

# What's the Dill?? (sorry!): You're in a Pickle

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1

## Pickle 1 – Agreed Judgment

- You sign an agreed judgment that includes the following terms:
  - Diane Defendant must pay \$500 per month on the 1<sup>st</sup> of each month until the judgment is paid in full. If she does, Paula Plaintiff may not obtain a writ of execution.
- Scenario 1 – Paula comes to your office and says Diane missed a payment and so should be held in contempt for disobeying the judgment.
- Scenario 2 – Paula comes to your office and requests a writ of execution. Should you verify if Diane is current on payments before issuing the writ?

2

## Pickle 2 - Procedendo

- After a defendant appeals to county court, they decide they no longer wish to pursue their appeal. The county court issues a writ of procedendo, ordering the justice court to proceed to enforce the original judgment. What should the justice court do?

3

## Pickle 3 – Paid Citation

- Defendant calls wanting to contest his citation. Clerk opens the case and sees that the fine was paid online and it is closed.
- Defendant states he did not pay it and wants to know how it got paid. Clerk states she can get that information, but will need to call him back.
- Defendant calls back stating that his mother took it upon herself to pay the citation for him after she saw it sitting on the counter, but still wants to contest it. The clerk finds that the credit card that paid it is in his mother's name.
- It has already been reported to DPS. What can I do?

4

## Pickle 4 – No Rent Ordered into Registry

- You fail to tell a tenant to pay monthly rent into the courts registry when they appeal an eviction case. Five days later, the landlord comes in wanting their writ.

Now what?

5

## Pickle 5 – Default then Bankruptcy

- Your court renders a default judgment against a defendant on December 15<sup>th</sup>, 2022. The defendant then comes in showing that they had filed bankruptcy. What should you do if the bankruptcy was filed on:
  - December 12<sup>th</sup>, 2022
  - December 29<sup>th</sup>, 2022
  - January 13<sup>th</sup>, 2023

6

## Pickle 6 – Default w/ No Trial Notice

- We had a civil hearing and the defendant appeared and plaintiff didn't. I continued it to a dismissal docket.
- Plaintiff hired an attorney who appeared at dismissal docket so I reset for trial.
- Meanwhile, the defendant submitted a new address, which we inadvertently entered for plaintiff, so defendant didn't get new court setting.
- Default entered for plaintiff. Plaintiff now has a writ of garnishment and defendant has appeared livid due to their bank account being frozen for a case they thought was over with.

7

## Pickle 7 – Set Bail Without Authority

- A defendant is arrested without a warrant on a felony aggravated assault case. You set bail at \$40,000, which the defendant does not make.
- A week later, the defendant's attorney raises the issue that the defendant had been arrested the night before on a felony charge in the same county and had posted bail. Therefore, you had no jurisdiction over the aggravated assault bond. Now what?

8

## Pickle 8 – Deferred Given Illegally

- A defendant comes in with a speeding citation and requests deferred disposition. Your clerk enters an order placing them on deferred disposition, but misses that the offense occurred in a work zone with workers present, making deferral not a legal option.
- You notice this at the show cause hearing where the defendant is presenting evidence that they complied with the terms of the deferral. Now what?

9

## Pickle 9 – Criminal Appeal

- A criminal defendant mails in a plea and a request for an appeal bond amount. The court sends the amount via regular mail, sent on December 10<sup>th</sup>.
- The court receives an appeal bond on January 19<sup>th</sup>, postmarked on January 15<sup>th</sup>.
- Send the appeal to county court?

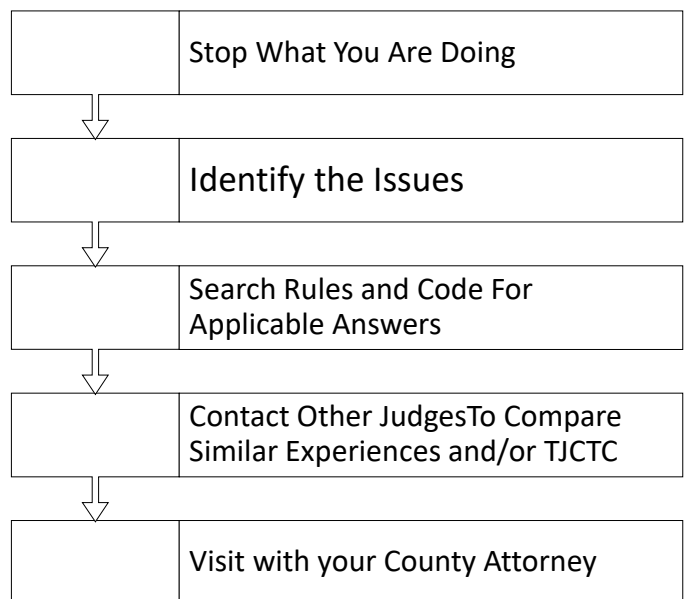
10

## How to Avoid a Pickle in the First Place?

- Communication
- Pre-Planning
- Education
- Take a Breath, You Don't Have to Act This Second
- Use Your Resources
  
- Do These Eliminate All Pickles?

11

When You  
Find Yourself  
In A Pickle



12

Questions?