

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER 04-06

**(Relating to Probate Division Panels and Oversight)
(With Administrative Order 04-07
Replaces Administrative Order 03-16)**

WHEREAS, a Fiduciary Panel of attorneys was created effective January 1, 2003, listing attorneys who had attended at least six hours of training presented by the Probate Division and submitted Certificates Concerning Discipline from Bar Counsel, and all appointments to Probate Division cases have been made from that list since; and,

WHEREAS, the Court seeks to better assure proper court oversight for those in need of assistance with their personal care and of the administration and accounting for funds in intervention and other Probate Division proceedings;

NOW, THEREFORE, it is, by the Court:

ORDERED, the panel of attorneys created effective January 1, 2003 is hereby established as a permanent, standing panel of attorneys who have completed at least six hours of training specified by the Division and have submitted a current Certificate Concerning Discipline from Bar Counsel (that there are no disciplinary actions on record); and it is further

ORDERED, that effective this date, judicial officers of the Superior Court, when selecting attorneys for appointment in any capacity in guardianship, conservatorship and all other Probate Division proceedings, shall select and appoint only attorneys listed on the Fiduciary Panel of attorneys, except as provided below; and it is further

ORDERED, this Order shall not prohibit a judicial officer from appointing a non-Panel attorney in exceptional circumstances when the judicial officer determines that a uniquely qualified non-Panel attorney will best meet the specific needs for service in a particular case; and it is further

ORDERED, that in all instances when a non-Panel attorney is appointed, the judicial officer making the appointment shall do so by a written order issued at the time of appointment setting forth in detail the particular exceptional circumstances requiring appointment of a non-Panel attorney in the case; and it is further

ORDERED, in all cases under court supervision, an attorney filing a petition or request for compensation from private or public funds shall at the same time file a separate certificate, to be placed under seal, stating the following:

I, (name of attorney), hereby certify the following is a complete list of all the cases pending before the Probate Division of the Superior Court in which I am guardian, conservator, personal representative or counsel for any of them:

[Complete list of cases, giving name and file number of case, date and type of appointment and date and type of last filing.]

I further certify that in each of the above cases,

- 1) within the last 30 days, I have personally verified the current location and health status and ongoing availability of placements for subjects in guardianship cases, except guardianships of the property of minors, and except that in the event a ward cannot be located, I have diligently sought to locate the ward as follows (detailed description of efforts to locate the ward) and for wards who have no fixed address, it is for the following reasons: (detailed explanation);
- 2) in cases in which I am a fiduciary, other than petitions or requests for compensation to me, I have filed all reports, verifications of notice, accounts and subsequent requirements due as of the date of this petition or request, and
- 3) in cases in which I am counsel to a fiduciary, I have verified that the filing requirements are current or within the last 10 days I have advised my client in writing of the necessity for bringing them current;

and it is further,

ORDERED, at any time the Court may require an attorney acting as counsel or fiduciary in any Probate Division case to file a certificate as set forth above, and whenever a question arises as to the propriety of an attorney's handling of personal care or funds in any Probate Division case the Court shall require a certificate as set forth above to be filed within not more than 30 days; and it is further,

ORDERED, an attorney may append to any certificate filed under this order a list of cases in which any matters have been awaiting action by the Probate Division for more than 90 days, furnishing name and file number of case, type of filing awaiting action, and the date it was filed; and it is further,

ORDERED, except as set forth below, unless and until a certificate required under this order is filed, the attorney shall be precluded from receiving any compensation from public or private funds in any matter before the Probate Division and shall be precluded from appointment from the panel in any new cases; and it is further,

ORDERED, attorneys who have filed a final accounting in a guardianship or conservatorship when the ward has died, but have not filed receipts for distribution, or

affidavits in lieu of receipts, to the deceased ward's estate may not be compensated in that case, but may be compensated in other cases and may receive new appointments; and it is further,

ORDERED, until August 1, 2004, attorneys may file petitions or requests for compensation that comply with this order without the need for a motion to late file such petitions or requests and without payment of a motion fee.

ORDERED, this order shall take effect immediately.

SO ORDERED.

BY THE COURT.

April 28, 2004

/S/

Chief Judge Rufus G. King, III

Copies to:

**All Judges and Magistrate Judges
Executive Officer
Clerk of the Court
Division Directors
Law Librarian
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