

Learning to Navigate New Waters—In Life and in Probate

Judge Karen Faulkner

“Death is beautiful when seen to be a law, and not an accident. It is as common as life.”

– Henry David Thoreau

I have reached that season of life where my “adult” loved ones have come to or are nearing the end of their lives. I am not the child of the ‘80s anymore, but a working mom of growing kids who has lost both her parents in recent years. I am now swimming in those waters without them, but with my own school of fish to lead. I am also a judge and the only lawyer in my immediate family, which means that I was nominated as Executrix in three wills of late. I know many members of our local bar can relate to this phenomenon, and those who practice in areas outside of probate may feel like a fish out of water walking into Jefferson District Court, Probate Division. I promise you, you are a fish out of water; but the current District Court probate judges are working hard to make the probate division accessible for all, including the non-practicing probate lawyer and the pro se individual navigating the new waters of life and court.

All probate cases are subject to the mandatory e-filing rules dictated by the Supreme Court, which significantly changed probate in Jefferson County and required creative solutions to this new rule given our volume. Probate Court has recently reorganized its schedule so that cases with counsel

are scheduled for 1 p.m. on either Monday or Thursday, and Wednesday at 1:30 p.m. for pro se litigants. These days are for new petitions only and are scheduled by the clerk. Our partnership with the Jefferson Circuit Court Clerk allowed us to change mid-stream and remove obstructions affecting our flow. The two sitting probate judges, Judge Yvette De La Guardia and I, rotate our weekly schedule to efficiently process the river of cases. On our opposing weeks, our schedule consists of necessary hearings to push forward to finality.

On Tuesday, a new motion hour handles all motions to be addressed by the court. This is scheduled at 1 p.m. for attorneys and 2 p.m. for pro se individuals. The motion filing deadline is the preceding Thursday at noon. The goal of motion hour is to ensure that attorneys have access to the courts on a weekly basis and can have their issues resolved timely, allowing the river to move to its next destination and create a path to settlement, our metaphorical ocean. Pre-rulings are issued in advance by email, and motions that are without objection are often listed as “to be signed” where no party is required to appear unless an objection is heard. We have seen a lot of success with motion hour and are constantly working to improve this process.

Another addition to Probate Court is our Rapid Appointment Docket, commonly known as the RAD docket, held Wednesday morning at 9 a.m. And yes, if you follow the rules of this docket, we do, in fact, think you are rad. This

docket is for non-contested estates with self-proving wills, allowing for the “rapid” appointments. Attorneys will need to pick up the RAD affidavit from the clerk and will have to ensure all aspects of their case meet RAD requirements by affidavit. This allows our rad attorneys to get a quicker appointment date and quicker processing time, and bonus points for being easy. But we have a plan for our pufferfish cases—the ones that may even start beautifully easy, but blow up and produce spikes; dedicated times for those spikes to be addressed by the court in a hearing. Unfortunately, in life and in death, the seasons are not always smooth, and neither are the estates that accompany them. With the new changes in the District Court Probate Division, we have helped to provide a smoother ride to ensure the waters are not too rough.

Judge Karen Faulkner presides in Division Eight of Jefferson District Court. ■



For more information on Jefferson District Probate Division, visit:

www.jeffersondistrictcourt.com/probate-court-information/

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