

Ann T. Follacchio
10 Terrie Rd.
Farmington, CT 06032

March 12, 2010

Senator McDonald, Representative Lawlor and honorable members of the Judiciary Committee. Thank you for allowing me to testify concerning Senate Bill 371, An Act Concerning Service Requirements for Probate Judges.

My name is Ann Follacchio and I served as a member of the Probate Redistricting Committee. Serving on the committee was an honor and an education and gave me some insight into the probate court system. For the record, I am one of the individuals who is of the opinion that we should have reduced the number of probate courts even further, but that is a topic for another day. As the Committee members were wrapping up their discussion after having voted on the revised Probate Redistricting Plan I made the suggestion that we consider discussing the issue of having judges work a forty hour work week. I was told in no uncertain terms that this was a topic of discussion for another time. *I believe that time is now.*

Probate court judges currently are required to work a minimum of twenty hours per week. The salaries of the judges are based on a weighted work load and many of them have the opportunity to earn up to a maximum of \$110,000 per year. In addition to that salary they receive pension benefits, very generous medical and dental benefits and can still work in their private practice of law and generate an additional income stream.

Their continued practice of law places them in a situation where there are inherent conflicts of interest. The very fact that they work a twenty hour week places them in a position where they or someone in their firm may represent a client and come before another probate judge. That judge is hesitant to render an unfavorable decision on the case before him, due to the fact that he might be in the reverse position on another day. The temptation for favoritism is sometimes quite difficult to resist. *The loser is the other individual that has the misfortune to be before that probate judge.*

I want to be clear that through my participation with the Probate Redistricting Committee I have met some very qualified judges whom I am certain perform their duties very competently and without bias. The practice of appearing before other judges however conveys an appearance of impropriety and at the very least is unprofessional.

Unfortunately we also have some judges who have their own best interests in mind when they make very important decisions that affect the lives of those that come before them. Requiring that judges work full time would hopefully eliminate their participation in the practice of law. Having them assume a full workload would be a step toward revising a system that in my opinion still needs significant reform.

In addition to being a member of the Probate Redistricting Committee I am a state employee. One cannot be a state employee without being cognizant of the increasing awareness of the public of the ample benefits we receive in addition to our salaries. I believe the public as they suffer through the effects of this recession are becoming increasingly aware not only of the shortcomings of the probate court system but also of the tax dollars that are required to keep the system operational. When they see the salaries and benefits afforded to judges they cannot help but observe the contrast between their own situations in which they are out of necessity having to cut back on their spending, and the situations of those judges in a system that their tax dollars are funding. The health and dental care benefits that judges receive are even superior to those of state employees.

The most recent probate legislation creates the position of magistrate judge. These judges would assist probate judges with dockets that are too heavy for one judge to handle. Many of the probate judges who lost their positions in the court consolidation process could be assigned to the position of a magistrate judge.

This creates a situation where a probate court judge who needs only to work a twenty hour week could then as he or she leaves to work at their private practice call in a magistrate to pick up the remainder of the work load. I don't believe that the majority of the taxpayers in the state of CT would support this practice if they were aware of it. The services of some of the magistrates are an unnecessary expense to the state if their function is to supplement someone working only twenty hours

If judges were to work a forty hour week a judge that is in a current district that has a smaller weighted work load could always assist in another district if he or she felt that they had additional free time. As an alternative he/she could also spend the time studying the cases that are to be heard and doing the sometimes extensive research required to assure that there are not the missteps that have been continually reported in the media.

In closing I would like to emphasize that requiring probate court judges to work a forty hour work week would be a win for the citizens of the state who access the probate court system as well as the taxpayers who support it.