

COURT STRUCTURE OF TEXAS

DESCRIPTIVE OUTLINE

SEPTEMBER 1, 1995

The appellate courts of Texas include a Supreme Court, a Court of Criminal Appeals, and 14 intermediate Courts of Appeals.

In addition, the Texas Constitution establishes district courts as the state trial courts of general jurisdiction and provides for a single constitutional county court in each county, presided over by the county judge. In more populous counties, the Legislature has established statutory county courts to function as county courts at law and probate courts.

Also, the Constitution provides for justice of the peace courts in each county. These justice courts handle criminal misdemeanor cases and serve as small claims courts.

Finally, the Legislature has established municipal courts in each incorporated city of the State to handle criminal misdemeanor cases and city ordinance violations.

SUPREME COURT

1. **NUMBER OF COURTS:** One.
2. **JURISDICTION:** The Supreme Court of Texas has statewide, final appellate jurisdiction in civil and juvenile cases, and original jurisdiction to issue writs. It has general responsibility for the efficient operation of the Texas Judicial System; is empowered to make and enforce all necessary rules of civil trial practice and procedure, evidence, and appellate procedure; and promulgate rules of administration of justice in the State. In addition, the Court has final authority over the involuntary retirement or removal of all judges in the State, and the authority to transfer cases between the 14 Courts of Appeals.
3. **SEAT:** Austin.
4. **MEMBERSHIP:**
 - a. **Number:** One Chief Justice and eight justices.
 - b. **Selection:** Partisan, statewide election. Vacancies between elections are filled by gubernatorial appointment with the advice and consent of the Senate.
 - c. **Qualifications:** Citizen of the United States and of Texas; age 35 or older; and a practicing lawyer, or lawyer and judge of a court of record together, for at least 10 years.
 - d. **Salaries:**
Chief Justice: \$97,470
Justices: \$94,686
 - e. **Term:** Six-year, overlapping terms.

COURT OF CRIMINAL APPEALS

1. **NUMBER OF COURTS:** One.
2. **JURISDICTION:** The Court of Criminal Appeals has statewide, final appellate jurisdiction in criminal cases; exclusive jurisdiction over automatic appeals in death penalty cases; and the power to issue writs. It is empowered to promulgate rules of evidence and rules for appellate procedure in criminal cases.
3. **SEAT:** Austin.
4. **MEMBERSHIP:**
 - a. **Number:** One Presiding Judge and eight judges.
 - b. **Selection:**
 - (1) Partisan, statewide election. Vacancies between elections are filled by gubernatorial

appointment with the advice and consent of the Senate.

- (2) The Court has authority to appoint commissioners.

- c. **Qualifications:** Citizen of the United States and of Texas; age 35 or older; and a practicing lawyer, or lawyer and judge of a court of record together, for at least 10 years.
- d. **Salaries:**
Presiding Judge: \$97,470
Judges: \$94,686
- e. **Term:** Six-year, overlapping terms.

COURTS OF APPEALS

1. **NUMBER OF COURTS:** 14.
2. **JURISDICTION:** These courts have intermediate appellate jurisdiction in civil and criminal cases from trial courts in each respective geographical court of appeals district of the State. These courts have limited original writ jurisdiction.
3. **SEATS:**

1st	District,	Houston
2nd	District,	Fort Worth
3rd	District,	Austin
4th	District,	San Antonio
5th	District,	Dallas
6th	District,	Texarkana
7th	District,	Amarillo
8th	District,	El Paso
9th	District,	Beaumont
10th	District,	Waco
11th	District,	Eastland
12th	District,	Tyler
13th	District,	Corpus Christi
14th	District,	Houston

The Houston (1st and 14th), Austin, Corpus Christi, Dallas, El Paso, Fort Worth, San Antonio, Texarkana, Tyler, and Waco Courts may sit in any county seat within their individual Court of Appeals district.

4. **MEMBERSHIP:**
 - a. **Number:** Each court has one Chief Justice and from two to 12 additional justices, as authorized by the Legislature, for a total of 80 justices statewide. The total number of members on each court is: 1st, Houston - 9; 2nd, Fort Worth - 7; 3rd, Austin - 6; 4th, San Antonio - 7; 5th, Dallas - 13; 6th, Texarkana - 3; 7th, Amarillo - 4; 8th, El Paso - 4; 9th, Beaumont - 3; 10th, Waco - 3; 11th, Eastland - 3; 12th, Tyler - 3; 13th, Corpus Christi - 6; 14th, Houston - 9.
 - b. **Selection:** Partisan election within each Court of Appeals district. Vacancies between elections are filled by gubernatorial appointment with the advice and consent of the Senate.
 - c. **Qualifications:** Citizen of the United States and of Texas; age 35 or older; and a practicing lawyer, or lawyer and judge of a court of record together, for at least 10 years.
 - d. **Salaries paid by the State:**
Chief Justices: \$90,482
Justices: \$89,952
 - e. **Salary supplements:** May be paid by the counties in the districts, not to exceed \$15,000 per year and total salary must be \$1,000 less than that

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received by a Supreme Court justice (\$500 in the case of chief justices).

- f. **Term:** Six-years.

DISTRICT COURTS

1. **NUMBER OF COURTS:** 387.
2. **JURISDICTION:** There are 387 separate district courts, identified by separate numbers, each having its own geographical jurisdiction. Each district court has one judge. In a number of areas, the geographical jurisdiction of two or more district courts is overlapping. Eight additional courts will become effective September 1, 1995. One additional district court has been created to be effective September 1, 1996.

District courts are trial courts of general subject-matter jurisdiction. They have "exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies, except in cases where exclusive, appellate, or original jurisdiction may be conferred by (the) Constitution or other law on some other court. . ." Generally, this jurisdiction includes original jurisdiction of felony criminal prosecutions, suits for divorce, suits over title to land, election contests, and civil suits with an amount in controversy of at least \$200.

County courts at law and constitutional county courts also exercise limited subject-matter jurisdiction over civil suits and thus, to a limited extent, share jurisdiction with the district courts. Individual statutes stipulate maximum amounts in controversy over which each county-level court may exercise jurisdiction. To the extent that such "dollar amount" jurisdiction coincides with the district court, the two courts have concurrent jurisdiction. Such concurrent jurisdiction of the district and county-level courts begins with suits involving \$200 and extends to the maximum amount stipulated by the applicable statute pertaining to the individual county-level court. Above such maximum jurisdictional amount of the county-level courts, the district court exercises exclusive jurisdiction.

The district courts hear contested matters involved in probate cases and have general supervisory control over commissioners courts. 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 Constitution, and have the power to issue writs of habeas corpus, mandamus, injunction, certiorari, sequestration, attachment, garnishment, and all writs necessary to enforce their jurisdiction.

Most district courts exercise both criminal and civil jurisdiction, but in the metropolitan areas there is a tendency for the courts to specialize in either civil, criminal, or family law cases. In some instances, the courts that hear criminal cases exclusively are designated criminal district courts. A limited number of district courts also have the subject-matter jurisdiction normally exercised by county courts.

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.

3. **SEATS:** At the county seat of each county included in each respective geographical district.
4. **MEMBERSHIP:**
 - a. **Number:** One judge per court.
 - b. **Selection:** Partisan, districtwide election. Vacancies between elections are filled by

gubernatorial appointment with the advice and consent of the Senate.

- c. **Qualifications:** Citizen of the United States and of Texas; resident of the district for two years; licensed to practice law in Texas and a practicing lawyer or judge for four years.
- d. **Salaries paid by the State:** \$85,217
- e. **Salary supplements:** Supplements authorized by statute may be paid by counties. Total salary must be \$1,000 less than that received by justices of the Court of Appeals in which the district court is located.
- f. **Term:** Four years.

"CONSTITUTIONAL" COUNTY COURTS

1. **NUMBER OF COURTS:** 254.
2. **JURISDICTION:**
 - a. **Legal jurisdiction:** The Texas Constitution establishes one county court in each of the 254 counties of the State, but not all such courts exercise judicial functions. In populous counties, the "county judge" may devote full time to the administration of county government.

By statute (Sec. 26.042, Government Code), constitutional county courts have juvenile jurisdiction and concurrent civil jurisdiction with justice of the peace courts in cases in which the matter in controversy exceeds \$200 but does not exceed \$5,000, exclusive of interest. County courts have the general jurisdiction of a probate court (Sec. 4, Probate Code), and they have exclusive original jurisdiction of misdemeanors where the fine allowed exceeds \$500 or where a jail sentence may be imposed (Sec. 26.045, Government Code).

Decisions from the municipal and justice of the peace courts may be appealed to the county court, and the appeal takes the form of a completely new trial (trial *de novo*). Appeals from municipal courts of record are an exception in which the county court reviews only the written record from the trial. Original and appellate judgments of the county court may be appealed to the Court of Appeals, with certain limitations.

In addition to these general grants of statutory jurisdiction, many constitutional county courts are granted additional jurisdiction by statutory provisions which apply only to those courts (Secs. 26.101 to 26.354, Government Code).

- b. **Geographical jurisdiction:** Countywide.
3. **SEATS:** County seat of county of jurisdiction.
 4. **MEMBERSHIP:**
 - a. **Number:** One judge per court.
 - b. **Selection:** Partisan countywide election. Vacancies between elections filled by appointment by county commissioners.
 - c. **Qualifications:** "Shall be well informed in the law of the State." (Law license not required.)
 - d. **Salaries:** Paid entirely by the county. Highly variable.
 - e. **Term:** Four years.

NOTE: The commissioners court is not a judicial entity; rather it is the governing body of the county. It is presided over by the constitutional county judge and includes four elected commissioners. Although it performs no judicial duties, the commissioners court can

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issue certain writs and contempt citations.

STATUTORY COUNTY COURTS

1. **NUMBER OF COURTS:** 189.
2. **JURISDICTION:**
 - a. **Legal jurisdiction:** Under the constitutional provision which authorizes the Legislature to establish such other courts as it may deem necessary and to prescribe the jurisdiction of such courts, the Legislature has established 189 statutory county courts in 73 counties, primarily in metropolitan areas, to relieve the constitutional county judge of all or part of his judicial duties. (Four additional courts have been authorized by the Legislature, to be made operational at a later date.) The legal jurisdiction of the special county courts varies considerably according to the statute under which they are created. Some are intended to exercise subject-matter jurisdiction in only limited fields, such as civil, criminal, probate or appellate (from justice courts or municipal courts). The concurrent civil jurisdiction of these statutory county courts with the district court extends to greater amounts in controversy than the constitutional county courts.
 - b. **Geographical jurisdiction:** Countywide.
3. **SEATS:** County seat of county of jurisdiction.
4. **MEMBERSHIP:**
 - a. **Number:** One judge per court.
 - b. **Selection:** Partisan countywide election. Vacancies between elections filled by appointment by county commissioners.
 - c. **Qualifications:** A judge of a statutory county court must be at least 25 years of age; have resided in the county for at least two years; and be a licensed attorney who has practiced law or served as a judge for four years.
 - d. **Salaries:** Paid entirely by the county. Highly variable.
 - e. **Term:** Four years.

JUSTICE OF THE PEACE COURTS

1. **NUMBER OF COURTS:** 841
2. **JURISDICTION:** The Texas Constitution provides that each county shall have at least one and not more than eight justice precincts. In each such precinct, one or two justices of the peace are to be elected.

Justice of the peace courts have original jurisdiction in misdemeanor criminal cases when punishment is by fine only. They have exclusive jurisdiction over civil cases where the amount in controversy is \$200 or less and concurrent jurisdiction with both the county and district courts when the amount is at least \$200 but less than \$5,000. By statute, they are granted jurisdiction over forcible entry and detainer actions.

A justice of the peace may issue warrants of search and arrest, conduct preliminary hearings, serve as 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.
3. **SEATS:** Determined by county commissioners.

4. **MEMBERSHIP:**
 - a. **Number:** One judge per court.
 - b. **Selection:** Partisan precinct-wide election.
 - c. **Qualifications:** No specific statutory or constitutional provisions apply.
 - d. **Salaries:** Paid entirely by the county. Highly variable.
 - e. **Term:** Four years.

MUNICIPAL COURTS

1. **NUMBER OF CITIES WITH ACTIVE COURTS:** 847.
2. **JURISDICTION:** By a general statute, the Legislature has created a municipal court in each of the incorporated cities of the State. Presently, municipal courts are operating in approximately 847 cities and towns. Metropolitan cities usually have more than one municipal court.

The municipal courts have concurrent jurisdiction with justice of the peace courts in misdemeanor cases resulting from violations of state laws within the city limits (predominantly traffic offenses) when punishment is limited to fines only, of \$500 or less.

Municipal judges also serve as magistrates of the State. They have original and exclusive jurisdiction over violation of city ordinances. Ordinance violations involving litter, fire safety, zoning, public health, and sanitation, are punishable by fines only, up to a maximum of \$2,000. Punishment for violation of other types of city ordinances is limited to fines only, not to exceed \$500. These courts have limited civil jurisdiction over cases involving owners of dangerous dogs.

Municipal courts generally are not of record—that is, courts where the record of the trial, upon request of either party or at the direction of the court, is reduced to writing--and appeals from them are by trial *de novo* in the county court, county court at law, or district court. The Legislature has authorized the governing body of each city to establish municipal courts of record; appeals from these courts are on the record made therein.
3. **SEATS:** Determined by city or town.
4. **MEMBERSHIP:**
 - a. **Number:** Generally, one court per municipality and one judge per court. Statutes allow some city governing bodies to establish more than one court and/or more than one judge per court. As of August 31, 1995, 1,215 persons are serving as municipal judge.
 - b. **Selection:** Elected or appointed by the governing body of the city as provided by city charter or ordinance.
 - c. **Qualifications:** Determined by the governing body of the city.
 - d. **Salaries:** Paid entirely by the city. Highly variable.
 - e. **Term:** Most are appointed for two-year terms and serve at the will of the governing body of the city.