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In the County Courts at Law of Hays County, Texas

ADMINISTRATIVE ORDER REGARDING COURT-APPROVED ATTORNEY'S FEES AND PARALEGAL CHARGES IN PROBATE AND GUARDIANSHIP PROCEEDINGS

On this day, the County Courts at Law of Hays County, Texas, enter this Administrative Order setting forth standards and guidelines for the evaluation, submission, and approval of attorney's fees and paralegal/legal assistant charges in all probate and guardianship matters.

I. GENERAL STANDARDS & STATUTORY AUTHORITY

1. **Reasonable and Necessary Standard:** The Court has a statutory duty to ensure that estates of decedents and wards pay only for reasonable and necessary attorney's fees and expenses pursuant to Texas Estates Code (TEC) § 352.051 (decedent's estates) and TEC § 1155.102 (guardianship estates).
2. **Evaluation Factors:** In determining the reasonableness of fee requests, the Court applies the factors set forth in Rule 1.04 of the Texas Disciplinary Rules of Professional Conduct.
3. **Equitable Exceptions:** These guidelines do not constitute absolute rules; the Court retains discretion to adjust awards as justice and fairness demand.

II. COURT-APPROVED RATES FOR FIDUCIARY ATTORNEYS

For legal work performed on or after December 1, 2024, the Court establishes the following rate schedule based on the attorney's years of practice in probate and guardianship law (not total years licensed):

Years Practicing Probate & Guardianship Law	Court-Approved Rate
0 – 2 years	Up to $200 / hour
3 – 5 years	$200 – $250 / hour
6 – 10 years	$250 – $300 / hour
11 – 17 years	$300 – $375 / hour
17+ years	$375 – $400 / hour

- **Experience & Specialization:** Placement within these tiers depends on verified experience and Texas Board of Legal Specialization certification in Estate Planning and Probate Law. The maximum rate ($400/hr) is reserved for attorneys demonstrating recognized mastery and expertise.
- **Rate Adjustments:** The Court may adjust rates upward for complex, high-skill matters or downward where an estate has nominal assets, when requested fees would consume the majority of the estate, or where expended hours far exceed customary norms.
- **Resume Requirement:** Attorneys appearing before the Court in probate or guardianship matters for the first time must submit a curriculum vitae/resume with their initial fee application. Requests for tier increases must be submitted by letter detailing qualifications.

III. AD LITEM COMPENSATION

1. **Indigent / County-Pay Appointments:**
    - Compensated under the Hays County budget at a flat rate of **$500.00 – $600.00** for the first three (3) hours of reasonable and necessary work.
    - Time exceeding three hours is compensated at **$150.00 per hour.**
    - Prior judicial approval is required if requested fees exceed $600.00.

2. **Solvent Estates:**
    - In typical/normal cases appointed after December 1, 2024, compensation is generally awarded at **$500.00 – $600.00**. Prior judicial approval must be obtained if the requested amount exceeds $500.00.
    - Ad Litem fees should ordinarily remain below the applicant's attorney's fees unless special complexity is demonstrated.
    - Attorneys Ad Litem must communicate fee estimates to applicant's counsel in advance of hearings.
3. **Paralegal Billing Bar:** Attorneys Ad Litem and Guardians Ad Litem are strictly prohibited from billing for paralegal or legal assistant time.

IV. ATTORNEY SERVING AS FIDUCIARY (DUAL ROLES)

1. **Election of Compensation:** An attorney appointed as a personal representative or guardian must elect between statutory fiduciary commissions (TEC § 352.002 or TEC §§ 1155.001–1155.008) or legal fees, unless the Court approves dual compensation in writing due to extraordinary complexity.
2. **Segregation of Duties:** An attorney-fiduciary must maintain contemporaneous, segregated records. Standard fiduciary duties (e.g., gathering assets, obtaining bonds, making ward healthcare decisions) cannot be billed at attorney legal rates.
3. **Hourly Fiduciary Rates:** Where statutory commissions are unreasonably low (TEC §§ 352.003, 1155.006), approved hourly rates for non-legal fiduciary services range from **$50.00 – $75.00 per hour**.

V. PARALEGAL AND LEGAL ASSISTANT CHARGES

1. **Substantive Work Requirement:** Reimbursement is permitted solely for specifically delegated substantive legal work. Clerical, administrative, or secretarial tasks (e.g., filing, scheduling, scanning) constitute overhead and may not be billed to an estate, regardless of who performs them (*see Gill Sav. Ass'n v. Int'l Supply Co., Inc.*, 759 S.W.2d 697, 705).
2. **Approved Rate Range:** Substantive paralegal services are reimbursed between **$50.00 and $150.00 per hour**, evaluated under the following criteria:
    - NALA certification, PACE-Registered Paralegal status, post-secondary degree (B.A. or higher), or legal assistant program completion.

- Years of dedicated probate, estate planning, and guardianship experience.
- Relevant CLE hours completed within the preceding three (3) years.

3. **Rate Enhancements:**
   - **+$25.00 / hour:** TBLS Board Certification in Estate Planning and Probate Law.
   - **+$25.00 / hour:** Master's degree in accounting or law-related field, or pre-approved specialized litigation expertise.
4. **Qualifications Filing:** Resumes and credential statements for all billing paralegals must be filed with the Court.

VI. BILLING AND APPLICATION PROCEDURES

- **Billing Increments:** Time must be billed in **0.1-hour (10-minute)** increments. Minimum 0.25-hour billing increments are prohibited.
- **Block Billing:** Block billing is strictly prohibited; entries combining multiple tasks under a single time entry will be reduced or require an amended filing.
- **Invoice Requirements:** Invoices must identify the date, specific task description, individual performing the service, timekeeper credentials/legend, hourly rate, and total cost.
- **Non-Reimbursable Overhead:** The Court will not approve estate funds for:
  - Standard fee application/invoice preparation and cover letters.
  - Routine legal research on basic probate/guardianship procedures.
  - Computerized research subscription charges (e.g., Westlaw, Lexis).
  - Routine phone calls with Court or Clerk staff.
  - General facsimile transmissions.
- **Travel & Copies:** Travel time for out-of-county counsel is reimbursed at one-half the approved hourly rate.
- **Closing Guardianships:** In closing a guardianship, reasonable fees to qualify an administrator are permitted; if an heirship is utilized in lieu of administration, allowable fees shall not exceed **$2,500.00**.

THIS HAYS COUNTY ADMINISTRATIVE ORDER REGARDING COURT-APPROVED ATTORNEY'S FEES AND PARALEGAL CHARGES IN PROBATE AND GUARDIANSHIP PROCEEDINGS.

SIGNED AND ENTERED on this 02nd day of September, **2026**

Judge Elaine S. Brown
Administrative Judge
County Court at Law
Hays County, Texas