

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER 03-16

(Relating to Probate Division Panels and oversight)

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, in a number of cases, fiduciaries or attorneys have failed to file timely reports and accounts, oversee the personal care of wards and administer and account for funds for which they are responsible; and,

WHEREAS, in order 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, there is hereby created a Probate Division 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 or pending; and it is further

ORDERED, that effective this date, judicial officers of the Superior Court, when appointing counsel in guardianship, conservatorship and all other Probate Division proceedings, shall appoint only attorneys listed on the Probate Division Panel, 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, any petition or request by a fiduciary or counsel for compensation from private or public funds must be accompanied by an affidavit stating the following:

I, (name of fiduciary or counsel), 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 cases, giving name of case, date and type of appointment]

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 wards in guardianship cases, and 2) I have filed all reports, verifications of notice, accounts and subsequent requirements due as of the date of this petition or request;

and it is further,

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

ORDERED, unless and until an affidavit required under this order or requested by the Court is filed, the fiduciary or counsel shall be precluded from receiving any compensation from public or private funds in any guardianship, conservatorship or other Probate Division case and shall be precluded from appointment in any new cases; and it is further,

ORDERED, this order shall take effect immediately.

SO ORDERED.

BY THE COURT.

June 17, 2003

Date

/s/

Rufus G. King, III
Chief Judge

Copies to:

**All Judges and Magistrate Judges
Executive Officer
Clerk of the Court
Division Directors
Law Librarian
Superior Court Trial Lawyers Association
District of Columbia Bar
Daily Washington Law Reporter**