PATRICK BULANEK
DISTRICT JUDGE
461ST JUDICIAL DISTRICT
BRAZORIA COUNTY COURTHOUSE

461ST DISTRICT COURT GENERAL GUIDELINES

Judges:

Presiding Judge – Patrick Bulanek
Associate Judge – Gregory Donnell

Staff:

Court Coordinator (Family Cases): Mandy Farrer
Method of Contact: DCourt461@brazoriacountytx.gov **(email only)**

Criminal Court Administrator: Krystal Brooks
Method of Contact: KrystalB@brazoriacountytx.gov
979-864-1263 or 281-756-1263

Court Reporter for Presiding Judge Patrick Bulanek:
Chelsea Allen
ChelseaA@brazoriacountytx.gov **(email only)**

Court Reporter for Associate Judge Gregory Donnell:
Heather Canady Jones
HeatherJ@brazoriacountytx.gov **(email only)**

Bailiffs:
Stephen Moffett
Ralph "Buster" Buell
Robert "Bobby" Boullion
Claudette Ideus

Court Address:
237 East Locust
Angleton, Texas 77515

Presiding Judge Patrick Bulanek - Courtroom 454.010, 4th Floor – New Side
Associate Judge Gregory Donnell - Courtroom 304, 3rd Floor – Historical Side

General Information

- For general information, questions, to request settings for a family case, if an attorney or party is running late, please contact the Court Coordinator, Mandy Farrer, at DCourt461@brazoriacountytx.gov. **All communication must be in person or via email.** Phone calls are not monitored.

- All pleadings, motions, and orders are to be e-filed with the Brazoria County District Clerk's Office. If a hearing is needed, please **EMAIL** the Court Coordinator (for family cases) and obtain a confirmed date **before** filing the pleading.

- Zoom is **NOT** permitted for any hearing without the Court's prior approval.

- The method for **contacting the Court** is as follows:

  Email the Court Coordinator at DCourt461@brazoriacountytx.gov for ***family*** **cases only**.

  Contact the Criminal Court Administrator, **Krystal Brooks**, at 979.864.1263 or 281.756.1263 or by email at KrystalB@brazoriacountytx.gov for ***criminal*** **cases only**.

Procedures regarding Pretrial Conferences and Scheduling Orders

Criminal Cases - Contact Criminal Court Administrator, Krystal Brooks, at 979.864.1263 or 281.756.1263 or by e-mail at KrystalB@brazoriacountytx.gov for all pretrial settings.

Family Cases - **Email** the Court Coordinator, Mandy Farrer, for pretrial dates and trial dates (jury and nonjury) at DCourt461@brazoriacountytx.gov

Family Case Pretrial: Counsel's announcement at a pretrial setting for family cases should include a statement of the contested issues, whether counsel is ready for trial, estimated 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. ***Two*** Pretrial conferences are required for Jury Trials. ***One*** Pretrial Conference is required for a bench trial expected to last *more than one day*.

In the event there are any Daubert issues or Limine motions to be heard, advise the Coordinator when setting the pretrial motion 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 pretrial conference form found on the website and e-file same with the Clerk's Office.

THE COURT'S GENERAL DOCKET SCHEDULE

Dockets are called at 9:00 a.m. unless otherwise advised by the Court.

The **Presiding Judge** will hear all contested matters on the merits as follows:

Monday through Thursday of the First, *Second, and Third, week of the month – nonjury family matters including but not limited to custody matters, divorce actions, enforcements, and modifications.

Fourth full week of each month - Criminal Jury Docket

*Second full week of even-numbered months – Family Jury Docket

The **Associate Judge** will hear Temporary Hearings, Temporary Ex Parte Protective Orders, Temporary Restraining Orders and other ancillary matters, etc., Monday through Friday of each week.

PROVE UP OF UNCONTESTED DIVORCE CASES: Uncontested divorce cases may be proved up via AFFIDAVIT BY SUBMISSION along with an order signed by all parties. **Please e-file the affidavit before or simultaneously with the agreed order, if possible.** If you desire to appear in person, please **email** the Court Coordinator for a date.

THE ENTRY DOCKET: The entry docket is held at 10:00 a.m. once per month. If you were given an entry date by the Judge or a clerk, it **DOES NOT** mean that you are on the entry docket. You will need to file a Motion for Entry and set it on the entry docket with the Court Coordinator via email. Make sure to email the Court Coordinator first before filing your Motion to Enter. **If all parties/attorneys sign an agreed order, a hearing is not required and you may file it at any time.**

THIS COURT DOES NOT HAVE A SUBMISSION DOCKET.

Equipment in Courtroom:

1. Elmo document camera with interactive display

FAMILY CASES

- **OBTAINING A COURT DATE** - **EMAIL** the Court Coordinator **PRIOR** to filing any Motion/TRO/PO/Scheduling Order/Order to Appear or any pleading which requires a hearing date. Unless it is a Temporary Restraining Order, a Temporary Ex Parte Protective Order, or a writ, the Court Coordinator **will not** add a date to your motion/order unless she has **confirmed** the date by email.

- Counsel or Pro Se party is to **email** the Court Coordinator to schedule an uncontested hearing. **Uncontested cases may be proved up VIA AFFIDAVIT BY SUBMISSION along with an agreed order signed by all parties as applicable. Please file the affidavit before or simultaneously with the agreed order.**

- **Default Prove Up** - A default prove up must be done in person.

- **Agreed/Signed Orders** - Agreed orders signed by all parties/attorneys may be filed at any time. The Judge reviews orders daily. There is not a submission docket. The Court Coordinator does not place orders in the Judge's queue or place them on his desk. Once the order is filed, the District Clerk's office will send the order to the Judge for review.

- **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, at its discretion, may extend this time on a case-by-case basis depending on the issues involved. **Exhibits for *Temporary Orders hearings* may be exchanged on the day of the hearing**.

- The Court requires either a Child Custody Evaluation or an Amicus Attorney, but not both, on **all cases** where there is a **custody or possession and access** dispute. Email the Court Coordinator prior to trial on the merits for a list of approved Child Custody Evaluators. The Court will designate an Amicus Attorney from the list of pre-approved attorneys. This list is also available on the Court's website.

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

- This Court will allow for preferential settings. However, 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.

- The Court will need a courtesy paper copy as follows:

  a) Pleadings filed on the day of the hearing
  b) Brief in support of motion with cases attached
  c) Proposed Division of Property
  d) Trial Inventory and Appraisement
  e) Exhibits intended to be admitted at the hearing or trial

- 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 must 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 pretrial conference and request a separate hearing date from the Court Coordinator on these issues.

- Counsel shall obtain dates for trial and all pretrial matters from the Court Coordinator. Scheduling Orders are available in the courtroom and on the Court's website.

- Rule 11 Agreement forms are available in the courtroom and 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 courtroom. UA testing can be performed the day of the request.

- Failure to prepare an updated Inventory and Appraisement, 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.

- ***Temporary*** **Ex Parte Protective Orders** will be considered via affidavit. In-person testimony *is not* required unless it is a "Kick-out" **Temporary Ex Parte Protective Order**.

- All **Temporary Restraining Orders** will be rejected unless they are ***mutual***, save and except requests for extraordinary relief, which must be supported by sworn affidavit filed with the Court. In-person testimony is not required. An affidavit is sufficient.

- Qualified Domestic Relations Orders (QDRO's) require signature of both parties and both attorneys, if counsel is involved on both sides of the case.

- Child Conferences: 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. Email the Court Coordinator to schedule a time. 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

- *Off-docket* pleas - The Court will schedule agreed pleas **off-docket**, subject to the Court's availability. The plea paperwork must be completed and filed before the Court Coordinator will schedule an off-docket plea. Once the plea paperwork is turned in to the District Clerk's office, the Criminal District Clerk will notify the Court Coordinator who will email 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 off-docket plea, the matter will be scheduled on the next available pretrial docket but not on an off-docket date. In scheduling the off-docket plea, **Counsel shall provide the Court Coordinator the cause number, whether the plea involves an inmate or a free-world Defendant, and whether the plea involves pen time or community supervision.**

- Criminal Jury weeks are scheduled for the fourth full week of each month. The Court will take pleas on the trial date, time permitting.

- Counsel shall notify the Court of any pretrial 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 pretrial date. Pretrial dates and resets should be coordinated through the **Criminal Court Administrator, Krystal Brooks.**

- Resets require the signature of Defense Counsel and the Defendant before submission to Court.

- Status hearings are set at 8:30 a.m. on the second full week of the month on Wednesdays.
- Pretrial/Revocation hearings are set at 9:00 a.m. on the second full week of the month on Fridays.
- Announcement hearings are set at 9:00 a.m. on the third full week of the month on Fridays.