

Probate Court Rules Advisory Committee

Subcommittee II

Meeting Minutes
Wednesday, February 28, 2018

Law Offices of Mahon, Quinn & Mahon
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Meriden, CT

Judge Brian Mahon, Subcommittee Chair, convened the meeting at 2:00 p.m.

Other members in attendance: Professor Jeffrey Cooper, Attorney Thomas Gaffey, Attorney Christopher Hug, Judge John McGrath, Attorney Carmine Perri and Judge Claire Twerdy.

Members not in attendance: Natasha Haims.

Approval of Minutes

The minutes of the January 24, 2018 meeting were approved, with the correction of several typographical errors.

Discussion of Draft Revisions

The subcommittee discussed proposed rule 33.23, requiring that a proposed conservator attend a hearing at which the court will review the conservator's duties. The question was raised whether this means a hearing other than the hearing to appoint the conservator. It was noted that this draft was taken verbatim from section 34.2 concerning guardians of the estates of minors. It was suggested that while the review would take place at the hearing on appointment, the rule was intended to allow flexibility. Some concern was raised that the rule as drafted suggests the need for a separate hearing. However, it was noted that any change to the language would, for consistency, require a similar in section 34.2. The consensus was to propose section 33.23 as drafted.

The subcommittee was in favor of the proposed rules 43.3 through 43.8 concerning guardians of the intellectually disabled. The sole change was the addition of the word "guardianship" at the end of 43.5 (a).

Revised drafts of sections 44.4, 45.4 and 45.5 were discussed. In addition to the changes discussed at the last meeting, there was discussion of recommendations from subcommittee I, which is working on rules changes in anticipation of e-filing. The suggested changes involve the addition of the words "electronic service" in several places. Subcommittee II was in favor of those changes.

Proposed changes to section 60.2 to include provision for the disclosure of expert witnesses were endorsed by the subcommittee.

Discussion of Concepts

There was further discussion about the concept, raised at the last meeting, of a rule that would permit a judge to deny a motion without a hearing, or possibly to impose other sanctions, if the filing party had engaged in an extended pattern of frivolous filings. Attorney Gaffey reported that he had polled a couple of other judges, and their feeling was that that such a rule might be helpful, but that they had been able to deal with difficult parties in other ways. After further discussion, the consensus of the group was not to propose such a rule.

Next Meeting

It was decided not to set another meeting at this time. It was agreed that once the drafts reflecting the discussion at this meeting are provided, any member could request a meeting. In addition if any new concepts are presented a meeting could be scheduled.

The meeting adjourned at 3:00 p.m.