

From the Law Office of AMBER RODRIGUEZ

From the Probate Clerks – Helpful Reminders and Information to Make Filing Easier on Both Sides of the Window

The Executive Committee of the Estate Planning and Probate Section met recently with the court to determine what can be done on both sides of the filing window to make probate filings go more smoothly. We were fortunate to have Patti Morua-Widdows, the Juvenile and Probate Courthouse Manager, and Supervisor Alyson Hernandez, in attendance. Carol Henry, also a Supervisor, was unable to join us. Here are some of the helpful things these ladies shared with us:

1. **Request a Date:** Ms. Morua-Widdows suggested attorneys should be more proactive in deciding their hearing dates. A simple note on a new filing can let the clerk know your preferred dates. Be certain to give several options, as only so many items are allowed per calendar.
2. **Default Hearing Dates:** If you do not request a date, one will be assigned to you. Conservatorships are typically set not less than 60 days from the date of filing; Trust matters will be set not less than 35 days from the filing date; and Probate matters will be set not less than 20 days from the filing date. Keep this in mind if you use an attorney service or file by mail. You want to be certain to allow yourself enough time to give statutory notice of the hearing date.
3. **Filing Maximums:** When at the filing window, you can only file on three cases filings at a time. Once you have reached that maximum, you must return to the end of the line and wait for another turn. Though this may seem to be an unnecessary hassle, the intention is good. By following this procedure, the clerks can minimize the wait for people in line behind you and assure one person is not allowed to consume large chunks of the clerk's time.
4. **Wait Time:** As you have probably noticed, we are down to one probate clerk at the window. Most of the time, this is not a problem. When the clerk and the person filing your documents are well prepared, things usually go quickly and smoothly. However, certain filings (such as a new conservatorship) simply take more time – there is no way around it. In addition, certain times of day (Tuesday, Wednesday and Thursday mornings after the regular hearing calendar, for example) there are just more people trying to get something filed. The supervisors have been asked to keep an eye on the line. Whenever possible, they will call in another clerk to assist when the line gets longer than three people. However, as you are well aware, court resources are stretched pretty thin right now – be sure to bring your patience when you come to the window.
5. **Let Us Know if You Have a Problem:** Communication between attorneys and the court is key to help keep things running smoothly. If you have an issue, concern or helpful suggestion, please let us know. We will be working with Ms. Morua-Widdows on an ongoing basis to try to make certain that any problems (no matter which side of the window they originate on) are addressed.

We hope you will find this information to be helpful. Keep these items in mind the next time you send something over for filing with the Probate clerk. It will certainly makes things easier on both you AND the clerk if you have considered these items before you appear at the filing window.

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.