



PUBLIC SERVICES & PUBLIC LEGAL ADVISORS

JUDGE JAMES R. DePIAZZA
JUSTICE OF THE PEACE - DENTON COUNTY PRECINCT TWO

The following information is not offered as legal advice, but is procedural information only. The court and its staff cannot give legal advice. The information herein is not exhaustive. You should seek legal counsel from a licensed attorney if you have questions.

CAN THE JUSTICE COURT HELP?

The Court and its staff cannot tell you what you should do about any legal issues.

The *Code of Judicial Conduct* prohibits a Judge or court staff from “practicing law” (giving legal advice). The *Code* further prohibits the Justice of the Peace from engaging in communications concerning the merits of a pending judicial proceeding, or the merits of an impending claim or dispute. The Court and staff can, however, communicate concerning

- ☆ *uncontested* administrative matters
- ☆ *uncontested* procedural matters
- ☆ magistrate duties and functions
- ☆ determination of jurisdiction, or determining whether a claim might be better resolved in some other judicial or non-judicial forum.

What kind of civil cases can I file?

The Justice of the Peace can hear lawsuits against individuals or companies for money damages, (up to a maximum of \$10,000), suffered as a result of accidents, property

damage, or breach of a contract or agreement. Justices of the Peace also hear “forcible detainer cases” - commonly referred to as “evictions”. Civil cases are filed

A Justice Court has no jurisdiction to hear: Divorce, slander or defamation of character, suits to determine title to land or suits for enforcement of liens on land.

A Justice Court cannot emancipate juveniles, handle adoptions, or remove children from homes to “reform schools”.

A Justice Court cannot issue protective orders, restraining orders or injunctions.

either in *Small Claims Court* or *Justice Court*. A packet of basic information may be available to help you in deciding which forum to file a case in.

LEGAL COUNSEL IS STRONGLY RECOMMENDED BEFORE SEEKING THE FOLLOWING RELIEF:

Writ of Attachment: The purpose of a writ of attachment is to seize and hold a defendant’s property for the payment of a debt for the collection of which a suit is brought.

Writ of Garnishment: The purpose of a writ of garnishment is to determine whether a third party owes a debt or property to a defendant which can be reached and applied to the payment of the plaintiff’s debt, and to impound property and assets of the defendant in the hands of the third party.

Writ of Reentry: The purpose of a writ of reentry is for a tenant to regain entry into premises from which the tenant has been *wrongfully* locked out. Certain circumstances allow a landlord to *lawfully* lock a tenant out of leased property.

Trials to Right of Property: A person having possession of property, or title, may bring a suit to *reclaim* personal property seized under a Writ of Execution, Writ of Sequestration or Writ of Attachment, if the claimant is not a party to the writ levied on the property.

Writ of Possession: A writ issued to force an occupant to vacate leased premises, after a Court hearing to make a determination regarding the right to possession of leased premises.

Writ of Sequestration: A writ issued at the commencement of a suit to preserve and protect the value of property involved in the suit until trial.

What about criminal cases?

How are criminal cases filed? Most frequently, cases are filed by law enforcement agencies, such as the Sheriff, the police department, the Department of Public Safety, Parks & Wildlife, and others.

Citizens' Complaints. Sometimes citizens desire to file a criminal complaint directly with the Justice Court. You will be required to complete a sworn affidavit and supply the names and addresses of the defendant and any witnesses. Since the District Attorney will have to prosecute the complaint on your behalf, you may be asked to meet with an Assistant District Attorney to determine if there has been any law broken, and if there is sufficient evidence to prosecute the case.

Attorney Representation. Again, it is **not required** that you be represented by legal counsel, but the State of Texas will be represented by the office of the Denton County District Attorney, and you are certainly free to hire a lawyer to represent you in Court. But if you cannot afford an attorney, no lawyer will be appointed for you, because the offenses within the Justice Court's jurisdiction are punishable by *fine only*, (and not by imprisonment).

Justice Courts have jurisdiction of :

Traffic offenses

Class C misdemeanors) punishable by fines only up to \$500)

Criminal cases punishable by fine only, or a fine and a sanction not consisting of confinement or imprisonment that is rehabilitative or remedial in nature.

“But your Clerk said...”

The *Code of Judicial Conduct* prohibits a Judge or court staff from “practicing law” (giving legal advice). The Code further prohibits the Justice of the Peace from engaging in communications concerning the merits of a pending judicial proceeding, or the merits of an impending claim or dispute.

Court clerks *in every Court have specific instructions not to attempt to advise parties to Court cases.* Sometimes this results in frustration for the public. Relying on incorrect information could result in an avoidable expense, or even losing a lawsuit.

I just want to talk to the Judge...”

The *Code* further prohibits the Justice of the Peace from engaging in communications concerning the merits of a pending judicial proceeding, or the merits of an impending claim or dispute.

This means a judge can only discuss matters when *all parties* to a lawsuit are present during the discussions. Most people understand this when they consider how they would feel about the judge discussing their case with the other side without their knowledge or consent.

We have many packets of procedural information on specific topics that are free to the public, that contain much useful information.

These include:

- ☆ Evictions
- ☆ Juvenile
- ☆ Issuance of Bad Checks and Theft By Check
- ☆ Peace Bonds, Protective Orders & Restraining Orders
- ☆ Small Claims and Justice Civil Cases

Do I need a Lawyer?

Legal representation is **not required** to appear in Justice or Small Claims Court. In many cases legal representation is **desirable** to safeguard your rights and interests. In certain, more complex issues, legal representation is **advisable**.

PUBLIC SERVICES

SHELTER, UTILITIES, RENT ASSISTANCE, FOOD, CLOTHING & MEDICAL CARE

Christian Community Action (CCA) 972-221-1224, 200 S. Mill Street, Lewisville

Salvation Army Main St., Lewisville: 972-353-9400; 1508 E. McKinney, Denton: 940-566-3800; 5302 Harry Hines, Dallas: 214-688-4494

Community Services, Inc., @Salvation Army 207 Elm, Lewisville 972-353-9400.

Metrocrest Service Center, 1002 S. Broadway, Carrollton 75006 972-446-2100

PediPlace, (Medicaid Pediatrics), 502 S. Old Orchard, Lewisville: 972-436-7962

COUNSELING, FAMILY, INDIVIDUAL, DRUG ABUSE, BATTERERS

Advocacy & Pregnancy Center – 972-436-2273 –Lewisville

Friends of the Family - Lewisville: 972-221-0650; Crisis Line: 940-382-7273 or 800-572-4031

Youth & Family Services - 601 Crosstimbers, Suite 120, Flower Mound: 972-724-2005

Greater Dallas Council on Alcohol Info Line: 214-522-8600; Crisis: 800-246-HOPE

Metrocrest Service Center - See prior listing

Christian Community Action - See prior listing

Salvation Army - See prior listing

The Nelson Center - Residential treatment & school for substance abuse and behavior modification 940-484-8232.

Juvenile Alcohol Education: 800-246-4673

Crossroads Family Services - 2600 Avenue K, #140, Plano, TX 75074 972-578-2802

Get Motivated Boot Camp—3650 New Hope Rd, Aubrey, TX 76227 940-365-1818

Juvenile Aggression Management 940-382-7456 x 3.

TRANSPORTATION NEEDS

SPAN: All of Denton County: 972-434-2466

CREDIT CARD DEBT COUNSELING

Consumer Credit Counseling of North Texas, Inc.: Lewisville: 972-221-6798; 800-856-0257; The Colony: 972-370-6914

LEGAL ASSISTANCE

Texas Attorney General - Child Support: 1-800-687-8233; 972-396-1115

ACES (Assn. for Children for Enforcement of Support): 214-553-5935

Legal Aid of NorthWest Texas - Denton: 800-955-1407; 940-383-1406

Women's Advisory Project: 800-777-3247

Denton Bar Assoc.: 940/566-7010; Divorce Clinic: 940-383-1406

Weinstein Law Firm—Bonner Walsh, attorney – toll free—1-877-677-5333 or 903-677-3657

Texas Bar Legal line—214-220-7476, only the 2nd/3rd Wednesday of each month, 5:00pm—8:00pm

Legal Hot Line for Older Texans - 800-622-2520

State Bar of Texas Attorney Grievance Line: 800-932-1900

A word about mediation.....

The Court and its staff cannot negotiate a settlement for you. Some disputes -- like those between relatives and neighbors -- are best handled by an agreement reached through mediation as an alternative to litigation. Some mediators work for profit, and others operate as non-profit agencies. Some mediators are licensed attorneys, others are not. Mediation is private, faster (and often less expensive) than the court system, deals with both feelings and issues, helps restore peace and improve or restore relationships.



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