at the Rules Committee meeting to address the committee as a member of the public? Is there a public comment section of the meeting?

The proposal that I would like to ask the Rules Committee to consider would be a creation of a rule which would permit the CT Bar Examination Committee the ability to fully waive the fees for the CT Bar Examination if the applicant previously applied to the CT Bar Examination within the previous year, paid the fee in full previously, and were unable to sit for the exam because of a medical issue and is applying to sit for the CT Bar Exam a second time within two examinations of that original application. That is the situation that I am in.

I originally applied to take the CT Bar exam back in March 2018 for the July exam, and this was before I found out that I needed to have brain surgery to remove a cyst inside my head which was blocking the fluids in my brain. I ended up having to undergo surgery on June 21. I paid the full fee then. But I wasn't able to sit for the exam because of the surgery and the recovery period. I have to now reapply for the February exam, and it is the policy of the CT Bar Examining Committee to make people pay a partial \$625 fee if they are reapplying from a application that they originally submitted and subsequently did not sit for that years exam. \$625 which is a lot of money. I don't have much money, and because I grew up in foster homes and group homes and I don't have a job I can't afford to pay the fee myself.

I do not think it is fair or right especially giving my situation and the fact that I can't control a clot in my brain or other medical issues for me to have to pay twice to sit for one exam. Other people who are more lucky then I am only has to pay once to take one exam, and I don't understand why I have to pay twice to sit for one exam. I could understand being obligated to paying twice if I took the exam right after my surgery or if I didn't give the Examination Committee any notice to withdraw, but I did give them a months' notice before the deadline and they approved my withdrawal.

In college or in any other situation, if I need to withdraw from a course before the course starts I am entitled to a 100% refund. I don't understand why that doesn't apply to the Connecticut Judicial branch. That is why I am requesting the rule's change, so that myself and all other people who find themselves in a similar situation can be able to focus on their health and not have to stress about giving up their career's just because of the excessively high fees leveled against them for a situation that they have no control over.

I really do appreciate all your help and thank you so much for taking the time to read my letter.

Thanks,

Bobby Berriault
(860) 817-4635
Robert.Berriault@outlook.com

[Click here to schedule an appointment request with me!](#)

www.BobbyBerriault.com

Western New England University School of Law - J.D 2018

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Deputy Vice President of Communications - Connecticut Young Democrats

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Member – Public Interest Law Association

Member - Enfield High School Class of '08 Reunion Committee

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STATE OF CONNECTICUT
JUDICIAL BRANCH

CONNECTICUT BAR EXAMINING COMMITTEE

JESSICA F. KALLIPOLITES, *ADMINISTRATIVE DIRECTOR*

100 Washington Street
Hartford, CT 06106-4411
(860) 706-5138
www.jud.ct.gov/CBEC/
barexam@jud.ct.gov

October 12, 2018

Attorney Joseph J. Del Ciampo
Secretary to the Rules Committee
100 Washington Street
Hartford, CT 06106

Dear Attorney Del Ciampo:

The Connecticut Bar Examining Committee (CBEC) recently received the agenda for the October 15, 2018 Rules Committee meeting and the documents related to item 2-9 regarding a proposal for a rule to allow for a waiver of fees for certain bar applicants.

Currently, there is no provision for a fee waiver for those seeking admission to the bar. There is a provision which entitles an applicant to a fee credit under certain circumstances in Article III-3 of the CBEC Regulations. Article III-3 states:

An applicant who withdraws his or her application to take the bar examination at least 30 days prior to the examination shall be entitled to a fee credit of \$125. Withdrawals for medical reasons accompanied by a doctor's certificate shall be entitled to a fee credit of \$125 if received within ten days after the examination. Any fee credits to which a withdrawing applicant may be entitled must be applied toward either of the next two succeeding examinations. All withdrawals must be in writing, addressed to the administrative director and are effective on the date received by the administrative director.

The CBEC would appreciate the opportunity to review its Regulations and to determine if any changes should be made regarding the allowance of a credit or to allow for fee waivers in certain circumstances prior to the Rules Committee taking action on the proposal.

I will appear at the Rules Committee meeting to formally request that this matter be tabled and to answer any questions the Rules Committee may have.

Sincerely,

Jessica F. Kallipolites
Administrative Director

- cc: Hon. Anne C. Dranginis (Ret.), CBEC Chair – by email only
- Kathleen B. Harrington, Deputy Director, Attorney Services – by email only
- Lisa Valko, Assistant Administrative Director, CBEC – by email only
- Robert Berriault – by email only

2-9

October 12, 2018

Attorney Joseph J. Del Ciampo
Secretary to the Rules Committee
100 Washington Street
Hartford, CT 06106

Dear Attorney Del Ciampo,

I am writing to you and the members of the Rules Committee to respond in writing to the letter from Jessica F. Kallipolites addressed to you written earlier today asking the Rules Committee to not consider item 2-9 on the October Rules Committee meeting agenda.

Ms. Kallipolites lists two reasons why the Rules Committee should not consider item 2-9 on the October Rules Committee meeting agenda. The first reason that she list is that the CBEC would like to have time to review its Regulations before the Rules Committee considers revising the rules. I respectfully would like to say that there is nothing that needs to be reviewed regarding the agenda item in question. I've personally read through all 647 pages and 86 chapters of the Connecticut Practice Book, and there is no provision concerning fee waivers and only one provision concerning fee credits, which was identified in Ms. Kallipolities letter to you. But don't simply take my word for it. Ms. Kallipolities's statement to WFSB-TV just four days ago on Tuesday October 9, 2018 affirmatively states that "There is no provision in the Rules or Regulations for a waiver of the fee to apply for admission by examination" adding that "An applicant who withdraws his or her application to take the bar examination at least 30 days prior to the examination shall be entitled to a fee credit of \$125."

I find it disingenuous that Ms. Kallipolities claims to be unsure of the Rules and Regulations concerning fee waivers and fee credits in her letter to you while simultaneously claiming to the media and to the public that she was absolutely sure of the Rules and Regulations. Ms. Kallipolities's claim that she needs time to review the Rules and Regulations concerning fee waivers and fee credits is nothing more than a farce, and a deliberate attempt to indefinitely stall the process and to further discrimination against me and to cause me further pain.

The second reason that Ms. Kallipolities listed for why the Rules Committee should not consider item 2-9 on the October Rules Committee meeting agenda is because she is requesting time to determine if any changes should be made regarding the allowance of a credit or to allow for fee waivers in certain circumstances prior. Let me perfectly honest with you, normally I would agree with that assessment and welcome the extra time for consideration. However, I have spoken to Ms. Kallipolities on the telephone earlier last week and she told me previously that they will absolutely not consider any changes to the policy. She told me and others that the CBEC is not open at all to changing the policy. She told the media that. And she told legislative liaisons that.

Frankly, I have been trying to work with the CBEC for the past few months. They've refused to return my calls when I left voicemail messages in the past and they refuse to engage in an open dialogue with me. The CBEC has had several months to consider whether or not any changes

should be made to the Rules or Regulations concerning fee credits and fee waivers upon my many requests, and they opted not to consider those requests at all. Therefore, it would be extremely unreasonable for the Rules Committee to table the motion in question on that basis since I have no reason to believe that the CBEC will be serious about making those considerations in the future since the CBEC was not at all serious about considering rule changes in the past few months.

In addition to refusing to consider whether or not any changes should be made concerning fee waivers and fee credits, I want to point out that there is an informal and arbitrary process that already exists for obtaining a fee waiver, and that a number of people have used that process. The informal process that bar applicants have to currently go through is as follows: the bar applicant has to write a letter to the Chair of the Connecticut Bar Examination Committee requesting a fee waiver, attach an affidavit, get the letter notarized, and sign it under oath. The criteria for obtaining a fee waiver is purely subjective, and it has been alleged by a few of my former coworkers in the legislature that fee waivers have been granted in the past by the CBEC to bar applicants.

However, I cannot factually say for sure whether or not that the CBEC has granted fee waivers in the past, so that is why Matthew Long filed a Freedom of Information request asking the CBEC for three things on my behalf: (1) all of the fee waiver requests that were granted in the last 20 years, (2) which one's were granted, and (3) for what reasons. Mr. Long filed the freedom of information request and it was received by CBEC on Monday October 1, 2018, and per C.G.S. § 1-202 the CBEC had four business days to get back to Mr. Long either by providing him with the requested information, providing notice that the CBEC needs more time to gather the documents, or denying our request. We had not received any response within those four business days in violation of the state statute. And as I write this letter to you, we still did not receive a written response other than one sent yesterday by email saying that we will get a response by the end of this week (today).

Ms. Kallipolities has shown blatant disregard for the law by failing to respond to the FOI request within the time limit prescribed by state statute, she refuses to disclose prudent information that she is obligated to disclose under the law to members of the public, and now she is seeking to indefinitely stall the Rules Committee in an effort to further discriminate against me and to cause me greater pain. If Ms. Kallipolities and the CBEC can in good faith prove to the Rules Committee that there is a rational basis for why it is in the best interest of the public for the Rules Committee to table motion 2-9, then I will certainly support that. However, the reasons that she listed so far contradict statements she made both in public and in private. And furthermore, since this motion is a time sensitive motion as I intend to take the February 2019 bar exam, if the Rules Committee tables the motion that I proposed, I will effectively be denied a legal remedy which would of potentially enabled me the legal justification for me to pay only once to take one exam, as the deadline to apply for the February 2019 Bar Exam will have passed before the Rules Committee will be able to take up my proposal again.

My position is quite clear: I am not asking for a handout. I am merely asking to pay once to take one bar exam. I am not asking to be treated differently. I am only asking for equal treatment. I

already paid the \$800 to take the bar exam. I should not have to pay twice to take one exam, especially when most people are permitted to pay once to take one exam.

I was unable to take the Connecticut Bar Exam due to the fact that I was physically disabled as defined by C.G.S. § 46a-51(15), and therefore I argue that I am entitled to pay once to take one bar exam and not be punished because of my physical disability by being forced to pay twice to take one exam in violation of C.G.S. § 46a-71(a). Finally, I argue that the CBEC is in direct violation of C.G.S. § 46a-71(b) by attempting to double charge me to take one exam because of my physical disability.

Any effort to further infringe on my rights to equal access of services by the Connecticut Judiciary, of equal and fair treatment, of equal opportunity to propose changes to the rules and regulations of the Judiciary, and of equal opportunity to speak and to address the Rules Committee especially when other non-committee members such as Ms. Kallipolities is requesting the opportunity to speak before the committee in asking to table my motion will be seen by me as a clear violation of the American with Disabilities Act, of the Fourteenth Amendment of the United States Constitution, and of C.G.S. §46a-71(a), (b); and I will seek all available legal remedies in an effort to prevent any further discrimination by myself and others in a similar position including but not limited to filing a discrimination complaint to the Connecticut Attorney General Division of Civil Rights, the United States Department of Justice Office of Civil Rights, and the Commission of Human Rights and Opportunities.

To be clear, I am not in any way shape or form demanding that the Rules Committee pass my proposal. I am merely asking for a fair and impartial hearing regardless of the outcome, and if Ms. Kallipolities is afforded the opportunity to address the Rules Committee in person during the meeting, that I should also be afforded that same right to address the Rules Committee since she holds the same legal status as myself in the regard that she is also not a member of the committee or a staffer of the committee as I am considered.

I am not looking for special treatment, but of equal treatment. I am not looking to take the Bar Exam for free, but only to pay the full fee once to take the exam once. And if there is to be a process for obtaining a fee waiver, it should be a formal process and an objective process and not an informal, arbitrary, and subjective process as it is today. This is about ensuring that everyone is treated equally and fairly regardless of who they are or what disabilities they may have. And despite the fact that I had brain surgery and my life was in peril for a while, despite the fact that I have Asperger's, despite the fact that I don't have a family, and despite the fact that I don't have much money and I still live in poverty, I insist on being held to the same standards as everyone else while being afforded the same and equal opportunities as others.

In summary, the reasons that Ms. Kallipolities names for why the Rules Committee should indefinitely stall and not consider my proposals at all contradict her previous statements made days prior to myself, other people, the media, and the public at large. In light of these facts, I therefore hope that the Rules Committee will take a serious, full, and impartial look at my proposal and not table it unless Ms. Kallipolities can articulate a rational basis for why it is in the best interest of the public for the Rules Committee to table my proposal.

Sincerely,

Robert Berriault

Robert Berriault

CC: Hon. Anne C. Dranginis

CC: Kathleen B. Harrington

CC: Lisa Valko

CC: Jessica Kallipolities