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# District Clerk

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District clerks are called on to assure that the affairs of the district courts are maintained objectively with the full confidence of judicial authorities. Even though district courts are state offices, they have become an integral part of county government. The duties of the office are virtually all judicial and pertain to the district court. These duties are extensive and interface with each phase of the judicial process.

The office of district clerk has been included in every Texas Constitution since the Republic. The Texas Constitution states, "There shall be a clerk for the district court of each county, who shall be elected by the qualified voters and who shall hold his office for four years, subject to removal by information, or by indictment of a grand jury, and conviction of a petit jury. In case of vacancy, the judge of the district court shall have the power to appoint a clerk, who shall hold until the office can be filled by election."

In counties with populations less than 8,000, a combination county/district clerk may be elected unless voters authorize separate offices. All new clerks, their deputies and employees must be bonded and insured against liabilities incurred through errors or omissions and loss from burglary, theft, robbery, counterfeit currency or destruction. The primary role of the office is supporting the district court system; this role is essential to the court's smooth operation. Depending on the makeup of the judicial districts in a

county, a district clerk may serve one or more district courts whose districts include the clerk's county. However, a single district court whose district includes multiple counties would be served by the various district clerks of each county.

The district court hears many types of cases including felony criminal, family, juvenile, delinquent tax and greater value civil cases. The district clerk is the official recorder, registrar and custodian of all court pleadings, instruments and papers that are part of any district court case.

Other duties include indexing and securing all court records, recording all court verdicts, collecting filing fees, and handling funds held in litigation and money awarded to minors. Often present in the courtroom, a district clerk files documents; administers oaths to defendants, witnesses and jurors; and assists the judge in managing the docket.

After a court case is filed, the clerk may be requested by an attorney or directed by court order to issue certain documents. Some of the documents issued may include a citation to notify a party that a case was filed, a warrant to have someone arrested, a protective order to keep someone from harm, a writ to garnish wages, an order to sell property, or an execution to have someone put to death. Any payable fees for processing these documents also are collected by the clerk's office. These fees

are then distributed to the proper state and local agencies on a monthly basis. The district clerk performs all of these duties from the time a case is filed through disposition, appeal and ancillary proceedings that may occur for many years after judgment.

Additional responsibilities include maintaining a list of court fines and jury fees. Included in the statement is the name of the party from whom a fine or jury fee was received, the name of each juror who served during the term, the number of days served, and the amount due the juror for the services.

The district clerk is the officer of the court in charge of the jury selection process and acts as a liaison between the jurors, courts and employers. This responsibility includes summoning, selecting, swearing and impaneling both petit and grand juries for district courts.

A significant number of miscellaneous duties are assigned to this office. These include accepting passport applications in counties with no local passport agency, taking depositions of witnesses, and administering oaths and affirmations. According to statutory requirements, the district clerk also gathers data and reports to many state and local agencies. This extensive reporting assists the county, the state and the Legislature in determining the proper operation of the courts, the effectiveness of the statutes, and the need for changes.

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The office of the district clerk is responsible for receiving and disbursing child support

payments in cases filed prior to 1994. With the implementation of Federal Welfare Reform legislation in 1996, district clerks have been working in cooperation with the Office of the Attorney General to implement a centralized State Disbursement Unit (SDU) for child support. Offices have the option to maintain customer involvement through local customer service, state case registry, and/or local disbursement of child support checks.

District clerks are required to obtain 20 education hours during each calendar year that begins after election or appointment, including at least one hour regarding registry funds handled under Chapter 117 of the Local Government Code and at least one hour regarding fraudulent court documents and fraudulent document filings.

For more information on the office of District Clerk or other county government topics and issues, please contact the V.G. Young Institute of County Government.

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