

Mr. EDMONDSON. So, you don't have to make any check of the value of the land because they make it down there?

Mr. HOLLOWELL. They make the appraisal, whether we agree with it or not.

Mr. EDMONDSON. Thank you.

Mr. TUNNEY. I just checked with the chairman, and he's going to let me continue for a few more minutes. I'd like to ask you just a few more questions on points that are appearing here in the report, things which, I think in all fairness, we should have some testimony from you on.

Mr. HOLLOWELL. All right.

Mr. TUNNEY. What do you consider an extraordinary service, and an ordinary service when you are acting as a conservator?

Mr. HOLLOWELL. An ordinary service would be collection of income, payment of normal routine monthly bills, a certain amount of conference time with your Indian client; although my thinking used to be to the contrary, I think possibly now, purchasing an automobile would be routine, minor traffic tickets, that sort of thing. I would classify as extraordinary, a long-term lease, hiring an attorney for some sort of criminal problem or domestic relations problem. I do better being shot specific questions and being asked to which is it.

Mr. TUNNEY. How do you, for instance, arrive at your fee schedule for extraordinary expenses?

Mr. HOLLOWELL. For the attorney, in a sense—

Mr. TUNNEY. Let's say, as a conservator.

Mr. HOLLOWELL. OK, as a conservator. When I first came into the picture, I merely asked for a reasonable fee and left it up to the discretion of the court, and later on, after our policy memorandum say, in 1964, I started breaking it down and taking three-quarters of 1 percent, which seemed to be the new guidelines; and then asked for another sum for the extraordinary, and that's been pretty much the custom in my office since 1964. I think the banks all along, have used three-quarters of 1 percent as their guidepost.

Mr. TUNNEY. Well, when you would fix a fee for extraordinary services, would you take into consideration the time involved, or would you set as a percentage of the service performed, a percentage of the amount of money involved for services performed?

Mr. HOLLOWELL. Most of our conservator clients, it was a matter of time and effort and ability.

Mr. TUNNEY. Then, it was not a percentage?

Mr. HOLLOWELL. No, sir; because I—this is not to volunteer, but I've seen tickets and other things disappear and I have seen some conservators really go out and go-for-broke for their Indian clients, and I've never questioned how they accomplished it, or how they did it. I do know that we never charge on a percentage.

Mr. TUNNEY. How does the judge question fees for extraordinary services?

Mr. HOLLOWELL. Judge McCabe had a prehearing conference on my estates up until the time he went on the appellate bench, and he would have the attorney regarding, and where we had a person capable of understanding, he would have the Indian client, too, and in those years my petitions were somewhat sketchy because we'd gone over them; the whole thing in chamber. Judge McCabe wouldn't set the fee always.