



CONNECTICUT PROBATE ASSEMBLY

CONNECTICUT PROBATE ASSEMBLY MEETING January 26, 2022

1. Call to Order

The meeting was called to order by Judge Michael Brandt at 1:35 p.m.

2. Pledge of Allegiance

Judge Brandt introduced Judges Michael Carrier and Ben Gettinger and asked them to lead the Assembly in reciting the Pledge of Allegiance.

Roll call of the Judges

Thirty-four judges were present by Cisco Webex video conference for the meeting. In addition, Probate Court Administrator Judge Streit-Kefalas, Attorneys Heather Dostaler, Evan Brunetti and Eric Rothauser, Manager of Communications Jim Polites and Director of Financial Services Lisa Hansen also attended.

3. Approval of the October 26, 2021 Meeting Minutes

Judge Barbara Gardner Riordan moved and Judge Michael Darby seconded a motion to approve the minutes as presented. The motion passed unanimously.

4. Treasurer's Report

Judge Robert Randich presented the Treasurer's Report for the second quarter of the fiscal year ending 6/30/2022 stating that the full budget is still intact with no expenditures. Judge Michael Magistrali moved and Judge Joseph Marino seconded a motion to approve the Treasurer's Report as presented. The motion passed unanimously.

5. Report of the Nominating Committee

Judge Marino placed in nomination the names of the following judges for the 2022-2023 term to be elected in accordance with the Bylaws at the April 20, 2022 Annual Meeting:

OFFICERS:

Term: 2022 - 2023

- President-Judge HONORABLE EVELYN M. DALY
- First Vice President-Judge HONORABLE MICHAEL M. DARBY
- Second Vice President-Judge HONORABLE LEAH P. SCHAD
- Executive Secretary HONORABLE PETER C. BARRETT
- Recording Secretary HONORABLE KATHLEEN N. MAXHAM
- Treasurer HONORABLE ROBERT A. RANDICH

EXECUTIVE COMMITTEE:

Term: 2022-2025

- New London HONORABLE JEFFREY A. MCNAMARA
- New Haven HONORABLE PHILIP A. WRIGHT, JR.
- At Large HONORABLE SCOTT R. CHADWICK



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BUDGET COMMITTEE:

Term: 2022-2024 HONORABLE PHILIP A. WRIGHT, JR.

Judge Brandt asked for nominations from the floor. Hearing none, a motion was made by Judge Becker and seconded by Judge Hamzy to close the nominations. The motion carried unanimously.

6. Proposed Revisions to the Code of Probate Judicial Conduct

Judge Magistrali, on behalf of the Ethics Committee, made a motion to approve to add the following Comment 5 to Rule 3.1 of the Code of Judicial Conduct, to be effective immediately upon approval by the Probate Court Administrator. The motion was seconded by Judge Carrier.

(5) "Extrajudicial activities" include a judge's participation on social media. While a judge must exercise extreme caution when engaging in any type of electronic communication, including communication by text or email, participation on online social networking sites or otherwise posting material on the Internet are particularly problematic, given the accessibility, widespread transmission, and permanence of electronic communications and material posted on the Internet. Such activity demands particular attention.

The same rules that govern a judge's ability to socialize in person, on paper, or over the telephone apply to all electronic communications, including on the Internet and social networking sites. While judges are not prohibited from participating in online social networks, such participation is fraught with peril, and they should exercise restraint and caution in doing so. For example, a judge should not identify himself as such, either by words or images, when engaging in commentary or interaction that is not in keeping with the limitations of this Code.

Judge Streit-Kefalas suggested that the judges might consider a motion to amend to include a reference to judge in a non-gendered plural manner and to also include the Comment under Rule 4.1 regarding judicial candidates.

Judge Philip Wright made the motion to amend the motion on the floor in accordance with the suggestions. The amendment was seconded by Judge Carrier and unanimously approved. The underlying motion was then voted on as an amended motion and unanimously approved.

The Comment shall now read:

(5) "Extrajudicial activities" include a judge's participation on social media. While a judge must exercise extreme caution when engaging in any type of electronic communication, including communication by text or email, participation on online social networking sites or otherwise posting material on the Internet are particularly problematic, given the accessibility, widespread transmission, and permanence of electronic communications and material posted on the Internet. Such activity demands particular attention.

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The Comment shall be added to the comments to Rule 4.1.

7. Committee Reports

Continuing Education

Judge Cynthia Becker reported that a calendar of Assembly meetings and continuing education seminars has been sent to all judges and staff. The next Judges Institute is slated for Quinnipiac University on March 16, 2022 on mediation. Please refer to the schedule and sign up for the seminars in Paychex. The next Committee meeting is February 15, 2022.

Ethics

Judge Magistrali had nothing further to report other than the motion passed earlier in the meeting.

Legislative

Judge T.R. Rowe reported that the next Committee meeting is on February 2, 2022 at 10:00 a.m. in advance of the short session commencing on February 9, 2022. He asked all members to pass along suggestions in the legislative area.

Nominating

Judge Marino presented the nominations earlier in the meeting.

Planning Committee

Judge Fred Anthony indicated he has nothing to report.

Procedures Review Committee

Judge Jennifer Berkenstock reported that the last meeting was June 1, 2021. The Committee continues to review and revise forms in response to changes in the law and other recommendations. The next meeting is February 7, 2022. Please bring all suggestions to Judge Berkenstock or Heather Dostaler.

Public Information

Judge Brandt reported that the public information brochures have been mailed out to courts with COVID-19 rapid home tests and masks. The next Committee meeting is February 22, 2022 at 12:30 p.m.

Conservatorship Guidelines

Judge Mark DeGennaro explained the purpose of the Committee for the new judges attending the meeting. The Committee will reconvene to continue review of the Standards of Practice for Conservators



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Court Security

No Report

Floating Clerks

No Report

Hospitality

Judge DeGennaro is planning a social component at the next Assembly meeting in June if we are in-person. He requested suggestions of judges for regional outdoor places or attractions.

8. Remarks of the Probate Court Administrator

Judge Streit-Kefalas remarked on the great attendance and her disappointment that the meeting is not in person. Since PCA keeps the courts informed via numerous emails on issues and events, she focused her remarks on Rule 66 of the Rules of Procedure regarding virtual and in person hearings. She detailed the background of the Rule and the revision process. She discussed the positive aspects of virtual hearing but encouraged all to conduct in-person hearings when public health situations allow. She recommended the use of hybrid hearings, when the situation warrants it. She reminded each judge to evaluate all factors and balance the rights of all participants. She urged all judges to keep their sights on the courts ability to comfort people in distressing times and show concern and compassion when necessary.

Probate Assembly meetings will remain virtual through February 2022.

9. Remarks of President-Judge

Judge Brandt reminded that Continuing Education compliance reports are due at the end of the month.

Judge Brandt remarked that he is not going to make any promises about meeting in person. He encouraged all to be shining stars of the judicial system and take pride in the probate court system. He reminded judges of the National Center for State Court survey results shared by Judge Streit-Kefalas indicating that for family matters most individuals prefer to appear in person.

He thanked Judge Becker and Evan Brunetti for the educational program earlier in the day. The topics were important and timely.

Judge Brandt encouraged judges to work hard, reach out and connect with each other and share practices so procedures are consistent from court to court. The next Assembly meeting is the annual meeting at the Supreme Court on April 20.

Judges Michael Carrier and Ben Gettinger were both welcomed to the Assembly as recently elected judges.



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10. Any business to come before the Assembly

Judge Dianne Yamin spoke about the National College of Probate Judges (NCPJ) of which she is judge-elect and thanked the large number of judges who have joined the college. The spring conference is in Colorado Springs, CO on May 18-21. Also save the date for the fall conference in Destin, FL from November 15-18 where she will be installed as President. Judge Yamin thanked Judge Streit-Kefalas for her continued support of the NCPJ.

Judge Anthony shared some thoughts and reflections about comments he has and continues to receive regarding the public perception of the Probate Court system. He and Judge Brandt encouraged all to be aware of our roles, make sure our courts are available to all and reach out to each other for support to stay responsive to the public and have consistent practices from court to court.

11. Adjourn

A Motion was made by Judge Anthony, seconded by Judge Clifford Hoyle and unanimously carried to adjourn at 2:30 p.m.

Respectfully submitted,
Hon. Kathleen N. Maxham
Recording Secretary