

FROM THE PROBATE SECTION... JUDGE REISER'S 2017 PRESENTATION AND OTHER NEWS

BY AMBER RODRIGUEZ

Some of you may have been expecting my annual article on Judge Reiser's presentation to our section. This year, however, there is no putting in to words the elaborate presentation he made. Judge Reiser has created a legal summary of Heggstad, Kucker and the related cases that weaves together facts he gathered directly from the parties that were involved, satellite pictures of the properties and people involved, historical references dating back to old English laws and much, much more. If you missed it, you should keep your eye out for his next "Evolution of Heggstad" presentation; he has been rolling it out all over the State, to judges and attorneys alike. It is well worth seeing – which probably explains why we had our biggest turn-out ever for his presentation.

Before he launched in to the Evolution of Heggstad, Judge Reiser was kind enough to give us a raise. He has announced that beginning January 1, 2018, the maximum hourly amount for attorneys will be increased to \$375 per hour and \$185 per hour for paralegals. Of course, all of his standard guidelines apply, which means this is the maximum amount he will allow for *experienced* attorneys and paralegals. Those with less experience in probate, or overall, should expect a lesser hourly fee to be accepted by the court. And, as always, each case is reviewed based upon the overall reasonableness of the fees requested, taking in to consideration the work completed and the size of the estate.

We are still not sure what will happen when Judge Reiser leaves us next year as he retires from the bench. We are hopeful the court will assign an experienced probate judge to our courtroom (say, perhaps, Judge Roger Lund?). All Judge Reiser could tell us for certain is that the future is uncertain.

We cannot thank Judge Reiser enough for these annual presentations. Our section is grateful and fortunate to have a judicial officer who takes time on a regular basis to keep us informed (not to mention entertained). Although we do not know who will be on the bench when it comes time for next year's presentation, we hope that this annual presentation tradition will be continued by our next probate judge.

Finally, in case you missed it (as I did until recently), there are two new, *mandatory* use Judicial Council forms for our section. The first is a Notice of Death of Conservatee (GC-399). The second is a Request to Waive Court Fees (FW-001-GC), which appears to replace the general civil fee waivers we used previously. Both forms are available on the Judicial Council's website.

Amber Rodriguez is the Chair of the Executive Committee for the Estate Planning and Probate section of the VCBA. Her practice focuses on Probate and Trust Litigation and Administration, Estate Planning and Conservatorships. She can be reached at arodriguez@estateattorneycalifornia.com, or you can visit her website at estateattorneycalifornia.com.