

Wild Card! Unusual Civil Cases & Issues

Amber Myers
TJCTC Staff Attorney

1

My court gets all of
the complicated civil
issues?!

2

Scenario 1

3

Scenario 1 - Service Issues

- Your precinct has a new constable who is learning civil process on the job. He comes into your office, because he wants to double-check if the service attempt he made this morning was “good service.”
- He went to John Smith’s house to serve him with a small claims citation from your court. He knocked on the door, John answered, and he properly identified him (you all went to school together, so this part was easy). After the constable explained why he was there and reached out to hand the paperwork to John, John slammed the door in his face. The constable went to his patrol car and called one of the more experienced constables, and she told him to just leave the paperwork in an envelope with his card attached right in front of the door.

Is this good service?

4

Scenario 2

5

Scenario 2 – Multiple Parties

- Jerry Jones was rear ended by an Amazon Prime delivery person, Bobby Barnes. Jones has filed a small claims case in your court, because he filed a claim with Barnes's insurance who denied his claim due to Barnes making work deliveries in his personal vehicle.
- Barnes's attorney filed an answer with a counterclaim and 2 third-party claims – one against Amazon and one against his insurance company.

How do you process the claims? How do you issue citation?

6

Scenario 3

7

Scenario 3 – More Service Issues

- Your new constable is back with another question! Your judge just ordered service by publication, because no other method has worked in a small claim that has been dragging on in your court.
- The constable has been reading the rules, and he is confused. There is something about a website and newspaper?

How should this case be handled?

8

Scenario 4

9

Scenario 4 – Abstracts

- Your court rendered a judgment in Cause Number 4321 on 11/15/19 (*see handouts*) for the Plaintiff and against James Johnson.
- The Plaintiff has returned for an abstract of judgment from your court but wants you to include additional defendants Johnson Automotive and Jessica Johnson.

What do you do??

10

Scenario 5

11

Scenario 5 – HIPAA

- A plaintiff files a small claims suit against your local hospital related to some recent medical treatment that they had at the hospital.

Does HIPAA change the way that you process this case or what information is allowed to be presented at a hearing or requested in discovery?

12

Lightning Round!

13

Can this be filed in your court??

- Courtney wants to sue her Homeowners Association, because she thinks the President, Karen, is hiding something and won't show her the books!

14

Can this be filed in your court??

- The HOA wants to counter-sue Courtney, because she isn't complying with a deed restriction (no commercial use of property), because she is running a business out of her home.
- Does it matter what they are asking for?

15

Can this be filed in your court??

- Bob defaulted on his car loan from a local used car lot, Carrie's Cars. Now they want to foreclose on the loan and take the car back.
- They also want to sue him for talking bad about their business on Facebook.

16

Can this be filed in your court??

- Bob cleared up his car loan problems, but a few weeks later had to have some repairs done and can't pay the mechanic. The mechanic wants to foreclose his mechanic's lien and sell the car to pay for what he is owed.