

Office of Court Administration Texas Judicial Council



APPOINTMENTS AND FEES REPORT INSTRUCTIONS FOR DISTRICT AND COUNTY COURTS

Statutes and Rules

Chapter 36, Texas Government Code

Requires the **clerk of each court in the state** to prepare a report every month on court appointments made and any fees paid for an

- attorney ad litem
- guardian ad litem
- guardian
- mediator or
- competency evaluator^a

in any case with the following exceptions:

- a mediation conducted by an alternative dispute resolution system established under Ch. 152, Civil Practice and Remedies Code
- information made confidential under state or federal law, including applicable rules (e.g., judicial bypass cases)
- a guardian ad litem or other person appointed under a program authorized by Sec. 107.031, Family Code (volunteer advocates in child protection cases)
- an attorney ad litem, guardian ad litem, amicus attorney, or mediator appointed under a domestic relations office established under Ch. 203, Family Code.

Monthly reports must be submitted for each court **whether or not there was activity** to report for the month.

Other requirements:

- The report is due to the Office of Court Administration (OCA) **no later than 15 days** following the end of the month reported.
- A copy of the report must be posted at the courthouse and on the court's website.

If a court fails to provide the information necessary for the clerk to submit the required report, the court is ineligible for any grant money awarded by the state or a state agency for the next state fiscal biennium.

Supreme Court Order 07-9188

Requires **district clerks and county clerks** to report all appointments made to a position for which any type of fee

^a A physician or psychologist who performs examinations to determine whether an individual is incapacitated or has an intellectual disability for purposes of appointing a guardian for the individual.

may be paid in a **civil, probate, or family law case** with the following exceptions:

- Cases in which the appointee is a salaried employee of the court, such as masters, referees, etc.
- Cases in which the appointee serves in a non-judicial capacity, such as process servers or substitute court reporters.

Other requirements:

For clerks:

- The clerk must make a copy of the report available for public inspection in the clerk’s office and
- Retain each report for at least two years following the date it is made available for public inspection.

For judges:

- Each appointment is to be made by a written order.
- Each approval of the payment of a fee is to be accomplished by a separate written order.
- Orders making appointments or approving the payment of fees are to be sufficiently specific to enable the clerks to prepare the required monthly reports.

Section 171.9(a), Texas Administrative Code

Reconciles differences between Chapter 36 of the Government Code and Supreme Court Order 07-9188 by

- Making the due date for the information required by Supreme Court order consistent with the requirement of Chapter 36—**15th of the month**
- Removing the \$500 threshold in the Supreme Court order for reporting fee payments—**all appointments and all fees in civil, probate and family cases filed in district and county courts are to be reported regardless of the amount**

Summary

All Cases <i>(except parental notification/judicial bypass)</i>	Civil, Family & Probate <i>(district courts and county courts)</i>
Report: Attorney ad litem (this is <u>not</u> an attorney appointed for an indigent defendant/juvenile) Competency evaluator (psychologist, physician) Guardian Guardian ad litem Mediator	Includes guardianship, child protection and mental health cases Report: All other appointments and fees paid, no minimum dollar amount

Due 15th of the month to OCA and must be posted at courthouse and on court’s/clerk’s website

What to Submit to OCA

For each court

1. All appointments made during the month **OR** report of no appointments made during the month
AND
2. All payments approved during the month **OR** report of no payments made during the month

WHEN TO REPORT THE FEE

- If the amount of the fee is specified in the order, report the fee for the **month in which the approval order was signed** (for example, a fee for a specific amount that is approved in September, but not actually paid until October would be included in the report for September).
- If the amount of the fee is not specified in the order, report the fee for the **month it is paid** (when the amount of the fee becomes known to the clerk).

1. Appointments

➤ **NO APPOINTMENTS MADE DURING MONTH**

Submit No Activity report indicating that there was no activity for the month for the court.

➤ **REPORTABLE ACTIVITY FOR THE MONTH**

For each appointment, report:

1. **NAME/NUMBER OF COURT**

Name of the court in which the person signing the order was sitting when the order was signed.

2. **NAME OF JUDGE/MASTER/REFEREE ORDERING APPOINTMENT**

3. **CASE NUMBER AND STYLE OF CASE**

The style may be abbreviated to include, for example, just the last names of the parties. *In matters where confidentiality of the parties is required, judges and clerks should use their discretion regarding the style of the case.*

4. **STATE BAR CARD NUMBER OF APPOINTEE IF AN ATTORNEY**

5. **NAME OF PERSON APPOINTED**

6. **POSITION TO WHICH APPOINTED**

A sample list of positions is included at the end of this document for reference.

7. **RELATIONSHIP TO WARD OR DECEASED, IF RELEVANT**

The relationship of the appointee to the ward or deceased:

- Attorney
- Private professional guardian
- Associated with a public guardianship program
- Friend or family member

If not relevant to the case, select “Not Applicable.”

8. **DATE OF APPOINTMENT**

2. Payments

➤ **NO FEES APPROVED DURING MONTH**

Submit a No Activity report indicating that there was no activity for the month for the court.

➤ **REPORTABLE ACTIVITY FOR THE MONTH**

For each fee approved, report:

1. **NAME/NUMBER OF COURT**

Name of the court in which the person signing the order was sitting when the order was signed.

2. **NAME OF JUDGE/MASTER/REFEREE APPROVING PAYMENT**

3. **CASE NUMBER AND STYLE OF CASE**

The style may be abbreviated to include, for example, just the last names of the parties. *In matters where confidentiality of the parties is required, judges and clerks should use their discretion regarding the style of the case.*

4. **STATE BAR CARD NUMBER OF APPOINTEE IF AN ATTORNEY**

5. **NAME OF PERSON APPOINTED**

6. **POSITION TO WHICH APPOINTED**

A sample list of positions is included at the end of this document for reference.

7. **RELATIONSHIP TO WARD OR DECEASED, IF RELEVANT**

The relationship of the appointee to the ward or deceased:

- Attorney
- Private professional guardian
- Associated with a public guardianship program
- Friend or family member

If not relevant to the case, select “Not Applicable.”

8. **DATE OF APPROVAL OF FEE**

Date the approval order was signed (or the date the payment was made if the amount of compensation was not specified when the approval order was signed).

9. SOURCE OF FEE

A sample list of sources is included at the end of this document for reference.

10. AMOUNT APPROVED

Dollar amount approved for payment. The **entire amount** should be reported, not the rate approved (i.e., not \$15 per hour).

Each payment reported must include any and all fees occurring as a result of the appointment. It shall include attorneys' fees and related expenses resulting from the appointment and any compensation and/or fees for serving as fiduciary.

CASES IN WHICH TOTAL COMPENSATION EXCEEDS \$1,000

If the total amount of compensation paid to an appointee for 1 case exceeds \$1,000 for the month, report:

11. NUMBER OF HOURS BILLED

The number of hours billed to the court for the work performed by the appointee or the appointee's employees, including paralegals.

12. TOTAL BILLED EXPENSES

The total dollar amount of expenses billed to the court for the work performed by the appointee or the appointee's employees, including paralegals.

How to Submit Reports

All reports must be entered into the reporting database at <http://card.txcourts.gov/> beginning with the report for September 2016 (due by October 15, 2016).

Reports may be entered in one of two ways:

- Manually entering the reports into the database
- Uploading an XML file, if your vendor/IT staff creates that capability for you

Please refer to reporting instructions posted at <http://www.txcourts.gov/statistics/appointments-fees-in-civil-cases.aspx> for more information on how to submit the reports. There will be only small changes to the current system. Updated report submission instructions, as well as a webinar and XML instructions, will be posted as they become available.

Sample lists of position titles and sources of fees are included below to aid you in preparing your monthly report. These are partial lists only—there may be additional positions to which a person may be appointed or sources of fees.

POSITION TO WHICH APPOINTED

SOURCE OF FEES

Ad Litem	Applicant
Administrator	County
Amicus attorney	Defendant
Appraiser	Estate
Arbitrator	General Fund
Attorney	Insurance
Attorney Ad Litem	Managing Conservator
Certified Public Accountant	Named Person (<i>i.e., individual identified by name</i>)
Commissioner	The Parties
Court Visitor	Plaintiff
Executor	Possessory Conservator
Friend of the Court	Registry of the Court
Guardian	State
Guardian Ad Litem	Trust
Hearing Officer	Trustee
Interpreter	
Investigator	
Master	
Master in Chancery	
Mediator	
Permanent Guardian	
Personal Representative	
Physician	
Psychologist	
Receiver	
Referee	
Social Worker	
Temporary Guardian	
Trustee	
Trustee Bank	
Trustee Friend	
Umpire	

If additional selections need to be added to the database for the **Position to Which Appointed** or **Fee Source** fields, contact the Judicial Information Section.

JudInfo@txcourts.gov