



MAY 2023
REVISED: FEBRUARY 2025
FLSA: EXEMPT
CLASS CODE: 90267

PROBATE ATTORNEY

DEFINITION

Under general direction, performs various routine to complex professional legal services, researches legal issues, and recommends judicial action on matters and proceedings to which the Probate Code applies that are pending before the Court; reviews court documents and filings for compliance with legal mandates; performs related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Probate Attorney Supervisor. Exercises no direct supervision over staff.

CLASS CHARACTERISTICS

This is a journey level professional attorney classification responsible for performing probate legal work in support of probate petition, law & motion, and trial calendars, and may also advise the court on legal aspects of administrative and operational issues. This class is distinguished from the Probate Attorney Supervisor, by the latter's full supervisory authority for probate legal research services and personnel.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

Management reserves the rights to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Reviews probate files that involve calendars and ex-parte applications regarding conservatorship, guardianship, trust and decedent's estate matters for court actions; advises judicial officers, attorneys, examiners, investigators, 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 parties; conducts self-directed independent research as may be needed to further clarify issues and reach sound judicial decisions.
- Prepares comprehensive research memoranda detailing relevant legal issues, addressing argument strengths/weaknesses; prepares summaries, administrative actions, state statutes, county ordinances, and other matters not directly related to caseload.
- Recommends judicial action, verbally and in writing on behalf of the judicial officer; drafts tentative rulings, prepares court rulings, statements of decision, orders and judgments, trial summaries, and statements of fact.

- Confers with judges, attorneys, court services staff, and the public on procedural matters; advises judicial officers, attorneys, court support staff and the public on procedural and substantive legal issues; coordinates work with clerical/technical case processing staff, staff attorneys, examiners, investigators, and others involved in the judicial process.
- Performs other collateral services in support of the assigned caseload and judicial officers.
- Identifies and analyzes legal and procedural issues presented in probate petitions; advises the court on complex issues; makes recommendations to the judicial officers; prepares calendar notes for the judicial officers.
- Researches legal issues in specialized areas of probate law, including estates, wills, trusts, conservatorships, and guardianships.
- May participate in policy, research, and planning committees at the local, regional, state, and national level.
- May represent the division at meetings and conferences with judicial officers, court managers, county and other governmental officials and members of bar associations and civic organizations.
- Performs other related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Legal principles, practices and procedures as applied to actions or proceedings to which the Probate Code applies, including fiduciary accounting.
- Court procedures and rules of evidence.
- Applicable federal, state, and local laws, regulatory codes, ordinances, and procedures including California Rules of Court, other California codes, and court rules.
- Conduct of proceedings in trial, appellate, and United States courts.
- Methods and techniques of legal research, including computer research.
- Modern office practices, methods, and computer equipment and applications related to the work, including word processing and spreadsheet software.
- English usage, grammar, spelling, vocabulary, and punctuation.

Ability to:

- Identify and analyze legal issues and relevant or dispositive issues not addressed by the parties and apply them to complex legal and administrative problems,
- Research statutes and case law, conduct independent research of legal issues, and apply legal principles to case facts and make decisions.
- Prepare accurate and effective reports, policies, procedures, and other written materials.
- Prepare and present legal analyses and recommendations for judicial action, verbally and in writing.
- Confer with and advise judicial officers, attorneys, court support staff and the public on procedural and substantive legal issues.
- Handle sensitive matters with finesse and discretion.
- Listen to argument/discussion and understand the underlying problem/question.
- Recognize and respect limits of authority and responsibility.

- Work in an environment with conflicting priorities.
- Work well under pressure and complete projects for deadlines.
- Organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities, and meet critical time deadlines.
- Use computer for review of documents filed with the court, legal research, word processing, and communication; demonstrate verbal skills for public speaking and training presentations.
- Use English effectively to communicate in person, over the telephone and in writing.
- Use tact, initiative, prudence, and independent judgment within general policy and legal guidelines in politically sensitive situations.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

Any combination of experience and education/training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

- Possession of a Juris Doctorate degree from an accredited school of law, and five years of increasingly responsible experience as an attorney in the practice of law, which includes the performance of legal research duties. Preference shall be given to practice of law in probate, or civil.

Licenses and Certifications:

- Possession of a California State Bar license.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This is primarily a sedentary office classification although standing and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard, or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information.

ENVIRONMENTAL ELEMENTS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.