

Appointments and Fees/ Senate Bill 1369

Updated 9/19/16



Reporting Mandates

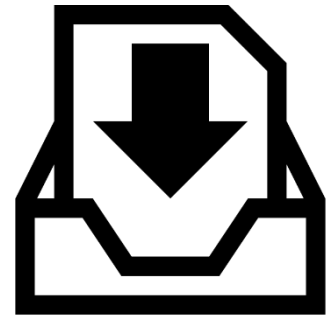
Mandate	Effective	Report
Ch. 36, Government Code	Sept. 1, 2016	All appointments of and any fees paid for 5 specific appointed positions in any type of case
Sec. 171.9(a), Administrative Code*	Sept. 1, 2016	All appointments and any fees paid in any civil case
Supreme Court Order 93-0234 RESCINDED 8/29/16	Jan. 1, 1994	Fees of \$500 or more paid to appointees in any civil case



***WITH SC ORDER RESCINDED, SEC. 171.9(A)(2), IS NO LONGER APPLICABLE. THIS PROVISION LIKELY TO BE REPEALED BY JUDICIAL COUNCIL IN OCTOBER (TO REMOVE SC ORDER)**

Appointments & Fees Reported Pursuant to Supreme Court Order

While Supreme Court Order has been rescinded, OCA will accept any information counties wish to **continue reporting** on appointments and fees not covered by Chapter 36



Chapter 36, Government Code

Report

All appointments of and
any fees approved for

- ✓ 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)



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** approved/payments 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, or date of payment of fee if fees not specified in approval order
- ✓ Source of fees
- ✓ Amount of fee

\$ If fees greater than **\$1,000** report, also include



number of hours billed &



billed expenses

if the info is available to the court

Report When?

Appointment

Month in which
appointment was made



Fees

Month in which fee
approved (if known)

OR

Month in which fee paid
(if not known at time of
fee approval)



What if the fees....?

Are approved by the court on a quarterly basis?



Report fees in month approved

Are approved on an annual basis but the amount approved is a **set fee per month**?



Report the fees each month

Are approved for a specific amount but are not actually paid in full or at all?



Report fee amount approved, no need to determine what actually paid

What About....?



Reporting requirements **DO** apply to

- ✓ Cases sealed/made confidential by local rule



Discretion should be used regarding the style of the case

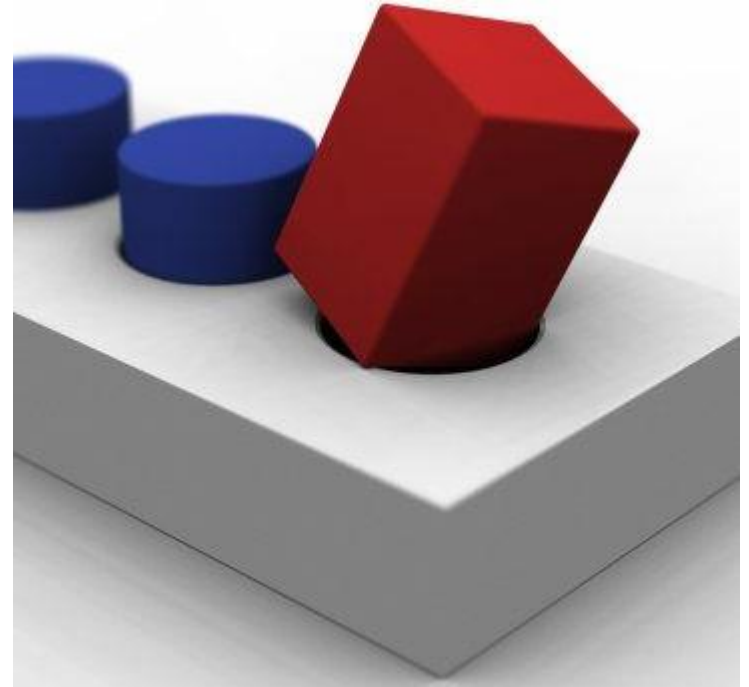
- ✓ Fees in “private pay” cases, sources other than County funds

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

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

Collecting Required Information



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



Recommend that:

- ✓ Each appointment be made by written order or similar process to document the appointment
- ✓ Each approval of payment to made by separate order or similar process



Examples of forms can be found on website

Penalty



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 **15th** of each month to OCA



Must also post in courthouse by **15th** of the month

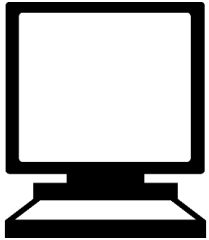
Post wherever all other court-related notices, dockets, etc. are posted



And on website “of the court” by **15th** 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**



THE TEXAS OFFICE OF COURT ADMINISTRATION

Court Activity Reporting and Directory System

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
	Appointments & Fees	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 displays the Texas Courts Online interface. At the top, the header reads "TEXAS COURTS ONLINE" with a map of Texas. Navigation links include "Home", "Add New Record" (circled in red), and "Import XML". Below this is a "FEE RECORDS" section with a "Court" dropdown menu (set to "Select"), a "Sort By" dropdown menu (set to "Last Updated"), and a "Only my records" checkbox. A large red "OR" is placed between the "Add New Record" button in the top navigation and the "Add New Record" link in the footer. The footer contains the text "Add New Record" with a document icon, which is also circled in red. At the bottom, there is a footer with the Texas State Seal and various links: "Office of Court Administration", "Tom C. Clark Building", "205 W. 14th Street, Suite 600", "Austin, Texas 78701", "Telephone: (512) 463-1625", "Accessibility Policy", "Privacy & Security Policy", "Open Records Policy", "State Web Site Link & Privacy Policy", "Email Texas Courts Online (TCO)", "Texas Online", "Trail - Statewide Search", "Texas Homeland Security", and "Where the Money Goes (State Expenditures)".

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”

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

Check
the box

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

To Upload an XML File


TEXAS COURTS ONLINE

[Home](#) [Add New Record](#) [Import XML](#) [Reports](#)

FEE RECORDS

Court Only my records Date

Sort By OR Date Range

 [Add New Record](#)

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

Appointments and Fees Webpage

www.txcourts.gov

Home Courts ▾ Rules & Forms ▾ Organizations ▾ Publications & Training ▾ Programs & Services ▾ **Judicial Data ▾**

Judicial Data ▾ eFile

Judicial Directory

Open Records Policy

Reporting to OCA

Statistics & Other Data

REPORTING TO OCA HOME

▸ Appointments and Fees

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

Appointments and Fees Webpage

<http://www.txcourts.gov/reporting-to-oca/appointments-and-fees/>

Appointments and Fees

[Home](#) / [Judicial Data](#) / [Reporting](#) / [Appointments and Fees](#)

APPOINTMENTS AND FEES HOME

[District & County](#)
[Justice, Municipal & Appellate](#)
[Sample Forms](#)
[Appointments and Fees - Old](#)

Reporting Instructions & Other Resources

District and County Courts

- [September 2016 and later](#)
- [Prior to September 2016](#)

[Justice, Municipal and Appellate Courts](#)

Reports Received


[Appointments and Fees Reports](#)

Appointments and Fees Webpage



DISTRICT & COUNTY

District and County Courts





[Report Flyer](#) 

[Report Instructions](#)  updated 9/16/16

[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](#) 

Sample Forms

[Frequently Asked Questions](#)  updated 8/26/16

[Webinar](#)  | [Handouts](#) 

20-minute webinar explaining reporting requirements, general content of the Appointments and Fees Report, and how to submit the report to the online reporting database. **The webinar has not yet been updated to reflect the rescinding of Supreme Court Order 07-9188.**

[Presentation Slides](#)  updated 8/26/16

XML Instructions

Send an email to JudInfo@txcourts.gov for information on XML instructions.



Judicial Information Section

JudInfo@txcourts.gov

(512) 463-1625

(512) 463-1865 fax

