



# FEE PETITIONS IN GUARDIANSHIPS

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## FOCUS POINTS

- Introduction
- Attorney-Client Relationship
- Enabling Authority Authorizing Attorney's Fees
- Duty of Preparation of a Fee Petition
- Tips about the Form of a Guardianship Fee Petition
- Timing
- Tip – Attorney's Fees vs. Cost

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## GOALS

- Provide thoughts about how to develop a process that supports an attorney's fee petition
- Give insight on unique issues in guardianships that could impact fee petitions
- Discuss differences among courts treatment of fee petitions



# ATTORNEY-CLIENT RELATIONSHIP

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## SCOPE OF THE REPRESENTATION

- Its important to remember that an attorney advises the guardian as a fiduciary versus doing tasks that should be done by the client.
- The Texas Estates Code enumerates the duties of a guardian of the person and estate. Tex. Est. Code § 1151.051(c) and Tex. Est. Code § 1151.101.

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## Title search: Fee Petitions in Guardianship Cases

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