

**LOCAL RULES OF PROCEDURE
AND
RULES OF DECORUM
FOR
THE JUSTICE OF THE PEACE COURTS
ANDERSON COUNTY, TEXAS
EFFECTIVE 06/01/2019**

Chapter 1

1.1 Objective.

In accordance with Sec. 27.061 of the Texas Government Code, these rules are promulgated to provide a uniform system for the fair, impartial and prompt disposition of matters before the Justice Courts of Anderson County. They are to be interpreted consistent with this objective.

1.2 Scope.

These rule govern cases filed in the Justice Courts of Anderson County, Texas.

1.3 Jurisdiction.

The Justice Courts of Anderson County hear:

- (a) Civil and Small Claims Cases in which the amount in controversy is \$10,000.00 or less.
- (b) Eviction cases (residential and commercial) and cases involving landlord - tenant disputes, including Writs of Re-entry.
- (c) Administrative hearings revocation of driver's licenses, concealed handgun permits, etc.
- (d) Criminal cases in which the punishment is a fine only or a fine and sanctions, traffic and class C.
- (e) Cases involving animal cruelty and neglect, as well as dangerous animal cases.
- (F) Requests for the issuance of peace bonds.

1.4 Organization.

There are four Justice Court Precincts in Anderson County with each court serving a specific geographical area as approved by the Anderson County Commissioner's Court. Each court has its own court clerk(s) who are responsible for maintaining the court's docket.

1.5 Calendar.

Each Justice Court keeps a docket of scheduled hearings and trials. A weekly docket is available to the public from each individual court. In the event that the justice of the precinct is unavailable, the justices may exchange benches, in order to prevent interruption in the work of the court.

1.6 Jury Selection.

The Justice Courts utilize the electronic method of selecting names of persons assigned for jury service and are summoned by each court.

Chapter 2

CIVIL CASES

2.1 Filing Cases.

All civil cases (including Small Claims) shall be filed in the Justice Court where one or more defendants reside, except as otherwise provided by law. Eviction cases shall be filed in the Justice Court where the leased premises are located.

2.2 Mediation.

It is the policy of Anderson County Justice Courts to encourage the peaceful resolution of disputes and the settlement of pending litigation. Each court shall determine which of its cases to refer to mediation and shall determine to which mediation service to refer a case.

Any party receiving notice of a referral to mediation has 10 days from date of notice to file a motion objecting to the referral. If any party to a case files a motion objecting to the referral to mediation, and the Court finds that there is a reasonable basis for the objection, the case may be excused from the referral. If either party fails to attend mediation or if no resolution is reached, the case is to be promptly set for trial.

2.3 Setting Cases.

All civil cases are to be brought to trial for final disposition as promptly as practical. At any time, the Court may order a pre-trial conference. The Court may enter any order which would address applicable matters. Each Justice Court shall have Clerks who will be responsible for the setting of hearings and trials in respective Courts and for the notices thereof.

2.4 Demand for Jury.

A party requesting a civil jury trial shall file a written request with the Court in which the case is filed not later than the 14th day before trial (TRCP 504.1), except for eviction cases, which is 3 days (TRCP 510.7(b)). The jury fee shall be paid upon filing of the request.

2.5 Preferential Settings.

Preferential settings may be obtained at the discretion of the Judge.

2.6 Continuances.

Continuance will be heard not later than Thursday of the week preceding trial. Motions will be heard at such time as scheduled by the Court. The notice and pleading requirements of law must be followed. Continuances may not be heard thereafter unless they allege grounds which arose only after that time.

2.7 Uncontested Docket.

Uncontested matters and routine matters of very short duration may be heard at the uncontested docket as scheduled by each Court. The parties are responsible for arranging in advance with the Court's Clerk to have the files pulled and available for the Court. If more than two cases will be presented at the uncontested docket, please inform the Clerk of the cause number and style of each case at least 24 hours in advance.

2.8 Matters Preliminary to Trial on the Merits.

Except for motions for continuance based on new circumstances, all motions in limine, exceptions and all pre-trial motions and pleas in each jury case shall be presented and heard at a pre-trial hearing. All such exceptions, motions and pleas not presented and heard at scheduled pre-trial hearings will be deemed waived, except upon a showing of good cause.

For non-jury cases, all exceptions, motions and pleas must be filed three days before the scheduled trial before the Court.

A movant shall deliver a copy of each pleading to any opposing party and to the Court in the manner and within the time provided by the Texas Rules of Civil Procedure.

2.9 Reserved for Expansion.

2.10 Dismissal for Want of Prosecution by the Court.

2.10.1 Case Selection.

The following cases are eligible for dismissal for want of prosecution sua sponte by the Court:

- (a) Cases on file for more than 120 days in which no answer has been filed.
- (b) Cases that have been on file for more than 12 months that are not set for trial

and have had no filings or settings within 180 days.

- (c) Any other case designated by the Court.

2.10.2 Notice.

The Court Clerk shall give notice that certain cases will be dismissed for want of prosecution. Such matters will be dismissed on the date indicated in the notice of dismissal unless the Court orders it retained.

2.10.3 Docket Settings.

Only the Court may make a setting in cases set for dismissal.

2.10.4 Procedures for Retaining Cases and Objecting to Motions to Retain.

- (a) Motions to retain shall be filed with the Court at least 10 working days prior to the date specified in the notice of dismissal for want of prosecution.
- (b) Any party who files a motion to retain shall state in writing the factual and legal bases why the case should not be dismissed for want of prosecution.
- (c) Parties objecting to a motion to retain shall state in writing the basis for any objection to the motion to retain within 3 days of service of a motion to retain.
- (d) The Court shall notify all parties of the Court's ruling on a motion to retain.

2.10.5 Cases Not Requiring Oral Argument.

Oral arguments on motions to retain or objections to motions to retain may be permitted by the Court.

2.10.6 Cases Requiring Oral Argument.

The Court shall notify the parties of the Court's decision to permit oral argument, and shall notify the parties of any hearing on motion to retain.

A party wanting to argue a motion to retain or an objection to retention may appear on the date and time set for dismissal of the case.

2.10.7 Retained Cases.

If the Court decides to retain the case, the Court will set the case for trial at the convenience of the Court. The Court will notify the parties of the setting. At the setting, the case will be tried or dismissed.

2.10.8 Includes all pending Claims.

References in this chapter to a "case" include all pending claims in the case.

2.11 Drafts of Judgments and Orders.

So far as practicable, every draft of a judgment or order to be signed by a judge shall be submitted prior to the hearing for the judge to review.

Chapter 5
Transfer of Cases


5.1 Civil Cases.

- (a) At the Judge's discretion, a Justice of the Peace Court in one Precinct may transfer a pending civil case to another Justice of the Peace Court in Anderson County, provided that the receiving Judge has no objection to the transfer.
- (b) The parties lack standing to contest or request the transfer.
- (c) Once transferred, the case proceeds as if it arose originally in the Court to which it was transferred.

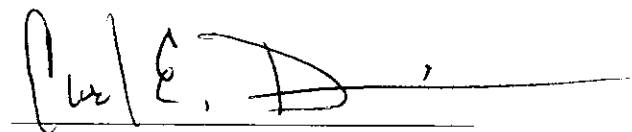
5.2 Criminal Cases.

- (a) A judge may transfer a pending misdemeanor case to another Justice of the Peace Court in Anderson County, provided that the receiving Judge has no objection to the transfer.
- (b) The Defendant has 10 days to object in writing to the transfer.
- (c) Once transferred, the case proceeds as if it arose originally in the Court to which it was transferred.

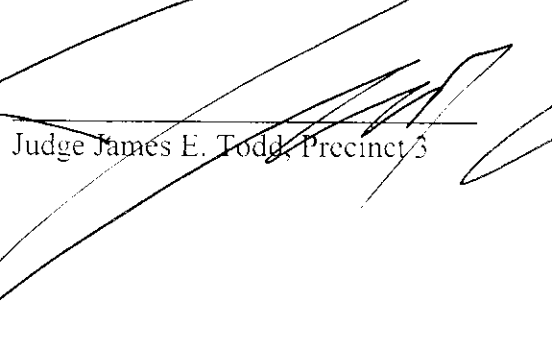
Approved by the Judges of the Anderson County Justice Courts on June 1, 2019 :



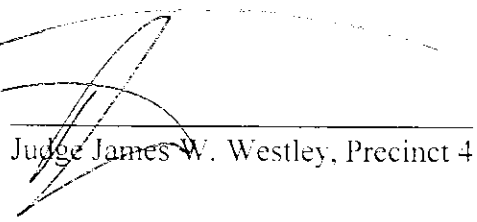
Judge Gary Thomas, Precinct 1



Judge Carl E. Davis, Precinct 2



Judge James E. Todd, Precinct 3



Judge James W. Westley, Precinct 4