



ELLIS COUNTY COURT AT LAW NO. 1
JUDGE JIM CHAPMAN

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EVICITION APPEALS FROM JUSTICE COURT

Dear Litigant:

This letter is to explain the Court's procedures for trial regarding an eviction appeal in the Ellis County Court at Law No. 1 (CCL1). This does not constitute legal advice, and you should consult or retain an attorney for legal advice in your case. In fact, if you are appearing as a business entity, such as a corporation, LLC or partnership, you **must** be represented by legal counsel in this Court.

Trial in the CCL1 is very different, and more formal procedurally, than a trial in a Justice Court. The Texas Rules of Evidence will apply, and a record of the trial proceedings will be taken by the Official Court Reporter for the CCL1.

The trial on appeal is "de novo" which, in ordinary terms, means a new trial from scratch. None of the testimony given, or exhibits admitted, at trial in the JP Court will be considered on appeal. Everything must be presented again anew at trial in the CCL1. You must come prepared with your evidence and witnesses to establish that you have the superior right to immediate possession of the premises in question, that proper notice of the eviction demand to vacate was given or not given as the case may be, and that if you requested the setting you have properly notified the other side of the trial setting.

Any party may request a trial date from the Court Coordinator once the Ellis County Clerk notifies you the case has been transferred and docketed in the CCL1. The case will then be set at the earliest available trial setting. If you request the trial date, it is your responsibility to notify the other side of the setting. You may contact the Court Coordinator if you have additional procedural questions.

Sincerely,

Jim Chapman,
Judge Presiding