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RC ID # 2018-004 c

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