

## **Probate Practice Book Advisory Committee**

### Meeting Minutes

Thursday, September 13, 2012  
3:00 p.m.

Inn at Middletown  
Middletown, CT

The meeting was convened at 3:15 p.m. by Judge Paul Knierim, Probate Court Administrator and Chair.

Other members in attendance: Attorney Molly Ackerly, Judge Michael Albis, Attorney Bonnie Bennet, Professor Jeffrey Cooper, Ms. Suzette Farrar, Attorney Thomas Gaffey, Attorney Karen Gano, Attorney Paul Hudon, Attorney Christopher Hug, Attorney Patricia Kaplan, Attorney Gabriella Kiniry, Attorney Andrew Knott, Judge Brian Mahon, Judge John McGrath, Mr. Stephen Pedneault, CPA, Attorney Carmine Perri, Attorney Greta Solomon, Judge Beverly Streit-Kefalas, Mr. Arthur Teal, Judge Claire Twerdy, Ms. Sondra Waterman, and Judge Steven Zelman.

Also in attendance: Attorney David Biklen, Committee Reporter.

Members not in attendance: Attorney Douglas Brown, Judge Gerald Fox and Judge Robert Killian.

### **Remarks of the Chair**

Judge Knierim thanked the members of the drafting subcommittee consisting of Attorneys Bennet, Biklen and Gaffey for the time they spent over the summer months. The subcommittee edited the draft rules to ensure consistency of style and respond to comments of the full committee at the June meeting and additional comments received over the summer months.

Probate administration and committee members have made a concerted effort to disseminate the draft rules to judges, court staff, attorneys and the public. All revisions were posted on the probate court website. We have circulated drafts to judges and court staff and to members of the Connecticut Bar Association. Several members of the committee have made presentations to the Elder Law and Estates and Probate Sections of the CBA and have related feedback from those discussions.

Judge Knierim reported that the executive committee of the Probate Assembly endorsed the draft rules at their September 6, 2012 meeting and it is hoped that

the probate judges will also endorse the draft rules at the Probate Assembly meeting next week.

Judge Knierim reviewed the timeline for approval of the revised rules. Following this meeting and the September 19 Probate Assembly meeting, the proposed rules will be submitted to the Supreme Court. The Supreme Court will publish the rules in the Connecticut Law Journal on October 2, 2012. Justice Zarella, the Supreme Court's liaison to the committee, will be scheduling the public hearing on the draft rules for November 7, 2012 to allow a full month for review and written comment on the proposal.

Judge Knierim proposed that the advisory committee meet on November 8, 2012 to review any comments received at or before the public hearing. After making any revision, he will submit a final revision to the Supreme Court for approval. Judge Knierim expects that the process will be completed by mid-November.

In closing, Judge Knierim thanked the advisory committee for their dedication and commitment and asked for their continued participation on the committee. He indicated that he expects that annual revisions will be required to refine the rules.

### **Discussion of drafts of proposed rules**

Judge Knierim prefaced the discussion of the draft rules with an overview of the drafting subcommittee's work over the summer. The focus of their work was mostly editorial in nature to ensure consistency of style. The order of some rules was re-organized.

There were a few changes that were applied throughout all sections. The subcommittee added a definition of petition to denote a filing that commences an action and a definition of motion as a filing that is incidental to a petition. The term request refers to a filing that is more administrative in nature. Judge Knierim stressed that notice and hearing is required for all petitions and motions absent an explicit exception in the statutes or rules. Another global consideration was that sentences should be kept short to help make the rules more readable.

Attorneys Bennet, Gaffey and Knierim highlighted the few substantive changes to the draft rules made since June, the majority of which were made in response to the suggestions made by the advisory committee at their last meeting.

The members suggested refinement in the wording of several rules. The drafting subcommittee will review the suggestions before submitting the proposal to the Supreme Court.

After a full discussion of the rules, the advisory committee voted unanimously to endorse the proposed rules and recommend that they be submitted to the Supreme Court.

Before closing the meeting, the chairs of the three subcommittees, Judge Michael Albis, Judge Brian Mahon and Judge Steven Zelman, thanked the members of their subcommittees for their commitment and valuable contributions.

### **Next Meeting**

The next meeting of the full committee is November 8, 2012 at the Office of the Probate Court Administrator, 186 Newington Road, West Hartford, CT from 3:00 to 6:00 p.m.

### **Adjournment**

The meeting was adjourned at 5:35 p.m.

Approved October 10, 2013