

FROM THE PROBATE SECTION...
MORE CHANGES AND UPDATES FOR OUR PROBATE COURT
BY AMBER RODRIGUEZ

Judge Lund has asked me to share with you the following information regarding evidentiary hearings, mediation procedures and other issues for J6, our Probate Court:

“Due to our recent internal workload reorganization, I am pleased to announce that effective February 25, 2019, all evidentiary hearings and trials in J6 will be set on Mondays only (all day). The court will no longer set hearings on Thursday or Friday afternoons. This should allow for more contested probate and conservatorship cases to be heard in the probate courtroom.

The workload reorganization by the Court is also intended to minimize continuances by publishing tentative rulings several days in advance of a hearing with the hope that deficiencies will be addressed by supplemental filings prior to or at the hearing.

Effective immediately, judge pro tems will no longer be able to set trials or evidentiary hearings in J6 or a civil courtroom.

The Court will continue its longstanding case management protocols in contested cases by staying formal discovery, encouraging informal discovery that might be helpful for settlement, and sending most cases to mediation before any trial or evidentiary hearing is set. A post-mediation status conference will continue to be set to triage the case after mediation.

Attorneys are encouraged to implement mediation as early as possible in the life of a contested case to conserve both family and court resources to the greatest extent possible. At present, Judge Kellegrew has consented to hear one probate MSC per month in Department 22, which at this time will generally be reserved to a case with little or no money for private mediation and will be assigned by the J6 judge. The Court (J6) has made itself available to conduct MSCs in appropriate cases. All other cases should be prepared for private mediation. Although the Court will determine the payment of private mediator fees on a case by case basis, generally, the cost of the mediation will be borne by the trust or estate, subject to reallocation by the court.”

I previously provided this information to several Probate Bar members via an email blast. If you would like to join that email list, please let me know.

On a side note, I have recently seen tentative rulings up as early as four or five days prior to the scheduled hearing. It is hard to break the habit of only checking the day before the hearing, but it certainly pays to check sooner if a supplement is necessary to address the court’s concerns.

I hope this information is helpful and allows you to more effectively assist your clients. If you have a particular issue that needs to be addressed, please feel welcome to let me know.

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