

APPEAL PROCEDURE

SMALL CLAIMS CASES & DEBT CLAIM CASES

LEGAL INFORMATION VS LEGAL ADVICE

The Judge or Court Personnel cannot give Legal Advice. Below is information the Court can and cannot provide.

<u>We Can</u>	<u>We Cannot</u>
Explain and answer questions about how the court works.	Tell you whether or not you should bring your case to court.
Provide the number of the local lawyer referral service, legal services program, Texas State Bar lawyer referral service, and other services where legal information is available	Tell you what words to use in your court papers. However, we will check your papers for completeness. For example, we check for signatures, notarization, correct county name, correct case number and presence of attachments.
Give general information about court rules, procedure, and practices.	Recommend what to say in court.
Provide court schedules and information on how to get a case scheduled.	Give an opinion about what will happen if you bring your case to court.
Give you information from your case file.	Talk to the Judge for you or let you talk to the Judge in private.
Give you samples of court forms that are available.	Change an order signed by a judge.
Usually answer questions about court deadlines	Tell you what deadlines apply in your case.

APPEAL

WITHIN TWENTY (21) DAYS, after judgment has been rendered, the party appealing (appellant) or his attorney must file with the court an appeal bond, making cash deposit, or by filing a sworn statement of inability to pay.

The Justice Court Judge will set the amount of the bond or cash deposit. A Plaintiff must file a \$500.00. A Defendant must file a bond in an amount equal to twice the amount of the judgment. The bond must be supported by a surety or sureties approved by the judge. Each surety must file with the court an Oath of Surety. When the bond has been filed and approved by the justice, the appeal shall be held to be perfected.

Within seven (7) days of filing an appeal, the appellant must serve written notice of the appeal on all other parties in person, by mail (certified or registered mail) or courier, by fax, or by email if provided by the receiving party.

The cost at the time of filing of the appeal bond is: \$26.00 to the Justice Court.

When the bond has been filed and approved, the costs have been paid and all parties have been notified, the court clerk will prepare the transcript and send all instruments filed, judgment and bond together with costs to the county clerk.

Appeal Bond forms (i.e Surety Bonds, Cash Bonds, and Pauper's Affidavit) are provided by the Court. The Bonds can be accessed in the Court or online.

The court clerks are prohibited from giving legal advice and can only help in procedural matters. We will be glad to assist and answer any questions that we can.

**HONORABLE TALYNA CARLSON
JUSTICE OF THE PEACE, PCT #3**

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