

CONNECTICUT PROBATE ASSEMBLY

Regular Meeting of the Executive Committee

October 12, 2022

9:45 a.m.

Office of the Probate Court Administrator

186 Newington Rd.

West Hartford, CT 06110

Attendees: Judges Anthony, Brandt, Daly, Darby, Gardner Riordan, Jalowiec, Magistrali, Maxham, McGrath, Wright and also Probate Court Administrator Judge Streit-Kefalas and Chief Counsel Heather Dostaler.

1. Call to Order:

Judge Daly called the meeting to order at 9:50 a.m.

2. Approval of the Minutes:

After a quorum was reached, a motion to approve the minutes of the September 14, 2022 meeting was made by Judge Magistrali, seconded by Judge Jalowiec, and unanimously approved.

3. Correspondence:

Judges Daly and Streit-Kefalas reported no correspondence for the Assembly.

4. Committee Reports:

Continuing Education

Judge Streit-Kefalas reported that next Judges Institute is October 26th and it will be virtual seminar focusing on new legislation and the new rules of procedure. The next seminar is on November 30th at the Courtyard by Marriott in Cromwell.

Ethics

No Report

Legislative

Judge Streit-Kefalas reported that the next committee meeting is October 28, 2022 at 9:00 a.m. in the Trumbull Probate Court. All are welcome to participate.

Nominating

No Report

Planning

No Report.

Procedures Review

No Report

Public Information

No Report

AD HOC COMMITTEES

Conservator Guidelines

No Report.

Hospitality

No Report.

Court Security

No Report

5. Comments of the Probate Court Administrator:

- a. Judge Streit-Kefalas reviewed and distributed printed copies of updated CDC guidelines on protocol when exposed to COVID or after contracting COVID. She requested judges to review the following guidelines and review them with their staff.
- b. She addressed 2 recent court opinions that upheld the constitutionality of virtual TPR hearings held during the COVID lockdown. She noted that in addition to the constitutional issues raised by the appellant, there was discussion of the potential or actual breach of confidentiality of the hearing. In *In Re Takie O.*, 215 Conn. App. 580 (2022) the judge noted that someone was coming and going in the background of a virtual hearing calling confidentiality into question. It is important to consider this in any virtual hearing. In another case, there was discussion about an attorney and the client communicating during the hearing. It raises concern about the challenges in effective attorney-client communication in a virtual proceeding. See *In re Annessa J*, 343 Conn. App 642 (2022).
- c. The deadline for registration for the fall NCPJ conference is October 15, 2022.
- d. The budget is already in development with the Judicial Branch and OPM. The revenue numbers this fiscal year are encouraging.
- e. There will be a CMS update on Friday, October 14th.
- f. Clerks Roundtables are underway. Please encourage clerks to attend.
- g. The CAPC meeting is tomorrow, October 13th in Berlin. Attendance is encouraged.
- h. A printed copy of the Press Packet was distributed. It will be available to all on

the intranet. Jim Polites will remind judges and staff of its availability as it is updated.

- i. There is a formal hearing next week of the Council on Probate Judicial Conduct at the LOB. Judge Magistrali explained the Council's process to the committee.

6. Comments of the President Judge:

Judge Daly inquired about the feasibility of holding Committee meetings remotely. Judge Streit-Kefalas explained the statutory and technological issues of remote meetings indicating that any committee meeting held remotely would require notice to the public, a recording, and a posting of the recording on the ctprobate.gov website. We also do not have the ability to "livestream" any meetings.

The judges all discussed the pros and cons of remote and hybrid meetings and hearings and concerns about all courts handling matters in a uniform fashion. It was reiterated that the default or standard for all hearings is an in-person proceeding. Noting there will be at least 10 new judges elected in November, the consensus of the committee was that it is important to ensure participation in the committee structure of the Assembly as well as uniformity of procedures among the courts.

Thereafter, a motion was made by Judge Darby and seconded by Judge Maxham to authorize the Planning Committee to explore developing guidelines for the use of remote technology in connection with Rule 66. The motion carried unanimously.

7. Other Business to come before the Executive Committee:

Judge Anthony reported that he and Judge Egan will host a reception at the NCPJ conference for Connecticut judges and NCPJ officers in honor of Judge Yamin. He received a quote of \$1,400 for refreshments and non-alcoholic libations for the event and requested to be reimbursed after the event from Assembly funds. Judge Darby made a motion to reimburse Judge Anthony up to \$1,400 for non-alcoholic related expenses out the Assembly's budget, for the reception for Judge Yamin at the NCPJ conference. Judge Gardner Riordan seconded the motion. The motion carried with Judge Anthony abstaining.

8. Adjournment:

A motion was made by Judge Darby, seconded by Judge Jalowiec, and unanimously approved to adjourn.

The meeting adjourned at 10:43 a.m.

Respectfully submitted,
Hon. Kathleen N. Maxham,
Recording Secretary