

Testimony of Judge Edward G. McAnaney
Probate Judge for Suffield-East Granby
Raised Bill No. 6627
March 9, 2009

I submit this written testimony in support of Section 3 of Raised Bill 6627 that would amend General Statutes section 51-72. This section of the proposed bill provides that, upon written request of a party or the party's attorney, the court will order a stenographer to transcribe the proceedings being held before the court. Such a change would be helpful to the court in some complex contested matters as the judge could review the testimony of the parties in crafting a decision. It is rare, in my experience, as the current statute requires, that both parties agree on a transcript being made.

I would encourage the Committee to further change the statute to allow that the court may order that a transcript or recording be made even without request by a party. There are times when I and other judges have thought that a transcript or recording would have been beneficial but, unfortunately, none was agreed upon. I also suggest that the language be changed to allow that a recorder be permitted to record the proceedings as recorders are becoming more common in the superior court and a stenographer may not be available. I propose the following language be added to the bill:

Sec. 3. Section 51-72 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

Whenever, in any court of probate, [the parties or their attorneys so agree] a party or a party's attorney requests in writing or the judge orders it, the judge of the court [may] shall call in a competent and disinterested person who is capable to act as a stenographer or recorder to act as the official stenographer or recorder in the whole cause or matter, or in such portion of the cause or matter as may be ~~agreed upon~~ requested or ordered. The compensation of the stenographer shall be paid by the parties in such proportion as the judge of the court decides, except that the compensation shall not exceed that of the official court reporter of the Superior Court.

Please note that my additions are double underlined and my deletions are stricken through.

Thank you for the opportunity to address this legislation and I hope that this Committee will respond favorably to these changes.