

Comparison of Justice Court and Small Claims Court

Topic	Justice Court	Small Claims Court
Jurisdiction		
1. Amount	\$10,000 (G.C. 27.031)	\$10,000.00 (G.C. 28.003)
2. Type of Case	Authorized A. Civil matter within jurisdictional amount B. Forcible entry & detainer C. Foreclosure of mortgage and enforce lien on personal property	Authorized A. Action for recovery of money only
	Prohibited A. Suit by state to recover penalty, forfeiture, or escheat B. Divorce C. Slander and defamation suits D. Suit for trial of title to land E. Foreclosure lien on land	Prohibited A. By assignee of claim B. Person primarily engaged in business of loaning money at interest C. Collection agency or agent D. Pain & suffering; slander; punitive damages (to punish)
Filing Fee	\$31.00 plus costs of service	\$31.00 plus costs of service
Venue	15.082 TO 15.100 (C.P. & R.C.) 1. generally county and precinct where one or more defendants reside 2. 14 exceptions	28.011 G.C. 1. County and precinct where defendant lives 2. Where the defendant has contracted to perform
Pleadings	Petition may be oral. Answer and all other pleadings must be written and follow the Rules of Civil Procedure.	Petition must be written and sworn (G.C. 28.012); all other pleadings may be informal (G.C. 28.033), except motion to change venue (G.C. 28.014).
Attorneys	1. For individual: may appear, not required. 2. For corporation: may appear, not required.	1. For individual: may appear, not required. 2. For corporation: may appear, not required.
Duty of Judge	Uphold and enforce the Constitution and laws of the State of Texas	1. Develop the facts of the case (G.C. 28.034) 2. May question witnesses (G.C. 28.034) 3. May summon witnesses (G.C. 28.034) 4. Render judgment as the justice of the case requires (G.C. 28.051) 5. Sole objective to dispense speedy justice (G.C. 28.033)
Continuance	For good cause shown and affidavit (R.C.P. 541)	"Only for good cause shown" (G.C. 28.032)
Discovery	Yes	Limited, with prior court approval (G.C. 28.033e)
Jury Trial	Yes	Yes
Trials and Hearings	Formal - must follow R.C.P.	Informal
Rules of Evidence	Apply (R.O.E. 101)	Does not apply (R.O.E. 101)
Appeal	Yes, if in excess of \$250.	If in excess of \$250 - then just like justice court

G.C. - Government Code
R.O.E - Rules of Evidence

C.P. & R.C. - Civil Practice and Remedies Code
R.C.P. - Rules of Civil Procedure

The information found above does not constitute legal advice. If you need legal advice, you should speak with an attorney.