

- SUBJECT:** Exempting certain attorneys ad litem, others from court rotation system
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White
- 0 nays
- SENATE VOTE:** On final passage, March 19 — 31-0
- WITNESSES:** *On House companion bill, HB 1285:*  
For — Trish McAllister, Texas Access to Justice Commission; Grace Weatherly, TEX-ABOTA; (*Registered, but did not testify:* Jim Allison, County Judges and Commissioners Association of Texas; Guy Herman, Probate Court of Travis County; Amy Bresnan, Texas Family Law Foundation; Alexis Tatum, Travis County Commissioners Court)
- Against — None
- BACKGROUND:** Government Code sec. 36.004 requires the clerk of each court in the state to prepare a report on court appointments for attorneys ad litem, guardians ad litem, amicus attorneys, and mediators for cases before the court in the preceding month.
- Sec. 37.004 requires the court to use a rotation system and appoint the person who appears first on the applicable list in cases in which the appointment of an attorney ad litem, guardian ad litem, amicus attorney, or mediator is necessary.
- Concerns have been raised that lawyers willing to be appointed to the above positions for certain matters pro bono have been prevented from doing so because they were not in the right spot in the rotation system and that the rotation system is not practical for the first 30 days following a disaster.

DIGEST:

SB 41 would exempt an attorney ad litem, guardian ad litem, amicus attorney, or mediator from having to be appointed using a rotation system or from being included in the required monthly report on court appointments if such person provided services without expectation or receipt of compensation or as a volunteer of a nonprofit organization providing pro bono legal services to the indigent.

The bill also would allow a court to appoint as an attorney ad litem, guardian ad litem, amicus attorney, or mediator any person who was on the applicable list or, if not on such a list, met statutory or other requirements to serve if an initial declaration of a state of disaster had been made for the area served by the court within 30 days before appointment.

The bill would take effect September 1, 2019.