

EXECUTIVE COMMITTEE MEETING MINUTES

August 19, 2020

Attendees: Judges Anthony, Becker, Berkenstock, Blick, Brandt, Darby, DeGennaro, Gardner Riordan, Magistrali, Maxham, McGrath, Schad and Wright, and also Probate Court Administrator Judge 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 Cisco Webex video conferencing and was called to order at 9:50 AM.

2. Approval of the Minutes:

A motion was made by Judge DeGennaro and seconded by Judge Darby to accept the minutes of the Executive Committee meeting of July 8, 2020 as presented. The motion passed with Judge Anthony abstaining.

3. Correspondence:

No new correspondence.

4. Treasurer's Report:

Judge Magistrali indicated that his written report speaks for itself. He confirmed that there were no expenditures this fiscal year beginning July 1, 2020. Judge DeGennaro moved to approve the report as presented, seconded by Judge Darby and unanimously approved.

5. Committee Reports:

Continuing Education

Judge Becker stated that the next meeting of the committee will be September 1, 2020 at 2:30 PM via Webex. She addressed the Executive Committee about the issue of compliance with an explanation of Regulation 26.3 on continuing judicial education in light of expressed concerns that judges will be unable to fulfill the educational requirements of the Regulation. Subsection (i) of the Regulation provides that failure to meet the educational requirement shall result in a referral to the Ethics Committee of the Probate Assembly. If a judge receives a waiver of the education requirements no referral will be made to the Ethics Committee.

Judge Becker expressed confidence that no judge should be concerned about being referred to the Ethics Committee due to a lack of compliance. She suggested that either individual or group waivers will likely be granted but indicated that although she is on the Judicial Education Standing Committee she is not the chair of it.

Judge Becker reviewed Regulation 26.3, stressing the nature and types of seminars required and that at least 8 of the required 15 hours must be from the Probate Court Administrator or Probate Assembly. Webinars offered by PCA or the Assembly have been allowed as "in person" hours.

Judge DeGennaro asked Judge Becker to approve a series of best practices webinars he has proposed through the Judge's Association, but she has no ability to do so in her capacity as Chair of the Continuing Education Committee.

She applauded the judges for their offers to provide additional educational hours but urged anyone interested to submit suggestions through the Continuing Education Committee and follow the vetting process established. She would like to see best practices seminars going forward in 2021. If judges cannot meet required hours they should follow the waiver program this year.

Judge Becker also reviewed the process of referral to the Ethics Committee.

Judge Brandt thanked Judge Becker and the Continuing Education Committee for its efforts. Judge Becker shared the dates of the upcoming webinar: They are 9/3/2020, 2 sessions; 9/16/2020; 9/30/2020; 10/15/2020; 10/22/2020; 2 sessions and 10/28/2020. Sue Dornfried has already sent notices to all courts. November and possibly December sessions will be scheduled as well.

Judge Darby commented that this year is very different for seminar attendance. He expressed that waivers should be available as long as efforts have been made to attend seminars offered. Judge Brandt commented that the newly formed Modifications for Pandemic/Extraordinary Circumstances Committee may be able to seek a blanket exception and bring that to the Executive Committee for review. Judge DeGennaro commented that he always wanted the CLE committee to present the seminars he had proposed but felt that the CLE committee could not accommodate the seminars. He also indicated that he supports a blanket waiver.

Judge Brandt again indicated that he hoped the Modifications Committee could address the educational requirement issues.

Judge Anthony suggested that the PCA seminars offered to new judges to be elected this year could be made available to other judges to help fulfill seminar hours. Bonnie Bennet responded that she would look into making the new judges programs available; some will be done ahead of time this fall but the judges to be elected will not take office until June and September of 2021.

Judge Becker encouraged all judges who wish to present a topic reach out to her for the September committee meeting.

Judge Brandt said we will have more information on this issue at the next executive committee meeting after the Continuing Education meeting on September 1 and the Modifications Committee meeting on September 2.

Ethics

Judge Magistrali commented that he had no formal report but the webinar offered for September 16, 2020 will be on the topic of ethics, including recent decisions regarding social media.

Legislative

No report from Judges Fox and Rowe. Judge Streit-Kefalas reported that she, Melissa Riley and Judges Fox and Rowe continue to maintain communication with legislators.

Nominating

No report.

Planning

Judge Anthony was welcomed as the new Chair of this committee. He reported that he intends to review long term planning options, structural issue with the Probate Court and the bylaws. He will be calling a general meeting and he is looking forward to serving on this committee.

Procedures Review

Judge Berkenstock reported that the Committee held a meeting on August 3, 2020 via Web-ex. The committee reviewed a large number of forms. She specifically reported that 3 new decrees in the conservatorship, commitment and parental rights area have been approved as well as a new PC-450 for GID matters. The next meeting is October 5, 2020. She welcomed Judge DeGennaro as the newest member of the committee.

Public Information

Judge Blick reported no new updates. She has been communicating with Audrey Honig at PCA about

amendments to our brochure.

Conservator Guidelines

No report.

Court Security

No report.

Floating Clerks

No report.

Hospitality

Judge DeGennaro reported that Judge Peoples has joined the committee. They will not schedule a meeting until 2021.

Modifications for Pandemic/Extraordinary Circumstances

Judge Brandt indicated that this Committee name has not yet been established and that Judge Dorval, the Chairman, has sent notices of a meeting set for September 2, 2020.

6. Comments of the Probate Court Administrator:

Judge Streit-Kefalas reported that Secretary McCaw (Office of Policy and Management) was before the Legislature's Appropriations Committee meeting last Monday. The Office of Policy and Management is asking all budget requests to reflect a 10% cut. The deficit projection is reported as billions of dollars over the next 2 years due to the drop in revenue and additional costs due to the public health emergency. PCA is working on the reduction request with the judicial branch but a 10% cut is highly concerning.

On the good news front, Judge Streit-Kefalas stated that she received the "Connecticut Probate Judges and Employees Retirement System Report of the Actuary on Valuation Prepared as of December 31, 2019" and its approval by the Retirement Commission. Our pension fund is now at 95.2%. Judge Knierim and Andrea King sought and received approval of a more significant contribution to the fund last year. This is rare in state government to have such a solid funding ratio. The contribution that is required this fiscal year ending in June 2021 is approximately \$3.5 million.

Judge Streit-Kefalas gave a shout out to Judge Berkenstock who has made it through lots of challenges recently. In addition to the public health emergency, Judge Berkenstock and her staff have managed a fire in the same building with her court. Additionally 22 courts lost electricity and internet due to the recent tropical storm. She offered thanks also to George Fernandes and the IT Department for diligently working to restore internet connections. The IT Department has been working on a redundancy system as a back up to internet coverage. The roll out of that system will now be expedited. It is essentially a Verizon Wireless "hot spot." She stated that courts need to utilize the systems our IT Department develops so that the internet and back-up remain secure in order to safeguard our confidential matters. Thanks to all for rising to the latest challenge of 2020.

Judge Streit-Kefalas thanked Judges Becker, DeGennaro and the Continuing Education Committee for their efforts. She reported that she has not categorically rejected any system-wide waiver of continuing education requirements. And she and Judge Becker do not have unilateral authority to waive the regulation requirements.

Judge Streit-Kefalas commended the Education Committee and PCA staff for their efforts to put together seminars not just because they are required but because we appreciate the quality continuing education even if not mandatory.

A systemic exemption of educational requirements would need to be presented to the Judicial Education Standing Committee. Judge Streit-Kefalas or her designee, as a member of this committee, could not request an exemption but she does not oppose it after a showing of best efforts to meet the requirements.

Under our Regulations, if a judge is deficient in continuing education hours and there is no exemption of the requirements, the referral will be to our own Ethics Committee. No judge has yet been referred to the Council on Judicial Ethics. There is no intent of anyone in the system to be punitive, instead we are here to support and ensure we continue to excel in very difficult times.

Our fee revenue is improving but remains below our typical average. Judge Streit-Kefalas is optimistic that revenue will continue to come in.

7. Comments of the President Judge:

Judge Brandt thanked everyone for participating via Web-ex or on the telephone. He reported that the Committee assignments and chairs have all been updated. He is pleased with the increased number of judges involved and the new participants on the committees.

He reported that he hopes that some of the issues presented in June by Judge DeGennaro will be resolved or at least moving forward by our next meeting. He expressed thanks to Judge Becker and Continuing Education Committee for their work and many thanks to all judges and staff for their hard work.

He thanked all members for the work they are doing.

8. Other Business to come before the Executive Committee:

Judge DeGennaro inquired about a notice from another court that indicated a different conferencing program than Webex. Judge Streit-Kefalas confirmed that the only approved conferencing platform for security reasons is Cisco Webex. She will review and address the matter.

9. Adjournment:

A motion to adjourn was made by Judge DeGennaro, seconded by Judge Darby and unanimously approved. The meeting ended at 10:49 AM.

Respectfully submitted,
Hon. Kathleen N. Maxham
Recording Secretary