

HARRIS COUNTY JUSTICE OF THE PEACE COURTS

Local Rules



Updated: November 15, 2017

PART 1. GENERAL RULES

RULE 1.1. OBJECTIVES OF LOCAL RULES

In accordance with the provisions of Section 27.061 of the Texas Government Code, requiring the justices of the peace in each county to adopt local rules of administration and Section 15.0821 of the Texas Civil Practice and Remedies Code, requiring the justices of the peace in each county to adopt local rules of administration regarding the transfer of a pending civil case from one precinct to a different precinct, and Article 4.12 of the Texas Code of Criminal Procedure, requiring the justices of the peace in each county to adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct, and also Section 75.404 of the Texas Government Code, the Justices of the Peace in Harris County adopt local rules to provide for administration of cases and for the assignment, docketing, transfer, and hearing of cases. A local rule may provide for the prosecution of a criminal case in any precinct designated by the local rule, notwithstanding other provisions of law regarding venue. A civil case, except an eviction suit, may be brought in any precinct designated by the local rule.

It is the objective of these Local Rules to provide for the efficient processing of cases that come before the Harris County Justice Courts so that persons coming before the court have a meaningful opportunity to be heard, consistent with Chapter 45 of the Texas Code of Criminal Procedure and Part V of the Texas Rules of Civil Procedure governing practice and procedure in the Justice of the Peace Courts.

RULE 1.2. COURTROOM DEMEANOR

All persons in the courtroom shall conduct themselves with decorum and in such a manner so as not to interfere with or obstruct judicial activities or proceedings. All persons appearing before the Court shall, as far as practicable, appear in appropriate attire.

Adopted June 28, 2012

RULE 1.3. ALTERNATIVE DISPUTE RESOLUTION

It is the policy of this state to encourage the peaceable resolution of disputes, and the Court may, on motion of a party or on the judge's own motion, refer a case for mediation. Parties ordered to mediation must attend and should have authority to enter into a resolution.

Adopted June 28, 2012

RULE 1.4. MOTIONS FOR CONTINUANCE IN CIVIL CASES.

Prior to filing a motion for continuance, the party seeking a continuance in a civil case must confer with the opposing party or parties in an effort to secure an agreement to the delay. Except in case of emergency, a motion for continuance in a civil case shall be in writing, state why the postponement is necessary, and shall be filed with the Court at least three (3) business days preceding the date of trial or hearing.

Adopted June 28, 2012

Amended November 12, 2014

RULE 1.5. CONFLICTING ENGAGEMENTS OF ATTORNEYS

A. Attorney in trial in another Court.

- (1) An attorney who is, or is scheduled to be in trial in another court, will, in writing and as soon as the conflict becomes apparent, inform the Justice Court in which there is a conflicting setting of the case number and the court in which the case is being tried. When informed that an attorney is in trial, the Court will verify the assignment. The case will be placed on “hold” or reset, depending upon the circumstances.
- (2) If the attorney is not actually in trial as represented by the attorney or agent, the case may be tried without further notice.

B. Attorney assigned to trial in two Justice Courts for the same date:

- (1) It is the duty of the attorney to call the Court’s attention, in writing, to any conflicting trial setting as soon as the conflict becomes apparent.
- (2) The Justices of the Peace will agree on which case has priority, with consideration given to the following order:
- (i) Jury Trials.
 - (ii) Criminal cases.
 - (iii) Cases given preference by statute.
 - (iv) Cases given preferential settings.
 - (v) Case with earliest filing date.
- (3) In event of unresolved conflict between two Courts, the issue will be decided by the Presiding Judge, or Co-Presiding Judge in the absence of the Presiding Judge.

Adopted June 28, 2012

RULE 1.6. WITHDRAWAL OR SUBSTITUTION OF COUNSEL

An attorney of record may withdraw from representation of a party only upon written motion for good cause shown. If another attorney is to be substituted as attorney for the party, the motion must provide the contact information for the substituting attorney. If no other attorney is to be substituted, the motion must be delivered to the party and contact information for the party must be provided in the motion.

Adopted June 28, 2012

RULE 1.7. RECORDING OR BROADCASTING OF COURT PROCEEDINGS.

Unless written permission is obtained from the Justice of the Peace, recording or broadcasting of court proceedings is prohibited.

Adopted June 28, 2012

RULE 1.8. FILING NOTICE OF BANKRUPTCY.

A party to a pending civil case shall immediately notify the Court of the filing of a petition in bankruptcy. Such notice shall be made by filing a written notice (suggestion of bankruptcy) with the Court and serving copies on all parties to the suit. A suggestion of bankruptcy shall be filed as soon as practicable, and not more than five (5) days, after a party receives notice of the filing of a petition in bankruptcy by any other party.

Adopted March 23, 2017

PART 2. ASSIGNMENT AND TRANSFER OF CASES

Rule 2.1 ASSIGNMENT OF CASES

Notwithstanding other provisions of law regarding venue, (1) a misdemeanor case to be tried in a Harris County Justice Court may be prosecuted, according to a Local Rule, in any Precinct designated by the Local Rule, and (2) a civil case, except a suit for eviction or involving real property, may be brought, according to a Local Rule, in any Precinct designated by the Local Rule.

Adopted April 22, 2004

RULE 2.2. TRANSFER OF PENDING CRIMINAL CASES.

Unless otherwise provided by a more specific Local Rule, the transfer of a criminal case from a Harris County Justice Court to Harris County Justice Court in the precinct in which the offense was committed or in which the defendant resides, may be made by the Justice Court in which the case is pending.

Adopted June 28, 2012

RULE 2.3. TRANSFER OF PENDING CIVIL CASES.

Unless specified by a more specific Local Rule, a Harris County Justice Court in which a civil case is pending may transfer the case to another Harris County Justice Court in the precinct:

- (i) in which one or more of the defendants reside,
- (ii) in which personal property made the basis of the proceeding is located,
- (iii) in which all or part of rented premises for which rent is sought is located,
- (iv) in which the contract made the basis of the proceeding is to be performed,
- (v) in which a contract for goods, services, or loans intended primarily for personal, family, household, or agricultural use was signed, or
- (vi) in which an injury was inflicted.

Adopted June 28, 2012

RULE 2.4. ASSIGNMENT OF CASES ON DISQUALIFICATION.

A. Civil Cases

When presented with a proper motion supported by the sworn statements of two other credible persons as required by Rule 502.4(e), Texas Rules of Civil Procedure, the Justice of the Peace shall refer the civil case in which the motion was filed to the Presiding Judge.

If the movant is seeking a change of judge, the Presiding Judge will (i) assign another Justice of the Peace to exchange benches with the disqualified Justice of the Peace in order to hear the case, or (ii) assign a special judge to preside in case.

If the party is seeking a change in location for trial, the Presiding Judge will assign the case for trial to nearest qualified Justice Court and the Justice of the Peace shall transfer the civil case in which the motion was filed to the Justice Court to which the case was assigned.

B. Eviction Cases

Following the disqualification of the Justice of the Peace presiding in an eviction case, the Justice of the Peace shall refer the case to the Presiding Judge who will (i) transfer the case to the other Justice Court in the same Precinct, (ii) assign another Justice of the Peace to exchange benches with the disqualified Justice of the Peace in order to hear the case, or (iii) assign a special judge to preside in the case.

C. Criminal Cases

If the Justice of the Peace is disqualified from presiding in a criminal case, the Justice of the Peace will (i) transfer the case to the other Justice of the Peace in the same Precinct, or (ii) transfer the case to a Justice of the Peace in an adjacent Precinct.

D. Order of Transfer

An Order transferring the case shall identify the Court to which the case is being transferred and a copy of the Order shall be delivered to each party or their attorney of record.

Adopted June 28, 2012

Amended November 6, 2013

Amended November 12, 2014

PART 2 SECTION 1. PROSECUTION OF CERTAIN TYPES OF CRIMINAL CASES

Rule 2.1.1. Commercial Motor Vehicle Safety Standards

All complaints and affidavits made by the sheriff or a deputy sheriff certified to enforce Commercial Motor Vehicle Safety Standards as provided in Chapter 644 of the Texas Transportation Code, and involving a commercial motor vehicle, shall be prosecuted in a Justice of the Peace Court in Precinct 6.

In the event that such complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 6 for prosecution.

Adopted April 22, 2004

(REPEALED) Rule 2.1.2. Plumbing License Law

All complaints and affidavits made by field representatives employed by the State Board of Plumbing Examiners to enforce the Plumbing License Law, Chapter 1301 of the Texas Occupations Code, shall be prosecuted in a Justice of the Peace Court in Precinct 2.

In the event that such complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 2 for prosecution.

Adopted April 22, 2004

Repealed November 6, 2013

(REPEALED) Rule 2.1.3. State Lottery Act

All complaints and affidavits made by the executive director of the Texas Lottery Commission, persons designated by the Texas Lottery Commission, or any law enforcement agency to enforce the State Lottery Act, Chapter 466 of the Texas Government Code, shall be prosecuted in a Justice of the Peace Court in Precinct 7.

In the event that such complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 7 for prosecution.

Adopted April 22, 2004

Repealed November 6, 2013

Rule 2.1.4. State and County Regulations Relating to Fires, Explosions, or Damages Caused by a Fire or Explosion

All complaints and affidavits presented for the prosecution of offenses related to state and county regulations that relate to fires, explosions, or damages of any kind caused by a fire or explosion, including:

- (i) Contempt of Fire Investigation Proceedings (TEX. LOC. GOV'T CODE §352.021),
- (ii) Regulation of Fireworks and Fireworks Displays (TEX. OCC. CODE Chapter 2154),
- (iii) Regulation of Fireworks During Drought Conditions (TEX. LOC. GOV'T CODE §352.051)
- (iv) Possession of Gunpowder, Combustibles, Explosives, or Fireworks in County Parks (TEX. LOC. GOV'T CODE §320.0455)
- (v) Regulation of Outdoor Burning (TEX. LOC. GOV'T CODE §352.081),
- (vi) Mass Gatherings (TEX. HEALTH & SAFETY CODE Chapter 751),

and any other complaints and affidavits presented by or at the direction of the Harris County Fire Marshal or Investigators of the Harris County Fire Marshal's Office shall be prosecuted in a Justice of the Peace Court in Precinct 4.

In the event that such complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 4 for prosecution.

Adopted April 26, 2006

Rule 2.1.5. State and County Regulations Relating to Sanitation, Environmental Quality, and Food Service and Measures Relating to Food

All citations, complaints and affidavits presented for the prosecution of offenses related to state and county regulations that relate to Sanitation and Environmental Quality under Title 5, and Food regulations under Title 6, Texas Health and Safety Code, including:

- (i) Minimum Standards of Sanitation and Health Protection (TEX. HEALTH & SAFETY CODE, Chapter 341),
- (ii) Abatement of Public Nuisances (TEX. HEALTH & SAFETY CODE, Chapter 343),
- (iii) Litter (TEX. HEALTH & SAFETY CODE, Chapter 365)
- (iv) On-Site Sewage Disposal Systems (TEX. HEALTH & SAFETY CODE, Chapter 366 and); and TEX. WATER CODE, Chapter 7); and
- (v) Regulation of Food Service Establishments, Retail Food Stores, and Mobile Food Units, and Public Health Measures Relating to Food (TEX. HEALTH & SAFETY CODE, Chapter 437 and Chapter 438)

filed by or on behalf of the Public Infrastructure Department and Public Health Services shall be prosecuted in a Justice of the Peace Court in Precinct 2.

In the event that such citations, complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 2 for prosecution.

Adopted November 10, 2009

Amended November 12, 2014

Rule 2.1.6. State and County Regulations Relating to Highway Beautification and Metal Recyclers

1. All citations, complaints and affidavits presented for the prosecution of offenses related to state and county regulations that relate to Highway Beautification under Title 6, Subtitle H, Texas Transportation Code, including:

- (a) Highway Beautification on Interstate and Primary Systems and Certain Roads (TEX. TRANSP. CODE, Chapter 391),
- (b) Highway Beautification on State Highway Right-of-Way (TEX. TRANSP. CODE, Chapter 392),
- (c) Outdoor Signs on Public Rights-of-Way (TEX. TRANSP. CODE, Chapter 393)
- (d) Regulation of Outdoor Signs on Rural Roads (TEX. TRANSP. CODE, Chapter 394),
- (e) Outdoor Signs and Motorist Information Panels on Toll Roads in Certain Counties (TEX. TRANSP. CODE, Chapter 395),
- (f) Automobile Wrecking and Salvage Yards (TEX. TRANSP. CODE, Chapter 396),
- (g) Automobile Wrecking and Salvage Yards in Certain Counties (TEX. TRANSP. CODE, Chapter 397), and, regulations under the Texas Occupations Code, that relate to salvage yards, and recycling entities, including:
- (h) Motor Vehicle Salvage Yards in Certain Counties (TEX. OCCUP. CODE, Chapter 2302, Subchapter G),
- (i) Used Automotive Parts Recyclers (TEX. OCC. CODE, Chapter 2309), and
- (j) Metal Recycling Entities under Chapter 1956, Texas Occupations Code

shall be prosecuted in a Justice of the Peace Court in Precinct 2 or Precinct 6.

In the event that such citations, complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 2 or Precinct 6 for prosecution.

Adopted November 10, 2009

Amended November 6, 2013

Amended November 12, 2014

PART 2 SECTION 2. DOCKETING OF CERTAIN CIVIL CASES

PART 2 SECTION 3. DOCKETING AND HEARING OF CERTAIN ADMINISTRATIVE MATTERS

Rule 2.3.1 Review of Notification of Denial, Revocation, or Suspension of License to Carry a Concealed Handgun

All petitions filed by the Department of Public Safety following a request for hearing on the denial, revocation, or suspension of a license to carry a concealed handgun under Chapter 411, Subchapter H, of the Texas Government Code, shall be filed in a Justice of the Peace Court in Precinct 2.

In the event that such petitions are presented for filing in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such petitions to a Justice of the Peace Court in Precinct 2.

Adopted April 22, 2004

Rule 2.3.2. Hearing Following Notification of Suspension or Revocation of Driver's License

All hearings following a notification by the Department of Public Safety of the denial, revocation, or suspension of a driver's license shall be conducted in a Justice of the Peace Court in Precinct 3.

In the event that such requests for hearing are presented in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such requests to a Justice of the Peace Court in Precinct 3.

Adopted April 22, 2004

RULE 2.3.3. Rights of Owners and Operators of Stored Vehicles to Hearing

All written requests for hearings under Chapter 2308 of the Texas Occupations Code to determine whether probable cause existed for the removal and placement of a vehicle in a vehicle storage facility following the vehicle's removal without the consent of the owner or operator, or for the booting of a vehicle without the consent of the owner or operator of the vehicle shall be filed in a Justice of the Peace Court in Precinct 2, 3, 6, or 8.

Requests for hearing must be accompanied by the filing fee required by law.

In the event that such requests for hearings are presented for filing in any other Justice of the Peace Court, that Justice of the Peace shall immediately direct the filing and all fees to a Justice of the Peace Court in Precinct 2, 3, 6, or 8 for docketing.

Adopted August 2, 2005

Amended November 6, 2013

Amended November 10, 2015

Amended November 15, 2017