

JUSTICE OF THE PEACE

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December 2004*

The Texas Judicial System has three levels of trial court – district, county, and justice or municipal – and two appellate courts. The justice of the peace falls into the justice court. This court has the most uniform court in the state.

Each county is required to have a justice of the peace, and generally there is one for each precinct. The precincts are based on population. These precincts can be changed through redistricting by the commissioners court. Each justice of the peace serves a four-year term by election or by appointment to fill a vacancy left in term.

Eligibility requirements for the justice of the peace office are:

- a citizen of the United States;
- at least 18 years of age;
- mentally competent;
- no felony convictions; and
- a resident continuously in Texas for 12 months, having presided in the precinct for six months.

A justice of the peace is elected by the qualified voters of the precinct.

A newly elected or appointed justice of the peace must attend 80 hours of training during the first year administered by the Texas Justice Court Training Center and funded by a grant awarded from the Texas Court of Criminal Appeals. These 80 hours of education are separated into three seminars of two 20-hour schools and one 40-hour school. After the first year in office, justices of the peace must attend a 20-hour school every year. The education covers all areas of the justice of the peace office.

After each legislative session, additional training is offered to keep the judges informed of any and all changes affecting their courts.

The justice court has jurisdiction over civil, small claims, and eviction suits up to \$10,000 exclusive of interest. Because the justice court is not a court of record, any appeal to county court is trial de novo, or a new trial.

The justice of the peace also serves as magistrate and can issue warrants for arrest as well as search warrants after determining there is enough probable cause to do so. Another important function as magistrate is to review applications for emergency mental commitments and emergency protective orders.

In counties that do not have a medical examiner or county coroner, a justice of the peace is required to rule on cause and manner of death on unattended deaths and must determine when an autopsy is necessary to find the cause. In this position, the justice of the peace works closely with law enforcement personnel who have the investigation authority.

Because of the duties of search warrants, arrest warrants, emergency mental commitments and determining cause and manner of death, it is necessary that the justice of the peace be on call. In most counties, there is an agreed rotation in place; in many counties, the county judge and the city judge help in this area.

For the average citizen, the only court they will encounter is this lower court or the “people’s court.” The justice court was dubbed the people’s court because people can represent themselves without the aid of an attorney, if they so choose.

Many people form their trust in the judiciary at this level. Because of this level of trust, all judges are held to high ethical standards. These standards are governed by the Judicial Conduct Commission. The committee for the Commission receives complaints and investigates to determine if there is an ethical violation or a violation of the Judicial Canons, and administers accordingly.

The justices of the peace are approximately 850 in number. Of that number, there are approximately 60 attorney justices of the peace, with the remainder being non-attorney justices of the peace. In the state of Texas, the number of judges that also serve as the clerk of their court exceeds the number of attorney justices of the peace. As you can see, justices of the peace perform a variety of duties, according to the needs of their counties.

The office of justice of the peace in the state of Texas is one with much history. The position is one that has withstood the test of time and is derived from our basic judicial roots from the British.