

STATE OF CONNECTICUT

SC 210218

SUPREME COURT

IN RE: HONORABLE ALICE A. BRUNO

MARCH 8, 2022

MOTION TO SEAL

Brief History of the Case

1. The Honorable Alice A. Bruno (hereinafter Judge Bruno), was served with an Order to Show Cause (“the Order”) dated February 10, 2022. The order requests information regarding Judge Bruno’s alleged failure to perform judicial functions for “at least the last two years.”
2. The Order states Judge Bruno is directed to “show cause why this Court should not commence proceedings to either suspend or remove Judge Bruno from her judicial office for potential violations of the Code of Judicial Conduct.”
3. The Show Cause hearing is scheduled for April 5, 2022.

Specific Facts Relied Upon

4. Judge Bruno has filed a Motion to Hold the Order to Show Cause Hearing in Abeyance (“Motion”) on this date and has attached thereto documents containing medical information as well as other information related to the proceedings before the Judicial Review Council that is confidential by statute.

5. More specifically, Judge has attached to her Motion a copy of the Affidavit of Discrimination that has been filed with the Connecticut Commission on Human Rights & Opportunities (“CHRO”). Connecticut General Statutes § 46a-83(j), provides that the CHRO shall not disclose “what has occurred in the processing of a complaint” at the CHRO until the matter has been dismissed or adjusted, and so the Affidavit filed with the CHRO is entitled to confidential treatment until the CHRO publishes the facts or dismisses the case. Furthermore, the CHRO Affidavit, attached as Exhibit A, contains confidential medical information.
6. Judge Bruno has attached to her Motion copies of medical records. Medical records are entitled to confidential treatment pursuant to Connecticut General Statutes § 52-146(c) to § 52-146(t). Medical records are also routinely made confidential by orders of the Superior Court in litigation. The medical records referred to in the Motion are attached hereto as Exhibits C & D.
7. Judge Bruno has attached letters from the Chief Court Administrator and from the Chair of the Judicial Review Council. Matters before the Judicial Review Council are entitled to strict confidentiality. See Connecticut General Statutes § 51-45c(a), Connecticut General Statutes § 51-49(b); Regs. Conn. State Agencies § 51-51k-10(b) 7 (e); Regs. Conn. State Agencies § 51-51k-11(b) 7 (e). The letters are attached hereto as Exhibits B & E.

#### **Legal Grounds Upon Which the Moving Party Relies**

8. Connecticut General Statutes § 51-51j provides that in any proceeding brought pursuant to this statutory section, “the Supreme Court shall make an investigation of the conduct complained of and hold a hearing thereon ...” Although there are no specific rules in the

Connecticut Practice Book that apply to an order to show cause hearing in the Supreme Court, the Court has general supervisory powers to control appellate proceedings pursuant to Practice Book § 60-2, and inherent supervisory authority over the administration of justice. *State v. Ubaldi*, 190 Conn. 559, 570 (1983).

9. Connecticut Practice Book § 11-20A(c) states that upon written motion, affidavits or documents filed with the Court may be sealed or their disclosure limited if the judicial authority finds that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials.
10. In *Rosado v. Bridgeport Roman Catholic Diocesan Corp.*, 292 Conn. 1, 46, (2009), this Court limited the presumption of availability to the public to those documents that can be referred to as "judicial documents," that is, documents used in the adjudicatory function of the court.
11. With the possible exception of Exhibit E, notifying Judge Bruno that a dispute has been referred to the Judicial Review Council for investigation, which is a document relied upon as the basis to hold the Order to Show Cause Hearing in Abeyance, the other documents filed with the Court and under seal are for the purpose of providing background information leading to said referral.
12. The redacted portions of the CHRO Affidavit, the redacted medical reports and the redacted letters attached to this Motion to Seal all make reference to either Judge Bruno's medical condition and the dispute related to her medical condition leading to the Chief Court Administrator's referral to the Judicial Review Council. Given that there is a dispute related to the Judicial Branch's refusal to provide accommodation and the examination requested, Judge Bruno has significant privacy interests in these



contested, confidential proceedings, which should not be made available to the public when they are not required for the adjudication of the Motion.

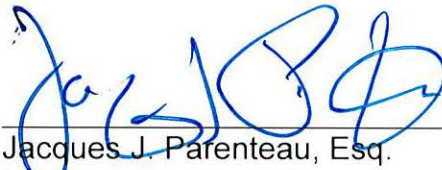
13. In *Cohen v. Meyers*, 2015 Conn. Super. LEXIS 310, at \*8 (Super. Ct. Feb. 17, 2015), the Court was presented with a motion to seal records concerning the medical condition of the defendant and found that the public's interest in viewing records related to the medical treatment at issue in the case was minimal and outweighed by the judicial system's interest in the orderly administration of justice.

Wherefore, for all the foregoing reasons, the Honorable Alice A. Bruno respectfully requests that the Court order that the documents submitted herewith be filed under seal.

Dated at New London, Connecticut this 8th day of March 2022.

Respectfully submitted  
HONORABLE ALICE A. BRUNO

By:



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