

Texas Court Structure

The current structure of the court system of Texas was established by an 1891 amendment to the Texas Constitution of 1876. The amendment established the Supreme Court as the highest state appellate court for civil matters, and the Court of Criminal Appeals as the highest state appellate court in criminal matters. The amendment also established courts of appeals that exercise intermediate appellate jurisdiction in civil and criminal cases.¹

District courts are the state's trial courts of general jurisdiction. The geographical area served by each district court is established by the specific statute creating the court.

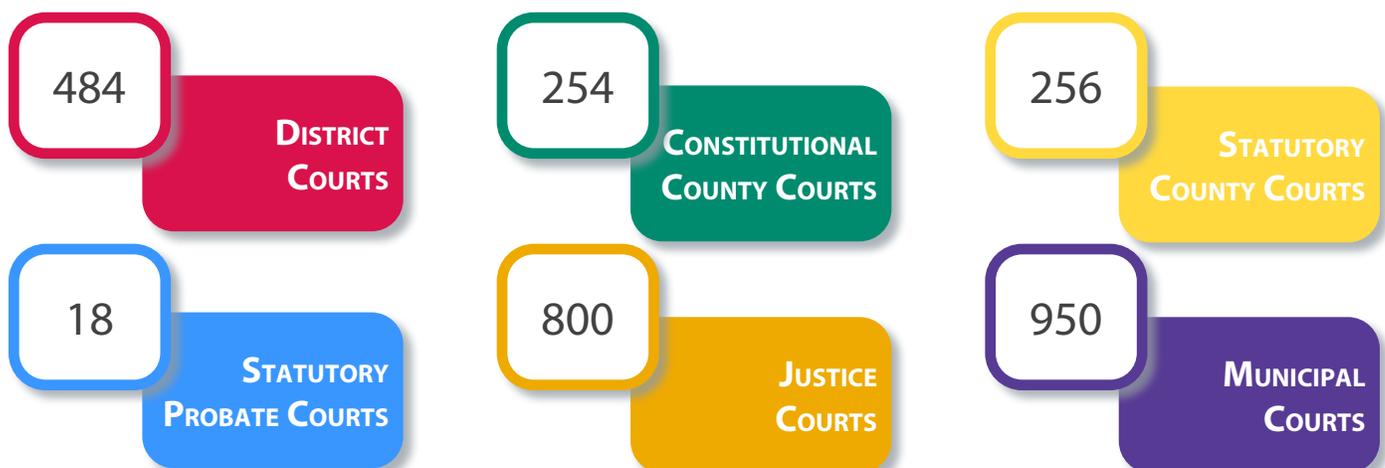
In addition to these state courts, the Texas Constitution provides for a county court in each county, presided over by the county judge. The county judge also serves as head of the county commissioners court, the governing body of the county. To aid the constitutional county court with its judicial functions, the Legislature has established statutory county courts, generally designated as county courts at law or statutory probate courts, in the more populous counties.

The Texas Constitution also authorizes not less than one nor more than 16 justices of the peace in each county. The justice courts generally have exclusive jurisdiction of civil matters when the amount in controversy does not exceed \$200 and concurrent jurisdiction with the county courts when the amount in controversy exceeds \$200 but does not exceed \$20,000. These courts also have jurisdiction in misdemeanor cases where punishment upon conviction may be by fine only.

By statute, the Legislature has created municipal courts in each incorporated city in the state. These courts have original jurisdiction over violations of municipal ordinances and concurrent jurisdiction with the justice courts over misdemeanor state law violations, limited to the geographical confines of the municipality. Municipal courts also have civil jurisdiction limited to a few specific types of cases.

Trials in the justice courts and most municipal courts are not of record, and appeals therefrom are by new trial ("trial *de novo*") to the county court, except in certain counties, where the appeal is to a county court at law or to a district court. When an appeal is by trial *de novo*, the case is tried again in the higher court, just as if the original trial had not occurred.

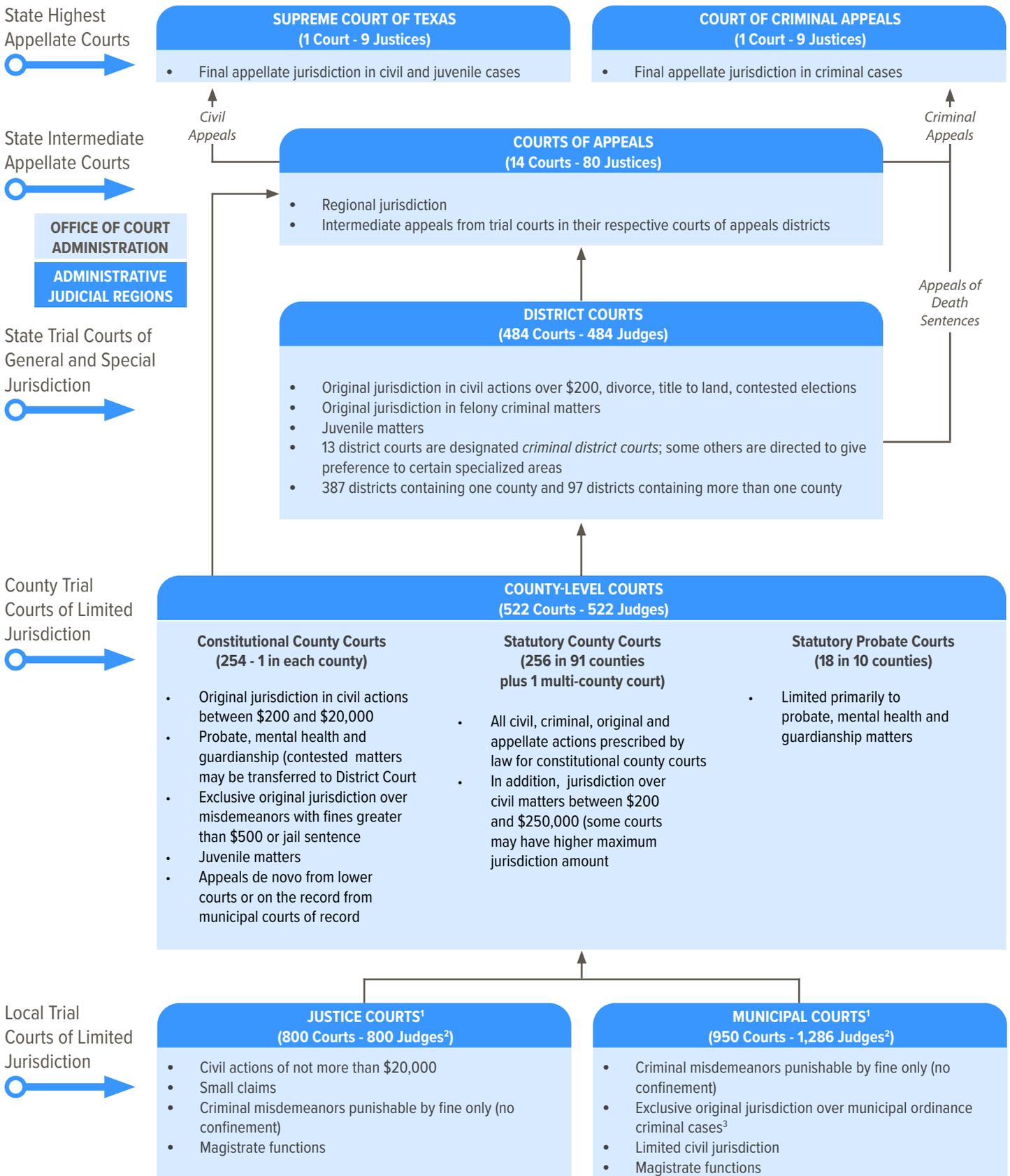
Jurisdiction of the various levels of courts is established by constitutional provision and by statute. Statutory jurisdiction is established by general statutes providing jurisdiction for all courts on a particular level, as well as by the statutes establishing individual courts. Thus, to determine the jurisdiction of a particular court, one must examine the Constitution; the general statutes establishing jurisdiction for that level of court; the specific statute authorizing the establishment of the particular court in question; the statutes creating other courts in the same county (whose jurisdictional provisions may affect the court in question); and the statutes dealing with specific subject matter (such as the Family Code, which requires, for example, that judges who are lawyers hear appeals from cases heard by non-lawyer judges in juvenile cases).



¹ The courts of appeals were given appellate criminal jurisdiction in 1981.

Court Structure of Texas

September 1, 2021



1. All justice courts and most municipal courts are not courts of record. Appeals from these courts are by trial *de novo* in the county-level courts, and in some instances in the district courts.

2. Some municipal courts are courts of record—appeals from the courts are taken on the record to the county-level courts. As of April 2020, 188 courts indicated that they were a court of record; a list is posted at <http://www.txcourts.gov/about-texas-courts.aspx>.

3. An offense that arises under a municipal ordinance is punishable by a fine not to exceed: (1) \$2,000 for ordinances that govern fire safety, zoning, and public health, (2) \$4,000 for dumping of refuse or (3) \$500 for all others.

Judicial Administration

The Texas Supreme Court has constitutional responsibility for the efficient administration of the judicial system and possesses the authority to make rules of administration applicable to the courts.¹ Under the direction of the Chief Justice, the Office of Court Administration aids the Supreme Court in carrying out its administrative duties by providing administrative support and technical assistance to all courts in the state.

The Supreme Court and the Texas Legislature also receive recommendations on long-range planning and improvements in the administration of justice from the Texas Judicial Council, a 22-member policy-making body composed of two appointees from each level of court, as well as appointees from the Governor and legislative branches of government. The Chief Justice of the Supreme Court, Presiding Judge of the Court of Criminal Appeals, chief justices of each of the courts of appeals, and judges of each of the trial courts are generally responsible for the administration of their respective courts.

For the district and statutory county courts there is also a local administrative district judge in each county, as well as a local administrative statutory county court judge in each county that has a statutory county court. In counties with two or more district courts, a local administrative district judge is elected by the district judges in the county for a term not to exceed two years.² Similarly, in counties with two or more statutory county courts, a local administrative statutory county court judge is elected by the statutory county court judges for a term not to exceed two years. The local administrative judge is charged with implementing the local rules of administration, supervising the expeditious movement of court caseloads, and other administrative duties.³

To aid in the administration of justice in the trial courts, the state is divided into eleven administrative judicial regions. With the advice and consent of the Senate, the Governor appoints one of the active or retired district judges, or a retired appellate court judge who has district court experience residing in each region, as the presiding judge. The statutory probate court judges also select a presiding judge, who must be an active statutory probate court judge.

The Chief Justice of the Supreme Court may convene periodic conferences of the chief justices of the courts of appeals, as well as periodic conferences of the eleven presiding judges to ensure the efficient administration of justice in the courts of the state.

By statute, the Supreme Court has administrative control over judicial branch agencies and issues Administrative Orders to include orders for appointments to judicial boards, commissions, and task forces.

1 Article V, Section 31 of the Texas Constitution.

2 In accordance with Section 74.091 or Section 74.0911, Tex. Govt. Code.

3 The administrative responsibilities of the local administrative judge are detailed in Section 74.092, Tex. Govt. Code.

Funding of the Judicial Branch

STATE APPROPRIATIONS FY 2022

The State provides funding for salaries and operating costs of the Supreme Court, Court of Criminal Appeals, and intermediate appellate courts. The State funds a base salary for district judges and salary reimbursements for certain constitutional and statutory county court judges, as well as salaries, salary supplements, expenses of retirement, and other payroll-related benefits for certain prosecutors. The State also pays for or supplements some other expenses of the judicial branch, including juror pay, basic civil legal services, criminal indigent defense, judicial technology, and special prosecution units.



> The Judiciary
\$0.5 Billion

The Judiciary accounts for **.42%** of total State appropriations.

Most counties supplement the base salary of judges of the intermediate appellate courts and district courts. Counties pay the operating costs of district courts, as well as the salary of judges, salaries of other staff, and operating costs for constitutional county courts, county courts at law, and justice courts. Cities finance all costs related to the operation of municipal courts, including judges' salaries.

In FY 2022, state appropriations for the Texas judicial system accounted for 0.42 percent of all state appropriations. Fifty-nine percent of the financing for the judicial system came from General Revenue sources. Twenty-two percent came from dedicated General Revenue funds, such as the Fair Defense Account, the Statewide Electronic Filing System Account, and the Judicial and Court Personnel Training Fund, and the remaining amounts came from other special funds, including the Judicial Fund and federal funds.

STATE JUDICIAL BRANCH FUNDING SOURCES



General Revenue



Special Funds



Dedicated General Revenue



Federal Funds

APPROPRIATIONS FOR OPERATING COSTS FOR THE STATE JUDICIAL BRANCH



Personnel and Employee Benefits



Other Operating Costs

STATE JUDICIAL BRANCH APPROPRIATIONS, FY 2022

\$112.8M

JUDICIAL AGENCIES¹

\$79.7M

DISTRICT JUDGES²

\$44.7M

INDIGENT DEFENSE

\$43.4M

14 COURTS OF APPEALS

\$43.3M

BASIC CIVIL LEGAL SERVICES

\$36.8M

DISTRICT ATTORNEYS

\$33.7M

JUDICIAL RETIREMENT & BENEFITS

\$30.1M

STATE EMPLOYEE RETIREMENT & BENEFITS

\$28.4M

COUNTY JUDGE SALARY SUPPLEMENT/ REIMBURSEMENT

\$16.3M

JUDICIAL & COURT PERSONNEL TRAINING

\$13.9M

JUROR PAY

\$13.8M

VISITING JUDGES³

\$7M

COURT OF CRIMINAL APPEALS

\$6.8M

COUNTY ATTORNEY SUPPLEMENT

\$6.7M

SUPREME COURT

\$6.2M

OTHER

\$5.6M

SPECIAL PROSECUTION UNIT

\$0.03M

DEATH PENALTY REPRESENTATION

1 "Judicial Agencies" include the Office of Court Administration, Texas Judicial Council, Office of the State Prosecuting Attorney, Office of Capital and Forensic Writs, State Law Library, and State Commission on Judicial Conduct. Appropriations for Judicial Agencies include approximately \$11.3 million in interagency contracts.

2 "District Judges" includes salaries, travel, and local administrative judge salary supplement.

3 "Visiting Judges" includes salaries and per diem expenses.