

COMPARISON OF JUSTICE COURT AND SMALL CLAIMS SUITS

TOPIC	JUSTICE COURT SUIT	SMALL CLAIMS COURT SUIT
Jurisdiction Amount	\$10,000.00 exclusive of interest (G.C. 27.031)	\$10,000.00 interest included (G.C.28.003)
Type of Case	Allowed: a). Civil matter within jurisdictional amount b). Forcible Entry & Detainer c). Foreclosure of mortgage and enforce lien on personal property.	Allowed: a). Action for recovery of monies only
	Prohibited: a). Suit by state to recover penalty, forfeiture or escheat b). Slander and defamation suits c). Suit for trial of title to land d). Foreclosure lien on land	Prohibited: a). By assignee of claim b). Divorce c). Collection agency or agents d). Person primarily engaged in business of loaning money with interest
Filing Fee	\$25.00 plus cost of service	\$25.00 plus cost of service.
Venue	Generally in County and Precinct where one or more Defendants reside	a). Generally in County and Precinct where Defendants reside. b). Where the Defendant has contracted to perform
Pleadings	Petition may be oral or written; Answer must be written. (R.C.P. 525)	Petition must be sworn (G.C.28.012), all other Pleadings may be informal (G.C.28.033), except Motion to change venue (G.C.28.01)
Writ of Attachment	Yes	No
Writ of Execution	Yes	Yes
Writ of Garnishment	Yes	Yes
Writ of Sequestration	Yes	No
Attorneys	May appear for individual party	May appear for individual party
Duty of Judge	Uphold and enforce the constitution and laws	a). Develop the facts of the case (G.C.28.034)of the State of Texas b). May question witnesses c). May summons witnesses d). Render Judgment as the justice of the case Required (G.C.28.051) e). Sole objectives to dispense speedy justice (G.C.28.033)
Continuance	After motion and hearing (R.C.P.251-254)	Only for good cause shown (G.C.28.032)

