

## **STATUTORY COUNTY COURT AT LAW**

*By Judge Orlinda Naranjo, Elected Local Administrative Judge for  
County Courts at Law, and Judge, Travis County Court at Law No. 2*

Statutory County Courts at Law are created by the Texas Legislature to address a local need; they initially were created to handle the judicial functions of the county judge.

The first statutory county court at law was created in 1907 in Dallas County. The Legislature has continued to establish these courts on an ad hoc basis in response to a county's request and need.

As of fiscal year (FY) 2004, the Legislature has created 212 statutory county courts at law in 81 counties and 17 probate courts. These courts have general, civil, criminal or specialized jurisdiction and vary significantly from county to county. An individual county court's jurisdiction is defined by the particular statute creating the court.

The judge must be a licensed attorney practicing in Texas for at least four years. Judges are elected countywide for a four-year term. If they are appointed to fill a vacancy, they are appointed by the county commissioners court.

The powers and duties are set out in the Government Code, specifically Chapter 25. The judge can issue writs of injunction, mandamus, attachment, garnishment, sequestration, and habeas corpus in cases where the offense charged is within the jurisdiction of the court. The judge also can punish for contempt, and has all other powers and duties of the county judge.

Some statutory courts are criminal, civil, probate, family, family violence and juvenile, some hear only appeals, and some do a little of everything. The court has jurisdiction of appeals of the Texas Workers' Compensation Commission and probate jurisdiction, unless there is a statutory probate court. The court does not have jurisdiction over matters concerning roads, bridges, and public highways or over the general administration of county business; the judge cannot hear cases affecting title to land. The original jurisdiction of trial courts is determined by the subject matter and the amount in controversy at the time of the filing of the suit.

The jurisdictional dollar limit of county courts varies from county to county. It is not related to population. In Texas, 133 county courts at law have concurrent jurisdiction with the district courts in civil cases where the dollar limit is \$100,000. Other jurisdictional dollar limits range from \$250,000 to \$1 million. Fifteen counties have county courts that have no dollar limit and can handle any case that district courts handle.

In 55 counties, the county courts have concurrent jurisdiction with the district courts in family law matters including divorces, child custody, adoptions, child welfare, child support, etc. Some county courts have limited family jurisdiction. Other types of civil matters heard in the county courts are condemnation that may involve millions of dollars, personal injury, contract, landlord

tenants, debt collections, medical malpractice, justice of the peace and small claim appeals, and administrative license revocation appeals (license is suspended for DWI or DUI).

The county courts also have criminal jurisdiction of Class A and B misdemeanors and appellate jurisdiction over class C offenses and justice of the peace and municipal court decisions. Some county courts have limited felony jurisdiction and can conduct felony arraignments, pretrial hearings, and accept guilty pleas, and some handle all felony matters except capital murder cases.

Statutory county courts are very busy courts. In FY2004, 860,219 new cases were filed in these courts, the largest number of cases ever added to the dockets in any fiscal year. Of the total number of cases added to the courts' docket, 70.4 percent were criminal, and 17.8 percent were civil. Of the total number of new civil cases, 33 percent were debt collections, 16 percent were personal injury, and 16 percent were family. Of the total number of criminal cases on the dockets (1,225,662), 31.4 percent were worthless checks, 17.3 percent were DWI or DUI cases, 9.7 percent were drug offenses, 8.8 percent were assault cases, and 9.4 percent were traffic cases.

To confuse matters more, in 1985 the Court Administration Act, Section 74.094 authorized that within a county, district and statutory county court judges may exchange benches. This means a statutory court judge can sit as a district court judge and vice versa. How does it work in the real world? For example, if my cases resolve, I call the administrator and ask for a district court case. I sit as a district court judge on that case. Section 74.094 gives me, the judge assigned, the same power of the district court that I am sitting for. This statute blurs the practical distinctions between district and statutory county courts and allows for the efficient use of judges.

County courts are important to the commissioners court because:

- 1) many citizens interact with this trial court level either as a juror or a party;
- 2) the commissioners court fills vacancies;
- 3) the income generated from these courts in fines and costs is significant;
- 4) a significant percentage of the total monies spent on attorney appointments for indigent defense is in misdemeanor cases, i.e. 40 percent in Travis County; and
- 5) commissioners court determines the need to go to the Legislature to create a new county court or to change the jurisdiction as a solution to the heavy caseload.

The statutory county courts at law play a very significant role in our trial courts. They are not second citizens to the district courts. These courts are the answer to a local need for additional courts to handle the heavy caseloads.