

To: Senate Co-Chair Andrew McDonald  
House Co-Chair Michael Lawlor  
Senate Ranking Member John Kissel  
House Ranking Member Arthur O'Neill  
Honorable Members of the Judiciary Committee

From: Fred J. Anthony, Judge  
President-Judge  
Connecticut Probate Assembly

Re: HB 6027 An Act Concerning Probate Reforms  
HB 6385 An Act Concerning Reform of the Probate Court  
System

Date: March 9, 2009

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Thank you for the opportunity to offer testimony with regard to House Bills 6027 and 6385, each of which proposes broad reforms to the Connecticut probate court system. I serve as the Probate Judge from the district of Shelton and I also currently serve as the President-Judge of the Connecticut Probate Assembly. The Connecticut Probate Assembly is the organization established by Connecticut General Statutes which represents all of the 117 States Probate Judges.

The "Strategic Plan" which has been submitted by the Assembly in a joint, collaborative effort with the Probate Court Administrator's office seeks to institute reform and advancement to the Probate Courts throughout the state. In reviewing the final product it is important to appreciate how this Strategic Plan evolved and why it has received widespread acceptance from the judges. In fact, it was approved by over 80 percent of the judges who voted.

The Probate Assembly is comprised of all 117 of the States probate judges and each member has an equal vote. The various districts are diverse in population, geography, demographics and socio-economic status. Reaching a consensus in this diverse body can be difficult as each courts in different areas of the state often confronts different challenges.

People who come before our courts are often facing very difficult personal troubles including the death of a loved one, the incapacity of a family member due to a debilitating disease such as Alzheimer's, or concern for a neglected or abused child.

The probate system has largely funded itself over its 300 plus years history. Unfortunately, the financial troubles that confront most areas of the state government confront the Probate System as well, prompting member of the Assembly to consider many initiatives to make the probate system more financially secure

Recognizing the impending financial crisis facing the courts, the challenge facing the Assembly was to balance these two important interests. Providing cost effective service, while still ensuring that appropriate and adequate services are provided to the public during such difficult personal times.

An invitation was extended to every probate judge to submit a plan or idea to the entire Assembly to ensure that the courts will continue to provide services to the people of the State uninterrupted. A total of 15 submissions were received and considered by the full Assembly. Subsequently, the executive committee reviewed all the submissions and put forth a comprehensive proposal that was then reviewed again by the entire Assembly over a period of two days.

The process was designed to be open and inclusive. Every judge had a full opportunity to submit their own proposal and comment on every other that came before the Assembly. The Administrator expressed a willingness to work with the Assembly and was active in our deliberations, but he did not dictate its direction. We are pleased and proud that both entities were able to reach consensus on these issues.

There has been division in the past as to the future of the system amongst the judges. That is way I am pleased to report that over 80% of the judges who voted on this Strategic Plan support it. It has received support from judges in every corner of the State, small towns and large towns.

Certain provisions of the strategic plan make the courts finances more uniform, efficient, and allow for more accountability. The plan proposes a more equitable compensation system for judges based upon population and workload. It will result in a reduction in judicial salaries and savings to the system.

Judge Knierim has presented a review of some of the similarities and the differences in the Strategic Plan submitted by the Administrator and the Assembly and the Governor's plan. Both plans envision an improved probate court system with greater efficiency and accountability while still retaining the accessibility and sensitivity such matters demand.

Both plans share certain key components

- 1) A Distinct System: The probate courts are separate, distinct courts that are not part of the Superior Court system. Due to the personal nature of the matters which come before the probate courts, the public is better served by having such matters handled in venues in which responsive appropriate services can be rendered, without burdening the Superior Court facilities and staff
- 2) Central Financing: Under both the Governor's proposal and our own, the accounting functions currently performed in each of the individual courts would be centralized under the Probate Court Administrator's office and improve efficiency and provide better accountability.
- 3) Judicial Compensation: The judges' Strategic Plan would implement a compensation system for probate judges based upon population and workload, eliminating a statutory formula based principally on court revenue. It is estimated that the proposal would save approximately \$530,000. It should be noted that many judges would be facing reductions on compensation of twenty percent. Such formula also has provision to prevent any current judge from receiving a pay increase. The Governor's bill recommends a similar approach.

The two bills are dissimilar in other ways, primarily:

1) Court Consolidation: The Strategic Plan seeks to continue to promote voluntary court consolidations and to ensure that local communities are involved in the decision making process. The Strategic Plan proposes the General Assembly establish regional probate planning committees which would include all judges and municipal CEOs in the region, along with representation from court clerks, attorneys, and members of the public. The Governor's proposal seeks to replace the existing 117 courts with 36 districts that would share boundaries with the senate districts. Such a proposal faces certain difficulties. Many towns are split into more than one district. Several large municipalities would have two courts and cause confusion as to the proper venue for matters. Each proposal recognizes that the system may more economical with a reduction in the number of courts. Such action requires a delicate balance to ensure an efficient and responsive court system.

Certainly, the judges understand that these are difficult times for all in both government and the private sector. We are pleased to present this Strategic Plan for consideration by the Legislature and look forward to working further to ensure that the courts continue to provide appropriate, responsive, cost effective services to the people of the State of Connecticut.

As stated earlier, I am proud of the selfless efforts made by my colleagues in the Probate Assembly. I would like to point out that during the many deliberations of the various proposals members often inquired as to what the perceived wishes of the legislature may be. It is my belief that members of the Assembly remain committed to the process to restructure and strengthen the probate court system so that it may best serve the people of the State of Connecticut. On behalf of the Assembly, I look forward to an opportunity to work with this committee, the Legislature and the Governors office to accomplish that goal.