

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

Adopted by the Board of Judges on 12/4/09

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.

An attorney ad litem must be appointed from the list in a specified order unless the attorney possesses relevant specialized education, training, certification, or skill and the appointment is made pursuant to the Family Code, Health and Safety Code, Human Resources Code, Texas Trust Code (Subtitle B, Title 9, Property Code), or Texas Probate Code, or is agreed upon by the parties and approved by the Court.

The Local Administrative Judge, or his designee, will determine whether an attorney has met the requirements and will compile a list of qualified attorneys. This list will be placed into an automated appointment system where court coordinators will use the list to appoint attorneys for cases on a rotating basis. 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. If an attorney ad litem is agreed upon by the parties, and approved by the Court, then the Court does not have to use the appointment list to make such appointment. If the parties cannot agree and it is not a complex matter, then the Judge would use the next attorney on the appointment list maintained by the Local Administrative Judge.

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

2. Application to the Administrative Office of the Courts

Applications to be included on the ad litem list must be made on the approved application form (available on the Courts website at www.co.lubbock.tx.us/DCrt/Forms.htm) and may be submitted at any time. Upon approval of the judges trying civil cases in Lubbock County, the approved attorneys will be added to the appointment list. Applications may be submitted by email, fax or hand-delivered to the Administrative Office of the Courts located in Room 304 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 from the Courts website.

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) Every judge should immediately call to the attention of the other Judges 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. These matters shall be brought to the attention of the Board of Judges and 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 must be made in executive session to warrant a fair and candid discussion of the attorney's qualifications and abilities.

Attorneys, 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 for removal:

- (a) The attorney requests removal from the appointment list;
- (b) The attorney does not have the qualifications required for appointment;
- (c) The attorney fails to perform the duties required of an ad litem;
- (d) The attorney has violated a rule of professional responsibility or otherwise disqualified by the State Bar Rules;
- (e) For other good cause.

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

(B) Upon receiving a report or request for review for removal for one of the causes or good cause herein, the Board shall cause to be drafted and forwarded to the attorney reasonable notice informing the attorney of the ground or

grounds for removal, the time and place the Board of Judges will meet to discuss the grounds for removal and notifying the attorney of an opportunity to respond in writing, in person or both.

(C) After hearing the Board of Judges shall determine whether the attorney should, by majority vote:

1. Remain on the appointment list;
2. Be removed altogether; or
3. Be required to take other rehabilitative measures.

(D) Removals from any list may be probated. For removal or probated removals, the Board may require the completion of rehabilitative measures as a condition of probation or re-application. An order of removal should state in the order the earliest date at which the attorney may apply for reinstatement. An attorney who was removed from an appointment list under grounds for removal related to violations of ethics or State Bar Rules will be reinstated upon providing proof that the actions have been dismissed or resolved favorable to the attorney, unless other grounds for removal existed or exist against the attorney that would prohibit reinstatement.

(E) The decision of the Board of Judges is final and may not be appealed.