

behind it, you can't very well accept my word for it, but at least you can see that there's room for doubt, that exhibit supporting the point that I make.

Mr. EDMONDSON. Would you care to comment on exhibit 15, the final paragraph that appears in the judge's order? It says:

It is further ordered, adjudged and decreed that the duties of the Guardian are not delegable. The relationship of the Guardian with his Attorney is that of attorney-client. And work done by the attorney must have been ordered done by the Guardian for legal work.

Mr. CLEARY. I think that's a fine statement of law.

Mr. EDMONDSON. You see any inconsistency in that statement with regard to the guardian delegating his duties and the conservator delegating his duties to the attorney?

Mr. CLEARY. No, sir; I don't. I think it'd be applicable in either case. I think that statement would be applicable to either conservator or guardian.

Mr. EDMONDSON. On the other hand, I understood you to say a little bit earlier that if the conservator has an attorney go out and do the job that he should be doing it is proper for the attorney to collect for this service, even though he's doing the delegated responsibilities of the conservator.

Mr. CLEARY. I believe I said that, and I believe I made an error when I said the delegated duties. The word that is of importance there is the word "delegated."

Mr. EDMONDSON. You may not have used the word "delegate" but—

Mr. CLEARY. I think I did, but I may be wrong.

Mr. EDMONDSON. But, I understood it in that sense. You said it was a proper thing for an attorney to handle various jobs for the conservator and that in those instances, it would be proper for him to collect a fee as attorney.

Mr. CLEARY. Yes, sir.

Mr. EDMONDSON. And, this is clearly contradictory to the language of this order with regard to what a guardian can do about his duties.

Mr. CLEARY. Well, sir, I don't think it is contradictory to that order because that order uses the word "delegated" and delegate means abrogation, abrogation of responsibility, and I don't think the—when you delegate to someone else to do this, "I don't want any part of it."

Mr. EDMONDSON. You kind of escape the responsibility of a guardian or conservator, but you are still going to be held accountable to court?

Mr. CLEARY. That's right.

Mr. EDMONDSON. When you ask somebody else to do your work for you, whether you call it delegate or whether you call it just a request for a petition, the same principle with regard to the charging of the fees for what work should apply, it seems to me.

Mr. CLEARY. Well, I can't disagree with you. The only thing I can say is that you are reading a minute order. The minute orders are the notations made by the court clerk. They are not to be taken necessarily as the language used by the judge in issuing the order. Most frequently, minute orders are simple notations which are ultimately reduced to a formal order I do not know the specific circumstances of the issuance of that particular minute order. However, because it is a minute order, I can probably say it wasn't the verbatim language of