

Fees for Judicial Appointments Must Be In an Order and Reported

Harris County Court Scandal in 1990's Resulted in Supreme Court Order That is Largely Ignored

Scandals involving judicial appointments in Harris County probate courts in the mid-1990's caused the Texas Supreme Court to issue an order that is still in effect but largely ignored. {[click to see full order](#)}. The 1997 order states, in part:

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.

The Supreme Court order requires the District Clerk to collect all orders for appointments and fees and compile a monthly report that must be available to the public. The Office of Court Administration compiles all of the reports state-wide and posts them on line in an Excel spreadsheet. [[click here for link](#)]. However, the spreadsheet is too big and covers the entire state. I have taken the period September 2011 through March 2012 and created spreadsheets for each of Harris County's family district courts and sorted by bar number, so you can see who is getting reported appointment fees:

Analysis of Reported Fees for Judicial Appointments: September 2011 – March 2012

[245th District Court – Judge Moore](#)
[246th District Court – Judge York](#)
[247th District Court – Judge Hellums](#)
[257th District Court – Judge Warne](#)
[308th District Court – Judge Lombardino](#)
[309th District Court – Judge Dean](#)
[310th District Court – Judge Millard](#)
[311th District Court – Judge Pratt](#)
[312th District Court – Judge Farr](#)

However, a review of the reports shows that almost ALL of the lucrative amicus appointments in private cases and most appointed mediations are not being reported. For example, the 308th on October 3, 2011 approved an order for a \$6,925.85 fee for an amicus in Cause No. 2011-38171 but that fee was not reported to the state. In Cause No. 2008-71984, on February 22, 2011, Judge Pratt awarded a \$10,000 initial fee to an amicus in a separate order, but the fee (which was paid) was not reported. These failures to report are the clerk's fault and the amicus attorneys and judges are not to blame because the fee was clearly set out in clearly titled orders. In case after

case, the fees for amicus attorneys and court appointed mediators in private cases are not being reported. None of the very large fees for court appointed custody evaluations, special masters and receivers are being reported. All of that violates the Supreme Court order and deprives all of us from knowing who is getting a lot of money in particular courts. We have all seen the Supreme Court's Court Appointment and Fees Report that most, but not all mediators, file with the clerk after mediation. It would be a simple matter for each court or the local rules to require these forms to be filed by every amicus, ad litem, mediator, receiver, custody evaluator and special master when they are paid any fee. Then, the clerks could easily spot the fees to report.