San Francisco Paralegal Association

September 15, 2015

1. E-filing
   1. Expansion in Probate
      1. PES cases –current start date being discussed - November 1, 2015.
   2. Confidential Documents - Bank statements in trusts related to conservatorships, fee waiver requests.
      1. Must be filed in person.
      2. Court’s portal currently cannot accommodate confidential filings.
      3. No discussions re expanding to conservatorships and guardianships at this time.
   3. Courtesy Copies – window open 8:30 am – 12 pm, 1:30 pm – 4 pm.
      1. Copies
         1. Endorsed Filed
         2. Hearing dates mandatory
         3. Case number mandatory
      2. If your filing contains sensitive information – please drop off during open window hours.
      3. Exception to courtesy copy rule🡪judicial council forms, pleadings two pages or less, regular font size.
         1. Exception to exception🡪ex parte petitions. Courtesy copies still required.
   4. Related Trust and Conservatorship
      1. E-file the conservatorship accounting first, then request that date for the trust accounting.
      2. Exception to the continuance request rule – request to coordinate hearings.
   5. Emergency Situations - Ex parte petition to appoint Temporary Trustee, Ex parte petition for Special Letters.
      1. Court has implemented a new rule that allows contemporaneous filing of a petition and related ex parte when opening a new case at the counter.
      2. NOTE🡪the rule does NOT apply if you come in later that day with the ex parte petition.
   6. Quiz
2. Proposed Changes to Local Rules.
   1. Public Comment Period – mid September – end of October (45 days)
   2. Effective date January 1, 2016.
   3. Many numbers have changed – removing redundant rules.
   4. Waiver of Bond in Trusts.
      1. Must contain the language in DE-111 re waiver of bond in estates
   5. Allegation in Final Distribution re Assignment or Transfer of Interest.
   6. Orders on Report of Sale.
      1. The Court will only sign an order that is consistent with the identification of the winning bidder.
         1. No later change to LLC or inclusion of additional names.
3. Local Procedures.
   1. Petitions re Minors Funds – Probate Code §3400 *et seq*.
      1. SFERS – recently influx of petitions.
      2. Fact based decision – lump sum v. monthly payout, age of minor.
   2. Language in Proposed Orders.
      1. §850 petitions.
         1. Omnibus clauses are not approved.
         2. This court does not find that trusts are valid unless that issue is specifically argued in the petition.
   3. Language in Orders Approving Settlement Agreements.
      1. Court modifies if Order states settlement is determined to be fair, reasonable and a benefit to all parties.
      2. Retained jurisdiction is by the Superior Court of California, not the Probate Court.
      3. Court will not provide blanket approval of all terms – term of settlement agreement is the accounting attached to the settlement agreement is approved by the court (without review).
   4. Closing Estates.
      1. Status date for closing estate is set when Order for Probate is signed.
      2. Date is 18 months out.
4. Change/Clarification of Law.
   1. Clarification that fee waivers are based on financial condition of proposed ward or Conservatee, not proposed Guardian or Conservator.
   2. New Judicial Council forms coming.
      1. NOTE🡪 San Francisco has always based the request on the Conservatee’s estate.
5. Ex Parte Petitions
   1. Hearings.
      1. M-F, 10:00 or 10:30
      2. Petitions for Temp Guardianships must be set on Tuesday mornings.
      3. All others can be any day of the week.
   2. Expedited Requests.
      1. Watch the dates on the NOH and Blue Sheet.
   3. Courtesy copies and orders required so the court knows you filed an ex parte petition
      1. For e-filed matters, have to wait for the endorsed filed copy to be available.
      2. An exception to the “no copy” rule above, for JC forms and papers 2 pages or less.
         1. Why? We have no idea anything is pending without receiving a copy.
   4. Special Settings v. Advancing Hearing Dates and Orders Shortening Time
      1. Currently setting dates 4 weeks out for probate petitions, but conservatorships can still be up to 8 weeks out, depending on the calendars and availability of staff. When I started there were 9 investigators plus Mary Joy Quinn. Now there are 6 plus Cynthia Jones.
         1. Time between filing and hearing date in probate petitions will lengthen in October – Probate Mental Health Institute and examiners out of the office
6. Billing by paralegals
   1. Business and Professions Code §6450 – a paralegal must work under the direction and supervision of an attorney.
   2. Attorney must make allegation re the paralegal’s compliance with that code section re training and education.
7. Continuance Requests
   1. Made through the reviewing examiner, so the file has to be assigned to an Examiner before a continuance can be granted.
      1. Files are assigned one week before the hearing date (on Monday for next Monday, etc.)
      2. Call 415-551-3650 to find out which Examiner is assigned or send a group email.
   2. Continuance requests for matters specially set on the law and motion calendar must be requested from the courtroom clerk at 415-551-3702.
   3. Continuance requests in conservatorship matters set on Thursday morning and guardianship matters set on Tuesday afternoon (appointments, etc.) should be made through the assigned investigator.

The Court thanks you for your excellent work!