

**Court
Appointed
Attorney
Training**

San Bernardino County
Bar Association

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Court Appointed Attorney

- Qualifications
- Discretionary Appointment/Mandatory Appointment
- Role as Court Appointed Counsel
- Reasons for Appointment
- Guardian Ad Litem
- Ethical Considerations

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Qualifications for Appointment List

- Certification of Attorney Qualifications (Judicial Council Form GC-010, effective January 1, 2020)
 - Initial Qualifications
 - Annual Qualifications
- California Rules of Court, rules 7.1101 -7.1105

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Rule 7.1101 General Qualifications

(a) Scope

Establishes minimum qualifications, annual education requirements, and certification requirements that an attorney must meet as conditions of court appointment under Probate Code Section 1470 or 1471.

(c) General qualifications

Requires that an attorney must: (1) be an active member in good standing; (2) had no professional discipline imposed in the 12 months immediately preceding the date of submitting initial or annual certification of compliance; (3) be covered by professional liability insurance; (4) met applicable qualifications and annual education requirements; and (5) satisfied any additional requirements established by local rules.

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Rule 7.1102 Qualifications and Annual Education Required to Represent [Proposed] Ward

Except as provided in rule 7.1104(b) an attorney must have met the qualifications in either (a) or (b) and, in every year, must meet annual education requirements in (C).

(a) Experience-based qualifications

An attorney is qualified for appointment if the attorney has met the experience requirements described in either (1) or (2).

(1) Within the five years immediately before appointment, has personally represented a petitioner, an objector, a respondent, a minor child, or a nonminor dependent in at least three of any combination of the following proceedings, at least one of which must have been a contested matter or trial: (A) probate guardianship proceeding; (B) juvenile court child welfare proceeding; or (C) family law child custody proceeding.

(2) Meets requirements in: (A) rule 5.660(d) for juvenile court child welfare proceeding; or (B) rule 5.242(f) for family law child custody proceeding.

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(b) Alternative qualifications

An attorney who does not yet meet the experience-based qualifications in (a) may, until the attorney has gained the necessary experience, qualify for appointment if the attorney meets the requirements in (1) or (2).

(1) At the time of appointment, the attorney works for an attorney, a private law firm, or a legal services organization approved by the court for appointment under Probate Code Section 1470 to represent [proposed] wards, and is supervised by or working in close professional consultation with a qualified attorney ; or

(2) In the 12 months immediately before first availability for appointment, the attorney has completed at least 3 hours of professional education approved by the State Bar for MCLE credit in the subjects listed in (d) and, at the time of appointment, is working in close professional consultation with a qualified attorney.

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c) Annual education

Each calendar year after first availability for appointment, an attorney appointed by the court to represent a [proposed] ward must complete at least 3 hours of professional education approved by the State Bar for MCLE credit in the subjects listed in (d).

d) Subject matter and delivery of education

Education in the following subjects-delivered in person or by any State Bar approved method of distance learning may be used to satisfy this rule's education requirements: (1) State and federal statutes-including the federal Indian Child Welfare Act of 1978, rules of court, and case law governing probate guardianship proceedings and the legal rights of parents and children; (2) Child development, including techniques for communicating with a child client; and (3) Risk factors for child abuse and neglect and family violence.

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Rule 7.1103 Qualifications and Annual Education Required to Represent [Proposed] Conservatee

Except as provided in rule 7.1104(b), an attorney appointed to represent the interests of a [proposed] conservatee, or person alleged to lack legal capacity, must have met the qualifications in (a) or (b) and, in every calendar year after first availability for appointment, must meet the annual education requirements in (c).

(a) Experience-based qualifications

An attorney is qualified for appointment if, within the five years immediately preceding first availability for appointment, has personally represented a petitioner, an objector, a [proposed] conservatee, a person alleged to lack legal capacity or be gravely disabled in at least three separate proceedings under either division 4 of the Probate Code or the LPS Act, including at least one contested matter or trial.

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(b) Alternative qualifications

An attorney who does not meet the experience-based qualifications may qualify for appointment if the attorney meets requirements in (1) or (2).

(1) At the time of appointment, the attorney works for an attorney, private law firm, public defender's office, or legal services organization that is court approved for appointment, and is supervised or working closely with a qualified attorney; or

(2) Within 12 months prior to the attorney's first availability for appointment, completed at least 3 hours of State Bar approved MCLE credits in the subjects listed in (d), and works in close professional consultation with a qualified attorney.

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(c) Annual education

Each year after first availability for appointment, the attorney must complete at least 3 hours of professional education approved by the State Bar for MCLE credit in the subjects listed in (d).

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(d) Subject matter and delivery of education

Education delivered in person or by State Bar approved method of distance learning in the following areas: (1) State and federal statutes-including the federal Americans with Disabilities Act, rules of court, and case law governing probate conservatorship proceedings, and related issues; (2) The attorney-client relationship and attorney ethics under California Rules of Professional Conduct and other applicable law; and (3) Special considerations in representation of elders or a person with a disability, including: (A) Communicating with elders and disabled persons; (B) Vulnerability of such persons to undue influence, abuse, and neglect; (C) Effects of aging, major neurocognitive disorders (including dementia), and intellectual and developmental disabilities in a person's ability to perform the activities of daily living; and (D) Less-restrictive alternatives to a conservatorship.

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Rule 7.1104. Local administration**(a) Procedures**

A court may (1) create and maintain lists or panels of certified attorneys for appointment under Probate Code sections 1470 and 1471; and (2) establish by local rule procedural requirements, including submission of an application, as conditions for approval for appointment or placement on a list or panel.

(b) Exception to qualifications

A court may appoint an attorney who is not qualified under rule 7.1102 or 7.1103 on an express finding, on the record or in writing, of circumstances that make such an appointment necessary, which may include, but are not limited to, when: (1) No qualified attorney is available for appointment; or (2) The needs or interests of the person to be represented cannot be served without the appointment of an attorney who has other specific knowledge, skills, or experience.

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Rule 7.1105. Certification of attorney qualifications

(a) Initial certification

An attorney must certify to the court that the attorney meets: (1) the licensing, disciplinary status, and insurance requirements in rule 7.1101(c)(1)-(3); and (2) the qualifications in rule 7.1102, or rule 7.1103, or both.

(b) Annual certification

To remain eligible for appointment an attorney must certify to the court, no later than March 31 of each following year, that the attorney: (1) meets the licensing, disciplinary status, and insurance requirements in rule 7.1101(c)(1)-(3); and (2) has completed the applicable annual education in rule 7.1102, or rule 7.1103, or both for the previous calendar year.

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(c) Notification of disciplinary action

Attorney must notify the court in writing within five court days of any disciplinary action taken against the attorney by the State Bar and must describe the charges, disposition, and terms of any reproof, probation, or suspension.

(d) Documentation

A court to which an attorney has submitted a certification under this rule may require the attorney to submit documentation or other information in support of any statement in the certification.

(e) Confidentiality

The certifications required by this rule and any supporting documentation or information submitted to the court must be maintained confidentially by the court. They must not be filed or lodged in a case file.

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Discretionary Appointment

Probate Code Section 1470(a)

The court may appoint private legal counsel for a [proposed] ward or a [proposed] conservatee in any proceeding under this division if the court determines the person is not otherwise represented by legal counsel and the appointment would be helpful to the resolution of the matter or is necessary to protect the person's interests.

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Role of Court Appointed Attorney

An attorney appointed in the court's discretion under Probate Code Section 1470(a) has a dual role of not only to "protect the interests" of the [proposed] conservatee or [proposed] ward but to also assist the court in "the resolution of the matter."

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Mandatory Appointment Attorney Requested

Probate Code Section 1471(a)

If a [proposed] conservatee or person alleged to lack legal capacity is unable to retain counsel and requests the appointment of counsel, whether or not that person lacks or appears to lack legal capacity, the court shall, at or before the time of the hearing, appoint the public defender or private counsel to represent the interests of that person in any of five specific proceedings, which are the ones with the greatest long-term impact on the person.

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Five Specific Proceedings

- A proceeding to establish or transfer a conservatorship or to appoint a proposed conservator
- A proceeding to terminate the conservatorship
- A proceeding to remove the conservator
- A proceeding for a court order affecting the conservatee's legal capacity
- A proceeding to obtain an order authorizing removal of a temporary conservatee from the temporary conservatee's place of residence

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Role of Court Appointed Attorney

The wording of Section 1471(a) suggests that an attorney appointed at the request of the [proposed] conservatee has the narrower role of "representing the interests" of the client since no mention is made of being "helpful to the resolution of the matter" as under Probate Code Section 1470(a). The distinction in the wording between Section 1470(a) and Section 1471(a) suggests that counsel appointed under Section 1471(a) has the single role of advocating the client's interests without regard to assisting the court in resolving the dispute.

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Mandatory Appointment Attorney Not Requested

Probate Code Section 1471(b)
Requires the court to appoint an attorney in the five proceedings specified in Section 1471(a) even if the [proposed] conservatee does not plan on retaining counsel and has not requested counsel if the court determines that, based on information contained in the court investigator's report or obtained from any other source, the appointment of counsel would be helpful to the resolution of the matter or is necessary to protect the interests of the [proposed] conservatee.

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Role of Court Appointed Attorney

As with Probate Code Section 1470(a) discretionary appointments, counsel appointed under Probate Code Section 1471(b) not only has the role of protecting the interests of the [proposed] conservatee, but also has the additional role of being helpful to the resolution of the matter.

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Mandatory Appointment

Probate Code section 1471(c)

In any proceeding to establish a limited conservatorship, if the proposed limited conservatee has not retained legal counsel and does not plan on retaining legal counsel, the court shall immediately appoint the public defender or private counsel to represent the proposed limited conservatee.

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Role of Court Appointed Attorney

Section 1471(c) provides that attorneys appointed for the proposed conservatee in limited conservatorship matters "represent the limited conservatee." Because there is no mention of either "representing the interests" of the client or being "helpful to the resolution of the matter" this suggests that a conventional attorney-client relationship exists. Also, many developmentally disabled individuals function at a very high level and, depending on the powers that are being requested, can retain a number of their rights. (See Probate Code Section 2351.5)

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Mandatory Appointment

Probate Code Section 2356.5

If a conservator petitions for authority to (1) place a conservatee with a major neurocognitive disorder in a secured-perimeter or locked facility, or (2) consent to the administration of medications (psychotropic drugs) appropriate for the care and treatment of a major neurocognitive disorder, Section 2356.5(f) requires that "The conservatee shall be represented by an attorney pursuant to Chapter 4 (commencing with Section 1470) of Part 1. Upon granting or denying authority to a conservator under this section, the court shall discharge the attorney or order the continuation of the legal representation, consistent with the standard set forth in subdivision (a) of Section 1470."

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Role of Court Appointed Attorney

Because Probate Code Section 2356.5(f) requires that the court appoint an attorney to represent the conservatee in a petition under Section 2356.5, pursuant to Chapter 4, commencing with section 1470, counsel has the dual role of "protecting the interests of the conservatee" and being "helpful to the resolution of the matter."

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Appointment as Guardian Ad Litem

Probate Code Section 1003

(a) The court may, on its own motion or on request of a personal representative, guardian, conservator, trustee, or other interested person, appoint a guardian ad litem at any stage of a proceeding under this code to represent the interests of any of the following persons, if the court determines that representation of the interests otherwise would be inadequate: (1) minor; (2) incapacitated person; (3) unborn person; (4) unascertained person; (5) person whose identity and address are unknown; (6) designated class of persons who are not ascertained or are not in being.

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Role as Guardian Ad Litem

- Guardian Ad Litem's source of authority is the court
- Guardian Ad Litem has no client confidences and reports to the court
- Guardian Ad Litem more than an attorney, less than a party
- Guardian Ad Litem is to promote the best interest of the subject person

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Reasons for Appointment in Conservatorship Proceedings

- Competing Petitions for Appointment of Conservator
- Proposed Conservatee objects to Petition for Appointment of Conservator
- Family member/friend/any interested person objects to Petition for Appointment of Conservator
- Conservator requests authority to place conservatee in secured facility and/or consent to the administration of psychotropic medication
- Conservator requests authority to sell the conservatee's personal residence
- Conservatee involved in civil litigation (Guardian Ad Litem)

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Reasons for Appointment in Guardianship Proceedings

- Competing Petitions
- Parent(s) Object to Establishment of Guardianship
- Petition to Terminate Guardianship
- Minor's Compromise Hearing

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Reasons for Appointment in Probate Proceedings

Court can only appoint a Guardian Ad Litem in probate proceedings and appointment is usually for a beneficiary of the estate who is a minor, incapacitated person or unborn person. Guardian Ad Litem's role is to ensure that the interests of the beneficiary are being protected.

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Reasons for Appointment in Special Needs Trust Proceedings

- Court may appoint a Guardian Ad Litem to make sure that the establishment of a Special Needs Trust is in the beneficiary's best interests.
- To make sure the Special Needs Trust meets statutory requirements.

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Local Rules Regarding Appointment

Local rule 20-1402(a) provides that appointment of counsel is personal and cannot be delegated to other attorneys and only appointed counsel can render legal services and appear at hearings. If counsel intends to delegate tasks to another attorney who is under their supervision, counsel must obtain an amendment to the appointment order to include the name of the supervised attorney.

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Practical Considerations

Before accepting any court appointment, the attorney should carefully consider several factors that may substantially affect his or her ability to handle the case:

- Conflict of Interests
- Time Constraints
- Expertise
- Complex Legal Issues
- Economics

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Ethical Considerations for Court Appointed Attorney

Under normal circumstances, in order to establish and maintain the attorney-client relationship, an attorney must be satisfied that the client has the capacity to retain counsel.

The attorney representing a comatose, otherwise nonresponsive, or totally delusional client must be guided by their understanding of the client's best interests in taking positions or making recommendations to the court and the court permit and expect counsel to use his or her own best judgment in such a case.

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If the client suffers no significant capacity impairment, the court appointed attorney should not disclose confidences or make recommendations in opposition to the client's position.

If the client is communicative but partially impaired, most courts take the "best interests" approach, which calls on court appointed attorney to present any recommendations the attorney may have in addition to stating the client's wishes, even if the two clash. (*See Conservatorship of Cornelius* (2011) 200 CA4th 1198 and *Conservatorship of Baber* (1984) 153 CA3d 542.)

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Confidentiality

Business and Professions Code Section 6068(e) requires the attorney "[t]o maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client."

Evidence Code Section 954 permits the client to refuse disclosure and to "prevent another" from disclosing "confidential communications between client and lawyer" as defined in Evidence Code Section 952.

The court appointed attorney is bound by these restrictions despite the dual ethical role provided in the statutes.

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Ethical Considerations for Guardian Ad Litem

Before accepting appointment as a Guardian Ad Litem, an attorney should determine whether his or her errors and omissions insurance will cover this situation. Often, it does not. However, the court in McClintock v. West (2013 219 CA4th 540, ruled that a guardian ad litem holds "quasi-judicial immunity" for his or her actions because this function is intimately related to the judicial process.

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Court Appointed Counsel v. Guardian Ad Litem

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Role of Court Appointed Counsel in Conservatorships

- B & P Code Section 6068(e)

Requires the attorney “[t]o maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.”

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Flatt v. Superior Court (1994) 9 Cal. 4th 275

- Protect client in every possible way
- No position adverse to client without client’s free and intelligent consent given after full knowledge of all the facts and circumstances
- Attorney cannot be required to choose between conflicting duties
- Attorney cannot be required to reconcile conflicting interests
- (The interests of the client are articulated by the client and the attorney represents and advocates those interests)

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Conservatorship of John L. (2010) 48 Cal. 4th 131, 151

- “[l]ike all lawyers, the court-appointed attorney is obligated to keep her client fully informed about the proceedings at hand, to advise the client of his rights, and to vigorously advocate on his behalf.”
- In addition, the appointed attorney has a duty to “perform in an effective and professional manner.”

Hall v. Kalfayan (2010) 190 Cal.4th 927

The court appointed attorney's only duty is to the conservatorship on behalf of the conservatee and, as a matter of law, the court appointed attorney does not have a duty to anyone other than the client.

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Synopsis of Attorney Role

- Confidential
- Vigorous (Zealous)
- Advocate of the client's interests and only the client's interests

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Exceptions for Non-California Attorneys

- ABA Model Rule 1.14 (b)

When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.

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California Rejection of Model Rule 1.14

- 2018 70 proposed new or amended Rules of Professional Conduct
- A guideline was to attempt to conform California to nationwide ABA Model Rule standards “to eliminate unnecessary difference between California’s rules and the rule used by a preponderance of states....”
- California Supreme Court rejected only the proposed rule that was similar to Model Rule 1.14

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Synopsis of Attorney Role

- Confidential
- Vigorous (Zealous)
- Advocate of the client's interests and only the client's interests
- No power to seek appointment of a GAL

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What about Probate Code 1470 (a)?

- Appointed attorney has dual role:
 - "Protect the interests" of the proposed conservatee
 - "Assist the court in the resolution of the matter"

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Probate Code Sections Do Not Negate an Attorney's Fundamental Duties

In re Greg F. (2012) 55 Cal.4th 393, 407

The Legislature is presumed to be aware of all laws in existence when it passes or amends a statute and the failure of the Legislature to change the law when the subject is before it is indicative of an intent to leave the law as it stands.

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Role of Guardian Ad Litem in Conservatorships

Appointment of a GAL Under the Probate Code

- The court may, on its own motion or on request of a personal representative, guardian, conservator, trustee, or other interested person, appoint a guardian ad litem at any stage of a proceeding under this code to represent the interest of any of the following persons, if the court determines that representation of the interests otherwise would be inadequate.... An incapacitated person . (Probate Code Section 1003(a)(2).

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The Guardian Ad Litem

- The GAL's source of authority is the court
- The GAL does not have client confidences and reports to the court
- Quasi-judicial immunity for the GAL

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The Appointed Attorney

- The source of authority is the client
- The attorney's duty is to the client
- The attorney should not be a "reporter" to the court
- The attorney should be a zealous advocate for the client

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Reviewing The File

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Documents to Review in Conservatorships

- Petition (GC-210) / Proposed Order (GC-340) / Bond
- Confidential Supplemental Information (GC-312)
- Capacity Declaration (GC-335)
- Confidential Conservator Screening Form (GC-314)
- Court Investigator's Report
- Confidential Medical Report
- List of Required Contacts

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Documents to Review in Limited Conservatorships

- Same as Conservatorship, plus:
- Look at powers being requested in petition/order.
- Report by Inland Regional Center.

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Documents to Review in Guardianships

- Petition (GC-210)(person & estate? or just person or just estate –bond?).
- Check proposed order (GC-240).
- List of required contacts –determine family members.

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Documents to Review in Probate Cases

- Petition (De-111)/ proposed order (DE-140) –look at bond.
- Attachment 8 –list of heirs/beneficiaries –family members.
- Will/ trust?

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Documents to Review in Special Needs Trust Cases

- Trust
- Provisions
- Disabilities
- Trustee
- Bond
- What are assets?

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INTERVIEWING THE CLIENT

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How to Build Rapport with Client

- Proposed Conservatee (degree of capacity)
- Minor (infant vs. teen)
- Probate or Special Needs Trust Beneficiary (minor or disabled)

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Approaches to Take When Interviewing the Proposed Conservatee or Minor

- Environment where they are comfortable
- Allow them to show you around
- Allow them to show you or tell them about their interests
- Allow them to tell you about petitioner/family and relationships
- Allow them to tell you about their goals and passions

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Types of Questions to Ask Proposed Conservatee or Minor

- What their favorite thing to do with the proposed conservator or guardian?
- What family members they enjoy visiting? What are their favorite thing to do with them?
- What is favorite thing to do at school? Who are their teachers? Who are their friends? What do they enjoy doing when not in school?
- What are their financial needs? Do they work?
- Explain petition legal rights and ask if they have questions –are they in support?

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What if Client is Unable to Communicate

- Visit client where he or she spends time –residence/ school/ program.
- Talk to those who care for client about current condition, needs, and things they enjoy doing, and who visits them regularly.
- Review reports by any professionals (medical or social workers) who provide services to client.
- Talk to professionals (medical or social workers) who provide services to client.

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Interviewing Other Parties

- Professionals (medical or social workers) who provide services.
- Petitioner and any objectors with permission of counsel.
- Family members and friends.
- Neighbors and co-workers.
- Teachers and counselors.

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Communication with Counsel for Parties

- Open communication with counsel for petitioner and counsel for any objecting parties.
- Communicating with privately retained counsel for proposed conservatee.
- Request authorization to have direct Communication with Parties.
- See if you can help resolve disputes or narrow issues between parties that conform with your client's wishes and/or best interests.

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How to Handle Difficult Parties

- Case by case – All cases and parties are different
- Keep in mind that parties are experiencing a stressful and difficult family situation, including strong emotions (anger, sadness, frustration)
- Do not tolerate abusive behavior towards yourself or your staff (ESPECIALLY STAFF!)

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How to Communicate with Minors

- Explain legal concepts in age appropriate terms
- Expect that minors may be shy or reluctant to talk to you (a stranger)
- Minor may be more comfortable if a parent/grandparent is present (but be mindful of confidential relationship)
- Encourage minors to call later if they think of questions

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Represented vs. Unrepresented Parties

- Represented parties – be sure you have permission to speak to them from their attorney
- Unrepresented parties – be prepared that unrepresented parties may not understand proper procedure or complexities of the law
- This is an area where it can be "helpful to the resolution of the matter" to assist and explain things to unrepresented parties (as long as it isn't inconsistent with the attorney's duties to the client)

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Preparing Report to the Court

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Requirements of Report

Local rule 20-106 requires that court appointed counsel must file a written report with the court with a verified statement that the attorney: (1) is an active member of the State Bar with no disciplinary actions pending and none filed within the past twelve months; (2) has professional liability coverage; (3) has not represented any other party to the proceeding; and (4) file the report with the court within a reasonable time prior to the hearing.

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Content of Report

- Procedural basis for appointment
- Documents counsel reviewed
- Background facts (supportive of client's position)
- Persons counsel interviewed
- Condition of [proposed] conservatee or ward (supportive of client's position)
- [Proposed] conservatee's or ward's expressed wishes
- Recommendations of attorney to assist the court (consistent with client's wishes)

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Confidentiality of Report

- Probate Code Section 1051(a) and California Rules of Court, rule 7.10 prohibit ex parte communications with the court and filing a confidential report by court-appointed counsel is seen as an ex parte communication.
- The report of court appointed counsel must at a minimum be provided to the parties, but if the report contains sensitive personal and financial material that should not be placed in the court file that is available to the public, court appointed counsel can file a confidential report with the court.
(See Conservatorship of Schaeffer (2002) 98 CA4th 159)

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Attorney Report vs. GAL Report

- Report of Court Appointed Attorney should not violate confidentiality
- Report of Court Appointed Attorney should not include information contrary to client's direction, goals or wishes
- If client is objecting, report should not include information or recommendations contrary to client's position
- Report of Guardian Ad Litem can make recommendations and provide information consistent with best interests, even if contrary to client's position

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Filing Additional Pleadings/Advancing Costs

- Court appointed attorney should only file pleadings (petitions or objections) with permission, authority and direction from the client
- A guardian ad litem can file pleadings (petitions or objections) based on his or her own evaluation of the client's best interest
- No filing fees for court appointed attorney or guardian ad litem
- Significant costs (travel, deposition, experts, etc.) should be approved in advance by the court

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Responsibilities After Hearing

- Conservator appointed - important to explain to the client what legal rights they will retain under the conservatorship, especially if the conservatee objected to the conservatorship. The Notice of Conservatee's Rights form contains a useful summary.
- Compliance documents. Court appointed counsel does not have a responsibility to assist the conservator with preparing the compliance documents, but can offer some assistance to ensure that the documents are completed and filed with the court.

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When and How to be Relieved

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When and how to be relieved in conservatorships

- When –if person, then after Compliance Review is Satisfied.
- When –if estate, then normally, no earlier than after first accounting.
- How –if person, at Compliance Review Hearing, ask court to be relieved and submit voucher to court.
- How –if estate, at hearing on first accounting, ask court to be relieved and file a petition for fees.

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When and how to be relieved in guardianships

- Person: at appointment hearing, request court to be relieved and submit voucher.
- Estate: at the hearing on the first accounting, request court to be relieved and filed petition for fees.

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When and how to be relieved in special needs trust cases

- Unless court needs you to stay on for some reason, at hearing on first accounting, request to be relieved and file petition for fees.

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When and how to be relieved in probate cases

- After petition for final report and account and distribution has been made to your client, then request that the court relieve you and file a petition for fees to be paid out of client's share of estate or submit a voucher.

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How to Get Paid

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Vouchers

- When to submit
 - Local Rule 20-1315 for Guardianships
 - Local Rule 20-1402 for Conservatorships
- Claim Voucher – San Bernardino Court website (sb-court.org)
 - Heading Forms and Rules – Appointed Services and Claim Forms
 - Form 17714 for Guardianship, Probate/Conservatorship
- Hourly rates
 - Appointed Services Fee Schedule (Depends on date of appointment)

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Petition for Fees

- When to Prepare
 - Probate Code Section 1470(b) and 1472(a)(1)
 - Local Rules
- Hourly rates
 - California Rules of Court, rule 7.750 and rule 7.751
 - Factors to look at in determining hourly rate: 1) complexity of the matter; 2) time expended; 3) responsibility assumed; 4) the expertise of court appointed attorney; 5) results achieved; and 6) size of the estate.