

SUPREME COURT OF CONNECTICUT

State of Connecticut, Judicial Branch v. Commission on Human Rights and Opportunities, Office of Public Hearings, et al.

State of Connecticut, Judicial Branch · No. SC 21148 · Decided April 14, 2026

SUMMARY

The Connecticut Supreme Court held that the Superior Court had jurisdiction over the Judicial Branch’s interlocutory administrative appeal from a human rights referee’s denial of its motion to dismiss. The court further held that the Commission on Human Rights and Opportunities could not exercise jurisdiction over discrimination and retaliation claims arising from the Judicial Branch’s regulation of attorney discipline and reinstatement because doing so would violate the separation of powers doctrine. The judgment sustaining the administrative appeal and directing dismissal of the complaint was affirmed.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	McDonald, J.; D’Auria, J.; Ecker, J.; Dannehy, J.; Suarez, J.
JURISDICTION	Connecticut Supreme Court
DECIDED	April 14, 2026
DOCKET	SC 21148
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commission on Human Rights and Opportunities appealed from the Superior Court’s judgment sustaining the Judicial Branch’s interlocutory administrative appeal and directing the commission to dismiss a discrimination and retaliation complaint concerning attorney reinstatement proceedings. The appeal was transferred from the Appellate Court to the Supreme Court of Connecticut.
STANDARD OF REVIEW	Subject matter jurisdiction and the constitutional separation of powers issue were reviewed as questions of law. The court applied de novo review to determine whether the interlocutory administrative appeal was authorized under General Statutes §§ 4-183 (b) and 46a-94a (a), and whether the commission’s exercise of jurisdiction violated the separation of powers doctrine.
PRECEDENTIAL VALUE	published and precedential

PARTIES

Commission on Human Rights and Opportunities, Office of Public Hearings v. State of Connecticut, Judicial Branch

TOPICS

separation of powers interlocutory appeal judicial review of agency action administrative law civil rights

PRACTICE AREAS

administrative law constitutional law appellate procedure civil rights

QUESTIONS PRESENTED

1. Whether the Superior Court had subject matter jurisdiction over the Judicial Branch's interlocutory administrative appeal from the commission referee's denial of its motion to dismiss.
2. Whether the commission's exercise of jurisdiction over discrimination and retaliation claims arising from the Judicial Branch's regulation of the legal profession violated the separation of powers doctrine.
3. Whether the Judicial Branch was entitled to immunity from adjudication of the complaint in the commission's administrative forum.

HOLDINGS

1. The Superior Court had subject matter jurisdiction under General Statutes §§ 4-183 (b) and 46a-94a (a) because the Judicial Branch asserted a colorable claim of immunity from suit arising from the separation of powers doctrine, and postponement of review would have resulted in an inadequate remedy.
2. Under the circumstances presented, the commission's exercise of jurisdiction over a complaint alleging discrimination and retaliation in the Judicial Branch's regulation of the legal profession violated the separation of powers doctrine. The commission was therefore required to dismiss the complaint, and the Judicial Branch was immune from adjudication in that administrative forum.

KEY QUOTATIONS

"A colorable claim of a separation of powers violation resulting from a coordinate branch's exercise of jurisdiction raises not only a constitutional defense, but also an immunity from suit in the forum of the coordinate branch."

"The appropriate remedy is absolute immunity from suit in that forum, a claim that is immediately enforceable in the courts of this state."

"It would violate the separation of powers doctrine for the commission to exercise jurisdiction over a complaint alleging discrimination and retaliation in the Judicial Branch's regulation of the legal profession."

"The fact that the Office of Public Hearings is not a forum of competent jurisdiction for challenging the Judicial Branch's regulation of the practice of law does not dampen the potency of an individual's rights with respect to that branch of the government."

FACTUAL BACKGROUND

In 2018, the Superior Court suspended Josephine Smalls Miller's Connecticut law license for one year and imposed conditions on reinstatement. Miller applied for reinstatement in December 2019, and after delays in scheduling a hearing, she filed complaints with the Commission on Human Rights and Opportunities alleging racial discrimination and retaliation by the Judicial Branch and entities involved in the reinstatement process. The commission certified a retaliation complaint for adjudication, and its human rights referee denied the Judicial Branch's motion to dismiss.

PROCEDURAL HISTORY

Josephine Smalls Miller filed discrimination and retaliation complaints with the commission concerning the Judicial Branch's handling of her application for reinstatement to the Connecticut bar. After the commission's human rights referee denied the Judicial Branch's motion to dismiss, the Judicial Branch filed an interlocutory administrative appeal in the Superior Court. The Superior Court denied the defendants' motions to dismiss, sustained the Judicial Branch's appeal, and remanded with direction to dismiss the complaint. The commission appealed, and the Supreme Court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The commission must dismiss the retaliation complaint against the Judicial Branch.

CASES CITED

- State v. Clemente, 166 Conn. 501, 353 A.2d 723 (1974)
- Stamford v. Commission on Human Rights & Opportunities, Office of Public Hearings, 351 Conn. 298, 330 A.3d 102 (2025)
- Trinity Christian School v. Commission on Human Rights & Opportunities, 329 Conn. 684, 189 A.3d 79 (2018)
- Lederle v. Spivey, 332 Conn. 837, 213 A.3d 481 (2019)
- Pryor v. Brignole, 346 Conn. 534, 292 A.3d 701 (2023)
- Office of the Governor v. Select Committee of Inquiry, 271 Conn. 540, 858 A.2d 709 (2004)
- Jamie G. v. Department of Children & Families, 352 Conn. 736, 339 A.3d 598 (2025)
- State v. Dickson, 322 Conn. 410, 141 A.3d 810 (2016), cert. denied, 582 U.S. 922, 137 S. Ct. 2263, 198 L. Ed. 2d 713 (2017)
- Persels & Associates, LLC v. Banking Commissioner, 318 Conn. 652, 122 A.3d 592 (2015)
- Massameno v. Statewide Grievance Committee, 234 Conn. 539, 663 A.2d 317 (1995)
- Kinsella v. Jaekle, 192 Conn. 704, 475 A.2d 243 (1984)
- In re Application of Clark, 65 Conn. 17, 31 A. 522 (1894)

- State v. Campbell, 224 Conn. 168, 617 A.2d 889 (1993), cert. denied, 508 U.S. 919, 113 S. Ct. 2365, 124 L. Ed. 2d 271 (1993)
- University of Connecticut Chapter, AAUP v. Governor, 200 Conn. 386, 512 A.2d 152 (1986)
- Heiberger v. Clark, 148 Conn. 177, 169 A.2d 652 (1961)
- Statewide Grievance Committee v. Ganim, 311 Conn. 430, 87 A.3d 1078 (2014)
- Office of Chief Disciplinary Counsel v. Miller, Docket No. DBD-CV-XX-XXXXXXX-S, 2022 WL 1060741, *1-*3 (Conn. Super. Mar. 30, 2022)
- State v. McCahill, 261 Conn. 492, 811 A.2d 667 (2002)

INSTRUCTIONS FOR AN AI ASSISTANT

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