PROTECTIVE ORDERS A JUDICIAL PERSPECTIVE

Do’s and Don’ts Before the Bench



University of Houston Law Center
Domestic Violence Awareness CLE
Judge Richard T. Bell – 501st District Court Fort Bend County
October 30, 2026

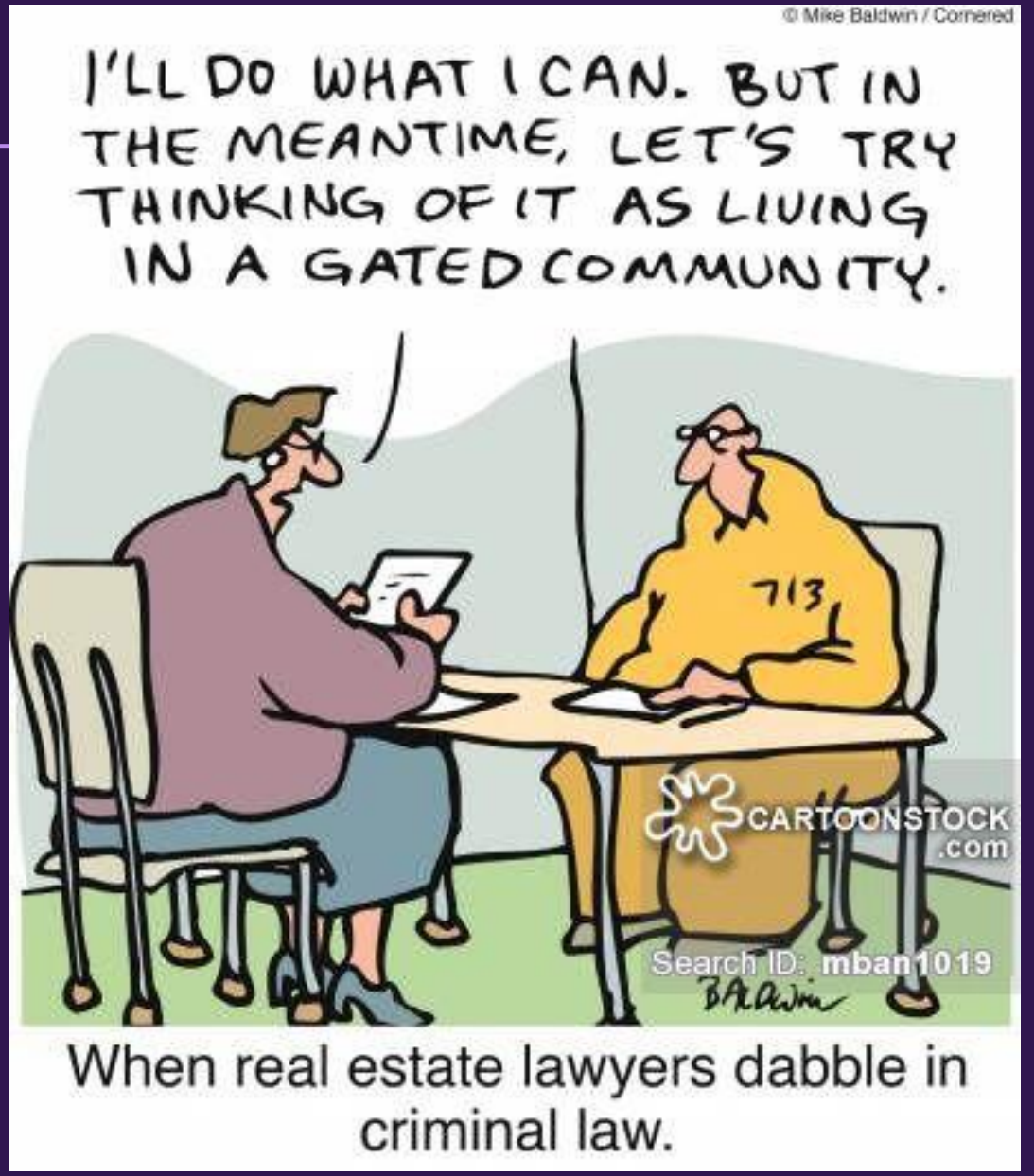
Learning objectives

- Discuss the Importance of Client Interview
- What and What not to Do
- Identify Techniques to Prepare Survivor for Trial
- Trial and Hearing Direct and Cross Strategies



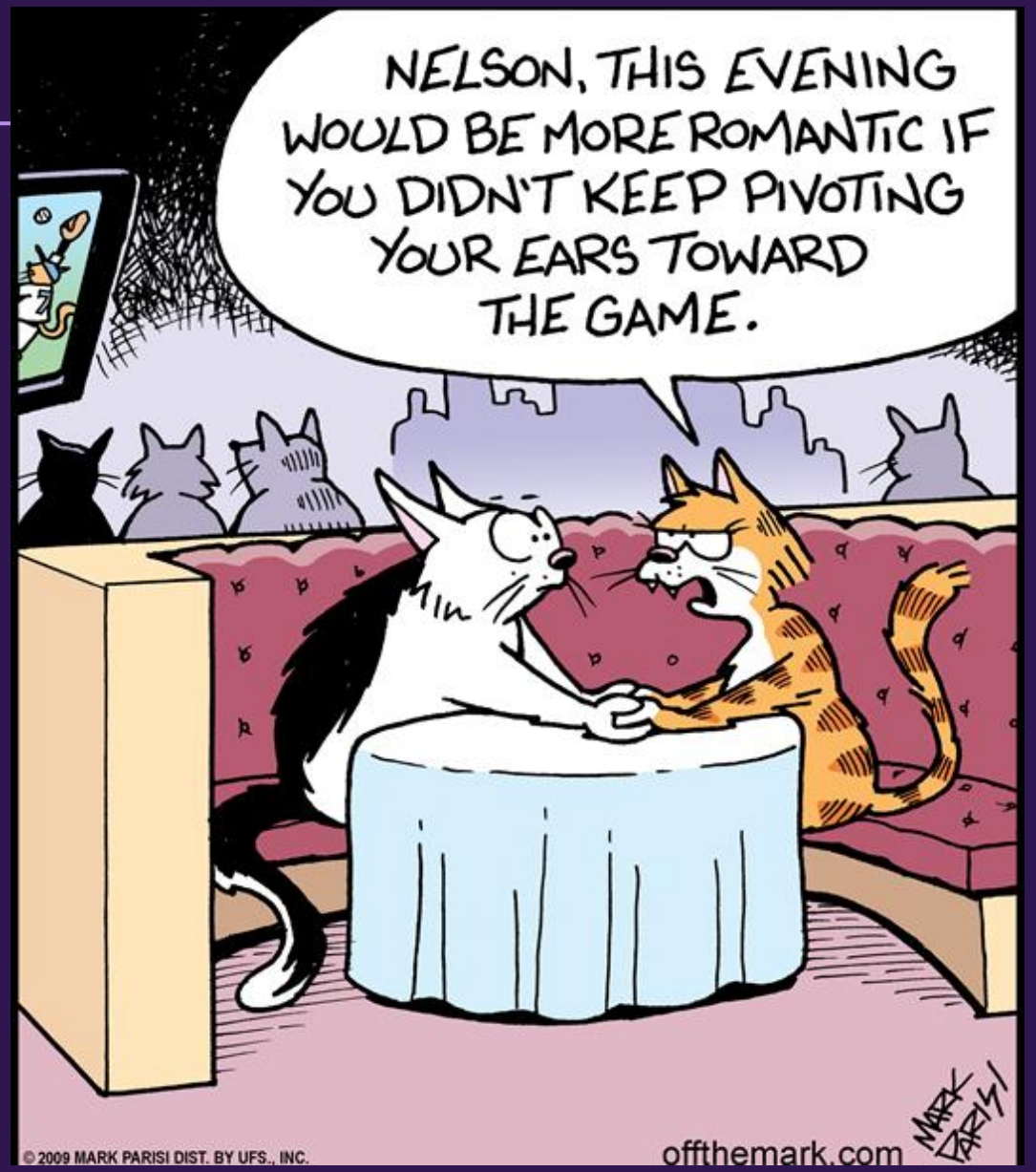
Effective Client Interview

- Educate yourself on why a Survivor may not be eager to tell their story
- Explain you Role and Give Overview of Law and Process
- Stress importance of full and honest disclosure
- Assure client no action will be taken without their prior approval



Interview Technique

- Begin with easy questions to allow client to relax and warm up
- Ask open-ended questions and listen
    - Only jot down areas you will need to follow up later
- Prior to follow up questions, advise you will be taking notes
- Don’t be afraid to ask difficult questions



Gather Evidence

- Establish timeline of important events and location of Incidents
- Existence and Location of Physical Evidence
- Identity and Location of Witnesses



Woodshedding to Reduce Anxiety

- Describe Courtroom
- Who will be there? What are their Roles?
- Explain Court Process
  - Direct/Cross Examinations Objections
- Explain Proper Courtroom Etiquette



Trial Testimony

Direct Pointers:

- When moving to IPV, ask open-ended questions
- Follow up with specific questions for facts omitted
- Anticipate potential bad facts and address them on direct
- Credibility is everything…own bad facts unless 5th Amendment issue



Trial Testimony

Testifying Aides:

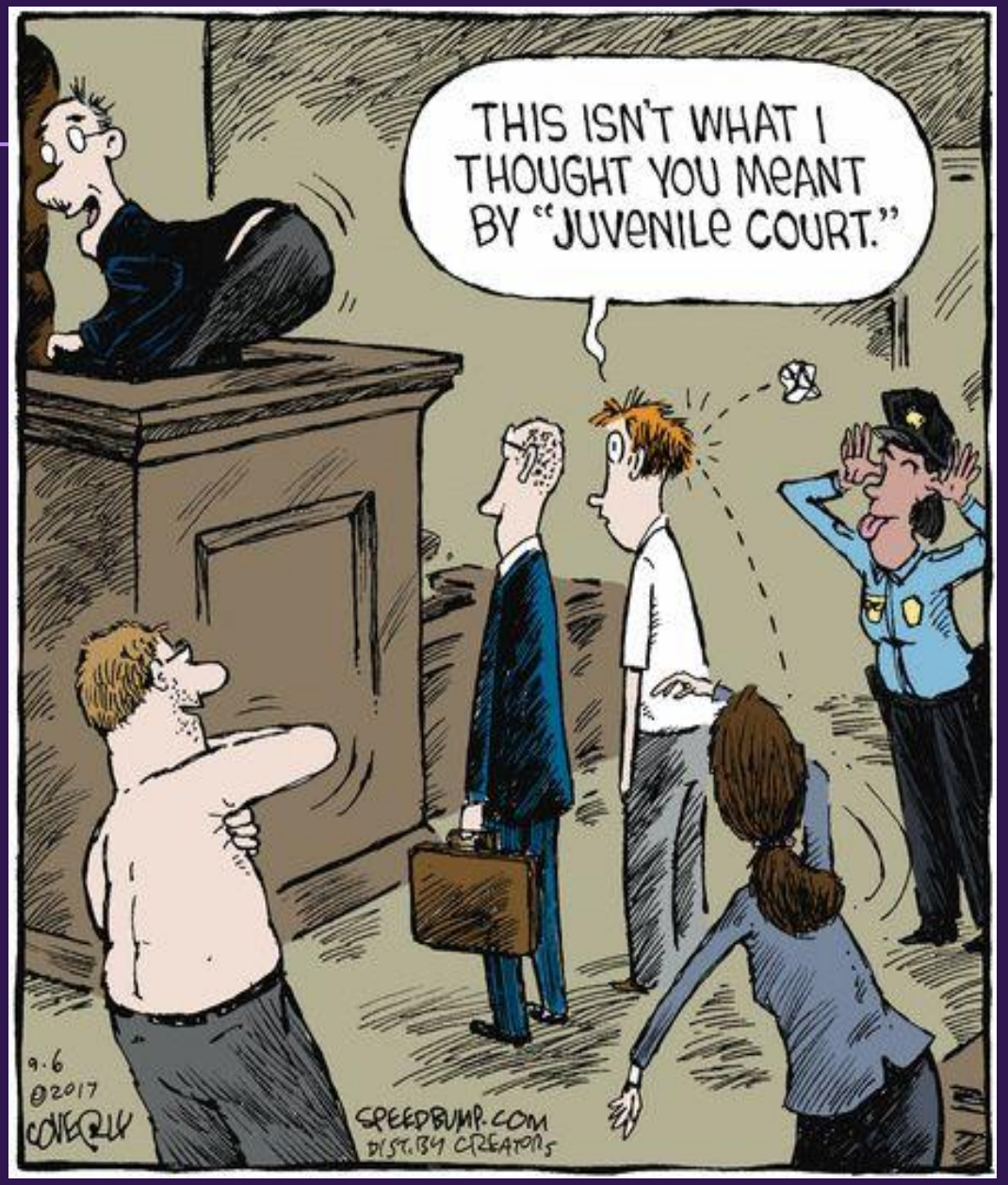
- Draft a Timeline and Enter as Short-Hand Rendition
- Affidavit can be used as a Writing to Refresh Recollection
- Pictures and Videos
- Documentary Evid (med records, police records, phone records)



Trial Testimony

Witnesses

- Observations of Client Before or After an Incident
- Excited Utterance/Present Sense Impression
- Consider calling collateral witness first



Cross Examination

Protect the Client:

- Control Opposing Counsel
  - Object to questioning client at witness chair unless document being used
  - Object to Sidebar Remarks
  - Object to Cumulative Evidence
- If cross did not hurt your client, avoid redirect



In Court Always

- Have a courtesy copy exhibit notebook for the Judge
- Summarize Voluminous Data – give exhibit and page number
- Be Honest and Professional
- Finish your Case – have a proposed order, get signed and have certified copy given to Respondent in open court

In Court Never

- Disrespect the Judge
- Make Sidebar Remarks or Address Opposing Counsel
- Repeat the same facts over and over or allow the other side to do so
- Give speaking objections or allow other side to do so

Key takeaways

- Winning Starts with an Effective Client Interview
- Explain the Court Process to the Client Before Court
- Utilize Testifying Helps – Other Witnesses and Evidence
- If a Hearing is Required, be a Gladiator and Control the Controller!!!



Thank you!

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