

Memorandum

Date: December 15, 2010

To: Gregg County Bar

From: Judge, Rebecca Simpson, CCL1
Judge, Vincent Dulweber, CCL2

Re: Administrative Orders Affecting Probate & Guardianship Matters

Administrative Orders

Due to the wide variations in attorney ad litem fees being incurred for Attorneys Ad Litem in both Probate and Guardianship matters, the Courts have entered two Administrative Orders Affecting Probate & Guardianship Matters.

Ad Litem for Application to Determine Heirs

Effective January 1, 2011, Attorneys Ad Litem for Unknown Heirs will receive a flat fee of \$350.00 for services as an Ad Litem. The sum of \$350.00 will be collected by the clerk **at the time of the filing of an Application to Determine Heirship**. The Clerk will require this to be paid by a *separate check* from the filing fee for the Application. In the event an Ad Litem believes that additional time and work will be required with respect to a specific Application to Determine Heirs, then approval of the Court must be obtained before the work is performed, and the Ad Litem will then be paid at the hourly rate of \$125.00 (\$85.00 for any work being paid by Gregg County). A brief Sworn Statement must be filed prior to the final hearing on all Applications to Determine Heirs, and the Ad Litem will be discharged in the Order approving the ad litem fee. The Court has approved a form Order for Appointment of Attorney Ad Litem; Sworn Statement of Services; Due Diligence of Ad Litem; Report of Ad Litem and Answer of Ad Litem, all of which are available on the Gregg County Website.

Ad Litem for Applications to Appoint Guardian

Effective January 1, 2011, Attorney Ad Litem for a proposed Ward will be paid at the hourly rate of \$125.00 (\$85.00 for any work being paid by Gregg County). A brief Sworn Statement must be filed prior to the final hearing on all Applications for Appointment of a Guardian. The Ad Litem will be discharged in the Order approving the ad litem fee. The Court has approved a form Order for Appointment of Attorney Ad Litem and Sworn Statement of Services both of which are available on the Gregg County Website.