



IMPROVING ACCESS TO JUSTICE IN TEXAS COURTS

A CASE STUDY OF SELF-HELP RESOURCES FOR DEBT COLLECTION CLAIMS IN JUSTICE COURTS

White Paper

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TEXAS APPLESEED MISSION

Texas Appleseed promotes social and economic justice for all Texans by leveraging the skills and resources of volunteer lawyers and other professionals to identify practical solutions to difficult, systemic problems.



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Introduction & Overview

Texas ranks third in the nation for the share of adults with a debt in collection. More than 44% of Texans with a credit history had some form of non-mortgage debt in collection in 2013.¹ Given the large number of Texans with a debt in collection, it is not surprising that debt claim lawsuits are prevalent in the state.

New court rules that went into effect in September 2013 established justice courts² or “people’s courts” as a preferred venue for debt claim cases.³ In fiscal year 2014, the first year the new rules were in effect, debt claim cases made up 23% of the 376,191 civil cases filed in justice courts in Texas.⁴ Debt claim cases jumped to 27% of the 414,595 civil cases filed in justice courts in fiscal year (FY) 2016.⁵

In FY 2015, 31.6% of debt claim cases in justice courts in 40 large Texas counties resulted in default judgments.

In justice courts, judges are not necessarily lawyers, and the rules of evidence may not apply.⁶ Most debt collectors have lawyers representing them; defendants in debt claim cases often do not have the benefit of a lawyer.⁷ Many Texans fall into a “justice gap” where they are not poor enough to qualify for free legal services, but also cannot afford to pay for legal services on their own. Because more and more Texans are trapped in this situation, many litigants are left arguing their cases on their own or “pro se,” without the help of a skilled advocate.

Other defendants do not appear at all. In FY 2015, 31.6% of debt claim cases in justice courts, from a sample of 40 Texas counties with populations above 100,000, resulted in default judgments.⁸ This substantial default judgment rate is concerning, particularly in light of regulators’ recent find-

ings that some debt collectors lack the necessary evidence to pursue a debt claim in court when a defendant challenges the claim.⁹

Texas policymakers have recognized the need to help pro se litigants navigate the complexities of the legal system. Pro se litigants in debt claim cases face the same barriers to justice as low- and moderate-income families engaging in divorce proceedings, trying to draft wills, and facing landlord-tenant matters. Debt claim proceedings, which affect approximately 150,000 Texans every year, merit the same consideration.

Debt claim forms aimed at pro se litigants, streamlined court websites, and access to basic support would help level the playing field for pro se litigants. Providing basic support to those litigants who fall into the “justice gap” is an essential step to promote access to justice for all Texans.

The Texas Supreme Court Commission to Expand Civil Legal Services recently reached similar conclusions.¹⁰ In addition to recommending the establishment of a standing committee to maintain accountability and close the justice gap, the Commission noted the need to adequately finance public law libraries, provide navigators in libraries, courthouses, and other public spaces, and promote technological solutions all aimed at providing self-represented litigants with better information. The Commission also noted the need for future civil court rules to be easier for modest-means litigants to understand and use.¹¹

Debt claim forms aimed at pro se litigants, streamlined court websites, and access to basic support would help level the playing field for pro se litigants.

Online Resources Help Debt Collectors, but Leave Consumers Behind

Rule 571 of the Texas Rules of Civil Procedure gives justice courts the authority to “provide blank forms to enable a party to file documents that comply with these rules.” However, “[n]o party may be forced to use the court’s forms.” It is under this authority that courts can create their own forms for use by litigants and post them online.

Texas Appleseed and the Southern Methodist University Consumer Advocacy Clinic examined the type and quality of resources available online to pro se litigants in debt claim lawsuits by studying 87 justice court websites across 12 Texas counties.¹² These counties ranged from urban to rural; 55% of the Texas population resides in these counties.¹³ A synopsis of the data collected is included under the title “Resources Available on Justice Court Websites for Pro Se Litigants” and included as Attachment A.

Courts provide more resources for plaintiffs than defendants.

Online information provided by justice courts varies significantly by county and by court, but no court offers comprehensive, practical resources to help pro se defendants navigate the complex court process. Courts provide more resources for plaintiffs than defendants, such as sample complaint forms and instructions on exactly what information is needed to file a debt claim. General answer forms for defendants are available in limited instances, but the available forms require significant knowledge on the part of the defendant in order to use them effectively. The forms are very broad and are not tailored to particular types of suits. Instead, they simply include blanks for basic information about the case with no guidance or information on how to use them or information about possible defenses or the legal process.

KEY SURVEY FINDINGS:

- **Court website information is more helpful to plaintiffs than to defendants.**
- **Most courts provide plaintiffs with forms to file debt claim cases.**
- **No court provided defendants with answer forms specific to debt claim cases.**
- **Links to applicable rules of civil procedure are available on most, but not all court websites.**

Based on the findings of this study, pro se defendants are left to research defenses with no assistance or guidance, which can be a daunting task. Better resources for defendants would make it more likely for Texans to get a fair shake when dealing with the justice system.

DETAILED FINDINGS

Overall, the analysis found little consistency in the information justice court websites provide pro se litigants. Information varies by county as well as by court. Throughout the court process, pro se litigants are at a significant disadvantage. Ideally, all litigants would have the advice of competent counsel; however, that is often impracticable, if not impossible. Given this reality, the lack of substantive and procedural information to assist pro se litigants can significantly impact case outcomes. The following findings focus on the information and resources available on the surveyed individual justice court websites.¹⁴

1. Court Website Information More Helpful to Plaintiffs than to Defendants

Courts provided litigants in justice courts with varying amounts of information; however for every website analyzed, there was more information and resources about filing cases in court than about defending cases.

Description of Categories

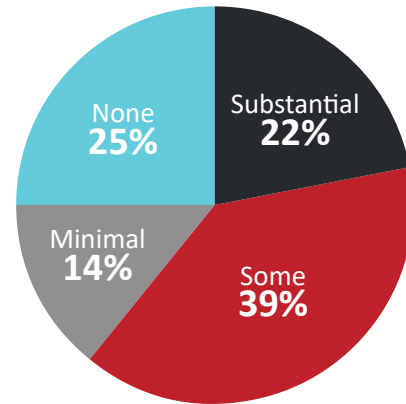
We rated the information available to litigants based on the following categories:

- Substantial.** Websites categorized as “substantial” included a variety of types of information including many of the following: forms for various case types, information on how to file, how to find a court case online (only available in some courts), frequently asked questions, information about various types of cases, links to resources, and what to do when sued. (For example, the Harris County justice court websites all included the same links with substantial information.)
- Some.** Websites categorized as “some” information included selected forms, information on some of the cases the court hears, and perhaps a few answers to common questions, but were not as comprehensive as the sites identified as “substantial.”
- Minimal.** The “minimal” category was typified by websites with only links to a few forms or the Texas Rules of Civil Procedure.
- None.** The “none” category consisted of sites where, for example, nothing more than the judge’s biography or the court contact information appeared.

Overall, most courts provided some or substantial information to litigants, with 39% providing at least some information and 22% providing substantial information. This assessment focused on information available to litigants for all types of suits filed in justice courts and was not directed specifically to pro se litigants or other non-lawyers. Twenty-five percent of courts did not provide any relevant links for litigants, and 14% only had minimal information.

Amount of Information Provided Overall to Litigants

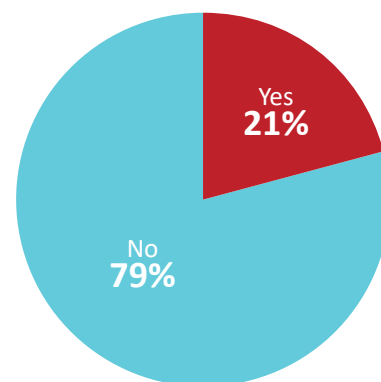
Source: Texas Appleseed analysis of 87 justice court websites, May and June 2016.



Only 21% of justice court websites had links labeled specifically for pro se litigants with dedicated resources. Further, the links aimed at helping pro se litigants mostly provided only general information. Though there were some resources on justice court websites, they were largely geared towards debt collector plaintiffs, with few resources to help self-represented defendants.

Links to Resources Specific to Pro Se Litigants

Source: Texas Appleseed analysis of 87 justice court websites, May and June 2016.



The lack of resources focused on debt claim cases leave the unrepresented consumer defending a debt claim case with nowhere to go. For example, in Tarrant County, some of the justice courts link to a “Resources for Litigants” internal webpage with links to the State Bar of Texas, Tarrant County Bar Association, Family Law & Benefits Clinic, Tarrant County Human Resources, Tarrant County Law Library, and 2-1-1 Help in Texas.¹⁵ Litigants in need of guidance must look through these websites, which do not include any resources specifically focused on debt claims.

Only 7% of justice court websites included a link to the Self Help E-File system, which is designed to help pro se litigants prepare and file forms related to their case. The system asks litigants a series of questions and then produces a form automatically. In addition, few justice courts provided pro se defendants with links to TexasLawHelp.org, a free website with resources to assist pro se litigants. These websites can be useful by providing information specific to Texas law and an individual’s case. In its current form, Texas Law Help has some information on defending debt collection lawsuits. Texas Law Help is currently working to increase the number of topics on which it provides information as well as expanding the number of forms available through the Self Help E-file system.

2. Most Courts Provide Plaintiffs with Forms Specific to Debt Claim Cases

Defendants facing debt claim lawsuits were provided with little to no information on the court websites—in stark contrast to the information provided to plaintiffs on filing debt claim lawsuits. A few courts provided additional written documents with information for plaintiffs filing debt claim cases. For example, one Dallas County justice court provides a packet with specific information on what is required to file a debt claim petition.¹⁶ The packet has 11 pages for plaintiffs filing cases, including four pages for debt claim plaintiffs; in contrast, the only information for defendants is a one-page answer form without additional explanation.

The large majority of courts examined provided plaintiffs with a form to file a debt claim lawsuit. Eight percent of the courts provided general forms for plaintiffs, asking for basic information such as the parties’ names and an overview of the claim, while 74% prompted plaintiffs to include specific information related to their debt claim. Eighteen percent of courts examined did not provide any forms for plaintiffs.

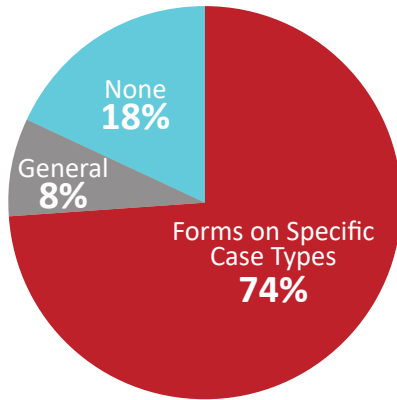
Examples of Specific and General Forms

“**Specific**” forms have information particular to debt claim suits. For example, Bexar County provides detailed forms specific to the four types of civil cases tracked by the civil case information sheet. The Bexar County debt claim form is also included as Attachment B. The debt claim form prompts the plaintiff for information required on a debt claim petition such as the basis of the complaint, whether the defendant has been served, what relief they are seeking, information on the account that is the basis of the claim, information on any promissory notes, the ongoing interest sought, and whether there has been an assignment of the claim.¹⁷

Forms marked “**general**” are forms that could be used to file any claim in the court and do not include blanks for information specific to debt claims.

Forms Provided to Plaintiffs On Any Case Type

Source: Texas Appleseed analysis of 87 justice court websites, May and June 2016.



Examples of forms available online to plaintiffs are included as Attachments B and C.¹⁸

3. No Court Provided Defendants with an Answer Form Specific to Debt Claim Cases

In contrast to the information available to plaintiffs, no court website provided defendants with an answer form specific to defending a debt claim nor information on defending or answering debt claim suits.

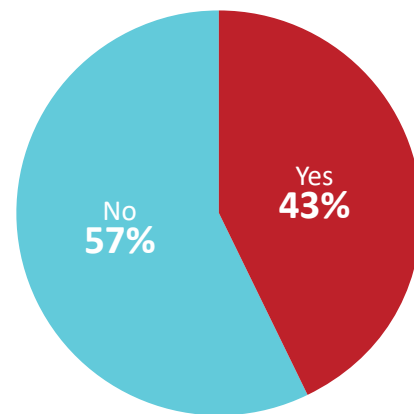
In fact, only 43% of courts provided defendants with any answer form. Where available, the answer forms are general, applying to all civil claims, with blanks only for contact information and the case number. No form provides information on specific debt claim defenses. It is worth noting that defendants in justice courts can submit a general denial that does not bar them from raising other defenses at trial.¹⁹ In other words, defendants do not lose the ability to raise any defense they did not raise in their answer. However, knowing what defenses are available to raise in court is not information readily accessible to pro se defendants.

A few courts had information on how to appeal an adverse debt claim judgment, but did not include any information related to defending a debt claim suit, such as the defenses

a defendant might employ or potential filing flaws that could substantively impact the case.²⁰ This imbalance in available information for plaintiffs and defendants is particularly striking given that the vast majority of plaintiffs in these cases are represented by counsel, while few defendants retain counsel.

General Answer Form Provided to Defendants

Source: Texas Appleseed analysis of 87 justice court websites, May and June 2016.



Examples of General Forms

The Dallas County answer form, included as Attachment D, typifies the general answer forms available on justice court websites. Some version of this form is available on all of the justice court sites in Dallas County.

One El Paso County justice court provides an answer form with some additional detail. The form is available as Attachment E. It includes two check boxes, one asserting that the defendant does not owe the plaintiff any money and the other admitting to owing money, but denying all other allegations. The El Paso court form is not specific to debt collection lawsuits, lacks information on potential defenses and is the only answer form available through the court website.

As noted in a previous section, some courts provide links to TexasLawHelp.org. Texas Law Help includes an answer form for civil suits that lists various affirmative defenses, some of which apply to debt collection cases.²¹ This form provides more information than the general denial form available on some websites, but there was no direct link to this answer form on any of the justice court websites.

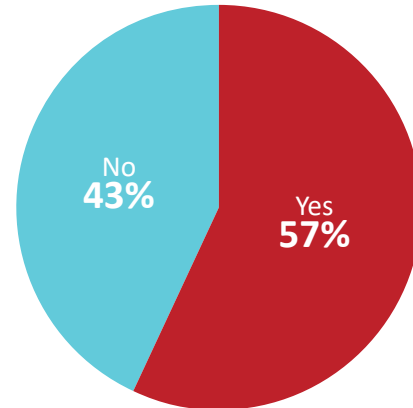
4. Links to Applicable Texas Rules of Civil Procedure Available on Just Over Half of Court Websites

Of the 87 justice of the peace courts across 12 counties in Texas surveyed for this report, 57% of the court websites provided links to the Texas Rules of Civil Procedure, while 43% did not have links.

Some courts went further, by including links to local rules as well as the Rules of Evidence, even though the latter do not necessarily apply in justice courts. Local rules, the Texas Rules of Civil Procedure, and applicable rules of evidence are critical in helping litigants understand how the court process works and what evidence they may or may not be able to use. The Texas Rules of Civil Procedure have specific rules regarding debt claim cases in justice courts.²² Without having ready access to these most basic rules available, many litigants might not have any frame of reference for how the process functions. In addition, the local rules and Texas Rules of Civil Procedure contain important deadlines for filing answer forms, motions, discovery requests, and responding to discovery requests.

Links to Texas Rules of Civil Procedure for Justice Courts

Source: Texas Appleseed analysis of 87 justice court websites, May and June 2016.



Improving Access to Justice for Pro Se Defendants of Debt Collection Suits

The availability of simple resources to help pro se litigants defend themselves could be greatly improved, particularly with respect to debt collection suits.²³ The following recommendations, based on the findings of this study, as well as state and national strategies, are designed to increase access to justice for pro se litigants defending a debt claim lawsuit in Texas.²⁴

RECOMMENDATION 1: Create a uniform form for defendants of debt claims lawsuits with available defenses that is provided by all justice courts statewide and available online.

The Texas Access to Justice Commission (TAJC) has recognized the efficacy of forms in helping pro se litigants and improving court efficiency. Based on results from its survey of 22 states regarding the use of standardized forms, it concluded that forms may also provide benefits to court staff and judges.²⁵ Texas has already developed fill-in-the-blank forms for victims of domestic violence and for use in uncontested divorces.²⁶ Given the growing share of the caseload in justice courts taken up by debt claims, a form for pro se litigants defending these cases would help them present their cases more accurately and efficiently.

Possible defenses should be listed in plain language so that defendants can comprehend them without difficulty. For example, one form made available through courts in Utah, included as Attachment H, offers numerous affirmative defenses in plain language specific to debt claims. In contrast, available Texas forms only include blanks for general information about the case.

Another benefit noted in the TAJC's research on standardized forms concerns the fact that self-represented litigants may already be using forms from a wide range of sources, which may or may not be appropriate for the jurisdiction.²⁷ By standardizing a form, it ensures the information is accurate and specific to Texas law, while also reducing the

harm that an inaccurate form available online might have for pro se litigants and delays these forms could cause in the court process.²⁸ Further, state-approved forms provide judges with a reliable framework that adheres to Texas law, reducing the time spent ensuring a form is legally accurate and allowing them to focus on the case details. Such a form would help pro se defendants more accurately defend their suits and lead to improvements in overall efficiency.²⁹

RECOMMENDATION 2: Standardize websites for justice courts across the state to ensure certain self-help resources are available and easily accessible on every site.

The analysis of court websites found significant variation among courts, at times even among courts in the same county. Standardizing justice court websites by ensuring the self-help resources are available on all websites, such as the Rules of Civil Procedure, any relevant forms, information about appealing an adverse judgment, information about answering a pleading, etc. would go a long way in helping pro se litigants throughout the court process.

It is also possible to create one centralized court-hosted or government-hosted site with information specifically for self-represented litigants. In its report, the Texas Supreme Court Commission to Expand Civil Legal Services noted Colorado's new centralized Legal Access Center, which features a step-by-step decision tree to help users determine what kind of legal problem they have, the controlling law, and what procedural steps to take.³⁰ Utah has an extensive and centralized Online Court Assistance Program (OCAP), which helps litigants, both plaintiffs and defendants, find and fill out court documents for cases such as divorce, landlord-tenant issues, guardianship of a minor, garnishment, protective orders, and guardianship and conservatorship.³¹

RECOMMENDATION 3: Establish self-help centers or staffed desks with court navigators where pro se litigants can receive support and prepare forms for the most common cases.

Self-help centers or staffed desks can provide legal information and forms to self-represented litigants to help throughout the court process. Courts could have their own self-help centers or one center could serve several courts. The Texas Supreme Court Commission to Expand Civil Legal Services evaluated several existing navigator programs and outlined future steps for establishing a successful program in Texas.³²

For example, New York’s Court Navigator Program, launched in February 2014, supports and assists unrepresented litigants for landlord-tenant and consumer debt cases.³³ Court navigators are specially trained and supervised non-lawyers, who provide general information, written materials, and one-on-one assistance to eligible

unrepresented litigants. Court navigators also assist them in accessing interpreters and other services. Navigators do not provide legal advice, but rather provide support and general information to help litigants make the best decisions and go into the courtroom more adequately prepared.

In evaluating New York’s Court Navigator program on debt claim cases, judges noted that navigators often assisted litigants “by showing a previously prepared list of issues that the litigant had discussed with the Navigator to be presented to the court or by intervening and asking for a moment to speak to the litigant.”³⁴ Judges reported that litigants were “more comfortable, less stressed and anxious, and better prepared to provide the court with the information needed.”³⁵ Court navigators could be available online, providing information to people across the state, especially through a live chat feature. Online self-help centers can also provide resources such as videos, FAQs, online legal research sites, and information on legal clinics located nearby.

Conclusion

Self-represented litigants are at a significant disadvantage in debt claim cases, often sued by repeat players in litigation with experienced counsel. The lack of readily accessible information about debt claim suits, particularly available defenses and how to navigate the court process, widens the gap between the self-represented defendant and

the experienced plaintiff or attorney. Providing standardized forms, streamlining the information available on websites, and having court navigators or staffed desks can help to close the gap by improving litigants’ access to justice as well as enhancing efficiency of the court system.

Endnotes

¹ Urban Institute, *Delinquent Debt in America* 1, 9 (2014) (using data from one of the three largest credit bureaus).

² Since September 1, 2013, debt collectors have been able to file “debt claim cases” in justice courts. Justice of the peace courts have original jurisdiction over civil matters where up to \$10,000 is in dispute, cases of forcible entry and detainer, foreclosure of mortgages and liens on personal property where amount is within the court’s jurisdiction; and certain traffic cases. Tex. Gov’t Code §. 27.031.

³ Tex. R. Civ. P. 500-508.

⁴ See Office of Court Administration, *Annual Statistical Report for the Texas Judiciary*, 116 (2014) In 2013, the Supreme Court of Texas promulgated certain new rules of civil procedures pertaining to justice courts, including one (Tex. R. Civ. P. 502.2(b)) that requires a civil case information sheet accompany petitions. This form is intended to assist with data collection on the types of suits filed, including debt claims, eviction, repair and remedy, and small claims. Most justice courts had this form posted on their websites.

⁵ See Office of Court Administration, *Annual Statistical Report for the Texas Judiciary, Court-Level* 35 (2016).

⁶ See Tex. Gov’t Code Ann. § 27.031 (West 2016); Tex. R. Civ. P. 508.1. The absence of evidentiary rules in justice courts can result in inconsistent decisions about the admissibility of evidence both within and between courts.

⁷ Texas Commission to Expand Legal Services, *Report of the Texas Commission to Expand Legal Services* 1-2 (2016), available at <http://www.txcourts.gov/media/1436569/cecls-report.pdf> (citing American Bar Association, *Report on the Future of Legal Services* (2016)).

⁸ See Mary Spector & Ann Baddour, *Collection Texas-Style: An Analysis of Consumer Collection Practices in and out of the Courts*, 67 *Hast. L.J.* 1427 (2016).

⁹ “Examiners found that in 70% of the cases, when the consumer filed an answer, the entity would dismiss the suit because it was unable to locate documentation to support its claims,” according to the Consumer Financial Protection Bureau (CFPB), Supervisory Highlight Spring 2014, 14. In December of 2015, the CFPB took action to stop a debt collection “lawsuit mill.” The debt collection firm was accused of “filing lawsuits without being able to verify the consumers’ debt is owed, and intimidating consumers with deceptive court filings.” Consumer Financial Protection Bureau, *CFPB Takes Action to Stop Illegal Lawsuit Mill*, (Dec. 28, 2015).

¹⁰ Texas Commission to Expand Legal Services, *Report of the Texas Commission to Expand Legal Services* (2016), available at <http://www.txcourts.gov/media/1436569/cecls-report.pdf>.

¹¹ *Id.*

¹² The counties surveyed included: Bexar, Collin, Dallas, Ector, El Paso, Harris, Lubbock, McLennan, Nueces, Potter, Tarrant, and Travis. See Office of Court Administration, *Annual Statistical Report for the Texas Judiciary*, (2015) for statistics on the 807 justice courts in Texas. The survey focused on what information was readily accessible to litigants looking for resources. See Attachment A for a synopsis of the data collected.

¹³ 2011-2015 American Community Survey 5-Year Estimates.

¹⁴ In some counties, such as Bexar County, the sidebar on the webpages did not change with each individual justice court, but most, if not all, courts appeared to have control over what information was presented. In Bexar County, the justices of the peace did provide some individual information, mainly consisting of their biographies, on each webpage.

¹⁵ Tarrant County Justice Courts Website, *Resources for Litigants* webpage, available at <http://access.tarrantcounty.com/en/justice-of-the-peace-courts/justice-2/resources-for-litigants.html?linklocation=Quick%20Links&linkname=Resources%20for%20Litigants>.

¹⁶ Dallas County Justice of the Peace Precinct 1, Place 1 website, available at http://www.dallascounty.org/department/jpcourts/1-1/media/2016_DebtClaim_SmallClaim_InformationPacket.pdf (accessed Aug. 31, 2016).

¹⁷ Bexar County Website, *Debt Claim Form*, available at http://home.bexar.org/jp/docs/PETITION_DEBT_CLAIM%20CASE.pdf (accessed Aug. 12, 2016).

¹⁸ See the Bexar County and Collin County petitions attached as Attachments B and C.

¹⁹ Tex. R. Civ. P. 502.5(b).

- ²⁰ Dallas County Justice of the Peace Precinct 1, Place 1 website, available at http://www.dallascounty.org/department/jpcourts/1-1/media/2016_DebtClaim_SmallClaim_InformationPacket.pdf (accessed Aug. 31, 2016).
- ²¹ Texas Law Help, *Civil Answer and Civil Information Sheet*, available at http://texaslawhelp.org/files/685E99A9-A3EB-6584-CA74-137E0474AE2C/attachments/FF31AD8A-CA4D-4642-9E8B-744A405D7835/answer_civil_final.pdf and included as Attachment F.
- ²² Tex. R. Civ. P. 500.3(b), 500-508.
- ²³ Center on Court Access to Justice for All, *Access Brief: Forms and Document Assembly 1* (2012), available at <http://nsc.contentdm.oclc.org/utills/getfile/collection/accessfair/id/264/filename/265.pdf>.
- ²⁴ Attachment G has information on how court procedures and policy are made in Texas
- ²⁵ Texas Access to Justice Commission, *State Responses on Standardized Forms*, available at <http://www.texasatj.org/sites/default/files/1StateResponsesonStatewideForms.pdf>.
- ²⁶ Texas Access to Justice Commission, *Forms for Pro Se Litigants*, available at <http://www.texasatj.org/forms-pro-se-litigants>.
- ²⁷ Texas Access to Justice Commission, *State Responses on Standardized Forms*, available at <http://www.texasatj.org/sites/default/files/1StateResponsesonStatewideForms.pdf>.
- ²⁸ *Id.* The research noted that this benefit was reflected in many states' experiences.
- ²⁹ The California Judicial Council is similar to the Texas Judicial Council in that it works to establish broad and consistent policies for the operation of the courts as well as appropriate statewide rules of court and court forms. In keeping with its duties, the Judicial Council has a website of forms that can be used in various courts. While there was not a form for debt collection to draw on for this recommendation, it is worth pointing out the breadth of forms available to California litigants. California Courts, Directory of Forms, available at <http://www.courts.ca.gov/formname.htm>.
- ³⁰ Texas Commission to Expand Legal Services, *Report of the Texas Commission to Expand Legal Services* 12 (2016), available at <http://www.txcourts.gov/media/1436569/cecls-report.pdf>. The commission recommended that the website's progress be monitored with an eye towards replicating it in Texas.
- ³¹ Utah Courts, "Self-Help Resources/Self-Represented Parties", available at <https://www.utcourts.gov/selfhelp/> (accessed Aug. 30, 2016).
- ³² Texas Commission to Expand Legal Services, *Report of the Texas Commission to Expand Legal Services* 4-14 (2016), available at <http://www.txcourts.gov/media/1436569/cecls-report.pdf>
- ³³ New York Court Navigator Program, *Navigator Snapshot Report* (Dec. 2014), available at <http://nylawyer.nylj.com/adgifs/decisions15/022415report.pdf>.
- ³⁴ *Id.* at 10.
- ³⁵ *Id.* at 11.

Attachment A

Resources Available on Justice Court Websites for Pro Se Litigants

County	Precinct	Place	Judge	J.P. is a J.D.? (Yes, No, Unknown)	Links to Texas Rules of Civil Procedure for Justice Courts?	Any Resources directed to Pro Se litigants? (Yes, No)	Amount of Overall Information? (Substantial, Some, Minimal, None)	Forms provided for plaintiffs (Specific, General, None)?	Defendant's Original Answer Form (Yes, No)	Any other forms provided?	Forms related to debt collection? (Plaintiff=P, Defendant=D, Both=B, None=N)	Quality of Answer Form to Debt Collection (Specific, General, Very Broad, None Provided)	Defenses to Debt Collection Listed on the Answer Form (Yes, No, N/A)	Other Information Related to Debt Collection for Defendants (Extensive, Some, Minimal, None)	Texas Self Help Link
Bexar	1	1	Robert "Bobby" Tejada	Yes	Yes	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Bexar	1	2	Ciro Rodriguez	No	Yes	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Bexar	2	1	Roberto A. Vazquez	Yes	Yes	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Bexar	2	3	Monica Lisa Caballero	Yes	Yes	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Bexar	3	1	William Donovan	Yes	Yes	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Bexar	3	2	Jeff Wentworth	Yes	Yes	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Bexar	4	1	Rogelio Lopez	Yes	Yes	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Bexar	4	2	Yolanda Uresti	Unknown	Yes	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Collin	1		Paul Raleegh	Unknown	No	No	Some	Specific	No	Yes	P	None Provided	N/A	None	Yes
Collin	2		Jerry Shaffer	Unknown	No	No	Some	Specific	No	Yes	P	None Provided	N/A	None	No
Collin	3	1	Chuck Ruckel	Unknown	No	No	Some	Specific	No	Yes	P	None Provided	N/A	None	Yes
Collin	3	2	John Payton	Unknown	No	No	Some	Specific	No	Yes	P	None Provided	N/A	None	No
Collin	4		Mike Yarbrough	Unknown	No	Yes	Some	Specific	No	Yes	P	None Provided	N/A	None	No
Dallas	1	1	Thomas G. Jones	No	No	Yes	Some	Specific	Yes	Yes	P	None Provided	N/A	None	No
Dallas	1	2	Valencia Nash	Yes	No	No	Some	Specific	Yes	Yes	P	Very Broad	No	None	No
Dallas	2	1	John L. Sholden	Unknown	No	No	None	Specific	Yes	Yes	P	Very Broad	No	None	No
Dallas	2	2	Bill Metzger	No	No	No	None	None	No	No	N	None Provided	N/A	None	No
Dallas	3	1	Al Cercone	No	Yes	No	Some	General	Yes	Yes	P	Very Broad	No	None	No
Dallas	3	2	Steve Seider	Yes	No	No	None	None	No	No	N	None Provided	N/A	None	No
Dallas	4	1	Norris "Stretch" Rideaux	No	No	No	Some	General	Yes	Yes	N	None Provided	N/A	None	No
Dallas	4	2	Katy Hubener	No	Yes	Yes	Some	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Dallas	5	1	Sara Martinez	Yes	Yes	No	Some	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Dallas	5	2	Juan Jasso	Yes	No	No	None	None	No	No	N	None Provided	N/A	None	No
Ector	1		Terry Lange	Unknown	No	Yes	Some	Specific	No	Yes	P	None Provided	N/A	None	No
Ector	2		Christopher Clark	Unknown	No	Yes	Some	Specific	No	Yes	P	None Provided	N/A	None	No
Ector	3		Sherwood Kuper	Unknown	No	Yes	Some	Specific	No	Yes	P	None Provided	N/A	None	No
Ector	4		Eddy Spivey	Unknown	No	Yes	Some	Specific	No	Yes	P	None Provided	N/A	None	No
El Paso	1		Robert T. Pearson	Unknown	Yes	No	None	Specific	No	No	P	Very Broad	N/A	None	No
El Paso	2		Brian J. Haggerty	Unknown	Yes	No	None	Specific	No	No	P	None Provided	N/A	None	Yes
El Paso	3		Guadalupe Aponte	Unknown	Yes	No	None	Specific	No	No	P	None Provided	N/A	None	No
El Paso	4		Jesus Urenda	Unknown	Yes	No	Some	Specific	No	No	P	Very Broad	N/A	None	No
El Paso	5		John Chatman	Unknown	Yes	No	None	Specific	No	No	P	Very Broad	N/A	None	No

County	Precinct	Place	Judge	J.P. is a J.D.? Yes, No, Unknown	Links to Texas Rules of Civil Procedure for Justice Courts?	Any Resources directed to Pro Se litigants? (Yes, No)	Amount of Overall Information? (Substantial, Some, Minimal, None)	Forms provided for plaintiffs (Specific, General, None)?	Defendant's Original Answer Form (Yes, No)	Any other forms provided?	Forms related to debt collection? (Plaintiff=P, Defendant=D, Both=B, None=N)	Quality of Answer Form to Debt Collection (Specific, General, Very Broad, None Provided)	Defenses to Debt Collection Listed on the Answer Form (Yes, No, N/A)	Other Information Related to Debt Collection for Defendants (Extensive, Some, Minimal, None)	Texas Self Help Link
El Paso	6	1	Ruben Lujan	Unknown	Yes	No	None	Specific	Yes	No	P	Very Broad	N/A	None	No
El Paso	6	2	Enedina Nina Serna	Unknown	Yes	No	None	Specific	Yes	No	P	Very Broad	N/A	None	No
El Paso	7		Kelly Dickson	Unknown	Yes	No	None	Specific	Yes	No	P	Very Broad	N/A	None	No
Harris	1	1	Dale Gorczynski	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	1	2	David Patronella	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	2	1	Jo Ann Delgado	No	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	2	2	George Risner	No	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	3	1	Mike Parrott	No	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	3	2	Don Coffey	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	4	1	Lincoln Goodwin	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	4	2	Laryssa Korduba	Unknown	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	5	1	Russ Ridgway	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	5	2	Jeff Williams	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	6	1	Richard Vara	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	6	2	Armando V. Rodriguez	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	7	1	Hilary H. Green	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	7	2	Zinetta Burney	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	8	1	Holly Williamson	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Harris	8	2	Louie Ditta	Yes	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Lubbock	1		Jim Hansen	Unknown	Yes	Yes	Some	Specific	No	No	P	None Provided	N/A	None	No
Lubbock	2		Jim Dulin	Unknown	No	No	None	None	No	No	N	None Provided	N/A	None	No
Lubbock	3		Aurora Hernandez	Unknown	No	No	None	None	No	No	N	None Provided	N/A	None	No
Lubbock	4		Ann-Marie Carruth	Unknown	Yes	No	Some	General	No	Yes	N	None Provided	N/A	None	No
McLennan	1	1	Diane Hensley	Unknown	No	No	None	None	No	No	N	None Provided	N/A	None	No
McLennan	1	2	Walter H. (Pete) Peterson	Unknown	No	No	None	None	No	No	N	None Provided	N/A	None	No
McLennan	2		James E. Lee, Jr.	Unknown	No	No	None	None	No	No	N	None Provided	N/A	None	No
McLennan	3		David W. Pareya	Unknown	No	No	None	None	No	No	N	None Provided	N/A	None	No
McLennan	4		Brian Richardson	Unknown	No	No	None	None	No	No	N	None Provided	N/A	None	No
McLennan	5		Fernando Villarreal	Unknown	No	No	None	None	No	No	N	None Provided	N/A	None	No
Nueces	1	1	Joe Benavides	Yes	No	No	Some	Specific	No	Yes	P	None Provided	N/A	None	No
Nueces	1	2	Henry A. Santana	No	No	Yes	Some	Specific	No	Yes	P	None Provided	N/A	None	No
Nueces	1	3	Robert Balderas	No	No	No	Some	General	No	No	N	None Provided	N/A	None	No

County	Precinct	Place	Judge	J.P. is a J.D.? Yes, No, Unknown	Links to Texas Rules of Civil Procedure for Justice Courts?	Any Resources directed to Pro Se litigants? (Yes, No)	Amount of Overall Information? (Substantial, Some, Minimal, None)	Forms provided for plaintiffs (Specific, General, None)?	Defendant's Original Answer Form (Yes, No)	Any other forms provided?	Forms related to debt collection? (Plaintiff=P, Defendant=D, Both=B, None=N)	Quality of Answer Form to Debt Collection (Specific, General, Very Broad, None Provided)	Defenses to Debt Collection Listed on the Answer Form (Yes, No, N/A)	Other Information Related to Debt Collection for Defendants (Extensive, Some, Minimal, None)	Texas Self Help Link
Nueces	2	1	Janice K. Stoner	No	No	No	Some	Specific	No	No	P	None Provided	N/A	None	No
Nueces	2	2	Thelma L. Rodriguez	Unknown	Yes	No	Some	None	No	No	N	None Provided	N/A	None	No
Nueces	3		Larry L. Lawrence	Unknown	No	No	None	None	No	No	N	None Provided	N/A	None	No
Nueces	4		Duncan Neblett, Jr.	Unknown	No	No	None	None	No	No	N	None Provided	N/A	None	No
Nueces	5	1	Robert Gonzalez	No	No	No	Some	General	No	Yes	N	None Provided	N/A	None	No
Nueces	5	2	Hermilo Pena, Jr.	Unknown	No	Yes	Some	General	No	Yes	N	None Provided	N/A	None	No
Potter	1		Debbie Horn	Unknown	No	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Potter	2		Richard Herman	Unknown	No	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Potter	3		Gary L. Jackson	Unknown	No	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Potter	4		Thomas Jones	Unknown	No	No	Minimal	Specific	No	Yes	P	None Provided	N/A	None	No
Tarrant	1		Ralph Swearingin	No	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Tarrant	2		Mary Tom Cravens Curnutt	No	Yes	Yes	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	Yes
Tarrant	3		Russ Casey	Unknown	Yes	No	Substantial	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Tarrant	4		Jacquelyn Wright	No	Yes	Yes	Some	Specific	Yes	Yes	P	Very Broad	N/A	None	Yes
Tarrant	5		Sergio L. De Leon	No	No	No	Some	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Tarrant	6		Gary Ritchie	Unknown	Yes	No	None	None	No	No	N	None Provided	N/A	None	No
Tarrant	7		Matt Hayes	No	Yes	Yes	Some	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Tarrant	8		Lisa Woodard	No	Yes	No	Some	Specific	Yes	Yes	P	Very Broad	N/A	None	No
Travis	1		Yvonne Michelle Williams	Yes	Yes	Yes	Some	None	No	No	N	None Provided	N/A	None	Yes
Travis	2		Randall Slagle	Yes	Yes	Yes	Some	Specific	Yes	Yes	P	Very Broad	N/A	None	Yes
Travis	3		Susan Steeg	Yes	Yes	Yes	Some	General	Yes	Yes	N	None Provided	N/A	None	No
Travis	4		Raul Arturo Gonzalez	Yes	Yes	Yes	Some	Specific	Yes	Yes	P	Very Broad	N/A	None	Yes
Travis	5		Herb Evans	Unknown	Yes	Yes	Some	Specific	Yes	Yes	P	Very Broad	N/A	None	Yes

Attachment B

Bexar County Debt Claim Petition Form



PETITION: DEBT CLAIM CASE

CASE NO. (court use only) _____ IN THE JUSTICE COURT, PCT. _____ BEXAR COUNTY, TEXAS
PLAINTIFF: _____

VS.
DEFENDANT(S) _____

Defendant(s) contact info: _____
ADDRESS CITY STATE ZIP

COMPLAINT: The basis for the claim which entitles the plaintiff ;seek relief against the defendant is:

RELIEF: Plaintiff seeks damages in the amount of \$ _____

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

ADDITIONAL INFORMATION (CASE BASED ON CREDIT CARD, REVOLVING ACCOUNT, OR OPEN ACCOUNT):

Account/Credit Card Name: _____ Account Number (may be masked): _____
Date of Issue/Origination _____ Date of Charge-Off/Breach _____ Amount Owed _____ as of _____

ADDITIONAL INFORMATION (CASE BASE) ON PROMISSORY NOTE OR OTHER PROMISE TO PAY PERSONAL OR BUSINESS LOAN);

Date/Amount of Original Loan _____ \$ _____ REPAYMENT ACCELERATED? DATE FINAL PAYMENT DUE: _____
Amount Due on Final Payment Date \$ _____ Amount Due \$ _____ as of _____

ONGOING INTEREST:

PLAINTIFF _____ seek ongoing interest. If so, this interest is based on the following contractual/statutory reason:

and should be at _____ % \$ _____ of interest was due as of _____

ASSIGNMENT OF CLAIM

PLAINTIFF _____ assigned or otherwise transferred this claim. If so, the original claimant/creditor was _____
subsequent holders were _____ and the date the case was assigned/transferred to plaintiff was _____

If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address:

Petitioner's Printed Name

Signature of Plaintiff or Attorney

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH _____

Address of Plaintiffs or Attorney

LAST 3 NUMBERS OF DRIVER LICENSE _____

LAST 3 NUMBERS OF SOCIAL SECURITY _____

CITY

STATE

ZIP

DEFENDANT'S PHONE NUMBER _____

Phone of Plaintiff's Attorney/ Plaintiff

Sworn to and subscribed before me this _____ day of _____, 20_____

CLERK OF THE JUSTICE COURT OR NOTARY

Justice Court Civil Case Information Sheet (4/13)

Cause Number (for clerk use only): _____

Styled _____
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at that

<p>1. Contact information for person completing case information sheet:</p> <p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>2. Names of parties in case:</p> <p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>
<p>3. Indicate case type, or identify the most important issue in the case (select only 1):</p>	
<p><input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>
<p><input type="checkbox"/> Repair and Remedy: A repair and remedy case is a " lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>

Instructions: The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>. This website will provide the current active military status of an individual.

Military Status Affidavit

Case No. _____ § In the Justice Court of
_____ § "Dgzct County, Texas
Plaintiff §
vs. §
_____ § Precinct _____, Place _____
Defendant §

BEFORE ME, on this day personally appeared" _____,
who, under penalty of perjury, stated that the following facts are true:

I am the Plaintiff attorney of record for the Plaintiff in this proceeding.

_____, Defendant, **is not** in military service.

_____, Defendant, **is** in military service.

I know this. because _____

_____.

I am unable to determine whether or not the Defendant is in military service.

Signed on _____

Signature
Printed Name: _____
Address: _____

Telephone: _____
Fax: _____
E-Mail Address: _____

THE STATE OF TEXAS " §

COUNTY OF DGZCT §

SWORN TO AND SUBSCRIBED BEFORE ME on _____.

Clerk of the Court

NOTARY PUBLIC, State of Texas

Attachment C

Collin County Debt Claim Petition Form

PETITION: DEBT CLAIM CASE
CASE NO. (Court use only) _____

Plaintiff(s): _____
Address: _____

City State Zip Phone

IN THE JUSTICE COURT

JUSTICE OF THE PEACE
PRECINCT _____

VS.
Defendant(s): _____
Address: _____

City State Zip Phone

COLLIN COUNTY, TEXAS

PLAINTIFF is (must check one): an assignee of the claim; a debt collector or collection agency; a financial institution; or a person or entity primarily engaged in the business of lending money at interest.

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

RELIEF: Plaintiff seeks damages in the amount of \$_____.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

ADDITIONAL INFORMATION (CASE BASED ON CREDIT CARD, REVOLVING ACCOUNT, OR OPEN ACCOUNT):

Account/Credit Card Name: _____ Account Number (may be masked): _____
Date of Issue/Origination: _____ Date of Charge-Off/Breach: _____ Amount Owed \$_____ as of _____

ADDITIONAL INFORMATION (CASE BASED ON PROMISSORY NOTE OR OTHER PROMISE TO PAY PERSONAL OR BUSINESS LOAN):

Date/Amount of Original Loan: _____, \$_____ Repayment Accelerated? _____
Date Final Payment Due: _____ Amount Due on Final Payment Date \$_____ Amount Due \$_____ as of _____

ONGOING INTEREST: Plaintiff does, or does not seek ongoing interest. If so, this interest is based on the following contractual/statutory reason: _____ and should be at _____%. \$_____ of interest was due as of _____.

ASSIGNMENT OF CLAIM: Plaintiff was, or was not assigned or otherwise transferred this claim. If so, the original claimant/creditor was _____, subsequent holders were _____, and the date the case was assigned/transferred to plaintiff was _____.

If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: _____.

Petitioner's Printed Name

Signature of Plaintiff or Attorney

Defendant's Information (if known):

Date of Birth: _____
Last 3 numbers of Driver's License: _____
Last 3 numbers of SSN: _____
Defendant's Phone Number: _____

Address of Plaintiff or Attorney

City State Zip

Phone & Fax No.

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

CAUSE NUMBER: _____

_____ , PLAINTIFF	§	IN THE JUSTICE COURT
VS.	§	PRECINCT ____
_____ , DEFENDANT	§	COLLIN COUNTY, TEXAS

My name is [please print] _____.

I am [check one] the plaintiff or an authorized agent of the plaintiff in the case described above. I am capable of making this affidavit. I have been duly sworn on oath and the facts in this affidavit are within my personal knowledge and are true and correct.

[check or fill in as applicable]

1. No defendant in this case is on active duty in the U.S. military (Army, Navy, Air Force, Marines or Coast Guard). The facts on which I base my conclusion are as follows: _____

2. Defendant [insert name(s)] _____ is on active duty in the U.S. military.

3. Defendant [insert name(s)] _____ has been deployed by the U.S. military to a foreign country.

4. Plaintiff and the undersigned (if the undersigned is acting agent of plaintiff) are not able to determine whether any defendant is in the U.S. military – except for any defendant named in 2 above.

5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant who is in the U.S. military has been deployed to a foreign country – except for any defendant named in 3 above.

6. Defendant [insert name(s)] _____ has signed, while on active duty, a **separate written waiver** of his or her rights under the U.S. Servicemembers Civil Relief Act of 2003.

Affiant

Sworn to and subscribed before me on this the ____ day of _____, 20____.

(Judge) (Clerk)
Justice Court, Precinct ____
Collin County, Texas

Notary Public in and for the State of Texas

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED _____
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:
<p>Name: _____ Telephone: _____</p> <p>Address: _____ Fax: _____</p> <p>City/State/Zip: _____ State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>_____</p> <p>_____</p> <p>[Attach additional page as necessary to list all parties]</p>	
3. Indicate case type, or identify the most important issue in the case (<i>select only 1</i>):		
<p><input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	
<p><input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	

Attachment D

Dallas County Answer Form

CASE NO. J _____ H

PLAINTIFF

VS.

DEFENDANT

;
;
;
;
;
;

IN THE DALLAS COUNTY
JUSTICE COURT
PRECINCT 1, PLACE 1
DALLAS, TEXAS

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, _____, Defendant in the above styled and numbered cause, and makes and files this, its Original Answer, and respectfully shows:

Additional pages may be attached to complete answer.

Respectfully Submitted,

Signed _____
Defendant/Pro Se

Address _____

Phone (____) _____

FAX (____) _____

CERTIFICATE OF SERVICE

I do hereby certify that I will mail a true and correct copy of this Original Answer to the Plaintiff on the ____ day of _____, 20____.

Signed _____
Defendant/Pro Se

This form of answer may not be sufficient to satisfy the requirements of T.R.C.P. Rules 91, 93, 94, and 95. If you are uncertain, consult a competent attorney.

Attachment E

El Paso County Answer Form

**IN THE JUSTICE COURT OF EL PASO COUNTY, TEXAS
PRECINCT NUMBER ONE**

PLAINTIFF

VS.

CAUSE NO.: _____

DEFENDANT

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:
I, AS THE DEFENDANT IN THIS CASE, FILE THIS ANSWER AND SHOW THE COURT:

(Please check one of the following)

- I, the defendant, deny that I owe anything to the plaintiff.
- I the defendant, admit that I owe \$_____ to the plaintiff but deny all other allegations in the plaintiff's original petition. I am willing to sign an Agreed Judgment to pay the plaintiff the amount owed.

I agree that, if it is necessary for the case to go to trial, I will come to court fully prepared on the date specified by the court.

I will bring all witnesses, photos, documents, and other evidence at that time and understand there will be no postponements to get evidence forgotten.

Wherefore, defendant prays that plaintiff take no more than is just and for such other relief as to which the defendant may be entitled.

X _____
Signature of Defendant or Attorney

Date: _____

Address: _____
Street Address City/State Zip Code

Telephone #'s: _____
Home Work

Social Security #: _____ - _____ - _____

Driver's License #: _____ State

Attachment F

Texas Law Help Defendant's Answer Form

Cause Number _____
(Complete the heading so that it looks exactly like the Petition)

Plaintiff (Print Full Name)

VS

Defendant (Print Full Name)

In the (check one):

Court Number

District Court
 County Court at Law
 Justice Court (JP)

_____ County, Texas

Defendant's Answer

WARNING: Talk to a lawyer before filling out this form. You may accidentally give up important legal rights if you file this form with the Court without first talking to a lawyer. For help finding a lawyer, call your local lawyer referral service. If you do not have enough money to hire a lawyer to take your whole case, you can hire a lawyer just to give you advice and help you fill-out this form. This is called Limited Scope Representation. You may also be able to talk to a lawyer for free at a legal advice clinic. For help finding a free legal advice clinic go to www.TexasLawHelp.org.

INSTRUCTIONS: If you decide to use this *Defendant's Answer* form:

- Fill it out completely and sign it.
- File (*turn in*) your completed answer form at the Courthouse where the *Petition* was filed.
- It does not cost anything to file an answer.
- If you have been served, you have a limited time to file an answer. Counting from the day you were served, you have 20 days plus the following Monday, at 10 a.m. to file an answer. If you do not file an answer by the deadline, the Plaintiff can ask the court to enter a default judgment against you.
- Keep a copy of your answer for your records.
- Send a copy to the Plaintiff's lawyer or to the Plaintiff if s/he is not represented by a lawyer.

1. Defendant's Information

My name is _____. I am the Defendant in this Case.
(PRINT your full name.)

The last three numbers of my driver's license number are _____. My driver's license was issued in (State) _____.

Or I do not have a driver's license number.

The last three numbers of my social security number are _____.

Or I do not have a social security number.

2. General Denial

Texas Rules of Civil Procedure Rule 92

I enter a general denial.

I request notice of all hearings in this case.

3. Specific Pleas Made Under Penalty of Perjury

Read Texas Rules of Civil Procedure Rule 93 for a list of specific pleas that must be verified **or** made under penalty of perjury. Ask a lawyer which specific pleas apply to your case.

I make the following specific pleas under penalty of perjury:

4. Affirmative Defenses

Read Texas Rules of Civil Procedure Rule 94 for a list of affirmative defenses. Ask a lawyer which affirmative defenses apply to your case.

Note: An affirmative defense is an independent reason that the Plaintiff should not win the lawsuit. If an affirmative defense is successful you could win the lawsuit, even if what the Plaintiff says is true. If you file an answer and do not claim an affirmative defense, you may forever give up that defense.

I claim the affirmative defenses checked below:

- | | | |
|--|---|---|
| <input type="checkbox"/> accord and satisfaction | <input type="checkbox"/> estoppel | <input type="checkbox"/> license |
| <input type="checkbox"/> arbitration and award | <input type="checkbox"/> failure of consideration | <input type="checkbox"/> release |
| <input type="checkbox"/> assumption of risk | <input type="checkbox"/> fraud | <input type="checkbox"/> res judicata |
| <input type="checkbox"/> contributory negligence | <input type="checkbox"/> illegality | <input type="checkbox"/> statute of frauds |
| <input type="checkbox"/> discharge in bankruptcy | <input type="checkbox"/> injury to fellow servant | <input type="checkbox"/> statute of limitations |
| <input type="checkbox"/> duress | <input type="checkbox"/> laches | <input type="checkbox"/> waiver |

- I already paid the debt sued for. I paid \$ _____ to _____
on _____ by _____.
(date) (check, cash, etc.)

Write any other details regarding payment of the debt here:

- I also claim these additional affirmative defenses:

I reserve the right to file an *Amended Defendant's Answer* with the Court to plead additional verified pleas, affirmative defenses and claims, cross-claims or third-party claims, as applicable, after further investigation and discovery.

5. Request for Judgment

I ask that Plaintiff take nothing from this lawsuit. I ask for costs of court. I ask for such other and further relief, at law or in equity, to which I may be justly entitled.

Respectfully submitted,

▶ _____
Defendant's Signature _____
Date

_____ _____
Defendant's Printed Name *Phone*

_____ _____ _____ _____
Mailing Address *City* *State* *Zip*

Email: _____ *Fax # (if available)* _____

I understand that I must let the Court, the Plaintiff's lawyer (or the Plaintiff if the Plaintiff does not have a lawyer), and any other party or lawyer in this case know in writing if my mailing address or email address changes during this case. If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.

6. Unsworn Declaration Made Under Penalty of Perjury

I make this unsworn declaration under penalty of perjury in place of verification as allowed by Texas Civil Practices and Remedies Code Section 132.001.

My name is: _____
First *Middle* *Last*

My date of birth is: _____/_____/_____.
Month *Day* *Year*

My address is: _____
Street Address *City* *State* *Zip Code* *Country*

I declare **under penalty of perjury** that: 1) I am the Defendant in this case, 2) I have read this *Defendant's Answer*, and 3) the statements in this *Defendant's Answer* are within my personal knowledge and are true and correct. I understand that it is a crime to lie on this form.

Formally signed **under penalty of perjury** in _____ County, _____ State,
County *State*

on this date: _____/_____/_____.
Month *Day* *Year*

▶ _____
Defendant's Signature

7. Certificate of Service

I certify that a copy of this document was delivered to the Plaintiff's lawyer or the Plaintiff (if the Plaintiff does not have a lawyer) on the same day this document was filed with (turned in to) the Court as follows: *(Check one.)*

- through the electronic file manager if this document is being filed electronically
- by certified mail, return receipt requested
- by fax, to fax # _____
- by personal delivery
- by email to this email address: _____



Defendant's Signature

Date

Attachment G

Supplemental Information: How Court Procedures and Policies are Made

Supplemental Information: How Court Procedures and Policies are Made

There are several ways policy is made for courts in Texas. The Texas Legislature has granted plenary authority to the Supreme Court, with limited exceptions.¹ Under that authority, the Texas Supreme Court promulgates the Texas Rules of Civil Procedure, the Texas Rules of Appellate Procedure, the Texas Rules of Evidence and other rules and standards.² In 1985, the Legislature authorized the Supreme Court to “adopt rules of administration setting policies and guidelines necessary or desirable for the operation and management of the court system and for the efficient administration of justice.”³ Under this mandate, the Texas Supreme Court can develop forms for use in courts; for example, in 2013 it required a civil case information sheet to track the type of cases heard in justice courts and promulgated comprehensive rules governing the litigation of all cases in justice courts, including debt claim cases.⁴

In addition to the Supreme Court, the Texas Judicial Council (TJC) sets policies for the state judiciary. “The Council studies methods to simplify judicial procedures, expedites court business, and better administers justice.”⁵ It submits recommendations for improvement of the system to the Legislature, the Governor, and the Supreme Court. Depending on the recommendation, these bodies or parties can act to promulgate rules or pass a bill directing the Supreme Court or other entities to adopt particular rules.

Complementing these mechanisms, county and local courts can adopt local rules mostly to help with docket control and set pretrial procedures. These rules differ widely. Local rules governing civil cases are subject to Supreme Court and/or Court of Criminal Appeals approval.⁶

¹Tex. Gov’t Code § 22.004. In addition, the Court must notify the bar of rules changes and deliver a copy to the Secretary of State for transmission to the Legislature. The Legislature can disapprove rules by the Court, but it has never done so.

²*Texas Court Rules: History and Process*, Excerpted from Nathan L. Hecht & E. Lee Parsley, *Procedural Reform: Whence and Whither* (Sept. 1997), updated by Robert H. Pemberton (Nov. 1998), available at <http://www.txcourts.gov/rules-forms/rules-standards/texas-court-rules-history-process.aspx>.

³*Id.* (citing Tex. Gov’t Code § 74.024).

⁴Justice court civil case information sheet, available at <http://www.txcourts.gov/media/514420/JPCivilcaseinfosheetfinal.pdf>.

⁵Texas Judicial Council website, available at <http://www.txcourts.gov/tjc.aspx>.

⁶Tex. R. Civ. P. 3a; Tex. R. App. P. 1.2.

Attachment H

Utah Debt Claim Answer Form

My Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

I am the Defendant
 Attorney for the Defendant and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff _____

v.

Defendant _____

Answer – Debt Collection Case

Case Number _____

Judge _____

Instructions:

- You must complete this form before you file it. Court staff cannot complete this form for you. Use the Checklist to help you understand and complete this form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Attach:
 - Additional pages as needed to complete paragraphs that don't have enough space. Write the paragraph number on the additional page.
 - Any documents referred to in this document.
 - Non-Public Information Form, more fully describing any non-public information referred to in this document.

By and through my attorney, (Attorney, check here if you are appearing for your client.)

I say as follows:

- (1) I agree completely with everything stated in the following numbered paragraphs of the complaint or petition:

- (2) I disagree with all or part of the following numbered paragraphs of the complaint or petition:

- (3) I neither agree nor disagree with the following numbered paragraphs of the complaint or petition because I don't have enough information:

- (4) Referring to paragraph number _____ of the complaint or petition, I state that:
[This paragraph is optional. Complete only if you have more to say.]

- (5) Referring to paragraph number _____ of the complaint or petition, I state that:
[This paragraph is optional. Complete only if you have more to say.]

- (6) Referring to paragraph number _____ of the complaint or petition, I state that:
[This paragraph is optional. Complete only if you have more to say.]

Affirmative Defenses

[Optional. Complete these paragraphs only if you know a reason why the plaintiff/petitioner should not win the case, other than what you have already stated in your answers above. Check any applicable defenses and write in any additional defenses.]

- (7) The complaint fails to state a claim on which relief can be granted.
- (8) I never received the goods or services for which the debt was allegedly incurred; the goods and services were defective; or the creditor damaged my property when delivering the goods or services.
- (9) The account is not my account; I am not the person who placed the charges on the account; or I am not the person who incurred the debt.
- (10) I legally cancelled the contract and therefore do not owe anything, or the creditor cancelled the contract and therefore is not entitled to payment.
- (11) The claims are barred because they were brought after expiration of the six-year statute of limitations period for actions based on a contract or expiration of another applicable statute of limitations.
- (12) The creditor/plaintiff waited too long to bring the claims, it is inequitable for the creditor/plaintiff to bring the claims, or the creditor/plaintiff behaved badly with regard to the alleged debt; thus, the claims are barred by laches, estoppel, or unclean hands.
- (13) The debt has been paid or excused; thus, the claims are barred by accord and satisfaction, discharge, waiver, or release.
- (14) I am entitled to an offset for amounts that I have paid or that should otherwise be credited to me.
- (15) The creditor lied to me, threatened me, or physically forced me to enter the contract or do the deal; thus, the claims are barred because the debt was procured through fraud, fraud in the inducement, or duress.
- (16) The contract is too ambiguous to be enforced.

- (17) The alleged debt is based on a credit agreement or an agreement to pay the debt of another person, but the contract is not in writing and signed as required by the statute of frauds and is therefore barred.
- (18) The claims are barred because the debt is based on a contract of adhesion (i.e. a take-it-of-leave-it contract), an unconscionable contract, a contract that is illegal or against public policy, an illusory contract (i.e. a contract for which I did not receive anything in exchange), or a contract that I did not sign or otherwise agree to.
- (19) I or someone associated with me has previously been sued for the alleged debt; therefore, the claims are barred by res judicata.
- (20) I was a co-signer but was not informed of my rights as a co-signer.
- (21) The creditor was not permitted to accelerate the loan.
- (22) The creditor failed to mitigate damages (i.e. failed to take actions to protect itself and/or minimize the amount of the alleged debt).
- (23) After repossessing my property, the creditor or its representatives did not sell the property in a commercially reasonable manner (i.e. they sold it without properly advertising it or for less than it was worth).
- (24) After repossessing my property, the creditor or its representatives did not give me proper notice of the date, time and place of sale, thereby entitling me to offsetting statutory damages.

(25)

(26)
