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PROBATE LITIGATION ALERT: CONNECTICUT SUPREME COURT AFFIRMS VALIDITY OF SUMMARY JUDGEMENTS IN PROBATE MATTERS

As experienced litigation attorneys can explain, summary judgment is a procedural mechanism that allows a court to resolve a case without a trial when there are no genuine disputes of material fact, and the moving party is entitled to judgment as a matter of law. This tool has long been available under both Connecticut and federal procedural rules, and for decades, many courts operated under the assumption that summary judgment was unavailable in cases arising from probate matters or within probate courts. Setting aside nearly a century of this restrictive jurisprudence, the Connecticut Supreme Court in *Rutherford v. Slagle* has now confirmed that summary judgment is, in fact, an available procedural device in both probate courts and probate appeals.

By confirming that summary judgment is available in probate matters, the court has made it possible to resolve certain legal disputes - such as questions of trust interpretation or fiduciary duty - more efficiently and with lower litigation costs. Read on to learn more about this case and why it is particularly significant for high-net-worth individuals and their advisors.

CASE SUMMARY

A recent Connecticut Supreme Court case, *Rutherford v. Slagle*, SC 21066 (May 27, 2025), overturned a decade-long procedural ruling and held that summary judgment is an available procedural device in probate courts and appeals from probate courts. This ruling further held that on appeal, the Superior Court is required to arrive at an independent determination of the issue presented at probate court and such determination should not be limited by the reason stated in the probate appeal.

In *Rutherford v. Slagle*, William A. Rutherford ("William"), as grantor, and himself and his wife, Joyce M. Rutherford ("Joyce"), as trustees, established a revocable trust agreement on February 11, 2002, as later amended and restated on December 12, 2004 ("William's Trust").

CONTINUED

PROBATE LITIGATION ALERT: CONNECTICUT SUPREME COURT AFFIRMS VALIDITY OF SUMMARY JUDGEMENTS IN PROBATE MATTERS

Upon William's death, a trust was established under William's Trust for Joyce's benefit during her lifetime. Upon Joyce's subsequent death, the remaining principal of the trust estate, along with any associated income, was to be distributed to William and Joyce's children, Joan Margaret Rutherford Nichipor, William Charles Rutherford, John Robert Rutherford and Jeffrey A. Rutherford. Jeffrey A. Rutherford ("Plaintiff") and Richard J. Slagle ("Defendant") accepted their appointments as co-trustees of William's Trust. Plaintiff and Defendant disagreed on how the trust estate should be distributed - Defendant believed that William's Trust should be distributed in equal shares to William and Joyce's four children, whereas Plaintiff believed that the distribution should be done in equal shares, including his children.

After a hearing, the Probate Court issued a decree in favor of the Defendant. Plaintiff then filed an appeal in the Superior Court, arguing that the Probate Court erred by not permitting Plaintiff to complete discovery, which is essential to determine how to properly distribute trust assets. The Defendant argued that the appeal should be denied as a matter of law and filed a motion for summary judgment, which was granted by the Superior Court. Plaintiff's subsequent appeal led to the current ruling.

TAKEAWAYS

The Connecticut Supreme Court's ruling in *Rutherford v. Slagle* exemplified an important procedural shift in Connecticut's probate litigation and confirmed that summary judgment is an available procedural device in probate appeals. This holding also rejected the Plaintiff's reasoning that summary judgment should not be allowed in a probate appeal because it is not expressly permitted in probate courts under its rules of procedure. In doing so, the Supreme Court reinforced that summary judgment is also not prohibited in the Probate Court itself.

The Supreme Court highlighted that the summary judgment rule has continuously evolved since its adoption. Practice Book §17-44 provides: "In any action, ..., any

party may move for a summary judgment as to any cause of action or defense as a matter of right at any time...." Because the phrase "any action" as used is ambiguous, when it is interpreted per the rule's genealogy, the court concluded that it is more reasonable to interpret "any action" to include probate appeals; hence also probate courts. The court reasoned that if probate courts and appeal should be excluded from the rules, the Practice Book would have done so explicitly. More importantly, the court highlighted that efficiency and judicial economy are universal values; and there presents no policy reasons to deny such expedient procedure to probate courts and appeals.

It is important to note that even though summary judgment can be entered by the Superior Court in a probate appeal, the Supreme Court here reverses the Superior Court's grant of summary judgment on the merits. Because probate appeals are de novo proceedings, allowing judges to make decisions based on facts and law without being bound by previous rulings, the stated reasons for appeal do not fully define the task before the Superior Court in a probate appeal. The plaintiff still has the burden of proof to establish the essential elements of a claim even if the stated reasons for appeal do not put all those issues into play.

WHY THIS MATTERS

Clarity and predictability in trust and estates administration are critical when complex family dynamics and substantial assets are involved. This ruling gives both trustees and beneficiaries a clearer path to resolution and a stronger strategic position in disputes that might otherwise result in protracted or expensive probate litigation.

Allowing summary judgment in probate appeals aligns Connecticut probate practice with the broader civil litigation landscape, where summary judgment is routinely used to dispose of legal claims lacking factual dispute. In Connecticut's appellate courts, summary judgment has long been an established procedural tool used to resolve

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commercial, tort, and fiduciary duty cases efficiently when no genuine dispute of material fact exists. See e.g. *Lift-Up, Inc. v. Colony Ins. Co.*, No. DBDCV186024755S, 2019 Conn. Super. LEXIS 3341 (Super. Ct. Dec. 11, 2019); *DiMiceli v. Town of Cheshire*, 162 Conn. App. 216, 131 A.3d 771 (2016); *Iacurci v. Sax*, 313 Conn. 786, 99 A.3d 1145 (2014). Expanding that efficiency to probate litigation empowers courts to resolve clear-cut legal issues early, promoting judicial economy and conserving estate assets.

For families navigating complex wealth transfers, this means fewer procedural hurdles and more efficient outcomes in trust and estate disputes.

FINAL THOUGHTS

Litigants in Connecticut probate court and appeals may now seek summary judgment, enabling earlier resolution of purely legal issues. Appellants must still plead specific reasons for appeal but both parties must anticipate that the Superior Court will examine the entire decree on a de novo basis. Because Probate and Superior Courts share concurrent jurisdiction over many trust and estates questions, availability of summary judgment in both venues ensures consistent procedural expectations.

This publication is a summary of legal principles. Nothing in this article constitutes legal advice, which can only be obtained as a result of a personal consultation with an attorney. The information published here is believed accurate at the time of publication, but is subject to change and does not purport to be a complete statement of all relevant issues.

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