

# Office of Court Administration Texas Judicial Council



## OFFICIAL DISTRICT AND COUNTY COURT APPOINTMENTS AND FEES REPORT INSTRUCTIONS

### LEGAL REQUIREMENTS

Texas Supreme Court Order No. 07-9188 and Section 71.035(b) of the Texas Government Code require each district clerk and county clerk to prepare a report each month listing each fee paid during that month in the amount of \$500 or more for each appointment made by a judge of any district, county, or probate court, a court master, or court referee of a person to a position for which any type of fee may be paid in a civil case, probate case, or proceeding governed by Titles 1, 2, or 4 of the Texas Family Code.

Sections 171.1 and 171.2 of the Texas Administrative Code provide that clerks shall submit the court activity report each month to the Texas Judicial Council **no later than 20 days following the end of the month reported.**

The Official District (or County) Court Appointments and Fees Report form has been developed to enable the clerks in each county to comply with these requirements. This form is to be used to report activity for each one-month period. *A copy of the report is to be retained by the clerk for at least two years for public inspection.*

### REQUIREMENTS FOR JUDGES

To enable compliance by district clerks and county clerks with the reporting requirements described above, the following is required of 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; and
- orders making appointments or approving the payment of fees are to be sufficiently specific to enable the clerks to prepare the required monthly reports.

## GENERAL INSTRUCTIONS FOR COMPLETING THE REPORT

Please complete the appropriate blanks identifying the month and year for the data being reported, county name, district clerk or county clerk's name, and mailing address.

Each approval of the payment of a fee of \$500 or more in a **civil case, probate case, or proceeding governed by Titles 1, 2, or 4 of the Family Code** must be included in the report for the month in which it is ordered.

### *Notes:*

*The reporting requirements **do not** apply to fees of less than \$500 in civil matters, to any fees in criminal cases, or to any fees in cases governed by Title 3 of the Family Code (delinquent conduct and conduct indicating a need for supervision).*

*In a single case, multiple fees of less than \$500 which are approved separately, either over several months or within the same month, are not required to be reported even if their aggregate total is \$500 or more.*

*Multiple fees of less than \$500 approved for payment to an appointee for service in several different cases are not required to be reported even if their aggregate total is \$500 or more. However, they may be reported in the discretion of the trial court(s) for which this report is submitted.*

### *Do not report cases in which:*

- *appointees are salaried employees of the court, such as masters, referees, etc.;*
- *appointees serve in a non-judicial capacity, such as process servers or substitute court reporters; or*
- *appointment is a result of a reservation of rights retained by a deceased person under a will such as naming an independent executor of a will or a trustee of a testamentary trust.*

Fees should be reported 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). However, if the amount of the fee is not specified in the order, the fee should be reported in the month it is paid (when the amount of the fee becomes known to the clerk).

1. If no fees of \$500 or more were approved or paid during the month, mark "No Reportable Activity This Month" on the front page of the form and submit the form to OCA.
2. For each approval of the payment of a fee of \$500 or more, the following information is required to be reported in the spaces provided:

#### **A. NAME OF JUDGE/MASTER/REFEREE APPROVING FEE**

Enter the name of the person signing the approval order.

*Note: It does not have to be the same person who made the original appointment. It could, for example, be a visiting judge.*

#### **B. NAME/NUMBER OF COURT**

Enter the name of the court in which the person signing the order was sitting when the order was signed

(e.g., 465th District Court, County Court at Law No. 2, etc.).

**C. CASE NUMBER AND STYLE OF CASE**

Enter the case number and style of the case. The style may be abbreviated to include, for example, just the last names of the parties.

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

**D. NAME OF PERSON APPOINTED**

Enter the name of the person appointed.

*Note: If the person appointed is an attorney, his or her State Bar card number must be included.*

**E. POSITION TO WHICH APPOINTED**

Identify the position to which the person was appointed in the case. A sample list of positions is included below for reference.

**F. RELATIONSHIP TO WARD OR DECEASED**

Identify whether the person appointed is:

- An attorney;
- A private professional guardian;
- Associated with a public guardianship program; or
- A friend or family member

of the ward or deceased.

**G. DATE OF APPROVAL OF FEE**

Enter the date the approval order was signed (or the date the fee was paid if the amount of the fee was not specified when the approval order was signed).

**H. SOURCE OF FEES**

Identify the source of the fee known to the clerk at the time this report is prepared. A sample list of sources is included below for reference.

**I. AMOUNT OF FEE APPROVED**

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

Each fee includes 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.

If additional reporting spaces for fees are required, this page may be reproduced and attached to the original report sheet for that month. Please number each page and indicate the total number of pages included in the report.

Sample lists of position titles and sources of fees are included below to aid you in preparing your monthly report. It should be noted that 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”**

Ad litem  
Amicus Attorney  
Attorney ad litem  
Guardian ad litem  
Administrator  
Arbitrator  
Attorney  
Commissioner  
Court Visitor  
Executor  
Friend of the Court  
Guardian  
Permanent Guardian  
Temporary Guardian  
Hearing Officer  
Interpreter  
Investigator  
Master  
Master in Chancery  
Mediator  
Personal Representative  
Physician  
Receiver  
Referee  
Social Worker  
Trustee

**“SOURCE OF FEES”**

Managing Conservator  
Possessory Conservator  
County  
Defendant  
Estate  
Named Person (*i.e., individual identified by name*)  
The Parties  
Plaintiff  
Registry of the Court  
State  
Trust  
Trustee

**TYPES OF FEES**

Attorneys fees:

- *For serving as an appointee*
- *For serving as attorney when serving as court appointee*

Compensation for fiduciary services  
Eminent domain commissioner fees  
Mediator fees  
Trustee’s fees