

# **Polling Cavalcade:**

## ***80 Hours in Review***

1

### **Use Your Resources!!!**

- [www.tjctc.org](http://www.tjctc.org) (TJCTC website)
  - Deskbooks
  - Legal question board, charts, forms, webinars, modules, etc.
- [www.txcourts.gov](http://www.txcourts.gov)
  - Texas Rules of Civil Procedure (TRCP)
  - Texas Rules of Evidence (TRE)
- [statutes.capitol.texas.gov](http://statutes.capitol.texas.gov)
  - Texas Constitution and Statutes

2

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3

### **Review Topics**

- Resources & Legal Research
- General Officeholding & Ethics
- Evictions & Other Landlord/Tenant Topics
- Magistration
- Inquests
- Criminal
  - Juvenile Criminal Cases
- Truancy
- Civil Procedure
- Trials

4

## **Resources & Legal Research**

5

**What resource can you use to get information on how to research legal questions?**

6

**When you have a question, the TJCTC Deskbooks are a good first place to look for an answer.**

1. True
2. False

7

**Where can you find the Criminal Court Costs Chart & Cheat Sheet?**

1. TJCTC Charts & Checklists Page
2. Criminal Deskbook
3. Fines, Fees, & Costs Deskbook
4. 1 & 2
5. 1 & 3
6. All of the above

8

A person comes into your court and says they got paperwork that they are being sued in your court. They want to know what to do.

**What can you give them?**

9

**Other judges are a valuable resource.**

1. True
2. False

10

**General  
Officeholding &  
Ethics**

11

**What's a good strategy for dealing with judicial stress?**

1. Bottle it up and ignore it.
2. This job doesn't have stress!
3. Be aware of how you're doing, practice self care, and get additional help if you need it.
4. Remind yourself that there are other jobs that are more stressful.

12

**What are some policies/agreements you must and/or should have in place?**

13

**Holding someone in contempt should always be a last resort.**

- 1. True
- 2. False

14

**It is okay to dismiss a ticket if a judge from another county calls and tells you the defendant is their son.**

- True
- False

15

**Judge Sally posted the following on her Facebook page, is she violating the judicial canons?**

*“Proud to vote to re-elect Sheriff John Wayne! #TexansforJW”*

- Yes, that is a violation.
- No, that is okay.

16

### **Ex-Parte Communications & Legal Advice**

Remember, you cannot usually engage in ex-parte communications and cannot give legal advice.

Have you developed a script or come up with a standard response you give people to explain this to them?

Please share!

17

**Who can you call about ethics questions?**

18

## Evictions & Other Landlord/ Tenant Topics

19

A landlord is in a hurry to evict a tenant, so he hands the tenant a 3-day pre-suit notice, and files suit the same day reasoning that since the case will not be heard for 10 – 21 days the tenant has plenty of time to get out. The petition states that the notice was served the same day the petition was filed.

- **May the court grant a judgment for possession to the landlord?**
- **What if the tenant fails to appear?**
- **When would a 3-day notice to vacate not be sufficient or not be required?**

20

### A tenant may have to pay rent into the court registry if they appeal:

1. In any residential eviction case.
2. Whenever the landlord asks for back rent.
3. If the eviction is a nonpayment of rent case.

21

### If the tenant fails to pay rent into the registry of the justice court:

1. The justice court still sends the case to the county court if the appeal was perfected.
2. The tenant loses their right to appeal the case to the county court.

22

A tenant who files an appeal must affirm, under penalty of perjury, the tenant's good faith belief that the tenant has a meritorious defense and that the appeal is not for the purpose of delay. See PC 24.005107. **What should you do if they fail to affirm?**

1. Hold a hearing to determine the reason for the lack of affirmation
2. Deny the appeal
3. Make note of the failure and send up to county court.

23

Larry has one acre of land behind his house, and he lets Terry put his RV there. Six months later, Larry is ready for Terry to move on, but Terry likes it where he is and won't leave.

- **If Larry files an eviction suit:**
  1. **The manufactured home rules apply.**
  2. **The manufactured home rules do not apply.**
- **Why?**

24

**What is the purpose of each of the following?**

- Writ of Re-entry
- Writ of Restoration
- Writ of Retrieval
- Repair and Remedy

25

**Magistrate  
Duties**

26

“On April 11, 2023, approximately 7:30 PM I, Box County Deputy Bill Russel, responded to the 213 Adobe Drive, for a domestic assault. The defender was identified as Tony Marcus DOYLE (W/M DOB: 12/21/1984). After looking at the victim’s (Sonya Lynn Doyle) injuries, I saw two puncture wounds to her left arm and her description of the incident. I good reason to believe and do believe DOYLE committed the offense of Assault Family Violence (PC 22.01).”

**Is there probable cause to issue a warrant?**

1. Yes, PC                      2. No PC

27

**Can you sign a  
blood search  
warrant?**

28

**For the purpose of an Emergency Mental Health Warrant/Emergency Detention Order, dementia counts as a “mental illness.”**

1. True  
2. False

29

**Can a person be held up to 72 hours on a felony charge before they are brought before a magistrate?**

1. Yes; they can be held up to 72 hours.  
2. No; they must be magistrated without unnecessary delay but not later than 48 hours after the arrest.

30

### True or False?

My county has a bail schedule. When I set bail, all I have to do is look at the bail schedule and set bail based on what it says for the offense the defendant is charged with.

31

### Compare & Contrast

Explain the difference between a bail bond and a personal bond and when to use one rather than the other.

32

A defendant is arrested on a charge of family violence where the defendant slapped their spouse in the face causing a black eye.

- Is an EPO required?
- If not, would you issue one?
- What bond conditions would you impose?

33

### Inquests

34

**What are the 5 categories that a manner of death will fall into?**

35

You are out at a death scene. The on-call ADA is also on scene. They say they have talked to their boss, and they are requesting that you order an autopsy.

- Do you have to order an autopsy on this case?

1. Yes
2. No

36

**How many days do you have to complete a death certificate?**

1. Twelve Days
2. Seven Days
3. Ten Days
4. Unlimited

37

You have found boxes of inquest records in a closet in your office, and you'd like to get rid of them to have more space. The most recent record is from 20 years ago. **Can you destroy the records?**

- Yes
- No

38

A JP may **not** withhold an autopsy report from public inspection even if a prosecutor determines that its release could hinder a murder investigation.

1. True
2. False

39

## Criminal

40

A defendant is charged with a second offense of operating a vehicle without insurance. The fine for this offense is not less than \$350 or more than \$1,000. Since the fine may be more than \$500, you do not have jurisdiction to hear this case:

1. True
2. False

41

Jesse James is given a citation charging him with going 85 mph in a 70-mph zone. He calls the court and says he's a sovereign citizen and the court has no authority over him so he's just going to ignore this so-called ticket. **You should?**

1. Find him guilty and impose a fine.
2. Hold him in contempt.
3. Enter a plea of not guilty and set the case for a bench trial.
4. Enter a plea of not guilty and set the case for a jury trial.

42

**When is a judge allowed to dismiss a criminal case?**

43

**Only the Following DSC Eligibility Requirements May be Waived by a JP:**

1. Nothing—all requirements must be met to order DSC dismissal.
2. All—it is within the judge's discretion which requirements to waive.
3. Defendant must request DSC before their first appearance and Defendant cannot have taken DSC within the past 12 months.

44

A defendant successfully completes deferred disposition and the case is dismissed. Generally, the court must report the completion to DPS for the purpose of tracking eligibility for future requests of deferred disposition or DSC.

1. True
2. False

45

A defendant does not pay their fines and costs.

**What are some tools the court can use to enforce the judgment?**

46

Juvenile  
Criminal Cases

47

A juvenile has been charged with an offense in your court. Their lawyer appears for them, and the juvenile is not there. **Can the lawyer enter a plea on behalf of the juvenile?**

1. Yes
2. No

48

A 15-year-old student is charged with Disruption of Class under Ed. Code 37.124, which is a Class C. He fails to show up to enter a plea after the prosecutor has filed a complaint & the court has sent a notice. **Can you issue a warrant?**

1. Yes
2. No

49

A juvenile is eligible for juvenile diversion, but the judge thinks that they have a bad attitude. **Is it up to the judge's discretion whether or not to allow the diversion?**

1. Yes
2. No

50

A juvenile meets the eligibility for juvenile diversion, except the prosecutor thinks that they have a bad attitude and files an objection. **Should the judge allow the diversion?**

1. Yes
2. No

51

Sally, a 16-year-old in your court, refuses to follow your orders. You hold a contempt hearing, and she says, "You can't make me do anything. I don't have to listen to you!"

**What can you order?**

1. A fine of \$500
2. A fine of \$300
3. A 6-month DL suspension
4. A weekend in jail

52

Sally complies with your orders finally! She is now 21. She had 2 cases in your court when she was a juvenile. A tobacco case and an alcohol offense. She was convicted of both. **Can she expunge these cases?**

1. Yes
2. No

53

## Truancy

54

**A truancy case is what kind of proceeding?**

1. A criminal case governed by the Code of Criminal Procedure.
2. A criminal case governed by the Education Code.
3. A small claims case governed by the Rules of Civil Procedure.
4. A civil case governed by the Family and Education Codes.

55

A child must be personally present at the adjudication hearing. The truancy court may not proceed with the adjudication hearing in the absence of the child.

1. True
2. False

56

A child is found to have engaged in truant conduct.

How long will the Remedial Order be effective and what are some things that can be included in the Remedial Order?

57

**Truancy court records are open to the public and must be disclosed if requested.**

- 1. True
- 2. False

58

**Civil  
Procedure**

59

A debt claim case is filed in your court seeking \$19,500, including interest and attorney's fees. By the time the case gets to trial, the plaintiff's claim has increased due to additional interest to \$20,200. **Can you hear this case?**

1. Yes
2. No

60

There has been no answer from the defendant.

**Which of the following does not have to be on file before proceeding with a default judgment?**

1. Proof that the defendant was properly served.
2. Return of service has been on file for at least 3 days.
3. An affidavit stating that the defendant has non-exempt property that may used to satisfy any judgment.
4. A statement of the defendant's last known address.
5. A Servicemember's Civil Relief Act affidavit.

61

The court sets a hearing on a default judgment and sends notice to both parties. Five minutes before the hearing you receive a phone call from the defendant saying they never even heard of this plaintiff, and this is the first they've heard of this case. **Should the court proceed with the default judgment hearing?**

1. Yes
2. No

62

On the day of trial, the plaintiff contacts the court half an hour before the trial is scheduled to begin and says they have a family medical emergency and can't make it to court. The court resets the case for 30 days later. On the new trial date, the plaintiff fails to show up or call in. **The court should?**

1. Dismiss the case for want of prosecution.
2. Reschedule the trial again.
3. Issue an order stating the case will be dismissed unless the plaintiff shows good cause why it should not be.

63

A plaintiff has a judgment from your court, but the defendant won't pay.

• **What are the different possible methods for enforcing a civil judgment that might be requested?**

64

1. Yes
2. No

A judgment is entered on May 1, 2008. On April 15, 2018, the plaintiff requests a writ of execution which the court issues. **Is the judgment still valid and enforceable today?**

65

## Trials

66

**How many jurors sit on a jury in justice court?**

- 10
- 6
- 12
- The parties get to choose.

67

**When can the court release a prospective juror from service on the jury?**

The prospective juror:

1. is **unqualified for jury service.**
2. has an **exemption** from jury service.
3. has an **excuse that the judge finds sufficient.**
4. **all of the above.**

*Bonus if you know where to find the qualifications & exemptions!*



68

**All pre-trial discovery requests in civil cases in justice court must be approved by the judge before the defendant is required to respond.**

- 1. True
- 2. False

69

**Do the Rules of Evidence apply in justice court?**

1. Yes
2. No
3. Sometimes

70

**When can a judge “develop the facts of the case” at trial?**

1. Civil cases
2. Criminal cases
3. Both of the above

71