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View from the Bench: Interview with the Honorable Reva Goetz

By G. Lisa Wick and Benazeer Roshan

This is the first of a series of interviews with probate judges highlighting their unique perspectives. Judge Goetz is with the Los Angeles Superior Court Central Division's Probate Department.

This article is part I of a series of candid interviews with probate judges across the country.

We had the pleasure of interviewing the Honorable Reva Goetz of the Los Angeles Superior Court Central Division's Probate Department. Judge Goetz has served on the probate bench since 2007. Presiding over hundreds of contested, highly complex accountings and surcharge petitions, Judge Goetz's background as an accountant and financial analyst is one of the many appreciated talents she brings to the bench. Judge Goetz's prior experience as a sole practitioner and then a prosecutor in the Los Angeles County District Attorney's Office also gives her an appreciation for all the work that goes into trial preparation.

We are very grateful to Judge Goetz for graciously taking the time to sit down with us for this interview. Judge Goetz's interview provides invaluable insight for not only probate practitioners but the many civil litigators who find themselves in probate. It is a rare treat to speak informally with a judge and Judge Goetz , if you have not had the opportunity to meet her, is extremely warm and delightfully candid.

In your view what is the best thing about serving on the probate bench?

There are two main things. First, I think the area of law is really interesting. I don't think there is a day that goes by that I don't learn something. It is challenging intellectually and I like that. Second, I think that the bar is a civil bar. I like how it is collaborative, and a cooperative bar—not to say that they do not litigate aggressively, but I enjoy working with the probate bar.

Dare we ask, is there a worst thing? If so, what is it?

I can't say there is a worst thing. Just maybe the workload, but that's going to be the case with any judicial assignment. So, I can't really say that there is a worst thing.

Prior to serving on the probate bench, did you have any preconceptions about what probate would be like?

I didn't really have any preconceptions, I think probate was maybe more intellectual than I thought it was going to be. But I like that, so that wasn't a bad thing.

The initial hearings on conservatorships with elderly people in particular, I had to learn how to talk with them. It is important in that context to have diplomacy in trying to ascertain how much the person truly understands. Some people present very well and appear to understand, but in reality they do not. So, those were the things that I think that I was probably not expecting.

For example, I remember this one woman where there was an issue because she was giving her money away to people: her handyman and her gardener and people like that. She had been a professor and seemed to be with it. She said that the problem was that everyone just didn't like who she giving money to, which was true. So I was trying to figure out how to say in a diplomatic way, there is a concern about who you are giving your money to. She responded, "Well, if I wanted to give my money to the university where I taught, no one would have a problem with that." I said well that's not necessarily true and explained to her that we need to make sure that she was going to have money to last for as long as she was going need it. She kind of looked at me and acknowledged what I was saying made sense. She didn't quite know what to say about that—but you know I was trying to be discreet because I wanted to be polite and I still needed to make my point, that she needed to have enough money to live on for the rest of her life.

What are some of your pet peeves or annoying habits of lawyers who appear before you?

Lawyers who are late, lawyers who are out in the hall when their case is called, and lawyers who bring in filings the day of the hearing. I mention lawyers who bring things in the day of the hearing, not because I am being difficult, but this is a real issue. Our calendars are really big and when people bring in their supplement the morning of, this is a problem.

For example, on Monday I had 107 matters on the calendar, so if I am getting supplements when I am taking the bench, it's just not fair to the other people that got their pleadings in on time. It's also not fair to me because the attorneys want me to clear their notes from the bench and I want to do my job right. It's not fair to me to be asked to clear notes right then and there without having time to read, digest, and think about things. Lawyers who ask for notes to be cleared on a supplement filed the same day get annoyed when I won't clear their notes or then they'll say well can I wait until the end of your calendar when you have more time.

When I am I going to have more time? After the regular calendar, I have 10 people who called in for second call that I have to recall. If I have five or six motions, which I did on Monday, where is the time to circle back to deal with an issue that could have been cleared before the appearance? So, I do not like it when attorneys are trying to manage my calendar for me by filing late supplements

G. Lisa Wick and Benazeer Roshan are attorneys with the Los Angeles-based trust and estate litigation firm Sacks, Glazier, Franklin & Lodise LLP.

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or not being ready when their case is called.

We as judges want to get matters resolved, but the lawyers need to help us do that. All three of the things that I just mentioned, if you think about it, are going to impact our ability to get matters resolved.

If you are talking about pet peeves at trial, then I would say, I do not like when people do not bring exhibits for everybody or when attorneys come to court late. If you have trial starting at 1:30 p.m. coming at 1:45 p.m. is not good.

Do a lot of lawyers show up late?

More than should—or sometimes it's one attorney and it's not just me they do it to. It's usually the same attorney that is late for everyone and you know judicial officers talk—we'll say something about someone being late to another judge—another one will say you know what, that happened to me with the same lawyer.

I would also say to be prepared. Know what you need to prove. You have to know what elements you need to establish, what it is you are trying to have the court find in terms of causes of action that you are alleging. I have had attorneys come in and they've put on all kinds of evidence, they don't know what the elements are that they are trying to establish—often times they are fearful of resting because they are not sure they gave you enough and they really don't know exactly what it is they are supposed to be putting in. I think that it would make it so much easier for them if they knew what they needed to establish. Then also they would know when to start and when to stop asking questions. Sometimes people ask too much on cross—you know you don't win points by just asking a lot of questions—ask the questions that you need to and then stop. So I think asking questions without having an intentionality about it is annoying. That's for every judge.

If you could give one piece of advice for practitioners who do not normally practice in probate such as civil litigators who dabble, what would it be?

I like this question . . . Don't dabble or associate with probate litigation counsel.

I just finished a trial on a case where they sued an attorney who had been retained by the trustee. The beneficiary was suing the attorney trying to get money back that the trustee had paid the attorney. There were some extenuating circumstances there since the trustor had known the attorney, but the attorney didn't know probate law.

Ultimately I granted a motion for judgment relative to the attorney for various reasons, but he looked at me at the end of the trial and said "your honor you will never see me in probate court again." He knew he should never have handled a probate case.

Probate is a very specific subject and practice area and I think if you are not proficient in the area, unless you are intending to practice it and going to become educated in it, I don't think you should dabble. Don't dabble. Litigators could come in and litigate a probate case, but would have to become educated in the area.

Do you have any thoughts on lawyers who engage in what may be considered excessive discovery motion practice or on those who "play games" in discovery?

This is where I am on discovery. I have my limits on discovery. If I think that the discovery is getting to be too much for the court to handle, I have no compunction about referring a case to a discovery referee. Because we just don't have the resources to deal with a large amount of it. That's about all I can say—you know if I have a case that comes in on a motion to compel, I'm fine with it unless it is really voluminous. If it comes in, after that on a motion to compel further and that's voluminous as well then that's their two bites. I tell the attorneys that if I see you again with this, I'm going to invite you to the discovery referee.

What do you view as the up-and-coming issues in the probate courts?

We are dealing with courtroom consolidation and we have new bench officers coming to the probate department. We are having all the cases transferred in from the other courts so we are trying to accommodate that. There are going to be some transitional issues to address but I think things are going smoothly from what I can tell. I don't think there is anything that would impact the users if you will. In terms of the substantive issues, things seem pretty much the same to me.

What do you think about this tortious interference with inheritance claim that seems to be gaining some traction in California?

It came up in a relatively new case from May 3rd, and so I took a look at it. I had a demurrer on a case earlier this week . . . I saw that and thought wow, that was kind of new. The cause of action had not been pled properly so the demurrer was sustained with leave to amend, but I think given how this case is written people are going to have to plead it with great specificity. I don't think it's going to be easy to prove. So while people may try to allege it— I think unless their pleadings are very specifically pled, I don't think this new claim is going to change a lot. ■