REVISED LEGISLATIVE APPROPRIATIONS REQUEST
FOR FISCAL YEARS 2024 AND 2025

Submitted to the
Office of the Governor, Budget and Policy Division,
and the Legislative Budget Board

by

EIGHTH DISTRICT COURT OF APPEALS

August 11, 2022

Chief Justice Yvonne T. Rodriguez
Justice Gina M. Palafox
Justice Jeff Alley

LEGISLATIVE APPROPRIATIONS REQUEST 2024-2025

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Administrator's Statement
For Fiscal Years 2024 and 2025
88th Legislature

Texas' intermediate appellate courts have weathered serious challenges brought on by the COVID-19 pandemic and the 2020 ransomware attack, but these challenges will continue into the foreseeable future. The courts have not been fully funded since 2015 yet have dutifully risen to the task as can be seen by the dramatic decline in the number of cases pending in the courts of appeals. Respectfully, additional funding is now necessary to ensure the efficient administration of justice going forward.

The core function of Texas intermediate appellate courts is to process, review, and decide by written opinion appeals from trial courts in civil and criminal cases. Population growth across the State and the magnitude of annual case filings, in concert with an ever-increasing number of case types requiring expedited review, make clear that the courts of appeals need sufficient resources to manage their busy dockets and provide the high quality of justice to which the citizens of Texas are entitled. Although case filings decreased in 2020 and 2021 due to the pandemic, filings have, unsurprisingly, returned to pre-pandemic levels as of June 2022 and are expected to continue to increase as trial courts resume full operations. The Annual Statistical Report for 2021 reported that family violence cases increased at the highest rate over the past five years. We anticipate a rise in other types of litigation as well that will result in a surge of appeals over the next biennium.

The courts of appeals, collectively, began in the 79th and 80th Legislative Sessions to work toward a zero-based budget model referred to as Similar Funding for Same-Sized Courts. This budget model quantified the funding required to meet the personnel and operational needs of the courts, thus enabling the courts to accomplish their core function and meet their performance measures. The Similar Funding for Same-Sized Courts initiative was fully funded in 2015, and the courts have been operating under this zero-based budget model since that time.

Since the development of the budget model in approximately 2005, the demands of the core function of the courts have required higher-skilled and higher-salary positions. The prior model used salary classification levels for attorneys and staff that are now outdated. Additionally, operating costs for necessary resources such as Westlaw/LexisNexis and other administrative needs have increased dramatically. Further, considering recent attacks on judges and an increase in mass shootings, more funds are needed to provide adequate security at the courts.

Prior to the 87th Legislative Session, in early 2020, the Council of Chiefs revised the data in the budget model to reflect the increased funding needed to optimally operate the fourteen courts. However, in preparing for the impending session, the Council was keenly aware that the need for state funds to address the pandemic was the highest priority. Because there were many uncertainties regarding the state of the economy and it was anticipated state revenues would be limited, agencies were asked to reduce budgets by 5%. The Council appreciated and respected the position of the state and, therefore, did not seek additional funding at that time. While the Council greatly appreciates that budgets of the courts of appeals in the last biennium were not cut, funding of the updated budget model is, nonetheless, now necessary. Accordingly, the budget model data has been further updated to reflect current operating needs.

Since 1983, the work of the intermediate courts of appeals has been accomplished by 80 justices statewide. In that time, the population of Texas has nearly doubled. A key component to handling the ever-increasing workload without additional justices has been the employment of a highly skilled and trained professional workforce, including appellate lawyers and clerical staff, who assist the justices in processing complex cases, researching and drafting orders and opinions, disposing of voluminous motions, and managing accelerated and emergency matters. Appellate work requires specialized knowledge and significant experience, and the courts constantly face competition from higher-paying private practice and government legal jobs for skilled attorneys and staff. Specialized technological skills are also necessary to understand and operate the complex case management system currently used by the courts. Transitioning to a new case management system in the next biennium will

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228 Eighth Court of Appeals District, El Paso

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also require special skills. Hiring and retaining qualified support staff is critical to the courts' ability to manage their dockets and efficiently resolve the cases before them .

Funding for all fourteen courts of appeals comprises merely 0.035% of the State budget as a whole. Yet, on average, 96.5% of each appellate court's budget is dedicated to salaries and benefits. Without additional funding, appellate courts will be unable to attract and retain the highly trained and skilled support staff with the specialized knowledge and relevant experience critical to the courts' function. Without sufficient qualified staff, courts cannot comply with Legislative mandates to give accelerated and preferential treatment to certain appeals, such as parental-termination and juvenile-certification appeals under the Family Code, mental-health appeals under the Health and Safety Code, and interlocutory appeals under the Civil Practice and Remedies Code.

All fourteen courts of appeals continue to expend resources to recover from the 2020 ransomware attack on the courts' computer systems. The loss of data overall was substantial and continues to require resources to reconstitute work that could not be recovered. And while all State agencies experienced the negative effects of COVID-19, the combined effects of the ransomware attack plus COVID-19 created a unique hardship for the appellate courts.

EXCEPTIONAL ITEM #1: INCREASE THE GENERAL REVENUE LIMIT TO MEET THE UPDATED BUDGET MODEL

The updated budget model reflects increased funding to permit the courts to attract and retain experienced lawyers and support staff with the requisite knowledge and skills to assist the courts in meeting their performance measures and fulfilling the core function of timely processing and disposing of appeals. Without an increase in funding, appellate courts will lose talented personnel to higher-paying private jobs. This loss of key personnel will detrimentally affect performance standards, including (1) a reduction in overall dispositions of appeals, preventing the courts from clearing older cases and reaching the disposition target of 100% of new appeals filed in the biennium, and (2) an increase in the time from filing until disposition for those appeals which remain pending. Any unnecessary delay will be particularly devastating to the State by creating significant adverse consequences for the businesses, families, and children in Texas that are awaiting justice through the resolution of their disputes. Note, the updated budget model does not include an adjustment for the impact of inflation.

EXCEPTIONAL ITEM #2: JUDICIARY-WIDE INFLATION RELIEF

Attorneys and staff of the courts of appeals have been impacted in many ways by increasing costs due to inflation . The impact has been devastating for many because the State has not given them a meaningful raise in a significant period of time. Their buying power for goods and services has diminished and, at some courts, has resulted in attrition by those seeking higher-paying jobs. If salaries are not increased, the courts risk losing more personnel that will be costly to replace. Training takes time and will impact the ability of the courts to meet the current and expected demands as we navigate the post-pandemic surge.

On May 4, 2022, the Council of Chiefs submitted written testimony to the Senate Committee on Finance comprised of testimonials from court personnel describing personal experiences with rising costs. The Council asks for consideration of this testimony.

The courts of appeals join in the judiciary-wide inflation relief for non-judicial employees sought by Article IV courts and agencies. Respectfully, a ten percent (10%) increase on the budget model salaries is sought to help absorb the impact of inflation. To maintain the Similar Funding for Same-Sized Courts model that has worked exceptionally well for years, the requested percentage must be based on the budget model salaries. This exceptional item is not duplicative of exceptional item 1, which does not include an adjustment for the inflation that is expected to persist for some time to come.

RIDER REQUESTS:

228 Eighth Court of Appeals District, El Paso

The courts of appeals also request the following with regard to the across-the-board riders found in Article IV (p. IV-38):

1. Retain Article IV rider, Sec. 3, Appellate Court Exemptions
2. Retain Article IV rider, Sec. 5, Interagency Contracts for Assigned Judges for Appellate Courts
3. Retain Article IV rider, Sec. 6, Appellate Court Transfer Authority

Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the courts the authority to carry over unexpended budget balances between years within the biennium. The flexibility afforded by these measures enhances the courts' management ability, and we seek continuation of these budget features.

ADDITIONAL STATEMENTS OF SUPPORT:

In order for the courts of appeals to function efficiently, it is vital that the Office of Court Administration (OCA) be adequately funded. The courts of appeals rely on many of the services provided by OCA and, therefore, the courts of appeals fully support the exceptional items the OCA requests as part of its funding. More specifically, the courts of appeals strongly support the request for funding related to the acquisition of a new appellate case management system to replace the current system known as TAMES as well as a case-level data system.

If the Legislature appropriates a cost-of-living increase to state employees, the courts of appeals request that all court employees be included in any such cost-of-living increase.
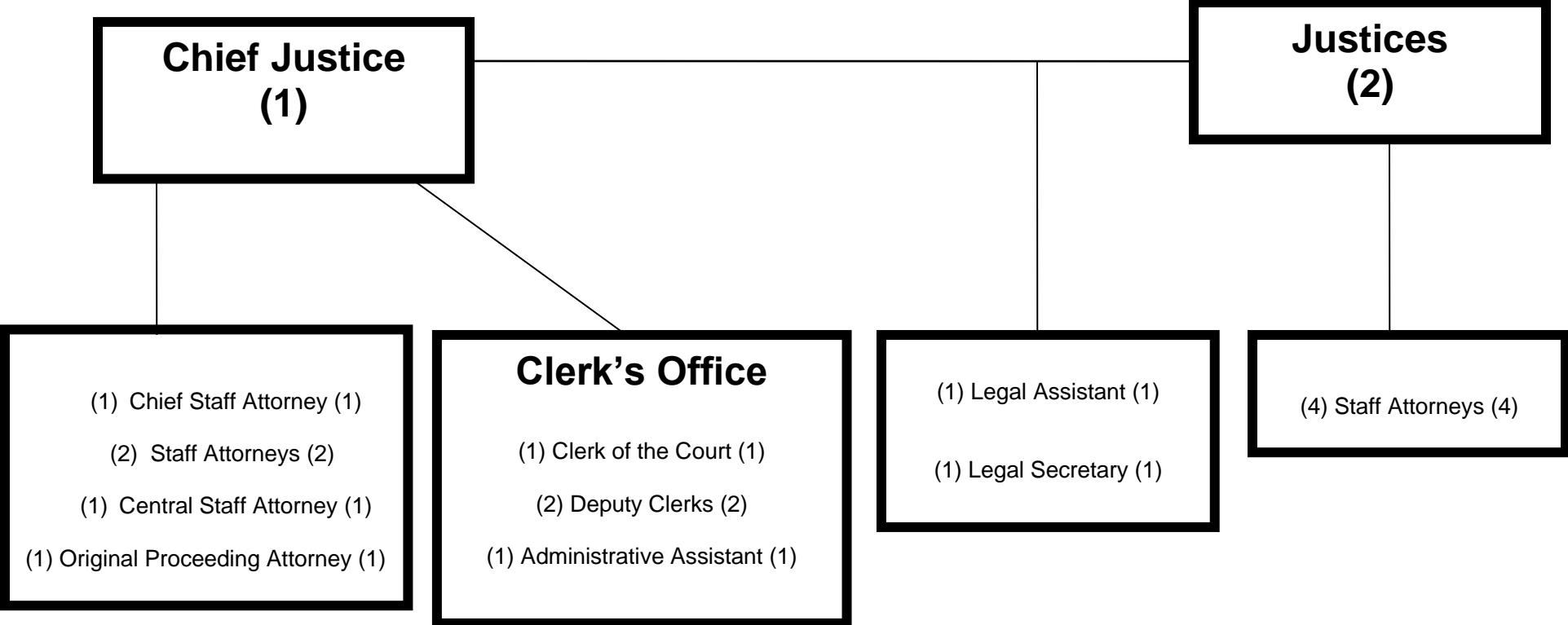
Finally, the courts of appeals wish to express appreciation to and support for the Judicial Compensation Commission and the Legislature's efforts to strengthen the justice system by increasing judicial salaries to attract and retain a strong judiciary. The courts of appeals request the Legislature implement the Judicial Compensation Commission's recommendations for an increase in judicial compensation.

Note: on Appropriated Receipts – At the direction of the LBB & Governor's Office, this Court has included appropriated receipts in the amount of $6,000 reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the Court and do not constitute additional funds available for general expenditures for the Court. The amount can vary significantly from year to year

Eighth Court of Appeals

Organizational Chart (2024 - 2025)

The number on the left is the number of budgeted personnel for FY 2023. The number on the right is the number of positions requested for the 2024-2025 biennium.
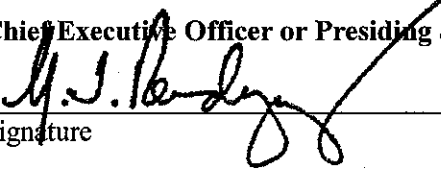
Chief Justice (1)

Justices (2)

(1) Chief Staff Attorney (1)

(2) Staff Attorneys (2)

(1) Central Staff Attorney (1)

(1) Original Proceeding Attorney (1)

Clerk's Office

(1) Clerk of the Court (1)

(2) Deputy Clerks (2)

(1) Administrative Assistant (1)

(1) Legal Assistant (1)

(1) Legal Secretary (1)

(4) Staff Attorneys (4)

1.A

CERTIFICATE

Agency Name ___Court of Appeals - Eighth District___

This is to certify that the information contained in the agency Legislative Appropriations Request filed with the Legislative Budget Board (LBB) and the Governor's Office Budget Division (Governor's Office) is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the PDF file submitted via the LBB Document Submission application are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the Governor's Office will be notified in writing in accordance with Article IX, Section 7.01 (2022–23 GAA).

Chief Executive Officer or Presiding Judge

Signature

Yvonne T. Rodriguez

Printed Name

Chief Justice

Title

August 11, 2022

Date

Board or Commission Chair

Signature

Printed Name

Title

Date

Chief Financial Officer

Signature

Elizabeth G. Flores

Printed Name

Clerk of the Court

Title

August 11, 2022

Date

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228 Eighth Court of Appeals District, El Paso

Appropriation Years: 2024-25

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS
	2022-23	2024-25	2022-23	2024-25	2022-23	2024-25	2022-23	2024-25	2022-23	2024-25	2024-25
Goal: 1. Appellate Court Operations											
1.1.1. Appellate Court Operations	2,369,931	2,369,931					14,223	12,000	2,384,154	2,381,931	709,180
1.1.2. Appellate Justice Salaries	847,724	847,724					184,900	184,900	1,032,624	1,032,624	
Total, Goal	**3,217,655**	**3,217,655**					**199,123**	**196,900**	**3,416,778**	**3,414,555**	**709,180**
Total, Agency	**3,217,655**	**3,217,655**					**199,123**	**196,900**	**3,416,778**	**3,414,555**	**709,180**
Total FTEs									**18.0**	**18.0**	**0.0**

228 Eighth Court of Appeals District, El Paso

Goal / *Objective* / STRATEGY	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
1 Appellate Court Operations					
1 *Appellate Court Operations*					
1 APPELLATE COURT OPERATIONS	1,309,889	1,148,189	1,235,965	1,190,966	1,190,965
2 APPELLATE JUSTICE SALARIES	509,963	516,312	516,312	516,312	516,312
TOTAL, GOAL 1	$1,819,852	$1,664,501	$1,752,277	$1,707,278	$1,707,277
TOTAL, AGENCY STRATEGY REQUEST	$1,819,852	$1,664,501	$1,752,277	$1,707,278	$1,707,277
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				$0	$0
GRAND TOTAL, AGENCY REQUEST	$1,819,852	$1,664,501	$1,752,277	$1,707,278	$1,707,277

228 Eighth Court of Appeals District, El Paso

Goal / *Objective* / STRATEGY	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
METHOD OF FINANCING:					
General Revenue Funds:					
1 General Revenue Fund	1,716,694	1,563,828	1,653,827	1,608,828	1,608,827
SUBTOTAL	$1,716,694	$1,563,828	$1,653,827	$1,608,828	$1,608,827
Other Funds:					
573 Judicial Fund	92,450	92,450	92,450	92,450	92,450
666 Appropriated Receipts	10,708	8,223	6,000	6,000	6,000
SUBTOTAL	$103,158	$100,673	$98,450	$98,450	$98,450
TOTAL, METHOD OF FINANCING	$1,819,852	$1,664,501	$1,752,277	$1,707,278	$1,707,277

*Rider appropriations for the historical years are included in the strategy amounts.

| Agency code: | **228** | | Agency name: | **Eighth Court of Appeals District, El Paso** | | | |

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025

GENERAL REVENUE

   1 General Revenue Fund

     REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2020-21 GAA)

| | $1,561,867 | $0 | $0 | $0 | $0 |

Regular Appropriations from MOF Table (2022-23 GAA)

| | $0 | $1,592,769 | $1,592,768 | $0 | $0 |

Regular Appropriations from MOF Table (2022-23 GAA)

| | $0 | $16,059 | $16,059 | $0 | $0 |

     Comments: Additional Appropriation needed due to actual expenditures for Judicial Salaries.

Regular Appropriations from MOF Table

| | $0 | $0 | $0 | $1,608,828 | $1,608,827 |

RIDER APPROPRIATION

Art IX, Sec 18.25(j)(1), Contingency for HB2384 (2020-21 GAA)

| | $437,123 | $0 | $0 | $0 | $0 |

     Comments: Add New Strategy A.1.2, Appellate Justice Salaries.

Agency code:	**228**	Agency name:	**Eighth Court of Appeals District, El Paso**		

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
GENERAL REVENUE					
Art IX, Sec 18.25(j)(2), Contingency for HB2384 (2020-21 GAA)					
	$(376,901)	$0	$0	$0	$0
Comments: Reduce Strategy A.1.1., Appellate Court Operations					
LAPSED APPROPRIATIONS					
Regular Appropriations from MOF Table (2020-21 GAA)					
	$0	$0	$0	$0	$0
Strategy A.1.2., Appellate Justice Salaries (2020-21 GAA)					
	$(19,610)	$0	$0	$0	$0
UNEXPENDED BALANCES AUTHORITY					
Strategy A.1.1., Appellate Court Operations (2020-21 GAA).					
	$114,215	$0	$0	$0	$0
Comments: UB from FY20 to FY21.					
Strategy A.1.1., Appellate Court Operations (2022-23 GAA).					
	$0	$(45,000)	$45,000	$0	$0
Comments: UB from FY22 to FY23.					

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
GENERAL REVENUE					
TOTAL, **General Revenue Fund**					
	$1,716,694	$1,563,828	$1,653,827	$1,608,828	$1,608,827
TOTAL, ALL **GENERAL REVENUE**					
	$1,716,694	$1,563,828	$1,653,827	$1,608,828	$1,608,827
OTHER FUNDS					
573 Judicial Fund No. 573					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2020-21 GAA)					
	$92,450	$0	$0	$0	$0
Regular Appropriations from MOF Table (2022-23 GAA)					
	$0	$92,450	$92,450	$0	$0
Regular Appropriations from MOF Table					
	$0	$0	$0	$92,450	$92,450
TOTAL, **Judicial Fund No. 573**					
	$92,450	$92,450	$92,450	$92,450	$92,450
666 Appropriated Receipts					
REGULAR APPROPRIATIONS					

Agency code:	**228**	Agency name:	**Eighth Court of Appeals District, El Paso**			

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
OTHER FUNDS					
Regular Appropriations from MOF Table (2020-21 GAA)	$6,000	$0	$0	$0	$0
Regular Appropriations from MOF Table (2022-23 GAA)	$0	$6,000	$6,000	$0	$0
Regular Appropriations from MOF Table	$0	$0	$0	$6,000	$6,000
RIDER APPROPRIATION					
Art IX, Sec 8.02, Reimbursements and Payments (2020-21 GAA)	$4,708	$0	$0	$0	$0
Art IX, Sec 8.02, Reimbursements and Payments (2022-23 GAA)	$0	$2,223	$0	$0	$0
TOTAL, **Appropriated Receipts**	**$10,708**	**$8,223**	**$6,000**	**$6,000**	**$6,000**
<u>777</u> Interagency Contracts					
REGULAR APPROPRIATIONS					

Agency code:	**228**	Agency name:	**Eighth Court of Appeals District, El Paso**			

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
OTHER FUNDS					
Regular Appropriations from MOF Table (2020-21 GAA)	$27,000	$0	$0	$0	$0
Regular Appropriations from MOF Table (2022-23 GAA)	$0	$0	$0	$0	$0
LAPSED APPROPRIATIONS					
Lapsed Appropriations	$(27,000)	$0	$0	$0	$0
Comments: Lapsed Collected Appropriations					
TOTAL, **Interagency Contracts**	$0	$0	$0	$0	$0
TOTAL, ALL **OTHER FUNDS**	$103,158	$100,673	$98,450	$98,450	$98,450
GRAND TOTAL	$1,819,852	$1,664,501	$1,752,277	$1,707,278	$1,707,277

Agency code:	**228**	Agency name:	**Eighth Court of Appeals District, El Paso**			

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2020-21 GAA)	18.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2022-23 GAA)	0.0	18.0	18.0	0.0	0.0
Regular Appropriations from MOF Table	0.0	0.0	0.0	18.0	18.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Unauthorized Number Over (Below) Cap	0.6	(1.0)	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	**18.6**	**17.0**	**18.0**	**18.0**	**18.0**

NUMBER OF 100% FEDERALLY FUNDED FTEs

228 Eighth Court of Appeals District, El Paso

OBJECT OF EXPENSE	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
1001 SALARIES AND WAGES	$1,629,534	$1,502,807	$1,582,884	$1,582,884	$1,582,884
1002 OTHER PERSONNEL COSTS	$111,062	$122,228	$87,586	$38,732	$34,148
2001 PROFESSIONAL FEES AND SERVICES	$688	$0	$0	$0	$0
2003 CONSUMABLE SUPPLIES	$6,467	$1,753	$4,500	$4,000	$5,000
2004 UTILITIES	$427	$0	$2,000	$2,000	$2,000
2005 TRAVEL	$1,025	$0	$3,000	$4,000	$4,000
2009 OTHER OPERATING EXPENSE	$70,649	$37,713	$72,307	$75,662	$79,245
OOE Total (Excluding Riders)	**$1,819,852**	**$1,664,501**	**$1,752,277**	**$1,707,278**	**$1,707,277**
OOE Total (Riders)					
Grand Total	**$1,819,852**	**$1,664,501**	**$1,752,277**	**$1,707,278**	**$1,707,277**

88th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: **228** Agency: **Eighth Court of Appeals District, El Paso**

BASE REQUEST STRATEGY: 1-1-1 Appellate Court Operations

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
1	Consumable Supplies	$6,467	$0	$4,500	$4,000	$5,000
4	Travel	1,025	0	3,000	4,000	4,000
5	Westlaw/Lexis	22,309	11,970	31,000	33,170	35,492
7	Subscriptions/Periodicals	17,371	3,984	15,500	16,585	17,746
13	Furniture & Equipment (Expensed)	278	10	0	0	0
15	Printing & Reproduction	75	0	100	0	0
24	Freight/Delivery	202	0	0	0	0
54	Furnishings & Equip. - Controlled	3,068	0	0	0	0
64	SORM Assessment	1,447	1,292	1,800	1,900	2,000
80	Utilities	427	0	2,000	2,000	2,000
98	Auditor	688	0	0	0	0
101	Registrations/Membership Dues	2,387	2,232	2,820	2,820	2,820
190	Contracted Services	5,131	0	0	0	0
202	.5% Retirement Contribution	5,621	4,958	5,358	5,358	5,358
208	Unemployment Compensation	2,888	8,147	7,559	0	0
213	ERS 1% & .5%	8,085	8,155	10,717	10,717	10,717
	Total, Operating Costs	**$77,469**	**$40,748**	**$84,354**	**$80,550**	**$85,133**

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228 Eighth Court of Appeals District, El Paso

Goal/ *Objective* / **Outcome**	**Exp 2021**	**Est 2022**	**Bud 2023**	**BL 2024**	**BL 2025**
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate					
	140.55%	98.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	90.41%	91.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	94.54%	95.00%	100.00%	100.00%	100.00%

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

		2024			2025			Biennium	
Priority	Item	GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Updated COA Budget Model	$229,966	$229,966	0.0	$229,966	$229,966	0.0	$459,932	$459,932
2	Judiciary-Wide Inflation Relief	$124,624	$124,624		$124,624	$124,624		$249,248	$249,248
Total, Exceptional Items Request		**$354,590**	**$354,590**	**0.0**	**$354,590**	**$354,590**	**0.0**	**$709,180**	**$709,180**

Method of Financing

General Revenue		$354,590	$354,590		$354,590	$354,590		$709,180	$709,180
General Revenue - Dedicated									
Federal Funds									
Other Funds									
		$354,590	**$354,590**		**$354,590**	**$354,590**		**$709,180**	**$709,180**

Full Time Equivalent Positions   0.0   0.0

Number of 100% Federally Funded FTEs

2.F. Summary of Total Request by Strategy
88th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE :   8/11/2022
TIME :   11:36:06AM

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

Goal/*Objective*/STRATEGY	Base 2024	Base 2025	Exceptional 2024	Exceptional 2025	Total Request 2024	Total Request 2025
1 Appellate Court Operations						
1 *Appellate Court Operations*						
1 APPELLATE COURT OPERATIONS	$1,190,966	$1,190,965	$354,590	$354,590	$1,545,556	$1,545,555
2 APPELLATE JUSTICE SALARIES	516,312	516,312	0	0	516,312	516,312
TOTAL, GOAL 1	**$1,707,278**	**$1,707,277**	**$354,590**	**$354,590**	**$2,061,868**	**$2,061,867**
TOTAL, AGENCY STRATEGY REQUEST	**$1,707,278**	**$1,707,277**	**$354,590**	**$354,590**	**$2,061,868**	**$2,061,867**
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	**$1,707,278**	**$1,707,277**	**$354,590**	**$354,590**	**$2,061,868**	**$2,061,867**

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

Goal/*Objective*/STRATEGY	Base 2024	Base 2025	Exceptional 2024	Exceptional 2025	Total Request 2024	Total Request 2025
General Revenue Funds:						
1 General Revenue Fund	$1,608,828	$1,608,827	$354,590	$354,590	$1,963,418	$1,963,417
	$1,608,828	**$1,608,827**	**$354,590**	**$354,590**	**$1,963,418**	**$1,963,417**
Other Funds:						
573 Judicial Fund	92,450	92,450	0	0	92,450	92,450
666 Appropriated Receipts	6,000	6,000	0	0	6,000	6,000
	$98,450	**$98,450**	**$0**	**$0**	**$98,450**	**$98,450**
TOTAL, METHOD OF FINANCING	**$1,707,278**	**$1,707,277**	**$354,590**	**$354,590**	**$2,061,868**	**$2,061,867**
FULL TIME EQUIVALENT POSITIONS	**18.0**	**18.0**	**0.0**	**0.0**	**18.0**	**18.0**

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

Goal/ *Objective* / **Outcome**

	BL 2024	BL 2025	Excp 2024	Excp 2025	Total Request 2024	Total Request 2025
1 Appellate Court Operations						
1 *Appellate Court Operations*						
KEY **1 Clearance Rate**						
	100.00%	100.00%			100.00%	100.00%
KEY **2 Percentage of Cases Under Submission for Less Than One Year**						
	100.00%	100.00%			100.00%	100.00%
KEY **3 Percentage of Cases Pending for Less Than Two Years**						
	100.00%	100.00%			100.00%	100.00%

228 Eighth Court of Appeals District, El Paso

GOAL: 1   Appellate Court Operations

OBJECTIVE: 1   Appellate Court Operations   Service Categories:

STRATEGY: 1   Appellate Court Operations   Service: 01   Income: A.2   Age: B.3

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
Output Measures:						
1	Number of Civil Cases Disposed	176.00	145.00	190.00	190.00	190.00
2	Number of Criminal Cases Disposed	129.00	109.00	170.00	170.00	170.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	127.00	125.00	150.00	150.00	150.00
2	Number of Criminal Cases Filed	28.00	47.00	130.00	130.00	130.00
3	Number of Cases Transferred in	58.00	77.00	80.00	80.00	80.00
4	Number of Cases Transferred out	2.00	1.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	$1,124,245	$991,607	$1,071,684	$1,071,684	$1,071,684
1002	OTHER PERSONNEL COSTS	$111,062	$122,228	$87,586	$38,732	$34,148
2001	PROFESSIONAL FEES AND SERVICES	$688	$0	$0	$0	$0
2003	CONSUMABLE SUPPLIES	$6,467	$1,753	$4,500	$4,000	$5,000
2004	UTILITIES	$427	$0	$2,000	$2,000	$2,000
2005	TRAVEL	$1,025	$0	$3,000	$4,000	$4,000
2009	OTHER OPERATING EXPENSE	$65,975	$32,601	$67,195	$70,550	$74,133
TOTAL, OBJECT OF EXPENSE		**$1,309,889**	**$1,148,189**	**$1,235,965**	**$1,190,966**	**$1,190,965**

228 Eighth Court of Appeals District, El Paso

GOAL: 1   Appellate Court Operations

OBJECTIVE: 1   Appellate Court Operations   Service Categories:

STRATEGY: 1   Appellate Court Operations   Service: 01   Income: A.2   Age: B.3

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
Method of Financing:						
1	General Revenue Fund	$1,299,181	$1,139,966	$1,229,965	$1,184,966	$1,184,965
	SUBTOTAL, MOF (GENERAL REVENUE FUNDS)	**$1,299,181**	**$1,139,966**	**$1,229,965**	**$1,184,966**	**$1,184,965**
Method of Financing:						
666	Appropriated Receipts	$10,708	$8,223	$6,000	$6,000	$6,000
	SUBTOTAL, MOF (OTHER FUNDS)	**$10,708**	**$8,223**	**$6,000**	**$6,000**	**$6,000**
	TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)				**$1,190,966**	**$1,190,965**
	TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)	**$1,309,889**	**$1,148,189**	**$1,235,965**	**$1,190,966**	**$1,190,965**
	FULL TIME EQUIVALENT POSITIONS:	**15.6**	**14.0**	**15.0**	**15.0**	**15.0**

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Eighth Court of Appeals was created in 1911 by the Legislature pursuant to authority granted by the Texas Constitution. This Court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts, in civil cases as provided by law; and in criminal cases except in post-conviction writs of habeas corpus and where the death penalty has been imposed. This court has jurisdiction in seventeen counties.

228 Eighth Court of Appeals District, El Paso

GOAL:	1	Appellate Court Operations			
OBJECTIVE:	1	Appellate Court Operations		Service Categories:	
STRATEGY:	1	Appellate Court Operations		Service: 01 Income: A.2 Age: B.3	

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Courts of Appeals are by nature, small judicial entities with highly specialized staff. As such, the main factor which drives appellate court operations is the need to attract and retain highly trained and knowledgeable staff to meet the increasing demands and accelerated caseload being placed on the court.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

STRATEGY BIENNIAL TOTAL - ALL FUNDS		BIENNIAL	EXPLANATION OF BIENNIAL CHANGE	
Base Spending (Est 2022 + Bud 2023)	Baseline Request (BL 2024 + BL 2025)	CHANGE	$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
$2,384,154	$2,381,931	$(2,223)	$(2,223)	Due to excess in revenue already collected in FY 2022.
			$(2,223)	**Total of Explanation of Biennial Change**

228 Eighth Court of Appeals District, El Paso

GOAL: 1   Appellate Court Operations

OBJECTIVE: 1   Appellate Court Operations   Service Categories:

STRATEGY: 2   Appellate Justice Salaries. Estimated and Nontransferable   Service: NA   Income: NA   Age: NA

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
Objects of Expense:						
1001	SALARIES AND WAGES	$505,289	$511,200	$511,200	$511,200	$511,200
2009	OTHER OPERATING EXPENSE	$4,674	$5,112	$5,112	$5,112	$5,112
	TOTAL, OBJECT OF EXPENSE	**$509,963**	**$516,312**	**$516,312**	**$516,312**	**$516,312**
Method of Financing:						
1	General Revenue Fund	$417,513	$423,862	$423,862	$423,862	$423,862
	SUBTOTAL, MOF (GENERAL REVENUE FUNDS)	**$417,513**	**$423,862**	**$423,862**	**$423,862**	**$423,862**
Method of Financing:						
573	Judicial Fund	$92,450	$92,450	$92,450	$92,450	$92,450
	SUBTOTAL, MOF (OTHER FUNDS)	**$92,450**	**$92,450**	**$92,450**	**$92,450**	**$92,450**
	TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)				**$516,312**	**$516,312**
	TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)	**$509,963**	**$516,312**	**$516,312**	**$516,312**	**$516,312**
	FULL TIME EQUIVALENT POSITIONS:	**3.0**	**3.0**	**3.0**	**3.0**	**3.0**

228 Eighth Court of Appeals District, El Paso

GOAL: 1   Appellate Court Operations

OBJECTIVE: 1   Appellate Court Operations   Service Categories:

STRATEGY: 2   Appellate Justice Salaries. Estimated and Nontransferable   Service: NA   Income: NA   Age: NA

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025

STRATEGY DESCRIPTION AND JUSTIFICATION:

The 86th Legislature established current levels of judicial compensation that are fixed by statute and added Strategy A.1.2., Appellate Justice Salaries, which holds estimated and nontransferable funds that are dedicated to judicial salaries and are unable to be spent on any other category of appellate court operations.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Judicial salaries are established by statute and cannot be reduced by the court. The court cannot predict with certainty the exact funding needs for judicial salaries in the future due to unforeseeable changes to the composition of the court that may arise as a result of elections, resignations, retirements, or deaths. The estimated and nontransferable funds in Strategy A.1.2. are expected to fluctuate throughout the biennium due to changes in the makeup of the court.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

STRATEGY BIENNIAL TOTAL - ALL FUNDS		BIENNIAL	EXPLANATION OF BIENNIAL CHANGE	
Base Spending (Est 2022 + Bud 2023)	Baseline Request (BL 2024 + BL 2025)	CHANGE	$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
$1,032,624	$1,032,624	$0		

$0   **Total of Explanation of Biennial Change**

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	$1,819,852	$1,664,501	$1,752,277	$1,707,278	$1,707,277
METHODS OF FINANCE (INCLUDING RIDERS):				$1,707,278	$1,707,277
METHODS OF FINANCE (EXCLUDING RIDERS):	$1,819,852	$1,664,501	$1,752,277	$1,707,278	$1,707,277
FULL TIME EQUIVALENT POSITIONS:	18.6	17.0	18.0	18.0	18.0

3.B. Rider Revisions and Additions Request

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
228__	Eighth Court of Appeals, District, _____	Elizabeth G. Flores	August 5, 2022	Baseline

Current Rider Number	Page Number in 2022-2023 GAA	Proposed Rider Language
5	IV-38	**Sec. 6. Interagency Contracts for Assigned Judges for Appellate Courts.** Out of funds appropriated in this Article to Strategies A.1.1., Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years 2022 2024 and 2023 2025, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3. Visiting Judges – Appellate in the Judiciary Section, Comptroller's Department. *Updating rider to adjust the years for the 2024-2025 biennium.*

4.A. Exceptional Item Request Schedule
88th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/11/2022**
TIME: **11:36:10AM**

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

CODE	DESCRIPTION	Excp 2024	Excp 2025

Item Name: Increase the general revenue limit to meet the updated budget model (similar funding for same-sized courts)

Item Priority: 1
IT Component: No
Anticipated Out-year Costs: Yes
Involve Contracts > $50,000: No
Includes Funding for the Following Strategy or Strategies: 01-01-01   Appellate Court Operations

OBJECTS OF EXPENSE:

CODE	DESCRIPTION	Excp 2024	Excp 2025
1001	SALARIES AND WAGES	229,966	229,966
	TOTAL, OBJECT OF EXPENSE	**$229,966**	**$229,966**

METHOD OF FINANCING:

CODE	DESCRIPTION	Excp 2024	Excp 2025
1	General Revenue Fund	229,966	229,966
	TOTAL, METHOD OF FINANCING	**$229,966**	**$229,966**

DESCRIPTION / JUSTIFICATION:

The updated budget model reflects increased funding to permit the courts to attract and retain experienced lawyers and support staff with the requisite knowledge and skills to assist the courts in meeting their performance measures and fulfilling the core function of timely processing and disposing of appeals. Without an increase in funding, appellate courts will lose talented personnel to higher-paying private jobs. This loss of key personnel will detrimentally effect performance standards, including (1) a reduction in overall dispositions of appeals, preventing the courts from clearing older cases and reaching the disposition target of 100% of new appeals filed in the biennium, and (2) an increase in the time from filing until disposition for those appeals which remain pending. Any unnecessary delay will be particularly devastating to the State by creating significant adverse consequences for the businesses, families, and children in Texas that are awaiting justice through the resolution of their disputes. Note, the updated budget model does not include an adjustment for the impact of inflation.

EXTERNAL/INTERNAL FACTORS:

Prior to this LAR, the budget model had not been completely updated since 2005. Operating at this funding level has prevented the courts of appeals from increasing salaries to a level that will help the courts attract and retain the most qualified attorneys and staff. In FY 2021, the Judiciary had the third highest turnover rate in the state by General Appropriations Act Article at 14.5 percent. Loss of key personnel will effect performance standards thus preventing the courts from reaching the disposition target of 100% of new appeals filed in the biennium. It will further result in an increase in the time from filing until disposition for remaining appeals.

PCLS TRACKING KEY:

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

CODE	DESCRIPTION	Excp 2024	Excp 2025

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Funding needed for ongoing salaries.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2026	2027	2028
$229,966	$229,966	$229,966

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

CODE	DESCRIPTION	Excp 2024	Excp 2025
	Item Name: Joint request for Article IV, Judiciary-wide inflation relief		
	Item Priority: 2		
	IT Component: No		
	Anticipated Out-year Costs: Yes		
	Involve Contracts > $50,000: No		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		

OBJECTS OF EXPENSE:

		Excp 2024	Excp 2025
1001	SALARIES AND WAGES	124,624	124,624
	TOTAL, OBJECT OF EXPENSE	**$124,624**	**$124,624**

METHOD OF FINANCING:

		Excp 2024	Excp 2025
1	General Revenue Fund	124,624	124,624
	TOTAL, METHOD OF FINANCING	**$124,624**	**$124,624**

DESCRIPTION / JUSTIFICATION:

Attorneys and staff of the courts of appeals have been impacted in many ways by increasing costs due to inflation. The impact has been devastating for many because the State has not given them a meaningful raise in a significant period of time. Their buying power for goods and services has diminished and, at some courts, has resulted in attrition by those seeking higher-paying jobs. If salaries are not increased, the courts risk losing more personnel that will be costly to replace. Training takes time and will impact the ability of the courts to meet the current and expected demands as we navigate the post-pandemic surge.

On May 4, 2022, the Council of Chiefs submitted written testimony to the Senate Committee on Finance comprised of testimonials from court personnel describing personal experiences with rising costs. The Council asks for consideration of this testimony.

The courts of appeals join in the judiciary-wide inflation relief for non-judicial employees sought by Article IV courts and agencies. Respectfully, a ten percent (10%) increase on the budget model salaries is sought to help absorb the impact of inflation. To maintain the Similar Funding for Same-Sized Courts model that has worked exceptionally well for years, the requested percentage must be based on the budget model salaries. This exceptional item is not duplicative of exceptional item 1, which does not include an adjustment for the inflation that is expected to persist for some time to come.

EXTERNAL/INTERNAL FACTORS:

Inflation is diminishing the buying power of attorneys and staff. Many are struggling to pay mortgages, rent and other items necessary for their livelihood. A ten percent (10%) increase on the budget model salaries is sought to offset the current impact of inflation, diminish the effect of future inflation, and to permit the courts of appeals to pay attorneys and staff competitive salaries that will help them in the event of a recession.

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

CODE	DESCRIPTION	Excp 2024	Excp 2025

PCLS TRACKING KEY:

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Funding needed for ongoing salaries.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2026	2027	2028
$124,624	$124,624	$124,624

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

Code Description	Excp 2024	Excp 2025
Item Name: Increase the general revenue limit to meet the updated budget model (similar funding for same-sized courts)		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
STRATEGY IMPACT ON OUTCOME MEASURES:		
1 Clearance Rate	100.00%	100.00%
2 Percentage of Cases Under Submission for Less Than One Year	100.00%	100.00%
3 Percentage of Cases Pending for Less Than Two Years	100.00%	100.00%
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	229,966	229,966
TOTAL, OBJECT OF EXPENSE	**$229,966**	**$229,966**
METHOD OF FINANCING:		
1 General Revenue Fund	229,966	229,966
TOTAL, METHOD OF FINANCING	**$229,966**	**$229,966**
FULL-TIME EQUIVALENT POSITIONS (FTE):	0.0	0.0

4.B. Exceptional Items Strategy Allocation Schedule
88th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/11/2022**
TIME: **11:36:11AM**

Agency code: **228**   Agency name: **Eighth Court of Appeals District, El Paso**

Code Description	Excp 2024	Excp 2025
Item Name: Joint request for Article IV, Judiciary-wide inflation relief		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	124,624	124,624
TOTAL, OBJECT OF EXPENSE	**$124,624**	**$124,624**
METHOD OF FINANCING:		
1 General Revenue Fund	124,624	124,624
TOTAL, METHOD OF FINANCING	**$124,624**	**$124,624**

4.C. Exceptional Items Strategy Request
88th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/11/2022
TIME: 11:36:11AM

Agency Code:	**228**		Agency name:	**Eighth Court of Appeals District, El Paso**

GOAL: 1 Appellate Court Operations

OBJECTIVE: 1 Appellate Court Operations Service Categories:

STRATEGY: 1 Appellate Court Operations Service: 01 Income: A.2 Age: B.3

CODE DESCRIPTION	Excp 2024	Excp 2025
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	354,590	354,590
Total, Objects of Expense	**$354,590**	**$354,590**
METHOD OF FINANCING:		
1 General Revenue Fund	354,590	354,590
Total, Method of Finance	**$354,590**	**$354,590**

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Increase the general revenue limit to meet the updated budget model (similar funding for same-sized courts)

Joint request for Article IV, Judiciary-wide inflation relief

6.A. Historically Underutilized Business Supporting Schedule
88th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: **8/11/2022**
Time: **11:36:11AM**

Agency Code: **228**   Agency: **Eighth Court of Appeals District, El Paso**

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year - HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2020				Total Expenditures FY 2020	% Goal	HUB Expenditures FY 2021				Total Expenditures FY 2021
			% Actual	Diff	Actual $				% Actual	Diff	Actual $		
26.0%	Other Services	26.0 %	0.0%	-26.0%	$0	$103,775	26.0 %	0.0%	-26.0%	$0	$27,287		
21.1%	Commodities	21.1 %	100.0%	78.9%	$1,457	$1,457	21.1 %	100.0%	78.9%	$9,656	$9,656		
	Total Expenditures		**1.4%**		**$1,457**	**$105,232**		**26.1%**		**$9,656**	**$36,943**		

B. Assessment of Attainment of HUB Procurement Goals

Attainment:
The Court exceeded one of the two applicable statewide HUB procurement goals in both fiscal years 2020 and 2021.

Applicability:
Heavy Construction, Building, Special Trade and Professional Services are not applicable to the Court operations in either fiscal year 2020 or 2021, since the Court does not have strategies or programs related to these categories.

Factors Affecting Attainment:
In both fiscal years, the goal for "Other Services" category was not met since the largest expense is spent on sole sources for our legal libraries and online legal research. Also when possible and feasible the Court processes purchases through TXSmartBuy.

C. Good-Faith Efforts to Increase HUB Participation

Outreach Efforts and Mentor-Protégé Programs:
N/A

HUB Program Staffing:
N/A

Current and Future Good-Faith Efforts:
The Eighth Court of Appeals continues to make a good faith effort to increase purchases awarded to HUB vendors and to give preference in order to increase its HUB participation. However, the Court will also choose the best value, in instances where the HUB vendor products, services or prices (which may include shipping and/or handling charges) are a great deal more costly than non-HUB vendors, as it is incurring expenses under taxpayer dollars. The Court will continue to make a good faith effort to meet and/or increase its HUB goals.

6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern
Eighth Court of Appeals

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2024-25 GAA BILL PATTERN	$	316,134

Fund Name

Estimated Beginning Balance in FY 2022		$	236,895
Estimated Revenues FY 2022		$	65,046
Estimated Revenues FY 2023		$	65,000
	FY 2022-23 Total	$	366,941
Estimated Beginning Balance in FY 2024		$	186,134
Estimated Revenues FY 2024		$	65,000
Estimated Revenues FY 2025		$	65,000
	FY 2024-25 Total	$	316,134

Constitutional or Statutory Creation and Use of Funds:

Texas Government Code, Section 22.2091

Method of Calculation and Revenue Assumptions:

In accordance with the above referenced statute, the District and County Clerks of the 17 counties within our jurisdiction are to collect and remit a $5.00 filing fee on each civil suit filed in a couty court, statutory county court, statutory probate court, and district court. The fee does not apply to suits filed by any governmental entity or a suit for delinquent taxes. Also, fees are not collected by the trial court clerk if the party filing is exempt or indigent. The difference between fiscal year (FY) 2022-2023 total to estimated beginning balance in FY 2024 is due to expenditures.