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## State and Federal Government II Lecture Outline

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## STATE AND FEDERAL GOVERNMENT 2

- I. A PREFACE TO AMERICAN POLITICS
  - A. SEEING THROUGH A GLASS, DARKLY
    - 1. We Are Like Fish **in** Water
      - a. Our Circumstances
    - 2. What Is Politics?
      - a. Power
      - b. Context: "I am I and My Circumstances"  
(Ortega y Gasset)
  - B. CITIZENS AND HOUSEHOLD STEWARDS
    - 1. Public and Private Distinction
      - a. Limited Liability Corporation
        - 1) Liability
        - 2) Who Should Pay?
    - 2. Politics and Economics
      - a. Classical Tradition
        - 1) City (**Polis**); **Aristotle**
        - 2) Household (**Oikos**)
      - b. Biblical/Western Tradition
        - 1) Virtue vs. Corruption
        - 2) Trustee or Steward
        - 3) Community and Individuality (Proudhon  
vs. Tocqueville)
  - C. MORALITY AND LIBERTY
    - 1. "Conscience Is the Most Sacred Property" (Madison)
    - 2. "Who Gets What, When, How?" (Lasswell)
      - a. Private Benefit
      - b. Public Treasury
      - c. Albert Jay Nock on Modern Politics
    - 2. Political Economy
      - a. Ethical Issues
  - D. THE ONE AND THE MANY
    - 1. Who Benefits?
    - 2. Conflict vs. Harmony of Interests
    - 3. Hamarchy (Lieber)
- II. AMERICAN POLITICAL CULTURE
  - A. THE AMERICAN CHARACTER
    - 1. Individualism
      - a. Contrast with Selfishness
      - b. Effects
      - c. Loss of Community
    - 2. Character Types

- a. Tradition-Directed
- b. Inner-Directed
- c. Other-Directed
- 3. Absence of a Feudal Tradition
  - a. Pilgrims and Puritans
  - b. Frontier Society
  - c. Social Contract Theory
- 4. Status vs. Contract
  - a. Meritocracy
  - b. Privileges and Entitlements

### III. AMERICAN CONSTITUTIONAL SYSTEM

#### A. CONSTITUTIONAL COMPONENTS

- 1. Guiding Principles
- 2. **Preamble**
  - a. Invocation
    - 1) **Mayflower Compact** (1620)
- 3. Bill of Rights
  - a. Massachusetts **Body of Liberties** (1641)
- 4. Separation of Powers and Checks and Balances
  - a. Restraint on Power
    - 1) William Blackstone
  - b. System of Overlapping Powers
- 5. Amendment
  - a. Constitutional Provision
    - 1) Constitutional Convention
    - 2) Individual Proposal
    - 3) Ratification
  - b. Interpretation
  - c. Treaties
  - d. Popular Initiative (states)
  - e. Popular Referendum (states)
- 6. Extraconstitutional Measures
  - a. Interposition
  - b. Nullification
  - c. Secession
  - d. Martial Law

#### B. ORGANIZING PRINCIPLES (DIVISIONS OF POWERS)

- 1. **Federalism**
  - a. Two Main Levels
    - 1) Divided Political Sovereignty
  - b. "Supreme Law of the Land"
    - 1) **Magna Carta**
    - 2) Sanctioning Land
    - 3) Common Law and Due Process

- 4) Super-Legislation
- c. Alternatives
  - 1) Monarchy
  - 2) Feudalism; Confederation or League
- 2. **Bicameralism**
  - a. Two Chambers
    - 1) Unicameral Legislature (Nebraska)
  - b. **Senate**
    - 1) Designed to Represent the States
    - 2) Two Senators
    - 3) Restraint on Presidency and Judiciary
  - c. **House of Representatives**
    - 1) Designed to Represent the People
    - 2) Population
    - 3) Money Bills
- 3. **Separation of Powers**
  - a. Branches
    - 1) Legislative
    - 2) Executive
    - 3) Judicial
  - b. Constituencies
  - c. Modes of Selection and Terms of Office
    - 1) Representatives
    - 2) Senators
    - 3) Presidents (**Electoral College**)
    - 4) Justices
- 4. **Republican Principle**
  - a. Enhances Stability
  - b. Wise and Capable Leaders
  - c. Electoral College
- 5. Characteristics of a Desirable Constitution
  - a. Stability and Continuity
  - b. Division of Powers
  - c. Representativeness
  - d. Accountability
- C. CONSTITUTIONAL THEORY
  - 1. Locus of Sovereignty
    - a. Towns and Counties
    - b. State
    - c. People of the Several States
  - 2. Division of Powers
    - a. Checks and Balances
    - b. Mixed Government
  - 3. System of Overlapping Powers
    - a. Sovereignty

- b. Supreme Law of the Land
    - 4. Separate Constituencies
    - 5. Countervailing Power
  - D. CHECKS AND BALANCES
    - 1. Legislation
      - a. Laws
      - b. Veto and Override
      - c. Executive Orders
      - d. Special Sessions
      - e. Tie-Breaking
    - 2. Administration
      - a. Appointments
      - b. Civil Service
      - c. Bureaucracy
      - d. Power of the Purse
    - 3. Jurisprudence
      - a. Judicial Review
      - b. Jurisdiction
      - c. Reversals
    - 4. Constituent Power
      - a. Amendments
    - 5. Foreign Affairs
      - a. Treaties
      - b. Executive Agreements
    - 6. National Security
      - a. Impeachment and Trial
      - b. Pardons
      - c. War Powers
      - d. Police Actions
      - e. Emergency Powers
    - 7. Conclusion

#### IV. THE PRESIDENCY

- A. HISTORICAL BACKGROUND
  - 1. Colonial Era
    - a. Royal Colonies
    - b. Proprietary Colonies
    - c. Charter Colonies
  - 2. Powers of the President
  - 3. Inherent Powers
    - a. Proclamation of Neutrality
    - b. Embargo
    - c. War Powers
  - 4. Delegation of Powers
- B. QUALIFICATIONS: FORMAL AND INFORMAL

1. Eligibility
2. Service in Elective Public Office
  - a. Governors
  - b. Senators
  - c. Vice President
  - d. Exceptions
3. Managers
4. Lawmakers
- C. THE EXECUTIVE OFFICE
  1. Compensation and Perks
  2. Removal and Succession
  3. Executive Office of the President
  4. Vice President
  5. Cabinet
  6. Independent Agencies
- D. PRESIDENTIAL CHARACTER
  1. Theories of Presidential Power
    - a. Constitutional [Literalist, Passive]
    - b. Stewardship [Effective, Active]
    - c. Prerogative [Energetic]
  2. James David Barber: Presidential Character
  3. Psychobiography
- E. ROLES OF THE PRESIDENT
  1. Chief of State
    - a. Chief Diplomat
    - b. Voice of the People [Popular Leader]
  2. Chief Executive
  3. Commander-in-Chief
  4. Chief Legislator
  5. Chief of Party
- V. THE BUREAUCRACY
  - A. DEVELOPMENT OF THE ADMINISTRATIVE STATE
    1. The Clerisy
    2. Ecclesiastical Institutions
    3. Rise of the Nation-State
    4. Dissolution of the Monasteries
    5. Poor Relief Act of 1601
    6. Early Charitable Societies
  - B. EVOLUTION OF AMERICAN BUREAUCRACY
    1. Conservative Federalism/Jeffersonianism
      - a. Asylums
    2. Jacksonian Populism
      - a. Spoils System

- b. Public Education
  - 3. Liberal/Libertarian Moral Reform
    - a. Pendleton Act of 1883
    - b. Graduate Education
  - 4. Libertarian Phase
    - a. Limited Liability Corporations
    - b. Economy and Efficiency Movement
    - c. Scientific Management Movement
- C. THE MODERN ERA
  - 1. Progressive Movement
  - 2. Regulatory Agencies
  - 3. Progressive Income Tax
  - 4. Federal Reserve Banks
  - 5. Stock Market Crash
  - 6. New Deal
  - 7. Social Security Act
  - 8. Great Society (Lyndon Johnson)
  - 9. Managerial Revolution (James Burnham)
  - 10. *Gemeinschaft* (personal, status) vs. *Gesellschaft* (impersonal, contract)
- D. BUREAUCRATIC POLITICS
  - 1. Max Weber's View of Bureaucracy
  - 2. Bureaucracy and the Policy Process
  - 3. Client Groups
  - 4. Congress
  - 5. Iron Triangles or Subgovernments
  - 6. Presidents
  - 7. Government Employees
  - 8. Cabinet Departments
  - 9. Executive Agencies
  - 10. Regulatory Commissions
  - 11. Deregulation
  - 12. Recruiting Bureaucrats
  - 13. Civil Service Reform Act of 1978
  - 14. Checks on Bureaucratic Power
- E. PUBLIC EMPLOYEES UNIONS
  - 1. Strikes
  - 2. Collective Bargaining
  - 3. Fair Share

## VI. THE TEXAS EXECUTIVE

- A. OVERVIEW OF THE GOVERNORSHIP
  - 1. Weak-Executive Model
    - a. Gov. E. J. Davis
    - b. Constitution of 1876

- c. Maze of Bureaucracies
  - 2. Prestige and Influence
  - 3. Qualifications and Term of Office
  - 4. Election and Compensation
  - 5. Succession
  - 6. Removal from Office
  - 7. Staff
- B. POWER OF THE GOVERNOR
  - 1. Executive Powers
  - 2. Appointive Power
    - a. Limitations
    - b. Senatorial Courtesy
    - c. Filling vacancies
  - 3. Removal Power
  - 4. Military Power
    - a. Adjutant General
  - 5. Law Enforcement Power
    - a. Public Safety Commission
  - 6. Budgetary Power
  - 7. Legislative Powers
  - 8. Message Power
  - 9. Veto Power
    - a. Item Veto
    - b. Postadjournment Veto
  - 10. Special Sessions
  - 11. Judicial Powers
    - a. Appointment and Removal of Judges
    - b. Acts of Clemency
  - 12. Informal Powers
- C. THE PLURAL EXECUTIVE
  - 1. Lieutenant Governor
  - 2. Attorney General
  - 3. Commissioner of the General Land Office
  - 4. Commissioner of Agriculture
  - 5. Comptroller of Public Accounts
  - 6. [Treasurer]
  - 7. Secretary of State

## VII. TEXAS BUREAUCRACY

- A. BUREAUCRACY AND PUBLIC POLICIES
  - 1. Boards and Commissions
  - 2. Personnel
  - 3. Texas State Employees Association



- 4. State Ombudsman
  - 5. Growth of Bureaucracy
  - B. EDUCATION
    - 1. Independent School Districts (ISDs)
      - a. Policy Problems
    - 2. Higher Education
      - a. Merger Politics
    - 3. Ongoing Issues
    - 4. Texas Higher Education Coordinating Board
  - c. HUMAN SERVICES
    - 1. Administration
    - 2. Public Assistance
      - a. Aid to Families with Dependent Children (AFDC)
    - 3. Aging
    - 4. Health
    - 5. Mental Health and Retardation
    - 6. Employment
  - D. ECONOMIC REGULATION
    - 1. Oil and Natural Gas
    - 2. Public Utilities
    - 3. Water
    - 4. Environmental Protection
    - 5. Air Pollution
    - 6. Business Regulation
  - E. CERTIFICATION IN TRADES AND PROFESSIONS
    - 1. Texas Board of Dentistry
  - F. PROMOTION OF COMMERCE AND ECONOMIC DEVELOPMENT
    - 1. Commerce
    - 2. Highways
    - 3. High-Speed Rail Authority
  - G. CONSERVATION
    - 1. Texas Parks and Wildlife Department
  - H. BUREAUCRATIC PROLIFERATION
    - 1. Sunset Advisory Commission
- VIII. CONGRESS
- A. HISTORICAL ORIGINS
    - 1. Ancient Practice
    - 2. Representative Assemblies
      - a. Petition
      - b. Consent
      - c. Parliamentary Supremacy
      - d. Colonial Resistance
    - 3. Legislative Dominance
      - a. Parliamentary System

4. Continental Congress
    - a. Articles of Confederation
  5. Congress
    - a. Great Compromise
    - b. House
    - c. Senate
    - d. Federalist, no. 39
  6. Decline of Federalism
    - a. Fourteenth Amendment
    - b. Seventeenth Amendment
  7. Control of the Purse
    - a. Legislative Budget
    - b. Executive Budget
    - c. Sixteenth Amendment
    - d. Fiscal Policy
- B. STRUCTURE
1. Size
  2. Terms of Office
  3. Eligibility
  4. Salary and Benefits
  5. Bicameralism
- C. ROLES OF CONGRESS
1. Roles
  2. Membership
  3. Relations with Constituents
  4. House of Representatives
  5. Senate
  6. Strengths of the System
  7. Weaknesses of the System
- D. FUNCTIONS OF CONGRESS
1. Lawmaking (Legislative)
    - a. Statute Law
  2. Ceremonial
  3. Constitutional (Constituent)
  4. Casework (Communication)
  5. Executive
    - a. Appointments
    - b. Oversight
    - c. Appropriations
  6. Judicial
- E. ORGANIZATION
1. Presiding Officers in the Senate
    - a. President of the Senate
    - b. President Pro Tempore
    - c. Majority and Minority Leaders

- d. Others
- 2. Presiding Officers in the House
  - a. Speaker of the House
  - b. Majority and Minority Leaders
  - c. Others
- 3. Support System
  - a. Committees
  - b. Subcommittees
  - c. Special, Partisan, Joint, and Ad Hoc Committees
  - d. Committee Chairs
  - e. Staff

#### F. PROCEDURE

- 1. Introduction
- 2. Assignment to Committee
- 3. Committee Action
  - a. Options
  - b. Logrolling
- 4. Scheduling Bills for Floor Action in the Senate
  - a. Unanimous Consent
  - b. Rescue
  - c. By-Pass
  - d. Suspension of the Rules and Discharge
- 5. House Rules Committee
- 6. Floor Debate
  - a. Filibuster
  - b. Cloture
  - c. Vote
- 7. Conference Committee
- 8. Action by the President
- 9. Results

#### G. POWERS AND LIMITATIONS

- 1. Taxing and Spending (Fiscal Powers)
  - a. Federalist, no. 17
  - b. National Recovery Act
  - c. Fiscal Regulation
- 2. Commerce Power
  - a. Gibbons v. Ogden (1824)
    - 1) Enumerated Powers
    - 2) Implied Powers
    - 3) Resulting Powers
  - b. Cooley v. Board of Wardens (1851)

### IX. THE TEXAS LEGISLATURE

#### A. THE LEGISLATIVE FRAMEWORK

- 1. Public Policy

2. Composition
    - a. Senate
    - b. House of Representatives
  3. Sessions
  4. Redistricting
    - a. Legislative Redistricting Board
  5. Federal Intervention
    - a. *Reynolds v. Sims*, 1964
    - b. Gerrymandering
  6. Senatorial Districts
  7. Representative Districts
  8. Compensation
- B. MEMBERSHIP
1. Qualifications
  2. Characteristics
    - a. Political Party Affiliation
    - b. Occupation
    - c. Religious Affiliation
    - d. Legislative Experience
  3. Term Limits
- C. POWERS AND IMMUNITIES
1. Control of the Public Purse
  2. Resolutions
    - a. Simple Resolution
    - b. Concurrent Resolution
    - c. Joint Resolution
  3. Bill
    - a. Special Bill
    - b. General Bill
    - c. Emergency Measure
    - d. Local Bill
    - e. Bracket Bill
  4. Constitutional Amendment Power
  5. Control Over Administration
    - a. Advice and Consent
    - b. Legislative Reports
    - c. Legislative Budget Board
    - d. Sunset Advisory Commission
  6. Investigative Power
  7. Impeachment Power
  8. Immunities
- D. ORGANIZATION AND POWERS
1. Formal Organization
  2. President of the Senate: Lieutenant Governor
  3. Speaker of the House

4. Committee System
  - a. House
  - b. Senate
5. Caucuses
  - a. Party Caucuses
  - b. Texas Conservative Coalition
6. Ethnic Coalitions
  - a. African American Legislative Caucus
  - b. Mexican American Legislative Caucus
- E. PROCEDURE
  1. Rules
  2. Interpretation of Rules
  3. Parliamentarian
  4. Three Periods of Regular Session
- F. PASSING LAWS
  1. Introduction
  2. First Reading (House) and Referral to Committee
  3. House Committee Consideration and Report
    - a. Bill Analysis
    - b. Fiscal Note
    - c. Pigeonholing
  4. Second Reading and Floor Debate
    - a. Engrossment
    - b. Ghost Voting
  5. Third Reading
  6. First Reading (Senate)
  7. Senate Committee Consideration and Report
  8. Second Reading (Senate)
    - a. Filibuster
  9. Third Reading (Senate)
  10. Return to the House
  11. Conference Committee
  12. Conference Committee Report
  13. Enrollment
  14. Signature of Chief Clerk and Speaker
  15. Signatures of Secretary of State and Lieutenant Governor
  16. Action by Governor
    - a. In Session
    - b. Not in Session
- G. INFLUENCES WITHIN THE LEGISLATIVE ENVIRONMENT
  1. Governor
  2. Courts, Attorney General, and Comptroller of Public Accounts
  3. Lobbyists

4. Legislative Agencies
  - a. Texas Legislative Council
  - b. House Research Organization
  - c. Senate Research Center
- H. PROSPECTS OF LEGISLATIVE REFORM
  1. Limitations
  2. Proposed Reforms
- X. THE FEDERAL JUDICIARY
  - A. HISTORICAL BACKGROUND AND STRUCTURE
    1. Article III
      - a. Federal Judiciary Act of 1789
      - b. Alexander Hamilton: Federalist, no. 78
      - c. Robert Yates: Brutus, no. 11
    2. District Courts
      - a. Original Jurisdiction
      - b. Adjudication
      - c. Opinions
    3. Circuit Courts of Appeals
      - a. Briefs
      - b. Interpretation of Statutes
      - c. Common Law Precedent
    4. Supreme Court
      - a. Original Jurisdiction
        - 1) Special Master
      - b. Appellate Jurisdiction
      - c. Docket Control
        - 1) Rule of Four
      - d. Solicitor General
        - 1) Amicus Curiae Brief
      - e. Assigning Opinions
      - f. Concurring or Dissenting Opinions
    5. Chief Justice
      - a. Social Leader: Earl Warren
      - b. Intellectual Leader: Oliver Wendell Holmes, Jr., Felix Frankfurter
      - c. Policy Leader: John Marshall, Roger Taney
    6. Appointment of Judges
      - a. Informal Requirements
      - b. Confirmation Hearings
      - c. Senatorial Courtesy
  - B. THE LAW
    1. Law
    2. Law as Will of Sovereign
    3. Natural Rights: John Locke

- a. State of Nature
- 4. Sociological Law
- 5. English Common Law
  - a. Henry II
  - b. *Stare Decisis*: Precedent
- 6. Statutory Law
- 7. Equity
- 8. Cases
  - a. Civil
  - b. Criminal
- 9. Administrative Law
- C. JUDICIAL REVIEW
  - 1. Judicial Review
  - 2. Common Law
  - 3. *Marbury v. Madison* (1803)
    - a. The Particulars
    - b. Test of Will
    - c. Third Alternative
    - d. The Decision
    - e. Political Circumstances
    - f. Case Dismissed
  - 4. Judicial Restraint
  - 5. Judicial Activism
  - 6. National Government Strengthened
    - a. Implied Powers Clause
    - b. Commerce Clause
    - c. Taxing and Spending Powers
    - d. General Welfare Clause
    - e. Reserved Powers
  - 7. Opposing Views
    - a. Strict or Narrow Constructionists
    - b. Loose or Broad Constructionists
  - 8. Ambiguous Language
  - 9. Public Opinion
- D. THE GROWTH OF JUDICIAL POWER
  - 1. Restriction of States
    - a. *McCulloch v. Maryland* (1819)
  - 2. Roger B. Taney
    - a. Dred Scott Case (1857)
  - 3. Fourteenth Amendment
    - a. Substantive Due Process
  - 4. Free Enterprise Capitalism
    - a. *Lochner v. New York* (1905): laissez faire
    - b. *Muller v. Oregon* (1908)
  - 5. Incorporation Doctrine

6. Franklin Roosevelt
  - a. Court-Packing Plan
7. Judicial Activism
  - a. *West Coast Hotel v. Parrish*, 1937
  - b. *Wickard v. Filburn*, 1942
- E. THE WARREN COURT
  1. Warren Court
    - a. Major Decisions
    - b. Controversy
  2. Most Important Decisions
  3. Reapportionment
    - a. *Baker v. Carr*, 1962
    - b. *Reynolds v. Sims*, 1964
  4. Civil Rights
    - a. *Brown v. Board of Education*, 1954, 1955
  5. Rights of Criminal Defendants
  6. Other Areas
- F. BURGER AND REHNQUIST COURTS
  1. Conservative Direction
  2. Criminal Law
    - a. Death Sentence
  3. Exclusionary Rule
  4. Desegregation and Privacy
  5. Civil Rights
  6. William Rehnquist
- G. POLITICS AND JUSTICE
  1. Decentralized System
  2. Crime and Its Prevention
  3. Watergate
  4. Political Context
    - a. Nixon Tapes
    - b. Executive Privilege
  5. Presidential Nominees
  6. Electorate
  7. Independence of Justices
  8. Confirmation Battles: Clarence Thomas, Robert Bork
  9. Conflicts with Congress
  10. Appellate Jurisdiction
  11. Overturning Rulings
- H. COURTS AND JUDGES
  1. Secrecy
    - a. The Brethren
  2. Court Tradition
  3. Chief Justice
  4. Special Federal Courts



- a. Claims Court
- b. Court of International Trade
- c. Court of Appeals: Federal Circuit
- d. Tax Court
- e. Court of Military Appeals
- 5. State Court System
  - a. Magistrates' Courts
  - b. Municipal Courts
  - c. County Courts
  - d. Special Jurisdiction
  - e. Intermediate Courts of Appeals
  - f. Courts of Appeals
- 6. Federal Court Judges
  - a. Appointment
  - b. Senate Patronage System
- 7. State and Local Judges
  - a. Election
  - b. Missouri Plan
- I. CRIMINAL JUSTICE IN AMERICA
  - 1. Criticism
  - 2. Profile of Crime in America
    - a. Failure to Report Crime
    - b. Crime by Youths
    - c. Narcotics Addiction
    - d. Rising Crime Rate
  - 3. Prisons
    - a. Prison Overcrowding
    - b. Harsh Prison Conditions
    - c. Lack of Rehabilitation
  - 4. Parole Systems
  - 5. Police
    - a. Community Services
    - b. Discretionary Powers
    - c. Arrest Rate
  - 6. Department of Justice
    - a. Attorney General
    - b. Criminal Prosecutions
    - c. United States Attorneys
    - d. INS, DEA, LEAA, Bureau of Prisons
    - e. Watergate Inquiries
    - f. Ethics in Government Act
  - 7. Federal Bureau of Investigation
    - a. J. Edgar Hoover
- J. CRIMINAL COURTS

1. Adversary System of Justice
    - a. Presumption of Innocence
  2. Plea Bargaining
  3. Court Delay
  4. Bail Reform
    - a. Pretrial Period
    - b. Bail Reform Act of 1966
  5. Trial
    - a. Indictment
    - b. Grand Jury
    - c. Preliminary Hearing
    - d. Arraignment
    - e. Verdict
  6. Courtroom Procedures
    - a. Jury
    - b. Prosecution
    - c. Defense
    - d. Charge to the Jury
    - e. Verdict
  7. Capital Punishment
    - a. Constitutionality
    - b. Minimum Age
    - c. Methods of Execution
    - d. Pros and Cons
- K. ORGANIZED CRIME
1. John Gotti
  2. Racketeer Influenced and Corrupt Organization Act (RICO)
    - a. Electronic Surveillance
    - b. Federal Witness Protection Program
  3. Official Corruption
- L. JUSTICE AND AMERICAN POLITICAL SYSTEM
- XI. THE TEXAS JUDICIARY
- A. INTRODUCTION TO THE JUSTICE SYSTEM
    1. Politics and Justice
    2. Size
    3. Criticism
  - B. STATE LAW IN TEXAS
    1. Civil and Criminal Jurisdiction
    2. Code Revision
    3. Criminal Law
      - a. Graded Penalties
      - b. Enhanced Punishments
      - c. Capital Punishment
  - C. COURTS, JUDGES, AND LAWYERS
    1. Minor Trial Courts

- a. Misdemeanors
  - b. Magistrates of the State
- 2. Municipal Courts
  - a. Traffic Fines
  - b. Trial De Novo
  - c. General-Law Cities
  - d. Home-Rule Cities
- 3. Justice of the Peace (JP) Courts
  - a. Removal from Office
  - b. Coroner
  - c. Inquest
  - d. Constable
  - e. Writs
- 4. Small Claims Court
- 5. County-Level Trial Courts
  - a. Historical Origins
  - b. Constitutional County Courts
  - c. County Courts at Law
  - d. Probate Courts
- 6. State Trial Courts
  - a. District Courts and Judges
  - b. Criminal District Courts
- 7. Appellate Courts
  - a. Courts of Appeals
  - b. Court of Criminal Appeals
  - c. Supreme Court: Writ of Error
- 8. Lawyers
- 9. Juries
  - a. Grand Jury: Indictments
  - b. Trial (Petit) Jury: Venire and Challenges
- D. JUDICIAL PROCEDURES
  - 1. Civil Trial Procedure
    - a. Plaintiff and Defendant: Petition and Answer
    - b. Trial of a Civil Case
  - 2. Criminal Trial Procedure
    - a. Pretrial Actions
    - b. Right to a Jury trial
    - c. Plea Bargain
    - d. *Nolo Contendere*
    - e. Trial of a Criminal Case
    - f. Verdict and Sentence
  - 3. Appeal of a Criminal Case
- E. CORRECTION AND REHABILITATION
  - 1. Texas Department of Criminal Justice
    - a. Community Justice Assistance Division

- b. Institutional Division
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