



**Superior Court of California  
COUNTY OF ALAMEDA**

February 13, 2024

**Notice to Attorneys and to All Interested Parties:**

**Invitation to Comment on Proposed Amendments to Local Rules and Forms**

As required by California Rules of Court, Rule 10.613(g), the Superior Court of California, County of Alameda hereby distributes for public comment the attached proposal to amend its local rule.

The proposal also may be viewed [here](#) or [here](#). In addition, a hard copy of the proposal is available upon request by email at [pcomments@alameda.courts.ca.gov](mailto:pcomments@alameda.courts.ca.gov) or by phone at 510-891-6012.

**Important dates:**

- The last day to comment is **March 29, 2024, at 5:00 p.m.**
- The proposed amendment takes effect upon approval of the Chair of the Judicial Council or on **July 1, 2024**, whichever is sooner.

**Text of Proposed Rules and Amendments:** *see attached.*

**Comments must be submitted in writing to:**

Andrew Taylor  
Superior Court of California, County of Alameda  
1225 Fallon Street, Room 209  
Oakland, CA 94612  
E-mail: [pcomments@alameda.courts.ca.gov](mailto:pcomments@alameda.courts.ca.gov)

## 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 \$ <del>1,500</del> <u>1,800</u> to Public Guardian 11% of balance, with a maximum of \$ <del>1,200</del> <u>1,440</u> to County Counsel 11% of balance, with a maximum of \$ <del>1,200</del> <u>1,440</u> to Public Defender
\$15,000 – 44,999	10 % of balance, with a maximum of \$ <del>2,000</del> <u>2,400</u> to Public Guardian 8 % of balance, with a maximum of \$ <del>1,800</del> <u>2,160</u> to County Counsel 8 % of balance, with a maximum of \$ <del>1,800</del> <u>2,160</u> to Public Defender
\$45,000 – 74,999	4.5 % of balance, with a maximum of \$ <del>2,600</del> <u>3,120</u> to Public Guardian 4% of balance, with a maximum of \$ <del>2,250</del> <u>2,700</u> to County Counsel 4 % of balance, with a maximum of \$ <del>2,250</del> <u>2,700</u> to Public Defender
\$75,000 – 104,999	3.5 % of balance, with a maximum of \$ <del>3,150</del> <u>3,780</u> to Public Guardian 3 % of balance, with a maximum of \$ <del>2,875</del> <u>3,450</u> to County Counsel 3 % of balance, with a maximum of \$ <del>2,875</del> <u>3,450</u> to Public Defender
\$105,000 – 129,999	3 % of balance, with a maximum of \$ <del>3,770</del> <u>4,520</u> to Public Guardian 2.75 % of balance, with a maximum of \$ <del>3,500</del> <u>4,200</u> to County Counsel 2.75 % of balance, with a maximum of \$ <del>3,500</del> <u>4,200</u> to Public Defender
\$130,000 – 244,999	2.9 % of balance, with a maximum of \$ <del>7,000</del> <u>8,400</u> to Public Guardian 2.7 % of balance, with a maximum of \$ <del>6,000</del> <u>7,200</u> to County Counsel 2.7 % of balance, with a maximum of \$ <del>6,000</del> <u>7,200</u> to Public Defender
\$245,000 and above	2.9 % of balance, with a maximum of \$ <del>8,500</del> <u>10,200</u> to Public Guardian 2.7 % of balance, with a maximum of \$ <del>7,000</del> <u>8,400</u> to County Counsel 2.7 % of balance, with a maximum of \$ <del>7,000</del> <u>8,400</u> to Public Defender

## Appendix C

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

(a) **Fees generally**

The Public Guardian, County Counsel, and Public Defender may claim annual fees pursuant to the above schedule without the need for itemized or hourly billing.

**(b) Claims for case set up and investigation**

In probate cases, there is a case set up and investigation claim of ~~\$2,000~~ 2,400 by the Public Guardian and a case set up claim of ~~\$1,700~~ 2,040 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~~ 2,040.

There is also an investigation fee for all cases in which the Public Guardian investigates of ~~\$850~~ 1,020, regardless of whether the Public Guardian is appointed conservator.

**(bc) Claims for extraordinary compensation on sales of real property**

Additionally, there may be a claim by the Public Guardian of ~~\$1,500~~ 1,800 and by the County Counsel of ~~\$1,200~~ 1,440 on sales of real property. If the Public Guardian seeks an amount more than ~~\$1,500~~ 1,800 then the entire amount must be supported by declarations providing detailed information as to the services rendered. The Public Guardian may claim ~~\$500~~ 600 on sales of personal property over ~~\$1,500~~ 1,800. These claims may be taken only upon written court approval.

**(ed) 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.

**(de) 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.

**(ef) Miscellaneous fee provisions for final accounts where the conservatee**

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#### or ward is deceased

- (1) ~~In the final accounts where the conservatees or the wards are deceased, the~~ 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~~ a maximum of \$5,520.
- (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~~ a maximum of \$4,080.
- (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~~ 1,080 to the Public Guardian and ~~\$500~~ 600 to the County Counsel will be claimed. Fees claimed will be taken only upon written court approval.

*Appendix C amended effective ~~July 1, 2017~~ July 1, 2024; 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; previously amended effective July 1, 2017.*