



# FILING SMALL CLAIMS

Prepared by: 17 TRW/JA

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The information displayed in this handout is meant for the sole use of Active duty service members, retirees, their families and other personnel eligible for legal assistance from the Goodfellow AFB Legal Office. The information is general in nature and presented to assist those eligible persons prepare for a legal assistance appointment with a professional in the legal office. Rights and responsibilities vary widely according to the particular set of circumstances in each case. Laws can vary across states, services, and civilian jurisdictions and laws are changed from time to time. Do not rely upon the general restatements of background information presented here without discussing your specific situation with a legal professional.

## **GENERAL GUIDANCE FOR FILING SMALL CLAIMS CASES**

### **Where to File**

In most jurisdictions, a small claims case needs to be filed in the proper county and precinct. Typically, the action should be filed in the county and precinct where the defendant resides or where a contract was to be performed.

### **Contacting the Court Clerk**

It's recommended to contact the court clerk before proceeding to the courthouse to file your action. The clerk can provide valuable information on the procedures for small claims court cases, including any county-specific or courthouse-specific procedures. However, note that while the clerk can help with procedural issues, they cannot provide legal advice.

### **Maximum Amount Allowed**

The maximum amount you can claim in small claims court varies by jurisdiction. Generally, it ranges from \$2,500 to \$25,000. For example:

- California: \$10,000 for individuals, \$5,000 for businesses
- New York: \$5,000
- Texas: \$20,000

Check your local jurisdiction for specific limits\*

### **Filing Fees**

Filing fees for small claims court cases vary by jurisdiction, but generally include:

- Required filing fee
- Service of Citation fee per defendant
- Request for a trial by jury fee (if applicable)

### **Representation**

You are allowed to hire an attorney, but most small claims court parties choose to represent themselves due to the relatively small amounts at issue. However, legal representation is an option if you prefer.

### **Trial Process**

Small claims court trials are usually informal compared to regular civil trials. The judge may develop the facts of the case, question witnesses, and even summon additional witnesses. The trial process is generally quick, although a jury trial may take longer.

### **Types of Cases**

Small claims courts handle a variety of cases, including:

- Damages from automobile accidents
- Security deposit disputes with landlords
- Breach of contract cases

However, small claims courts typically do not handle:

- Assignments of claims (where one person transfers their interest in an action to another)
- Divorce proceedings
- Cases filed by collection agencies or agents

## **Appeals**

Appeals are generally allowed if the amount of the award exceeds a specified threshold, which varies by jurisdiction.

## **Specific Information for Tom Green County, Texas**

### **Filing Location**

In Tom Green County, Texas, a small claims case must be filed in the County and Precinct where the defendant resides or where a contract was to be performed (Government Code Section 28.011). A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any

### **Contact Information**

Before filing your case, contact the Tom Green County court clerk at (325) 659-6553 to verify courthouse hours and obtain procedural information specific to Tom Green County.

### **Filing Fees (October 2024)**

Required filing fee: \$54.00

Service of Citation fee: \$85.00 per defendant

Request for trial by jury: \$22.00

### **Representation**

You are allowed to hire an attorney, though most parties choose to represent themselves due to the relatively small amounts at issue (Texas Government Code Section 28.003).

### **Trial Process**

The trial in Tom Green County's small claims court is informal. The judge may ask questions of witnesses and parties to understand the facts of the case. A jury trial, if requested, may take longer.

### **Types of Cases**

Tom Green County's small claims court handles a variety of cases, including:

- Damages from automobile accidents
- Security deposit disputes with landlords
- Breach of contract cases

The court does not handle:

- Assignments of claims
- Divorce proceedings
- Cases filed by collection agencies or agents

## **Appeals**

In Tom Green County, appeals are allowed if the amount of the award exceeds \$250.00.

The justice of the peace for Tom Green County presides over small claims court actions. By following this updated and comprehensive guide, you can ensure that you are well-prepared to file your small claims case, whether in Tom Green County, Texas, or another jurisdiction.

For Instructions and information regarding filing small claims in Tom Green County, please visit:  
<https://www.tomgreencountytexas.gov/upload/page/0168/docs/JP3SmallClaimsPet072022.pdf>

*NOTE: This guide is intended for general informational purposes only and does not constitute legal advice. It is advisable to periodically verify this information and consult with a legal professional for the most current and applicable advice. For claims exceeding the maximum amount allowed in small claims court, we recommend consulting with an attorney who specializes in the relevant area of law (e.g., personal injury, contract law, etc.). If you have any questions or need to schedule an appointment with a legal assistance attorney, please call the Legal Office at 325-654-3203.*