

MEMORANDUM

From: Amber Rodriguez, EPP Section Leader

To: Probate and Trust Litigation and Administration, Conservatorships & Estate Planning

Re: An Update from J6

"Effective when our court resumes normal operations, Courtroom J6 will adopt permanently the following modified calendar. Initially, to address the backlog during the suspension of operations, we will be setting a higher volume of cases at each time (the first number below), followed by a reduced maximum number of cases on an ongoing basis (the second number below). By reorganizing the calendar in this manner, we can more easily handle our ever-increasing number of cases, with the help of additional support staff, for the foreseeable future. I am also pleased to announce that we have hired a new probate examiner to help with the workload, and who will be starting work with the court once we can have staff start to return on a regular basis.

MONDAYS

9:00 TRIALS/HEARINGS/MSCs - to be set as needed.

TUESDAYS (Conservatorships/Guardianships)

9:00 Regular Motions (25 MAX/20 MAX)

10:30 Care Plans/I&As/Annual & Biennial Status Reports (No MAX)

WEDNESDAYS (Probate/Trust)

9:00 Regular Motions (25 MAX/20 MAX)

10:30 Post Mediation Status Conferences (10 MAX/10 MAX)

THURSDAYS (Probate/Trust)

9:00 Regular Motions (25 MAX/20 MAX)

9:00 Walk-in stipulated trust, probate and conservatorship matters* (No MAX)

10:30 New Probate Petitions only** (20 Max)

FRIDAYS (New Conservatorships only)

9:00 Same as before (20 max)

*I am pleased to announce that a new procedure called Walk-Through Stipulated Petitions will be implemented for appropriate probate, trust and conservatorship cases. Most cases will be routine petitions confirming assets of a trust, eliminating the B trust in AB trusts, appointing successor trustees, executors or conservators, and other relatively routine 17200 petitions. I am hoping to implement this process before we resume normal operations to assist you in processing your cases, and will let you know when that occurs. The purpose of this procedure is to provide an expedited manner to resolve the many probate, trust and conservatorship petitions that are

consented to by all parties entitled to notice and otherwise do not require a hearing. A petition for probate, for example, would NOT be an appropriate stipulated petition because of the publication and hearing requirements. Be sure the public defender or appointed counsel executes the consent/waiver of notice in cases in which they are appointed. These stipulated cases will never be calendared.

A party can walk in with a petition, a copy of the petition to be conformed or certified, a copy of just the pages of the petition containing the people entitled to notice (to be used by the Court as a worksheet), consents/waivers of notice by all parties entitled to notice, a check for the filing fee, an order, and a postage pre-paid self-addressed return envelope, and give the packet to the Bailiff. Either the Court or a member of our probate legal research team will review the petition to check to see that all people entitled to notice have in fact waived notice and consent to the petition, and to check to see that nothing outrageous or inappropriate is asked for in the petition. Once those items are verified, the order will be signed by the Court and either returned to the petitioner to file downstairs, or taken down by court staff for processing. We have not determined the exact nature of the process at this point, but the idea is to give same day or very short turnaround time for these stipulated petitions. I believe this will reduce our daily Wednesday and Thursday calendars by approximately 20%. In the short term, it will help reduce the backlog due to our extended shutdown and provide a much quicker resolution to uncontested cases; in the long term, our ever-increasing caseloads will be able to be managed more efficiently to avoid the long delays between filing and hearing that you might experience in other counties. The following instruction should be helpful to you:

FOR EXISTING STIPULATED PETITION CASES ALREADY FILED: If you already have a case filed and are waiting for your hearing date (that has been suspended), and you want to take advantage of this expedited procedure, please use this time to collect consents/waivers of notice, prepare the worksheet noted above, and prepare an order, and the return envelope, which you can bring in when we inform you this process is available. I am hoping that sometime sooner than when we resume full normal operations, we will be able to resume limited operations, and accept and process these documents and cases in some manner. Once they are processed, they will be taken off calendar and will not be re-calendared when the suspension is lifted. I am hoping this is something you can work on during the shutdown with the limited social distancing requirements in force.

FOR NEW STIPULATED PETITION CASES TO BE FILED: Please prepare the petition and consents as one document, with the consents/waivers of notice tabbed at the bottom, and an extra copy only of the pages of the petition listing the people entitled to notice for the Court to use as a checklist/worksheet when going through the consents/waivers. Please also submit a proposed order as a separate document, as well as a check for the filing fee. The Court will review the petition as described above.

FOR ALL WALK-THROUGH STIPULATED PETITIONS: Counsel will be required to give notice of the order to all parties entitled to notice. If the petition is rejected for any reason it will be returned to counsel to file as a regularly noticed motion. If a person with standing files for a set-aside, it will liberally be granted if filed within the statutory limits and contains statutory grounds for the set aside. I am informed that the San Mateo Superior Court has been utilizing

this procedure for nearly a decade, and has had only a handful of set-asides during that timeframe, so I suspect this will not be a very controversial procedure.

TO REITERATE, THERE IS NO MECHANISM FOR THE COURT TO RECEIVE THESE STIPULATED PETITIONS AT THIS TIME, BUT THEY WILL BE THE FIRST KINDS OF PETITIONS THE COURT WILL BEGIN TO ACCEPT ONCE WE HAVE ENOUGH STAFF IN THE COURTHOUSE TO PROCESS THE PAPERWORK. PLEASE DO NOT MAIL ANY OF THESE DOCUMENTS TO THE COURT, AS THE MAIL IS NOT BEING OPENED. THIS PROCEDURE WILL BE WALK-THROUGH ONLY UNTIL FURTHER NOTICE. Once we work out all the kinks to find out what works and what doesn't, I will ask the probate bar to develop a local rule to codify this procedure.

****Please be sure to submit your proposed Order for Probate well before your hearing date, and preferably at the same time you file your petition. If you do, you will receive your order in a much more timely manner than even submitting through the J6 email address after hearing (which creates a lot of administrative tracking after court), and as an added benefit you will not need to appear in court to present your order. Also, it can be very difficult for the Court to make orders on new probate cases without having a proposed order on the bench when the case is called. Thank you for submitting your proposed orders well before your hearings on new probate petitions.**

I hope you continue to be well.

Judge Roger L. Lund
Superior Court of California, County of Ventura"