



COURT OF PROBATE  
DISTRICT OF GREENWICH  
STATE OF CONNECTICUT

DAVID W. HOPPER  
JUDGE

BARBARA CARBINO  
CLERK

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October 8, 2010

Probate Court Budget Committee  
c/o Office of the Probate Court Administrator  
186 Newington Road  
West Hartford, CT 06110

Dear Judges Knierim, Marino and Yamin:

I am writing to request the addition of a probate attorney to the staff of the Greenwich Probate Court. While the current staffing level of clerks and assistant clerks is adequate to process, manage and track the case load that the Greenwich Probate Court receives yearly, the lack of an in-house attorney has meant that I have had to either delay my decisions because I am forced to do the legal research myself, or hire temporary attorneys to complete the necessary research that would then allow me to write a decree or order and render a decision.

As you are aware, as part of Public Act 09-114, the probate court system was restructured, expecting to result in a more efficient probate court system in Connecticut and a projected savings to the State of \$2.8 million in fiscal year 2011-12.<sup>1</sup> The Greenwich Probate Court is committed to that goal and believes that, based on the volume of matters it receives and the revenue that is produced from these cases, that a full-time attorney will create a more efficient court in Greenwich.

As a result of the statewide restructuring, Greenwich remains a stand alone probate court. This restructuring recognizes that Greenwich can continue to support a high volume of cases that generates a high volume of revenue which, in turn, supports the staffing levels needed. Many of the matters that are handled by the Greenwich Probate Court are high profile cases (*e.g.*, Rockefeller, Watson, Smith-Cruise Ship case, etc.) and often involve multimillion dollar estates. As with all cases, these matters require attention to detail and it is especially important that the legal issues that are presented are researched thoroughly and expeditiously. There is currently

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<sup>1</sup> See June 30, 2010 letter to the Honorable Governor Rell and State Assembly from the Court Administrator at [http://www.jud.ct.gov/probate/budget/Budget\\_Committee\\_2010\\_Report\\_Final\\_062410.pdf](http://www.jud.ct.gov/probate/budget/Budget_Committee_2010_Report_Final_062410.pdf).

inadequate staffing in the Greenwich Probate Court to research these and other matters in a cost-efficient, timely manner.

Greenwich Probate Court urgently requires an in-house attorney who would be responsible for (a) reviewing and conducting a preliminary evaluation of the many legal issues presented in those cases received that are contested, (b) alerting me of these complex legal issues, and (c) then performing the necessary legal research required for reaching a decision and drafting the final decree or order for review by me.

Up until now I have been able to have research conducted by contract attorneys and law students on a part time basis. While I recognize that law students gain valuable legal work experience when employed by the probate court, these students are not employed for long periods of time and many serve only one summer. New summer hires then require retraining by both me and my Clerks which takes time away from other required court duties. The lack of continuity of legal staff often creates a delay in the turnaround of memoranda of decisions, decrees and orders, depending on the complexity of the issue presented. Additionally, the writing styles of the temporary workers often vary, requiring me to heavily edit the documents that have been prepared by them. A full time attorney would allow me to work with that individual on a year round basis to ensure that decisions are rendered in a time-efficient and cost-efficient manner.

In justifying this request I am forwarding the following for your consideration:

(a) The Greenwich Probate Court forwards approximately \$1.5 million in revenues per year. The current staffing expenditures per year are approximately \$350,000.00. Even with the Court announced 2% cost of living increase for wages, the revenue and case load generated by the Greenwich Probate Court justifies the hire of a Probate Attorney without the decrease in staffing of clerks or a freeze in pay for these individuals.

(b) Court statistics published by the Court Administrator reveals that in 2009 Greenwich was in the top five Towns/Cities in Fairfield County for workloads.<sup>2</sup> Of the Probate Courts in Fairfield County only Bridgeport, Norwalk and Stamford had higher weighted workloads in 2009.<sup>3</sup> The Stamford Probate Court has seven full time clerks and one part time college student who works when available. The Chief Clerk in Stamford is a registered attorney-clerk and, although it is our understanding that she is not currently practicing law she still has the legal background and is able to assist the probate judge in legal matters. It is also our understanding that the Stamford Probate Court is currently seeking a full-time staff attorney.<sup>4</sup> Darien has two full time clerks, one of which is an

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<sup>2</sup> The latest statistics published by the Court Administrator was for 2009 which shows that the weighted workload of the Greenwich Probate Court was 4846 (see [www.jud.ct.gov/probate/2009statsandWWL.pdf](http://www.jud.ct.gov/probate/2009statsandWWL.pdf)).

<sup>3</sup> In 2009, the weighted workload for Bridgeport was 9,517; the weighted workload for Norwalk was 5,050; and the weighted workload for Stamford was 5,953 (see [www.jud.ct.gov/probate/2009statsandWWL.pdf](http://www.jud.ct.gov/probate/2009statsandWWL.pdf)).

<sup>4</sup> As mentioned previously, the weighted workload in 2009 for Stamford was 5,953 and Greenwich was 4,846. However, the population of Stamford is nearly twice that of Greenwich (in 2007 the population of Stamford was 117,000; Greenwich population is approximately 61,000). Based on population, the weighted workload of the

attorney and one a part time clerk.<sup>5</sup> The Norwalk Probate Court also has a full time attorney. It is also our understanding that both Norwalk and Darien courts allow for the payment of overtime. It is also noted that even though the 2009 weighted workload of the Fairfield probate court was less than that of Greenwich, the Fairfield court has one full time attorney, as well as four full time and three part time clerks.<sup>6</sup> The Bridgeport Probate Court has two full-time attorneys on staff. Westport has two full time and one part time clerks.<sup>7</sup>

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For the reasons stated above I am requesting that the Budget Committee approve an increased headcount for the Greenwich Probate Court and allow me to implement the immediate hire of a full-time attorney.

Thank you in advance for your consideration in this matter. Please feel free to contact me with any questions you may have at 203-629-1100.

Sincerely,



David W. Hopper, Judge

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Greenwich Probate Court was more than that of Stamford which has an attorney on staff and is currently seeking approval for another full-time staff attorney. (see [www.jud.ct.gov/probate/2009statsandWWL.pdf](http://www.jud.ct.gov/probate/2009statsandWWL.pdf))

<sup>5</sup> In 2009, the weighted workload of Darien was 851 (see [www.jud.ct.gov/probate/2009statsandWWL.pdf](http://www.jud.ct.gov/probate/2009statsandWWL.pdf)).

<sup>6</sup> According to statistics published by the Court Administrator, in 2009 the weighted workload of Fairfield was 3,993, as compared to Greenwich, which had a weighted workload of 4,846 (see [www.jud.ct.gov/probate/2009statsandWWL.pdf](http://www.jud.ct.gov/probate/2009statsandWWL.pdf)).

<sup>7</sup> The 2009 weighted workload for Westport was 2,377 (see [www.jud.ct.gov/probate/2009statsandWWL.pdf](http://www.jud.ct.gov/probate/2009statsandWWL.pdf)).