

# SMALL CLAIM & JUSTICE CIVIL "DEFENDANT" INFORMATION SHEET

## PLEASE READ CAREFULLY

1. When you are sued and served with a citation from the Justice Court, you must answer (written) to the suit on or before the Monday which follows the tenth day from the date of service. You must answer in writing and advise the Court **if you wish to contest** the suit and have a trial by judge or a jury. If you wish to have a jury trial there will be a \$5.00 fee payable before the trial. **You will not be able to speak with Judge until both parties are present at trial.**
2. If you do not desire to contest the suit and you agree that the plaintiff recover the full amount he is seeking you may request (written) the court to enter a consent judgment against you.
3. You may represent yourself or hire an attorney to represent you. If you are a corporation being sued in Justice Court at trial you must be represented by an attorney. An attorney is optional in Small Claims court.
4. You should prepare a proper defense if you go to trial even though the burden is on the Plaintiff to prove his allegations against you.
5. If you have witnesses to your suit who will not come to Court voluntarily you may ask this Court to subpoena those individuals prior to trial. This request should be made as soon as possible allowing at least a week for service of the subpoena. There is a fee for the service of subpoena and you will need to contact the court for the cost.
6. After the Plaintiff presents his case at the trial as to his right to recover, you are then allowed to present your defense as to why he should not recover.
7. You should remember that hearsay evidence is inadmissible in Justice Court and cannot be used if objected to by the Plaintiff. Examples of hearsay evidence are affidavits, garage estimates, police reports, and what other people orally say. Evidence in Small Claims is allowed at the discretion of the Judge.
8. When the Plaintiff and you have both rested your case, the Court will enter a judgment – which the Plaintiff recovers from you, all, part, or nothing.
9. If a judgment is rendered against you, you may appeal the ruling of this Court to the County Court within 10 days by making a bond in the amount set by this Court.
10. Should the Court rule that the Plaintiff recover nothing from you, Plaintiff may appeal within 10 days or his right to recover from you is forever lost.
11. Should the Plaintiff recover a judgment from you and you do not appeal it, the Plaintiff may take further legal action against you to collect the amount of judgment plus court costs.
12. The Plaintiff may ask that an execution be issued to the Constable or the Sheriff to collect judgment from you by levying on CERTAIN belongings that you own. There are a number of remedies the Plaintiff may also obtain in the form of writs.
13. The Plaintiff may also obtain an abstract of judgment from the Court and file it with the County Clerk. Interest accrues against the judgment at the current rate of interest set by the law.
14. If you have any other procedural questions, please call and we will try to assist you, although **THIS COURT MAY NOT ANSWER ANY LEGAL QUESTIONS.**
15. It is imperative that you provide us with your daytime phone number and notify us immediately of any changes in your number or address.

Judge Jeff Cox  
Justice of the Peace Pct. 1  
P.O. Box 219  
Hemphill, Texas 75948  
(409)787-3719

### PHYSICAL ADDRESS:

Sabine County Courthouse  
201 Main Street  
Hemphill, Texas 75948