

Senator McDonald, Representative Lawlor, Honorable Members of the Judiciary Committee

As the Judge of Probate for the District of Deep River and a member of the Board of Directors of the Connecticut Probate Judges Association for Local Courts, I am writing concerning **S.B. 1480 – An Act Concerning the Chief Court Administrator and the Probate Court Administrator** that is the subject of a public hearing before the Judiciary Committee on Monday, April 9, 2007, at 2:00 p.m.

Deep River's chief elected officials, residents, and I **support** the concept of Sec. 3. Section 45a-74 of S.B. 1480. We **support** the testimony of the Hon. Joseph Secola, Judge of Probate for the District of Brookfield and President of the Connecticut Probate Judges Association for Local Courts, Inc., Hon. Stuart Case, Judge of Probate for the District of Hampton, and Hon. Deborah M. Pearl, Judge of Probate for the District of Essex. We **fully support** the continued position of the 110 members of the Connecticut Council of Small Towns to "**strengthen and preserve local probate courts in smaller communities and the opposition of the mandatory consolidation of local probate courts (directly or indirectly) and opposition of any financing scheme for local courts that would be unfair to small towns.**"

We **strongly urge** you to review the proposed language in Sec. 3 Section 45a-74 of S.B. 1480 and consider changes to the following subsections:

(a)

We believe it is imperative that nomination of a Probate Court Administrator for appointment by the General Assembly must be "from among the judges of the several courts of probate." As currently proposed subsection (a), deletes this requirement. The position of Probate Court Administrator requires an individual who is intimately aware of the workings of the system, the obligations imposed by the Statutes that regulate it, and the responsibilities of its judges.

(b)

We believe that a Probate Court Administrator may not be able to "devote full time to the duties of the office" if he/she also served as a judge of probate because both positions require full and complete attention to the duties imposed on them in order to fulfill the obligations of office properly. Therefore, upon taking office, consideration should be given to requiring the individual to resign the judgeship. This would also eliminate any potential issues concerning conflict of interest, political favoritism, cronyism, and so forth.

(c) and (d)

Because of the same issues, we believe that a possible alternative should be considered concerning the appointment of the Probate Court Administrator. An article in the April 9, 2007, issue of the Connecticut Law Tribune reports that at her confirmation hearing on

April 5, the Chief Justice nominee Chase T. Rogers stated, "The chief court administrator has to be someone who shares the chief justice's vision." We also believe that holds true for the Probate Court Administrator. Therefore, we believe it is important that the Probate Court Administrator be nominated by the Governor from a list submitted by the Probate Assembly and the Chief Justice with confirmation by the State Legislature. The term should be limited to four years, with the option of being nominated for successor terms by the same process.

The Administrator should be subject to a vote of no confidence by the Probate Assembly, before the end of the term, after which the Legislature should have to vote on whether or not he/she should continue his/her term. (It would be less than an impeachment, because no crime would have to be alleged or proven, just that the administration of the office was not being carried out in such a way that the Judges, in assembly, had confidence that the job was being done fairly and responsibly.)

The Assembly should also have the power to recommend to the legislature at the end of the term whether or not it believes the Administrator is worthy of re-confirmation. Basically this is because the Administrator's job is administrative, not judicial. As such, his/her appointment process should be closer to that of a department administrator and should not be granted the extended tenure that a judge supposedly needs to assure his/her single-minded independence.

It is our opinion that this legislation goes a long way toward fulfilling your Committee's promise to us that the Legislature is the system of checks and balances we've been seeking for many years. Oversight and accountability are always important in government to ensure that the Probate system functions at its very best for the residents of Connecticut. Connecticut's Probate Courts belong to the people, not to the judges, administrators, or others. We ask you to fulfill your promise and commitment. We urge you to modify the language of S.B. 1480 and approve the bill.

Thank you for your consideration.

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