

1-1 By: Hinojosa S.B. No. 1555
1-2 (In the Senate - Filed March 8, 2007; March 20, 2007, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 10, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 10, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1555 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to compensation and payment of attorney's fees of
1-11 attorneys serving as guardians of a ward.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subpart H, Part 2, Chapter XIII, Texas Probate
1-14 Code, is amended by adding Section 665D to read as follows:

1-15 Sec. 665D. COMPENSATION AND PAYMENT OF ATTORNEY'S FEES OF
1-16 ATTORNEYS SERVING AS GUARDIANS. (a) An attorney who serves as
1-17 guardian and provides legal services in connection with the
1-18 guardianship is not entitled to compensation for guardianship
1-19 services or payment of attorney's fees from the ward's estate or
1-20 other funds available for that purpose unless the attorney files
1-21 with the court a detailed description of the services performed
1-22 that identifies which of those services are guardianship services
1-23 and which are legal services.

1-24 (b) An attorney described by Subsection (a) of this section
1-25 is not entitled to attorney's fees for services as guardian that are
1-26 not legal services.

1-27 (c) Compensation of an attorney described by Subsection (a)
1-28 of this section for guardianship services shall be determined in
1-29 accordance with Section 665 of this code. Payment of attorney's
1-30 fees for legal services provided by an attorney described by
1-31 Subsection (a) of this section shall be determined in accordance
1-32 with Section 666 of this code.

1-33 SECTION 2. Section 665D, Texas Probate Code, as added by
1-34 this Act, applies only to fees for services performed on or after
1-35 the effective date of this Act. Fees for services performed before
1-36 the effective date of this Act are covered by the law in effect when
1-37 the services were performed, and the former law is continued in
1-38 effect for that purpose.

1-39 SECTION 3. This Act takes effect immediately if it receives
1-40 a vote of two-thirds of all the members elected to each house, as
1-41 provided by Section 39, Article III, Texas Constitution. If this
1-42 Act does not receive the vote necessary for immediate effect, this
1-43 Act takes effect September 1, 2007.

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