

# SMALL CLAIM CASE

Please make sure to read all the information provided, and if you still have questions, then contact a lawyer or other legal resources. Lists of some legal resources are provided in this packet.

**THE CLERKS ARE NOT ALLOWED TO GIVE LEGAL ADVICE.**

You must provide the following payments to the court with your petition:

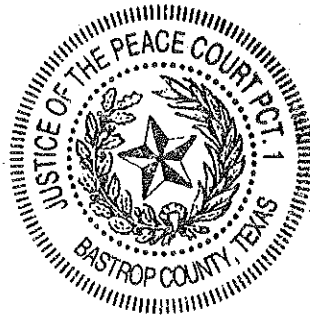
\$51.00 payable to JP#1 (Cashier Check, Money Order or Company Check ONLY)

Plus

\$75.00 payable to Bastrop County Constable for EACH citation to be served listed on the application/petition.

<https://www.co.bastrop.tx.us/page/jp1>

**HONORABLE CINDY ALLEN**  
**JUSTICE OF THE PEACE**  
**PRECINCT ONE**  
**BASTROP COUNTY, TEXAS**



Please read this packet completely before filing your suit. Legal advice can only be obtained from an attorney. Our Court Clerks are trained in procedure only, and cannot give any legal advice. This is for the clerk's protection as well as your own. The following procedural instructions are the only information you will receive from this office. You may need to consult an attorney to protect your interests.

# Self-Help Legal Information Packet: Filing a Small Claims Case



Self-Help Legal Information Packets are provided for the benefit of justice courts and individuals seeking access to justice through the court system. They do not constitute legal advice, and the court is not responsible for the accuracy of the information contained in the packet.

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### What is a Small Claims Case?

When a person or company feels like someone else owes them money or has personal property that belongs to them, they can come to justice court and file a lawsuit called a **small claims case**. The person or company who files the case is called the **plaintiff** and the person or company they file the case against is called the **defendant**.

### What Can I File a Small Claims Case For?

You can file a small claims case if you have a claim that is within the justice court's **jurisdiction**, meaning the type of cases that court can hear. The four most common reasons that plaintiffs file small claims cases are:

- 1) The defendant made a promise and then didn't honor the promise, which caused the plaintiff to lose money (breach of contract);
- 2) The defendant owes money to the plaintiff and will not pay;
- 3) The defendant did something that caused damage to the plaintiff's property or caused injury to the plaintiff; or
- 4) The defendant is in possession of personal property that belongs to the plaintiff.

### What Can I Not File a Small Claims Case For?

You cannot file a small claims case if:

- 1) The amount of money you are trying to recover is more than \$10,000,
- 2) You are trying to recover a piece of personal property that is worth more than \$10,000 (a hearing may be necessary after you file a case for the judge to determine if the property is worth more than \$10,000),
- 3) You are trying to recover or obtain title to **real property** (land), or
- 4) You are suing for defamation, libel, or slander (things the defendant has said or published about you that you believe to be false and harmful).

You also **cannot** get an order from a justice court to make a party do something or stop doing something. For example, you could **not** get an order from the justice court to make the defendant perform services that you paid for but didn't receive, stop posting things about you on Facebook, or cut down a tree that is hanging over your property.

### Who Do I File a Small Claims Case Against?

You must file the case against the person or company that is responsible for your **damages** (lost money) or that has your personal property. If you are suing a business that is not a corporation, you should check with the county clerk to see who the owners or partners of the business are. If the business is a corporation, you will need the name of the registered agent, president, or vice-president of the corporation.

To determine the legal nature of a business, you may:

- 1) Go to the Assumed Names Records maintained by the County Clerk
- 2) Contact the Corporation Division of the Office of the Secretary of State at 512-463-5555, or go to their web page at <http://www.sos.state.tx.us/help.shtml>, to find information and assistance, or
- 3) Contact the Office of the State Comptroller at 1-800-252-1386.

### When Can I File a Small Claims Case?

You can only file your claim for a certain amount of time after the incident occurs. This is called the **statute of limitations**. In a breach of contract case, the time period is four years, unless the contract gives a different time period. In most other cases, the time period is two years.

If you file a case where the statute of limitations has run out, you will lose the case. If you are unsure if the statute of limitations has run out in your case, you may wish to consult an attorney.

### Where Do I File a Small Claims Case?

Small claims cases are filed in a justice court and the case will be heard in front of the justice of the peace. You can technically file the small claims case in any justice court in Texas. However, if you file in the wrong **venue** (location), the defendant can have the case moved to the right location. If that happens, you may have to pay the filing fees again, so it is a good idea to file the case in the right venue to start with.

So, what is the right venue? Generally, a case can be filed:

- 1) In the precinct and county where the defendant lives,
- 2) In the precinct and county where the contract was going to be performed, if it is a contract case,
- 3) In the precinct and county where the damage to property or injury to the plaintiff occurred, or
- 4) In the precinct and county where the personal property the plaintiff is suing for is located.

### How Do I File a Small Claims Case?

The first step in filing a case (unless you are suing a doctor for medical malpractice, in which case you should consult with an attorney) is to file a **petition**, which is a form that says who you are suing, why you are suing them, how much you are suing them for, and provides contact information. The court will likely have petition forms for you to use.

When you file the petition, you will have to pay a filing fee. Also, the petition and **citation** (the notice from the court to the defendant that they have been sued) must be **served on** (delivered to) the defendant. This can be done in person or by certified mail or registered

mail, and if it is done by mail there must be a return receipt requested, with restricted delivery.

**IMPORTANT** - You are not allowed to serve the paperwork yourself! You can either hire a private process server to serve the paperwork, or pay for the constable, sheriff, or clerk of the court to serve the paperwork. The fee for this service varies from county to county, see the court for details.

If you win your case, you will be awarded the fees that you had to pay, in addition to any other money you are entitled to recover.

### What if I Can't Afford to File a Case?

Courts **must not** deny you access to justice simply because you cannot afford filing fees or service fees. If you are unable to pay those fees, fill out a **Statement of Inability to Afford Payment of Court Costs** form - the court **must** provide this form to you.

You must swear to the information that you provide on this form and can face legal consequences if you do not fill it out to the best of your ability. Fill out the form completely and truthfully!

### Do I Need a Lawyer to File a Case?

While you are allowed to have a lawyer in a small claims case, the rules and procedures are designed to be simple and straightforward, allowing people to seek justice without needing to hire a lawyer.

If you do not have a lawyer, the judge may allow you to be assisted in court by a family member or other person who is not being paid to assist you. This person can help you understand the proceedings and advise you, though that person cannot speak for you in court.

The court is required to make the Rules of Civil Procedure available to you at no cost. Rules 500-507 are the rules that specifically apply to small claims cases.

The court is **not** allowed to give you advice on whether you will win a case or not, whether you should file a case, who you should file a case against, or what steps you should take to win your case or collect your judgment.

Questions the court can answer for you are questions like "What do I need to do to have a jury trial?" or "How many days do I have to file an appeal?"

Questions the court **cannot** answer for you are questions like "Can I sue someone for this?" or "Who should I sue?" or "Is it a good idea to get a jury for this case?" or "Am I going to win?"

If, after reviewing these materials and the rules for small claims cases, you still are not sure what to do, it may be best to consult an attorney.

### What Happens After I File a Small Claims Case?

**IMPORTANT** - Make sure to keep your address updated with the court and the other party so that you will receive any paperwork or notices sent to you.

The court will generate the **citation**, which tells the defendant that they are being sued. The citation then must be served on the defendant. You can either pay the service fee for the constable or sheriff to serve the citation (or submit a Statement of Inability showing you cannot afford the fee) or hire a private process server to serve it on the defendant.

Once the defendant is served with the citation, they have 14 days to file an **answer**, which is their response to your lawsuit. They are required to send you a copy of their answer. If the defendant does answer, the court will set your case either for trial or for a **pre-trial hearing**.

At a pre-trial hearing, you can discuss any issues such as the need for an interpreter, or for the court to **subpoena** a witness (order them to come to trial to testify).

### What if the Defendant Doesn't Answer?

If the defendant doesn't file an answer within the 14 day period, you can ask the court for a **default judgment hearing**, where you can prove to the court that you are entitled to money or personal property and be awarded a judgment.

To get a default judgment, you will also need to provide the last known address of the defendant to the court in writing, as well as an **affidavit** (document signed in front of the clerk or a notary, that you swear to be true) stating either:

- 1) the defendant is on active duty in the U.S. military,
- 2) the defendant is not on active duty in the U.S. military, or
- 3) that you do not know if the defendant is on active duty in the U.S. military.

This affidavit must also state in writing how you know whether the defendant is on active duty in the U.S. military or why you are unable to determine the defendant's military status.

You can verify military service at <https://scra.dmdc.osd.mil/>.

### What is Discovery?

Discovery is the exchange of information between people or companies involved in a lawsuit before the case goes to trial. For information about discovery after a judgment, please see the section on "What if I Win My Small Claims Case?" Discovery must be approved by the judge before the other party has to provide any information or answer any questions.

If you have discovery questions that you want the defendant to answer, submit them to the court with a request for discovery. Requesting the court to do something is called a **motion**, so you would be making a "motion for discovery."

The judge will only approve "reasonable and necessary" discovery, so if you have discovery requests, make sure they actually relate to the case. For example, asking for copies of emails

that the defendant sent to a subcontractor about the deck work they did for you is likely reasonable, and asking for a copy of all emails from the defendant over the last three years is likely not.

If you receive a discovery request that has been approved by the judge, you must respond with the requested information or you can file an objection with the court. If you object, the court will hold a hearing to decide if you have to provide the information. **Do not** just ignore a discovery request, you could face penalties from the judge, possibly including dismissal of your case!

### **How Do I Send Paperwork to the Defendant?**

Any paperwork such as motions, requests for a hearing, appeals, etc., must be sent to the defendant as well as to the court. You can send those papers to the defendant by:

- 1) delivering it to them in person,
- 2) mailing it to them using certified or registered mail,
- 3) using a delivery service such as FedEx or UPS,
- 4) faxing it to them, or
- 5) sending it by email if the defendant provided their email address for document delivery and agreed to email service in writing.

On the copy you give to the court, you must write down how and when the paperwork was delivered to the defendant.

### **What if We Reach an Agreement?**

If the case goes to trial, usually there will be a “winner” and a “loser,” resulting in someone being happy and someone being unhappy. To reduce that risk, parties will often come to a **settlement**, or an agreement on how to resolve the case. If you come to a settlement agreement, the court can enter a judgment reflecting how much money is awarded. However, the court cannot put specific orders in the judgment, such as payment plans or deadlines. If you wish to have those in your settlement agreement, you would need to create a written contract, signed by both parties. If the defendant does not honor that written agreement, you could file a new lawsuit for breach of contract.

### **Can I Have a Jury Trial?**

Yes. Either side in a small claims case may request a jury trial. You must make a request in writing to the court at least 14 days before the date set for trial and pay a jury fee of \$22.

If no one requests a jury, the trial will be heard by only the judge, which is called a bench trial.

### **What if I Need More Time for Trial?**



The court will send you a trial notice at least 45 days before the trial date. If you need more time or you have a conflict with that date, you can file a motion (request) for **postponement**, also called a **continuance**. You should explain in writing why you need the postponement. **Do not** just decide not to show up on your trial date! That will probably result in your case being dismissed.

### What Happens at the Trial?

**Be sure to bring all of your witnesses and documents with you on your trial date!** If the trial is a jury trial, the first step will be jury selection, which is formally called **voir dire**.

Next, you will be able to give an opening statement if you wish, where you explain to the judge and jury what the case is about.

After that, you will call any witnesses you have, and ask them questions so they can **testify**, or tell their story, to the judge or jury. The defendant will also be able to ask your witnesses questions. You can also testify yourself and show any evidence you may have (such as documents, contracts, cancelled checks, receipts, etc.).

Next, the defendant can present any evidence and call any witnesses that they may have. You get to ask questions of any witnesses they call, which is called **cross-examination**. You may ask the witnesses questions that relate to the facts of the case, but must remain calm, polite, and respectful of the court process, even if you disagree with what the witness says.

Finally, each side can make a final statement, called a **closing argument**, where you explain why you think you should win.

After that, the decision will be made by the jury if there is one, or by the judge if there is no jury. The decision will be announced in open court, and a written **judgment** will be made available.

### What Happens if I Lose My Small Claims Case?

If the judgment is in favor of the defendant, you can file a **motion for new trial** within 14 days of the judgment. That means that you want a “do over” in the same justice court. You would need to show that justice wasn’t done in the original case. If you file a motion for new trial, you must send it to the defendant within one day of filing it with the court.

Another option is to file an **appeal**, which is a request for the county court to hear your case. You can file an appeal within 21 days of the judgment, or if you filed a motion for new trial that was denied, you can appeal within 21 days of that denial.

If you properly file an appeal, the county court will hear the case over from scratch (*de novo*) and the judgment of the justice court will go away. There will be a new judgment from the county court based on the evidence presented there.

To appeal, you will have to file either:

- 1) An **appeal bond** (promise from another person, called a **surety**, to pay the bond amount to the defendant if you don’t pursue the appeal) in the amount of \$500;

- 2) A cash deposit of \$500, which may be awarded to the defendant if you don't pursue the appeal; or
- 3) A Statement of Inability to Afford Payment of Court Costs if you cannot afford an appeal bond or cash deposit.

If you appeal with an appeal bond or a cash deposit, you must send notice of the appeal to the defendant within seven days.

Once your appeal is filed with the county court, you will be required to pay the filing fee for the county court or file a Statement of Inability to Afford Payment of Court Costs.

### What Happens if I Win My Small Claims Case?

If the judgment is in your favor, you will almost surely not walk out of court with a check in the full amount of the judgment. The defendant might file a motion for new trial or an appeal. If they don't, it is your responsibility, not the court's, to pursue enforcement of the civil judgment. Below is a brief description of some of the tools that you can use to enforce a judgment.

**WARNING:** Not all of these tools may be useful in any given situation. If you are unsure which of these to use, you may wish to consult with an attorney.

**Post-Judgment Discovery:** You can send questions to the defendant that they must answer describing what assets they may have that could be used to satisfy a judgment. The defendant gets at least 30 days to respond to these discovery requests. It is not required to get the judge's approval for post-judgment discovery.

**Abstract of Judgment:** If the defendant owns real property (land), you can get an abstract of judgment from the court that issued the judgment and file it with the county clerk in the county or counties where the defendant owns the property. This puts a lien on the property in your name, which means if they sell the property, you could receive some of the proceeds to satisfy the judgment.

**Writ of Execution:** This is an order for the constable to go out and seize the defendant's personal property and sell it to satisfy the judgment. **IMPORTANT** - many items of personal property are **exempt**, meaning it is not legal for the constable to seize them and sell them.

To get a writ of execution, you file an application with the court that issued the judgment, at least 30 days after judgment.

**Writ of Garnishment:** This is used when another person or company has money or property that belongs to the defendant, and they are ordered to give it to you to satisfy the judgment. Almost always this is used to take money from a bank account held by the defendant.

To get a writ of garnishment, you file an application including an affidavit (sworn statement) explaining why you are entitled to the garnishment with the court that issued the judgment.

**IMPORTANT** - if the person or company has no money or property belonging to the defendant, you may be responsible for paying attorney fees related to their response. Be very sure that a writ of garnishment is the best option before getting one.

## Resources

Texas Lawyer Referral Service - (800) 252-9690

To check military status - <https://scra.dmdc.osd.mil/>

Texas Justice Court Training Center information for self-represented litigants - [www.tjctc.org/SRL](http://www.tjctc.org/SRL)

Office of Court Administration Self-Represented Litigant Site:  
[www.txcourts.gov/programs-services/self-help/self-represented-litigants/](http://www.txcourts.gov/programs-services/self-help/self-represented-litigants/)

State Bar of Texas Information, including Legal Information and Low or No-Cost Legal Assistance: [www.texasbar.com](http://www.texasbar.com), and then click on "For The Public."

Forms and Information, including for other types of cases - [www.texaslawhelp.org](http://www.texaslawhelp.org)

**NOTE: DO NOT ASK TO SPEAK TO THE JUDGE. THE JUDGE CANNOT LISTEN TO ANY PORTION OF YOUR CASE AND THEN ACTUALLY HEAR THE CASE UPON TRIAL. ANY QUESTIONS SHOULD BE DIRECTED TO THE CLERK AND, IF THERE IS A PROBLEM, THIS WILL BE ADDRESSED TO THE JUDGE BY THE CLERK AS DEEMED NECESSARY.**

**THE COURT WILL NOT ANSWER ANY LEGAL QUESTIONS. PLEASE CONSULT WITH AN ATTORNEY.**

Honorable Cindy Allen

Justice of the Peace

Precinct One

Bastrop County, Texas

Phone: 512-581-4258

P.O. Box 336 / 803 Pine Street

Bastrop County Courthouse location on the 3<sup>rd</sup> Floor

Bastrop, Texas 78602

**The plaintiff will need to provide to the Court two separate cashier checks, money orders or company checks for filing and service fees. No personal checks or cash accepted.**

**FILING FEES (payable to the Bastrop County Justice of the Peace Pct 1):**

Small Claims	\$51.00	Writ	\$5.00
Debt Claims	\$51.00	Abstract of Judgment	\$5.00
Evictions	\$51.00		

**SERVICE FEES (payable to the agency serving the citation; service fees are PER person being served):**

Small Claims	\$75.00	Writ of Possession	\$250.00
Debt Claims	\$75.00	Writ of Execution	\$250.00
Evictions	\$75.00		

CAUSE #: \_\_\_\_\_



\_\_\_\_\_  
(PLAINTIFF) § IN THE JUSTICE COURT  
VS. § PCT. 1  
\_\_\_\_\_  
(DEFENDANT) § BASTROP COUNTY, TEXAS

NON-MILITARY AFFIDAVIT

BEFORE ME, the undersigned authority, on this date personally appeared \_\_\_\_\_, known to me to be a credible person, and after being duly sworn upon his oath did depose and say:

"I, \_\_\_\_\_, Plaintiff in the above-entitled and numbered cause and am duly authorized to make this affidavit.

Defendant, \_\_\_\_\_, was not, either at the time of the institution of this suit, or at any time since, been a member of any military or naval service in the United States of America insofar as is now or can be determined by affiant."

Further affiant sayeth not.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(name)  
Affiant

THE STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, on this day \_\_\_\_\_ to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for State of Texas  
State of Texas

\_\_\_\_\_  
Notary's Name (printed):

My commission expires: \_\_\_\_\_

Military status must be verified by going online to:  
<https://scra-w.dmdc.osd.mil/scra/#/home> OR <https://www.dmdc.osd.mil/scra/#/home>



## Justice of the Peace

CINDY ALLEN  
JUDGE

PRECINCT ONE  
BASTROP, TEXAS 78602

P.O. Box 336  
(512) 581-4258

### General Information Sheet

Please furnish the following information to assist us in the timely serving of civil papers. If more than one Plaintiff or Defendant is listed on your petition/application, then please provide the information for each person on this document or an additional document.

#### **PLAINTIFF'S INFORMATION:**

Plaintiff's Name: \_\_\_\_\_

Plaintiff's Address: \_\_\_\_\_

Plaintiff's Home Phone Number: \_\_\_\_\_

Plaintiff's Work Phone Number: \_\_\_\_\_

Plaintiff's Cell Phone Number: \_\_\_\_\_

#### **DEFENDANT'S INFORMATION:**

Defendant's Name: \_\_\_\_\_

Defendant's Address: \_\_\_\_\_

Defendant's Home Phone Number: \_\_\_\_\_

Defendant's Work Phone Number: \_\_\_\_\_

Defendant's Cell Phone Number: \_\_\_\_\_

Thank you.

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

v.

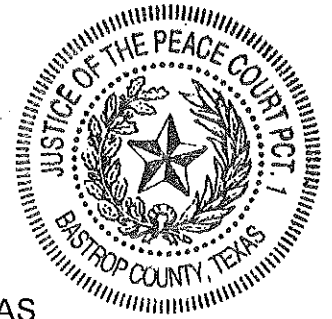
\_\_\_\_\_  
DEFENDANT

§  
§  
§  
§  
§  
§

IN THE JUSTICE COURT

PRECINCT NO. One

BASTROP COUNTY, TEXAS



**PETITION: SMALL CLAIMS CASE**

**Defendant(s)**

**address:**

\_\_\_\_\_  
\_\_\_\_\_

**COMPLAINT:** The basis for the claim which entitles Plaintiff to seek relief against Defendant is: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RELIEF:** Plaintiff seeks:  damages in the amount of \$ \_\_\_\_\_,  return of personal property as described as follows (be specific): \_\_\_\_\_, which has a value of \$ \_\_\_\_\_. Additionally, Plaintiff seeks the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SERVICE OF CITATION:** Service is requested on Defendant(s) by:  personal service at home or work,  registered mail,  certified mail, return receipt requested. If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Other addresses where Defendant(s) may be served are:

\_\_\_\_\_  
\_\_\_\_\_

I hereby request a jury trial. The fee is \$22 and must be paid at least 14 days before trial.

I hereby consent for the answer and any other motions or pleadings to be sent to my email \_\_\_\_\_ address \_\_\_\_\_ as \_\_\_\_\_ follows:

\_\_\_\_\_

**If the Plaintiff is represented by an Attorney, the information below may reflect that Attorney Information:**

Plaintiff's Printed Name: \_\_\_\_\_

**Signature of Plaintiff** \_\_\_\_\_

Plaintiff's Address: \_\_\_\_\_

Plaintiff's Phone & Fax: \_\_\_\_\_

**Defendant's Information** (if known):

Date of birth: \_\_\_\_\_

Last three digits of Driver License: \_\_\_\_\_

Last three digits of Soc. Sec. No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

SWORN TO AND SBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY



**The information below is pulled from the Austin Bar Association Legal Resources website. These are not suggestion contacts, yet a print of contacts available amongst other resources you may find on your own.**

**Lawyer Referral Service of Central Texas**

LRS is a nonprofit public service that can direct referrals to lawyers who have been screened and qualified. In addition, LRS can provide information about consumer service organizations and government agencies that may be more appropriate to assist with your concern.

512-472-8303 or toll free 866-303-8303

**LegalLine – Free Legal Advice Hotline**

On the first Tuesday of every month, from 5:30 to 7:30 p.m., attorney volunteers answer legal questions and give brief legal advice by phone.

512-472-8303

**Dispute Resolution Center**

The DRC is a nonprofit organization that provides and promotes accessible dispute resolution services for all people.

512-371-0033

**State Bar of Texas**

(Austin) For information on attorneys statewide, consumer information publications, and complaints about an attorney.

800-204-2222 or 512-427-1463

**Travis County Jury Duty**

Find information about serving on a Travis County jury.

**Travis County Department Directory**

Provides a list of all Travis County departments with phone and email contact information.

**Texas RioGrande Legal Aid**


Texas RioGrande Legal Aid is a nonprofit organization that provides free legal services to low income residents in 68 counties of Southwest Texas. To qualify for free legal services from TRLA, an applicant must meet the income, asset, and immigration requirements.

888-988-9996

512-374-2700

**Volunteer Legal Services of Central Texas (VLS)**

VLS holds regular free legal advice clinics (with some exceptions due to holidays, etc.):

1. Every Wednesday at Webb Middle School (6401 E. St. Johns Avenue) in Austin beginning at 6:00 p.m.;
2.  The first Tuesday of every month at the Bastrop Public Library in Bastrop beginning at 5:30 p.m.; and
3. The second Tuesday of every month at the Centro Cultural Hispano de San Marcos in San Marcos beginning at 6:00 p.m.

Advice cannot be given for criminal or immigration-related matters. Childcare, Spanish translation, security, and free parking are provided at the Wednesday clinic in Austin. Spanish translation and free parking are provided at the Bastrop and San Marcos clinics. Check the VLS website for more details and to confirm clinic dates and locations.

512-476-5550

#### **Texas Law Help**

This free online guide offers civil legal information to Texans who cannot afford legal help. Learn about your rights, available self-help resources, and organizations that provide free and low-cost legal aid.

#### **Equal Justice Center**

The Equal Justice Centers' mission is to empower low-income workers, families, and communities to achieve fair treatment in the workplace and in the justice system, regardless of immigration status.

#### **Lawyer Referral Service (LRS) of Central Texas**

**Match Program:** LRS offers this reduced fee program for family law matters, uncontested guardianship cases, and drafting simple wills. To qualify, please contact LRS.

**Limited Scope Referrals:** When you are willing and able to represent yourself (pro se) in a family law matter, such as divorce, but need advice and guidance from a lawyer on a limited basis, limited scope representation may work for you. This is a flat fee service which may include document review, coaching, assisting with negotiations, and representation in court on a limited basis.

To learn more about these LRS programs, call 512.472.8303 or 1.866.303.8303

#### **Capital Area Agency on Aging**

This agency helps people over age 60, who have been abused or neglected. The Capital Area Agency on Aging can help with legal awareness education, health care information, long-term care insurance information, public benefits counseling/information, and ombudsman services.

888-622-9111

512-916-6062

#### **Family Eldercare, Inc.**

This agency provides guardianships and money management assistance for incapacitated elderly or disabled Americans, due to neglect, abuse, or exploitation.

512-450-0844

#### **The Legal Hotline for Older Texans**

The hotline offers legal advice and referrals to Texans age 60 and older provided by staff and volunteer attorneys. Their primary focus is service to low income Texans whose access to legal assistance is otherwise limited.

800-622-2520

512-477-3950

## Resources and Referral Information

### Texas Law Help

[www.texaslawhelp.org](http://www.texaslawhelp.org)

The Texas Law Help website is a resource for people who do not have an attorney. Topics offered on the website include:

- Civil Rights
- Consumer Cases
- Wills and Estates
- Family Law
- Forms & Instructions
- Juvenile Cases
- Landlord Tenant
- Mediation
- Domestic Violence
- Seniors
- Spanish Resources
- Veteran Issues

### Alternative Dispute Resolution

<http://www.texasadr.org/>

Going to court litigation may not always be the best way to resolve a problem. Alternative dispute resolution (ADR) is one way to work out an agreement. Mediation and arbitration, for example, both involve neutral, third parties who may facilitate a resolution. ADR can be used for many types of cases, including co-parenting, divorce, probate, contract disputes, other civil cases and appeals.

### Legal Assistance Organizations and Other Non-Profit Organizations

[www.texaslawhelp.org](http://www.texaslawhelp.org)

[www.lsc.gov](http://www.lsc.gov)

Contact information for Texas agencies and organizations such as Legal Aid of NorthWest Texas, Texas RioGrande Legal Aid, Lone Star Legal Aid, Advocacy, Inc., Texas Legal Services Center's Legal Hotline for Texans, and the Texas Advocacy Project's Family Law Hotline and Family Violence Hotline, and immigration law resources. On the Texas Law Help website, select the *Find Legal Assistance* tab. This tab also contains information about other organizations that assist with various legal problems, including consumer protection, landlord-tenant, OSHA complaints, complaints about nursing homes, and assistance with utility companies. On the Legal Services Corporation website, select Texas on the map of the United States. Most legal aid programs have income guidelines that determine the people or families they can serve. Persons must apply for assistance. Because of resource limitations, not everyone who qualifies will receive assistance.

### Finding an Attorney

The State Bar of Texas Lawyer Referral Information Service is a free service provided by the Texas State Bar to help people find an attorney. Access the State Bar of Texas Lawyer Referral Information Service on the Texas Bar website at [www.texasbar.com](http://www.texasbar.com) to Find a Lawyer. Get a referral on the right side of the page. Most lawyer referral programs refer people to attorneys who charge a nominal fee for the initial consultation; further fees will be negotiated by the attorney and client if they agree to continue.

Other resources include the yellow pages or friends who may have recommendations. Do not provide lawyer referrals. Another resource is [www.martindale.com](http://www.martindale.com), an online version of the print lawyer directory Martindale-Hubbell. This site can be searched by location and subject specialty, and provides information about a lawyer's education and experience, as well as the ratings other lawyers give them.

### **Limited Legal Help**

Many people cannot afford to hire an attorney. Limited legal help, also known as "limited scope legal representation," is an alternative way to get legal help. Under this kind of arrangement, an attorney and client agree that the attorney will provide specific services for a predetermined fee. For example, the attorney and client could agree that the attorney do one or more (but not all) of the following:

- will only advise the client about the strength of the case;
- help draft a document;
- review a document the client has drafted;
- coach the client for a negotiation;
- help with the discovery process;
- coach the client for a hearing;
- appear in court on behalf of the client for one hearing only; or
- any combination of these kinds of services.

Hiring an attorney to handle part of a case can be an affordable alternative to hiring one to take care of the entire case (also called "full representation"), and may be preferable to representing yourself in court -- a process that takes time and patience and can be confusing. People who act as their own attorney are expected to know and follow the same rules that attorneys follow.

Not all cases are suited for limited legal help. Attorneys who are interested in providing limited scope representation may be found using the resources described above in the **Finding an Attorney** section. Feel free to ask attorneys if they are willing to provide limited scope representation.

### **State Bar of Texas** [www.texasbar.com](http://www.texasbar.com)

The State Bar of Texas Client-Attorney Assistance Program helps resolve problems between clients and attorneys. Also, a person with a complaint against an attorney may file a formal complaint ("grievance") against the attorney with the State Bar. On the State Bar's website, select *Client Assistance & Grievance* for more information. The State Bar's Texas Lawyers Care department publishes a referral directory of legal services and other resources for low-income Texans.

## Texas Law Libraries

Law libraries have print and online resources including statutes, regulations, court rules, and court decisions, as well as legal encyclopedias, form books, and books about specific areas of law. Most law books are written for legal professionals, but some books are written for non-lawyers. Law library staff cannot give legal advice, but they can show people how to use their resources.

Texas State Law Library  
[www.sll.state.tx.us](http://www.sll.state.tx.us)  
205 West 14th Street Austin,  
Texas 78701-1614 (512) 463-  
1722

**Texas Statutes and Legislative Process**  
[www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us) (Statutes)  
[www.capitol.state.tx.us](http://www.capitol.state.tx.us) (Texas Legislature)

The first website contains state statutes. The second website contains information about bills in the Texas Legislature and the legislative process.

**Texas Court System**  
[www.txcourt.gov](http://www.txcourt.gov)

The Texas Judicial Branch website contains information about the Texas court system.

## Texas Forms

Legal form books provide sample language that can be used to prepare documents to file with the court. Some forms are fill-in-the-blank; while others only provide language that must be tailored to the situation. Forms are not available for every situation.

- Some courts have forms available online or in the clerk's office or county law library. Check on your court's or county's website.
- Some court forms are available at <http://texaslawhelp.org/resource/texas-forms> (click on a *list of forms and topics*.)
- Texas continuing legal education materials often include forms. Search the catalogs of university law libraries for the relevant topic, such as contracts, and include "Texas" in the search.