

The Texas Judicial System

Notes for the lecture materials in
Texas Government

Functions of the Judiciary

- Application of law to individual cases
- Judicial Review
- Appeals

Application of Law
(Generally done in trial setting)

- Finding of facts
- Determining if law applies to facts developed
- Interpretation of the applicable law
- Determining the legal rights of each party in the case

Judicial Review

- “Judicial review occurs when any court determines whether a legislative, executive, or judicial action was valid under the law”
 - Did policy making body have the authority to make the policy?
 - Did an executive official act within the scope of the authority granted?
 - Did a lower judicial court decide correctly?

Appeals

- All appeals must be based on
 - Law and procedure used by the lower court
 - Rules of evidence
 - Constitutionality of the law or policy applied

Types of Law

- Private law- rights and duties of persons acting in the promotion of individual interests.
 - Determined by civil statutes or case law. Major categories of civil law are classified as
 - Tort law- after injury occurs to gain redress of injuries
 - Contract law- binding agreements between two or more parties **which the state will enforce**
 - Equity law- seeks to prevent harm by allowing the judge to issue injunctions, stays, restraining orders, etc. prior to the damage being done to the person seeking relief

Types of Law

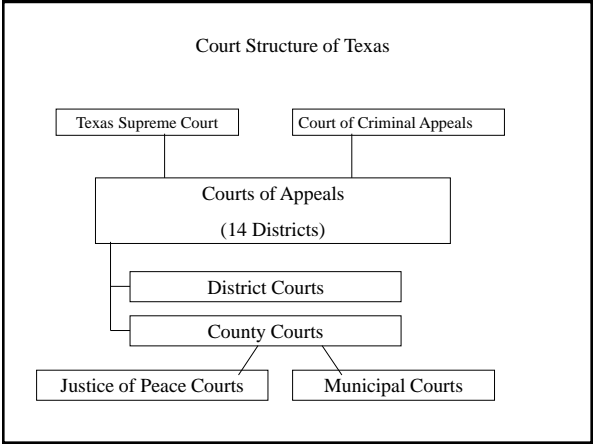
- Public law- government organization and procedure, power and responsibility of public officials, civil rights of individuals
 - Criminal law- defines acts against public order and establishes levels of punishment
 - Administrative law-structure and organization of governmental agencies
 - Constitutional law-established by the Constitution and rulings of the courts

Criminal Law

- Misdemeanors
 - Class C- punishable by fine alone
 - Class B- punishable by fine/ jail up to 180 days
 - Class A- punishable by fine/ jail up to 1 year
- Felonies
 - Class 4- fine (\$10,000)/ 180 days to 2 years
 - Also known as a state jail felony
 - Class 3- fine (\$10,000)/ 2-10 years
 - Class 2- fine (\$10,000/ 2-20 years
 - Class 1- fine (\$10,000/ 5-99 or life

Texas Courts

- Basic Features of the Texas Court System
 - Decentralized- no single reporting authority
 - Elected- all judges (except municipal judges) are elected by voters
 - Specialized- courts generally have specialized jurisdictions



Local Level Trial Courts

- *Municipal Courts*- (Criminal jurisdiction only) established by each municipality. Enforce city ordinances. Operate under state law and local supervision.
- *Justice of the Peace Courts*- established in Constitution.
- Civil- (o) <\$200 (c) 200-5000
- Criminal - Class C misdemeanors
- *Small Claims Courts*- statutory. Civil only. Amount up to \$5,000.

County Level Courts

- Constitutional Courts-
 - Civil (c-jp) \$200-5000 (c-district) 500-varies by county
 - Criminal- class A & B misdemeanors
- County Courts at Law- 214 in 84 counties.
 - Civil
 - (c) 500- 5000 (with JP Court)
 - (o/c) >\$5000 (now same as District Courts for torts)
 - Criminal- class A & B misdemeanors

District Level Courts

- General District Courts or Specialized (425) Courts- established by Legislature
 - Civil
 - (c) with County Courts \$500- 5000.
 - (o) Contested divorces*, land titles, contested elections, contested probate* (*some county courts at law may handle contested divorces and probate)
 - Criminal
 - all felonies

Intermediate Courts of Appeal

- Courts of Appeal (14 districts)
 - Criminal and civil jurisdiction
 - Hears appeals from County and District Courts
 - Courts have from 3 to 12 justices, as determined by the Legislature
 - Cases heard in panels of 3 judges

Highest Appeals Courts

- Two Appeals Courts
 - Nine justices elected state-wide in partisan elections
 - 6 year overlapping terms
- Texas Supreme Court- Civil Only
- Court of Criminal Appeals-Criminal Only

Juries

- Grand Juries (12 members)
 - Selected by Jury Commission appointed by District Judge
 - May issue “true bill” or indictment on vote of 9 members
 - All testimony is given in secret
- Trial Juries (6 JP/County, 12 District)
 - Prospective jurors called by random
 - Exemptions- over 70, custody of young children, full-time students

Major Concerns of Judicial System
Structural and Operational

- Structural reorganization
- Clearer lines of authority
- Compensation for victims of crime
- Crowded dockets
- Judicial compensation and retirement

Major Concerns of Judicial System
Political

- Campaign contributions to candidates for judge
- Partisan elections which frequently focus on political issues rather than judicial competency
- At-large elections which eliminate minority judges
- Disciplining and removal of judges
