

splitting by or with fiduciaries, is improper under California law. We suggest that Mr. Bogert's share of these fees rightfully belongs to the Siva estate and may be deemed held in constructive trust therefor. See Bank of America v. Ryan, 207 CA 2d 698, 24 Cal. Rptr. 739.

4. Eugene E. Therieau

Judge Therieau has never served on the Superior Court which administers the guardianship-conservatorship program. Since October 31, 1961, he has served as Judge of the Desert Municipal Court of Palm Springs. Prior to that time he was a practicing attorney in Palm Springs and specialized in Indian matters.

a. The California District Court of Appeals rendered an opinion in 1966 in the case of In re Guardianship of the Estate of Prieto, supra, wherein it was held that broker fees awarded Therieau were illegal. Despite the Prieto decision, Judge Therieau has not voluntarily returned fees awarded and paid to him in four companion Indian estates for these identical services; on the contrary, he has steadfastly resisted efforts by the Government to obtain their repayment and has been instrumental in seeking to obtain an order from Judge Brown ratifying the payment of these fees. A more detailed discussion of the Prieto case and pending litigation to recover the fees here concerned can be found under Section III. E., p. 49, infra.

b. In 1961, Therieau served as attorney for Lawrence Crossley, conservator of the Estate of Joseph Patrick Patencio. In this capacity he participated in the negotiation of a lease with the Tahquitz Trailer Park on behalf of Patencio and three other Indian landowners. Judge