

June 15, 2020

To: Charles L. Babcock

Re: Civil Rules in Municipal Courts – Report of the 500-510 Sub-Committee of the SCAC

In your letter dated June 3, 2019, you asked the sub-committee to report our views on the “Civil Rules in Municipal Courts issue outlined in Chief Justice Hecht’s letter of May 31, 2019. Chief Justice Hecht directed the SCAC to set up a process for considering the proposal submitted by Municipal Court Judge Ryan Henry. Judge Henry proposed that procedural rules be adopted for civil cases in municipal courts.

Judge Henry correctly observed that the Texas Legislature has granted municipal courts (all municipal courts) a certain level of civil jurisdiction. It has also granted municipal courts of record even greater civil and administrative jurisdiction under Texas Government Code § 30.00005. Essentially, municipal courts of record have concurrent jurisdiction with district courts for certain code enforcement/subject matters. This includes injunctive and declaratory relief along with civil penalties. It is when municipal courts utilize these jurisdictions that judges, and parties have difficulty knowing the proper protocol.

Judge Henry pointed out that Texas Rule of Civil Procedure 2 excludes municipal courts from its application and made the suggestions listed below:

1. Add “municipal courts” to the application of Rule 2.
2. Create some specialized rules, similar to Rule 500 for JP courts, applicable to municipal courts.
3. Create a rule stating, essentially, “When a municipal court of record exercises its concurrent civil jurisdiction pursuant to Texas Government Code § 30.00005, the Texas Rules of Civil Procedure apply in municipal court to the same extent they would apply in district court.”
4. Areas where the general application will still have problems and need tweaking include: Truancy, dangerous dog cases, dangerous structures under chapter 214 of the Texas Local Government Code, zoning under chapter 211 of the Texas Local Government Code, junked vehicles and sanitation.

The sub-committee conferred with Judge Henry and a few other municipal court judges around the state. The sub-committee considered analysis and commentary they offered and reviewed existing legislation regarding such courts. (All of the writings of Judge Ryan and other judges is attached as Exhibit “A”.)

Mindful that Chief Justice Hecht requested that the SCAC set up a process for considering the proposals above, the sub-committee concluded such a process would not efficiently serve Texans if it were not driven by municipal court judges from across the state. The current primary legislation, Texas Government Code § 30, has over 40 subparts devoted to the jurisdiction and/or operation of specific municipal courts across state. At least one municipal court, El Paso, Texas, has its own unique municipal appellate process. For these reasons, the sub-committee supports proposal 2 above but rejects the proposals 1, 3 & 4.

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Regarding proposal 2, the sub-committee has not drafted the specialized rules, similar to Rule 500 for JP courts, applicable to municipal courts. The sub-committee is reminded of the journey to amend and/or develop rules for the Justice Courts in recent years. The Justice Court project succeeded after it was referred out to a committee made up of justices of the peace from across the state.

Levi J. Benton

Sub-Committee Chair