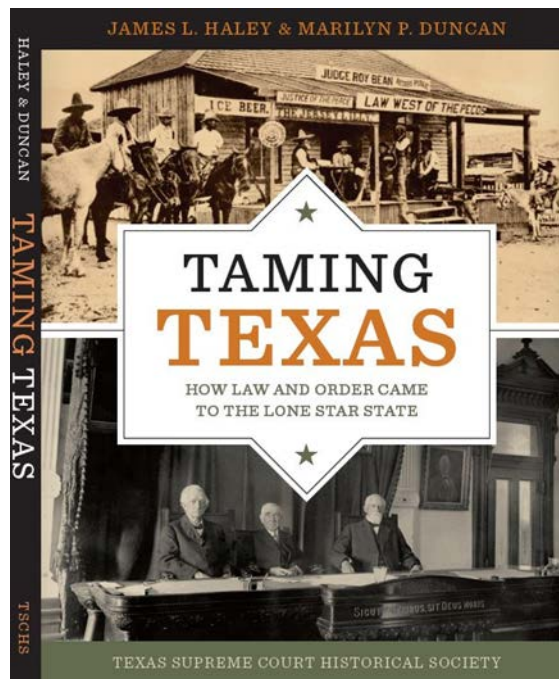


Taming Texas Curriculum Guide



A project of the
Texas Supreme Court Historical Society
and
Law-Related Education, State Bar of Texas
www.tamingtexas.org

(revised Sept. 2016)

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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 a book on judicial civics and court history, *Taming Texas: How Law and Order Came to the Lone Star State*. Authors Jim Haley and Marilyn Duncan wrote this book especially for seventh-grade Texas history and social studies students to educate them on the importance of the third branch of government. This book is the first of its kind in the country.

To assist you as you interact with the students and lessons, 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: Rule of Law and Development of Texas Law

This lesson is designed to introduce students to the rule of law and the history of the Texas court system as a starting point for understanding how it works. This 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 PowerPoint (25 minutes)

Lesson Plan 2: Court Structure of Texas

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

- Have students organize the Texas courts sheets by level of court (10 minutes)
- Explain the court structure of Texas (10 minutes)
- Have students participate in the “I know someone who ...” exercise (10 minutes)
- Explain the differences in federal and Texas state courts (10 minutes)

Lesson Plan 1



Rule of Law and Development of Texas Law (Lesson Plan 1)

Objective

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

Materials Needed

- Opening Script
- Rule of Law [PowerPoint]
- Taming Texas overview of the development of Texas law [PowerPoint]
- Taming Texas PowerPoint Notes
- Lesson Plan 1 consolidated 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 the first four slides 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 to expand on the material on the slides. The notes contain references to the *Taming Texas* book where you can find more background material if you want it. This is a lot of material to cover, so try to break it up with 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

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;

(1) 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

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 HBA (some facts):

- We have been a club for attorneys since 1870. That means we are over 145 years old!
- We have over 11,500 members.
- We help out the community in many different ways (e.g., reading to kids, picking up trash, giving blood, building houses, donating clothing and books to people who need them).

Introduce the Taming Texas Book:

The Texas Supreme Court Historical Society has published a new book called *Taming Texas: How Law and Order Came to the Lone Star State* (show the hard copy of the book). This book brings together stories about the Texas courts and how the law developed in Texas. The Historical Society is giving a copy of the 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 book. The book is available for download on your computer, Kindle, iPad, or other device and can be downloaded at 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/. Also, the HBA has a section called “KidZone” on its website, www.hba.org/kidzone, where they can find more information about laws, safety tips, and play educational games.

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

Taming Texas PowerPoint Notes

The slides are arranged chronologically by historical era. The eras correspond directly with those outlined in the state-mandated TEKS standards for seventh-grade social studies. The PowerPoint presentation loosely tells the story of how law and the courts developed over time, with at least one representative slide for each era (most include more than one). The timeline is by no means comprehensive, but it does provide a sample that can be presented in one class period.

Most of the content is based on stories and facts in the *Taming Texas* book, and the relevant page numbers are included in the notes below. Some slides will lend themselves to extra discussion—the notes will suggest possibilities, but you can improvise based on your own experience and on student interest.

The slide content is in bold; *notes are in italics.*

Slide 1:

Taming Texas: How Law and Order Came to the Lone Star State A Story That Began 500 Years Ago....

To understand how the history of Texas law fits into the history of Texas, we'll go all the way back to the 1500s and move forward in time.

Slide 2:

Age of Contact — 1528–1690

Slide 3:

1528 — First Texas “Lawyer”

• **A Karankawa Indian defends Cabeza de Vaca and his men during a tribal “trial” and saves them from being put to death.**

- When de Vaca and his crew of soldiers from Spain were shipwrecked near what is now Galveston, the Karankawa Indians were kind to them until the tribe began dying of new diseases like measles and smallpox. When members of the tribe decided during a tribal mitote [me-TOH-teh, a kind of trial] that the Europeans were guilty of witchcraft and should be killed, one Karankawa man pointed out that most of the crew had died of the same diseases and did not save themselves. Their lives were therefore spared.

- Could point out that the Karankawa defender played the part that a defense lawyer plays before a judge and jury.

[See *Taming Texas*, pp. 6-7.]

Slide 4:

Spanish Colonial Era — 1690–1821

Slide 5:

1731–1735 — Spanish Law Arrives in Texas

- **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 mayor and judge.**

- *The Canary Islanders were Spanish citizens from off the west coast of Africa. They were sent to New Spain to establish a colony that was not a mission or a military base.*

- *Instead of the colony being ruled by church law or military law, it was governed by Spanish civil law. The alcalde was in charge of enforcing the law, but because San Antonio de Bexar was so far from any other Spanish town, the law was bent at times to fit the needs of the people.*

[See *Taming Texas*, pp. 8-9, 12-14.]

Slide 6:

Mexican National Era — 1821–1836

Slide 7:

1822–27 — New Settlers Introduce New Laws

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

- *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.*

- *Austin issued both civil and criminal regulations that laid out the rules, processes, and penalties that seemed appropriate for the frontier people. He used the Spanish alcalde system to settle disputes and issue penalties.*

[See *Taming Texas*, pp. 18-20.]

Slide 8:

Revolution and Republic Era — 1835–1845

Slide 9:

1836 — Revolution Brings More Changes to Texas Laws

- **The Convention of 1836 meets at Washington-on-the-Brazos in March and writes both the Texas Declaration of Independence and the Constitution of the Republic of Texas.**

- **The Constitution creates a court system with a Supreme Court and district courts to hear cases throughout the Republic.**

- *When Texas won its independence from Mexico in April 1836, it already had a Constitution because it had been written at the same time as the Declaration of Independence.*

- *The Constitution called for the Republic Congress to elect a Chief Justice and three to eight District Judges who would also serve on the Supreme Court when they met once a year.*

- *Although Congress did elect all the members of the Supreme Court in December of 1836, the Court didn't actually meet until more than three years later (see the next slide). Why? There were several reasons, but the main one was that there were never enough of the judges who could travel to Austin in time for the session. The judges tried cases throughout their multi-county districts, which required that they travel long distances on horseback. It was not an easy job.*

[This material is not covered in the first *Taming Texas* book, but it's worth including here. It is covered in the upcoming second *Taming Texas* book.]

Slide 10:

1840 — The Republic Court Meets for the First Time

- **Chief Justice Thomas J. Rusk presides over the first session of the Court.**

- **The Supreme Court handles 49 cases that were appealed from lower courts all over Texas.**

- *Students may be familiar with Thomas J. Rusk for his other contributions, including fighting in the Battle of San Jacinto and serving as the Commander in Chief of the Army of the Republic of Texas after the Revolution.*

- *Rusk only presided over one session of the Supreme Court—he had told President Lamar in advance that he would get the Court started and then resign to practice law.*

- *The cases included both civil and criminal cases because the Supreme Court handled both types of cases at that time. Explain the difference in civil and criminal law.*

[Not covered in the *Taming Texas* book, but again, important to include.]

Slide 11:

Another Important Member of the 1840 Republic Court

- **A new judge on the first Supreme Court is John Hemphill, who will soon become the next Chief Justice and serve for 18 years.**

- **Hemphill is fluent in Spanish and often uses Spanish civil law to decide cases.**

- *Chief Justice Hemphill was an expert in Spanish law and had a large library of Spanish legal texts. Libraries were rare in Texas at that time.*

- *Chief Justice Hemphill and his colleagues on the Supreme Court upheld the Republic's laws on Spanish land grants and women's property rights, which further strengthened these laws. (Slide 13 will expand on women's rights.)*

[See *Taming Texas*, pp. 30-31.]

Slide 12:

Early Statehood Era — 1845 –1861

Slide 13:

1845 — Texas Law Keeps Parts of Spanish Law

- **The new Texas State Constitution continues important legal protections that women had under the Spanish civil law system. These protections are from Queen Isabella of Spain's reign.**

- Keeps the property she owned before marriage
- Receives one-half of property acquired during marriage if divorced
- Inherits husband's property if he dies

- *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.*

- *The Texas Constitution preserved the Spanish civil law provisions that had been in the Republic Constitution. The point to make is that these Spanish elements were considered important enough to keep, and many are still there today.*

- *Texas was ahead of the times in giving women property rights. When Texas became a state in 1845, its women had more rights under the law than women in any other state.*

[*See Taming Texas*, pp. 25-27 (Note that although these pages refer to the Republic Constitution, the provisions they discuss were carried over to the State Constitution, and this placement works better here.).]

Slide 14:

Texas in the Civil War and Reconstruction; Post-Reconstruction —1861–1874; 1874–1876

Slide 15:

1861 — Texas Supreme Court Justices Disagree on Secession

- **Justice Oran Roberts is a leader in the state's Secessionist movement.**
- **Justice James Hall Bell is against Secession and sides with the Union.**

- *Supreme Court justices who were in office at the time of Secession stayed in office, even though Justice Bell was a Unionist. He was undoubtedly given a hard time about his stance off the bench, but judges are viewed as politically neutral while on the bench.*

- *Oran Roberts later resigned from the Supreme Court to fight in the Confederacy. He won election as Chief Justice when he returned from the war in 1864, and then served again after Reconstruction. Roberts later served as Governor—he resigned from the Court a month before the election, which he won.*

[*See Taming Texas*, pp. 41-42.]

Slide 16:

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.**

- *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. Explain habeas corpus.*

- *The Supreme Court took steps to charge Magruder and his officers with breaking the law, but the military eventually forced them to back down.*

- *The prisoners were held in prison for several months before being taken to Mexico and released.*

- *General Magruder was nicknamed “Prince John” by his soldiers because he was tall and handsome and had princely manners.*

[*See Taming Texas*, pp. 43-45.]

Slide 17:

1874 — Reconstruction Government Ends Over a Semicolon

- **The Reconstruction Texas Supreme Court rules state elections invalid because the State Constitution’s wording about elections is confusing.**

- **The citizens rebel and overrule the decision of the “Semicolon Court” by force.**

- *The members of the so-called “Semicolon Court” were appointed by the Republican Reconstruction Governor, E. J. Davis.*

- *The Court decided that the use of a semicolon instead of a comma in the election language of the Texas Constitution meant that state elections should be held in four days, not one, which meant that the recent one-day election would have to be redone.*

- *Invalidating the state elections would have kept Davis in office until another election could be held, something the largely Democratic voters refused to let happen.*

- *Armed militias stormed the State Capitol and forced Davis from office, and the new governor, Richard Coke, took his place and immediately appointed a new Supreme Court.*

[*See Taming Texas*, pp. 51-53.]

Slide 18:

1876 — A Constitution with Staying Power

- **In February 1876, Texas adopts a new Constitution that is still in effect today.**

- **The new Constitution calls for all judges to be elected, as they had been from 1851 until Reconstruction.**

- *The 1876 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. This was immediately after*

Reconstruction, which had given the Governor tremendous power, including the appointment of Supreme Court justices as well as full control of the State Police.

[Not covered directly in *Taming Texas*.]

Slide 19:

Cotton, Cattle, and Railroads — 1865–1900

Slide 20:

1880s — Texas Courts Hold the Big Guys Accountable

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

- *The Supreme Court began hearing more and more cases related to overcharges by railroads, disputes over land, and injuries due to negligence. By 1895, the cases involving railroads and telegraph companies made up 25 percent of the Court's caseload.*

- *The Court often ruled in favor of citizens who sued the railroad companies for damages, both property damage and physical and mental suffering, which was a new development.*

See Taming Texas, pp. 63-65.

Slide 21:

1891— Two “Supreme” Courts

- **A constitutional amendment gives Texas two highest courts instead of one: the Texas Supreme Court and the Texas Court of Criminal Appeals.**

- **The change is made because the Supreme Court cannot keep up with its fast-growing caseload.**

- *The Supreme Court was originally the highest court for both civil and criminal cases. Remind the students of the difference in civil and criminal cases.*

- *Texas was the first state to have two high courts; Oklahoma later followed the example. Texas and Oklahoma are still the only two states in the nation to have two high courts.*

[*See Taming Texas, pp. 71-72.*]

Slide 22:

Age of Oil; Age of Women's Rights — 1894–1935

Slide 23:

1925 — First All-Woman Supreme Court in the United States

- **Governor Pat Neff appoints three women lawyers to serve on the Texas Supreme Court to hear one case.**

- **The regular Justices, all men, were disqualified from hearing the case because they had what is called a “conflict of interest.”**

- *Women were not even able to vote in Texas (or in the U.S.) until the 19th Amendment passed in 1920, and the appointment of the All-Woman Court was just five years later. Women could not serve on juries in Texas until 1954, almost 30 years after the All-Woman Court met.*

- *Women had just begun to earn law degrees—it was not considered appropriate for them to be lawyers, which was considered a man's job.*

- *The case the All-Woman Court heard involved the Woodmen of the World men's fraternity, which most lawyers and judges in Texas belonged to at that time. Judges are not allowed to hear cases that involve people or organizations they are associated with.*

[See *Taming Texas*, pp. 82-83.]

Slide 24:

Texas in the Great Depression and World War II — 1929–1945

Slide 25:

1942–1945 — Another “First” for Texas Women and Texas Law

- **Women serve as briefing attorneys in the Texas Supreme Court when the men leave to fight in the war.**

- **Although the men get their jobs back after the war, this opens new opportunities for women attorneys.**

- *Briefing attorneys work directly with the Justices to do legal research on the cases that are being handled by the Court. Their work is essential to Court's work.*

- *It was still hard for women attorneys to get jobs, so this was a great opportunity for these women to work in the one of the state's high courts and to prove that they were good lawyers.*

[See *Taming Texas*, pp. 89-90.]

Slide 26:

Civil Rights and Conservatism — 1945–1980

Slide 27:

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.**

- *A landmark case is one that marks an important stage or turning point in some area of law. Sweatt v. Painter was the first case to successfully challenge the “separate-but-equal” standard in public education.*

- *Sweatt was followed four years later by Brown v. Board of Education, which declared racial segregation illegal in all public schools because it violated the Equal Protection Clause of the Fourteenth Amendment.*

[See *Taming Texas*, pp. 102-04.]

Slide 28:

1954 — A Civil Rights Victory for Mexican Americans

- **The landmark *Hernandez v. State of Texas* case gives Mexican Americans important rights under the Fourteenth Amendment of the U.S. Constitution.**

- *The Hernandez case had to do with the deliberate exclusion of Mexican Americans on juries. Pete Hernandez had been convicted of murder by an all-white jury, and civil rights lawyer Gus Garcia proved that it had been at least 25 years since anyone of Mexican origin had served on a jury in the county where the trial was held. He argued that they had been excluded only because of their class.*

- *The U.S. Supreme Court declared that although Mexican-Americans were considered to be white under the law, they had been placed in a separate class through discrimination. The Fourteenth Amendment guarantees protection not only on the basis of race, but also class. Hernandez therefore had the right to be tried by a jury that included members of his own class.*

[See *Taming Texas*, pp. 98-99.]

Slide 29:

Contemporary Texas—1980 to Present

Slide 30:

1982 — Diversity on the Texas Supreme Court

- **State District Judge Ruby Sondock becomes the first woman in history to serve as a regular member of the Texas Supreme Court.**
- **She is appointed to the Court by Governor Bill Clements.**

Slide 31:

1984 — Diversity on the Texas Supreme Court

- **Court of Appeals Justice Raul A. Gonzalez becomes the first Hispanic member of the Texas Supreme Court.**
- **Justice Gonzalez serves on the Supreme Court for 14 years before he retires.**

Slide 32:

2001 and 2004 — Diversity on the Texas Supreme Court

- **In 2001, Wallace B. Jefferson becomes the first African American to serve on the Texas Supreme Court.**
- **In 2004, Justice Jefferson becomes the first African American to serve as Chief Justice of the Texas Supreme Court.**

Slide 33:

2002 — Diversity on the Texas Supreme Court

- **State District Judge Dale Wainwright becomes the first African American to be elected to the Texas Supreme Court without first serving as an appointed member.**

Slide 34:

2009 and 2010 — Diversity on the Texas Supreme Court

- **In 2009, Court of Appeals Justice Eva Guzman becomes the first Hispanic woman to serve on the Texas Supreme Court when she is appointed by Governor Rick Perry.**
- **In 2010, Justice Guzman becomes the first Hispanic woman elected to a statewide office in Texas when she wins election to the Texas Supreme Court.**

Slide 35:

The High Courts Today—Present

Slide 36:

The Texas Supreme Court

- The current Chief Justice of the Texas Supreme Court is Nathan Hecht. He was elected to the court of appeals in 1986 and elected to the Texas Supreme Court as a justice in 1988. Chief Justice Hecht has now served longer than any justice on any appellate court in the state. He was appointed Chief Justice in 2013, and in 2014 he became the longest serving Justice in the Court's history.

Slide 37:

The Texas Court of Criminal Appeals

Slide 38:

***Taming Texas* Book Cover**

- There is a lot more you can learn about the development of the law in Texas from the Taming Texas book. Remember you can go to www.tamingtexas.org and download your own copy.

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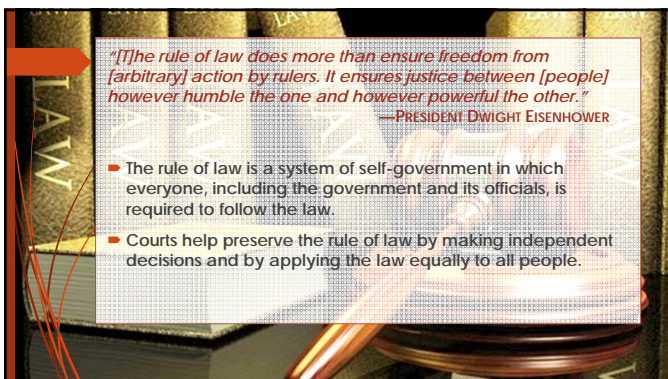


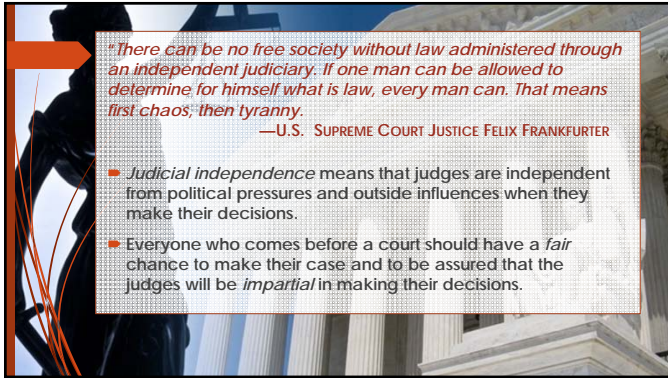
Houston Bar Association
Teach Texas Program

PowerPoints for Lesson Plan 1

(revised Sept. 2016)



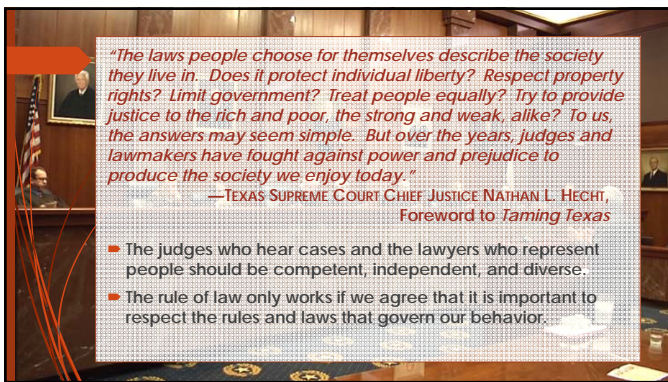




"There can be no free society without law administered through an independent judiciary. If one man can be allowed to determine for himself what is law, every man can. That means first chaos; then tyranny."

—U.S. SUPREME COURT JUSTICE FELIX FRANKFURTER

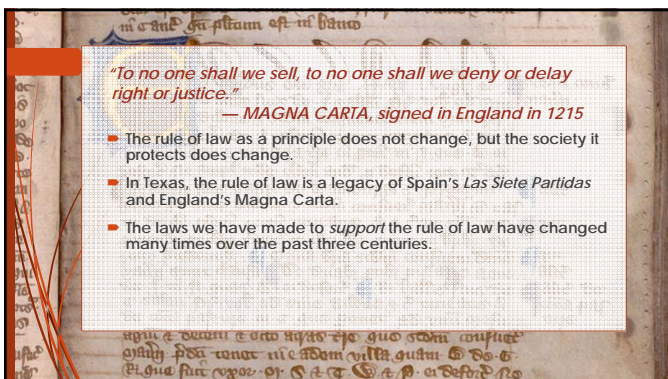
- Judicial independence means that judges are independent from political pressures and outside influences when they make their decisions.
- Everyone who comes before a court should have a *fair* chance to make their case and to be assured that the judges will be *impartial* in making their decisions.



"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*

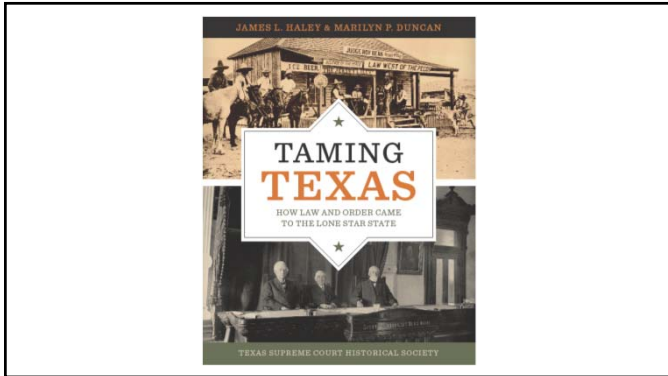
- The judges who hear cases and the lawyers who represent people should be competent, independent, and diverse.
- The rule of law only works if we agree that it is important to respect the rules and laws that govern our behavior.



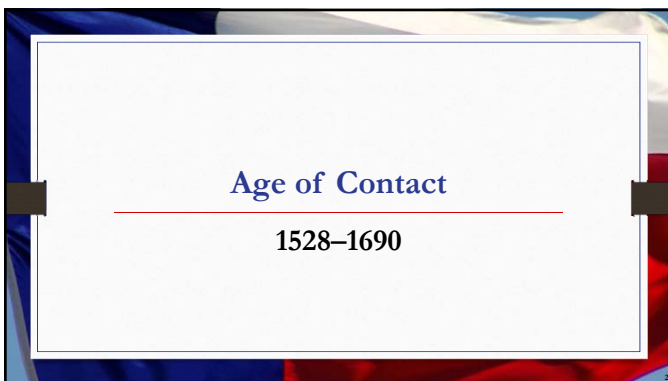
"To no one shall we sell, to no one shall we deny or delay right or justice."

— MAGNA CARTA, signed in England in 1215

- The rule of law as a principle does not change, but the society it protects does change.
- In Texas, the rule of law is a legacy of Spain's *Las Siete Partidas* and England's Magna Carta.
- The laws we have made to *support* the rule of law have changed many times over the past three centuries.







1528 – First Texas “Lawyer”

- A Karankawa Indian defends Cabeza de Vaca and his men during a tribal “trial” and saves them from being put to death.

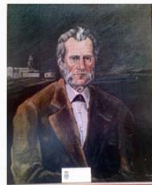


Spanish Colonial Era

1690–1821

1731-1735 – Spanish Law Arrives in Texas

- 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 mayor and judge.



Mexican National Era

1821–1836

1822-1827 – New Settlers Bring New Laws

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



Revolution and Republic Era

1835–1845

1836 – Revolution Brings More Changes to Texas Laws

- The Convention of 1836 meets at Washington-on-the-Brazos in March and writes both the Texas Declaration of Independence and the Constitution of the Republic of Texas.
- The Constitution creates a court system with a Supreme Court and district courts to hear cases throughout the Republic.



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- On January 13, 1840, Chief Justice Thomas J. Rusk presides over the first session of the Supreme Court.
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Another Important Member of the 1840 Republic Court

- A new judge on the first Supreme Court is John Hemphill, who would soon become the next Chief Justice and serve for 18 years.
- Hemphill is fluent in Spanish and often uses Spanish civil law to decide cases.



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1845–1861

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- Receives one-half of property acquired during marriage if divorced
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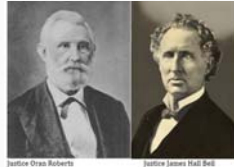


Texas in the Civil War and Reconstruction; Post-Reconstruction

1861–1874;
1874–1876

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- The Reconstruction Texas Supreme Court rules state elections invalid because the State Constitution's wording about elections is confusing.
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1876 – A Constitution with Staying Power

- In February 1876, Texas adopts a new Constitution that is still in effect today.
- The new Constitution calls for all judges to be elected, as they had been from 1851 until Reconstruction.



Cotton, Cattle, and Railroads

1865–1900

1880s – Texas Courts Hold the Big Guys Accountable

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



1891 – Two “Supreme” Courts

- A constitutional amendment gives Texas two highest courts instead of one: the Texas Supreme Court and the Texas Court of Criminal Appeals.
- The change is made because the Supreme Court cannot keep up with its fast-growing caseload.



Age of Oil; Age of Women's Rights

1894–1935

1925 – First All-Woman Supreme Court in the United States

- Governor Pat Neff appoints three women lawyers to serve on the Texas Supreme Court to hear one case.
- The regular Justices, all men, were disqualified from hearing the case because they had what is called a “conflict of interest.”



Texas in the Great Depression and World War II

1929–1945

1942–1945 – Another “First” for Texas Women and Texas Law

- Women serve as briefing attorneys in the Texas Supreme Court when the men leave to fight in the war.
- Although the men get their jobs back after the war, this opens new opportunities for women attorneys.



Civil Rights and Conservatism

1945–1980

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.



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

1954 – A Civil Rights Victory for Mexican Americans

- The landmark *Hernandez v. State of Texas* case gives Mexican Americans important rights under the Fourteenth Amendment of the U.S. Constitution.



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

Contemporary Texas 1980 to Present

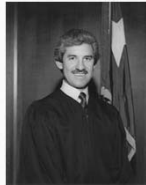
1982 – Diversity on the Texas Supreme Court

- State District Judge Ruby Sondock becomes the first woman to serve as a regular member of the Texas Supreme Court.
- She is appointed to the Court by Governor Bill Clements.



1984 – Diversity on the Texas Supreme Court

- Court of Appeals Justice Raul A. Gonzalez becomes the first Hispanic member of the Texas Supreme Court.
- Justice Gonzalez serves on the Supreme Court for 14 years before he retires.



2001 and 2004 – Diversity on the Texas Supreme Court

- In 2001, Wallace B. Jefferson becomes the first African American to serve on the Texas Supreme Court.
- In 2004, Justice Jefferson becomes the first African American to serve as Chief Justice of the Texas Supreme Court.



2002 – Diversity on the Texas Supreme Court

- State District Judge Dale Wainwright becomes the first African American to be elected to the Texas Supreme Court without first serving as an appointed member.



2009 and 2010 – Diversity on the Texas Supreme Court

- In 2009, Court of Appeals Justice Eva Guzman becomes the first Hispanic woman to be appointed to the Texas Supreme Court.
- In 2010, Justice Guzman becomes the first Hispanic woman elected to a statewide office in Texas when she wins election to the Texas Supreme Court.



The High Courts Today

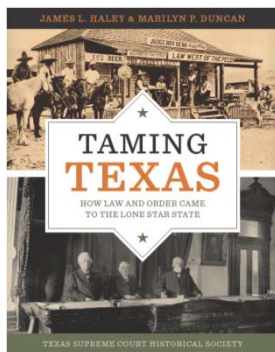
Present

Texas Supreme Court



Texas Court of Criminal Appeals





Lesson Plan 2



Court Structure of Texas (Lesson Plan 2)

Objective

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

Materials Needed

- Sets of sheets on Texas Courts (7 sets with 7 sheets per set)
- Court Structure of Texas graphic organizer [PowerPoint]
- “I know someone who ...” Exercise notes [PowerPoint]
- Comparing Federal & Texas State Court Systems chart [PowerPoint]
- United States Federal Courts chart
- Lesson Plan 2 consolidated PowerPoints

Activities

- Have students organize the Texas Courts sheets by level of court (15 minutes)
- Complete the Court Structure of Texas using the PowerPoint (5 minutes)
- Have students participate in the “I know someone who ...” Exercise (10 minutes)
- Compare federal and Texas state courts (10 minutes)

Teaching Strategy

1. 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.
2. Instruct students to read through the sheets and, using context clues, place the sheets in order from the highest courts to the lowest 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.)
3. 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.
4. Next use the PowerPoint to complete the Court Structure of Texas graphic organizer. Be sure to explain the difference between trial courts and appellate courts.
5. 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.)

6. Use the “I know someone who ...” PowerPoint 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 on the exercise notes. (Note: The scenarios are referring to adults unless noted differently on the slide.)
7. Using the chart on Comparing Federal & Texas State Court Systems provided, review the comparison of the federal and Texas state court systems, and show the PowerPoint. Show the students the United States Federal Courts chart that is included at the end of the PowerPoint.
8. Tell the students about another game they can play on Texas Courts, the “All Rise” game on the LRE website – www.texaslre.org/games/

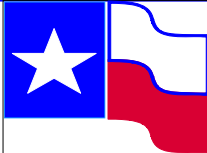
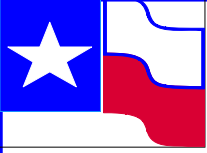
TEKS

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

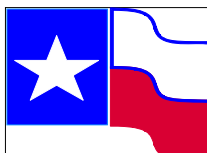
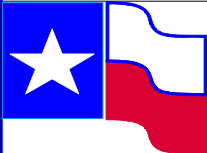
- (A) describe the structure and functions of government at municipal, county, and state levels.



Supreme Court of Texas

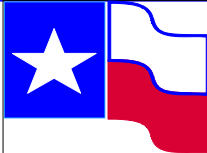
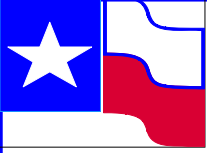


In Texas, the Supreme Court of Texas is one of the two highest courts in our state. It differs from the other high court in that it hears civil cases (not criminal cases) that come on appeal from the Courts of Appeals. Additionally, these justices handle the appeals of all juvenile cases from the Courts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

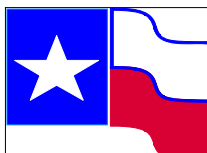
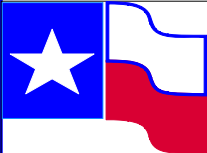




Court of Criminal Appeals

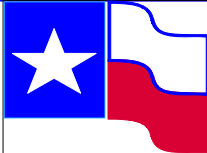
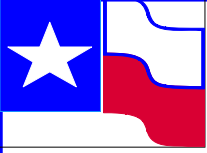


In Texas, the Texas Court of Criminal Appeals is one of the two highest courts in our state. It differs from the other high court in that it only hears criminal cases (not civil cases). While most of the cases that it hears come on appeal from the Courts of Appeals, if the case involved the death penalty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

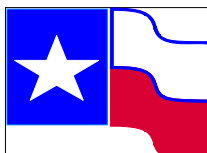
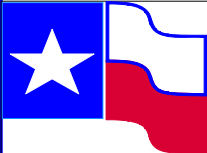




Courts of Appeals

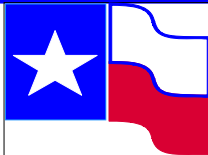
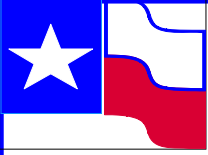


These courts exercise what is known as appellate jurisdiction, which means they hear cases that have already been heard and discussed in a lower court. There are 14 of these courts that are situated throughout the state of Texas. These justices hear all civil cases and criminal cases that are appealed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





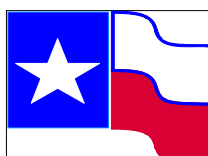
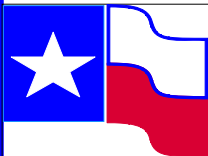
District Courts



The district courts are trial courts and there are approximately 396 district courts throughout the state of Texas. The trials in these courts have original jurisdiction in the following areas:

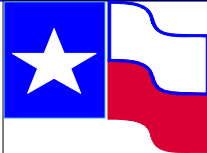
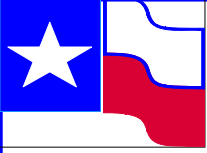
- Civil cases that involve damages over \$200
- Divorce and child custody cases
- Criminal cases that are considered felonies
- Juvenile cases

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



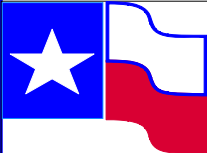
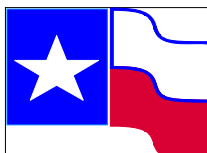


County Level Courts



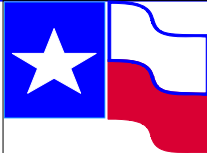
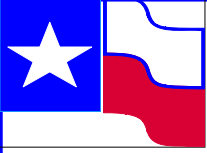
These courts fall under the district courts in the court structure and are also trial courts.

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 of \$500 or more and jail time up to one year
 - Retrials of cases appealed from justice of the peace or municipal courts
 - Juvenile matters
- 
- 



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:

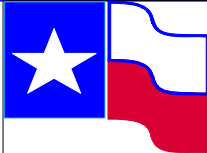
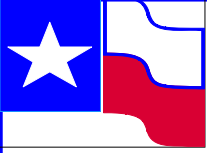
- Lawsuits involving damages of not more than \$5000
- Share responsibility with municipal courts for misdemeanors that are punishable by a fine, but no jail time
- Issue search and arrest warrants
- Conduct weddings

Cases from this court can be appealed to the county courts.

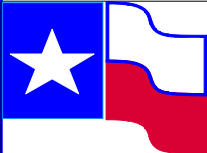
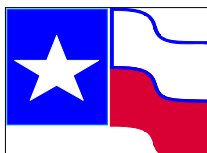


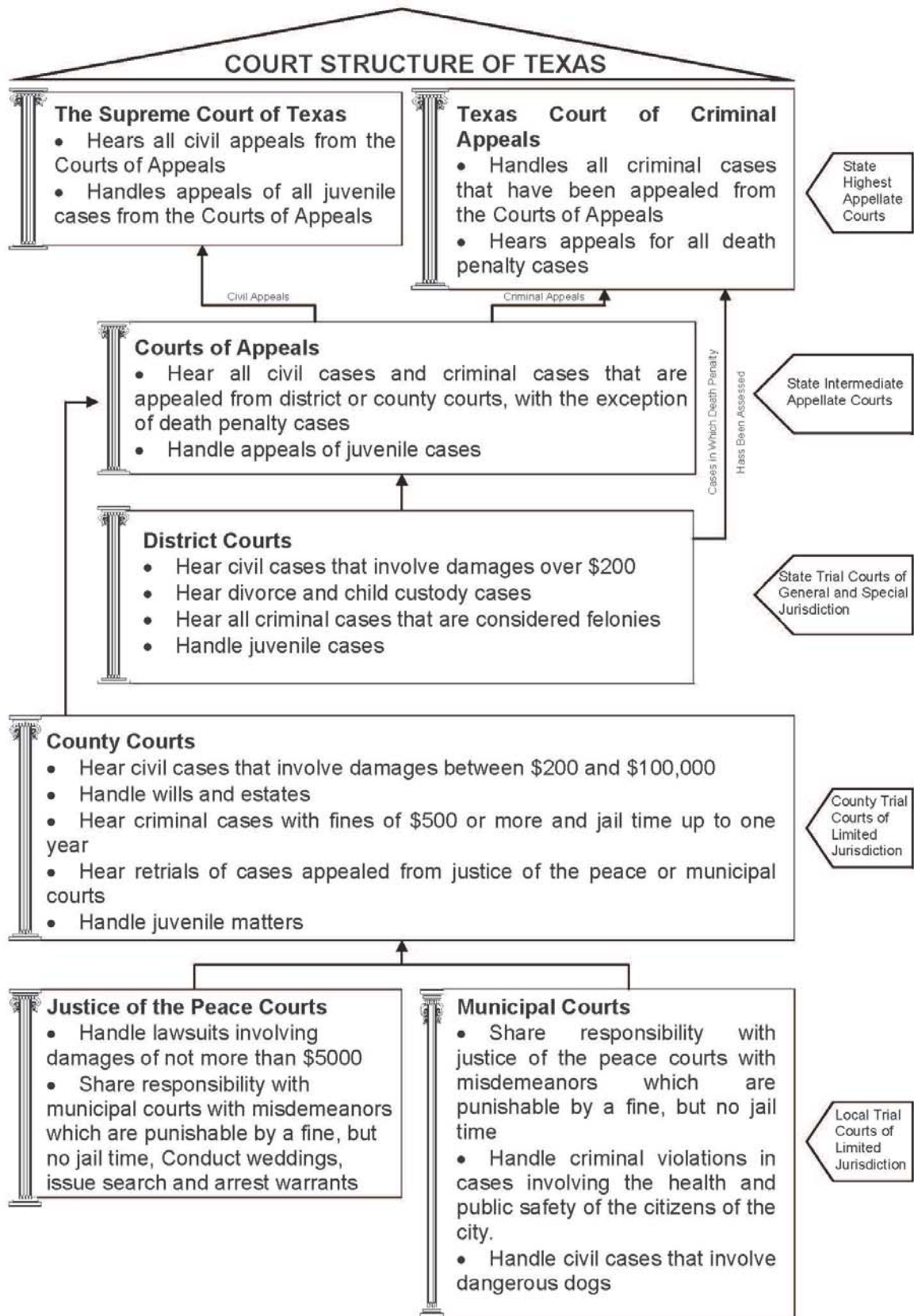


Municipal Courts



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
- 
- 



“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

The Federal Court System	The Texas State Court System
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.	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.
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.	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.
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.	Parties dissatisfied with the decision of the trial court may take their case to an intermediate court of appeals.
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.	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.

Selection of Judges

The Federal Court System	The Texas State Court System
<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

The Federal Court System	The Texas State Court System
<p>Federal courts hear:</p> <ul style="list-style-type: none"> • Cases that deal with the constitutionality of a law; • Cases involving the laws and treaties of the U.S.; • Cases involving ambassadors and public ministers; • Disputes between two or more states; • Admiralty law; • Bankruptcy; and • Habeas corpus issues. 	<p>Texas courts hear:</p> <ul style="list-style-type: none"> • Most criminal cases, probate cases (involving wills and estates); and • Most civil cases, including contract cases, tort cases (personal injuries), family law (marriages, divorces, adoptions), etc. <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.

THE UNITED STATES FEDERAL COURTS

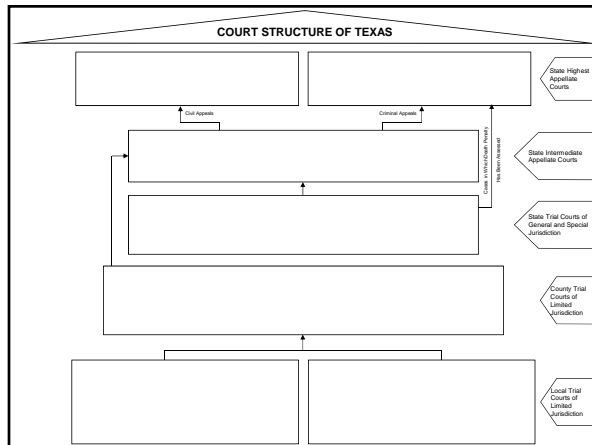


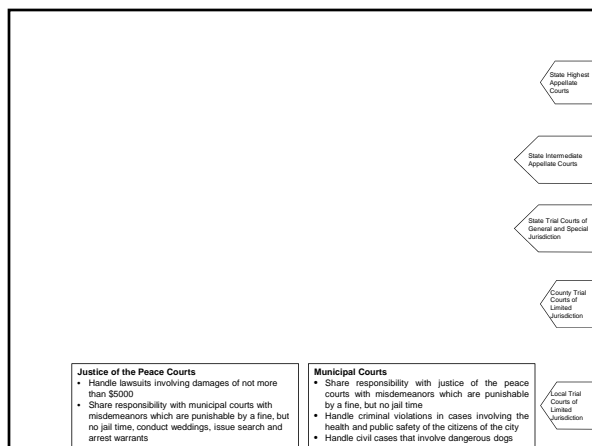


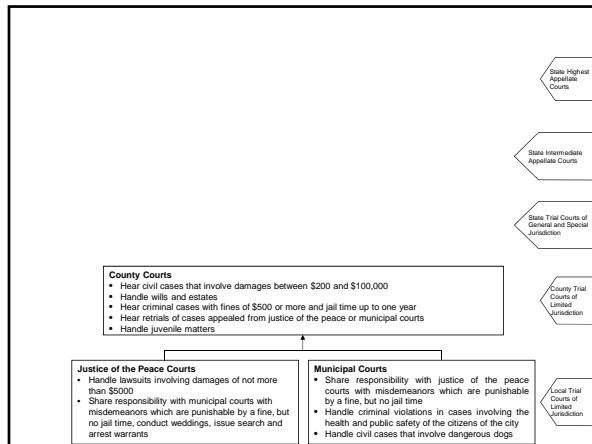
Houston Bar Association Teach Texas Program

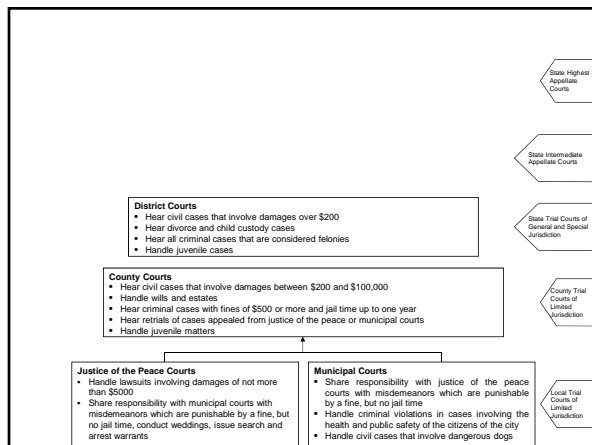
PowerPoints for Lesson Plan 2

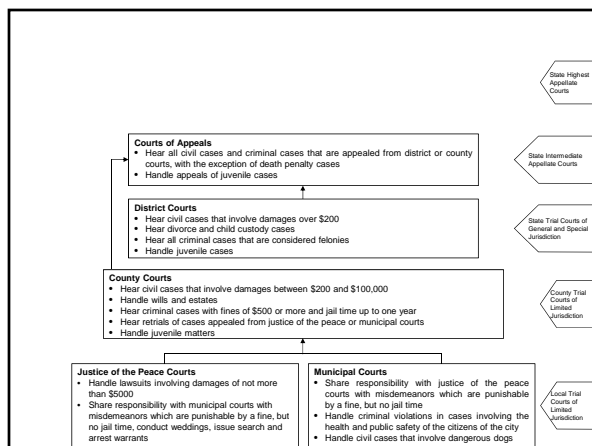
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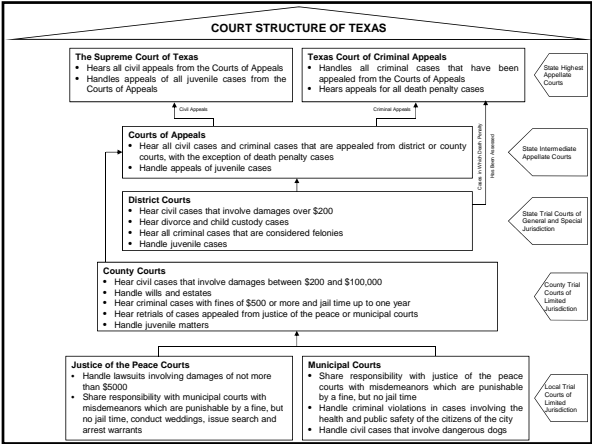


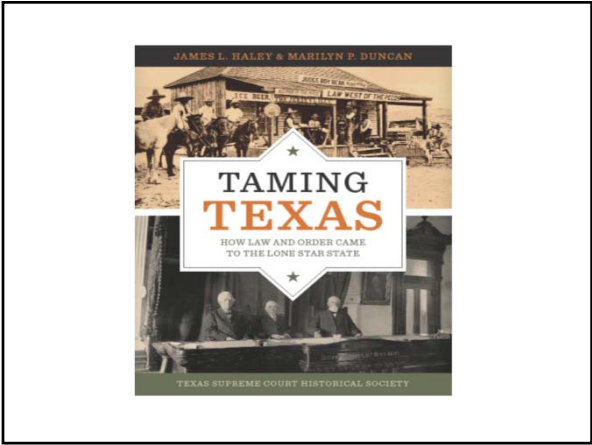


















I know someone who...

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


What court would hear this case?



I know someone who...

Stole several video games and faced a fine of \$700.00 and up to six months in jail

What court would hear this case?



I know someone who...

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.

What court would hear this case?



I know someone who...

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

What court would hear this case?



I know someone who...

Was convicted of a felony and appealed his case.

What court would hear this case?



I know someone who...

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

What court would hear this case?



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

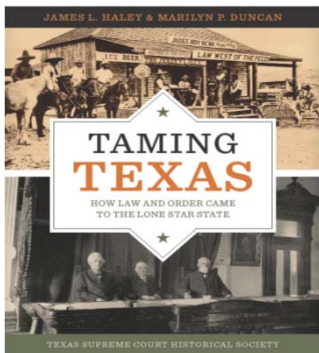
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What court would hear this case?





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Comparing Federal and Texas State Court Systems

Court Structure (continued)

The Federal Court System	The Texas State Court System
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