

**Family Law Preliminary Operating Guidelines of the Randall  
County Court at Law No. 2**

**(Handout pertaining to speech by Judge Ronnie Walker at the Panhandle Family Law  
Association on January 18, 2007)**

The attorneys practicing in the Randall County Court at Law No. 2 are expected to be in general compliance with such preliminary **Operating Guidelines**, which begin on page 2 of the attachment.

**Randall County Court at Law No. 2 – Information and Considerations**

**Panhandle Family Law Association Meeting (1-18-07)**

**1. General Circumstances of the Establishment of the Randall County Court at Law No. 2 and Case Allocation**

- a. By statute, this court and County Court at Law No. 1 have concurrent jurisdiction with district courts on family law matters. Twelve person juries will be used pertaining to such concurrent jurisdiction matters.
- b. **An Order Regarding Allocation of Concurrent Jurisdiction Cases** was entered on August 11, 2006.

(1) County Court at Law No. 2 on or shortly after January 2, 2007, will receive all of the original divorce proceedings pending in the district courts as of December 31, 2006, wherein a final hearing or order has not been accomplished, and thereafter will be the court of continuing jurisdiction with respect to same. (In that regard, over 400 cases have been or will be transferred to County Court at Law No. 2, from the three district courts.)

(2) County Court at Law No. 2 will receive the first 220 newly filed family law cases, other than the juvenile cases, protective order cases, and CPS cases.

(3) County Court at Law No. 2 will hear and have filed therein 40% of all the family law divorce and related cases, and the three district courts each will hear and have filed therein 20%. [After the exhaustion of the first 220 cases mentioned above.]

(4) County Court at Law No. 1 will hear the temporary orders pertaining to the district courts.

(5) County Court at Law No. 1 will hear all the juvenile cases and for the time being all CPS cases.

(6) County Court at Law 1 and 2 will split all newly filed protective order cases.

c. **County Court at Law No. 2 will hear one-half of the criminal misdemeanor cases**, but the case load will be built up prospectively; i.e., every other misdemeanor criminal case in Randall County beginning January 2, 2007, will be filed in County Court at Law No. 2.

**2. Obviously, County Court at Law No. 2 is at the outset largely a family law court, with a start up docket of over 400 pending divorce cases, and the first 220 divorce and related cases filed in Randall County in 2007.**

a. However, at some time in the reasonably near future, the court will also of course hear a substantial number of criminal cases, as the criminal docket will build up rapidly.

b. The circumstances necessitate this court quickly setting up appropriate procedure and operating guidelines pertaining to its handling of the family law cases.

**3. Some of my thoughts pertaining to Family Law procedure and related in my court are as follows: (very preliminary) OPERATING GUIDELINES**

a. **Hearings** - If an attorney is involved on the other side, a sincere effort should be made in advance to reach an agreement on a hearing date. Of course, this will require communication with my court coordinator before a hearing date is given.

In general, I expect full communication between or among the lawyers before a hearing. (signed *Certificate of Conference* may be helpful)

- b. Communication Among Lawyers in General** - I not only encourage it, I will expect it. It should be done in the context of collegiality and professionalism, and I believe it is necessary for justice as well as judicial efficiency.
- c. Cases with Representation on Only One Side** - If one side is represented by an attorney and the other side is not, where appropriate I will need adequate evidence to support orders. If contested and relevant, I will expect the last two years income tax returns, the last three to six months wage statements, and necessary documents, to be submitted at the time of the hearing. The same principle applies to other issues. Also, however difficult it may seem, you will need to communicate and negotiate with the pro se litigant prior to a hearing.
- d. Telephone Conferences with the Court** – I intend to use same freely, especially pertaining to the start-up docket. Of course, same will be accomplished consistent with ethical requirements.
- e. Law Matters** – The Family Code and related are very detailed, and often complicated. Gone are the days when you can freely assume that the Court should know the statutes, or the specific law. Therefore, I would like where appropriate, necessary or practical, specific statutory or other legal references made in argument for discussion.
- f. Orders in General** – In general, I would like to have proposed orders in connection with motions and related. If appropriate, more than one order can be submitted, anticipating that I could go different ways. (An example would be a

Request for Protective Order, where you want a hearing even if the ex parte relief is denied.)

- g. More on Orders** - Pertaining to orders and especially routine language, I expect the lawyers to be up front, and not attempt to sneak in language. I will say that if this does happen that the lawyer's future credibility with the Court will suffer.
- h. Proposed Orders in Contested Matters** - Whenever possible or practicable, I would like to have a proposed order to look at at the time of the contested hearing.
- i. Pleadings With Proposed Orders** - I would appreciate where appropriate and practicable copies of the petition or related to be attached to a proposed order, and most specifically as same applies to temporary relief.
- j. Financial Information Statements** - I want *Financial Information Statements* completed prior to any hearing pertaining to the standard family law issues. (See *Exhibit A* for the form– use a similar but different form for Modification Actions).
- k. Trial Aids; Worksheets; and Related for the Court** - I will encourage (especially pertaining to bench trials) trial aids which will facilitate decision making. I will further appreciate synopses, summaries and calculations pertaining to the issues. Particular areas where this might apply without limitation are child support, visitation, property division (including retirement, property valuations, economic contribution, reimbursement, etc.) I will probably have lawyers prior to a contested hearing approach the bench and give me a short statement of the contested issues. I will encourage stipulations. I will expect the lawyers to the extent possible to do in advance calculations of child support amounts, valuations,

and related. In child support matters, I will always need the last two years or so income tax returns and the last 3-6 months wage statements.

- l. Exhibits** – To the extent possible, I expect the lawyers to have exchanged exhibits prior to hearings. In complex cases it will be required. There must always be sufficient copies of exhibits during a trial. (For example, extra copies for the testifying witness, judge, lawyers, etc.) In regard to voluminous exhibits, I will encourage summaries, of course consistent with evidence rules.
- m. More on Exhibits** – In general, I would like the exhibits pre-marked and the originals submitted to the court reporter prior to or at the beginning of the trial. Of course, a separate set of such exhibits always should be provided to the opposing attorney. (This does not change my commentary above about exchanging exhibits in advance.) The exhibits do not have to be offered in numerical or sequential order, but they need to be appropriately marked. Extra sets also should be available for the judge and testifying witness. If the exhibits are numerous, there should be a cover page listing the exhibits.
- n. Child Custody Trials** – I believe that all efforts to resolve such matters prior to having a child custody trial should be exhausted, and especially prior to a jury trial. I will require mediation before a trial. I also may employ some of the powers of *Rule 166* of the Texas Rules of Civil Procedure, before a trial will actually occur. I especially want the case fully worked before a jury trial occurs.
- o. Property Matters** – Again, trial aids will be encouraged. I realize that there can be an issue about hearsay or other matters, but in general I will be inclined to

consider same as demonstrative evidence or a trial aid in general. Rule 166 procedure may be used where necessary or appropriate.

**p. Objections During Trial** – Especially pertaining to most family law bench trials, I in general will not be sympathetic to objections that generally simply delay and unnecessarily interfere with trial efficiency. However, I recognize there are circumstances that will require a different approach.

**q. Temporary Hearings** – I will use the general rule of a party plus one witness, with each side not being allowed more than 45 minutes. (Thus a typical temporary hearing will not take over one and a half hours.) If there are exceptional circumstances, this should be discussed in appropriate manner with the court coordinator, who will then run the matter by me.

**r. Settlement Efforts** - In general, I will expect the lawyers to make every effort at settlement prior to a hearing, and as necessary sufficiently in advance of their case actually being called for trial. I will expect routine matters to be stipulated to.

**s. Child Testimony** – There are historical admissibility issues; but there are also practicality considerations as well as the recognition of the need often for exceptions where children are involved.

**4. Conclusion** – My intention is not to make your representation unnecessarily cumbersome or time consuming. I will be open to comments by family law practitioners, especially through this organization.