

**A COMPARISON OF THE LOCAL RULES
AND STANDING ORDERS OF DALLAS COUNTY
AND COLLIN COUNTY AND OBTAINING DOCUMENTS ONLINE**

This paper is intended to identify some unique differences between the Local Rules and Standing Orders used by the family law courts of Dallas County and Collin County. There is no substitute for reading these yourself, but here are a few things that you should know:

**I.
LOCAL RULES**

A. Collin County’s Local Rules are More Current than Dallas County’s

The Local Rules of the Family District Courts of Dallas County were approved by the Texas Supreme Court on May 11, 1999. They are antiquated, and talk about punching holes in documents for physical files. The Collin County Local Rules were last approved by the Texas Supreme Court on March 10, 2015, and they are much more up to date and in with the times.

B. Electronic Filings

In Dallas County, you do not have to bookmark your PDF filings, but you do in Collin County. I rarely see filings get rejected for not having bookmarks, but this is something that you should be aware of. See Collin County Local Rule 2.2(j). As you may know, bookmarking in a PDF document allows the reader to skip to specific parts of a PDF document, like from the main brief to Exhibit “C”.

C. Subpoenas to Governmental Entities

In Collin County, there is a special rule (LR 3.6) regarding services of subpoenas on governmental entities that are not parties to the lawsuit. In traditional family law cases, this is very important because this rule basically applies in every family law case where an attorney sends a subpoena to CPS, a police department, or a school district. This rule requires the subpoena to be served with 3 days’ notice to the other side, and for the subpoena to contain a certificate of service stating that the attorney attempted to contact the responding entity about why the documents were asked for, or that no such attempt was made because of a critical need for the documents. Failure to comply with this rule may result in attorney’s fees being

awarded to any person (including the entity) getting an award of attorney's fees. There is no similar rule in Dallas County.

D. Motions to Compel

Another unique rule in Collin County is LR 3.5, which requires that all motions for discovery sanctions, requests for rulings on discovery objections, and motions to compel discovery set out within the body of the motion the discovery request that is in dispute, and the objection and answer or response which is in dispute, so that all matters necessary for the Court's consideration are set out in one concise document. You can get away with exhibits in Dallas County, but you can have your filing rejected by the clerk or the court if you do not comply with this local rule in Collin County.

E. *Ex-Parte* Orders

Dallas County has fairly standard rules regarding the presentation of *ex-parte* orders (LR 2.02), such as requiring a certificate of conference stating that at least an attempt was made to reach the other side to discuss the *ex-parte* order was made before it was presented to the Court. Collin County goes a step further, and LR 2.4 requires 2 hours' advance notice to opposing counsel or a *pro se* party along with a copy of the motion and proposed order thereon unless the movant can show irreparable harm, insufficient time to notify the other side, or that notifying the other side would "impair or annul the Court's power to grant relief because the subject matter of the application could be compromised or property removed, secreted or destroyed, if notice were given." Also, don't be cute with that 2-hour notice: notice at midnight the night before an 8:00 a.m. courthouse trip the next day is not likely to make opposing counsel or the court very happy, and could result in a motion for sanctions. Getting sanctioned can affect your ability to become board certified.

F. Sensitive Data Documents

There's no rule similar in Dallas County to Collin County LR 2.2(f) regarding the filing of sensitive data. Judge Miskel says this best:

Under TRCP 21c, lawyers are prohibited from filing documents containing unredacted sensitive data. You must redact the sensitive data and use initials for each child's name in all pleadings. Do not mark filings as containing sensitive data—it is not a substitute for redacting. Tex. Fam. Code § 102.008(b)(2) requires a child's name and date of

birth to be included in a petition in a suit affecting the parent-child relationship or a divorce petition involving children. These are the only filings that should contain a child's name or birth date. Since the inclusion of unredacted sensitive data is required, these petitions are the only filings that should be marked "NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA." *To ensure a final order is enforceable by contempt, you may want to include the children's names in the final order.*

Frankly, this is the way it should be done in every county, in every case, as too many documents get filed in Collin County that cannot be obtained online even with a subscription, even by an attorney in the case, because of overuse of the "sensitive data" designation.

G. Discovery Protective Orders

Collin County has its own form for a discovery protective order, and it is found in LR 2.5(c). The court will usually enter the protective order unless an objection to the order is filed within 10 days following the responding party's receipt of the motion. If the objecting party requests a modified Protective Order, the objecting party shall submit the modified Protective Order in the form and the language it seeks for the Court to enter. There is no similar rule in Dallas County.

II. STANDING ORDERS

A. Pets

In Dallas County, the standing orders have a specific section (Sec. 2) dealing with the protection of family pets and companion animals. Collin County does not. In Collin County, pets and companion animals fall under the provisions dealing with the preservation of property. Therefore, when you come to Collin County, you may want to include a specific injunction about pets and companion animals.

B. Mediation

The Collin County Local Rules and Standing Orders both encourage mediation, but do not explicitly require it. There is not similar note of encouragement in the Dallas County Local Rules or Standing Orders.

III. OBTAINING DOCUMENTS ONLINE

A. Collin County

Collin County has an Attorney Online Subscription that allows to obtain documents online. You pay a yearly fee that suits the size of your firm, and each attorney must submit a signature, a copy of their driver's license, and a copy of their bar card. The fees are:

Law Firms of more than ten (10) attorneys: \$300.00 annually
Law Firms of six (6) to ten (10) attorneys: \$240.00 annually
Law Firms of two (2) to five (5) attorneys: \$180.00 annually
Solo Practitioners: \$120.00 annually

Payments, forms and other required photo copies are then mailed to the district clerk's office at 2100 Bloomdale Road, Suite 12132, McKinney, Texas 75071. This subscription includes access to Civil, Family and Criminal cases with the District Clerk, County Court at Law Clerk (Civil, Probate and Criminal), and Justice of the Peace records for Civil and Criminal cases. Once your subscription is approved, you are sent a login ID and a password. All cases that you are on, after filing into it or being named the lead attorney by the district clerk, you will be able to pull all documents, so long as the documents aren't categorized as having "sensitive information" when they are e-filed.

For the Collin County subscription service to be worth it, you need to do your part to stop overusing the "sensitive data" document notification discussed above. Even if you pay the subscription, and are an attorney in the case, you cannot access any documents that have the sensitive data designation.

B. Dallas County

Dallas County does not have a subscription service, but you can get uncertified documents by email. To do this, just send an email with the cause number to dcrecords@dallascounty.org (that's not a typo) with the dates and name of the document. You will get an email from the Records Department with a link to a [payment portal](#), and after you pay you will get a tracking number that you then provide to the records department. In turn, the documents will be emailed to you.