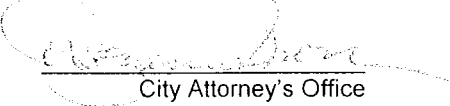


17 JAN -5 PM 1:00


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

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, ALAMEDA COUNTY SUPERVISOR KEITH CARSON, ASSEMBLYMEMBER TONY THURMOND, 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 that an examination of the way in which the probate courts in Alameda County function be done and directs the City Administrator to send copies of the resolution and agenda item to the Alameda County District Attorney Nancy O'Malley, Alameda County Supervisor Keith Carson, Assemblymember Tony Thurmond, and State Senator Nancy Skinner.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California