

COURT STRUCTURE OF TEXAS

DESCRIPTIVE OUTLINE

SEPTEMBER 1, 1994

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.

COURT OF CRIMINAL APPEALS (CONT.)

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.

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COURTS OF APPEALS (CONT.)

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 received by a Supreme Court justice (\$500 in the case of chief justices).
- f. **Term:** Six-years.

DISTRICT COURTS

1. NUMBER OF COURTS: 386.

2. **JURISDICTION:** There are 386 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. One additional district court has been created to be effective January 1, 1995.

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

DISTRICT COURTS (CONT.)

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, 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; 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:

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"CONSTITUTIONAL" COUNTY COURTS (CONT.)

- 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 issue certain writs and contempt citations.

STATUTORY COUNTY COURTS

1. NUMBER OF COURTS: 185.

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 185 statutory county courts in 72 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: 885

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

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JUSTICE OF THE PEACE COURTS (CONT.)

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:** 840.
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 840 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.

MUNICIPAL COURTS (CONT.)

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.
- 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.

ADMINISTRATION OF THE COURTS

OUTLINE OF STATUTORY PROVISIONS

1. JUDICIAL DEPARTMENT

- a. **Judicial Power** (*Article 5, Section 1, Constitution*). The judicial power of the State is vested in one Supreme Court, in 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 in such other courts as may be provided by law.

2. SUPREME COURT

- a. **Jurisdiction of Supreme Court** (*Article 5, Section 3, Constitution*). The Supreme Court is empowered to exercise the judicial power of the State except as otherwise provided in the Constitution.
- b. **Court Administration**
 - (1) **Rule-Making Authority** (*Article 5, Section 31, Constitution*). The Supreme Court is responsible for the efficient administration of the judicial branch and is authorized to promulgate rules of administration not inconsistent with the laws of the State as may be necessary for the efficient and uniform administration of justice in the various courts.
 - (2) **Supervisory and Administrative Control** (*Section 74.021, Government Code*). The Supreme Court has supervisory and administrative control over the judicial branch and is responsible for the orderly and efficient administration of justice.
 - (3) **Rules of Administration** (*Section 74.024, Government Code*). The Supreme Court is authorized to adopt rules of administration setting policies and procedures necessary or desirable for the operation and management of the court system and for the efficient administration of justice. The Rules of Judicial Administration

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ADMINISTRATION OF THE COURTS (CONT.)

are located in Title 2, Subtitle F--Appendix, of the Texas Government Code.

- c. **Transfer of Cases -- Courts of Appeals** (*Section 73.001, Government Code*). The Supreme Court is empowered to transfer cases from one Court of Appeals to another at any time. Justices of the Court to which cases are transferred are directed to hear oral argument at the site of the Court where the cases were originally filed, but opinions and decisions are delivered at the city where the receiving Court regularly sits.

3. CHIEF JUSTICE OF THE SUPREME COURT

- a. **State of the Judiciary Message** (*Section 21.004, Government Code*). The Chief Justice of the Supreme Court is authorized to deliver a "State of the Judiciary" message at the commencement of each regular session of the Legislature.
- b. **Assignment of Justices and Judges**
 - (1) **Assignment of Judges** (*Section 74.057, Government Code*). The Chief Justice of the Supreme Court is empowered to assign a judge residing in one Administrative Judicial Region for service in another Administrative Judicial Region.
 - (2) **Assignment of Retired Judges** (*Section 74.057, Government Code*). With the retiree's consent, any judge who is retired and who makes an election to continue as a judicial officer after retirement under the provisions of Section 75.001 of the Texas Government Code may be assigned by the Chief Justice of the Supreme Court to sit on any court of the same or lesser dignity as that on which the person sat before retirement.
 - (3) **Assignment of Retired Appellate Justices and Judges to Administrative Judicial Region** (*Sections 74.056 and 75.002(b), Government Code*). The Chief Justice of the Supreme Court may assign a retiree whose last judicial office before retirement was that of justice or judge of the Supreme Court, the Court of Criminal Appeals, or a Court of Appeals to the Administrative Judicial Region in which the retiree resides for reassignment by the Presiding Judge of that region to a district or statutory county court in the region.
 - (4) **Assignment of Former Appellate Justices and Judges** (*Sections 74.056 and 75.003, Government Code*). With the former judge's consent, a former judge whose last judicial office before leaving active service was justice or judge of the Supreme Court, Court of Criminal Appeals, or a Court of Appeals may be assigned by the Chief Justice of the Supreme Court to sit on any appellate, district, or statutory county court; or to the Administrative Judicial Region in which the former judge resides for reassignment by the Presiding Judge of that region to a district or statutory county court within the region.
 - (5) **Assignment of Active Justices to Other**

ADMINISTRATION OF THE COURTS (CONT.)

Courts of Appeals (*Section 74.003(a), Government Code*). The Chief Justice of the Supreme Court may temporarily assign a justice of a Court of Appeals to another Court of Appeals.

- (6) **Assignment of Retired Appellate Justices and Judges to Courts of Appeals** (*Section 74.003(b), Government Code*). The Chief Justice of the Supreme Court may assign a qualified retired member of the Supreme Court, the Court of Criminal Appeals, or a Court of Appeals to a Court of Appeals for active service regardless of whether a vacancy exists in the court to which the justice is assigned.

- c. **Supreme Court Duties** (*Section 74.006, Government Code*). The Chief Justice of the Supreme Court is directed to ensure that the Supreme Court executes and implements the Court's administrative duties and responsibilities under Chapter 74 of the Texas Government Code.
- d. **Committees** (*Section 74.007, Government Code*). The Chief Justice, subject to the approval of the Supreme Court, is empowered to name and appoint members to committees necessary or desirable for the efficient administration of justice or to carry out the provisions of Chapter 74 of the Texas Government Code.
- e. **Supervision of the Office of Court Administration** (*Section 74.004, Government Code*). The Chief Justice of the Supreme Court is to direct and supervise the operations of the state Office of Court Administration.

4. OFFICE OF COURT ADMINISTRATION

- a. **Administrative Matters** (*Chapter 72 and Section 74.023, Government Code*). The state Office of Court Administration was established in 1977 to provide administrative support and technical assistance to all of the courts in the state. The Supreme Court appoints the Administrative Director of the Courts who, as an additional duty of office, serves as Executive Director of the Texas Judicial Council. The Administrative Director consults with and assists judges, clerks, and other court personnel in discharging their administrative duties as provided by law or by rule adopted by the Supreme Court to promote a more efficient operation of the Texas Judicial System.
- b. **Duties** (*Sections 72.011-72.027 Government Code*). The duties assigned to the office by the above indicated statutory provisions include:
 - (1) assist the justices and judges in discharging their administrative duties;
 - (2) consult with the administrative judges and assist them in discharging duties imposed by law or by a rule adopted by the Supreme Court;
 - (3) recommend to the Supreme Court appropriate means to implement the Court Administration Act;
 - (4) examine the judicial dockets, practices, and procedures of the courts and the administrative

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ADMINISTRATION OF THE COURTS (CONT.)

- and business methods or systems used in the office of a clerk of a court or in an office related to and serving a court and recommend necessary improvements or any other changes that will promote the efficient administration of justice;
- (5) prepare and submit an estimated budget for the appropriation of funds necessary for the maintenance and operation of the judicial system, and study and recommend expenditures of funds appropriated for the maintenance and operation of the judicial system;
 - (6) consult with and assist court clerks, other court officers or employees, and clerks or other officers or employees of offices related to and serving a court to provide for the efficient administration of justice;
 - (7) consult with and make recommendations to administrators and coordinators of the courts to provide for uniform administration of the courts and efficient administration of justice;
 - (8) implement rules of administration or other rules adopted by the Supreme Court for the efficient administration of justice;
 - (9) perform such additional duties as may be assigned by the Supreme Court and by the Chief Justice; and
 - (10) prepare an annual report of the activities of the Office to be published in the Annual Report of the Texas Judicial Council.

In addition to these statutorily mandated duties, the agency performs many other functions at the direction of the Supreme Court. Secretariat services are provided to the Council of Presiding Judges of the Administrative Judicial Regions, the Board of Regional Judges for Title IV-D Account [Child Support Enforcement], the Judicial Districts Board, the Judicial Committee on Court Funding, and numerous other committees and task forces appointed by the Supreme Court in the area of judicial administration.

5. COURTS OF APPEALS

- a. **Local Rules** (*Rule 1, Rules of Appellate Procedure*). Each Court of Appeals is empowered to make and amend rules governing its practice that are not inconsistent with the Rules of Appellate Procedure.

6. PRESIDING JUDGES OF ADMINISTRATIVE JUDICIAL REGIONS

- a. **Appointment of Regional Presiding Judges** (*Section 74.005, Government Code*). The Governor, with the advice and consent of the Senate, is to appoint one judge in each administrative region as presiding judge of the region.
- b. **Authority of Presiding Judge** (*Section 74.047, Government Code*). A Presiding Judge is empowered to perform the acts necessary to carry out the provisions of Chapter 74 of the Texas Government Code and to improve the management of the court system and the administration of justice.
- c. **Duties of Presiding Judge** (*Section 74.046, Government Code*). The Presiding Judge is to:
 - (1) ensure the promulgation of regional rules of ad-

ADMINISTRATION OF THE COURTS (CONT.)

- ministration within policies and guidelines set by the Supreme Court;
- (2) advise local judges on case management and auxiliary court services;
 - (3) recommend to the Chief Justice of the Supreme Court the need for judicial assignment from outside the region;
 - (4) recommend to the Supreme Court any changes in the organization, jurisdiction, operation, or procedures of the region necessary or desirable for the improvement of the administration of justice;
 - (5) act for a local administrative judge when the local administrative judge does not perform the duties required by Subchapter D of the Texas Government Code;
 - (6) implement and execute any rules adopted by the Supreme Court under Chapter 74 of the Texas Government Code;
 - (7) provide the Supreme Court or the Office of Court Administration statistical information requested; and
 - (8) perform the duties assigned by the Chief Justice of the Supreme Court.

- d. **Meetings of Presiding Judges** (*Section, 74.001, Government Code*). The Chief Justice of the Supreme Court is to call and preside over at least one annual meeting of the Presiding Judges of the Administrative Judicial Regions to (1) Study the conditions of dockets to determine the need for the assignment of judges; (2) compare the regional and local rules of court to achieve the uniformity of rules that is practicable and consistent with local conditions; (3) consider uniformity in the administration of Chapter 74 of the Texas Government Code in the various administrative regions; and (4) promote more effective administration of justice.

- e. **Council of Judges Meeting** (*Section 74.048, Government Code and Rule 3a, Rules of Civil Procedure*). The Presiding Judge is to call at least one annual meeting of the district and statutory county court judges in the Administrative Judicial Region. The purposes of the meeting(s) are consultation and counseling concerning the state of dockets of the courts and to arrange for disposition of pending cases. The Council of Judges is empowered to adopt: (1) regional rules of administration within policies and guidelines set by the Supreme Court; (2) rules to regulate and facilitate the order of trials and the recordkeeping in the counties in the region in which judges are sent from one region to another to aid in the disposition of cases; and (3) other rules necessary to the practical operation of Chapter 74 of the Texas Government Code.

- f. **Assignment of Judges** (*Section 74.056, Government Code*). A Presiding Judge is authorized to assign active, retired, and former district and county court at law judges to trial courts in the Administrative Judicial Region as visiting judges.

NOTE: In Attorney General Letter Opinion LO-90-74, the authors conclude that the Presiding Judge of an Administrative Judicial Region may assign a statutory, or county-court-at-law, judge in his re-

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ADMINISTRATION OF THE COURTS (CONT.)

gion to hear any district court case, provided that the various requirements of Chapter 74 of the Texas Government Code are met.

In contrast, when the judges of constitutional county courts, statutory county courts, justice courts, and small claims courts transfer cases to another court, a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred. Similarly, when the judges of those courts exchange benches and courtrooms with each other without transferring a case, a judge may not sit or act in a case unless it is within the jurisdiction of his court. (Section 74.121, Government Code).

- g. Recusal or Disqualification of Judges** (Rule 18a, Rules of Civil Procedure). Upon the filing of a motion to recuse, a judge must either recuse himself or request the Presiding Judge of the Administrative Judicial Region to assign a judge to hear the motion. If a judge declines to recuse himself, he must forward, in either original form or certified copy, to the Presiding Judge of the Administrative Judicial Region, an order of referral, the motion, and all opposing and concurring statements. The Presiding Judge of the Administration Judicial Region must immediately set a hearing before himself or some other judge designated by him, must cause notice of the hearing to be given to all parties, and must make such other orders as justice may require. If the motion to recuse is granted, the order is not reviewable, and the Presiding Judge shall assign another judge to sit in the case.
- h. Judicial Districts Board** (Article 5, Section 7a, Constitution; Section 24.942 and 24.943, Government Code). The Presiding Judges of the Administrative Judicial Regions serve as members of the Judicial Districts Board which is directed to study the number of cases pending and number of judges available in the various areas of the State and submit reports to the Legislature on the need for the redistricting of judicial districts.
- i. Child Support Enforcement**
- (1) Child Support and Court Management Account** (Section 21.007, Government Code). The Presiding Judges of the Administrative Judicial Regions are directed to administer the Child Support and Court Management Account of the Judicial Fund.
 - (2) Appointment of Title IV-D Masters** (Sections 14.82 and 14.84, Family Code). The Presiding Judge of each Administrative Judicial Region is empowered to appoint masters to ensure compliance with federal and state requirements for the expedited process of child support enforcement cases.
 - (3) Monitoring Child Support Enforcement Cases** (Section 14.85, Government Code). The Presiding Judge of each Administrative Judicial Region is directed to monitor the processing of child support enforcement cases in his region to ensure compliance with federal and state law.

7. LOCAL ADMINISTRATIVE JUDGES [District and Statutory County Courts]

ADMINISTRATION OF THE COURTS (CONT.)

- a. Local Administrative Judges.** There are two levels of Local Administrative Judges:
- (1) Local Administrative District Judge** (Section 74.091, Government Code). In each county, there is a Local Administrative District Judge. In a county with two or more district courts the judges of those courts are directed to elect a district judge as Local Administrative Judge. In a county with only one district judge, the district judge serves as the Local Administrative Judge.
 - (2) Local Administrative Statutory County Court Judge** (Section 74.0911, Government Code). In each county that has a statutory county court, there is a Local Administrative Statutory County Court Judge. In a county with two or more statutory county courts, the judges of those courts are directed to elect a statutory county court judge as Local Administrative Statutory County Court Judge. In a county with only one statutory county court, the statutory county court judge serves as the Local Administrative Statutory County Court Judge.
- b. Duties of Local Administrative Judge** (Section 74.092, Government Code). A Local Administrative Judge, for the courts for which the judge serves as Local Administrative Judge, is empowered to:
- (1) implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases;
 - (2) appoint any special or standing committees necessary or desirable for court management;
 - (3) promulgate local rules of administration if the other judges do not act by a majority vote;
 - (4) recommend to the Regional Presiding Judge any needs for assignment from outside the county to dispose of court caseloads;
 - (5) supervise the expeditious movement of court caseloads;
 - (6) provide the Supreme Court and the Office of Court Administration requested statistical and management information;
 - (7) set the hours and places for holding court in the county;
 - (8) supervise the employment and performance of nonjudicial personnel;
 - (9) supervise the budget and fiscal matters of the local court;
 - (10) coordinate and cooperate with any other Local Administrative Judge in the district in the assignment of cases in the courts' concurrent jurisdiction; and
 - (11) perform other duties as may be directed by the Chief Justice or a Regional Presiding Judge.

8. DISTRICT AND STATUTORY COUNTY COURTS

- a. Local Rules** (Rule 3a, Rules of Civil Procedure). Each district court and each county court at law is empowered to make and amend certain local rules governing practice before it, subject to the approval of the Supreme Court.
- b. Local Rules of Administration** (Section 74.093,

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ADMINISTRATION OF THE COURTS (CONT.)

Government Code). The district and statutory county court judges in each county are empowered to adopt, by majority vote, local rules of administration. The rules must provide for:

- (1) assignment, docketing, transfer, and hearing cases;
- (2) designation of court divisions or branches responsible for certain matters;
- (3) holding court at least once a week in the county unless in the opinion of the Local Administrative Judge sessions at other intervals will result in more efficient court administration;
- (4) fair and equitable division of caseloads; and
- (5) plans for judicial vacation, sick leave, attendance at educational programs, and similar matters.

Also, the rules may provide for any other matter necessary to carry out Chapter 74 of the Texas Government Code.

9. PRESIDING JUDGE OF STATUTORY PROBATE COURTS

- a. **Election of Presiding Judge of the Statutory Probate Courts** (*Section 25.0022(b), Government Code*). The judges of the statutory probate courts are directed to elect from their number a Presiding Judge of the Statutory Probate Courts.
- b. **Authority of Presiding Judge** (*Section 25.0022(v), Government Code*). The Presiding Judge is empowered to perform the acts necessary to carry out the provisions of Section 25.002 of the Texas Government Code and to improve the management of the statutory probate courts and the administration of justice.
- c. **Assignment of Judges** (*Section 25.0022(j), Government Code*). A judge or a retired judge of a statutory probate court may be assigned by the Presiding Judge as provided in Section 25.0022 of the Texas Government Code.
- d. **Meetings of the Statutory Probate Judges** (*Sections 25.0022(k) and 25.0022(l), Government Code*). The Presiding Judge is to call and preside over at one annual meeting of the judges of the statutory probate courts to: (1) study the statistics reflecting the condition of the dockets of the probate courts to determine the need for the assignment of judges; and (2) compare the local rules of court to achieve the uniformity of rules that is practical and consistent with local conditions. The Presiding Judge may call and convene additional meetings as are necessary for the promotion of the orderly and efficient administration of justice.
- e. **Assistant Presiding Judge** (*Section 25.002(h), Government Code*). The Presiding Judge is empowered to appoint an Assistant Presiding Judge of the Statutory Probate Courts. The Assistant Presiding Judge may assign probate judges and perform the duties of the Office of Presiding Judge in the absence of the Presiding Judge, as provided in Section 25.0022 of the Texas Government Code.

ADMINISTRATION OF THE COURTS (CONT.)

10. STATUTORY PROBATE COURTS

- a. **Local Rules** (*Rule 3a, Rules of Civil Procedure*). Each statutory probate court is empowered to make and amend certain local rules governing practice before it, subject to the approval of the Supreme Court.

11. CONSTITUTIONAL COUNTY COURTS

- a. **Local Rules** (*Rule 3a, Rules of Civil Procedure*). Each constitutional county court is empowered to make and amend certain local rules governing practice before it, subject to the approval of the Supreme Court.

12. JUSTICE COURTS

- a. **Civil Matters** (*Rules 523-591, Rules of Civil Procedure*). Rules 523 to 591 of the Rules of Civil Procedure govern the practice of civil matters in the justice courts.
- b. **Small Claims** (*Chapter 28, Government Code*). Chapter 28 of the Texas Government Code governs the practice in small claims matters.
- c. **Criminal Matters** (*Chapter 45, Code of Criminal Procedure*). Chapter 45 of the Code of Criminal Procedure governs the practice of criminal matters in the justice courts.

13. MUNICIPAL COURTS

- a. **Municipal Court Cases** (*Chapter 45, Code of Criminal Procedure*). Chapter 45 of the Code of Criminal Procedure governs the practice in the municipal courts.
- b. **Local Rules** (*Section 30.501, Government Code*). The municipal courts of record are authorized to make and enforce all rules of practice and procedure necessary to expedite the trial of cases before the court that are not inconsistent with general law.