

State of Florida
Ninth Judicial Circuit of Florida

Lawrence R. Kirkwood
Circuit Court Judge

COUNTIES OF ORANGE AND OSCEOLA
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UPDATED PROBATE DIVISION GUIDELINES CONCERNING FEES FOR
PERSONAL REPRESENTATIVES, GUARDIANS AND ATTORNEYS

THIS PROCEDURE WILL BE STRICTLY FOLLOWED
(Pursuant to Florida Statutes 744.108, 733.617, 733.6171)

ALL PETITIONS AND ORDERS SHALL INCLUDE:

1. All prior fees and costs awarded to date are to be in the Petition and Order. Time periods covered for services rendered are to be stated in the Petition and Order. An Amended Petition or new order will be required if the Petition or Order omits these requirements. If noncompliant, documents will be returned.
2. Uncontested, approved or stipulated Orders for fees are to be filled in with the amounts. Orders will not be signed if blank.
3. Petitions for fees are to include itemized statements of services, expenses, and rates charged for services performed by the personal representative or at the request of the personal representative on behalf of the estate, or services performed by the guardian of the person and/or property or services performed at the request of the guardian on behalf of the ward.
4. Petitions for fees are to include itemized statements of services, expenses, and rates charged for services provided by legal assistants, paralegals, and attorneys.
5. Only one case number on a pleading or proposed Order. Make sure correct case number is on all pleadings/orders submitted. Remember, there is a difference between MH and CP.
6. Notice to, or signature of, personal representative or guardian of the property.
7. In cases that have multiple minors, breakdown the services performed for each minor and specify the sum to be paid on behalf of each minor.

THE FOLLOWING ARE NOT REIMBURSABLE:

1. Charging attorney rate to perform a guardians or personal representatives' duty, when an attorney serves both as guardian or personal representative and attorney.
2. Charging all services at an attorney rate, when other office staff perform services.

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Page 2

FEES FOR THE FOLLOWING SERVICES MAY BE REDUCED:

1. Excessive calls to the clerk or judicial assistant. **Email is preferable.**
2. Non-informational correspondence transmitted to the clerk or Judicial Assistant.
3. Double or triple billing within an attorney's office for the same conference or service (the Court will require advanced approval before awarding these services based on a blended rate of the attorneys or what is set by the Court at a hearing).
4. Time spent pertaining to award of attorneys fees including preparation of petition; notice to, or signature of guardian; filing with the clerk; presenting to the Court; and reviewing the order upon entry by the Court.
5. Incomplete telephone calls leaving messages.
6. Excessive time spent to send or receive a fax.
7. Excessive time relative to services performed.
8. Excessive time charged to attend an ex parte hearing.
9. Excessive time to prepare documents that can be completed on Florida Bar forms (i.e. opening documents, plans, simple inventories).
10. Excessive time spent to draft, prepare, review, amend, revise, etc.
11. Excessive time spent to amend documents due to omissions required by Florida Statutes.
12. Excessive time spent to review pleadings from the Court resulting from failure to file documents timely or correctly (informal reminders), or failure to comply with Court directives (orders to appear/show cause, notices of intent to dismiss, rules to show cause).
13. Time spent to prepare/file a notice of filing (required under civil law, but are not mandated under the Rules of Probate procedure).
14. Time spent to hand-deliver or send documents to clerks office when unnecessary or when delivered at the last minute.
15. Time spent for last minute appearances made by personal representatives, guardians, or attorneys.

Effective: September 2008