

EXECUTIVE COMMITTEE MEETING MINUTES
September 9, 2020

Attendees: Judges Barrett, Becker, Berkenstock, Blick, Brandt, Daly, Darby, DeGennaro, Ganim, Gardner Riordan, Magistrali, Marino, Maxham, Rowe, 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 9:46 AM.

2. Approval of the Minutes:

A motion was made by Judge DeGennaro and seconded by Judge Daly to accept the minutes of the Executive Committee meeting of August 16, 2020 as presented. The motion passed with Judge Barrett abstaining.

3. Correspondence:

No new correspondence was presented.

4. Treasurer's Report:

Judge Magistrali indicated that he technically has no report, although a written Treasurer's Report for August 2020 was distributed to all members. He confirmed that there were no expenditures this fiscal year. He made a motion to submit the Treasurer's Report on a quarterly basis rather than monthly. He reported that nothing in the by-laws required a quarterly report. Judge Gardner Riordan seconded the motion. Judge Streit-Kefalas offered her opinion that quarterly reports could be allowed as long as our minutes reflected a motion to change to quarterly. She suggested the reports be issued to coincide with the quarterly Probate Assembly meetings. The motion to authorize the Treasurer to present quarterly budget reports in conjunction with the reports presented at the probate assembly meetings unanimously carried.

Subsequently a motion was made, seconded and unanimously carried to approve the August 2020 Treasurer's Report as presented.

5. Committee Reports:

Continuing Education

Judge Becker reported that her committee recently met telephonically. She confirmed that continuing education programs would continue to be offered through the end of this year. She reiterated the dates and content of upcoming seminars. She reported that Bonnie Bennet had been working diligently to confirm that Chief Justice Robinson and Justice Kahn would be presenters at a program on diversity and access to justice to be held in October.

Judge Becker additionally reported that on September 16, 2020 a new seminar delivery platform will be rolled out called Cisco Webex Events. She has planned a dry run for Friday, September 11, 2020 with George Fernandes at PCA. The platform will allow for more than 100 participants and will allow questions to be asked more like a typical assembly seminar meeting. The committee continues to seek

ideas for seminars for short 1.5 to 2 hour programs for November and December.

Ethics

Judge Magistrali commented that he had no report; the committee has not met.

Legislative

Judge Rowe reported that the committee has not formally met. He has been told that a special session is proposed for later in September and is hopeful that probate matters will be on the agenda. Specifically he would like to have the issue of the sweep addressed. The situation with the legislature is fluid and not much direction has been given by the leadership. Judge Rowe expressed that his hopes that probate will be a part of the issues addressed at the special session. Judge Streit-Kefalas echoed Judge Rowe's report. She and Melissa Riley continue to be in touch with the Legislative leadership and she reported that they continue to be supportive of the Probate Courts.

Judge DeGennaro asked Judge Streit-Kefalas what judges should be speaking to legislators about. Judge Streit-Kefalas responded that the agenda has not been finalized for the special session and she will keep judges posted on what is expected to be addressed at the special session. The session that will start next year will have many issues for Probate Court, though.

Nominating

Judge Marino reported he and his committee will be contacting the officers of the executive committee to confirm they would like to stay on for a second year. The committee will be looking to fill the positions of the other executive committee judges whose terms expire this year.

Planning

Judge Brandt reported that Judge Anthony had accepted chairmanship of this committee at our last meeting. And he looks forward to a meeting of the committee.

Procedures Review

Judge Berkenstock reported that the committee's next meeting is October 5, 2020.

Public Information

No report.

Conservator Guidelines

No report.

Court Security

No report.

Floating Clerks

No report.

Hospitality

No report.

Modifications for Pandemic/Extraordinary Circumstances

Judge Brandt reported that Judge Dorval held a meeting in early September and addressed 3 concerns: continuing education requirements; certification of judge's hours due to inclement weather; weighted workload impact on judicial salaries during the pandemic.

The committee agreed that a blanket exemption of the requirement for continuing education would be the preferred method to address Regulation 26 but the process should wait until a future date to encourage participation of judges in scheduled educational programs to the fullest extent.

The committee did not have a concern about the lack of inclement weather as a category on the certification of judge's hours. No judges appear to lack sufficient hours due to court closures so no action will be taken in this area.

The committee determined that a possible decrease in weighted workload due to the pandemic will affect a few judges. The committee will meet later this month and discuss this issue once the results of the weighted work load are received.

Judge Brandt reported he was very happy the way the meeting ran. The committee will report at the full assembly meeting later this month.

6. Comments of the Probate Court Administrator:

Judge Streit-Kefalas expressed a special thank you to George Fernandes and the entire IT Department for the phenomenal job being done pursuing technological innovations to address the needs of our community, especially with the latest roll out of the Cisco Webex Events platform for upcoming webinars.

Judge Streit-Kefalas reported that the Governor has extended the Public Health and Civil Preparedness Emergency through February 9, 2021. The regular legislative session will convene in early January so she expects that the timing on the extension is to give the legislature an opportunity to address all of the issues. The Governor also issued his 69th executive order. Judge Streit-Kefalas spoke about Executive Order 9A that extended all of the Governor's prior executive orders, especially as it related to probate. Executive Orders 7F and 7K that impact the courts are extended through November 9, 2020. Judge Streit-Kefalas surmised that the extensions, although shorter than expected, will allow time to look at the health metrics in case of another surge.

The orders continue to allow the flexibility that courts need in order to hold video conference hearings, to extend deadlines to the extent it is critical, as well as the waiver of in-person service.

Judge Streit-Kefalas reported that the CBA Estates and Probate section minutes from May 2020 mischaracterized what she said about video conferencing ending at the end of the crisis. She reported that was not her statement or conclusion. She expects that we will all discuss extending video conferencing capabilities to the extent it is beneficial to the system. Judge Streit-Kefalas stated that she thinks video conferencing is a modality that can be used but is cautious about it being the format for the future for probate court hearings. In her opinion, a face to face modality for hearings is the best approach for our system.

Judge Streit-Kefalas reported that DPH modified its restriction on nursing home visitation to allow in-person visits for family members under compassionate care guidance. New guidance has been issued that includes a mandate for regular visits with residents using other modalities.

Judge Streit-Kefalas has reported that the biennial court visits by the Law Department are underway and are going well. The financial reviews are underway as well but are being done remotely. She thanked all courts for assistance and cooperation.

Judge Streit-Kefalas reiterated that other video platforms are not available to courts for hearings. Hearings are to be conducted only through Cisco Webex due to security and the need for IT to be able to assist in technology issues.

Judge Streit-Kefalas reported that Connecticut has experienced 4 recent COVID-19 outbreaks. One was in Danbury that was community spread and was quickly being addressed. Two locations were in East Windsor and one in a Norwich nursing home. She reminded us all of the 3 W's-wear your mask, watch your distance and wash your hands.

Judge Streit-Kefalas commended each of the judges and their staffs for doing a phenomenal job.

7. Comments of the President Judge:

Judge Brandt offered his thanks to our IT Department and entire Probate Court Administration and judges for hard work in keeping the Probate Courts moving.

He reported that September 30, 2020 is the next Assembly meeting. A webinar is scheduled prior to the meeting on the topic of conducting Webex hearings. He hopes all judges will attend the assembly meeting that is scheduled 1.5 hours after the webinar.

He urged all executive committee members to give a report at the Assembly, even if to just note the date of the next committee meeting. Judge Brandt hopes to encourage more judges to get involved.

He thanked all members for the work they are doing.

8. Other Business to come before the Executive Committee:

None.

9. Adjournment:

A motion to adjourn was made by Judge Blick seconded by Judge Gardner Riordan and unanimously approved. The meeting ended at 10:25 AM.

Respectfully submitted,
Hon. Kathleen N. Maxham
Recording Secretary