

**STANDING ORDER
FOR APPOINTMENT AND COMPENSATION OF ATTORNEYS**
Department of Family and Protective Services Cases

WHEREAS, all cases involving suits filed in Grimes County, Texas by the Department of Family and Protective Services under Chapter 262, Texas Family Code, are filed in the 12th and 506th Judicial District Courts on a mandatory rotation basis; and

WHEREAS, all such cases are handled by an associate judge appointed by the Presiding Judge of the Second Administrative Judicial Region, and is commonly referred to as "Cluster Court;" and

WHEREAS, a necessity exists to provide rules for the timely and orderly appointment of qualified counsel for the children and parents that are indigent and involved in litigation under Chapter 262 of the Texas Family Code and to provide for fair compensation to the attorneys providing those legal services and reimbursement for necessary expenses.

NOW, THEREFORE, the undersigned Judges of the 12th and 506th Judicial District Courts do hereby establish this Standing Order, effective July 1, 2009, to govern the establishment of a list of attorneys who are qualified and willing to serve in an appointed capacity to represent indigent children and parents that are involved in litigation brought by the Department of Family and Protective Services in Grimes County, Texas.

FURTHER, the qualifications for placement on the appointments list, appointment, removal, compensation and procedures for presentment of claims for payment are set forth in the addenda attached hereto, as follows:

- Addendum 1: Qualifications for Placement on Appointments List.
- Addendum 2: Form of Application
- Addendum 3: Order of Appointment
- Addendum 4: Compensation Rates and filing procedures.

Each District Judge shall maintain an Appointment List in keeping with this Standing Order and shall make appointments from the Appointment List. The District Judges shall from time-to-time reconcile the Appointment List between the courts to ensure continuity.

A copy of this Order shall be posted in the Office of the District Clerk of Grimes County, Texas, and a copy provided to those attorneys requesting placement on the Appointments List.

Signed and effective the 1st day of July, 2009.

DONALD L. KRAEMER
Judge, 12th Judicial District Court

ALBERT M. McCAIG, JR.
Judge, 506th Judicial District Court

ADDENDUM 1
QUALIFICATIONS FOR PLACEMENT ON APPOINTMENTS LIST

1. Attorneys seeking placement on the Appointments List for cases involving suits filed in Grimes County, Texas by the Department of Family and Protective Services under Chapter 262, Texas Family Code, must be licensed by and in good standing with the State Bar of Texas, and provide proof of such good standing at the time of filing the Application and annually thereafter.
2. Attorneys seeking placement on the Appointments List must file a completed Application for Appointment with the Local Administrative Judge, signed by the attorney with the same information required by Rule 57, Texas Rules of Civil Procedure, and including email address. A form is provided at Addendum 2, for use in filing the Application. Information must be updated as changes occur. Applications shall be delivered to the Grimes County District Clerk for delivery to the Local Administrative Judge. The district judges shall then determine placement of attorneys on the Appointments List.
3. Attorneys on the Appointments List must complete a minimum of ten hours of Continuing Legal Education in each two-year cycle in the area of Family Law, and file a copy of his or her CLE annual report with the Local Administrative Judge.
4. Attorneys on the Appointments List must maintain a functional law practice complete with adequate office machines and technology commensurate with a modern law practice. Failure to do so, or failure to reasonably respond to court, client or clerk communications may result in the attorney's removal from the Appointments List.
5. A judge may remove an attorney from the Appointments List for good cause. In the event of such removal, the attorney shall have the right to request a conference with the district judges regarding reinstatement to the Appointments List. The request for conference shall be made within ten days after notice of the removal is filed with the attorney. The conference shall be held within thirty days thereafter, at the discretion of the District Judges.

**ADDENDUM 2
APPLICATION FOR APPOINTMENT**

Name: _____
 Mailing Address: _____

 Office Phone Number: _____
 Cell Phone Number: _____
 Fax Number: _____
 Email Address: _____
 Physical Address: _____

Board Certifications and Date Certified: _____

Experience (in approximate numbers) in last three (3) years:

| TYPE OF EXPERIENCE | NUMBER OF CASES |
|--|-----------------|
| Cluster Court (Appointed) | |
| Cluster Court (Private hire) | |
| CPS Cases | |
| Juvenile Proceedings | |
| Divorce Cases (uncontested) | |
| Divorce Cases (w/contested bench trial or hearing) | |
| Divorce Cases (w/ jury trial) | |
| Custody or Modifications (Contested) | |
| Criminal Misdemeanor (Contested Bench Trial) | |
| Criminal Misdemeanor (Jury Trial) | |
| Criminal Felony (Contested Bench Trial) | |
| Criminal Felony (Jury Trial) | |
| | |

Language skills, if any: _____

Other relevant qualifications, skills or training:

**ADDENDUM 3
ORDER OF APPOINTMENT**

Cause No. _____

| | | |
|------------------|---|----------------------------|
| IN THE MATTER OF | § | IN THE DISTRICT COURT |
| _____ | § | |
| _____ | § | OF GRIMES COUNTY, TEXAS |
| _____ | § | |
| _____ | § | _____ th JUDICIAL DISTRICT |

ORDER APPOINTING COUNSEL

The Court finds that the following named child or parent in the above cause of action is indigent and is in need of representation, to-wit:

(child or parent name)

The Court hereby appoints the following attorney from the Appointments List for Department of Family and Protective Services Cases to represent the child or parent named above:

Name: _____
Address: _____

Phone: _____
Fax: _____

The attorney is hereby Ordered to contact the above named parent or child (or legal guardian) within three days after the approval date of this Order.

Recommended for Approval this _____ day of _____, 20_____.

Associate Judge

APPROVED and signed this _____ day of _____, 20_____.

District Judge

ADDENDUM 4
ATTORNEYS FEES, COMPENSATION AND EXPENSES

No fixed fee schedule can adequately anticipate the needs of clients, the actions involved in competent and zealous representation and the requirements for ethical conduct as outlined in The Texas Lawyer's Creed. However, in the absence of contrary instructions from the respective courts, the attorney's fee rates of compensation and expenses included in this Addendum will govern.

It is anticipated that attorneys may represent more than one client on court days. Therefore, the following rate table will apply to all Non-dispositive Court proceedings generally associated with Docket Calls of multiple cases, per each half day of court, or part thereof:

| Activity | One Case | Two Cases | Three Cases | Each Additional Case |
|---|-----------------|------------------|--------------------|-----------------------------|
| Non-dispositive court appearance, including pretrial and agreed entry | \$150.00 | \$225.00 | \$300.00 | \$75.00 |

Payment vouchers will be submitted for each case handled with the total fee charged being divided among the vouchers. For example, if three cases are handled, the \$300 fee will be divided by three, one-third to each client fee voucher.

Compensation for contested bench trials and jury trials shall be \$350 for each half day of actual court attendance, or any part thereof.

Compensation for P.P.T. meetings shall be \$150, which includes preparation time, travel time and attendance at the meeting. In the event multiple P.P.T. meetings are scheduled on any given day, the following compensation schedule will apply for each half day of meetings, or part thereof:

| Activity | One Case | Two Cases | Three Cases | Each Additional Case |
|-----------------|-----------------|------------------|--------------------|-----------------------------|
| P.P.T. Meeting | \$150.00 | \$225.00 | \$300.00 | \$75.00 |

As in the matter for court appearances, payment vouchers will be submitted for each case handled with the total fee charged being divided among the vouchers.

Mileage to and from P.P.T. meetings and to and from client residence visits shall be charged at the State Mileage rate and distances found at <http://ecpa.cpa.state.tx.us/mileage/Mileage.jsp>. Milage to and from court is not a chargeable expense.

Additional compensation for attorneys shall be made at the rate of \$100 per hour for out-of-court work and \$135 per hour for in-court work. Records shall be maintained and vouchers submitted based on a quarter-hour basis for billing.

Expenses such as phone calls, copy paper, postage, email and other common office overhead shall not be considered a reimbursable expense without the express written approval of the Associate Judge or one of the District Judges.

PLEASE NOTE: In the event an attorney anticipates total compensation and expenses, combined, in any given matter will exceed \$3,000, the attorney is required to file a case management plan with the Associate Judge detailing the anticipated attorney's fees, mileage, discovery expenses and other costs that will be associated with the matter. Trial strategy and tactics are not to be disclosed and discussions of the fees and expenses shall be ex parte, using similar rules customarily found in the criminal arena. **Failure to file a case management plan may result in the attorney's fees and expenses being capped at \$3,000.** Case management plans are subject to review by the District Judge with whom the matter is filed.