

FILE NO. J2013-036

JUDICIAL REVIEW COUNCIL

IN RE HONORABLE

HARTFORD, CONNECTICUT

E.CURTISSA R. COFIELD

JULY 9, 2013

MEMORANDUM OF DECISION

On March 28, 2013, the Judicial Review Council, upon its own motion, voted to initiate an investigation of Judge E. Curtissa R. Cofield concerning the circumstances of her delay in deciding and issuing judgments in four juvenile court cases concerning ten children.

Pursuant to Connecticut General Statutes Section 51-511, a confidential probable cause hearing was held on May 15, 2013. Notice of the probable cause hearing was provided to Judge Cofield as required by law. The respondent appeared at the probable cause hearing, testified and submitted 3 documents into evidence. The Executive Director testified and submitted 17 documents into evidence. All exhibits were received without objection. Following the hearing, the Council found probable cause and filed the following charges against Judge Cofield:

CHARGES

. **Violation of C.G.S. 51-51i(a)(4)**

On diverse dates between March 5, 2012 and April 1, 2013, the Honorable E. Curtissa R. Cofield did violate Connecticut General Statutes Section 51-51i(a)(4) by failing to issue in a timely manner the decisions and judgments in the cases of In re Shmarr J., In re Lendsey J., Jr., In re Omayra S., In re Andrew S., In re Danny S., In re

Brandon R., In re Jasyne T., In re Elaisia T., In re Martin T. and In re Martasia R., thereby neglectfully and incompetently performing the duties of a judge.

2. **Violation of Rule 2.5 of the Code of Judicial Conduct**

On diverse dates between March 5, 2012 and April 1, 2013, the Honorable E. Curtissa R. Cofield did violate Connecticut General Statutes Section 51-51i(a)(2) and Rule 2.5 of the Code of Judicial Conduct by failing to issue in a timely manner the decisions and judgments in the cases of In re Shmarr J., In re Lendsey J., Jr., In re Omayra S., In re Andrew S., In re Danny S., In re Brandon R., In re Jasyne T., In re Elaisia T., In re Martin T. and In re Martasia R., thereby failing to perform her judicial duties competently and diligently.

Pursuant to Connecticut General Statutes Section 51-511(c), the Council thereafter conducted a public hearing on the above-listed charges on June 19, 2013. Judge Cofield appeared, with counsel, Attorney Hubert J. Santos. A stipulation of facts and stipulation re: exhibits were agreed to by the parties and entered into evidence. At the hearing Judge Cofield admitted that she had violated count one alleged in the charging document. After being canvassed by the Chairman, the Council accepted her admission. Thereafter Judge Cofield made remarks to the Judicial Review Council and several individuals spoke on her behalf.

The Council, based on the stipulations agreed upon, determines the following Facts and Conclusions:

FINDINGS OF FACT

The Council finds the following facts are established by clear and convincing evidence:

1. That on March 28, 2013, the Judicial Review Council voted to commence an investigation of Judge E. Curtissa R. Cofield.
2. That notice was sent, by certified mail, to Judge Cofield on March 28, 2013, informing her of the Council's decision to initiate an investigation of her delay in deciding and issuing judgment in certain juvenile court cases.
3. That Judge Cofield received the above referenced letter on March 29, 2013, signing the certification receipt.
4. That on April 19, 2013, the Judicial Review Council voted to schedule a probable cause hearing on the complaint against Judge Cofield for May 15, 2013.
5. That notice was sent, by certified mail, to Judge Cofield on April 19, 2013, informing her of the probable cause hearing and her statutory rights.
6. That Judge Cofield received the above referenced letter on April 22, 2013, signing the certification receipt.
7. On May 15, 2013, the Judicial Review Council conducted a probable cause hearing on the complaint initiated by the Judicial Review Council against Judge E. Curtissa R. Cofield, pursuant to Section 51-51l(a) of the General Statutes.
8. That the Judicial Review Council, at the conclusion of this hearing, found that probable cause existed that Judge Cofield had violated Section 51-51i of the General Statutes and Rule 2.5 of the Code of Judicial Conduct. A public hearing on this matter was scheduled to be held on June 19, 2013.
9. That on May 15, 2013, a certified letter was sent to Judge Cofield informing her of the action of the Judicial Review Council finding probable cause. Attached to this letter were the charging document, dated May 15, 2013 and the notice of public hearing. Contained in this notice of public hearing were the date, time and location of the public hearing. Judge Cofield was also informed of her statutory rights, including her right to be represented by counsel.
10. Judge Cofield received this certified letter on May 20, 2013 and signed the mailing receipt.

11. That Judge Cofield is a Connecticut Superior Court judge and during the time period pertinent to this investigation was assigned to the juvenile subdivision of the Connecticut Superior Court.
12. That on July 5, 2011, the Commissioner of the Department of Children and Families, through her attorneys, filed in the Hartford Superior Court for Juvenile Matters, a termination of parental rights petition (hereafter TPR) in the interest of two children, Shmarr J. and Lendsey J.
13. That a one day trial was held and concluded on this TPR petition before Judge Cofield on March 28, 2012 in the Hartford Superior Court for Juvenile Matters.
14. That on January 14, 2013, the Commissioner of the Department of Children and Families, filed a motion for judgment in Hartford Superior Court for Juvenile Matters, seeking an immediate hearing on the motion and thereafter the issuance of a decision in the aforementioned pending TPR petition.
15. That on March 8, 2013, the Commissioner of the Department of Children and Families filed a motion for order with the Connecticut Supreme Court, requesting that the Supreme Court order Judge Cofield to decide and issue a judgment in the aforementioned pending TPR petition by April 1, 2013.
16. That on March 14, 2013, the Connecticut Appellate Court issued an order directing Judge Cofield to render judgment in this matter on or before April 1, 2013.
17. That on April 1, 2013, Judge Cofield filed a memorandum of decision in the aforementioned TPR petition.
18. That the period of time between the conclusion of the TPR trial and the issuance of the decision and judgment by Judge Cofield was one year and three days.
19. That on June 21, 2011, the Commissioner of the Department of Children and Families, through her attorneys, filed in the Hartford Superior Court for Juvenile Matters, a termination of parental rights petition (hereafter TPR) in the interest of three children, Omayra S., Andrew S. and Danny S.

20. That a two day trial was held and concluded on this TPR petition before Judge Cofield on February 1, 2012 and March 5, 2012 in the Hartford Superior Court for Juvenile Matters.
21. That on January 14, 2013, the Commissioner of the Department of Children and Families, filed a motion for judgment in Hartford Superior Court for Juvenile Matters, seeking an immediate hearing on the motion and thereafter the issuance of a decision in the aforementioned pending TPR petition.
22. That on March 8, 2013, the Commissioner of the Department of Children and Families filed a motion for order with the Connecticut Supreme Court, requesting that the Supreme Court order Judge Cofield to decide and issue a judgment in the aforementioned pending TPR petition by April 1, 2013.
23. That on March 14, 2013, the Connecticut Appellate Court issued an order directing Judge Cofield to render judgment in this matter on or before April 1, 2013.
24. That on April 1, 2013 Judge Cofield filed a memorandum of decision in the aforementioned TPR petition.
25. That the period of time between the conclusion of the TPR trial and the issuance of the decision and judgment by Judge Cofield was one year and twenty-six days.
26. That on November 1, 2011, the Commissioner of the Department of Children and Families, through her attorneys, filed in the Hartford Superior Court for Juvenile Matters, a termination of parental rights petition (hereafter TPR) in the interest of a child, Brandon R..
27. That a one day trial was held and concluded on this TPR petition before Judge Cofield on April 11, 2012 in the Hartford Superior Court for Juvenile Matters.
28. That on January 14, 2013, the Commissioner of the Department of Children and Families, filed a motion for judgment in Hartford Superior Court for Juvenile Matters, seeking an immediate hearing on the motion and thereafter the issuance of a decision in the aforementioned pending TPR petition.
29. That on March 8, 2013, the Commissioner of the Department of Children and Families filed a motion for order with the Connecticut Supreme Court, requesting that the

Supreme Court order Judge Cofield to decide and issue a judgment in the
aforementioned pending TPR petition by April 1, 2013.

30. That on March 14, 2013, the Connecticut Appellate Court issued an order directing Judge Cofield to render judgment in this matter on or before April 1, 2013.
31. That on March 28, 2013 Judge Cofield filed a memorandum of decision in the aforementioned TPR petition.
32. That the period of time between the conclusion of the TPR trial and the issuance of the decision and judgment by Judge Cofield was eleven months and seventeen days.
33. That on March 21, 2011, the Commissioner of the Department of Children and Families, through her attorneys, filed a termination of parental rights petition (hereafter TPR) in the interest of four children, Jasmyne T., Elaisia T., Martin T. and Martasia R.
34. That a one day trial was held and concluded on this TPR petition before Judge Cofield on March 19, 2012 in the Hartford Superior Court for Juvenile Matters.
35. That on January 14, 2013, the Commissioner of the Department of Children and Families, filed a motion for judgment in Hartford Superior Court for Juvenile Matters, seeking an immediate hearing on the motion and thereafter the issuance of a decision in the aforementioned pending TPR petition.
36. That on March 8, 2013, the Commissioner of the Department of Children and Families filed a motion for order with the Connecticut Supreme Court, requesting that the Supreme Court order Judge Cofield to decide and issue a judgment in the aforementioned pending TPR petition by April 1, 2013.
37. That on March 14, 2013, the Connecticut Appellate Court issued an order directing Judge Cofield to render judgment in this matter on or before April 1, 2013.
38. That on April 1, 2013, Judge Cofield filed a memorandum of decision in the aforementioned TPR petition.
39. That the period of time between the conclusion of the TPR trial and the issuance of the decision and judgment by Judge Cofield was one year and thirteen days.

40. That the attorneys of record in each of these cases agreed, upon the request of Judge Cofield communicated through a staff member, to waive the statutory requirement that judgment be rendered within one hundred twenty days from the completion of the trial. C.G.S. Section 51-183b. There was no formal record documenting the requests and the consents.

CONCLUSIONS

Based on the admission of Judge Cofield and the foregoing findings of fact, the Council, by majority vote, finds by clear and convincing evidence that:

1. The Honorable E. Curtissa R. Cofield's failure to issue in a timely manner the decisions and judgments in the cases In re Shmarr J., In re Lendsey J., Jr., In re Omayra S., In re Andrew S., In re Danny S., In re Brandon R., In re Jasyne T., In re Elaisia T., In re Martin T. and In re Martasia R., constituted neglectful and incompetent performance of the duties of a judge, in violation of Connecticut General Statutes 51-51i(a)(4) of the General Statutes, as charged in count one.

ORDER

Based on the foregoing and pursuant to its authority set forth in Connecticut General Statutes Section 51-51n(a)(2), the Council hereby suspends the Honorable E. Curtissa R. Cofield for a period of 30 working days, during which time she may not exercise any of the duties, powers or privileges of a judge. During the period of suspension, the Honorable E. Curtissa R.

Cofield's judicial salary, including any benefits relating thereto shall also be suspended and time shall not be accrued for any rights in any pension plan. See Connecticut General Statutes Section 51-51p. This suspension shall occur on dates to be determined by the Judicial Branch of the State of Connecticut, at the earliest occasion consistent with the orderly administration of court business but not before the expiration of the appeal period set forth in Practice Book Section 74-1.

JUDICIAL REVIEW COUNCIL

WAYNE KEENEY

CHAIRPERSON