

Court Structure Of Texas

Descriptive Outline

September 1, 2004

The appellate courts of Texas include the Supreme Court of Texas, the 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.

The Constitution also provides for justice of the peace courts in each county to 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:** 1
- 2. JURISDICTION:** The Supreme Court of Texas has statewide, final appellate jurisdiction in most 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. Note: Article V, Section 3a, Texas Constitution, requiring the court to sit in Austin was repealed in 2001.
- 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: \$115,000; Justices: \$113,000.
 - e. Term:** Six-year, overlapping terms.

Court Of Criminal Appeals

- 1. NUMBER OF COURTS:** 1
- 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. In conjunction with the Supreme Court, 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: \$115,000; Judges: \$113,000.
- 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, Edinburg
14th District, Houston

With certain exceptions, the courts of appeals for the 1st, 2nd, 3rd, 4th, 5th, 6th, 8th, 10th, 12th, 13th and 14th districts 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, Edinburg - 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: \$107,850; Justices: \$107,350.
 - 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 received by a Supreme Court justice (\$500 in the case of chief justices).
 - f. Term:** Six years.

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District Courts

1. **NUMBER OF COURTS:** 424
2. **JURISDICTION:** There are 424 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. 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.^a

County courts at law and constitutional county courts also exercise limited subject-matter jurisdiction over civil suits and therefore, 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 the maximum jurisdictional amount of the county-level courts, the district court exercises exclusive jurisdiction.

The district courts may 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, district wide 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 25 or older; resident of the district for two years; licensed to practice law in Texas and a practicing lawyer or judge, or both combined, for four years.

- d. **Salaries paid by the State:** \$101,700.
- e. **Salary supplements:** Supplements authorized by statute may be paid by counties. Except for judges whose judicial districts are in Collin, Ellis, Harris, Hill, Tarrant, Travis, and Williamson counties, the total salary of a district judge 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; 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; and concurrent civil jurisdiction with district courts in cases in which the matter in controversy exceeds \$500 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 over misdemeanors, other than those involving official misconduct, 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, some constitutional county courts are divested of certain subject matter jurisdiction while others 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 the governing body of the county, not a judicial entity. It is presided over by the constitutional county judge and includes four elected commissioners. Although it performs no judicial duties, the commissioners court can issue certain writs and contempt citations.

^a The dollar amount is currently unclear. See discussion in district courts section of Subject-Matter Jurisdiction of the Courts.

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Statutory County Courts / Probate Courts

1. **NUMBER OF COURTS:** 228
2. **JURISDICTION:**
 - a. **Legal jurisdiction:** Under the constitutional provision which authorizes the Legislature to establish other courts as it may deem necessary and to prescribe the jurisdiction of such courts, the Legislature has established 211 statutory county courts in 81 counties, and 17 statutory probate courts in ten counties, primarily in metropolitan areas, to relieve the constitutional county judge of some or all of the judicial duties of office.

In general, Sec. 25.003, Government Code, provides statutory county courts with jurisdiction over all causes and proceedings—civil, criminal, original and appellate—prescribed by law for county courts, except those concerning roads, bridges, public highways, or the general administration of county business that is within the jurisdiction of the commissioners court in each county. However, the actual jurisdiction of each statutory county court varies considerably according to the statute under which it was created. In addition, some of these courts have been established to exercise subject-matter jurisdiction in only limited fields, such as civil, criminal or appellate (from justice or municipal courts) cases.

In general, statutory probate courts have the general jurisdiction provided to probate courts by the Probate Code and the jurisdiction provided by law for a county court to hear and determine cases and matters instituted under Sections 166.046, 192.027, 193.007, 552.019, 711.004, or 714.003, Health and Safety Code; Chapter 462, Health and Safety Code; or Subtitle C or D, Title 7, Health and Safety Code.

In general, statutory county courts which 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 \$100,000, exclusive of interest, statutory or punitive damages and penalties, and attorneys' fees and costs, and 2) appeals of final rulings and decisions of the Texas Workers' Compensation Commission. Statutory provisions specific to individual courts, however, may restrict a court's actual jurisdiction.
 - 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:** 827
2. **JURISDICTION:** The Texas Constitution provides that each county shall have, depending on the population, one to eight justice precincts. In each such precinct, depending on the population, one or more 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 less than \$500. 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 in civil matters in which exclusive jurisdiction is not in the district or county court and the amount in controversy is \$5,000 or less. 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:** 894
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 894 cities and towns. Metropolitan cities usually have more than one municipal court.

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 a fine and in cases arising under Chapter 106 of the Alcoholic Beverage Code relating to minors that do not include confinement as an authorized sanction.

Municipal judges also serve as magistrates of the State. They have original and exclusive jurisdiction over violation of city ordinances and resolutions, rules, or orders of joint boards operating airports under Section 22.074, Transportation Code that are punishable by a fine not to exceed: 1) \$2,000 in cases arising under ordinances involving litter, fire safety, zoning, public health, and sanitation; and 2) \$500 in all other cases arising under a municipal ordinance or resolution, rule or order of a joint board operating an airport under Section 22.074, Transportation Code.

Municipal courts created by general statute 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.

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Municipal Courts (continued)

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. In addition to the jurisdiction provided by general law for municipal courts, municipal courts of record also have jurisdiction over criminal cases that arise under ordinances authorized by Section 215.072, 217.042, 341.903 and 401.002, Local Gov't Code. The governing body of a municipality by ordinance may also provide that the court: 1) has civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Local Government Code, or Subchapter E, Chapter 683, Transportation Code, and 2) concurrent jurisdiction with a district court or a statutory county court for the purpose of enforcing health and safety and nuisance abatement ordinances. The governing body of a municipality by ordinance may also authorize the courts to issue search warrants for the purpose of investigating a health and safety nuisance abatement ordinance violation and seizure warrants for the purpose of securing, removing or demolishing the offending property and removing the debris.

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 September 1, 2003, 1,325 persons were 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.