



Appointments and Fees



Reporting Mandates

OLD



**Supreme Court Order
93-0234**
Effective Jan. 1, 1994



NEW



**Government Code
Chapter 36**
Effective Sept. 1, 2016

Problem: Poor reporting rate

Legislative mandate

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

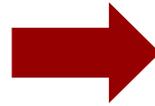




Chapter 36, Government Code



Attorney ad litem

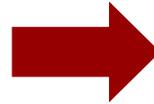


These are **NOT** attorneys appointed for **indigent defense in criminal or juvenile cases**



Competency evaluator

Guardianship cases only!



“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)





Reports Required Each Month

For **each** court: **2** reports:



All appointments

All fees approved/payments made

\$1

REGARDLESS of
AMOUNT or **SOURCE** of fee

and

0

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 by state law or rule, or made confidential by local rule, judges and clerks should **use 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





Fee Source

Reporting requirements **DO** apply to

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

Examples of Fee Source

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





Special Situations



Contracts for a set fee
regardless of number of cases



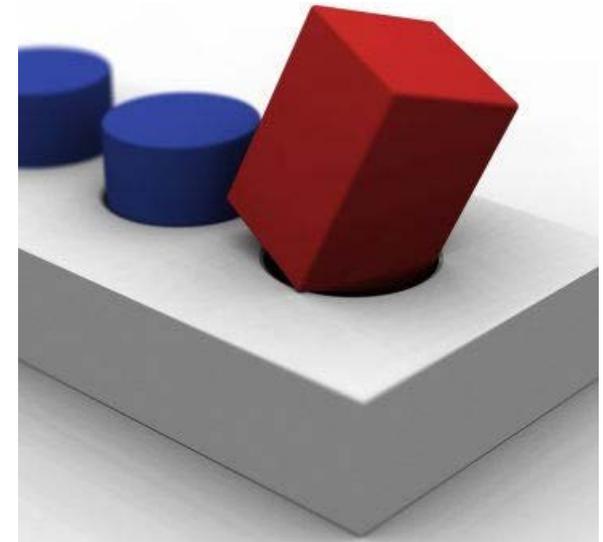
Office of child or parent
representation



Managed assigned counsel
program



Mediators



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 107.066, Family Code



Report the **Appointment**

List Appointee as:

- ✓ Office of Child or Parent Representation

(or 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 107.103, Family Code for representation of children and parents

Report the **Appointment**

List Appointee as:

- ✓ Managed Assigned Counsel Program

(or 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**





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





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**





Collecting Required Information



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



Recommend:

- ✓ Each appointment be made by written order to document appointment
- ✓ Each approval of payment to made by separate order



Examples of forms can be found on website

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





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



Appointments and Fees Reports Received

<http://www.txcourts.gov/statistics/appointments-fees/>

APPOINTMENTS & FEES

Reports Received After September 2016

Chapter 36 of the Government Code requires the clerk of each court in the state to prepare a report every month on court appointments made and any fees approved/paid for an attorney ad litem, competency evaluator, guardian, guardian ad litem, or mediator, with a few exceptions.

FY 2017 (as of January 31, 2017)

- [FY2017 Appointments Summary](#) 
- [FY2017 Fees Summary](#) 

Website updated once a month

Reports by Court, FY 2017

Court Type	Detail Report	Reports Received
District	FY2017 Appointments Data by District Court 	FY2017 Reports Received for Appointments by District Court 
	FY2017 Fee Approval Data by District Court 	FY2017 Reports Received for Fees Approved by District Court 
County	FY2017 Appointments Data by County Court 	FY2017 Reports Received for Appointments by County Court 
	FY2017 Fee Approval Data by County Court 	FY2017 Reports Received for Fees Approved by County Court 



Appointments and Fees Webpage

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

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 9/19/16

XML Instructions

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

Additional Information, Answers to Questions



First read

Report instructions

Office of Court Administration
Texas Judicial Council



APPOINTMENTS AND FEES REPORT
INSTRUCTIONS FOR DISTRICT AND COUNTY COURTS

Frequently Asked Questions

Appointments and Fees – Chapter 36, Government Code
Frequently Asked Questions
District and County Courts



Still have ?

Judicial Information Section

JudInfo@txcourts.gov

(512) 463-1625

