

By: Hinojosa

S.B. No. 1555

A BILL TO BE ENTITLED

AN ACT

relating to compensation of attorneys serving as guardians of a ward.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subpart H, Part 2, Chapter XIII, Texas Probate Code, is amended by adding Section 665D to read as follows:

Sec. 665D. COMPENSATION OF ATTORNEYS SERVING AS GUARDIANS.

(a) An attorney who represents a ward in a guardianship matter while serving as the ward's guardian is not entitled to compensation or to receive reimbursement for those services from the ward's estate or other funds available for that purpose unless the attorney files with the court a detailed description of the type of services performed for which the attorney is requesting compensation or reimbursement.

(b) An attorney described by Subsection (a) of this section is not entitled to attorney's fees for fiduciary services that are not legal services.

SECTION 2. Section 665D, Texas Probate Code, as added by this Act, applies only to fees for services performed on or after the effective date of this Act. Fees for services performed before the effective date are covered by the law in effect when the services were performed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2007.