

**BILL ANALYSIS**

Senate Research Center  
80R2676 CLG-D

S.B. 1555  
By: Hinojosa  
Jurisprudence  
3/28/2007  
As Filed

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Probate courts are often called upon to appoint fiduciaries to represent the interests of certain parties. The Probate Code allows a guardian to be reimbursed from the ward's estate for all necessary and reasonable expenses, including attorney's fees incurred by the guardian. Current law prohibits fiduciaries from collecting attorney's fees for non-legal fiduciary services, but it continues to happen.

As proposed, S.B. 1555 prohibits guardians from claiming attorney's fees for non-legal fiduciary services, and requires a person serving as an attorney-guardian to provide a detailed description of the type of work for which the attorney is claiming compensation to the court.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

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

Sec. 665D. COMPENSATION OF ATTORNEYS SERVING AS GUARDIANS. (a) Provides that an attorney who represent 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) Provides that 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. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.