

Mock Writ of Reentry

New Judge School 2016-2017

Characters: Matt Allen (The Tenant), the JP Clerk, Judge

****At the clerk's window****

Matt Allen: I'm here because I need to get back into my apartment. The management company locked me out.

Clerk: Here is a form that you can fill out.

****Fills out form****

MA: It says here that it needs to be sworn to. Can I do that here?

Clerk: Yes, I'm a notary. I'll need to see your license.

****Notarizes the form****

There is a \$41 filing fee. Once I stamp it in, I will have you see the judge in the courtroom and she'll hear your case right now.

Later, in the courtroom

Judge: Mr. Allen, I have your application for reentry and am reviewing it.

****Reviews application****

Judge: I am going to place you under oath so that you can testify to your concerns. Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth?

MA: I do.

Judge: Tell me why we're here.

MA: Well, I've had a hard time lately, lost my job and I'm having car trouble, I'm behind on rent, so my apartment complex locked me out. I don't know how to get back in and I've had to stay at a friend's house.

Judge: Did the apartment complex leave a sign posted on your door telling you where and how you can go get your keys back?

MA: No.

Judge: Ok, I reasonably believe an unlawful lockout has likely occurred, so I am going to issue a writ of reentry. Mr. Allen, once this is served, you will be given immediate and temporary possession of the premises. This means you can go back to your apartment. However, this writ also informs the management company that they have a right to a hearing. If they seek a final hearing, my decision may be different. If they do not request a hearing, the writ will remain in effect. The hearing must be requested within 8 days. If not, I will issue a judgment for costs. Failure of a party to disobey this order may result in contempt.

Mock Writ of Restoration

New Judge School 2016-2017

Characters: Sophia Jones (The Tenant), the JP Clerk, Judge

****At the clerk's window****

Sophia Jones: I'm here because I need the electricity turned back on in my apartment. The management company shut it off.

Clerk: Here is a form that you can fill out.

****Fills out form****

SJ: It says here that it needs to be sworn to. Can I do that here?

Clerk: Yes, I'm a notary. I'll need to see your license.

****Notarizes form****

Clerk: There is a \$41 filing fee, but the judge typically waives or defers the fee. Once I stamp it in, I will have you see the judge in the courtroom and she'll hear your case right now.

Later, in the courtroom

Judge: Ms. Jones, I have your application for restoration and am reviewing it.

****Reviews application****

Judge: I am going to place you under oath so that you can testify to your concerns. Please raise your right hand, do you solemnly swear to tell the truth, the whole truth and nothing but the truth?

SJ: I do.

Judge: Tell me why we're here.

SJ: Well, I'm putting myself through school and my books have been more expensive than I thought. I've gotten behind in rent, so my apartment complex shut my electricity off.

Judge: Did the apartment complex indicate to you that the shut off was directly related to a repair or construction or to an emergency?

SJ: No, sir. They shut it off because I was behind in my rent.

Judge: Ok, I reasonably believe an illegal shutoff has likely occurred, so I am going to issue a writ of restoration. This writ needs to be served on the management company and I will defer any service fee. Failure to comply with this writ is grounds for contempt.

Thank you and have a nice day.

Mock Order of Retrieval

New Judge School 2016-2017

Characters: Ashley Robins (Applicant), the JP Clerk, Judge

****At the clerk's window****

Clerk: how may I help you?

Ashley: I left my boyfriend and moved out 2 days ago. He won't let me get my things out of there. Can I file something so that I can get them back?

Clerk: Yes. It's called an application for an order of retrieval. You can fill one out if you want the court to consider it.

****Fills out form****

Clerk: There is a \$41 filing fee. You will also need to post a bond. Let me show the judge your application and he will tell me the bond amount. It is usually less than \$100.

****Clerk leaves and comes back****

Clerk: It's a \$50 bond.

Ashley: Ma'am, I can't afford the filing fee or the bond. What do I do?

Clerk: You can fill this out. (SIACC form)

****Ashley fills out SIACC form. Clerk generates a hearing notice and hands it to Ashley.****

Clerk: Ma'am, here is the hearing notice on your application for order of retrieval. The hearing is set for tomorrow at 3:00 pm. The judge will decide at that time if he is issuing the order. The other party will be served today. Our county has a service fee, but the other form you filled out covers that service. Have a nice day.

Ashley: Thank you.

****Opposing party (the boyfriend) served by the constable the next day****

In court the next day

Judge (Already on the bench): I have an application for an Order of Retrieval from Ashley Robinson. Ms. Robinson, are you ready?

Ashley: Yes.

Judge: I see that the respondent is Mr. Jeff Simmons and I do not show that he is present.

Ms. Robinson, I have your application for an order of retrieval here. I see you certified that the current occupant, Mr. Simmons, has denied you entry.

I also see you have certified that there is no court order prohibiting contact with him. Do you have some documentation that shows you were authorized to live at this residence?

Ashley: Yes, your honor.

Judge: Bailiff, can you please bring me the paperwork? Thank you.

****Reviews the document****

Judge: Ma'am I see this is your cell phone bill that was addressed to the residence in question.

Finally, you have claimed you will suffer personal harm if the items are not returned to you shortly. Let me review the list of items.

****Judge reviews list****

Judge: Ms. Robinson, I see you have listed some medications, baby formula, and a check book. Those items are fine. However, you have listed a computer. I'm sorry but electronics are not on the accepted list for this particular order. The acceptable items are determined by the law. I am not saying you have no way of getting them back, that just cannot happen through this application.

I am going to mark through that item and approve the order for retrieval.

****Signs the order and hands it to his clerk****

Judge: Ms. Robinson, the next step is that I will forward this to my constable. He will work with you to find a time to go to the house and assist while you gather your things. Let me stress this – you may only take the items approved by the court on the list. The constable will be creating an inventory, and returning it to me, so there is no opportunity to take anything else. Do you understand?

Ashley: Yes, sir.

Judge: Good. This will likely be the end of the process for you, but the constable will be leaving paperwork with Mr. Simmons that notifies him what items you have removed and that he has the right to a hearing within 10 days if he believes something was wrongly taken.