

Mr. Lewis H. Spence  
Court Administrator  
Executive Office of the Trial Court  
John Adams Courthouse  
One Pemberton Square  
Boston, MA 02108

Dear Mr. Spence:

Please be advised that this office represents Felix D. Arroyo, the Suffolk County Register of Probate and Family Court.

Register Arroyo will be sending you a written response to your February 3, 2017 letter shortly. We strongly believe that placing him on Administrative Leave is unwarranted and unnecessary. As you are aware, Register Arroyo inherited an office that had a documented history of mismanagement and cronyism that long preceded his arrival.

Since taking office, Register Arroyo has made concerted efforts to hire qualified people with diverse backgrounds, and language capabilities, reflective of Suffolk County and users of the office. His efforts have been met with resistance by those who have benefited from the practices of the past.

Register Arroyo maintains that he has tried to work cooperatively with your office during his tenure as evidenced by his agreement to work with your suggested consultant in 2015 to help him streamline operations, and most recently evidenced by his agreement to work with your selection of Ms. Terri Cafazzo and her team. The shortage of staff and the backlog of work are two matters that appear in the report of Ms. Cafazzo which you have forwarded. As mentioned, a more detailed answer will follow in a later response. However, the Register recognized both issues and in concert with your office made attempts to address them, including asking for a case manager vacancy to be filled which was denied.

Although the statute allows the Register to hire four positions - First Assistant Register, two Administrative Deputy Assistants, and an Assistant Register - Register Arroyo was only ever allowed to fill one of those positions. This left him without the ability to bring in his own management team. Interestingly though, when you selected Ms. Cafazzo to temporarily fill the vacancy of First Assistant Register, she was also given experienced staffers to help with operations. To address the backlog, she was allowed to outsource the work and use resources outside of the Suffolk County Office of Probate and Family Court as well as fill vacant positions without including the Register in the hiring process. These hires were approved by you without consultation with the Register.

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As you know, there are a number of issues catalogued in the report which Register Arroyo will address in his response. In order to do so comprehensively, I will need copies of the letters referenced in your February 3, 2017 letter where you informed Register Arroyo that you were placing him on Administrative Leave. Please forward the following letters dated October 7, and 31, 2016, and January 27, 2017.

I would also like copies of any and all audits of the Office along with an annual report of the staff size, titles and racial breakdown for the entire tenure of the elected or appointed Registers of the Suffolk County Office of Probate and Family Court starting with Register Ianella's tenure. In addition, please provide the same information from the start of Register Arroyo's tenure, where, as you know, he inherited 100% of the staff, through February 3, 2017, when you placed him on Administrative Leave. This information would normally be available to the Register and is needed to respond.

In regard to the investigation, your letter states that the investigation will probe the "operation" of the office. Register Arroyo is entitled to be made aware of the scope and specificity of the investigation in order to adequately respond. Please provide more clarity on what precisely will be investigated and what specific time period will be reviewed. In addition, since the investigation is of a public official that will result in the findings being released to the general public, Register Arroyo believes the entire process should be transparent and open to the public. He wants to ensure that the investigation will be balanced, fair and unbiased. He is entitled to know who the witnesses are who will be interviewed and he wants to be present with his legal representative, who should be able to question any and all witnesses.

As the elected Register of the Suffolk County Office of Probate and Family Court, he insists on an immediate cease and desist of any hiring and promotions until this matter is resolved. It is our position that hiring and promotions is not a valid part of an investigation into "the operation" of the office, as you have stated, and we believe his participation is not only his right, as the elected Register, but also necessary to ensure that the practices of the past do not return and the office continues to hire a qualified and diverse staff.

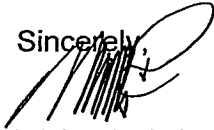
Please know that Register Arroyo looks forward to cooperating in a fair, independent and transparent investigation and getting this matter resolved as soon as possible so he can return to performing the job he was elected to do with the authority provided to him as the duly elected Register of the Suffolk County Office of Probate and Family Court.

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Thank you in advance for your anticipated cooperation.

If any issues arise during the pendency of your investigation which my client may be of assistance, please feel free to contact me.

Sincerely,



Walter B. Prince

WBP/cs

cc - The Honorable Paula M. Carey  
The Honorable Angela M. Ordoñez  
Linda M. Medonis, Deputy Court Administrator