

**IN THE PROBATE COURT OF FRANKLIN COUNTY, OHIO  
JEFFREY D. MACKEY, JUDGE**

**In re Administrative Orders**

: **Case No. 550000**

**FILED #19**

**DEC 27 2023**

**ADMINISTRATIVE ORDER REGARDING PROBATE COUNSEL FEES IN  
ESTATES OPENED FOR WRONGFUL DEATH PURPOSES ONLY**

Jeffrey D. Mackey, Judge  
Franklin County Probate Court

This administrative order shall apply to all cases where (1) estate administration is established for the sole purpose of settling or resolving a wrongful death claim; (2) probate counsel is a separate attorney not employed by or affiliated with litigation counsel; and (3) it is proposed that probate attorney fees be paid from the gross wrongful death settlement as an expense, rather than paid out of litigation counsel's contingent fee.

Attorney fees for probate counsel shall be reasonable and shall be subject to court approval.

If the fiduciary and all wrongful death beneficiaries affected by the payment of fees consent, the court will permit probate attorney fees to be paid from the gross settlement without the need to file a written fee application. Absent such consent, the court will generally presume that \$2,000 is a reasonable minimum fee to be paid from the gross settlement as compensation for probate services benefitting all wrongful death beneficiaries. Probate counsel may request additional compensation, providing the court with a detailed fee statement itemizing each specific service performed with the date of service, the amount of time expended, the individual performing the service, and the hourly rate charged. The court may allocate any probate fees between the gross settlement and litigation counsel's contingent fee.

In cases where probate counsel has provided services related to the administration of probate and/or non-probate assets, this order shall not prohibit probate counsel from seeking payment for those services from the probate estate or other sources.

**IT IS SO ORDERED.**

  
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Jeffrey D. Mackey, Judge