

## **Probate Practice Book Advisory Committee**

### **Meeting Minutes**

Thursday, September 1, 2016

Office of the Probate Court Administrator  
186 Newington Road  
West Hartford, Connecticut

The meeting was convened at 3:10 p.m. by Judge Paul Knierim, Probate Court Administrator and Chair.

Other members in attendance: Attorney Bonnie Bennet, Attorney Douglas Brown, Judge Michael Darby, Attorney Heather Dostaler, Ms. Suzette Farrar, Attorney Thomas Gaffey, Attorney Paul Hudon, Attorney Christopher Hug, Judge Robert Killian (retired), Attorney Andrew Knott, Judge Brian Mahon, Judge John McGrath, Attorney Greta Solomon and Judge Claire Twerdy (retired).

Also in attendance: Attorney David Biklen, Committee Reporter.

Members not in attendance: Attorney Molly Ackerly, Professor Jeffrey Cooper, Attorney Karen Gano, Judge Gerald Fox, Jr. (retired), Attorney Patricia Kaplan, Attorney Gabriella Kiniry, Mr. Stephen Pedneault, Judge Beverly Streit-Kefalas, Sondra Waterman and Judge Steven Zelman.

#### **Remarks of the Chair**

Judge Knierim welcomed the committee and introduced a new member, Heather Dostaler, an attorney at the Office of the Probate Court Administrator and a member of Subcommittee III. Judge Knierim thanked all the members for their subcommittee work over the past year.

#### **Approval of Minutes of the June 26, 2014 Meeting**

The minutes of the June 26, 2014 meeting were unanimously approved.

#### **Discussion of the Proposed Rule Changes**

Attorney Bennet, Judge Mahon and Attorney Dostaler presented the proposed revisions recommended by subcommittees I, II, III, respectively.

A motion was made and seconded to delete section 20.2. The motion did not pass.

A motion was made and seconded to amend section 20.1 to include more detailed procedures. The motion did not pass.

A motion was made and seconded to approve the recommended changes to Rules 3, 5, 6, 7, 8, 10, 15, 16, 17, 18, 20, 21, 30, 32, 33, 34, 35, 36, 40, 43, 44, 45, 47, 60 and 72, with the following amendments and directions for editing committee drafting:

- Section 7.1 (e) is referred to the editing committee to clarify that the new requirement of sending a copy of a filing to a party on request applies only to petitions or documents that are not otherwise required to be sent under section 7.1 (d).
- In sections 21.1 and 21.7, the word “referral” is inserted before “memorandum” to distinguish the document from a party’s memorandum of position submitted to the mediator.
- Section 21.5 is amended to read as follows: At the conclusion of the mediation, the mediator shall inform the court, in writing, whether a settlement was achieved. If the mediation results in resolution of the matter, the mediator shall attach a copy of any settlement agreement, unless otherwise agreed by the parties. The court shall send a copy of the mediator’s communication to each party and attorney of record.
- The editing committee will review section 21.7 to clarify that parties can access only those documents listed in (b) from the mediator’s file. In addition, the rule should direct that, when a party submits a document to the mediator, the mediator may not disclose the document to other participants unless the submitting party consents to disclosure.
- The editing committee will review proposed changes to section 30.15 to determine whether the rule should specify that the court may require a fiduciary seeking authority to sell real property to supply documentation, in addition to a copy of the deed, to provide complete information about title and the legal description.

The motion passed unanimously.

### **Adjournment**

The meeting adjourned at 6:35 p.m.