

**LOCAL RULES FOR
THE JUSTICE OF THE PEACE COURTS
MONTGOMERY COUNTY, TEXAS**

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 Montgomery County. They are to be interpreted consistent with this objective.

1.2 Scope.

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

1.3 Jurisdiction.

The Justice Courts of Montgomery County hear:

- (a) Civil cases in which the amount in controversy is \$10,000.00 or less.
- (b) Eviction cases and cases involving landlord - tenant disputes.
- (c) Administrative hearings which include appeals of suspension and revocation of drivers' licenses, revocation of concealed handgun licenses, determination of dangerous dogs and appeals determination of liability for red light camera penalties.
- (d) Criminal cases in which the punishment is a fine or a fine and sanctions.
- (e) Requests for the issuance of peace bonds.

1.4. Organization.

The Justice Courts are organized by precincts. Each precinct serves a specific geographical area. There are five Justice Court Precincts in Montgomery County. Each court has its own court clerks 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. Jury impaneling is conducted in cooperation with the District and County Courts at Law.

CIVIL CASES

2.1 **Filing Cases.**

All civil cases 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 Montgomery 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.

2.3 **Setting Cases.**

All civil cases are to be brought to trial or 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.**

Either party shall be entitled to a trial by jury. The request shall be in writing and shall conform to the applicable rule. The jury fee shall be paid upon filing of the request.

2.5 **Holidays.**

When any date mentioned in these rules falls on a court holiday, the applicable date shall be the first business date following the holiday. The court holidays will be published. All county holidays will be court holidays.

CRIMINAL CASES

3.1 Filing cases

Justice Court cases shall be filed in the precinct where the offense is alleged to have occurred, except for cases involving school attendance, which may be filed in any precinct within the filing school district.

Offenses alleged to have been committed in more than one precinct may be filed in any precinct that the offense, or any portion of the offense, is alleged to have occurred.

3.2 First Appearance

Unless otherwise directed, defendants will appear at the Justice Court in which the case is filed, on the date and location written on the citation or summons.

Subsequent appearances will be scheduled by the Court.

3.3 Plea of Guilty or Nolo Contendere

Defendants may enter a plea of guilty or nolo contendere (no contest) at any time, except defendants under the age of 17 and minors charged with alcohol violations who must appear with a parent or guardian. Each Justice Court maintains a list of standard fines for various offenses which may be obtained from the Court.

RULES OF DECORUM

4.1 Dignity, respect and decorum are necessary to a proper court atmosphere. Proper dress shall be required. The following items of clothing are not allowed:

- * exposed midriffs or suggestive clothing
- * halter style and undershirt garments
- * excessively low rise jeans, pants, skirts or shorts
- * advertisement on clothing for drugs or alcohol

Cell phones, pagers and computers must be on silent mode or turned off in the courtroom. Additional rules may be posted by each Court.