

State Council Censures Meccariello In Smoron Case

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Southington Probate Judge **Bryan Meccariello** has been censured by a state probate council for his handling of the estate of Josephine Smoron, an elderly woman who wanted to leave her estate to her longtime caretaker.

The Council On Probate Judicial Conduct, which released a report Tuesday in a months-long investigation into a complaint against **Meccariello**, said the probate judge committed a "grave injustice."

Meccariello was accused of disinheriting Smoron's designated heir — caretaker Sam Manzo — and giving her estate to three local churches, which in turn planned to sell her Southington dairy farm to a developer who wants to build an \$18 million sports complex on the property.

In its report, the Council On Probate Judicial Conduct said **Meccariello** failed to meet the standards of conduct for probate judges and condemned his actions in harsh language.

"There is no justifiable reason why a judge of probate, knowing of a pre-existing will which documents the ward's testamentary intent, should approve the creation of a trust that vitiates the purpose and language of the will," the council said in its decision.

"Such an action constitutes a blatant transgression against the lawful rights and interests of the constituent ward and the beneficiaries named in her will. Nor can it be denied that a certain degree of hubris on the part of Attorney [Jack] **Nugent** and Judge **Meccariello** infected the probate court proceedings."

The Council On Probate Judicial Conduct could have recommended that Meccariello be impeached by the legislature. But the council instead decided on a lesser penalty by censuring him, an action that probate council Director Richard Banbury called "very unusual." Banbury said the censure carries no fines or suspension.

In a separate statement Tuesday, Probate Court Administrator Paul Knierim and Connecticut Probate Assembly President Daniel Caruso said the council's findings "indicate fundamental and grave violations of the duties of a probate judge." The assembly is an association of the state's probate judges.

"All our judges take these findings seriously," said Caruso, a probate judge in Fairfield. "The council's decision certainly warrants extensive soul-searching by all concerned."

Meccariello said Tuesday that he thinks the council's decision was appropriate.

"Mistakes were made," he said, referring to his handling of Smoron's estate. He said that because the complaint had accused him of conspiracy and corruption, he felt vindicated because the council's final report did not uphold those allegations.

"I hate to use the phrase 'move on,' but we have to get back to the cases pending in this court," **Meccariello** said.

Meccariello has been Southington's probate judge since 1999. He is running for election as judge of a new probate district that includes Southington and Cheshire against Matthew Jalowiec of Cheshire.

The complaint against **Meccariello** was brought by Manzo, the caretaker who was cut out of Smoron's will.

"This is about what I thought they would do," Manzo's lawyer, Barry Pontolillo, said about the council's action. "We all make mistakes and at least Meccariello has tried to correct his."

Manzo, in a separate action, has filed suit to overturn **Meccariello**'s decision creating the trusts that gave control of the land to the churches. Although there have been settlement talks in the case, parties involved said they are not optimistic a settlement will be reached soon.

Smoron had willed the bulk of her estate, including her farmland, to Manzo. But shortly before her death last year, **Meccariello** approved the creation of two trusts in Smoron's name.

Her assets, including land valued at more than \$1.5 million, were put in those trusts and the three churches were named as beneficiaries. **Meccariello** acted at the behest of local lawyer, **Jack Nugent**, who was Smoron's conservator, and he worked out a deal to sell the land to Carl Verderame, a local developer.

Manzo, who had helped care for Smoron as her health declined, was not told about the hearing at which **Meccariello** created the trusts. The council said he should have been notified and that a full discussion of the trusts at that hearing was warranted.

The council credited **Meccariello** for backing away from his decision to create the trusts once Manzo came forward, saying he "has taken further steps in attempting to correct the grave injustice done by his court to Mr. Manzo."

Nevertheless, the council said **Meccariello** failed to treat Manzo properly and ignored Smoron's wishes about who should receive her estate.

A key issue was the existence of Smoron's will. **Meccariello** said he was unaware of the will, but the council said that was hard to believe since a copy had been faxed to his office by Smoron's former attorney at the request of **Meccariello**'s court staff. The will was also mentioned during probate court hearings at which **Meccariello** presided.