

**Court of Appeals
Fifth District of Texas at Dallas**





**Legislative Appropriations Request
for Fiscal Years 2024 and 2025**

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

by

FIFTH DISTRICT COURT OF APPEALS

at
Dallas, Texas

Robert D. Burns, III, Chief Justice

**Justice Lana R. Myers
Justice David J. Schenck
Justice Ken H. Molberg
Justice Leslie L. Osborne
Justice Robbie Partida-Kipness
Justice Bill N. Pedersen, III**

**Justice Amanda L. Reichek
Justice Erin A. Nowell
Justice Cory L. Carlyle
Justice Bonnie L. Goldstein
Justice S. Craig Smith
Justice Dennise Garcia**

August 5, 2022

Prepared by
Myrna S. Gasc, Business Administrator

Approved by
Robert Burns, Chief Justice

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225 Fifth Court of Appeals District, Dallas

88TH LEGISLATIVE SESSION ADMINISTRATOR'S STATEMENT

Administrator's Statement
For Fiscal Years 2024 and 2025
88th Legislature

Texas' intermediate appellate courts have weathered serious challenges brought on by the COVID-19 pandemic and the 2020 ransomware attack, but these challenges will continue into the foreseeable future. The courts have not been fully funded since 2015 yet have dutifully risen to the task as can be seen by the dramatic decline in the number of cases pending in the courts of appeals. Respectfully, additional funding is now necessary to ensure the efficient administration of justice going forward.

The core function of Texas intermediate appellate courts is to process, review, and decide by written opinion appeals from trial courts in civil and criminal cases. Population growth across the State and the magnitude of annual case filings, in concert with an ever-increasing number of case types requiring expedited review, make clear that the courts of appeals need sufficient resources to manage their busy dockets and provide the high quality of justice to which the citizens of Texas are entitled. Although case filings decreased in 2020 and 2021 due to the pandemic, filings have, unsurprisingly, returned to pre-pandemic levels as of June 2022 and are expected to continue to increase as trial courts resume full operations. The Annual Statistical Report for 2021 reported that family violence cases increased at the highest rate over the past five years. We anticipate a rise in other types of litigation as well that will result in a surge of appeals over the next biennium.

The courts of appeals, collectively, began in the 79th and 80th Legislative Sessions to work toward a zero-based budget model referred to as Similar Funding for Same-Sized Courts. This budget model quantified the funding required to meet the personnel and operational needs of the courts, thus enabling the courts to accomplish their core function and meet their performance measures. The Similar Funding for Same-Sized Courts initiative was fully funded in 2015, and the courts have been operating under this zero-based budget model since that time.

Since the development of the budget model in approximately 2005, the demands of the core function of the courts have required higher-skilled and higher-salary positions. The prior model used salary classification levels for attorneys and staff that are now outdated. Additionally, operating costs for necessary resources such as Westlaw/LexisNexis and other administrative needs have increased dramatically. Further, considering recent attacks on judges and an increase in mass shootings, more funds are needed to provide adequate security at the courts.

Prior to the 87th Legislative Session, in early 2020, the Council of Chiefs revised the data in the budget model to reflect the increased funding needed to optimally operate the fourteen courts. However, in preparing for the impending session, the Council was keenly aware that the need for state funds to address the pandemic was the highest priority. Because there were many uncertainties regarding the state of the economy and it was anticipated state revenues would be limited, agencies were asked to reduce budgets by 5%. The Council appreciated and respected the position of the state and, therefore, did not seek additional funding at that time. While the Council greatly appreciates that budgets of the courts of appeals in the last biennium were not cut, funding of the updated budget model is, nonetheless, now necessary. Accordingly, the budget model data has been further updated to reflect current operating needs.

Since 1983, the work of the intermediate courts of appeals has been accomplished by 80 justices statewide. In that time, the population of Texas has nearly doubled. A key component to handling the ever-increasing workload without additional justices has been the employment of a highly skilled and trained professional workforce, including appellate lawyers and clerical staff, who assist the justices in processing complex cases, researching and drafting orders and opinions, disposing of voluminous motions, and managing accelerated and emergency matters. Appellate work requires specialized knowledge and significant experience, and the courts constantly face

225 Fifth Court of Appeals District, Dallas

competition from higher-paying private practice and government legal jobs for skilled attorneys and staff. Specialized technological skills are also necessary to understand and operate the complex case management system currently used by the courts. Transitioning to a new case management system in the next biennium will also require special skills. Hiring and retaining qualified support staff is critical to the courts' ability to manage their dockets and efficiently resolve the cases before them.

Funding for all fourteen courts of appeals comprises merely 0.035% of the State budget as a whole. Yet, on average, 96.5% of each appellate court's budget is dedicated to salaries and benefits. Without additional funding, appellate courts will be unable to attract and retain the highly trained and skilled support staff with the specialized knowledge and relevant experience critical to the courts' function. Without sufficient qualified staff, courts cannot comply with Legislative mandates to give accelerated and preferential treatment to certain appeals, such as parental-termination and juvenile-certification appeals under the Family Code, mental-health appeals under the Health and Safety Code, and interlocutory appeals under the Civil Practice and Remedies Code.

All fourteen courts of appeals continue to expend resources to recover from the 2020 ransomware attack on the courts' computer systems. The loss of data overall was substantial and continues to require resources to reconstitute work that could not be recovered. And while all State agencies experienced the negative effects of COVID-19, the combined effects of the ransomware attack plus COVID-19 created a unique hardship for the appellate courts.

EXCEPTIONAL ITEM #1: increase the general revenue limit to meet the updated budget model

The updated budget model reflects increased funding to permit the courts to attract and retain experienced lawyers and support staff with the requisite knowledge and skills to assist the courts in meeting their performance measures and fulfilling the core function of timely processing and disposing of appeals. Without an increase in funding, appellate courts will lose talented personnel to higher-paying private jobs. This loss of key personnel will detrimentally affect performance standards, including (1) a reduction in overall 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 from filing until disposition for those appeals which remain pending. Any unnecessary delay will be particularly devastating to the State by creating significant adverse consequences for the businesses, families, and children in Texas that are awaiting justice through the resolution of their disputes. Note, the updated budget model does not include an adjustment for the impact of inflation.

EXCEPTIONAL ITEM #2: JUDICIARY-WIDE INFLATION RELIEF

Attorneys and staff of the courts of appeals have been impacted in many ways by increasing costs due to inflation. The impact has been devastating for many because the State has not given them a meaningful raise in a significant period of time. Their buying power for goods and services has diminished and, at some courts, has resulted in attrition by those seeking higher-paying jobs. If salaries are not increased, the courts risk losing more personnel that will be costly to replace. Training takes time and will impact the ability of the courts to meet the current and expected demands as we navigate the post-pandemic surge.

On May 4, 2022, the Council of Chiefs submitted written testimony to the Senate Committee on Finance comprised of testimonials from court personnel describing personal experiences with rising costs. The Council asks for consideration of this testimony.

The courts of appeals join in the judiciary-wide inflation relief for non-judicial employees sought by Article IV courts and agencies. Respectfully, a ten percent (10%) increase on the budget model salaries is sought to help absorb the impact of inflation. To maintain the Similar Funding for Same-Sized Courts model that has worked exceptionally well for years, the requested percentage must be based on the budget model salaries. This exceptional item is not duplicative of exceptional item 1, which does not include an adjustment for the inflation that is expected to persist for some time to come.

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RIDER REQUESTS:

The courts of appeals also request the following with regard to the across-the-board riders found in Article IV (p. IV-38):

1. Retain Article IV rider, Sec. 3. Appellate Court Exemptions
2. Retain Article IV rider, Sec. 5. Interagency Contracts for Assigned Judges for Appellate Courts
3. Retain Article IV rider, Sec. 6. Appellate Court Transfer Authority

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

ADDITIONAL STATEMENTS OF SUPPORT:

In order for the courts of appeals to function efficiently, it is vital that the Office of Court Administration (OCA) be adequately funded. The courts of appeals rely on many of the services provided by OCA and, therefore, the courts of appeals fully support the exceptional items the OCA requests as part of its funding. More specifically, the courts of appeals strongly support the request for funding related to the acquisition of a new appellate case management system to replace the current system known as TAMES as well as a case-level data system.

If the Legislature appropriates a cost-of-living increase to state employees, the courts of appeals request that all court employees be included in any such cost-of-living increase.

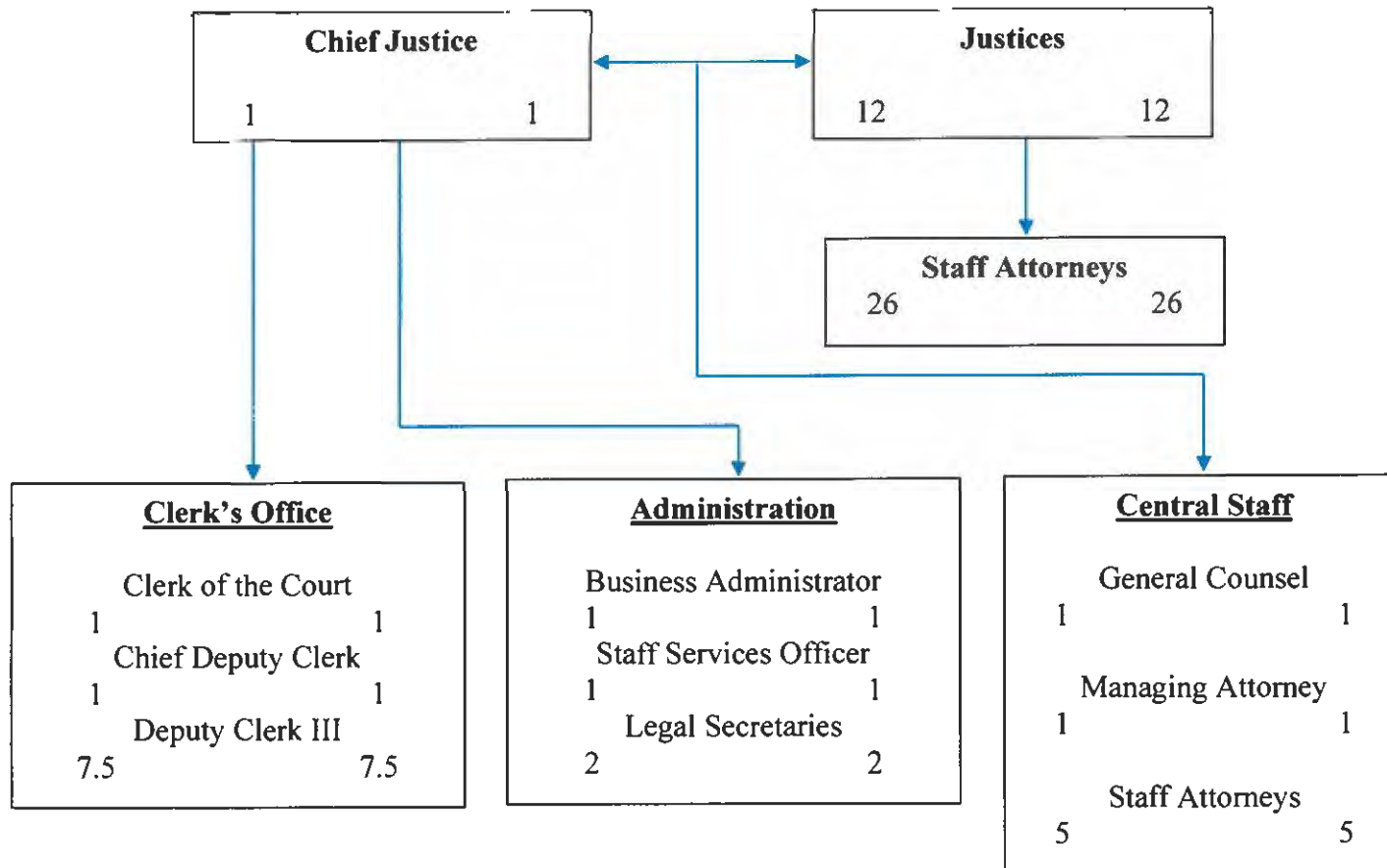
Finally, the courts of appeals wish to express appreciation to and support for the Judicial Compensation Commission and the Legislature's efforts to strengthen the justice system by increasing judicial salaries to attract and retain a strong judiciary. The courts of appeals request the Legislature implement the Judicial Compensation Commission's recommendations for an increase in judicial compensation.

Note: on Appropriated Receipts – At the direction of the LBB & Governor's Office, this Court has included appropriated receipts in the amount of \$32,0000 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

Organizational Chart

Fifth District Court of Appeals (225)

The number on the left is the number of budgeted positions for fiscal year 2022. The number on the right is the number of positions requested in order to retain adequate, quality legal and non-legal staff with salaries that are commensurate with their responsibilities and the salaries paid to like personnel at the other courts of appeals for the 2024-2025 biennium. (Effective date 09/01/2022)





CERTIFICATE

Agency Name Fifth District Court of Appeals (225)

This is to certify that the information contained in the agency Legislative Appropriations Request filed with the Legislative Budget Board (LBB) and the Governor's Office Budget Division (Governor's Office) is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the PDF file submitted via the LBB Document Submission application are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the Governor's Office will be notified in writing in accordance with Article IX, Section 7.01 (2022-2021 GAA).

Chief Executive Officer or Presiding Judge



Signature

Robert D. Burns, III

Printed Name

Chief Justice

Title

August 5, 2022

Date

Board or Commission Chair


Signature

Printed Name

Title

Date

Chief Financial Officer



Signature

Myrna S. Gasc

Printed Name

Business Administrator

Title

August 5, 2022

Date

Budget Overview - Biennial Amounts
88th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

225 Fifth Court of Appeals District, Dallas
Appropriation Years: 2024-25

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS	
	2022-23	2024-25	2022-23	2024-25	2022-23	2024-25	2022-23	2024-25	2022-23	2024-25	2024-25	
Goal: 1. Appellate Court Operations												
1.1. Appellate Court Operations	8,764,399	8,764,399					194,000	194,000	8,958,399	8,958,399		3,440,952
1.2. Appellate Justice Salaries	3,610,540	3,610,540					787,900	787,900	4,398,440	4,398,440		
Total, Goal	12,374,939	12,374,939					981,900	981,900	13,356,839	13,356,839		3,440,952
Total, Agency	12,374,939	12,374,939					981,900	981,900	13,356,839	13,356,839		3,440,952
Total FTEs									57.5	57.5		0.0

2.A. Summary of Base Request by Strategy

8/5/2022 3:30:17PM

88th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

225 Fifth Court of Appeals District, Dallas

Goal / Objective / STRATEGY	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
1 Appellate Court Operations					
1 Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	4,311,785	4,479,199	4,479,200	4,479,199	4,479,200
2 APPELLATE JUSTICE SALARIES	2,237,087	2,199,220	2,199,220	2,199,220	2,199,220
TOTAL, GOAL 1	\$6,548,872	\$6,678,419	\$6,678,420	\$6,678,419	\$6,678,420
TOTAL, AGENCY STRATEGY REQUEST	\$6,548,872	\$6,678,419	\$6,678,420	\$6,678,419	\$6,678,420
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$6,548,872	\$6,678,419	\$6,678,420	\$6,678,419	\$6,678,420

2.A. Summary of Base Request by Strategy

8/5/2022 3:30:17PM

88th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

225 Fifth Court of Appeals District, Dallas

Goal / Objective / STRATEGY	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	6,057,922	6,187,469	6,187,470	6,187,469	6,187,470
SU BTOTAL	\$6,057,922	\$6,187,469	\$6,187,470	\$6,187,469	\$6,187,470
Other Funds:					
573 Judicial Fund	393,950	393,950	393,950	393,950	393,950
666 Appropriated Receipts	32,000	32,000	32,000	32,000	32,000
777 Interagency Contracts	65,000	65,000	65,000	65,000	65,000
SUBTOTAL	\$490,950	\$490,950	\$490,950	\$490,950	\$490,950
TOTAL, METHOD OF FINANCING	\$6,548,872	\$6,678,419	\$6,678,420	\$6,678,419	\$6,678,420

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

2.B. Summary of Base Request by Method of Finance
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/5/2022 3:30:18PM

Agency code: **225** Agency name: **Fifth Court of Appeals District, Dallas**

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>GENERAL REVENUE</u>					
<u>1</u> General Revenue Fund					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2020-21 GAA)	\$6,007,149	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2022-23 GAA)	\$0	\$6,187,469	\$6,187,470	\$0	\$0
Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$0	\$0	\$6,187,469	\$6,187,470
<i>RIDER APPROPRIATION</i>					
• Art IX, Sec. 18.25 (g)(1) Contingency for HB 2384 (2020-21 GAA): Add New Strategy A.1.2 (\$1,777,520)	\$1,777,520	\$0	\$0	\$0	\$0
• Art IX, Sec. 18.25 (g)(2) Contingency for HB 2384 (2020-21 GAA): Reduce Strategy A.1.1: (\$1,624,949)	\$(1,624,949)	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					

2.B. Summary of Base Request by Method of Finance
 88th Regular Session. Agency Submission. Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/5/2022 3:30:18PM

Agency code: **225** Agency name: **Fifth Court of Appeals District, Dallas**

METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>GENERAL REVENUE</u>						
Due to Covid the Agency anticipated cuts to the budget. Experienced several vacancies and did away with clerkship program during the COVID-19 pandemic						
		\$ (293,632)	\$ 0	\$ 0	\$ 0	\$ 0
<i>UNEXPENDED BALANCES AUTHORITY</i>						
Article XI, Sec. 14.04, 2020-2021 GAA.						
		\$ 191,834	\$ 0	\$ 0	\$ 0	\$ 0
TOTAL,	General Revenue Fund	\$6,057,922	\$6,187,469	\$6,187,470	\$6,187,469	\$6,187,470
TOTAL, ALL	GENERAL REVENUE	\$6,057,922	\$6,187,469	\$6,187,470	\$6,187,469	\$6,187,470

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2022-2021 GAA)

\$393,950	\$ 0	\$ 0	\$ 0	\$ 0
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Regular Appropriations from MOF Table (2022-23 GAA)

\$ 0	\$393,950	\$393,950	\$ 0	\$ 0
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2.B. Summary of Base Request by Method of Finance
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/5/2022 3:30:18PM

Agency code: 225		Agency name: Fifth Court of Appeals District, Dallas				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>OTHER FUNDS</u>						
	Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$0	\$0	\$393,950	\$393,950
TOTAL,	Judicial Fund No. 573	\$393,950	\$393,950	\$393,950	\$393,950	\$393,950
<u>666</u>	Appropriated Receipts					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2020-21 GAA)	\$32,000	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2022-23 GAA)	\$0	\$32,000	\$32,000	\$0	\$0
	Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$0	\$0	\$32,000	\$32,000
TOTAL,	Appropriated Receipts	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000
<u>777</u>	Interagency Contracts					
	<i>REGULAR APPROPRIATIONS</i>					

2.B. Summary of Base Request by Method of Finance
 88th Regular Session. Agency Submission. Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/5/2022 3:30:18PM

Agency code: 225		Agency name: Fifth Court of Appeals District, Dallas				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>OTHER FUNDS</u>						
Regular Appropriations from MOF Table (2022-23 GAA)		\$0	\$65,000	\$65,000	\$0	\$0
Regular Appropriations from MOF Table (2020-21 GAA)		\$65,000	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2024-25 GAA)		\$0	\$0	\$0	\$65,000	\$65,000
TOTAL,	Interagency Contracts	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000
TOTAL, ALL	OTHER FUNDS	\$490,950	\$490,950	\$490,950	\$490,950	\$490,950
GRAND TOTAL		\$6,548,872	\$6,678,419	\$6,678,420	\$6,678,419	\$6,678,420

2.B. Summary of Base Request by Method of Finance
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/5/2022 3:30:18PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2020-21 GAA)	63.5	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2022-23 GAA)	0.0	57.5	57.5	0.0	0.0
Regular Appropriations from MOF Table (2024-25 GAA)	0.0	0.0	0.0	57.5	57.5
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Regular Appropriations from MOF Table (2020-21 GAA)	(5.9)	0.0	0.0	0.0	0.0
Comments: Unforeseen reductions due to COVID and anticipating possible budget cuts. The agency did away with a few positions.					
TOTAL, ADJUSTED FTES	57.6	57.5	57.5	57.5	57.5

**NUMBER OF 100% FEDERALLY FUNDED
 FTEs**

2.C. Summary of Base Request by Object of Expense
88th Regular Session. Agency Submission. Version 1
Automated Budget and Evaluation System of Texas (ABEST)

8/5/2022 3:30:18PM

225 Fifth Court of Appeals District, Dallas

OBJECT OF EXPENSE	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
1001 SALARIES AND WAGES	\$5,804,877	\$5,971,680	\$5,971,680	\$5,971,680	\$5,971,681
1002 OTHER PERSONNEL COSTS	\$331,476	\$253,445	\$253,446	\$253,445	\$253,445
2003 CONSUMABLE SUPPLIES	\$4,942	\$22,500	\$22,500	\$22,500	\$22,500
2004 UTILITIES	\$27,440	\$50,000	\$50,000	\$50,000	\$50,000
2005 TRAVEL	\$3,652	\$30,000	\$30,000	\$30,000	\$30,000
2006 RENT - BUILDING	\$47,294	\$60,000	\$60,000	\$60,000	\$60,000
2007 RENT - MACHINE AND OTHER	\$19,870	\$25,000	\$25,000	\$25,000	\$25,000
2009 OTHER OPERATING EXPENSE	\$309,321	\$265,794	\$265,794	\$265,794	\$265,794
OOE Total (Excluding Riders)	\$6,548,872	\$6,678,419	\$6,678,420	\$6,678,419	\$6,678,420
OOE Total (Riders)					
Grand Total	\$6,548,872	\$6,678,419	\$6,678,420	\$6,678,419	\$6,678,420

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

Date: 8/5/2022
Time: 3:30:24PM

88th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 225 Agency: Fifth Court of Appeals District, Dallas

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

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
1	Consumable Supplies	\$4,942	\$25,000	\$22,500	\$25,000	\$25,000
2	Postage	3,500	3,500	3,500	3,500	3,500
3	Telephone	3,500	3,500	3,500	3,500	3,500
4	Travel	3,652	13,750	13,750	15,000	15,000
5	Westlaw/Lexis	19,587	7,800	7,800	80,000	80,000
16	Miscellaneous Expenses	35,000	35,000	35,000	40,000	40,000
25	Advertising	4,045	7,500	7,500	7,500	7,500
26	Books (expensed)	50,000	0	50,000	50,000	50,000
64	SORM Assessment	6,500	6,800	7,100	8,000	8,000
112	Lump Sum Termination	25,000	100,000	50,000	50,000	50,000
	Total, Operating Costs	\$155,726	\$202,850	\$200,650	\$282,500	\$282,500

2.D. Summary of Base Request Objective Outcomes
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

8/5/2022 3:30:18PM

225 Fifth Court of Appeals District, Dallas

Goal/ Objective / Outcome	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
1 Appellate Court Operations					
<i>1 Appellate Court Operations</i>					
KEY 1 Clearance Rate					
	100.86%	99.00%	99.00%	99.00%	99.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	99.63%	100.00%	99.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	99.58%	100.00%	99.00%	100.00%	100.00%

2.E. Summary of Exceptional Items Request
 88th Regular Session. Agency Submission. Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/5/2022
 TIME : 3:30:18PM

Agency code: 225

Agency name: **Fifth Court of Appeals District, Dallas**

Priority	Item	2024			2025			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Updated COA Budget Model	\$1,231,447	\$1,231,447		\$1,231,447	\$1,231,447		\$2,462,894	\$2,462,894
2	Judiciary-Wide inflation relief	\$489,029	\$489,029		\$489,029	\$489,029		\$978,058	\$978,058
Total, Exceptional Items Request		\$1,720,476	\$1,720,476		\$1,720,476	\$1,720,476		\$3,440,952	\$3,440,952

Method of Financing

General Revenue	\$1,720,476	\$1,720,476		\$1,720,476	\$1,720,476		\$3,440,952	\$3,440,952
General Revenue - Dedicated								
Federal Funds								
Other Funds								
	\$1,720,476	\$1,720,476		\$1,720,476	\$1,720,476		\$3,440,952	\$3,440,952

Full Time Equivalent Positions

Number of 100% Federally Funded FTEs

2.F. Summary of Total Request by Strategy
 88th Regular Session. Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/5/2022
 TIME : 3:30:19PM

Agency code.	225	Agency name:	Fifth Court of Appeals District, Dallas				
Goal/Objective:STRATEGY	Base 2024	Base 2025	Exceptional 2024	Exceptional 2025	Total Request 2024	Total Request 2025	
1	Appellate Court Operations						
1	<i>Appellate Court Operations</i>						
1	APPELLATE COURT OPERATIONS	\$4,479,199	\$4,479,200	\$1,720,476	\$1,720,476	\$6,199,675	\$6,199,676
2	APPELLATE JUSTICE SALARIES	2,199,220	2,199,220	0	0	2,199,220	2,199,220
	TOTAL, GOAL 1	\$6,678,419	\$6,678,420	\$1,720,476	\$1,720,476	\$8,398,895	\$8,398,896
TOTAL, AGENCY STRATEGY REQUEST		\$6,678,419	\$6,678,420	\$1,720,476	\$1,720,476	\$8,398,895	\$8,398,896
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST							
GRAND TOTAL, AGENCY REQUEST		\$6,678,419	\$6,678,420	\$1,720,476	\$1,720,476	\$8,398,895	\$8,398,896

2.F. Summary of Total Request by Strategy
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/5/2022
 TIME : 3:30:19PM

Agency code: 225		Agency name: Fifth Court of Appeals District, Dallas				
Goal/Objective/STRATEGY	Base 2024	Base 2025	Exceptional 2024	Exceptional 2025	Total Request 2024	Total Request 2025
General Revenue Funds:						
1 General Revenue Fund	\$6,187,469	\$6,187,470	\$1,720,476	\$1,720,476	\$7,907,945	\$7,907,946
	\$6,187,469	\$6,187,470	\$1,720,476	\$1,720,476	\$7,907,945	\$7,907,946
Other Funds:						
573 Judicial Fund	393,950	393,950	0	0	393,950	393,950
666 Appropriated Receipts	32,000	32,000	0	0	32,000	32,000
777 Interagency Contracts	65,000	65,000	0	0	65,000	65,000
	\$490,950	\$490,950	\$0	\$0	\$490,950	\$490,950
TOTAL, METHOD OF FINANCING	\$6,678,419	\$6,678,420	\$1,720,476	\$1,720,476	\$8,398,895	\$8,398,896
FULL TIME EQUIVALENT POSITIONS	57.5	57.5	0.0	0.0	57.5	57.5

2.G. Summary of Total Request Objective Outcomes
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/5/2022
 Time: 3:30:19PM

Agency code: 225 Agency name: Fifth Court of Appeals District, Dallas

Goal: Objective Outcome

		BL 2024	BL 2025	Excp 2024	Excp 2025	Total Request 2024	Total Request 2025
1	Appellate Court Operations						
1	Appellate Court Operations						
KEY	1 Clearance Rate						
		99.00%	99.00%			99.00%	99.00%
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%

225 Fifth Court of Appeals District, Dallas

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 2021	Est 2022	Bud 2023	BL 2024	BL 2025
Output Measures:						
1	Number of Civil Cases Disposed	822.00	980.00	980.00	980.00	980.00
2	Number of Criminal Cases Disposed	471.00	980.00	680.00	680.00	680.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	866.00	1,105.00	1,105.00	1,105.00	1,105.00
2	Number of Criminal Cases Filed	409.00	830.00	830.00	830.00	830.00
3	Number of Cases Transferred in	30.00	0.00	0.00	0.00	0.00
4	Number of Cases Transferred out	23.00	50.00	5.00	5.00	5.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$3,625,344	\$3,830,726	\$3,830,726	\$3,830,726	\$3,830,727
1002	OTHER PERSONNEL COSTS	\$293,510	\$215,179	\$215,180	\$215,179	\$215,179
2003	CONSUMABLE SUPPLIES	\$4,942	\$22,500	\$22,500	\$22,500	\$22,500
2004	UTILITIES	\$27,440	\$50,000	\$50,000	\$50,000	\$50,000
2005	TRAVEL	\$3,652	\$30,000	\$30,000	\$30,000	\$30,000
2006	RENT - BUILDING	\$47,294	\$60,000	\$60,000	\$60,000	\$60,000
2007	RENT - MACHINE AND OTHER	\$19,870	\$25,000	\$25,000	\$25,000	\$25,000
2009	OTHER OPERATING EXPENSE	\$289,733	\$245,794	\$245,794	\$245,794	\$245,794

3.A. Strategy Request
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/5/2022 3:30:19PM

225 Fifth Court of Appeals District, Dallas

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 2021	Est 2022	Bud 2023	BL 2024	BL 2025
TOTAL, OBJECT OF EXPENSE		\$4,311,785	\$4,479,199	\$4,479,200	\$4,479,199	\$4,479,200
Method of Financing:						
1	General Revenue Fund	\$4,214,785	\$4,382,199	\$4,382,200	\$4,382,199	\$4,382,200
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$4,214,785	\$4,382,199	\$4,382,200	\$4,382,199	\$4,382,200
Method of Financing:						
666	Appropriated Receipts	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000
777	Interagency Contracts	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000
SUBTOTAL, MOF (OTHER FUNDS)		\$97,000	\$97,000	\$97,000	\$97,000	\$97,000
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$4,479,199	\$4,479,200
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$4,311,785	\$4,479,199	\$4,479,200	\$4,479,199	\$4,479,200
FULL TIME EQUIVALENT POSITIONS:		44.6	44.5	44.5	44.5	44.5
STRATEGY DESCRIPTION AND JUSTIFICATION:						

225 Fifth Court of Appeals District, Dallas

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 2021	Est 2022	Bud 2023	BL 2024	BL 2025
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The Fifth Court of Appeals was created in 1893 pursuant to authority granted by Article V Section 6, Texas Constitution. This Court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts: in civil cases where judgments rendered exceed \$100, exclusive of costs, and other civil proceedings as provided by law; in criminal cases of varying types but excluding post-conviction writs of habeas corpus and cases in which the death penalty has been imposed. The Fifth Court of Appeals has jurisdiction in six counties: Collin, Dallas, Hunt, Grayson, Kaufman, and Rockwall.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Courts of appeals, by nature, are small agencies with highly specialized staff. The main factor driving this strategy is the need to attract and retain experienced legal staff, and highly-trained, knowledgeable support staff in order to process and dispose of an increasing caseload in a timely and efficient manner.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
<u>Base Spending (Est 2022 + Bud 2023)</u>	<u>Baseline Request (BL 2024 + BL 2025)</u>	<u>CHANGE</u>	<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOFs and FTEs)</u>
\$8,958,399	\$8,958,399	\$0	\$0	Total of Explanation of Biennial Change

225 Fifth Court of Appeals District, Dallas

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 2 Appellate Justice Salaries, Estimated and Nontransferable

Service Categories:
 Service: NA Income: NA Age: NA

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,179,533	\$2,140,954	\$2,140,954	\$2,140,954	\$2,140,954
1002	OTHER PERSONNEL COSTS	\$37,966	\$38,266	\$38,266	\$38,266	\$38,266
2009	OTHER OPERATING EXPENSE	\$19,588	\$20,000	\$20,000	\$20,000	\$20,000
TOTAL, OBJECT OF EXPENSE		\$2,237,087	\$2,199,220	\$2,199,220	\$2,199,220	\$2,199,220
Method of Financing:						
1	General Revenue Fund	\$1,843,137	\$1,805,270	\$1,805,270	\$1,805,270	\$1,805,270
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,843,137	\$1,805,270	\$1,805,270	\$1,805,270	\$1,805,270
Method of Financing:						
573	Judicial Fund	\$393,950	\$393,950	\$393,950	\$393,950	\$393,950
SUBTOTAL, MOF (OTHER FUNDS)		\$393,950	\$393,950	\$393,950	\$393,950	\$393,950
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$2,199,220	\$2,199,220
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)					\$2,199,220	\$2,199,220
FULL TIME EQUIVALENT POSITIONS:		13.0	13.0	13.0	13.0	13.0

225 Fifth Court of Appeals District, Dallas

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 2 Appellate Justice Salaries, Estimated and Nontransferable

Service Categories:
 Service: NA Income: NA Age: NA

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
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STRATEGY DESCRIPTION AND JUSTIFICATION:

HB 2382 of the 86th Legislature established current judicial salaries and created separate appropriations for appellate justice salaries. As a result of this legislation, Strategy A.1.2, Appellate Justice Salaries was created and holds the estimated, non-transferable judicial salary funds for the Court. Appropriated funds in Strategy A.1.2, cannot be spent for any other purpose outside of judicial salaries and benefits.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Judicial salaries are controlled by statutory authority and cannot be reduced without amendments to statute. Funding needs for Strategy A.1.2, are difficult to forecast due to the nature of judicial service. Retirements, resignations, election results, and deaths all impact the funding needed to meet judicial salary requirements at any given time. Therefore, the funding needed for Strategy A.1.2, is anticipated to fluctuate over the course of the biennium.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL CHANGE</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
<u>Base Spending (Est 2022 + Bud 2023)</u>	<u>Baseline Request (BL 2024 + BL 2025)</u>		<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOEs and FTEs)</u>
\$4,398,440	\$4,398,440	\$0	\$0	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$6,548,872	\$6,678,419	\$6,678,420	\$6,678,419	\$6,678,420
METHODS OF FINANCE (INCLUDING RIDERS):				\$6,678,419	\$6,678,420
METHODS OF FINANCE (EXCLUDING RIDERS):	\$6,548,872	\$6,678,419	\$6,678,420	\$6,678,419	\$6,678,420
FULL TIME EQUIVALENT POSITIONS:	57.6	57.5	57.5	57.5	57.5

3.B. Rider Revisions and Additions Request

Agency Code: 225	Agency Name: Fifth District Court of Appeals	Prepared By: Myrna Gasc. Business Administrator	Date: 08/04/2022	Request Level: Baseline
Current Rider Number	Page Number in 2022-23 GAA	Proposed Rider Language		

6

IV-38

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 ~~2022~~2024 and ~~2023~~2025, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3. Visiting Judges – Appellate in the Judiciary Section, Comptroller’s Department.

Updating rider to adjust the years for the 2024-2025 biennium.

4.A. Exceptional Item Request Schedule
88th Regular Session. Agency Submission. Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/5/2022
TIME: 3:30:24PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

CODE	DESCRIPTION	Excp 2024	Excp 2025
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4.A. Exceptional Item Request Schedule
88th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/5/2022
TIME: 3:30:24PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

CODE	DESCRIPTION	Excp 2024	Excp 2025
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4.B. Exceptional Items Strategy Allocation Schedule
 88th Regular Session. Agency Submission. Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE 8/5/2022
 TIME: 3:30:24PM

Agency code	225	Agency name	Fifth Court of Appeals District, Dallas		
Code	Description			Excp 2024	Excp 2025
Item Name:		Increase the general revenue limit to meet the updated budget model (similar funding for same -sized courts)			
Allocation to Strategy:		1-1-1	Appellate Court Operations		
OBJECTS OF EXPENSE:					
	1001	SALARIES AND WAGES		1,231,447	1,231,447
TOTAL, OBJECT OF EXPENSE				1,231,447	1,231,447
METHOD OF FINANCING:					
	1	General Revenue Fund		1,231,447	1,231,447
TOTAL, METHOD OF FINANCING				1,231,447	1,231,447

4.B. Exceptional Items Strategy Allocation Schedule
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/5/2022
 TIME: 3:30:24PM

Agency code 225 Agency name Fifth Court of Appeals District, Dallas

Code	Description	Excp 2024	Excp 2025
Item Name: Judiciary-Wide inflation relief			
Allocation to Strategy: 1-1-1 Appellate Court Operations			
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	489,029	489,029
TOTAL, OBJECT OF EXPENSE		\$489,029	\$489,029
METHOD OF FINANCING:			
1	General Revenue Fund	489,029	489,029
TOTAL, METHOD OF FINANCING		\$489,029	\$489,029

4.C. Exceptional Items Strategy Request
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/5/2022
TIME: 3:30:25PM

Agency Code: **225** Agency name: **Fifth Court of Appeals District, Dallas**

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 2024	Excp 2025
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	1,720,476	1,720,476
Total, Objects of Expense	\$1,720,476	\$1,720,476
METHOD OF FINANCING:		
1 General Revenue Fund	1,720,476	1,720,476
Total, Method of Finance	\$1,720,476	\$1,720,476

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Increase the general revenue limit to meet the updated budget model (similar funding for same -sized courts)
 Judiciary-Wide inflation relief

6.A. Historically Underutilized Business Supporting Schedule
 88th Regular Session. Agency Submission. Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/5/2022
 Time: 3:30:26PM

Agency Code: 225 Agency: Fifth Court of Appeals District, Dallas

(COMPARISON TO) STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year - HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2020			Total Expenditures FY 2020		HUB Expenditures FY 2021			Total Expenditures FY 2021	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	FY 2021		
21.1%	Commodities	21.1%	19.4%	-1.7%	\$8,076	\$41,639	21.1%	7.3%	-13.8%	\$4,187	\$57,547	
	Total Expenditures		19.4%		\$8,076	\$41,639		7.3%		\$4,187	\$57,547	

B. Assessment of Attainment of HUB Procurement Goals

Attainment:

The Court attained the applicable statewide HUB procurement goals for Commodities in Fiscal Year 2020. The Court did not attain the applicable statewide HUB procurement goals in any category in 2021.

Applicability:

Factors Affecting Attainment:

C. Good-Faith Efforts to Increase HUB Participation

Outreach Efforts and Mentor-Protégé Programs:

N/A

HUB Program Staffing:

N/A

Current and Future Good-Faith Efforts:

The Court continues to make a good faith effort to increase purchase and contract awards to HUB's. All other factors under the TX SmartBuy purchasing rules being equal, HUB vendors are given preference for any purchase to increase HUB participation. However, there are instances where HUB products or services are a great deal more costly than non-HUB, and under these circumstances the Court will choose the best value as it is incurring expenses using the taxpayer's dollars.

6.E. Estimated Revenue Collections Supporting Schedule
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 225 Agency name: Fifth Court of Appeals District, Dallas

FUND/ACCOUNT	Act 2021	Exp 2022	Est 2023	Est 2024	Est 2025
666 Appropriated Receipts					
Beginning Balance (Unencumbered):	\$26,943	\$32,000	\$32,000	\$32,000	\$32,000
Estimated Revenue:					
Ending Fund/Account Balance	\$26,943	\$32,000	\$32,000	\$32,000	\$32,000

REVENUE ASSUMPTIONS:

Projections are based on historical collections.

CONTACT PERSON:

Myrna Gasc

**6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern
Fifth District Court of Appeals (225)**

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2024-25 GAA BILL PATTERN	\$ 700,000
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Fund Name	
Estimated Beginning Balance in FY 2022	
Estimated Revenues FY 2022	\$ 350,000
Estimated Revenues FY 2023	\$ 350,000
FY-2018-19 Total	\$ 700,000
Estimated Beginning Balance in FY 2024	
Estimated Revenues FY 2024	\$ 350,000
Estimated Revenues FY 2025	\$ 350,000
FY 2020-21 Total	\$ 700,000
Constitutional or Statutory Creation and Use of Funds:	
Tex. Gov't Code, Sec. 22.2061, Appellate Judicial System	
Method of Calculation and Revenue Assumptions:	
Historical Analysis.	

General Revenue (GR) & General Revenue Dedicated (GR-D) Baseline

DATE: 8/4/2022

88th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

TIME: 7:14:15PM

Agency code: 225

Agency name: **Fifth Court of Appeals District, Dallas**

GR Baseline Request Limit = \$12,374,939

GR-D Baseline Request Limit = \$0

Strategy/Strategy Option/Rider				2024 Funds				2025 Funds				Biennial Cumulative GR	Biennial Cumulative Ded	Page #
FTEs	Total	GR	Ded	FTEs	Total	GR	Ded							
Strategy: 1 - 1 - 1 Appellate Court Operations														
44.5	4,479,199	4,382,199	0	44.5	4,479,199	4,382,199	0		8,764,398	0				
Strategy: 1 - 1 - 2 Appellate Justice Salaries, Estimated and Nontransferable														
13.0	2,199,220	1,805,270	0	13.0	2,199,220	1,805,270	0		12,374,938	0				
57.5				57.5				*****GR Baseline Request Limit=\$12,374,939*****						
Excp Item: 1 Joint request for Article IV, Judiciary-wide inflation relief														
0.0	1,231,447	1,231,447	0	0.0	1,231,447	1,231,447	0		14,837,832	0				
Strategy Detail for Excp Item: 1														
Strategy: 1 - 1 - 1 Appellate Court Operations														
0.0	1,231,447	1,231,447	0	0.0	1,231,447	1,231,447	0							
Excp Item: 2 Joint request for Article IV, Judiciary-wide inflation relief														
0.0	489,029	489,029	0	0.0	489,029	489,029	0		15,815,890	0				
Strategy Detail for Excp Item: 2														
Strategy: 1 - 1 - 1 Appellate Court Operations														
0.0	489,029	489,029	0	0.0	489,029	489,029	0							
57.5	\$8,398,895	\$7,907,945	\$0	57.5	\$8,398,895	\$7,907,945	0							