



## **TARRANT COUNTY PROBATE COURTS**

### **Procedures Governing Appointment Lists: Attorneys Ad Litem, Guardians Ad Litem, Attorneys serving as Guardian, Private Professional Guardians, and Mediators**

#### **Introductory Statement**

As of September 1, 2015, pursuant to Texas Government Code Chapter 37, each Probate Court, or the Local Administrative Judge of the Probate Courts for each County in Texas, if so requested by the courts of a county, is required to maintain a list of all attorneys registered and qualified to serve as an attorney ad litem and guardian ad litem. Those lists are required to be in place by September 1, 2015.

When the appointment of an attorney ad litem, a guardian ad litem, an attorney serving as a guardian, a mediator or a paid professional guardian (“Appointees”) is necessary, that appointment must be made from a list in a specified order unless the appointment is made pursuant to certain statutory exceptions. In those circumstances, there is no requirement that an Appointee be appointed whose name is first on the list or even on the list at all.

Multiple lists will be maintained, according to the levels of experience of the Appointees. Each court will determine whether an Appointee has met the requirements and cause to be compiled lists of qualified Appointees to be posted on the first business day of September of each year.

The attached information includes policies relating to the lists and provides detailed instructions as to the proper procedures for an Appointee to follow in order to be considered for inclusion on the lists for appointment.

#### **Procedures**

##### **1. Application submitted to the Tarrant County Probate Courts**

The Court Administrator of each Tarrant County Probate Court will establish, maintain and update the lists as names are added or removed, and applications are to be submitted to him. The initial lists will be alphabetical, with additions made by subsequent registration dates.

For example, if an Appointee's last name begins with "A" and the rotation is on the letter "B" when the new list is established, that Appointee will not be reached until the list starts over again.

## **2. Good Standing with the State Bar of Texas**

An Appointee who is an attorney must be, at all times, in good standing with the State Bar of Texas. Any Appointee who is not in good standing with the State Bar of Texas has a mandatory duty to notify the court or courts from which the Appointee has received appointments of any such change in standing. Any appointee suspended from the practice of law will be immediately removed from the rotation list. A new application pursuant to these rules will be necessary for reinstatement as an attorney in good standing.

## **3. Continuing Legal Education** (Texas MCLE Regulations, eff. June 1, 2014)

An Appointee who is an attorney must maintain a minimum of 15 hours of accredited continuing legal education (CLE) during each MCLE (Minimum Continuing Legal Education) compliance year as required for every active member of the State Bar of Texas. This requirement is satisfied by submitting the State Bar CLE transcript to the court demonstrating compliance each year.

Non-attorneys serving as guardians ad litem or mediators are not subject to this requirement.

## **4. Attorney Ad Litem Certification – Tex. Est. Code §§1054.201.**

The four-hour certification required of attorneys ad litem must be maintained as of September 1, 2015. This requirement is satisfied by submitting the State Bar CLE transcript to the court demonstrating compliance each year.

## **5. Establishment and Maintenance of Lists**

A court may establish and maintain more than one list, to be categorized by the type of case and the Appointee's qualifications. The court will make a discretionary decision, based on the requirements of each case, from which list the appointment is to be made.

The lists shall be posted at the Tarrant County Courthouse and on the Internet websites of the courts.

The lists to be maintained shall consist of Appointees who demonstrate a working knowledge of the Rules of Evidence, the standing orders of the Tarrant County Probate Courts and Texas Probate and Guardianship Law and have the ability to handle difficult and complex cases:

- A. Ad Litem List I: Appointees with more than 10 years Probate experience;
- B. Ad Litem List II: Appointees with more than 5 years' experience;
- C. Ad Litem List III: Appointees with less than 5 years' experience and/or who do not want difficult cases.

D. Ad Litem Exception List: The court is statutorily authorized to make appointments of persons whose names are is not included on a list for Appointees or out of order upon a finding of good cause and the Appointee:

- 1) possesses relevant specialized education, training, certification, skill, language proficiency, or knowledge of the subject matter of the case;
- 2) has relevant prior involvement with the parties or case; or
- 3) is in a relevant geographic location.

E. Attorney-Guardian List: Appointees who demonstrate a working knowledge of the Rules of Evidence, the standing orders of the Tarrant County Probate Courts and Texas Probate and Guardianship Law with extensive demonstrated experience in handling difficult and complex supervised estates and who have applied for appointment as Administrator of a Decedent's Estate or Guardian of an Estate;

G. Private Professional Guardian List – Appointees certified as Professional Guardians by the Texas Judicial Branch Certification Commission and registered with the Probate Clerk of Tarrant County, Texas for the current calendar year.

F. Mediator List: Registered Appointees with credentials from a recognized mediation association recognized by the State Bar of Texas.

## **6. Appointments Automatic**

Appointments will be made by e-mail by each court to the Appointee. The Appointee must ensure the courts have a current e-mail address or the appointee will be passed over in the rotation. The court will provide the Appointee with electronic copies of the initial pleadings, information letters or other supporting documentation that brought to the court's attention the need for appointment.

## **7. Declined Appointments**

If the appointment is to be declined, the Appointee has a mandatory duty to:

1. notify the court by e-mail of the declination of the appointment within no more than three business days from the date of e-mail notification of appointment and secure an order discharging the Appointee and appointing a successor Appointee ("Order of Discharge and Appointment") from the court, and
2. notify the party for whom the appointment was made and all other parties in the proceeding (through their attorneys, if applicable) of the declination of the appointment. Notification shall be by e-mail, attaching the Order of Discharge and Appointment, no later than three business days of the receipt by the Appointee of the Order of Discharge and Appointment.

## **8. Substitution/Withdrawal**

If an Appointee must withdraw from an appointment, the Appointee shall, as soon as possible: 1) advise the Court of the need for a subsequent appointment to be made, 2) file a Motion to Withdraw, 3) obtain an Order of Discharge and Appointment, and 4) within three business days, notify via email a) the party for whom the Appointee was appointed and b) all other parties (through their attorneys, if applicable) of the Order of Discharge and Appointment.

## **9. Vacation Letters/Temporary Withdrawals**

Potential Appointees must notify the court by e-mail of their unavailability for vacation or for a specific period of time. If no such notification is received, the Appointee will continue to receive appointments for representation for which the Appointee is responsible.

An Appointee wishing not to be considered for appointments on a temporary basis shall notify the court and may be removed from any appointment lists. Reinstatement shall be upon new application, with the reinstated Appointee placed at the heel of the list.

## **10. Removal from Appointment Lists**

The following shall be considered cause for removal of an Appointee from the lists:

- a. Failure of an Appointee to observe these procedures
- b. Repeated declination of appointments.

## **11. Procedures Not Applicable to Heirship**

These procedures do not apply to matters involving an Application to Determine Heirship under Tex. Est. Code Chap. 202 or to matters involving trusts, including matters under Tex. Prop. Code Title 9, Subtitle B.



**TARRANT COUNTY  
PROBATE COURTS**

**Registration Form**

Indicate all lists for which you qualify and wish to register:

- Attorney Ad Litem I (more than 10 years probate & guardianship law experience)
- Attorney Ad Litem II (more than 5 years probate & guardianship law experience)
- Attorney Ad Litem III (less than 5 years probate & guardianship law experience)
- Attorney Ad Litem Exception List (as specified below)
- Guardian Ad Litem
- Attorney-Guardian
- Paid Professional Guardian
- Mediator

1. **Demographic Information**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

State Bar Number: \_\_\_\_\_ Email address: \_\_\_\_\_

Firm Name (if not self-employed): \_\_\_\_\_

Date of licensure to practice law in the State of Texas: \_\_\_\_\_

I have been mediating probate matters since \_\_\_\_\_

I am functionally fluent and able to assist clients in:

- Spanish
- Vietnamese
- American Sign Language
- Other: \_\_\_\_\_

\_\_\_\_\_

I have the following specialized knowledge, earned degrees other than a J.D. or L.L.B., or board certifications: \_\_\_\_\_  
\_\_\_\_\_

**2. Acknowledgment by Appointee**

By my signature below I agree to accept appointments in cases representing any party in guardianship matters in which the appointment of an attorney ad litem and/or a guardian ad litem is necessary pursuant to the Texas Estates Code or have otherwise been requested and to having my name annually published as qualified to serve as attorney ad litem, guardian ad litem, attorney serving as guardian, mediator or paid professional guardian at the Tarrant County Courthouse and on the courts' Internet website pursuant to Tex. Govt. Code, Chap. 37.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**3. Ability to Communicate with Clients and the Courts**

By my signature below, I certify that I have the ability to receive emails and that I monitor all emails I receive at least every 24 hours.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**4. Acceptance of Automatic Appointments**

By my signature below, I agree and acknowledge that, upon receiving a case from one of the Tarrant County Probate Courts by email, I am the attorney of record appointed in that case. If for some reason I cannot undertake the representation to which I am appointed, I understand it is my duty to:

1. file a Motion to Withdraw and obtain an Order on Withdrawal no later than three (3) business days from the date of the order of appointment;
2. notify the following, via e-mail, of the Order of Withdrawal and the new Order appointing Attorney Ad Litem, pursuant to Tex. Gov't Code, Chap. 37 no later than the date the subsequent order of appointment is signed:
  - a. the Judge's office,
  - b. the party I am appointed to represent, and
  - c. the other parties (through their attorneys, if applicable).

I also agree that I will notify the Courts by e-mail when I am temporarily unavailable to take cases:

1. due to a previously-filed vacation letter,
2. due to other time away from work, such as illness, or
3. due to an overload of cases on my personal docket.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**5. Lawyer Discipline**

I have been disbarred, suspended, received probation, publicly reprimanded, as an attorney or as a member of any other profession whether in Texas or another State.

Yes  No (If "Yes," please attach explanation.)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**6. Mediators**

I have received the following mediation training (include training facility, location, # of training hours): \_\_\_\_\_.

I have been mediating probate matters since \_\_\_\_\_

Fees \_\_\_\_\_ Per side for half day  
\_\_\_\_\_ Per side for full day  
\_\_\_\_\_ Other: \_\_\_\_\_

By my signature below:

1. I agree to accept mediation referrals from the Tarrant County Probate Courts pursuant to my fee schedule and practices as submitted to the courts and consent to having my name published annually at the Tarrant County Courthouse and on the Probate Courts' Internet website.

2. I understand that my name will be published each September 1 until I send written notice to the courts via e-mail requesting that I be removed from the official listed of registered mediators for Tarrant County Probate cases.

3. I understand that the Tarrant County Probate Judges reserve the right to remove my name from the list for cause.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**7. Attachments**

Attached hereto are the following:

- CLE Transcript – State Bar of Texas dated: \_\_\_\_\_
- Attorney Ad Litem Certification – State Bar of Texas dated: \_\_\_\_\_
- Mediator Credentials dated: \_\_\_\_\_
- Other \_\_\_\_\_

Return completed form to: Mark W. Sullivan, Probate Court One, [mwsullivan@tarrantcounty.com](mailto:mwsullivan@tarrantcounty.com)  
Steven Fields, Probate Court Two, [sfields@tarrantcounty.com](mailto:sfields@tarrantcounty.com)