



Legislative Appropriations Request For Fiscal Years 2022 and 2023

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

by

**Second Court of Appeals District
Fort Worth**

**September 18, 2020
Revised October 1, 2020**



Legislative Appropriations Request For Fiscal Years 2022 and 2023

Submitted to the
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by

Second Court of Appeals District Fort Worth

Chief Justice Bonnie Sudderth	January 1, 2019 – December 31, 2024	Fort Worth, Texas
Justice Lee Gabriel	January 1, 2015 – December 31, 2020	Fort Worth, Texas
Justice Elizabeth Kerr	January 1, 2017 – December 31, 2022	Fort Worth, Texas
Justice J. Wade Birdwell	January 1, 2019 – December 31, 2024	Fort Worth, Texas
Justice Dabney Bassel	January 1, 2019 – December 31, 2024	Fort Worth, Texas
Justice Dana Womack	January 1, 2015 – December 31, 2020	Fort Worth, Texas
Justice Mike Wallach	January 1, 2019 – December 31, 2024	Fort Worth, Texas

September 18, 2020

Prepared by: Debra Spisak
Debra Spisak, Clerk of the Court

Approved: Bonnie Sudderth
Bonnie Sudderth, Chief Justice

Second Court of Appeals
Legislative Appropriations Request
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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 Second Court of Appeals, applying the required budget reduction (\$352,265) to the estimated remaining two-thirds funding in Strategy A.1.1. (\$5,001,659) 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.

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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. For example, the courts of appeals experienced increases in case filings following the 2000–2002 dot.com bubble crisis, the 2007–2008 global financial crisis, and the 2011 mortgage crisis. 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 Second Court of Appeals justice salaries totals \$2,043,644 for the FY 2022–23 biennium. In the Second Court of Appeals, a 5% reduction in this funding amounts to \$102,182, 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 \$102,182, 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 Second Court of Appeals, the estimated funding needed to restore the court’s budget for Strategy A.1.1. is \$250,083. 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

Administrator's Statement

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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 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

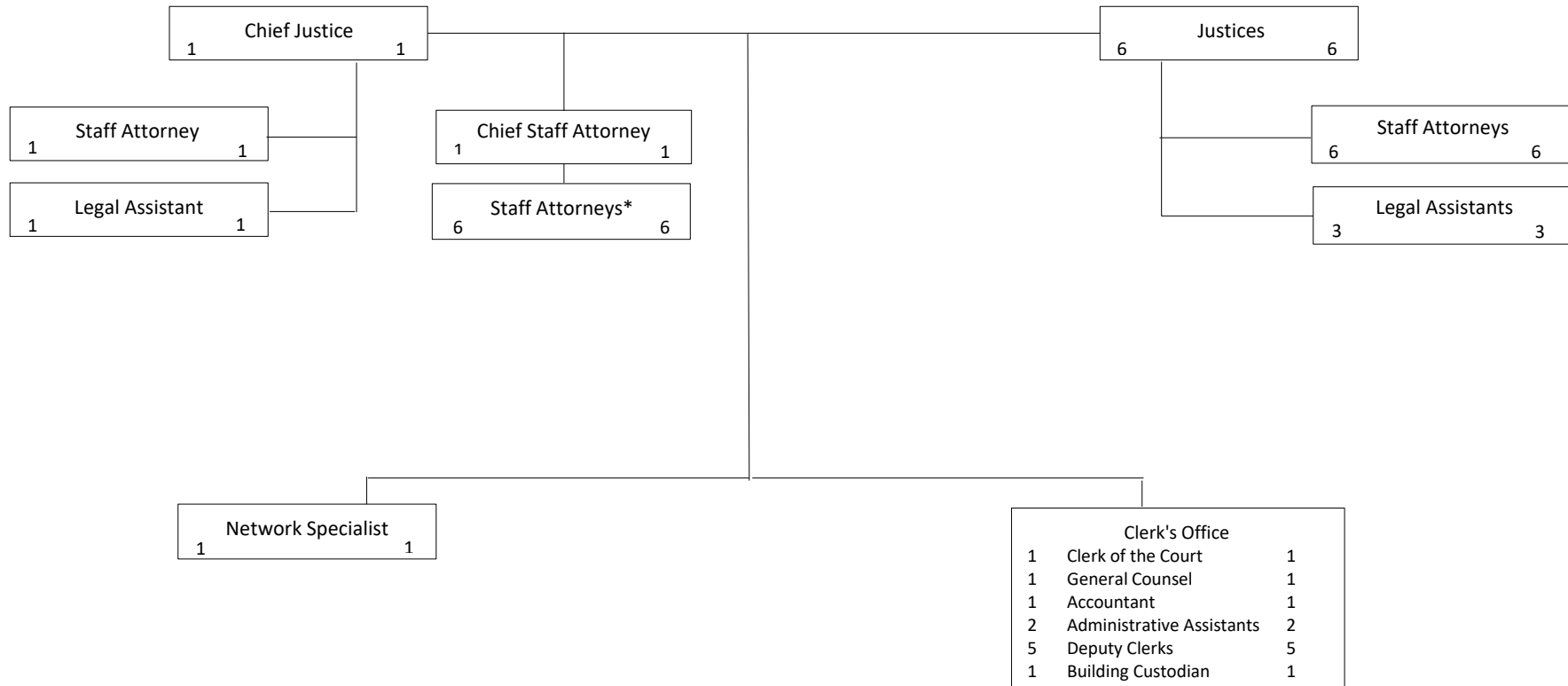
Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the courts the authority to carry over unexpended budget balances between years within the biennium. The flexibility afforded by these measures enhances the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

ORGANIZATIONAL CHART

Second Court of Appeals

2021 (2022-23)

Attached is an organizational chart of the Second Court of Appeals. The number on the left is the number of budgeted positions for fiscal year 2021. The number on the right is the number of positions requested for quality legal and non-legal staff for FY 2022-23, including exceptional item positions.



*Employees (2.0 FTEs) related to Exceptional Items



CERTIFICATE

Agency Name: Second 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 (2020–21 GAA).

Chief Executive Officer or Presiding Judge

Bonnie Sudderth
Signature

Bonnie Sudderth

Printed Name

Chief Justice

Title

09/18/20
Date

Board or Commission Chair

Signature

Printed Name

Title

Date

Chief Financial Officer

Debra Spisak
Signature

Debra Spisak

Printed Name

Clerk of the Court

Title

September 18, 2020
Date

Budget Overview - Biennial Amounts
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222 Second Court of Appeals District, Fort Worth
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	4,967,480	4,649,394					130,920	124,000	5,098,400	4,773,394	352,265
1.1.2. Appellate Justice Salaries	2,041,487	2,043,644					426,100	426,100	2,467,587	2,469,744	
Total, Goal	7,008,967	6,693,038					557,020	550,100	7,565,987	7,243,138	352,265
Total, Agency	7,008,967	6,693,038					557,020	550,100	7,565,987	7,243,138	352,265
Total FTEs									37.0	35.0	2.0

2.A. Summary of Base Request by Strategy

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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	2,559,056	2,487,046	2,611,354	2,386,697	2,386,697
2 APPELLATE JUSTICE SALARIES	1,088,483	1,232,715	1,234,872	1,234,872	1,234,872
TOTAL, GOAL 1	\$3,647,539	\$3,719,761	\$3,846,226	\$3,621,569	\$3,621,569
TOTAL, AGENCY STRATEGY REQUEST	\$3,647,539	\$3,719,761	\$3,846,226	\$3,621,569	\$3,621,569
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$3,647,539	\$3,719,761	\$3,846,226	\$3,621,569	\$3,621,569

222 Second Court of Appeals District, Fort Worth

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	3,363,365	3,437,791	3,571,176	3,346,519	3,346,519
SUBTOTAL	\$3,363,365	\$3,437,791	\$3,571,176	\$3,346,519	\$3,346,519
Other Funds:					
573 Judicial Fund	213,050	213,050	213,050	213,050	213,050
666 Appropriated Receipts	17,124	14,920	8,000	8,000	8,000
777 Interagency Contracts	54,000	54,000	54,000	54,000	54,000
SUBTOTAL	\$284,174	\$281,970	\$275,050	\$275,050	\$275,050
TOTAL, METHOD OF FINANCING	\$3,647,539	\$3,719,761	\$3,846,226	\$3,621,569	\$3,621,569

*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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Agency code: 222	Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>GENERAL REVENUE</u>					
<u>1</u> General Revenue Fund					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2018-19 GAA)	\$3,365,589	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2020-21 GAA)	\$0	\$3,365,590	\$3,365,589	\$0	\$0
Regular Appropriations from MOF Table	\$0	\$0	\$0	\$3,346,519	\$3,346,519
RIDER APPROPRIATION					
Article IX, Sec. 18.25(d). Contingency for HB 2384	\$0	\$1,034,420	\$1,043,403	\$0	\$0
Comments: Add New Strategy A.1.2, Appellate Justice Salaries					
Article IX, Sec. 18.25(d). Contingency for HB 2384	\$0	\$(881,850)	\$(881,849)	\$0	\$0
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: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>GENERAL REVENUE</u>						
LAPSED APPROPRIATIONS						
Lapsed Appropriation						
		\$(2,224)	\$0	\$0	\$0	\$0
Comments: Lapse due to Judicial vacancy.						
Lapsed Appropriation						
		\$0	\$(14,755)	\$(21,581)	\$0	\$0
Comments: Lapse of estimated and non-transferable Strategy A.1.2. funds due to changes in judicial personnel.						
UNEXPENDED BALANCES AUTHORITY						
Article IX, Sec. 14.05. Unexpended Balance Authority Between Fiscal Years within the Same Biennium (2020-21 GAA)						
		\$0	\$(65,614)	\$65,614	\$0	\$0
TOTAL,	General Revenue Fund	\$3,363,365	\$3,437,791	\$3,571,176	\$3,346,519	\$3,346,519
TOTAL, ALL	GENERAL REVENUE	\$3,363,365	\$3,437,791	\$3,571,176	\$3,346,519	\$3,346,519

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

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

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Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>OTHER FUNDS</u>						
Regular Appropriations from MOF Table (2018-19 GAA)		\$213,050	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2020-21 GAA)		\$0	\$213,050	\$213,050	\$0	\$0
Comments: Article IX, Sec. 18.25(d). Contingency for HB 2384. Judicial Fund No. 573 moved from Strategy A.1.1 to Strategy A.1.2 for the biennium.						
Regular Appropriations from MOF Table		\$0	\$0	\$0	\$213,050	\$213,050
TOTAL,	Judicial Fund No. 573	\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
<u>666</u>	Appropriated Receipts					
	<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2018-19 GAA)		\$8,000	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2020-21 GAA)		\$0	\$8,000	\$8,000	\$0	\$0

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

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Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>OTHER FUNDS</u>						
Regular Appropriations from MOF Table		\$0	\$0	\$0	\$8,000	\$8,000
<i>RIDER APPROPRIATION</i>						
Article IX, Sec. 8.02, Reimbursements and Payments (2018-19 GAA)		\$9,124	\$0	\$0	\$0	\$0
Article IX, Sec. 8.02, Reimbursements and Payments (2020-21 GAA)		\$0	\$6,920	\$0	\$0	\$0
TOTAL,	Appropriated Receipts	\$17,124	\$14,920	\$8,000	\$8,000	\$8,000
 <u>777</u> Interagency Contracts						
<i>REGULAR APPROPRIATIONS</i>						
Regular Appropriations from MOF Table (2018-19 GAA)		\$54,000	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2020-21 GAA)		\$0	\$54,000	\$54,000	\$0	\$0

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

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>OTHER FUNDS</u>						
Regular Appropriations from MOF Table		\$0	\$0	\$0	\$54,000	\$54,000
TOTAL,	Interagency Contracts	\$54,000	\$54,000	\$54,000	\$54,000	\$54,000
TOTAL, ALL	OTHER FUNDS	\$284,174	\$281,970	\$275,050	\$275,050	\$275,050
GRAND TOTAL		\$3,647,539	\$3,719,761	\$3,846,226	\$3,621,569	\$3,621,569
FULL-TIME-EQUIVALENT POSITIONS						
REGULAR APPROPRIATIONS						
Regular Appropriations from MOF Table (2018-19 GAA)		38.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2020-21 GAA)		0.0	38.0	38.0	0.0	0.0
Regular Appropriations from MOF Table		0.0	0.0	0.0	37.0	37.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP						
Unauthorized Number Over (Below) Cap		(0.4)	(1.5)	(1.0)	(2.0)	(2.0)
TOTAL, ADJUSTED FTES		37.6	36.5	37.0	35.0	35.0

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

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Agency code: **222**Agency name: **Second Court of Appeals District, Fort Worth**

METHOD OF FINANCING	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
NUMBER OF 100% FEDERALLY FUNDED FTEs	0.0	0.0	0.0	0.0	0.0

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

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OBJECT OF EXPENSE	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1001 SALARIES AND WAGES	\$3,375,275	\$3,502,290	\$3,510,415	\$3,361,886	\$3,361,886
1002 OTHER PERSONNEL COSTS	\$118,771	\$106,726	\$124,657	\$110,672	\$110,672
2001 PROFESSIONAL FEES AND SERVICES	\$8,998	\$0	\$500	\$500	\$500
2003 CONSUMABLE SUPPLIES	\$9,443	\$9,889	\$12,000	\$13,000	\$13,000
2004 UTILITIES	\$1,286	\$1,943	\$2,500	\$4,000	\$4,000
2005 TRAVEL	\$17,973	\$8,967	\$28,000	\$18,000	\$18,000
2006 RENT - BUILDING	\$0	\$76	\$0	\$0	\$0
2007 RENT - MACHINE AND OTHER	\$10,387	\$9,850	\$12,000	\$15,000	\$15,000
2009 OTHER OPERATING EXPENSE	\$105,406	\$80,020	\$156,154	\$98,511	\$98,511
OOE Total (Excluding Riders)	\$3,647,539	\$3,719,761	\$3,846,226	\$3,621,569	\$3,621,569
OOE Total (Riders)					
Grand Total	\$3,647,539	\$3,719,761	\$3,846,226	\$3,621,569	\$3,621,569

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

Date: 9/17/2020
Time: 5:25:01PM87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 222 Agency: Second Court of Appeals District, Fort Worth

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

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
2	Postage	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500
5	Westlaw/Lexis	17,599	23,782	27,000	28,000	29,000
6	Registrations/Training	5,986	2,947	6,000	5,000	5,000
7	Subscriptions/Periodicals	3,204	2,372	2,400	2,500	2,500
12	Maintenance & Repair - Equipment	0	120	0	0	0
13	Furniture & Equipment (Expensed)	16,259	2,304	5,000	2,000	2,000
15	Printing & Reproduction	375	1,036	3,000	500	500
24	Freight/Delivery	456	513	500	500	500
26	Books (expensed)	28,451	14,283	15,000	15,000	15,000
27	Membership Dues	9,778	9,370	10,000	10,000	10,000
28	Liability Insurance	6,228	6,098	6,256	6,300	6,300
35	Computer Equip./Software, Non-cap	239	610	2,500	2,000	2,000
64	SORM Assessment	3,371	3,493	3,530	3,600	3,600
157	Fees and Other Charges	416	85	350	350	350
166	Other Personnel Cost	11,544	11,507	73,118	21,261	20,261
Total, Operating Costs		\$105,406	\$80,020	\$156,154	\$98,511	\$98,511

2.D. Summary of Base Request Objective Outcomes
87th Regular Session, Agency Submission, Version 1
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222 Second Court of Appeals District, Fort Worth					
<i>Goal/ Objective / Outcome</i>	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate					
	102.07%	101.98%	100.00%	91.00%	91.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	99.45%	97.85%	100.00%	91.00%	91.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	99.80%	99.51%	100.00%	91.00%	91.00%

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

DATE: 9/17/2020
TIME : 5:25:02PM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

Priority	Item	2022			2023			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Restore Cut Calculated on A.1.2.	\$51,091	\$51,091	0.5	\$51,091	\$51,091	0.5	\$102,182	\$102,182
2	Restore Cut-Remaining Funds A.1.1.	\$125,041	\$125,041	1.5	\$125,042	\$125,042	1.5	\$250,083	\$250,083
Total, Exceptional Items Request		\$176,132	\$176,132	2.0	\$176,133	\$176,133	2.0	\$352,265	\$352,265
Method of Financing									
	General Revenue	\$176,132	\$176,132		\$176,133	\$176,133		\$352,265	\$352,265
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$176,132	\$176,132		\$176,133	\$176,133		\$352,265	\$352,265
Full Time Equivalent Positions				2.0				2.0	
Number of 100% Federally Funded FTEs				0.0				0.0	

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

DATE : 9/17/2020
TIME : 5:25:02PM

Agency code: 222	Agency name: Second Court of Appeals District, Fort Worth					
Goal/Objective/STRATEGY	Base	Base	Exceptional	Exceptional	Total Request	Total Request
1 Appellate Court Operations						
1 Appellate Court Operations						
1 APPELLATE COURT OPERATIONS	\$2,386,697	\$2,386,697	\$176,132	\$176,133	\$2,562,829	\$2,562,830
2 APPELLATE JUSTICE SALARIES	1,234,872	1,234,872	0	0	1,234,872	1,234,872
TOTAL, GOAL 1	\$3,621,569	\$3,621,569	\$176,132	\$176,133	\$3,797,701	\$3,797,702
TOTAL, AGENCY STRATEGY REQUEST	\$3,621,569	\$3,621,569	\$176,132	\$176,133	\$3,797,701	\$3,797,702
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$3,621,569	\$3,621,569	\$176,132	\$176,133	\$3,797,701	\$3,797,702

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

DATE : 9/17/2020

TIME : 5:25:02PM

Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
Goal/Objective/STRATEGY		Base	Base	Exceptional	Exceptional	Total Request
General Revenue Funds:						
1	General Revenue Fund	\$3,346,519	\$3,346,519	\$176,132	\$176,133	\$3,522,651
		\$3,346,519	\$3,346,519	\$176,132	\$176,133	\$3,522,651
Other Funds:						
573	Judicial Fund	213,050	213,050	0	0	213,050
666	Appropriated Receipts	8,000	8,000	0	0	8,000
777	Interagency Contracts	54,000	54,000	0	0	54,000
		\$275,050	\$275,050	\$0	\$0	\$275,050
TOTAL, METHOD OF FINANCING		\$3,621,569	\$3,621,569	\$176,132	\$176,133	\$3,797,701
FULL TIME EQUIVALENT POSITIONS						
		35.0	35.0	2.0	2.0	37.0

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

Date : 9/17/2020
Time: 5:25:02PM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

Goal/ Objective / Outcome

		BL 2022	BL 2023	Excp 2022	Excp 2023	Total Request 2022	Total Request 2023
1	Appellate Court Operations						
1	Appellate Court Operations						
KEY	1 Clearance Rate						
		91.00%	91.00%	100.00%	100.00%	100.00%	100.00%
KEY	2 Percentage of Cases Under Submission for Less Than One Year						
		91.00%	91.00%	100.00%	100.00%	100.00%	100.00%
KEY	3 Percentage of Cases Pending for Less Than Two Years						
		91.00%	91.00%	100.00%	100.00%	100.00%	100.00%

222 Second Court of Appeals District, Fort Worth

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	466.00	418.00	475.00	423.00	423.00
2	Number of Criminal Cases Disposed	471.00	303.00	400.00	428.00	428.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	498.00	466.00	475.00	495.00	495.00
2	Number of Criminal Cases Filed	507.00	316.00	450.00	565.00	565.00
3	Number of Cases Transferred in	0.00	1.00	0.00	0.00	0.00
4	Number of Cases Transferred out	87.00	76.00	50.00	125.00	125.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,308,674	\$2,301,145	\$2,306,215	\$2,157,686	\$2,157,686
1002	OTHER PERSONNEL COSTS	\$96,889	\$75,156	\$93,985	\$80,000	\$80,000
2001	PROFESSIONAL FEES AND SERVICES	\$8,998	\$0	\$500	\$500	\$500
2003	CONSUMABLE SUPPLIES	\$9,443	\$9,889	\$12,000	\$13,000	\$13,000
2004	UTILITIES	\$1,286	\$1,943	\$2,500	\$4,000	\$4,000
2005	TRAVEL	\$17,973	\$8,967	\$28,000	\$18,000	\$18,000
2006	RENT - BUILDING	\$0	\$76	\$0	\$0	\$0
2007	RENT - MACHINE AND OTHER	\$10,387	\$9,850	\$12,000	\$15,000	\$15,000
2009	OTHER OPERATING EXPENSE	\$105,406	\$80,020	\$156,154	\$98,511	\$98,511

222 Second Court of Appeals District, Fort Worth

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		\$2,559,056	\$2,487,046	\$2,611,354	\$2,386,697	\$2,386,697
Method of Financing:						
1	General Revenue Fund	\$2,487,932	\$2,418,126	\$2,549,354	\$2,324,697	\$2,324,697
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,487,932	\$2,418,126	\$2,549,354	\$2,324,697	\$2,324,697
Method of Financing:						
666	Appropriated Receipts	\$17,124	\$14,920	\$8,000	\$8,000	\$8,000
777	Interagency Contracts	\$54,000	\$54,000	\$54,000	\$54,000	\$54,000
SUBTOTAL, MOF (OTHER FUNDS)		\$71,124	\$68,920	\$62,000	\$62,000	\$62,000
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$2,386,697	\$2,386,697
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,559,056	\$2,487,046	\$2,611,354	\$2,386,697	\$2,386,697
FULL TIME EQUIVALENT POSITIONS:		30.6	29.5	30.0	28.0	28.0
STRATEGY DESCRIPTION AND JUSTIFICATION:						

222 Second Court of Appeals District, Fort Worth

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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The Second Court of Appeals was created in 1892 by the 2nd Leg., 1st Session, General Laws of Texas, and the Texas Constitution. The Second Court of Appeals District is composed of twelve counties: Archer, Clay, Cooke, Denton, Hood, Jack, Montague, Parker, Tarrant, Wichita, Wise, and Young. This court has intermediate appellate jurisdiction of all civil and criminal cases appealed from 90 lower courts in these twelve counties. Cases include civil appeals in which the amount of the trial court's judgment exceeds \$250, exclusive of costs and interest, and all criminal appeals except appeals from cases in which the death penalty has been imposed, which are appealed directly to the Court of Criminal Appeals. The Second Court of Appeals also has jurisdiction over original proceedings--such as writs of mandamus, injunction, prohibition, and habeas corpus--arising from cases in the twelve counties it serves. The court processes, reviews, and decides each case filed in the court by written opinion or order. This process requires a highly skilled and trained professional workforce, including appellate lawyers and clerical staff, who assist the justices of the court in disposing of cases and researching and writing opinions.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The Second Court of Appeals District's population and caseload have more than doubled since 1983, when the court's size was increased to its current number of 7 justices. In 1983, the population in our district was 1.4 million and has now grown to over 3.5 million. In the same time period, the court's workload has increased from 491 cases filed in 1983 to over 1,000 filed in FY 2019. Even more filings are expected in FY 2022 and FY 2023 as the State rebounds from the current COVID-19 crisis. Experience has shown that after every major financial crisis in the past 20 years, the number of cases filed in the intermediate appellate courts has risen significantly. Without additional justices to handle the increased workload, the court must maintain sufficient funding to recruit and retain professional, qualified staff to handle the increases in volume of cases filed, the number of accelerated and expedited matters on the court's docket, and the requests for access to court records from litigants, the public, and their counsel.

Furthermore, the Second Court of Appeals continues 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. 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.

222 Second Court of Appeals District, Fort Worth

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>		<u>BIENNIAL CHANGE</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
<u>Base Spending (Est 2020 + Bud 2021)</u>	<u>Baseline Request (BL 2022 + BL 2023)</u>		<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOFs and FTEs)</u>
\$5,098,400	\$4,773,394	\$(325,006)	\$(352,265)	5% reduction
			\$(6,920)	Additional appropriated receipts in FY 2020
			\$36,336	Lapses of estimated and non-transferable Strategy A.1.2. GR funds in FY 2020-21 due to changes in judicial personnel
			\$(2,157)	Change in judicial salaries
			<u>\$(325,006)</u>	Total of Explanation of Biennial Change

222 Second Court of Appeals District, Fort Worth

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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,066,601	\$1,201,145	\$1,204,200	\$1,204,200	\$1,204,200
1002	OTHER PERSONNEL COSTS	\$21,882	\$31,570	\$30,672	\$30,672	\$30,672
TOTAL, OBJECT OF EXPENSE		\$1,088,483	\$1,232,715	\$1,234,872	\$1,234,872	\$1,234,872
Method of Financing:						
1	General Revenue Fund	\$875,433	\$1,019,665	\$1,021,822	\$1,021,822	\$1,021,822
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$875,433	\$1,019,665	\$1,021,822	\$1,021,822	\$1,021,822
Method of Financing:						
573	Judicial Fund	\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
SUBTOTAL, MOF (OTHER FUNDS)		\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,234,872	\$1,234,872
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,088,483	\$1,232,715	\$1,234,872	\$1,234,872	\$1,234,872
FULL TIME EQUIVALENT POSITIONS:		7.0	7.0	7.0	7.0	7.0

222 Second Court of Appeals District, Fort Worth

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

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

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

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

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<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)
\$2,467,587	\$2,469,744	\$2,157	\$2,157	Salary fluctuations due to changes in judicial personnel.
			\$2,157	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$3,647,539	\$3,719,761	\$3,846,226	\$3,621,569	\$3,621,569
METHODS OF FINANCE (INCLUDING RIDERS):				\$3,621,569	\$3,621,569
METHODS OF FINANCE (EXCLUDING RIDERS):	\$3,647,539	\$3,719,761	\$3,846,226	\$3,621,569	\$3,621,569
FULL TIME EQUIVALENT POSITIONS:	37.6	36.5	37.0	35.0	35.0

3.A.1. PROGRAM-LEVEL REQUEST SCHEDULE
87th Regular Session, Agency Submission, Version 1

Agency Code: 222		Agency: Second Court of Appeals District, Fort Worth			Prepared By: Debra Spisak					
Date: 1-Oct-20		Program	Program Name	Legal Authority	2020-21 Base	Requested 2022	Requested 2023	Biennial Total 2022-23	Biennial Difference	
Strategy	Strategy Name	Priority	Program Name	Legal Authority					\$	%
1.1.1	Appellate Court Operations	1	Appellate Court Operations	Gov't Code, Ch. 22, § 22.203; Ch. 659, §§ 659.012, 659.0445	\$5,098,400	\$2,386,697	\$2,386,697	\$4,773,394	(\$325,006)	-6.4%
1.1.2	Appellate Justice Salaries	1	Appellate Court Operations	Gov't Code, Ch. 22, § 22.203; Ch. 659, §§ 659.012, 659.0445	\$2,467,587	\$1,234,872	\$1,234,872	\$2,469,744	\$2,157	0.1%

Program Prioritization: *Indicate the methodology or approach taken by the agency, court, or institution to determine the ranking of each program by priority.*

The Second Court of Appeals District has only one program: Appellate Court Operations.

3.B. Rider Revisions and Additions Request

Agency Code: 222	Agency Name: Second Court of Appeals District, Fort Worth	Prepared By: Debra Spisak	Date: September 18, 2020	Request Level: Baseline
Current Rider Number	Page Number in 2020-21 GAA	Proposed Rider Language		

5

IV-43

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 ~~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.

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

DATE: 9/17/2020
TIME: 5:25:03PM

Agency code: 222

Agency name:

Second Court of Appeals District, Fort Worth

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. 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	50,336	50,336
1002	OTHER PERSONNEL COSTS	503	503
2009	OTHER OPERATING EXPENSE	252	252
TOTAL, OBJECT OF EXPENSE		\$51,091	\$51,091
METHOD OF FINANCING:			
1	General Revenue Fund	51,091	51,091
TOTAL, METHOD OF FINANCING		\$51,091	\$51,091
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.50	0.50

DESCRIPTION / JUSTIFICATION:

The court's 5% budget reduction was calculated on both Strategy A.1.1. (appellate court operations) and Strategy A.1.2. (judicial salaries) funds. But because Strategy A.1.2. funds are estimated and nontransferable, the court is unable to make any reduction to that portion of its budget. Calculating the 5% budget reduction on Strategy A.1.2. funds thus creates a negative disproportionate impact on the court.

To address the disproportionate impact of the required reduction on the courts' funding, the court requests the restoration of the 5% budget reduction calculated on the estimated and nontransferable funds allocated to Strategy A.1.2., which the court is not able to reduce. Restoration of this funding will continue support for the Similar Funding for Same-Sized Courts funding model and will allow the court to bring one part-time attorney position back to full-time.

EXTERNAL/INTERNAL FACTORS:

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 Second Court of Appeals, applying the required budget reduction (\$352,265) to the estimated remaining two-thirds funding in Strategy A.1.1. (\$5,001,659) 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.

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

DATE: **9/17/2020**
TIME: **5:25:03PM**

Agency code: **222**

Agency name:

Second Court of Appeals District, Fort Worth

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2022</u>	<u>Excp 2023</u>
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: 9/17/2020
TIME: 5:25:03PM

Agency code: 222

Agency name:

Second Court of Appeals District, Fort Worth

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		123,193	123,194
1002	OTHER PERSONNEL COSTS		1,232	1,232
2009	OTHER OPERATING EXPENSE		616	616
	TOTAL, OBJECT OF EXPENSE		\$125,041	\$125,042
METHOD OF FINANCING:				
1	General Revenue Fund		125,041	125,042
	TOTAL, METHOD OF FINANCING		\$125,041	\$125,042
	FULL-TIME EQUIVALENT POSITIONS (FTE):		1.50	1.50

DESCRIPTION / JUSTIFICATION:

Funding for this exceptional item will help to restore the zero-based budget model (Similar Funding for Same-Sized Courts) and will allow the court to retain 1.5 FTEs.

EXTERNAL/INTERNAL FACTORS:

The court expects case filings to increase in the next biennium. Hiring and retaining qualified support staff is critical to the court's ability to manage its docket and efficiently resolve the cases before it, particularly with the anticipated increase in the court's workload. The court must employ a highly skilled and trained professional workforce, including appellate lawyers and clerical staff, to assist the justices in processing cases, researching and drafting orders and opinions, disposing of voluminous motions, and managing accelerated and emergency matters. Restoring the court's funding would 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 court's zero-based budget funding (Similar Funding for Same-Sized Courts model), the court 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.

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: **9/17/2020**
TIME: **5:25:03PM**

Agency code: **222**

Agency name:

Second Court of Appeals District, Fort Worth

CODE	DESCRIPTION	Excp 2022	Excp 2023
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Agency code:	222	Agency name:	Second Court of Appeals District, Fort Worth		
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			93.00%	93.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year			93.00%	93.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years			93.00%	93.00%
OUTPUT MEASURES:					
<u>1</u>	Number of Civil Cases Disposed			432.00	432.00
<u>2</u>	Number of Criminal Cases Disposed			437.00	437.00
EXPLANATORY/INPUT MEASURES:					
<u>1</u>	Number of Civil Cases Filed			495.00	495.00
<u>2</u>	Number of Criminal Cases Filed			565.00	565.00
<u>3</u>	Number of Cases Transferred in			0.00	0.00
<u>4</u>	Number of Cases Transferred out			125.00	125.00
OBJECTS OF EXPENSE:					
1001	SALARIES AND WAGES			50,336	50,336
1002	OTHER PERSONNEL COSTS			503	503
2009	OTHER OPERATING EXPENSE			252	252
TOTAL, OBJECT OF EXPENSE				\$51,091	\$51,091
METHOD OF FINANCING:					
	1	General Revenue Fund		51,091	51,091
TOTAL, METHOD OF FINANCING				\$51,091	\$51,091
FULL-TIME EQUIVALENT POSITIONS (FTE):				0.5	0.5

Agency code:	222	Agency name:	Second Court of Appeals District, Fort Worth		
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			98.00%	98.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years			98.00%	98.00%
OUTPUT MEASURES:					
<u>1</u>	Number of Civil Cases Disposed			456.00	456.00
<u>2</u>	Number of Criminal Cases Disposed			461.00	461.00
EXPLANATORY/INPUT MEASURES:					
<u>1</u>	Number of Civil Cases Filed			495.00	495.00
<u>2</u>	Number of Criminal Cases Filed			565.00	565.00
<u>3</u>	Number of Cases Transferred in			0.00	0.00
<u>4</u>	Number of Cases Transferred out			125.00	125.00
OBJECTS OF EXPENSE:					
1001	SALARIES AND WAGES			123,193	123,194
1002	OTHER PERSONNEL COSTS			1,232	1,232
2009	OTHER OPERATING EXPENSE			616	616
TOTAL, OBJECT OF EXPENSE				\$125,041	\$125,042
METHOD OF FINANCING:					
	1	General Revenue Fund		125,041	125,042
TOTAL, METHOD OF FINANCING				\$125,041	\$125,042
FULL-TIME EQUIVALENT POSITIONS (FTE):				1.5	1.5

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

DATE: 9/17/2020
TIME: 5:25:03PM

Agency Code: **222** Agency name: **Second Court of Appeals District, Fort Worth**

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	Excp 2022	Excp 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	100.00 %	100.00 %
<u>3</u> Percentage of Cases Pending for Less Than Two Years	100.00 %	100.00 %

OUTPUT MEASURES:

<u>1</u> Number of Civil Cases Disposed	465.00	465.00
<u>2</u> Number of Criminal Cases Disposed	470.00	470.00

EXPLANATORY/INPUT MEASURES:

<u>1</u> Number of Civil Cases Filed	495.00	495.00
<u>2</u> Number of Criminal Cases Filed	565.00	565.00
<u>4</u> Number of Cases Transferred out	125.00	125.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	173,529	173,530
1002 OTHER PERSONNEL COSTS	1,735	1,735
2009 OTHER OPERATING EXPENSE	868	868
Total, Objects of Expense	\$176,132	\$176,133

METHOD OF FINANCING:

1 General Revenue Fund	176,132	176,133
Total, Method of Finance	\$176,132	\$176,133

FULL-TIME EQUIVALENT POSITIONS (FTE):

2.0	2.0
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4.C. Exceptional Items Strategy Request
87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/17/2020
TIME: 5:25:03PM

Agency Code:	222	Agency name:	Second Court of Appeals District, Fort Worth			
GOAL:	1	Appellate Court Operations				
OBJECTIVE:	1	Appellate Court Operations	Service Categories:			
STRATEGY:	1	Appellate Court Operations	Service: 01	Income: A.2	Age: B.3	
CODE	DESCRIPTION			Excp 2022	Excp 2023	

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.

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

DATE: 9/17/2020
TIME: 5:25:03PM

Agency Code: **222** Agency name: **Second Court of Appeals District, Fort Worth**

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	Excp 2022	Excp 2023
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STRATEGY IMPACT ON OUTCOME MEASURES:

1 Clearance Rate	100.00 %	100.00 %
2 Percentage of Cases Under Submission for Less Than One Year	100.00 %	100.00 %
3 Percentage of Cases Pending for Less Than Two Years	100.00 %	100.00 %

Agency Code: 222 Agency: Second Court of Appeals District, Fort Worth

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	\$27,253	26.0 %	0.1%	-25.9%	\$47	\$34,678	
21.1%	Commodities	21.1 %	20.1%	-1.0%	\$4,358	\$21,697	21.1 %	13.0%	-8.1%	\$3,769	\$29,003	
	Total Expenditures		8.9%		\$4,358	\$48,950		6.0%		\$3,816	\$63,681	

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

Attainment:

The court was close to reaching its FY 2018 goal for commodities purchases. Overall, however, the court was unable to attain its HUB procurement goals for FY 2018 and FY 2019. Due to the small size of the court and the nature of its function (judicial services), the court does not make a large amount of purchases during any given fiscal year, and most of the purchases made by the court are small spot purchases using time-efficient, noncompetitive procedures. Therefore, the opportunities for the court to make HUB purchases are limited.

Applicability:

The Heavy Construction, Building Construction, Special Trade Construction, and Professional Services categories were not applicable to the court's operations in either FY 2018 or FY 2019 because the court did not have a capital budget, any strategies related to construction, or any need for professional services.

Factors Affecting Attainment:

Approximately 95% of the court's appropriations is expended on salaries and personnel costs. Sole-source purchases, including highly specialized legal publications purchased directly from the publishers, comprise a large portion of the court's remaining expenditures. Whenever possible and feasible, purchases are carried out through TXSmartBuy, WorkQuest, TCI, and other set-aside contractors. Additionally, the Office of Court Administration performs most of the computer-related purchases for the court.

"Good-Faith" Efforts:

The court made a good-faith effort in both FY 2018 and FY 2019 to increase purchases from HUB vendors. However, there are instances when HUB vendors' products, services, and pricing (including shipping and handling) are more costly than those of non-HUB vendors, especially for the small spot purchases that make up most of the court's expenditures on commodities and services. Under such circumstances, the court chooses the best value as it expends taxpayer dollars. The court will continue to make a good-faith effort to meet or exceed its HUB goals in the coming biennium.

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

DATE: 9/17/2020
TIME: 5:25:04PM

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

Agency code: **222** Agency name: **2nd Ct Appeals, Ft. Worth**

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
OBJECTS OF EXPENSE						
1001	SALARIES AND WAGES	\$0	\$5,374	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$0	\$122	\$0	\$0	\$0
2009	OTHER OPERATING EXPENSE	\$0	\$579	\$0	\$0	\$0
TOTAL, OBJECTS OF EXPENSE		\$0	\$6,075	\$0	\$0	\$0
METHOD OF FINANCING						
1	General Revenue Fund	\$0	\$6,075	\$0	\$0	\$0
	Subtotal, MOF (General Revenue Funds)	\$0	\$6,075	\$0	\$0	\$0
TOTAL, METHOD OF FINANCE		\$0	\$6,075	\$0	\$0	\$0

FULL-TIME-EQUIVALENT POSITIONS

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

Most of the court's COVID expenditures went to paid emergency leave (17.5 hours to one employee in March and 13.5 hours in April). We have also provided paid leave under the Emergency Paid Sick Leave Act (41 hours in April, 19.5 hours in May, 16 hours in June, and 16 hours in July).

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

DATE: 9/17/2020
TIME: 5:25:04PM

Funds Passed through to Local Entities
87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **222** Agency name: **2nd Ct Appeals, Ft. Worth**

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
Funds Passed through to State Agencies
87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/17/2020
TIME: 5:25:04PM

Agency code: **222** Agency name: **2nd Ct Appeals, Ft. Worth**

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
Second Court of Appeals

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2022-23 GAA BILL PATTERN	\$	750,000
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<u>Fund Name</u>		
Estimated Beginning Balance in FY 2020	\$	182,800
Estimated Revenues FY 2020	\$	271,800
Estimated Revenues FY 2021	\$	275,000
FY 2020-21 Total	\$	729,600
Estimated Beginning Balance in FY 2022	\$	200,000
Estimated Revenues FY 2022	\$	275,000
Estimated Revenues FY 2023	\$	275,000
FY 2022-23 Total	\$	750,000
Constitutional or Statutory Creation and Use of Funds:		
As per court order # 65971, Tarrant County established an Appellate Judicial System pursuant to sections 22.201(c) and 22.2031 of the Texas Government Code. A fee of \$5 is set for each non-indigent civil suit filed in each county court, statutory county court, probate court, or district court, except such fees that apply to any suit filed by a county or any suit for delinquent taxes. Management of the system is vested in the Chief Justice of the Second Court of Appeals, and funds received from such fees shall be used and distributed only for the purpose of assisting the Second Court of Appeals.		
Method of Calculation and Revenue Assumptions:		
Revenue assumptions are based on current year collections. The number of civil suits filed determines the actual revenue received. The above annual revenue is reduced by the mandatory salary supplement and payroll-related costs for each Justice, and by county-related overhead costs that must be paid directly from these funds. Additional overhead expenditures that exceed the amount of funds appropriated by the State, due to the underfunded State budget, also reduce the balance of this fund.		