

Legislative Appropriations Request

For Fiscal Years 2022 and 2023

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

by

First Court of Appeals

September 18, 2020

TABLE OF CONTENTS

Administrator’s Statement	1-3
Organizational Chart	1. B.
Budget Overview	1-1
Summary of Base Request By Strategy	2. A.
Summary of Base Request By Method of Finance.....	2. B.
Summary of Base Request By Object of Expense.....	2. C.
Operating Cost Detail Base Request.....	2.C.1.
Summary of Base Request Objective Outcomes.....	2. D.
Summary of Exceptional Items Request.....	2. E.
Summary of Total Request By Strategy.....	2. F.
Summary of Total Request Objective Outcomes.....	2. G.
Strategy Request	3. A.
Rider Revisions and Additions Request.....	3. B.
Exceptional Items Request Schedule.....	4. A.
Exceptional Items Strategy Allocation Schedule.....	4. B.
Exceptional Items Strategy Request.....	4. C.
Historically Underutilized Business Supporting Schedule.....	6. A.
Homeland Security Funding Schedule-Covid 19 Related Expenses.....	6. G.
Estimated Total of All Agency Funds Outside the GAA Bill Pattern.....	6. H.

Administrator's Statement

9/17/2020 1:13:56PM

87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston

The core function of Texas intermediate appellate courts is to process, review, and decide by written opinion appeals from trial courts in both civil and criminal cases. When the Legislature added criminal appellate jurisdiction to the fourteen courts of appeals in 1981, additional justices were also added to total 80 justices statewide by 1983. Over the 37 years since, the total number of justices has remained at 80, but the courts' dockets have increased by approximately 75%. In fiscal year 2019 alone, 10,395 cases were added to the dockets of the intermediate appellate courts in the State of Texas. 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.

To answer the question of what resources are needed to operate the State's appellate court system, 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 for the past five years. By adhering to this model, the courts have been able to handle the increased workload without requiring additional justices.

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

Because maintaining qualified court staff is vital to the courts' operations, any departure from the Similar Funding for Same-Sized Courts model and reduction in funding would render the courts unable to sustain the volume of appeals filed each year, creating backlogs of unresolved appeals that would only increase over time as long as the courts are not provided the funds necessary to perform their essential services. Funding for all fourteen courts of appeals comprises merely 0.035% of the State budget as a whole; thus, a full 5% cut on the intermediate appellate courts would result in only a 0.002% reduction in the entire State budget. Yet, a 5% budget cut on the courts of appeals would create a unique, disproportionate and serious negative impact on the courts, for three reasons:

First, approximately one-third of the courts' General Revenue funding is dedicated to Strategy A.1.2. (judicial salaries). Because these funds are estimated and nontransferable, the courts are unable to make any reduction to that portion of their budgets. Consequently, the entire 5% budget reduction must be applied only to the remaining two-thirds of the courts' General Revenue: Strategy A.1.1. (appellate court operations). In the First Court of Appeals, applying the required budget reduction (\$450,220) to the estimated remaining two-thirds funding in Strategy A.1.1. (\$6,385,188) thus functionally results in a larger reduction, approximately 7%, of the funds that the court must cut. The real impact of the budget cut on the funds eligible for reduction effectively results in a budget cut to the court that is significantly higher than the 5% directed to other State agencies.

Second, this budget reduction comes at a crucial time when all fourteen courts of appeals continue to be forced to expend tremendous resources to recover from 2020's ransomware attack on the courts' computer systems. The loss of data overall has been substantial and continues to require significant staffing resources to reconstitute work that could not be recovered. And while all State agencies have experienced the negative effects of COVID-19, the combined effects of the ransomware attack plus COVID-19 have created a unique hardship for the appellate courts that will persist in the years ahead. The appellate courts need more resources to restore essential services, not less.

Administrator's Statement

9/17/2020 1:13:56PM

87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston

Already operating under this severe hardship, the courts of appeals do not anticipate any relief in the number of cases to be adjudicated. Any decrease in appellate court filings related to the economic slowdown is expected to be short-lived. Experience has shown that in the long term, case filings are likely to increase: after every major financial crisis in the past 20 years, the number of cases filed in the intermediate appellate courts has risen significantly. Historically, major economic catastrophes produce an avalanche of cases, often related to business disputes, employment litigation, consumer debts, and foreclosures—State Bar President Larry McDougal has observed that “a potential eviction crisis still looms in the distance” upon the expiration of the federal moratorium on evictions at the end of 2020. Additionally, due to the unique circumstances of the COVID-19 situation—with the prolonged stay-at-home orders—we anticipate a rise in domestic violence/child abuse/sexual abuse cases, divorces, and parental termination suits, as well as litigation over interpretation of the numerous orders and directives issued by the executive branch, the Texas Supreme Court, and associated State agencies. Any current lull in filings is temporary, and the number of cases appealed will eventually increase to reach or even surpass historical levels (either at a steady pace or in a surge).

Finally, unlike the Texas Supreme Court, the Court of Criminal Appeals, and most State agencies, the intermediate appellate courts have no funds allocated to special programs that can be cut. On average, 96.5% of each appellate court’s budget is dedicated to salaries and benefits. Therefore, the only way to absorb a budget cut of this magnitude is by reducing court staff. The courts’ ability to attract and maintain a highly trained and skilled support staff of attorneys and clerical employees with specialized knowledge and relevant experience is critical to the courts’ function of processing appeals to conclusion. Without sufficient qualified staff, courts cannot comply with Legislative mandates to give accelerated and preferential treatment of 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.

Exceptional Item #1: Restore the Budget Cut Calculated on the Estimated and Non-Transferable Funds in Strategy A.1.2.

To address the disproportionate impact of the required reduction on the courts’ funding, the courts of appeals respectfully submit Exceptional Item #1 requesting the restoration of the 5% budget reduction calculated on the estimated and nontransferable funds allocated to Strategy A.1.2., appellate justice salaries, which the courts are not able to reduce. 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. But based upon current judicial salary amounts, the estimated General Revenue funding required for First Court of Appeals justice salaries totals \$2,502,640 for the FY 2022–23 biennium. In the First Court of Appeals, a 5% reduction in this funding amounts to \$125,132, but the court has no authority to reduce funds from Strategy A.1.2. because these estimated and nontransferable funds are dedicated to appellate justice salaries. Therefore, the court requests a restoration to General Revenue funding in the amount of \$125,132, which represents the portion of the 5% budget reduction calculated on the Strategy A.1.2. funds that cannot be cut.

Exceptional Item #2: Restore the Budget Cut to the Remaining Funds in Strategy A.1.1.

Because of the unique and negative impact that a budget reduction would impose on appellate court operations throughout the State, the courts of appeals respectfully submit Exceptional Item #2 requesting the restoration of the 5% budget reduction to the courts’ appropriations in Strategy A.1.1. for FY 2022–23. In the First Court of Appeals, the estimated funding needed to restore the court’s budget for Strategy A.1.1. is \$325,088. This restored funding will enable the courts to continue 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 their core function of timely processing and disposing of appeals. Without restoration of the courts’ zero-based budget funding (Similar Funding for Same-Sized Courts model), the courts will be forced to undertake significant staffing cuts. This reduction in staffing will result in failure to meet performance standards, including (1) a reduction in 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 for which appeals remain pending. While any cut to the appellate court system’s budget risks delays in the provision of criminal justice and

Administrator's Statement

9/17/2020 1:13:56PM

87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston

resolution of civil matters, the nature of this reduction 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.

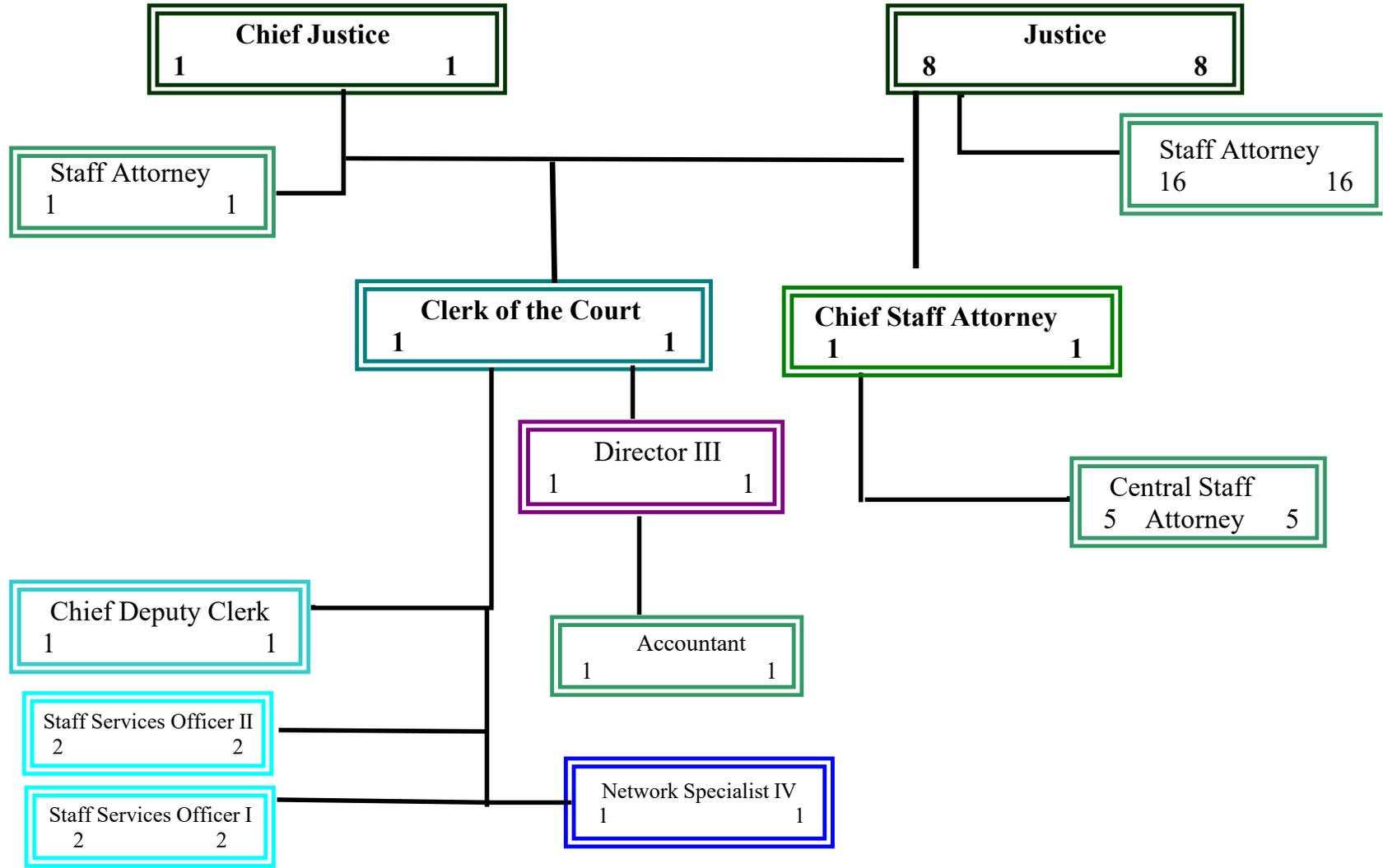
RIDER REQUESTS:

The courts of appeals also request the following with regard to the across-the-board riders found in Article IV (p. IV-43):

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.

**Organizational Chart
First Court of Appeals
2022-2023 (2024-2025)**



Budget Overview - Biennial Amounts
87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston
Appropriation Years: 2022-23

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS
	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2022-23
	Goal: 1. Appellate Court Operations										
1.1.1. Appellate Court Operations	6,501,755	6,051,535					113,351	108,800	6,615,106	6,160,335	450,220
1.1.2. Appellate Justice Salaries	2,386,073	2,502,640					546,700	546,700	2,932,773	3,049,340	
Total, Goal	8,887,828	8,554,175					660,051	655,500	9,547,879	9,209,675	450,220
Total, Agency	8,887,828	8,554,175					660,051	655,500	9,547,879	9,209,675	450,220
Total FTEs									44.0	41.5	2.5

2.A. Summary of Base Request by Strategy

9/16/2020 2:35:33PM

87th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston

Goal / Objective / STRATEGY	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
1 Appellate Court Operations					
1 Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	4,795,235	3,309,828	3,305,278	3,080,167	3,080,168
2 APPELLATE JUSTICE SALARIES	0	1,408,103	1,524,670	1,524,670	1,524,670
TOTAL, GOAL 1	\$4,795,235	\$4,717,931	\$4,829,948	\$4,604,837	\$4,604,838
TOTAL, AGENCY STRATEGY REQUEST	\$4,795,235	\$4,717,931	\$4,829,948	\$4,604,837	\$4,604,838
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$4,795,235	\$4,717,931	\$4,829,948	\$4,604,837	\$4,604,838

2.A. Summary of Base Request by Strategy

9/16/2020 2:35:33PM

87th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston

Goal / Objective / STRATEGY	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	4,447,777	4,385,630	4,502,198	4,277,087	4,277,088
SUBTOTAL	\$4,447,777	\$4,385,630	\$4,502,198	\$4,277,087	\$4,277,088
Other Funds:					
573 Judicial Fund	273,350	273,350	273,350	273,350	273,350
666 Appropriated Receipts	28,431	13,251	8,700	8,700	8,700
777 Interagency Contracts	45,677	45,700	45,700	45,700	45,700
SUBTOTAL	\$347,458	\$332,301	\$327,750	\$327,750	\$327,750
TOTAL, METHOD OF FINANCING	\$4,795,235	\$4,717,931	\$4,829,948	\$4,604,837	\$4,604,838

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

2.B. Summary of Base Request by Method of Finance
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/16/2020 2:35:34PM

Agency code: 221		Agency name: First Court of Appeals District, Houston				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>GENERAL REVENUE</u>						
<u>1</u> General Revenue Fund						
<i>REGULAR APPROPRIATIONS</i>						
Regular Appropriations from MOF Table (2018-19 GAA)						
		\$4,380,427	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2020-21 GAA)						
		\$0	\$4,380,427	\$4,380,427	\$0	\$0
Regular Appropriations from MOF Table						
		\$0	\$0	\$0	\$4,277,087	\$4,277,088
Comments: 2022-2023 BL Request						
<i>RIDER APPROPRIATION</i>						
Article IX, Section 18.25 Contingency for HB 2384						
		\$0	\$1,251,320	\$1,251,320	\$0	\$0
Comments: Add New Strategy A.1.2, Appellate Justice Salaries						
Article IX, Section 18.25 Contingency for HB 2384						
		\$0	\$(1,129,550)	\$(1,129,549)	\$0	\$0
Comments: Reduce Strategy A.1.1, Appellate Court Operations						

2.B. Summary of Base Request by Method of Finance
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/16/2020 2:35:34PM

Agency code: 221		Agency name: First Court of Appeals District, Houston				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>GENERAL REVENUE</u>						
<i>LAPSED APPROPRIATIONS</i>						
Lapsed Appropriations		\$0	\$(116,567)	\$0	\$0	\$0
Comments: Savings due to Judicial Vacancy, Strategy A.1.2						
<i>UNEXPENDED BALANCES AUTHORITY</i>						
Strategy A.1.1., Appellate Court Operations, (2018-19 GAA)		\$67,350	\$0	\$0	\$0	\$0
TOTAL,	General Revenue Fund	\$4,447,777	\$4,385,630	\$4,502,198	\$4,277,087	\$4,277,088
TOTAL, ALL	GENERAL REVENUE	\$4,447,777	\$4,385,630	\$4,502,198	\$4,277,087	\$4,277,088

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2018-19 GAA)

\$273,350	\$0	\$0	\$0	\$0
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2.B. Summary of Base Request by Method of Finance
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/16/2020 2:35:34PM

Agency code: 221		Agency name: First Court of Appeals District, Houston				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>OTHER FUNDS</u>						
	Regular Appropriations from MOF Table (2020-21 GAA)	\$0	\$273,350	\$273,350	\$0	\$0
	Regular Appropriations from MOF Table	\$0	\$0	\$0	\$273,350	\$273,350
	Comments: 2022-2023 BL Request					
TOTAL,	Judicial Fund No. 573	\$273,350	\$273,350	\$273,350	\$273,350	\$273,350
<u>666</u>	Appropriated Receipts					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2018-19 GAA)	\$8,700	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2020-21 GAA)	\$0	\$8,700	\$8,700	\$0	\$0
	Regular Appropriations from MOF Table	\$0	\$0	\$0	\$8,700	\$8,700
	Comments: 2022-2023 BL Request					

2.B. Summary of Base Request by Method of Finance
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/16/2020 2:35:34PM

Agency code:	221	Agency name:	First Court of Appeals District, Houston			
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>OTHER FUNDS</u>						
<i>RIDER APPROPRIATION</i>						
	Art IX, Sec 8.02, Reimbursements and Payments (2018-19 GAA)	\$19,731	\$0	\$0	\$0	\$0
	Art IX, Sec 8.02, Reimbursements and Payments (2020-21 GAA)	\$0	\$4,551	\$0	\$0	\$0
TOTAL,	Appropriated Receipts	\$28,431	\$13,251	\$8,700	\$8,700	\$8,700
<u>777</u>	Interagency Contracts					
<i>REGULAR APPROPRIATIONS</i>						
	Regular Appropriations from MOF Table (2018-19 GAA)	\$42,500	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2020-21 GAA)	\$0	\$42,500	\$42,500	\$0	\$0
	Regular Appropriations from MOF Table	\$0	\$0	\$0	\$42,500	\$42,500
	Comments: 2022-2023 BL Request					

2.B. Summary of Base Request by Method of Finance
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/16/2020 2:35:34PM

Agency code: 221		Agency name: First Court of Appeals District, Houston				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>OTHER FUNDS</u>						
<i>RIDER APPROPRIATION</i>						
Art IX, Sec 8.02, Reimbursements and Payments (2018-19 GAA)						
		\$3,177	\$0	\$0	\$0	\$0
Art IX, Sec 8.02, Reimbursements and Payments (2020-21 GAA)						
		\$0	\$3,200	\$3,200	\$3,200	\$3,200
TOTAL,	Interagency Contracts	\$45,677	\$45,700	\$45,700	\$45,700	\$45,700
TOTAL, ALL	OTHER FUNDS	\$347,458	\$332,301	\$327,750	\$327,750	\$327,750
GRAND TOTAL		\$4,795,235	\$4,717,931	\$4,829,948	\$4,604,837	\$4,604,838

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

9/16/2020 2:35:34PM

87th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

METHOD OF FINANCING	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<p>Agency code: 221 Agency name: First Court of Appeals District, Houston</p>					
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2018-19 GAA)	44.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2020-21 GAA)	0.0	44.0	44.0	0.0	0.0
Regular Appropriations from MOF Table Comments: 2022-2023 BL Request	0.0	0.0	0.0	41.5	41.5
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Unauthorized Number Over(Below) Cap	(3.6)	0.0	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	40.4	44.0	44.0	41.5	41.5

**NUMBER OF 100% FEDERALLY FUNDED
FTEs**

2.C. Summary of Base Request by Object of Expense
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/16/2020 2:35:34PM

221 First Court of Appeals District, Houston

OBJECT OF EXPENSE	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1001 SALARIES AND WAGES	\$4,126,644	\$4,042,638	\$4,248,478	\$4,063,639	\$4,063,640
1002 OTHER PERSONNEL COSTS	\$288,473	\$307,801	\$224,022	\$183,750	\$183,750
2001 PROFESSIONAL FEES AND SERVICES	\$143,744	\$153,489	\$153,489	\$153,489	\$153,489
2003 CONSUMABLE SUPPLIES	\$338	\$581	\$1,200	\$1,200	\$1,200
2004 UTILITIES	\$1,040	\$3,300	\$3,300	\$3,300	\$3,300
2005 TRAVEL	\$1,408	\$229	\$500	\$500	\$500
2006 RENT - BUILDING	\$0	\$39,960	\$39,960	\$39,960	\$39,960
2009 OTHER OPERATING EXPENSE	\$233,588	\$169,933	\$158,999	\$158,999	\$158,999
OOE Total (Excluding Riders)	\$4,795,235	\$4,717,931	\$4,829,948	\$4,604,837	\$4,604,838
OOE Total (Riders)					
Grand Total	\$4,795,235	\$4,717,931	\$4,829,948	\$4,604,837	\$4,604,838

2.C.1. Operating Costs Detail ~ Base Request

Date: 9/16/2020
Time: 2:35:38PM

87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 221 Agency: First Court of Appeals District, Houston

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

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
2	Postage	\$0	\$0	\$5,000	\$5,000	\$5,000
6	Registrations/Training	0	0	2,517	2,517	2,517
7	Subscriptions/Periodicals	15,974	15,160	18,528	18,528	18,528
12	Maintenance & Repair - Equipment	49	344	1,850	1,850	1,850
13	Furniture & Equipment (Expensed)	299	3,558	3,692	3,692	3,692
15	Printing & Reproduction	410	0	0	0	0
24	Freight/Delivery	119	61	500	500	500
26	Books (expensed)	40,420	38,599	46,680	46,680	46,680
27	Membership Dues	15,217	13,043	15,937	15,937	15,937
28	Liability Insurance	118	6,590	6,250	6,250	6,250
35	Computer Equip./Software, Non-cap	2,260	900	0	0	0
38	Computer Parts and Supplies	0	319	0	0	0
39	Computer Equipment - Non Capital	101,618	48,915	0	0	0
45	Telephone/Communication Services	2,825	0	0	0	0
64	SORM Assessment	3,715	4,392	4,600	4,600	4,600
94	Awards	544	0	500	500	500
118	Temporary Employment Services	0	1,830	0	0	0
187	1% salary benefits fee	36,772	23,395	39,259	39,259	39,259
195	Payroll Health Insurance Contrib.	13,248	12,827	13,686	13,686	13,686
	Total, Operating Costs	\$233,588	\$169,933	\$158,999	\$158,999	\$158,999

2.D. Summary of Base Request Objective Outcomes
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

9/16/2020 2:35:35PM

221 First Court of Appeals District, Houston

Goal/ Objective / Outcome	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate					
	103.07%	98.83%	100.00%	95.00%	95.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	99.15%	97.45%	99.75%	94.75%	94.75%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	99.54%	99.32%	99.90%	94.90%	94.90%

2.E. Summary of Exceptional Items Request
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/16/2020
 TIME : 2:35:36PM

Agency code: 221

Agency name: **First Court of Appeals District, Houston**

Priority	Item	2022			2023			Biennium	
		GR and GR/Dedicated	All Funds	FTEs	GR and GR/Dedicated	All Funds	FTEs	GR and GR/Dedicated	All Funds
1	Restore A.1.2. Judicial Salaries	\$62,566	\$62,566	0.8	\$62,566	\$62,566	0.8	\$125,132	\$125,132
2	Restore A.1.1. Budget Cut Remainder	\$162,544	\$162,544	1.7	\$162,544	\$162,544	1.7	\$325,088	\$325,088
Total, Exceptional Items Request		\$225,110	\$225,110	2.5	\$225,110	\$225,110	2.5	\$450,220	\$450,220

Method of Financing

General Revenue	\$225,110	\$225,110		\$225,110	\$225,110		\$450,220	\$450,220
General Revenue - Dedicated								
Federal Funds								
Other Funds								
	\$225,110	\$225,110		\$225,110	\$225,110		\$450,220	\$450,220

Full Time Equivalent Positions

2.5

2.5

Number of 100% Federally Funded FTEs

2.F. Summary of Total Request by Strategy
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 9/16/2020

TIME : 2:35:36PM

Agency code: 221	Agency name: First Court of Appeals District, Houston					
Goal/Objective/STRATEGY	Base	Base	Exceptional	Exceptional	Total Request	Total Request
1 Appellate Court Operations						
1 Appellate Court Operations						
1 APPELLATE COURT OPERATIONS	\$3,080,167	\$3,080,168	\$225,110	\$225,110	\$3,305,277	\$3,305,278
2 APPELLATE JUSTICE SALARIES	1,524,670	1,524,670	0	0	1,524,670	1,524,670
TOTAL, GOAL 1	\$4,604,837	\$4,604,838	\$225,110	\$225,110	\$4,829,947	\$4,829,948
TOTAL, AGENCY STRATEGY REQUEST	\$4,604,837	\$4,604,838	\$225,110	\$225,110	\$4,829,947	\$4,829,948
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$4,604,837	\$4,604,838	\$225,110	\$225,110	\$4,829,947	\$4,829,948

2.F. Summary of Total Request by Strategy
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 9/16/2020
 TIME : 2:35:36PM

Agency code: 221 Agency name: First Court of Appeals District, Houston

<i>Goal/Objective/STRATEGY</i>	Base	Base	Exceptional	Exceptional	Total Request	Total Request
General Revenue Funds:						
1 General Revenue Fund	\$4,277,087	\$4,277,088	\$225,110	\$225,110	\$4,502,197	\$4,502,198
	\$4,277,087	\$4,277,088	\$225,110	\$225,110	\$4,502,197	\$4,502,198
Other Funds:						
573 Judicial Fund	273,350	273,350	0	0	273,350	273,350
666 Appropriated Receipts	8,700	8,700	0	0	8,700	8,700
777 Interagency Contracts	45,700	45,700	0	0	45,700	45,700
	\$327,750	\$327,750	\$0	\$0	\$327,750	\$327,750
TOTAL, METHOD OF FINANCING	\$4,604,837	\$4,604,838	\$225,110	\$225,110	\$4,829,947	\$4,829,948
FULL TIME EQUIVALENT POSITIONS	41.5	41.5	2.5	2.5	44.0	44.0

2.G. Summary of Total Request Objective Outcomes
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 9/16/2020
 Time: 2:35:37PM

Agency code: **221** Agency name: **First Court of Appeals District, Houston**

Goal/ Objective / Outcome

	BL 2022	BL 2023	Excp 2022	Excp 2023	Total Request 2022	Total Request 2023
1 Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
KEY 1 Clearance Rate						
	95.00%	95.00%	100.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year						
	94.75%	94.75%	99.75%	99.75%	99.75%	99.75%
KEY 3 Percentage of Cases Pending for Less Than Two Years						
	94.90%	94.90%	99.90%	99.90%	99.90%	99.90%

221 First Court of Appeals District, Houston

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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
Output Measures:						
1	Number of Civil Cases Disposed	704.00	583.00	686.00	655.00	655.00
2	Number of Criminal Cases Disposed	470.00	451.00	500.00	494.00	494.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	624.00	597.00	624.00	650.00	670.00
2	Number of Criminal Cases Filed	324.00	301.00	520.00	520.00	520.00
3	Number of Cases Transferred in	51.00	75.00	40.00	45.00	45.00
4	Number of Cases Transferred out	0.00	32.00	8.00	5.00	5.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$4,126,644	\$2,660,074	\$2,749,380	\$2,564,541	\$2,564,542
1002	OTHER PERSONNEL COSTS	\$288,473	\$282,262	\$198,450	\$158,178	\$158,178
2001	PROFESSIONAL FEES AND SERVICES	\$143,744	\$153,489	\$153,489	\$153,489	\$153,489
2003	CONSUMABLE SUPPLIES	\$338	\$581	\$1,200	\$1,200	\$1,200
2004	UTILITIES	\$1,040	\$3,300	\$3,300	\$3,300	\$3,300
2005	TRAVEL	\$1,408	\$229	\$500	\$500	\$500
2006	RENT - BUILDING	\$0	\$39,960	\$39,960	\$39,960	\$39,960
2009	OTHER OPERATING EXPENSE	\$233,588	\$169,933	\$158,999	\$158,999	\$158,999

3.A. Strategy Request
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/16/2020 2:35:38PM

221 First Court of Appeals District, Houston

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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
TOTAL, OBJECT OF EXPENSE		\$4,795,235	\$3,309,828	\$3,305,278	\$3,080,167	\$3,080,168
Method of Financing:						
1	General Revenue Fund	\$4,447,777	\$3,250,877	\$3,250,878	\$3,025,767	\$3,025,768
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$4,447,777	\$3,250,877	\$3,250,878	\$3,025,767	\$3,025,768
Method of Financing:						
573	Judicial Fund	\$273,350	\$0	\$0	\$0	\$0
666	Appropriated Receipts	\$28,431	\$13,251	\$8,700	\$8,700	\$8,700
777	Interagency Contracts	\$45,677	\$45,700	\$45,700	\$45,700	\$45,700
SUBTOTAL, MOF (OTHER FUNDS)		\$347,458	\$58,951	\$54,400	\$54,400	\$54,400
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$3,080,167	\$3,080,168
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$4,795,235	\$3,309,828	\$3,305,278	\$3,080,167	\$3,080,168
FULL TIME EQUIVALENT POSITIONS:		40.4	35.0	35.0	32.5	32.5
STRATEGY DESCRIPTION AND JUSTIFICATION:						

221 First Court of Appeals District, Houston

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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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The First Court of Appeals was created in 1891 by an amendment to Article 1817, V.T.C.S., pursuant to authority granted by Article V Section 1, Texas Constitution. This Court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts in civil cases where judgments exceed \$100, exclusive of costs, and other civil proceedings as provided by law; and in criminal cases, except post-conviction writs of habeas corpus, and where the death penalty has been imposed. This Court has jurisdiction over 10 counties.

In FY2019 Strategy A.1.2 was requested and approved to be part of the GAA in FY2020 separating out Judicial Salaries, therefore the 0573 fund is now reflected in Strategy A.1.2.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Courts of appeals are, by nature, small entities with a highly specialized staff. Courts of appeals have no discretion to decline appellate review of any case filed, and no control over the number of cases filed. The primary factor which drives the strategy is the need to attract and retain highly trained and knowledgeable staff to maintain the Court's ability to dispose of cases in as effective and efficient manner as possible in order to meet the Legislature's performance measures and the expectations of Texas citizens.

221 First Court of Appeals District, Houston

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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		BIENNIAL	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2020 + Bud 2021)	Baseline Request (BL 2022 + BL 2023)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$6,615,106	\$6,160,335	\$(454,771)	\$(450,220)	5% Requested reduction
			\$(4,551)	Reimbursements and Payments collected versus committed
			\$(454,771)	Total of Explanation of Biennial Change

221 First Court of Appeals District, Houston

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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
Objects of Expense:						
1001	SALARIES AND WAGES	\$0	\$1,382,564	\$1,499,098	\$1,499,098	\$1,499,098
1002	OTHER PERSONNEL COSTS	\$0	\$25,539	\$25,572	\$25,572	\$25,572
TOTAL, OBJECT OF EXPENSE		\$0	\$1,408,103	\$1,524,670	\$1,524,670	\$1,524,670
Method of Financing:						
1	General Revenue Fund	\$0	\$1,134,753	\$1,251,320	\$1,251,320	\$1,251,320
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$0	\$1,134,753	\$1,251,320	\$1,251,320	\$1,251,320
Method of Financing:						
573	Judicial Fund	\$0	\$273,350	\$273,350	\$273,350	\$273,350
SUBTOTAL, MOF (OTHER FUNDS)		\$0	\$273,350	\$273,350	\$273,350	\$273,350
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,524,670	\$1,524,670
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$0	\$1,408,103	\$1,524,670	\$1,524,670	\$1,524,670
FULL TIME EQUIVALENT POSITIONS:		0.0	9.0	9.0	9.0	9.0

221 First Court of Appeals District, Houston

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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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STRATEGY DESCRIPTION AND JUSTIFICATION:

In FY2019 Strategy A.1.2 was requested and approved to be part of the GAA in FY2020, therefore, there are no expenditures or funding represented for FY2019 for Strategy A.1.2.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Approximately one-third of the courts' General Revenue funding is dedicated to Strategy A.1.2. (judicial salaries). As judicial salaries are set by statute, the courts are unable to make any reduction to that portion of their budgets. Consequently, any budget reduction to this strategy must be applied only to the remaining two-thirds of the courts' General Revenue: Strategy A.1.1. (appellate court operations) and would effectively result in a budget cut to the court that is significantly higher than the cuts directed to other State agencies.

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 2020 + Bud 2021)	Baseline Request (BL 2022 + BL 2023)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$2,932,773	\$3,049,340	\$116,567	\$116,567	Lapse due to Judicial Vacancy in FY2020
			\$116,567	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$4,795,235	\$4,717,931	\$4,829,948	\$4,604,837	\$4,604,838
METHODS OF FINANCE (INCLUDING RIDERS):				\$4,604,837	\$4,604,838
METHODS OF FINANCE (EXCLUDING RIDERS):	\$4,795,235	\$4,717,931	\$4,829,948	\$4,604,837	\$4,604,838
FULL TIME EQUIVALENT POSITIONS:	40.4	44.0	44.0	41.5	41.5

3.B. Rider Revisions and Additions Request

87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 221	Agency Name: First Court of Appeals, District, Houston	Prepared By: Kelly McIntosh/Chris Prine	Date: 09/18/2020	Request Level: Baseline
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Current Rider Number	Page Number in 2020-21 GAA	Proposed Rider Language
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5

IV-43

Sec. 5. 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 ~~2020~~2022 and ~~2021~~2023, 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 2022-2023 biennium.

The courts also request the following with regard to the across-the-board riders found in Article IV (p. IV-43):

- 1) Retain Article IV rider, Sec 3, Appellate Court Exemptions
- 2) 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 authority to carryover unexpended budget balances between years of the biennium as shown in the current bill pattern. The flexibility afforded by these measures enhances the courts’ management ability, and we seek continuation of these budget features.

4.A. Exceptional Item Request Schedule
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/16/2020
 TIME: 2:35:39PM

Agency code: 221 Agency name:

First Court of Appeals District, Houston

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2022</u>	<u>Excp 2023</u>
	Item Name: Restore the Budget Cut Calculated on the Estimated and Non-Transferable Funds in Strategy A.1.2.		
	Item Priority: 1		
	IT Component: No		
	Anticipated Out-year Costs: No		
	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	62,566	62,566
	TOTAL, OBJECT OF EXPENSE	\$62,566	\$62,566
 METHOD OF FINANCING:			
1	General Revenue Fund	62,566	62,566
	TOTAL, METHOD OF FINANCING	\$62,566	\$62,566
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.80	0.80

DESCRIPTION / JUSTIFICATION:

This exceptional item would restore the 5% budget reduction calculated on the estimated and nontransferable funds allocated to Strategy A.1.2. This 5% budget reductions is based on the court's General Revenue funding that is dedicated to Strategy A.1.2. (judicial salaries). The requested cut calculated on the estimated and nontransferable funds allocated to Strategy A.1.2 imposes a disproportionate impact of the required reduction on the courts' funding. The 5% reduction calculated on judicial salaries amounts to \$125,132, but the court has no authority to reduce funds from Strategy A.1.2. because these estimated and nontransferable funds are dedicated to judicial salaries. As a result, the entire 5% budget reduction based on judicial salaries must be applied only to the remaining two-thirds of the courts' General Revenue: Strategy A.1.1. (appellate court operations), resulting in a 7% cut from appellate court operations.

As all cuts must be made from appellate court operations and if the reduction based on judicial salaries is not restored, the court will have to reduce staffing. This is necessary because 96 % of the court's budget is dedicated to staffing, leaving very little discretionary funds to achieve a 5% reduction This reduction in staffing will result in failure to meet performance standards, including (1) a reduction in 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 for which appeals remain pending.

EXTERNAL/INTERNAL FACTORS:

Courts of Appeals are relatively small entities with specialized staffing requirements. The core function of the courts is to process and review appeals and original proceedings from civil and criminal trial courts. This requires a highly skilled and trained professional workforce of appellate court lawyers who assist the judges of the court in disposing of cases and researching and writing opinions. Loss of experienced court lawyers creates difficulties in timely processing of and disposing of appeals and in maintaining professional business practices. This exceptional item would allow the court to operate at historical performance measure levels while maintaining the highest quality of legal

4.A. Exceptional Item Request Schedule
87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/16/2020
TIME: 2:35:39PM

Agency code: 221

Agency name:
First Court of Appeals District, Houston

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2022</u>	<u>Excp 2023</u>
	analysis. The citizens of Texas deserve no less.		

PCLS TRACKING KEY:

4.A. Exceptional Item Request Schedule
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/16/2020
 TIME: 2:35:39PM

Agency code: 221

Agency name: **First Court of Appeals District, Houston**

CODE	DESCRIPTION	Excp 2022	Excp 2023
	Item Name: Restore the Budget Cut to the Remaining Funds in Strategy A.1.1. Item Priority: 2 IT Component: No Anticipated Out-year Costs: No 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	162,544	162,544
TOTAL, OBJECT OF EXPENSE		\$162,544	\$162,544

METHOD OF FINANCING:

1	General Revenue Fund	162,544	162,544
TOTAL, METHOD OF FINANCING		\$162,544	\$162,544

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.70	1.70
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DESCRIPTION / JUSTIFICATION:

This exceptional item would restore the 5% budget reduction calculated on the estimated and nontransferable funds allocated to Strategy A.1.1. Again, as all cuts must be made from appellate court operations and if the reduction is not restored, the court will have to reduce staffing. Any reduction in the First Court's General Revenue would result in a direct impact on staffing. This is necessary because 96 % of the court's budget is dedicated to staffing, leaving very little discretionary funds to achieve a 5% reduction. The court's budget predominantly goes toward salaries and there are no discretionary funds to absorb a reduction without cutting integral staff. The court has no specific programs it can cut or reduce to meet any reduction. A reduction in the court's Strategy A.1.1 would in effect have an even greater impact on the court's personnel budgets, given the judicial-salary portion of the courts' budgets are statutorily fixed. Alternatively, an across-the-board reductions in salaries dropping salaries significantly below those of comparable positions in both the public and private sectors would deter top candidates from remaining or applying with the court.

Any level of reduction results in a reduced staff causing will result in failure to meet performance standards, including (1) a reduction in 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 for which appeals remain pending.

EXTERNAL/INTERNAL FACTORS:

Courts of Appeals are relatively small entities with specialized staffing requirements. The core function of the courts is to process and review appeals and original proceedings from civil and criminal trial courts. This requires a highly skilled and trained professional workforce of appellate court lawyers who assist the judges of the court in disposing of cases and researching and writing opinions. Loss of experienced court lawyers creates difficulties in timely processing of and disposing of appeals and in maintaining professional business practices.

4.A. Exceptional Item Request Schedule
87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **9/16/2020**
TIME: **2:35:39PM**

Agency code: **221**

Agency name:
First Court of Appeals District, Houston

CODE	DESCRIPTION	Excp 2022	Excp 2023
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While any cut to the appellate court system's budget risks delays in the provision of criminal justice and resolution of civil matters, the nature of this reduction 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. This exceptional item would allow the court to operate at historical performance measure levels while maintaining the highest quality of legal analysis. The citizens of Texas deserve no less.

PCLS TRACKING KEY:

Agency code: 221 Agency name: First Court of Appeals District, Houston

Code	Description	Excp 2022	Excp 2023
Item Name: Restore the Budget Cut Calculated on the Estimated and Non-Transferable Funds in Strategy A.1.2.			
Allocation to Strategy: 1-1-1 Appellate Court Operations			
STRATEGY IMPACT ON OUTCOME MEASURES:			
<u>1</u>	Clearance Rate	97.00%	97.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	96.75%	96.75%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	96.90%	96.90%
OUTPUT MEASURES:			
<u>1</u>	Number of Civil Cases Disposed	14.00	14.00
<u>2</u>	Number of Criminal Cases Disposed	10.00	10.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	62,566	62,566
TOTAL, OBJECT OF EXPENSE		\$62,566	\$62,566
METHOD OF FINANCING:			
1	General Revenue Fund	62,566	62,566
TOTAL, METHOD OF FINANCING		\$62,566	\$62,566
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.8	0.8

Agency code: **221** Agency name: **First Court of Appeals District, Houston**

Code	Description	Excp 2022	Excp 2023
Item Name: Restore the Budget Cut to the Remaining Funds in Strategy A.1.1.			
Allocation to Strategy:		1-1-1	Appellate Court Operations
STRATEGY IMPACT ON OUTCOME MEASURES:			
<u>1</u>	Clearance Rate	98.00%	98.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	97.75%	97.75%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	97.90%	97.90%
OUTPUT MEASURES:			
<u>1</u>	Number of Civil Cases Disposed	21.00	21.00
<u>2</u>	Number of Criminal Cases Disposed	16.00	16.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	162,544	162,544
TOTAL, OBJECT OF EXPENSE		\$162,544	\$162,544
METHOD OF FINANCING:			
1	General Revenue Fund	162,544	162,544
TOTAL, METHOD OF FINANCING		\$162,544	\$162,544
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.7	1.7

4.C. Exceptional Items Strategy Request
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/16/2020
TIME: 2:35:40PM

Agency Code: **221** Agency name: **First Court of Appeals District, Houston**

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 2022	Exp 2023
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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	99.75 %	99.75 %
<u>3</u> Percentage of Cases Pending for Less Than Two Years	99.90 %	99.90 %

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	225,110	225,110
Total, Objects of Expense	\$225,110	\$225,110

METHOD OF FINANCING:

1 General Revenue Fund	225,110	225,110
Total, Method of Finance	\$225,110	\$225,110

FULL-TIME EQUIVALENT POSITIONS (FTE):

2.5	2.5
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Restore the Budget Cut Calculated on the Estimated and Non-Transferable Funds in Strategy A.1.2.

Restore the Budget Cut to the Remaining Funds in Strategy A.1.1.

6.A. Historically Underutilized Business Supporting Schedule
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 9/16/2020
 Time: 2:35:42PM

Agency Code: 221 Agency: First Court of Appeals District, Houston

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year - HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2018			Total Expenditures		HUB Expenditures FY 2019			Total Expenditures	
			% Actual	Diff	Actual \$	FY 2018	% Goal	% Actual	Diff	Actual \$	FY 2019	
26.0%	Other Services	26.0 %	0.0%	-26.0%	\$0	\$4,230	26.0 %	0.0%	-26.0%	\$0	\$869	
21.1%	Commodities	21.1 %	100.0%	78.9%	\$228	\$228	21.1 %	0.0%	-21.1%	\$0	\$0	
	Total Expenditures		5.1%		\$228	\$4,458		0.0%		\$0	\$869	

B. Assessment of Fiscal Year - Efforts to Meet HUB Procurement Goals

Attainment:

The agency overall exceeded the applicable statewide HUB procurement goals for "Commodities" in FY2018.
 The agency did not attain the statewide HUB procurement goals for "Other Services" in FY2018 and FY2019 due to the use of state term contracts.

Applicability:

The "Heavy Construction," Building Construction," "Special Trade," and "Professional Service," categories are not applicable to agency operations in either fiscal year 2018 or fiscal year 2019 since the agency did not have any strategies or programs related to these categories.

Factors Affecting Attainment:

In fiscal year 2018 and 2019, the goal of "Other Services" category were not met due to the following:

- printing expenditures are exempt from bidding for Judicial agencies per Texas Const. Sec. 21
- the lowest bid was from a non-hub vendor
- only source available

"Good-Faith" Efforts:

The agency made the following good faith efforts to comply with statewide HUB procurement goals per 1 TAC Section 111.13c:

- ensured that contract specifications, terms, and conditions reflected the agency's actual requirements, were clearly stated, and did not impose unreasonable or unnecessary contract requirements
- gathered information on HUB vendors from the on-line system and contacted the vendor directly for a bid
- used the Statewide Procurement Division where applicable, not always resulting in the use of a HUB vendor

6.G. HOMELAND SECURITY FUNDING SCHEDULE - PART C - COVID-19 RELATED EXPENDITURES

DATE: 9/16/2020
 TIME: 2:35:49PM

87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **221** Agency name: **1st Ct Appeals, Houston**

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
OBJECTS OF EXPENSE						
2003	CONSUMABLE SUPPLIES	\$0	\$436	\$500	\$500	\$500
2005	TRAVEL	\$0	\$229	\$0	\$0	\$0
2009	OTHER OPERATING EXPENSE	\$0	\$453	\$500	\$500	\$500
TOTAL, OBJECTS OF EXPENSE		\$0	\$1,118	\$1,000	\$1,000	\$1,000
TOTAL, METHOD OF FINANCE						
FULL-TIME-EQUIVALENT POSITIONS		0.0	44.0	44.0	41.5	41.5

NO FUNDS WERE PASSED THROUGH TO LOCAL ENTITIES

NO FUNDS WERE PASSED THROUGH TO OTHER STATE AGENCIES OR INSTITUTIONS OF HIGHER EDUCATION

USE OF HOMELAND SECURITY FUNDS

Teleworking support, supplies for cleaning and sanitation, equipment for Court via Zoom.
 The First Court of Appeals has no Pass through activities to report, therefore pages 2 of 3 and 3 of 3 are correctly presented as blank.

6.G. HOMELAND SECURITY FUNDING SCHEDULE - PART C - COVID-19 RELATED EXPENDITURES

DATE: 9/16/2020

Funds Passed through to Local Entities

TIME: 2:35:49PM

87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **221** Agency name: **1st Ct Appeals, Houston**

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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6.G. HOMELAND SECURITY FUNDING SCHEDULE - PART C - COVID-19 RELATED EXPENDITURES

DATE: 9/16/2020

Funds Passed through to State Agencies

TIME: 2:35:49PM

87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **221** Agency name: **1st Ct Appeals, Houston**

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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**6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern
First Court of Appeals**

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2022-23 GAA BILL PATTERN	\$	814,000
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<u>Fund Name</u>		
Estimated Beginning Balance in FY 2020		
Estimated Revenues FY 2020	\$	407,000
Estimated Revenues FY 2021	\$	407,000
FY 2020-21 Total	\$	814,000
Estimated Beginning Balance in FY 2022		
Estimated Revenues FY 2022	\$	407,000
Estimated Revenues FY 2023	\$	407,000
FY 2022-23 Total	\$	814,000
Constitutional or Statutory Creation and Use of Funds:		
<div style="border: 1px solid black; padding: 5px;"> <p>Pursuant to section 22.202 of the Government code, counties other than Harris County composing the First and Fourteenth Court of Appeals Districts shall annually reimburse Harris County for the cost incurred by Harris County during its previous fiscal year for supplemental salaries and fringe benefits for the justices of those courts. In addition, these counties are also to provide reimbursement for furnishings, equipment, supplies, and utility expense for those courts.</p> </div>		
Method of Calculation and Revenue Assumptions:		
<div style="border: 1px solid black; padding: 5px;"> <p>Each county is to pay a share based on the proportion of their population to the total population of all counties in these districts. To effectuate the billing and payment process, the Harris County Commissioners Court is required to furnish each county liable for expenses with a statement of that county's share. Furthermore, the statement must be approved by the Chief Justices of the Courts of Appeals.</p> </div>		