

RULE 71.1: Counsel Fees.

A. Counsel fees for all matters before the court shall be set by the Probate Court and must be upon application made by the fiduciary and the attorney and upon judgment of the court. Neither compensation for a fiduciary nor an attorney shall be paid before a final account is prepared for filing except with court approval of any partial payment of such fees for good cause shown to the court. Fees may be based on the following:

- (1) Hourly rate
- (2) Time expended
- (3) Quantum merit
- (4) Contractual agreement

Attorney must provide written documentation and/or exhibits supporting the fee.

B. In instances where the fiduciary is the attorney, the court shall allow only one fee to be taken based upon application and the criteria set forth above.

C. Counsel fees in a land sale proceeding, or authority to mortgage real estate, instituted by a guardian shall be paid upon application to the court and based upon the criteria above.

D. Notice of the filing of any requests for payment of attorney fees shall be provide to the fiduciary and/or client unless the fee is approved by said fiduciary and or client.