

**LOCAL PROCEDURES IN THE  
COUNTY COURTS AT LAW NO. 1, 2, 3 & 4  
AND PROBATE COURTS  
FOR BRAZORIA COUNTY, TEXAS**

1. **TEXAS RULES OF CIVIL PROCEDURE:** The Texas Rules of Civil Procedure, as amended, are adopted and shall be adhered to in all civil proceedings. Wherever there may be a conflict in local procedures and the Texas Rules, the Texas Rules of Civil Procedure shall govern.
2. **FILING:** Cases where the amount in controversy does not exceed \$250,000.00 may be filed with the County Clerk. Brazoria County adheres to the mandatory e-filing rules and procedures as promulgated by the Texas Supreme Court.
3. **CASE NUMBER AND COURT ASSIGNMENT:** Filing of civil and probate cases in the County Courts at Law shall be by alternating each case filed so that each of the four courts shall receive an equal number of cases.
4. **CIVIL TRIAL SETTINGS:** All civil cases may be set at the written or telephonic request of any attorney of record or by the respective Court on its own. Counsel shall be entitled to 45 days advance notice of a trial setting.

REQUESTS FOR SETTINGS SHALL BE IN WRITING, SIGNED BY THE ATTORNEY MAKING THE REQUEST AND ADDRESSED TO THE JUDGE OF THE COURT IN WHICH THE CASE IS FILED. NO CASES WILL BE SET BY SUBMISSION, UNLESS WRITTEN REQUEST IS MADE TO THE JUDGE OF THAT COURT AND APPROVED BY THE SAME.

Requests for settings shall contain the following information:

1. Number and style of the case;
2. Whether jury or non-jury;
3. Certification that pleadings are in order and that discovery is complete;
4. Name, address and telephone number of each attorney of record and certification that each attorney has been served with a copy of the request.

The Clerk of each respective Court shall notify the attorney of record of the setting time and date. After an attorney of record has been notified of a setting, the Courts will presume that there is no conflicting setting unless the Court is notified in writing within ten (10) days of receipt of notice by the attorney of record that a conflict exists. Such notice of conflicting setting shall include the number and style of any case previously set and the Court in which the conflicting case is set.

Settings in criminal cases are set by each individual Court.

5. **TRIAL SESSIONS:** Each Court shall schedule certain weeks for civil trials and criminal trials. This schedule will be posted at the office of the County Clerk, Civil Division, the county website, and shall be available at the office of the Court Coordinator of each respective Court. Cases may be transferred from one Court to another at the discretion and consent of the respective Judges.
6. **DOCKET CALL:** Civil jury dockets and criminal jury dockets will be called on Monday or the first working day of the week in which jury trials are set. Non-jury trials may be called at any time and date set by the Court. Dismissal dockets will be called at the discretion of the respective Judges. After notice of setting of a case on the dismissal docket, unless the attorney or attorneys for Plaintiff are present and ready and announce ready for trial, the case will be dismissed at the call of the docket.
7. **SETTING CIVIL ANCILLARY MATTERS:** Requests for hearing on both contested and uncontested motions shall be made by telephone or in writing to the Coordinator of the Court in which the case is filed. The requesting attorney shall give proper notice as required by the Texas Rules of Civil Procedure to all opposing attorneys of such setting.
8. **AGREED PASS OR AGREED CONTINUANCE:** Cases may be passed or continued from the date set only upon agreement of the opposing counsel AND the Judge of the court in which the case is filed. A case is not removed from the docket until the pass or continuance is approved by the Judge of that court.
9. **FILING PROBATE AND GUARDIANSHIP CASES:** Individuals applying for letters testamentary, letters of administration, determination of heirship, muniment of title, small estates affidavits and guardianships of a person or estate **must be represented** by a licensed attorney. Under Texas law, only a licensed attorney may represent the interests of third-party individuals or entities, including guardianship wards and probate estates. See *Steele vs. McDonald*, 202 S.W.3d 926 (Tex. App.--Waco, 2006), and the authorities cited in that opinion.
10. **SETTING PROBATE AND GUARDIANSHIP CASES:** Requests for a hearing on probate and guardianship matters shall be made by telephone or in writing to the Coordinator of the Court in which the case is filed. The requesting attorney shall give proper notice as required by the Texas Rules of Civil Procedure to all opposing attorneys and ad litem, if applicable, of such setting.
11. **VACATIONS OF COUNSEL:**
  - 11.1 **DESIGNATION OF VACATION:** Subject to the provisions of subparts 2 and 3 of this section, an attorney may designate not more than four (4) weeks of vacation during a calendar year as vacation, during which that attorney will not be assigned to trial or required to engage in any pretrial proceedings. This section operates only where lead counsel, as defined by T.R.C.P. 8, is affected, unless the trial court expands coverage to other counsel.

**11.2 SUMMER VACATIONS:** Written designation for vacation weeks during June, July and/or August must be filed with the County Clerk by May 15 of each respective year. Summer vacation weeks so designated will protect the attorney from trials during those summer weeks, even if an order setting the case for trial was signed before the vacation designation was filed.

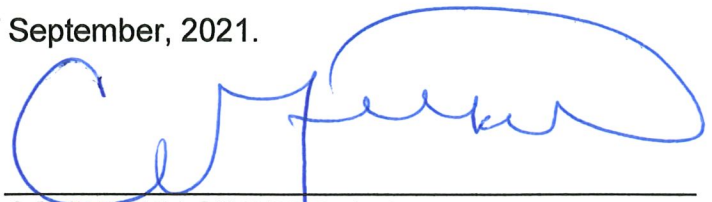
**11.3 NON-SUMMER VACATIONS:** Written designation for vacation in months other than June, July and/or August must be filed with the County Clerk by no later than 90 days prior to the weeks being designated. Non-summer vacation weeks may not run consecutively for more than two (2) weeks at a time. Non-summer vacation weeks so designated will not protect an attorney from a trial by an order signed before the designation is filed.

**12. JUVENILE COURT MATTERS:** Cases wherein juveniles are charged with delinquent conduct and cases where children are alleged to be in need of supervision will be set for hearing by the Court or by the Juvenile Probation Department as directed by the respective Court. Notice provisions applicable to other civil proceedings are not necessarily applicable to these proceedings which shall be handled in accordance with the Texas Rules of Civil Procedure and the Texas Family Code.

**13. FAMILY DISTRICT COURT MATTERS:** In all cases arising under the Texas Family Code, other than juvenile matters, the procedures adopted by the 300<sup>th</sup> and 461<sup>st</sup> Judicial District Courts are adopted and will be adhered to in the County Courts at Law. All settings of cases filed in the 300<sup>th</sup> and 461<sup>st</sup> Judicial District Court (e.g. family court matters) shall be requested through the Court Coordinator of the respective Court.

**14. APPLICATION OF LOCAL PROCEDURES:** The foregoing procedures are hereby adopted by the County Court at Law #1 & Probate Court, County Court at Law #2 & Probate Court, County Court at Law #3 & Probate Court, and County Court at Law #4 & Probate Court for Brazoria County, Texas. These procedures, together with such amendments as may hereafter be adopted by these courts shall serve as the procedures for all matters in these courts.

ADOPTED and SIGNED this 1<sup>st</sup> day of September, 2021.



COURTNEY GILBERT, Judge  
County Court at Law No. 1 & Probate Court



MARC W. HOLDER, Judge  
County Court at Law No. 2 & Probate Court



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JEREMY E. WARREN, Judge  
County Court at Law No. 3 & Probate Court



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LORI RICKERT, Judge  
County Court at Law No. 4 & Probate Court

(REV. 09/01/2021)