

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

Honorable A. Gail Prudenti  
Presiding Justice



**REPORT AND RECOMMENDATIONS**

**THE GUARDIANSHIP TASK FORCE**

Co-Chairs:  
Honorable H. Patrick Leis III  
Matthew G. Kiernan, Esq.

November 30, 2004

## COMMITTEE MEMBERSHIP

### Guardianship Task Force

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## **PREFACE BY THE CO-CHAIRS**

We had the pleasure and honor of co-chairing the Guardianship Task Force of the Appellate Division for the Second Judicial Department. The Task Force consisted of 13 members and included representation from the Guardianship Departments in each of the judicial districts that comprise the Second Judicial Department.

As a group, the Task Force's wealth of experience and knowledge concerning the issues at hand was impressive, with some members having spent in excess of 30 years employed in Guardianship Parts. As impressive as was the Task Force's extensive experience in this field, the dedication and passion with which the members tackled the issues before them was even more impressive. Each member was responsible for significant contributions to this Report and Recommendations.

As Co-Chairs, we owe a great debt of gratitude to the members of the Task Force for their unyielding commitment and hard work. Their professionalism and collegiality made our role as Co-Chairs more productive and rewarding. We are also appreciative to Justice Prudenti for having afforded us the opportunity to be involved with this project.

Hon. H. Patrick Leis III      Matthew G. Kiernan, Esq.  
Co-Chairs

## **MISSION STATEMENT**

Following the release in March of 2004 of the Report of the Grand Jury of the Supreme Court, Queens County Concerning Thefts from Guardianship, A. Gail Prudenti, Presiding Justice of the Appellate Division, Second Judicial Department convened a meeting of the Administrative Judges within the Department to discuss the troubling issues set forth in the Grand Jury Report. As a result of the meeting, Presiding Justice Prudenti, in conjunction with the Chief Administrative Judge, Jonathan Lippman, announced several initiatives designed to address the problems identified by the Grand Jury. The formation of the Guardianship Task Force is one of those initiatives.

The Guardianship Task Force was formed "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".

## INTRODUCTION

The Task Force's first meeting was held on May 26, 2004 in the Appellate Division, Second Judicial Department at 45 Monroe Place in Brooklyn, New York. The Honorable A. Gail Prudenti, Presiding Justice, delivered opening remarks. Three additional meetings were held: June 21, 2004 in Nassau County; September 13, 2004 in Westchester County; and, October 13, 2004 in Queens County.

Over the course of the six months that elapsed from the initial meeting until the submission of this Report and Recommendations on November 30, 2004, several important initiatives were launched by the Presiding Justice to address the problems identified by the Queens County Grand Jury. Two of the initiatives, the creation of the Court Examiner Specialist position and the implementation of the policy requiring annual evaluations of Court Examiners, were presented for endorsement to the Task Force. Upon due consideration, the Task Force did endorse these two initiatives and this Report contains several references thereto.

## **COMPLIANCE WITH COURT ORDERS**

The Task Force recognizes the important role that active case management can play in assisting Guardianship Parts to effectively monitor the status of proceedings and to assure compliance with all court directives.

Accordingly, the Task Force recommends that each District Administrative Judge, upon consultation with the judges assigned to their Guardianship Parts, 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 of 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 that the IP's assets are protected .

## **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 to the Task Force. In order to insure that the quality of the programs remains high and to achieve a degree of uniformity among the programs offered by the various CLE providers, the Task Force recommends that the Office of Guardian and Fiduciary Services, through its Director, Charles F. Devlin, Esq., mandate that, in order to qualify for accreditation, each CLE program include a one (1) credit hour (50 minute) component of a videotaped presentation by Mr. Devlin.

Furthermore, the Task Force recommends that an instructional handbook be developed for guardians and Court Examiners which should include sample documents and/or forms (i.e., initial and final accountings, initial and final reports).

In addition, with the initial re-registration period for Part 36 appointees scheduled to commence in May of 2005, it is recommended that these appointees, having completed training as a prerequisite to their initial appointment, now be required to complete advanced training in order to re-register.

The practice of meeting as a group to discuss matters of mutual concern has proven to be a valuable resource to the Task Force. The lessons learned by the Task Force from this opportunity for an informal exchange of ideas, experiences and concerns has prompted the Task Force to recommend that the Guardianship Judges throughout the Second Judicial Department establish a regular schedule of roundtable discussions.

Lastly, the Task Force is aware that many of the decisions rendered by the Guardianship Judges are unpublished. As a result, there is a strong likelihood that the sound reasoning enunciated by the court in those unpublished decisions will go unnoticed by other judges. It is the recommendation of the Task Force, therefore, that the Guardianship Judges forward their unpublished decisions which they consider noteworthy or of instructional value to Charlie Devlin at the Office of Guardian and Fiduciary Services, who has offered to post those decisions on his website.



## **COURT EXAMINERS**

Court Examiners received a large part of the focus of the Grand Jury report and the Task Force devoted considerable time and energy to several different sub-topics pertaining to Court Examiners.

### **Compensation**

Establishing uniformity in the manner in which Court Examiners are compensated is a worthy goal. The Task Force strongly endorses the use of the chart issued by the Appellate Division in 1991 and utilized throughout the Second Judicial Department but recognizes that an adjustment of the chart for inflation is long overdue. While sensitive to the concern to not unnecessarily deplete the assets of the incapacitated person (IP), the Task Force believes the increase in compensation is further warranted as a measure to insure that quality Court Examiners are retained and to attract the new Court Examiners which have been necessitated by the Part 36 limitations. Accordingly, annexed to this Summary is the revised chart which the Task Force recommends be adopted. The revised chart has also been amended to provide that the minimum compensation for a Court Examiner be increased to \$200. Furthermore, the Task Force recommends that, where a request for extraordinary compensation is justified, Court Examiners be permitted to submit an affidavit of services in support of such request.

In addition to endorsing the revised chart which will permit a uniform computation of Court Examiner compensation, the Task Force also recommends the following guidelines to be used in establishing the value of the IP's "estate", a necessary function in determining Court Examiner compensation.

#### **1. Real Property**

In general, the value of real property owned by the IP is **not** to be included when calculating the value of the IP's "estate". Where, however, the Guardian has rendered services in connection with the management and/or disposition of the IP's real property, the value of the real property is to be included in calculating the value of the IP's estate.

## **2. Trust Assets**

In calculating the IP'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 IP's "estate".

## **Additional Duties of Court Examiners**

In a discussion which is set forth in more detail later in this report, the Task Force recommends that the Court Examiners be given additional duties and responsibilities with respect to the review of initial and annual reports. In view of the fact that these new tasks and responsibilities, which include making recommendations to the court with respect to the Guardian's compensation and examining disbursements and expenditures, will require additional time and effort, including increased contact with the Guardian, the Task Force believes that the Court Examiners are entitled to be fairly compensated. Accordingly, the Task Force devised the following formula which it considers to be reasonable: where the guardianship is valued at \$100,000.00 and above, the Court Examiner is to be paid the sum of \$500.00 for the review of the initial report and where the guardianship is valued at less than \$100,000.00, the Court Examiner is to be paid \$250.00 for the review of the initial report.

In addition to the foregoing, as is set forth in greater detail below (ORDER AND JUDGMENT APPOINTING GUARDIAN), the Task Force is recommending that the Court Examiners 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 and report such confirmation in writing to the Court.

## **Court Examiner Designations and Evaluations**

At the Task Force's initial meeting, Presiding Justice Prudenti introduced a new policy with respect to the designation of Court Examiners and sought the endorsement of the policy by the Task Force. The policy provides that all designations as Court Examiner will expire annually on December 31 and that re-designation for the following year will depend on the receipt by the

Presiding Justice of a favorable evaluation from the Guardianship 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 Judges (presumably with the assistance of their staff) was developed.

The Task Force unanimously endorses the new policy and agrees with the Presiding Justice that this new policy will allow only those Court Examiners who are qualified to be re-designated.

## **COMPENSATION OF GUARDIANS**

Establishing uniformity in the manner in which Guardians are compensated is one of the primary goals of the Task Force.

### **A. Part 36 Guardians**

In establishing adequate or reasonable compensation for Part 36 Guardians, the Task Force concluded that SCPA 2307 should be applied where the services rendered by the Part 36 Guardian were best described as executorial in nature and SCPA 2309 should be applied where the services rendered by the Part 36 Guardian were best described as services that might be rendered by a trustee.

By way of further explanation and guidance, the Task Force recognizes that 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.

The Task Force appreciates that, 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 will, in the final analysis, 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 it 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 Section 2307 or Section 2309) would result in a windfall to the Guardian, the Task Force recommends that 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 may 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. Guardians Not Governed by Part 36 (Family Members)**

The Task Force discussed at length how to fairly compensate the family member who serves as a personal needs guardian, particularly in those situations where the IP’s disability is extreme. It was the consensus of the Task Force that in considering the appropriate compensation for these Guardians, the Court should require the submission of an affidavit of services.

It was also decided that for purposes of comparison, the Court Examiner should compute for the Court what the Guardian would be entitled to receive as compensation pursuant to both SCPA 2307 and SCPA 2309.

The Task Force was unable to reach a consensus with respect to recommending an hourly rate for the Guardian but did agree that \$90.00 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.

Lastly, the following factors were identified as being relevant in determining compensation for the Personal Needs Guardian:

1. Type of disability of the IP;
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 Guardianship;
7. Necessity to preserve assets based on life expectancy of the IP;
8. Nature of services provided; and
9. Cost of comparable market services.

The Task Force also discussed whether the Guardian should have input into which method the Court would use to calculate his compensation and, if so, when that input should be solicited and/or received. The Task Force recommends that the Court should 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, that a prepared form be developed by the Court on which the methods of calculation would be 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.

The Task Force further recommends that, unless compensation has been set by the Court at the Hearing, the Court 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 (i.e., whether the services rendered were more in the nature of those that might be rendered by a Trustee thereby making Section 2309 appropriate or that the services rendered were more in the nature of services rendered by an executor thereby making Section 2307 appropriate) and calculate the amount of the Guardian's compensation.

## **DUTIES OF COURT EXAMINER SPECIALIST**

The position of the Court Examiner Specialist was first introduced by Presiding Justice Prudenti at a meeting with the Administrative Judges on March 11, 2004 and memorialized in her correspondence of March 17, 2004 wherein she stated “[T]his position...will report to the Administrative Judges and Guardianship Judges and be responsible for the oversight of court examiners in their 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.”

At our meeting of May 26, 2004, the Task Force agreed to recommend that the duties of the Court Examiner Specialist be expanded to include monitoring the timely filing of the judgment and bond and the issuance of the commission as well as assisting the Guardianship 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 IP’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 IP are being satisfied. Therefore, the Task Force recommends that the Court Examiner Specialist confirm that the Court Examiner has determined that the Guardian is attending to the personal needs of the IP, particularly where the IP is not residing with the Guardian, and that the Court Examiner be directed to report his findings, in writing, to the Court.

A significant number of the Guardianship proceedings commenced each year are brought by petitioners who are family members and where the IP has few assets. The petitioner is frequently unaware of the procedural duties and responsibilities of a Guardian. It is often not their intent to ignore the Court’s directives but it is frequently 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 Judges, assigns duties to the Court Examiner Specialist, the Task Force recommends that those duties

may include assisting lay Guardians in complying with the procedural directives in the Order and Judgment and conducting periodic training both of lay guardians and of attorneys at bar association seminars.

In recommending the foregoing, the Task Force is cognizant of the fact that the Court Examiner Specialist is likely to be given additional responsibilities in the discretion of the Administrative Judge and the Guardianship Judges.



## COURT EVALUATORS

The Task Force recognizes the crucial role that a Court Evaluator plays in a proceeding for the appointment of a Guardian. As a result, the Task Force recommends a number of suggestions designed to further enhance the responsibility of the Court Evaluator and which, when implemented, will serve to better protect the interests of the IP.

First, the Court Evaluator should be provided with the tools necessary to completely investigate the nature, location and extent of the IP's assets, including the use of a subpoena. Second, in preparing his report, it is recommended that the Court Evaluator prepare a medical and mental addendum which will be provided to the court and which will 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 IP 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 report.

The Task Force discussed the issue of the service of the Court Evaluator's report. There was strong support for the suggestion that, unless the report has been sealed by the Court, the Court Examiner Specialist serve the Court Evaluator's report on the Court Examiner within ten (10) days of the Hearing or entry of the Order and Judgment appointing the Guardian. There was also support for allowing the Court to determine the manner of service of the Court Evaluator's report and upon which parties service is to be made. The Task Force recommends, therefore, that the issues with respect to the service of the Court Evaluator's report be resolved in the discretion of the Guardianship 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 was of major concern to the Task Force. A uniform Order and Judgment will result in increased efficiency for both the Court and the practicing bar.

All the provisions set forth within the Order are important. It is particularly imperative, however, that the appointment of the Court Examiner be made at the earliest opportunity but, in any event, no later than in the Order and Judgment. The Task Force cannot overstate the importance of requiring the Guardians to be bonded and establishing a date in the Order and Judgment by which the Commission, Designation and Consent to Act are to be obtained.

It is recommended that a subcommittee be established by the Presiding Justice to develop a uniform form for the Order and Judgment which will include the following:

1. Appointment of the Court Examiner
2. Directing the filing of a Bond, Commission, Designation and Consent to Act 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 IP's death .
4. A provision directing the opening of an IP's safety deposit box in the presence of a bank representative and certification 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 direction that the Guardian notify the court of a change in his or her domicile.
7. A provision directing that the final accounting be filed withing 60 days of either the

- death of the IP or the depletion of the IP's assets .
8. A direction 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 \$3,950.00).
  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 IP 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, of a change in the IP's place of abode and any significant changes in the IP'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 MARSHALL  
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**

It is the increasingly common experience of the members of the Task Force that finding Part 36 guardians to serve pro bono is difficult. In an effort to provide an incentive for this class of appointees, the Task Force recommends that either CLE credits (up to 3 per year) and/or an offset of up to \$25,000.00 per year against the \$50,000.00 Part 36 cap (based on the value of the services rendered as fixed by the court) be offered.

While the above incentives may partially alleviate this acute problem, the only real solution, Task Force believes, is to establish an Office of Public Guardianship which can operate in a fashion similar to the Office of the Public Administrator in the Surrogate's Court.

## **TERMINATION OF INACTIVE AND/OR ABANDONED GUARDIANSHIPS**

The Task Force is concerned that the Court's calendars remain congested with numerous guardianships which, as a result of the death of the Guardian and/or the IP 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 Task Force recommends that the Court Examiner Specialist 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 from the Court Examiner. In either event, the Court Examiner is to submit a recommendation as to whether to deem the Guardianship abandoned or whether the Guardian should be removed. 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 Task Force recommends that the Justice or Judicial Hearing Officer assigned to preside therein work in conjunction with the Court Examiner Specialist to calendar and resolve the inactive and/or abandoned matters.

## **INTEGRATED GUARDIANSHIP PARTS**

Understanding the value and success of the recent movement within the judicial system towards a philosophy of one judge, one family (as has been demonstrated by the integrated domestic violence parts), the Task Force recommends that a pilot project be launched to explore the viability of the Guardianship Parts accepting all litigation involving the IP, including, but not limited to matrimonials, foreclosures and landlord-tenant proceedings.

## **APPENDIX**

- A. Court Examiner Compensation Schedule
- B. Court Examiner Annual Evaluations
- C. Court Examiner Specialist

### EXAMINER 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
\$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

### ACCOUNTING FEES

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
\$50,000.00	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	\$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	\$2,737
\$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
\$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

\$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	\$4,524
\$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



**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/letter 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



PLEASE POST

EMPLOYMENT  
OPPORTUNITY  
ANNOUNCEMENT

UCS-23

STATE OF NEW YORK  
UNIFIED COURT SYSTEM

ANNOUNCEMENT #

THE POSITION TO BE FILLED WILL BE IN ONE OF THE FOLLOWING TITLES AND WILL DEPEND, IN PART, ON THE QUALIFICATIONS AND EXPERIENCE OF THE APPLICANT SELECTED.

POSITION TITLE: **COURT ATTORNEY - REFEREE** (JG-31)  
(Court Examiner Specialist)

LOCATION:

BASE SALARY: \$80,043 + \$1,200 LOCATION PAY

CLASSIFICATION: Non-competitive/Confidential

QUALIFICATIONS: ADMISSION TO THE NEW YORK STATE BAR; AND TWO YEARS OF SERVICE IN THE ASSOCIATE COURT ATTORNEY TITLE; OR EIGHT YEARS OF RELEVANT LEGAL EXPERIENCE GAINED AFTER ADMISSION TO THE NEW YORK STATE BAR.

**DISTINGUISHING FEATURES OF WORK:** Court Attorney-Referees are special referees and research and analyze complex legal issues and questions raised in civil and criminal cases heard in trial courts or an appeal to certain County Courts and may be responsible for supervision of court attorney and support staff who are located in one or more courts situated throughout a county, judicial district, or department. They serve in a confidential capacity and work with substantial independence from supervision in units located in the Court of Claims or special parts in the Supreme Court or in County, District, Family, and Surrogate's Courts in counties entirely within cities or in counties that have populations exceeding 400,000.

**ASSIGNMENT:** This position will report to the Administrative Judge and the Guardianship Judges and be responsible for the oversight of court examiners. The duties will include, but are not limited to, monitoring the timeliness and quality of the court examiner reports, including, where appropriate, confirming that the court examiner's inquiry included both property management and personal needs concerns. In addition, this position will assist the Guardianship Judges in completing the annual Court Examiner Evaluation forms.

**GENERAL INFORMATION:** The above statements are intended to describe the general nature and level of work being performed by persons assigned to this title. They do not include all job duties performed by employees in the title, and every position does not necessarily require these duties. Although a position is available and situated at a specific location, the appointee may be subject to reassignment to any position in the same title in this promotion unit dependent upon the needs of the Unified Court System. All applications received from this announcement may be used to fill any vacancies in this title that may occur in this court or agency within the next three (3) months. Position(s) available at the present time: 1.

ALL INTERESTED PERSONS MEETING THE MINIMUM QUALIFICATIONS ARE ENCOURAGED TO SUBMIT A UCS-5, APPLICATION FOR EMPLOYMENT FORM (OBTAINABLE FROM ANY COURT/ADMINISTRATIVE OFFICE IN A COURT BUILDING) AND/OR RESUME TO:

APPLICANTS ARE ENCOURAGED TO COMPLETE THE EEO DATA COLLECTION FORM.

POSTING DATE:

APPLICATIONS MUST BE RECEIVED/POSTMARKED BY:

THE NEW YORK STATE UNIFIED COURT SYSTEM IS AN EQUAL OPPORTUNITY EMPLOYER.  
WOMEN, MINORITIES AND INDIVIDUALS WITH DISABILITIES ARE ENCOURAGED TO APPLY.