

GUIDELINES CONCERNING ATTORNEYS FEES IN THE COUNTY COURT OF SMITH COUNTY

The concept of the reasonableness of the fee has to be a foundation consideration for every application reviewed.

1. Each application for attorney's fees should report total attorney's fees and expenses, (a) year-to-date and (b) cumulatively since the opening of the file, exclusive of the fees and expenses requested in that application;
 2. Indicate the period covered by the application in the title or prominently in the body;
 3. Describe the topic or purpose for each telephone or office conference;
 4. Attach an affidavit by the applicant attorney swearing to the reasonableness of the fees and the necessity of the services;
 5. Have the estate representative/guardian of the estate who hired the attorney sign the application;
 6. Attach an order approving the fees containing a blank for the fees, expenses, and total amount, so the judge can fill in the approved amounts;
 7. Include all the time you have spent on the file, even that time for which you are not charging, by "NO CHARGE" or "N/C";
 8. Do not bill for conferences with court staff to learn how to do something an ordinary probate attorney should know how to do. Ordinarily, attorney time should not be billed for conferences with the clerk's office to check the status of a case;
 9. Do not use generic, non descriptive entries, such as:
 - (a) "Review of file" (e) "File maintenance" and
 - (b) "Attention to file" (f) "Attention to matters pertaining to estate"
 - (c) "Memo to file" (g) "Telephone conference with so and so," and
 - (d) "Organize file" (h) "Office conference with clerk."
- Time entries for memos and conferences should include an adequate description of the topic discussed;
10. Do not bill attorney rates for paralegal or clerk administrative work, such as receiving and reviewing bills, writing repetitive checks, reconciling bank statements, making deliveries to court, filing documents, etc.;
 11. Do not bill paralegal rate for secretarial work, such as letter preparation, filing, etc.;
 12. Do not bill for in-county travel time of attorney, paralegal, or clerk to the court to file documents, review files, etc.;
 13. Attorneys paid by the County in guardianship matters are paid at the County rate: \$50.00 per hour out-of-Court and \$60.00 per hour in-Court plus expenses;
 14. Exercise good ethical and moral responsibility, common sense, and professionalism in your billing.