

**LEGISLATIVE APPROPRIATIONS REQUEST
FOR FISCAL YEARS 2018 AND 2019**

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

by

**THE TWELFTH COURT OF APPEALS
Tyler, Texas
August 12, 2016**

Chief Justice James T. Worthen
Justice Brian Hoyle
Justice Greg Neeley

**TWELFTH COURT OF APPEALS (232)
TYLER, TEXAS**

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232 Twelfth Court of Appeals District, Tyler

Texas intermediate appellate courts serve as vital safeguards in the provision of justice. 80 Judges across 14 appellate districts process, review, and decide by written opinion the appeals arising from criminal and civil trial courts across the State. 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 appellate courts need sufficient resources to keep their busy dockets moving and to insure that Texans receive accurate, efficient justice at the appellate level.

To effectively manage these demands, the appellate courts must employ a highly skilled and trained professional workforce - legal and clerical staff who assist the justices of the court in case filing, legal research, and preparation of opinions. The courts face competition with 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.

During the 79th and 80th Legislative Sessions, the fourteen courts of appeals worked together to develop guideline budgets under a collective framework that came to be known as Similar Funding for Same-Sized Courts. This collective approach has streamlined the appellate courts' appropriations process and has seemingly been well received by the Legislature.

In the 81st, 82nd, and 83rd Legislative Sessions, the courts of appeals worked with the Legislature toward meeting their critical personnel needs and fully implementing the guideline budgets. Due to the national economic downturn, the realization of the Similar Funding for Same-Sized Courts initiative proved difficult to fully fund, and these legislatures were able to only partially fund the needs of the courts.

During the 84th Legislative Session, the courts once again sought the funding to implement the Similar Funding for Same-Sized Courts initiative and were appreciative when the Legislature was able to fund the courts' business model. This funding has enhanced the public's access to justice by giving the courts the ability to add and retain vital personnel to process appeals more accurately and efficiently.

The courts of appeals are grateful that the 84th Legislature recognized the need and importance of this funding. While the hope had been to not make an exceptional item request in the FY 2018-19 appropriation process, we must respectfully seek relief via exceptional item from the recent leadership request that all state agencies cut their budgets by 4%, as such a cut would pose a major setback to the courts and directly affect their ability to efficiently handle the State's appellate docket.

Exceptional Item #1: Restore the 4% Budget Cut

The intermediate appellate courts' only collective exceptional item would restore leadership's 4% proposed budget reduction to the courts' appropriations for FY 2018-19. In the 84th Session, legislative leadership recognized the need, even in tough economic times, for the courts of appeals to be able to attract and retain qualified attorneys and to provide adequate levels of staffing for vital court functions. Appellate work requires attorneys with specialized knowledge to analyze cases on appeal, assist with court opinions, and facilitate the processing of appeals to conclusion. The courts need attorneys with strong academics, analytical skills, and professional experience. The ability to attract and retain experienced lawyers play a vital role in the courts' ability to fulfill their core function of timely processing and disposing of appeals while maintaining the high quality of justice to which the citizens of Texas are entitled.

The courts' budgets predominantly go toward salaries, thus a 4% reduction to the courts' budgets would likely reduce staffing and directly impact productivity for nearly all of the appellate courts. Further, a 4% cut would in effect have an even greater impact on the courts' support personnel budgets, given that the judicial salary portion

232 Twelfth Court of Appeals District, Tyler

of the courts' budgets are statutorily fixed. With significant percentages of each Court's budget dedicated to staffing, the courts do not have discretionary funds to absorb a 4% reduction without cutting integral staff.

A reduction in staffing will very likely result in (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 during the biennium. We estimate the courts' clearance rate would fall and that the number of cases pending longer than projected would rise as a direct result of the proposed 4% cut.

RIDER REQUESTS:

The courts also request the following with regard to the across-the-board riders found in Article IV (p. IV-41):

- 1) Retain Article IV rider, Sec 4, Appellate Court Exemptions
- 2) Retain Article IV rider, Sec 6, Interagency Contracts for Assigned Judges for Appellate Courts.
- 3) Retain Article IV rider, Sec 7, 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.

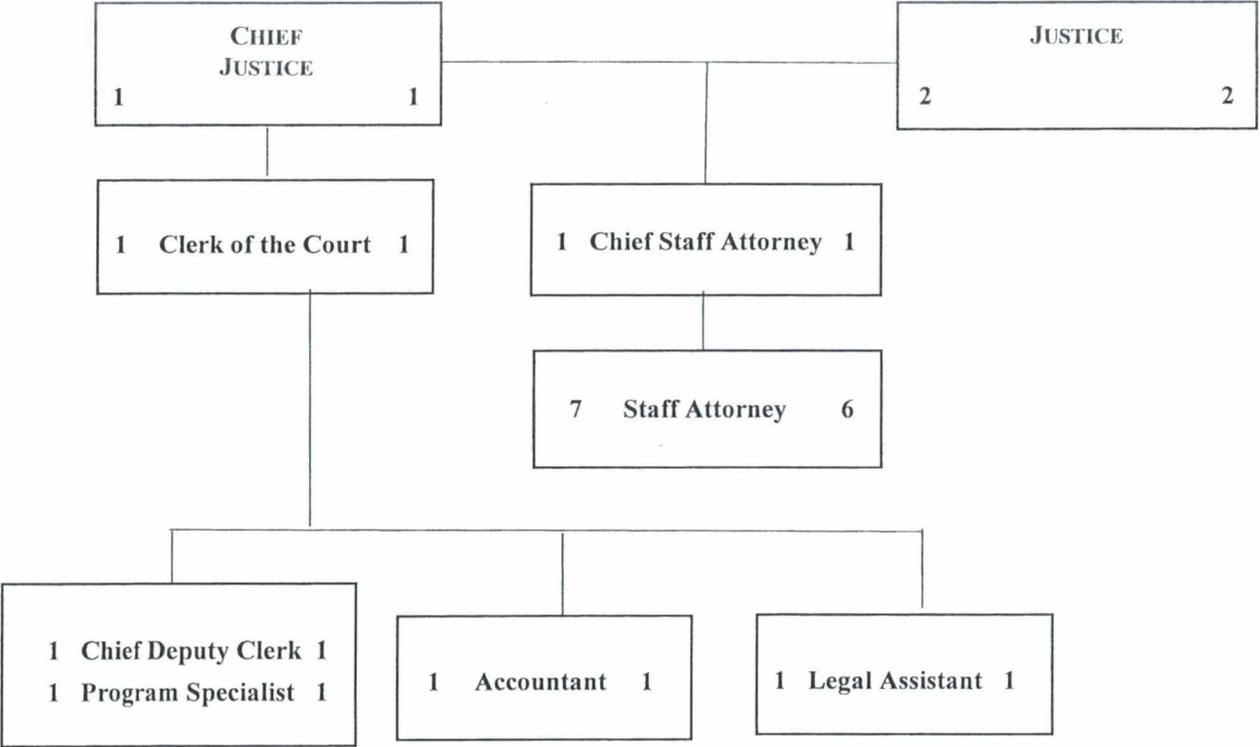
ADDITIONAL STATEMENTS OF SUPPORT:

The courts of appeals have been able to streamline operations by utilizing many services consolidated through the Office of Court Administration. As such, the courts wish to express support for exceptional item number 1 put forth by the Office of Court Administration. If the OCA's request is not fully funded for the 2018-19 biennium, the individual appellate courts would need additional funds to compensate for the services OCA now provides. For example, rather than each court maintaining its own separate technology support network, the courts rely on consolidated technology services provided by OCA.

Finally, the courts of appeals wish to express appreciation to and support for the Judicial Compensation Commission and the Legislature's efforts to strengthen the justice system by increasing judicial salaries to attract and retain a strong judiciary. The courts stand ready to work with the Legislature and provide any information that may be helpful to this, and any other aspect, of the budgeting process.

Note: on Appropriated Receipts – At the direction of the LBB & Governor's Office, this Court has included appropriated receipts in the amount of \$4,000.00 reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the Court and do not constitute additional funds available for general expenditures for the Court. The amount can vary significantly from year to year.

**TWELFTH COURT OF APPEALS (232)
 TYLER, TEXAS
 ORGANIZATIONAL CHART
 AUGUST 12, 2016**



Please Note: The number to the left of each position represents the number of approved positions in 2016-2017.
 The number to the right of each position is the represents the budgeted positions for the 2018-2019 biennium.



CERTIFICATE

TWELFTH COURT OF APPEALS (232)
TYLER, TEXAS

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 of Budget, Planning and Policy (GOBPP) 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 (2016-17 GAA).

Chief Justice

Clerk of Court

James T. Worthen
Signature

Pam Estes
Signature

James T. Worthen
Chief Justice
August 12, 2016

Pam Estes
Clerk of Court
August 12, 2016

Budget Overview - Biennial Amounts
85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

232 Twelfth Court of Appeals District, Tyler
Appropriation Years: 2018-19

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS
	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2018-19
	Goal: 1. Appellate Court Operations										
1.1.1. Appellate Court Operations	2,939,253	2,998,323					194,900	192,900	3,134,153	3,191,223	124,930
Total, Goal	2,939,253	2,998,323					194,900	192,900	3,134,153	3,191,223	124,930
Total, Agency	2,939,253	2,998,323					194,900	192,900	3,134,153	3,191,223	124,930
Total FTEs									16.0	15.0	1.0

232 Twelfth Court of Appeals District, Tvlr

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>1</u> Appellate Court Operations					
<u>1</u> Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	1,773,030	1,526,183	1,607,970	1,595,612	1,595,611
TOTAL, GOAL 1	\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611
TOTAL, AGENCY STRATEGY REQUEST	\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611

2.A. Summary of Base Request by Strategy

8/9/2016 4:03:56PM

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

232 Twelfth Court of Appeals District, Tvlr

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	1,671,664	1,428,733	1,510,520	1,499,162	1,499,161
SUBTOTAL	\$1,671,664	\$1,428,733	\$1,510,520	\$1,499,162	\$1,499,161
Other Funds:					
573 Judicial Fund	92,450	92,450	92,450	92,450	92,450
666 Appropriated Receipts	8,916	5,000	5,000	4,000	4,000
SUBTOTAL	\$101,366	\$97,450	\$97,450	\$96,450	\$96,450
TOTAL, METHOD OF FINANCING	\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611

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

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 4:04:19PM

Agency code: 232 Agency name: Twelfth Court of Appeals District, Tyler

METHOD OF FINANCING Exp 2015 Est 2016 Bud 2017 Req 2018 Req 2019

GENERAL REVENUE

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2014-15 GAA)

\$1,381,631 \$0 \$0 \$0 \$0

Regular Appropriations from MOF Table (2016-17 GAA)

\$0 \$1,541,684 \$1,541,683 \$0 \$0

Regular Appropriations from MOF Table (2018-19 GAA)

\$0 \$0 \$0 \$1,499,162 \$1,499,161

TRANSFERS

Art IX, Sec 17.06 Salary Increase for General State Employees (2014-15 GAA)

\$121,076 \$0 \$0 \$0 \$0

Section 11, Article IV Special Provisions, Appropriation for Judicial Compensation (2014-2015 GA)

\$49,500 \$0 \$0 \$0 \$0

Art IX, Sec 18.02, Salary Increase for General State Employees (2016-17)

\$0 \$21,049 \$18,837 \$0 \$0

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 4:04:19PM

Agency code: 232		Agency name: Twelfth Court of Appeals District, Tyler				
METHOD OF FINANCING		Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>GENERAL REVENUE</u>						
	Art IX, Sec 17.06 Salary Increase for General State Employees (2014-15 GAA)	\$(36,422)	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>						
	Return of AY 2014-15 Salary Increase Appropriation Fund (Art IX, Sec 17.06)	\$0	\$(134,000)	\$(50,000)	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>						
	Strategy A.1.1 Appellate Court Operations (2014-2015 GAA)	\$155,879	\$0	\$0	\$0	\$0
TOTAL,	General Revenue Fund	\$1,671,664	\$1,428,733	\$1,510,520	\$1,499,162	\$1,499,161
TOTAL, ALL	GENERAL REVENUE	\$1,671,664	\$1,428,733	\$1,510,520	\$1,499,162	\$1,499,161

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2014-15 GAA)

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version I
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 4:04:19PM

Agency code: 232		Agency name: Twelfth Court of Appeals District, Tyler				
METHOD OF FINANCING		Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>OTHER FUNDS</u>						
		\$92,450	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2016-17 GAA)	\$0	\$92,450	\$92,450	\$0	\$0
	Regular Appropriations from MOF Table (2018-19 GAA)	\$0	\$0	\$0	\$92,450	\$92,450
TOTAL,	Judicial Fund No. 573	\$92,450	\$92,450	\$92,450	\$92,450	\$92,450
<u>666</u>	Appropriated Receipts					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2014-15 GAA)	\$3,500	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2016-17 GAA)	\$0	\$7,000	\$7,000	\$0	\$0
	Regular Appropriations from MOF Table (2018-19 GAA)	\$0	\$0	\$0	\$4,000	\$4,000

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 4:04:19PM

Agency code: 232		Agency name: Twelfth Court of Appeals District, Tyler				
METHOD OF FINANCING		Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>OTHER FUNDS</u>						
<i>RIDER APPROPRIATION</i>						
	Art IX, Sec 8.03, Reimbursements and Payments (2014-15 GAA)	\$5,416	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>						
	Lapsed Appropriations (2016-17)	\$0	\$(2,000)	\$(2,000)	\$0	\$0
TOTAL,	Appropriated Receipts	\$8,916	\$5,000	\$5,000	\$4,000	\$4,000
TOTAL, ALL	OTHER FUNDS	\$101,366	\$97,450	\$97,450	\$96,450	\$96,450
GRAND TOTAL		\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 4:04:19PM

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
Agency code: 232 Agency name: Twelfth Court of Appeals District, Tyler					
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2014-15 GAA)	15.5	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2016-17 GAA)	0.0	16.5	16.5	0.0	0.0
Regular Appropriations from MOF Table (2018-19 GAA)	0.0	0.0	0.0	15.0	15.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Unauthorized Number Over (Below) Cap	(0.2)	(1.0)	(0.5)	0.0	0.0
TOTAL, ADJUSTED FTES	15.3	15.5	16.0	15.0	15.0

NUMBER OF 100% FEDERALLY FUNDED FTES

2.C. Summary of Base Request by Object of Expense
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/9/2016 4:04:37PM

232 Twelfth Court of Appeals District, Tyler

OBJECT OF EXPENSE	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1001 SALARIES AND WAGES	\$1,412,887	\$1,470,868	\$1,568,150	\$1,519,424	\$1,519,423
1002 OTHER PERSONNEL COSTS	\$254,896	\$33,408	\$23,800	\$28,600	\$29,200
2001 PROFESSIONAL FEES AND SERVICES	\$2,407	\$0	\$0	\$0	\$0
2003 CONSUMABLE SUPPLIES	\$6,021	\$840	\$250	\$5,500	\$5,500
2004 UTILITIES	\$4,967	\$482	\$300	\$5,000	\$5,000
2005 TRAVEL	\$11,380	\$843	\$400	\$2,000	\$2,000
2007 RENT - MACHINE AND OTHER	\$5,725	\$98	\$100	\$6,000	\$6,000
2009 OTHER OPERATING EXPENSE	\$74,747	\$19,644	\$14,970	\$29,088	\$28,488
OOE Total (Excluding Riders)	\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611
OOE Total (Riders)					
Grand Total	\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611

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

Date: 8/9/2016
Time: 4:09:30PM

85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 232 Agency: Twelfth Court of Appeals District, Tyler

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

Code	Type of Expense	Expended 2015	Estimated 2016	Budgeted 2017	Requested 2018	Requested 2019
2	Postage	\$2,000	\$0	\$0	\$250	\$250
5	Westlaw/Lexis	15,735	0	0	1,700	1,700
6	Registrations/Training	3,145	0	0	800	800
7	Subscriptions/Periodicals	15,192	829	0	9,000	9,000
51	Other Operating Expenses	22,983	2,973	0	1,088	788
64	SORM Assessment	2,029	1,572	1,350	1,300	1,300
187	1% salary benefits fee	13,663	14,270	13,620	14,950	14,950
	Total, Operating Costs	\$74,747	\$19,644	\$14,970	\$29,088	\$28,788

2.D. Summary of Base Request Objective Outcomes
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

8/9/2016 4:04:57PM

232 Twelfth Court of Appeals District, Tyler

<i>Goal/ Objective / Outcome</i>	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate	101.07%	100.00%	100.00%	95.00%	95.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year	100.00%	100.00%	100.00%	98.00%	98.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years	100.00%	100.00%	100.00%	98.00%	98.00%

2.E. Summary of Exceptional Items Request
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/9/2016
 TIME : 4:05:16PM

Agency code: 232

Agency name: Twelfth Court of Appeals District, Tyler

Priority	Item	2018			2019			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Restore 4% Budget Cut	\$62,465	\$62,465	1.0	\$62,465	\$62,465	1.0	\$124,930	\$124,930
Total, Exceptional Items Request		\$62,465	\$62,465	1.0	\$62,465	\$62,465	1.0	\$124,930	\$124,930

Method of Financing

General Revenue	\$62,465	\$62,465		\$62,465	\$62,465		\$124,930	\$124,930
General Revenue - Dedicated								
Federal Funds								
Other Funds								
	\$62,465	\$62,465		\$62,465	\$62,465		\$124,930	\$124,930

Full Time Equivalent Positions

1.0

1.0

Number of 100% Federally Funded FTEs

2.F. Summary of Total Request by Strategy
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/9/2016
 TIME : 4:05:38PM

Agency code: 232	Agency name: Twelfth Court of Appeals District, Tyler					
<i>Goal/Objective/STRATEGY</i>	Base 2018	Base 2019	Exceptional 2018	Exceptional 2019	Total Request 2018	Total Request 2019
1 Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$1,595,612	\$1,595,611	\$62,465	\$62,465	\$1,658,077	\$1,658,076
TOTAL, GOAL 1	\$1,595,612	\$1,595,611	\$62,465	\$62,465	\$1,658,077	\$1,658,076
TOTAL, AGENCY STRATEGY REQUEST	\$1,595,612	\$1,595,611	\$62,465	\$62,465	\$1,658,077	\$1,658,076
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$1,595,612	\$1,595,611	\$62,465	\$62,465	\$1,658,077	\$1,658,076

2.F. Summary of Total Request by Strategy
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/9/2016
 TIME : 4:05:38PM

Agency code: 232		Agency name: Twelfth Court of Appeals District, Tyler				
Goal/Objective/STRATEGY	Base 2018	Base 2019	Exceptional 2018	Exceptional 2019	Total Request 2018	Total Request 2019
General Revenue Funds:						
1 General Revenue Fund	\$1,499,162	\$1,499,161	\$62,465	\$62,465	\$1,561,627	\$1,561,626
	\$1,499,162	\$1,499,161	\$62,465	\$62,465	\$1,561,627	\$1,561,626
Other Funds:						
573 Judicial Fund	92,450	92,450	0	0	92,450	92,450
666 Appropriated Receipts	4,000	4,000	0	0	4,000	4,000
	\$96,450	\$96,450	\$0	\$0	\$96,450	\$96,450
TOTAL, METHOD OF FINANCING	\$1,595,612	\$1,595,611	\$62,465	\$62,465	\$1,658,077	\$1,658,076
FULL TIME EQUIVALENT POSITIONS	15.0	15.0	1.0	1.0	16.0	16.0

2.G. Summary of Total Request Objective Outcomes
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/9/2016
 Time: 4:05:56PM

Agency code: 232 Agency name: Twelfth Court of Appeals District, Tyler

Goal/ Objective / Outcome

	BL 2018	BL 2019	Excp 2018	Excp 2019	Total Request 2018	Total Request 2019
1 Appellate Court Operations						
1 Appellate Court Operations						
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						
	98.00%	98.00%	100.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years						
	98.00%	98.00%	100.00%	100.00%	100.00%	100.00%

232 Twelfth Court of Appeals District, Tyler

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 2015	Est 2016	Bud 2017	BL 2018	BL 2019
Output Measures:						
1	Number of Civil Cases Disposed	113.00	137.00	133.00	132.00	132.00
2	Number of Criminal Cases Disposed	236.00	238.00	252.00	233.00	233.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	122.00	125.00	140.00	140.00	140.00
2	Number of Criminal Cases Filed	223.00	213.00	245.00	245.00	245.00
3	Number of Cases Transferred in	0.00	38.00	0.00	0.00	0.00
4	Number of Cases Transferred out	1.00	1.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,412,887	\$1,470,868	\$1,568,150	\$1,519,424	\$1,519,423
1002	OTHER PERSONNEL COSTS	\$254,896	\$33,408	\$23,800	\$28,600	\$29,200
2001	PROFESSIONAL FEES AND SERVICES	\$2,407	\$0	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$6,021	\$840	\$250	\$5,500	\$5,500
2004	UTILITIES	\$4,967	\$482	\$300	\$5,000	\$5,000
2005	TRAVEL	\$11,380	\$843	\$400	\$2,000	\$2,000
2007	RENT - MACHINE AND OTHER	\$5,725	\$98	\$100	\$6,000	\$6,000
2009	OTHER OPERATING EXPENSE	\$74,747	\$19,644	\$14,970	\$29,088	\$28,488

232 Twelfth Court of Appeals District, Tyler

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 2015	Est 2016	Bud 2017	BL 2018	BL 2019
TOTAL, OBJECT OF EXPENSE		\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611
Method of Financing:						
1	General Revenue Fund	\$1,671,664	\$1,428,733	\$1,510,520	\$1,499,162	\$1,499,161
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,671,664	\$1,428,733	\$1,510,520	\$1,499,162	\$1,499,161
Method of Financing:						
573	Judicial Fund	\$92,450	\$92,450	\$92,450	\$92,450	\$92,450
666	Appropriated Receipts	\$8,916	\$5,000	\$5,000	\$4,000	\$4,000
SUBTOTAL, MOF (OTHER FUNDS)		\$101,366	\$97,450	\$97,450	\$96,450	\$96,450
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,595,612	\$1,595,611
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611
FULL TIME EQUIVALENT POSITIONS:		15.3	15.5	16.0	15.0	15.0
STRATEGY DESCRIPTION AND JUSTIFICATION:						

232 Twelfth Court of Appeals District, Tyler

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 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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The Twelfth Court of Appeals was created in 1963 by an Act of the 58th Legislature, H.B. 68. The Court has intermediate appellate jurisdiction in civil cases in which the judgment rendered exceeds \$100, exclusive of costs, and other civil proceedings as provided by law, and in criminal cases, except in post-conviction writs of habeas corpus and where the death penalty has been imposed. The Court has jurisdiction over seventeen (17) counties.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The Twelfth Court of Appeals is a constitutional state entity comprised of three elected justices assisted by a highly specialized and well-trained staff of full time employees. The Court must be able to carry out its constitutional and statutory responsibilities to appropriately serve the people in our 17-county jurisdiction in an effective and efficient manner. To do this, the Court must be able to attract and retain knowledgeable, highly trained, and professional staff members in both legal and non-legal positions. Analyzing cases on appeal from a court's perspective and assisting with court opinions are skills which take time to develop. Loss of experienced staff members, especially staff attorneys, creates difficulties in the timely processing of and disposing of appeals. New attorneys, even if experienced, take precious time to develop the skills required of staff attorneys doing appellate work. Our cases have become more complex, as generally, easier cases do not reach us because they have been resolved through alternative dispute resolution. Experienced, qualified staff attorneys are essential for effective analysis and briefing of complex issues, as well as for assistance in legal research and drafting opinions. This ability to attract and retain experienced appellate attorneys play a vital role in the Courts' ability to fulfill their core function of timely processing and disposing of appeals while maintaining the high quality of justice to which the citizens of Texas are entitled.

232 Twelfth Court of Appeals District, Tyler

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 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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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 2016 + Bud 2017)	Baseline Request (BL 2018 + BL 2019)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$3,134,153	\$3,191,223	\$57,070	\$57,070	For 2016-17 Biennium, the Court had open positions from employees leaving that were not immediately filled.
			\$57,070	Total of Explanation of Biennial Change

3.A. Strategy Request
85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

8/10/2016 2:51:47PM

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611
METHODS OF FINANCE (INCLUDING RIDERS):				\$1,595,612	\$1,595,611
METHODS OF FINANCE (EXCLUDING RIDERS):	\$1,773,030	\$1,526,183	\$1,607,970	\$1,595,612	\$1,595,611
FULL TIME EQUIVALENT POSITIONS:	15.3	15.5	16.0	15.0	15.0

3.B. Rider Revisions and Additions Request

Agency Code: 232	Agency Name: 12 th Court of Appeals	Prepared By: Pam Estes	Date: August 12, 2016	Request Level: Baseline
Current Rider Number	Page Number in 2016-17 GAA	Proposed Rider Language		
4	IV-41	<p>Appellate Court Exemptions. The following provisions of Article IX of this Act do not apply to the appellate courts:</p> <ul style="list-style-type: none"> a. Article IX, § 6.10, Limitation on State Employment Levels b. Article IX, § 6.13, Performance Rewards and Penalties c. Article IX, §14.03, Limit on Expenditures - Capital Budget <p><i>Request continuation of this rider.</i></p>		
6	IV-41	<p>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 2016 <u>2018</u> and 2017 <u>2019</u>, 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.</p> <p><i>Request continuation of this rider. Change years to reflect the new biennium.</i></p>		
7	IV-41	<p>Appellate Court Transfer Authority. The Chief Justice of the Supreme Court of Texas, the Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices is authorized to transfer funds between appellate courts, notwithstanding any other provision in this Act and subject to prior approval of any transfer of funds by the Legislative Budget Board and the Governor. Any such transfer shall be made for the purpose of efficient and effective appellate court operations and management of court caseloads.</p> <p><i>Request continuation of this rider.</i></p>		

4.A. Exceptional Item Request Schedule
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/10/2016
 TIME: 1:57:18PM

Agency code: 232

Agency name:

Twelfth Court of Appeals District, Tyler

CODE	DESCRIPTION	Excp 2018	Excp 2019
	Item Name: Restore 4% Budget Cut to Maintain Similar Funding of Same-Size Courts		
	Item Priority: 1		
	IT Component: No		
	Anticipated Out-year Costs: Yes		
	Involve Contracts > \$50,000: No		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		

OBJECTS OF EXPENSE:

1001	SALARIES AND WAGES	62,465	62,465
	TOTAL, OBJECT OF EXPENSE	\$62,465	\$62,465

METHOD OF FINANCING:

1	General Revenue Fund	62,465	62,465
	TOTAL, METHOD OF FINANCING	\$62,465	\$62,465

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.00	1.00
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DESCRIPTION / JUSTIFICATION:

The 84th Legislature funded the Similar Funding for Same-Sized Courts initiative to meet the challenges in recruiting and retaining highly specialized legal and non-legal staff and to meet the increasing demands of achieving its performance measures. This funding has enhanced the public's access to justice by giving the courts the ability to add and retain vital personnel to process appeals more accurately and efficiently. The Court respectfully requests this 4% reduction to be restored in order to proportional fund the 12th Court of Appeals in relation to similar-sized appellate courts. Funding of this item will allow the court to recruit and retain well qualified professional staff, which is a major factor in the court's ability to fulfill its core function of timely processing and disposing of appeals while maintaining the quality of justice to which the citizens of Texas are entitled.

EXTERNAL/INTERNAL FACTORS:

The Court budget predominantly goes toward salaries, thus a 4% reduction would reduce staffing and directly impact productivity for the Court. This 4% budget cut has a greater effect on the Court's salary budget especially since the judicial salary budget portion is statutorily fixed.

Appellate work requires specialized knowledge with the ability to analyze cases on appeal, assist with court opinions, and facilitate the processing of appeals to conclusion. This requires personnel that possess the requisite skills that can be obtained only through professional experience. Generally, law clerks do not possess the skills necessary to maximize efforts to assist the court in its workload. In addition, entry level support staff lack the requisite skills to fully support the court in its workload. A reduction in staffing will result in (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 during the biennium.

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

The exceptional item is to restore funding for one staff attorney that was eliminated as a result of the requested 4% budget cut. The out-year costs is the salary needed to

4.A. Exceptional Item Request Schedule
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/10/2016
 TIME: 1:57:18PM

Agency code: 232

Agency name:
Twelfth Court of Appeals District, Tyler

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2018</u>	<u>Excp 2019</u>
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continue this position and restore funding to the FY2016 & FY2017 for staff attorneys.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

<u>2020</u>	<u>2021</u>	<u>2022</u>
\$62,465	\$62,465	\$62,465

Agency code: 232 Agency name: Twelfth Court of Appeals District, Tyler

Code	Description	Excp 2018	Excp 2019
Item Name: Restore 4% Budget Cut to Maintain Similar Funding of Same-Size Courts			
Allocation to Strategy: 1-1-1 Appellate Court Operations			
STRATEGY IMPACT ON OUTCOME MEASURES:			
<u>1</u>	Clearance Rate	100.00%	100.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	100.00%	100.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	100.00%	100.00%
OUTPUT MEASURES:			
<u>1</u>	Number of Civil Cases Disposed	8.00	8.00
<u>2</u>	Number of Criminal Cases Disposed	12.00	12.00
EXPLANATORY/INPUT MEASURES:			
<u>1</u>	Number of Civil Cases Filed	140.00	140.00
<u>2</u>	Number of Criminal Cases Filed	245.00	245.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	62,465	62,465
TOTAL, OBJECT OF EXPENSE		\$62,465	\$62,465
METHOD OF FINANCING:			
1	General Revenue Fund	62,465	62,465
TOTAL, METHOD OF FINANCING		\$62,465	\$62,465
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

4.C. Exceptional Items Strategy Request
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/9/2016
 TIME: 4:07:08PM

Agency Code: 232 Agency name: Twelfth Court of Appeals District, Tyler

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 2018	Excp 2019
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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	8.00	8.00
<u>2</u> Number of Criminal Cases Disposed	12.00	12.00

EXPLANATORY/INPUT MEASURES:

<u>1</u> Number of Civil Cases Filed	140.00	140.00
<u>2</u> Number of Criminal Cases Filed	245.00	245.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	62,465	62,465
Total, Objects of Expense	\$62,465	\$62,465

METHOD OF FINANCING:

1 General Revenue Fund	62,465	62,465
Total, Method of Finance	\$62,465	\$62,465

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.0	1.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Restoration of 4% Reduction to Maintain Similar Funding of Same Size Courts

6.A. Historically Underutilized Business Supporting Schedule
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/10/2016
 Time: 9:16:54AM

Agency Code: 232 Agency: Twelfth Court of Appeals District, Tyler

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2014 - 2015 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2014			Total Expenditures FY 2014		HUB Expenditures FY 2015			Total Expenditures FY 2015	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	% Goal	% Actual	Diff
11.2%	Heavy Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
21.1%	Building Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
32.9%	Special Trade	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
23.7%	Professional Services	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
26.0%	Other Services	0.0 %	0.0%	0.0%	\$0	\$7,487	0.0 %	0.0%	0.0%	\$0	\$15,734	
21.1%	Commodities	0.0 %	32.8%	32.8%	\$2,357	\$7,193	0.0 %	48.1%	48.1%	\$5,653	\$11,746	
	Total Expenditures		16.1%		\$2,357	\$14,680		20.6%		\$5,653	\$27,480	

B. Assessment of Fiscal Year 2014 - 2015 Efforts to Meet HUB Procurement Goals

Attainment:

The Court exceeded the statewide HUB procurement goal for commodities purchasing by 11.7% in FY2014 and by 27% in FY2015. The Court is an active participant in utilizing HUB vendors whenever possible.

Applicability:

Although, pursuant to Texas Government Code Title 10, Section 2056.001, the judicial branch of state government is exempt from making a strategic plan, this court has always made a dedicated effort to purchase from HUB vendors whenever feasible, as well as fiscally responsibility, to do so. Note: The only two applicable categories of purchasing for the court are "other services" and "commodities". In regard to "other services" as it pertains to court purchases, nearly all such vendors are sole-source and non-HUB, making it extremely difficult to attain even a small percentage under this category.

Factors Affecting Attainment:

It is our goal to utilize state appropriations in the most efficient manner possible to the benefit of the Court and to the citizens of this state. HUB vendor products and services are not always the most cost efficient and a large portion of court purchases are sole –source, such as law books and legal research tools and resources where there are no HUB vendors available. Unnecessary spending would have to be incurred in order to meet all adjusted HUB goals in every category listed.

"Good-Faith" Efforts:

This Court continues to make a sincere good faith effort in giving HUB vendors preference and in attempting to increase HUB participation opportunities. When it is not possible to purchase commodities from a HUB vendor, the resource we attempt to utilize are the state's term contracts and state-preferred vendors.

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

Agency Name

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2018–19 GAA BILL PATTERN	\$	173,000
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<u>Fund Name</u>		
Estimated Beginning Balance in FY 2016	\$	71,708
Estimated Revenues FY 2016	\$	70,117
Estimated Revenues FY 2017	\$	66,000
FY-2016–17 Total	\$	207,825
Estimated Beginning Balance in FY 2018	\$	45,000
Estimated Revenues FY 2018	\$	64,000
Estimated Revenues FY 2019	\$	64,000
FY 2018–19 Total	\$	173,000
Constitutional or Statutory Creation and Use of Funds:		
<div style="border: 1px solid black; padding: 5px;"> Section 22.2131 of the Texas Government Code provides that “the commissioners court of each county in the Twelfth Court of Appeals District, by order entered in its minutes, shall establish an appellate judicial system to assist the court of appeals for the county in the processing of appeals filed with the court of appeals from the county courts, statutory county courts, probate courts, and district courts.” These funds shall be used to “establish and maintain a fund system to assist the Twelfth Court of Appeals District and any other court of appeals district that has an appellate judicial system in the county. The fund may not be used for any other purpose. ” Added by Acts 2009, 81st Leg., R.S., Ch. 50, Sec. 1, eff. September 1, 2009. Collections implemented at the county level on January 1, 2010. </div>		
Method of Calculation and Revenue Assumptions:		
<div style="border: 1px solid black; padding: 5px;"> In accordance with the above referenced statute, the District and County Clerks of the various courts in the counties that compose the Twelfth Court of Appeals District are to collect and remit a \$5 filing fee on each civil suit filed in a county court, county court-at-law, probate court, or district court. </div>		

6.I. Percent Biennial Base Reduction Options
10 % REDUCTION
85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/10/2016
Time: 9:22:08AM

Agency code: 232 Agency name: Twelfth Court of Appeals District, Tyler

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2018	2019	Biennial Total	2018	2019	Biennial Total	
1 General Revenue Fund							
Category: Programs - Service Reductions (FTEs-Layoffs)							
Item Comment: Approximately 98% of the Court's funding is dedicated to salaries and related payroll costs. The only way the Court can achieve a 10% or even 5% reduction in appropriations will be to lay off staff attorneys. A reduction in funding will devastate the Court's ability to fulfill its mission of providing timely review of civil and criminal cases from the citizens in seventeen counties, resulting in delays and irretrievable losses, both personal and financial for the litigants who present their cases each year to this Court. Inevitably, a reduction will adversely affect the clearance rates, contributing to a significant backlog in case dispositions, and clog the Court's docket with pending cases. Any reduction in this court's staff is merely not just a matter of putting a few employees out of work, it will cause a delay in deciding cases for Texas citizens. Texas citizens have concluded that "justice delayed is justice denied."							
Therefore, respectfully, the Court requests funding at a level sufficient to carry out its statutory responsibilities in an efficient and effective manner.							
Strategy: 1-1-1 Appellate Court Operations							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$141,084	\$141,084	\$282,168	
General Revenue Funds Total	\$0	\$0	\$0	\$141,084	\$141,084	\$282,168	
Item Total	\$0	\$0	\$0	\$141,084	\$141,084	\$282,168	
FTE Reductions (From FY 2018 and FY 2019 Base Request)				2.0	2.0		
AGENCY TOTALS							
General Revenue Total				\$141,084	\$141,084	\$282,168	\$282,168
Agency Grand Total	\$0	\$0	\$0	\$141,084	\$141,084	\$282,168	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2018 and FY 2019 Base Request)				2.0	2.0		

Agency code: 232

Agency name: Twelfth Court of Appeals District, Tyler

Strategy	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$157,950	\$148,650	\$162,650	\$162,650	\$162,650
1002 OTHER PERSONNEL COSTS	710	665	740	740	740
2005 TRAVEL	0	0	400	750	750
2009 OTHER OPERATING EXPENSE	1,580	1,490	1,630	1,630	1,630
Total, Objects of Expense	\$160,240	\$150,805	\$165,420	\$165,770	\$165,770
METHOD OF FINANCING:					
1 General Revenue Fund	160,240	150,805	165,420	165,770	165,770
Total, Method of Financing	\$160,240	\$150,805	\$165,420	\$165,770	\$165,770
FULL-TIME-EQUIVALENT POSITIONS (FTE):	1.9	1.9	1.9	1.9	1.9

DESCRIPTION

The administrative and support costs in this strategy are related to the percentage of salaries and related operating costs of the court personnel performing administrative functions.

Agency code: 232

Agency name: Twelfth Court of Appeals District, Tyler

	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$157,950	\$148,650	\$162,650	\$162,650	\$162,650
1002 OTHER PERSONNEL COSTS	\$710	\$665	\$740	\$740	\$740
2005 TRAVEL	\$0	\$0	\$400	\$750	\$750
2009 OTHER OPERATING EXPENSE	\$1,580	\$1,490	\$1,630	\$1,630	\$1,630
Total, Objects of Expense	\$160,240	\$150,805	\$165,420	\$165,770	\$165,770
Method of Financing					
1 General Revenue Fund	\$160,240	\$150,805	\$165,420	\$165,770	\$165,770
Total, Method of Financing	\$160,240	\$150,805	\$165,420	\$165,770	\$165,770
Full-Time-Equivalent Positions (FTE)	1.9	1.9	1.9	1.9	1.9