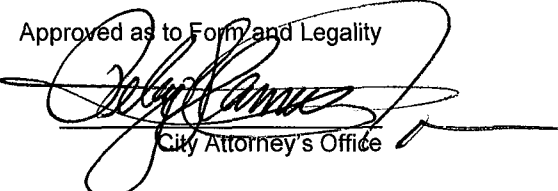


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Approved as to Form and Legality



City Attorney's Office

## OAKLAND CITY COUNCIL

### RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT LYNETTE GIBSON MCELHANEY AND  
PRESIDENT PRO TEMPORE REID ON BEHALF OF MEMBERS OF THE PUBLIC

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**A RESOLUTION REQUESTING AN EXAMINATION OF THE WAY IN WHICH THE PROBATE COURTS IN ALAMEDA COUNTY FUNCTION AND DIRECTING THE CITY ADMINISTRATOR TO SEND COPIES OF THE RESOLUTION AND AGENDA ITEM TO THE ALAMEDA COUNTY DISTRICT ATTORNEY NANCY O'MALLEY, THE JUDICIAL COUNCIL OF CALIFORNIA, ALAMEDA COUNTY BOARD OF SUPERVISORS, ASSEMBLYMEMBER TONY THURMOND, ASSEMBLYMEMBER ROB BONTA, AND STATE SENATOR NANCY SKINNER**

**WHEREAS**, questions have been raised about whether certain groups are disproportionately affected by the Probate Court system in Alameda County compared to other groups; and

**WHEREAS**, as a result, a group of local African American families believe that perverse incentives in the probate court system are magnified for their community, including the following; and

**WHEREAS**, there are often differences of opinion in selecting an heir to act as the Special Administrator or Managing Trustee of a living trust or will which then often leads a probate judge to assign a court-appointed attorney to function in this role; and

**WHEREAS**, court-appointed attorneys often accumulate significant fees as part of this work that are assessed as a lien against the assets of the living trust or will; and

**WHEREAS**, as a result, there is an incentive for the court-appointed attorney to maximize their fees and to ensure prompt payment through a sale of assets; and

**WHEREAS**, the sale of estate assets for the purpose of collecting attorney's fees can often be done hastily and at below-market-values, so as to encourage a quick sale; and

**WHEREAS**, the sale of estate assets are also often done without consideration by the court-appointed trustee or special administrator to whether or not the heirs of the estate may have a desire to purchase the asset; and

**WHEREAS**, total attorney's costs incurred on the estate can approach 30-50% of the total value; now, therefore, let it be

**RESOLVED** that the Oakland City Council requests an examination of the way in which the probate courts in Alameda County function and directs the City Administrator to send copies of the resolution and agenda item to the Alameda County District Attorney Nancy O'Malley, the Judicial Council of California, the Alameda County Board of Supervisors, Assemblymember Tony Thurmond, Assemblymember Rob Bonta, and State Senator Nancy Skinner

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND  
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California