

**CONNECTICUT PROBATE ASSEMBLY
EXECUTIVE COMMITTEE MEETING MINUTES
November 4, 2020**

Attendees: Judges Barrett, Berkenstock, Blick, Brandt, Calabrese, Darby, DeGennaro, Dorval, Fox, Gardner Riordan, Maxham, McGrath, Randich, 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 in person with remote access via Cisco Webex video conferencing. Meeting was called to order at 9:48 AM.

2. Approval of the Minutes:

A motion was made, seconded and unanimously approved to accept the minutes of the Executive Committee meeting of October 14, 2020 as presented.

3. Correspondence:

Judge Brandt reported that he had received a letter/committee report from Judge Dorval that was shared with all members of the Executive Committee and would be discussed later in the meeting during the committee reports portion.

4. Treasurer's Report:

Judge Magistrali was not in attendance but he furnished a Treasurer's Report for September 2020, showing no expenditures. Judge Streit-Kefalas shared on his behalf that all future reports would be quarterly commencing in January 2021. A motion was made by Judge DeGennaro, seconded by Judge Randich and unanimously approved to accept the Treasurer's Report as presented.

5. Committee Reports:

Continuing Education

Judge Brandt reported that the Probate Assembly sponsored a webinar on October 28, 2020 on Special Immigrant Juvenile Status Findings that was very well attended and well received. Additional webinars are scheduled for November 12, 2020 with Chief Justice Robinson on Cultural Competence and Implicit Bias and on November 18, 2020 with Dr. Harry Morgan on Capacity in Conservatorships.

Judge DeGennaro reported that over 45 judges attended the October 28th webinar and he hopes for the same showing for the Chief Justice's presentation next week.

Ethics

No Report.

Legislative

Judge Fox reported that the Committee will meet on November 20, 2020 to discuss the agenda for the next session. Nothing passed last session so the Committee will be working on the bills

proposed for last session. He encouraged all judges to contact him or Judge Rowe with any suggestions for legislation.

Nominating

On behalf of Judge Marino who is the Nominating Chair, Judge McGrath read the Notice of Nominations that will be presented at the January 2021 Assembly meeting.

Officers:

Term: 2021 - 2022

President-Judge

HON. MICHAEL R. BRANDT

First Vice President-Judge

HON. EVELYN M. DALY

Second Vice President-Judge

HON. MICHAEL M. DARBY

Executive Secretary

HON. LEAH P. SCHAD

Recording Secretary

HON. KATHLEEN N. MAXHAM

Treasurer

HON. ROBERT A. RANDICH

Executive Committee:

Term: 2021 - 2024

Litchfield County

HON. MICHAEL F. MAGISTRALI

Middlesex County

HON. JEANNINE M. LEWIS

Tolland County

HON. BARBARA GARDNER RIORDAN

Budget Committee:

Term: 2021 - 2023

HON. FRED J. ANTHONY

Council On Probate Judicial Conduct:

Term: 4/2021 - 4/2025

TO BE DETERMINED

Judge Streit-Kefalas clarified that the Council on Probate Judicial Conduct is a 4-year term by statute and Judge Dorval's position will be available when he reaches mandatory retirement age in June 2021.

Planning

No Report.

Procedures Review

No Report.

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 Dorval summarized his report that had been emailed to all Executive Committee members. The Committee met on three occasions on September 2, September 23 and October 28. The Committee recommends that the Executive Committee request from the Judicial Education Standards Committee a blanket exemption of continuing education hours up to a total of 15 for judges as required in Probate Regulation 26.3(a) pursuant to Probate Regulation 26.3(e)-(f) in view of the ongoing pandemic.

Additionally, the Committee recommends to the Executive Committee that it request a similar blanket exemption of up to 6 hours for clerks and court staff from the continuing education requirement set forth in Probate Regulation 26.4(b).

Judge Dorval also reported that the Committee reviewed the issue of credit for work hours for judges in the event of a court building closure due to inclement weather or power outage or the like. There is no provision in the probate regulations for this and all judges should be made aware of it.

The Committee also considered the effect of the pandemic on judicial salaries based on weighted workload. After the statistics were analyzed, it was determined that 5 judges currently fall into this category but only Judges Blick and Wright were in a position to not reach the same band as last year. Judge Dorval indicated that the topic was tabled because it would require a statutory change that would not help those judges at this point. Judge Dorval also reported that the Committee decided that eliminating weighted workload as a basis for judicial salary was beyond the scope of the ad hoc Committee.

The Committee will remain in place to handle any future issue related to the pandemic.

Judge Darby made and Judge Wright seconded a motion that the Executive Committee request of the Judicial Education Standards Committee an exemption or waiver for all judges as recommended by the Modifications for Pandemic/Extraordinary Circumstances Committee.

During discussion, Judge McGrath requested clarification about whether the exemption is for all required hours or partial. Dorval said it is a blanket waiver of up to all 15 required hours for judges and up to all 6 required hours for court staff. Judge Streit-Kefalas added that all judges and court staff members have attended at least one educational forum, many instances where most hours have been completed and so no judge nor court staff will need a full waiver.

The motion carried unanimously.

Judge Riordan made and Judge Darby seconded a motion that the Executive Committee request

of the Judicial Education Standards Committee a waiver for all clerks and court staff as recommended by the Modifications for Pandemic/Extraordinary Circumstances Committee.

Judge Brandt indicated that the Committee desired to include all clerks and court staff with the same blanket waiver of continuing education requirement as being sought for the judges.

The motion carried unanimously.

Judge Brandt reported that he wants judges to be aware that there are no credit hours allowed for inclement weather or pandemic related closures of courts. He indicated that no judges are in danger of losing benefits due to lack of hours worked during the first two quarters of 2020.

Judge Darby complimented Judge Dorval's "steady hand" in handling the sensitive issues discussed with Committee members. Judge Dorval in turn thanked all Committee members for their time and effort.

Judge Streit-Kefalas indicated that at the next Assembly meeting she would alert judges of the fact that there are no credit hours for judges due to court closures.

She indicated that it is difficult to determine whether the pandemic affected weighted workload. With courts that have judicial compensation tied to weighted workload, there are often fluctuations from year to year. Although it seems probable that this year's drop is COVID-19 related, there is no way to measure that this was the actual cause in the reduction.

Judge Streit-Kefalas thanked Judge Dorval for his work on the Committee.

6. Comments of the Probate Court Administrator:

Judge Streit-Kefalas reported that there were 2 special elections and Attorney William Hamzy is reported to be the successful candidate in Region #19 to replace Judge Dorval in June 2021. In the Southeastern CT Regional District Attorney Beth Leamon is the Judge-elect to replace Judge Kepple in September 2021.

The Probate Court Budget Committee will convene a special meeting this evening.

Judge Streit-Kefalas reported that probate fee revenue has increased since the serious decline from the last quarter of fiscal year 2020 (first quarter of the pandemic). She remains cautiously optimistic that revenue will remain on that trend but we are in a second wave of the pandemic and she predicts we will sustain additional losses in revenue. The Governor has already retracted to Phase 2.1 and that may affect filings in the courts. The courts are in a good position now but she is not confident it will stay on that path. There are predictions of fiscal deficits statewide in the upcoming fiscal years.

Comments of the President-Judge:

Judge Brandt appreciates all who attended the meeting after election night. It has been a divisive time in politics. He is happy to report that as judges we work well together and all serve our residents without any thought of politics.

Judge Brandt encouraged all to attend the November 12 seminar by Chief Justice Robinson. Additionally he commended Judge Dorval's ad hoc Committee and will let CAPC know about the recommended waiver.

7. Other Business to come before the Executive Committee:

None.

8. Adjournment:

A motion to adjourn was made by Judge DeGennaro, seconded by Judge Gardner Riordan, and unanimously approved. The meeting ended at 10:26 AM.

Respectfully submitted,
Hon. Kathleen N. Maxham
Recording Secretary