

Fotis Dulos, estranged husband of missing New Canaan mother Jennifer Farber Dulos, attempted to get judge removed from his contentious divorce case

By DAVE ALTIMARI

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Fotis Dulos walks into Stamford Superior Court on Wednesday morning, June 26, 2019. A Stamford judge will hold a status hearing in the two-year custody battle over the five Dulos children as investigators continue to probe the May disappearance of their mother, Jennifer Farber Dulos.

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Days before Fotis Dulos prepared for another custody ruling from a judge he’d accused of being biased against him, he dropped a bombshell into

the middle of his already bitter pending divorce from his estranged wife Jennifer Farber Dulos. He wanted the judge thrown off the case, claiming

a phone call he had with her husband had created a conflict of interest.

Months earlier, as Dulos searched for an attorney to represent him in the divorce battle, he called Blank Rome, a high-end New York City law firm, on Jan. 16 and talked to Norman Heller about hiring him for representation. During the “consultation,” Dulos said they talked about the case pending in Stamford court. Norman Heller told Dulos he would need a retainer of \$25,000 before he would agree to take the case.

In his March 13 motion to get Judge Donna Heller thrown off his divorce case, Dulos claimed he had no idea the attorney he was discussing fees with was the husband of the judge overseeing his contentious divorce. But he argued, “There’s a reasonable appearance of impropriety,” so Heller should be disqualified.

But Reuben Midler, Farber Dulos’ attorney, wasn’t buying Dulos’ claim that he didn’t know Norman Heller was the judge’s husband. In a sharply worded response to Dulos’ motion, Midler said it was “common knowledge” that the Hellers were married, and he asked the judge to order a psychological evaluation of Dulos, saying Dulos’ legal maneuver was further evidence of his “manipulative, coercive and scheming behaviors displayed throughout this case and which is indicative of an

underlying and potentially untreatable mental condition or psychopathology that should be thoroughly investigated.”

Farber Dulos, 50, a mother of five, hasn’t been seen since dropping her children off at school in New Canaan on May 24. Dulos, a professional home builder from Farmington, and his girlfriend, Michelle Troconis, have pleaded not guilty to evidence tampering and hindering prosecution, charges connected to her disappearance. Both are free after posting bail.

Police are examining the Dulos’ bitter divorce as part of their investigation and have launched a forensic audit of Dulos’ finances, racked in recent years by the enormous costs associated with the breakup, including fees paid to at least three attorneys who have worked on his case.

Midler in court papers said Dulos was preparing an “escape hatch” with his motion to get Judge Heller tossed from the case if her decision on visitation rights wasn’t to his liking and accused Dulos of trying to manipulate the judicial process. Midler said it was beyond comprehension that Dulos didn’t know what everyone in the courthouse knew — that Judge Heller’s husband was a New York attorney who handled family law.

Heller didn’t recuse herself from the Dulos’ divorce case. And a

week after Dulos’ push to get her off the case, Heller issued new visitation orders drastically increasing Dulos’ time with his five children. While she insisted that his visits with the children be supervised, the judge ordered him to get the children every other weekend starting in late March.

Judge Heller declined to answer a series of questions The Courant submitted to her through the state judicial branch. Midler could not be reached for comment.

A transcript of the March 19 court hearing provides details of the conversation between Dulos and Norman Heller and the judge’s reasoning for not recusing herself from the case.

According to the transcript, Dulos testified that he called Blank Rome on the recommendation of another attorney looking for an expert in estate and trust law. He initially left a message with the firm. About a half hour later, Norman Heller called.

“When he introduced himself, that name just flew through my head. I didn’t — I — I didn’t make anything of it,” Dulos said, according to court transcripts.

Dulos said he told Norman Heller about his frustrations with his divorce case.

“That we’re just starting the discovery. That the case has gone backwards. That I was

very disappointed with the pace of the case. I was disappointed by the — the — the behavior of Attorney Midler and his firm,” Dulos said. “That I thought they were basically taking advantage of my soon-to-be ex-wife and charging, charging, charging, and causing a lot of trouble for — for us as a family.”

Search for Jennifer Farber Dulos turns to West Hartford reservoir property as estranged husband Fotis Dulos laments public perception of him as ‘monster’

Dulos said Heller told him his retainer fee was \$25,000. The call lasted seven minutes, and Dulos didn’t retain him and never received a formal retainer letter from the firm, court transcripts said.

At no time did Dulos mention who the judge was in the case, and Heller never asked, Dulos testified, according to the transcripts.

Judge Heller said she was unaware of the short phone call to her husband until Dulos filed his complaint. She said it wasn’t enough for her to remove herself from the case.

“It was a seven-minute conversation. There was no retainer letter issued, no engagement letter. Mr. Dulos was not billed for the time,” Heller said, according to court transcripts. “No attorney-client relationship appears to have been formed based on the testimony of Mr. Dulos and the

documents that have been — the exhibit that has been admitted.”

“I accept your testimony as to the subject matters that you discussed with Attorney Heller, but I have not asked him about that, and I have no intention of doing that,” Heller said, according to court transcripts. “So I don’t think there has been any prejudice to you. And I’m not going to disqualify myself because I don’t think that it affects my impartiality and fairness in this case at all.”

But Dulos didn’t stop his attack on the judge. He also submitted a critical letter about Judge Heller’s performance to the Judicial Selection Commission, which is charged with reappointing judges.

Dulos told the judge he had submitted the letter, telling Heller that he wrote that she was biased against him because he was Greek and insinuated that she had some arrangement with Midler’s law firm.

“That you have been biased in the case. That the case was progressing very well under Judge Colin,” Dulos said. “That I’ve seen my children for very little time. That I’ve been railroaded. That we even got to the point where my right to speak to my children in our native language has been taken away, and you have done nothing about it.”

“And you have passed such judgment on me, such harsh

judgment on me, that I feel that it’s biased,” court transcripts said.

Dulos said the children had stopped water skiing — a sport he taught them and in which two of them are nationally ranked. He said they stopped recognizing Greek traditions and learning the Greek language, the transcripts said.

“They stopped having contact with me for a — for over a year, Your Honor. Five kids. Who is going to give me that back?” Dulos said. “I feel you’ve been — you haven’t been very good to me, to my children, and to the case. And I have lost faith in your judgment. I’m sorry I’m going to say that, but that’s the truth. I’m — I’m speaking the truth,” transcripts said.

Heller told Dulos that she should have been informed he had filed the letter, but that the statutes allowed her to continue with the case. She also said his letter apparently didn’t matter.

“And — so I’ve been approved for reappointment. I’ll put it that way. So whatever complaint Mr. Dulos made, the Judicial Section Commission has approved me for reappointment. But I did not have any knowledge of it, and I think I should have been informed,” Heller said, according to court transcripts.

A day after the hearing, Heller issued her new custody orders, which increased the amount of time that Dulos would see his

children. One of the weekends that he was supposed to get the children was Memorial Day weekend.

But Farber Dulos went missing on May 24. And within days, Dulos was arrested after police said a man resembling him was seen on surveillance video throwing contractor bags filled with bloody towels and garments into trash cans on Albany Avenue in Hartford the same night Farber Dulos disappeared. Prosecutors have said the blood inside the bags was Farber Dulos'.

Dulos' attorneys, Norm Pattis and Rich Rochlin, have filed a motion asking Heller to halt the divorce proceedings until Farber Dulos attends the hearings. ■