

Comparison of Justice Court and Small Claims

There are three types of civil suits filed in Justice Court: Civil Suits, Small Claims, and Evictions. There is a separate section on evictions, so we will focus on Civil and Small Claims Court here. Small Claims Court is sometimes called "The People's Court". The Rules of Civil Procedure are not applied in Small Claims Court, and it is much less formal.

DISCLAIMER

Disclaimer- The information contained in this section is NOT purported to be all inclusive. Neither is it intended to serve as legal advice You are strongly encouraged to consult the actual law, or consult with an attorney for answers to your questions. The Lubbock County Law Library, located on the 3rd floor of the Bank of America Building at 916 Main Street has law books that cover the topics discussed in this section.

Here is one internet site which provides access to the Texas law books cited in this site: [Law Library](#)

TOPIC	JUSTICE COURT	SMALL CLAIMS COURT
AMOUNT	\$10,000.00 exclusive of interest	\$10,000.00 including interest
TYPE OF CASE	AUTHORIZED	AUTHORIZED
	A. civil matters within jurisdictional amount	A. Actions for the recovery of money only
	B. eviction suits	
	C. foreclosure of mortgage and enforce lien on personal property	
	PROHIBITED LAWSUITS	PROHIBITED LAWSUITS
	A. suit by state to recover penalty, forfeiture or escheat	A. by assignee of claim
	B. divorce	B. Person primarily engaged in the business of loaning money at interest
	C. slander and defamation suits	C. Collection agency or agent
	D. suit for trial of title to land	
	E. foreclosure lien on land	
VENUE	** see the separate section on venue for more detailed information**	

	generally county and precinct where one or more defendants reside	Generally county and precinct where one or more defendants reside
	2. 14 exceptions- see Chapter 15 of the Civil Practices and remedies Code	2. Where defendant has contracted to perform
WRITS		
1. EXECUTION	YES	YES
2. ATTACHMENT	YES	NO
3. SEQUESTRATION	YES	NO
ATTORNEYS		
	1. not required for an individual	1. for individual party may appear
	2. not required for a corporation	2. for corporation may appear not required
	.	
TRIALS & HEARINGS		
	FORMAL – must follow R.C.P.	INFORMAL
RULES OF EVIDENCE		
	APPLY	Do not apply
APPEAL		
	YES	If in excess of \$20.00 – just like justice court
G.C. = Government Code		
CP&RC = Civil Practice and Remedy Code		
R.O.E. = Rules of Evidence		
R.C.P. = Rules of Civil Procedure		