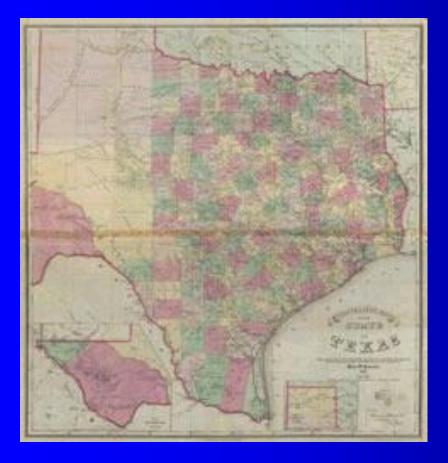
The office of County Court at Law Judge

Objectives

- Explain what a County Court at Law Judges does
- Outline qualifications of the judges
- Examine their legal authority
- Understand their jurisdiction
- Understand the differences between the County Courts at Law throughout the State
- Examine the future of these Courts

A Quick Judicial History of Texas

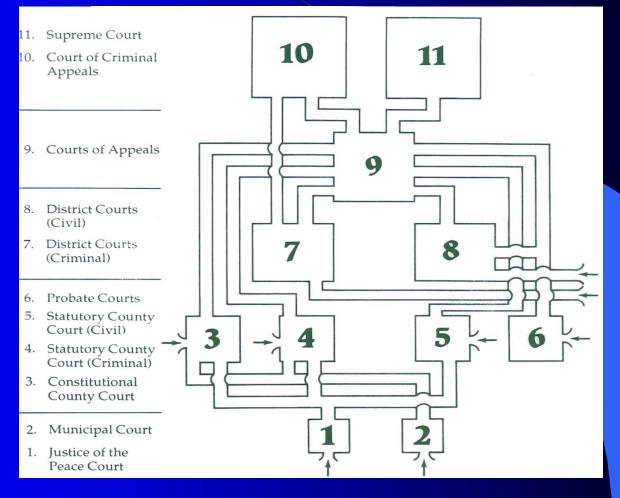


The Constitution of 1876 established the trial courts of Texas: ⇒ District Courts, at least one per county Seconty Courts for Misdemeanors, Probate, Administration *⇒* Justice Courts 1

¹ See the Constitution of the State of Texas, Art. V, Sec. 15-18

Organization

A "simplified" organizational chart of the Texas Judiciary



Texas Research League. The Texas Judiciary: A Structural-Functional Overview. Austin: 1990, pg. xix.



Qualifications:

1. Be at least 25 years of age;



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2. Have resided in the county for at least two years before election or appointment; and

3. Be a licensed attorney practicing in this state for minimum of four years.

4. United States Citizen.

* Elected county-wide for four (4) year term;

* If appointed to fill a vacancy, they are appointed by County Commissioners.

¹ Vernon's Texas Codes Annotated. Government Code. Chapter 25.

Powers and Duties

Tex. Gov. Code § 25.0004. Powers and Duties

(a) A statutory county court or its judge may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedes, and all writs necessary for the enforcement of the jurisdiction of the court. It may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court or any court of inferior jurisdiction in the county.

(b) A statutory county court or its judge may punish for contempt as prescribed by general law.

(c) The judge of a statutory county court has all other powers, duties, immunities, and privileges provided by law for county court judges.

(d) Except as provided by Subsection (e), the judge of a statutory county court has no authority over the county's administrative business that is performed by the county judge.

(e) The judge of a statutory county court may be delegated authority to hear an application under Section 25.052, 26.07, or 61.312, Alcoholic Beverage Code.

Jurisdiction

- (a) A statutory county court has jurisdiction over all causes and proceedings, civil and criminal, original and appellate, prescribed by law for county courts.
- (b) A statutory county court does not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways and the general administration of county business that is within the jurisdiction of the commissioners court of each county.
- (c) In addition to other jurisdiction provided by law, a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court in:

(1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$250,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition; and

(2) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance, regardless of the amount in controversy.

- (d) Except as provided by Subsection (e), a statutory county court has, concurrent with the county court, the probate jurisdiction provided by general law for county courts.
- (e) In a county that has a statutory probate court, a statutory probate court is the only county court created by statute with probate jurisdiction.
- (f) A statutory county court does not have the jurisdiction of a statutory probate court granted statutory probate courts by the Texas Estates Code. ¹

Does this County Court at Law handle my type of case?

- Each County Court at Law is created by a separate statute.
- Statutes assign various duties to the court as requested by county officials.
- Jurisdiction varies from one to another.

Some Statutory Courts...

- Are Criminal County Courts at Law
- Are Civil County Courts at Law
- Are Probate and Guardianship Courts
- Hear Family Law Cases
- Hear Family Violence Cases.
- Primarily hear Juvenile Cases

 Do a little bit of everything-Civil, Criminal, Probate, Juvenile, Appeals, Eminent Domain, and Guardianships.



Is It a Family Law Matter?



In the following 55 counties the county courts at law have concurrent jurisdiction with the district courts in civil cases, workers compensation appeals, and family law (divorces, child custody etc.):

Anderson, Angelina, Aransas, Austin, Bastrop, Bee, Brazos, Brown, Burnet, Caldwell, Cherokee, Comal, Coryell, Ector, El Paso, Ellis, Fort Bend, Galveston, Gregg, Guadalupe, Hays, Henderson, Hidalgo, Hood, Houston, Johnson, Kendall, Kerr, Kleberg, Lamar, Liberty, Lubbock, Medina, Midland, Montgomery, Moore, Nacodoches, Nolan, Orange, Panola, Parker, Polk, Potter, Randall, Reeves, Rusk, Starr, Val Verde, Walker, Waller, Washington, Webb, Wichita, Wilbarger, Williamson, and Wise Counties.

* Tarrant County has jurisdiction in non-jury family law cases

Criminal Law Is It A Misdemeanor?



Class A Misdemeanor: Up to 1 year in jail +/or up to \$4,000

Class B Misdemeanors: Up to 180 days in jail +/or up to \$2,000

Class C appeals: No jail, Fine only. Most are up to a \$500 fine. Appellate jurisdiction (de novo) over class C offenses, if they are not courts of record.

Examples of Misdemeanors

Class A Assault Causing Bodily Injury Burglary of a coin machine Burglary of a vehicle Cruelty to Animals Driving While Intoxicated 2nd or 0.15 BAC **Engaging in Organized Criminal Activity Escape from Custody** Family Violence (first offense) Illegal Dumping Possession of a Dangerous Drug Possession of Prohibited Weapon (if knuckles) Theft over \$750-\$2,500 Unlawfully Carrying Weapon Violation of a Protective Order

Class B

Alcoholic Beverage offenses **Criminal Mischief** Criminal Trespass (not habitation) **Driving While Intoxicated** Failure to Identify Graffiti (depends on damage) Harassment (1^{st-}B; 2^{nd-}A) Indecent Exposure Inhaling Volatile Chemicals Interference w/ Public Servant Possession of Marijuana 0 - 2 oz Possession of Suspended DL Prostitution **Terroristic Threat** Theft over \$100-\$750

CCLs with Concurrent Civil and Criminal (misdemeanors) Jurisdiction with District Courts

Angelina Austin Bastrop Bee Brazos Brown Burnet Caldwell Cherokee Comal Coryell,

Ector Ellis Fort Bend Galveston Guadalupe Hays Harris Henderson Hidalgo Houston Johnson

Kendall Kerr Liberty Lubbock Medina Midland Montgomery Moore Nacogdoches Nolan Orange

Panola Parker Polk Reeves Rusk Starr Travis Val Verde Walker Waller Washington Webb Wichita Wilbarger Williamson Wise

Criminal Law CCLs with General Felony Jurisdiction:



Bee Bowie Brown Hunt Matagorda

Calhoun (except writs of habeas corpus) **Gregg (except Capital Murder)** Harrison (except Capital Murder) Hill (except Capital Murder) Hopkins (except felony jury trials) Navarro (except Capital cases) **Rockwall (except Capital Murder)** Kaufman (except Capital Murder) Van Zandt (except Capital Murder)

Criminal Law Limited Felony Jurisdiction

To conduct arraignments, pretrial hearings, and accept guilty pleas:AndersonChambers (as of 2021)PotterAransasKlebergRandallCassLamarTarrant (10)

Others:

Bosque (arraignments, pretrial hearings, Mtn to Adjudicate and pleas), Denton (has felony jurisdiction in certain matters involving intoxication), McLennan (3rd degree felonies, arraignments, pretrial hearings, accept guilty pleas), Smith (except Capital Murder and Ist or 2nd degree felonies), and Travis (1) (state jail felony and third degree felony cases involving family violence).

Examples of Felonies

First Degree Felonies

Prison (5-99 years) +/or Fine < \$10,000 Aggravated Assault of public servant Aggravated Robbery Aggravated Sexual Assault Attempted Capital Murder Injury to a Child, Elderly, Disabled Murder

Second Degree Felonies

Prison (2-20 years) +/or Fine < \$10,000 Aggravated Assault (not a public servant) Burglary of a Habitation Indecency with a Child (contact) Intoxication Manslaughter Robbery Stalking-2nd

Third Degree Felonies

Prison (2-10 years) +/or Fine < \$10,000 Cruelty to Animal DWI-3rd Intoxication Assault Possession Firearm (by a Felon) Indecent Exposure to a Child

State Felonies

180 days to two years in state jail Plus fine<\$10,000 Burglary of a building Cruelty to animals Interference with Child Custody Terroristic Threat if damage over \$1500, or threat is against a peace officer or judge Auto Theft



County-Level Courts: 2019₁ Highlights

♦ There were 585,000 cases pending at the beginning of FY 2019.

During FY2019, 719,235 new cases were added to the dockets of the county level courts excluding probate and guardianship. (56,712 probate and 5,048 guardianship cases filed.)

♦ The CCLs disposed of 582,774 cases during the FY2019.

There were 489,070 cases
pending at the beginning of FY
2018.

In FY 2018, 595,732 new cases were added to the dockets of the CCLs.

 In the 2020, all filings are down due to COVID except protective orders not associate with a divorce action, family violence cases and "other" misdemeanors. Most felonies declined except for capital murder, aggravated assault/attempted murder, auto theft, family violence and juvenile homicides.

¹ Texas Judicial Council and Office of Court Administration. *Texas Judicial System, Annual Report.* Austin: OCA, 2018, 2019 and 2020.

Review

- Duties
- Qualifications of Judges
- Current Legal Authority
- Types of cases
- Differences among Courts at Law
- Future of Courts

Resources

- http://www.courts.state.tx.us/
- http://www.constitution.legis.state.tx.us/
- http://www.texas.gov/en/Pages/default.aspx