

Village Reform Democratic Club 2022 Surrogate Judge Candidate Questionnaire

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1) What are your qualifications to be NY County Surrogate Judge?

I have served as a referee in Surrogate's Court, Kings County since 2017, with reform-minded and progressive Surrogate Margarita Lopez-Torres. I have successfully resolved hundreds of cases through settlement conferences and hearings and drafted at least as many decisions. Moreover, serving as Surrogate requires more than the ability to facilitate case resolutions and knowledge of the applicable law. The Surrogate is instrumental in managing the many departments in Surrogate's Court, including probate, administration, accounting, miscellaneous and guardianships. These administrative duties require the type of leadership and consensus-building I have honed over the years as a leader of several bar associations. I have mentored countless interns and brought together many disparate member organizations to achieve common goals.

2) What programs would you initiate to protect the interests of the parties who require guardians?

Under SCPA Article 17A, an individual (generally a parent) may petition to be appointed as guardian for an intellectually or developmentally disabled adult. I would initiate a registry of attorneys who may serve as guardian ad litem (GAL) to act as a neutral evaluator to investigate (conduct interviews and site visits), report and make recommendations to the court based on the assessment of the needs of the disabled individual.

3) What issues, if any, do you feel must be addressed by the Surrogate regarding the Administration for Children's Services?

When an individual files a 17A guardianship petition (described above), Surrogate's Court inquires with the Office of Children and Family Services as to whether a person nominated to be guardian has been accused of child abuse or maltreatment. To the extent that this information may involve the Administration for Children's Services, the report should include a thorough assessment of the petitioner's suitability to serve as guardian.

4) If elected, what reforms, if any, would you make in Surrogate Court's rules and/or procedure?

I would recommend that judges and referees participate in the "Forms" Committee, which creates forms for self-represented litigants to help make them as straight forward and user-friendly as possible. I would also seek to coordinate with the other Manhattan Surrogate to have uniform rules and procedures regarding motion practice, orders to show cause, and other filings.

5) In certain circumstances the law gives judges:

- a) the discretion to act in the interest of justice to achieve an outcome which would otherwise not happen
- b) the power to sanction parties for frivolous conduct
- c) the discretion to correct technical defects

Do you believe that these powers should be exercised often or sparingly, and can you give examples of some circumstances in which you anticipate using any or all of these powers?

- a. Surrogate's Court is a court of equity; it is designed to achieve equitable remedies to disputes based on fairness. Thus, in Surrogate's Court there is wider latitude than in other courts to achieve just outcomes.
- b. Surrogate's Court is not a court of "showmanship"; frivolous filings that waste estate and court resources will not be tolerated.
- c. There are mechanisms built into the law that allow for the correction of defects. I would follow the law as it has been written and interpreted.

6) Some judges are more lenient than others when it comes to granting adjournments. What do you expect your policy to be with respect to granting adjournments?

I would grant adjournments on a case-by-case basis. In most cases, parties agree to adjourn dates, and, within reason, I would accept the agreement of the parties.