

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

Third Court of Appeals

August 5, 2022

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223 Third Court of Appeals District, Austin

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 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

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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.

EXCEPTIONAL ITEM #3: JUDICIAL PAY INCREASE DUE TO CHANGE IN TENURE

Three justices will merit an increase in judicial pay due to reaching the next tier as provided in Texas Government Code section 659.012.

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RIDER REQUESTS:

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:

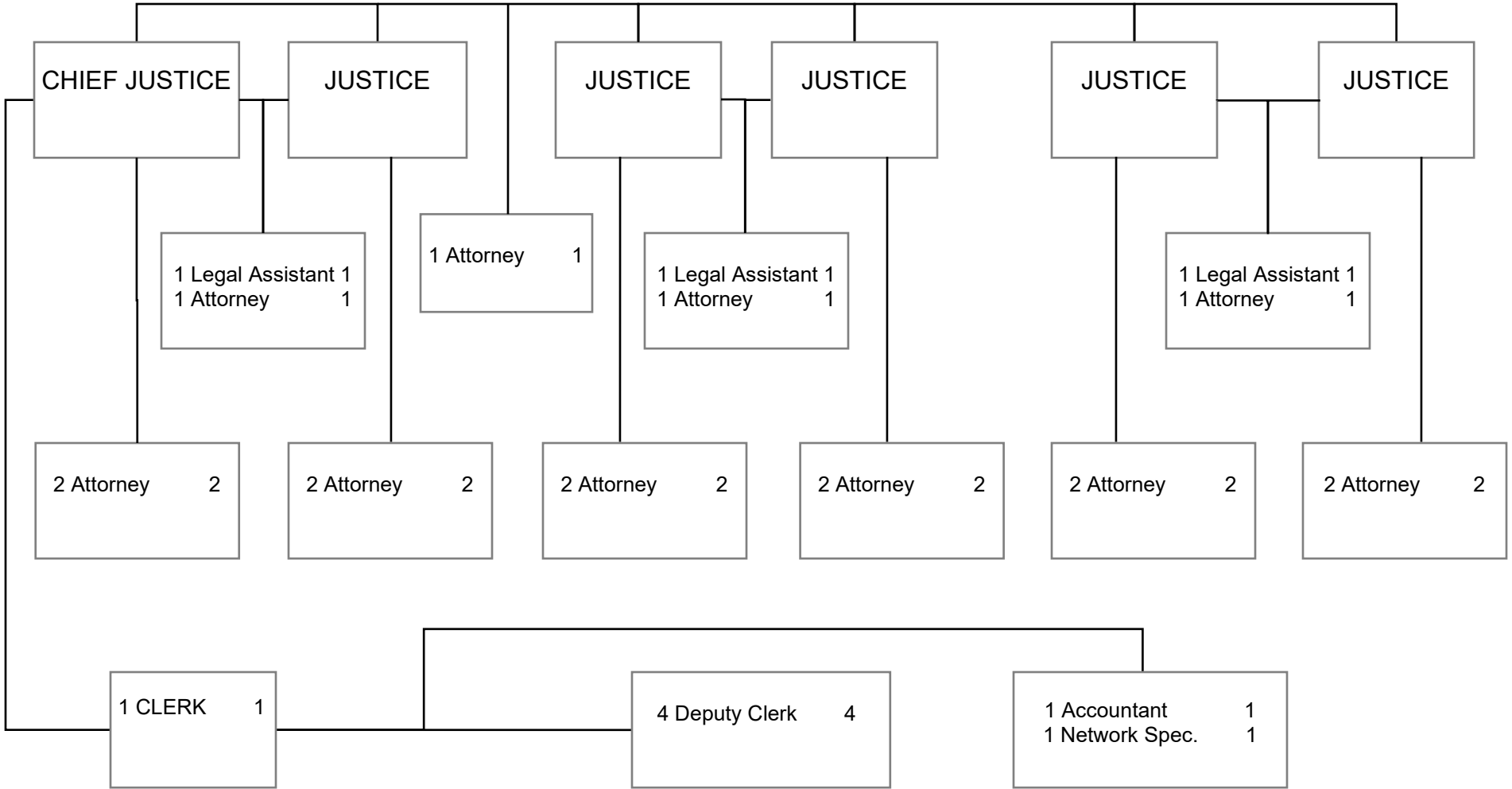
In order for the courts of appeals to function efficiently, it is vital that the Office of Court Administration (OCA) be adequately funded. The courts of appeals rely on many of the services provided by OCA and, therefore, the courts of appeals fully support the exceptional items the OCA requests as 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 \$11,000 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

ORGANIZATION CHART
THIRD COURT OF APPEALS
AGENCY 223
FY 2024-2025





CERTIFICATE

Agency Name Third District Court of Appeals

This is to certify that the information contained in the agency Legislative Appropriation 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 Office or Presiding Judge



Signature

Darlene Byrne

Printed Name

Chief Justice

Title

August 4, 2022

Date

Chief Financial Officer



Signature

Jeffrey D. Kyle

Printed Name

Clerk of the Court

Title

August 4, 2022

Date

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

223 Third Court of Appeals District, Austin
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	4,173,708	4,173,708					94,000	94,000	4,267,708	4,267,708	1,696,758
1.1.2. Appellate Justice Salaries	1,728,958	1,728,958					365,800	365,800	2,094,758	2,094,758	33,544
Total, Goal	5,902,666	5,902,666					459,800	459,800	6,362,466	6,362,466	1,730,302
Total, Agency	5,902,666	5,902,666					459,800	459,800	6,362,466	6,362,466	1,730,302
Total FTEs									32.0	32.0	0.0

2.A. Summary of Base Request by Strategy

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223 Third Court of Appeals District, Austin

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	2,148,181	2,133,854	2,133,854	2,133,854	2,133,854
2 APPELLATE JUSTICE SALARIES	1,045,094	1,055,924	1,038,834	1,047,379	1,047,379
TOTAL, GOAL 1	\$3,193,275	\$3,189,778	\$3,172,688	\$3,181,233	\$3,181,233
TOTAL, AGENCY STRATEGY REQUEST	\$3,193,275	\$3,189,778	\$3,172,688	\$3,181,233	\$3,181,233
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$3,193,275	\$3,189,778	\$3,172,688	\$3,181,233	\$3,181,233

2.A. Summary of Base Request by Strategy

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Automated Budget and Evaluation System of Texas (ABEST)

223 Third Court of Appeals District, Austin

Goal / Objective / STRATEGY	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	2,967,739	2,959,878	2,942,788	2,951,333	2,951,333
SUBTOTAL	\$2,967,739	\$2,959,878	\$2,942,788	\$2,951,333	\$2,951,333
Other Funds:					
573 Judicial Fund	182,900	182,900	182,900	182,900	182,900
666 Appropriated Receipts	6,636	11,000	11,000	11,000	11,000
777 Interagency Contracts	36,000	36,000	36,000	36,000	36,000
SUBTOTAL	\$225,536	\$229,900	\$229,900	\$229,900	\$229,900
TOTAL, METHOD OF FINANCING	\$3,193,275	\$3,189,778	\$3,172,688	\$3,181,233	\$3,181,233

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

2.B. Summary of Base Request by Method of Finance

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **223** Agency name: **Third Court of Appeals District, Austin**

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

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2020-21 GAA)

\$2,830,454	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2022-23 GAA)

\$0	\$2,942,788	\$2,942,788	\$0	\$0
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Regular Appropriations from MOF Table (2022-23 GAA)

\$0	\$17,090	\$0	\$0	\$0
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Comments: A.1.2, Judicial Salaries Estimated - Judicial Longevity

Regular Appropriations from MOF Table (2024-25 GAA)

\$0	\$0	\$0	\$2,951,333	\$2,951,333
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RIDER APPROPRIATION

Art IX. Sec 18.25, Contingency on HB 2384

\$(743,600)	\$0	\$0	\$0	\$0
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Comments: Reduce Strategy A.1.1, Appellate Court Operations

2.B. Summary of Base Request by Method of Finance

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Agency code: 223		Agency name: Third Court of Appeals District, Austin				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>GENERAL REVENUE</u>						
	Art IX. Sec 18.25, Contingency on HB 2384	\$845,740	\$0	\$0	\$0	\$0
	Comments: Add new Strategy A.1.2, Appellate Justices Salaries					
	A.1.2, Appellate Justices Salaries	\$16,454	\$0	\$0	\$0	\$0
	Comments: Judicial Salaries Estimated - 1% ERS Contribution and Judicial Longevity					
<i>LAPSED APPROPRIATIONS</i>						
	A.1.1, Appellate Court Operations (2020-21 GAA)	\$(95)	\$0	\$0	\$0	\$0
	Comments: Lapsed Appropriations					
<i>UNEXPENDED BALANCES AUTHORITY</i>						
	A.1.1, Appellate Court Operations (2020-21 GAA)	\$18,786	\$0	\$0	\$0	\$0
TOTAL,	General Revenue Fund	\$2,967,739	\$2,959,878	\$2,942,788	\$2,951,333	\$2,951,333

2.B. Summary of Base Request by Method of Finance

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 223	Agency name: Third Court of Appeals District, Austin				
METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
TOTAL, ALL GENERAL REVENUE	\$2,967,739	\$2,959,878	\$2,942,788	\$2,951,333	\$2,951,333

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2020-21 GAA)

\$182,900	\$0	\$0	\$0	\$0
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Comments: A.1.2, Appellate Justices Salaries

Regular Appropriations from MOF Table (2022-23 GAA)

\$0	\$182,900	\$182,900	\$0	\$0
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Comments: A.1.2, Appellate Justices Salaries

Regular Appropriations from MOF Table (2024-25 GAA)

\$0	\$0	\$0	\$182,900	\$182,900
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Comments: A.1.2, Appellate Justices Salaries

TOTAL, Judicial Fund No. 573	\$182,900	\$182,900	\$182,900	\$182,900	\$182,900
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666 Appropriated Receipts

REGULAR APPROPRIATIONS

2.B. Summary of Base Request by Method of Finance
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Agency code: 223	Agency name: Third Court of Appeals District, Austin				
METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>OTHER FUNDS</u>					
Regular Appropriations from MOF Table (2020-21 GAA)	\$11,000	\$0	\$0	\$0	\$0
Comments: A.1.1, Appellate Court Operations					
Regular Appropriations from MOF Table (2022-23 GAA)	\$0	\$11,000	\$11,000	\$0	\$0
Comments: A.1.1, Appellate Court Operations					
Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$0	\$0	\$11,000	\$11,000
Comments: A.1.1, Appellate Court Operations					
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$(4,364)	\$0	\$0	\$0	\$0
TOTAL, Appropriated Receipts	\$6,636	\$11,000	\$11,000	\$11,000	\$11,000
<u>777</u> Interagency Contracts					
<i>REGULAR APPROPRIATIONS</i>					

2.B. Summary of Base Request by Method of Finance
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

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Agency code: 223		Agency name: Third Court of Appeals District, Austin				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>OTHER FUNDS</u>						
Regular Appropriations from MOF Table (2020-21 GAA)		\$36,000	\$0	\$0	\$0	\$0
Comments: A.1.1, Appellate Court Operations						
Regular Appropriations from MOF Table (2022-23 GAA)		\$0	\$36,000	\$36,000	\$0	\$0
Comments: A.1.1, Appellate Court Operations						
Regular Appropriations from MOF Table (2024-25 GAA)		\$0	\$0	\$0	\$36,000	\$36,000
Comments: A.1.1, Appellate Court Operations						
TOTAL,	Interagency Contracts	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000
TOTAL, ALL	OTHER FUNDS	\$225,536	\$229,900	\$229,900	\$229,900	\$229,900
GRAND TOTAL		\$3,193,275	\$3,189,778	\$3,172,688	\$3,181,233	\$3,181,233

2.B. Summary of Base Request by Method of Finance

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88th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<p>Agency code: 223 Agency name: Third Court of Appeals District, Austin</p>					
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2022-23 GAA)	0.0	32.0	32.0	0.0	0.0
Regular Appropriations from MOF Table (2020-21 GAA)	35.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2024-25 GAA)	0.0	0.0	0.0	32.0	32.0
LAPSED APPROPRIATIONS					
Unauthorized Number Over (Below) Cap	(3.7)	0.0	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	31.3	32.0	32.0	32.0	32.0

NUMBER OF 100% FEDERALLY FUNDED FTEs

2.C. Summary of Base Request by Object of Expense

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Automated Budget and Evaluation System of Texas (ABEST)

223 Third Court of Appeals District, Austin

OBJECT OF EXPENSE	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
1001 SALARIES AND WAGES	\$2,997,278	\$3,064,578	\$3,050,824	\$3,056,769	\$3,056,769
1002 OTHER PERSONNEL COSTS	\$175,484	\$115,536	\$109,484	\$112,084	\$112,084
2003 CONSUMABLE SUPPLIES	\$2,722	\$5,000	\$5,000	\$5,000	\$5,000
2006 RENT - BUILDING	\$810	\$1,080	\$1,080	\$1,080	\$1,080
2009 OTHER OPERATING EXPENSE	\$16,981	\$3,584	\$6,300	\$6,300	\$6,300
OOE Total (Excluding Riders)	\$3,193,275	\$3,189,778	\$3,172,688	\$3,181,233	\$3,181,233
OOE Total (Riders)					
Grand Total	\$3,193,275	\$3,189,778	\$3,172,688	\$3,181,233	\$3,181,233

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

Agency Code: **223** Agency: **Third Court of Appeals District, Austin**

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

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
2	Postage	\$450	\$450	\$500	\$500	\$500
5	Westlaw/Lexis	2,969	0	0	0	0
11	Misc. Operating Costs	22	0	0	0	0
24	Freight/Delivery	0	0	500	500	500
39	Computer Equipment - Non Capital	132	0	0	0	0
64	SORM Assessment	2,783	3,134	3,500	3,500	3,500
86	Capitol Complex Transfer	736	0	0	0	0
177	Janitorial Services	0	0	1,800	1,800	1,800
213	ERS 1% & .5%	9,889	0	0	0	0
	Total, Operating Costs	\$16,981	\$3,584	\$6,300	\$6,300	\$6,300

2.D. Summary of Base Request Objective Outcomes
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

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223 Third Court of Appeals District, Austin

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					
	107.54%	100.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	98.76%	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%	100.00%

2.E. Summary of Exceptional Items Request
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/3/2022
 TIME : 11:02:17AM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

Priority	Item	2024			2025			Biennium	
		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	\$612,035	\$612,035	0.0	\$612,035	\$612,035	0.0	\$1,224,070	\$1,224,070
2	Judiciary-Wide inflation Relief	\$236,344	\$236,344		\$236,344	\$236,344		\$472,688	\$472,688
3	Judicial Tenure Increase	\$16,772	\$16,772		\$16,772	\$16,772		\$33,544	\$33,544
Total, Exceptional Items Request		\$865,151	\$865,151	0.0	\$865,151	\$865,151	0.0	\$1,730,302	\$1,730,302

Method of Financing

General Revenue	\$865,151	\$865,151		\$865,151	\$865,151		\$1,730,302	\$1,730,302
General Revenue - Dedicated								
Federal Funds								
Other Funds								
	\$865,151	\$865,151		\$865,151	\$865,151		\$1,730,302	\$1,730,302

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 : 8/3/2022
 TIME : 11:02:17AM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

Goal/Objective/STRATEGY	Base 2024	Base 2025	Exceptional 2024	Exceptional 2025	Total Request 2024	Total Request 2025
1 Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$2,133,854	\$2,133,854	\$848,379	\$848,379	\$2,982,233	\$2,982,233
2 APPELLATE JUSTICE SALARIES	1,047,379	1,047,379	16,772	16,772	1,064,151	1,064,151
TOTAL, GOAL 1	\$3,181,233	\$3,181,233	\$865,151	\$865,151	\$4,046,384	\$4,046,384
TOTAL, AGENCY STRATEGY REQUEST	\$3,181,233	\$3,181,233	\$865,151	\$865,151	\$4,046,384	\$4,046,384
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$3,181,233	\$3,181,233	\$865,151	\$865,151	\$4,046,384	\$4,046,384

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

DATE : 8/3/2022
 TIME : 11:02:17AM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

Goal/Objective/STRATEGY	Base 2024	Base 2025	Exceptional 2024	Exceptional 2025	Total Request 2024	Total Request 2025
General Revenue Funds:						
1 General Revenue Fund	\$2,951,333	\$2,951,333	\$865,151	\$865,151	\$3,816,484	\$3,816,484
	\$2,951,333	\$2,951,333	\$865,151	\$865,151	\$3,816,484	\$3,816,484
Other Funds:						
573 Judicial Fund	182,900	182,900	0	0	182,900	182,900
666 Appropriated Receipts	11,000	11,000	0	0	11,000	11,000
777 Interagency Contracts	36,000	36,000	0	0	36,000	36,000
	\$229,900	\$229,900	\$0	\$0	\$229,900	\$229,900
TOTAL, METHOD OF FINANCING	\$3,181,233	\$3,181,233	\$865,151	\$865,151	\$4,046,384	\$4,046,384
FULL TIME EQUIVALENT POSITIONS	32.0	32.0	0.0	0.0	32.0	32.0

2.G. Summary of Total Request Objective Outcomes
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/3/2022
 Time: 11:02:18AM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

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%

223 Third Court of Appeals District, Austin

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 1 Appellate Court Operations

Service Categories:

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	440.00	479.00	513.00	513.00	513.00
2	Number of Criminal Cases Disposed	202.00	158.00	267.00	267.00	267.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	556.00	572.00	599.00	599.00	599.00
2	Number of Criminal Cases Filed	140.00	208.00	327.00	327.00	327.00
3	Number of Cases Transferred in	2.00	2.00	0.00	0.00	0.00
4	Number of Cases Transferred out	101.00	145.00	146.00	146.00	146.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,977,878	\$2,045,178	\$2,041,341	\$2,038,741	\$2,038,741
1002	OTHER PERSONNEL COSTS	\$149,790	\$79,012	\$80,133	\$82,733	\$82,733
2003	CONSUMABLE SUPPLIES	\$2,722	\$5,000	\$5,000	\$5,000	\$5,000
2006	RENT - BUILDING	\$810	\$1,080	\$1,080	\$1,080	\$1,080
2009	OTHER OPERATING EXPENSE	\$16,981	\$3,584	\$6,300	\$6,300	\$6,300
TOTAL, OBJECT OF EXPENSE		\$2,148,181	\$2,133,854	\$2,133,854	\$2,133,854	\$2,133,854
Method of Financing:						
1	General Revenue Fund	\$2,105,545	\$2,086,854	\$2,086,854	\$2,086,854	\$2,086,854

223 Third Court of Appeals District, Austin

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 1 Appellate Court Operations

Service Categories:

Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,105,545	\$2,086,854	\$2,086,854	\$2,086,854	\$2,086,854
Method of Financing:						
666	Appropriated Receipts	\$6,636	\$11,000	\$11,000	\$11,000	\$11,000
777	Interagency Contracts	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000
SUBTOTAL, MOF (OTHER FUNDS)		\$42,636	\$47,000	\$47,000	\$47,000	\$47,000
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$2,133,854	\$2,133,854
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,148,181	\$2,133,854	\$2,133,854	\$2,133,854	\$2,133,854
FULL TIME EQUIVALENT POSITIONS:		25.3	26.0	26.0	26.0	26.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Court of Appeals for the Third District of Texas was created in 1892 by an Act of the 22nd Legislature, 1st C.J., P. 25, ch. 15; Gammel's Laws of Texas, Vol. 10, Page 389. This Court has intermediate appellate jurisdiction of both civil and criminal cases appealed from lower courts; in civil cases where judgment rendered exceeds \$100, exclusive of costs, and other civil proceedings as provided by law; and in criminal cases except in post-conviction writs of habeas corpus and where the death penalty has been imposed. The Court reviews State of Texas administrative law appeals from cases throughout the state.

223 Third Court of Appeals District, Austin

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
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EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The citizens of Texas have an absolute right to appeal and seek review of a trial court judgment in the intermediate courts of appeal. This Court does not have discretion to decline appellate review. The Court strives to administer justice and to render a thorough and fair decision in each case on its docket as expeditiously as possible.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2022 + Bud 2023)	Baseline Request (BL 2024 + BL 2025)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$4,267,708	\$4,267,708	\$0	\$0	Total of Explanation of Biennial Change

223 Third Court of Appeals District, Austin

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 2 Appellate Justice Salaries. Estimated and Nontransferable

Service Categories:
 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	\$1,019,400	\$1,019,400	\$1,009,483	\$1,018,028	\$1,018,028
1002	OTHER PERSONNEL COSTS	\$25,694	\$36,524	\$29,351	\$29,351	\$29,351
TOTAL, OBJECT OF EXPENSE		\$1,045,094	\$1,055,924	\$1,038,834	\$1,047,379	\$1,047,379
Method of Financing:						
1	General Revenue Fund	\$862,194	\$873,024	\$855,934	\$864,479	\$864,479
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$862,194	\$873,024	\$855,934	\$864,479	\$864,479
Method of Financing:						
573	Judicial Fund	\$182,900	\$182,900	\$182,900	\$182,900	\$182,900
SUBTOTAL, MOF (OTHER FUNDS)		\$182,900	\$182,900	\$182,900	\$182,900	\$182,900
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,047,379	\$1,047,379
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,045,094	\$1,055,924	\$1,038,834	\$1,047,379	\$1,047,379
FULL TIME EQUIVALENT POSITIONS:		6.0	6.0	6.0	6.0	6.0

223 Third Court of Appeals District, Austin

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
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STRATEGY DESCRIPTION AND JUSTIFICATION:

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
<u>Base Spending (Est 2022 + Bud 2023)</u>	<u>Baseline Request (BL 2024 + BL 2025)</u>	<u>CHANGE</u>	<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOFs and FTEs)</u>
\$2,094,758	\$2,094,758	\$0	\$0	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$3,193,275	\$3,189,778	\$3,172,688	\$3,181,233	\$3,181,233
METHODS OF FINANCE (INCLUDING RIDERS):				\$3,181,233	\$3,181,233
METHODS OF FINANCE (EXCLUDING RIDERS):	\$3,193,275	\$3,189,778	\$3,172,688	\$3,181,233	\$3,181,233
FULL TIME EQUIVALENT POSITIONS:	31.3	32.0	32.0	32.0	32.0

3.B. Rider Revisions and Additions Request

Agency Code: 2XX	Agency Name: Court of Appeals, District,	Prepared By: Jeff Kyle	Date: 8/4/2022	Request Level: 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: **8/3/2022**
 TIME: **11:02:23AM**

Agency code: **223** Agency name: **Third Court of Appeals District, Austin**

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:			
1001	SALARIES AND WAGES	612,035	612,035
TOTAL, OBJECT OF EXPENSE		\$612,035	\$612,035
METHOD OF FINANCING:			
1	General Revenue Fund	612,035	612,035
TOTAL, METHOD OF FINANCING		\$612,035	\$612,035

DESCRIPTION / JUSTIFICATION:

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.

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:

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

DATE: **8/3/2022**
TIME: **11:02:23AM**

Agency code: **223** Agency name: **Third Court of Appeals District, Austin**

CODE	DESCRIPTION	Excp 2024	Excp 2025
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DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Funding for ongoing salaries.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

<u>2026</u>	<u>2027</u>	<u>2028</u>
\$612,035	\$612,135	\$612,135

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

DATE: 8/3/2022
 TIME: 11:02:23AM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

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:			
1001	SALARIES AND WAGES	236,344	236,344
TOTAL, OBJECT OF EXPENSE		\$236,344	\$236,344
METHOD OF FINANCING:			
1	General Revenue Fund	236,344	236,344
TOTAL, METHOD OF FINANCING		\$236,344	\$236,344

DESCRIPTION / JUSTIFICATION:

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.

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

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

DATE: **8/3/2022**
TIME: **11:02:23AM**

Agency code: **223**

Agency name: **Third Court of Appeals District, Austin**

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2024</u>	<u>Excp 2025</u>
<hr/>			
attorneys and staff competitive salaries that will help them in the event of a recession.			
PCLS TRACKING KEY:			

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Funding for ongoing salaries.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

<u>2026</u>	<u>2027</u>	<u>2028</u>
\$236,344	\$236,344	\$236,344

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

DATE: **8/3/2022**
 TIME: **11:02:23AM**

Agency code: **223** Agency name: **Third Court of Appeals District, Austin**

CODE	DESCRIPTION	Excp 2024	Excp 2025
	Item Name: Judicial pay increase due to change in tenure (as provided by Texas Government Code section 659.012) Item Priority: 3 IT Component: No Anticipated Out-year Costs: Yes Involve Contracts > \$50,000: No Includes Funding for the Following Strategy or Strategies: 01-01-02 Appellate Justice Salaries. Estimated and Nontransferable		

OBJECTS OF EXPENSE:

1001	SALARIES AND WAGES	16,772	16,772
TOTAL, OBJECT OF EXPENSE		\$16,772	\$16,772

METHOD OF FINANCING:

1	General Revenue Fund	16,772	16,772
TOTAL, METHOD OF FINANCING		\$16,772	\$16,772

DESCRIPTION / JUSTIFICATION:

3 Justices have already and/or will merit an increase in judicial pay due to reaching the next tier as provided in Texas Government Code section 659.012.

EXTERNAL/INTERNAL FACTORS:

Texas Government Code section 659.012 establishes the pay for the Justices.

PCLS TRACKING KEY:

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Ongoing funding for Judicial Salaries

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

DATE: **8/3/2022**
TIME: **11:02:23AM**

Agency code: **223**

Agency name: **Third Court of Appeals District, Austin**

CODE	DESCRIPTION	Excp 2024	Excp 2025
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ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2026	2027	2028
\$16,772	\$16,772	\$16,772

Agency code: 223 Agency name: Third Court of Appeals District, Austin

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:			
<u>1</u>	Clearance Rate	100.00%	100.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	100.00%	100.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	100.00%	100.00%
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	612,035	612,035
TOTAL, OBJECT OF EXPENSE		\$612,035	\$612,035
METHOD OF FINANCING:			
1	General Revenue Fund	612,035	612,035
TOTAL, METHOD OF FINANCING		\$612,035	\$612,035
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

Agency code: 223 Agency name: Third Court of Appeals District, Austin

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	236,344	236,344
TOTAL, OBJECT OF EXPENSE		\$236,344	\$236,344
METHOD OF FINANCING:			
1	General Revenue Fund	236,344	236,344
TOTAL, METHOD OF FINANCING		\$236,344	\$236,344

Agency code: 223 Agency name: Third Court of Appeals District, Austin

Code	Description	Excp 2024	Excp 2025
Item Name: Judicial pay increase due to change in tenure (as provided by Texas Government Code section 659.012)			
Allocation to Strategy: 1-1-2 Appellate Justice Salaries. Estimated and Nontransferable			
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	16,772	16,772
TOTAL, OBJECT OF EXPENSE		\$16,772	\$16,772
METHOD OF FINANCING:			
1	General Revenue Fund	16,772	16,772
TOTAL, METHOD OF FINANCING		\$16,772	\$16,772

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

DATE: 8/3/2022
TIME: 11:02:23AM

Agency Code: **223** Agency name: **Third Court of Appeals District, Austin**

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 1 Appellate Court Operations

Service Categories:

Service: 01 Income: A.2 Age: B.3

CODE DESCRIPTION	Exp 2024	Exp 2025
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	848,379	848,379
Total, Objects of Expense	\$848,379	\$848,379
METHOD OF FINANCING:		
1 General Revenue Fund	848,379	848,379
Total, Method of Finance	\$848,379	\$848,379

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

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

DATE: 8/3/2022
TIME: 11:02:23AM

Agency Code: **223** Agency name: **Third Court of Appeals District, Austin**

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 2024	Exp 2025
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OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	16,772	16,772
Total, Objects of Expense	\$16,772	\$16,772

METHOD OF FINANCING:

1 General Revenue Fund	16,772	16,772
Total, Method of Finance	\$16,772	\$16,772

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Judicial pay increase due to change in tenure (as provided by Texas Government Code section 659.012)

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

Date: **8/3/2022**
 Time: **11:02:25AM**

Agency Code: **223** Agency: **Third Court of Appeals District, Austin**

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		HUB Expenditures FY 2021			Total Expenditures FY 2021	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	FY 2021		
11.2%	Heavy Construction	11.2 %	0.0%	-11.2%	\$0	\$0	11.2 %	0.0%	-11.2%	\$0	\$0	
21.1%	Building Construction	21.1 %	0.0%	-21.1%	\$0	\$0	21.1 %	0.0%	-21.1%	\$0	\$0	
32.9%	Special Trade	32.9 %	0.0%	-32.9%	\$0	\$0	32.9 %	0.0%	-32.9%	\$0	\$0	
23.7%	Professional Services	23.7 %	0.0%	-23.7%	\$0	\$0	23.7 %	0.0%	-23.7%	\$0	\$0	
26.0%	Other Services	26.0 %	100.0%	74.0%	\$450	\$450	26.0 %	0.0%	-26.0%	\$0	\$2,969	
21.1%	Commodities	21.1 %	0.0%	-21.1%	\$0	\$0	21.1 %	87.8%	66.7%	\$953	\$1,085	
	Total Expenditures		100.0%		\$450	\$450		23.5%		\$953	\$4,054	

B. Assessment of Attainment of HUB Procurement Goals

Attainment:

The Court attained 100% of the applicable statewide HUB goals in fiscal year 2020 and 50% of the applicable statewide HUB goals in fiscal year 2021.

Applicability:

In both fiscal years 2020 and 2021, the procurement categories of Heavy Construction, Building Construction, Special Trade Construction, and Professional Services were not applicable to the Court's operations.

Factors Affecting Attainment:

In fiscal years 2021 the goal of "Other Services" was not met by the Court since the largest dollar purchase was made for law books that could only be purchased through a non-HUB vendor.

C. Good-Faith Efforts to Increase HUB Participation

Outreach Efforts and Mentor-Protégé Programs:

N/A

HUB Program Staffing:

The court has one accountant dedicated to increasing participation of HUBs. The accountant looks for HUB vendors for all purchases of goods and services.

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

Date: **8/3/2022**
Time: **11:02:25AM**

Agency Code: **223** Agency: **Third Court of Appeals District, Austin**

Current and Future Good-Faith Efforts:

The Court has always made every effort to make purchases and obtain services from qualified HUB vendors . That is not always possible since, being a small Court with 97% of its budget spent on salaries, it is very important that best price and value be taken into consideration. Our large technological budget is funded and administered through the Office of Court Administration and is not reflected in this Court's HUB report . All factors continuing to be equal, this Court will continue to use TIBH (as required in Chapter 122 of the Texas Human Resources Code) whenever possible, strive to enter into business with HUBs as often as possible, and attempt to reach the state goal each fiscal year.

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

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2024-25 GAA BILL PATTERN	\$	632,935
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<u>Fund Name</u>		
Estimated Beginning Balance in FY 2022	\$	362,935
Estimated Revenues FY 2022	\$	250,000
Estimated Revenues FY 2023	\$	250,000
FY 2022-23 Total	\$	862,935
Estimated Beginning Balance in FY 2024	\$	132,935
Estimated Revenues FY 2024	\$	250,000
Estimated Revenues FY 2025	\$	250,000
FY 2024-25 Total	\$	632,935
Constitutional or Statutory Creation and Use of Funds:		
Sub Chapter C, Sec. 22.2041 Tex Gov't Code and Sec. 659.021 Tex. Gov't Code		
Method of Calculation and Revenue Assumptions:		
In accordance with the above referenced statute, the District and County Clerks of the various courts in the 24 counties that make up the Third Court of Appeals' District are to collect and remit a \$5.00 filing fee on each civil suit filed in a county court, county court-at-law, probate court or district court.		