LOCAL PROCEDURES OF THE COUNTY COURTS AT LAW # 1, 2, 3 & 4 AND PROBATE COURTS OF 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 $325,000.00 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 AND PROBATE TRIAL SETTINGS**: All civil and probate cases may be set at the written, email, 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. Cause 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, mailing address, email 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 & Probate 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 AND PROBATE DOCKET**: Requests for hearing uncontested motions and other ancillary civil matters and uncontested probate matters shall be made by telephone, email, or in writing to the Court Coordinator or Judge 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. Each Court may allow remote hearings upon request and authorization as allowed by law.

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, 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 v. McDonald*, 202 S.W.3d 926 (Tex. App. – Waco, 2006), and the authorities cited in that opinion. Please contact the Guardianship Investigator on all guardianship cases.

10. **SETTING PROBATE AND GUARDIANSHIP CASES**: Requests for a hearing on probate and guardianship matters shall be made by telephone, email, or in writing to the Court 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 any ad litem, if applicable, of such setting. Please also notify the Guardianship Investigator in all guardianship cases.

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. **JUDICIAL LEAVE**: Judges may take personal vacation at any time during the year. Judicial vacations and educational events will be scheduled in advance by each Judge, subject to changed conditions, and coordinated with the other County Court at Law Judges. Judges may take sick leave as is essential for their health and well-being. Attendance at judicial conferences is considered an official duty and as court time.

13. **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. Detention hearings are held remotely as authorized by law.

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

15. **EMERGENCIES AND SPECIAL MATTERS**: Except in emergencies when the Clerk's Office is not open for business, no application for immediate or temporary relief shall be presented to a Judge until it has been filed and assigned to a Court at provided in these procedures. Whenever immediate action of a Judge is required in an emergency when the Clerk's Office is not open for business, the case shall, nevertheless, at the earliest practicable time be docketed and assigned to a Court as provided by these procedures; and all writs and process shall be returnable to that Court.

16. **COURTROOM CONDUCT**: The taking of photographs, film, video or broadcasting of judicial proceedings in or from the courtroom, or so close thereof as to disturb the order and

decorum thereof, either while court is in session or at recess, is prohibited, unless written permission if granted by the Court.

17. **APPLICATION OF LOCAL PROCEDURES**: The foregoing procedures are hereby adopted by 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 of 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 15 day of December, 2025.

Courtney Gilbert, Judge
County Court at Law #1 & Probate Court

Thomas Pfeiffer, Judge
County Court at Law #2 & Probate Court

Jeremy E. Warren, Judge
County Court at Law #3 & Probate Court

Lori Rickert, Judge
County Court at Law #4 & Probate Court

(REV. 12/08/25)