

Appendix C

Conservatorship (Probate & LPS) and Guardianship Fee Guidelines for the Public Guardian, the County Counsel, and the Public Defender

No fee or charge shall be taken without a prior written order of the court setting forth the fee or charge.

No fee or charge may be anticipated nor property encumbered without a prior written order of the court setting forth the fee, charge, and/or encumbrance.

When there is a difference, the provisions in the Appendix supersede the provisions in the main text of the local rules.

Size of estate	Fee guidelines
\$774.99 and under	-0-
\$775 – 1,499	11 % of balance to Public Guardian 9 % of balance to County Counsel 9 % of balance to Public Defender
\$1,500 – 14,999	16% of balance, with a maximum of \$ 1,500 to Public Guardian 11% of balance, with a maximum of \$ 1,200 to County Counsel 11% of balance, with a maximum of \$ 1,200 to Public Defender
\$15,000 – 44,999	10 % of balance, with a maximum of \$ 2,000 to Public Guardian 8 % of balance, with a maximum of \$ 1,800 to County Counsel 8 % of balance, with a maximum of \$ 1,800 to Public Defender
\$45,000 – 74,999	4.5 % of balance, with a maximum of \$ 2,600 to Public Guardian 4% of balance, with a maximum of \$ 2,250 to County Counsel 4 % of balance, with a maximum of \$ 2,250 to Public Defender
\$75,000 – 104,999	3.5 % of balance, with a maximum of \$ 3,150 to Public Guardian 3 % of balance, with a maximum of \$ 2,875 to County Counsel 3 % of balance, with a maximum of \$ 2,875 to Public Defender
\$105,000 – 129,999	3 % of balance, with a maximum of \$ 3,770 to Public Guardian 2.75 % of balance, with a maximum of \$ 3,500 to County Counsel 2.75 % of balance, with a maximum of \$ 3,500 to Public Defender
\$130,000 – 244,999	2.9 % of balance, with a maximum of \$ 7,000 to Public Guardian 2.7 % of balance, with a maximum of \$ 6,000 to County Counsel 2.7 % of balance, with a maximum of \$ 6,000 to Public Defender
\$245,000 and above	2.9 % of balance, with a maximum of \$ 8,500 to Public Guardian 2.7 % of balance, with a maximum of \$ 7,000 to County Counsel 2.7 % of balance, with a maximum of \$ 7,000 to Public Defender

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(a) Claims for case set up and investigation

In probate cases, there is a case set up and investigation claim of \$2,000 by the Public Guardian and a case set up claim of \$1,700 by County Counsel. These are requested at the time of the general plan and shall only be taken upon written court approval. The Public Defender may claim a case set up fee of \$1,700.

There is also an investigation fee for all cases in which the Public Guardian investigates of \$850, regardless of whether the Public Guardian is appointed conservator.

(b) Claims for extraordinary compensation on sales of real property

Additionally, there may be a claim by the Public Guardian of \$1,500 and by the County Counsel of \$1,200 on sales of real property. If the Public Guardian seeks an amount more than \$1,500 then the entire amount must be supported by declarations providing detailed information as to the services rendered. The Public Guardian may claim \$500 on sales of personal property over \$1,500. These claims may be taken only upon written court approval.

(c) Estates with substantial non-liquid assets

For estates with substantial non-liquid assets, Public Guardian, County Counsel, and Public Defender fees will be reserved until such time as the assets are liquidated or until the conservatee is deceased, whichever is sooner.

(d) Claims for extraordinary legal services

For cases requiring extraordinary legal services, the County Counsel and the Public Defender may submit itemized billings with the accounts, in declaration form, for fees in excess of the schedule amounts.

(e) Miscellaneous fee provisions

(1) In the final accounts where the conservatees or the wards are deceased, the fee waiver provision is not applicable. The Public Guardian, County Counsel, and Public Defender will claim 40%, 30%, and 30% respectively of the estate balance up to \$4,600.

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- (2) In cases where the Public Defender is not appointed, the Public Guardian and County Counsel will claim 55% and 45% respectively of the estate balance up to \$3,400.
- (3) On estates with balances on hand of \$78,000 and over, the Public Guardian, County Counsel and Public Defender will claim fees pursuant to the schedule.
- (4) In cases where the Public Guardian and County Counsel have followed the Probate Code section 2631 procedure to liquidate the decedent's estate and pay debts, additional fees of \$900 to the Public Guardian and \$500 to the County Counsel will be claimed. Fees claimed will be taken only upon written court approval.

Appendix C amended effective July 1, 2017; adopted as Attachment C to Chapter 12 of the Local Rules effective July 1, 1999; previously amended effective January 1, 2004; previously reenacted and renumbered effective July 1, 2008; previously amended effective July 1, 2010.