

STATE OF RHODE ISLAND  
PROVIDENCE, SC

PROBATE COURT OF THE  
CITY OF PROVIDENCE

In Re Estate of Yolanda Lepore

No. 85-618

**ORDER**

This matter is before the Court on a Petition filed by the Executrix of the above estate, Fernanda Giudice, for a decision by the court of the amount of fees to be paid from the estate to Mr. Leon Blais, an expert retained by those beneficiaies of the estate who had objected to Accounts filed by the fiduciary. Mr. Blais is acting pro se and has provided the court what he believes his payment should be.

**Facts**

A deposition of Mr. Blais was held on October 10, 1996 by the attorney for the estate. In addition, a subpoena duces tecum for his work sheets and records to substantiate his conclusions was served on him. A review of the transcript of the deposition provided indicates a less than cordial exchange of information among counsel for the estate , Mr. Blais, and his attorneys. Unfortunately, the matter was not concluded on the first day, but resumed on October 11, 1996. No other hearings were held. The estate had agreed to pay Mr. Blais for his time for the deposition; no hourly rate of compensation , or specifics as to compensation for travel and preparation time was agreed to by the parties. There was no writing concerning any of the payment issues. Mr. Blais submitted<sup>1</sup> an invoice listing total time spent at 11.25 hours and mileage for travel at \$12.18. In open court, he indicated that he had no other records to substantiate his time; he further stated that his hourly rate of compensation was \$150.00 per hour<sup>2</sup> and that his preparation time for the deposition was two(2) hours, travel time of about ½ hour each day.

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<sup>1</sup> See Petition for a determination filed by the executrix and Mr. Blais's response.

He alleges that after the conclusion of the deposition , he spent additional preparation time for his anticipated later questioning by the estate attorney, although no other days were scheduled for his future testimony and no detail information concerning this additional preparation time was provided. He is seeking compensation of \$1699.98.

#### Issues

- 1- What is a fair and reasonable compensation rate to be paid to Mr. Blais for the depositions and preparation time, etc.
- 2- Is Mr. Blais entitled to compensation for “preparation time ” for a deposition that was never scheduled, held or otherwise definitively discussed.

#### Decision

A review of the transcripts indicate total time spent at the depositions of 3.75 hours. Preparation time for the deposition held was 2.0 hours and travel time of 1 hour; no other evidence or time sheets were submitted to substantiate any other time in this matter. I therefore find that Mr. Blais shall be compensated for 6.75 hours. I further find that a reasonable rate for services rendered for his services in these proceedings is \$125.00 per hour. Since there was no evidence submitted by either side concerning this issue, the court will exercise its discretionary authority in establishing this rate, based on the nature of the services and the ultimate results obtained by the objectors. The mileage is accepted as presented. The Executrix is directed to pay to Mr. Blais the total sum of \$ **855.93**. for his services.

ENTER: \_\_\_\_\_ BY ORDER: \_\_\_\_\_

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<sup>2</sup> The Executrix, through her counsel stated that her experts were paid \$125.00 per hour.