

**Supreme Court of the State of New York
Appellate Division: Second Judicial Department**

Honorable A. Gail Prudenti
Presiding Justice



BEST PRACTICES

GUARDIANSHIP PROCEEDINGS

SECOND JUDICIAL DEPARTMENT

April 15, 2005

TABLE OF CONTENTS

Table of Contents	i
Introduction.....	ii
Committee Membership.....	iii
I. Compliance with Court Orders.....	1
II. Continuing Legal Education (CLE).....	2
III. Court Examiners.....	3
Compensation.....	3
Additional Duties of Court Examiners.....	4
Annual Court Examiner Designations and Evaluations.....	4
IV. Compensation of Guardians.....	5
Part 36 Guardians.....	5
Personal Needs Guardians Not Governed by Part 36 (Family Members).....	6
V. Duties of Court Examiner Specialist.....	8
VI. Court Evaluators.....	10
VII. Order and Judgment Appointing Guardian.....	11
VIII. Pro Bono Guardians.....	14
IX. Termination of Inactive and/or Abandoned Guardianships.....	15
X. Model Guardianship Part.....	16
XI. Appendix.....	17
A. Court Examiner Fee Schedule.....	18
B. Court Examiner Evaluation Form.....	21

INTRODUCTION

Following the release in March 2004 of the Report of the Grand Jury of the Supreme Court, Queens County Concerning Thefts from Guardianships, the Guardianship Task Force was convened to examine the practices and procedures currently employed in the Guardianship Parts throughout the Second Judicial Department and to report and recommend proposals to improve, uniform and strengthen these practices.

The Guardianship Task Force's Report and Recommendations was delivered on November 30, 2004 and made available at the courthouse and on the court's website. The 60-day period for public comment expired on February 9, 2005.

As a result of the Task Force's recommendations and in consideration of the public comments received, this "Best Practices Handbook" has been developed. It is intended to serve as a guide for Administrative Judges, Guardianship Justices and Judges, court personnel and members of the bar who practice in the dedicated guardianship parts throughout the Second Judicial Department. This is an important first step in addressing the issues which require our ongoing attention. These issues received substantial attention from our Chief Judge in her State of the Judiciary 2005 and are also being addressed by the First Deputy Chief Administrative Judge Ann T. Pfau, the Office of Guardian and Fiduciary Services, and the Commission on Fiduciary Appointments ("Birnbaum Commission"). Our mutual goal is to provide the most professional of services to a segment of our community which needs our assistance during some of the most difficult times in their lives.

I personally extend a debt of gratitude to the co-chairs, Hon. H. Patrick Leis III and Matthew G. Kiernan, Esq., and the members of the Guardianship Task Force.

A. GAIL PRUDENTI
Presiding Justice

COMMITTEE MEMBERSHIP

Guardianship Task Force

Hon. H. Patrick Leis III (Co-Chair)
Administrative Judge,
Courts of Suffolk County

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Director of Professional Services,
Appellate Division, Second Judicial
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Hon. Joel K. Asarch
Acting County Court Judge, Guardianship Part, Nassau County

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Hon. Peter F. Rosato
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Joseph Panico
Case Management Coordinator, Guardianship Part, Suffolk County

Edward J. Volpe
Chief Clerk, Civil Term, Kings County

COMPLIANCE WITH COURT ORDERS

Active case management can play an important role in assisting the Guardianship Parts to effectively monitor the status of proceedings and to assure compliance with all court directives.

Accordingly, each District Administrative Judge, upon consultation with the justices or judges assigned to their Guardianship Parts, should establish procedures to insure compliance with the court's directives, particularly with respect to the court's requirements for the filing of a Bond and Commission.

Whether the preference chosen by the District Administrative Judge is to utilize the Court Examiner Specialist (and/or other court staff) to actively monitor compliance with the court's orders or establish a compliance part to conduct compliance conferences (scheduled within a reasonable time from the entry of the Order and Judgment appointing the Guardian), a procedure must be established to monitor compliance with the court's directives to assure the Incapacitated Person's well-being and to protect his or her assets.

CONTINUING LEGAL EDUCATION (CLE)

Providing adequate education and training for fiduciaries and all Part 36 appointees (i.e., Court Examiners, Court Evaluators, etc.) is of primary concern. In order to insure that the quality of the training programs remains high and to achieve a degree of uniformity among the training programs offered by the various CLE providers, the Office of Guardian and Fiduciary Services should mandate that, in order to qualify for accreditation, each training program include a one (1) credit hour (50 minutes) component of a videotaped presentation by a representative of the Office of Guardian and Fiduciary Services.

Furthermore, an instructional handbook for Guardians and Court Examiners, which will include sample documents and/or forms (i.e., initial and final accountings, initial and final reports) is being developed. It is expected that the handbook will be another useful tool in the training of Guardians and Court Examiners.

The practice of Guardianship Justices and Judges meeting as a group to discuss matters of mutual concern can be a valuable resource. The Guardianship Justices and Judges throughout the Second Judicial Department should establish a regular schedule of roundtable discussions. The Honorable Joel K. Asarch has graciously agreed to coordinate the scheduling of these roundtable discussions, to be convened on a quarterly basis.

Many of the decisions rendered by the Guardianship Justices and Judges remain unpublished. As a result, there is a strong likelihood that the sound reasoning enunciated by the court in the unpublished decisions will go unnoticed by other Guardianship Justices and Judges. Therefore, the Guardianship Justices and Judges should forward their unpublished decisions which they consider noteworthy or of instructional value to the Office of Guardian and Fiduciary Services for posting on its website.

COURT EXAMINERS

Compensation

Establishing uniformity in the manner in which Court Examiners are compensated is a worthy goal. The chart issued by the Appellate Division in 1991 and thereafter utilized as a guide throughout the Second Judicial Department must now be adjusted for inflation. While sensitive to the concern not to unnecessarily deplete the assets of the Incapacitated Person, the increase in compensation is further warranted to insure that quality Court Examiners are retained and to attract new Court Examiners which have been necessitated by the Part 36 fee limitations. Accordingly, effective immediately, the revised chart, which is attached as an Appendix to this handbook, should be used. The revised chart has also been amended to provide that the minimum compensation for a Court Examiner be increased to \$200. Where a request for extraordinary compensation is justified, Court Examiners should be permitted to submit an affidavit of services in support of such request.

In addition, the following guidelines should be used in establishing the value of the Incapacitated Person's "estate," a necessary function in determining Court Examiner compensation.

1. Real Property

In general, the value of real property owned by the Incapacitated Person is **not** to be included when calculating the value of the Incapacitated Person's "estate." Where, however, the Guardian has rendered substantial services in connection with the management and/or disposition of the Incapacitated Person's real property, other than the real property which is the Incapacitated Person's principal residence, the value of the real property may be included in calculating the value of the Incapacitated Person's estate.

2. Trust Assets

In calculating the Incapacitated Person's "estate," the value of assets in a pre-existing trust (that is, a trust which was in existence and funded prior to the commencement of the

proceeding for the appointment of a Guardian) is **not** to be included. However, where the creation and/or funding of the trust is incidental to the proceeding for the appointment of a Guardian (i.e., the approval of a Supplemental Needs Trust), then the value of the assets to be placed in the trust is to be included in calculating the Incapacitated Person's "estate."

Additional Duties of Court Examiners

Court Examiners have been given additional duties and responsibilities with respect to the review of initial and annual reports. In view of these new tasks and responsibilities, which include making recommendations to the court with respect to the Guardian's compensation and examining disbursements and expenditures, Court Examiners are entitled to be additionally compensated. The following formula is suggested: where the guardianship is valued at \$100,000 and above, the Court Examiner is to be paid the sum of \$500 for the review of the initial report and where the guardianship is valued at less than \$100,000, the Court Examiner is to be paid \$250 for the review of the initial report.

Court Examiners are to be given the additional duty of confirming, upon receipt from the Guardian of a certified copy of the Commission, that the Commission mirrors the authority conferred on the Guardian by the Order and Judgment. Thereafter, the Court Examiner is to report such confirmation in writing to the court.

Annual Court Examiner Designations and Evaluations

The new policy with respect to the annual evaluation and designation of Court Examiners has already been implemented. The policy provides that all designations as Court Examiner expire annually on December 31 and that re-designation for the following year depends on the receipt by the Presiding Justice of a favorable evaluation from the Guardianship Justices and Judges in the Judicial District in which the Court Examiner has been designated. An evaluation form on which the Court Examiner's performance is to be graded by the Guardianship Justices and Judges (presumably with the assistance of their staff) was developed (see Appendix). This policy has already produced tangible results.

COMPENSATION OF GUARDIANS

Establishing uniformity in the manner in which Guardians are compensated will be of great service to the public.

A. Part 36 Guardians

SCPA 2307 should be applied where the services rendered by the Part 36 Guardian are best described as executorial in nature and SCPA 2309 should be applied where the services rendered by the Part 36 Guardian are best described as services that might be rendered by a trustee.

The duties and functions of an executor of an estate differ from those of a trustee of a trust. An executor's main objective is to prevent waste while acting expeditiously to wind up the affairs of the estate. An executor is required to marshal assets, pay reasonable administration expenses and make distribution. An executor typically will make short-term investments that can be readily liquidated. A trustee's duties, on the other hand, generally span a longer time period and involve developing a long-term investment strategy and on-going property management duties.

In fixing a compensation plan, it can be difficult for the court to predict, at the inception of the Guardianship proceeding, the full extent of the work to be performed or the amount of the assets that, in the final analysis, will be managed. Furthermore, the court cannot know with certainty whether the duties of the Guardian will be more like those of a trustee or of an executor until the proceeding is concluded. Thus, even if a plan for compensation is fixed at the outset, the court should modify the plan during the course of the Guardianship and/or at its conclusion, if appropriate, based upon the services actually rendered.

Where a Guardianship involves substantial assets and strict adherence to a statutory formula (be it either SCPA 2307 or SCPA 2309) would result in a windfall to the Guardian, the compensation awarded should be commensurate with the services actually rendered.

Lastly, in those cases where neither the application of SCPA 2307 nor SCPA 2309 can provide adequate or reasonable compensation, the court should rely on the submission by the Part 36 Guardian of an affidavit of services to support a request for compensation based on “quantum meruit.”

B. Personal Needs Guardians Not Governed by Part 36 (Family Members)

When a family member serves as a Personal Needs Guardian (particularly in those situations where the Incapacitated Person's disability is extreme), the court should require the submission of an affidavit of services.

It is suggested that \$90 per hour would not be unreasonable where sufficient assets are available to support such a rate. In addition, it was agreed that there are circumstances where the court could consider establishing a reasonable monthly stipend in lieu of setting an hourly rate.

The following nine factors are relevant in determining compensation for these Personal Needs Guardians:

1. Type of disability of the Incapacitated Person;
2. Composition of household;
3. Income of household - budget;
4. Amount of assets in the Guardianship;
5. Whether a parent has given up a job (or forgone a lifestyle);
6. Anticipated duration of the Guardianship;
7. Necessity to preserve assets based on life expectancy of the Incapacitated Person;
8. Nature of services provided; and
9. Cost of comparable services.

The Guardian should have input with respect to which method the court uses to calculate his or her compensation. The court may either orally advise the Guardian, on the record, of the

different methods of calculating compensation at the initial hearing and direct the Guardian to advise the court of his or her preference in the ninety (90) day report or, in lieu thereof, a prepared form may be developed by the court on which the methods of calculation is explained and on which the Guardian's preference could be selected. The court should distribute the prepared form to the Guardian at the hearing or mail it to the Guardian at a later date. However, the ultimate determination of both the method and amount of compensation rests in the sound discretion of the court.

Unless compensation has been set by the court at the hearing, the court should direct the Court Examiner to recommend to the court, in his or her initial report, both the preferred method of compensation, based on the services rendered and expected to be rendered and calculate the estimated amount of the Guardian's compensation.

DUTIES OF COURT EXAMINER SPECIALIST

The newly-created position of the Court Examiner Specialist will report to the Administrative Judges and Guardianship Justices and Judges and be responsible for the oversight of Court Examiners in their Judicial District. The duties of the Court Examiner Specialist will include, but not be limited to, monitoring the timeliness and quality of the Court Examiner reports.

The duties of the Court Examiner Specialist may also include monitoring the timely filing of the Order and Judgment, Bond and the issuance of the Commission as well as assisting the Guardianship Justices and Judges in completing the Annual Court Examiner Evaluation forms.

The responsibility of the Court Examiner Specialist to monitor the timeliness and quality of the Court Examiner's report with respect to the status and safety of the Incapacitated Person's assets is crucial. Equally important, however, is that the Court Examiner Specialist monitor that the Court Examiner is confirming that the personal needs of the Incapacitated Person are being satisfied. Therefore, the Court Examiner Specialist should confirm that the Court Examiner has determined that the Guardian is attending to the personal needs of the Incapacitated Person, particularly where the Incapacitated Person is not residing with the Guardian.

A significant number of the Guardianship proceedings commenced each year are brought by petitioners who are family members and involve situations where the Incapacitated Person has few assets. The petitioner in these situations is frequently unaware of the procedural duties and responsibilities of a Guardian. Typically, it is not their intent to ignore the court's directives, but it is their lack of familiarity with what is required of a Guardian which is the cause of their noncompliance with the court's directives. Accordingly, when the Administrative Judge, in consultation with the Guardianship Justices and Judges, assigns duties to the Court Examiner Specialist, those duties may include assisting lay Guardians in complying with the procedural directives in the Order and Judgment and conducting periodic training of lay Guardians (and of attorneys) at bar association seminars.

The Court Examiner Specialist may also be given additional responsibilities in the discretion of the Administrative Judge and the Guardianship Justices and Judges.

COURT EVALUATORS

The Court Evaluator plays a crucial role in a proceeding for the appointment of a Guardian. Below are suggestions designed to further enhance the responsibility of the Court Evaluator and which, when implemented, will serve to better protect the interests of the Incapacitated Person.

First, the Court Evaluator should be provided with the tools necessary to completely investigate the nature, location and extent of the Incapacitated Person's assets, including the use of a subpoena. Second, in preparing his or her Report, the Court Evaluator should prepare a separate medical and mental addendum which will be provided only to the court in the first instance and which may be made available to the parties at the hearing, unless the court directs otherwise. This new procedure will prevent the accidental disclosure of privileged information which may tend to embarrass the Incapacitated Person and will facilitate the court's determination of whether to seal the medical and mental addendum. Third, in order to facilitate the dissemination of the Report, the Court Evaluator should submit to the court three copies of his or her Report.

The issue of the manner of service of the Court Evaluator's Report should be resolved in the discretion of the Guardianship Justice or Judge.

ORDER AND JUDGMENT APPOINTING THE GUARDIAN

The Order and Judgment appointing the Guardian is a crucial document in a proceeding commenced pursuant to Article 81. Establishing uniformity throughout the Second Judicial Department with respect to the contents of the Order and Judgment appointing the Guardian will result in increased efficiency for both the court and the practicing bar.

All the provisions set forth within the Order and Judgment are important. It is particularly imperative, however, that the appointment of the Court Examiner be made at the earliest opportunity. In any event, such appointment should be made no later than in the Order and Judgment. Provisions requiring the Guardian to be bonded as well as provisions establishing a date in the Order and Judgment by which the Commission, Designation and Consent to Act are to be obtained are also of primary importance.

A Guardianship Task Force Subcommittee is hereby established to develop a uniform form for the Order and Judgment. The Subcommittee shall be composed of the following nine (9) members:

1. **Hon. H. Patrick Leis III**, District Administrative Judge for the Courts of Suffolk County - Chair
2. **Hon. Joel K. Asarch**, Acting County Court Judge, Guardianship Part, Nassau County
3. **Hon. Edwin Kassoff** -Liaison to the Judiciary for the Elder Law Section of the New York State Bar Association
4. **Richard Bathie**, Court Clerk Specialist, Guardianship and Tax Certiorari, Nassau County
5. **Charles F. Devlin, Esq.**, Director, NYS Office of Guardianship Services
6. **Tamara C. Kersh**, Court Clerk Specialist, Guardianship Part, Queens County

7. **Colleen Lundwall, Esq.**, Court Attorney/Referee, Guardianship Part, Westchester County
8. **Joseph Panico**, Case Management Coordinator, Guardianship Department, Suffolk County
9. **Edward J. Volpe**, Chief Clerk, Civil Term, Supreme Court, Kings County

The Order and Judgment is to include the following:

1. Appointment of the Court Examiner.
2. A direction that a Bond, Commission, Designation and Consent to Act be filed by a specific date.
3. A provision requiring the Guardian and/or Nursing Home to notify both the court and the Court Examiner of the Incapacitated Person's death.
4. A provision directing the opening of an Incapacitated Person's safety deposit box in the presence of a bank representative and certification of the contents by the Guardian and bank representative.
5. A provision directing that the Guardian establish a bank account at a bank which can provide either banking statements, cancelled checks, or copies of cancelled checks.
6. A provision directing that the Guardian notify the court of a change in his or her domicile.
7. A provision directing that the final accounting be filed within 60 days of either the death of the Incapacitated Person or the depletion of the Incapacitated Person's assets.
8. A provision directing that the Guardian pre-pay reasonable funeral expenses by establishing an irrevocable funeral trust and also establish a luxury account in the amount permitted by statute (currently \$4,000).
9. A provision directing the Guardian to notify the Court Examiner of any assets discovered which were not mentioned in the Court Evaluator's Report, and any

personal injury awards or settlements on behalf of the Incapacitated Person not mentioned in the Court Evaluator's Report.

10. A provision directing the Guardian to report to the Court Examiner, by letter, within 30 days, a change in the Incapacitated Person's place of abode and any significant changes in the Incapacitated Person's physical or medical condition.
11. A bold faced paragraph inserted above the Judge's signature line on the Order and Judgment as follows:

“GUARDIAN SHALL NOT BE PERMITTED TO ACCESS FUNDS WITHOUT THE ISSUANCE BY THE CLERK OF THE COURT OF A COMMISSION PERMITTING THE GUARDIAN TO MARSHAL ASSETS OR INCOME.”

12. A provision directing the Guardian to file a certified copy of the Commission with the Court and to serve a copy on the Court Examiner within five (5) days of its issuance and further directing the Court Examiner to report to the Court that the certified Commission mirrors the authority granted to the Guardian in the Order and Judgment.

PRO BONO GUARDIANS

The problem of finding Guardians who are willing to serve pro bono is becoming more acute. The only real solution may be either to establish an Office of Public Guardianship which can operate in a fashion similar to the Office of the Public Administrator or to allow not-for-profit groups to play a more active role.

With respect to establishing an Office of Public Guardianship, a dialogue has been initiated with the Office of Court Administration to explore the feasibility, economic and otherwise, of launching a pilot program in one of the judicial districts within the Second Judicial Department.

TERMINATION OF INACTIVE AND/OR ABANDONED GUARDIANSHIPS

The court's calendars remain congested with numerous Guardianships which, as a result of the death of the Guardian and/or the Incapacitated Person or the depletion of assets, are essentially inactive or abandoned. The continued presence of these matters on the court's calendars is an unnecessary drain on judicial and non-judicial resources.

Accordingly, the Court Examiner Specialist should conduct Abandoned Case Calendars on a regular basis. In deciding which matters to calendar, the Court Examiner Specialist may act sua sponte or rely on the recommendations of a Court Examiner. In either event, the Court Examiner is to submit a recommendation as to whether to deem the Guardianship abandoned or whether a motion for the removal of the Guardian is appropriate. In either case, the Bond should not be cancelled until a final accounting has been approved.

In Judicial Districts where a Compliance Part has been established, the Justice or Judicial Hearing Officer assigned to preside therein should work in conjunction with the Court Examiner Specialist to calendar and resolve the inactive and/or abandoned matters.

MODEL GUARDIANSHIP PART

A pilot program to establish a Model Guardianship Part has recently been launched in Suffolk County. The Model Guardianship Part is a multi-tiered approach involving:

1. Specialized training for family members appointed as Guardians;
2. Introducing mediation alternatives to Article 81;
3. Opening lines of communication to social service agencies and the District Attorney's Office;
4. Enlisting trained volunteers to monitor the status of the Incapacitated Person after the appointment of the Guardian;
5. Using the Court Examiner Specialist to monitor the timeliness and quality of the Court Examiner reports;
6. Integrating the Guardianship Part to accept all litigation involving the Incapacitated Person, including but not limited to, matrimonial, foreclosures, landlord-tenant proceedings and criminal proceedings.

This pilot program should be closely monitored to determine whether it warrants expansion to Guardianship Parts throughout the Second Judicial Department.

APPENDIX

- A. Court Examiner Fee Schedule
- B. Court Examiner Evaluation Form

APPENDIX A



**SUPREME COURT OF THE STATE OF NEW YORK -
APPELLATE DIVISION - SECOND JUDICIAL DEPARTMENT**

EXAMINER / REFEREE FEES

ACCOUNTING FEES

Gross Assets		Fee
\$0.00	to \$5,000.00 (Treas.)	\$200
\$5,001.00	to \$7,500.00	\$260
\$7,501.00	to \$10,000.00	\$293
\$10,001.00	to \$20,000.00	\$325
\$20,001.00	to \$30,000.00	\$390
\$30,001.00	to \$40,000.00	\$520
\$40,001.00	to \$50,000.00	\$553
\$50,001.00	to \$60,000.00	\$585
\$60,001.00	to \$75,000.00	\$650
\$75,001.00	to \$100,000.00	\$715
\$100,001.00	to \$125,000.00	\$748
\$125,001.00	to \$150,000.00	\$780
\$150,001.00	to \$175,000.00	\$826
\$175,001.00	to \$200,000.00	\$871
\$200,001.00	to \$225,000.00	\$917
\$225,001.00	to \$250,000.00	\$962
\$250,001.00	to \$275,000.00	\$1,008
\$275,001.00	to \$300,000.00	\$1,053
\$300,001.00	to \$325,000.00	\$1,099
\$325,001.00	to \$350,000.00	\$1,144
\$350,001.00	to \$375,000.00	\$1,190
\$375,001.00	to \$400,000.00	\$1,235
\$400,001.00	to \$425,000.00	\$1,281
\$425,001.00	to \$450,000.00	\$1,326
\$450,001.00	to \$475,000.00	\$1,372
\$475,001.00	to \$500,000.00	\$1,417
\$500,001.00	to \$525,000.00	\$1,463
\$525,001.00	to \$550,000.00	\$1,508
\$550,001.00	to \$575,000.00	\$1,554
\$575,001.00	to \$600,000.00	\$1,599
\$600,001.00	to \$625,000.00	\$1,645
\$625,001.00	to \$650,000.00	\$1,690
\$650,001.00	to \$675,000.00	\$1,736
\$675,001.00	to \$700,000.00	\$1,781
\$700,001.00	to \$725,000.00	\$1,827
\$725,001.00	to \$750,000.00	\$1,872
\$750,001.00	to \$775,000.00	\$1,918
\$775,001.00	to \$800,000.00	\$1,963
\$800,001.00	to \$825,000.00	\$2,009
\$825,001.00	to \$850,000.00	\$2,054
\$850,001.00	to \$875,000.00	\$2,100
\$875,001.00	to \$900,000.00	\$2,145
\$900,001.00	to \$925,000.00	\$2,191

Gross Assets		Fee
\$0.00	to \$5,000.00	\$163
\$5,001.00	to \$10,000.00	\$208
\$10,001.00	to \$25,000.00	\$293
\$25,001.00	to \$50,000.00	\$358
\$50,001.00	to \$75,000.00	\$423
\$75,001.00	to \$100,000.00	\$455
\$100,001.00	to \$150,000.00	\$520
\$150,001.00	to \$175,000.00	\$566
\$175,001.00	to \$200,000.00	\$611
\$200,001.00	to \$225,000.00	\$657
\$225,001.00	to \$250,000.00	\$702
\$250,001.00	to \$275,000.00	\$748
\$275,001.00	to \$300,000.00	\$793
\$300,001.00	to \$325,000.00	\$839
\$325,001.00	to \$350,000.00	\$884
\$350,001.00	to \$375,000.00	\$930
\$375,001.00	to \$400,000.00	\$975
\$400,001.00	to \$425,000.00	\$1,021
\$425,001.00	to \$450,000.00	\$1,066
\$450,001.00	to \$475,000.00	\$1,112
\$475,001.00	to \$500,000.00	\$1,157
\$500,001.00	to \$525,000.00	\$1,203
\$525,001.00	to \$550,000.00	\$1,248
\$550,001.00	to \$575,000.00	\$1,294
\$575,001.00	to \$600,000.00	\$1,339
\$600,001.00	to \$625,000.00	\$1,385
\$625,001.00	to \$650,000.00	\$1,430
\$650,001.00	to \$675,000.00	\$1,476
\$675,001.00	to \$700,000.00	\$1,521
\$700,001.00	to \$725,000.00	\$1,567
\$725,001.00	to \$750,000.00	\$1,612
\$750,001.00	to \$775,000.00	\$1,658
\$775,001.00	to \$800,000.00	\$1,703
\$800,001.00	to \$825,000.00	\$1,749
\$825,001.00	to \$850,000.00	\$1,794
\$850,001.00	to \$875,000.00	\$1,840
\$875,001.00	to \$900,000.00	\$1,885
\$900,001.00	to \$925,000.00	\$1,931

\$925,001.00	to	\$950,000.00	\$2,236
\$950,001.00	to	\$975,000.00	\$2,282
\$975,001.00	to	\$1,000,000.00	\$2,327
\$1,000,001.00	to	\$1,025,000.00	\$2,373
\$1,025,001.00	to	\$1,050,000.00	\$2,418
\$1,050,001.00	to	\$1,075,000.00	\$2,464
\$1,075,001.00	to	\$1,100,000.00	\$2,509
\$1,100,001.00	to	\$1,125,000.00	\$2,555
\$1,125,001.00	to	\$1,150,000.00	\$2,600
\$1,150,001.00	to	\$1,175,000.00	\$2,646
\$1,175,001.00	to	\$1,200,000.00	\$2,691
\$1,200,001.00	to	\$1,225,000.00	\$2,737
\$1,225,001.00	to	\$1,250,000.00	\$2,782
\$1,250,001.00	to	\$1,275,000.00	\$2,828
\$1,275,001.00	to	\$1,300,000.00	\$2,873
\$1,300,001.00	to	\$1,325,000.00	\$2,919
\$1,325,001.00	to	\$1,350,000.00	\$2,964
\$1,350,001.00	to	\$1,375,000.00	\$3,010
\$1,375,001.00	to	\$1,400,000.00	\$3,055
\$1,400,001.00	to	\$1,425,000.00	\$3,101
\$1,425,001.00	to	\$1,450,000.00	\$3,146
\$1,450,001.00	to	\$1,475,000.00	\$3,192
\$1,475,001.00	to	\$1,500,000.00	\$3,237
\$1,500,001.00	to	\$1,525,000.00	\$3,283
\$1,525,001.00	to	\$1,550,000.00	\$3,328
\$1,550,001.00	to	\$1,575,000.00	\$3,374
\$1,575,001.00	to	\$1,600,000.00	\$3,419
\$1,600,001.00	to	\$1,625,000.00	\$3,465
\$1,625,001.00	to	\$1,650,000.00	\$3,510
\$1,650,001.00	to	\$1,675,000.00	\$3,556
\$1,675,001.00	to	\$1,700,000.00	\$3,601
\$1,700,001.00	to	\$1,725,000.00	\$3,647
\$1,725,001.00	to	\$1,750,000.00	\$3,692
\$1,750,001.00	to	\$1,775,000.00	\$3,738
\$1,775,001.00	to	\$1,800,000.00	\$3,783
\$1,800,001.00	to	\$1,825,000.00	\$3,829
\$1,825,001.00	to	\$1,850,000.00	\$3,874
\$1,850,001.00	to	\$1,875,000.00	\$3,920
\$1,875,001.00	to	\$1,900,000.00	\$3,965
\$1,900,001.00	to	\$1,925,000.00	\$4,011
\$1,925,001.00	to	\$1,950,000.00	\$4,056
\$1,950,001.00	to	\$1,975,000.00	\$4,102
\$1,975,001.00	to	\$2,000,000.00	\$4,147
\$2,000,001.00	to	\$2,025,000.00	\$4,193
\$2,025,001.00	to	\$2,050,000.00	\$4,238
\$2,050,001.00	to	\$2,075,000.00	\$4,284
\$2,075,001.00	to	\$2,100,000.00	\$4,329
\$2,100,001.00	to	\$2,125,000.00	\$4,375
\$2,125,001.00	to	\$2,150,000.00	\$4,420
\$2,150,001.00	to	\$2,175,000.00	\$4,466
\$2,175,001.00	to	\$2,200,000.00	\$4,511
\$2,200,001.00	to	\$2,225,000.00	\$4,557
\$2,225,001.00	to	\$2,250,000.00	\$4,602
\$2,250,001.00	to	\$2,275,000.00	\$4,648
\$2,275,001.00	to	\$2,300,000.00	\$4,693
\$2,300,001.00	to	\$2,325,000.00	\$4,739

\$925,001.00	to	\$950,000.00	\$1,976
\$950,001.00	to	\$975,000.00	\$2,022
\$975,001.00	to	\$1,000,000.00	\$2,067
\$1,000,001.00	to	\$1,025,000.00	\$2,113
\$1,025,001.00	to	\$1,050,000.00	\$2,158
\$1,050,001.00	to	\$1,075,000.00	\$2,204
\$1,075,001.00	to	\$1,100,000.00	\$2,249
\$1,100,001.00	to	\$1,125,000.00	\$2,295
\$1,125,001.00	to	\$1,150,000.00	\$2,340
\$1,150,001.00	to	\$1,175,000.00	\$2,386
\$1,175,001.00	to	\$1,200,000.00	\$2,431
\$1,200,001.00	to	\$1,225,000.00	\$2,477
\$1,225,001.00	to	\$1,250,000.00	\$2,522
\$1,250,001.00	to	\$1,275,000.00	\$2,568
\$1,275,001.00	to	\$1,300,000.00	\$2,613
\$1,300,001.00	to	\$1,325,000.00	\$2,659
\$1,325,001.00	to	\$1,350,000.00	\$2,704
\$1,350,001.00	to	\$1,375,000.00	\$2,750
\$1,375,001.00	to	\$1,400,000.00	\$2,795
\$1,400,001.00	to	\$1,425,000.00	\$2,841
\$1,425,001.00	to	\$1,450,000.00	\$2,886
\$1,450,001.00	to	\$1,475,000.00	\$2,932
\$1,475,001.00	to	\$1,500,000.00	\$2,977
\$1,500,001.00	to	\$1,525,000.00	\$3,023
\$1,525,001.00	to	\$1,550,000.00	\$3,068
\$1,550,001.00	to	\$1,575,000.00	\$3,114
\$1,575,001.00	to	\$1,600,000.00	\$3,159
\$1,600,001.00	to	\$1,625,000.00	\$3,205
\$1,625,001.00	to	\$1,650,000.00	\$3,250
\$1,650,001.00	to	\$1,675,000.00	\$3,296
\$1,675,001.00	to	\$1,700,000.00	\$3,341
\$1,700,001.00	to	\$1,725,000.00	\$3,387
\$1,725,001.00	to	\$1,750,000.00	\$3,432
\$1,750,001.00	to	\$1,775,000.00	\$3,478
\$1,775,001.00	to	\$1,800,000.00	\$3,523
\$1,800,001.00	to	\$1,825,000.00	\$3,569
\$1,825,001.00	to	\$1,850,000.00	\$3,614
\$1,850,001.00	to	\$1,875,000.00	\$3,660
\$1,875,001.00	to	\$1,900,000.00	\$3,705
\$1,900,001.00	to	\$1,925,000.00	\$3,751
\$1,925,001.00	to	\$1,950,000.00	\$3,796
\$1,950,001.00	to	\$1,975,000.00	\$3,842
\$1,975,001.00	to	\$2,000,000.00	\$3,887
\$2,000,001.00	to	\$2,025,000.00	\$3,933
\$2,025,001.00	to	\$2,050,000.00	\$3,978
\$2,050,001.00	to	\$2,075,000.00	\$4,024
\$2,075,001.00	to	\$2,100,000.00	\$4,069
\$2,100,001.00	to	\$2,125,000.00	\$4,115
\$2,125,001.00	to	\$2,150,000.00	\$4,160
\$2,150,001.00	to	\$2,175,000.00	\$4,206
\$2,175,001.00	to	\$2,200,000.00	\$4,251
\$2,200,001.00	to	\$2,225,000.00	\$4,297
\$2,225,001.00	to	\$2,250,000.00	\$4,342
\$2,250,001.00	to	\$2,275,000.00	\$4,388
\$2,275,001.00	to	\$2,300,000.00	\$4,433
\$2,300,001.00	to	\$2,325,000.00	\$4,479

\$2,325,001.00 to \$2,350,000.00	\$4,784
\$2,350,001.00 to \$2,375,000.00	\$4,830
\$2,375,001.00 to \$2,400,000.00	\$4,875
\$2,400,001.00 to \$2,425,000.00	\$4,921
\$2,425,001.00 to \$2,450,000.00	\$4,966
\$2,450,001.00 to \$2,475,000.00	\$5,012
\$2,475,001.00 to \$2,500,000.00	\$5,057
\$2,500,001.00 to \$2,525,000.00	\$5,103
\$2,525,001.00 to \$2,550,000.00	\$5,148
\$2,550,001.00 to \$2,575,000.00	\$5,194
\$2,575,001.00 to \$2,600,000.00	\$5,200

Maximum Court Examiner fee \$5,200.00

\$2,325,001.00 to \$2,350,000.00	\$4,524
\$2,350,001.00 to \$2,375,000.00	\$4,570
\$2,375,001.00 to \$2,400,000.00	\$4,615
\$2,400,001.00 to \$2,425,000.00	\$4,661
\$2,425,001.00 to \$2,450,000.00	\$4,706
\$2,450,001.00 to \$2,475,000.00	\$4,752
\$2,475,001.00 to \$2,500,000.00	\$4,797
\$2,500,001.00 to \$2,525,000.00	\$4,843
\$2,525,001.00 to \$2,550,000.00	\$4,888
\$2,550,001.00 to \$2,575,000.00	\$4,934
\$2,575,001.00 to \$2,600,000.00	\$4,979

Add \$45.00 to fee for each additional \$25,000.00 increment



APPENDIX B SECOND JUDICIAL DEPARTMENT COURT EXAMINER EVALUATION FORM

COURT EXAMINER

I. Approximate number of appearances/hearings before the Court in the past year (Please circle appropriate answer):

0 1-5 6-9 10+

II. Approximate caseload (Please circle appropriate answer):

0-25 26-50 51-99 100+

III. Please circle the appropriate number below:

	POOR	ACCEPTABLE	GOOD	EXCELLENT	N/A OR NOT OBSERVED
1. Quality of Reports:	1	2	3	4	5
2. Timeliness of Reports:	1	2	3	4	5
3. Substantive Knowledge of the Law & Court Procedure:	1	2	3	4	5
4. Availability, Responsiveness and Candor with the Court:	1	2	3	4	5
5. Assistance to Guardians, IP'S & Court Personnel:	1	2	3	4	5
6. Notification of Concerns to Court:	1	2	3	4	5
7. Problem Analysis:	1	2	3	4	5
8. Awareness of Position's Responsibilities:	1	2	3	4	5
9. Notification of Delinquencies in Accounting:	1	2	3	4	5
10. Service of Demand Letters:	1	2	3	4	5
11. Brings Application to Remove, if appropriate:	1	2	3	4	5
12. Confirms Filing of All Reports by Guardian:	1	2	3	4	5

13. If POOR is answered in any category, please comment:

COMMENTS: _____

In view of the aforementioned, I (do) (do not) recommend redesignation as a Court Examiner.

The Court Examiner has insufficient experience to warrant an evaluation at this time (Please Check) ()

Date _____

JUDGE, JUSTICE

Please print