RUNNING THE STATE’S TRIAL COURTS
THE COUNTY ROLE IN THE JUDICIAL SYSTEM

DID YOU KNOW?
Texas counties play a critical role in supporting the judicial system in Texas. They fund and operate nearly the entire statewide judicial system. In fact, support for the judicial system is one of the most significant components of county budgets. County governments support many aspects of this system, including district courts, county-level courts, and justice courts. They also provide funding for court staff, prosecutors, and court-appointed attorneys.

E-filing
- The Supreme Court of Texas mandated electronic filing (e-filing) of all civil matters by attorneys for appellate, district, county-level, and statutory probate courts by Dec. 2012.
- Mandatory e-filing of criminal cases began in July 2017 and will expand to less populous counties by Jan. 1, 2020.

COURTS
Counties finance the operations of most of the state’s courts, including district courts, county-level courts, and justice courts. While the state pays the salaries and benefits for district judges, counties pay the base salary for the other judges, as well as personnel and other operating costs. Many counties operate specialty courts, such as drug courts and veterans treatment courts. Counties also provide the actual courtrooms and courthouses and fund county clerk offices, district clerk offices and in smaller counties, the office of the county and district clerk.

County and district clerks serve as the custodian of records and have a range of duties, including complying with the mandated requirements relating to e-filing.

District Courts: These courts generally have jurisdiction over felony offenses, certain family law cases (including divorces), juvenile cases, and certain civil cases, among other matters.

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**County-Level Courts:** These courts, which include constitutional county courts, statutory county courts and statutory probate courts, generally have jurisdiction over misdemeanor offenses, certain civil cases, some juvenile cases and probate cases, among other matters.

**Justice Courts:** These courts generally have jurisdiction over misdemeanors punishable by fine only (such as traffic citations), certain civil cases, small claims, as well as eviction and truancy cases. Justices of the peace preside over these courts and also have certain magistration duties. As magistrates, they set bonds in criminal cases.

### PROSECUTION

Part of the county support for the state’s judicial system includes funding for the costs of prosecution, which includes the offices of district and county attorneys. While the state pays the salaries and specified expenses of district attorneys, the county pays for all supporting staff, including assistant prosecutors, and the operational costs for prosecuting offices. Counties also pay the salaries for certain county attorneys and may pay salary supplements.

These prosecutors are responsible for representing the state in all criminal matters (felonies and misdemeanors), juvenile matters, and have various other duties, including the representation of the state in certain Child Protective Services cases.

### COURT-APPOINTED ATTORNEYS

Counties must also pay for the costs of court-appointed counsel in many cases. For instance, counties are responsible for the costs of court-appointed attorneys for indigent defendants in criminal cases. While the state reimburses counties for about 15 percent of these costs, counties pay the vast majority of these expenses. Additionally, counties must pay for all the costs of attorneys appointed to represent indigent parents and their children in Child Protective Services cases.

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**Case Statistics**

(Source – Office of Court Administration’s Annual Statistical Report, FY 2018)

- **35%** of the 1.5 million new civil cases filed in 2018 were filed in justice courts.

- The number of **new civil cases** filed in district courts rose by 4 percent in 2018 from the previous year.

- The number of **new civil cases** filed in county courts increased by 6 percent in 2018 from the previous year.

- In 2018, the number of **new civil cases** filed in justice courts increased by 11 percent.

- **30%** Child protection cases increased by 30 percent over the past 5 years.

- **31%** Misdemeanor cases have decreased by almost one-third over the last decade, while the number of felonies reached a near all-time high in 2018.