

**LUBBOCK COUNTY ATTORNEY AD LITEM
APPOINTMENT PROCEDURES MANUAL**
(NON-CPS CIVIL DISPUTES)

Adopted by the Board of Judges on May 3, 2013

INTRODUCTION TO CIVIL APPOINTMENT LIST FOR ATTORNEYS AD LITEM IN NON-CPS CIVIL DISPUTES

As of December 1, 2009, the Local Administrative Judge of each County in the State of Texas is required to maintain a list of all attorneys registered and qualified to serve as an attorney ad litem in non-CPS civil disputes.

The Court will appoint an attorney ad litem whose name appears first on the list of attorneys maintained by the local administrative judge. The court may appoint an attorney included on the list whose name does not appear first or an attorney who is not included on the list in certain circumstances. These circumstances include:

- The case is a complex matter and the attorney possesses the relevant specialized education, training, certification or skill;
- The case involves the Family Code, Health and Safety Code, Human Resources Code, Texas Trust Code (Subtitle B, Title 9, Property Code), or Texas Probate Code; or
- The appointment of the attorney ad litem is agreed on by the parties and approved by the court.

The Board of Judges will determine whether an attorney has met the requirements and the local administrative judge will compile a list of qualified attorneys. To remain on the list, an attorney ad litem must obtain a minimum of 6 hours of continuing legal education that focuses on the duties of an attorney ad litem in, and the procedures of and best practices for, a non-CPS civil dispute. The CLE must be obtained during each compliance year as required by every active member of the State Bar.

Please note that this applies to non-CPS civil disputes in which attorneys have requested appointment of an ad litem.

The attached information includes policies relating to the list and provides detailed instructions about how to apply for inclusion on the appointment list.

PROCEDURES GOVERNING APPOINTMENT LIST FOR ATTORNEYS AD LITEM IN NON- CPS CIVIL DISPUTES

1. Continuing Legal Education (CLE)

An attorney ad litem must obtain a minimum of 6 hours of accredited continuing legal education (CLE) that focuses on the duties of an attorney ad litem in, and the procedures of and best practices for, a non-CPS civil dispute. Of the six hours, at least 3 hours must be earned in the form of formal courses or seminars. Three of the six hours can be in the form of self-study activities, which includes reading legal periodicals, viewing videotapes or listening to audiotapes. At least one hour must be in the area of legal ethics/professional responsibility. For further information about MCLE, please contact:

State Bar of Texas
MCLE Department
Post Office Box
13007
Austin, Texas 78711-3007
512/427-1463, ext. 1806

The Texas Probate Code and the Texas Family Code have additional requirements before an attorney is eligible to serve as an attorney ad litem. Please review the following Code Sections:

- a. Texas Family Code §107.001-§107.016
- b. Texas Family Code §33.003
- c. Texas Probate Code §646
- d. Texas Probate Code §647
- e. Texas Probate Code §647A

2. Application to the Office of Court Administration

In order to be included on the ad litem list, an attorney must complete the approved application form (available on the Courts website at http://www.co.lubbock.tx.us/egov/docs/1287018405_116363.pdf) and may be submitted at any time. Upon approval of the judges trying civil cases in Lubbock County, the approved attorney will be added to the appointment list. Applications may be submitted the following ways:

- Email: dstanzione@co.lubbock.tx.us or cspradley@co.lubbock.tx.us
- Fax: (806) 775-7996
- Hand-delivery: Office of Court Administration, Room 325 of the Lubbock County Courthouse.

Approved names will be added to the bottom of the appointment list.

3. Maintenance Requirement

Each attorney must certify CLE compliance (15 hours of MCLE) by July 1 of each year. Certification shall be made on the approved form available on the Courts website (http://www.co.lubbock.tx.us/egov/docs/1287018405_116363.pdf).

Failure to provide the annual certification will result in automatic removal from the appointment list. If removed from the list, a new application will be required.

4. Removal for Cause

- A. A judge should immediately call to the attention of the local administrative judge a lawyer who has not been exhibiting the qualifications necessary to represent a client and inform them of the necessity to remove an attorney from the list. The local administrative judge will review the concern, and if necessary, present the concern to the Board of Judges. A hearing shall be scheduled as soon as practically possible at a meeting of the Board of Judges. On majority vote of the judges, the attorney may be removed from the appointment list or other remedial action may be imposed pursuant to this rule. Such determinations of necessity made by the Board shall be made in executive session to warrant a fair and candid discussion of the attorney's qualifications and abilities.

An attorney, after notice and opportunity to be heard as provided herein, may be removed from the appointment list for any of the following non-exclusive

grounds:

1. The attorney requests removal from the appointment list;
2. The attorney does not have the qualifications required for appointment;
3. The attorney fails to perform the duties required of an attorney ad litem;
4. The attorney has violated a rule of professional responsibility or is otherwise disqualified by the State Bar Rules; or
5. For other good cause shown.

An attorney may be temporarily removed from the appointment list upon request.

- B. When the Board receives a request or report to review an attorney ad litem for removal, notice will be mailed to the attorney. The notice will contain the following information:
1. Alleged grounds for removal;
 2. Time and location of the Board of Judges meeting to discuss removal; and
 3. Manners in which the attorney can be heard.
- C. After hearing, the Board of Judges, by majority vote, will determine whether the attorney should:
1. Remain on the appointment list;
 2. Be removed altogether; or
 3. Be required to take other corrective measures.
- D. Removal from the attorney ad litem list may be probated. The Board may require the completion of corrective measures as a condition of probation or re-application (after removal). An order of removal issued by the local administrative judge shall state the earliest date the attorney may reapply. An attorney who is removed from the appointment list **solely** for a violation of ethics or State Bar Rules will be reinstated by providing the following:
1. Proof that the State Bar actions have been dismissed; or
 2. Proof that the State Bar actions have been resolved in the attorney's favor.
- E. The decision of the Board of Judges is final and may not be appealed.