



JUSTICE OF THE PEACE COURTS RUSK COUNTY, TEXAS

LOCAL RULES OF PROCEDURE AND RULES OF DECORUM

UPDATED AUGUST 15, 2025

GENERAL

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

1.2 Scope

These rules govern cases filed in the Justice Courts of Rusk County, Texas.

1.3 Jurisdiction

The Justice Courts of Rusk County hear all cases over which they have statutory or constitutional powers, including:

- (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 which are fine only, both traffic and Class C.
- (e) Inquests.
- (f) School attendance cases, criminal and civil.
- (g) Any 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 Rusk County. Precinct One serves the Northwestern portion of Rusk County; Precinct Two serves the Northeastern part; Precinct Three serves the Southeastern portion; Precinct Four serves the Southern portion; and, Precinct Five serves the central part of the county. Each court has its own court clerks responsible for setting cases on the individual docket of the court.



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 Bench Exchange

Pursuant to Texas Rules of Civil Procedure Rule 502.4, upon agreement, a justice of the peace may exchange benches to hold court and administer justice. The docket of each case heard by the visiting judge will reflect the visiting Judge's name. The judge requesting the exchange will initiate the transfer order to ensure it is signed by both judges prior to the adjudication of any cases.

1.7 Recording or Broadcasting of Court Proceedings

Unless written permission is obtained from the presiding Justice of the Peace, recording or broadcasting of court proceedings are strictly prohibited and subject to Contempt of Court.

1.8 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. Questions about the jury impaneling process and jury service may be addressed to the jury office at 903-657-0353.

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. Truant conduct cases shall be filed in the county where the child resides or the school is located. Eviction cases shall be filed in the Justice Court where the leased premises are located.

2.2 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 or orders following pre-trial which would address applicable matters. Each Justice Court shall be responsible for the setting of hearings and trials in respective Courts and for the notices thereof. Preferential settings may be obtained at the discretion of the judge.

2.3 Demand for Jury

Either party shall be entitled to a trial by jury. A party requesting a civil jury trial shall file a written request with the court in which the case is filed not later than the 14th day before trial for a small claim or debt claim case. Any party may file a written demand for trial by jury in an eviction case by making a request to the court at least three (3) days before the trial date. The jury fee shall be paid upon filing the request.



2.4 Continuances

Continuance will be heard on the merits of each individual case. The notice and pleading requirements of law must be followed.

2.5 Matters Preliminary to Trial on the Merits

Except for motions for continuance based on new circumstances, all motions in *limine*, exceptions and all pre-trial motions and pleas in each jury case shall be presented and heard at pre-trial hearing. All such exceptions, motions, and pleas not presented and heard at the scheduled pre-trial hearing will be deemed waived, except upon a showing of good cause. For non-jury cases all exceptions, motions and pleas must be filed three days before the scheduled trial before the court. A *movant* shall deliver a copy of each pleading to any opposing party and to the court in the manner and within the time provided by the Texas Rules of Civil Procedure.

2.6 Hearings Conducted by Telephone

At the discretion of the judge, a party or attorney may appear by telephone conference call. A request by a party for such an arrangement must be made in writing, in advance. In rare cases in the interest of justice, the court may permit a witness to appear by telephone conference call. A judge will not initiate a conference call. All arrangements with telephone operators must be made by the requesting party. At any time, even after the completion of a conference call, a judge may determine that a hearing by telephone will not be sufficient and may require a hearing in court upon notice to all parties.

2.7 Dismissal for Want of Prosecution by the Court

2.7.1 Case Selection - Cases designated by the court are eligible for dismissal for want of prosecution *sua sponte*

2.7.2 Notice - The court clerk shall give notice that certain cases will be dismissed for want of prosecution. Such matters will be dismissed on the date indicated in the notice of dismissal unless the Court orders it retained.

2.7.3 Docket Settings – Only the Court may make a setting in cases set for dismissal.

2.7.4 Procedures for Retaining Cases and Objecting to Motions to Retain – Pursuant to TRCP 505.3(a), a plaintiff whose case is dismissed may file a motion to reinstate the case no later than 14 days after the dismissal order is signed. The plaintiff must serve the defendant with a copy of the motion no later than the next business day using a method approved under Rule 501.4. The court may reinstate the case for good cause shown. Parties objecting to a motion to retain shall state, in writing, the basis for any objection to the motion to retain within 3 days of service of a motion to retain.

2.7.5 Cases Not Requiring Oral Argument - Oral arguments on motions to retain or objections to motions to retain, may be permitted by the Court.

2.7.6 Cases Requiring Oral Argument - The Court shall notify the parties of the Court's decision to permit oral argument, and shall notify the parties of any hearing



on motions to retain. A party wanting to argue a motion to retain or an objection to retention may appear on the date and time set for dismissal of the case.

2.7.7 Retained Cases - If the Court decides to retain the case, the Court will set the case for trial at the convenience of the Court. The Court will notify the parties of the setting. At the setting, the case will be tried or dismissed.

2.7.8 Includes all Pending Claims - References in this chapter to a "case" include all pending claims in the case.

2.8 Drafts of Judgments and Orders

So far as practicable, every draft of a judgment or order to be signed by a judge should be approved as to form by attorneys for all parties before it is presented to the judge. A draft of an order shall not be typed on the same page with a pleading, motion, certificate of service, or any part thereof, and each such draft shall have a heading showing the cause number, the style of the case, and the court in which it is pending. The word "entered" should not be used in the line provided immediately above the judge's signature to show the date on which a judgment or order is signed.

2.9 Motion to Withdraw as Attorney

Except as provided in Rules 8 and 10, Texas Rules of Civil Procedure, a motion to withdraw will be granted without a hearing only if the moving attorney:

- (a) Files written consents to the withdrawal signed by attorneys for all parties; and
- (b) Files a written consent to the withdrawal signed by the client, or includes in the motion a specific statement of the circumstances that justify the withdrawal and the circumstances that prevent the moving attorney from obtaining the client's written consent; and
- (c) Files a certificate stating the last known mailing address of the client. If all requirements above are not satisfied, a motion to withdraw or to substitute another attorney must be presented at a hearing after notice to the client and to all other parties.

2.10 Holidays

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

CRIMINAL CASES

3.1 Filing Cases

Justice Court cases, including cases involving school attendance, may be filed in any Justice of the Peace precinct in the county.



3.2 First Appearance

Unless otherwise directed, defendants will appear at the Justice Court in which the case is filed, according to the date and location written on their citation or summons. Subsequent appearances will be as scheduled by the Court.

3.3 Setting Cases

Cases are set at the request of defense attorneys or defendants in the Justice Court in which the case is docketed. Attorneys or defendants may reset cases no later than the day before the current setting in accordance with court rules. Court clerks are authorized to give the following settings; all others must be approved by the Judge.

- (a) **Announcement Docket** – Defendants may discuss their cases with a prosecutor, plead guilty or no contest to resolve the case, or reset the case for trial.
- (b) **Pretrial** – All pretrial hearings will be held on the day set unless a written State or Defense motion for continuance is granted.
- (c) **Jury Trial** – Defense attorney and/or defendant shall appear at the scheduled jury setting. State and Defense must either announce ready or file a written motion for continuance. If the defendant waives a jury at the docket call, a written waiver, signed by counsel and or defendant must be presented.

3.4 Plea of Guilty or Nolo Contendere

Defendants may enter a plea of guilty or no contest at any time, with or without a plea agreement. Each Justice Court shall maintain a list of “standard” fines for various offenses. Defendants may also elect to enter a plea of guilty or no contest and address the Judge regarding punishment.

3.5 Appointment of Counsel

Indigent defendants are not entitled to a court appointed attorney, as a matter of law, when charged with a fine-only offense.

3.6 Motions to Withdraw or Substitute

An attorney becomes attorney of record in a misdemeanor case by listing his or her name on pleadings or by setting or resetting the case. He or she remains attorney of record until relieved by written order of the Court. An attorney's motion to withdraw will be heard at any time when the defendant has had notice to appear or whenever the defendant agrees in writing. Adequate notice is by certified mail, return receipt requested. Motions to substitute counsel will be granted without hearing so long as the scheduling of trial will not be delayed by the change in counsel.



RULES OF DECORUM

4.1 General Rules of Courtroom Conduct

This 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 the 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.

- (a) Weapons are prohibited in the courtroom and this building except for law enforcement personnel. **YOU ARE SUBJECT TO SEARCH!**
- (b) Be on time.
- (c) 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.
- (d) Proper attire required in the Courtroom. No shorts, tank tops, torn clothing or hats allowed.
- (e) Do not bring food or drinks or chew gum in the Courtroom. The use of tobacco is prohibited.
- (f) 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.
- (g) Address the Court as "Judge" or "Your Honor"
- (h) Do not argue with the court.
- (i) Do not approach the Judge's bench without permission. Do not rest arms on the bench.
- (j) 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.
- (k) Do nothing to disturb or distract the court, Counsels, witnesses or other Court personnel. Once Court is in session you are expected to remain seated.
- (l) It is normally inappropriate to bring small infants or young children into the court proceeding. Please refrain from doing so unless the presence of the child is necessary for the proceeding.
- (m) Cellular phones are inappropriate in the Courtroom. Please turn them off before entering the Courtroom.
- (n) No video or audio recording devices are allowed without judicial approval.
- (o) All property in the Courtroom and reception area must be treated with respect.

The Judge, the attorneys, and other officers of the court will refer to and address other court officers and other participants in the proceedings respectfully and impersonally, as by using appropriate titles and surnames rather than first names.



4.2 Attorneys

- (a) Attorneys should observe the letter and spirit of all canons of ethics, including those dealing with discussion of cases with representatives of the media and those concerning improper ex parte communications with the Judge.
- (b) Attorneys should advise their clients and witnesses of Local Rules of Decorum that may be applicable.
- (c) All objections, arguments, and other comments by counsel shall be directed to the Judge or jury and not to opposing counsel.
- (d) While another attorney is addressing the Judge or jury, an attorney should not stand for any purpose except to make an appropriate motion, request or objection to the Court.
- (e) Attorneys should not approach the bench without leave of court and must never lean on the bench.
- (f) Attorneys shall remain seated at the counsel tables at all times except:
 - (1) when the Judge enters and leaves;
 - (2) when addressing the Judge or jury; and
 - (3) whenever it may be proper to handle documents, exhibits, or other evidence (leave of court is not required.)
- (g) Attorneys should anticipate any need to move furniture, appliances, or easels, and should make advance arrangements with the Court. Tables should not be moved during court sessions, unless approved the Court.

TRANSFER OF CASES

5.1 Civil Cases

- (a) At the Judge's discretion, a Justice of the Peace Court in one precinct may transfer a pending civil case to another Justice of the Peace Court in Rusk County, provided that the receiving Judge has no objection to the transfer.
- (b) The parties lack standing to contest or request the transfer.
- (c) Once transferred, the case proceeds as if it arose originally in the court to which it was transferred.

5.2 Criminal Cases

- (a) A judge may transfer a pending misdemeanor case to another Justice of the Peace Court in Rusk County, provided that the receiving Judge has no objection to the transfer.
- (b) The defendant has 10 days to object in writing to the transfer.
- (c) Once transferred, the case proceeds as if it arose originally in the court to which it was transferred.