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June 19, 2012

Hon. Nathan L. Hecht
Justice, Supreme Court of Texas
201 West 14th Street, Room 104
Austin, Texas 78701

Mr. Charles Babcock, Chairman
Supreme Court Advisory Committee
Jackson Walker L.L.P.
1401 McKinney, Suite 1900
Houston, Texas 77010

Re: Report of Recommendations for Rules of Civil Procedure for Justice Courts
Task Force for Rules in Small Claims Cases

Dear Justice Hecht, Chairman Babcock, and Committee Members:

It is with some reservation that I suggest the Advisory Committee reject the Task Force for Rules in Small Claims Cases and Justice Court Proceedings' Report of Recommendations for Rules of Civil Procedure for Justice Courts in its submitted form.

The Task Force did not have sufficient time to give reasoned consideration to this project and did not review small claims court models from other states as background. Instead, the Task Force used the current Justice Court Rules as the framework for the proposed small claims rules. The result was the destruction of the small claims case as we know it today.

At the outset, the members of the Task Force had two conflicting interpretations of Section 5.02 of H.B. 79. One interpretation was that litigants would choose to file their claims either as justice court civil cases governed by the Rules of Practice in Justice Courts, or as small claims cases governed by new rules to be promulgated by the Supreme Court. The other interpretation, the one adopted by the Task Force, was that all cases, with the exception of evictions, would be considered "small claims cases" governed by the Task Force's proposed rules.

The increased jurisdictional limits of the Justice of the Peace Courts brought with it cases involving negligence, subrogation, malpractice, deceptive trade practices, and claims resulting from Internet transactions. These claims do not easily lend themselves to the informality of the Small Claims Court. Plaintiffs choose Justice Court because of the structure of the existing rules, the ability to conduct discovery, the application of the rules of evidence, and the ability to

seek extraordinary remedies. On the other hand, there is also the need to give citizens a venue in which they can seek redress for small claims without formal rules. With the influence of the television judiciary, citizens have become very familiar with the "Small Claims Court" and choose this venue because of its informality, simplicity, and swiftness.

If all cases are to be "small claims cases," these proposed rules fail to present an easily understandable framework for suing or defending a small claims case. In general, the proposed rules are too numerous, too complex, provide for uncertain time limits, and *in particular, allow for inconsistent application of the rules* both among justice courts across the state and in cases within the same court. While the Task Force had good ideas for certain revisions to the current Rules of Practice in Justice Courts, the proposed rules as offered are not informal or simple and do not preserve the small claims concept.

The Small Claims Court as a separate jurisdiction has worked well for over fifty years and citizens are familiar with this jurisdiction. Rather than expanding the Small Claims Court model, the proposed rules governing small claims cases in Justice Court are no longer simple, informal, and designed for speedy justice between the parties. The Legislature or the Committee should provide more definition to the vision of the justice court and the small claims model within that framework and allow the Task Force sufficient time to implement that vision.

Respectfully,



Janet Marton

cc: Hon. Russell B. Casey, Chair
Task Force for Rules in Small Claims Cases

COMMENTS AND SUGGESTIONS TO PROPOSED RULES FOR SMALL CLAIMS CASES

PROPOSED RULE	COMMENTS	SUGGESTIONS
Rule 500. Definitions	<i>Many of the definitions are unnecessary. If the definitions are to be retained, after reviewing the definitions, consideration should be given to including the definitions in a Glossary at the end of the Rules.</i>	
Rule 503. Computation of Time and Timely Filing	<i>The "mailbox rule" creates uncertainty in the finality of the proceedings and operates to delay actions for additional time to accommodate its provisions. The proposed rule for computation should be simplified.</i>	<p>In these rules, 'days' mean 'calendar days'. If the last day of any specified time period falls on a Saturday, Sunday or legal holiday, the time period is extended to the court's next business day. If the last day of any specified time period falls on a day during which the court is closed before 5:00 PM, the time period is extended to the court's next business day.</p> <p>The following pleadings and documents are required to be filed and received by the court on or before the last day by which such pleading or document must be filed:</p> <ul style="list-style-type: none"> (a) an original answer, (b) a motion for new trial, (c) a motion to reinstate a claim, (d) a motion to set aside a default judgment, (e) an appeal bond, and (f) an affidavit of inability to pay costs on appeal. <p>Any other pleading or document required to be filed with the court by a given date is considered timely filed if deposited in the United States mail on or before the given date, and received by the court within ten business days of the date the pleading or document is required to be filed.</p>
Rule 504. Rules of Evidence	<p><i>Proposed rule 504 results in inconsistent proceedings from court to court, and in cases within the same court. At a minimum, the rules allowing the exclusion of witnesses and the authentication of documents should be included in the proposed rule.</i></p> <p><i>If any Rule of Evidence is to apply, provision should be</i></p>	<p>The Texas rules of Evidence do not apply in small claims cases filed in the justice courts except that:</p> <ul style="list-style-type: none"> (a) At the request of a party, or on the court's own motion, witnesses shall be excluded so that they cannot hear the testimony of other witnesses. A party who is a natural person or the spouse of that person, an officer or employee of a party designated as its representative or agent, or a person whose presence is shown by a party

	<i>made for notice to all parties, and could be included among the items appropriate for a pre-trial conference.</i>	to be essential to the presentation of the party's claim may not be excluded. (b) Certified copies of public records and business records accompanied by affidavit shall be admissible in evidence. The judge may determine that a rule of evidence must be followed to ensure the proceeding is fair to all parties.
Rule 505. Duty of the Judge to Develop the Case	<i>Constraints to the judge's authority under this proposed rule should be imposed.</i>	The judge may develop the facts of the case. The judge shall hear the testimony of the parties and the witnesses that the parties produce. The judge shall consider the evidence offered. If necessary for clarification or to insure a correct judgment, the judge may question a witness or party and may summon any person or party to appear as a witness.
Rule 506. Exclusion of Witnesses	<i>The provisions of this proposed rule should be included in any rule governing rules of evidence.</i>	
Rule 507. Pretrial Discovery	<p><i>The proposed rule requires that any request for discovery be presented to the court by written motion and then considered by the court ex parte. The court is given complete control over the scope and timing of discovery.</i></p> <p><i>An ex parte discussion of the nature of the case to determine allowable discovery is inappropriate.</i></p> <p><i>Pretrial discovery may be handled more appropriately at a pre-trial conference, but at a minimum, with notice and hearing. Consideration should be given to allowing limited discovery in all cases.</i></p>	<p>A party may request disclosure by another party of any or all of the following information as may be applicable to the nature of the case:</p> <ul style="list-style-type: none"> (a) the correct names of the parties to the lawsuit; (b) the name, address, and telephone number of any potential parties, including any person who may be designated as a responsible third party; (c) the facts made the basis of the responding party's claims or defenses; (d) the amount and method of calculation of damages; (e) the name, address, and telephone number of any person who is expected to be called to testify at trial; (f) all bills that are reasonably related to the injuries or damages claimed; and (h) copies of documents and other tangible items which will be submitted as evidence at trial. <p>Responses to a request for disclosure are due within 20 of date of service of the request for disclosure and shall be served upon the party requesting disclosure.</p> <p>Additional reasonable discovery is limited to that considered appropriate and permitted by the judge, on motion of a party or on the court's own motion, after notice and hearing.</p>

<p>Rule 507.1. Post-Judgment Discovery.</p>	<p><i>The proposed rule does little to guide enforcements of judgments.</i></p> <p><i>Currently, judgment creditors seek turnover orders granting broad powers to receivers and masters in chancery. These types of post judgment collection efforts are inappropriate to the small claims jurisdiction.</i></p> <p><i>Consideration should be given to amending Sec. 31.002 of the Civil Practice and Remedies Code to provide that a justice court is not a court of appropriate jurisdiction to seek relief under that section.</i></p> <p><i>Enforcement at the small claims level might include an initial court ordered hearing to decide a payment plan with the requirement that a judgment debtor complete a financial statement.</i></p>	
<p>Rule 509. Petition</p>	<p><i>Proposed Rule 509 should be separated into several more easily readable rules governing the institution of suit. A rule should be added to clarify that parties must be identified by their legal nature and agents for service of process.</i></p> <p><i>A rule should be added to clarify who are authorized representatives of a business entity and that individual parties may not engage other individuals to represent them at trial.</i></p>	<p>Rule XXX. Petition</p> <p>A small claims case is initiated by filing a petition, in writing, containing the following information:</p> <ul style="list-style-type: none"> (a) the name, address, daytime telephone number, fax number, if any, and e-mail address (optional) of the party filing the claim; (b) the name and current address of the defendant, and if a defendant is a business, the legal nature of the defendant and the defendant's agent for service of process; (c) a description of the reason the defendant is being sued, with sufficient facts to give the defendant fair notice of the claim; (d) the amount of damages to be recovered; (e) a description of the personal property to be recovered, if any, and the value of the property. <p>The payment of a filing fee is required at the time of filing the petition.</p> <p>Rule XXX. Parties</p> <p>An individual, corporation, partnership, limited liability company, or other business entity may sue or defend a small claims case, and need not be represented by an attorney.</p> <p>A corporation may be represented by an officer or employee of the corporation who has been given authority to act on behalf of the corporation.</p>

		<p>A limited liability company may be represented by a manager or employee who has been given authority to act on behalf of the limited liability company.</p> <p>A partnership may be represented by a partner or an employee who has been given authority to act on behalf of the partnership.</p> <p>Rule XXX. Pleadings and Motions</p> <p>All pleadings and motions, unless presented during a hearing or trial, shall be in writing, filed with the court, with a copy delivered immediately to all other parties to the proceeding.</p>
Rule 510. Venue	<p><i>Proposed Rule 510 presents more complicated venue rules. The first sentence of the proposed rule should be deleted and the last sentence of the proposed rule is unnecessary. Otherwise, venue is reasonably limited by the proposed rule.</i></p> <p><i>Consideration should be given to reviewing and amending the provisions of Chapter 15, Subchapter E, of the Civil Practice and Remedies Code.</i></p> <p><i>Current Justice Court Rule 528, allowing a venue change on affidavit of two credible citizens has never been a workable rule.</i></p> <p><i>In Crowder v. Franks, Rule 528 was applied to an eviction case without mention of the jurisdictional limits set out in Sec. 24.004 of the Texas Property Code (only a justice court in the precinct in which the real property is located has jurisdiction in eviction suits). Crowder v. Franks, 870 S.W.2d 568 (Tex.App.-Hous. [1 Dist.] 1993.</i></p>	<p>An eviction case may not be transferred except to another justice court within the precinct.</p> <p>Another justice of the peace may preside for a justice who is disqualified.</p>
Rule 522. Motion to Transfer Venue.	<p><i>The proposed rule should be simplified with a separate rule to identify procedure. Proposed Rule 524 may be incorporated into a general rule.</i></p> <p><i>In cases of disqualification or recusal, consider allowing the regional presiding judge to appoint another justice of the peace to hear the motion, and that judge's decision would be final.</i></p>	<p>An objection to venue is waived if not made by written motion filed prior to or concurrently with the original answer of the defendant.</p> <p>A written consent of the parties to transfer the case to another county may be filed with the court at any time.</p> <p>A motion objecting to venue shall state the reason for the transfer and request transfer of the suit to a specific precinct within the county, or if transfer is requested to another county, naming that county and the precinct within that county.</p>

		<p>Rule XXX. Procedure for Venue Change The determination of the motion to transfer venue shall be made promptly by the court, after notice and hearing. The party requesting the transfer is required to prove that venue is proper in another precinct within the county, or in another county. With the permission of the court, the hearing may be conducted by telephone or an electronic communication system. The decision of the judge is final. No additional filing fee is required if the case is transferred to another precinct within the county. Additional filing fees are required if the case is transferred to another county.</p> <p>Rule XXX. Venue Change Based on Disqualification or Fair Trial. A party requesting a change of venue based on a disqualification of the justice of the peace, or because the party cannot obtain a fair and impartial trial in the county in which the suit is pending must swear to the facts set out in the motion to support the change of venue. The motion shall be reviewed by the justice of the peace. If the justice of the peace grants the motion, an order transferring the case shall be entered. <i>If the transfer is denied, the motion shall be heard by a justice of the peace appointed by the Presiding Judge for the Administrative Region in which the Justice Court is located.</i> The decision of the justice of the peace hearing the case is final.</p>
<p>Rule 511. Issuance of Citation</p> <p>Rule 512. Service</p> <p>Rule 513. Alternative Service</p> <p>Rule 514. Service by Publication</p>	<p><i>These proposed rules should be simplified. Consider extending the defendant's answer date to the first Monday after the expiration of 20 days from date of service, allowing for consistency and ease of calculation.</i></p> <p><i>Consider specifying that only a sheriff or constable may serve a citation in an eviction proceeding, and writs and notices of attachment, garnishment, sequestration, possession, re-entry, and restoration of utility service. A sheriff or constable should also be required to serve a writ of turnover if same is found appropriate in justice court.</i></p> <p><i>In a large number of cases in justice and small claims</i></p>	<p>The clerk, when requested, shall issue a citation and deliver the citation as directed by the requesting party. The party requesting citation shall be responsible for obtaining service of the citation to which a copy of the Statement of Claim shall be attached.</p> <p>Form. The citation shall provide notice of the filing of the Statement of Claim and direct the party to be served to file a written answer with the clerk of the court no later than 10:00 a.m. on the first Monday following the expiration of 20 days from the date of service.</p> <p>The citation shall include the following notice to the defendant: "You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an</p>

	<p><i>court, it has become customary to serve citation by affixing the citation to the front door of the residence, much like the provisions of Rule 742a.</i></p> <p><i>Consideration should also be given to the propriety of this practice or to specifying prerequisites to finding this method sufficient to give the defendant notice of the suit.</i></p> <p><i>Service by certified mail is an ineffective method of notice. Consideration should be given to allowing more modern methods of effecting service in this jurisdiction.</i></p>	<p>attorney. You or your attorney must file an answer with the court clerk. Your answer is due by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition.”</p> <p>If you do not file an answer within the time required, a default judgment may be taken against you.</p> <p>Rule 512. Service</p> <p>Citation may be served by (1) any sheriff or constable, (2) a certified process server, or (3) a person who is eighteen (18) years of age or older who is not a party to or interested in the outcome of the suit, and who is authorized by the court.</p> <p>Citation shall be served by:</p> <p>(1) delivering the citation with a copy of the petition attached to the defendant in person, after endorsing the date of delivery on the citation;</p> <p>(2) mailing the citation with a copy of the petition attached to the defendant by certified mail, restricted delivery, with return receipt or electronic return receipt requested.</p> <p>A citation in an eviction proceeding and writs and notices of attachment, garnishment, sequestration, possession, re-entry and restoration of utility service, [and turnover] must be served by a sheriff or constable.</p>
Rule 515. Service of Papers	<p><i>Consider requiring a party to include a Certificate of Service evidencing delivery of a copy of a pleading or motion to all opposing parties;</i></p>	<p>The party or the party’s attorney of record shall include on all filings a signed statement describing the manner in which the document was served on the other party or parties and the date of service.</p>
Rule 516. Answer Filed		<p>A defendant must file with the court a written answer to a lawsuit as directed by the citation and must also serve a copy of the answer on the plaintiff.</p> <p>Any denial of the plaintiff’s cause of action is sufficient to constitute an answer or appearance and does not prohibit the defendant from raising specific defenses.</p>

Rule 521. Insufficient Pleadings		A party may request that the court order another party to clarify a pleading or to provide additional information about the claim. The failure a party to comply with the court's order may result in the dismissal of the pleading.
Rule 526. Summary Disposition	<p><i>Among the majority of the comments concerning new rules, was the need for a procedure to summarily dispose of a case similar, but simpler than the summary judgment procedure.</i></p> <p><i>See Rule 531 below.</i></p>	<p>A party may file a sworn motion for summary disposition without the necessity of a trial if the party can show that:</p> <p>(1) there are no genuine disputed facts which would prevent a judgment in favor of the plaintiff; or</p> <p>(2) that there is no evidence of one or more essential elements of a defense which the defendant must prove to defeat the plaintiff's claim; or</p> <p>(3) that the plaintiff has no evidence of one or more essential elements of the plaintiff's claim.</p> <p>A motion for summary disposition must set out all facts supporting grounds of the motion, together with copies of all documents relied on to support the motion.</p> <p>The party opposing the motion may file a sworn written response to the motion.</p> <p>The court shall consider a motion for summary disposition on or after 14 days from the date of filing the motion.</p> <p>If all parties to the motion agree, the court may review the motion and response without the necessity of a hearing</p> <p>The court may enter judgment as to the entire claim if the court finds that the moving party is entitled to judgment.</p> <p>If judgment is not rendered, the judge may specify the facts that are established and direct such further proceedings in the case as are just.</p>
Rule 528. Continuance		A party may request a continuance for good cause, in writing, supported by affidavit. The judge, for good cause, may continue or postpone any suit, for a reasonable time.
Rule 529. Jury Trial Demanded	<p><i>In the larger counties, more and more persons are failing to appear for jury service. Courts must summon larger numbers of citizens in order to form a panel. It is impractical to summon citizens with only one or two days notice.</i></p>	

	<i>The demand for a jury should be made prior to the first trial setting, and not afterward.</i>	
Rule 530. If No Demand for Jury	<i>This rule should be deleted as unnecessary.</i>	
Rule 531. Pretrial Conference	<i>Consider combining a simple summary procedure to be included among those actions that can be accomplished at a pretrial conference.</i>	<p>The judge may require the appearance of the parties and their agents or attorneys of record at a pretrial conference. At the pretrial conference, all of the following matters shall be considered:</p> <ul style="list-style-type: none"> The simplification of issues; The need for amendment or clarification of pleadings; The admission of facts and documents to avoid unnecessary proof; The limitation of the number of witnesses; The need for discovery and the time within such discovery should be completed; The possibility of settlement; The ordering of the parties and their agents and attorneys to mediation; The setting of a trial date; The need for an interpreter; The imposition of a rule of procedure applicable to the district and county courts; The imposition of a rule of evidence; Such other matters as the court in its discretion deems necessary. <p>At the pretrial conference, the judge may examine the pleadings and the evidence on file, and interrogate the parties, their agents, or attorneys of record, to ascertain what material fact issues exist and make an order specifying the facts that are established, and direct such further proceedings in the action as are just. The judge may also determine that there is no evidence of one or more essential elements of a claim or defense on which an adverse party would have the burden of proof at trial and either allow for an amendment of the pleadings, or dismiss the proceeding in the interest of justice.</p>
Rule 539 Jury Sworn	<i>Archaic language should be deleted.</i>	<p>You and each of you do solemnly swear or affirm that you will render a verdict according to the law and the evidence presented in the case.</p>

Rule 540. Judge Must not Charge the Jury	<i>Negligence law, in particular, requires that the trier of fact determine the percentage of responsibility of the parties. This requires a jury charge or at least additional questions for the jury to answer. Sec. 33.003, Tex. Civ. Prac. & Rem. Code. Sec. 17.50, Tex. Bus. & Comm. Code requires certain fact findings by the trier of fact as a condition to recovering certain damages. This also requires a jury charge. Jurors also need the basic instructions, similar to those in Rule 226a, T.R.C.P.</i>	
Rule 545. Judgment Upon Jury Verdict Rule 546. Case Tried by Judge	<i>These rules should be deleted as unnecessary. A rule governing judgments should be sufficient.</i>	
Rule 547. Judgment	<i>Any rule governing judgments should specify that the judgment is effective from date of signing of the judgment.</i>	
Rule 550. To Enforce Judgment Rule 551. Enforcement of Judgment	<i>See comments to Rule 507.1 above.</i>	A justice of the peace may not issue a turnover order.
Rule 560. Appeal	<i>The proposed rules extended the court's jurisdiction to 20 days following the signing of the judgment. It is not always possible to give notice of filing motions for new trial and hold hearings within the 10 day period. Consideration should be given to requiring parties to serve a motion for new trial, appeal bond, etc. contemporaneously with the filing of the document with the court. Also suggest a rule be crafted that prohibits the appeal of the plaintiff's claim following the failure of the plaintiff to appear for a hearing or trial.</i>	An appeal must be accomplished within 20 days from the date the judgment is signed. A Certificate certifying that a copy of the appeal bond was served on all parties, and showing the date and manner of service, must be filed with the appeal bond. When the surety bond or affidavit of inability is filed and approved, and the costs to the county clerk have been paid, the appeal shall be held to be perfected. There is no appeal from a dismissal following a party's failure to appear for a hearing or trial.

	<p><i>Rule 143a poses many problems for the justice courts. Consideration should be given to reviewing and amending the rules to provide that all actions necessary for the perfection of the appeal be accomplished at the justice court level. It is illogical to “perfect the appeal” in the justice court, and then “unperfect” the appeal at the county court level under Rule 143a.</i></p>	
<p>Rule 561. Inability to Pay Costs</p>	<p><i>Rather than specifying the contents of a financial statement, a standard document should be created for use by all litigants to support a claim of inability to pay costs.</i></p> <p><i>Consideration should be given to clarifying the procedures for contesting a “pauper’s affidavit.”</i></p>	<p>Any other party to the suit may contest the affidavit of inability by requesting a hearing within 5 days after the filing of the affidavit. If the judge sustains the contest, the appellant may, within 5 days from the date of the denial of the right to appeal, bring the matter before the county court for a final decision <i>by filing with the county clerk a certified copy of the affidavit of inability and the judge’s order sustaining the contest.</i></p> <p>The county clerk shall set a hearing not later than 7 days from the date of receipt of the request for reconsideration, and the county court shall hear the contest <i>de novo</i>. If the appeal is granted, the Justice Court shall transmit the transcript and records and papers of the case to the county clerk. If the contest is sustained, the appellant has 5 days to file an appeal bond.</p>
<p>Rule 565. Trial <i>de novo</i></p>	<p><i>Much time is being spent on crafting rules for small claims cases – to be simple, informal, and easily understood by a pro se litigant. But if that litigant chooses to appeal the judge’s decision, he or she is now confronted with the Rules of Practice in District and County Courts.</i></p> <p><i>Consideration should be given to crafting provisions requiring that the trial <i>de novo</i> in county court be held on the same pleadings and under the same rules as govern small claims cases.</i></p>	

COMMENTS AND SUGGESTIONS TO PROPOSED EVICTION RULES

PROPOSED RULE	COMMENTS	SUGGESTIONS
Rule 738. Computation of Time for Eviction Cases	<i>This rule needs to be clarified. The sentence referring to fax filings should be deleted. Allowing documents to be filed by fax should be left to a local rule of the justice courts of a particular county;</i>	In these rules, 'days' mean 'calendar days'. If the last day of any specified time period falls on a Saturday, Sunday or legal holiday, the time period is extended to the court's next business day. If the last day of any specified time period falls on a day during which the court is closed before 5:00 PM, the time period is extended to the court's next business day.
Rule 739. Petition	<i>Consideration should be given to requiring that the petition name all parties who signed the lease if the eviction is based on a written lease, and all parties who signed a deed of trust or contract for sale. A landlord should be required to present the lease at the time of trial or default judgment. The rules refer to "rent," "any rent due," and "back rent" without clarifying the terms, i.e. delinquent rent up to the date of entry of judgment. The last paragraph of the proposed rule should be included in a rule providing for the entry of judgment.</i>	A sworn petition seeking eviction must be filed in the county and precinct in which the premises are located. If the eviction is based on a written lease, all tenants who signed the lease must be joined in the eviction.
Rule 740. May Sue for Rent	<i>The rules refer to "rent," "any rent due," and "back rent" without clarifying the terms, i.e. delinquent rent up to the date of entry of judgment. Rent should be clearly defined, so as not to include late charges, etc. Late and other charges "rolled" into delinquent rent by the terms of the lease should not be included in "rent."</i>	
Rule 742. Request for Immediate Possession	<i>This rule should be revised. In its current form, the rule contains conflicting provisions. The rule should not require the tenant to contact the court for the amount of the counterbond. The court should set this amount within the citation. Sureties on the bonds should be joined in the proceeding on appeal.</i>	A possession bond entitles the landlord to possession of the premises during the pendency of an appeal unless the tenant posts a counterbond within 24 hours of the entry of a judgment, if any, in favor of landlord. If the tenant fails to post a counterbond, the landlord shall be put in possession of the premises on the 3 rd day following the entry of the judgment

Janet Marton
June 18, 2012

Rule 743. Service of Citation	<i>Consideration should be given to the difficulty in large counties of timely serving eviction citations. The courts may need an option to provide for trial, for example, on the same day of the next week following date of service, or some similar calculation. Consider allowing the citation to be returned at least one day before trial.</i>	
Rule 743a. Service by Delivery to Premises	<i>The timeline in the proposed rule does not work. This rule should be revised.</i>	
Rule 744. Docketed	<i>Consider revising or deleting this rule. There is no requirement for an answer. The citation requires the appearance of the tenant for trial.</i>	
Rule 745. Demanding Jury	<i>Consider requiring the jury demand within so many days of the date of service, rather than so many days before trial.</i>	
Rule 748	<i>Consideration should be given to deleting this rule as it is unnecessary.</i>	
Rule 748a. Representation by Agents	<i>This rule should be clarified to define agents as either an officer or employee of the landlord or tenant, unless the intent of this rule to allow lay persons unrelated to the tenants to represent tenants.</i>	
Rule 749. Judgment and Writ	<i>The proposed rule alleviates many issues encountered when landlords fail timely to request a writ of possession, usually because they have made a new rental agreement. Suggest the last sentence of the proposed rule be deleted.</i>	
Rule 750. May Appeal	<i>Consider requiring notice of the filing of an appeal bond be given to all parties at the time the bond is filed. Rule 143a poses many problems for the justice courts. Consider amending the rules to provide that all actions necessary for the perfection of the appeal be accomplished at the justice court level. It is illogical to "perfect the appeal" in the justice court, and then "unperfect" the appeal at the county court level.</i>	