

HOUSE BILL NO. 490

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE CHENAULT

Introduced: 2/19/02
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the compensation of attorneys representing personal representatives**
2 **of decedents' estates; and amending Rule 35, Alaska Bar Rules."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 13.16 is amended by adding a new section to read:

5 **Sec. 13.16.437. Compensation of estate attorneys.** (a) Except as otherwise
6 provided by this section, the attorney for a personal representative of an estate shall
7 receive as compensation for services rendered by the attorney to the personal
8 representative for the estate the following amounts:

- 9 (1) four percent of the first \$15,000 of the value of the estate;
10 (2) three percent of the next \$85,000 of the value of the estate;
11 (3) two percent of the next \$900,000 of the value of the estate;
12 (4) one percent of the next \$9,000,000 of the value of the estate;
13 (5) one-half of one percent of the next \$15,000,000 of the value of the
14 estate;

1 (6) a reasonable amount as determined by the court for an estate with a
2 value over \$25,000,000.

3 (b) Notwithstanding (a) of this section, if the decedent's will establishes how
4 much the attorney for the personal representative shall receive as compensation for
5 services rendered by the attorney to the personal representative for the estate, the
6 compensation established by the will shall be the full and only compensation for the
7 services of the attorney.

8 (c) An agreement between the personal representative of an estate and the
9 attorney for the personal representative of an estate under which the attorney receives
10 a higher compensation than that provided by this section is void.

11 (d) If there are two or more attorneys for the personal representative, the
12 compensation allowed under (a) of this section shall be apportioned among the
13 attorneys by the court according to the services actually rendered by each attorney or
14 as agreed to by the attorneys.

15 * **Sec. 2.** AS 13.16.440 is amended to read:

16 **Sec. 13.16.440. Proceedings for review of employment of agents and**
17 **compensation of personal representatives and employees of estate.** After notice to
18 all interested persons or on petition of an interested person or on appropriate motion if
19 administration is supervised, the propriety of employment of any person by a personal
20 representative including any attorney, auditor, investment advisor, or other specialized
21 agent or assistant, the reasonableness of the compensation of any person so employed,
22 the compliance of the compensation with the requirements of AS 13.16.437, or the
23 reasonableness of the compensation determined by the personal representative for the
24 personal representative's services, may be reviewed by the court. Any person who has
25 received excessive compensation from an estate for services rendered may be ordered
26 to make appropriate refunds.

27 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 COURT RULE CHANGE. AS 13.16.437, enacted by sec. 1 of this Act, amends Rule
30 35, Alaska Bar Rules, by establishing rules that govern the amount of fees that an attorney for
31 a personal representative of an estate may receive as compensation for services rendered by

1 the attorney to the personal representative for the estate.

2 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **APPLICABILITY.** This Act applies to the compensation of attorneys for services
5 rendered to the personal representative of a decedent's estate if the handling of the estate is in
6 process on the effective date of this Act or is begun on or after the effective date of this Act.
7 To the extent this provision covers the compensation for attorney services rendered before the
8 effective date of this Act, the Act is retrospective under AS 01.10.090. In this section,
9 "estate" and "personal representative" have the meanings given in AS 13.06.050.