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*Bar News - August 16, 2017*

## Court News: Electronically Filed Estates: Observations from the Central Judge

By: **Judge David D. King**

We are now several weeks into the statewide electronic filing of estates. As of this writing, we have 705 new electronic estates filed; 412 by attorneys and 293 by individuals representing themselves. I have taken on the temporary role as central judge, which has given me an opportunity to see all of the cases coming in from around the state. As with our previous case types, there have been a few glitches but, all in all, things seem to be going very smoothly.

As of late July, testate appointments were being issued about two and a half weeks from our receipt of attorneys' completed filings. While this is much faster than what had been happening statewide over the last few years, I expect we will continue to improve after we get through the physical relocation of our central operations from one part of Concord to another, and when the full staffing for this work is in place. The speed of appointments is also impacted by how quickly attorneys mail the will, death certificate and, if ordered, the surety bond. As always, if counsel needs an immediate appointment for a specific case, call the court and we will do our best to accommodate urgent situations.

I want to take the time to share some thoughts and suggestions with attorneys who are or will be using the e-filing system. These have been compiled based on what I have seen as the petitions and related pleadings come in, and also by speaking with staff at the Information Center, Electronic Filing Center and local courts, who field questions from parties. By sharing these tips, I hope to increase understanding of the new process and streamline appointments for attorneys and clients.

**Obtain signatures from the client.** While Electronic Filing Rule 8 allows the submission of documents with either a /s/ signature or a graphic representation signature (copy of a traditional signature), the best practice would be to get an actual signature from the client and upload the signed version of the form. That way, there will never be a question about who actually signed the document. Although the attorney transmits documents for his or her client, nothing about the electronic filing process removes the attorney's obligation to ensure clients have signed their pleadings (petition, inventory, accounting, etc.)

**List all heirs and beneficiaries with addresses.** The Circuit Court now sends notice to all entitled to notice on the front end of these cases. Even if the only beneficiary of the estate is a trust, we will send notice to the heirs-at-law. While this obviously creates more work for our staff, we hope that it will streamline the process by ensuring that any beneficially interested person has notice at the earliest opportunity.

**Personal bond requirement.** If an estate is under \$25,000 we will no longer require a personal bond without sureties.

**Use the new e-filing forms.** These were created or revised with input from several estate practitioners and will save time for attorneys and court staff, and allow the estate to be processed more efficiently. The old forms for legatees/heirs are now incorporated into the Petition for Estate Administration, eliminating the need for separate forms at the beginning of the estate.

The old legatee/heirs forms have been renamed. While these are not required with the new petition, if an attorney later discovers another person(s) who should have been listed, counsel should use the new "Persons" forms for submitting that information.

**Snail mail.** After electronically filing the necessary petition, mail the original will, death certificate and corporate surety bond to: NHJB Administrative Offices, Attention: Electronic Filing Center, 1 Granite Place, Suite N400, Concord NH, 03301.

NOTE: Do not scan these items into the electronic filing system. Mailing these promptly after e-filing a petition or obtaining the surety bond will allow the central office to process filings promptly.

**Email address.** Be sure the attorney's e-service contact (email address) is attached to each case. This will ensure that parties receive notices/orders from the court and filings from the other parties.



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**Lock and save.** Be sure to click "Lock and Save" on the forms prior to uploading them so they convert to PDF as required by the Electronic Filing Rules.

I am grateful for the input from the Bar that we received during the design phase of this project. As with any large initiative, we know we will need to make further improvements over time, and I hope that those attorneys practicing in this area will reach out to me with feedback as we move forward.

Finally, I encourage estate planning and administration attorneys and their staff to take advantage of the training materials on the attorney section of the Electronic Services page of the court's website. There are helpful tutorials, recorded presentations and other guiding documentation to assist you through these new processes.

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*Hon. David King is the deputy administrative judge for the New Hampshire Circuit Court and a longtime probate judge in New Hampshire.*



*Judge David King*

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A small inset image showing a person in a dark suit sitting at a desk, looking distressed with their hands on their face, suggesting the need for legal assistance.

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