

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER 22-06

Re-establishment of the Probate Fiduciary Panel

WHEREAS, by Administrative Order 04-06, issued on April 28, 2004, the Probate Fiduciary Panel was established as a permanent, standing panel of attorneys from which judicial officers of the Superior Court select attorneys for appointment in any capacity in guardianship, conservatorship, and all other Probate Division proceedings; and

WHEREAS, it is in the best interest of the administration of justice that the Court establish a regular and ongoing process for re-establishing the Probate Fiduciary Panel on a predictable schedule and to otherwise establish a process to accept, at any time, applications from attorneys who wish to become a member of the Probate Fiduciary Panel during the time between the periodic re-establishment of the Panel;

NOW, THEREFORE, it is, by the Court,

ORDERED, that the Presiding Judge of the Probate Division shall accept applications to the Probate Fiduciary Panel from qualified attorneys, including applications from current Fiduciary Panel members, and from individuals not currently included on the Probate Fiduciary Panel, and make recommendations to the Chief Judge as hereafter described (See Attachment A); and it is further

ORDERED, that the Presiding Judge of the Probate Division shall disseminate all completed applications to the Probate Panel Implementation Committee (the "Committee"), which shall review the applications to the Probate Fiduciary Panel from attorneys, including applications from attorneys not currently included on the Probate Fiduciary Panel; and it is further

ORDERED, that, after the Committee has reviewed all of the applications and received any comments by the Probate Panel Advisory Committee, consisting of members of the Probate Education Committee, the Committee shall recommend to the Presiding Judge of the Probate Division those attorney applicants it deems well-qualified to become Panel members consistent with the Court's need for attorneys; and it is further

ORDERED, that the Committee shall, before recommending that any attorney become a member of the Panel, consider and decide (a) whether the individual is qualified for the Probate Fiduciary Panel, and (b) the Court's need for additional attorney(s) required to provide quality representation and services; and it is further

ORDERED, that the Committee may also recommend an attorney with excellent credentials but less Superior Court experience, if

1. The individual has a demonstrated interest in representing persons in need of fiduciary assistance and in the subject matter of guardianships and conservatorships; and
2. The individual is willing to serve as a Provisional Member of the Probate Fiduciary Panel for one year, at which time the Committee shall determine whether the attorney is qualified for full panel membership; and it is further

ORDERED, that to be considered for appointment to the Probate Fiduciary Panel, attorney applicants must submit a completed application, including all materials required by the application; and it is further

ORDERED, that, for prospective new members of the Probate Fiduciary Panel, prior to being eligible to accept new case assignments as a member of the Probate Fiduciary Panel, the prospective new member must complete the educational program presented by the Probate Education Committee; and it is further

ORDERED, that no individual will be considered for the Probate Fiduciary Panel unless he or she has the following qualifications:

1. An office within the Washington Metropolitan Area;
2. A commitment to complete six hours of Fiduciary Credits towards Fiduciary Panel Education Requirements each year as may be required by the Court;
3. A commitment to perform annually 10 hours of pro bono service in the Probate Division's Self-Help Center;
4. A commitment to comply with all applicable Administrative Orders setting an annual cap on attorney compensation for appointed representation; and
5. A commitment to comply with Superior Court Attorney Practice Standards; and it is further

ORDERED, that the schedule for the initial re-establishment of the Probate Fiduciary Panel shall be as follows:

1. Acceptance of Applications: Friday, May 27, 2022 – Friday, July 1, 2022
2. Committee's Recommendations to Chief Judge: September 30, 2022
3. Re-Establishment of Panel: November 2, 2022;

and it is further

ORDERED, that between periods of re-establishment, the Presiding Judge of the Probate Division shall accept, at any time, applications to the Probate Fiduciary Panel from qualified attorneys, and make recommendations to the Chief Judge to add such qualified individuals to the Probate Fiduciary Panel as the Committee deems appropriate in accordance with the needs of the Court; and it is further

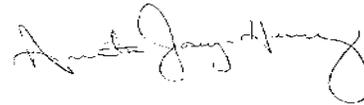
ORDERED, that attorneys not selected for the Probate Fiduciary Panel may not re-apply for selection to the Probate Fiduciary Panel for a period of one (1) year from the date on which notification of non-selection was sent to the applicant; and it is further

ORDERED, that, for those applications that are submitted and considered between the times of re-establishment of the Probate Fiduciary Panel, the Court reserves the right to act expeditiously with regard to any application, or to defer action with regard to the application, as the Court sees fit.

SO ORDERED.

BY THE COURT.

May 25, 2022



Anita M. Josey-Herring
Chief Judge

Copies to:

Judges
Senior Judges
Magistrate Judges
Executive Officer
Clerk of the Court
Division Directors
Library
Daily Washington Law Reporter
District of Columbia Bar Webmaster
Register of Wills

NOTICE

By Administrative Order 22-06, the Court announces that the Probate Fiduciary Panel will be re-established in 2022. Attorneys who are members of the District of Columbia Bar may submit applications to become a member of the Probate Fiduciary Panel beginning May 27, 2022. The deadline for applications is June 30, 2022. All applications must be submitted in accordance with the applicable instructions.

Because the Court is re-establishing the standing panel of attorneys for the Probate Fiduciary Panel, attorneys who are currently members of the Probate Fiduciary Panel must submit an application if they wish to remain a panel member and be eligible for new court appointments after the date of this order.

Once attorneys are selected for the new Probate Fiduciary Panel, the Court will undertake a process of re-establishing the standing panel of attorneys for the Probate Fiduciary Panel every four years. In addition, in those interim periods between re-establishment of the Probate Fiduciary Panel, the Court will allow qualified attorneys to submit applications to become panel members at any time.

The Court is undertaking these changes to fulfill its commitment to better ensure proper oversight for those in need of assistance with their personal care and the administration of and accounting for funds in intervention and other Probate Division proceedings. Any inquiries about the Probate Fiduciary Panel application process should be made to:

Judge Erik P. Christian
Presiding Judge, Probate Division
Chambers 6410
Superior Court of the District of Columbia
500 Indiana Ave., NW
Washington, DC 20001
(202) 879-1760

Attachment A

PROBATE FIDUCIARY PANEL – ATTORNEY APPLICATION

Attorneys of all experience levels who are enthusiastic and committed to providing high quality representation in connection with the important work of the Probate Fiduciary Panel are encouraged to apply. Each applicant must answer all questions on this application or note specifically if a question is not applicable. **Each question must appear before the answer, and all applications must be typewritten.**

Submission Instructions:

- (1) Your application must be sent by email as an attachment in Word or PDF format to probateapplicant@dcsc.gov. In the subject line of the email, list the following: last name of applicant, first name, middle initial.**
- (2) The emailed application must include the following:**
 - (a) A passport-style photograph of the applicant as an attachment;**
 - (b) Certificates Concerning Discipline from the Office of Bar Counsel of the District of Columbia and equivalent documents from all other jurisdictions where you are now or previously have been admitted to the Bar;**
 - (c) Certification that D.C. Bar dues are currently paid;**
 - (d) A current criminal history background check;**
 - (e) A copy of the summary sheet of the applicant’s credit report dated within 30 days of the date of application, and any explanations for credit scores below 650; and**
 - (f) For applicants seeking appointment as conservator, special conservator, personal representative, guardian of the estate of a minor, or trustee, a copy of the declarations page of the applicant’s current malpractice policy, showing coverage amount, insurer, and coverage period.**

Incomplete applications will not be considered. No notice will be provided to the applicant concerning failure to complete the application or to submit the required documentation.

1. Please provide your full name (first, middle, and last), any former names used, D.C. Bar number, and email address.

ANSWER:

2. If you are a member of any panel for the Superior Court (Probate, CJA (Provisional or Full Member), GAL, CCAN, Juvenile, Mental Health, Special Education Advocate), please state the panel(s) of which you are a member and the date of admission. In addition, if you have previously applied for the Probate or any other panel of attorneys (CJA, GAL, CCAN, Juvenile, Mental Health, Special Education Advocate) and were not accepted, or were appointed as a Provisional Member but did not become a Full Member, state the year(s) of all of your previous application(s). Also, please describe any additional actions you have undertaken since you were not accepted to a panel that you wish the Committee to consider.

ANSWER:

3. Please provide your office and home addresses; office telephone, cellular telephone, and fax numbers; and email address.

ANSWER:

- a. If your office is not in the District of Columbia, state (i) how far (in miles) it is from the Superior Court of the District of Columbia; and (ii) explain where you would meet your clients to discuss their cases.

ANSWER:

- b. Describe (i) your system for receiving calls and/or emails from the Court for consideration of Court-appointed cases; (ii) your system for receiving messages from clients; and (iii) your system for handling emergency matters related to your clients, including calls from health care providers.

ANSWER:

4. For current members of the Probate Fiduciary Panel, please estimate what percentage of your practice is dedicated to representation in court-appointed cases. If you are not a current member of the Probate Fiduciary Panel, please estimate what percentage of your practice you will dedicate to representation of court-appointed cases.

ANSWER:

5. If you are currently on the Fiduciary Panel, please provide an approximate number of times the D.C. Superior Court has offered you an appointment and the approximate number of times you rejected the appointment (*i.e.*, when you were called by the Court, how frequently did you say “no” instead of “yes” to the offered appointment?). Please offer an explanation for any rejections.

ANSWER:

6. List, in reverse chronological order (most recent first), each law school and college you attended, including dates of attendance and the degrees awarded, and describe any honors you received or significant activities or work in which you were involved.

ANSWER:

7. Describe, in reverse chronological order (most recent first), your entire work history since you graduated from law school and any other work experience you believe to be relevant.

ANSWER:

8. List all courts in which you have been admitted to practice and the date of your admission. Have you ever been disciplined or are you the subject of any pending disciplinary actions by the Bar of any state in which you are or have been a member? If so, please explain in detail what disciplinary action was taken and the nature of the conduct that led to the disciplinary action; or if it is pending, what is the nature of the pending complaint?

ANSWER:

9. List the continuing legal education programs that you have attended within the last year that were related to probate, trusts, and estates law and any clinical training that you have had during the last five years.

ANSWER:

10. Summarize your litigation and courtroom experience in D.C. Superior Court, including an estimate of the number of probate trials/contested probate hearings in which you have been counsel and whether you were lead counsel or second chair.

ANSWER:

11. Summarize any litigation and court experience in any other court, including an estimate of the number of jury and non-jury trials in which you have been trial counsel.

ANSWER:

12. Please describe in detail any special qualifications you possess, such as (a) fluency in a foreign language; (b) fluency in American sign language; (c) additional professional licenses, certifications, or degrees (other than membership in the District of Columbia Bar); (d) experience in applying/processing waiver applications for incapacitated persons in the District of Columbia; (e) extensive litigation experience in the District of Columbia or any other jurisdiction or court; and (f) legal specialty in areas such as real estate transactions,

landlord and tenant matters, special education matters, health matters, or other areas outside of probate practice.

ANSWER:

13. Describe the five most significant probate cases in which you have served as counsel. For each of those matters, provide (a) the case name; (b) the case number; (c) the court where the case was heard; (d) the name of the judge who presided over the case; (e) your role in the trial and the client you represented; and (f) a brief description of the legal or factual issues involved or why the case is significant. If you did not serve as counsel in probate cases, describe the five most relevant cases to probate that you have served as counsel.

ANSWER:

14. List up to five D.C. Superior Court judicial officers or other references who have the most information about your qualifications to serve on the Panel. If you believe the judicial officer's knowledge is based primarily on a case(s) in which you appeared, please identify the case or cases. If the judicial officer's or reference's knowledge about your qualifications is not related to a case, please provide the basis for his or her knowledge about your qualifications. (Note: Any reference listed or other persons with relevant knowledge of the applicant's qualifications who come to the attention of the Committee may be contacted. Please provide telephone numbers for all references who are not D.C. Superior Court judicial officers.)

ANSWER:

15. Are you interested in being considered as a provisional member of the Probate Fiduciary Panel? (Being a provisional member of the Probate Fiduciary Panel means you would receive limited appointments for up to one year or until such time as the Probate Fiduciary Panel Committee determines you are qualified to receive additional appointments. As with full Panel members, the Committee may determine at any time that a provisional member should receive no further appointments.)

ANSWER:

16. If your criminal history report contains any criminal conduct, please explain.

ANSWER:

17. Have you ever been removed by the D.C. Superior Court as a fiduciary in the Probate Division? Please provide any details explaining the reasons for the removal.

ANSWER:

18. Please indicate if you have: (a) attended the Guardianship Orientation Session; (b) attended the Getting Started seminar; (c) attended the Probate Practice Institute; or (d) volunteered

during the past twelve-month period at the Probate Resource Center or newly-established Self-Help Center.

ANSWER:

19. Attorneys selected to represent clients on the Probate Fiduciary Panel are expected to timely satisfy their Probate Fiduciary Credits towards Fiduciary Panel Education Requirements; failure to do so will result in removal from the Panel. Are you willing to satisfy all Probate Fiduciary Credits, on a yearly basis, in order to maintain your status on the Panel?

ANSWER:

20. Pursuant to Administrative Orders, the Court sets an annual cap on attorney compensation for all court-appointed representation. Do you agree to comply with these Orders and any subsequent Order setting the annual cap for compensation, and do you understand that violation of any such Order may result in your removal from the Probate Fiduciary panel?

ANSWER:

21. Are you available for appointments on an emergency basis? This includes possible appointments on Saturdays, Sundays, and holidays.

ANSWER:

22. List and describe any attachments to the application, including Bar certificates.

ANSWER:

23. As a member of the Fiduciary Panel, you are expected to volunteer at the Probate Division's Self-Help Center, contributing no fewer than 10 hours annually. Can you comply with this requirement? How many hours each month can you offer for pro bono assistance at the Probate Self-Help Center?

ANSWER:

I, _____, certify that the statements made in this filing are material statements reasonably expected to be relied upon as true, and I understand that the making of a false statement is punishable by criminal penalties.

Date

Signature of Applicant