

## **CHAPTER 6**

### **CALENDAR NOTES AND HEARINGS**

#### **Rule 4.6.1**

##### **Availability of Probate Examiner's Notes and Clearing of Defects**

**A.** Probate examiner's notes are available to counsel and self-represented parties to determine if any defects in pleadings or procedure have been noted by the examiner.

**B.** The notes are available on the San Diego Superior Court website, <http://www.sdcourt.ca.gov>. When the examiner receives and reviews additional pleadings and updates the notes, the new notes will be posted to the website. Additional pleadings must be timely filed in order to be reviewed by the examiner.

**C.** Persons who do not have access to the internet may request that the notes be mailed by attaching a completed SDSC PR-114, "Mail Option Form" to the petition, with a self-addressed, stamped envelope or a messenger slip. The form, which contains additional instructions for use, is available in the Probate Business Office.

**D.** After checking the notes, counsel and self-represented parties are encouraged to contact the assigned Probate Examiner if clarification is needed regarding the defects. Examiners may be contacted by email, phone, or in person. Instructions and hours for contacting examiners can be found on the court's website at <http://www.sdcourt.ca.gov>. (Adopted 1/1/1990; Rev. 1/1/2000; Rev. & Renum. 7/1/2001; Rev. 7/1/2002; Rev. 7/1/2003; Rev. & Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2009; Rev. 1/1/2010; Rev. & Renum. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2017; Rev. 1/1/2018)

#### **Rule 4.6.2**

##### **Telecourt**

**A.** If an uncontested matter has not been pre-approved or continued by the examiner, counsel or a self-represented party may appear by a telephone call, at such date, time and telephone number as designated by the probate judge, posted on the court's website, <http://www.sdcourt.ca.gov>, or listed in the examiner's notes, to seek pre-approval or a continuance. Counsel must be on the phone line when the call is answered, prepared with case number and hearing date and time.

**B.** Counsel are reminded that Telecourt is for the purpose of obtaining tentative rulings in unopposed matters and unopposed requests for continuances, but should not be used if counsel has any reason to suspect that the matter is or may be contested. Counsel are urged to err on the side of caution in using Telecourt. A reference to Telecourt on the Probate Examiner's Notes should not be treated as a determination by the court that Telecourt is appropriate for the matter.

(Adopted 1/1/1990; Rev. 7/1/1995; Rev. 1/1/2000; Rev. & Renum. 7/1/2001; Rev. 7/1/2002; Rev. 7/1/2003; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2009; Rev. 1/1/2012; Rev. 1/1/2017; Rev. 1/1/2018)

#### **Rule 4.6.3**

##### **Appearances**

**A.** An appearance is required on all matters not preapproved, even if no defects appear on the Examiner's Notes.

**B.** No appearance is necessary if the matter has been continued by the Probate Examiners or in Telecourt.

**C.** If a continuance request will be made at the hearing, all counsel must appear, unless all counsel have agreed in advance to the continuance and have designated one counsel to appear and make the request.

(Adopted 1/1/2012)