

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2022 - <u>155</u>
§ 3-303: PROFESSIONAL SERVICES:)	(Affecting Administrative
STATEWIDE FEE GUIDELINES AND)	Order No. 2012-63)
COMPETITIVE BIDS)	
_____)	

Pursuant to the Arizona Code of Judicial Administration (ACJA) § 1-201(E), the Chief Justice may adopt technical changes in existing administrative code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the amendments to ACJA § 3-303 as indicated on the attached document are adopted. All other provisions of § 3-303 remain unchanged and in effect.

Dated this 16th day of November, 2022.

ROBERT BRUTINEL
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 3: Superior Court

Chapter 3: Probate Court

Section 3-303: Professional Services: Statewide Fee Guidelines and Competitive Bids

A. Definitions. In this section the following definitions apply:

“Court” means the superior court in each county.

“Estate” means “includes the property of the decedent, trust or other person whose affairs are subject to this title as originally constituted and as it exists from time to time during administration. As it relates to a spouse, the estate includes only the separate property and the share of the community property belonging to the decedent or person whose affairs are subject to this title” as provided in A.R.S. § 14-1201(17-22).

“Presiding judge” means the presiding judge of the superior court in each county.

B. Applicability. Pursuant to Rules ~~10-1 and 33 and 34~~, *Arizona Rules of Probate Procedure* and the administrative authority provided by Article VI, Section 3 of the Arizona Constitution, and A.R.S. §§ 14-1104 and 14-5109, the statewide fee guidelines and requirements for competitive bids adopted by this section apply to the reasonable compensation and reimbursement for services rendered by Professionals in Title 14 proceedings. In this section the term professional applies to licensed and unlicensed court-appointed fiduciaries, guardians ad litem and attorneys.

1. and 2. [No change]

C. Purpose. Pursuant to Rule 33(F)(g), ~~Arizona Rules of Probate Procedure~~ *Arizona Rules of Probate Procedure*, “When determining ~~reasonable whether compensation is reasonable~~, the superior court shall ~~must~~ follow the statewide fee guidelines ~~set forth~~ contained in the Arizona Code of Judicial Administration A.C.J.A. § 3-303”. Therefore the use of these guidelines is mandatory.

D. Use of the Fee Guidelines.

1. Each judicial officer shall, pursuant to Rule 33(F)(g) *Arizona Rules of Probate Procedure*,

a. through c. [No change]

2. [No change]

3. Judicial Officer Review. The judicial officer shall consider the following general compensation factors when reviewing hourly rates and charges and determining what constitutes reasonable compensation:

a. The usual and customary fees or market rates charged in the relevant professional community for such services. Pursuant to Rule ~~10-1-34(c)~~, *Arizona Rules of Probate*

Procedure, market rates for goods and services are a proper and ongoing consideration for the court in Title 14 proceedings.

b. through e. [No change]

f. The total amount of all annual expenditures, including reasonable professional fees, may not deplete the Estate during the anticipated lifespan of the ward or protected person, until and unless the conservator has disclosed that the conservatorship has an alternative objective, such as planned transition to public assistance or asset recovery, as set forth in ~~the disclosure required by Rule 30.345(e)(3)~~ of the *Arizona Rules of Probate Procedure*.

g. through q. [No change]

4. [No change]

E. Modifications to the Statewide Fee Guidelines. The Arizona Judicial Council shall review the statewide fee guidelines, at least ~~bi-annually~~ biennially, to ensure the guidelines and general compensation factors continue to reflect usual and customary billing practices and are reasonable, efficient and cost effective, as required by A.R.S. § 14-5109.

F. Competitive Bids.

1. Pursuant to Rule ~~10.1(C)34(d)~~ 34(d), *Arizona Rules of Probate Procedure*, the court may order that competitive bids for goods or services be obtained at any stage of Title 14 proceedings.

2. [No change]