

# **Justice Court**

## Justice of the Peace 2

### Civil Procedures

**Plaintiff = Person filling suit**

**Defendant = Person being sued**

The plaintiff must file an original petition; this is obtained from your local court.

The plaintiff, or his/her attorney, may appear in person to file a claim, or may file a sworn statement of the claim by mail (must be a sworn affidavit).

The amount of debt or damages for which you may sue in Justice Court may not exceed the limit of the court, which is \$20,000.00, INCLUDING attorney fees and EXCLUDING court cost and Interest.

Bring along with you to court any document that would help to substantiate your claim, such as contacts, invoices, or any other documents pertaining to the case.

### **VENUE**

In all civil suits, the defendant has the right to be sued in the county and precinct in which he resides. The plaintiff may file the suit in any county precinct however, the defendant may file a motion to transfer venue requesting the suit to be transferred to his or her resident county and precinct. If the change of venue is granted, the plaintiff will have to pay the filing fees again in the county and precinct in which the case is transferred.

### **JURISDICTION**

Jurisdiction (an issue over which Court has authority) in Small Claims Court suits is for the recovery of PROPERTY ONLY, where the amount in controversy does not exceed \$20,000.00, INCLUDING attorney fees, EXCLUDING court cost and Interest.

### **FILING SUIT**

The cost to file a Small Claims suit is \$54.00 per case filed with an additional service fee of \$100.00, per defendant, for service of citation in Walker County. If the defendant resides outside the county of Walker the plaintiff must obtain service information from the county in which the defendant will be served.

**Please be advised that the law prohibits a judge from communicating with you prior to trial about your pending case or a case that you may file.**

## **The Court Clerks will only assist with procedural questions.**

### **TRIAL BY JUDGE OR JURY:**

If the defendant in the suit files an answer, the court will set a trial date. A notice will be mailed to both the plaintiff and defendant stating the time and date to appear in court. A jury trial must be requested in writing and a fee of \$22.00 paid at the time of request.

It is necessary for both parties to bring all witnesses and any evidence to support the case to the court at this time. Notarized statements from individuals are of very little value and not recognized in court. Personal appearance and testimony is much more beneficial.

### **DEFAULT JUDGMENT**

If the defendant in the suit fails to answer to the court, the plaintiff still needs to prove the case to the Judge. The plaintiff will state the facts of the case and present any written evidence to support the case. After all evidence is accepted the Judge can render a default judgment in favor of the plaintiff. The clerk of the court will mail copies of the default judgment to both parties.

### **\*\*AFTER JUDGMENT\*\***

After judgment is rendered, the losing party has 21 days to appeal the case to County Court at Law in Walker County. If an appeal is not filed within 21 days from the date the judgment is signed, the judgment becomes final. The appellant party is required to pay a \$54 appeal fee unless a Paupers Affidavit has been filed and accepted.

### **\*The Court does not collect the Judgment.**

**The statutes governing Civil Court include, but are not limited to, the Texas Government Code, Chapter 28; the Texas Rules of Court; The Rules of Civil Procedure, Texas Civil Practices and Remedies Code.**

**This information is to assist you in procedure only.**

**It is not intended for legal advice or to take the place of an attorney.**