

# Office of Court Administration Texas Judicial Council



## APPOINTMENTS AND FEES REPORT INSTRUCTIONS FOR APPELLATE, JUSTICE AND MUNICIPAL 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<sup>a</sup>

**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
- an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services **without expectation or receipt of compensation; or**
- an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services as a **volunteer of a nonprofit organization** that provides pro bono legal services to the indigent.

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

Other requirements:

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<sup>a</sup> 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.

- 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.

## ***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 court/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 OF COURT**
2. **NAME OF JUDGE 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**

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

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 OF COURT**

2. **NAME OF JUDGE 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**

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

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.

**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). Please refer to **Instructions for Reporting Database** posted at <http://www.txcourts.gov/reporting-to-oca/appointments-and-fees/justice-municipal-appellate/> for more information.

The sample list of fee sources are included below to aid you in preparing your monthly report. These are partial lists only—there may be additional sources.

### **SOURCE OF FEES**

Applicant  
County  
Defendant  
Estate  
General Fund  
Insurance  
Managing Conservator  
Municipality  
Named Person (*i.e., individual identified by name*)  
Parent or Guardian  
The Parties  
Plaintiff  
Possessory Conservator  
Registry of the Court  
State  
Trust  
Trustee

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

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