

### Who we are

The Office of Court Administration (OCA) is a unique state agency in the Judicial Branch that operates under the direction and supervision of the Supreme Court of Texas and the Chief Justice.

Our mission is to provide resources and information for the efficient administration of the Judicial Branch of Texas.

### For more information

Please refer to the pamphlet About Texas Courts Texas Judicial Branch website at [www.txcourts.gov/about-texas-courts.aspx](http://www.txcourts.gov/about-texas-courts.aspx).

# Court Kids



Prepared by the



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The Texas Judicial System

**Words highlighted in this color are found in the Glossary at the end of this brochure.**

and management of a person, or the estate, or both.

**Judge:** a person who oversees court proceedings.

**Judicial:** of, by, or related to a court or judge.

**Jurisdiction:** the official power to make legal decisions and judgments.

**Jury:** a body of people (usually twelve in number) sworn to give a verdict in a legal case on the basis of evidence submitted to them in court.

**Juvenile:** a person under the age of full legal responsibility.

**Law:** a system of rules enforced to govern behavior.

**Magistrate:** a civil officer who administers the law, especially one who conducts a court that deals with minor offenses and holds preliminary hearings for more serious ones.

**Plaintiff:** a person who brings a case against another in a court of law.

**Probate:** the official proving of a will.

**Statute:** a written law passed by a legislative body.

**Texas Constitution (1876):** A document that describes the structure and function of the government in the state of Texas.

**Trial:** a formal examination of evidence before a judge, and typically before a jury, in order to decide guilt in a case of criminal or civil proceedings.

**Verdict:** a decision on a disputed issue in a civil or criminal case.

## Glossary

**Alleged:** said, without proof, to have taken place or to have a specified illegal or undesirable quality.

**Appeal:** an application to a higher court for a decision to be reversed.

**Authority:** the power or right to give orders, make decisions, and enforce obedience.

**Civil Suit:** a noncriminal lawsuit, usually involving private property rights. For example, lawsuits involving breach of contract, probate, divorce, negligence, and copyright violations are just a few of the many hundreds of varieties of civil lawsuits.

**Criminal Case:** a court proceeding in which a person who is charged with having committed or omitted an act against the community or state is brought to trial and either found not guilty or guilty and sentenced.

**Court:** a proceeding presided over by a judge, judges, or a **magistrate** to determine claims or disputes in civil and criminal cases.

**Defendant:** an individual, company, or institution sued or accused in a court of law.

**Docket:** a calendar or list of cases for trial or people having cases pending.

**Evidence:** the available body of facts or information indicating whether a belief or proposition is true or valid.

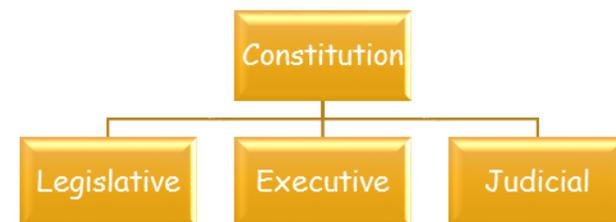
**Guardianship:** the office or duty of one who legally has the care

## Judicial Authority

The **judicial** power of the State of Texas is taken from the **Texas Constitution**, which says that the power of Texas **law** is assigned to one Supreme Court, 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 any other courts that the Texas government thinks may be needed.

## Introduction to the Texas Judicial System

The fundamental law of the State of Texas is set out in the Constitution of the State of Texas. It was adopted by voters in 1876 and it has been amended by them many times since. The basic legal rights of its citizens - such as the right to trial by a **jury** - are set out in the Constitution in what is called the Bill of Rights.



The Constitution also contains basic principles for the operation of the state government and legal system. It separates the powers of the government by dividing it into three distinct branches or departments: legislative, executive, and judicial.

## THE LEGISLATIVE AND EXECUTIVE BRANCHES

The legislative branch includes the Texas House of Representatives and the Texas Senate, which together make up the Legislature. The job of the Legislature is to make laws, which are called statutes. The Constitution, adopted by the voters themselves, is superior to the statutes passed by the elected members of the Legislature. For this reason, if there is a conflict between a provision of the Constitution and that of a **statute**, the statute is said to be "unconstitutional" and may not be enforced.

## THE JUDICIAL BRANCH

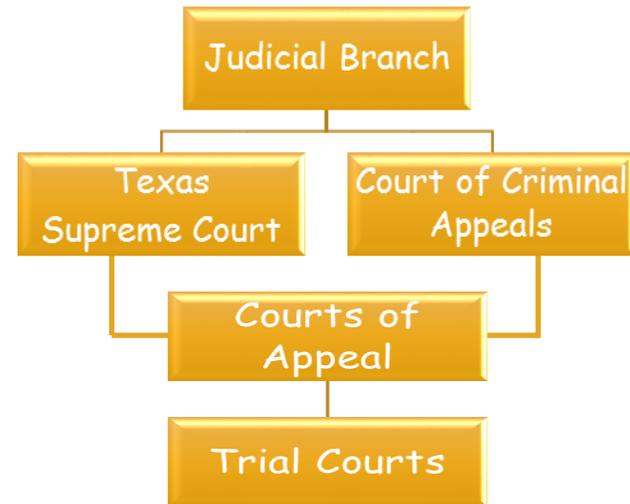
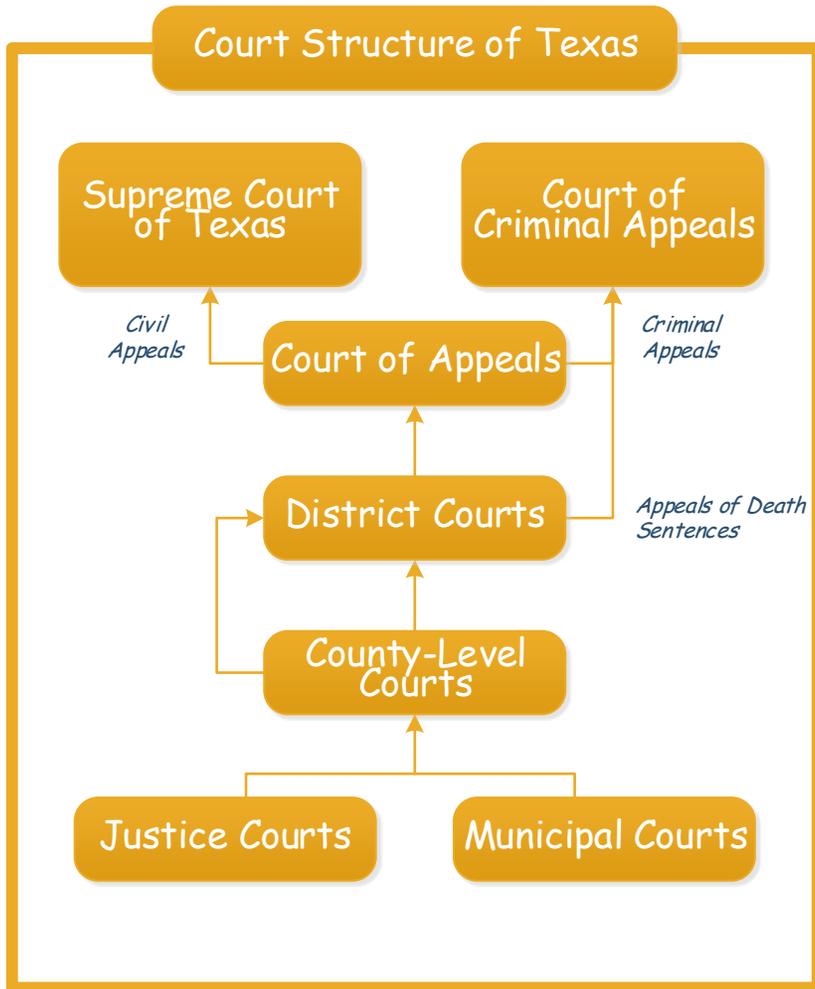
The judicial branch of Texas government includes the court system of the state and the judicial agencies, such as the Office of Court Administration. Its role is to interpret the law and to resolve legal disputes. It is the smallest branch of state government.

The meaning of the law is not always obvious; the intent of a law is not always clear; the actions of an executive agency are not always correct. The function of the courts is to resolve these issues, as well as to resolve arguments arising between citizens of the State.

## WORD SEARCH

C	L	A	E	P	P	A	T
V	O	J	J	W	A	L	C
M	E	U	W	U	C	L	I
L	V	R	R	V	D	E	D
A	I	I	D	T	E	G	R
C	N	S	C	J	F	E	E
J	R	D	T	W	E	D	V
U	I	I	F	C	N	R	I
R	L	C	M	P	D	F	L
Y	D	T	S	I	A	S	R
E	V	I	D	E	N	C	E
A	T	O	E	M	T	A	Y
T	U	N	T	R	I	A	L

alleged	court	judge	law
appeal	defendant	jurisdiction	trial
criminal	evidence	jury	verdict



### TYPES OF CASES

Two basic types of cases are heard in Texas courts: criminal and civil.

#### Criminal Cases

**Criminal** cases are those in which someone is charged in court with breaking certain laws. A person who does this is said to have committed a crime.

Serious crimes are called felonies and include such offenses as murder and robbery. If a person (the **defendant**) is found guilty of committing a felony, he or she may go to prison.

Crimes which are not as serious as felonies are called misdemeanors. If a defendant is found guilty of a misdemeanor,

he or she may be fined a sum of money, may be sent to serve up to one year in the local jail, or both. However, someone convicted of a misdemeanor cannot be sent to a state prison.

### Civil Cases

**Civil** cases are another basic type of cases which are tried in the courts of Texas. Most simply stated, civil cases are cases which involve disputes between two or more parties (usually persons or businesses) and which are not criminal in nature, such as divorce cases.



More specifically, civil cases usually involve private parties where one party (the plaintiff) brings suit against another (the defendant) and asks the court to enforce a private right or to require the defendant to pay for some civil wrong done to the plaintiff.

### Special Types of Cases

One special type of civil case is called a **probate** case. These cases frequently involve the distribution of the property of a person who has died, whether or not that person has left a written will.

**Juvenile** cases, involving children between the ages of 10 and 17, may resemble criminal cases in many ways, but are normally considered to be civil in nature. Without specific authorization by the court in a special hearing, a child under 17 may not be tried for a crime as an adult.

To aid in the administration of justice in the trial courts, the State is divided into nine Administrative Judicial Regions. The Governor designates one of the active or retired district judges residing in each Administrative Judicial Region as the Presiding Judge.



recommend to a review tribunal that the judge be removed from office. The Commission may also suspend judges from office in certain instances.

## Judicial Administration

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 Supreme Court and the Legislature receive recommendations on long-range planning and improvements in the administration of justice from the Texas Judicial Council, a 22-member advisory board composed of appointees of the judicial, executive, and legislative branches of government.

The state Office of Court Administration provides administrative support and technical assistance to all of the courts in the State. It publishes the Annual Report on the Texas Judicial System and provides the Legislature with requested information on the functioning of the judicial system.

The Chief Justice of the Supreme Court, the Presiding Judge of the Court of Criminal Appeals, the Chief Justices of each of the 14 Courts of Appeals, and the judges of each of the trial courts are generally responsible for the administration of their respective courts.

## TYPES OF COURTS

The two basic types of courts which make up the Texas judicial system are the trial and the appellate (or appeals) courts.

### Trial Courts

Trial courts are courts in which witnesses are heard, exhibits are offered into **evidence**, and a **verdict** (in a jury trial) or a decision (in a case tried by a **judge** alone) is reached based on the facts of the case. In a civil case, the decision or verdict determines who wins the lawsuit; in a criminal case, it determines whether the defendant is guilty or not guilty of the crime **alleged**.

Trial courts have original jurisdiction which means that all evidence is presented and all testimony is heard in these courts.

### Appellate Courts

Appellate courts hear appeals in cases which have been previously tried in the trial courts. No new evidence is presented and no witnesses are heard on the **appeal** of a case. The appellate court makes its decision on the appeal based on a review of the record and the arguments of the attorneys for both sides. The decision is based solely upon the evidence contained in the record and the law which pertains to the facts of the case.



## TRIAL BY JURY

The concept of trial by a jury of ordinary citizens is almost as old as civilization itself. Groups of private individuals were involved in deciding disputes in ancient Egypt, Greece, Rome, and medieval England. The jury system as we know it in the United States is derived from the Magna Charta, signed by King John of England in 1215, which states: "No freeman shall be taken or imprisoned...unless by the lawful judgment of his peers, or by the law of the land."

The jury system is considered to be a fundamental safeguard of constitutional rights. The Texas Constitution, in Section 15 of the Bill of Rights, guarantees to all persons the right of trial by jury. Defendants in criminal cases or the parties in civil lawsuits



have the right to a trial by either six or twelve local citizens. Except in capital murder cases, this right to a trial by jury may be waived (given up). In that event, the judge hearing the case will make the decision. In a jury trial, the judge will rule on any questions of law which arise during the

trial, while the jury will rule on the facts presented to them during the trial and on the credibility of the witnesses who testify during the trial.

## SELECTION AND TERMS

All judges, with the exception of most municipal judges, are elected in partisan elections by the qualified voters of the geographical areas they serve. Most municipal judges are appointed by the governing body of the municipality, although a few are elected in non-partisan elections.

Appellate judges serve six-year terms. District judges, county-level judges, and justices of the peace serve four-year terms. Municipal judges usually serve two-year terms.

Judicial vacancies in appellate and district courts are filled by appointment of the Governor. Vacancies in county-level and justice courts are filled by commissioners' courts. Vacancies in municipal courts are filled by the mayor or governing body of the city in non-partisan elections.

## JUDICIAL CONDUCT AND DISCIPLINE



All judges in this State must be knowledgeable in the law, and be fair and impartial. The Supreme Court has made known the Code of Judicial Conduct. The Code establishes professional standards which the State Constitution makes mandatory for judges.

In addition, there is a special commission to consider citizen complaints concerning the conduct of judges. This Commission on Judicial Conduct may reprimand or censure a judge, or

## Qualification, Selection and Discipline of Judges

### QUALIFICATIONS

The basic qualifications for most of the judges in the state are established by the Constitution of the State of Texas. 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 35 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.

## Texas Courts: An Overview

The Texas court system consists of a Supreme Court, which is the highest state appellate court for civil matters; a Court of Criminal Appeals, which is the highest state appellate court for criminal matters; 14 Courts of Appeals, which have intermediate appellate jurisdiction in both civil and criminal cases; and four levels of trial courts.

The state trial courts of general jurisdiction are the district courts. Each district court has one judge.

Each of the 254 counties in Texas has a county court presided over by a county judge. To relieve the docket crowding of this single "constitutional" county court, the Legislature has established county courts at law and statutory probate courts in many counties with large populations.

In addition, each county is required to have at least one justice court. The most populous counties may have as many as 16 courts. These courts also serve as small claims courts.

The Legislature has created municipal courts in each city within the State. Within the city limits, these courts have parallel criminal jurisdiction with the justice courts. Appeals from these courts are by way of new trial in the county court or county court at law.

### THE APPELLATE COURTS

The appellate courts of the Texas Judicial System include the Supreme Court and the Court of Criminal Appeals located in

Austin, and the 14 Courts of Appeals which are located in 14 cities throughout the State.

### THE SUPREME COURT OF TEXAS

The Supreme Court of Texas is composed of a Chief Justice and eight justices. It has statewide, final appellate jurisdiction in all civil and juvenile cases. Most of the cases heard by this Court are appeals from an appellate ruling by one of the intermediate Courts of Appeals. The Supreme Court also has the **authority** to determine certain legal matters over which no other court has jurisdiction and to issue such orders as may be necessary to enforce its jurisdiction and to carry out the responsibilities of the Court.

In addition to its decision-making functions, the Supreme Court has many managerial duties. It is responsible for the efficient operation of the Texas Judicial System. The Court makes the rules of practice and procedure governing trials and appeals in civil and juvenile cases in the State, the rules of administration for the Texas Judicial System, and the rules for the operation of the state Office of Court Administration, the Commission on Judicial Conduct, the State Bar of Texas, and other state agencies in the judicial branch of government. An important administrative function of the Supreme Court is the transfer of cases between the 14 Courts of Appeals to obtain a more equal distribution of workload in those courts.

### THE JUSTICE COURTS

Each county in the State must establish between one and eight justice of the peace precincts, depending upon the population of the county. At least one justice court must be established in each precinct.

A justice of the peace may issue search or arrest warrants and may serve as the coroner in counties where there is no provision for a medical examiner. These courts also function as small claims courts.

### THE MUNICIPAL COURTS

Under its authority to create such other courts as may be necessary, the Texas Legislature has created municipal courts in each of the cities of the State.

Municipal judges may issue search or arrest warrants. These courts do not have jurisdiction in most civil cases but do have limited civil jurisdiction in cases which involve owners of dangerous dogs.

## THE JUVENILE COURTS

Except in the most populous counties, Texas has no separate system of juvenile courts. Rather, one or more 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 actions brought against children between the ages of 10 and 16 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 conduct or 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 activity that 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.



## THE COURT OF CRIMINAL APPEALS

The Court of Criminal Appeals is composed of a Presiding Judge and eight judges. This Court has statewide, final appellate jurisdiction of criminal cases and makes rules of post-trial and appellate procedure for criminal cases. Most of the cases heard by this Court are appeals from one of the 14 intermediate Courts of Appeals. An important exception is that appeals in all criminal cases in which the death penalty has been imposed are made directly from the trial court to the Court of Criminal Appeals. This Court has the authority to issue such orders as may be necessary to enforce its jurisdiction and judgments.

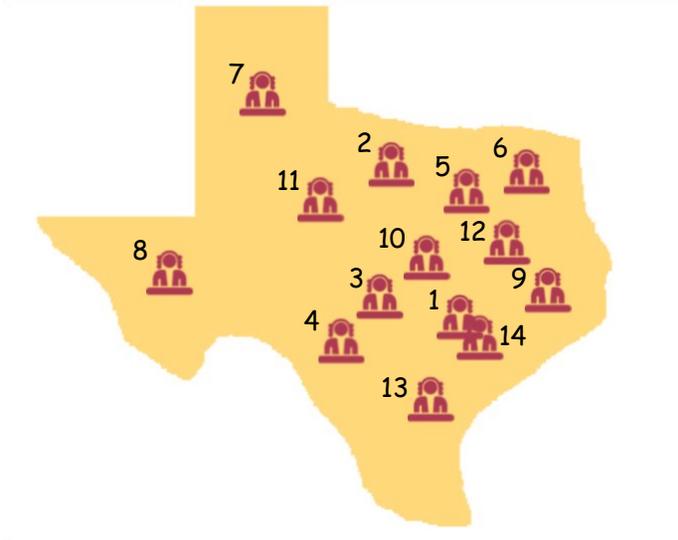
## THE COURTS OF APPEALS

The 14 Courts of Appeals have intermediate appellate jurisdiction in both civil and criminal cases appealed from district or county courts. Each Court of Appeals has jurisdiction in a specific geographical region of the State. Each Court is presided over by a chief justice and has at least two other justices. The specific number of justices on each Court is set by statute and ranges from three to 13. Appeals in the Courts of Appeals are usually heard by a panel of three justices.



## COURTS OF APPEALS DISTRICTS

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



## THE TRIAL COURTS

The Texas trial court system consists of several different types of courts, each handling different categories of cases. These courts include the district courts, county courts, county courts of law, probate courts, justice courts, and municipal courts.

## THE DISTRICT COURTS

The district courts are the trial courts of general jurisdiction of Texas. Each county must be served by at least one district court.

## THE CONSTITUTIONAL COUNTY COURTS

Each of the 254 counties of the State has a single county court presided over by a county judge.

## THE COUNTY COURTS AT LAW

Because the Constitution limits each county to a single county court, the Legislature has created statutory county courts at law in the larger counties to aid the single county court in its judicial functions.

## THE PROBATE COURTS

A constitutional county court or a district court has jurisdiction over probate matters. Probate matters include the administration of estates of deceased persons, will contests, the **guardianship** of minors and incapacitated persons, and mental illness matters. Probate matters might be heard in the county court, county court at law, statutory probate court, or district court of a particular county.