

LOC.R. 71.1 ATTORNEY FEES

All fees charged by an attorney representing a fiduciary in matters before this Court, including but not limited to work on decedents' estates, guardianships, conservatorships, and testamentary trusts, must be disclosed to the Court (typically on the fiduciary's account) regardless of the source of payment. If the source of payment is other than the fiduciary, counsel must identify on the account the source of payment. For the purpose of this rule, "fiduciary" also includes commissioners and applicants for release from administration. If an account is not required, the payment must be disclosed to the Court on the Certificate of Termination, through consents to fees from those bearing the burden of the fee, or on other court filings, as may be appropriate.

The Court presumes that attorneys are familiar with Sup.R. 71 and Prof.Cond.R. 1.5 governing all fees and expenses of attorneys. As provided in Sup.R. 71(D), the Court may set the attorney fees and expenses for hearing, regardless of the submission of consent(s) to fees.

In lieu of charging an hourly amount for attorney fees, the Court will consider that attorney fees charged in conformance of the following fee guidelines, will satisfy the requirements of Prof.Cond.R. 1.5 and Sup.R. 71:

- A. Computation Form for Attorney Fees – Full Administration, Appendix B1
- B. Computation Form for Attorney Fees – Estate Relieved, Appendix B2
- C. Computation Form for Attorney Fees – Guardianships, Appendix B3

Attorney fees for Trusts shall be on an hourly basis.

In all cases when counsel has calculated attorney fees on other than an hourly basis, counsel shall prepare a separate filing identifying the method applied, showing the Court the calculation, and reflecting the result.

The attorney will not be compensated for either preparing the fee statement/application or for any of the hearings thereon.

The hourly billing rate of an attorney is considered to include the cost of office support staff and office overhead. Services billed at paralegal time should not be for secretarial or administrative functions.