

## EXECUTIVE COMMITTEE MEETING MINUTES

June 10, 2020

Attendees: Judges Brandt, Daly, Darby, Schad, Maxham, Magistrali, Becker, Fox, Rowe, Marino, Forgione, Berkenstock, Blick, Calabrese, DeGennaro, Gardner Riordan, Randich, Barrett, Ganim, Jalowiec, McGrath and Wright, Probate Court Administrator Streit-Kefalas, Manager of Communications, Melissa Riley, Chief Counsel Bonnie Bennet.

### 1. Call to Order:

Due to the continued public health emergency, the meeting was held remotely via teleconference and was called to order at 9:47 AM.

### 2. Approval of the Minutes:

A motion was made by Judge Gardner Riordan and seconded by Judge DeGennaro to accept the minutes of the executive committee meeting of May 13, 2020 as presented. The motion passed by unanimous consent.

### 3. Correspondence:

Judge Streit-Kefalas reported that there was correspondence by email from Judge DeGennaro. Judge Brandt indicated the email would be addressed later in the meeting.

### 4. Treasurer's Report:

Judge Magistrali filed a report showing no new expenditures and asked that it be considered his final report for the fiscal year that ends June 30, 2020. Although no additional expenditures are anticipated, Judge Magistrali will present his final report for FYE 06/30/2020 at the July executive committee meeting. To ensure a monthly record of the Assembly's budget, Judge Streit-Kefalas requested that Judge Magistrali file written reports for April, May and June. These reports will be presented for discussion and approval at the next executive committee meeting in July.

### 5. Committee Reports:

#### Continuing Education

Judge Becker had no report. The committee will meet after the executive committee meeting. Continuing education programs will be dependent on guidance regarding large group gatherings. She agreed to provide updates to the Assembly after the committee meets.

Judge Magistrali suggested that a continuing education seminar on systematic racism might be well received.

#### Ethics

No report.

#### Legislative

Judges Fox and Rowe reported that they, Judge Streit-Kefalas and Melissa Riley are continuing to monitor what is happening with the governor's office and legislature. They have maintained consistent contact with legislative leaders to elicit support of a special session so that we might be granted a stay of the automatic "sweep" of probate funds slated for June 30, 2020.

#### Nominating

No report.

### Planning

No report.

### Procedures Review

No report.

### Public Information

No report.

### Conservator Guidelines

No report. Judge Brandt will review whether this ad hoc committee should continue.

### Court Security

No report.

### Floating Clerks

No report.

### Hospitality

Judge DeGennaro had no report but indicated that he hoped to schedule a social event following a seminar in the future. No funding is available for a social event due to current fiscal constraints.

## **6. Comments of the Probate Court Administrator:**

Judge Streit-Kefalas expressed her gratitude that all the Probate Courts remain open and serving the public. Courts have done an amazing job and this has been priceless for legislative support of our system. Probate revenues continue on a downward trend but Judge Streit-Kefalas is cautiously optimistic that this will turn upward as staff more fully return to work and the hope that the decline in revenue is not lost revenue but rather deferred revenue. She spoke to the critical need to balance our fund to meet ongoing expenses. Judge Streit-Kefalas cautioned the judges to be aware of expenditures especially when considering the state of the economy with 20% unemployment. She reported that our 2021 budget has been approved by Chief Court Administrator Judge Carroll. In his approval letter, he commented that the current state budget may require with the comments that the state budget may necessitate budget contractions. And if the judicial department experiences budget reductions, Probate Courts may need to bear its proportionate share. It is unrealistic to expect that we will be immune from cuts due to the budget deficit.

Judge Streit-Kefalas reported that all 60 courts are now equipped for video hearings. A user guide for the public has been published and is on the website. Although pleased that judges may now use capabilities for remote hearings, Judge Streit-Kefalas hopes we get back to in-person, personal hearings that are the hallmark of our courts. She also encouraged courts to suggest to parties to consider registering an account to use the eFiling system. PCA is continuing to work to expand eFiling to include state agencies.

She reported that the Budget Committee will convene a meeting later today at 4:00 PM to address compensation and benefits. Judge Streit-Kefalas addressed Judge McGrath's query about how PCA will address possible budget cuts.

## **7. Comments of the President Judge:**

Judge Brandt reported that all judges were sent a list of committees and membership. He thanked committee chairs who have agreed to continue and asked for reports at Assembly meetings.

He shared a story about “sharing the dance floor” and is hopeful that judges will treat each other with respect even though we may disagree.

He asked the judges to follow municipal guidelines as courts reopen to the public.

**8. Other Business to come before the Executive Committee:**

Judge DeGennaro spoke to a concern that the 20 hour/week requirement under Regulation 18A does not allow for 4 hour allowance for inclement weather. He was looking at this issue because his town hall building is closed every Friday. He is proposing an amendment to get credit for 4 hours/day if the court is closed due to facility closure. He reported that no statute change would be required. Judge DeGennaro next spoke to an issue with judicial compensation based on weighted workload. For next year’s compensation he would like to modify the weighted workload formula. He suggested it should be calculated based on an average of the past 3 years plus an additional percentage to reflect the slowdown. He is suggesting only a change in regulations 18A and 8A.

Judge Jalowiec wondered if a health designee had been appointed as promised. Judge Streit-Kefalas said a representative was not appointed per Policy 902 because no quarantine orders were issued.

Other judges added their comments to Judge DeGennaro’s proposal concerning the weighted workload proposal. Judge Streit-Kefalas commented that compensation bands are set by statute and we do not have the authority to change the statute. This is a significant issue so she suggested establishing an ad hoc committee to study the issue.

Judge Brandt agreed and will establish an ad hoc committee to study judicial compensation based on weighted workload as soon as possible.

Judge Forgione asked to re-visit the issue of public access to our documents. Judge Streit-Kefalas suggested courts look into making our public access computers available by appointment only in public areas of the courts.

**9. Adjournment:**

A motion to adjourn was made, seconded and unanimously approved. The meeting ended at 11.10 AM.

Respectfully submitted,

Hon. Kathleen N. Maxham  
Recording Secretary