

TOPIC	JUSTICE COURT	SMALL CLAIMS COURT
JURISDICTION		
AMOUNT	\$10,000.00 exclusive of interest (G.C. 27.031)	\$10,000.00 including interest (G.C. 28.003)
TYPE OF CASE	AUTHORIZED A. civil matters within jurisdictional amount B. forcible entry & detainer C. foreclosure of mortgage and enforce lien on personal property	AUTHORIZED A. action for recovery of money only
	PROHIBITED A. suit by state to recover penalty, forfeiture or escheat B. divorce C. slander and defamation suits D. suit for trial of title to land E. foreclosure lien on land	PROHIBITED A. by assignee of claim B. person primarily engaged in business of loaning money at interest C. collection agency or agent
FILING FEE	\$41.00 plus costs of service	\$41.00 plus costs of service
VENUE	15.082 TO 15.097 (CP&RC) 1. generally county and precinct where one or more defendants reside 2. 14 exceptions	28.011 Government Code 1. County and precinct where defendant lives 2. Where the defendant has contracted to perform
PLEADING	Petition may be oral; the answer And all other pleadings written Rule 525 & 534	Petition must be sworn (G.C. 28.012); all other pleadings may be informal (G.C. 28.033), Except motion to change venue (G.C. 28.014)
WRITS 1. EXECUTION 2. ATTACHMENT 3. SEQUESTRATION	YES YES YES	YES NO NO
ATTORNEYS	1. for individual party <u>may</u> appear  2. for corporation <u>may</u> appear	1. for individual party may appear  2. for corporation may appear not required (G.C. 28.003f)
DUTY OF JUDGE	uphold and enforce the Constitution and laws of the State of Texas	1. develop the facts of the case (G.C. 28.034) 2. May question witnesses (G.C. 28.034) 3. May summons witnesses (G.C. 28.034) 4. render judgment as the justice of the case requires (G.C. 28.051) 5. sole objective to dispense speedy justice (G.C. 28.033)
CONTINUANCE	for good cause shown and affidavit Rule 541	"only for good cause shown" (G.C. 28.032)
DISCOVERY	YES	limited, with prior court approval (G.C. 28.033e)
JURY TRIAL	YES	YES
TRIALS & HEARINGS	FORMAL – must follow R.C.P.	INFORMAL
RULES OF EVIDENCE	APPLY (R.O.E. 101)	does not apply (R.O.E. 101)
APPEAL	YES	If in excess of \$20.00 – yes then just like justice court
G.C. = Government Code  CP&RC = Civil Practice and Remedy Code  R.O.E. = Rules of Evidence  R.C.P. = Rules of Civil		

Procedure		
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