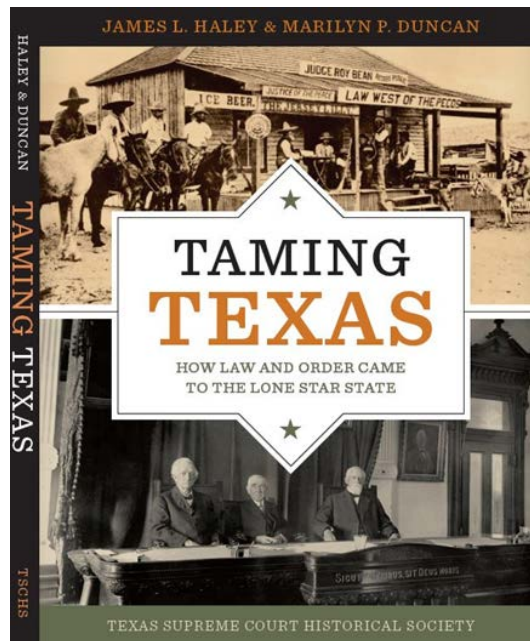




# DBA Teach Texas Curriculum Guide



In partnership with the  
Texas Supreme Court Historical Society  
and  
Law-Related Education, State Bar of Texas  
[www.tamingtexas.org](http://www.tamingtexas.org)

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## **Overview of Lesson Plans**

Thank you so much for helping our students explore and understand the Texas judiciary and the history of our court system. As an important part of this project, the Texas Supreme Court Historical Society has prepared three books on judicial civics and court history: *Taming Texas: How Law and Order Came to the Lone Star State*, *Law and the Texas Frontier*, and *The Chief Justices of Texas*. Authors Jim Haley and Marilyn Duncan wrote these books especially for seventh-grade Texas history and social studies students to educate them on the importance of the third branch of government. The lessons you will teach include stories and illustrations from the books, which are the first of their kind in the country.

To assist you as you interact with the students, here is a quick overview of each lesson. During two classroom visits, you will help students:

1. Examine the rule of law and learn about the development of law in Texas.
2. Examine the structure of the Texas court system and the types of cases each court hears.

### **Lesson Plan 1: The Rule of Law and the History of Texas Law**

This lesson is designed to introduce students to the rule of law and the history of Texas law as a starting point for understanding how its court system works. The lesson has three activities:

- Introduce the judge/lawyer and the project with the Opening Script (5 minutes)
- Explain the rule of law with the opening slides of the PowerPoint (10 minutes)
- Explain the development of law in Texas with the Taming Texas portion of the PowerPoint (25 minutes)

### **Lesson Plan 2: The Texas Courts**

This lesson will focus on how the Texas court system is organized and what kinds of cases the different courts handle. The lesson has six activities:

- Review the rule of law from the previous lesson, slide 2 (5 minutes)
- Explain the difference between criminal law and civil law and between trial courts and appellate courts, slides 3-6 (5 minutes)
- Have students organize the Texas courts sheets by level of court (interactive exercise) (10 minutes)
- Summarize the various kinds of courts, from lowest to highest, slides 8-14 (5 minutes)
- Have students participate in the “I know someone who ...” exercise, slides 15-23 (10 minutes)
- Explain how federal courts fit into the judicial system, slides 24-26 (5 minutes)

# **Lesson Plan 1**



## The Rule of Law and the History of Texas Law (Lesson Plan 1)

### Objective

Students will identify the concepts of the rule of law and how Texas law and the judicial branch developed and have changed over time.

### Materials Needed

- Opening Script
  - Rule of Law [PowerPoint]
  - Taming Texas overview of the development of Texas law [PowerPoint]
- Note: Both PowerPoints are consolidated in Lesson Plan 1 PowerPoints

### Activities

- Opening Script (5 minutes)
- Explain the rule of law (10 minutes)
- Explain the development of law in Texas with the Taming Texas PowerPoint (25 minutes)

### Teaching Strategy

1. Cover the material in the Opening Script to introduce yourself and the project.
2. Using slides 2-4 in the PowerPoint, begin the class by reviewing the concept of the rule of law with the class. Explain why the concepts are important and try to engage the students in a dialogue.
3. Next, show the Taming Texas PowerPoint slides on the historical development of the law in Texas. Ask the students to read the slides in order to engage them in the discussion. Use the notes provided in the PowerPoint notes field to expand on the material on the slides. Slides 27-29 describe a case from 1883 involving an injured child, and students are asked to guess who won. Throughout the presentation, try to ask questions to get the students involved. Some examples: How does this [event] affect us today? Why is this [event] important?
4. To close the lesson, ask students whether they think one event or person in the history of Texas courts stands out as the most important or the most interesting.

### TEKS (Texas Essential Knowledge and Skills)

7.1.A History. The student understands traditional historical points of reference in Texas history... Natural Texas and its People; Age of Contact; Spanish Colonial; Mexican National; Revolution and Republic; Early Statehood; Texas in the Civil War and Reconstruction; Cotton, Cattle, and Railroads; Age of Oil; Texas in the Great Depression and World War II; Civil Rights and Conservatism; and Contemporary Texas.



# Opening Script for Teach Texas Classroom Program

## **Briefly Introduce Yourself:**

Your name, your law firm, organization, or court, what kind of law you practice, and briefly what got you interested in the legal profession.

## **Introduce the DBA (some facts):**

- We have been a club for attorneys since 1873. That means we are over 145 years old!
- We are dedicated to the continuing education of our members as well as public service programs and improving the administration of justice.
- Our public service programs include many law-related education programs for students: Law Day essay, art and photography contests; Mock Voir Dire Program; Summer Law Intern Program; and Texas High School Mock Trial Program

## **Introduce the Taming Texas Books:**

The Texas Supreme Court Historical Society has published three books in a new *Taming Texas* series. The books bring together stories about the Texas courts and how the law developed in Texas. The Historical Society is giving a book to your teacher so you will have a copy to use in the classroom. Everyone in the class can have a free electronic copy of the books. The books are available for download on your computer, Kindle, iPad, or other device and can be downloaded at [www.tamingtexas.org](http://www.tamingtexas.org).

## **Explain the Importance of Judicial Civics and Why You are There to Teach:**

- Every member of society has a civic responsibility to understand how their government works, how the judicial branch fits into the picture, and how the courts help safeguard their rights under the law. The 7th grade is an ideal time to learn about how all of this relates to you and your family.
- Judges and attorneys play important roles in the court system—judges literally sit in judgment on cases that come to court, and attorneys represent citizens and companies when they go to court. [If one volunteer is a judge and the other an attorney, say so, with a brief statement about what you do.]
- In Texas, the court system has an important history that ties in with the rest of Texas history in surprising ways. The Texas Supreme Court Historical Society, a nonprofit organization dedicated to preserving the history of the courts, is sponsoring a statewide project called Taming Texas that shares stories from the courts' history and teaches students about the court system.

## **Cover the Materials in Lesson Plan 1**

## **At the end of your lesson:**

Ask the kids if they have questions about the topics covered or about being an attorney or judge. Before you go, tell them Law-Related Education at the State Bar has games on its website that teach students about judicial civics and the rule of law: [www.texaslre.org/games/](http://www.texaslre.org/games/)

***\*\*Remember to leave the book with the class as a donation once your class is finished.\*\****

**TAMING TEXAS**  
**Judicial Civics and**  
**Court History Project**

**Teach Texas Classroom Program**

**LESSON 1: The Rule of Law and**  
**The History of Texas Law**

Revised 2/2020



## The Rule of Law

2

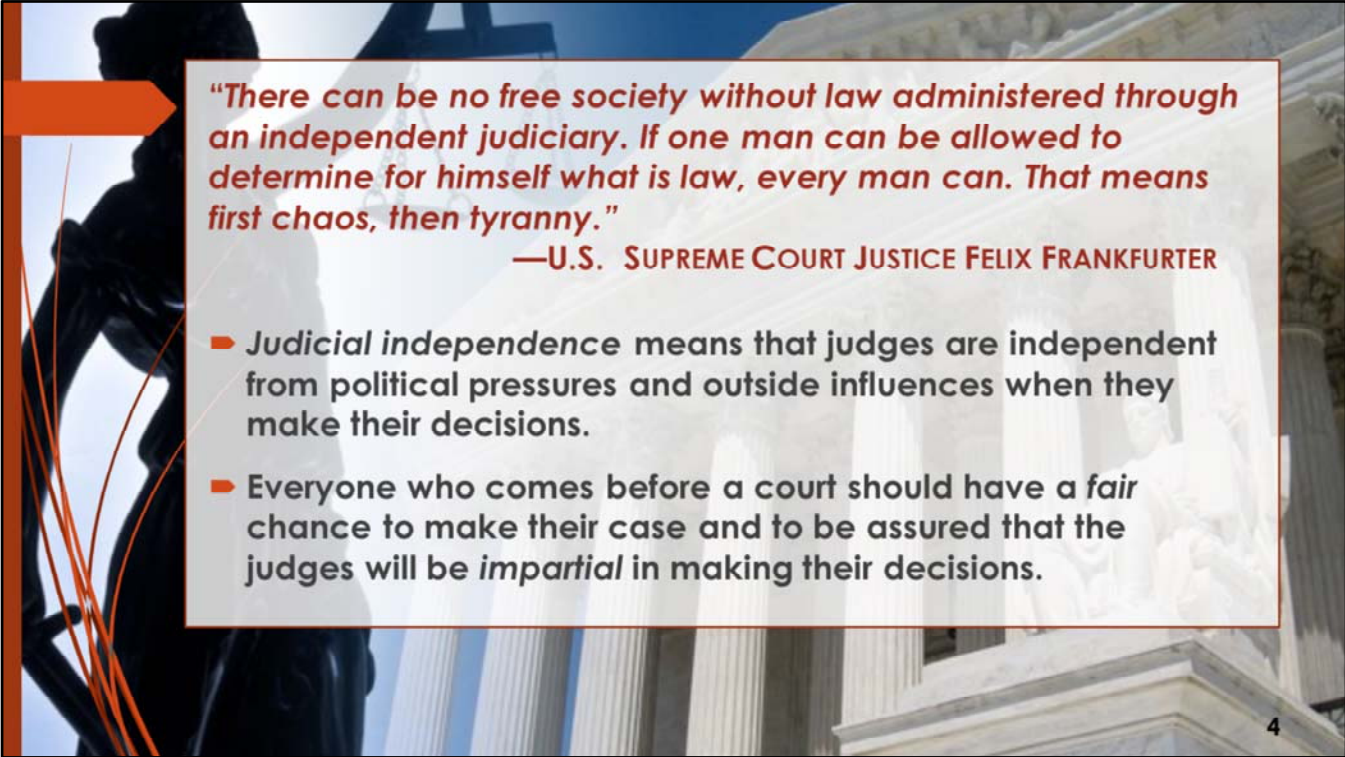


The background of the slide features a stack of old, leather-bound law books with the word "LAW" embossed on their spines. In the foreground, a wooden gavel with a polished head and handle rests on a surface. The entire scene is lit with a warm, golden light, creating a professional and authoritative atmosphere.

*“The rule of law . . . ensures justice between [people], however humble the one and however powerful the other.”*

**—PRESIDENT DWIGHT EISENHOWER**

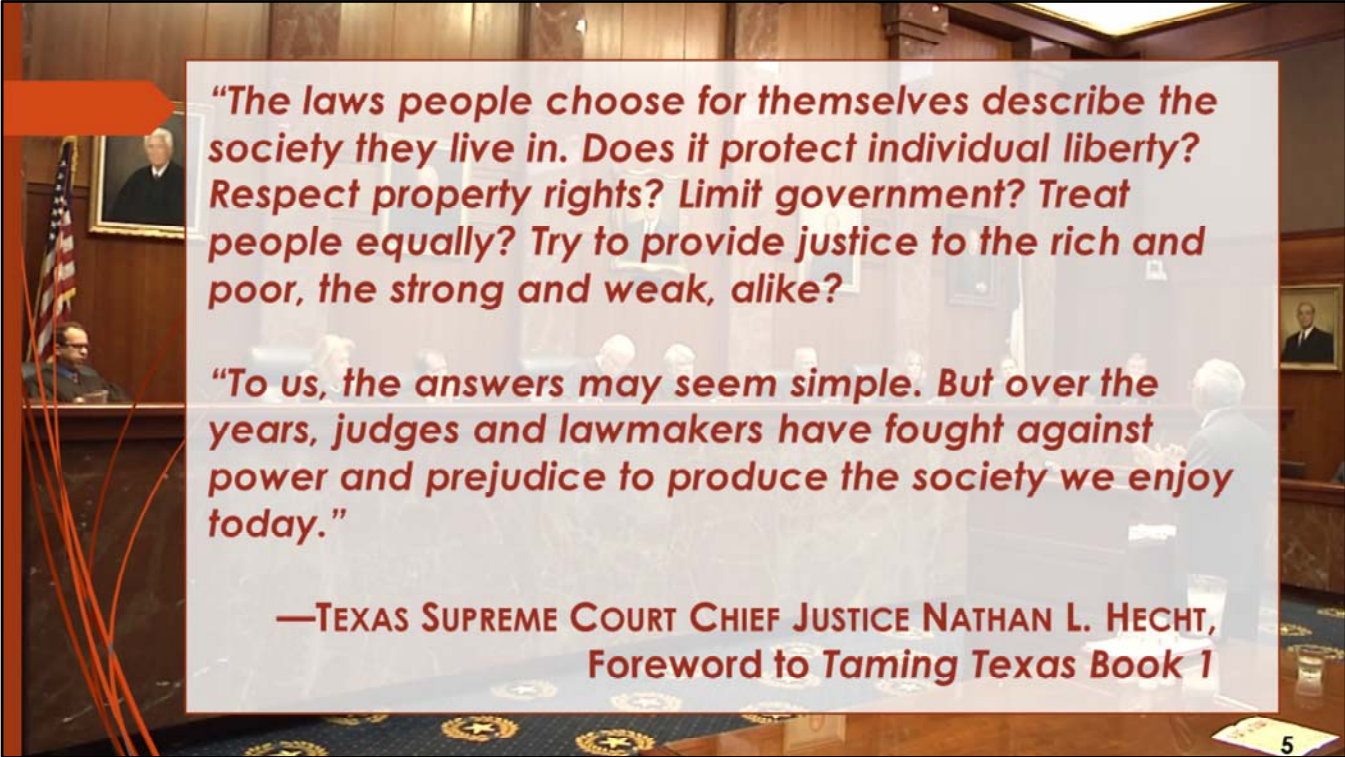
- The rule of law is a system of self-government in which everyone, including the government and its officials, is required to follow the law.
- Courts help preserve the rule of law by making independent decisions and by applying the law equally to all people.



“There can be no free society without law administered through an independent judiciary. If one man can be allowed to determine for himself what is law, every man can. That means first chaos, then tyranny.”

—U.S. SUPREME COURT JUSTICE FELIX FRANKFURTER

- *Judicial independence* means that judges are independent from political pressures and outside influences when they make their decisions.
- Everyone who comes before a court should have a *fair* chance to make their case and to be assured that the judges will be *impartial* in making their decisions.



*“The laws people choose for themselves describe the society they live in. Does it protect individual liberty? Respect property rights? Limit government? Treat people equally? Try to provide justice to the rich and poor, the strong and weak, alike?”*

*“To us, the answers may seem simple. But over the years, judges and lawmakers have fought against power and prejudice to produce the society we enjoy today.”*

**—TEXAS SUPREME COURT CHIEF JUSTICE NATHAN L. HECHT,  
Foreword to *Taming Texas* Book 1**

The background of the slide is a vertical wooden plank texture. On the left side, there is a large, light-colored wooden star cutout. A white rectangular box with a thin blue border is centered on the slide, containing the title and subtitle. Two dark brown horizontal bars are positioned on either side of the white box, partially overlapping its edges.

# TAMING TEXAS

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**The History of Texas Law**

# Early Texas

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## Spanish and Mexican Roots

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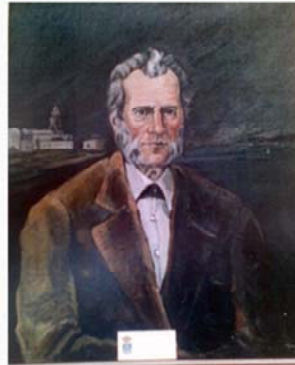
Texas belonged to Spain as a colony in the New World—the students will have studied that period last semester—and the roots of Spanish law remain in Texas law to this very day.

When Mexico won its independence from Spain in 1821, the Texas colony belonged to Mexico, which kept Spain's laws.

## 1731-1735 – Spanish Law Arrives in Texas

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- Canary Islanders arrive in what is now San Antonio, bringing Spanish law with its *alcalde* system.
- Juan Leal Goráz is the first *alcalde*, serving as a mayor and judge.



8

The Canary Islanders were Spanish citizens from off the west coast of Africa. Texas was then a total wilderness, so they were far from civilization. The *alcalde* was in charge of enforcing Spanish laws, but because they were so far from any other Spanish town, he often make his own rules to fit the needs of the people.

## 1822-1827 – New Settlers Bring New Laws to Mexican Texas

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- Stephen F. Austin brings 300 families to Mexican Texas and governs them with regulations based on both English and Spanish legal traditions.



9

The new government of Mexico (recently independent from Spain) gave Stephen F. Austin the authority to rule his colony by himself, as long as he didn't break any Mexican laws. He issued regulations to settle disputes and punish minor crimes; major crimes had to be settled by Mexican authorities in Mexico City.

# Texas Becomes Its Own Country

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10

The Mexican state of Texas becomes the Republic of Texas in 1836.



## 1836 – Revolution Brings Changes to Texas Laws

- The Convention of 1836 meets at Washington-on-the-Brazos in March, then writes the Texas Declaration of Independence and Republic of Texas Constitution.
- The 1836 Constitution creates district courts to hear cases and a Texas Supreme Court for appeals.



11

You've studied about the Texas Revolution that freed Texas from Mexico in April 1836.

The 1836 Republic of Texas Constitution was based both on the United States Constitution and the Mexican Constitution of Coahuila and Texas, so it blended English and Spanish laws that suited the needs of frontier people.

The appellate Supreme Court was new, as were jury trials (Spain and Mexico didn't have juries, just judges).

As we'll see, Spanish laws carried over in important ways.

## 1837 – The Republic’s District Courts Begin Taming the Frontier

- The Republic’s four District Judges ride hundreds of miles by horseback to hold court.
- Most people welcome the judges, but some threaten them.
- Judge Robert M. “Three-Legged Willie” Williamson makes them follow the law.

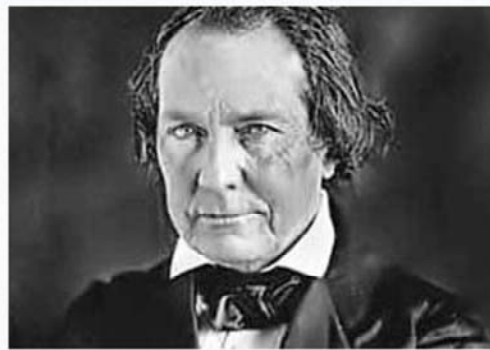
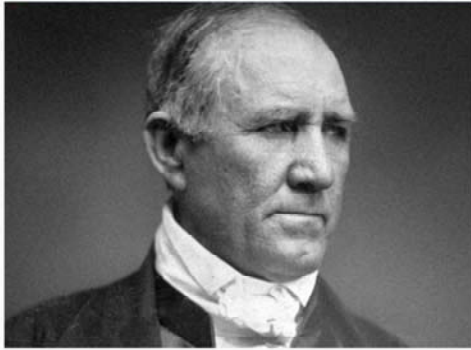


12

Williamson was called “Three-Legged Willie” because he lost the use of one leg as a child and walked with a wooden leg beneath the lame one. That didn’t slow him down, though. He was a great judge who commanded respect. He also was a great dancer.

Many of Judge Williamson’s cases involved criminal hearings. There was a famous story that when Judge “Three-Legged Willie” Williamson set up the first court in the Third District in East Texas behind a crate “bench” under an oak tree (the courthouse had burned down), his first case involved a group of violent feuders. Doubting the ability of a court to give justice, one man thumped his Bowie knife into Williamson’s bench and said, “This, sir, is the law of Shelby County!” Williamson calmly drew his pistol, laid it on the bench next to the knife, and said, “Then this, sir, is the constitution that overrules your law.” The case then proceeded without further disruption.

## 1839 —Two Presidents Go to Court *Sam Houston v. Mirabeau Lamar*



13

This is a different kind of case—not a criminal case but a civil dispute over property damage. These were very common in those days—pretty much everyone sued someone over something at some point in their lives, so the courts were very busy. As we’ll see, even the Presidents of the Republic sued each other!

## The Case: A Dispute Over Broken Furniture

- Ex-President Sam Houston sues President Mirabeau Lamar for damage to furniture he loaned Lamar for the new President's Mansion.
- Houston claims Lamar damaged or lost \$2,000 worth of furniture after promising to buy it.
- Four years later, a jury awards Houston \$1,102 in damages. Lamar appeals the decision to a higher court.



14

This is a good example of a civil suit that began with failed negotiations between the two parties and proceeded with a jury trial (delayed for four years), which awarded about half the damages asked for.

Houston said Lamar took possession of the furniture in January 1839, and damaged it. Lamar originally admitted that some of the furniture was damaged, but he did not accept responsibility for any missing items. Negotiations between the two broke down, and Lamar asked for a jury trial.

It took four years to work through the problems, including lack of witnesses—one of Lamar's was killed in a duel, for example, and the others disappeared. Houston had similar problems, but one official who saw the damaged furniture agreed to testify on Houston's behalf.

The case finally went to trial in April 1843, and a jury awarded Houston \$1,101.73 in damages. That's about \$20,000 in today's dollars.

## Did Houston Ever Get His Money?

- The case finally went to the Texas Supreme Court in 1846, and they said the amount the jury awarded three years earlier was fair.
- By then Lamar claimed he didn't have the money to pay.
- Houston gave up trying and turned over the debt to someone else to collect. Lamar later gave that person \$200.

15

From the district court, the case went to Texas Supreme Court on appeal, and ended with the Supreme Court affirming the original jury award seven years after the original lawsuit was filed.

This is a good example of how the passage of time can work against one or both parties. Justice delayed is justice denied.

Also, even though the person who was sued was supposed to pay, and the amount was a little over half what was asked for, he said (and could prove on paper) that he had no money. He was a debtor without the means to pay his debt.

### Optional exercise:

Can you think of a modern-day situation that would be similar to this case? For example, what if someone borrowed an expensive 10-speed sports bicycle and returned it with punctured tires and a bent frame. If they refused to pay to replace it, what can you do? [NOTE: You could mention the small claims court and describe how that works. That will be presented in more detail in Lesson 2.]

# Texas Becomes a State

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16

The Republic of Texas decided it would be better off being a state than a country, and it became part of the United States on December 31, 1845. It brought a new constitution with it.

## 1845 – Texas Law Keeps Parts of Spanish Law

- The 1845 Texas State Constitution continues Queen Isabella of Spain's legal protections for women. A Texas woman:
  - Keeps property she owned before marriage.
  - Receives one-half of property acquired during marriage if she is divorced.
  - Inherits her husband's property if he dies.



Queen Isabella of Spain, 1479

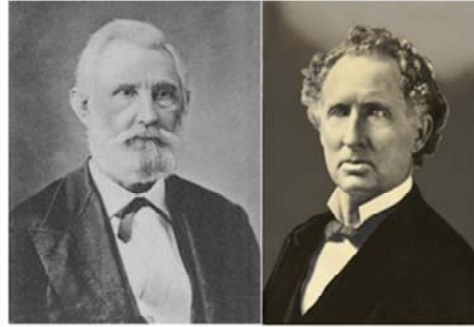
17

When Queen Isabella ruled Spain in the late 1400s, she saw to it that women could own and inherit property, go into business, and be almost equal to men under the law. This was very different from the English-speaking countries, where married women gave up their rights to own property or run a business. Texas preserved the Spanish provisions that gave women these rights. That meant Texas was ahead of the other states, where English law gave husbands control of all property.

## 1861 – Texas Supreme Court Justices Disagree on Secession (withdrawing from the United States)

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- Justice Oran Roberts leads the state's Secessionist movement to join the Confederacy.
- Justice James Hall Bell opposes Secession and wants Texas to stay in the United States.



Justice Oran Roberts

Justice James Hall Bell

Texans voted to secede from the United States in 1861, so Unionists like Justice Bell were very unpopular. He was never again elected to office. Justice Roberts, in contrast, was in favor of the Confederacy. He remained popular throughout the Civil War and later became Chief Justice of the Texas Supreme Court and then Governor of Texas.



## 1864 – Civil War Brings Disorder in the Texas Courts

- The Texas Supreme Court loses a battle with Confederate General John Bankhead “Prince John” Magruder over custody of prisoners who were denied protection under Texas law.
- This is an early case of military law overruling civilian law in Texas.



19

General Magruder arrested a doctor and a lawyer who published a pamphlet that spoke out against the Confederacy, and he suspended the writ of habeas corpus without the legal grounds to do so. If time permits, explain habeas corpus.

## 1876 – A Constitution with Staying Power

- In February 1876, Texas adopts a new Constitution still in effect today.
- The new Constitution requires all judges to be elected by the people.



20

This Texas Constitution deliberately limited the powers of the state government and its officials—especially those of the Governor—because the delegates who wrote it wanted to keep more power in the hands of the people.

During the Civil War, judges had been appointed by a military government and then by the governor, but since 1876 they have been elected by popular vote.



## A New Era: Railroads, Big Business, and Changing Laws

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By the 1880s, “big businesses” from other states—including railroads—had gained power over the Texas economy. This had some good effects, but it also had many bad ones that needed new laws to handle. The next slides will give examples.

## 1880s – Texas Courts Hold the Big Guys Accountable

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- New laws and court rulings help protect Texans from abuses by big national businesses, especially railroad companies.



22

[Go immediately to the railroad case that follows.]

## Guess Who Won This Case...

*Houston and Texas Central Railway v. Simpson (1883)*



## The Case...

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- S. P. Simpson, age 10, often plays in a field next to a railroad yard with a “turntable” that turns train engines around and sends them in different directions.
- One day while Simpson is playing on the turntable, it moves and crushes his leg.
- His family sues for damages, but the railroad says that Simpson, not the railroad, is at fault because he was trespassing.

*Who Won? Why?*

24

Have a student read the text and let students guess the decision before moving to the next slide.

## The Decision...


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- The Texas Supreme Court said the railroad should have known that the turntable would attract children and should have taken steps to protect them from harm. The turntable was an “attractive nuisance.”
- The railroad had to pay the Simpsons \$3,500 in damages, a large amount of money in 1883.

25

This was the first case in which the Texas Supreme Court applied the new attractive nuisance doctrine that the U.S. Supreme Court had recently established. It was one of the first tort cases in Texas.

Students can be made aware that damages for personal injuries—even very severe ones—were not part of Texas law until many years after the courts were established.



## Important Steps Forward: Women's Rights and Civil Rights

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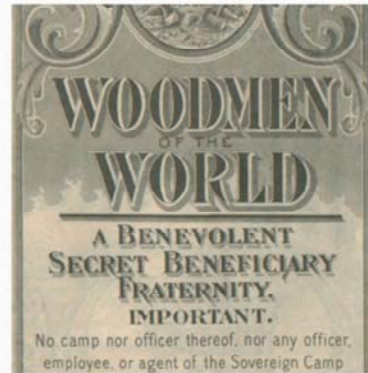
26

Legal rights for women and non-Anglo Texans came into focus in the twentieth century.



## A Special Case: *Johnson v. Darr —1925*

- The Woodmen of the World (WOW) claimed ownership of two tracts of land in El Paso.
- A man named Johnson claimed the land was his for payment of a WOW member's debts.
- The case made history because the Supreme Court that heard it was made up of women!



27

We'll see why the Court was made up just of women in the next slide...

## The First All-Woman Supreme Court in the United States

- Governor Pat Neff appointed three women lawyers to serve on the Texas Supreme Court to hear the WOW case.
- The regular Justices, all men, were disqualified because they had what is called a “conflict of interest.”
- They all belonged to the WOW fraternal (men only) organization.



28

Johnson and the WOW won the case and kept both tracts of land.

What makes this case interesting is that all three members of the Texas Supreme Court belonged to the WOW fraternity. The question is whether they could judge this case fairly.

Although some historians have said that Governor Neff appointed all women because no male lawyers were available who did not belong to the Woodmen of the World, newer evidence shows that to be untrue. There were indeed qualified male candidates, but Neff was a strong supporter of women's rights and intended to make a statement with the appointments.

To put this 1925 Court appointment in perspective, women had only been able to vote for 6 years, and they were not permitted to serve on juries for almost 30 more years—in 1954.

The number of female lawyers was also very limited—the first women were licensed in the early 1900s. The next woman to serve on the Texas Supreme Court would be appointed in 1982.

## 1950 – An Early Civil Rights Victory in the Courts

- A landmark U.S. Supreme Court case from Texas, ***Sweatt v. Painter***, opens the University of Texas Law School to African Americans.
- After that, “separate but unequal” schools were challenged more and more.



Heman Sweatt waits in line to register for courses at UT Law.

29

The law school created for African Americans was declared by the U.S. Supreme Court to be separate and unequal, which it was. The law required that separate institutions based on race had to be equal to those for whites. This was the first step toward the 1954 *Brown v. Board of Education* ruling, and it began here in Texas.

## 1954 – A Civil Rights Victory for Mexican Americans

- The landmark *Hernandez v. State of Texas* case gives Mexican Americans important rights under the U.S. Constitution's 14th Amendment.
- The ruling means they can't be barred from schools or juries because they are Hispanic.



Texas attorney Gus Garcia argues his case to the U.S. Supreme Court

This marked the first time that the U.S. Supreme Court recognized Mexican Americans as a separate group entitled to legal protection from discrimination. This meant that they could no longer be barred from serving on juries or going to the same public schools as Anglo students because of their cultural background.

# Law and Order Today

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## Some Facts about the Texas Supreme Court

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- The Court meets in Austin, Texas.
- It is made up of a Chief Justice and 8 Justices.
- All 9 members of the Court are elected.

## The Texas Supreme Court in 2020

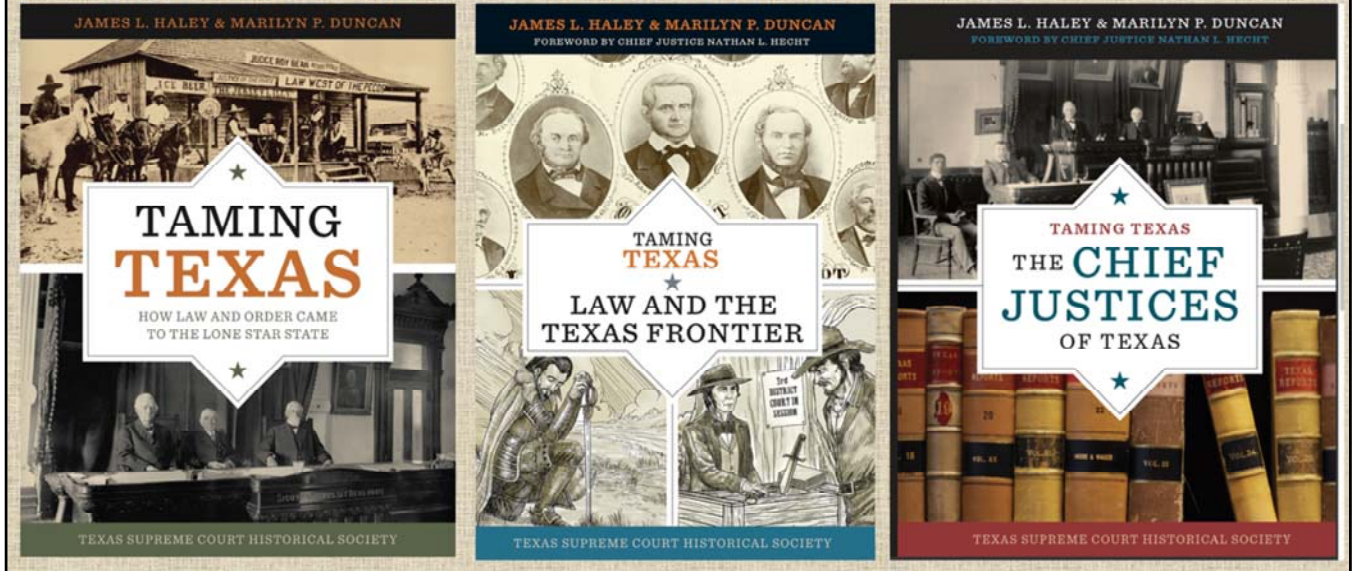
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The first photo shows the nine current members of the Supreme Court, with Chief Justice Nathan Hecht seated at center in the front row.

The next lesson will show how the Texas court system works. You might be surprised by how many courts there are today and what kinds of cases they're responsible for.

# TAMING TEXAS Books



Your teacher has a copy of each of the Taming Texas books. You can find out much more about Texas courts and law in the books.



# **Lesson Plan 2**



## The Texas Courts (Lesson Plan 2)

### Objective

Students will understand the various levels of Texas courts and what types of cases they hear.

### Materials Needed

- Rule of Law [PowerPoint]
- Differences in Civil Law/Criminal Law and Trial/Appellate [PowerPoint]
- Sets of sheets on Texas Courts (7 sets with 7 sheets per set)
- Court Structure of Texas graphic organizer [PowerPoint]
- Summary of Texas Courts [PowerPoint]
- “I know someone who ...” Exercise [PowerPoint]
- Answer Key to “I know someone who ...” Exercise
- Overview of Federal Courts [PowerPoints]

Note: All PowerPoints are consolidated in Lesson Plan 2 PowerPoints

### Activities

- Briefly review the rule of law from the previous lesson (5 minutes)
- Define criminal law and civil law, trial courts and appellate courts (5 minutes)
- Have students organize the Texas Courts sheets by level of court (10 minutes)
- Summarize the various kinds of courts, from lowest to highest (5 minutes)
- Have students participate in the “I know someone who ...” exercise (10 minutes)
- Explain how federal courts fit into the judicial system (5 minutes)

### Teaching Strategy

1. Use PowerPoint slides 2-3 to review the rule of law, noting that today’s lesson will show how the rule of law is applied in Texas.
2. Use slides 4-5 to explain the difference between criminal law and civil law and between trial courts and appellate courts.
3. Then divide your class into groups of 3-4 students and provide each group of students with a set of sheets on the Texas courts. Be sure to mix up the order in each set of sheets before you hand them out.
4. Instruct students to read through the sheets and, using context clues, place the sheets in order from the lowest courts to the highest courts. You should tell the students there are two highest courts that are equal and the two lowest courts are close to equal. Instruct the students to pay attention to the types of cases handled by each court. That will be helpful in the “I know someone who ...” exercise. (Note: References to other courts are made on the sheets to help the students place the sheets in order. While students are doing the exercise, point out that PowerPoint slide 7 is a blank court structure chart that will give them additional clues.)

5. Once all groups have had an opportunity to read and organize their sheets, check for understanding by calling on various groups to share the order in which they have placed their sheets.
6. Next go through slides 8-13 to show how the courts stack up from lowest to highest, ending with the completed court structure chart in slide 14.
7. Explain to the students that you are next going to tell them a series of scenarios (“I know someone who ...” exercise) and their job is to look over the sheets on the Texas courts and raise the appropriate sheet to signal their answer when instructed to do so. (Note: It might be helpful to have the students divide the sheets among themselves so that everyone can have an opportunity to raise a sheet. Explain that they should not raise their sheets until told to do, which will prevent those who aren’t sure of an answer from looking at other sheets.)
8. Use the “I know someone who ...” PowerPoint (slides 15-23) to read the scenarios to the students, or ask a student to read each scenario. After each scenario is read, ask the students to show their answer by holding up the appropriate sheet from the sheets on the Texas courts. An answer key is provided in the materials (page 60). (Note: The scenarios are referring to adults unless noted differently on the slide.)
9. Complete the lesson with a quick look at federal courts (slides 24-26). Explain the concept of federalism and the kinds of cases federal courts hear (There is a chart on Comparing Federal and Texas State Court Systems on pages 61-63 of these materials that you can use for further information on the federal courts). Then show them the last chart that illustrates how federal court system has trial courts, appellate courts, and one Supreme Court (also reprinted at page 63 of these materials).
10. Use the last two PowerPoint slides to show the students the covers of the two Taming Texas books and the TamingTexas.org website where they can download free electronic copies of the books.

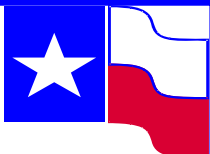
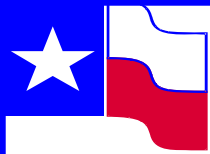
**TEKS (Texas Essential Knowledge and Skills)**

7.15 Government. The student understands the structure and functions of government created by the Texas Constitution. The student is expected to:

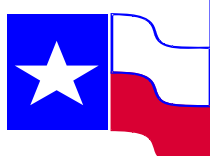
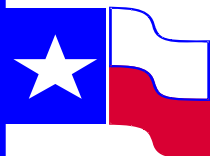
- (A) describe the structure and functions of government at municipal, county, and state levels.



# Supreme Court of Texas

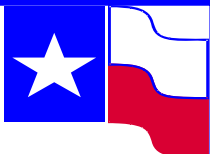
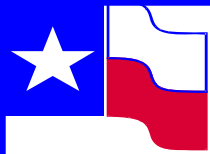


In Texas, the Supreme Court of Texas is one of the two highest courts in our state. It differs from the other high court in that it hears civil cases (not criminal cases) that come on appeal from the Courts of Appeals. Additionally, these justices handle the appeals of all juvenile cases from the Courts of Appeals.

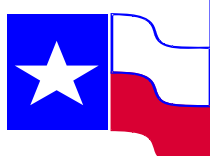
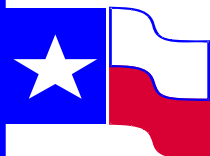




# Court of Criminal Appeals

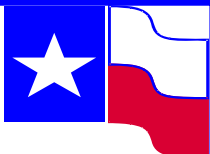
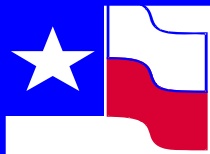


The Texas Court of Criminal Appeals is one of the two highest courts in our state. It differs from the other high court in that it only hears criminal cases (not civil cases). While most of the cases that it hears come on appeal from the Courts of Appeals, if the case involved the death penalty (given by the district courts) it would bypass the Courts of Appeals and go directly to this court.

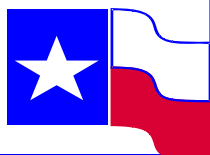
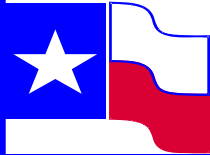




# Courts of Appeals

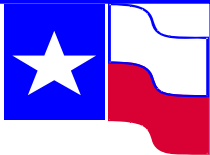
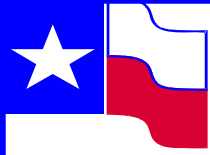


These courts exercise what is known as appellate jurisdiction, which means they hear cases that have already been heard and discussed in a lower court. There are 14 of these courts that are situated throughout the state of Texas. These justices hear all civil cases and criminal cases that are appealed from district or county courts, with the exception of death penalty cases. They also handle the appeals of juvenile cases.





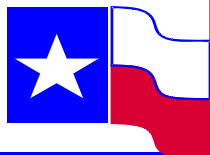
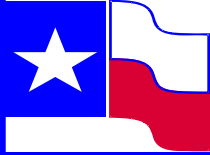
# District Courts



The district courts are trial courts located throughout the state of Texas. The trials in these courts have original jurisdiction in the following areas:

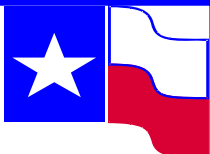
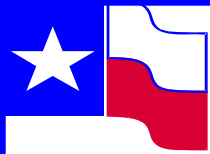
- Civil cases that involve damages over \$200
- Divorce and child custody cases
- Criminal cases that are considered felonies
- Juvenile cases

Cases from this court are appealed to the Court of Appeals, with the exception of the death penalty. Those appeals go directly to the Court of Criminal Appeals.



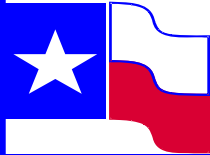
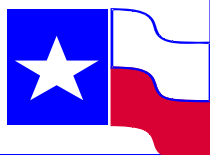


# County Level Courts



These courts fall under the district courts in the court structure and are also trial courts.

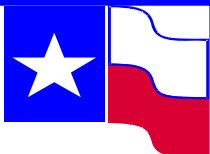
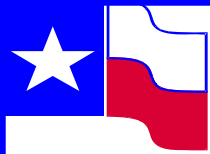
The county level courts generally can hear cases in the following areas:

- Civil cases that usually involve damages between \$200 and \$100,000
  - Wills and estates (known as a probate case)
  - Criminal cases with fines greater than \$500 and jail time up to one year
  - Retrials of cases appealed from justice of the peace or municipal courts
  - Juvenile matters
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# Justice of the Peace Courts



Each county in the state of Texas will have at least one of these courts. They can hear cases and exercise responsibilities in the following areas:

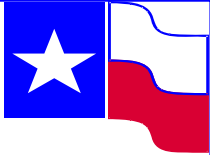
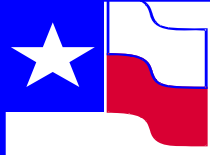
- Lawsuits involving damages of not more than \$10,000
- Share responsibility with municipal courts for misdemeanors that are punishable by a fine, but no jail time
- Issue search warrants and arrest warrants
- Conduct weddings

Cases from this court can be appealed to the county courts

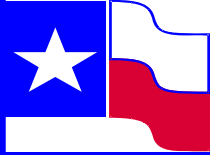
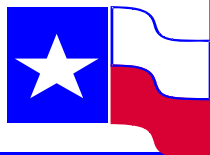




# Municipal Courts



These city courts have original and exclusive jurisdiction over violations of city ordinances, which usually involve traffic or fire offenses. They share responsibility with justice of the peace courts for misdemeanors that are punishable by a fine (not exceeding \$500), but have no jail time. In addition, they handle the following:

- Criminal violations in cases involving the health and public safety of the citizens of the city
  - Civil cases that involve dangerous dogs
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## Answer Key to “I know someone who ...” Exercise

### **I know someone who...**

- Was upset because he found out that his parents were filing for divorce.  
*Answer: District Court*
- Stole several video games and faced a fine of \$700.00 and up to six months in jail. *Answer: County Level Courts*
- Ran around with the wrong crowd and they convinced him to spray paint the side of a building. He was caught by the owner of the building, who sued him for the \$150.00 of damages he had caused. *Answer: Justice of the Peace Courts*
- Got a ticket because his dog was not on a leash at the city dog park.  
*Answer: Municipal Court*
- Was convicted of a felony and appealed his case. *Answer: Court of Appeals*
- Lost his appeal of a felony conviction, and decided to appeal a second time.  
*Answer: Court of Criminal Appeals*
- Had just learned to drive and was pulled over by a city police officer for speeding in a school zone. *Answer: Municipal Court*
- Wrote false things about Suzy on Facebook and Suzy sued her for \$100,000 and won. My friend appealed her case to the highest court in Texas.  
*Answer: Texas Supreme Court*

## Comparing Federal & Texas State Court Systems

The U.S. Constitution is the supreme law of the land in the United States. It creates a federal system of government in which power is shared between the federal government and the state governments. Due to this federalism, both the federal government and each of the state governments have their own court systems. The differences in structure, judicial selection, and cases heard in federal courts and Texas state courts are shown below.

### Court Structure

| <b>The Federal Court System</b>  | <b>The Texas State Court System</b>   |
|--|---|
| <p>Article III of the U.S. Constitution invests the judicial power of the United States in the federal court system. The Constitution creates the U.S. Supreme Court and gives Congress the authority to create the lower federal courts.</p>    | <p>Article 5 of the Texas Constitution establishes the Texas state court system. The Constitution invests the state’s judicial power in one Supreme Court, one Court of Criminal Appeals, courts of appeals, district courts, county courts, commissioners courts, and justice of the peace courts. It also gives the Legislature the authority to create other courts as it deems necessary. Texas is one of only two states that has two high courts, the Supreme Court of Texas and the Texas Court of Criminal Appeals.</p> |
| <p>Congress has used this power to establish the 13 U.S. Courts of Appeals, the 94 U.S. District Courts, the U.S. Court of Claims, and the U.S. Court of International Trade. U.S. Bankruptcy Courts handle bankruptcy cases.</p>                | <p>The Texas Legislature has used its power to establish 239 statutory county courts and 18 statutory probate courts. There are also local municipal courts. As of January 1, 2016, the state court system includes a total of 2,011 constitutional and statutory courts.</p>   |
| <p>Parties dissatisfied with a decision of a U.S. District Court, the U.S. Court of Claims, or the U.S. Court of International Trade may appeal to a U.S. Court of Appeals.</p>  | <p>Parties dissatisfied with the decision of the trial court may take their case to an intermediate court of appeals.</p>   |
| <p>A party may ask the U.S. Supreme Court to review a decision of the U.S. Court of Appeals, but the Supreme Court usually is under no obligation to do so. The U.S. Supreme Court is the final arbiter of federal constitutional questions.</p> | <p>A party may ask the Texas Supreme Court or Texas Court of Criminal Appeals to review a decision of a Texas court of appeals, but the high courts usually have the discretion of whether to hear the case. The Texas high courts have the final word on the interpretation of the Texas Constitution and Texas state laws. Only certain cases are eligible for review by the U.S. Supreme Court.</p>  |

## Selection of Judges

| <b>The Federal Court System</b>  | <b>The Texas State Court System</b>  |
|--|--|
| <p>The Constitution states that federal judges are to be nominated by the President and confirmed by the Senate. They hold office during good behavior, typically, for life. Through Congressional impeachment proceedings, federal judges may be removed from office for misbehavior.</p> | <p>Texas state court judges are selected through elections. Texas appellate judges are elected for six-year terms and trial judges are elected for four-year terms. State court judges may be removed from office by the governor with a two-thirds vote of the Texas House and Texas Senate; by legislative impeachment proceedings; or through judgment of a review tribunal appointed by the Texas Supreme Court. The Supreme Court may remove state district court judges from office.</p> |

## Types of Cases Heard

| <b>The Federal Court System</b>   | <b>The Texas State Court System</b>   |
|---|---|
| <p>Federal courts hear:</p> <ul style="list-style-type: none"> <li>• Cases that deal with the constitutionality of a law;</li> <li>• Cases involving the laws and treaties of the U.S.;</li> <li>• Cases involving ambassadors and public ministers;</li> <li>• Disputes between two or more states;</li> <li>• Admiralty law;</li> <li>• Bankruptcy; and</li> <li>• Habeas corpus issues.</li> </ul> | <p>Texas courts hear:</p> <ul style="list-style-type: none"> <li>• Most criminal cases, probate cases (involving wills and estates); and</li> <li>• Most civil cases, including contract cases, tort cases (personal injuries), family law (marriages, divorces, adoptions), etc.</li> </ul> <p>Texas courts are the final arbiters of Texas state laws and the Texas Constitution. Their interpretation of federal law or the U.S. Constitution may be appealed to the U.S. Supreme Court. The Supreme Court may choose to hear or not to hear such cases.</p> |

Adapted from [uscourts.gov](http://uscourts.gov).

# THE UNITED STATES FEDERAL COURTS



**TAMING TEXAS**  
**Judicial Civics and Court History Project**  
**Teach Texas Classroom Program**  
**LESSON 2: The Texas Courts**

Revised 2/2020

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*Let's look back at Lesson 1 before we move forward:*

- Do you remember what the **Rule of Law** is?
- A system of self-government in which everyone is required to follow the law and everyone is treated equally under the law.
- The *courts* uphold the Rule of Law.

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**Who Makes Sure Everyone is Treated Equally under Texas Law?**

- The Texas Constitution set up a court system that includes **judges** elected by the people and **juries** made up of the people themselves.
- The court system has different **kinds and levels of courts** to make sure decisions follow the law.

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## What is the Difference between Civil Law and Criminal Law?

- **Civil Law** involves private disputes between individuals or organizations. One sues another to receive compensation for harm they claim was done, and the court either awards the compensation or does not.
- **Criminal Law** involves deliberate or reckless acts that break one or more of society's rules. A person accused of a criminal act is taken to court by the community or state, tried by a jury, and found either guilty or not guilty. The punishment for guilty verdicts is defined by the laws.

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## What is the Difference between a Trial Court and an Appellate Court?

- A **Trial Court** is where a civil or criminal case starts. Both sides present evidence and witnesses to a *judge and jury* to tell their version of what happened.
- If someone disagrees with a Trial Court's decision, he or she can take (*appeal*) the case to an **Appellate Court**. There are no witnesses and no jury, just a *panel of judges* who decide whether the trial court's decision followed the law.

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## Which Courts Do What in Texas?

Before moving to the next slides, we'll do a classroom exercise on the **Texas Courts**.

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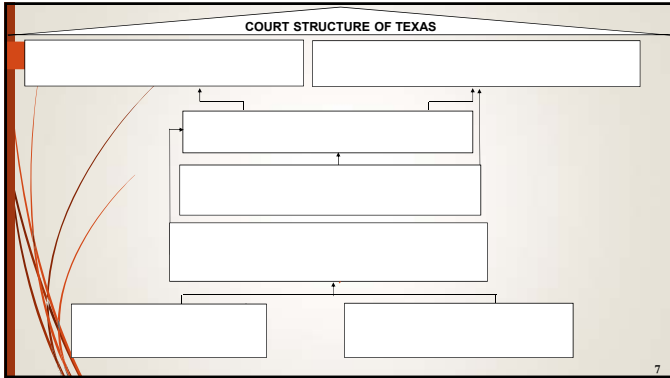
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### A Quick Summary of Texas Courts, Lowest to Highest

Cases that involve **fin**es but **no jail time** are handled by two kinds of local **trial courts**:

- 1. Justice (or Justice of the Peace) Courts
  - Traffic fines
  - School truancy cases
  - Civil lawsuits with damages up to \$10,000

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*Another kind of local **trial court**...*

- 2. Municipal Courts
  - Criminal violations related to fire safety, public health, etc.
  - Misdemeanor cases (like theft of property worth less than \$50 or driving while intoxicated) originating within city limits.
  - Cases involving dangerous dogs.

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## Trial Courts at the Next Level:

### County-Level Courts

- **Criminal cases punishable** with fines of \$500+ or 1 year in jail.
- **Civil cases** with damages of at least \$200.
- **Civil cases** involving wills and estates.
- **Juvenile cases** involving youths under age 17.

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## Trial Courts at the Highest Level:

### District Courts

- **Civil cases** involving land disputes, contested elections, lawsuits claiming damages over \$200.
- **Civil cases** involving family laws (divorce, child custody, adoptions, etc.)
- Serious **criminal cases** called felonies (murder, armed robbery, arson of a home or church, etc.).

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## Appellate Courts at the First Level

- **14 Courts of Appeals** hear both civil and criminal cases appealed from county and district courts.

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## Appellate Courts at the Highest Level

Texas is one of only two states with two "supreme" courts.

- The **Texas Supreme Court** is the highest court for **civil appeals**.
- The **Texas Court of Criminal Appeals** is the highest court for **criminal appeals**.

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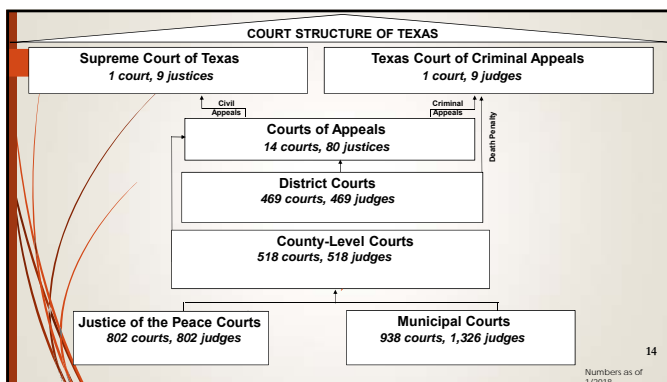
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*I Know Someone Who...*

See if you can tell what court would hear each of the following cases.

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*I Know Someone Who...*

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**Was upset because he found out that his parents were filing for divorce.**

*What court would hear this case?*

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*I Know Someone Who...*

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**Stole several video games from a store and faced a fine of \$700 and up to six months in jail.**

*What court would hear this case?*

17

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*I Know Someone Who...*

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**Ran around with a bad crowd who convinced him to spray paint the side of a building. The owner of the building caught him and sued him for the \$150 in damage he'd caused.**

*What court would hear this case?*

18

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*I Know Someone Who...*

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**Got a ticket because his dog was not on a leash at a city dog park.**

*What court would hear this case?*

19

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*I Know Someone Who...*

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**Was convicted of a felony (serious crime) and appealed his case.**

*What court would hear this case?*

20

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*I Know Someone Who...*

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**Lost his appeal of a felony conviction and decided to appeal a second time.**

*What court would hear this case?*

21

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*I Know Someone Who...*

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**Had just learned to drive and was pulled over by a police officer for speeding in a school zone.**

*What court would hear this case?*

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*I Know Someone Who...*

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**Wrote false things about Suzy on Facebook and Suzy sued her for \$100,000 and won. My friend appealed her case to the highest court in Texas.**

*What court would hear this case?*

23

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**A Quick Look at Federal Courts**

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- The U.S. Constitution is the supreme law of the land in the United States.
- It creates a **federal system of government** in which power is shared between the federal government and the state governments.
- Due to this federalism, the federal government and each of the state governments have their own court systems.

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## What Kinds of Cases Do Federal Courts Hear?

- Cases that deal with **whether a law is constitutional under the U.S. Constitution** (for example, if a law passed by the Texas Legislature is in conflict with an individual's right to free speech).
- Cases that involve **laws and treaties of the United States**.
- **Disputes between two or more states**.

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**THE UNITED STATES FEDERAL COURTS**

- UNITED STATES SUPREME COURT**
- U.S. COURTS OF APPEALS**  
13 Regional Circuit Courts of Appeals  
11 U.S. Court of Appeals for the Federal Circuit
- U.S. DISTRICT COURTS**  
94 Judicial Districts plus 13 Miscellaneous Courts  
U.S. Court of International Trade  
U.S. Court of Federal Claims
- Military Courts that are Appellate**  
Court of Appeals for Veterans Claims  
U.S. Tax Court  
Federal administrative agencies and boards

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### TAMING TEXAS Books

**TAMING TEXAS**  
HOW LAW AND ORDER CAME TO THE LONE STAR STATE

**TAMING TEXAS**  
LAW AND THE TEXAS FRONTIER

**TAMING TEXAS**  
THE CHIEF JUSTICES OF TEXAS

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