



Appeals+ The Right Addition to Your Trial Team

[How Is the Texas Appellate Court System Structured?](#)

Posted on August 10, 2008 by [D. Todd Smith](#)

This is the first installment of my series entitled "[20 Questions About Texas Appellate Practice](#)." The question answered here is: "How is the Texas appellate court system structured?" Visit the original post (linked above) for the list of questions updated with links to their respective answers.

Texas has 14 intermediate courts of appeals, each of which hears both civil and criminal cases. The intermediate courts are located in Houston (1st and 14th Districts), Fort Worth (2nd District), Austin (3rd), San Antonio (4th), Dallas (5th), Texarkana (6th), Amarillo (7th), El Paso (8th), Beaumont (9th), Waco (10th), Eastland (11th), Tyler (12th), and Corpus Christi (13th). Generally, each court draws cases from its [assigned geographic region](#), although transfers sometimes occur through a process known as "docket equalization." There are some other jurisdictional quirks, as a handful of the state's 254 counties fall into more than one appellate district, and the state's most densely populated region is served by two intermediate appellate courts (1st and 14th).

A court of appeals has appellate jurisdiction in all civil cases over which the district or county courts have jurisdiction when the amount in controversy or the judgment exceeds \$100, exclusive of interest and costs. The court of appeals has final authority on all factual issues—applying standards of review, it can “unfind” facts the jury found and review the jury’s failure to find certain facts, but it cannot simply substitute its judgment for the jury’s.

Texas is one of only two states with a dual high-court system. (Oklahoma is the other.) The [Texas Supreme Court](#) has jurisdiction over civil cases as described below. The [Texas Court of Criminal Appeals](#) is the criminal-law equivalent to the supreme court.

The supreme court's jurisdiction is limited to questions of law. Among the statutory jurisdictional grounds, the following are most common:

- the justices of a court of appeals disagree on a question of law material to the decision (“dissent jurisdiction”);
- the decision conflicts with a prior decision from another court of appeals or of the supreme court on a question of law material to the case (“conflicts jurisdiction”);
- the case involves the construction or validity of a statute; or

- it appears that the court of appeals has committed an error of law, and that the error is of such importance to state jurisprudence that it requires correction.

Although the supreme court cannot decide fact issues of fact, it is the ultimate arbiter of the law. The supreme court may review the court of appeals' decision to make sure it applied the correct legal standards.

Members of the Texas appellate judiciary run in partisan elections and fill six-year terms. When a justice leaves office during his or her term, the Governor appoints a replacement. An appointee must run in the next general election to retain the position for the rest of an unexpired term.