

LOCAL RULES OF PROCEDURE

AND

RULES OF DECORUM

FOR THE JUSTICE OF THE PEACE COURT PRECINCT FIVE - LINDALE, TEXAS

SMITH COUNTY, TEXAS

EFFECTIVE October 1, 2024

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 properly before the Justice Courts of Smith County. They are to be interpreted consistent with this objective.

1.2 Scope.

These rules govern cases filed in the Justice Court, Pct. 5 of Smith County, Texas.

1.3 Jurisdiction.

The Justice Courts of Smith County hear:

- (a) Civil cases in which the amount in controversy is \$20,000.00 or less.
- (b) Eviction cases, both residential and commercial, including writs of re-entry.
- (c) Administrative hearings involving appeals of suspension and revocation of drivers' licenses, revocation of concealed handgun licenses, determination of dangerous dogs and occupational driver license.
- (d) Criminal cases in which the punishment is a fine or a fine and sanctions.
- (e) All other cases permissible under Texas law, including Section 27.031-27.034 of the Texas Government Code.

1.4 Organization.

The Justice Court is organized by precincts. Each precinct serves a specific geographical area. There are five Justice Court Precincts in Smith 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 peace 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.

RULES OF DECORUM

2.1 ATTIRE:

All PERSONS present in the Courtroom shall be dressed in a manner that shows dignity and respect for the Court. Unacceptable attire includes:

- Shorts, cut-offs, baggy pants, flip-flop style shoes, or hats.
- Muscle shirts, T-shirts, clothing indicating gang affiliation or other clothing with offensive, vulgar, racist, sexist, obscene, suggestive words, slogans, depictions, or pictures. Clothing should be neat and clean if at all possible.

2.2 COURTROOM CONDUCT:

Also includes the reception/foyer area, jury room, and/or any office space assigned to the Justice Court.

PRO SE parties (non-attorneys representing themselves) should be prepared to present their cases in proper manner. It is not the court's duty to represent you nor instruct you on evidence, rules, or how to present and prove your case. If you are unprepared, unaware and not knowledgeable as to presenting your case, you may lose your case.

1. Weapons are prohibited in the courtroom and this building except for law enforcement personnel. **YOU ARE SUBJECT TO SEARCH!**
2. Be on time.
3. Rise when the Judge enters and remain standing until the Judge or bailiff announces "Be seated", or until the Judge is seated. Rise when the Judge exits the courtroom.
4. Do not argue with the court.
5. Do not approach the Judge's bench without permission. Do not rest arms on the bench.
6. Do not bring drinks or food items into the Courtroom.
7. Do not talk at the same time as the court, opposing counsel, or witnesses. Courtroom visitors should not engage in excessive, loud talk or conversation.
8. Racist, sexist, obscene, or profane language is prohibited unless it is pertinent to a case, and is elicited and quoting from facts in the case.
9. Pagers and cellular phones are inappropriate in the Courtroom. Please turn them off before entering the Courtroom.

No video or audio recording devices are allowed without judicial approval.

CIVIL CASES

3.1 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.

3.2 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.

3.3 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.

3.4 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

4.1 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.

4.2 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.

4.3 Plea of Guilty or Nolo Contendere.

Defendants may enter a plea of guilty or 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.



Judge Danny Brown

JP Precinct 5