

Fee Detail		FY 2021-22 FEE SCHEDULE		Comments
Fee Description	Authority	Fee Amount	Unit Desc.	Comments
Copy Fee				
Copy Fee	Gov. Code 6257 & 54985	\$0.10	page	
Legal Services				
Attorney Hourly Rate ¹		\$200.00	hour	See footnote #1
Estate Matters	Prob. Code 10810 ²	variable	% of value of estate	Footnote 2
Conservatorship Matters (w/Estate)	Prob. Code 2942(b) ³	\$200.00	hour	See footnote #3

Department Name: County Counsel

Fund Center: 111000000

Footnote #	Footnote Narrative
1	Hourly fee for legal services is calculated using the most current Indirect Cost Rate Proposal (ICRP) prepared by the Auditor's Office.
2	<p>Fees for estate matters complies with Probate Code section 10810 that says in part: "... (a) Subject to the provisions of this part, for ordinary services the attorney for the personal representative shall receive compensation based on the value of the estate accounted for by the personal representative, as follows:</p> <ul style="list-style-type: none">(1) Four percent on the first one hundred thousand dollars (\$100,000).(2) Three percent on the next one hundred thousand dollars (\$100,000).(3) Two percent on the next eight hundred thousand dollars (\$800,000).(4) One percent on the next nine million dollars (\$9,000,000).(5) One-half of 1 percent on the next fifteen million dollars (\$15,000,000).(6) For all amounts above twenty-five million dollars (\$25,000,000), a reasonable amount to be determined by the court. <p>(b) For the purposes of this section, the value of the estate accounted for by the personal representative is the total amount of the appraisal of property in the inventory, plus gains over the appraisal value on sales, plus receipts, less losses from the appraisal value on sales, without reference to encumbrances or other obligations on estate property..."</p>
3	<p>Fees for conservatorship matters involving an estate comply with Probate Code section 2942(b) that says in part: "Compensation for services of the public guardian and the attorney of the public guardian, and for the filing and processing services of the county clerk or the clerk of the superior court, in the amount the court determines is just and reasonable." The initial case set-up, preparation of pleadings and appearances by counsel for an uncontested case is a minimum of five hours. For a contested case that requires a court trial, witness preparation, etc., but is fairly uncomplicated a minimum of nine hours is required. These hours are charged at the hourly rate to determine the cost to an estate for the initial case set up, preparation of pleading and court appearances. These rates are used as guidelines in petitioning the court for what counsel feels is just and reasonable, but the court retains authority at any and all times in awarding fees. If a case becomes more complicated such that discovery ensues, extended discussion with counsel, medical personnel, and family members occurs and the time exceeds that which is identified above.</p>