

LEGISLATIVE APPROPRIATIONS REQUEST

For Fiscal Years 2018 and 2019

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

by

Third Court of Appeals

August 12, 2016

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Administrator's Statement

8/12/2016 11:08:46AM

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

223 Third Court of Appeals District, Austin

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 the 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 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

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223 Third Court of Appeals District, Austin

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.

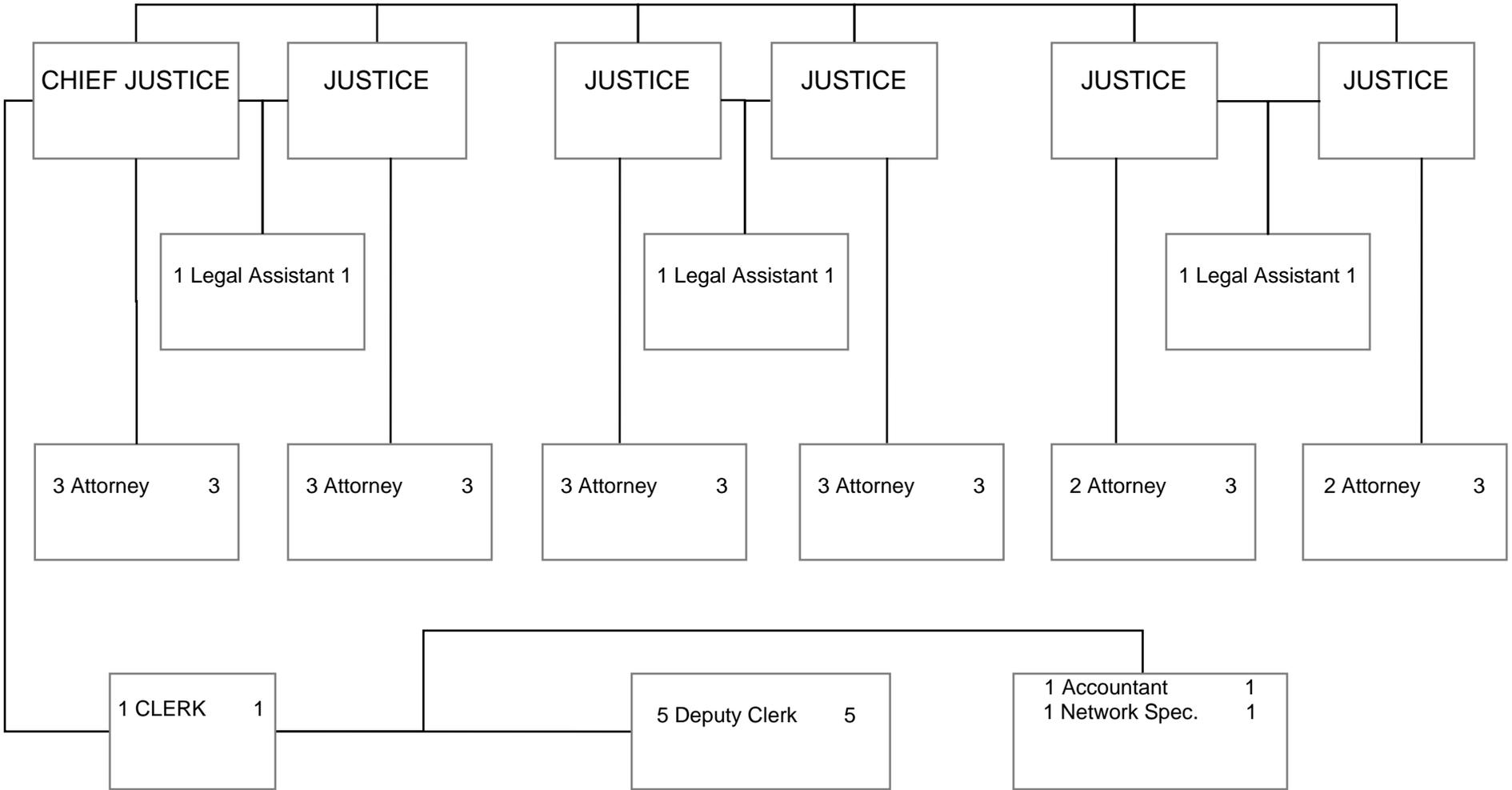
ADDITIONAL STATEMENTS OF SUPPORT:

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 \$11,000.00 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

ORGANIZATION CHART
 THIRD COURT OF APPEALS
 AGENCY 223
 FY 2018-2019



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

223 Third Court of Appeals District, Austin
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	5,662,208	5,435,720					450,516	459,800	6,112,724	5,895,520	226,488
Total, Goal	5,662,208	5,435,720					450,516	459,800	6,112,724	5,895,520	226,488
Total, Agency	5,662,208	5,435,720					450,516	459,800	6,112,724	5,895,520	226,488
Total FTEs									35.0	33.0	2.0

2.A. Summary of Base Request by Strategy

8/12/2016 11:08:48AM

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

223 Third Court of Appeals District, Austin

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
1 Appellate Court Operations					
1 Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	2,805,451	3,056,362	3,056,362	2,947,760	2,947,760
TOTAL, GOAL 1	\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760
TOTAL, AGENCY STRATEGY REQUEST	\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760

2.A. Summary of Base Request by Strategy

8/12/2016 11:08:48AM

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

223 Third Court of Appeals District, Austin

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	2,568,938	2,831,104	2,831,104	2,717,860	2,717,860
SUBTOTAL	\$2,568,938	\$2,831,104	\$2,831,104	\$2,717,860	\$2,717,860
Other Funds:					
573 Judicial Fund	182,900	182,900	182,900	182,900	182,900
666 Appropriated Receipts	17,613	11,000	11,000	11,000	11,000
777 Interagency Contracts	36,000	31,358	31,358	36,000	36,000
SUBTOTAL	\$236,513	\$225,258	\$225,258	\$229,900	\$229,900
TOTAL, METHOD OF FINANCING	\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760

*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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85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 223

Agency name: Third Court of Appeals District, Austin

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

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2014-15 GAA)

\$2,462,873	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2016-17 GAA)

\$0	\$2,781,452	\$2,781,452	\$0	\$0
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Regular Appropriations from MOF Table (2018-19 GAA)

\$0	\$0	\$0	\$2,717,860	\$2,717,860
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TRANSFERS

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

\$5,376	\$0	\$0	\$0	\$0
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Art IX, Sec 18.02, Salary Increase for General State Employees (2016-17 GAA)

\$0	\$49,652	\$49,652	\$0	\$0
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Sec. 11, Article IV Special Provisions, Appn for Judicial Compensation (2014-2015 GAA)

\$99,000	\$0	\$0	\$0	\$0
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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)

8/12/2016 11:08:48AM

Agency code: 223		Agency name: Third Court of Appeals District, Austin				
METHOD OF FINANCING		Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>GENERAL REVENUE</u>						
<i>LAPSED APPROPRIATIONS</i>						
Lapsed Appropriations		\$ (13)	\$ 0	\$ 0	\$ 0	\$ 0
<i>UNEXPENDED BALANCES AUTHORITY</i>						
Strategy A.1.1, Appellate Court Operations (2014-15 GAA)		\$ 1,702	\$ 0	\$ 0	\$ 0	\$ 0
TOTAL,	General Revenue Fund	\$2,568,938	\$2,831,104	\$2,831,104	\$2,717,860	\$2,717,860
TOTAL, ALL	GENERAL REVENUE	\$2,568,938	\$2,831,104	\$2,831,104	\$2,717,860	\$2,717,860

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2014-15 GAA)

\$ 182,900	\$ 0	\$ 0	\$ 0	\$ 0
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Regular Appropriations from MOF Table (2016-17 GAA)

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)

8/12/2016 11:08:48AM

Agency code: 223		Agency name: Third Court of Appeals District, Austin				
METHOD OF FINANCING		Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>OTHER FUNDS</u>						
		\$0	\$182,900	\$182,900	\$0	\$0
	Regular Appropriations from MOF Table (2018-19 GAA)	\$0	\$0	\$0	\$182,900	\$182,900
TOTAL,	Judicial Fund No. 573	\$182,900	\$182,900	\$182,900	\$182,900	\$182,900
<u>666</u>	Appropriated Receipts					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2014-15 GAA)	\$16,000	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2016-17 GAA)	\$0	\$16,000	\$16,000	\$0	\$0
	Regular Appropriations from MOF Table (2018-19 GAA)	\$0	\$0	\$0	\$11,000	\$11,000

Comments: Permanent reduction in vender opinion copy reimbursement.

RIDER APPROPRIATION

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)

8/12/2016 11:08:48AM

Agency code: 223		Agency name: Third Court of Appeals District, Austin				
METHOD OF FINANCING		Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>OTHER FUNDS</u>						
Art IX, Sec 8.03, Reimbursements and Payments (2014-15 GAA)		\$1,613	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>						
Lapsed Appropriations		\$0	\$(5,000)	\$(5,000)	\$0	\$0
TOTAL,	Appropriated Receipts	\$17,613	\$11,000	\$11,000	\$11,000	\$11,000
<u>777</u> Interagency Contracts						
<i>REGULAR APPROPRIATIONS</i>						
Regular Appropriations from MOF Table (2014-15 GAA)		\$36,000	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2016-17 GAA)		\$0	\$36,000	\$36,000	\$0	\$0
Regular Appropriations from MOF Table (2018-19 GAA)		\$0	\$0	\$0	\$36,000	\$36,000
<i>LAPSED APPROPRIATIONS</i>						

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

8/12/2016 11:08:48AM

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 223		Agency name: Third Court of Appeals District, Austin				
METHOD OF FINANCING		Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>OTHER FUNDS</u>						
Lapsed Appropriations		\$0	\$(4,642)	\$(4,642)	\$0	\$0
TOTAL,	Interagency Contracts	\$36,000	\$31,358	\$31,358	\$36,000	\$36,000
TOTAL, ALL	OTHER FUNDS	\$236,513	\$225,258	\$225,258	\$229,900	\$229,900
GRAND TOTAL		\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760

FULL-TIME-EQUIVALENT POSITIONS

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2014-15 GAA)	33.0	0.0	0.0	0.0	0.0	
Regular Appropriations from MOF Table (2016-17 GAA)	0.0	34.0	34.0	0.0	0.0	
Regular Appropriations from MOF Table (2018-19 GAA)	0.0	0.0	0.0	34.0	34.0	
UNAUTHORIZED NUMBER OVER (BELOW) CAP						
Unauthorized Number Over (Below) Cap	(0.2)	1.0	1.0	(1.0)	(1.0)	
TOTAL, ADJUSTED FTES	32.8	35.0	35.0	33.0	33.0	

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

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85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 223	Agency name: Third Court of Appeals District, Austin					
METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019	
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

8/12/2016 11:08:49AM

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

223 Third Court of Appeals District, Austin

OBJECT OF EXPENSE	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1001 SALARIES AND WAGES	\$2,622,493	\$2,940,835	\$2,957,240	\$2,793,240	\$2,793,240
1002 OTHER PERSONNEL COSTS	\$48,621	\$63,625	\$46,837	\$44,077	\$44,777
2001 PROFESSIONAL FEES AND SERVICES	\$1,148	\$0	\$0	\$0	\$0
2003 CONSUMABLE SUPPLIES	\$7,282	\$6,660	\$3,458	\$10,000	\$10,000
2006 RENT - BUILDING	\$1,080	\$1,080	\$1,080	\$1,080	\$1,080
2009 OTHER OPERATING EXPENSE	\$124,827	\$44,162	\$47,747	\$99,363	\$98,663
OOE Total (Excluding Riders)	\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760
OOE Total (Riders)					
Grand Total	\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760

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

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

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

Code	Type of Expense	Expended 2015	Estimated 2016	Budgeted 2017	Requested 2018	Requested 2019
2	Postage	\$1,420	\$0	\$500	\$500	\$500
3	Telephone	11,630	9,249	12,000	12,000	12,000
5	Westlaw/Lexis	52,518	0	0	41,134	42,368
13	Furniture & Equipment (Expensed)	25,906	0	0	0	0
16	Miscellaneous Expenses	11	0	0	0	0
24	Freight/Delivery	236	0	500	500	500
26	Books (expensed)	382	0	0	12,122	10,188
64	SORM Assessment	2,936	3,579	3,000	3,000	3,000
76	Maintenance & Repair - Building	327	0	0	0	0
132	Maintenance & Repairs Pers Prop EX	2,010	0	0	0	0
177	Janitorial Services	1,800	1,800	1,800	1,800	1,800
187	1% salary benefits fee	25,651	29,534	29,947	28,307	28,307
	Total, Operating Costs	\$124,827	\$44,162	\$47,747	\$99,363	\$98,663

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

8/12/2016 11:08:49AM

223 Third Court of Appeals District, Austin

Goal/ Objective / Outcome	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate					
	101.05%	118.25%	100.00%	90.00%	90.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	91.34%	90.04%	100.00%	90.00%	90.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	97.68%	96.85%	100.00%	90.00%	90.00%

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

DATE: 8/12/2016
 TIME : 11:08:50AM

Agency code: 223

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

Priority	Item	2018			2019			Biennium	
		GR and GR/Dedicated	All Funds	FTEs	GR and GR/Dedicated	All Funds	FTEs	GR and GR/Dedicated	All Funds
1	4% Restoration	\$113,244	\$113,244	2.0	\$113,244	\$113,244	2.0	\$226,488	\$226,488
Total, Exceptional Items Request		\$113,244	\$113,244	2.0	\$113,244	\$113,244	2.0	\$226,488	\$226,488
Method of Financing									
	General Revenue	\$113,244	\$113,244		\$113,244	\$113,244		\$226,488	\$226,488
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$113,244	\$113,244		\$113,244	\$113,244		\$226,488	\$226,488
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
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/12/2016
 TIME : 11:08:50AM

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

Goal/Objective/STRATEGY	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	\$2,947,760	\$2,947,760	\$113,244	\$113,244	\$3,061,004	\$3,061,004
TOTAL, GOAL 1	\$2,947,760	\$2,947,760	\$113,244	\$113,244	\$3,061,004	\$3,061,004
TOTAL, AGENCY STRATEGY REQUEST	\$2,947,760	\$2,947,760	\$113,244	\$113,244	\$3,061,004	\$3,061,004
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$2,947,760	\$2,947,760	\$113,244	\$113,244	\$3,061,004	\$3,061,004

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

DATE : 8/12/2016
 TIME : 11:08:50AM

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

Goal/Objective/STRATEGY	Base 2018	Base 2019	Exceptional 2018	Exceptional 2019	Total Request 2018	Total Request 2019
General Revenue Funds:						
1 General Revenue Fund	\$2,717,860	\$2,717,860	\$113,244	\$113,244	\$2,831,104	\$2,831,104
	\$2,717,860	\$2,717,860	\$113,244	\$113,244	\$2,831,104	\$2,831,104
Other Funds:						
573 Judicial Fund	182,900	182,900	0	0	182,900	182,900
666 Appropriated Receipts	11,000	11,000	0	0	11,000	11,000
777 Interagency Contracts	36,000	36,000	0	0	36,000	36,000
	\$229,900	\$229,900	\$0	\$0	\$229,900	\$229,900
TOTAL, METHOD OF FINANCING	\$2,947,760	\$2,947,760	\$113,244	\$113,244	\$3,061,004	\$3,061,004
FULL TIME EQUIVALENT POSITIONS	33.0	33.0	2.0	2.0	35.0	35.0

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

Date : 8/12/2016
 Time: 11:08:51AM

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

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						
		90.00%	90.00%	100.00%	100.00%	100.00%	100.00%
KEY	2 Percentage of Cases Under Submission for Less Than One Year						
		90.00%	90.00%	100.00%	100.00%	100.00%	100.00%
KEY	3 Percentage of Cases Pending for Less Than Two Years						
		90.00%	90.00%	100.00%	100.00%	100.00%	100.00%

223 Third Court of Appeals District, Austin

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

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

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
Output Measures:						
1	Number of Civil Cases Disposed	574.00	589.00	535.00	488.00	488.00
2	Number of Criminal Cases Disposed	295.00	337.00	315.00	268.00	268.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	604.00	625.00	615.00	615.00	615.00
2	Number of Criminal Cases Filed	345.00	325.00	335.00	335.00	335.00
3	Number of Cases Transferred in	0.00	0.00	0.00	0.00	0.00
4	Number of Cases Transferred out	89.00	170.00	100.00	100.00	100.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,622,493	\$2,940,835	\$2,957,240	\$2,793,240	\$2,793,240
1002	OTHER PERSONNEL COSTS	\$48,621	\$63,625	\$46,837	\$44,077	\$44,777
2001	PROFESSIONAL FEES AND SERVICES	\$1,148	\$0	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$7,282	\$6,660	\$3,458	\$10,000	\$10,000
2006	RENT - BUILDING	\$1,080	\$1,080	\$1,080	\$1,080	\$1,080
2009	OTHER OPERATING EXPENSE	\$124,827	\$44,162	\$47,747	\$99,363	\$98,663
TOTAL, OBJECT OF EXPENSE		\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760

Method of Financing:

223 Third Court of Appeals District, Austin

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

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

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1	General Revenue Fund	\$2,568,938	\$2,831,104	\$2,831,104	\$2,717,860	\$2,717,860
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,568,938	\$2,831,104	\$2,831,104	\$2,717,860	\$2,717,860
Method of Financing:						
573	Judicial Fund	\$182,900	\$182,900	\$182,900	\$182,900	\$182,900
666	Appropriated Receipts	\$17,613	\$11,000	\$11,000	\$11,000	\$11,000
777	Interagency Contracts	\$36,000	\$31,358	\$31,358	\$36,000	\$36,000
SUBTOTAL, MOF (OTHER FUNDS)		\$236,513	\$225,258	\$225,258	\$229,900	\$229,900
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$2,947,760	\$2,947,760
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760
FULL TIME EQUIVALENT POSITIONS:		32.8	35.0	35.0	33.0	33.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

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

223 Third Court of Appeals District, Austin

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

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

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

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2016 + Bud 2017)	Baseline Request (BL 2018 + BL 2019)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$6,112,724	\$5,895,520	\$(217,204)	\$(226,488)	Fund 1, General Revenue, FY 2018-19 funding reduced to 96% of FY 2016-17 base appropriation levels, reduction of two(2) staff Attorneys.
			\$9,284	Fund 777, Interagency Contracts, lapsed IT funds in FY 2016-17, reallocation to the 5th Court of Appeals.
			\$(217,204)	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760
METHODS OF FINANCE (INCLUDING RIDERS):				\$2,947,760	\$2,947,760
METHODS OF FINANCE (EXCLUDING RIDERS):	\$2,805,451	\$3,056,362	\$3,056,362	\$2,947,760	\$2,947,760
FULL TIME EQUIVALENT POSITIONS:	32.8	35.0	35.0	33.0	33.0

3.B. Rider Revisions and Additions Request

Agency Code: 223	Agency Name: Third Court of Appeals	Prepared By: Jeffrey D. Kyle	Date: August 4, 2016	Request Level: Baseline
Current Rider Number	Page Number in 2016-17 GAA	Proposed Rider Language		
6	IV-41	<p>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 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>Updating rider to adjust the years for the 2018-2019 biennium.</i></p>		

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

DATE: 8/12/2016
 TIME: 11:08:52AM

Agency code: 223

Agency name:
Third Court of Appeals District, Austin

CODE	DESCRIPTION	Excp 2018	Excp 2019
	Item Name: Restore the 4% Budget Cut 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	113,244	113,244
TOTAL, OBJECT OF EXPENSE		\$113,244	\$113,244

METHOD OF FINANCING:

1	General Revenue Fund	113,244	113,244
TOTAL, METHOD OF FINANCING		\$113,244	\$113,244

FULL-TIME EQUIVALENT POSITIONS (FTE):

2.00	2.00
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DESCRIPTION / JUSTIFICATION:

The Third Court of Appeals' only exceptional item will restore the 4% proposed budget reduction to the Court's appropriations for FY 2018-19. The Court's budget predominantly goes toward salaries, thus a 4% reduction to the courts' budgets would necessarily reduce staffing and directly impact court productivity. Moreover, because judges' salaries are fixed by statute, the 4% would have to come from a reduction in support personnel, resulting in an actual cut of 5.4% in non-judge personnel. With 95% of this Court's budget dedicated to staffing, the Court does not have discretionary funds to absorb a 4% reduction without cutting integral staff. A reduction of 4% will require this Court to reduce attorney staffing by 2 FTEs, 11% of the Court's legal staff.

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. We estimate the courts' clearance rate would fall from 100% to 90% and that the number of cases pending longer than one year and two years would increase by 10%.

EXTERNAL/INTERNAL FACTORS:

The courts of appeals must 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.

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

The Third Court of Appeals' only exceptional item seeks to restore the 4% proposed budget reduction to the Court's appropriations. Restoration of salaries for two(2) staff attorneys.

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

DATE: 8/12/2016
TIME: 11:08:52AM

Agency code: 223

Agency name:

Third Court of Appeals District, Austin

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2018</u>	<u>Excp 2019</u>
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ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

<u>2020</u>	<u>2021</u>	<u>2022</u>
\$113,244	\$113,244	\$113,244

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

Code	Description	Excp 2018	Excp 2019
Item Name: Restore the 4% Budget Cut			
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	47.00	47.00
<u>2</u>	Number of Criminal Cases Disposed	47.00	47.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	113,244	113,244
TOTAL, OBJECT OF EXPENSE		\$113,244	\$113,244
METHOD OF FINANCING:			
1	General Revenue Fund	113,244	113,244
TOTAL, METHOD OF FINANCING		\$113,244	\$113,244
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.0	2.0

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

DATE: 8/12/2016
TIME: 11:08:53AM

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

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

Service Categories:

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

CODE DESCRIPTION	Exp 2018	Exp 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	47.00	47.00
<u>2</u> Number of Criminal Cases Disposed	47.00	47.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	113,244	113,244
Total, Objects of Expense	\$113,244	\$113,244

METHOD OF FINANCING:

1 General Revenue Fund	113,244	113,244
Total, Method of Finance	\$113,244	\$113,244

FULL-TIME EQUIVALENT POSITIONS (FTE):

2.0	2.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Restore the 4% Budget Cut

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

Date: **8/12/2016**
 Time: **11:08:53AM**

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

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 \$	
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 %	3.9%	3.9%	\$1,800	\$45,586	0.0 %	3.2%	3.2%	\$1,800	\$56,178	
21.1%	Commodities	0.0 %	92.6%	92.6%	\$6,150	\$6,639	0.0 %	20.6%	20.6%	\$3,055	\$14,843	
	Total Expenditures		15.2%		\$7,950	\$52,225		6.8%		\$4,855	\$71,021	

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

Attainment:

The Court attained 25%, of the applicable state wide HUB goals in fiscal year 2014 and 2015.

Applicability:

In both fiscal years 2014 and 2015 the procurement categories of Heavy Construction, Building Construction, Special Trade Construction, and Professional Services were not applicable to the Court's operations.

Factors Affecting Attainment:

In fiscal years 2014 and 2015 the goal of "Other Services" was not met by the Court since the largest dollar Expenditure in this category is for online legal research tools, Lexis and Westlaw, which we purchase through the Council on Competitive Government's Computer Assisted Legal and Investigative Research (CALIR) contracts.

"Good-Faith" Efforts:

The Court has always made every effort to make purchases and obtain services from qualified HUB vendors. That is not always possible since, being a small Court with 95% of its budget spent on salaries, it is very important that best price and value be taken into consideration. Our large technological budget is funded and administered through the Office of Court Administration and is not reflected in this Court's HUB report. All factors continuing to be equal, this Court will continue to use TIBH (as required in Chapter 122 of the Texas Human Resources Code) whenever possible, strive to enter into business with HUBs as often as possible, and attempt to reach the state goal each fiscal year.

6.B. Current Biennium One-time Expenditure Schedule

Agency Code: 223	Agency Name: Third Court of Appeals	Prepared By: Jeffrey D. Kyle	Date: 8/5/2016	
Item	2014-2015 Est/Bud		2016-17 Baseline Request	
	Amount	MOF	Amount	MOF
N/A				

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

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2018-19 GAA BILL PATTERN	\$	586,891
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<u>Fund Name</u>		
Estimated Beginning Balance in FY 2016	\$	67,394
Estimated Revenues FY 2016	\$	245,000
Estimated Revenues FY 2017	\$	245,000
FY 2014-15 Total	\$	557,394
Estimated Beginning Balance in FY 2018	\$	96,891
Estimated Revenues FY 2018	\$	245,000
Estimated Revenues FY 2019	\$	245,000
FY 2016-17 Total	\$	586,891
Constitutional or Statutory Creation and Use of Funds:		
<p>Sub Chapter C, Sec. 22.2041 Tex Gov't Code and Sec. 659.021 Tex. Gov't Code</p>		
Method of Calculation and Revenue Assumptions:		
<p>In accordance with the above referenced statute, the District and County Clerks of the various courts in the 24 counties that make up the Third Court of Appeals' District are to collect and remit a \$5.00 filing fee on each civil suit filed in a county court, county court-at-law, probate court or district court.</p>		

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: 8/12/2016
Time: 11:29:02AM

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

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2018	2019	Biennial Total	2018	2019	Biennial Total	
1 10 Percent Reduction - 5 Percent Increment							
Category: Programs - Service Reductions (FTEs-Layoffs)							
Item Comment: A 5% reduction would result in the loss of 2 staff attorney positions and a clearance rate of 80%.							
<p>The core function of the state courts of appeals is to process, review and decide by written opinion or order appeals from criminal and civil trial courts. This requires a highly skilled and trained professional workforce, including appellate court lawyers and clerical staff, who assist the justices of the court in researching, writing opinions, and disposing of cases. Consequently, approximately 95% of the Court's appropriated budget is dedicated to salaries. A 5% reduction in the Courts appropriated budget, which amounts to \$271,786, will require the Court to eliminate 2 staff attorney positions, representing 12% of the Court's legal staff. To prevent a backlog of cases and maintain minimum disposition and clearance rates, this Court must maintain its current staffing levels.</p>							
Strategy: 1-1-1 Appellate Court Operations							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$135,893	\$135,893	\$271,786	
General Revenue Funds Total	\$0	\$0	\$0	\$135,893	\$135,893	\$271,786	
Item Total	\$0	\$0	\$0	\$135,893	\$135,893	\$271,786	
FTE Reductions (From FY 2018 and FY 2019 Base Request)				2.0	2.0		

2 10 Percent Reduction - 5 Percent Increment

Category: Programs - Service Reductions (FTEs-Layoffs)

Item Comment: A full 10% reduction would include the losses under item #1 (2 staff attorney positions) and result in the loss of 2 additional staff attorney positions, a clearance rate of 70%, and increase the time for which appeals remain pending during the biennium.

The core function of the state courts of appeals is to process, review and decide by written opinion or order appeals from criminal and civil trial courts. This requires a highly skilled and trained professional workforce, including appellate court lawyers and clerical staff, who assist the justices of the court in researching, writing opinions, and disposing of cases. Consequently, approximately 95% of the Court's appropriated budget is dedicated to salaries. A 10% reduction in the Courts appropriated budget, which amounts to \$543,572, will require the Court to eliminate 4 staff attorney positions, representing 25% of the Court's legal staff. To prevent a backlog of cases and maintain minimum disposition and clearance rates, this Court must maintain its current staffing levels.

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: 8/12/2016
Time: 11:29:02AM

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

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2018	2019	Biennial Total	2018	2019	Biennial Total	
Strategy: 1-1-1 Appellate Court Operations							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$135,893	\$135,893	\$271,786	
General Revenue Funds Total	\$0	\$0	\$0	\$135,893	\$135,893	\$271,786	
Item Total	\$0	\$0	\$0	\$135,893	\$135,893	\$271,786	
FTE Reductions (From FY 2018 and FY 2019 Base Request)				2.0	2.0		
AGENCY TOTALS							
General Revenue Total				\$271,786	\$271,786	\$543,572	\$543,572
Agency Grand Total	\$0	\$0	\$0	\$271,786	\$271,786	\$543,572	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2018 and FY 2019 Base Request)				4.0	4.0		

Agency code: 223

Agency name: Third Court of Appeals District, Austin

Strategy	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$199,400	\$223,604	\$224,852	\$212,382	\$212,382
1002 OTHER PERSONNEL COSTS	3,697	4,838	3,561	3,351	3,405
2003 CONSUMABLE SUPPLIES	554	506	263	760	760
2006 RENT - BUILDING	82	82	82	82	82
2009 OTHER OPERATING EXPENSE	9,491	3,358	3,603	7,555	7,502
Total, Objects of Expense	\$213,224	\$232,388	\$232,361	\$224,130	\$224,131
METHOD OF FINANCING:					
1 General Revenue Fund	213,224	232,388	232,361	224,130	224,131
Total, Method of Financing	\$213,224	\$232,388	\$232,361	\$224,130	\$224,131
FULL-TIME-EQUIVALENT POSITIONS (FTE):	2.7	2.7	2.7	2.7	2.7

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: 223

Agency name: Third Court of Appeals District, Austin

	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$199,400	\$223,604	\$224,852	\$212,382	\$212,382
1002 OTHER PERSONNEL COSTS	\$3,697	\$4,838	\$3,561	\$3,351	\$3,405
2003 CONSUMABLE SUPPLIES	\$554	\$506	\$263	\$760	\$760
2006 RENT - BUILDING	\$82	\$82	\$82	\$82	\$82
2009 OTHER OPERATING EXPENSE	\$9,491	\$3,358	\$3,603	\$7,555	\$7,502
Total, Objects of Expense	\$213,224	\$232,388	\$232,361	\$224,130	\$224,131
Method of Financing					
1 General Revenue Fund	\$213,224	\$232,388	\$232,361	\$224,130	\$224,131
Total, Method of Financing	\$213,224	\$232,388	\$232,361	\$224,130	\$224,131
Full-Time-Equivalent Positions (FTE)	2.7	2.7	2.7	2.7	2.7