

EXECUTIVE COMMITTEE MEETING MINUTES

JANUARY 8, 2020

ATTENDEES: Judges Magistrali, Forgione, Calabrese, Randich, Darby, Berkenstock, Brandt, Barrett, Blick, Jalowiec, DeGennaro, Probate Court Administrator Streit-Kefalas, Chief Counsel Bonnie Bennet.

- 1. Call to Order:** The meeting was called to order by Judge Brandt at 9:50 a.m., Judge Wright being unavailable.
- 2. Approval of Minutes:** Motion was made by Judge Magistrali and seconded by Judge Darby to approve the December minutes. Motion passed with three abstentions.
- 3. Correspondence:** None
- 4. Treasurer's Report:** Judge Magistrali presented the January budget report noting that the only expenses have been for continuing education. Motion made by Judge DeGennaro and seconded by Judge Calabrese to accept and was approved.

5. Committee Reports:

Continuing Education: Judge Brandt reported that the next seminar is January 16 at the CBA. Presentations will include changes to the rules of procedure, eFiling requirements, Rule 16 and insolvency & claims in decedent estates. After that, there will be a Judges Institute at Quinnipiac Law School on March 18, 2020.

Ethics: Judge Magistrali reported that he continues to forward recent ethics decisions including one recent case involving judges who perform marriages. In that particular matter, a judge had refused to perform a same sex marriage. The Texas judge was publicly sanctioned for his refusal. Judge Magistrali reported that he will continue to share opinions that he believes will be helpful as he finds them.

Legislative: Judge Streit-Kefalas reported that because this is a short session, the Legislative Committee is only proposing our annual Probate Court operations bill which updates various statutes; the committee is reviewing topics for consideration for the following year so that they will be ready to present for the next full session.

Nominating: Judge Brandt reported that Judge Marino will be retiring from the Budget Committee at the end of his term and that Judge Wright has been nominated to take his place. The new slate of officers will be presented to the full assembly at the January 16, 2020 meeting.

Planning: Judge Forgione reported that the meeting planned for sometime in January has not been scheduled and instead, the planning committee will discuss its role at the next Assembly meeting.

Procedures Review: Judge Berkenstock reported that the committee expects to begin meeting again in February, but had taken a brief hiatus to allow for the focus to be on the new eFiling.

Public Information: Judge Blick reported that the committee is working with the PCA staff to finish a new pamphlet about the Probate Courts and the matters over which we preside to be available to the public. It is expected that the pamphlet will be available for distribution to each court in the next few months.

Conservatorship Guidelines: No report

Court Security: Judge Calabrese reported that the committee is hoping to initiate new security assessments for each court, the last having been done several years ago. He indicated that the committee will begin meeting having regular meetings shortly. The next meeting is scheduled for January 13, 2020 at 10:00 a.m.

Floating Clerks: No report

Hospitality: Judge DeGennaro reported that a social is being planned following the September 24 seminar. He has been working with Oxford Greens Country Club in Oxford which is close to an I-84 exit. The seminar would be open to staff as well as judges and would be from 1:00 to 5:00 with a staff reception following. Costs and final details are being worked out. The committee is also considering a judges only reception for late spring.

6. Comments of Probate Court Administrator:

Judge Streit-Kefalas reported that the eFiling rollout has been initiated and that the response so far has been positive. The company, TurboCourt, and PCA staff are working to resolve any issues. Judge Streit-Kefalas also reported that the new rules of procedure as well as new regulations have been uploaded to the Internet and will be discussed at the seminar next week.

7. Comments of President Judge:

Judge Brandt reported that Judge Wright had nothing to report other than concern over the scheduling of the next meeting. The second Wednesday of February is the 12th and the PCA and some courts will be closed that day. The first Wednesday is the opening day of the State Legislature, so that is not an option and the third Wednesday is two days after President's Day, so it is a short week. After a motion was made and discussed, the Committee decided that the February meeting should be cancelled unless Judge Wright or Judge Streit-Kefalas had matters that could not wait until March, in which case, the meeting would be scheduled for either the 11th or 13th of February.

8. Other Business:

Judge DeGennaro reported problems with banks that will not recognize the right of conserved persons to maintain control over an account despite orders permitting the same. He indicated that several conservators have reported to the court that the banks are refusing to allow a conserved person to have their own account once they learn of the conservatorship. Discussion was held whether or not this is something that should be addressed by the legislative committee even though the statutes already exist permitting such accounts.

Judge Jalowiec reported that he is having difficulty with changes in reports from DDS where DDS is now submitting reports for someone who previously was diagnosed as being intellectually disabled that claim the person no longer qualifies as ID. A discussion was held concerning this issue. Attorney Bennet indicated that this same issue was recently addressed by Judge McGrath at last June's seminar and that some of those materials might be helpful.

9. Adjournment: The meeting was adjourned at 11:25 am

Respectfully Submitted,

Hon. Mark J. DeGennaro
Acting recording secretary