

461ST DISTRICT COURT GENERAL GUIDELINES

PRESIDING JUDGE:

JUDGE PATRICK BULANEK

COURT:

461ST DISTRICT COURT OF BRAZORIA COUNTY, TEXAS

COURT ADDRESS:

111 E. Locust St.
Room 405
Angleton, Texas 77515

Court Coordinator	Heather Canady	heatherc@brazoria-county.com
Court Reporter	Sarah Caldwell	sarahc@brazoria-county.com 979-864-1206
Criminal Court Administrator	Denise Damian	denised@brazoria-county.com 979-864-1263
Bailiff	Ruben Vela	
Bailiff	Stephen Moffett	

General Information

- For general information, questions, to request settings, if an attorney or party is running late, please contact the Court Coordinator, Heather Canady, at heatherc@brazoria-county.com.
- All pleadings, motions and orders are to be e-filed with the Brazoria County District Clerk's Office. Contact the Clerk's Office for guidelines and information at 979.864.1316 or 281.756.1316, or www.brazoria-county.com/dclerk.

- Proposed orders are to be e-filed with the District Clerk's Office for the Court's e-signature. Please DO NOT use fax or email for orders.
- The preferred method for contacting the Court is as follows:

CRIMINAL CASES - Contact the Criminal Court Administrator, Denise Damian, at 979.864.1263 or 281.756.1263 or by e-mail at denised@brazoria-county.com.

FAMILY CASES - Contact the Court Coordinator, Heather Canady, at heatherc@brazoria-county.com.

- Procedures regarding Pre-Trial Conferences and Scheduling Orders

CRIMINAL CASES – Contact Criminal Court Administrator, Denise Damian, at 979.864.1263 or 281.756.1263 or by e-mail at denised@brazoria-county.com for all pre-trial settings.

FAMILY CASES - Contact Heather Canady for pre-trial dates and trial dates (jury and non-jury) at heatherc@brazoria-county.com.

Family Case Pretrial: Counsel's announcement at a pre-trial setting for family cases should include a statement of the contested issues, whether counsel is ready or not ready for trial, estimate number of hours or days for trial, whether the case is a jury or non-jury case, if there are any ancillary issues as yet unresolved such as discovery matters and, if custody is an issue, whether a social study has been completed or if an amicus has been appointed for the case.

In the event there are any Daubert issues or Limine motions to be heard, advise the Coordinator when setting the pre-trial motion so as to enable the Court to schedule a separate hearing date on the motions.

Counsel may provide all the above information (family cases only) on the Court's pre-trial conference form found on the website and e-file same with the Clerk's Office.

THE COURT'S GENERAL DOCKET SCHEDULE

1. On Wednesday and Thursday of the First, Second, *Fourth and Fifth Week of the Month the following will be heard –

Merits including but not limited to custody matters, divorce actions, enforcements, modifications, etc. *Final settings on Wednesday and Thursday of the fourth week of the month will be behind jury trials.

2. On Monday and Tuesday of the First, Second, and Fifth Week of the Month –

Temporary Hearings, Temporary Ex Parte Protective Orders, Temporary Restraining Orders, Ancillary matters, etc. Temporary Restraining Orders and Temporary Ex Parte Protective Orders will be set on Mondays and Tuesdays of the third week of the month depending on when they are filed.

3. Third Week of the Month – Criminal Docket

4. Fourth Week of the Month – Family Jury Docket

5. The uncontested docket will be heard at 8:30 a.m. on Tuesday, Wednesday, and Thursdays of each week – with the exception of the third week of the month (criminal docket). The Judge will hear an unscheduled prove up if he is available. Please check with the court coordinator upon your arrival.

Family Cases – The Court will need a courtesy paper copy as follows:

1. Pleadings filed on the day of the hearing
2. Brief in support of motion with cases attached
3. Proposed Division of Property
4. Trial Inventory and Appraisement
5. Exhibits intended to be admitted at the hearing or trial

Equipment available in the courtroom for use by counsel is available as follows:

1. Whiteboard with markers
2. Video equipment limited to HD TV in jury room with DVD/disc player
3. Sound system is equipped to connect to computer for audio presentation

Mediation:

Mediation is not mandated by this Court before Temporary Orders or Final Merit hearings but will be ordered if requested by either party.

Preferential Settings:

This Court rarely allows for preferential settings. The best method to obtain a good setting is to work with Court Coordinator to set far enough out to approach the top of the docket.

FAMILY CASES

- Contact the Court Coordinator **PRIOR** to filing any Motion/TRO/PO/Scheduling Order/Order to Appear to obtain a hearing date in advance of filing all pleadings which require hearing dates. Unless it is a Temporary Restraining Order or a Temporary Ex Parte Protective Order, the Court Coordinator **will not** add a date to your pleading/order unless she has approved/confirmed the date by email.
- Counsel or Pro Se party is to contact the Court Coordinator by email to schedule an uncontested hearing. The Court Coordinator will set the matter on the first available date on a first-come/first-serve basis. In the event a case is settled at mediation and the parties and attorneys are ready to finalize the case, Counsel may contact the Court Coordinator to check the availability of the Judge to hear the agreed prove-up.
- Temporary Orders hearings are limited in time to two (2) hours and limited in witnesses to the parties and any experts or custodian of records. The Court, in its discretion, may extend this time on a case-by-case basis depending on the issues involved.
- The Court requires either a Child Custody Evaluation or an Amicus Attorney, but not both, on all cases where there is a custody dispute. Contact the Court or the Court Coordinator prior to trial on the merits for a list of approved Child Custody Evaluators. The Court will designate an Amicus from the list of pre-approved attorneys. This list is also available on the Court's website.
- Updated Inventory and Appraisements are required at the time of final trial. **The Court can only divide that which is presented on the date of trial in the Inventory and Appraisement.**
- All Exhibits should be pre-marked and exchanged with opposing counsel (or party, if pro

se) not later than three (3) days prior to final trial on the merits.

- Current and signed Financial Information Statement (including last pay stub and most recent W-2) are **required** at the time of the hearing on Temporary Orders and Merits (a pre-approved form is available online at the Court's website).
- Counsel shall prepare "Proposed Division of Property" and submit same to the Court at the start of the trial.
- Counsel shall prepare an Exhibit List listing each exhibit to be admitted and file same with the Court on the day of trial on the merits.
- Counsel shall notify the Court of any *Daubert* challenges at the time of the pre-trial conference and request a separate hearing date from the Court Coordinator on these issues.
- Counsel shall obtain a Scheduling Order (SO) from the Court Coordinator with dates for trial and all pre-trial matters inserted in the pre-approved SO from the Court. Scheduling Orders are available in the Court or on the Court's website. Request forms are available on the Court's website.
- Rule 11 Agreement forms are available in the Court or on the Court's website.
- The Court does not require drug testing but will order same if sufficient evidence is presented to warrant urinalysis (UA) testing. The pre-approved forms and procedures for UA testing are available in the Court. UA testing can be performed the day of the request.
- Failure to prepare an updated Inventory and Appraisal, Financial Information Statement or Proposed Division may result in the case being reset by the Court unless the failure to provide said documents is deemed an attempt to delay the final trial.
- All requests for Ex Parte Extraordinary Relief and Protective Orders require the party to be present at time of request.
- All Temporary Restraining Orders (TRO's) will be rejected unless they are Mutual TRO's, save and except requests for extraordinary relief, which must be supported by sworn affidavit and sworn testimony. Parties' and attorneys' presence are not required for the granting of Ex Parte Mutual TRO's, unless extraordinary relief is requested. Proposed TRO's are to be e-filed with the District's Clerk's Office.
- Qualified Domestic Relations Orders (QDRO's) require signature of both parties or both

attorneys, if counsel is involved on both sides of the case.

- The Court will schedule in chambers conferences with children after school hours (during school year) so as to allow the child(ren) to attend school. Contact the Court Coordinator to schedule a time with the Presiding Judge. DO NOT bring the child to Court unless the Court has approved a time, and even then, DO NOT bring the child to Court to sit and wait all day for the conference.

Criminal Cases -

- The Court will schedule agreed pleas off-docket at 8:30 a.m. on Tuesday-Friday. All plea papers must be completed before the Coordinator will schedule an off-docket plea. Once the plea papers are prepared and turned in to the Clerk's office, the Criminal District Clerk will notify Heather Canady (Court Coordinator) who will contact the Defense Attorney to set a court date. In the event counsel or the defendant are not prepared or present at the time of the plea, the matter will be scheduled on the next available pre-trial docket but not on an off-docket date. In scheduling the off-docket plea, Counsel shall notify the Coordinator whether this is a plea involving an inmate or free-world Defendant and whether the plea involves pen time or community supervision.
- Jury weeks are scheduled for the 3rd full week of each month. The Court will take pleas on the trial date, time permitting.
- Counsel shall notify the Court of any pre-trial motions requiring hearings so as to schedule same prior to selecting a jury. Suppression motions are carried to the time of trial and will be heard the morning of the trial date, prior to jury selection. All other motions should be scheduled on the pre-trial date. Pre-trial dates and resets should be coordinated through the **Criminal Court Administrator, Denise Damian**.
- Resets require the signature of Defense Counsel and the Defendant before submission to Court.
- Pretrial/Revocation hearings are set at 9:00 a.m. on the first full week of the month on Fridays.
- Announcement hearings are set at 9:00 a.m. on the second full week of the month on Fridays.