

Judgments

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1

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2

Resources

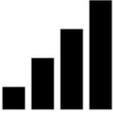
TJCTC Website

- Deskbooks
- Self-Paced Modules
- Legal Question Board
- Forms
- Recordings for Credit

Texas Statutes and Constitution
 Texas Rules of Civil Procedure

3

Interactivity



Poll



Chat



Breakout

4

What Should be on Judgments in ALL Types of Cases?	<input type="checkbox"/> Date signed/entered <input type="checkbox"/> Judge's name & signature <input type="checkbox"/> Cause number and court
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5

Civil Judgments

Small Claims & Evictions

6

Requirements in Rule 505.1

- Clearly state the determination of the rights of the parties in the case
- State who must pay the costs
- Signed by the judge
- Dated the date of the judge's signature

7

Key Parts of a Small Claims Judgment

- Money or property awarded
- Court costs
- Attorney's fees (*if applicable*)
- Post-judgment interest rate
- Pre-judgment interest rate (*if applicable*)

8

Personal Property Awarded

- Must order the plaintiff recover **specific articles** *if they can be found*
- If they can't be found - then the plaintiff shall recover their **value as assessed by the judge or jury** (plus interest)

Rule 505.1(e)

9

Court Costs

☐ Judge **MUST** award costs allowed by law to the successful party, even if they don't specifically ask for them.

Rule 505.1(c)

10

Poll

Can private process server fees be assessed as court costs?

1. Yes
2. No

11

Attorney's Fees

☐ If a party is awarded a judgment, they may also be awarded attorney's fees if there is a **statute** or an **agreement** between the parties that allows for attorney's fees.



How Photo by Unsplash Author: © Shutterstock.com/100-00-000000

12

<p>Poll</p>	<p>In which of these types of cases can attorney's fees be awarded?</p> <ol style="list-style-type: none"> 1. Killed or injured stock 2. A sworn Account 3. An oral contract 4. All of the above
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13

<p>Poll</p>	<p>Does a party have to be represented by an attorney to be awarded attorney's fees?</p> <ol style="list-style-type: none"> 1. Yes 2. No
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14

<p>Attorney's Fees After <i>Rohrmoos</i> Case</p> <hr/> <p>In 2019 the Texas Supreme Court provided clarification on how an attorney has to prove up attorney's fees in the case <i>Rohrmoos Venture v. UTSW DVA Healthcare</i>.</p> <p>Old Method: Lodestar Method = evidence of number of reasonable hours worked x a reasonable hourly rate</p>
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15

Attorney's Fees After *Rohrmoos* Case continued

New Method: Lodestar Method + Minimum sufficient evidence of:

1. particular services performed,
2. who performed services,
3. approximately when the services were performed,
4. the reasonable amount of time required to perform the services, and
5. the reasonable hourly rate for each person performing such services

16

What Does this Mean for Justice Courts?

- Before, you might see an attorney testifying generally that they spent x hours and that they charge a reasonable rate of \$___.
- Now, you will likely see more details – instead of a simple affidavit or testimony it will be more complex and include the listed requirements from *Rohrmoos* or business records affidavits along with detailed time and billing records from the attorney

Rohrmoos Venture v. UTSW DVA Healthcare, LLP, 578 S.W.3d 469, 487 (Tex. 2019)

17

Post-Judgment Interest

- Every civil judgment MUST have a post-judgment interest rate
- The rate might be 0%
- TJCTC has recently issued a memo on this topic that can be found on the main TJCTC webpage under “Announcements”

18



How the Finance Code Statutes Work

Take a look at the Post-Judgment Interest Flowchart

19

Pre-Judgment Interest

There are 2 Types:

- Statutory Pre-Judgment Interest - found in Finance Code 304.102.
- Contractual Interest - agreed to in a contract.

20

Pre-Judgment Interest Details

- Applies in wrongful death, **personal injury**, and **property damage** cases
- Rate is the same as the post-judgment interest rate applicable at the time of judgment
- Cannot be recovered on an award of future damages
- Written settlement offers pause the accrual for the time period they are open if the judgment amount is equal to or less than the offer amount

21

What **NOT** to Include in Civil Judgments



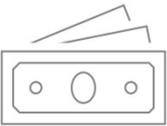
Payment plans



Injunctive relief

22

Payment Plans



Parties are **free to negotiate and agree to payment plans**, but they should not be part of the judgment.

→

Remember, a JP only has the authority to order **\$\$** or **personal property** to the prevailing party!

23

Injunctive Relief



Only in special cases can a JP order a party to do or refrain from doing an action. There has to be a statute saying you can do it!

Ex: repair & remedy cases, driver's license hearings, tow hearings, and disposition of stolen property hearings.

Crawford v. Sandidge; Poe v. Ferguson; Kieschnick v. Martin

24

Questions

25

Let's Try a Few

Look at the forms in your handouts.

26

The following forms are in your handouts:

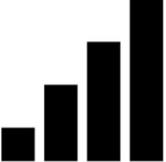
Default Judgment Without Hearing – Debt Claim Case

Judgment for Defendant – Bench Trial

Judgment for Plaintiff for Recovery of Specific Items – Jury Trial

Soon all of the updated forms will be available at: <https://www.tjtc.org/tjtc-resources/forms.html>

27

<p>Default Judgment on a Debt Claim</p> <p>Your clerk brings you a Debt Claim case file where the answer date passed yesterday without an answer. The Plaintiff failed to provide a SCRA Affidavit.</p>	<p>1. Can you issue a default judgment?</p> <p>A. Yes</p> <p>B. No</p> 
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28

<p>Default Judgment on a Debt Claim</p> <p>Your clerk brings you a Debt Claim case file where the answer date (___/___/___) passed without an answer. Plaintiff failed to provide a SCRA Affidavit. The proof of service shows Defendant was served on ___/___/___.</p>	<p>Fill in the appropriate form with your breakout group - 3 minutes</p> 
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29

<p>You just received the verdict in a jury trial.</p> 	<p>Jury Verdict</p> <p>We the jury find as follows:</p> <p>On Plaintiff's claim for conversion:</p> <p>We find in favor of Plaintiff and find that Plaintiff is entitled to the 2003 Ford Taurus SES Sedan Vin Number JN3MS37A9PW202929 valued at \$2540.00.</p> <p>Our verdict was unanimous.</p>  Foreperson of the Jury
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30

<p>Bench Trial</p> <p>Rebecca Glisan vs. Rachel Zummo</p> 	<p>Both parties appeared and represented themselves. Rachel, the defendant convinced you that Rebecca brought a frivolous claim against her and Rebecca didn't have much evidence, so you decided to rule in favor of Rachel.</p> <p>Your clerk provided you with the following court costs: \$46 filing fee + \$50 service fee.</p> <p>Fill in the appropriate form.</p>
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31

Criminal Judgments

32

<p>Key Point</p>	<p>Every criminal case that is closed out should either have a written:</p> <p>Judgment <i>(of conviction or acquittal)</i></p> <p>or</p> <p>Order of dismissal</p>
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33

<h1>Poll</h1>	<p>Should information about a payment plan be in a criminal judgment of conviction?</p> <ol style="list-style-type: none"> 1. Yes 2. No
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34

<h2>Key Parts of a Criminal Judgment of Conviction</h2>		
<input type="checkbox"/> Fine	<input type="checkbox"/> Charging instrument	<input type="checkbox"/> Competency finding
<input type="checkbox"/> Court costs	<input type="checkbox"/> How Defendant appeared	<input type="checkbox"/> Plea is free/voluntary
<input type="checkbox"/> Defendant's plea	<input type="checkbox"/> If Defendant represented	<input type="checkbox"/> Ability to pay
<input type="checkbox"/> Date of offense	<input type="checkbox"/> Waivers	<input type="checkbox"/> Finding of guilt
<input type="checkbox"/> Jail credit		<input type="checkbox"/> Additional sanctions or findings
<input type="checkbox"/> Restitution		

35

<h2>Key Parts of a Criminal Judgment of Acquittal</h2>		
<input type="checkbox"/> Fine	<input type="checkbox"/> How Defendant appeared	<input type="checkbox"/> Plea is free/voluntary
<input type="checkbox"/> Court costs	<input type="checkbox"/> If Defendant represented	<input type="checkbox"/> Finding of not guilty
<input type="checkbox"/> Defendant's plea	<input type="checkbox"/> Waivers	
<input type="checkbox"/> Date of offense	<input type="checkbox"/> Competency finding	
<input type="checkbox"/> Charging instrument		

36

Questions

37

Let's Try a Few

Look at the forms in your handouts.

38

The following forms are in your handouts:

Judgment of Acquittal - Bench Trial

Judgment of Conviction - Jury Trial

Soon all of the updated forms will be available at: <https://www.tjtc.org/tjtc-resources/forms.html>

39

Scenario 1:

You have an in-person jury trial in cause number 12345 for Randy Sarosdy for Speeding (O. Date 1/10/2021) in your court, and he is found guilty. He appeared in court with his attorney, Bronson Tucker. You assess a fine of \$150.

1. Try filling in the appropriate Judgment of Conviction form.

2. What information are you missing?



40

Scenario 1:

You have an in-person bench trial in cause number 12345 for Randy Sarosdy for Speeding (O. Date 1/10/2021) in your court, and he is found guilty. He appeared in court with his attorney, Bronson Tucker. You assess a fine of \$150. Your county does not have a transaction fee.

What are the court costs?

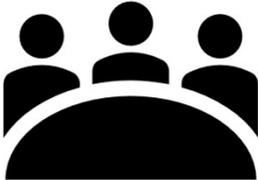
- \$67
- \$129
- \$135
- I need more info.



41

What if in this same case, Randy elected for a bench trial, and he was acquitted?

Fill in the appropriate form together.



42

Other Judgments

JKSDFKJHKSDHF

43

Garnishment

- Remember, garnishments are filed as their own case.
- You will have a judgment in a garnishment case.
- TJCTC has created special forms for garnishment cases that you can find here (for things that don't happen in other cases - discharging a garnishee, default judgment against garnishee, etc.): <https://www.tjctc.org/tjctc-resources/forms.html>

44

Administrative Hearings

- You will also issue judgments or final orders for various administrative cases.
- The guidelines for those judgments are in the specific statutes that provide the procedures for those hearings.
- TJCTC has created special forms for these cases as well - coming soon to <https://www.tjctc.org/tjctc-resources/forms.html>

45

Questions

46

Thank You!
DON'T FORGET TO FILL OUT YOUR EVALUATION.

47
