LAVINE, J., concurring. I agree with the result of the majority opinion, but I do not agree that the pro se plaintiff's claim regarding judicial bias, never raised or ruled on in the trial court, is reviewable. "The court shall not be bound to consider a claim unless it was distinctly raised at the trial . . . ." Practice Book § 60-5; see also *State* v. *Marcisz*, 99 Conn. App. 31, 38, 913 A.2d 436, cert. denied, 281 Conn. 922, 918 A.2d 273 (2007) (no review of unpreserved claim). The plaintiff did not request extraordinary review of his claim under any of the exceptions to the preservation rule; i.e., Practice Book § 60-5 (plain error), *State* v. *Golding*, 213 Conn. 233, 239–40, 567 A.2d 823 (1989) (review of unpreserved constitutional claims). Moreover, as the majority points out, the plaintiff failed to provide a legal analysis of his claim of judicial prejudice. Our appellate courts repeatedly have stated that "[w]e are not required to review issues that have been improperly presented to this court through an inadequate brief. . . . Analysis, rather than mere abstract assertion, is required in order to avoid abandoning an issue by failure to brief the issue properly. . . . Where a claim is asserted in the statement of issues but thereafter receives only cursory attention in the brief without substantive discussion or citation of authorities, it is deemed to be abandoned." (Internal quotation marks omitted.) *Connecticut Light & Power Co.* v. *Dept. of Public Utility Control*, 266 Conn. 108, 120, 830 A.2d 1121 (2003). In my opinion, each time an appellate court decides to reach the merits of an unpreserved[1] or unanalyzed claim, a message is sent to litigants and the bar that is contrary to the rules of practice and case law and encourages litigants to flout the rules designed to ensure that the process is fair to all participants.

I understand that the court "has always been solicitous of the rights of pro se litigants and, like the trial court, will endeavor to see that such a litigant shall have the opportunity to have his case fully and fairly heard so far as such latitude is consistent with the just rights of any adverse party." (Internal quotation marks omitted.) *Shobeiri* v. *Richards*, 104 Conn. App. 293, 296, 933 A.2d 728 (2007). "Even pro se litigants, however, must provide this court with citations to rules of law that support their arguments." *Emerick* v. *Kuhn*, 52 Conn. App. 724, 756 n.22, 737 A.2d 456, cert. denied, 249 Conn. 929, 738 A.2d 653, cert. denied sub nom., *Emerick* v. *United Technologies Corp.*, 528 U.S. 1005, 120 S. Ct. 500, 145 L. Ed. 2d 386 (1999). When an appellate court addresses the merits of an inadequately analyzed claim, it nonetheless must frame the issue, identify the relevant facts and law and craft a reasoned decision, an awkward process that conflicts with the court's cardinal duty of dispassionately analyzing arguments

presented *by the litigants*.

It is particularly troubling when a party raises a claim of judicial bias for the first time on appeal, never having filed a motion to recuse or disqualify in the trial court. I agree with the majority that a claim of judicial bias strikes at the core of judicial integrity. The significance of such allegations makes it essential that the trial court be given an opportunity to address the claims of a litigant who feels he or she is not being treated fairly and that opposing counsel, or a self-represented party, have an opportunity to develop the record and to respond.[2] It often has been said that to raise a claim for the first time on appeal is to ambush the trial court. See, e.g., *DuBaldo Electric, LLC* v. *Montagno Construction, Inc.*, 119 Conn. App. 423, 443, 988 A.2d 351 (2010) ("to review claims articulated for the first time on appeal and not raised before the trial court would be nothing more than trial by ambuscade of the trial judge" [internal quotation marks omitted]). This is particularly so relative to claims of judicial bias raised for the first time long after a verdict has been returned or a decision rendered. Such claims, not raised at trial but asserted on appeal, also put the opposing party at substantial disadvantage. How can an opposing party be expected to respond appropriately to allegations—many of which may be baseless—on a fragmentary record?

Disappointed litigants must not be encouraged to use an appeal as an opportunity to raise a claim that assaults the integrity of the trial court at its most fundamental level without having given the court, and the opposing party, an opportunity to respond.[3] In the absence of an objection and an adequate record in the trial court, this court should not countenance such claims by reviewing them unless the record demonstrates flagrant and egregious bias on the part of the trial court so substantial that a reasonable person would conclude that the proceeding fundamentally was unfair. In our desire to ensure that every party has a fair trial before an unbiased judge, we must not create a situation that is unfair to opposing parties who have abided by the rules. On the basis of my review of the record in this appeal, I do not believe that the plaintiff's claim of judicial bias, never raised or ruled on in the trial court, warrants review.

For these reasons, I concur in the result of the majority opinion.

[1] I recognize that there are valid exceptions affording review in some cases. See, e.g., *State* v. *Golding*, supra, 239–40.

[2] This is not to say that the rules of practice fail to provide the opposing party with a quiver of procedural arrows to challenge unpreserved claims raised for the first time on appeal. All too often, however, an opposing party fails to take advantage of the rules of practice, as in this case where the defendant failed to file an opposing brief.

[3] "Any claim of judicial bias is taken as an attack on the fairness of the judicial process. We take this opportunity to remind [litigants] once again that claims of judicial bias are serious matters that should not be raised for the mere purpose of seeking a reversal of a judgment. See *Wendt* v. *Wendt*, [59 Conn App. 656, 693, 757 A.2d 1225, cert. denied, 255 Conn. 918, 763 A.2d

1044 (2000)]. See also *Peatie* v. *Wal-Mart Stores, Inc.*, 112 Conn. App. 8, 26 n.10, 961 A.2d 1016 (2009); *Evans* v. *Commissioner of Correction*, 37 Conn. app. 672, 676 n.6, 657 A.2d 1115 (counsel cautioned against making claims of bias not intended to question court's integrity), cert. denied, 234 Conn. 912, 660 A.2d 354 (1995)." *Malave* v. *Ortiz*, 114 Conn. App. 414, 434 n.18, 970 A.2d 743 (2009).