SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE Street Address: Mailing Address: City and Zip Code: CERTIFYING ATTORNEY Name: _____ State Bar Number: _____	*FOR COURT USE ONLY*

APPLICATION OF ATTORNEY FOR COURT APPOINTMENT IN PROBATE

☐ **CONSERVATORSHIPS** ☐ **GUARDIANSHIPS**

I certify as follows (*check all boxes that apply*):

1. I have read California Rules of Court, Rule 7.1101, and Riverside Superior Court Local Rule 7118.

2. I have completed at least 12 hours of MCLE either during my current State Bar reporting period or the most recent period that has expired in the areas of decedents' estates, conservatorships, guardianships, or trust administration as required.

3. ☐ (*required for appointment as counsel in conservatorship cases*) I am qualified to accept appointments by the court to represent conservatees or proposed conservatees under Probate Code §§ 1470 and 1471. Pursuant to Rule 7.1101(b)(2) of the California Rules of Court, I have filed or am filing herewith mandatory Judicial Council form GC-010, Certification of Attorney Concerning Qualifications for Court Appointment in Conservatorships or Guardianships.

4. ☐ (*required for appointment as counsel in guardianship cases*) I am qualified to accept appointments by the court to represent wards or proposed wards under Probate Code § 1470. Pursuant to Rule 7.1101(b)(1) of the California Rules of Court, I have filed or am filing herewith mandatory Judicial Council form GC-010, Certification of Attorney Concerning Qualifications for Court Appointment in Conservatorships or Guardianships.

5. Approximately _____% of my current practice consists of estate planning, estate administration, trusts, guardianships, or conservatorships.

6. I have the following special skills, training, and/or experience relating to decedents' estates, trust administration, conservatorships, and guardianships:

7. ☐ I am or have been the attorney of record for the following private professional fiduciaries or trust companies:

Name	Estimated Number of Cases

8. ☐ I am or have been attorney of record for

   ☐ the Riverside County Public Guardian

   ☐ the Riverside County Public Administrator

9. Check one:

   ☐ I am willing to accept appointments for ex parte and other urgent matters.

   ☐ I am NOT willing to accept appointments for ex parte and other urgent matters.

10. I understand that I may not represent any other party in cases in which I have been appointed as counsel or in cases that are related to cases in which I was appointed as counsel (for example, representation of an executor after the death of a conservatee whom I was appointed to represent).

11. ☐ (*optional*) I am a Certified Specialist in:

   ☐ Estate Planning, Probate, and Trust Law
   ☐ Taxation
   ☐ Family Law
   ☐ Other (*specify*): _____

12. ☐ (*optional*) I speak the following languages (other than English): _____

13. ☐ (*optional*) Members of my staff speak the following languages (other than English):

_____

I request court appointments in the following area(s):

14. ☐ Decedent Estate and Trust Administration.

   Within the past three years, I have represented parties in at least six different probate or trust administration court proceedings, including three decedent estate or trust proceedings from inception through final account and/or order for distribution. I have experience and/or training in tax-related issues sufficient to enable me to identify tax issues from the facts of the case and to competently represent a client's interests concerning the potential tax consequences of the particular matter.

15. ☐ Conservatorships.

I have attached copies of MCLE certificates demonstrating compliance with the education requirements of California Rules of Court, rule 7.1101 (f)(1). In addition, within the past five years, I have done one of the following:

☐ Represented at least three conservatees or proposed conservatees in probate or Lanterman-Petris-Short Act conservatorship proceedings; or

☐ Completed at least three of the following five tasks:

(1) ☐ Represented probate conservatorship petitioners at commencement of three probate hearing and conservatorship proceedings, from initial contact with the petitioner through the appointment issuance of Letters of Conservatorship;

(2) ☐ Represented a petitioner, a conservatee or a proposed conservatee, or an interested party, in two contested probate or Lanterman-Petris-Short Act conservatorship matters (*a contested matter that qualifies under items (1) and (2) may be applied to both items*);

(3) ☐ Represented a party for whom a court could appoint counsel in a total of three matters under Probate Code sections 1470, 1471, 2356.5, 2357, 2620.2, 3140, or 3205;

(4) ☐ Represented fiduciaries in three cases for settlement of a court-filed account and report, through filing, hearing and settlement, in any combination of probate conservatorships or guardianships, decedents' estates, or trust proceedings under division 9 of the Probate Code; or

(5) ☐ Prepared five wills or trusts, five durable powers of attorney for health care, and five durable powers of attorney for asset management.

16. ☐ Guardianships.

I have attached copies of MCLE certificates demonstrating compliance with the education requirements of California Rules of Court, rule 7.1101 (f). I have also completed one of the following:

a. ☐ Within the five years, I have represented at least three wards or proposed wards in probate child guardianships, three children in juvenile dependency or delinquency proceedings, or three children in custody proceedings under the Family Code; or

b. ☐ I am qualified for appointment to represent children in juvenile dependency proceedings under local court rules required by rule 5.660 of the California Rules of Court; or

c. ☐ I am qualified for appointment to represent children in custody proceedings under the Family Code under rule 5.242 of the California Rules of Court.

17. ☐ Conservatorships of the Person.

Within the past five years, I have represented parties in at least four conservatorship of the person matters the (including at least two proceedings from their inception) which involve securing the appointment and qualification of conservator of the person.

18. ☐ Limited Conservatorships.

I understand the legal and medical issues arising out of developmental disabilities and the role of the Regional Center. I have attached copies of MCLE certificates demonstrating completion of at least three hours of MCLE in areas of guardianships/conservatorships either during my current State Bar reporting period or the most period that has expired. In addition, within the past five years, I have done one of the following:

a. ☐ Represented at least three conservatees or proposed conservatees in probate or Lanterman-Petris-Short Act conservatorship proceedings; or

b. ☐ Completed at least three of the following five tasks:

(1) ☐ Represented probate conservatorship petitioners at commencement of three probate and issuance conservatorship proceedings, from initial contact with the petitioner through the appointment hearing of Letters of Conservatorship;

(2) ☐ Represented a petitioner, a conservatee or a proposed conservatee, or an interested party, in two contested probate or Lanterman-Petris-Short Act conservatorship matters (*a contested matter that qualifies under items (1) and (2) may be applied to both items*);

(3) ☐ Represented a party for whom a court could appoint counsel in a total of three matters under Probate Code sections 1470, 1471, 2356.5, 2357, 2620.2, 3140, or 3205;

(4) ☐ Represented fiduciaries in three cases for settlement of a court-filed account and report, through filing, hearing and settlement, in any combination of probate conservatorships or guardianships, decedents' estates, or trust proceedings under division 9 of the Probate Code; or

(5) ☐ Prepared five wills or trusts, five durable powers of attorney for health care, and five durable powers of attorney for asset management.

19. ☐ Estate Planning and Taxation.

Within the past three years, I have (1) had extensive experience in matters regarding estate planning, estate, gift, or income tax or related tax matters pertaining to trusts and decedent estates, and (2) represented parties in at least three substituted judgment (Probate Code section 2580 et seq.) or particular transaction matters (Probate Code section 3100 et seq.). I have attached copies of MCLE certificates demonstrating completion of at least ten hours of MCLE in the areas of estate planning and taxation either during my current State Bar reporting period or the most recent period that has expired.

20. ☐ Medi-Cal Planning.

Within the past three years, I have represented parties in at least three Probate Code § 3100 petitions, the including at least two in which there was a request to increase either the Community/Spouse Resource Allowance and/or to obtain a support order. I am familiar with the laws and regulations for Medi-Cal eligibility and special needs trusts under 42 U.S.C § 1396p(d)(4)(a) and (c) and am knowledgeable on the rules regarding the increase of CSRA/MMMNA, exempt assets, gifting rules, and the tax and estate planning ramifications related to Medi-Cal planning. I have attached copies of MCLE certificates demonstrating completion of at least three hours of MCLE in the areas of guardianships/conservatorships either during my current State Bar reporting period or the most recent period that has expired.

21. ☐ Compromises/Judgments and Special Needs Trusts for Minors/Persons with Disabilities.

Within the past three years, I have represented parties in at least three petitions for approval of compromise under Probate Code § 3500 or Code of Civil Procedure § 372, which involved creation of special needs trusts. I am familiar with the advantages and disadvantages of the various funding alternatives available under Probate Code § 3600 et seq., special needs trusts under 42 U.S.C 1396p(d)(4)(a) and (c), and the application of MICRA to medical malpractice settlements. I have attached copies of MCLE certificates demonstrating completion of at least three hours of MCLE in the areas of guardianships/conservatorships either during my current State Bar reporting period or the most recent period that has expired.

22. ☐ Fiduciary Appointments/Guardians ad Litem.

I have been in practice as an active member of the State Bar of California for at least five years, with recent experience serving as a fiduciary or guardian ad litem. I acknowledge that my activity as a guardian ad litem or fiduciary may not be covered by my professional liability insurance.

23. ☐ Evidence Code § 730 Experts/Referees/Special Masters.

I have been in practice as an active member of the State Bar of California for at least five years, with experience serving as an Evidence Code section 730 expert, Code of Civil Procedure § 638 referee, or special master. I also have substantial expertise in the following substantive areas of law:

24. ☐ Health Care decisions for Adults Without Conservators and Tuberculosis Detention Proceedings/Capacity Determinations.

Within the past three years, I have extensive experience in matters relating to medical treatment and bio-ethical issues. I am familiar with Probate Code § 3200 or Health and Safety Code § 121365 proceedings and acknowledge that these cases often involve complex treatment issues that may require immediate attorney response to medical emergencies. Consequently, I will become familiar with the medical parameters underlying these issues in order to adequately represent the client's interests. I have attached copies of MCLE certificates demonstrating completion of at least three hours of MCLE in the areas of guardianships/conservatorships either during my current State Bar reporting period or the most recent period that has expired.

Name: _____ _____ _____
(FIRST) (INITIAL) (LAST)

Address: _____

_____

Telephone: _____ _____ _____
(OFFICE) (CELL) (FAX)

Email: _____

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Date: _____ _____
(SIGNATURE)