

ADMINISTRATIVE

ORDER2011-1

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IN THE COUNTY COURT

AT LAW NUMBER TWO

MONTGOMERY COUNTY, TX

SECOND AMENDED ORDER SETTING ATTORNEY AD LITEM DEPOSIT

On this date, a date in the regular term of this Court, the Court finds that, there is need to increase the deposit for services of an attorney ad litem in all probate and guardianship cases before Montgomery County Court at Law #2 in which an attorney ad litem has been or will be appointed.

The Texas Estates Code mandates that it is the Court's duty to ensure that estates of decedents and wards pay only for "reasonable and necessary" attorney's fees and expenses. The factors to be considered in determining the reasonableness of attorney's fees are set forth in Rule 1.04 of the Texas Rules of Professional Conduct. One factor is the customary hourly rates of attorneys with similar education and skills performing similar services. As a consequence, the Court finds that a deposit should be required for the services of an attorney ad litem.

It is therefore ORDERED that effective June 1, 2022, each applicant in a probate or guardianship case filed in the Montgomery County Court at Law #2 that requires the appointment of an attorney ad litem will be required to deposit \$500.00 toward the services of the attorney ad litem. If the Court orders payment of less than \$500.00, the excess will be refunded to the applicant. If the Court orders payment of more than \$500.00, the order will indicate how the additional fee will be paid. All payments are subject to administrative fees statutorily authorized to be withheld by the County Clerk of Montgomery County, Texas.

Judge Claudia L. Laird
Presiding Judge
County Court at Law #2

9-26-22