

Question

What is the hierarchy of legal authorities in Texas, including the Texas Constitution, statutes (such as the Government Code, Penal Code, Family Code), administrative regulations, Texas Rules of Civil Procedure, Texas Rules of Evidence, judicial conduct rules, attorney rules, and case law? Please organize these authorities by their legal hierarchy.

Answer (Texas)

Short response

The hierarchy of legal authorities in Texas places the Texas Constitution at the top, followed by statutes enacted by the legislature, administrative regulations, court-promulgated procedural and evidentiary rules, and finally, case law interpreting these authorities. Each level of authority is subordinate to those above it, with procedural and administrative rules yielding to constitutional and statutory law, and case law serving to interpret and apply these higher authorities.

Summary

In Texas, the legal hierarchy is structured to ensure that the Texas Constitution is the supreme source of law within the state, subject only to the United States Constitution. Statutes enacted by the Texas Legislature, such as the Government Code, Penal Code, and Family Code, are subordinate to the Constitution and take precedence over administrative regulations and court rules, except in limited circumstances where procedural rules may repeal conflicting statutes as authorized by law.

Administrative regulations, including those promulgated by state agencies, must conform to both constitutional and statutory mandates. The Texas Supreme Court has authority to promulgate rules of civil procedure and evidence, but these rules cannot conflict with substantive law established by the legislature or the Constitution. Case law, while authoritative in interpreting and applying these sources, is subordinate to the Constitution, statutes, and validly adopted rules and regulations.

Background and Relevant Law

The Texas Constitution

The Texas Constitution is the highest legal authority in the state, establishing the framework for government, the separation of powers, and the supremacy of constitutional provisions over all other forms of state law. The Constitution divides the powers of government into legislative, executive, and judicial branches, and prohibits any branch from exercising powers assigned to another, except as expressly permitted ([Armadillo Bail](#)

[Bonds v. State, 772 S.W.2d 193, 195 \(Tex. App. 1989\)](#)). The Constitution also grants the Texas Supreme Court authority to promulgate rules of administration and civil procedure, provided these rules are not inconsistent with state law ([Tex. Const. art. 5 § 31](#)).

Statutes

Statutes enacted by the Texas Legislature, such as the Government Code, Penal Code, and Family Code, are the next highest authority after the Constitution. Statutes must conform to the Constitution and are binding on all state actors. The Texas Government Code, for example, grants the Supreme Court rulemaking power in civil actions but explicitly states that such rules cannot abridge, enlarge, or modify substantive rights, and that rules conflicting with statutes are repealed only if the rule is adopted after the statute and expressly repeals it ([Tex. Gov't. Code § 22.004](#)).

Administrative Regulations

Administrative regulations are promulgated by state agencies under authority granted by statute. These regulations must be consistent with both the Constitution and statutes. In the event of a conflict, constitutional and statutory provisions control over administrative rules ([22 Tex. Admin. Code § 881.10](#)).

Court Rules (Texas Rules of Civil Procedure, Texas Rules of Evidence, Judicial Conduct Rules, Attorney Rules)

The Texas Supreme Court is empowered to promulgate rules of civil procedure and evidence, as well as rules for judicial administration and attorney conduct, but only to the extent that these rules do not conflict with the Constitution or statutes ([Tex. Const. art. 5 § 31](#); [Tex. Gov't. Code § 22.004](#)). The rules of civil procedure and evidence have the force and effect of statutes, but if a conflict arises between a rule and a statute, the statute generally prevails unless the rule was adopted after the statute and expressly repeals it ([Senter Invs., L.L.C. v. Veerjee, 358 S.W.3d 841, 849 \(Tex. App. 2012\)](#); [Few v. Charter Oak Fire Insurance Company, 463 S.W.2d 424, 426 \(Tex. 1971\)](#)).

Case Law

Case law consists of judicial decisions interpreting the Constitution, statutes, administrative regulations, and court rules. While case law is binding on lower courts and provides authoritative interpretations, it is subordinate to the Constitution, statutes, and validly adopted rules and regulations. Courts are required to interpret and apply higher authorities faithfully, and their decisions may be superseded by subsequent legislative or constitutional amendments.

Analysis

Hierarchy of Legal Authorities in Texas

1. **Texas Constitution:** The Texas Constitution is the supreme law of the state, subject only to the United States Constitution. All other state laws, including statutes, administrative regulations, and court rules, must conform to its provisions. The Constitution establishes the separation of powers and grants the Texas Supreme Court rulemaking authority, but only within the limits set by the Constitution and statutes ([Armadillo Bail Bonds v. State, 772 S.W.2d 193, 195 \(Tex. App. 1989\); Tex. Const. art. 5 § 31](#)).
2. **Statutes (e.g., Government Code, Penal Code, Family Code):** Statutes enacted by the Texas Legislature are subordinate only to the Constitution. They provide the substantive law governing the state and may delegate rulemaking authority to courts and administrative agencies. Statutes prevail over conflicting administrative regulations and court rules, except in the limited circumstance where a procedural rule is adopted after the statute and expressly repeals it as authorized by the Government Code ([Tex. Gov't. Code § 22.004; Senter Invs., L.L.C. v. Veerjee, 358 S.W.3d 841, 849 \(Tex. App. 2012\)](#)).
3. **Administrative Regulations:** Regulations promulgated by state agencies under statutory authority are subordinate to both the Constitution and statutes. In the event of a conflict, constitutional and statutory provisions control ([22 Tex. Admin. Code § 881.10](#)).
4. **Court Rules (Texas Rules of Civil Procedure, Texas Rules of Evidence, Judicial Conduct Rules, Attorney Rules):** The Texas Supreme Court has authority to promulgate rules of civil procedure, evidence, and other rules for the administration of justice. These rules have the force and effect of statutes but cannot conflict with substantive law or the Constitution. If a procedural rule conflicts with a statute, the statute generally prevails unless the rule was adopted after the statute and expressly repeals it ([Tex. Gov't. Code § 22.004; Guillory v. Seaton, LLC, 470 S.W.3d 237, 241 \(Tex. App. 2015\); Few v. Charter Oak Fire Insurance Company, 463 S.W.2d 424, 426 \(Tex. 1971\)](#)). Local court rules are subordinate to statewide rules and must be consistent with them ([In re El Paso Healthcare System, Ltd., 225 S.W.3d 146, 150 \(Tex. App. 2005\)](#)).
5. **Case Law:** Judicial decisions interpret and apply the Constitution, statutes, regulations, and court rules. While case law is binding and authoritative, it is subordinate to the higher authorities it interprets. Courts must yield to constitutional and statutory mandates, and their interpretations may be superseded by subsequent legislative or constitutional changes ([In re Google, 705 S.W.3d 479, 482 \(Tex. App. 2025\)](#)).

Application to Specific Authorities

- **Texas Constitution:** Supreme authority; all other state law must conform.
- **Statutes (Government Code, Penal Code, Family Code, etc.):** Subordinate to the Constitution; control over administrative regulations and court rules except as specifically provided by law.
- **Administrative Regulations:** Must be consistent with statutes and the Constitution; subordinate to both.
- **Texas Rules of Civil Procedure and Evidence:** Promulgated by the Supreme Court under constitutional and statutory authority; have the force of statutes but cannot conflict with substantive law or the Constitution. In case of conflict with a statute, the statute prevails unless the rule was adopted after the statute and expressly repeals it.
- **Judicial Conduct Rules and Attorney Rules:** Promulgated under similar authority as procedural rules; subordinate to statutes and the Constitution.
- **Case Law:** Interprets and applies the above authorities; subordinate to the Constitution, statutes, and validly adopted rules and regulations.

Interplay and Conflict Resolution

The Texas legal system provides mechanisms for resolving conflicts between different sources of law. When a procedural rule conflicts with a statute, the statute generally prevails unless the rule was adopted after the statute and expressly repeals it as authorized by the Government Code ([Senter Invs., L.L.C. v. Veerjee, 358 S.W.3d 841, 849 \(Tex. App. 2012\)](#)). Administrative regulations are always subordinate to statutes and the Constitution ([22 Tex. Admin. Code § 881.10](#)). Case law must interpret and apply these authorities faithfully, and courts are bound by higher authorities.

Exceptions and Caveats

There are limited circumstances in which a procedural rule may supersede a statute, specifically when the rule is adopted after the statute and expressly repeals it as authorized by the Government Code ([Tex. Gov't. Code § 22.004](#)). However, this is the exception rather than the rule, and statutes generally prevail over conflicting procedural rules. Additionally, while the Texas Supreme Court has broad rulemaking authority, it cannot use this power to alter substantive rights established by statute or the Constitution.

No negative or subsequent treatment affecting the core principles outlined above has been identified in the provided sources.

Conclusion

The hierarchy of legal authorities in Texas is clear: the Texas Constitution is supreme, followed by statutes enacted by the legislature, administrative regulations, court-promulgated rules, and finally, case law interpreting these authorities. Each level of authority is subordinate to those above it, and conflicts are resolved in favor of the higher authority, with only narrow

exceptions as provided by law. This structure ensures the primacy of the Constitution and statutes in the Texas legal system, while allowing for the necessary flexibility and interpretation provided by administrative regulations, court rules, and judicial decisions.

Legal Authorities

[Few v. Charter Oak Fire Insurance Company, 463 S.W.2d 424 \(Tex. 1971\)](#)

Texas Supreme Court

Extract

Article V, Sec. 25, of the Texas Constitution, Vernon's Ann.St. vests in the Supreme Court the power to establish rules of procedure 'not inconsistent with the law of the State.' Legislative authority for this power is found in Article 1731a, Sec. 2. Rule 39 was established pursuant to this power. As the constitutional provision indicates, this is a limited power; and when a rule of the court conflicts with a legislative enactment, the rule must yield.

Summary

The Texas Constitution grants the Supreme Court the power to establish procedural rules, but these rules must not conflict with state law. If a conflict arises between a court rule and a legislative enactment, the legislative enactment prevails. This indicates that statutes enacted by the legislature have a higher authority than procedural rules established by the court.

[Parker v. State, 51 S.W.3d 719 \(Tex. App. 2001\)](#)

Texas Court of Appeals

Extract

The separation of powers provision of the Texas Constitution may be violated in two ways: (1) when one branch of government assumes, or is delegated, to whatever degree, a power that is more 'properly attached' to another branch, and (2) when one branch unduly interferes with another branch such that the other branch cannot effectively exercise its constitutionally assigned powers. ... The present language that appears in the Texas Constitution in Article V, § 31 Court Administration, Rule Making Authority, provides in subsection (a) that the Texas Supreme Court promulgate the rules of administration not inconsistent with the laws of the state; in subsection (b) the Texas Constitution provides that the Texas Supreme Court shall promulgate the Rules of Civil Procedure not inconsistent with the laws of the state; and in subsection (c), the Legislature may designate to the Texas Supreme Court or the Texas Court of Criminal Appeals the power to

promulgate other rules as prescribed by law or the Texas Constitution subject to limitations and procedures as may be provided by law.

Summary

The Texas Constitution is the supreme legal authority in Texas, establishing the separation of powers and the rule-making authority of the Texas Supreme Court. The Texas Supreme Court is empowered to promulgate rules of administration and civil procedure, provided they are not inconsistent with state laws. The Legislature can also delegate rule-making authority to the Texas Supreme Court or the Texas Court of Criminal Appeals, subject to legal limitations and procedures.

[In re El Paso Healthcare System, Ltd., 225 S.W.3d 146 \(Tex. App. 2005\)](#)

Texas Court of Appeals

Extract

The Legislature has vested the Supreme Court of Texas with exclusive rulemaking authority in the practice and procedure in civil actions. See TEX.GOV'T CODE ANN. § 22.004 (Vernon 2004). Under that authority, the Supreme Court has adopted the Texas Rules of Civil Procedure, which have the same force and effect as statutes. See TEX.R.CIV.P. 2, 814; Missouri Pac. R.R. Co. v. Cross, 501 S.W.2d 868, 872 (Tex.1973). Rule 3a of the Texas Rules of Civil Procedure permits each administrative judicial region, district court, county court, county court at law, and probate to make and amend local rules governing practice before such courts, provided that any proposed rule or amendment is not inconsistent with the Rules of Civil Procedure. See TEX.R.CIV.P. 3a(1).

Summary

The passage provides insight into the hierarchy of legal authorities in Texas by explaining the rulemaking authority of the Texas Supreme Court. It states that the Texas Rules of Civil Procedure, adopted by the Supreme Court, have the same force and effect as statutes. This indicates that these rules are on par with statutory law in the legal hierarchy. Additionally, it highlights the process for local courts to make and amend rules, which must be consistent with the Texas Rules of Civil Procedure, further emphasizing the hierarchical structure.

[Armadillo Bail Bonds v. State, 772 S.W.2d 193 \(Tex. App. 1989\)](#)

Texas Court of Appeals

Extract

From the Constitution of the State of Texas, we know that the people of Texas have divided the powers of government of the State of Texas into three departments. We know also that these three departments are the legislative, the executive, and the judicial, and that none of these departments can exercise any power assigned by the constitution to either of the others. As commanded by the Constitution of the State of Texas: The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one, those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in instances herein expressly permitted. TEX. CONST. art. II, § 1.

Summary

The Texas Constitution is the supreme legal authority in Texas, establishing the separation of powers among the legislative, executive, and judicial branches. This separation is a fundamental principle that underpins the hierarchy of legal authorities in Texas. The passage highlights the constitutional basis for the division of powers, which is essential for understanding the hierarchy of legal authorities in the state.

[Senter Invs., L.L.C. v. Veerjee, 358 S.W.3d 841 \(Tex. App. 2012\)](#)

Texas Court of Appeals

Extract

"[W]hen a rule of procedure conflicts with a statute, the statute prevails unless the rule has been passed subsequent to the statute and repeals the statute as provided by Texas Government Code § 22.004." Jackson v. State Office of Admin. Hearings, 351 S.W.3d 290, 298-99 (Tex.2011) (quoting Johnstone v. State, 22 S.W.3d 408, 409 (Tex.2000)); see Tex. Gov't Code Ann. § 22.004; Few v. Charter Oak Fire Ins. Co., 463 S.W.2d 424, 425 (Tex.1971) ("[Where a] rule of the court conflicts with a legislative enactment, the rule must yield.").

Summary

In Texas, when there is a conflict between a rule of procedure and a statute, the statute generally prevails unless the procedural rule was enacted after the statute and explicitly repeals it as per Texas Government Code § 22.004. This indicates that statutes have a higher legal authority than procedural rules unless specific conditions are met.

[Guillory v. Seaton, LLC, 470 S.W.3d 237 \(Tex. App. 2015\)](#)

Texas Court of Appeals

Extract

Article V, section 31(b) of the Texas Constitution authorizes the Texas Supreme Court to “promulgate rules of civil procedure for all courts not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts.” Tex. Const. art. V, § 31 (b); In re M.N., 262 S.W.3d 799, 802 (Tex.2008). The Texas Government Code further specifies that “[t]he supreme court has the full rulemaking power in the practice and procedure in civil actions, except that its rules may not abridge, enlarge, or modify the substantive rights of a litigant.” Tex. Gov't Code Ann. § 22.004(a) ; In re M.N., 262 S.W.3d at 802. Moreover, “[s]o that the supreme court has full rulemaking power in civil actions, a rule adopted by the supreme court repeals all conflicting laws and parts of laws governing practice and procedure in civil actions, but substantive law is not repealed.” Tex. Gov't Code Ann. § 22.004(c) ; In re M.N., 262 S.W.3d at 802.

Summary

The passage provides insight into the hierarchy by explaining the Texas Supreme Court's authority to create rules of civil procedure, which must not conflict with state laws. This indicates that the Texas Constitution and statutes hold a higher position in the hierarchy than procedural rules, as the latter cannot override substantive law.

[In re Google, 705 S.W.3d 479 \(Tex. App. 2025\)](#)

Texas Court of Appeals

Extract

The first clause of the Texas Constitution declares, 'Texas is a free and independent State, subject only to the Constitution of the United States.' ... Although the Texas Rules of Civil Procedure are not codified, the Code Construction Act can be used in interpreting them because the Texas Supreme Court passes the rules pursuant to its authority under Section 22.004 of the Government Code, in addition to its constitutional authority.

Summary

The passage highlights the supremacy of the Texas Constitution, indicating it is subject only to the U.S. Constitution. It also mentions the Texas Rules of Civil Procedure, which are interpreted using the Code Construction Act, and are established under the authority of the Texas Supreme Court and the Government Code. This suggests a hierarchy where the Texas Constitution is

at the top, followed by statutes like the Government Code, and then procedural rules like the Texas Rules of Civil Procedure.

[In re Tex. Educ. Agency, 619 S.W.3d 679 \(Tex. 2021\)](#)

Texas Supreme Court

Extract

HISD further urges that the statutory scheme and the rules of appellate procedure cannot be construed as neutering judicial power in the way Relators suggest without violating the separation-of-powers doctrine established in Article II, Section 1 of the Texas Constitution.

Summary

The passage highlights the importance of the Texas Constitution, specifically Article II, Section 1, which establishes the separation-of-powers doctrine. This doctrine is a fundamental principle that underpins the hierarchy of legal authorities in Texas, ensuring that the legislative, executive, and judicial branches of government operate independently. This constitutional principle is paramount and influences the interpretation and application of statutes, rules, and case law in Texas.

[Tex. Gov't. Code § 22.004 Tex. Gov't. Code § 22.004 \[Effective Until 12/4/2025\] Rules of Civil Procedure](#)

Extract

The supreme court has the full rulemaking power in the practice and procedure in civil actions, except that its rules may not abridge, enlarge, or modify the substantive rights of a litigant... The rules and amendments to rules remain in effect unless and until disapproved by the legislature... So that the supreme court has full rulemaking power in civil actions, a rule adopted by the supreme court repeals all conflicting laws and parts of laws governing practice and procedure in civil actions, but substantive law is not repealed.

Summary

The Texas Supreme Court has the authority to promulgate rules of civil procedure, which can repeal conflicting procedural laws but cannot alter substantive rights. This indicates that the Texas Supreme Court's rules of civil procedure hold significant authority, but they are subject to legislative oversight and cannot conflict with substantive law.

[22 Tex. Admin. Code § 881.10 22 Tex. Admin. Code § 881.10 Conflict Between Other Laws and Council Rules](#)

Extract

In the event of a conflict between a Council rule and the state or federal constitution, a state or federal statute, or a rule, guideline, or requirement promulgated by a federal office or agency, the state or federal law, guideline, or requirement shall control.

Summary

In the event of a conflict, the state or federal constitution, statutes, or federal guidelines take precedence over the rules of the Texas Behavioral Health Executive Council. This suggests a hierarchy where constitutional and statutory laws are superior to administrative rules, at least within the context of the Texas Behavioral Health Executive Council.

[Tex. Const. art. 5 § 31 Tex. Const. art. 5 § 31 Court Administration; Rule-Making Authority; Action On Motion For Rehearing](#)

Extract

The Supreme Court is responsible for the efficient administration of the judicial branch and shall 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. The Supreme Court shall promulgate rules of civil procedure for all courts not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts. The legislature may delegate to the Supreme Court or Court of Criminal Appeals the power to promulgate such other rules as may be prescribed by law or this Constitution, subject to such limitations and procedures as may be provided by law.

Summary

The Texas Supreme Court has the authority to promulgate rules of administration and civil procedure for the courts, provided these rules are not inconsistent with state laws. This indicates that the Texas Constitution grants the Supreme Court rule-making authority, which is a significant aspect of the legal hierarchy in Texas. The legislature can also delegate rule-making powers to the Supreme Court or Court of Criminal Appeals, further emphasizing the role of these courts in the legal hierarchy.

This memo was compiled by Vincent AI based on vLex materials available as of November 02, 2025. [View full answer on vLex](#)