

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 07- **9188**

## SECOND AMENDED ORDER REGARDING MANDATORY REPORTS OF JUDICIAL APPOINTMENTS AND FEES

### **ORDERED:**

Section 1. Every appointment made in a civil case, probate case, or proceeding governed by Titles 1, 2, or 4 of the Family Code, by a regular or assigned judge of any district court, constitutional county court, statutory county court, statutory probate court, court master or court referee of a person to a position for which any type of fee may be paid shall be made by written order.

Section 2. Every application or request for the payment of a fee by such an appointee shall be approved by the court of the judge making the appointment. This approval shall be accomplished by a separate written order.

Section 3. Orders regarding appointments made and fees paid may not be sealed or otherwise withheld from public disclosure for any reason, regardless of whether any other information in the case is protected from disclosure.

Section 4. This order does not apply to appointments where compensation is solely by government salary rather than by fee, or where the right to select the person appointed is reserved by law to a party, as with independent executors and executrixes, or to appointments of private process servers pursuant to TEX. R. CIV. P. 103. This order does not apply to criminal cases and to proceedings governed by Title 3 of the Family Code (Delinquent Children and Children in Need of Supervision).

Section 5. At the end of each month, each district and county clerk shall prepare a report to include each fee approved during that month for payment in the amount of \$500 or more. The report shall indicate:

- (1) the name of each person appointed by the judge of each district court, county court, statutory county court, and statutory probate court in the county to a position for which a fee of \$500 or more has been approved during the month to be paid from any source;
- (2) the name of the judge approving the payment of the fees;
- (3) the case number and style of the case in which the fee was approved to be paid;
- (4) the date of the order approving the payment of the fee;
- (5) the position to which the person was appointed; ~~and~~
- (6) whether the appointee is an attorney, a private professional guardian, associated with a public guardianship program, or a friend or family member of the ward or the deceased; and
- (7) the amount of the fee approved for payment, and the source of such payment.

Section 6. The clerk shall make a copy of this report available for public inspection in the clerk's office, and shall, before the twentieth day of the month following the month reported, transmit a copy of the report to the Supreme Court through the State Office of Court Administration in Austin.

Section 7. The clerk shall retain each report for at least two years following the date it is made available for public inspection.

Section 8. The clerk may charge the normal reasonable fee charged by the clerk for similar reproductions for reproducing the report for a person requesting a copy of a report.

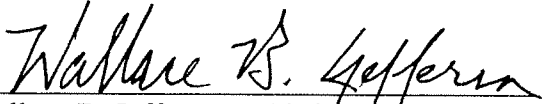
Section 9. The orders signed pursuant to Sections 1 and 2 above shall be sufficiently specific to enable the clerk to prepare the report required by Section 5 above.


Section 10. This order is effective immediately, and applies to all fees of \$500 or more approved for payment on or after ~~September 1, 1994~~ November 1, 2007 and required to be reported before the twentieth day of the following month.

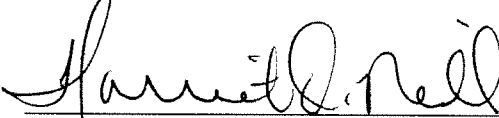
Section 11. A copy of this order shall be transmitted by the Clerk of the Supreme Court to each district and county-level judge and to each district and county clerk.

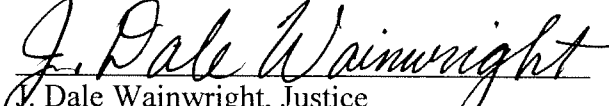
Section 12. This order amends and supersedes Miscellaneous Order No. ~~94-9014~~ 94-9143 (~~January 18~~ September 21, 1994) of this Court.

In Chambers, this 30<sup>th</sup> day of October, 2007.

  
Wallace B. Jefferson, Chief Justice


  
Nathan L. Hecht, Justice


  
Harriet O'Neill, Justice

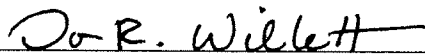
  
J. Dale Wainwright, Justice

  
Scott Brister, Justice

David M. Medina, Justice

  
Paul W. Green, Justice

  
Phil Johnson, Justice

  
Don R. Willett, Justice