

Second Supplement to Memorandum 88-33

Subject: Study L-1036 - Attorney Fees in Probate (Written Contract  
Between Public Administrator and His or Her Attorney)

Attached is a letter from James R. Scannell, Public Administrator and Public Guardian for the City and County of San Francisco. As a result of this letter, the staff recommends that a change be made in the recommended revision of Section 6148 of the Business and Professions Code (set out in the First Supplement to Memorandum 88-33).

Specifically, we suggest that paragraph (5) (staff suggested addition) of subdivision (d) of Section 6148 be revised to read:

6148. . . . .

(d) This section shall not apply to any of the following:

(5) Services provided to a public officer or employee by an attorney who is a public officer or employee.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

City and County of San Francisco

PUBLIC ADMINISTRATOR  
PUBLIC GUARDIAN:  
James R. Scannell



PUBLIC ADMINISTRATOR  
PUBLIC GUARDIAN  
1212 Market Street  
San Francisco, CA 94102  
Telephone 558-4161

ATTORNEY:  
Lou Aronian

April 8, 1988

Mr. John H. DeMouly  
Executive Secretary  
California Law Revision Commission  
Suite D-2  
4000 Middlefield Road  
Palo Alto, CA 94303-4739

CA LAW REV. COMM'N

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Re: First Supplement to 88-33  
Study L-1036

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TO OUR FILE NO

Dear Mr. DeMouly:

I appreciate your adding public administrators to Section 6148. The use of the term "county counsel" would seem to limit the applications solely to counties that utilize the county counsel for Public Administrator work.

The term "and his attorney" that is used in summary probate sections would be more appropriate and less likely to cause problems for counties that use the District Attorney, City Attorney, or Public Administrator's Attorney.

Very truly yours,

*James R. Scannell*  
JAMES R. SCANNELL  
Public Administrator/  
Public Guardian/  
Public Conservator

JRS:lca