

continually. As an attorney, you only perform services when something comes up and you are asked to do something, and a conservator, I rightfully believe, should spend a certain amount of time with his work. He is responsible for the estate, and for the investment and decisions. I've been in situations with Eugene where it started out \$100,000 in treasury bills and I followed the practice of my predecessor and left them in treasury bills. That is my responsibility. As an attorney, I'm not concerned with it. I'm a mechanic that is called in to find out the divorce, get the court petition, and that line.

Mr. TUNNEY. As a fiduciary and a conservatorship, relationship with an Indian ward, do you feel that this should be taken into consideration in fixing a fee, or do you think that it should be a straight arms-length transaction? Do you think a fiduciary relationship should enter into the fee of a conservator, or do you think it should be an arms-length transaction?

Mr. HOLLOWELL. I don't really understand the question.

Mr. TUNNEY. Well, assuming now that you have extraordinary services performed for one of your wards as conservator, there is a fiduciary relationship that exists between you as conservator, and your ward. Do you feel that that fiduciary relationship should enter into your determination of what your fee should be, or do you feel that you should fix your fee as though you were dealing with another party, a third party, and it was an arms-length transaction?

Mr. HOLLOWELL. It feel it's arms-length in the sense that the judge actually sets here the fee.

Mr. TUNNEY. But, you make a recommendation, don't you?

Mr. HOLLOWELL. Yes, sir.

Mr. TUNNEY. So, as a technical matter in these cases, the fee is really fixed by the attorney in his request, isn't this the case?

Mr. HOLLOWELL. I would say that's a fair statement. Most of my lay clients ask my opinion.

Mr. TUNNEY. Do you think the fiduciary relationship plays a part in your decision as to what fee you should charge for extraordinary services just as—not you personally—just as a general matter, in the management of these Indian estates?

Mr. HOLLOWELL. Oh, I think so, because you have the burden upon you to try to be fair, try to to be reasonable.

Mr. TUNNEY. And, did you take into consideration personally now, when you were making your decisions as to what was fair to charge for the extraordinary services?

Mr. HOLLOWELL. Yes, sir. In the Segundo matter, I stated I felt I was entitled to more, but I had made a representation to Mr. Segundo that acting in pro per, I can do it cheaper than if he had a conservator and an attorney, so I set forth all of my services and I said I would like so much. I think my services actually were worth a lot more than what I asked for.

Mr. TUNNEY. Do you believe it is the duty of the conservators to try to educate the Indian so they will be able to take over their own estates?

Mr. HOLLOWELL. Good question. Legally, no, but I think most of them try. I know I've tried with some of my younger people, to encourage them. Ray Leonard Patencio and I have talked many times about his going to law school when he was younger. I think that is