§ 2111. Ex parte application for advance payment of fees of an attorney-fiduciary or guardian ad litem

1. At any time during the administration of an estate and irrespective of the pendency of a particular proceeding an attorney of this state who is a fiduciary, or guardian ad litem may present to the court from which his or her letters or appointment issued a petition praying that he or she be permitted to receive a sum on account of his or her compensation for legal services theretofore rendered to the estate or to the person under disability. No notice of the application shall be required, except that in the case of a guardian ad litem notice shall be given to any attorney or person who has appeared in the proceeding for which the guardian ad litem seeks an allowance. If the application be entertained, the court may award a sum on account of compensation or make such other order, if any, as justice shall require. The total expenses of the application shall be borne by the petitioner personally.

2. An attorney who is a fiduciary may take advances on account of compensation for legal services rendered to the estate, without application to the court if he shall have at least one co-fiduciary who is not rendering legal services to the estate and all co-fiduciaries have consented to such payment on account or if the instrument under which the attorney is acting permits him to take such payments on account in advance of the settlement of the account.

3. In all cases where any such payment on account of legal services has been taken by an attorney his or her account must disclose the fact and the amount of such payment.

4. The compensation of an attorney for legal services awarded or taken under this section may include compensation for the time and value of services performed by a person who is not an attorney, provided such services are performed under the supervision of an attorney and would, if performed by an attorney, be compensable under this section.