

# Texas Courts: A Descriptive Summary



As reflected on page 3, there were 2,809 elected (or appointed, in the case of most municipal judges) judges in Texas as of September 1, 2014. In addition, there were more than 140 associate judges appointed to serve in district, county-level, child protection, and child support (Title IV-D) courts, as well as numerous magistrates, masters, referees and other officers supporting the judiciary. More than 300 retired and former judges were also eligible to serve for assignment.

The basic structure of the present court system of Texas was established by an 1891 constitutional amendment. The amendment established the Supreme Court as the highest state appellate court for civil matters, and the Court of Criminal Appeals, which makes the final determination in criminal matters. Today, there are also 14 courts of appeals that exercise intermediate appellate jurisdiction in civil and criminal cases.

District courts are the state trial courts of general jurisdiction. The geographical area served by each district court is established by the specific statute creating that 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 \$10,000. They 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, recourse must be had first to the Constitution, second to the general statutes establishing jurisdiction for that level of court, third to the specific statute authorizing the establishment of the particular court in question, fourth to statutes creating other courts in the same county (whose jurisdictional provisions may affect the court in question), and fifth to statutes dealing with specific subject matters (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).



# Court Structure of Texas

September 1, 2014

State Highest Appellate Courts

**Supreme Court**  
(1 Court – 9 Justices)

- Final appellate jurisdiction in civil and juvenile cases

**Court of Criminal Appeals**  
(1 Court – 9 Justices)

- Final appellate jurisdiction in criminal cases

State Intermediate Appellate Courts

**Courts of Appeals**  
(14 Courts – 80 Justices)

- Intermediate appeals from trial courts in their respective courts of appeals districts

State Trial Courts of General and Special Jurisdiction

**District Courts**  
(458 Courts – 458 Judges)

- Original jurisdiction in civil actions over \$200, divorce, title to land, contested elections
- Original jurisdiction in felony criminal matters
- Juvenile matters
- 13 district courts are designated *criminal district courts*; some others are directed to give preference to certain specialized areas
- 360 districts containing one county and 98 districts containing more than one county

County Trial Courts of Limited Jurisdiction

**County-Level Courts**  
(510 Courts – 510 Judges)

Constitutional County Courts (254)	Statutory County Courts (239)	Statutory Probate Courts (18)
<ul style="list-style-type: none"> <li>Original jurisdiction in civil actions between \$200 and \$10,000</li> <li>Probate (contested matters may be transferred to District Court)</li> <li>Exclusive original jurisdiction over misdemeanors with fines greater than \$500 or jail sentence</li> <li>Juvenile matters</li> <li>Appeals de novo from lower courts or on the record from municipal courts of record</li> </ul>	<ul style="list-style-type: none"> <li>All civil, criminal, original and appellate actions prescribed by law for constitutional county courts</li> <li>In addition, jurisdiction over civil matters between \$200 and \$200,000 (some courts may have higher maximum jurisdiction amount)</li> </ul>	<ul style="list-style-type: none"> <li>Limited primarily to probate matters</li> </ul>

Local Trial Courts of Limited Jurisdiction

**Justice Courts<sup>1</sup>**  
(817 Courts – 817 Judges)

- Civil actions of not more than \$10,000
- Small claims
- Criminal misdemeanors punishable by fine only (no confinement)

**Municipal Courts<sup>1, 2</sup>**  
(926 Courts – 1,288 Judges)

- Criminal misdemeanors punishable by fine only (no confinement)
- Exclusive original jurisdiction over municipal ordinance criminal cases<sup>3</sup>
- Limited civil jurisdiction

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 March 2014, 158 courts indicated that they were a court of record; a list is posted at <http://www.txcourts.gov/media/848130/Municipal-courts-of-record-2015.xlsx>.  
 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 or (2) \$500 for all others.

# Funding of the Texas Judicial Branch

The State provides funding for salaries and operating costs of the Supreme Court, Court of Criminal Appeals and 14 intermediate appellate courts. The State funds a base salary for district judges and salary supplements for certain constitutional and statutory county court judges, as well as salaries, salary supplements, 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, indigent defense, electronic filing, and special prosecution units. 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 base salary of judges, full 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 2014, original state appropriations for the Texas judicial system increased by 20.7 percent from the previous fiscal year and accounted for approximately 0.39 percent of all state appropriations (\$388,375,252 of the \$100,766,914,201 appropriated from all funds in FY 2014). Nearly 57 percent of the financing for the judicial system came from General Revenue. Another 19.8 percent came from dedicated General Revenue funds, such as the Fair Defense Account and the Judicial and Court Personnel Training Fund, while the remaining amounts came from other special funds, including the Judicial Fund, and federal funds.

Salaries for district judges accounted for 16.9 percent of appropriations for the judicial system, and judicial retirement and benefits comprised another 10.5 percent.

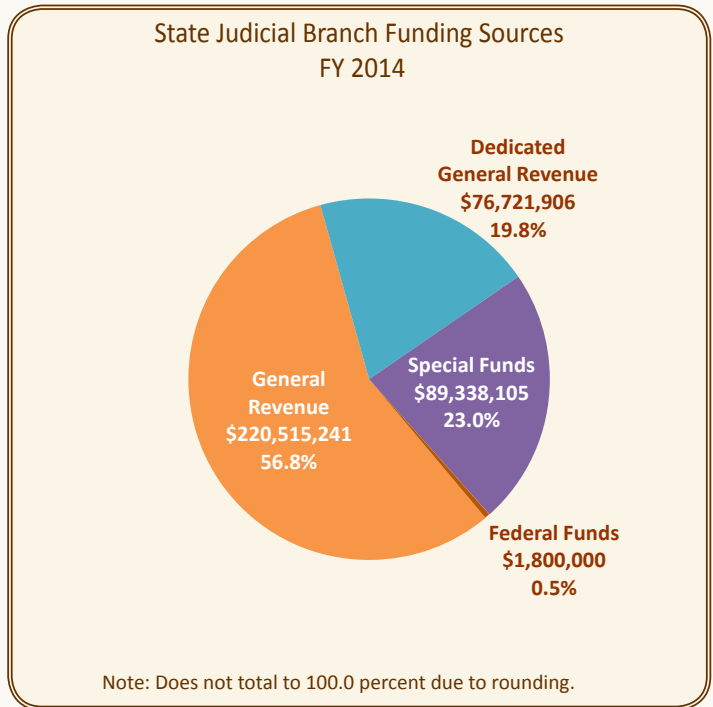


Figure 1 - State Judicial Branch Funding Sources

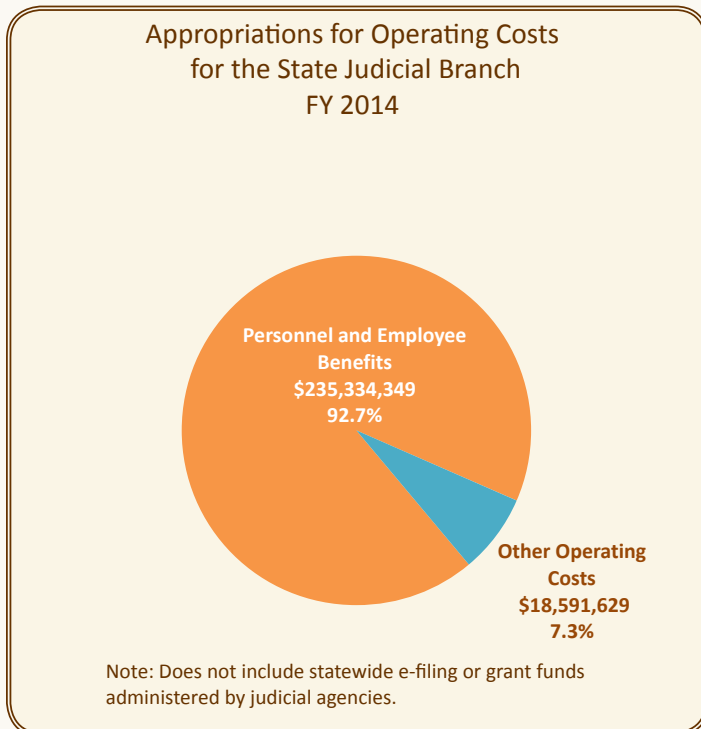


Figure 2 - Appropriations for Operating Costs for the State Judicial Branch

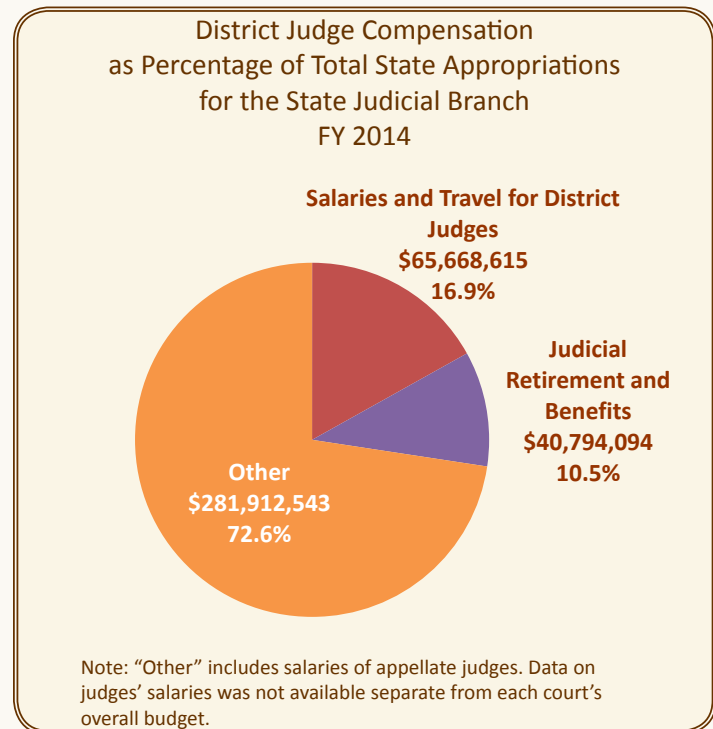
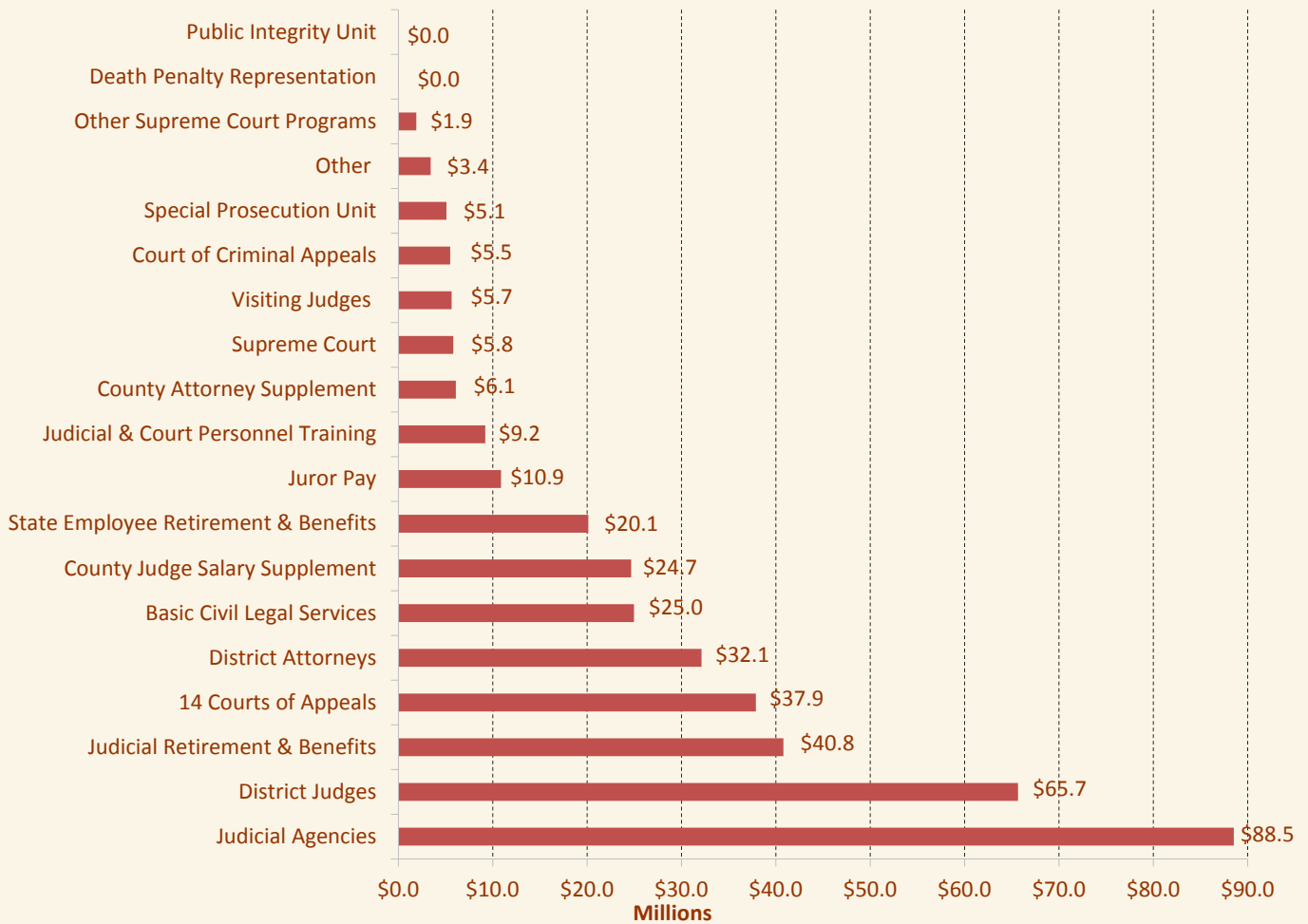


Figure 3 - District Judge Compensation as Percentage of Total

### State Judicial Branch Appropriations, FY 2014



**Notes:**

1. "Visiting Judges" includes salaries and per diem expenses.
2. "Other" includes Social Security and Benefit Replacement Pay and lease payments.
3. "Judicial Agencies" include the Office of Court Administration, Texas Judicial Council, Office of the State Prosecuting Attorney, Office of Capital Writs, State Law Library, and State Commission on Judicial Conduct. Appropriations for Judicial Agencies include approximately \$7.5 million in interagency contracts.
4. "District Judges" includes salaries, travel, and local administrative judge salary supplement.

Figure 4 - State Judicial Branch Appropriations, FY 2014

# Court Structure and Function

## Appellate Courts

The appellate courts of the Texas Judicial System are:

- The Supreme Court, the highest state appellate court for civil and juvenile cases
- The Court of Criminal Appeals, the highest state appellate court for criminal cases
- The 14 courts of appeals, the intermediate appellate courts for civil and criminal appeals from the trial courts

Appellate courts do not try cases, have juries, or hear witnesses. Rather, they review actions and decisions of the lower courts on questions of law or allegations of procedural error. In carrying out this review, the appellate courts are usually restricted to the evidence and exhibits presented in the trial court.

### *The Supreme Court*

*In most civil and juvenile cases, the Supreme Court has statewide, final appellate jurisdiction*

The Supreme Court of Texas was first established in 1836 by the Constitution of the Republic of Texas, which vested the judicial power of the Republic in "...one Supreme Court and such inferior courts as the Congress may establish." This court was re-established by each successive constitution adopted throughout the course of Texas history and currently consists of one chief justice and eight justices.<sup>1</sup>

The Supreme Court has statewide, final appellate jurisdiction in most civil and juvenile cases.<sup>2</sup> Its caseload is directly affected by the structure and jurisdiction of Texas' appellate court system, as the 14 courts of appeals handle most of the state's criminal and civil appeals from the district and county-level courts, and the Court of Criminal Appeals handles all criminal appeals beyond the intermediate courts of appeals.



*Supreme Court of Texas Courtroom, Austin, Texas*

The Supreme Court's caseload can be broken down into three broad categories:

- Determining whether to grant review of the final judgment of a court of appeals (i.e., to grant or not grant a petition for review)
- Disposition of regular causes<sup>3</sup> (i.e., granted petitions for review, accepted petitions for writs of mandamus or habeas corpus, certified questions, accepted parental notification appeals, and direct appeals)
- Disposition of numerous motions related to petitions and regular causes

Much of the Supreme Court's time is spent determining which petitions for review will be granted, as it must consider all petitions for review that are filed. However, the Court exercises some control over its caseload in deciding which petitions will be granted. The Court usually takes only those cases

1 The various constitutions and amendments provided for different numbers of judges to sit on the Court and different methods for the selection of the judges. The Constitution of 1845 provided that the Supreme Court consist of a chief justice and two associate justices. The Constitution of 1866 provided for five justices, and the Constitution of 1869 reverted to a three-judge court; the Constitution of 1873 increased the number to five, and the Constitution of 1876 again reduced the membership to three. To aid the three justices in disposing of the ever increasing workload, the Legislature created two "Commissions of Appeals," each to consist of three judges appointed by the Supreme Court. This system, begun in 1920, continued until the adoption of the constitutional amendment of 1945 which abolished the two Commissions of Appeals and increased the number of justices on the Supreme Court to nine, the present number.

2 A constitutional amendment adopted in 1980 provides that "The Supreme Court shall exercise the judicial power of the state except as otherwise provided in this Constitution. Its jurisdiction shall be coextensive with the limits of the State and its determinations shall be final except in criminal law matters. Its appellate jurisdiction shall be final and shall extend to all cases except in criminal law matters and as otherwise provided in this Constitution or by law."

3 "Regular causes" involve cases in which four or more of the justices of the Supreme Court have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the court has agreed to review and questions of law certified to it by a federal appellate court that the court has agreed to answer. Most regular causes are set for oral argument in open court and are reported in written opinions. However, a petition may be granted and an unsigned opinion (per curiam) issued without oral argument if at least six members of the court vote accordingly.

that present the most significant Texas legal issues in need of clarification.

The Supreme Court also has jurisdiction to answer questions of state law certified from a federal appellate court;<sup>4</sup> has original jurisdiction to issue writs and to conduct proceedings for the involuntary retirement or removal of judges; and reviews cases involving attorney discipline upon appeal from the Board of Disciplinary Appeals of the State Bar of Texas.

In addition, the Court:

- Promulgates all rules of civil trial practice and procedure, evidence, and appellate procedure;
- Promulgates rules of administration to provide for the efficient administration of justice in the state;
- Monitors the caseloads of the 14 courts of appeals and orders the transfer of cases between the courts in order to make the workloads more equal;<sup>5</sup>
- With the assistance of the Texas Equal Access to Justice Foundation, administers funds for the Basic Civil Legal Services Program, which provides basic civil legal services to the indigent.<sup>6</sup>

### ***The Court of Criminal Appeals***

To relieve the Supreme Court of some of its caseload, the Constitution of 1876 created the Court of Appeals, composed of three elected judges, with appellate jurisdiction in all criminal cases and in those civil cases tried by the county courts. In 1891, a constitutional amendment:

- Changed the name of this court to the Court of Criminal Appeals
- Limited its jurisdiction to appellate jurisdiction in criminal cases only
- Increased the number of judges to nine: one presiding judge and eight associate judges<sup>7</sup>

The Court of Criminal Appeals is the highest state court for criminal appeals.<sup>8</sup> Its caseload consists of both mandatory and discretionary matters. All cases that result in the death penalty are automatically directed to the Court of Criminal Appeals from the trial court level. A significant portion of the Court's workload also involves the mandatory review of applications for post conviction habeas corpus relief in felony cases without a death penalty,<sup>9</sup> over which the Court has sole authority. In addition, decisions made by the intermediate courts of appeals in criminal cases may be appealed to the Court of Criminal Appeals by petition for discretionary review, which may be filed by the State, the defendant, or both. However, the Court may also review a decision on its own motion.



*Court of Criminal Appeals Courtroom, Austin, Texas*

<sup>4</sup> A constitutional amendment, effective January 1, 1986, gave the Supreme Court, along with the Court of Criminal Appeals, jurisdiction to answer certified questions.

<sup>5</sup> The Supreme Court has a rider in its appropriation pattern in the General Appropriations Act (S.B. 1, 83rd Leg., R.S., Art. IV, page IV-2, Rider 3) that states, "It is the intent of the Legislature that the Supreme Court use funds appropriated above to equalize the dockets of the 14 Courts of Appeals. For the purposes of this rider equalization shall be considered achieved if the new cases filed each year per justice are equalized by 10 percent or less among all the courts of appeals. Multi-district litigation cases are exempted from this provision." Although the rider requiring the transfer of cases first appeared in fiscal year 2000 in the General Appropriations Act (H.B. 1, 76th Leg., R.S., Art. IV, page IV-1, Rider 3), the Supreme Court has transferred cases between the courts of appeals since 1895 (24th Leg., R.S., Ch. 53, 1895 Tex. Gen. Laws 79).

<sup>6</sup> In 1997, the 75th Legislature enacted Chapter 51, Texas Government Code, Subchapter J, requiring the Supreme Court to administer funds for provision of basic civil legal services to the indigent. (In 1999, this was re-lettered as Subchapter L.)

<sup>7</sup> The Court of Criminal Appeals was originally composed of three judges. As the court's workload increased, the Legislature granted it the authority to appoint commissioners to aid in the disposition of pending cases. In 1966, a constitutional amendment increased the number of judges on the court to five, and in 1977, a further amendment to the constitution added another four judges, for the current total of nine judges on the court.

<sup>8</sup> A constitutional amendment adopted in 1980 provides that "The Court of Criminal Appeals shall have final appellate jurisdiction coextensive with the limits of the State, and its determination shall be final, in all criminal cases of whatever grade, with such exceptions and under such regulations as may be provided in this Constitution or as prescribed by law."

<sup>9</sup> Under Article 11.07, Texas Code of Criminal Procedure.

In conjunction with the Supreme Court of Texas, the Court of Criminal Appeals promulgates rules of appellate procedure and rules of evidence for criminal cases. The Court of Criminal Appeals also administers public funds that are appropriated for the education of judges, prosecuting attorneys, criminal defense attorneys who regularly represent indigent defendants, clerks and other personnel of the state’s appellate, district, county-level, justice, and municipal courts.<sup>10</sup>

### **The Courts of Appeals**

The first intermediate appellate court in Texas was created by the Constitution of 1876, which created a Court of Appeals with appellate jurisdiction in all criminal cases and in all civil cases originating in the county courts. In 1891, an amendment was added to the Constitution authorizing the Legislature to establish intermediate courts of civil appeals located at various places throughout the state. The purpose of this amendment was to preclude the large quantity of civil litigation from further congesting the docket of the Supreme Court, while providing for a more convenient and less expensive system of intermediate appellate courts for civil cases. In 1980, a constitutional amendment extended the appellate jurisdiction of the courts of civil appeals to include criminal cases and changed the name of the courts to the “courts of appeals.”

Each court of appeals has jurisdiction over appeals from the trial courts located in its respective district. The appeals heard in these courts are based upon the “record” (a written transcription of the testimony given, exhibits introduced, and the documents filed in the trial court) and the written and oral arguments of the appellate lawyers. The courts of appeals do not receive testimony or hear witnesses in considering the cases on appeal, but they may hear oral argument on the issues under consideration.

The Legislature has divided the state into 14 court of appeals districts and has established a court of appeals in each. One court of appeals is currently located in each of the following cities:

- Amarillo
- Austin
- Beaumont
- Corpus Christi/Edinburg
- Dallas
- Eastland
- El Paso
- Fort Worth
- San Antonio
- Texarkana
- Tyler
- Waco
- Houston (2)

Each of the courts of appeals has at least three justices—a chief justice and two associate justices. There are now 80 justices serving on the 14 intermediate courts of appeals. However, the Legislature is empowered to increase this number whenever the workload of an individual court requires additional justices.

*80 justices*  
*14 intermediate courts of appeals*

### **Trial Courts**

In trial courts:

- Witnesses are heard
- Testimony is received
- Exhibits are offered into evidence
- A verdict is rendered

The trial court structure in Texas has several different levels, each level handling different types of cases, with some overlap. The state trial court of general jurisdiction is known as the district court. The county-level courts consist of the constitutional county courts, statutory county courts, and statutory probate courts. In addition, there is at least one justice court located in each county, and there are municipal courts located in each incorporated city.

### **District Courts**

District courts are the primary trial courts in Texas. The Constitution of the Republic provided for not less than three or more than eight district courts, each having a judge elected by a joint ballot of both houses of the Legislature for a term of four years. Most constitutions of the state continued the district courts but provided that the judges were to be elected by the qualified voters. (The exceptions were the Constitutions of 1845 and 1861 which provided for the appointment of judges by the Governor with confirmation by the Senate). All constitutions have provided that the judges of these courts must be chosen from defined districts (as opposed to statewide election). In many locations, the geographical jurisdiction of two or more district courts is overlapping. As of September 1, 2014, there were 458 district courts in Texas.

*458 Texas*  
*district courts*  
*in 2014*



<sup>10</sup> In accordance with Chapter 56 and Section 74.025, Texas Government Code.



District courts are courts of general jurisdiction. Article V, Section 8 of the Texas Constitution extends a district court's potential jurisdiction to "all actions" but makes such jurisdiction relative by excluding any matters in which exclusive, appellate, or original jurisdiction is conferred by law upon some other court. For this reason, while one can speak of the "general" jurisdiction of a district court, the actual jurisdiction of any specific court will always be limited by the constitutional or statutory provisions that confer exclusive, original, or appellate jurisdiction on other courts serving the same county or counties.

With this caveat, it can be said that district courts generally have the following jurisdiction:

- Original jurisdiction in all criminal cases of the grade of felony and misdemeanors involving official misconduct;
- Cases of divorce;
- Suits for title to land or enforcement of liens on land;
- Contested elections;
- Suits for slander or defamation;
- Suits on behalf of the State for penalties, forfeitures and escheat.

Most district courts exercise criminal and civil jurisdiction, but in the metropolitan areas there is a tendency for the courts to specialize in civil, criminal, juvenile or family law matters. Thirteen district courts are designated "criminal district courts" but have general jurisdiction. A limited number of district courts also exercise the subject-matter jurisdiction normally exercised by county courts.

The district courts also have jurisdiction in civil matters with a minimum monetary limit but no maximum limit. The amount of the lower limit has for many years been the subject of controversy, with differing opinions from the courts of appeal. House Bill 79 from the 82nd Legislature, 1st Called Session (2011) included a provision in Section 24.007(b) of the Government Code which was intended to resolve the dispute and to set the minimum jurisdiction of district courts at \$500. However, there is still a potential conflict between Article V, Section 8 of the Texas Constitution (which gives the district courts jurisdiction of all actions...except in cases where exclusive) and the amendment. Therefore, there are still differing opinions as to whether the minimum monetary jurisdiction of the district courts is \$200.01 or \$500. In counties having statutory county courts, the district courts generally have exclusive jurisdiction in civil cases where the amount in controversy is \$200,000 or more, and concurrent jurisdiction with the statutory county courts in cases where the amount in controversy exceeds \$500 but is less than \$200,000.

The district courts may also hear contested matters in probate cases and have general supervisory control over commissioners courts. In addition, district courts have the power to issue writs of habeas corpus, mandamus, injunction, certiorari, sequestration, attachment, garnishment, and all writs necessary to enforce their jurisdiction. Appeals from judgments of the district courts are to the courts of appeals (except appeals of death sentences).

A 1985 constitutional amendment established the Judicial Districts Board to reapportion Texas judicial districts, subject to legislative approval. The same amendment also allows for more than one judge per judicial district.

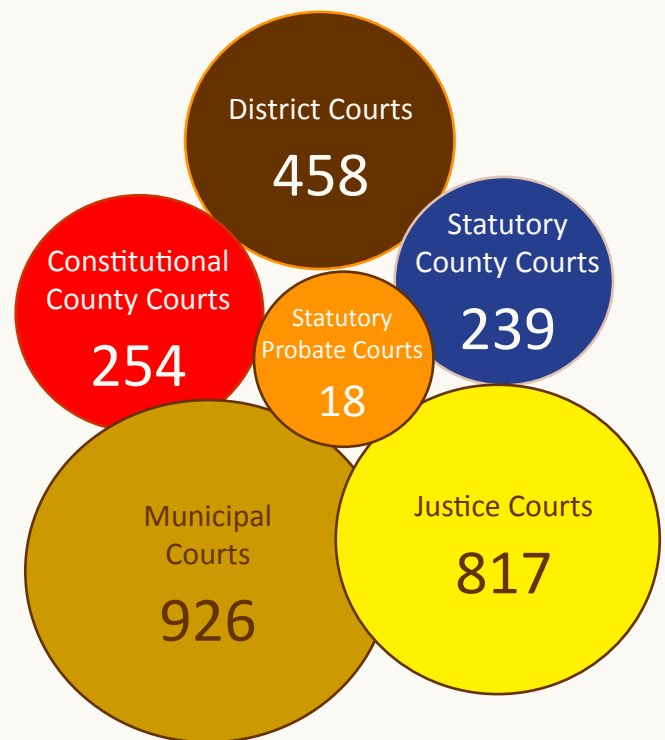
## County-Level Courts

### Constitutional County Courts

The Texas Constitution provides for a county court in each of the 254 counties of the state, though all such courts do not exercise judicial functions. In populous counties, the "county judge" may devote his or her full attention to the administration of county government.

Generally, the "constitutional" county courts have:

- Concurrent jurisdiction with justice courts in civil cases where the matter in controversy exceeds \$200 but does not exceed \$10,000
- Concurrent jurisdiction with the district courts in civil cases where the matter in controversy exceeds \$500 but does not exceed \$5,000
- General jurisdiction over probate cases
- Juvenile jurisdiction
- Exclusive original jurisdiction over misdemeanors, other than those involving official misconduct, where punishment for the offense is by fine exceeding \$500 or a jail sentence not to exceed one year



County courts generally have appellate jurisdiction (usually by trial *de novo*) over cases tried originally in the justice and municipal courts. Original and appellate judgments of the county courts may be appealed to the courts of appeals.

In 36 counties, the county court, by special statute, has been given concurrent jurisdiction with the justice courts in all civil matters over which the justice courts have jurisdiction.

### **Statutory County Courts and Probate Courts**

Under its constitutional authorization to “...establish such other courts as it may deem necessary... [and to] conform the jurisdiction of the district and other inferior courts thereto,” the Legislature created the first statutory county court in 1907 to relieve the county judge of some or all of the judicial duties of office. As of September 1, 2014, 238 statutory county courts and 18 statutory probate courts were operating in 88 counties, and one multi-county court operated in three counties. Statutory county courts include:

- County courts at law
- County civil courts at law
- County criminal courts at law
- County criminal courts
- County criminal courts of appeal

Section 25.003 of the Texas Government Code provides statutory county courts with jurisdiction over all causes and proceedings prescribed by law for constitutional county courts. In general, statutory county courts that exercise civil jurisdiction concurrent with the constitutional county court also have concurrent civil jurisdiction with the district courts in: 1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, and 2) appeals of final rulings and decisions of the Texas Workers’ Compensation Commission. However, the actual jurisdiction of each statutory county court varies considerably according to the statute under which it was created. A few statutory county courts even hear felony cases. In addition, some of these courts have been established to exercise subject-matter jurisdiction in only limited fields, such as civil, criminal, or appellate cases (from justice or municipal courts).

In general, statutory probate courts have general jurisdiction provided to probate courts by the Texas Estates Code, as well as the jurisdiction provided by law for a county court to hear and determine cases and matters instituted under various sections and chapters of the Texas Health and Safety Code.

### **Associate Judges**

The Legislature has authorized the appointment of various judicial officers to assist the judges of the district courts and county-level courts. These judicial officers are usually known as associate judges. They have some, but not all, of the powers of the judges they assist.

### **Judicial Officers Appointed under Government Code, Chapter 54 and Chapter 54A**

Chapter 54A of the Government Code authorizes the appointment of criminal associate judges, civil associate judges, statutory probate court associate judges, and associate judges for juvenile matters to assist district and county-level judges with their caseloads. Chapter 54 also contains provisions for the appointment of masters, magistrates, and hearing officers in certain counties identified by population and the following counties: Bexar, Brazoria, Burnet, Cameron, Comal, Dallas, El Paso, Harris, Lubbock, Tarrant, Travis, and Webb.

Cases are not directly filed with judicial officers, but are referred to them by district judges and county-level judges. Rather than rendering final orders, the judicial officers generally make recommendations to the referring court. Generally, judicial officers appointed under Chapter 54 and Chapter 54A of the Government Code are appointed by local judges with the consent of the county commissioners court, and the positions are funded by the county.

### **Associate Judges Appointed under Family Code, Chapter 201**

Like judicial officers appointed under Chapter 54 and Chapter 54A of the Government Code, district and county-level judges refer certain cases to associate judges appointed under Chapter 201 of the Family Code.

Three types of associate judges are appointed under Chapter 201. Associate judges authorized by Subchapter A of Chapter 201 are appointed by local judges with the consent of the commissioners court and are county employees. They are authorized to hear cases brought under Titles 1, 4 and 5 of the Family Code.

Associate judges authorized by Subchapters B and C of Chapter 201 are appointed by the presiding judge of the respective administrative judicial regions and are generally state employees.<sup>11</sup> The associate judges appointed under Subchapter B are authorized to hear child support cases. Those appointed under Subchapter C are authorized to hear child protection cases. As of September 1, 2014, there were 45 child support associate judges and 20 child protection associate judges.

<sup>11</sup> The Harris County associate judge appointed under Subchapter C is a county employee.

**“Assigned” or “Visiting” Judges**

The presiding judge of an administrative judicial region may assign a judge to handle a case or docket of an active judge in the region who is unable to preside (due to recusal, illness, vacation, etc.) or who needs assistance with a heavy docket or docket backlog. These “assigned judges” may be active judges of other courts in the region or may be individuals residing in the region who used to serve as active judges. Sections 74.054, 74.056, and 74.057 of the Government Code discuss the assignment of judges by the presiding judges and the chief justice of the Supreme Court.

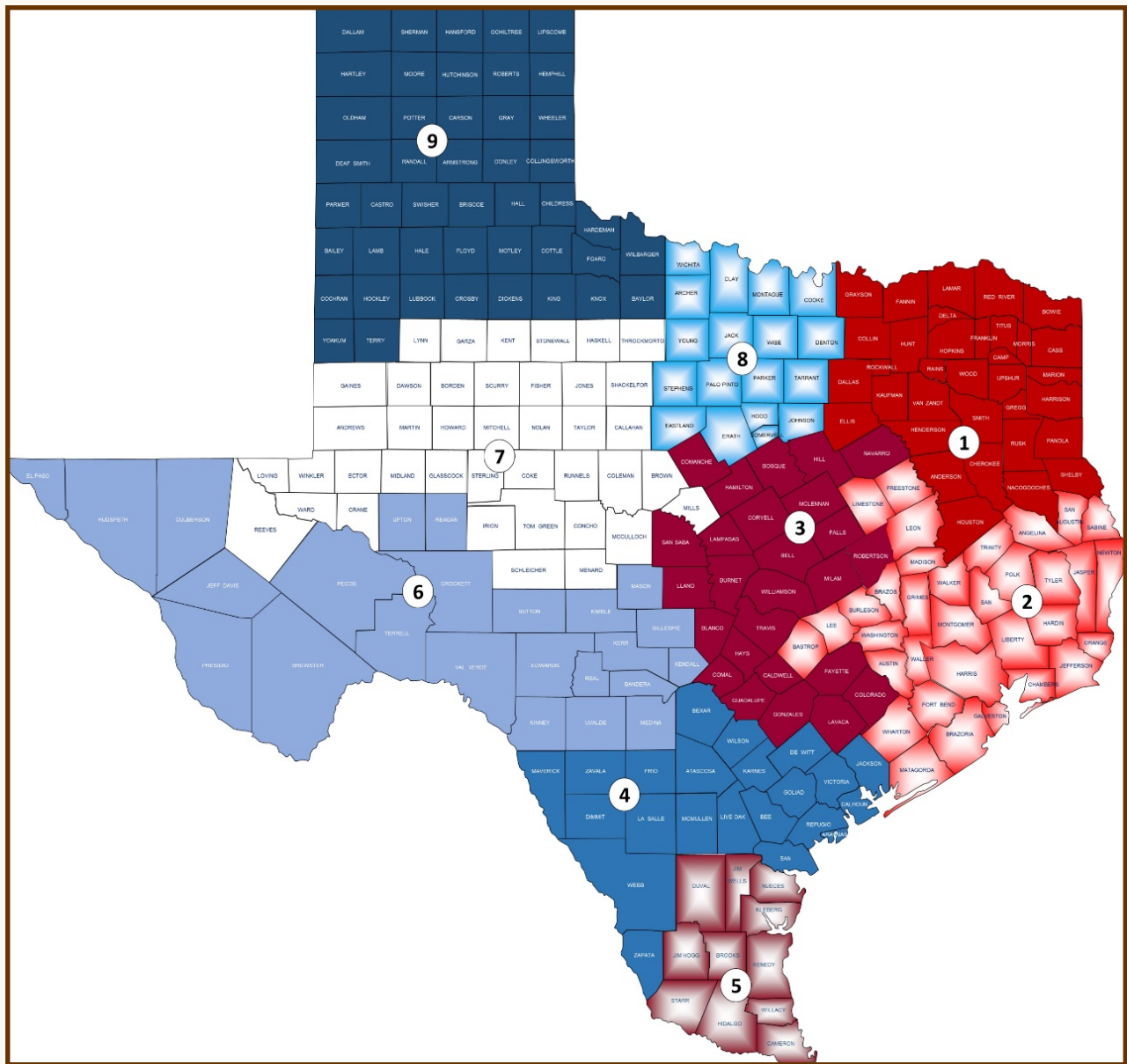


Figure 5 - Administrative Judicial Regions

## Assigned Judges in the Trial Courts

Statistics For the Fiscal Year Ended August 31, 2014

	<u>1st</u> <u>Region</u>	<u>2nd</u> <u>Region</u>	<u>3rd</u> <u>Region</u>	<u>4th</u> <u>Region</u>	<u>5th</u> <u>Region</u>	<u>6th</u> <u>Region</u>	<u>7th</u> <u>Region</u>	<u>8th</u> <u>Region</u>	<u>9th</u> <u>Region</u>	<u>Total</u>
<b>By the Chief Justice of the Supreme Court<sup>1</sup></b>										
<b>Assignments to the Administrative Regions:</b>										
Number of Assignments:										
Senior/Former Appellate Judges	0	0	0	0	0	0	0	0	0	0
Active District Judges	0	0	1	0	0	1	0	0	0	2
Senior/Former District Judges	0	0	0	0	0	0	0	0	0	0
Active Statutory County Court Judges	0	0	0	0	0	0	0	0	0	0
Retired/Former Statutory County Court Judges	0	0	0	0	0	0	0	0	0	0
<b>TOTAL Assignments</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>
Days Served:										
Senior/Former Appellate Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Active District Judges	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	1.0
Senior/Former District Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Active Statutory County Court Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Retired/Former Statutory County Court Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL Days Served</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1.0</b>
<b>By Presiding Judges of Administrative Regions<sup>1</sup></b>										
<b>Assignments within the Administrative Regions:</b>										
Number of Assignments:										
Active Appellate Judges	0	0	0	0	0	0	0	0	0	0
Senior/Former Appellate Judges	114	158	41	34	118	36	5	34	17	557
Active District Judges	34	142	9	17	46	19	20	63	74	424
Senior/Former District Judges	612	796	483	303	227	127	210	772	102	3,632
Active Statutory County Court Judges	11	44	4	0	0	2	10	13	12	96
Retired/Former Statutory County Court Judges	47	201	61	107	47	37	22	32	57	611
<b>TOTAL Assignments</b>	<b>818</b>	<b>1,341</b>	<b>598</b>	<b>461</b>	<b>438</b>	<b>221</b>	<b>267</b>	<b>914</b>	<b>262</b>	<b>5,320</b>
Days Served:										
Active Appellate Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Senior/Former Appellate Judges	228.0	364.0	63.0	407.0	438.0	114.0	2.0	86.0	17.5	1,719.5
Active District Judges	41.0	51.0	9.0	10.0	114.0	174.0	2.0	71.0	0.0	472.0
Senior/Former District Judges	1,933.0	1,758.0	717.0	818.0	852.0	289.0	241.0	1,665.0	207.5	8,480.5
Active Statutory County Court Judges	18.0	12.0	4.0	0.0	0.0	97.0	0.0	25.0	0.0	156.0
Retired/Former Statutory County Court Judges	124.0	461.0	115.0	147.0	188.0	43.5	22.0	56.0	93.0	1,249.5
<b>TOTAL Days Served</b>	<b>2,344.0</b>	<b>2,646.0</b>	<b>908.0</b>	<b>1,382.0</b>	<b>1,592.0</b>	<b>717.5</b>	<b>267.0</b>	<b>1,903.0</b>	<b>318.0</b>	<b>12,077.5</b>
<b>Assignments from Other Administrative Regions:</b>										
Number of Assignments:										
Senior/Former Appellate Judges	0	11	0	0	0	1	2	0	0	14
Active District Judges	0	4	0	0	0	0	1	0	0	5
Senior/Former District Judges	29	20	15	23	2	26	31	34	27	207
Active Statutory County Court Judges	0	0	1	0	0	0	0	0	0	1
Retired/Former Statutory County Court Judges	0	22	3	8	1	0	1	22	0	57
<b>TOTAL Assignments</b>	<b>29</b>	<b>57</b>	<b>19</b>	<b>31</b>	<b>3</b>	<b>27</b>	<b>35</b>	<b>56</b>	<b>27</b>	<b>284</b>
Days Served:										
Senior/Former Appellate Judges	0.0	40.0	0.0	0.0	0.0	1.0	2.0	0.0	0.0	43.0
Active District Judges	0.0	4.0	0.0	0.0	0.0	5.0	1.0	0.0	0.0	10.0
Senior/Former District Judges	195.0	43.0	34.0	64.5	5.0	62.5	64.0	71.0	23.0	562.0
Active Statutory County Court Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Retired/Former Statutory County Court Judges	0.0	26.0	1.0	26.5	3.0	0.0	1.0	36.0	0.0	93.5
<b>TOTAL Days Served</b>	<b>195.0</b>	<b>113.0</b>	<b>35.0</b>	<b>91.0</b>	<b>8.0</b>	<b>68.5</b>	<b>68.0</b>	<b>107.0</b>	<b>23.0</b>	<b>708.5</b>
<b>By the Supreme Court for Disciplinary Proceedings<sup>2</sup></b>										
Number of Assignments--Active District Judges	0	22	4	3	4	0	0	0	0	33
Days Served--Active District Judges	0.0	12.0	0.0	0.0	4.0	0.0	0.0	0.0	0.0	16.0
<b>Total ---Trial Court Assignments</b>										
<b>Number of Assignments</b>	<b>847</b>	<b>1,420</b>	<b>622</b>	<b>495</b>	<b>445</b>	<b>249</b>	<b>302</b>	<b>970</b>	<b>289</b>	<b>5,639</b>
<b>Days Served</b>	<b>2,539.0</b>	<b>2,771.0</b>	<b>943.0</b>	<b>1,473.0</b>	<b>1,604.0</b>	<b>787.0</b>	<b>335.0</b>	<b>2,010.0</b>	<b>341.0</b>	<b>12,803.0</b>
<b>Assignments to Other Administrative Regions</b>	<b>11</b>	<b>7</b>	<b>28</b>	<b>11</b>	<b>1</b>	<b>7</b>	<b>6</b>	<b>9</b>	<b>5</b>	<b>85</b>

**Notes:**

1. Assignment authorized by Sections 74.056 and 75.002, Texas Government Code.
2. Assignment authorized by Rule 3.02, Texas Rules of Disciplinary Procedure.

Information provided by the Presiding Judges of the Administrative Judicial Regions

## Justice Courts

As amended in November 1983, the Texas Constitution provides that each county is to be divided, according to population, into at least one, and not more than eight, justice precincts, in each of which is to be elected one or more justices of the peace. As of September 1, 2014, 817 justice courts were in operation.

817  
justice courts

Generally, the justice courts have:

- Original jurisdiction in misdemeanor criminal cases where punishment upon conviction may be by fine only
- Exclusive jurisdiction of civil matters when the amount in controversy does not exceed \$200
- Concurrent jurisdiction with the county courts when the amount in controversy exceeds \$200 but does not exceed \$10,000
- Jurisdiction over forcible entry and detainer cases

Trials in justice courts are not “of record.” Appeals from these courts are by trial *de novo* in the constitutional county court, the county court at law, or the district court.

The justice of the peace also serves in the capacity of a committing magistrate, with the authority to issue warrants for the apprehension and arrest of persons charged with the commission of felony or misdemeanor offenses. As a magistrate, the justice of the peace may hold preliminary hearings, reduce testimony to writing, discharge the accused, or remand the accused to jail and set bail. In addition, the justice of the peace serves as the coroner in those counties where there is no provision for a medical examiner, serves as an ex officio notary public, and may perform marriage ceremonies for additional compensation.

## Municipal Courts

Under its constitutional authority to create “such other courts as may be provided by law,” the Legislature has created municipal courts in each incorporated municipality in the state. In lieu of a municipal court created by the Legislature, municipalities may choose to establish municipal courts of record. As of September 1, 2014, there were 927 municipal courts, 158 of which indicated that they were a court of record.

158 municipal courts  
are courts of record

The jurisdiction of municipal courts is provided in Chapters 29 and 30 of the Texas Government Code. Municipal courts have:

- Original and exclusive jurisdiction over criminal violations of certain municipal ordinances and airport board rules, orders, or resolutions that do not exceed \$2,000 in some instances and \$500 in others
- Concurrent jurisdiction with the justice courts in certain misdemeanor criminal cases

In addition to the jurisdiction of a regular municipal court, municipal courts of record also have jurisdiction over criminal cases arising under ordinances authorized by certain provisions of the Local Government Code. The municipality may also provide by ordinance that a municipal court of record have additional jurisdiction in certain civil and criminal matters.

Municipal judges also serve in the capacity of a committing magistrate, with the authority to issue warrants for the apprehension and arrest of persons charged with the commission of felony or misdemeanor offenses. As a magistrate, the municipal judge may hold preliminary hearings, reduce testimony to writing, discharge the accused, or remand the accused to jail and set bail.

Trials in municipal courts are not generally “of record”; many appeals go to the county court, county court at law, or district court by a trial *de novo*. Appeals from municipal courts of record are generally heard in the county criminal courts, county criminal courts of appeal or municipal courts of appeal. If none of these courts exist in the county or municipality, appeals are to a county court at law.

## 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.<sup>12</sup> 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 advisory board composed of appointees of the judicial, executive, 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 14 courts of appeals, and judges of each of the trial courts are generally responsible for the administration of their respective courts. Furthermore, there is 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.<sup>13</sup> 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.<sup>14</sup>

To aid in the administration of justice in the trial courts, the state is divided into nine 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 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 nine presiding judges to ensure the efficient administration of justice in the courts of the state.



*Supreme Court of Texas Building, Austin, Texas*

<sup>12</sup> Article V, Section 31 of the Texas Constitution.

<sup>13</sup> In accordance with Section 74.091 or Section 74.0911, Texas Government Code.

<sup>14</sup> The administrative responsibilities of the local administrative judge are detailed in Section 74.092, Texas Government Code.