



**Legislative Appropriations Request
for Fiscal Years 2022 and 2023**

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 Myers
Justice David Schenck
Justice Leslie Osborne
Justice Bill Pedersen, III
Justice Erin Nowell
Justice David Evans

Justice Bill Whitehill
Justice Ken Molberg
Justice Robbie Partida-Kipness
Justice Amanda Reichel
Justice Cory Carlyle
Justice John Browning

September 18, 2020

Prepared by
Susan Fox, Business Administrator

Approved by
Robert Burns, Chief Justice

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Administrator's Statement

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225 Fifth Court of Appeals District, Dallas

The core function of Texas intermediate appellate courts is to process, review, and decide by written opinion appeals from trial courts in both civil and criminal cases. When the Legislature added criminal appellate jurisdiction to the fourteen courts of appeals in 1981, additional justices were also added to total 80 justices statewide by 1983. Over the 37 years since, the total number of justices has remained at 80, but the courts' dockets have increased by approximately 75%. In fiscal year 2019 alone, 10,395 cases were added to the dockets of the intermediate appellate courts in the State of Texas. Population growth across the State and the magnitude of annual case filings, in concert with an ever-increasing number of case types requiring expedited review, make clear that the courts of appeals need sufficient resources to manage their busy dockets and provide the high quality of justice to which the citizens of Texas are entitled.

To answer the question of what resources are needed to operate the State's appellate court system, the courts of appeals collectively began in the 79th and 80th Legislative Sessions to work toward a zero-based budget model referred to as Similar Funding for Same-Sized Courts. This budget model quantified the funding required to meet the personnel and operational needs of the courts, thus enabling the courts to accomplish their core function and meet their performance measures. The Similar Funding for Same-Sized Courts initiative was fully funded in 2015, and the courts have been operating under this zero-based budget model for the past five years. By adhering to this model, the courts have been able to handle the increased workload without requiring additional justices.

A key component to handling the ever-increasing workload without additional justices has been the employment of a highly skilled and trained professional workforce, including appellate lawyers and clerical staff, who assist the justices in processing cases, researching and drafting orders and opinions, disposing of voluminous motions, and managing accelerated and emergency matters. Appellate work requires specialized knowledge and significant experience, and the courts constantly face competition from higher-paying private practice and government legal jobs for skilled attorneys and staff. Hiring and retaining qualified support staff is critical to the courts' ability to manage their dockets and efficiently resolve the cases before them.

Because maintaining qualified court staff is vital to the courts' operations, any departure from the Similar Funding for Same-Sized Courts model and reduction in funding would render the courts unable to sustain the volume of appeals filed each year, creating backlogs of unresolved appeals that would only increase over time as long as the courts are not provided the funds necessary to perform their essential services. Funding for all fourteen courts of appeals comprises merely 0.035% of the State budget as a whole; thus, a full 5% cut on the intermediate appellate courts would result in only a 0.00175% reduction in the entire State budget. (As an analogy, taking 5% of the resources from the courts of appeals would be the equivalent of removing less than 2 gallons of water from a backyard swimming pool—the water level of the pool would remain, for all intents and purposes, the same.) Yet, a 5% budget cut on the courts of appeals would create a unique, disproportionate and serious negative impact on the courts, for three reasons:

First, approximately one-quarter of the courts' General Revenue funding is dedicated to Strategy A.1.2. (judicial salaries). Because these funds are estimated and nontransferable, the courts are unable to make any reduction to that portion of their budgets. Consequently, the entire 5% budget reduction must be applied only to the remaining three-fourths of the courts' General Revenue: Strategy A.1.1. (appellate court operations). In the Fifth Court of Appeals, applying the required budget reduction (\$615,972) to the remaining funding in Strategy A.1.1. (\$8,764,399) thus functionally results in a larger reduction, approximately 7%, of the funds that the court must cut. The real impact of the budget cut on the funds eligible for reduction effectively results in a budget cut to the court that is significantly higher than the 5% directed to other State agencies.

Second, this budget reduction comes at a crucial time when all fourteen courts of appeals continue to be forced to expend tremendous resources to recover from 2020's ransomware attack on the courts' computer systems. The loss of data overall has been substantial and continues to require significant staffing resources to reconstitute work that could not be recovered. And while all State agencies have experienced the negative effects of COVID-19, the combined effects of the ransomware attack plus COVID-19 have created a unique hardship for the appellate courts that will persist in the years ahead. The appellate courts need more resources to restore essential

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services, not less.

Already operating under this severe hardship, the courts of appeals do not anticipate any relief in the number of cases to be adjudicated. Any decrease in appellate court filings related to the economic slowdown is expected to be short-lived. Experience has shown that in the long term, case filings are likely to increase: after every major financial crisis in the past 20 years, the number of cases filed in the intermediate appellate courts has risen significantly. For example, the courts of appeals experienced increases in case filings following the 2000-2002 dot.com bubble crisis, the 2007-2008 global financial crisis, and the 2011 mortgage crisis. Historically, major economic catastrophes produce an avalanche of cases, often related to business disputes, employment litigation, consumer debts, and foreclosures—State Bar President Larry McDougal has observed that “a potential eviction crisis still looms in the distance” upon the expiration of the federal moratorium on evictions at the end of 2020. Additionally, due to the unique circumstances of the COVID-19 situation—with the prolonged stay-at-home orders—we anticipate a rise in domestic violence/child abuse/sexual abuse cases, divorces, and parental termination suits, as well as litigation over interpretation of the numerous orders and directives issued by the executive branch, the Texas Supreme Court, and associated State agencies. Any current lull in filings is temporary, and the number of cases appealed will eventually increase to reach or even surpass historical levels (either at a steady pace or in a surge).

Finally, unlike the Texas Supreme Court, the Court of Criminal Appeals, and most State agencies, the intermediate appellate courts have no funds allocated to special programs that can be cut. On average, 96.5% of each appellate court’s budget is dedicated to salaries and benefits. Therefore, the only way to absorb a budget cut of this magnitude is by reducing court staff. The courts’ ability to attract and maintain a highly trained and skilled support staff of attorneys and clerical employees with specialized knowledge and relevant experience is critical to the courts’ function of processing appeals to conclusion. Without sufficient qualified staff, courts cannot comply with Legislative mandates to give accelerated and preferential treatment of certain appeals, such as parental-termination and juvenile-certification appeals under the Family Code, mental-health appeals under the Health and Safety Code, and interlocutory appeals under the Civil Practice and Remedies Code.

Exceptional Item #1: Restore the Budget Cut Calculated on the Estimated and Non-Transferable Funds in Strategy A.1.2.

To address the disproportionate impact of the required reduction on the courts’ funding, the courts of appeals respectfully submit Exceptional Item #1 requesting the restoration of the 5% budget reduction calculated on the estimated and nontransferable funds allocated to Strategy A.1.2., appellate justice salaries, which the courts are not able to reduce. The court cannot predict with certainty the exact funding needs for judicial salaries in the future due to unforeseeable changes to the composition of the court that may arise as a result of elections, resignations, retirements, or deaths. But based upon current judicial salary amounts, the estimated General Revenue funding required for Fifth Court of Appeals justice salaries totals \$3,555,040 for the FY 2022–23 biennium. In the Fifth Court of Appeals, a 5% reduction in this funding amounts to \$177,752, but the court has no authority to reduce funds from Strategy A.1.2. because these estimated and nontransferable funds are dedicated to appellate justice salaries. Therefore, the court requests a restoration to General Revenue funding in the amount of \$177,752, which represents the portion of the 5% budget reduction calculated on the Strategy A.1.2. funds that cannot be cut.

Exceptional Item #2: Restore the Budget Cut to the Remaining Funds in Strategy A.1.1.

Because of the unique and negative impact that a budget reduction would impose on appellate court operations throughout the State, the courts of appeals respectfully submit Exceptional Item #2 requesting the restoration of the 5% budget reduction to the courts’ appropriations in Strategy A.1.1. for FY 2022–23. In the Fifth Court of Appeals, the estimated funding needed to restore the court’s budget for Strategy A.1.1. is \$438,220. This restored funding will enable the courts to continue to attract and retain experienced lawyers and support staff with the requisite knowledge and skills to assist the courts in meeting their performance measures and fulfilling their core function of timely processing and disposing of appeals. Without restoration of the courts’ zero-based budget funding (Similar Funding for Same-Sized Courts model), the

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courts will be forced to undertake significant staffing cuts. This reduction in staffing will result in failure to meet performance standards, including (1) a reduction in dispositions of appeals, preventing the courts from clearing older cases and reaching the disposition target of 100% of new appeals filed in the biennium, and (2) an increase in the time for which appeals remain pending. While any cut to the appellate court system's budget risks delays in the provision of criminal justice and resolution of civil matters, the nature of this reduction will be particularly devastating to the State by creating significant adverse consequences for the businesses, families, and children in Texas that are awaiting justice through the resolution of their disputes.

RIDER REQUESTS:

The courts of appeals also request the following with regard to the across-the-board riders found in Article IV (p. IV-43):

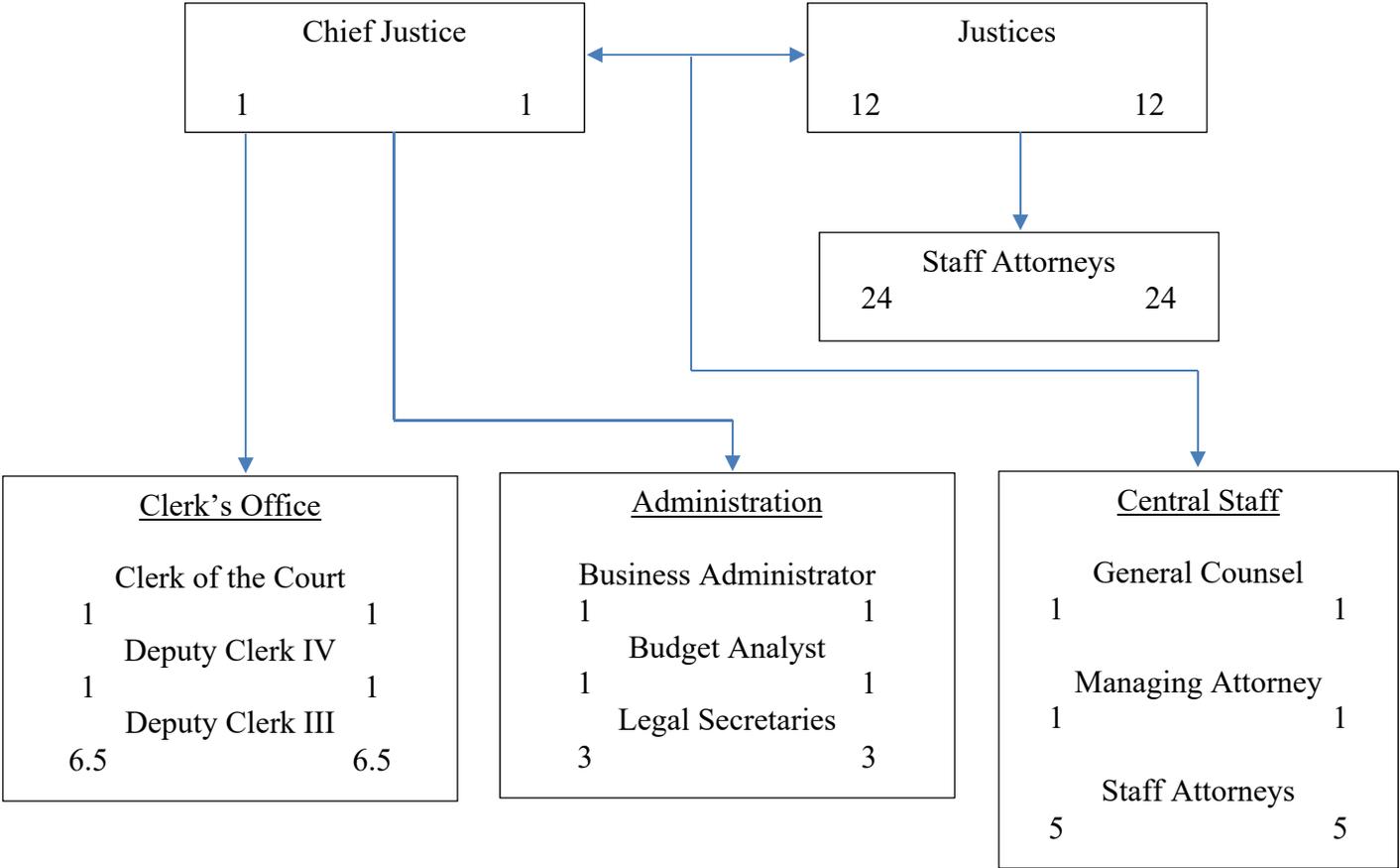
1. Retain Article IV rider, Sec. 3, Appellate Court Exemptions
2. Retain Article IV rider, Sec. 5, Interagency Contracts for Assigned Judges for Appellate Courts
3. Retain Article IV rider, Sec. 6, Appellate Court Transfer Authority

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

Organizational Chart

Fifth District Court of Appeals (225)

The number on the left is the number of budgeted positions for fiscal year 2020. 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 2022-2023 biennium. (Effective date 09/01/2020)



Budget Overview - Biennial Amounts
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225 Fifth Court of Appeals District, Dallas
Appropriation Years: 2022-23

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS	
	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2022-23	
Goal: 1. Appellate Court Operations												
1.1.1. Appellate Court Operations	8,764,399	8,148,427					194,000	194,000	8,958,399	8,342,427		615,972
1.1.2. Appellate Justice Salaries	3,634,116	3,610,540					787,900	787,900	4,422,016	4,398,440		
Total, Goal	12,398,515	11,758,967					981,900	981,900	13,380,415	12,740,867		615,972
Total, Agency	12,398,515	11,758,967					981,900	981,900	13,380,415	12,740,867		615,972
Total FTEs									57.5	54.5		3.0

2.A. Summary of Base Request by Strategy

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225 Fifth Court of Appeals District, Dallas

Goal / Objective / STRATEGY	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
1 Appellate Court Operations					
1 Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	4,382,142	4,251,158	4,707,241	4,171,213	4,171,214
2 APPELLATE JUSTICE SALARIES	2,037,302	2,222,796	2,199,220	2,199,220	2,199,220
TOTAL, GOAL 1	\$6,419,444	\$6,473,954	\$6,906,461	\$6,370,433	\$6,370,434
TOTAL, AGENCY STRATEGY REQUEST	\$6,419,444	\$6,473,954	\$6,906,461	\$6,370,433	\$6,370,434
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$6,419,444	\$6,473,954	\$6,906,461	\$6,370,433	\$6,370,434

2.A. Summary of Base Request by Strategy

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225 Fifth Court of Appeals District, Dallas

Goal / Objective / STRATEGY	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	6,007,149	5,983,004	6,415,511	5,879,483	5,879,484
SUBTOTAL	\$6,007,149	\$5,983,004	\$6,415,511	\$5,879,483	\$5,879,484
Other Funds:					
573 Judicial Fund	393,950	393,950	393,950	393,950	393,950
666 Appropriated Receipts	18,345	32,000	32,000	32,000	32,000
777 Interagency Contracts	0	65,000	65,000	65,000	65,000
SUBTOTAL	\$412,295	\$490,950	\$490,950	\$490,950	\$490,950
TOTAL, METHOD OF FINANCING	\$6,419,444	\$6,473,954	\$6,906,461	\$6,370,433	\$6,370,434

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

2.B. Summary of Base Request by Method of Finance
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Agency code: **225** Agency name: **Fifth Court of Appeals District, Dallas**

METHOD OF FINANCING	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
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GENERAL REVENUE

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2018-19 GAA)

\$6,007,149	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2020-21 GAA)

\$0	\$6,007,149	\$6,007,149	\$0	\$0
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Regular Appropriations from MOF Table

\$0	\$0	\$0	\$5,879,483	\$5,879,484
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Comments: Strategy A.1.1.

RIDER APPROPRIATION

Art. IX, Sec. 18.25(g)(2), Contingency for HB 2384

\$0	\$(1,624,950)	\$(1,624,949)	\$0	\$0
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Comments: GAA, IX-91, May 24, 2019

Art. IX, Sec. 18.25(g)(1), Contingency for HB 2384

\$0	\$1,828,846	\$1,805,270	\$0	\$0
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2.B. Summary of Base Request by Method of Finance
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Agency code: **225** Agency name: **Fifth Court of Appeals District, Dallas**

METHOD OF FINANCING	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
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GENERAL REVENUE

Comments: GAA, IX-91, May 24, 2019

Strategy A.1.2. is an estimated, non-transferable appropriation.
 Amount includes 1% Group Insurance.
 Amount includes differences in tier salaries based on judicial service.
 Amount includes judicial longevity.

UNEXPENDED BALANCES AUTHORITY

Unexpended Balance

\$0	\$(228,041)	\$228,041	\$0	\$0
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Comments: GAA, IV-13, August 6, 2019; GAA, IX-26, September 30, 2019

TOTAL, General Revenue Fund	\$6,007,149	\$5,983,004	\$6,415,511	\$5,879,483	\$5,879,484
TOTAL, ALL GENERAL REVENUE	\$6,007,149	\$5,983,004	\$6,415,511	\$5,879,483	\$5,879,484

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2018-19 GAA)

\$393,950	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2020-21 GAA)

2.B. Summary of Base Request by Method of Finance
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Agency code: 225		Agency name: Fifth Court of Appeals District, Dallas				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>OTHER FUNDS</u>						
		\$0	\$393,950	\$393,950	\$0	\$0
	Regular Appropriations from MOF Table					
		\$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 (2018-19 GAA)					
		\$32,000	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2020-21 GAA)					
		\$0	\$32,000	\$32,000	\$0	\$0
	Regular Appropriations from MOF Table					
		\$0	\$0	\$0	\$32,000	\$32,000
	<i>LAPSED APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2018-19 GAA)					

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

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Agency code: 225		Agency name: Fifth Court of Appeals District, Dallas				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>OTHER FUNDS</u>						
		\$(13,655)	\$0	\$0	\$0	\$0
TOTAL,	Appropriated Receipts					
		\$18,345	\$32,000	\$32,000	\$32,000	\$32,000
<u>777</u>	Interagency Contracts					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2018-19 GAA)					
		\$32,500	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2020-21 GAA)					
		\$0	\$65,000	\$65,000	\$0	\$0
	Regular Appropriations from MOF Table					
		\$0	\$0	\$0	\$65,000	\$65,000
	<i>LAPSED APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2018-19 GAA)					
		\$(32,500)	\$0	\$0	\$0	\$0
TOTAL,	Interagency Contracts					
		\$0	\$65,000	\$65,000	\$65,000	\$65,000

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

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Agency code: 225		Agency name: Fifth Court of Appeals District, Dallas				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
TOTAL, ALL OTHER FUNDS		\$412,295	\$490,950	\$490,950	\$490,950	\$490,950
GRAND TOTAL		\$6,419,444	\$6,473,954	\$6,906,461	\$6,370,433	\$6,370,434
FULL-TIME-EQUIVALENT POSITIONS						
REGULAR APPROPRIATIONS						
Regular Appropriations from MOF Table (2018-19 GAA)		63.5	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2020-21 GAA)		0.0	63.5	63.5	0.0	0.0
Regular Appropriations from MOF Table		0.0	0.0	0.0	54.5	54.5
UNAUTHORIZED NUMBER OVER (BELOW) CAP						
UNAUTHORIZED NUMBER OVER (BELOW) CAP		(1.9)	(6.0)	(6.0)	0.0	0.0
Unauthorized Number Over (Below) Cap						
TOTAL, ADJUSTED FTES		61.6	57.5	57.5	54.5	54.5
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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225 Fifth Court of Appeals District, Dallas

OBJECT OF EXPENSE	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1001 SALARIES AND WAGES	\$5,643,108	\$5,884,324	\$6,027,500	\$5,807,450	\$5,807,450
1002 OTHER PERSONNEL COSTS	\$285,600	\$209,407	\$391,220	\$211,811	\$211,812
2001 PROFESSIONAL FEES AND SERVICES	\$0	\$2,491	\$0	\$0	\$0
2003 CONSUMABLE SUPPLIES	\$28,255	\$14,853	\$30,000	\$22,500	\$22,500
2004 UTILITIES	\$63,498	\$46,245	\$52,000	\$50,000	\$50,000
2005 TRAVEL	\$26,357	\$17,793	\$30,000	\$13,750	\$13,750
2006 RENT - BUILDING	\$49,589	\$52,454	\$55,000	\$60,000	\$60,000
2007 RENT - MACHINE AND OTHER	\$32,293	\$29,790	\$32,000	\$25,000	\$25,000
2009 OTHER OPERATING EXPENSE	\$290,744	\$216,597	\$288,741	\$179,922	\$179,922
OOE Total (Excluding Riders)	\$6,419,444	\$6,473,954	\$6,906,461	\$6,370,433	\$6,370,434
OOE Total (Riders)					
Grand Total	\$6,419,444	\$6,473,954	\$6,906,461	\$6,370,433	\$6,370,434

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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	\$28,255	\$14,853	\$25,000	\$22,500	\$22,500
2	Postage	914	3,086	3,500	3,500	3,500
4	Travel	26,357	17,793	30,000	13,750	13,750
5	Westlaw/Lexis	61,810	87,557	75,000	78,000	81,000
6	Registrations/Training	12,262	1,319	3,500	3,500	3,500
7	Subscriptions/Periodicals	3,118	3,363	3,500	3,500	3,500
13	Furniture & Equipment (Expensed)	2,264	0	18,000	2,500	2,500
16	Miscellaneous Expenses	34,355	28,075	35,000	35,000	35,000
25	Advertising	8,049	3,296	7,500	7,500	7,500
26	Books (expensed)	54,656	48,910	50,000	0	0
37	Computer Software / Upgrades	18,159	1,304	2,500	2,500	2,500
39	Computer Equipment - Non Capital	0	19,780	5,000	5,000	5,000
64	SORM Assessment	9,112	6,384	6,500	6,800	7,100
78	Leasehold Improvements - Expensed	17,662	2,444	7,500	2,500	2,500
Total, Operating Costs		\$276,973	\$238,164	\$272,500	\$186,550	\$189,850

2.D. Summary of Base Request Objective Outcomes
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225 Fifth Court of Appeals District, Dallas

Goal/ Objective / Outcome	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate					
	95.89%	102.75%	105.00%	88.00%	88.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	100.00%	99.70%	100.00%	95.00%	95.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	99.90%	99.90%	100.00%	95.00%	95.00%

2.E. Summary of Exceptional Items Request
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DATE: 9/18/2020
 TIME : 1:37:19PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Priority	Item	2022			2023			Biennium		
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	
1	5% GR Reduction Judicial Salaries	\$88,876	\$88,876	1.0	\$88,876	\$88,876	1.0	\$177,752	\$177,752	
2	5% GR Reduction Appellate Operation	\$219,110	\$219,110	2.0	\$219,110	\$219,110	2.0	\$438,220	\$438,220	
Total, Exceptional Items Request		\$307,986	\$307,986	3.0	\$307,986	\$307,986	3.0	\$615,972	\$615,972	
Method of Financing										
	General Revenue	\$307,986	\$307,986		\$307,986	\$307,986		\$615,972	\$615,972	
	General Revenue - Dedicated									
	Federal Funds									
	Other Funds									
		\$307,986	\$307,986		\$307,986	\$307,986		\$615,972	\$615,972	
Full Time Equivalent Positions				3.0				3.0		
Number of 100% Federally Funded FTEs				0.0				0.0		

2.F. Summary of Total Request by Strategy
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DATE : 9/18/2020
 TIME : 1:37:19PM

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

Goal/Objective/STRATEGY	Base	Base	Exceptional	Exceptional	Total Request	Total Request
1 Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$4,171,213	\$4,171,214	\$307,986	\$307,986	\$4,479,199	\$4,479,200
2 APPELLATE JUSTICE SALARIES	2,199,220	2,199,220	0	0	2,199,220	2,199,220
TOTAL, GOAL 1	\$6,370,433	\$6,370,434	\$307,986	\$307,986	\$6,678,419	\$6,678,420
TOTAL, AGENCY STRATEGY REQUEST	\$6,370,433	\$6,370,434	\$307,986	\$307,986	\$6,678,419	\$6,678,420
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$6,370,433	\$6,370,434	\$307,986	\$307,986	\$6,678,419	\$6,678,420

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

DATE : 9/18/2020
 TIME : 1:37:19PM

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

<i>Goal/Objective/STRATEGY</i>	Base	Base	Exceptional	Exceptional	Total Request	Total Request
General Revenue Funds:						
1 General Revenue Fund	\$5,879,483	\$5,879,484	\$307,986	\$307,986	\$6,187,469	\$6,187,470
	\$5,879,483	\$5,879,484	\$307,986	\$307,986	\$6,187,469	\$6,187,470
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	\$6,370,433	\$6,370,434	\$307,986	\$307,986	\$6,678,419	\$6,678,420
FULL TIME EQUIVALENT POSITIONS	54.5	54.5	3.0	3.0	57.5	57.5

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

Date : 9/18/2020
 Time: 1:37:20PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Goal/ Objective / Outcome

	BL 2022	BL 2023	Excp 2022	Excp 2023	Total Request 2022	Total Request 2023
1 Appellate Court Operations						
1 Appellate Court Operations						
KEY 1 Clearance Rate						
	88.00%	88.00%	99.00%	99.00%	99.00%	99.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year						
	95.00%	95.00%	100.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years						
	95.00%	95.00%	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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
Output Measures:						
1	Number of Civil Cases Disposed	1,112.00	871.00	1,000.00	980.00	980.00
2	Number of Criminal Cases Disposed	615.00	661.00	695.00	680.00	680.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	1,055.00	905.00	760.00	1,105.00	1,105.00
2	Number of Criminal Cases Filed	725.00	623.00	500.00	830.00	830.00
3	Number of Cases Transferred in	21.00	1.00	0.00	0.00	0.00
4	Number of Cases Transferred out	0.00	38.00	0.00	50.00	50.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$3,638,608	\$3,708,250	\$3,868,500	\$3,648,450	\$3,648,450
1002	OTHER PERSONNEL COSTS	\$252,798	\$162,685	\$351,000	\$171,591	\$171,592
2001	PROFESSIONAL FEES AND SERVICES	\$0	\$2,491	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$28,255	\$14,853	\$30,000	\$22,500	\$22,500
2004	UTILITIES	\$63,498	\$46,245	\$52,000	\$50,000	\$50,000
2005	TRAVEL	\$26,357	\$17,793	\$30,000	\$13,750	\$13,750
2006	RENT - BUILDING	\$49,589	\$52,454	\$55,000	\$60,000	\$60,000
2007	RENT - MACHINE AND OTHER	\$32,293	\$29,790	\$32,000	\$25,000	\$25,000
2009	OTHER OPERATING EXPENSE	\$290,744	\$216,597	\$288,741	\$179,922	\$179,922

3.A. Strategy Request
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/18/2020 1:37:20PM

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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
TOTAL, OBJECT OF EXPENSE		\$4,382,142	\$4,251,158	\$4,707,241	\$4,171,213	\$4,171,214
Method of Financing:						
1	General Revenue Fund	\$4,363,797	\$4,154,158	\$4,610,241	\$4,074,213	\$4,074,214
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$4,363,797	\$4,154,158	\$4,610,241	\$4,074,213	\$4,074,214
Method of Financing:						
666	Appropriated Receipts	\$18,345	\$32,000	\$32,000	\$32,000	\$32,000
777	Interagency Contracts	\$0	\$65,000	\$65,000	\$65,000	\$65,000
SUBTOTAL, MOF (OTHER FUNDS)		\$18,345	\$97,000	\$97,000	\$97,000	\$97,000
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$4,171,213	\$4,171,214
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$4,382,142	\$4,251,158	\$4,707,241	\$4,171,213	\$4,171,214
FULL TIME EQUIVALENT POSITIONS:		48.6	44.5	44.5	41.5	41.5
STRATEGY DESCRIPTION AND JUSTIFICATION:						

225 Fifth Court of Appeals District, Dallas

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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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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.

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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		BIENNIAL	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2020 + Bud 2021)	Baseline Request (BL 2022 + BL 2023)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$8,958,399	\$8,342,427	\$(615,972)	\$(438,220)	5% baseline reduction A.1.1. \$438,220 GR 2.0 FTE
			\$(177,752)	5% baseline reduction A.1.2. \$177,752 GR Applied to A.1.1. 1.0 FTE
			<u>\$(615,972)</u>	Total of Explanation of Biennial Change

225 Fifth Court of Appeals District, Dallas

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations Service Categories:
 STRATEGY: 2 Appellate Justice Salaries. Estimated and Nontransferable Service: NA Income: NA Age: NA

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,004,500	\$2,176,074	\$2,159,000	\$2,159,000	\$2,159,000
1002	OTHER PERSONNEL COSTS	\$32,802	\$46,722	\$40,220	\$40,220	\$40,220
TOTAL, OBJECT OF EXPENSE		\$2,037,302	\$2,222,796	\$2,199,220	\$2,199,220	\$2,199,220
Method of Financing:						
1	General Revenue Fund	\$1,643,352	\$1,828,846	\$1,805,270	\$1,805,270	\$1,805,270
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,643,352	\$1,828,846	\$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)		\$2,037,302	\$2,222,796	\$2,199,220	\$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 Service Categories:
 STRATEGY: 2 Appellate Justice Salaries. Estimated and Nontransferable Service: NA Income: NA Age: NA

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

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</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
<u>Base Spending (Est 2020 + Bud 2021)</u>	<u>Baseline Request (BL 2022 + BL 2023)</u>	<u>CHANGE</u>	<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOFs and FTEs)</u>
\$4,422,016	\$4,398,440	\$(23,576)	\$(23,576)	Strategy A.1.2. is an estimated, non-transferable appropriation. Total incremental changes represent 1% Group Insurance and differences in tier salaries based on judicial service.
			\$(23,576)	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$6,419,444	\$6,473,954	\$6,906,461	\$6,370,433	\$6,370,434
METHODS OF FINANCE (INCLUDING RIDERS):				\$6,370,433	\$6,370,434
METHODS OF FINANCE (EXCLUDING RIDERS):	\$6,419,444	\$6,473,954	\$6,906,461	\$6,370,433	\$6,370,434
FULL TIME EQUIVALENT POSITIONS:	61.6	57.5	57.5	54.5	54.5

3.B. Rider Revisions and Additions Request

Agency Code: 225	Agency Name: Fifth Court of Appeals District, Dallas	Prepared By: Susan Fox	Date: September 18, 2020	Request Level: Baseline
Current Rider Number	Page Number in 2020-21 GAA	Proposed Rider Language		

5

IV-43

Sec. 6. Interagency Contracts for Assigned Judges for Appellate Courts. Out of funds appropriated in this Article to Strategies A.1.1., Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years ~~2020~~2022 and ~~2021~~2023, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3. Visiting Judges – Appellate in the Judiciary Section, Comptroller’s Department.

Updating rider to adjust the years for the 2022-2023 biennium.

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

DATE: 9/18/2020
 TIME: 1:37:21PM

Agency code: 225

Agency name:
Fifth Court of Appeals District, Dallas

CODE	DESCRIPTION	Excp 2022	Excp 2023
	Item Name: Restore 5% reduction applied to Strategy A.1.2. Judicial Salaries 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		
1001	SALARIES AND WAGES	87,496	87,496
1002	OTHER PERSONNEL COSTS	1,380	1,380
TOTAL, OBJECT OF EXPENSE		\$88,876	\$88,876

METHOD OF FINANCING:

1	General Revenue Fund	88,876	88,876
TOTAL, METHOD OF FINANCING		\$88,876	\$88,876

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.00	1.00
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DESCRIPTION / JUSTIFICATION:

Strategy A.1.2. funds are estimated, non-transferable funds dedicated to appellate justice salaries. Judicial salaries are controlled by statute. Thus, any reduction to Strategy A.1.2. funds can only be made by the Legislature. Because the Court has no authority to reduce funding in Strategy A.1.2., the 5% GR reduction calculated on these funds must be taken from Strategy A.1.1., resulting in a cumulative 7% reduction from Appellate Court Operations, resulting in a reduction in force of 1.0 FTE.

To address the disproportionate impact of the required reduction on the Court's funding, the Fifth Court respectfully submits Exceptional Item #1 requesting the restoration of the 5% budget reduction calculated on the estimated and nontransferable funds allocated to Strategy A.1.2. Restoration of this funding will allow the Court to retain its highly trained and specialized staff.

EXTERNAL/INTERNAL FACTORS:

Approximately one-quarter of the Court's General Revenue funding is dedicated to Strategy A.1.2. Judicial Salaries. Because these funds are estimated and nontransferable, the Fifth Court is unable to make any reduction to that portion of the budget. Consequently, the entire 5% budget reduction must be applied only to the remaining three-fourths of the Fifth Court's General Revenue in Strategy A.1.1. Appellate Court Operations. Applying the required budget reduction of \$615,972 to the remaining funding in Strategy A.1.1. (\$8,764,399) thus functionally results in a larger reduction, approximately 7%. The real impact of the budget cut on the funds eligible for reduction effectively results in a budget cut to the Court that is significantly higher than the 5% directed to other State agencies.

PCLS TRACKING KEY:

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

DATE: 9/18/2020
TIME: 1:37:21PM

Agency code: 225

Agency name:
Fifth Court of Appeals District, Dallas

CODE	DESCRIPTION	Excp 2022	Excp 2023
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DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Because the Court does not have the legal authority to reduce Strategy A.1.2. by the calculated 5% GR reduction amount, the Fifth Court must apply the calculated 5% reduction to Strategy A.1.1. Appellate Court Operations, which will result in a reduction in force. The Fifth Court seeks to retain its highly trained and specialized staff by restoring the calculated 5% GR reduction in Strategy A.1.2.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2024	2025	2026
\$88,876	\$88,876	\$88,876

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

DATE: 9/18/2020
 TIME: 1:37:21PM

Agency code: 225

Agency name:
Fifth Court of Appeals District, Dallas

CODE	DESCRIPTION	Excp 2022	Excp 2023
	Item Name: Restore 5% reduction in Strategy A.1.1. Appellate Court Operations Item Priority: 2 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	132,500	132,500
1002	OTHER PERSONNEL COSTS	1,988	1,988
2003	CONSUMABLE SUPPLIES	2,500	2,500
2005	TRAVEL	16,250	16,250
2009	OTHER OPERATING EXPENSE	65,872	65,872
TOTAL, OBJECT OF EXPENSE		\$219,110	\$219,110
METHOD OF FINANCING:			
1	General Revenue Fund	219,110	219,110
TOTAL, METHOD OF FINANCING		\$219,110	\$219,110
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.00	2.00

DESCRIPTION / JUSTIFICATION:

Strategy A.1.2. funds are estimated, non-transferable funds dedicated to appellate justice salaries. Judicial salaries are controlled by statute. Thus, any reduction to Strategy A.1.2. funds can only be made by the Legislature. Because the Court has no authority to reduce funding in Strategy A.1.2., the 5% GR reduction calculated on these funds must be taken from Strategy A.1.1., resulting in a cumulative 7% reduction from Appellate Court Operations, resulting in a reduction in force of 2.0 FTEs.

Because of the unique and negative impact that a budget reduction would impose on appellate court operations, the Fifth Court respectfully submits Exceptional Item #2 requesting the restoration of the 5% budget reduction to the Court's appropriations in Strategy A.1.1. for FY 2022–23. Restoration of this funding will allow the Court to retain its highly trained and specialized staff.

EXTERNAL/INTERNAL FACTORS:

Approximately one-quarter of the Court's General Revenue funding is dedicated to Strategy A.1.2. Judicial Salaries. Because these funds are estimated and nontransferable, the Fifth Court is unable to make any reduction to that portion of the budget. Consequently, the entire 5% budget reduction must be applied only to the remaining three-fourths of the Fifth Court's General Revenue in Strategy A.1.1. Appellate Court Operations. Applying the required budget reduction of \$615,972 to the remaining funding in Strategy A.1.1. (\$8,764,399) thus functionally results in a larger reduction, approximately 7%. The real impact of the budget cut on the funds eligible for reduction effectively results in a budget cut to the Court that is significantly higher than the 5% directed to other State agencies.

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

DATE: 9/18/2020
TIME: 1:37:21PM

Agency code: 225

Agency name:
Fifth Court of Appeals District, Dallas

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2022</u>	<u>Excp 2023</u>
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PCLS TRACKING KEY:

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Because the Court does not have the legal authority to reduce Strategy A.1.2. by the calculated 5% GR reduction amount, the Fifth Court must apply the calculated 5% reduction to Strategy A.1.1. Appellate Court Operations, which will result in a reduction in force. The Fifth Court seeks to retain its highly trained and specialized staff by restoring the calculated 5% GR reduction in Strategy A.1.2.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

<u>2024</u>	<u>2025</u>	<u>2026</u>
\$219,110	\$219,110	\$219,110

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

Code	Description	Excp 2022	Excp 2023
Item Name: Restore 5% reduction applied to Strategy A.1.2. Judicial Salaries			
Allocation to Strategy: 1-1-1 Appellate Court Operations			
STRATEGY IMPACT ON OUTCOME MEASURES:			
<u>1</u>	Clearance Rate	87.00%	87.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	95.00%	95.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	95.00%	95.00%
OUTPUT MEASURES:			
<u>1</u>	Number of Civil Cases Disposed	966.00	966.00
<u>2</u>	Number of Criminal Cases Disposed	666.00	666.00
EXPLANATORY/INPUT MEASURES:			
<u>1</u>	Number of Civil Cases Filed	1,105.00	1,105.00
<u>2</u>	Number of Criminal Cases Filed	830.00	830.00
<u>3</u>	Number of Cases Transferred in	0.00	0.00
<u>4</u>	Number of Cases Transferred out	50.00	50.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	87,496	87,496
1002	OTHER PERSONNEL COSTS	1,380	1,380
TOTAL, OBJECT OF EXPENSE		\$88,876	\$88,876
METHOD OF FINANCING:			
1	General Revenue Fund	88,876	88,876
TOTAL, METHOD OF FINANCING		\$88,876	\$88,876
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

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

Code	Description	Excp 2022	Excp 2023
Item Name: Restore 5% reduction in Strategy A.1.1. Appellate Court Operations			
Allocation to Strategy: 1-1-1 Appellate Court Operations			
STRATEGY IMPACT ON OUTCOME MEASURES:			
<u>1</u>	Clearance Rate	87.00%	87.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	96.00%	96.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	96.00%	96.00%
OUTPUT MEASURES:			
<u>1</u>	Number of Civil Cases Disposed	973.00	973.00
<u>2</u>	Number of Criminal Cases Disposed	673.00	673.00
EXPLANATORY/INPUT MEASURES:			
<u>1</u>	Number of Civil Cases Filed	1,105.00	1,105.00
<u>2</u>	Number of Criminal Cases Filed	830.00	830.00
<u>3</u>	Number of Cases Transferred in	0.00	0.00
<u>4</u>	Number of Cases Transferred out	50.00	50.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	132,500	132,500
1002	OTHER PERSONNEL COSTS	1,988	1,988
2003	CONSUMABLE SUPPLIES	2,500	2,500
2005	TRAVEL	16,250	16,250
2009	OTHER OPERATING EXPENSE	65,872	65,872
TOTAL, OBJECT OF EXPENSE		\$219,110	\$219,110
METHOD OF FINANCING:			
	1 General Revenue Fund	219,110	219,110
TOTAL, METHOD OF FINANCING		\$219,110	\$219,110
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.0	2.0

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

DATE: 9/18/2020
TIME: 1:37:21PM

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	Exp 2022	Exp 2023
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STRATEGY IMPACT ON OUTCOME MEASURES:

<u>1</u> Clearance Rate	99.00 %	99.00 %
<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	1,080.00	1,080.00
<u>2</u> Number of Criminal Cases Disposed	780.00	780.00

EXPLANATORY/INPUT MEASURES:

<u>1</u> Number of Civil Cases Filed	1,105.00	1,105.00
<u>2</u> Number of Criminal Cases Filed	830.00	830.00
<u>4</u> Number of Cases Transferred out	50.00	50.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	219,996	219,996
1002 OTHER PERSONNEL COSTS	3,368	3,368
2003 CONSUMABLE SUPPLIES	2,500	2,500
2005 TRAVEL	16,250	16,250
2009 OTHER OPERATING EXPENSE	65,872	65,872
Total, Objects of Expense	\$307,986	\$307,986

METHOD OF FINANCING:

1 General Revenue Fund	307,986	307,986
Total, Method of Finance	\$307,986	\$307,986

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

DATE: 9/18/2020
TIME: 1:37:21PM

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	Exp 2022	Exp 2023
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FULL-TIME EQUIVALENT POSITIONS (FTE):	3.0	3.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Restore 5% reduction applied to Strategy A.1.2. Judicial Salaries

Restore 5% reduction in Strategy A.1.1. Appellate Court Operations

6.A. Historically Underutilized Business Supporting Schedule
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 9/18/2020
 Time: 1:37:21PM

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 2018			Total Expenditures FY 2018		HUB Expenditures FY 2019			Total Expenditures FY 2019	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	% Goal	Actual \$	
11.2%	Heavy Construction	11.2 %	0.0%	-11.2%	\$0	\$0	11.2 %	0.0%	-11.2%	\$0	\$0	
21.1%	Building Construction	21.1 %	0.0%	-21.1%	\$0	\$0	21.1 %	0.0%	-21.1%	\$0	\$0	
32.9%	Special Trade	32.9 %	0.0%	-32.9%	\$0	\$950	32.9 %	0.0%	-32.9%	\$0	\$17,662	
23.7%	Professional Services	23.7 %	0.0%	-23.7%	\$0	\$0	23.7 %	0.0%	-23.7%	\$0	\$0	
26.0%	Other Services	26.0 %	0.0%	-26.0%	\$0	\$106,024	26.0 %	0.0%	-26.0%	\$0	\$178,084	
21.1%	Commodities	21.1 %	34.6%	13.5%	\$19,410	\$56,036	21.1 %	21.4%	0.3%	\$13,529	\$63,210	
	Total Expenditures		11.9%		\$19,410	\$163,010		5.2%		\$13,529	\$258,956	

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

Attainment:

The Fifth Court attained 11.91% of the applicable statewide HUB procurement goals for 2018.

The Fifth Court attained 5.22% of the applicable statewide HUB procurement goals for 2019.

Applicability:

In fiscal years 2018-19, the procurement categories not applicable to the Court's operations were heavy construction, building construction, and professional services.

The Fifth Court did not have any programs relating to these procurement categories.

Factors Affecting Attainment:

The Fifth Court spends a majority of its appropriated funds on salaries. Computer and printer purchases are made through the Office of Court Administration. The Court's third-largest expense is the purchase of law books and electronic legal research. Unfortunately, after a thorough examination of current catalogs, lists, and price quotations of dealers / publishers, this specialized research material - with exact specifications - is not available from any other sources. The Court fully supports the statewide initiative of creating jobs for Texans with disabilities and therefore purchases commodities from WorkQuest, formerly known as TIBH Industries.

"Good-Faith" Efforts:

The Fifth Court of Appeals conscientiously makes every effort to recognize and utilize HUB vendors. Office and computer supplies / maintenance are purchased from local HUB vendors when possible. The Court has utilized HUBs for commodities and other services and made a good faith effort to meet goals outlined in ITAC 11.13(c).

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

DATE: 9/18/2020
 TIME: 1:37:22PM

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

Agency code: **225** Agency name: **5th Ct Appeals, Dallas**

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
OBJECTS OF EXPENSE						
1001	SALARIES AND WAGES	\$0	\$1,420	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$0	\$535	\$0	\$0	\$0
2004	UTILITIES	\$0	\$2,680	\$2,520	\$2,520	\$2,520
TOTAL, OBJECTS OF EXPENSE		\$0	\$4,635	\$2,520	\$2,520	\$2,520
METHOD OF FINANCING						
1	General Revenue Fund	\$0	\$4,635	\$2,520	\$2,520	\$2,520
Subtotal, MOF (General Revenue Funds)		\$0	\$4,635	\$2,520	\$2,520	\$2,520
TOTAL, METHOD OF FINANCE		\$0	\$4,635	\$2,520	\$2,520	\$2,520
FULL-TIME-EQUIVALENT POSITIONS		0.0	5.0	5.0	0.0	0.0

NO FUNDS WERE PASSED THROUGH TO LOCAL ENTITIES

NO FUNDS WERE PASSED THROUGH TO OTHER STATE AGENCIES OR INSTITUTIONS OF HIGHER EDUCATION

USE OF HOMELAND SECURITY FUNDS

Since March 17, 2020, the Fifth Court has maintained a skeleton crew of the Clerk of the Court, two Deputy Clerks, and two Central Staff Attorneys to handle in-person pro se filings and emergency motions. Since March 17, 2020, all other staff are teleworking in order to maintain normal productivity and continuity of service to the public. To accommodate employees teleworking via VPN, the Court increased its internet bandwidth from 50/50 to 100/100. The Fifth Court implemented the new COVID-19-related emergency leave policy, including the dedicated CAPPS time reporting code for COVID-19 emergency leave granted. One employee has been granted emergency leave under this new policy. To prepare for employees returning to work onsite, the Court has ordered and received disinfectant wipes, individual hand sanitizer for each employee, and surface disinfectant spray. The Court has been unable to obtain surgical masks.

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

DATE: 9/18/2020

Funds Passed through to Local Entities

TIME: 1:37:22PM

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

Agency code: **225** Agency name: **5th Ct Appeals, Dallas**

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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6.G. HOMELAND SECURITY FUNDING SCHEDULE - PART C - COVID-19 RELATED EXPENDITURES

DATE: 9/18/2020

Funds Passed through to State Agencies

TIME: 1:37:22PM

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

Agency code: **225** Agency name: **5th Ct Appeals, Dallas**

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern
Fifth Court of Appeals District, Dallas

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2022-23 GAA BILL PATTERN	\$	700,000
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<u>Fund Name</u>		
Estimated Beginning Balance in FY 2020		
Estimated Revenues FY 2020	\$	350,000
Estimated Revenues FY 2021	\$	350,000
FY 2020-21 Total	\$	700,000
Estimated Beginning Balance in FY 2022		
Estimated Revenues FY 2022	\$	350,000
Estimated Revenues FY 2023	\$	350,000
FY 2022-23 Total	\$	700,000
Constitutional or Statutory Creation and Use of Funds:		
Tex. Gov't Code, Sec. 22.2016, Appellate Judicial System		
Method of Calculation and Revenue Assumptions:		
Historial analysis		