



**STANISLAUS COUNTY SUPERIOR COURT
invites applications for the position of:**

Probate Research Attorney

SALARY: \$4,069.83 - \$5,286.09 Biweekly
\$8,817.97 - \$11,453.20 Monthly
\$105,815.58 - \$137,438.34 Annually

OPENING DATE: 04/29/21

CLOSING DATE: 05/14/21 11:59 PM

DESCRIPTION:

DEFINITION

Under direction, performs complex legal work including technical research and drafting legal documents and responses and advises judges and managers in specialized areas of probate law, including estates, wills, trusts, conservatorships, guardianships and adoptions; and performs related duties as required.

Under direction performs professional-level probate legal work in support of probate petition, law & motion and trial calendars. May also advise the Court on legal aspects of administrative and operational issues related to the Probate Department – including the Local Rules.

Under direction, will perform technical review of probate files for procedural deficiencies, review detailed financial and accounting records, review ex-parte applications for orders and provide recommendations for revisions, post probate notes on Court's website, provide procedural recommendations to judicial officers and perform related duties as required.

DISTINGUISHING CHARACTERISTICS

Probate Research Attorney is a journey level professional attorney classification. Incumbents perform legal research, prepare tentative decisions and rulings and assist the judges in researching and resolving legal questions in probate matters pending before the Court.

ESSENTIAL FUNCTIONS:

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The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

Reviews probate calendar files and ex-parte applications regarding conservatorship, guardianship, trust and decedent's estate matters for court action, advises judicial officers, attorneys, paralegals and/or staff of deficiencies and procedural problems and validates probate case accountings.

Gathers information regarding legal motions, pleadings and writs presented to the Court by conferring with others and reviewing case files, legal documents and exhibits.

Identifies, researches and analyzes legal issues and conflicting legal opinion; researches citations submitted by the parties, conducts self-directed independent research as may be needed to further clarify the issues and reach sound judicial decisions.

Researches, evaluates and provides recommendations on probate related administrative issues and questions.

Interacts and discusses cases with judges.

Ensures compliance with all applicable rules, regulations, standards, policies and procedures; initiates any actions necessary to correct deviations.

Performs technical reviews of probate files; reviews detailed financial and accounting records; reviews applications and provides recommendations for revisions; performs related computer data entry; posts probate notes on Court's website; creates lists of defects in probate matters; reviews and approves orders that can be granted without court appearances.

Attends court hearings; monitors cases during court sessions; reviews related documents; provides recommendations; prepares notes of action taken in court; monitors probate matters for future action and compliance with code and rule requirements; interacts with attorneys; provides direction to rectify technical defects.

Conducts legal research; posts pertinent information and law changes on the court's website; creates local court forms; reviews and drafts rules of court; and reviews changes in law and procedures.

Creates, maintains, and updates probate procedures policy manual.

Prepares, maintains and distributes statistical reports and related budgets for approval.

Performs routine office related tasks; answers incoming calls; maintains filing systems; orders supplies.

Reviews inventories of assets for accuracy, completeness, and compliance with probate code.

ADDITIONAL FUNCTIONS

Performs general/clerical tasks, which may include answering telephone calls, making copies, sending/receiving faxes, filing documentation, or processing incoming/outgoing mail.

Prepares, maintains, and distributes the list of attorneys eligible for court appointment in probate matters.

Prepares, maintains, and distributes the list of private professional fiduciaries eligible for appointment in probate matters.

Provides assistance to other employees or departments as needed.

Performs other related duties as required.

MINIMUM QUALIFICATIONS:

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Any combination of training and experience, which demonstrates attainment of the required knowledge and ability to perform the required work, typically:

Education

Juris Doctorate required.

Experience

Five (5) years experience as an attorney in the practice of probate, criminal, or civil law which included the performance of legal research duties. Experience must also include two (2) continuous years as an attorney practicing primarily in probate under the laws of the State of California.

Additional continuing education: Requirements must be met annually pursuant to the criteria outlined in California Rules of Court, rule 10.478.

Experience in a public agency or court setting is preferred, but not required.

May require specialized certifications and/or training as deemed necessary.

Special Requirement: Current, continuous active membership in the State Bar of California for a minimum of five (5) years.

Knowledge of:

- Law and legal principles, practices and procedures as applied to actions or proceedings to which the Probate Code applies;
- Principles, practices, and methods of legal research and analysis;
- Probate Code, Government Code and other California codes and court rules pertaining to court processes;
- Principles of civil, criminal, constitutional, and administrative law;
- Legal principles, precedents and their application;
- Legal terms, procedures, forms, and documents used in court cases.

Ability to:

- Use traditional and computerized legal research methods;
- Research, analyze, and apply legal principles, facts, and precedents to specific legal problems;
- Analyze and appraise a variety of legal documents;
- Research legal issues and present clear and logical arguments and statements of fact and law;
- Establish and maintain cooperative working relationships with those contacted during the course of work;
- Communicate effectively orally and in writing;
- Organize and prioritize work assignments and activities;
- Work under time pressures on a daily basis;
- Exercise discretion and independent judgment in the performance of assignments;
- Operate personal computers.

SUPPLEMENTAL INFORMATION:

Special Requirement

A valid class C California driver's license may be required. The requirement will be reviewed on a position basis in accordance with ADA regulations.

Membership in the State Bar of California.

An employee in this classification may be required to complete a Form 700.

PERFORMANCE APTITUDES

Data Utilization: Requires the ability to synthesize, hypothesize, and/or theorize concerning data involving modification of existing policies, strategies and/or methods to meet unique or unusual conditions. Requires the ability to do so within the context of existing organizational theories and management principles.

Human Interaction: Requires the ability to function in a managerial capacity for a division or organizational unit. Includes the ability to make decisions on procedural and technical levels.

Equipment, Machinery, Tools, and Materials Utilization: Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

Verbal Aptitude: Requires the ability to utilize consulting and advisory data and information, as well as reference, descriptive and/or design data and information as applicable.

Mathematical Aptitude: Requires the ability to perform addition, subtraction, multiplication, and division; the ability to calculate decimals and percentages; the ability to utilize principles of fractions; and the ability to interpret graphs.

Functional Reasoning: Requires the ability to apply principles of influence systems, such as motivation, incentive, and leadership, and to exercise independent judgment to apply facts and principles for developing approaches and techniques to resolve problems.

Situational Reasoning: Requires the ability to exercise judgment, decisiveness and creativity in situations involving broader aspects of organizational programs and operations, moderately unstable situations, or the direction, control and planning of an entire program or set of programs.

ADA COMPLIANCE

Physical Ability: Tasks require the ability to exert very moderate physical effort in light work, typically involving some combination of stooping, kneeling, crouching and crawling, and which may involve some lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (12-20 pounds).

Sensory Requirements: Some tasks require the ability to perceive and discriminate colors or shades of colors, sounds, and visual cues or signals. Some tasks require the ability to communicate orally.

Environmental Factors: Essential functions are regularly performed without exposure to adverse environmental conditions.

The Superior Court of Stanislaus County, California is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Superior Court of Stanislaus County will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

APPLICATIONS MAY BE FILED ONLINE AT:
<http://www.stanct.org>

Position #01
PROBATE RESEARCH ATTORNEY
TM

800 11th Street
Modesto, CA 95354
209-530-3190

Tracie.Maguire@stanct.org

Probate Research Attorney Supplemental Questionnaire

- * 1. Describe your experience in the following areas: a. Identifying and analyzing legal issues; b. Conducting independent research; c. Applying legal principles to case facts in making decisions; and d. Preparing and presenting legal analyses and recommendations for legal action both verbally and in writing. When describing your experience, please highlight any such experience you have relative to probate matters.

- * 2. What aspects of your professional background do you feel make you especially qualified to be a Probate Research Attorney?

- * 3. Is there any other information that the committee should consider in evaluating your qualifications?

- * 4. Please attach (2) two 3-9 page briefs or legal memoranda (partial or complete) that you have personally and solely written. (The written samples should include an analysis of a probate related issue if possible.)
 Yes No

- * Required Question