

MEMORANDUM

TO: Pinellas County Professional Guardians
FROM: Judge George W. Greer, Administrative Probate Judge
RE: Guardian Fee Changes
DATE: March 2, 2005

I would like to thank each of you for your hard work on behalf of the wards of this court. Also, I appreciate your interest and attendance at the meeting on January 31, 2005 regarding the issue of guardian's fees.

As we discussed, the new fee schedule is effective as of February 1, 2005. This means that guardian activity occurring on or after February 1, 2005 will be subject to the new policies and procedures for reviewing fee petitions, as outlined in the written report from the Joint Circuit Workgroup on Fees which was provided at the meeting and via email to the Pinellas County Guardianship Association. The report is also on the Court's website at www.jud6.org.

The new fee schedule is based on the number of years of experience that a professional guardian has. However, you are afforded the opportunity to request that the Administrative Probate Judge, review your hourly rate for a possible increase. For example, a guardian with only four years of experience may have taken on a particularly high volume of cases, including *pro bono* guardianships, and may have experience handling particularly complicated matters or some other educational background or experience that may justify the Court modifying the standard fee rate. If you feel that you fit in such a category and wish for your rate to be evaluated further, it will be necessary for you to submit a detailed written request to the Court. Until further notice, such requests should be submitted to the Guardianship Division of the Court, 501 1st Ave North, Room 639, St. Petersburg, FL 33704. The request should set forth all the factors that you believe support an increase in your hourly rate and should include substantiating documents when appropriate. How much or how little you submit will be your choice, but the professional guardian has the burden of convincing the judge that a modification is warranted, as the ultimate decision in this regard will be the Administrative Judge for the Division.

While there will undoubtedly be a transition period as a result of the implementation of these new policies and procedures, please be advised that your time frame for submitting guardian fee petitions should not change; rather, your next fee petition should be filed as it normally would, six months after the last petition was submitted. In doing so, you will most likely find that you incurred guardian fees and costs both before February 1, 2005 and also after February 1, 2005 within the same fee petition period. Since the new policies and procedures for reviewing guardian activity are effective as of February 1, 2005, please note that any guardian activity submitted in your next fee petition that covers activity prior to February 1, 2005, must be submitted according to the former billing requirements together with the approved \$40 or

\$45/hour rate. Then, you should subtotal hours and fees/costs for the guardian activity occurring prior to February 1, 2005. Next, any guardian activity submitted in that same fee petition for activity on or after February 1, 2005 must be submitted in accordance with the implemented changes as they pertain to you respectively. After detailing this information, please subtotal the hours and fees/costs for the guardian activity on or after February 1, 2005. Please do not file two separate fee petitions to achieve this result. By including all six months of guardian activity in this fashion, the court will be able to effectively and efficiently transition into implementing the new policies and procedures. We realize that this will complicate the preparation of the fee petition, but please remember that it will only substantially affect that one period.

In addition, the fee narrative/itemized statement of account attached to petitions for fees regarding guardian activity on or after February 1, 2005, will need to include information in a format that will make review of the request efficient. The new changes include certain safeguards to avoid potential fee inequities in the following categories:

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| 1) Bill paying related activity | 2.0 hours per month maximum, without detailed explanation |
| 2) Shopping related activity | |
| a) Ward resides in home | 2.5 hours per month maximum, without detailed explanation |
| b) Ward resides in facility | 1.0 hours per month maximum, without detailed explanation |
| 3) Clerical related activity
(e.g. filing, faxing, copying) | 1.0 hours per month maximum, without detailed explanation |

For each line-item entry that fits into a safeguard category, you must identify the specific safeguarded category in which the line-item belongs. To do so, it will be necessary to place, to the left or to the right of the description, a letter “B” to represent a bill paying entry, a letter “S” to represent a shopping related entry, and a letter “C” to represent a clerical related activity. Additionally, within the fee narrative/itemized billing statement, a subtotal for each of these safeguard categories shall be provided at the end of ***each month***. To illustrate, an example has been provided as an attachment to this Memorandum (*See Attachment A*). Your cooperation is critical to ensure that petitions will be considered promptly under the new policies and procedures. We realize that this requires a modest additional effort on your part in preparing your fee petitions. But, by providing the information in this manner, it will significantly facilitate the court’s review of the reasonableness of the services provided. It is anticipated that adherence to these new procedures will dramatically reduce the turnaround time for fee approval.

Other safeguards, in addition to those provided in this Memorandum, are also implemented within the new changes which must be followed. Those safeguards are referenced in the written report from the Joint Circuit Workgroup on Fees, to wit: regarding travel vs. mileage and arranging transportation/appointments/attendance at appointments. While these

safeguards to not have specific caps set, they should nonetheless be taken into consideration when completing the fee narrative/itemized account.

Please review your guardianship file to ensure that all payments have been made to either the Board of County Commissioners, State of Florida or the Pinellas County Clerk of the Court for examining committee fees, court appointed attorney fees and filing fees and any other outstanding orders for payment such as guardian and attorney's fees. The petition should include the numbers of hours, the hourly rate and the total of all fees and costs paid (if you use an attachment to list the prior fees and costs, please provide a total).

As we enter into this transition phase together, it may be necessary to periodically make adjustments in order to give full force and effect to the new policies and procedures. For this, I thank you in advance for your continued consideration and support. Please know that our collaborative efforts will better serve the Ward, as well as you as the guardian, and also the court by ensuring that your petitions for fees are fairly and promptly considered. If you have any questions concerning the new guardian fee changes or any information contained in this Memorandum, you are welcome to contact Keela Samis at (727) 582-7276, I again, thank you for your continued efforts as we move forward on this issue together.

As you know Hillsborough County has obtained their Administrative Judge's approval, we will be working on proposed "matching" administrative orders that will set forth the specifics as clearly as possible in each Circuit. In the meantime, rely on the details of the Report and ask questions as necessary. It is my sincere hope that these changes will achieve fair results for both our wards and our professional guardians and will make the fee process much less cumbersome, thereby enabling the turn-around-time for approval to be much quicker. The Workgroup intends to continue exploring the possibility of developing a form petition for your use, with standard language or codes that could even further expedite the review process and avoid some of the misunderstandings that have occurred in the past, simply because we had different guardians billing the same types of activities in different ways or with varying and sometimes confusing descriptions.

Copies to: Judge Ray E. Ulmer, Jr.
Ken Burke, Clerk of the Court, Pinellas County
Guardianship General Magistrates
Guardianship Sections of the St. Pete and Clearwater Bar Associations

ATTACHMENT

NOTE: *In this example, fees are assessed at a guardian rate of \$55.00 per hour.*

<u>Date of Service</u>	<u>Description of Services</u>	<u>Hours</u>	<u>Amount</u>	
1/1/05	*B Write checks to TECO for monthly payments.	.1	\$5.50	
1/12/05	*C Fax copies of court order to Ward's doctor and file copy of fax confirmation.	.1	\$ 5.50	
1/15/05	Spoke with Ward's doctor re: .2 fax, contents of order, and status of Ward.		\$11.00	
1/16/05	*B Write checks to Verizon, and City of Tampa Utilities for monthly payments.	.2	\$11.00	
Subtotals:	Bill paying <u>.3</u> hours		<u>\$16.50</u> amount	
	Shopping <u> </u> hours		<u> </u> amount	
	Clerical <u>.1</u> hours		<u>\$5.50</u> amount	
2/2/05	Attend quarterly care plan meeting re: Ward.	2.0	\$55/hr	\$110.00
2/6/05	*S Bought three (3) nightgowns for Ward at Wal-Mart with miscellaneous toiletries	.5	\$55/hr	\$27.50
2/8/05	Visit Ward at facility and delivered nightgowns and toiletries purchased.	1.0	\$55.00	\$55.00
Subtotals:	Bill paying <u> </u> hours		<u> </u> amount	
	Shopping <u>.5</u> hours		<u>\$27.50</u> amount	
	Clerical <u> </u> hours		<u> </u> amount	