

## 300th District Court General Guidelines

### Court :

300<sup>th</sup> District Court of Brazoria County, Texas

### Judges:

Presiding Judge - K. Randall Hufstetler

Associate Judge – Chad D. Bradshaw

### Court Address:

111 E. Locust

Room 401

Angleton, Texas 77515

### Staff:

Court Coordinator – Deana Lycka 979.864.1227 or 281.756.1227

(\*The preferred method for contacting the Court Coordinator is through the email address at [dcourt300coordinator@brazoria-county.com](mailto:dcourt300coordinator@brazoria-county.com))

300<sup>th</sup> Court Reporter – Renee Rape 979.864.1229 or 281.756.1229

Bailiffs – Van Kent/Bill Stephens/Ruben Vela/Lonnie Laqua

AJ Court Reporter – Clarisia Ramirez 979.864.1471 or 281.756.1471

Criminal Court Administrator – Denise Damian 979.864.1263 or 281.756.1263

### General Information –

- Can the Court be contacted by e-mail or fax?

Yes, for general information and questions, to request settings or if attorneys or parties are running late. **All pleadings** are to be filed through the District Clerk's Office by e-filing. Proposed Orders are to be e-filed for the Court's e-signature. Please DO NOT use fax or email for Orders.

E-mail contacts:

[dcourt300coordinator@brazoria-county.com](mailto:dcourt300coordinator@brazoria-county.com)

[renee@brazoria-county.com](mailto:renee@brazoria-county.com)

[clarislar@brazoria-county.com](mailto:clarislar@brazoria-county.com)

Fax – 979.864.1138

- Does the Court accept filings by e-mail or fax?

No. 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 @ 979.864.1316 or 281.756.1316, or [www.brazoria-county.com/dclerk](http://www.brazoria-county.com/dclerk)

- What is the preferred method for contacting the Court?

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](mailto:denised@brazoria-county.com)

Family cases - Contact the Court Coordinator, Deana Lycka, at [dcourt300coordinator@brazoria-county.com](mailto:dcourt300coordinator@brazoria-county.com).

- What is your procedure 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](mailto:denised@brazoria-county.com) for all pre-trial settings.

Family cases - Contact Deana Lycka for pre-trial dates and trial dates (jury and non-jury) at [dcourt300coordinator@brazoria-county.com](mailto:dcourt300coordinator@brazoria-county.com) .

Counsel’s announcement at pre-trial setting (family cases) should include a statement of the contested issues, whether counsel is ready or not ready for trial, estimate of 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 child custody evaluation has been completed or an Amicus 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.

- What is the court’s general docket schedule?

-----All dockets for the Presiding Judge of the 300<sup>th</sup> District Court are called at 9:00 a.m. The Presiding Judge hears all contested matters on the merits including, but not limited to, custody matters, divorce actions, enforcements, modifications, etc.

-----All dockets for the Associate Judge of the 300<sup>th</sup> District Court are as follows:

8:30 a.m. – Uncontested matters

9:30 a.m. – Temporary Orders, Protective Orders, Ancillary matters

9:00 a.m. every Thursday – CPS cases

The Associate Judge hears all temporary hearings, protective order hearings and ancillary matters.

**300<sup>th</sup> Court Dockets-**

**1<sup>st</sup> week** – non-jury Family matters including merits and enforcements;

**2<sup>nd</sup> week** – Criminal jury trials;

**3<sup>rd</sup> week** – Family jury trials;

**4<sup>th</sup> week** – Non-jury Family cases including merits and enforcements;  
**5<sup>th</sup> week** (as applicable during year) – Non-jury Family matters or Special settings.

### **AJ Court Dockets-**

**Monday thru Wednesday** – Non-jury Family matters including temporary orders, protective orders and ancillary matters.

**Thursday** – CPS docket.

**Friday** of each week - Associate Judge Bradshaw conducts hearings, separate and apart from the regular dockets, on various Temporary and Final matters. All hearings scheduled for Fridays must be pre-approved by Associate Judge Bradshaw. Hearings on Final Merits require the consent of both sides to proceed before the AJ with signed waiver of de novo appeal. Additionally, Associate Judge Bradshaw conducts the Domestic violence docket every other Friday.

- When, if ever, do you want a court copy (“courtesy copy”) of pleadings?

Family cases-

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 Appraisalment
  5. Exhibits intended to be admitted at the hearing or trial
- What equipment is available in the courtroom for use by counsel?
    1. Blackboard/Whiteboard with markers and chalk
    2. Chart stand
    3. Overhead projector with screen (make sure to notify Court coordinator of request so the equipment will be available)
    4. Video equipment limited to HD TV in jury room with DVD/disc player
    5. Sound system is equipped to connect to computer for audio presentation
  - Under what circumstances do you require mediation?

Mediation is not mandated by this court before Temporary Orders or Final Merits hearings. The Court will consider, on a case-by-case basis, all motions presented by either party.

- What is your policy concerning preferential settings?

This Court rarely allows for preferential settings unless the case involves aggravated circumstances on a CPS matter or by special permission. 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.
- The Court hears uncontested matters Tuesday-Friday at 8:30 a.m. in front of the Associate Judge. Counsel or Pro Se party should 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-served 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 a 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 I&A.*
- All Exhibits should be premarked 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 at the end of the hearing on Temporary Orders, or on submission of Agreed Temporary Orders, with dates for 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. In the event dates are omitted from the SO, the Court will utilize the times provided for by the Texas Rules of Civil Procedure. Setting 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 Appraisalment, 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 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 involved on both sides of the case.
- 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 Court Coordinator to schedule time with either the Associate Judge or 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. 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 Clerk's office, the Criminal District Clerk will notify Deana Lycka (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 2<sup>nd</sup> 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.
- The Court schedules all pre-trials matters and motions for the 9:00 a.m. pre-trial dockets held on the 1<sup>st</sup> Friday of the first full week of each month. Revocation/Adjudication dockets are set at 9:00 a.m. on the 3<sup>rd</sup> Friday of the third full week of each month and periodically set by the Court on 5<sup>th</sup> weeks throughout the year.