

To: The Judiciary Committee

**From: Mathew H. Greene,
Judge of Probate, District of New London-Waterford**

Date: March 17, 2006

RE: RB 5598 & RB 431

Dear Chairman McDonald, Chairman Lawlor and Members of the Committee:

My name is Matt Greene, and I am Probate Judge for the District of New London-Waterford. I have served as Judge since November, 1992.

When I first came into office, I was surprised by the lack of uniformity in the Probate Court system. At the time there were 132 Probate Courts, all doing business in a way that was appropriate for the respective Judge. Some Judges, for federal income tax purposes, were treated as employees of the court, yet others filed a Schedule C. The hours of the various Courts differed so vastly, the employees were all paid by what the Judge determined, some Courts used the State seal, while others used the Town's seal. It amazed me then, and still does now, that a system could operate in such a way for so long.

Before you today is Raised Bill 5598, which I believe tries to address the lack of uniformity in the Probate Courts. The first component of the bill requires all Probate Courts to be open for 5 hours per day. While I believe that all Probate Courts should be open each day, or at least 4 days a week, I think the 5 hour requirement may be a bit excessive. As most Courts open at 9 a.m., it may be more appropriate to require Probate Courts to be open each day, at a minimum, from 9 a.m. until noon or 1 p.m. This would at least allow for uniformity that all Courts are open in the morning.

The requirement of at least one court employee, other than the Judge of Probate is essential. It is most imperative that all Judges avoid ex-parte communications. While a significant amount of matters that come to a Probate Court are non-adversarial, there are many times that a party can misunderstand what a Judge is saying. As they proceed in the matter, they state that is what the Judge has told them. I have had many parties misinterpret what has been said in hearings, but fortunately there are other parties present to confirm the true interpretation of what was said. The requirement of at least one employee is essential not only to minimize ex-parte communications, but also for the professionalism of the Probate Court system.

The revision to Section 7, 45a-21, while somewhat drastic to the current policy, is also most appropriate. There are many advantages to having the Probate Court Administrator appoint each employee. While the New London-Waterford Probate Court has 4 full time employees, there have been times that I have needed to solicit additional help or coverage for various reasons. The ability to coordinate with Probate Administration to obtain additional qualified help would be a tremendous asset to the Probate Courts, especially the Courts with one or two employees. Additionally, a uniform pay scale would also be beneficial to our system.

With regard to RB 431, I would ask for your support. The increase from 4 to 6 years makes great sense in terms of providing proper incentive to any Judge who may be considering a voluntary consolidation. Expanding this incentive to an employee of the Court also makes it more fair to the Court as a whole, as opposed to just looking out for the Judge. While some may question the intent of the legislation as a way to further promote consolidation, the fact is there are going to be changes to our system, and this will give the Judge and employee's an opportunity to weigh different options.

In closing, I would ask that you support both bills as a way to help strengthen the Probate Court system. As you are aware, there are many issues surrounding the Probate Courts, and I would hope that the legislature is supportive of our system, but recognizes that a few changes are needed. The legislatures prior approval of the Regional Children's Probate Courts is a great example of the legislature understanding our need to change without compromising the integrity of our system as a whole.

I thank you for your time and consideration.