

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 1
Yeas:	Barton, Cameron, Garrett, Hicks, Krieger, Olson, Williamson, Barker
Nays:	0
Exc.:	Tomei
Prepared By:	Anna Braun, Counsel
Meeting Dates:	2/6, 2/27

WHAT THE MEASURE DOES: Modifies method for receiving attorney fees in protective proceedings. Designates when court approval is required or not required before payment to persons in a protective proceeding. States Oregon Rule of Civil Procedure 68 does not apply to protective proceedings. Prohibits reviewing court from overturning attorney fee except on a finding of abuse of discretion.

ISSUES DISCUSSED:

- Size of the underlying estate
- Probate judges' "rule of thumb"
- *In re Derkatsch* (2012)

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: Protective proceedings, such as guardianships and conservatorships are open-ended proceedings in which a person is appointed by the court to manage a person's property when that person is unable to do so. The usual model for attorney fees under Oregon Rule of Civil Procedure (ORCP) 68 does not fit well under a protective person proceeding. House Bill 2570 A was proposed by the Oregon State Bar Elder Law Section.