

## Appointments and Fees



OFFICE *of* COURT ADMINISTRATION



## Reporting Mandates

Mandate	Effective	Report
Supreme Court Order 93-0234*	Jan. 1, 1994	Fees of \$500 or more paid to appointees in any civil case
Ch. 36, Government Code	Sept. 1, 2016	All appointments of and any fees paid for 5 specific appointed positions in any type of case
Sec. 171.9(a), Administrative Code	Sept. 1, 2016	All appointments and any fees paid in any civil case

\* Most recent version is 07-9188



## Chapter 36, Government Code

### Report

**All appointments** of and **any fees** paid to

- ✓ attorney ad litem
- ✓ guardian
- ✓ guardian ad litem
- ✓ mediator
- ✓ competency evaluator

in **any** type of case



### HOWEVER

most jurisdictions will have **little to nothing** to report in **criminal** and **juvenile** cases



## Chapter 36, Government Code

### Notes



Attorney ad litem



**Not** attorneys appointed for **indigent defense** in criminal and juvenile cases



Competency evaluator



“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”

## Chapter 36, Government Code - Exclusions

- ✘ Mediation conducted by an **alternative dispute resolution system**



- ✘ Appointment under **domestic relations office**



- ✘ Appointment under **program for volunteer advocates** in child protection cases



- ✘ Any information made **confidential** under state or federal law, including applicable **rules** (e.g., judicial bypass cases)



## Supreme Court Order 07-9188 and Section 171.9(a)(2), Administrative Code

### Report

**All appointments** in civil cases for any position for which a **fee may be paid**

and

any fees paid **to the appointee**



Includes

- ✓ family
- ✓ child protection
- ✓ probate
- ✓ guardianship
- ✓ mental health

## Supreme Court Order- Exclusions

- ✘ Appointments in criminal or juvenile cases



- ✘ Appointee compensated solely by government salary



*Example:*  
Master  
Referee

- ✘ Cases in which party has right to select appointee



*Example:*  
Independent Executor  
Trustee

- ✘ Appointee serving in non-judicial capacity



*Example:*  
Process Server  
Substitute Court Reporter

## Supreme Court Order

### Examples of Appointed Positions for a Which Fee May be Paid

Ad litem	Doctor	Master in Chancery
Administrator	Executor	Mediator
Amicus attorney	Friend of the Court	Personal Representative
Appraiser	Guardian	Physician
Arbitrator	Guardian ad litem	Psychologist
Attorney	Permanent or Temporary Guardian	Receiver
Attorney ad litem	Hearing Officer	Referee
Certified Public Accountant	Interpreter	Social Worker
Commissioner	Investigator	Trustee
Court Visitor	Master	Umpire

## 2 Reports Required for Each Court Each Month



Reports must be submitted for

**each court  
each month**

on

- 1) **all appointments** made during month &
- 2) **all fees/payments** approved/made during month

**REGARDLESS OF THE AMOUNT OF THE FEE**

and

**EVEN IF THERE WAS NO ACTIVITY**

## Reporting Requirements – Appointments

For each appointment, must report:

- ✓ Name of judge/magistrate signing order
- ✓ Court
- ✓ Case number and style of case



In matters where confidentiality of the parties is required, judges and clerks should use their discretion regarding the style of the case.

### Reporting Requirements – Appointments

- ✓ Name of person or entity appointed  
must include State Bar number if attorney
- ✓ Position to which appointed
- ✓ Relationship to ward or deceased, if applicable
- ✓ Date of appointment

### Reporting Requirements – Fees

- ✓ All of same information reported for Appointments (except Date of Appointment) plus
- ✓ Date of approval/payment of fee
- ✓ Source of fees
- ✓ Amount of fee
- \$** If payment greater than **\$1,000** report, also include
  -  number of hours billed &
  -  billed expenses
 if the info is available to the court

**What About....?**



Reporting requirements **DO** apply to

- ✓ Cases sealed/made confidential by local rule

⚠ Discretion should be used regarding the style of the case

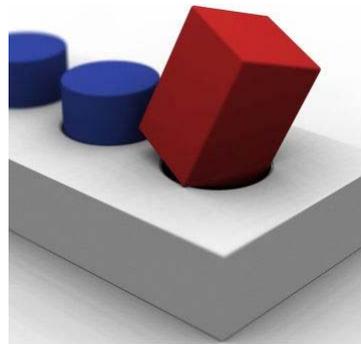
- ✓ Fees in “private pay” cases, sources other than County funds

Examples  
of Fee  
Sources

Applicant	Insurance	Possessory Conservator
County	Managing Conservator	Registry of the Court
Defendant	Named Person	State
Estate	The Parties	Trust
General Fund	Plaintiff	Trustee

**What About.....?**

There have been many questions about whether reporting requirements apply to various local practices



## Mediators

### Report When



- ✓ Parties **don't agree** on mediator, judge selects and appoints mediator
- ✓ Judge authorizes mediation but assignment of mediator handled by another party (e.g., district attorney's office) and parties **have no say** in selection of mediator
- ✓ In any of these situations, **any fees approved/paid**, including fees from **sources other than County funds**

## Mediators

### Do Not Report When

- × **Local rules mandate mediation** for nearly all cases & county/court **does not maintain list** of mediators
- × Parties **agree** on mediator, judge may sign agreed/appointment order but **does not** select mediator
- × Judge authorizes mediation but assignment of mediator handled by another entity (e.g., district attorney's office) and parties **have say** in selection of mediator and **agree** on mediator



## Attorneys Ad Litem and Guardians Ad Litem Under Contract for Set Fee

Contracts with law firms or specific individual to provide legal services for a **set monthly/annual fee regardless of the number of cases**

### Report the **Appointment**

**Law firm:**

- ✓ Name of law firm as the Appointee or
- ✓ Name of specific attorney serving as counsel of record on case

× Fees **do not** need to be reported



**Individual attorney:**

Name of attorney

## Attorneys from Office of Child or Parent Representation

Established under Section 107.061, Family Code

### Report the **Appointment**

**List Appointee as:**

- ✓ Office of Child or Parent Representation
- (use whatever name it is called in your county)

× Fees **do not** need to be reported



## Attorneys on List Maintained by Managed Assigned Counsel Program

Established under 107.101, Family Code

### Report the **Appointment**

#### List *Appointee as:*

- ✓ Managed Assigned Counsel Program

(use whatever name it is called in your county)

### Report the **Fees if**

- ✓ Paid to managed assigned counsel program on per-case basis
- ✓ Paid directly to attorney on per-case basis

### Do Not Report **Fees if**

- x Fee is set payment (monthly/annual amount) regardless of number of cases

## Collecting Required Information



Supreme Court Order 07-9188\* requires:

- ✓ Each appointment to be made by written order
- ✓ Each approval of payment to made by separate written order
- ✓ Orders to be sufficiently specific to enable clerks to prepare required reports



Judges/clerks need to locally determine specifics about how information is to be obtained



Examples of forms can be found on website

\*Order can be accessed at <http://www.txcourts.gov/supreme/administrative-orders/2007.aspx>

### Penalty - Chapter 36, Government Code

 Any court failing to provide clerk information required for the report is ineligible for grant money awarded by the state or a state agency for the next fiscal biennium

 beginning September 1, 2017

### Report Submission



Report due **15<sup>th</sup>** of each month to OCA



Must also post in courthouse by **15<sup>th</sup>** of the month



And on website “of the court” by **15<sup>th</sup>** of the month

Post on website of the clerk’s office

## Report Submission



Submit **online** at **card.txcourts.gov** unless have received waiver from OCA

- Enter manually into database OR
- Upload a file (xml)

- Use **same log in** information you use for Monthly Court Activity Reports
- Reports must be submitted for **each court even if no activity**

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**THE TEXAS OFFICE OF COURT ADMINISTRATION**  
Court Activity Reporting and Directory System

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Build Version 1.1.5975.24901      Last Login: 6/9/2016 4:38:54 PM      [Home](#) [Logout](#) | [Help](#)

**District Court:**  
**District Clerk Office**

Add New Monthly Report	Monthly Report Search and Edit - New Data	View Electronic Submission	Run Report - New Data	Run Report - Old Data
	<b>Appointments &amp; Fees</b>	Add New Judicial Bypass Case	Search Judicial Bypass Cases	

To change your password, click here: [Change Password](#)  
To update directory information, please email changes to [Directory Updates](#).

## To Enter a Report Manually

The screenshot shows the Texas Courts Online homepage. At the top, there is a navigation bar with links for Home, Add New Record, and Import XML. Below this is a section for FEE RECORDS with a search interface. The search interface includes a 'Court' dropdown menu, a 'Sort By' dropdown menu set to 'Last Updated', and a 'Search' button. A red circle highlights the 'Add New Record' link in the top navigation bar, and another red circle highlights the 'Add New Record' link in the search interface. A red arrow points from the top 'Add New Record' link to the search interface 'Add New Record' link, with the word 'OR' in the middle. At the bottom of the page, there is a footer with contact information for the Office of Court Administration, including the address, phone number, and various policies.

## Reporting an Appointment or Fee

**Current Status: NEW RECORD**

Save Cancel

**Reporting period**

Month: May  
Year: 2016

**Reportable Activity**

Type of Activity: Select One  
Appointment  
Fees

No Activity:

Court: Select  
Judge: Select Report period & Court  
OR  
Visiting Judge: Select

**Case Details**

Case Number:   
Case Style:

## Reporting "No Activity"

Check  
the box

**Current Status: NEW RECORD**

Save Cancel

**Reporting period**

Month May  
Year 2016

**Reportable Activity**

Type of Activity Appointment

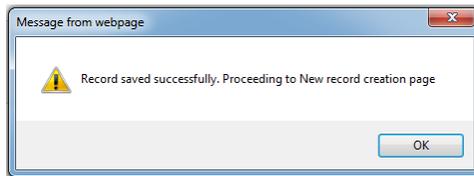
**No Activity**

Court All  
Judge Select Report period & Court  
OR Visiting Judge Select

**Case Details**

Case Number disabled  
Case Style disabled

## Successful Manual Entry



## Failed Manual Entry

**Current Status: NEW RECORD**

Save Cancel

Please enter valid values in following fields:

- Case Details: Case Style
- Appointee Details: Last Name
- Miscellaneous: Prepared By

**Reporting period**

Month May

Year 2016

**Reportable Activity**

Type of Activity Appointment

No Activity

Court 161st District Court

Judge Billingsley, Sara

OR

Visiting Judge Select

## Reports for Months Prior to September 2016

As of October 1, 2016 to **enter** report for August 2016 or earlier:

- ✓ select **Fees** for Type of Activity then enter information from the older report format

**Reportable Activity**

Type of Activity Select One

No Activity Select One

Court Type Appointment

County Fees

County Select

- ✓ reports for Appointments do not need to be submitted



## To Upload an XML File



Your vendor/IT staff need to create program to generate XML file from case management system



For information on XML instructions, send email to [JudInfo@txcourts.gov](mailto:JudInfo@txcourts.gov)

## To Upload an XML File

The screenshot shows the Texas Courts Online interface. At the top, there is a blue header with the text "TEXAS COURTS ONLINE" and a red navigation bar with buttons for "Home", "Add New Record", "Import XML", and "Reports". The "Import XML" button is circled in red. Below the header, the page is titled "FEE RECORDS". There are several filters and options: "Court" with a "Select" dropdown, "Only my records" with a checkbox, "Sort By" with a "Last Updated" dropdown, and "Date" with a radio button. There are also "Search" and "Clear" buttons. At the bottom, there is an "Add New Record" button.

## To Upload an XML File

TEXAS COURTS  
ONLINE

IMPORT FEE RECORDS

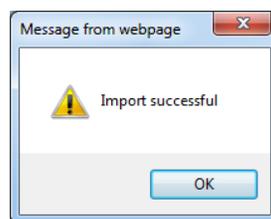
County: Calhoun

Select File: Choose File | No file chosen

Import

- Find the file stored on your computer
- Select Import

## Successful XML Upload



## Failed Import of XML File

The screenshot shows the 'IMPORT FEE RECORDS' interface. At the top, there is a navigation bar with links for Home, Add New Record, Import XML, Reports, Data Management, and Logout. Below this, the 'IMPORT FEE RECORDS' section includes a dropdown menu for 'County' set to 'Moore', a 'Select File' input field with 'Browse...' and 'Import' buttons. A red warning icon is present next to the following text:

Validation failed when comparing with XSD file.  
CASE\_NUMBER is a required XML element.  
Please check your XML file and verify  
that all CASE\_NUMBER elements have data.

Following is the system generated error message:  
The 'CASE\_NUMBER' element is invalid - The value " " is invalid according to its datatype 'String' - The actual length is less than the MinLength value.

## Reports for Months Prior to September 2016



As of October 1, 2016 to **upload** report for August 2016 or earlier:

- ✓ XML file must meet the specifications for the **new** report format
- ✓ but the file does not need to contain reports on **Appointments** (just **Fees**)



### Webpage of Resources for SB 1369

[www.txcourts.gov](http://www.txcourts.gov)

The screenshot shows the top navigation bar of the Texas Courts website. The menu items are: Home, Courts, Rules & Forms, Organizations, Publications & Training, Programs & Services, Judicial Data, eFile Texas, and Media. A red arrow points from the URL 'www.txcourts.gov' to the 'Judicial Data' menu item. Another red arrow points from 'Judicial Data' to the 'Reporting to OCA' sub-menu item. A third red arrow points from 'Reporting to OCA' to the 'Appointments & Fees in Civil Cases' link. A fourth red arrow points from the 'Appointments & Fees in Civil Cases' link to a red-bordered box containing the text 'Senate Bill 1369' and 'Information on changes to reporting requirements'.

Home Courts Rules & Forms Organizations Publications & Training Programs & Services Judicial Data eFile Texas Media

**Senate Bill 1369**  
Information on changes to reporting requirements

**REPORTING TO OCA HOME**

- Appointments & Fees in Civil Cases**
- Change in Municipal Judge or Clerk
- Collection Improvement Program
- Court Closures & Reopenings
- Court Security Incidents
- eFiling Transaction Fee Certification
- Guardianship Reporting Requirements
- Judicial Bypass Cases
- Judicial Council Trial Court Activity Reports
- Jury Charges & Sentences in Capital Cases
- Other Resources
- Vexatious Litigants

Judicial Data eFile Texas

- Judicial Directory
- Open Records Policy
- Reporting to OCA
- Statistics & Other Data
- Vexatious Litigants

### Webpage of Resources for SB 1369 – Direct Link

<http://www.txcourts.gov/reporting-to-oca/news/sb-1369-appointments-fees-reporting.aspx>

## Webpage of Resources for SB 1369

### SB 1369 - APPOINTMENTS & FEES REPORTING

Effective September 1, 2016, Senate Bill 1369 requires more comprehensive reporting than what is currently required under Supreme Court Order 07-9188 [☐](#).

- Appointments of any attorney ad litem, competency evaluator, guardian, guardian ad litem, or mediator made in criminal and juvenile cases will also need to be reported.
- Reporting requirements are also expanded to include appellate, justice, municipal and truancy courts.
- Reports must be submitted for each court, whether or not the court has activity to report.

See [article](#) [☐](#) from *In Chambers* Magazine

### District and County Courts

Reporting Instructions [☐](#) updated 8/15/16

Instructions for Reporting Database [☐](#)

Checklist of information needed to enable clerks to prepare the reports: [pdf](#) [☐](#) [Word](#) [☐](#)

Spreadsheets/forms to compile information for the report:

- Appointments [Excel](#) [☐](#) [pdf](#) [☐](#)
- Fees [Excel](#) [☐](#) [pdf](#) [☐](#)

Frequently Asked Questions [☐](#) updated 8/15/16

Presentation Slides [☐](#) updated 5/10/16

Sample Forms [☐](#)



### Judicial Information Section

[JudInfo@txcourts.gov](mailto:JudInfo@txcourts.gov)

(512) 463-1625

(512) 463-1865 fax

OFFICE *of* COURT ADMINISTRATION

