

The office of
County Court at Law Judge

Phase II: 2.017

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



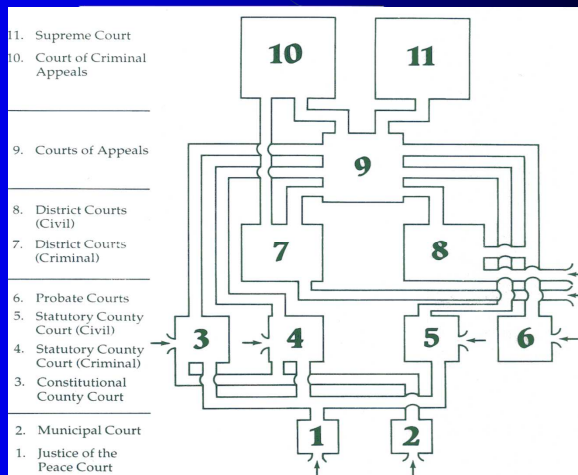
The Constitution of 1876 established the trial courts of Texas:

- ≈ District Courts, at least one per county
- ≈ County 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;
 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 a minimum of four years.
-
2. Elected county-wide for four (4) year term;
 3. 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.



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

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 \$200,000, 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

¹ Texas Government Code, Chapter 25.

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 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?



The county courts at law have jurisdiction of Class A (less than 1 year in jail +/- < \$4,000) and B Misdemeanors (less than 180 days in jail +/- < \$2,000) and Class C (no jail + < \$500) and Unclassified misdemeanors; appellate jurisdiction (de novo) over class C offenses and appellate jurisdiction (de novo) over JP and municipal court decisions.

The county courts at law in the following counties have concurrent civil jurisdiction with the district court and in criminal cases (misdemeanor) but with NO felony jurisdiction:

Anderson, Angelina, Aransas, Austin, Bastrop, Bee, Brazos, Brown, Burnet, Caldwell, Cherokee, Comal, Coryell, Ector, Ellis, Fort Bend, Gregg, Galveston, Guadalupe, Hays, Harris (15), Henderson, Hidalgo(4), Houston, Johnson, Kendall, Kerr, Lamar, Liberty, Lubbock, Medina, Midland, Montgomery, Moore, Nacogdoches, Nolan, Orange, Panola, Parker, Polk, Potter, Randall, Reeves, Rusk, Starr, Travis, Val Verde, Walker, Waller, Washington, Webb, Wichita, Wilbarger, Williamson, and Wise Counties.

Examples of Misdemeanors

Class A

Assault Causing Bodily Injury
Burglary of a coin machine
Burglary of a vehicle
Cruelty to Animals
Driving While Intoxicated or above 0.15
Engaging in Organized Criminal Activity
Escape from Custody
Family Violence
Illegal Dumping
Possession of a Dangerous Drug
Possession of Prohibited Weapon (if knife or 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)
Failure to Identify
Graffiti (depends on damage)
Harassment (1st-B; 2nd-A)
Indecent Exposure
Inhaling Volatile Chemicals
Interference w/ Public Servant
Possession of Marijuana
Possession of Suspended DL
Prostitution
Terroristic Threat
Theft over \$100-\$75000

Criminal Law Is It a Felony?



The county courts at law located in the following counties have general felony jurisdiction:

Bee, Brown, Gregg (except for Capital Felonies), Hopkins (except in felony jury trials), Kaufman (except in Capital Murder Felonies), Matagorda, Navarro (except capital cases), and Rockwall County (except in capital murder felonies).

Criminal Law Is It a Plea or Third Degree Felony?

Limited Felony :

The county courts at law in the following counties have limited felony jurisdiction:

Aransas (to conduct arraignments, pretrial hearings, and accept guilty pleas), Denton (has felony jurisdiction in certain matters involving intoxication), Kleberg (may conduct arraignments, conduct pretrial hearings, and accept guilty pleas in felony cases), Lamar (may conduct arraignments, conduct pretrial hearings, and accept guilty pleas in felony cases), McLennan (third degree felonies, and may conduct arraignments, conduct pretrial hearings, and accept guilty pleas in felony cases), Randall (may conduct arraignments, conduct pretrial hearings, and accept guilty pleas in felony cases), Smith (except capital felony cases or 1st and 2nd degree felonies), Tarrant (10) (may conduct arraignments, conduct pretrial hearings, and accept guilty pleas in felony cases), and Travis (1) (may hear 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

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
Auto Theft

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

County-Level Courts: 2023¹ Highlights

◆ During FY2023, 575,586 new cases were added to the dockets of the county-level courts. There were 502,216 cases pending at the beginning of FY 2023.

◆ In FY 2023, for civil matters suits on debt was the most frequent type of case filed.

◆ Excluding mental health and probate cases, the courts disposed of 508,280 cases during the fiscal year.

¹ Texas Judicial Council and Office of Court Administration. *Texas Judicial System, Annual Report*. Austin: OCA, 2023

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>