

The Texas Judicial System

The judicial power of the State of Texas is derived from Article 5, Section 1 of the Texas Constitution, which provides:

The judicial power of this State shall be vested in one Supreme Court, in one Court of Criminal Appeals, in Courts of Appeals, in District Courts, in County Courts, in Commissioners Courts, in Courts of Justices of the Peace, and in such other courts as may be provided by law. The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

The judicial branch of Texas government includes the court system of the State and the judicial agencies, such as the Office of Court Administration. Its role is to interpret the law and to resolve legal disputes. It is the smallest branch of state government.

The meaning of the constitutional provisions is not always clear and the function of the courts is to resolve the issue, give the appropriate interpretations of the legal provisions and to resolve the disputes which may arise between the citizens as well as between the citizen and state.

The Texas courts hear both criminal and civil cases. In Texas, an act is not a crime unless, before the act occurred, the Legislature has passed a statute making the act unlawful.

The Texas judicial system is considered to be one of the most complicated not in the United States only but in the entire world. Its complexity is defined by a number of court layers the system consists of. “It features five layers of courts, several instances of overlapping jurisdiction, and a bifurcated appellate system at the top level.”¹

The justice of peace courts (JP) are the important stage of the Texas judicial system. Each county is required to have at least one justice of the peace court. Some counties may have up to 16 justice of the peace courts. The amount of courts within the county depends

upon its population. These courts deal with the small claims cases. They issue marriage licenses, handle “Class C” cases, i.e. those which are supposed to impose fines, not jail terms on an exclusive basis in all areas except those where a city has a municipal court; in those instances jurisdiction is concurrent (shared; generally, if a local officer issued the citation, the municipal court hears the case, while if a deputy sheriff or state law enforcement officer issued the citation, the JP court hears the case). In addition, the JP serves as coroner for areas with no provision for a medical examiner (generally rural counties).

The Legislature of Texas allows the creation of municipal courts in each city of Texas. Such solution is defined by voter approval creating such court. Such courts have the shared legislation with the peace courts only on Class C misdemeanor cases and on civil cases involving dangerous dogs, and have exclusive jurisdiction on cases involving city ordinances.

According to the Texas Constitution it is required that each county should have a single constitutional county court. As provided in the Texas Constitution, each of the 254 counties of the State has a single county court presided over by a county judge. These courts have *concurrent jurisdiction* with justice of the peace and district courts in civil cases.

The amount of controversies in such cases is small. The constitutional county courts normally deal with cases related to the probate issues. These courts usually have appellate jurisdiction in cases appealed from justice of the peace and municipal courts, except in counties where county courts at law have been established.

Since the county judge is also responsible for presiding over the Commissioners Court (the main rulemaking body of the county), in most counties the Texas Legislature has established county courts at law which serve as the constitutional county court in specified areas of jurisdiction.

In another unique twist, the Constitution grants the Legislature the authority to determine which court handles probate matters. Thus, in ten of the 15 largest counties, the Legislature has established Statutory Probate Courts, which handle matters of probate, guardianship, and mental health commitments to a state mental hospital.

The state trial courts of general jurisdiction are the district courts. The district court has exclusive jurisdiction on felony cases, as well as divorce cases, cases involving title to land, and election contest cases. It shares jurisdiction with the county courts for civil cases (its lowest limit for hearing a case is a mere \$200 in controversy). In a "catchall" provision it hears all cases "in which jurisdiction is not placed in another trial court".

Some smaller counties share a district court; the larger counties have multiple district courts, which in some cases specialize in civil, criminal, family law or juvenile matters.

Unlike the lower levels, district court judges are required to have law degrees. Also, district courts do not have any appellate jurisdiction roles.

Except in the most populous counties, Texas has no separate system of juvenile courts. Rather, one of the regular district or county judges in each county is designated to hear juvenile cases. However, it is sometimes the custom to refer to a court which is hearing juvenile cases as the "Juvenile Court."

Juvenile cases include proceedings brought against persons between the ages of 10 and 17 who are alleged to have engaged in unlawful conduct as defined by the Texas Family Code. This statute labels conduct subject to its provisions as either delinquent conductor conduct indicating a need for supervision. Generally, delinquent conduct is defined as conduct by a child which, if committed by an adult, would be a serious criminal offense. Conduct indicating a need for supervision includes such matters as truancy, running away, and activity which would be considered a minor criminal violation if committed by an adult. Under certain

circumstances and after a hearing, the juvenile court judge may certify a juvenile for trial as an adult if the juvenile was at least 14 years of age at the time of the offense.

Texas has 14 Courts of Appeals, which have intermediate appellate jurisdiction in both civil and criminal cases. Each court has between three and 13 justices (there are a total of 80), the number is set by statute. All cases are heard by a three-justice panel unless a hearing en banc is ordered. The Texas Legislature determines which counties are assigned to a court, and has shifted counties between courts to balance the docket.

Death penalty cases are automatically appealed to the Texas Court of Criminal Appeals and bypass this level.

In yet another unique twist, two of the fourteen courts are located in Houston (the 1st and 14th Courts), both having concurrent jurisdiction over the same counties (cases are to be assigned on a random selection basis but may be moved in order to equalize the docket).

The Texas Court of Criminal Appeals is the court of last resort for all criminal matters in the State of Texas.

Texas, along with Oklahoma, is the only state to have two courts of last resort. In Texas, the Court of Criminal Appeals has final jurisdiction over all criminal matters, while the Texas Supreme Court is the last word on all non-criminal matters.

The Court of Criminal Appeals exercises discretionary review over criminal cases, which means that it may choose whether or not to review a case. The only cases that the Court must hear are those involving the sentencing of capital punishment or the denial of bail.²

The Texas Supreme Court is the highest civil court in the state. Located in Austin, the Texas Supreme Court is composed of nine justices. Five justices must be present in order to conduct business and at least five justices must agree on a decision in each case. The determinations made by the Texas Supreme Court are final and apply to all cases except

criminal law matters. The jurisdiction of the Texas Supreme Court is primarily limited to appeals from the courts of appeals.³

The qualifications of judges are defined by the Constitution of the State of Texas. By those provisions, all appellate judges must have been licensed to practice law for at least ten years, be citizens of the United States and of Texas, and be at least thirty-five years old. District judges must have been licensed to practice law in this State for at least four years, be residents of the judicial district for at least two years, and be citizens.

Qualifications for county court at law and statutory probate court judges vary according to the statute creating the court. All are required to be licensed to practice law; most are required to be county residents and have experience as practicing attorneys. Judges of the constitutional county courts must be "well informed in the law of the State" but are not required to be lawyers. Most of the 254 county judges are not licensed to practice law.

There are no constitutional or statutory qualifications to serve as a justice of the peace, and very few are lawyers. While judges of municipal courts of record must be attorneys, no statutory qualifications are required of other municipal judges, most of whom are not lawyers.

The Supreme Court of Texas has general responsibility for the efficient administration of the Texas Judicial System, and the authority to make rules of administration applicable to the courts. Aiding the Supreme Court in carrying out its administrative duties is the state Office of Court Administration, which operates under the direction of the Chief Justice.

The Chief Justice of the Supreme Court, the Presiding Judge of the Court of Criminal Appeals, the Chief Justices of each of the fourteen Courts of Appeals and the judges of each of the trial courts are generally responsible for the administration of their respective courts.

The financing of the judicial system of Texas is provided by the counties or cities, with a more limited amount of funds provided by the State.

The State provides full funding only for the operation of the Supreme Court, the Court of Criminal Appeals, the Third Court of Appeals located in Austin, and certain statewide agencies of the judicial branch. It provides a basic appropriation for the operation of the remaining thirteen Courts of Appeals.⁴

Most counties supplement the base salary for judges of district courts and courts of appeals. Counties pay the costs of constitutional county courts, county courts at law, justice courts, and the operating costs of district courts.

State appropriations provide the entire salaries of the justices of the Supreme Court and judges of the Court of Criminal Appeals; they also provide a basic salary for the justices of the Courts of Appeals and the judges of the District Courts, which by statute may be supplemented by local governments.⁵

The 254 counties of the State provide funds for operation of the district courts, and provide the entire costs, including salaries of the judges, of all constitutional county courts, county courts at law, and justice of the peace courts. In most instances, the counties also provide supplemental pay to the judges of the Courts of Appeals and District Courts serving their areas. City governments provide the entire funding for the operations of their own municipal courts.

Citation

1. Wikipedia
2. Texas Court of Criminal Appeals
3. Texas' Legal & Judicial System
4. The Texas Judicial System
5. Annual Statistical Report for the Texas Judiciary

Bibliography

- Texas judicial system, Wikipedia, available at http://en.wikipedia.org/wiki/Texas_judicial_system#Municipal_and_Justice_of_the_Peace_Courts, retrieved 9.06.2006
- The Texas Judicial System, available at http://www.cca.courts.state.tx.us/texas_judicial_system.htm, retrieved 9.06.2006
- Texas' Legal & Judicial System, available at <http://www.weblocator.com/attorney/tx/law/b03.html#txb030000>, retrieved 9.06.2006
- Annual Statistical Report for the Texas Judiciary, Fiscal Year 2005, available at WWW.COURTS.STATE.TX.US, retrieved 9.06.2006
- Texas Court of Criminal Appeals, available at <http://www.answers.com/topic/texas-court-of-criminal-appeals>, retrieved 9.06.2006