

CULBERSON COUNTY



JUSTICE COURTS

LOCAL RULES

RULES OF ADMINISTRATION

Culberson County Justices of the Peace

Effective Date: January 1, 2023

Subchapter C, Chapter 27, Government Code, Section 27.061. RULES OF ADMINISTRATION.

The justices of the peace in each county shall, by majority vote, adopt local rules of administration. These rules shall be adopted and become effective after approval as required by a majority of the justice of the peace in Culberson County, Texas. The rules are promulgated to provide a uniform system for the fair, impartial, and prompt dispositions of matter before the justice courts in Culberson County, Texas.

RULES OF ADMINISTRATION FOR JUSTICE OF THE PEACE COURTS WITHIN CULBERSON COUNTY, TEXAS

WHEREAS, there are four justice of the peace courts within Culberson County, Texas; and

WHEREAS, rules of administration and uniform rules of practice and procedure are necessary for the efficient and effective administration of justice;

NOW, THEREFORE, the following rules of administration and procedure are adopted by the justice of the peace courts of Culberson County, Texas and may be changed by majority vote at any appropriately called meeting.

RULES OF ADMINISTRATION

1. HOURS AND PLACES FOR HOLDING COURT:

- 1.1 Court shall be held at such times as may be determined expedient by the justice of the peace of each court.
- 1.2 Court shall be held at a courtroom authorized by the Culberson County Commissioners Court or in Culberson County, Texas in each justice of the peace designated court or in a location deemed necessary by the justice of the peace to carry out the responsibilities of the court.

2. Jurisdiction/Duties of The Justice Courts:

- Civil cases (Small Claims/ Debt Claims) in which the amount in controversy is \$20,000.00 or less.
- Eviction cases, both residential and commercial, including writs of reentry.
- Repair and Remedy \$10,000.00 or less.
- Administrative hearings involving revocation of driver's licenses, occupational license, animal hearings, etc.
- Criminal offenses which are fine only, both traffic and Class C misdemeanors.
- Peace Bonds
- Mental Health Cases
- Juvenile Cases
- School Attendance Cases
- Inquests
- Magistration
- Weddings

RULES OF ADMINISTRATION

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- 2.1 All justice court civil cases shall be filed in accordance with the Part V of the Texas Rules of Civil Procedure, Rules of Practice in Justice Courts; Small Claims Cases, Debt Claim Cases, Repair and Remedy Cases and Eviction Cases.

3. DISPOSITION OF CIVIL CASES:

- 3.1. Each justice of the peace should set the docket to ensure civil jury cases are concluded within eighteen (18) months from appearance date, and civil non-jury cases are concluded within twelve (12) months from appearance date, subject to a continuance or pass.

4. DISMISSAL CIVIL DOCKET:

- 4.1. At least once a year, each Court should set appropriate cases on a dismissal docket that have not had any action in the previous 365 days.

4.2 TRANSFER OF CASES AMONG COURTS:

4.2.1 TRANSFER OF CIVIL CASES:

- 4.2.2. In accordance with Section 15.0821 of the Texas Civil Practice and Remedies Code, regarding “Administrative Rules for Transfer,” the justices of the peace in each county shall, by majority vote, adopt local rules of administration regarding the transfer of a pending case from one precinct to a different precinct.
- 4.2.3 Any judge of a justice of the peace court in Culberson County, Texas may act as the judge of any other justice of the peace court in Culberson County, Texas.
- 4.2.4 The transfer of cases between justice of the peace courts of Culberson County, Texas may be done by written order upon consent of the judges of those courts participating in the transfer.

4.3 TRANSFER OF CRIMINAL CASES:

- 4.3.1 Pursuant to Article 4.12(e) of the Texas Code of Criminal Procedure, the justices of the peace in each county shall, by majority vote, adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct.
- 4.3.2 Any judge of a justice of the peace court in Culberson County, Texas may act as the judge of any other justice of the peace court in Culberson County, Texas.
- 4.3.3 The transfer of cases between justice of the peace courts of Culberson County, Texas may be done by written order upon consent of the judges of those courts participating in the transfer.

RULES OF ADMINISTRATION

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5 EXCHANGE OF BENCHES:

- 5.1 In accordance with the Texas Rules of Civil Procedure 502(f), upon agreement, justices of the peace may exchange benches to hold court and administer justice.
- 5.2 The docket of each case heard by the visiting judge will reflect the visiting judge's name.
- 5.3 The judge requesting the exchange shall initiate the transfer order and ensure it is signed by both judges prior to the adjudication of any cases.

6 INABILITY TO PAY:

- 6.1 The Justices of the Peace will use the form provided by the Justice Court Training Center and the form required by the Texas Supreme Court and as described in the Texas Rules of Civil Procedure 502.3, 506.1(d), 510.9(c).

7 FAIR VENUE CHANGE:

- 7.1 Pursuant to Texas Rules of Civil Procedure 502.4(e), if a party believes it cannot get a fair trial and provides the required documentation to seek a fair venue change, the judge receiving the order will follow the requirements in this rule to secure the appropriate remedy.

8 Postponing Trial/Continuances

- 8.1 Requests for postponements (continuances) must be submitted in writing to the court at least three (3) business days preceding the date of the trial or hearing

9 JUDICIAL MEETINGS:

- 9.1 The justices of the peace will meet quarterly at 11:30 a.m. on the second Friday of the following months: February, May, August, November or at such other time and location designated by majority vote of the four (4) justices of the peace.
The failure to conduct such quarterly meetings shall not impair the Rules of Administration set out herein or negate any of the Rules of Administration.

RULES OF ADMINISTRATION

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10 EACH COURT MAY ADOPT SUCH OTHER RULES NOT IN CONFLICT WITH THESE RULES OF ADMINISTRATION, CULBERSON COUNTY POLICY, STATE LAWS, OR FEDERAL LAWS AS MAY BE DEEMED NECESSARY BY THE JUDGE OF THAT COURT FOR THE EFFICIENT ADMINISTRATION OF JUSTICE.

- 10.1 These rules shall be reviewed and approved by majority vote of the justices of the peace in Culberson County, Texas in January of the year beginning a new four (4) year term of office.
- 10.2 These rules do not supersede statutory requirements, and all justices of the peace shall follow statutory laws as well as the Code of Judicial Conduct.

Signed and Agreed to this 6th day of January, 2023, by:

Rita H. Carrasco

Hon. Rita H. Carrasco, Justice of the Peace, Precinct 1

Julie Balcazar

Hon. Julie Balcazar, Justice of the Peace, Precinct 2

Michael Davis

Hon. Michael Davis, Justice of the Peace, Precinct 3

Roxann Cabezuela

Hon. Roxann Cabezuela, Justice of the Peace, Precinct 4