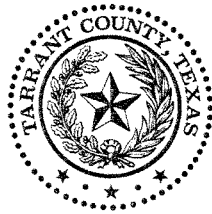


MATT HAYES
JUSTICE OF THE PEACE
PRECINCT SEVEN



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TARRANT COUNTY

June 14, 2012

The Honorable Justice Nathan L. Hecht
The Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

Dear Justice Hecht,

We wish to express our thanks and support to the sub-committee for their efforts and hard work in drafting the rules proposed. We recognize the enormity of the task before them and appreciate how much they achieved in a short period of time. As an overview, we approve and endorse the direction they have headed with the new Justice Court rules.

With any monumental task, there is always room for discussion in the details. Attached are a handful of areas of concern and proposed solutions for each. We are asking the Rules Committee to incorporate these ideas into the final rules approved by the Supreme Court of Texas. These suggestions should improve upon the solid foundation built by the sub-committee and allow for clarity and efficiency in the Justice Courts across the State of Texas.

Thank you for your consideration of our suggestions. Any questions may be directed to Judge Matt Hayes, Justice of the Peace, Precinct 7, at 817-473-5101.

Sincerely,

A handwritten signature in cursive script that reads "Matt Hayes".

Matt Hayes

Signing for: Linda Davis, JP Pct 2
Jacquelyn Wright, JP Pct 4
Manuel Valdez, JP Pct 5
Gary Ritchie, JP Pct 6
Lisa Woodard, JP Pct 8

Cc: → Marisa Secco, Rules Attorney, Supreme Court of Texas
Mark Mendez, Governmental Affairs, Tarrant County

Proposed Justice Court Rules Changes

CONCERNS

Rule 502 – The rules shall be available for examination during the court’s business hours. What form is acceptable. Who will pay for it? How do we safeguard from being taken when we have 50 or more customers at the windows? How many copies shall be made available?

Suggestion – a sign will be placed conspicuously in the court’s office area announcing the availability of the Rules at (post website).

Rule 503 – the 5 o’clock rule automatically gives an additional day to those conducting business in many courts. This will create confusion for litigants over different computations in different courts. This same time computation is found in multiple rules.

Suggestion – the end of the regular business day is acceptable. If a court closes before the end of their normal business day, then litigants will have until the end of the next regular business day.

Rule 507 – this rule implies that the judge will review and approve all discovery. Some courts have hundreds and even thousands of filings that currently include discovery. It will be impractical if not impossible for the judge to accomplish this.

Suggestion – the judges of a county may give blanket authorization and/or limits, by majority vote, to certain classes of cases for discovery in the Administrative Rules.

Rule 509(b)(3) – the rule does not state whether a plaintiff who loses an inability to pay costs hearing is entitled to an appeal of the judgment.

Suggestion – state specifically whether the judgment is appealable and if so, how it is accomplished.

Rule 510 – the reference website, www.therules.com, is not currently working. This reference is found in multiple places throughout the rules.

Suggestion – ensure the website is fully functional by the effective date of the rules.

Rule 522, 523, 524 – these rules are out of order

Suggestion – reset the order.

Rule 515(d) – this rule allows service by the sending of emails. This is problematic in that email service is not fully reliable in it’s delivery, a mistyped address will prevent delivery and there is no means for a defendant to prove that he did not receive an email.

Suggestion – accept email service only if a “receipt” is returned by the receiving party.

No Rule – no provision is made for a Bill of Review.

Suggestion – incorporate a reference to or the language from Rule 329b. Also include a time-frame, such as 4 years.

Rule 737.4(B)(2) – if multiple bad addresses for a management company are given, the sheriff or constable could be required to make an unreasonable number of attempts.

Suggestion – add language limiting the total number of attempts necessary to no more than 4.

Rule 737.11 – plenary power in Section 9 (Tenant's Remedies) is limited to 15 days. This is shorter than the appeal time in Rule 737.12(A).

Suggestion – modify the plenary power time to 20 days, consistent with Rule 570.

Rule 743 – this rule could be interpreted to allow private process servers authorized by the Texas Supreme Court to serve citations in eviction cases.

Suggestion – specifically limit service in eviction cases to officers of the state.

Rule 744 – if there is no answer and the defendant does not appear, a judgment in an eviction case may be granted based on the filing. Often pro se plaintiffs do not use a notice to vacate that meets the requirements of the statute and case law. A lack of sworn testimony leaves the door open for abuse and/or error.

Suggestion – require sworn testimony in all evictions, as well as production of a copy of the notice to vacate (except where not required, as in forcible entry and detainer).