

## November 2008 Bench-Bar Committee Announcements

[www.bonds-services.com/sdprobate](http://www.bonds-services.com/sdprobate)

The purpose of the bench-bar committee is to serve as a liaison between the probate bar and the probate court. Our goal is to promote the effective and efficient administration of matters pending before the probate court by encouraging communication between the bench and bar as to how that goal can be achieved. To effectuate our purpose, we have designated two liaisons, Jerilyn Jones and Diane Ritchey-Andrews, to serve as channels of communication from practicing attorneys to the court. Between monthly meetings, our liaisons will gather suggestions, comments, and compliments for purposes of communicating them to the court at the monthly bench-bar meetings. The court, in turn, will gather monthly suggestions for presentation to the bar regarding steps attorneys can take to improve the efficient handling of matters before the court.

The probate examiners, the court, and the bench-bar committee have prepared several tips for the November section meeting aimed at improving the efficient handling of matters pending before the probate court:

- For fee requests in trust matters, please enclose a separate declaration if a request is made to the court to approve fees, even if those fees have been paid and even if the fee is based on a commission.
- Be sure to include bank statements with highlighting and reconciliations when filing accountings.
- When submitting an order in probate proceedings, verify that the title of the personal representative is correct in the order---e.g., an administrator is not the same as an executor.
- In orders for final distribution, verify that the omnibus clause agrees with the will, the trust, the settlement agreement, or whichever documents set forth the plan of distribution.
- Probate examiners are now holding office hours at the business office windows instead of in their cubicles.
- Be sure to submit a messenger slip or a self-addressed, stamped envelope with any lodgments, orders, or other documents that are intended to be returned.
- Once a matter has been set, the hearing date can be continued, but it cannot be advanced. If you need a matter to be heard sooner than the date that would be set in the ordinary course of business, please ask to speak to Karen Kaiser to see if she can set the matter sooner.