

Texas Agricultural Extension Service



County Government Topics

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STATE COURTS OF TEXAS

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The function of state courts is to hear disputes involving laws set forth by the state constitution and the state legislature. Some Texas courts hear only civil or criminal cases while others have jurisdiction over both. All civil and criminal cases originate in trial courts referred to as courts of original jurisdiction. Cases heard by trial courts are often appealed to a higher court having appellate jurisdiction. The appellate court is responsible for reviewing the record of the trial court proceedings to determine if error was committed during the trial and if the error has denied substantial justice in the case.

Supreme Court of Texas

The Supreme Court meets in Austin and holds one term each year commencing in October and ending in July. The Supreme Court consists of one (1) chief justice and eight (8) justices. They are elected by a statewide election for a term of six (6) years.

This court has final appellate jurisdiction of civil cases. The Supreme Court is the highest court in the state for civil suits, but has no jurisdiction over criminal cases. Its jurisdiction extends to issuing writs and conducting proceedings, and to involuntarily removing or retiring judges from office. In addition, the Supreme Court sets the rules, procedures and policies to be followed in all courts of Texas.

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Court of Criminal Appeals

The Court of Criminal Appeals is the highest court in the state for appealing criminal cases. This court has the authority to review decisions rendered in criminal cases by lower courts. However, the Court of Criminal Appeals does not have appellate jurisdiction of cases appealed from any inferior court to the county court, county court at law, or county criminal court in which the fine imposed does not exceed \$100.* It should be noted that all death penalty cases are appealed directly from the District Courts to the Court of Criminal Appeals.

The Court of Criminal Appeals meets in Austin from January through December and is comprised of eight (8) judges and one (1) presiding judge elected by the voters of the state for a six (6) year term.

Therefore, Texas has two courts of last resort: the Supreme Court for civil cases and the Court of Criminal Appeals for criminal cases.

Court of Appeals

The Court of Appeals is divided into fourteen (14) districts. There is one Court of Appeals for each of these districts. The Court of Appeals in each district has appellate jurisdiction over certain civil and criminal cases decided in the district and county Courts.

* Unless the sole issue is the constitutionality of the statute or ordinance on which the conviction is based.

The Courts of Appeals have appellate jurisdiction in all civil cases of which the district and county have jurisdiction where the amount in controversy or judgment rendered exceeds \$100 exclusive of interest and costs. These courts also have appellate jurisdiction in all criminal cases except those in which the death penalty has been rendered.

Each Court of Appeals consists of one (1) chief justice and a number of other justices that varies by Districts. The justices of each Court of Appeals are elected by the qualified voters of their respective districts for a term of six (6) years.

District Courts

There are some 384 separate district courts in Texas identified by separate numbers and each having its own judge and geographical jurisdiction. In a number of areas, the geographical jurisdiction of two or more district courts is overlapping. Each district judge is elected to a four (4) year term by voters of the judicial district.

District Courts are trial courts of general jurisdiction. These have original jurisdiction in all criminal cases of the grade of felony, cases of divorce,* cases concerning title to land, cases contesting elections, suits to recover damages for slander and all civil matters wherein the amount in controversy exceeds \$5,000; and concurrent jurisdiction with statutory county courts at law in cases of at least \$200 and not exceeding \$5,000, exclusive of interest.** In the counties which have no statutory county courts at law, district courts have original jurisdiction in civil cases wherein the amount in controversy is \$2,500 or more, and concurrent jurisdiction with the county court in cases of at least \$200 and not exceeding \$2,500.

The district courts have original and appellate jurisdiction in probate matters. In addition, these courts have general original jurisdiction over all causes of action for which a remedy or jurisdiction is not provided by law or by the Texas Constitution. They also have the power to issue writs of habeas corpus, mandamus, injunction, certiorari, sequestration, attachments, garnishment and all other writs necessary to enforce the court's jurisdiction.

Most district courts exercise both civil and criminal jurisdiction, but in the metropolitan areas there is a tendency for the courts to specialize in either civil, criminal or family law matters. In some cases, the courts which have criminal jurisdiction exclusively are designated criminal district courts.

A limited number of district courts also exercise the subject-matter jurisdiction normally exercised by county courts.

* A limited number of county courts at law also have concurrent jurisdiction with district courts in divorce cases.

**This is the general rule. The monetary jurisdiction may vary depending upon the statute creating a particular county court at law.

Appeals from judgments of the district courts are to the Courts of Appeals except those capital offense cases in which the death penalty has been assessed, which are appealed directly to the Court of Criminal Appeals.

"Constitutional" County Courts

The Texas constitution provides that there shall be a county court in each county, but not all 254 county courts perform judicial functions. The county court has civil, criminal, original and appellate jurisdiction. It has concurrent legal authority with justice of the peace courts in civil cases when the contested amount exceeds \$200 in value but does not exceed \$2,500, exclusive of interest. It has concurrent civil jurisdiction with the district court in cases when the amount exceeds \$500 but is less than \$2,500, exclusive of interest. The county court also usually has general control over probate cases. In criminal cases, the county court has exclusive original jurisdiction over misdemeanors when the fine to be imposed exceeds \$200 or when a jail sentence may be imposed.

Unless expressly provided by law, the county court does not have criminal jurisdiction in any county where a criminal district court exists. Decisions from the municipal and justice courts may be appealed to the county court but the appeal takes the form of a completely new trial or trial de novo. Original and appellate judgments of the county court may be appealed to the appropriate Courts of Appeals.

The county judge is elected to a four (4) year term by the qualified voters of the county.

County Courts at Law

The Texas Legislature has the authority to create special county courts. More than 170 of these statutory courts have been created in some 67 counties, primarily in metropolitan areas, to relieve the constitutional county judge of all or part of his judicial duties. The legal jurisdiction of the special county courts varies according to the statute under which they are created. In practice, some of these courts are intended to exercise limited jurisdiction such as civil, criminal, probate, or appellate. For example, there are county courts at law that handle civil cases, county criminal courts at law that hear criminal misdemeanor cases, county probate courts that handle wills and estates, and county criminal courts of appeals that hear cases appealed from justice and municipal courts.

The judge of a county court at law must be a lawyer. He is elected to a four (4) year term of office by the qualified voters of the county.

Justice of the Peace Courts

The Texas Constitution provides that each county, depending on population, is to be divided into at least one (1) and not more than eight (8) justice precincts.

One justice of the peace shall be elected in each precinct. Additionally, the Constitution provides that if any justice precinct includes a city of 18,000 or more inhabitants, one (1) additional justice of the peace shall be elected from such precinct. In practice, many counties have only one justice of the peace serving the entire county.

The justice of the peace is elected by qualified voters of each justice precinct for a term of four (4) years.

Justice of the peace courts have original jurisdiction in criminal misdemeanor cases punishable by fine only. They have original jurisdiction of civil matters when the amount in controversy does not exceed \$2,500. A justice of the peace may issue warrants of search and arrest, conduct preliminary hearings, serve as an ex-officio notary public, perform marriages, and serve as coroner in counties where there is no provision for a medical examiner. The justice court also functions as a small claims court in all actions for the recovery of money where the amount involved does not exceed the sum of \$2,500, exclusive of interest.

The justice of the peace courts are not courts of record; that is, a transcript of proceedings is not made of trials conducted in justice of the peace courts. Since there is no trial transcript that can be reviewed by a higher court, an appeal from a justice of the peace court must take the form of a new trial or trial de novo in the county court.

Municipal Courts

Authorized by state statute, municipal courts are operating in 858 cities and towns in Texas. Most metropolitan cities usually have more than one municipal court while small cities may have only one. The governing body of the incorporated city or town usually has the authority to appoint a municipal court judge.

As with justice of the peace courts, municipal courts do not have appellate jurisdiction. Municipal courts do have original and exclusive jurisdiction in cases involving violations of city ordinances, predominantly traffic offenses. The municipal courts also have concurrent

jurisdiction with justice of the peace courts in misdemeanor cases resulting from violations of state laws within the city limits when punishment is limited to fines only (\$200 or less).

Trials in all but seventeen (17) municipal courts in Texas are not of record, with appeals, therefore, going to the county court, the county court at law or the district court upon trial de novo.

Types of Jurisdiction

Jurisdiction - A comprehensive term that concerns and defines the power of courts. It includes power to inquire into facts, to apply law, to make decisions, and to declare judgment.

General Jurisdiction - The authority extending to all controversies that may be brought before a court within its legal bounds of rights and remedies. This is opposed to special or limited jurisdiction, which covers only a particular class of cases, or cases where the amount in controversy is below a prescribed sum of money.

Exclusive jurisdiction - The sole or exclusive authority to act on a particular case. It is the authority vested in one court alone without interference or participation of another court.

Concurrent jurisdiction - The authority of several different courts to deal with the same subject matter at the choice of the suitor.

Civil jurisdiction - The authority of a court to act on cases involving a dispute between two or more parties or between the State and citizens concerning non-criminal matters.

Criminal jurisdiction - The authority of a court to act on cases involving violation of criminal laws.

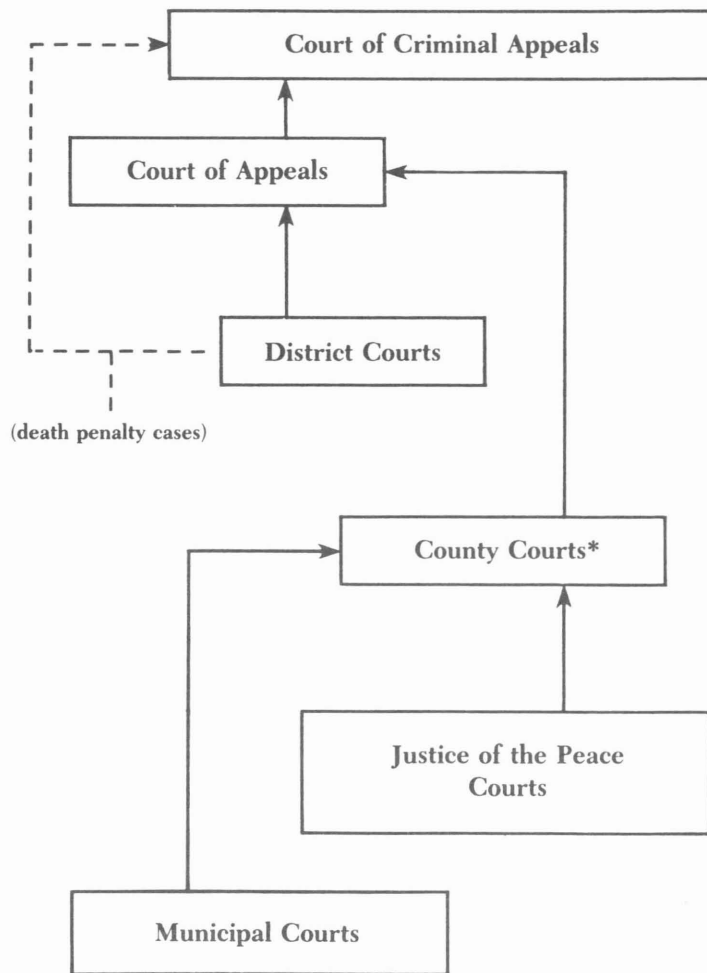
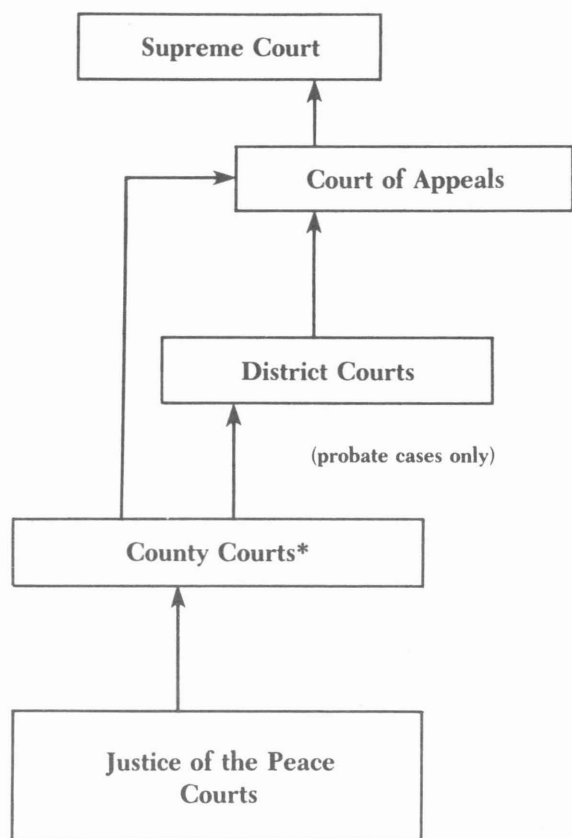
Original jurisdiction - The authority to accept a case at its inception, try it, and pass judgment based upon the laws and facts. This is distinguished from appellate jurisdiction which is jurisdiction to review a court's action.

Appellate jurisdiction - The authority to revise or correct the proceedings in a case already instituted and acted upon by a inferior court.

THE COURT SYSTEM IN TEXAS

Civil Jurisdiction

Criminal Jurisdiction



Arrows depict route of appeal from one court level to the next.
 *Includes both "Constitutional" County Courts and County Courts at law.

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