

Texas Judiciary System

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1 Texas Judiciary System

Texas uses an **adversarial system**, which has two parties:

1. Plaintiff - The party making an accusation
2. Defendant - The party that the accusation is against

Civil Law

Civil law deals primarily with individual or property rights, like contracts. Its purpose is to assign *responsibility*, not guilt.

The plaintiff and defendant are often private parties, like individuals or businesses. The government can be a plaintiff or defendant.

Disputes are typically set out in a petition, which is just one side of the story. To win the case, you must reach a level of proof, which is the preponderance of evidence. The preponderance of evidence is a majority.

Remedy is relief from or compensation for the violation of legal rights.

Criminal Law

Deals with proper behavior as defined by law, found in the Texas Penal Code. There are still two parties (plaintiff and defendant).

In criminal law at the trial level, the prosecution (plaintiff) is always initiated by the government. Specific charges of wrongdoing are spelled out. The defendant makes a plea. If they plead not guilty, they will go to trial. Strict rules of procedure are in place to ensure that the defendant gets everything they are entitled to.

Guilt is proven beyond a reasonable doubt. This is unlike preponderance of evidence. Determination of guilt results in punishment.

Jurisdiction

There are 3 definitions:

1. The type of law a court has the authority to hear
2. The area of authority (cities, counties, etc.)
3. **The court's purpose**

Original Jurisdiction is the court's authority to hear a case for the first time and decide the facts of the case. The judge oversees procedure, and usually a jury will evaluate the evidence.

Appellate jurisdiction is the power of a court to review the decisions of a lower court. It does not involve a new trial, so there is no new evidence or witnesses. This ensures that the proceedings of the lower court were legal. If the higher court decides the lower court made an error, they can reverse the decision. Individuals waive the right against double jeopardy by appealing the case.

The Texas judicial system is a 3 tiered system, with lower and higher levels (highest first):

Texas Supreme Court (Civil) and **Court of Criminal Appeals** (Criminal)

Appellate (circuit) courts - have the authority to review trial court decisions

Trial court - courts of original jurisdiction

Trial Courts

There are 4 courts that make up the lowest level of courts, the trial courts. They are all created by the Texas legislature through the Texas constitution.

Municipal Courts

- Jurisdiction (original)
 - Enforcement of city ordinances
 - Class C misdemeanors within city limits
 - civil cases involving dangerous dogs
 - Minor (very, class C) violations of state law
 - * Fine of \$500 or less
 - * Does not include a jail sentence
 - * most cases are traffic and parking violations
- As of 2018, there were 940 municipal courts. They handled almost 594,000 cases in 2018.
- Municipal court judges may sign and issue search and arrest warrants

Justice of the Peace Court

- Original jurisdiction over class C misdemeanor cases and small claims (this includes civil cases) if the fine is under \$500 and civil matters if the dispute is less than \$10,000
- 803 JP courts as of 2018
- Justices of the Peace
 - Can sign and issue search and arrest warrants.
 - Must be a registered voter to be a JP. If you aren't a practicing attorney, the state will pay for a 40 hour law course.
 - Elected to a 4 year term.
 - Duties
 - * Perform marriages
 - * Coroner duties
 - * Ex officio notary
 - * Small claims court
 - * Issue warrants
 - * Sign eviction notices (only court in Texas that can do this)
- Over 529,000 cases in 2018

County Courts at Law

- Original jurisdiction over Class A and Class B misdemeanors.
- Appellate jurisdiction over local courts. Because municipal and JP courts don't keep a record of cases, when a case is appealed to a county court at law, a trial de novo takes place, which is just a new trial in the county court at law.
- 245 county courts at law in 2018, 94,341 cases.
- Judges can sign and issue warrants.

County District Courts

- Original jurisdiction over
 - felony criminal cases
 - divorce cases
 - cases involving title to land
 - election contest cases
 - civil matters over \$200
 - any other matters the other courts can't handle
- In more densely populated areas, the district courts may specialize in civil, criminal, juvenile, or family law matters.
- Most juvenile cases are held here
- 469 courts as of 2018, 194,000 cases.
- Considered to be the chief trial court of the state.

Court of Appeals

There are 14 court of appeals in Texas, each with a different area of authority. They hear both civil and criminal cases. Arguments are held in front of a 3 judge panel, and operate under a very strict timeline. The judges will meet at a later date to make a decision.

Court of Appeals judges are elected to 6 year terms. They must be 35, and have a minimum of 10 years of experience as a lawyer or judge.

Highest Courts

Texas has a bifurcated court system, so civil and criminal cases are divided.

The Court of Criminal Appeals

The highest state court of criminal matters. The next level is federal.

Judges have the same age and experience restriction as at the appellate level. Appeals happen like the appellate level, except this court has 9 judges.

This court has exclusive jurisdiction over automatic appeals in death penalty cases. If someone is assigned the death penalty, they automatically skip the appellate courts and go here. This court has to hear the case (they can cherry-pick everything else).

Texas Supreme Court

Final court of appeals in civil and juvenile cases. Most of this court's cases come from the appellate courts, though it does have some original jurisdiction.

Same requirements for judges as the appellate level. Cases are held the same way as the Court of Criminal Appeals.

Grand Jury

- A 12 person jury
- Determines if there is sufficient evidence to try an individual (needs 9/12 votes)
- Indictment: The accusation issued by a grand jury
- True Bill: An indictment already approved by a grand jury
- Mostly a volunteer position

Petit Jury

- A jury in a civil or criminal trial
- County courts have 6 person juries, district courts have 12
- Jury panels are randomly selected from driver's license lists

County Commissioners Court

Sometimes called County Court. Don't get this confused with County Court at Law. Each county has a County Commissioners Court (254). Limited jurisdiction (only administrative purposes).

Statutory Probate Court

18 courts as of 2018. They have original probate jurisdiction. These are cases like wills, guardianship, mental health commitments, etc.

Selection of Judges

Judges are elected in partisan elections. Governors get to fill vacant offices. Some states use the merit plan, where governors always appoint a judge for the first time, and the judge runs to be reelected.