

The Office of Justice of the Peace

History of Justices of the Peace, Requirements to Become a JP in Texas, Duties of a JP, and Training Requirements of a JP

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Brazos County Justice of the Peace Precinct 3

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History of Justices of the Peace

- Long history, dating back to 1195, when King Richard I (“the Lionheart”) of England, commissioned knights to preserve the peace in unruly areas
- An act of 1327 had referred to “good and lawful men” to be appointed in every county in the land to “guard the peace”
- Early English settlers in America retained the Justice of the Peace system
- In the colonies, before an established judicial system, volunteer justices resolved local conflicts and kept the peace

History of Justices of the Peace cont'd

- George Washington served as a JP early in his career
- Although many states have eliminated Justices of the Peace, Texas has continued the JP tradition
- Among Texas JP's, the most famous one is most certainly Judge Roy Bean (1825-1903)
- Judge Bean was a saloon-keeper and Justice of the Peace in Val Verde County, Texas, who called himself "The Law West of the Pecos"

History of Justices of the Peace cont'd

- Esther Hobart Morris was the first woman Justice of the Peace in the United States
- She began serving in February of 1870 in South Pass City, Wyoming
- The Sweetwater County Board of County Commissioners appointed Morris after the previous JP, R.S. Barr, resigned in protest of Wyoming Territory's passage of the women's suffrage amendment in December 1869
- Wyoming was the first jurisdiction in the United States to grant women the right to vote, a right which was not granted women nationally until 1920

History of Justices of the Peace cont'd

- Macon Bolling Allen is believed to be both the first African American licensed to practice law and to hold a judicial position in the United States
- Allen passed the bar exam in Maine in 1844 and became a Massachusetts Justice of the Peace in 1848
- He became the first African American in the United States to hold a judicial position, despite not being considered a U.S. citizen under the Constitution at the time
- He moved to South Carolina after the Civil War to practice law and was elected as a probate court judge in 1874

Legal Authority

- Texas Constitution, Article 5 Sections 1 & 18 provides for the creation of the Justice of the Peace Courts, or Justice Courts, and bestows upon them the judicial powers of the State

Qualifications to run for JP in Texas

- Be a Texas resident for previous 12 months
- Be a resident of the precinct they will serve for previous 6 months
- Be a U.S. Citizen
- Be 18 years of age on the first day of the term to be filled
- Mentally Competent
- Cannot be a convicted felon

Assuming Office

- Elected to Office by qualified voters in the appropriate precinct
- Appointed to Office by Commissioner's Court

Administrative Duties

- Recordkeeping
- Accounting/Budget obligations
- Accounts Receivable
- Supervision of Office and Court Personnel

Duties of a Texas Justice of the Peace

- Preside over small claims cases involving 20,000 dollars or less
- Preside over misdemeanor criminal cases
- Preside over Truant Conduct and Parent Contributing cases
- Issue warrants, writs of possession, and writs of alternate service
- Act as an Administrative Hearing Officer. (DPS Administrative Hearings, Tow Hearings, Property Hearings, Expunction Hearings, Occupational Drivers License Hearings, and Open Hearings)

Duties of a Texas Justice of the Peace cont'd

- Perform Magistration Duties
- Preside over Landlord-Tenant Suits (Evictions, Writs of Re-Entry, Repair and Remedy)
- Preside over Juvenile Cases
- Perform the duties of Coroner/Medical Examiner for counties with that do not have a Coroners Office

Miscellaneous Powers and Duties

- Ex Officio Notaries Public
- May Perform Weddings
- Contempt (Direct or Constructive)

Miscellaneous Information

- No jurisdiction over Class A or B Misdemeanors
- No jurisdiction over Felonies
- Not a Court of Record
- The Office of Court Administration (OCA) reports that 90% of all court cases in the State of Texas are filed in a Justice/Municipal Court (Note of Interest: The only contact that the vast majority of Texans have in a court setting is in a Justice/Municipal Court)

Training Requirements of a JP

- Persons elected to JP in Texas must attend an initial 80 hour training at the Texas Justice Court Training Center at Texas State University in San Marcos
- Justices of the Peace must also attend subsequent trainings throughout their term to keep current with the laws of Texas
- Requirement is at least 20 hours of training each year
- The Texas Justice Court Training Center is funded by a grant from the Texas Court of Criminal Appeals and is under the supervision of the Justices of the Peace and Constables Association of Texas (JPCA)

Texas Justice Court Training Center (TJCTC)

- Provides Training for JP's, Constables, Deputies, and their Staff
- Provide Legal Question Boards, Civil Process Resources, Deskbooks, and Forms
- Virtual and In-Person Programs
- Specialty Workshops
- Webinars
- Provides constant updates for legislative changes and Texas Supreme Court orders

• Website is tjctc.org

Questions