



DEFENDANT INFORMATION REGARDING CIVIL SUITS

To the Citizens of Precinct Two, Grayson County, Texas:

Justice of the Peace Courts are here for your benefit and it is our job to help you in any way possible.

However, rules of Judicial Ethics **PROHIBIT** this Office from:

1. GIVING LEGAL ADVISE
2. TELLING EITHER PARTY HOW TO PRESENT THEIR CASE
3. EXPRESSING OPINIONS OF THE LAW

The Court Clerks can answer questions **ONLY** of a general nature regarding procedures of the Court or questions concerning Court costs.

We must remain impartial and we cannot hear any part of a case or discuss the merits of any case unless all parties are present.

PLEASE DO NOT ASK US TO VIOLATE THESE RULES.

The information contained herein is for your information and is offered as a guide to all interested parties. As always, we recommend that you seek some form of sound legal advice.

PLEASE READ ALL THE ATTACHED INFORMATION BEFORE APPEARING IN COURT. DO YOUR HOMEWORK AND BE PREPARED.

SOME BASIC RULES FOR A FORMAL CONTESTED TRIAL

HEARSAY EVIDENCE: Hearsay is inadmissible and cannot be used if objection is made. Examples of hearsay evidence: signed affidavits, garage estimates, police reports and what other people said.

INVOKING RULE: Either party has the option to invoke the witness rule. This rule requires all witnesses who are not a party to the suit to remain outside the Courtroom until such time they are called upon to testify.

PLAINTIFF PROVES-UP DAMAGES: The Plaintiff must prove his case by preponderance of the evidence. (Evidence that has more weight than the other side.) The Plaintiff may put on his case by taking the witness stand to give his oral testimony and/or calling other witnesses on his behalf and/or presenting a tangible exhibit to the Court.

EXHIBITS: If either side wishes to present tangible exhibits, they must first show them to the other side. If there is no objection, said exhibits will be entered in as evidence. If there is an objection, the Judge must first rule on that objection.

CROSS EXAMINATION: After the testimony of a witness, the opposing side has the privilege of cross-examination. Under no circumstances is the cross-examiner allowed to make a statement while cross-examining a witness. This procedure prohibits arguments between the cross-examiner and the witness. If the Plaintiff has presented all the evidence he cares to present, he will then rest his case subject to rebuttal privileges.

DEFENDANT PRESENTS HIS CASE: The same rules of procedure apply as above.

Should the Plaintiff recover a judgment from you **AND YOU DO NOT APPEAL IT:**

- A. The Plaintiff may then take further legal action against you to collect the amount of the Judgment, plus interest from the date of Judgment and all Court costs that have been incurred.
- B. The Plaintiff may ask that a Writ of Execution be issued to the Constable or Sheriff to collect the Judgment from you by levying on certain of your belongings. This may be filed thirty (30) days after Judgment.
- C. The Plaintiff may obtain an Abstract of Judgment from the Court and file it at the County Clerk's office. Interest accrues against the Judgment at 10% per annum or other legal percentages as stated in the Judgment until paid.
- D. The Plaintiff may file a Writ of Garnishment suit either at the commencement of a suit or at any time during its progress. This type of suit is used to garnish money, equipment or assets belonging to you, even if they are being held by a third party.