

WALLER COUNTY COURT AT LAW NO. 1

LOCAL RULES OF THE COURT, POLICIES, PROCEDURES, AND RULES OF  
DECORUM

Waller County Court at Law No. 1 has established the following rules to ensure the uniformity of proceedings, to promote the efficient administration of justice, and enhance public trust and confidence in the judicial system. Failure to observe these rules may subject the offending party to removal from the courtroom, sanctions, or contempt of court.

Section I – Behavior, Decorum, and Dress

1. The Texas Lawyer's Creed and the Code of Professional Responsibility shall be observed in all proceedings by attorneys before the Court. Counsel, litigants, witnesses, defendants and all courtroom participants shall conduct themselves professionally and with the dignity and decorum expected to accompany court proceedings. Pro se litigants shall comply with the spirit of those rules and be expected to familiarize themselves with the expected behavior and decorum of the courtroom before proceedings. Attorneys are expected to advise clients and witnesses as to the expected behavior and decorum. Parties are expected to interact with Court staff professionally and politely at all times.
2. Court proceedings are open to the public in accordance with the Texas Constitution, other than those certain juvenile and CPS proceedings required to be sealed by law. However, individuals may be removed if they fail to comply with these rules, are disruptive, or inappropriately dressed. Courtroom space is inherently limited and the bailiffs have the authority to control traffic in and out of the courtroom as necessary for safety, security, and to prevent the disruption of proceedings.
3. Individuals in the gallery should refrain from conversing while Court is in session. Concerns that arise during or about an ongoing proceeding should be addressed to the bailiffs first. Attorneys or other individuals who need to converse with a client, witness, or other party should quietly excuse themselves to the lobby.
4. Attorney conference rooms should be reserved for actual conferencing or attorneys needing to attend hearings elsewhere via teleconference. Individuals "camping out" in a room may be removed. Concerns about property, voluminous exhibits, or other items that may need temporary storage during proceedings may be addressed to the bailiffs.
5. Cell phones must be silenced at all times and may not be used except as provided in these rules. Individuals in the gallery may utilize smartphones,

tablets, and laptops for reading, silently browsing the internet, or silent work tasks such as email. Attorneys may use phones to message during proceedings to coordinate witnesses and clients and communicate with their staff. Games, videos, music, or other noisy or disruptive usages should be avoided and may subject the device in question to confiscation until the conclusion of proceedings. The use of headphones or earbuds is prohibited.

6. Similarly, you may read newspapers, books, magazines, and other publications so long as the display of the article is not obscene or otherwise prohibited by law, and does not interfere with the proceedings.
7. Parties should remain in the courtroom until their case is called and they are excused by the Court, except for short breaks to attend personal needs or as otherwise provided in these rules. The Court understands that emergencies arise; Parties, attorneys, and witnesses who expect to leave the courtroom for an extended period should inform the bailiff as to the duration and cause or risk a default being taken during their absence, or in a criminal case, forfeiture of their bond.
8. All individuals appearing in Court are expected to wear appropriate professional attire and be neatly groomed and free of offensive odors. Clothes should be clean and pressed or free of excessive wrinkles. Parties and witnesses should conform at a minimum to a "business casual" standard. If wearing jeans, they should be clean and pressed and free of deliberate wear (holes, razor slashes) or excessive acid-wash. Boots should preferably be polished, and must be clean and free of dirt or work by-products. Attorneys are expected to conform to a higher standard of dress. Men should wear a jacket, tie, and slacks at a minimum. Novelty ties or neckwear with an offensive or distracting design should be avoided. For women, skirts must be at least knee length. Articles of clothing that are excessively sheer or tight, or have gaudy or excessive inlays such as sequins or rhinestones should be avoided. Shirts or blouses that display excessive skin, or are cut above the waist or shoulder should be avoided. Designs on clothing should be kept to those associated with professional or designer brands; advertising, slogans, or graphics, especially those associated with tobacco, alcohol, cannabis, or drug use, or with an explicitly or implicitly offensive or criminal association should be avoided. Shoes must be closed-toe, and casual wear such as Crocs, slippers, and house shoes should be avoided. The Court expects this to be a common-sense decision for most individuals and reserves the right to make individual judgements and remove individuals from the courtroom for failure to comply with this section.

9. All individuals in the courtroom must be sober. If you appear to be under the influence of an intoxicant, you will be removed from the courtroom and held in contempt of court. If you believe a prescription medication or medical issue may cause the appearance of being under the influence, you should address this with the bailiff and be prepared to present a current and valid prescription or other medical documentation. If you smell of alcohol or cannabis, you should expect to be promptly investigated by law enforcement for associated criminal offenses.
10. The use of any tobacco product, vaporizers/e-cigarettes, or substitute products such as nicotine pouches (Zyn, On!, Velo) in the courtroom is prohibited.
11. Food, drink, and chewing gum are prohibited in the courtroom. You may bring water so long as it is in a bottle or a container with a lid. Tea or coffee may be brought to morning hearings so long as it is in a container that seals with a lid. Items such as energy drinks should be put into such a container or consumed outside the courtroom. We have a very, very nice, brand-new courtroom and the Court wishes to preserve it as long as possible.
12. The Courthouse is a limited advertising zone. Orderly free speech related to the proceedings is permitted; however, individuals will not be permitted to advertise or solicit for any product, good, or service in the lobby and other adjacent areas. Individuals wishing to provide social services, counseling, or similar services, or wishing to leave handouts or flyers advertising the same, should consult with the Court, County Judge, or County Clerk before doing so.
13. Court will begin promptly at 9:00 a.m. and 1:30 p.m. unless noticed otherwise.

## Section II – Media Policy

1. The Court encourages attendance at open proceedings by the public and the media and press, amateur or professional. However, the Court is of the opinion that recording hearings and trials has a tendency to turn the proceeding into a “show”, not a fact-finding expedition. It is well established that people act differently when they know they are being recorded by camera or microphone, and the presence of such tends to have an inherently agitating and inflammatory effect adverse to a thorough exploration of the truth.
2. Accordingly, all audio and video recording and broadcasting in the courtroom and associated areas such the jury room and chambers, without prior authorization of the court, is explicitly prohibited.
3. This includes recording and broadcasting in any way, shape, or form, including through use of a smartphone, tablet, laptop, camera, or digital recorder, via

internet, radio, satellite, or any other medium or device which may be conceived of, in the past, present, or future.

4. Traditional courtroom observation such as note-taking and sketching is permitted and welcome. This may be done via electronic device, so long as said device is not being used to record proceedings. If it is discovered the device is being used for such, the device may be subject to confiscation.
5. Interviews in the lobby and adjacent areas are prohibited during proceedings. Interviews and other recording may be conducted before the opening or after the close of proceedings for the day. Measures should be taken to avoid unduly harassing or otherwise interfering with the parties, attorneys, and witnesses; said individuals may be under very specific orders from the Court as to what they may or may not discuss.
6. The Court may make exceptions to this policy on a case-by-case basis for trials of special public interest or at the request of the parties. Individuals making such a request should be prepared to present the Court with a plan to minimize the impact had on the proceedings.

### Section III – Procedure

1. Jurisdiction – County Court at Law No. 1 has concurrent jurisdiction over many matters with County Court at Law No. 2 and the 506<sup>th</sup> District Court. Parties should refer to the Local Rules of Waller County to determine what matters are ordinarily assigned to which court. The Courts reserve the right to exchange benches in accordance with Gov't Code Sec. 74.094 or transfer cases without leave of parties as is necessary to comply with ethical rules and ensure the timely administration of justice. To the extent these policies may conflict with a statute or the Local Rules, the statute or Local Rules control.
2. Assignment of Associate Judge - all matters may be referred to the Associate Judge of Waller County without prior notice to the parties. See the Court's Standing Order of Referral for additional information.
  - a. OBJECTIONS – it is the responsibility of the party objecting to the Associate Judge to ensure that the objection is made timely and in writing or on the record. In particular, all pre-trial family law matters may be heard by the associate judge in accordance with Section 201 of the Texas Family Code and may be referred to the associate judge without prior notice to the parties to ensure the efficient administration of justice. Due to the ubiquity of pro forma objections to the Associate Judge in pleadings, parties to any proceeding wishing to perfect their

objection to the Associate Judge presiding over a final hearing on the merits should do so again in writing and/or on the record on or before the final pre-trial hearing.

- b. De Novo Hearings – Failure to make a timely and specific objection to the Associate Judge before the start of the proceeding in question shall constitute a waiver of the right to a De Novo hearing. Parties may reserve the right to file for a De Novo hearing while accepting the ruling of the Associate Judge on the merits, so long as a specific motion for such is made on the record or in writing before the start of the proceeding in question. In the request for a De Novo hearing, parties shall specify the issues to be reconsidered with *particularity*. Parties should be prepared to brief any issues of law they believe the Associate Judge incorrectly ruled on and provide an explanation as to why any new evidence was unable to be presented to the Associate Judge. The Court gives strong deference to the ruling of the Associate Judge; Motions that request reconsideration of all issues without further briefing, evidence, or legal authority should not expect to prevail at the hearing.
3. Withdrawal of counsel will only be permitted upon the filing of a motion and order granting leave to withdraw. All motions must be agreed by the client and contain the signature of the client or be set for a hearing. Motions to withdraw may be noticed by submission with proper service on client and opposing counsel. Leave to withdraw may be denied if the motion is presented so near trial as to require delay or appears to be part of a dilatory strategy by counsel or client. A copy of the leave to withdraw shall be forwarded to client, along with notice of current deadlines and settings by certified mail. Absent extenuating circumstances, withdrawal or substitution of counsel will not serve to adjust any deadlines previously set out on a docket control order, including the final trial date.
4. Vacation - Each attorney desiring to assure that s/he will not be assigned for trial during a vacation period not to exceed four consecutive weeks of a given year may advise the Court Coordinator in writing not less than ninety days prior to the first day of such vacation. In the event an attorney already has a setting at the time the vacation notice is filed, it shall be the attorney's responsibility to notify opposing counsel and the Court Coordinator and either file an agreed reset or a motion for continuance and obtain a ruling by the Court.
5. Certificates of Conference – A certificate of conference is required on all motions requesting a hearing and/or affirmative relief, except when agreed to

or unopposed. To comply with the requirements of a Certificate of Conference, movant shall attempt to contact counsel for the respondent to hold or schedule a conference to resolve the disputed matters. Unless an emergency exists, counsel for the movant shall make at least three (3) attempts to contact counsel for the respondent. The attempts shall be made during regular business hours on at least two separate business days. If an opposing counsel/party fails to respond to movant's request for conference, movant should select 3 dates of their choosing from the Court's Calendar and include them in their setting request. The Court will set the hearing from those dates regardless of opposing counsel's objections.

6. Submission – All matters a party wishes to set by submission should be accompanied by a notice of submission with a date for consideration no less than 10 (ten) days from the date of filing. Any party objecting to a matter set for submission must do so in writing before 9:00am on the date noticed. If a timely objection is filed the Court will set the matter on the next available hearing date. If the Court examines the pleadings and papers and determines them to be insufficient or require further development, the Court may deny the request for consideration by submission and set the matter for a hearing without further requests from the Parties.
7. Dismissal for Want of Prosecution – cases in excess of 6 (six) months of inactivity may be set for a dismissal docket. Notice of intention to dismiss shall be given in accordance with Rule 165a of the Texas Rules of Civil Procedure. Unless a written Motion to Retain is filed after receiving such notice, the case will be dismissed on the date noticed. If the Motion to Retain is granted, the case shall be set on the next available trial setting. Parties requesting a different date for trial should file a Request for a specific setting that otherwise complies with these rules.
8. Mediation – The Court strongly encourages the use of mediation to save litigants and the taxpayer time and money. The parties *shall* mediate before final trial and certify as such; parties requesting a waiver of mediation must file a written Motion explaining why mediation is infeasible. Parties should mediate and confer on Temporary Orders, and certify as such in any Motion for Temporary Orders, to reduce the number of issues to be tried to the court and keep the length of the hearing manageable. The Court may order parties back to mediation if it appears no genuine attempt has been made or the reasons for waiver are insufficient. Parties may agree on a mediator; otherwise the Court will appoint someone from the list on the Court's website.

9. Ex Parte/Temporary Restraining Orders/Standing Order – all litigants in a family law case are required to serve the other party with a copy of the Standing Restraining Order with their pleadings. Said Order shall be in due force and effect as detailed within that Order. Parties should expect that order to be enforced, by sanctions and contempt if necessary. Because the Standing Order is comprehensive, Motions for Temporary Restraining Orders will only be accepted and heard if they lay out the circumstances with specificity that render the Standing Order inadequate. Ex Parte orders will only be considered where there is an exceptional threat to life or a threat to property greatly exceeding the scope of “mere” fraud on the estate. Parties should be mindful that many of these situations will be more properly addressed by contacting law enforcement or filing a Motion for Enforcement based on the Court’s Standing Order.
10. Zoom/Videotelephonic Appearance –Parties wishing to appear by Zoom must file a written motion prior to the hearing requesting such and documenting the reasons why it is necessary. The Court is of the opinion that videoconference is a poor substitute for in-person testimony and tends to detract from the dignity of judicial proceedings. No more than 1 individual per side, including the attorney on the case, should plan to appear for any contested hearing via Zoom. Exceptions may be made for certain witnesses such as remote experts. Uncontested matters such as “prove-ups” or status conferences with attorneys only may be set via Zoom with a timely request to the Court Coordinator. The Court may set other matters via Zoom on its own initiative to better ensure the timely administration of justice; parties objecting to a Zoom appearance must do so at the first available opportunity or the objection will be considered waived. No participant to a criminal matter, including the attorneys and on Class C matters, will be permitted to appear via Zoom, except for those juvenile proceedings infeasible to be held in-person. See the Zoom Procedures on the Court’s Website for more details as to specific procedure for said hearings.
11. Temporary Orders - Temporary Orders are temporary, and should not be used as an attempt to get a preliminary trial. The Court is aware that the parties may be disagreeable at the outset of any family law matter; however, the Attorneys advising the parties should use good judgment in providing counsel to their clients as to what issues the Court is likely to find compelling at a temporary orders hearing, with a primary view as to ensuring stability and care for any children and proper maintenance as to community property such as businesses or livestock animals until final trial. Parties should mediate and confer on Temporary Orders, and certify as such in any Motion for Temporary

Orders, to reduce the number of issues to be tried to the court and keep the length of the hearing manageable. No more than 1 (one) hour per side will be permitted. Exceptional cases, such as an extremely voluminous or valuable estate, should be raised by written motion prior to the scheduled hearing date. Prior to the Temporary Orders hearing parties must provide the following to the opposing party, regardless of the progress of formal Discovery:

- a. A financial information sheet (as laid out in or substantially similar to that in the *Texas Family Law Practice Manual*)
- b. Tax returns for the past two years;
- c. Pay stubs for the past three months;
- d. Information regarding Health Insurance coverage on the parties and their children; and
- e. A Request for Relief setting out the specific relief requested for temporary orders.
- f. Basic inventory of property

12. Docket Control Orders – Parties should confer and suggest dates to the Court prior to the entry of a DCO, otherwise, the Court will set dates as dictated by the Court's calendar. If there are no matters to be heard at a particular date the setting may be passed with the consent of the parties; any matters not raised by a specifically set deadline in the DCO may be considered waived or denied without further argument for lack of timeliness. Specific matters:

- a. Inventories and financial statements should be completed and filed as soon as practicable, typically within 30 days of service. This time frame may be extended by agreement or by the Court depending on the size of the estate in question.

13. Child Support – Child Support and the documentation required by the attorney general *must* be included in the judgement or agreed final order in every suit affecting the parent-child relationship and suit for the dissolution of marriage. The court will not waive this requirement absent a full hearing and substantial evidence that doing so is in the best interests of the child. It is public policy of this State that child support be provided wherever possible, to ensure the child is provided for. If the judgement, decree, or order contains language waiving child support or agreeing to a child support amount of 0 dollars or some other nominal amount, it will be rejected.

14. "Prove-ups" – Prove-ups for wholly agreed divorces may be done by affidavit. No default will be taken by affidavit; the parties must appear for a 'live' prove-up. If the parties have entered into a Rule 11 agreement or a Mediated Settlement Agreement, the terms of the agreement must be incorporated into

the judgement or decree in some fashion; if there are confidential terms of the agreement, the evidence must indicate that the parties are aware of the confidential terms in full, and consent and agree to them, before the Court will find it is a just and right division.

15. Foreign Adoptions – Because the statute requires the Court to make a finding on the propriety of the foreign adoption proceedings, all foreign adoptions will be set for a hearing unless a Hague Convention certificate is filed. If the foreign papers are not in English, a translated copy or a certified translation must be filed along with it. If there is insufficient evidence for the Court to make a finding, the Court may appoint an ad litem and order (additional) home studies.
16. Document formatting – CCL1 is paperless. All documents should be formatted for maximum readability on a computer screen and compatibility with the Office suite of programs and Microsoft Windows operating system. Fonts should be a minimum of 12 points in size; serif fonts are preferred. All signature lines on orders should be formatted as follows: “DATE: \_\_\_\_\_” “TIME: \_\_\_\_\_” or in a substantially similar format. Any other blanks on an order or judgment, such as hearing dates, requiring “filling in” from the Court should also be formatted in a manner to allow easy editing or insertion of text through eFile or Adobe Acrobat. Do not use traditional “legal” date formatting such as “on the Xth date of Y, 20\_\_”. Any documentary exhibits should be formatted in such a way to permit easy scanning and digitizing. If a document is a historical paper or a certified original that should not be destroyed after digitizing, parties should inform the Court Reporter and Clerk in writing.
  - a. Contact with the Court – all parties, including pro se, *must* provide an email for contact with the court. The Court’s primary method of communication with litigants will be via e-mail. No notices or other papers will be served by physical mail except for notices of initial setting in criminal cases, and to incarcerated parties. Parties lacking an email address may set one up through one of many simple, free, services such as Google, Yahoo, or Live.
  - b. Exhibits – Absent those materials required to be sealed or redacted by law, all exhibits and evidence should be marked and exchanged before trial or the hearing, regardless of later admissibility. The Court prefers exhibits be submitted digitally whenever possible, and computer files should be labeled according to their prospective exhibit number e.g. “Exhibit A.jpg”, “Pet Ex 2.mp4”. All exhibits should be formatted to

comply with the Texas Rules of Appellate Procedure and Technology Standards of the Judicial Committee on Information Technology. In particular, videos should be converted from any proprietary format (such as those used by older CCTV systems or cell phones) to mp4 unless age and hardware encoding make it practically impossible; the necessary hardware or codecs *must* be provided to the Court and opposing counsel for the video to be deemed admissible.

17. Conflicts – Parties, especially attorneys, are reminded of the Second Administrative Judicial Region Regional Rules of Administration, specifically Rule 10.2.2.6 which states “Courts in metropolitan County areas should yield to Courts in rural County areas in all other instances of conflicting settings”. Although it may change in the future, Waller County is still considered “rural” in character. Attorneys are expected to give deference to Waller County settings, especially trial and jury trial settings, over Harris County settings. Late or last-minute notice to the Court or failure to make a prior request for a protective order will likely result in a denial of a continuance filed based on a trial conflict. The Court is mindful that schedules, especially in family cases with multiple parties and attorneys, are a moving target and conflicts are not always predictable; however, Attorneys should expect a case or motion to be heard on the day and time it is originally scheduled. Failure to appear, failure to inform the Court of a potential late arrival, and other similar issues will result in the proceeding moving forward without you.
18. Jury Trials in Civil and Family Cases – In addition to those requirements by statute, parties must confirm they still desire a Jury Trial at the pre-trial setting. It is very likely that the venire panel is being called specifically for your case and as such, no jury demand may be withdrawn less than 3 weeks from trial in order to limit inconvenience and waste of time to potential jurors.
19. Children – children are, unsurprisingly, frequently related to the proceedings in family law and other child protection matters. However, unless the specific relief requested involves the child, e.g. a requested court conference or an adoption, or the factual testimony is unavailable by *any* other source, children should not be brought to the courtroom. No children under 15 will be permitted in the Courtroom unless attending as a member of the public (such as for a school project) and prior authorization of the Court is obtained. Children should remain in the lobby with a caretaker while court is ongoing; if you have brought the children to court because adequate childcare is not available, you should inform the bailiffs promptly so you can be called in when necessary, or otherwise risk a default or bond forfeiture.

This list is not exhaustive and the Court reserves the right to amend its policies should other situations arise. Parties and attorneys should familiarize themselves with these rules to ensure their case is resolved in a timely and orderly fashion.

IT IS SO ORDERED.

Signed and Entered this day,

DATE: 07/30/26

A handwritten signature in black ink, appearing to read 'B. Dodson', is written over a horizontal line.

Bennett R. Dodson  
Judge Presiding,  
County Court at Law No. 1