

LEGISLATIVE APPROPRIATIONS REQUEST

For Fiscal Years 2016 and 2017

Submitted to the
Governor's Office of Budget, Planning and Policy
and the Legislative Budget Board

by

***COURT OF APPEALS, NINTH DISTRICT
BEAUMONT, TEXAS***

Chief Justice Steve McKeithen

Justice Charles Kreger

Justice Hollis Horton

Justice Leanne Johnson

***Prepared by Carol Anne Harley
Clerk of the Court***

August 4, 2014

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Administrator's Statement

7/28/2014 2:21:46PM

84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

229 Ninth Court of Appeals District, Beaumont

The core function of Texas intermediate appellate courts is to process, review, and decide by written opinion or order appeals from criminal and civil trial courts. Since 2004, the yearly average of new appeals filed in the State of Texas is 10,086. This long term trend of new case filings in concert with an ever increasing number of cases eligible for expedited review clearly demonstrates that the workload within the appellate courts is significant. In order to effectively manage the demands being placed on the appellate courts, the courts must employ a highly skilled and trained professional workforce, including appellate court lawyers and clerical staff, who assist the justices of the court in disposing of cases and researching and writing opinions. This is critical to the court's ability to resolve these legal disputes and dispose of these appeals. The ability to maintain this highly skilled workforce in concert with handling an increase in case filings has been challenged in recent years.

The courts of appeal initiated steps to address this issue during the 79th and 80th Legislative Sessions, by collectively developing funding requests that sought necessary resources to similarly fund same-size appellate courts to: 1) create a career ladder for staff attorneys that would allow for the recruitment and retention of qualified attorneys; 2) reclassify the majority of law clerks as permanent staff attorneys; and 3) make salary adjustments for some non-legal staff to appropriately reflect levels of responsibility.

Going into the 81st Legislative Session, the courts updated the funding requests to continue the same-size court initiative of implementing a career ladder for attorneys by more closely matching court attorney salaries to attorney salaries in state agencies and county government; adding one or more permanent staff attorneys; and making appropriate salary adjustments for non-legal staff to reflect increasing levels of responsibility. The Legislature provided a portion of the requested funding, including attorney salaries (capped at a lower amount than requested) and an additional staff attorney position for most courts; however, the partial funding was provided in FY 2011 only. In the interim, as part of state leadership's directive to cut budgets in the face of the national economic downturn, the approved funding was reduced further, such that the courts were able to provide only some staff attorney salary adjustments, but not all courts were able to hire additional staff attorneys.

During the 82nd Legislative Session, the courts of appeal again expressed a critical need to continue working toward full implementation of similar funding for same size courts. However, the courts collectively decided not to pursue the needed resources due to the continuing economic challenges in Texas. The courts decided to only ask the Legislature not to reduce budgets for FY 2012-13. Despite these efforts, the economic downturn resulted in the courts' budgets being cut approximately 6% from levels appropriated in FY 2011.

The state leadership's directive to cut budgets during the 82nd Legislative Session, coupled with a legislative mandate to expedite the processing of parental termination cases and an increased number of case filings, imposed significant pressures on the courts' ability to meet performance objectives and dispose of cases in a timely manner.

In the 83rd Legislative Session, with the improving economy, the courts once again sought the funding necessary to enable the courts to meet their performance objectives and process appeals in a timely manner. The courts requested the funds necessary to fully implement the similar funding for same-sized courts initiative. For FY 2014-15, the Legislature provided half of the funding requested by the courts.

It is critical for the courts of appeals to continue working toward full implementation of the funding requests made in the 83rd Legislative Session. Funding the remaining half of the amount requested in the 83rd Legislative Session will assist the public's access to justice as the courts continue to meet the increasing demands being placed on them and will increase the courts' ability to meet their performance objectives and minimize backlogs in the appeal process.

Exceptional Item #1: Similar Funding for Same-Size Courts.

The courts of appeals continue to be challenged in their efforts to recruit and retain top quality staff. Moreover, increasing demands continue to threaten the court's ability to meet its performance objectives. In order to achieve the Court's mission, the Ninth Court of Appeals respectfully requests the remaining half of its previous

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request for similar funding for same-size courts. The funding needed to fully implement this initiative is \$323,052 in the FY 2016-17 biennium. This amount will proportionally fund the Ninth Court of Appeals in relation to similar-sized appellate courts and will enable recruitment and retention of professional staff with the requisite skills and training to facilitate the appeals process.

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. The minimum number of lawyers an appellate court must have to perform at a reasonably productive and efficient level is two lawyers to each judge. Loss of experienced court lawyers creates difficulties in timely processing of and disposing of appeals and in maintaining professional business practices. 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.

RIDER REQUESTS:

The court also requests the following with regard to the across-the-board riders found in Article IV (p. IV-42):

- 1) Retain Article IV rider, Sec 4, Appellate Court Exemptions
- 2) Retain article IV rider, Sec 5, Appn: Unexpended Balances Between Fiscal Years within the Biennium
- 3) Delete Article IV rider, Sec 7, Appellate Court Salary Limits
- 4) Retain Article IV rider, Sec 8, Interagency Contracts for Assigned Judges for Appellate Courts.
- 5) Retain Article IV rider, Sec 9, 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. The flexibility afforded by these measures enhances the court's management ability, and we seek continuation of these budget features.

The court seeks to delete the rider that establishes salary limits for the chief staff attorney or other permanent legal staff. The provision is antiquated as these positions are subject to the State of Texas Classification Plan.

INFORMATION TECHNOLOGY:

This court supports the consolidated budget approach represented in the biennial appropriations request of the Office of Court Administration. If the OCA's request is not fully funded for the 2016-17 biennium, this court would need additional funds to maintain its own, separate technology network.

CAPPS IMPLEMENTATION

This Court has been designated as an agency eligible for conversion to CAPPS during the 2016-17 biennium. The Office of Court Administration is seeking additional funds in its biennial budget request to be used in the implementation of CAPPS at the courts of appeals. The Court supports the consolidated budget approach represented in the biennial appropriations request of the OCA. If the OCA's request for CAPPS deployment is not fully funded for the 2016-17 biennium, this Court would need additional funds to implement CAPPS during the biennium, including and not limited to, funds for project management services, backfill of critical positions, training and management services, IT programming support, computer operating and system updates, operation documentation updates, and travel costs.

Administrator's Statement

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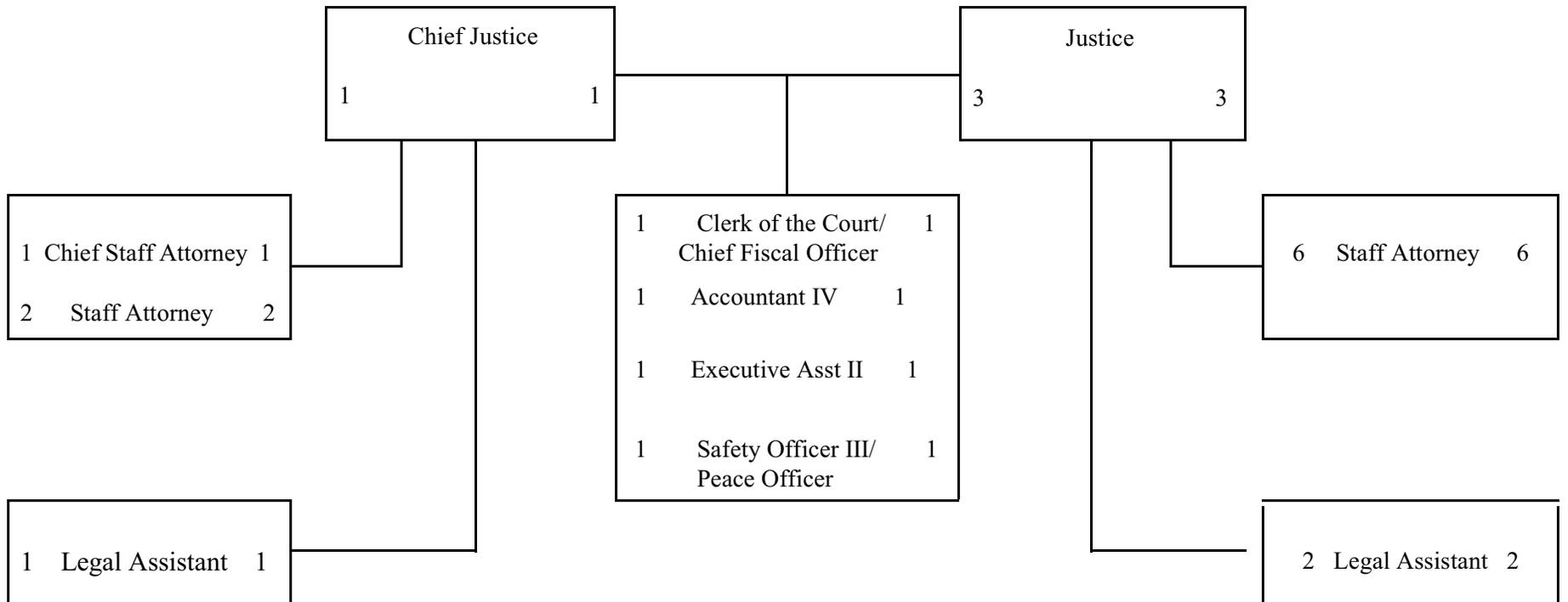
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Automated Budget and Evaluation System of Texas (ABEST)

229 Ninth Court of Appeals District, Beaumont

Note: on Appropriated Receipts – At the direction of the LBB & Governor’s Office, this court has included appropriated receipts in the amount of \$8,000, reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the court, and do not constitute additional funds available for general expenditures for the court. The amount can vary significantly from year to year.

Ninth Court of Appeals Organizational Chart

2016-2017



2.A. Summary of Base Request by Strategy

7/28/2014 2:21:47PM

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

229 Ninth Court of Appeals District, Beaumont

Goal / Objective / STRATEGY	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>1</u> Appellate Court Operations					
<u>1</u> Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	1,673,663	1,885,054	1,885,053	1,885,054	1,885,053
TOTAL, GOAL 1	\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053
TOTAL, AGENCY STRATEGY REQUEST	\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053

2.A. Summary of Base Request by Strategy

7/28/2014 2:21:47PM

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

229 Ninth Court of Appeals District, Beaumont

Goal / Objective / STRATEGY	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	1,539,370	1,754,454	1,754,453	1,754,454	1,754,453
SUBTOTAL	\$1,539,370	\$1,754,454	\$1,754,453	\$1,754,454	\$1,754,453
Other Funds:					
573 Judicial Fund	122,600	122,600	122,600	122,600	122,600
666 Appropriated Receipts	11,693	8,000	8,000	8,000	8,000
SUBTOTAL	\$134,293	\$130,600	\$130,600	\$130,600	\$130,600
TOTAL, METHOD OF FINANCING	\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053

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

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

7/28/2014 2:21:47PM

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 229		Agency name: Ninth Court of Appeals District, Beaumont				
METHOD OF FINANCING		Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>GENERAL REVENUE</u>						
<u>1</u> General Revenue Fund						
<i>REGULAR APPROPRIATIONS</i>						
Regular Appropriations from MOF Table (2012-13 GAA)						
		\$1,526,927	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2014-15 GAA)						
		\$0	\$1,688,454	\$1,688,453	\$1,754,454	\$1,754,453
<i>TRANSFERS</i>						
Sec. 11, Article IV Special Provision, Appn for Judicial Compensation (2014-2015 GAA)						
		\$0	\$66,000	\$66,000	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>						
Strategy A.1.1 Appellate Court Operations (2012-13 GAA)						
		\$12,443	\$0	\$0	\$0	\$0
TOTAL,	General Revenue Fund	\$1,539,370	\$1,754,454	\$1,754,453	\$1,754,454	\$1,754,453
TOTAL, ALL	GENERAL REVENUE	\$1,539,370	\$1,754,454	\$1,754,453	\$1,754,454	\$1,754,453

2.B. Summary of Base Request by Method of Finance
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

7/28/2014 2:21:47PM

Agency code: **229** Agency name: **Ninth Court of Appeals District, Beaumont**

METHOD OF FINANCING	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
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OTHER FUNDS

573 Judicial Fund No. 573
REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2012-13 GAA)	\$122,600	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2014-15 GAA)	\$0	\$122,600	\$122,600	\$122,600	\$122,600
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TOTAL, Judicial Fund No. 573	\$122,600	\$122,600	\$122,600	\$122,600	\$122,600
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666 Appropriated Receipts
REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2012-13 GAA)	\$8,000	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2014-15 GAA)	\$0	\$8,000	\$8,000	\$8,000	\$8,000
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RIDER APPROPRIATION

Art IX, Sec 8.03, Reimbursements and Payments (2012-13 GAA)

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

7/28/2014 2:21:47PM

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code:	229	Agency name:	Ninth Court of Appeals District, Beaumont			
METHOD OF FINANCING		Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>OTHER FUNDS</u>		\$3,693	\$0	\$0	\$0	\$0
TOTAL, Appropriated Receipts		\$11,693	\$8,000	\$8,000	\$8,000	\$8,000
TOTAL, ALL OTHER FUNDS		\$134,293	\$130,600	\$130,600	\$130,600	\$130,600
GRAND TOTAL		\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053
FULL-TIME-EQUIVALENT POSITIONS						
REGULAR APPROPRIATIONS						
Regular Appropriations from MOF Table (2012-13 GAA)		20.5	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2014-15 GAA)		0.0	20.0	20.0	20.0	20.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP						
Unauthorized number over (below) cap		(0.5)	0.0	0.0	0.0	0.0
TOTAL, ADJUSTED FTES		20.0	20.0	20.0	20.0	20.0

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

7/28/2014 2:21:47PM

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 229	Agency name: Ninth Court of Appeals District, Beaumont					
METHOD OF FINANCING	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017	
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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Automated Budget and Evaluation System of Texas (ABEST)

229 Ninth Court of Appeals District, Beaumont

OBJECT OF EXPENSE	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
1001 SALARIES AND WAGES	\$1,605,754	\$1,826,744	\$1,826,744	\$1,826,744	\$1,826,744
1002 OTHER PERSONNEL COSTS	\$62,537	\$56,547	\$56,309	\$56,310	\$56,309
2009 OTHER OPERATING EXPENSE	\$5,372	\$1,763	\$2,000	\$2,000	\$2,000
OOE Total (Excluding Riders)	\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053
OOE Total (Riders)					
Grand Total	\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053

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

Date: 7/28/2014
 Time: 2:21:48PM

84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 229 Agency: Ninth Court of Appeals District, Beaumont

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

Code	Type of Expense	Expended 2013	Estimated 2014	Budgeted 2015	Requested 2016	Requested 2017
1	Consumable Supplies	\$442	\$0	\$0	\$0	\$0
2	Postage	3,000	0	0	0	0
64	SORM Assessment	1,930	1,763	2,000	2,000	2,000
	Total, Operating Costs	\$5,372	\$1,763	\$2,000	\$2,000	\$2,000

2.D. Summary of Base Request Objective Outcomes
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

7/28/2014 2:21:50PM

229 Ninth Court of Appeals District, Beaumont

Goal/ Objective / Outcome	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate					
	96.40%	100.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	100.00%	100.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	99.90%	100.00%	100.00%	100.00%	100.00%

2.E. Summary of Exceptional Items Request
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2014
 TIME : 2:21:51PM

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

Priority	Item	2016			2017			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Similar Funding Same-Size Courts	\$161,526	\$161,526	0.0	\$161,526	\$161,526	0.0	\$323,052	\$323,052
Total, Exceptional Items Request		\$161,526	\$161,526	0.0	\$161,526	\$161,526	0.0	\$323,052	\$323,052
Method of Financing									
	General Revenue	\$161,526	\$161,526		\$161,526	\$161,526		\$323,052	\$323,052
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$161,526	\$161,526		\$161,526	\$161,526		\$323,052	\$323,052
Full Time Equivalent Positions				0.0				0.0	
Number of 100% Federally Funded FTEs				0.0				0.0	

2.F. Summary of Total Request by Strategy
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 7/28/2014

TIME : 2:21:52PM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

Goal/Objective/STRATEGY	Base 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
1 Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$1,885,054	\$1,885,053	\$161,526	\$161,526	\$2,046,580	\$2,046,579
TOTAL, GOAL 1	\$1,885,054	\$1,885,053	\$161,526	\$161,526	\$2,046,580	\$2,046,579
TOTAL, AGENCY STRATEGY REQUEST	\$1,885,054	\$1,885,053	\$161,526	\$161,526	\$2,046,580	\$2,046,579
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$1,885,054	\$1,885,053	\$161,526	\$161,526	\$2,046,580	\$2,046,579

2.F. Summary of Total Request by Strategy
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 7/28/2014

TIME : 2:21:52PM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

Goal/Objective/STRATEGY	Base 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
General Revenue Funds:						
1 General Revenue Fund	\$1,754,454	\$1,754,453	\$161,526	\$161,526	\$1,915,980	\$1,915,979
	\$1,754,454	\$1,754,453	\$161,526	\$161,526	\$1,915,980	\$1,915,979
Other Funds:						
573 Judicial Fund	122,600	122,600	0	0	122,600	122,600
666 Appropriated Receipts	8,000	8,000	0	0	8,000	8,000
	\$130,600	\$130,600	\$0	\$0	\$130,600	\$130,600
TOTAL, METHOD OF FINANCING	\$1,885,054	\$1,885,053	\$161,526	\$161,526	\$2,046,580	\$2,046,579
FULL TIME EQUIVALENT POSITIONS	20.0	20.0	0.0	0.0	20.0	20.0

2.G. Summary of Total Request Objective Outcomes
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 7/28/2014
 Time: 2:21:53PM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

Goal/ Objective / Outcome

	BL 2016	BL 2017	Excp 2016	Excp 2017	Total Request 2016	Total Request 2017
1 Appellate Court Operations						
1 Appellate Court Operations						
KEY 1 Clearance Rate						
	100.00%	100.00%	115.00%	115.00%	115.00%	115.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year						
	100.00%	100.00%			100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years						
	100.00%	100.00%			100.00%	100.00%

229 Ninth Court of Appeals District, Beaumont

GOAL:	1	Appellate Court Operations	Statewide Goal/Benchmark:	0	0
OBJECTIVE:	1	Appellate Court Operations	Service Categories:		
STRATEGY:	1	Appellate Court Operations	Service: 01	Income: A.2	Age: B.3

CODE	DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
Output Measures:						
1	Number of Civil Cases Disposed	253.00	215.00	225.00	225.00	225.00
2	Number of Criminal Cases Disposed	261.00	250.00	250.00	250.00	250.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	300.00	240.00	250.00	250.00	250.00
2	Number of Criminal Cases Filed	329.00	310.00	325.00	325.00	325.00
3	Number of Cases Transferred in	0.00	1.00	0.00	0.00	0.00
4	Number of Cases Transferred out	111.00	85.00	100.00	100.00	100.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,605,754	\$1,826,744	\$1,826,744	\$1,826,744	\$1,826,744
1002	OTHER PERSONNEL COSTS	\$62,537	\$56,547	\$56,309	\$56,310	\$56,309
2009	OTHER OPERATING EXPENSE	\$5,372	\$1,763	\$2,000	\$2,000	\$2,000
TOTAL, OBJECT OF EXPENSE		\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053
Method of Financing:						
1	General Revenue Fund	\$1,539,370	\$1,754,454	\$1,754,453	\$1,754,454	\$1,754,453
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,539,370	\$1,754,454	\$1,754,453	\$1,754,454	\$1,754,453

229 Ninth Court of Appeals District, Beaumont

GOAL:	1	Appellate Court Operations	Statewide Goal/Benchmark:	0	0
OBJECTIVE:	1	Appellate Court Operations	Service Categories:		
STRATEGY:	1	Appellate Court Operations	Service: 01	Income: A.2	Age: B.3

CODE	DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
Method of Financing:						
573	Judicial Fund	\$122,600	\$122,600	\$122,600	\$122,600	\$122,600
666	Appropriated Receipts	\$11,693	\$8,000	\$8,000	\$8,000	\$8,000
SUBTOTAL, MOF (OTHER FUNDS)		\$134,293	\$130,600	\$130,600	\$130,600	\$130,600
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,885,054	\$1,885,053
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053
FULL TIME EQUIVALENT POSITIONS:		20.0	20.0	20.0	20.0	20.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Ninth Court of Appeals was established by the 34th Texas Legislature on March 11, 1915. Our Court has intermediate appellate jurisdiction in civil cases when the judgment exceeds \$100 exclusive of cost and effective September 1, 1981 in criminal cases excluding those in which the death penalty has been assessed. Located in Beaumont, Texas, it is composed of the following ten counties: Hardin, Jasper, Jefferson, Liberty, Montgomery, Newton, Orange, Polk, San Jacinto and Tyler. Effective January 1, 2005 our Court became a four-justice court pursuant to H.B. 2261 and H.B. 3306, 78th Regular Session.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

229 Ninth Court of Appeals District, Beaumont

GOAL:	1	Appellate Court Operations	Statewide Goal/Benchmark:	0	0
OBJECTIVE:	1	Appellate Court Operations	Service Categories:		
STRATEGY:	1	Appellate Court Operations	Service: 01	Income: A.2	Age: B.3

CODE	DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
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Courts of Appeals are by nature, constitutional components of the Judicial Branch of the government with highly specialized staffs. The main factor which drives this strategy is the need to attract and retain highly trained and knowledgeable staff to work on an annually increasing caseload. Effective January 1, 2005, our Court became a four-justice court pursuant to H.B. 2261 and H.B. 3306, 78th Regular Session. Our Court continues to transfer out cases to other courts of appeals due to our high volume of cases filed per year.

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053
METHODS OF FINANCE (INCLUDING RIDERS):				\$1,885,054	\$1,885,053
METHODS OF FINANCE (EXCLUDING RIDERS):	\$1,673,663	\$1,885,054	\$1,885,053	\$1,885,054	\$1,885,053
FULL TIME EQUIVALENT POSITIONS:	20.0	20.0	20.0	20.0	20.0

3.B. Rider Revisions and Additions Request

Agency Code: 229	Agency Name: Ninth Court of Appeals	Prepared By: Carol Anne Harley	Date: August 4, 2014	Request Level: Baseline
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Current Rider Number	Page Number in 2014-15 GAA	Proposed Rider Language
4	IV-42	<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>
5	IV-42	<p>Appropriation: Unexpended Balances Between Fiscal Years within the Biennium. Any unexpended balances from appropriations made to the appellate courts for fiscal year 2014-2016 are hereby appropriated to the same court for fiscal year 2015-2017 for the same purposes.</p> <p><i>Request continuation of this rider. Change years to reflect the new biennium.</i></p>
7	IV-42	<p>Appellate Court Salary Limits. It is the intent of the Legislature that no intermediate appellate court may pay more than one chief staff attorney promoted or hired after September 1, 2013, more than \$94,950 annually under this provision. Further, it is the intent of the Legislature that no intermediate appellate court may pay other permanent legal staff hired or promoted after September 1, 2013 more than \$84,175 annually. This provision does not apply to law clerk positions at any appellate court.</p> <p><i>Request deletion of this rider. These positions are covered under the State of Texas Position Classification Act, which determines the classification and compensation range of each position in the courts (and all state agencies). Originally, this rider was used to distinguish salary increases given specifically to the courts for attorney salaries from across-the-board increases for all state employees. Subsequent legislatures have addressed this issue through directive riders in Article IX to ensure there is no overlap or duplication of salary actions for specific classes of state employees. Currently, staff attorneys at the courts of appeals are the only position classification employees across the state with a mandated ceiling on the amount they can earn that is lower than the maximum allowed by the Position Classification Plan.</i></p> <p><i>This rider is no longer necessary, thus, the courts request that it be deleted.</i></p>

**3.B. Rider Revisions and Additions Request
(continued)**

8	IV-42	<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 2012 <u>2016</u> and 2013 <u>2017</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>
9	IV-42	<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
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2014
 TIME: 2:21:55PM

Agency code: 229

Agency name:
Ninth Court of Appeals District, Beaumont

CODE	DESCRIPTION		Excp 2016	Excp 2017
		Item Name: Similar Funding for Same-Size Courts		
		Item Priority: 1		
		Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		
OBJECTS OF EXPENSE:				
1001	SALARIES AND WAGES		159,103	159,103
1002	OTHER PERSONNEL COSTS		2,423	2,423
TOTAL, OBJECT OF EXPENSE			\$161,526	\$161,526
METHOD OF FINANCING:				
1	General Revenue Fund		161,526	161,526
TOTAL, METHOD OF FINANCING			\$161,526	\$161,526

DESCRIPTION / JUSTIFICATION:

During the 83rd Legislative Session, the courts of appeals submitted a request to fully implement funding in their Similar Funding for Same-Size Courts initiative. The Legislature graciously approved half of the amounts requested by the courts of appeals. However, challenges remain in recruiting and retaining top quality staff, and increasing demands continue to threaten the court's ability to meet its performance objectives. In order to achieve the Court's mission, the Ninth Court of Appeals respectfully requests the remaining half of its previous request for similar funding for same-size courts. The funding needed to fully implement this initiative is \$323,052 in the FY 2016-17 biennium. This amount will proportionally fund the Ninth Court of Appeals in relation to similar-sized appellate courts and will enable recruitment and retention of professional staff with the requisite skills and training to facilitate the appeals process.

EXTERNAL/INTERNAL FACTORS:

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. The minimum number of lawyers an appellate court must have to perform at a reasonably productive and efficient level is two lawyers to each judge. Loss of experienced court lawyers creates difficulties in timely processing of and disposing of appeals and in maintaining professional business practices. 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.

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

Code	Description	Excp 2016	Excp 2017
Item Name: Similar Funding for Same-Size Courts			
Allocation to Strategy: 1-1-1 Appellate Court Operations			
STRATEGY IMPACT ON OUTCOME MEASURES:			
<u>1</u>	Clearance Rate	115.00%	115.00%
<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	257.00	257.00
<u>2</u>	Number of Criminal Cases Disposed	290.00	290.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	159,103	159,103
1002	OTHER PERSONNEL COSTS	2,423	2,423
TOTAL, OBJECT OF EXPENSE		\$161,526	\$161,526
METHOD OF FINANCING:			
1	General Revenue Fund	161,526	161,526
TOTAL, METHOD OF FINANCING		\$161,526	\$161,526
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

4.C. Exceptional Items Strategy Request
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2014
TIME: 2:21:59PM

Agency Code: **229** Agency name: **Ninth Court of Appeals District, Beaumont**

GOAL: 1 Appellate Court Operations Statewide Goal/Benchmark: 0 - 0

OBJECTIVE: 1 Appellate Court Operations Service Categories:

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

CODE DESCRIPTION	Excp 2016	Excp 2017
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STRATEGY IMPACT ON OUTCOME MEASURES:

<u>1</u> Clearance Rate	115.00 %	115.00 %
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OUTPUT MEASURES:

<u>1</u> Number of Civil Cases Disposed	32.00	32.00
<u>2</u> Number of Criminal Cases Disposed	40.00	40.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	159,103	159,103
1002 OTHER PERSONNEL COSTS	2,423	2,423
Total, Objects of Expense	\$161,526	\$161,526

METHOD OF FINANCING:

1 General Revenue Fund	161,526	161,526
Total, Method of Finance	\$161,526	\$161,526

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Similar Funding for Same-Size Courts

6.A. Historically Underutilized Business Supporting Schedule
 84th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/28/2014
 Time: 2:22:00PM

Agency Code: 229 Agency: Ninth Court of Appeals District, Beaumont

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2012 - 2013 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2012			Total Expenditures FY 2012		HUB Expenditures FY 2013			Total Expenditures FY 2013	
			% 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%	\$0	\$0
21.1%	Building Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	0.0%	\$0	\$0
32.7%	Special Trade Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	0.0%	\$0	\$0
23.6%	Professional Services	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	0.0%	\$0	\$0
24.6%	Other Services	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	0.0%	\$0	\$0
21.0%	Commodities	0.0 %	0.0%	0.0%	\$0	\$0	100.0 %	100.0%	0.0%	0.0%	\$420	\$420
	Total Expenditures		0.0%		\$0	\$0		100.0%			\$420	\$420

B. Assessment of Fiscal Year 2012 - 2013 Efforts to Meet HUB Procurement Goals

Attainment:

The Court only had purchases in one of the six categories and far exceeded the statewide goal.

Applicability:

Five of the procurement categories are not applicable to Court operations for FY12 & FY13.

Factors Affecting Attainment:

The Court's purchase was from one HUB vendor.

"Good-Faith" Efforts:

The Court made good faith efforts to comply with statewide HUB procurement goals.

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

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2016-17 GAA BILL PATTERN	\$	220,000
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<u>Fund Name</u>		
Estimated Beginning Balance in FY 2014	\$	60,000
Estimated Revenues FY 2014	\$	90,000
Estimated Revenues FY 2015	\$	90,000
FY 2014-15 Total	\$	240,000
Estimated Beginning Balance in FY 2016	\$	40,000
Estimated Revenues FY 2016	\$	90,000
Estimated Revenues FY 2017	\$	90,000
FY 2016-17 Total	\$	220,000
Constitutional or Statutory Creation and Use of Funds:		
<div style="border: 1px solid black; padding: 5px;"> <p>Our Court's four judges are each paid a supplemental salary and benefits from Jefferson County. The Chapter 22 funds, collected by the ten counties in our district, is used to fund these supplemental salaries and benefits. So, 70% of this fund is spent on judge's supplemental salaries and benefits reimbursement.</p> </div>		
Method of Calculation and Revenue Assumptions:		
<div style="border: 1px solid black; padding: 5px;"> <p>The supplemental salary amount is \$9000 plus benefits per judge per fiscal year which will total approximately \$64,750 for FY14. The Chapter 22 funds are \$5 filing fee per civil case filed in the District Clerk and County Clerk's offices in our district.</p> </div>		

6.I. Percent Biennial Base Reduction Options

10 % REDUCTION

84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/28/2014
Time: 2:22:00PM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2016	2017	Biennial Total	2016	2017	Biennial Total	
1 Reduction in staff (2 attorneys)							
Category: Programs - Service Reductions (FTEs-Layoffs)							
Item Comment: A 10% reduction in our Court's 2016 - 2017 appropriations would require us to layoff 2 full-time attorneys which would result in a 20% drop in disposition of cases. (80% clearance of cases resulting in a large backlog of cases for the biennium)							
Strategy: 1-1-1 Appellate Court Operations							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$154,355	\$154,354	\$308,709	
General Revenue Funds Total	\$0	\$0	\$0	\$154,355	\$154,354	\$308,709	
Item Total	\$0	\$0	\$0	\$154,355	\$154,354	\$308,709	
FTE Reductions (From FY 2016 and FY 2017 Base Request)				2.0	2.0		
AGENCY TOTALS							
General Revenue Total				\$154,355	\$154,354	\$308,709	\$308,709
Agency Grand Total	\$0	\$0	\$0	\$154,355	\$154,354	\$308,709	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2016 and FY 2017 Base Request)				2.0	2.0		

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

Strategy	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$175,624	\$201,710	\$201,710	\$201,710	\$201,710
1002 OTHER PERSONNEL COSTS	7,029	6,220	6,194	6,194	6,194
2009 OTHER OPERATING EXPENSE	604	194	220	220	220
Total, Objects of Expense	\$183,257	\$208,124	\$208,124	\$208,124	\$208,124
METHOD OF FINANCING:					
1 General Revenue Fund	183,257	208,124	208,124	208,124	208,124
Total, Method of Financing	\$183,257	\$208,124	\$208,124	\$208,124	\$208,124
FULL-TIME-EQUIVALENT POSITIONS (FTE):	2.0	2.0	2.0	2.0	2.0

DESCRIPTION

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

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$175,624	\$201,710	\$201,710	\$201,710	\$201,710
1002 OTHER PERSONNEL COSTS	\$7,029	\$6,220	\$6,194	\$6,194	\$6,194
2009 OTHER OPERATING EXPENSE	\$604	\$194	\$220	\$220	\$220
Total, Objects of Expense	\$183,257	\$208,124	\$208,124	\$208,124	\$208,124
Method of Financing					
1 General Revenue Fund	\$183,257	\$208,124	\$208,124	\$208,124	\$208,124
Total, Method of Financing	\$183,257	\$208,124	\$208,124	\$208,124	\$208,124
Full-Time-Equivalent Positions (FTE)	2.0	2.0	2.0	2.0	2.0