

Legislative Appropriations Request

For Fiscal Years 2022 and 2023

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

by

Fourteenth Court of Appeals

September 18, 2020

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Administrator's Statement

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

234 Fourteenth Court of Appeals District, Houston

COURT OF APPEALS FOR THE FOURTEENTH DISTRICT OF TEXAS

In the Administrator's Statement for the Second Court of Appeals, Chief Justice Bonnie Sudderth, the Chair of the Texas Council of Chief Justices, describes the core function of the Texas intermediate appellate courts, the resources needed to operate them, the difficulties of budgeting given the uncertainties surrounding the judicial-salaries component of each court's budget, and the impact of this year's cyber-crisis/network outage and ongoing pandemic on these courts. Most, if not all, of the administrators for the other intermediate courts of appeals have made the same general points in their statements. For the sake of brevity, those points will not be repeated here, but they are incorporated into this Administrator's Statement as if they were.

The Fourteenth Court of Appeals, like the First Court of Appeals, is a coterminous-jurisdiction court. That means the two courts, both based in Houston, share judicial power in the same ten-county region. (The First and the Fourteenth are the only courts of appeals in Texas whose geographic jurisdictions completely overlap.) This highly unusual and long-criticized court structure adds unnecessary costs to court operations and the appellate process. By merging the two Houston-based courts of appeals, Texas could improve the delivery of justice and save money both for the taxpayer and for the consumer of court services. See Kem Thompson Frost, Unclaimed Treasure: Greater Rule-of-Law Benefits for the Taking in Texas, 58 HOUSTON L. REV. 1, 38; 56-57 (2020) (explaining how inefficiencies inherent in having two courts of appeals for the same geographic area creates extra expense for litigants, burdens judges and court staff, creates drags on case movement, and taxes court resources; describing how merging the First and Fourteenth Courts would produce cost savings for the taxpayer and also cut costs for the consumer of court services, and explaining the savings that would come from eliminating duplicative costs of operating two courts for a single geographic region.)

Years ago, a prior Fourteenth Court administrator pointed to a merger of the two Houston-based courts of appeals as a cost-savings measure. In recent years, the Fourteenth Court, through partnering with the First Court to share costs, has eliminated some duplicative expenses and realized some cost savings. But given that the two courts are independent bodies and separate state "agencies" for budgeting purposes, there are limits on what can be achieved short of combining the First and Fourteenth into a single court. Merging the courts would open greater possibilities and also eliminate the extra costs and delays associated with split-of-authority cases in the shared jurisdiction. See *id.*

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 Fourteenth Court of Appeals justice salaries totals \$2,501,456 for the FY 2022–23 biennium. In the Fourteenth Court of Appeals, a 5% reduction in this funding amounts to \$125,072, 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 \$125,072, 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

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234 Fourteenth Court of Appeals District, Houston

Fourteenth Court of Appeals, the estimated funding needed to restore the court's budget for Strategy A.1.1. is \$324,188. 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 courts will be forced to undertake significant staffing cuts. This reduction in staffing likely would 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 would 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.

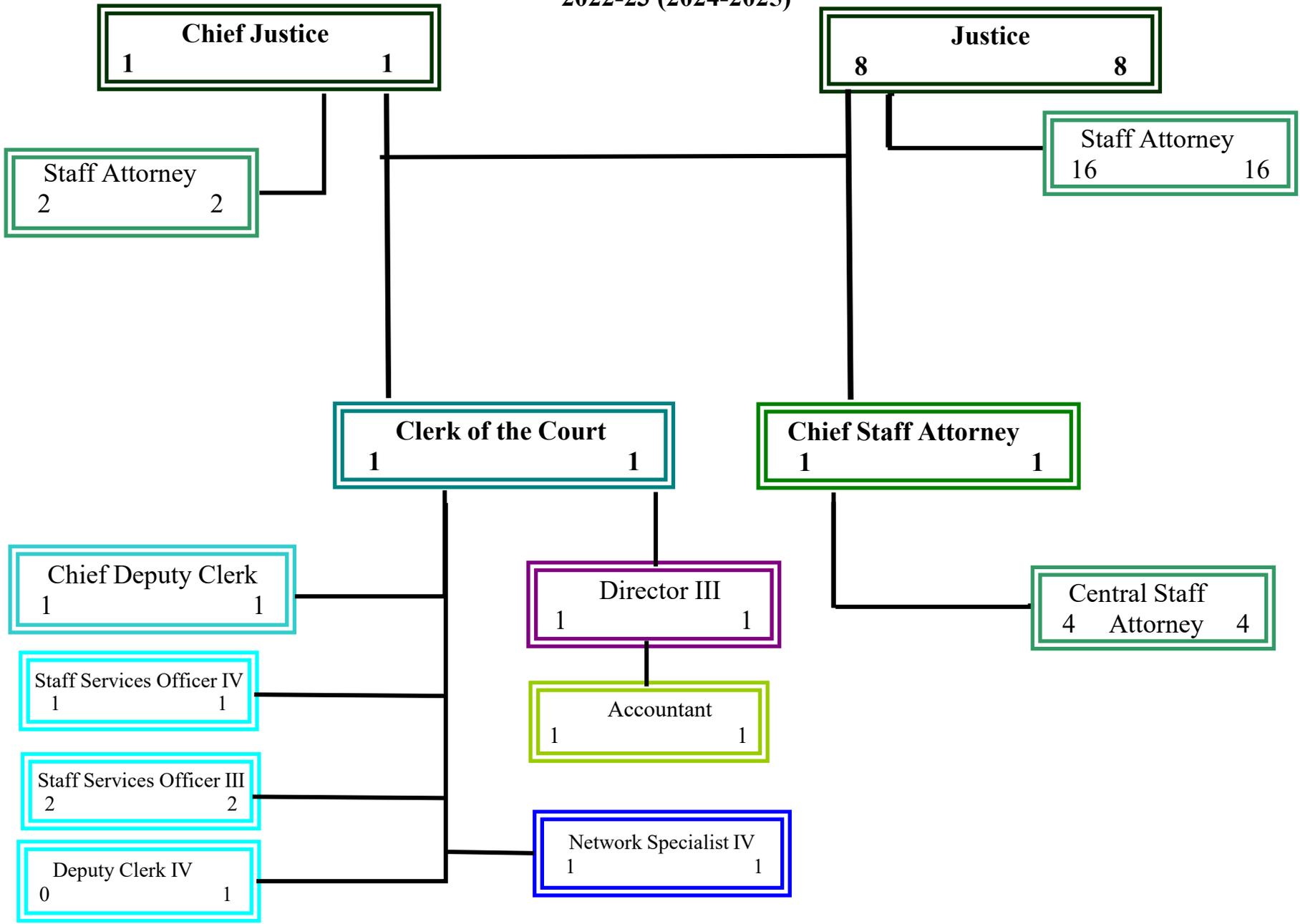
RIDER REQUESTS:

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
Fourteenth Court of Appeals
2022-23 (2024-2025)**



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

234 Fourteenth Court of Appeals District, Houston
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 | 6,513,359 | 6,095,779 | | | | | 419,441 | 357,086 | 6,932,800 | 6,452,865 | 449,260 |
| 1.1.2. Appellate Justice Salaries | 2,503,520 | 2,471,840 | | | | | 546,700 | 546,700 | 3,050,220 | 3,018,540 | |
| Total, Goal | 9,016,879 | 8,567,619 | | | | | 966,141 | 903,786 | 9,983,020 | 9,471,405 | 449,260 |
| Total, Agency | 9,016,879 | 8,567,619 | | | | | 966,141 | 903,786 | 9,983,020 | 9,471,405 | 449,260 |
| Total FTEs | | | | | | | | | 44.0 | 41.5 | 2.5 |

2.A. Summary of Base Request by Strategy

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Automated Budget and Evaluation System of Texas (ABEST)

234 Fourteenth Court of Appeals District, Houston

| 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 | 4,894,816 | 3,468,505 | 3,464,295 | 3,226,432 | 3,226,433 |
| 2 APPELLATE JUSTICE SALARIES | 0 | 1,525,110 | 1,525,110 | 1,509,270 | 1,509,270 |
| TOTAL, GOAL 1 | \$4,894,816 | \$4,993,615 | \$4,989,405 | \$4,735,702 | \$4,735,703 |
| TOTAL, AGENCY STRATEGY REQUEST | \$4,894,816 | \$4,993,615 | \$4,989,405 | \$4,735,702 | \$4,735,703 |
| TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST* | | | | \$0 | \$0 |
| GRAND TOTAL, AGENCY REQUEST | \$4,894,816 | \$4,993,615 | \$4,989,405 | \$4,735,702 | \$4,735,703 |

2.A. Summary of Base Request by Strategy

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87th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

234 Fourteenth Court of Appeals District, Houston

| 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 | 4,416,932 | 4,508,439 | 4,508,440 | 4,283,809 | 4,283,810 |
| SUBTOTAL | \$4,416,932 | \$4,508,439 | \$4,508,440 | \$4,283,809 | \$4,283,810 |
| Other Funds: | | | | | |
| 573 Judicial Fund | 273,350 | 273,350 | 273,350 | 273,350 | 273,350 |
| 666 Appropriated Receipts | 20,538 | 15,762 | 11,539 | 11,539 | 11,539 |
| 777 Interagency Contracts | 183,996 | 196,064 | 196,076 | 167,004 | 167,004 |
| SUBTOTAL | \$477,884 | \$485,176 | \$480,965 | \$451,893 | \$451,893 |
| TOTAL, METHOD OF FINANCING | \$4,894,816 | \$4,993,615 | \$4,989,405 | \$4,735,702 | \$4,735,703 |

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

2.B. Summary of Base Request by Method of Finance
 87th Regular Session, Agency Submission, Version 1
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Agency code: **234** Agency name: **Fourteenth Court of Appeals District, Houston**

| METHOD OF FINANCING | Exp 2019 | Est 2020 | Bud 2021 | Req 2022 | Req 2023 |
|---------------------|----------|----------|----------|----------|----------|
|---------------------|----------|----------|----------|----------|----------|

GENERAL REVENUE

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2018-19 GAA)

| | | | | |
|-------------|-----|-----|-----|-----|
| \$4,386,229 | \$0 | \$0 | \$0 | \$0 |
|-------------|-----|-----|-----|-----|

Regular Appropriations from MOF Table (2020-21 GAA)

| | | | | |
|-----|-------------|-------------|-----|-----|
| \$0 | \$4,386,229 | \$4,386,229 | \$0 | \$0 |
|-----|-------------|-------------|-----|-----|

Regular Appropriations from MOF Table

| | | | | |
|-----|-----|-----|-------------|-------------|
| \$0 | \$0 | \$0 | \$4,283,809 | \$4,283,810 |
|-----|-----|-----|-------------|-------------|

Comments: 2022-2023 BL Request

RIDER APPROPRIATION

Article IX, Section 18.25 Contingency for HB 2384

| | | | | |
|-----|-------------|-------------|-----|-----|
| \$0 | \$1,235,920 | \$1,235,920 | \$0 | \$0 |
|-----|-------------|-------------|-----|-----|

Comments: Add New Strategy A.1.2, Appellate Justice Salaries

Article IX, Section 18.25 Contingency for HB 2384

| | | | | |
|-----|---------------|---------------|-----|-----|
| \$0 | \$(1,129,550) | \$(1,129,549) | \$0 | \$0 |
|-----|---------------|---------------|-----|-----|

Comments: Reduce Strategy A.1.1, Appellate Court Operations

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

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Automated Budget and Evaluation System of Texas (ABEST)

| Agency code: 234 | | Agency name: Fourteenth Court of Appeals District, Houston | | | | |
|---|-----------------------------|--|--------------------|--------------------|--------------------|--------------------|
| METHOD OF FINANCING | | Exp 2019 | Est 2020 | Bud 2021 | Req 2022 | Req 2023 |
| <u>GENERAL REVENUE</u> | | | | | | |
| Article IX, Section 18.25 Contingency for HB 2384 | | \$0 | \$15,840 | \$15,840 | \$0 | \$0 |
| Comments: Additional Appropriation needed due to actual expenditures for Judicial Salaries | | | | | | |
| <i>UNEXPENDED BALANCES AUTHORITY</i> | | | | | | |
| Strategy A.1.1., Appellate Court Operations, (2018-19 GAA) | | \$30,703 | \$0 | \$0 | \$0 | \$0 |
| TOTAL, | General Revenue Fund | \$4,416,932 | \$4,508,439 | \$4,508,440 | \$4,283,809 | \$4,283,810 |
| TOTAL, ALL | GENERAL REVENUE | \$4,416,932 | \$4,508,439 | \$4,508,440 | \$4,283,809 | \$4,283,810 |

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2018-19 GAA)

| | | | | |
|-----------|-----|-----|-----|-----|
| \$273,350 | \$0 | \$0 | \$0 | \$0 |
|-----------|-----|-----|-----|-----|

Regular Appropriations from MOF Table (2020-21 GAA)

2.B. Summary of Base Request by Method of Finance
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| Agency code: 234 | | Agency name: Fourteenth Court of Appeals District, Houston | | | | |
|---------------------------|---|--|------------------|------------------|------------------|------------------|
| METHOD OF FINANCING | | Exp 2019 | Est 2020 | Bud 2021 | Req 2022 | Req 2023 |
| <u>OTHER FUNDS</u> | | | | | | |
| | | \$0 | \$273,350 | \$273,350 | \$0 | \$0 |
| | Regular Appropriations from MOF Table | | | | | |
| | | \$0 | \$0 | \$0 | \$273,350 | \$273,350 |
| | Comments: 2023-2023 BL Request | | | | | |
| TOTAL, | Judicial Fund No. 573 | \$273,350 | \$273,350 | \$273,350 | \$273,350 | \$273,350 |
| <u>666</u> | Appropriated Receipts | | | | | |
| | <i>REGULAR APPROPRIATIONS</i> | | | | | |
| | Regular Appropriations from MOF Table (2018-19 GAA) | | | | | |
| | | \$11,539 | \$0 | \$0 | \$0 | \$0 |
| | Regular Appropriations from MOF Table (2020-21 GAA) | | | | | |
| | | \$0 | \$11,539 | \$11,539 | \$0 | \$0 |
| | Regular Appropriations from MOF Table | | | | | |
| | | \$0 | \$0 | \$0 | \$11,539 | \$11,539 |
| | Comments: 2022-2023 BL Request | | | | | |
| | <i>RIDER APPROPRIATION</i> | | | | | |

2.B. Summary of Base Request by Method of Finance
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

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| Agency code: 234 | | Agency name: Fourteenth Court of Appeals District, Houston | | | | |
|---|------------------------------|---|-----------------|-----------------|-----------------|-----------------|
| METHOD OF FINANCING | | Exp 2019 | Est 2020 | Bud 2021 | Req 2022 | Req 2023 |
| <u>OTHER FUNDS</u> | | | | | | |
| Art IX, Sec 8.02, Reimbursements and Payments (2018-19 GAA) | | \$8,999 | \$4,223 | \$0 | \$0 | \$0 |
| TOTAL, | Appropriated Receipts | \$20,538 | \$15,762 | \$11,539 | \$11,539 | \$11,539 |
| | | | | | | |
| <u>777</u> | Interagency Contracts | | | | | |
| <i>REGULAR APPROPRIATIONS</i> | | | | | | |
| Regular Appropriations from MOF Table (2018-19 GAA) | | \$167,004 | \$0 | \$0 | \$0 | \$0 |
| Regular Appropriations from MOF Table (2020-21 GAA) | | \$0 | \$167,004 | \$167,004 | \$0 | \$0 |
| Regular Appropriations from MOF Table | | \$0 | \$0 | \$0 | \$167,004 | \$167,004 |
| Comments: 2022-2023 BL Request | | | | | | |
| <i>RIDER APPROPRIATION</i> | | | | | | |
| Art IX, Sec 8.02, Reimbursements and Payments (2018-19 GAA) | | \$16,992 | \$0 | \$0 | \$0 | \$0 |

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

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Automated Budget and Evaluation System of Texas (ABEST)

| Agency code: 234 | | Agency name: Fourteenth Court of Appeals District, Houston | | | | |
|---|------------------------------|---|--------------------|--------------------|--------------------|--------------------|
| METHOD OF FINANCING | | Exp 2019 | Est 2020 | Bud 2021 | Req 2022 | Req 2023 |
| <u>OTHER FUNDS</u> | | | | | | |
| Art IX, Sec 8.02, Reimbursements and Payments (2020-21 GAA) | | \$0 | \$29,060 | \$29,072 | \$0 | \$0 |
| TOTAL, | Interagency Contracts | \$183,996 | \$196,064 | \$196,076 | \$167,004 | \$167,004 |
| TOTAL, ALL | OTHER FUNDS | \$477,884 | \$485,176 | \$480,965 | \$451,893 | \$451,893 |
| GRAND TOTAL | | \$4,894,816 | \$4,993,615 | \$4,989,405 | \$4,735,702 | \$4,735,703 |

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

9/18/2020 8:37:52AM

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Automated Budget and Evaluation System of Texas (ABEST)

| METHOD OF FINANCING | Exp 2019 | Est 2020 | Bud 2021 | Req 2022 | Req 2023 |
|--|-------------|-------------|-------------|-------------|-------------|
| <p>Agency code: 234 Agency name: Fourteenth Court of Appeals District, Houston</p> | | | | | |
| FULL-TIME-EQUIVALENT POSITIONS | | | | | |
| REGULAR APPROPRIATIONS | | | | | |
| Regular Appropriations from MOF Table (2018-19 GAA) | 44.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Regular Appropriations from MOF Table (2020-21 GAA) | 0.0 | 44.0 | 44.0 | 0.0 | 0.0 |
| Regular Appropriations from MOF Table Comments: 2022-2023 BL Request | 0.0 | 0.0 | 0.0 | 41.5 | 41.5 |
| UNAUTHORIZED NUMBER OVER (BELOW) CAP | | | | | |
| Unauthorized Number Over(Below) Cap | (3.7) | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL, ADJUSTED FTES | 40.3 | 44.0 | 44.0 | 41.5 | 41.5 |

NUMBER OF 100% FEDERALLY FUNDED FTEs

2.C. Summary of Base Request by Object of Expense

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

234 Fourteenth Court of Appeals District, Houston

| OBJECT OF EXPENSE | Exp 2019 | Est 2020 | Bud 2021 | BL 2022 | BL 2023 |
|-------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 1001 SALARIES AND WAGES | \$4,306,564 | \$4,471,541 | \$4,468,240 | \$4,284,235 | \$4,284,236 |
| 1002 OTHER PERSONNEL COSTS | \$337,588 | \$273,583 | \$273,583 | \$203,965 | \$203,965 |
| 2001 PROFESSIONAL FEES AND SERVICES | \$1,768 | \$1,328 | \$1,328 | \$1,248 | \$1,248 |
| 2003 CONSUMABLE SUPPLIES | \$209 | \$1,184 | \$1,200 | \$1,200 | \$1,200 |
| 2004 UTILITIES | \$1,429 | \$3,189 | \$3,200 | \$3,200 | \$3,200 |
| 2005 TRAVEL | \$2,486 | \$400 | \$500 | \$500 | \$500 |
| 2006 RENT - BUILDING | \$0 | \$39,960 | \$39,960 | \$39,960 | \$39,960 |
| 2009 OTHER OPERATING EXPENSE | \$244,772 | \$202,430 | \$201,394 | \$201,394 | \$201,394 |
| OOE Total (Excluding Riders) | \$4,894,816 | \$4,993,615 | \$4,989,405 | \$4,735,702 | \$4,735,703 |
| OOE Total (Riders) | | | | | |
| Grand Total | \$4,894,816 | \$4,993,615 | \$4,989,405 | \$4,735,702 | \$4,735,703 |

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

Date: 9/18/2020
Time: 8:37:54AM

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

Agency Code: 234 Agency: Fourteenth Court of Appeals District, Houston

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

| Code | Type of Expense | Expended | Estimated | Budgeted | Requested | Requested |
|------|-----------------------------------|------------------|------------------|------------------|------------------|------------------|
| 2 | Postage | \$1,977 | \$1,500 | \$5,000 | \$5,000 | \$5,000 |
| 6 | Registrations/Training | 2,269 | 0 | 2,517 | 2,517 | 2,517 |
| 7 | Subscriptions/Periodicals | 4,802 | 1,571 | 7,057 | 7,057 | 7,057 |
| 12 | Maintenance & Repair - Equipment | 960 | 1,739 | 1,850 | 1,850 | 1,850 |
| 13 | Furniture & Equipment (Expensed) | 1,963 | 3,731 | 3,692 | 3,692 | 3,692 |
| 24 | Freight/Delivery | 102 | 278 | 500 | 500 | 500 |
| 26 | Books (expensed) | 48,329 | 45,865 | 48,480 | 48,480 | 48,480 |
| 27 | Membership Dues | 16,125 | 14,491 | 15,937 | 15,937 | 15,937 |
| 28 | Liability Insurance | 118 | 8,741 | 8,637 | 8,637 | 8,637 |
| 35 | Computer Equip./Software, Non-cap | 2,260 | 900 | 0 | 0 | 0 |
| 39 | Computer Equipment - Non Capital | 70,458 | 37,577 | 0 | 0 | 0 |
| 45 | Telephone/Communication Services | 3,136 | 0 | 3,695 | 3,695 | 3,695 |
| 64 | SORM Assessment | 35,412 | 40,110 | 43,850 | 43,850 | 43,850 |
| 94 | Awards | 645 | 0 | 500 | 500 | 500 |
| 118 | Temporary Employment Services | 0 | 1,170 | 0 | 0 | 0 |
| 187 | 1% salary benefits fee | 41,626 | 28,780 | 43,684 | 43,684 | 43,684 |
| 195 | Payroll Health Insurance Contrib. | 14,590 | 14,950 | 14,968 | 14,968 | 14,968 |
| | Total, Operating Costs | \$244,772 | \$201,403 | \$200,367 | \$200,367 | \$200,367 |

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

9/18/2020 8:37:53AM

234 Fourteenth Court of Appeals District, Houston

| 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 | | | | | |
| | 97.69% | 100.37% | 100.00% | 95.00% | 95.00% |
| KEY 2 Percentage of Cases Under Submission for Less Than One Year | | | | | |
| | 99.45% | 99.89% | 99.75% | 94.75% | 94.75% |
| KEY 3 Percentage of Cases Pending for Less Than Two Years | | | | | |
| | 97.69% | 99.57% | 99.90% | 94.90% | 94.90% |

2.E. Summary of Exceptional Items Request
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/18/2020
 TIME : 8:37:53AM

Agency code: 234

Agency name: **Fourteenth Court of Appeals District, Houston**

| 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 | Restore A.1.2. Judicial Salaries | \$62,536 | \$62,536 | 0.8 | \$62,536 | \$62,536 | 0.8 | \$125,072 | \$125,072 |
| 2 | Restore A.1.1. Budget Cut Remainder | \$162,094 | \$162,094 | 1.7 | \$162,094 | \$162,094 | 1.7 | \$324,188 | \$324,188 |
| Total, Exceptional Items Request | | \$224,630 | \$224,630 | 2.5 | \$224,630 | \$224,630 | 2.5 | \$449,260 | \$449,260 |
| Method of Financing | | | | | | | | | |
| | General Revenue | \$224,630 | \$224,630 | | \$224,630 | \$224,630 | | \$449,260 | \$449,260 |
| | General Revenue - Dedicated | | | | | | | | |
| | Federal Funds | | | | | | | | |
| | Other Funds | | | | | | | | |
| | | \$224,630 | \$224,630 | | \$224,630 | \$224,630 | | \$449,260 | \$449,260 |
| Full Time Equivalent Positions | | | | 2.5 | | | | 2.5 | |
| Number of 100% Federally Funded FTEs | | | | | | | | | |

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 : 8:37:53AM

Agency code: 234 Agency name: Fourteenth Court of Appeals District, Houston

| Goal/Objective/STRATEGY | Base | Base | Exceptional | Exceptional | Total Request | Total Request |
|---|--------------------|--------------------|--------------------|--------------------|----------------------|----------------------|
| 1 Appellate Court Operations | | | | | | |
| <i>1 Appellate Court Operations</i> | | | | | | |
| 1 APPELLATE COURT OPERATIONS | \$3,226,432 | \$3,226,433 | \$224,630 | \$224,630 | \$3,451,062 | \$3,451,063 |
| 2 APPELLATE JUSTICE SALARIES | 1,509,270 | 1,509,270 | 0 | 0 | 1,509,270 | 1,509,270 |
| TOTAL, GOAL 1 | \$4,735,702 | \$4,735,703 | \$224,630 | \$224,630 | \$4,960,332 | \$4,960,333 |
| TOTAL, AGENCY STRATEGY REQUEST | \$4,735,702 | \$4,735,703 | \$224,630 | \$224,630 | \$4,960,332 | \$4,960,333 |
| TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST | | | | | | |
| GRAND TOTAL, AGENCY REQUEST | \$4,735,702 | \$4,735,703 | \$224,630 | \$224,630 | \$4,960,332 | \$4,960,333 |

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 : 8:37:53AM

Agency code: 234 Agency name: Fourteenth Court of Appeals District, Houston

| <i>Goal/Objective/STRATEGY</i> | Base | Base | Exceptional | Exceptional | Total Request | Total Request |
|---------------------------------------|--------------------|--------------------|------------------|------------------|--------------------|--------------------|
| General Revenue Funds: | | | | | | |
| 1 General Revenue Fund | \$4,283,809 | \$4,283,810 | \$224,630 | \$224,630 | \$4,508,439 | \$4,508,440 |
| | \$4,283,809 | \$4,283,810 | \$224,630 | \$224,630 | \$4,508,439 | \$4,508,440 |
| Other Funds: | | | | | | |
| 573 Judicial Fund | 273,350 | 273,350 | 0 | 0 | 273,350 | 273,350 |
| 666 Appropriated Receipts | 11,539 | 11,539 | 0 | 0 | 11,539 | 11,539 |
| 777 Interagency Contracts | 167,004 | 167,004 | 0 | 0 | 167,004 | 167,004 |
| | \$451,893 | \$451,893 | \$0 | \$0 | \$451,893 | \$451,893 |
| TOTAL, METHOD OF FINANCING | \$4,735,702 | \$4,735,703 | \$224,630 | \$224,630 | \$4,960,332 | \$4,960,333 |
| FULL TIME EQUIVALENT POSITIONS | 41.5 | 41.5 | 2.5 | 2.5 | 44.0 | 44.0 |

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: 8:37:53AM

Agency code: 234

Agency name: Fourteenth Court of Appeals District, Houston

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 | | | | | | |
| | 95.00% | 95.00% | 100.00% | 100.00% | 100.00% | 100.00% |
| KEY 2 Percentage of Cases Under Submission for Less Than One Year | | | | | | |
| | 94.75% | 94.75% | 99.75% | 99.75% | 99.75% | 99.75% |
| KEY 3 Percentage of Cases Pending for Less Than Two Years | | | | | | |
| | 94.90% | 94.90% | 99.90% | 99.90% | 99.90% | 99.90% |

234 Fourteenth Court of Appeals District, Houston

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 | 769.00 | 665.00 | 686.00 | 655.00 | 655.00 |
| 2 | Number of Criminal Cases Disposed | 413.00 | 427.00 | 500.00 | 494.00 | 494.00 |
| Explanatory/Input Measures: | | | | | | |
| 1 | Number of Civil Cases Filed | 660.00 | 570.00 | 624.00 | 650.00 | 670.00 |
| 2 | Number of Criminal Cases Filed | 324.00 | 284.00 | 520.00 | 520.00 | 520.00 |
| 3 | Number of Cases Transferred in | 38.00 | 83.00 | 40.00 | 45.00 | 45.00 |
| 4 | Number of Cases Transferred out | 5.00 | 25.00 | 5.00 | 5.00 | 5.00 |
| Objects of Expense: | | | | | | |
| 1001 | SALARIES AND WAGES | \$4,306,564 | \$2,990,141 | \$2,986,840 | \$2,818,675 | \$2,818,676 |
| 1002 | OTHER PERSONNEL COSTS | \$337,588 | \$230,900 | \$230,900 | \$161,282 | \$161,282 |
| 2001 | PROFESSIONAL FEES AND SERVICES | \$1,768 | \$1,328 | \$1,328 | \$1,248 | \$1,248 |
| 2003 | CONSUMABLE SUPPLIES | \$209 | \$1,184 | \$1,200 | \$1,200 | \$1,200 |
| 2004 | UTILITIES | \$1,429 | \$3,189 | \$3,200 | \$3,200 | \$3,200 |
| 2005 | TRAVEL | \$2,486 | \$400 | \$500 | \$500 | \$500 |
| 2006 | RENT - BUILDING | \$0 | \$39,960 | \$39,960 | \$39,960 | \$39,960 |
| 2009 | OTHER OPERATING EXPENSE | \$244,772 | \$201,403 | \$200,367 | \$200,367 | \$200,367 |

234 Fourteenth Court of Appeals District, Houston

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 | | \$4,894,816 | \$3,468,505 | \$3,464,295 | \$3,226,432 | \$3,226,433 |
| Method of Financing: | | | | | | |
| 1 | General Revenue Fund | \$4,416,932 | \$3,256,679 | \$3,256,680 | \$3,047,889 | \$3,047,890 |
| SUBTOTAL, MOF (GENERAL REVENUE FUNDS) | | \$4,416,932 | \$3,256,679 | \$3,256,680 | \$3,047,889 | \$3,047,890 |
| Method of Financing: | | | | | | |
| 573 | Judicial Fund | \$273,350 | \$0 | \$0 | \$0 | \$0 |
| 666 | Appropriated Receipts | \$20,538 | \$15,762 | \$11,539 | \$11,539 | \$11,539 |
| 777 | Interagency Contracts | \$183,996 | \$196,064 | \$196,076 | \$167,004 | \$167,004 |
| SUBTOTAL, MOF (OTHER FUNDS) | | \$477,884 | \$211,826 | \$207,615 | \$178,543 | \$178,543 |
| TOTAL, METHOD OF FINANCE (INCLUDING RIDERS) | | | | | \$3,226,432 | \$3,226,433 |
| TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS) | | \$4,894,816 | \$3,468,505 | \$3,464,295 | \$3,226,432 | \$3,226,433 |
| FULL TIME EQUIVALENT POSITIONS: | | 40.3 | 35.0 | 35.0 | 32.5 | 32.5 |
| STRATEGY DESCRIPTION AND JUSTIFICATION: | | | | | | |

234 Fourteenth Court of Appeals District, Houston

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 |
|------|-------------|----------|----------|----------|---------|---------|
|------|-------------|----------|----------|----------|---------|---------|

The Fourteenth Court of Appeals was created in 1967 by amendment to the Article 1817, V.T.C.S. pursuant to the authority granted by Article 5, Section 1, Texas Constitution. This court has intermediate appellate jurisdiction in civil cases in which the judgment rendered exceeds \$100, exclusive of costs, and, effective September 1, 1981, in criminal cases, except those in which the death penalty has been assessed.

In FY2019 Strategy A.1.2. was requested and approved to be part of the GAA in FY2020 separating out Judicial Salaries, therefore the 0573 fund is now reflected in Strategy A.1.2.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Courts of Appeals are by nature, small agencies with highly specialized staff. The main factor which drives this strategy is the need to attract and retain highly trained and knowledgeable professional staff to work on an increasing caseload.

234 Fourteenth Court of Appeals District, Houston

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 |
|------|-------------|----------|----------|----------|---------|---------|
|------|-------------|----------|----------|----------|---------|---------|

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) |
| \$6,932,800 | \$6,452,865 | \$(479,935) | \$(449,260) | 5% Requested reduction |
| | | | \$(4,223) | Reimbursements and Payments collected versus committed |
| | | | \$(58,132) | Expenditures exceeded original appropriated amounts |
| | | | \$31,680 | Additional Appropriation needed due to actual and estimated expenditures for Judicial Salaries, \$ 15840 per year move from strategy A.1.1. to A.1.2. |
| | | | \$(479,935) | Total of Explanation of Biennial Change |

234 Fourteenth Court of Appeals District, Houston

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 2019 | Est 2020 | Bud 2021 | BL 2022 | BL 2023 |
|--|-------------------------|------------|--------------------|--------------------|--------------------|--------------------|
| Objects of Expense: | | | | | | |
| 1001 | SALARIES AND WAGES | \$0 | \$1,481,400 | \$1,481,400 | \$1,465,560 | \$1,465,560 |
| 1002 | OTHER PERSONNEL COSTS | \$0 | \$42,683 | \$42,683 | \$42,683 | \$42,683 |
| 2009 | OTHER OPERATING EXPENSE | \$0 | \$1,027 | \$1,027 | \$1,027 | \$1,027 |
| TOTAL, OBJECT OF EXPENSE | | \$0 | \$1,525,110 | \$1,525,110 | \$1,509,270 | \$1,509,270 |
| Method of Financing: | | | | | | |
| 1 | General Revenue Fund | \$0 | \$1,251,760 | \$1,251,760 | \$1,235,920 | \$1,235,920 |
| SUBTOTAL, MOF (GENERAL REVENUE FUNDS) | | \$0 | \$1,251,760 | \$1,251,760 | \$1,235,920 | \$1,235,920 |
| Method of Financing: | | | | | | |
| 573 | Judicial Fund | \$0 | \$273,350 | \$273,350 | \$273,350 | \$273,350 |
| SUBTOTAL, MOF (OTHER FUNDS) | | \$0 | \$273,350 | \$273,350 | \$273,350 | \$273,350 |
| TOTAL, METHOD OF FINANCE (INCLUDING RIDERS) | | | | | \$1,509,270 | \$1,509,270 |
| TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS) | | \$0 | \$1,525,110 | \$1,525,110 | \$1,509,270 | \$1,509,270 |
| FULL TIME EQUIVALENT POSITIONS: | | 0.0 | 9.0 | 9.0 | 9.0 | 9.0 |

234 Fourteenth Court of Appeals District, Houston

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 |
|------|-------------|----------|----------|----------|---------|---------|
|------|-------------|----------|----------|----------|---------|---------|

STRATEGY DESCRIPTION AND JUSTIFICATION:

In FY2019 Strategy A.1.2. was requested and approved to be part of the GAA in FY2020, therefore there are no expenditures or funding represented for FY2019 for Strategy A.1.2.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Approximately one-third of the courts' General Revenue funding is dedicated to Strategy A.1.2. (judicial salaries). As judicial salaries are set by statute, the courts are unable to make any reduction to that portion of their budgets. Consequently, any budget reduction to this strategy must be applied only to the remaining two-thirds of the courts' General Revenue: Strategy A.1.1. (appellate court operations) and would effectively result in a budget cut to the court that is significantly higher than the cuts directed to other State agencies.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

| <u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u> | | <u>BIENNIAL</u> | <u>EXPLANATION OF BIENNIAL CHANGE</u> | |
|--|--------------------------------------|-----------------|---------------------------------------|--|
| Base Spending (Est 2020 + Bud 2021) | Baseline Request (BL 2022 + BL 2023) | CHANGE | \$ Amount | Explanation(s) of Amount (must specify MOFs and FTEs) |
| \$3,050,220 | \$3,018,540 | \$(31,680) | \$(31,680) | Additional Appropriation needed due to actual and estimated expenditures for Judicial Salaries, \$ 15840 per year. |
| | | | \$(31,680) | Total of Explanation of Biennial Change |

SUMMARY TOTALS:

| | | | | | |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|
| OBJECTS OF EXPENSE: | \$4,894,816 | \$4,993,615 | \$4,989,405 | \$4,735,702 | \$4,735,703 |
| METHODS OF FINANCE (INCLUDING RIDERS): | | | | \$4,735,702 | \$4,735,703 |
| METHODS OF FINANCE (EXCLUDING RIDERS): | \$4,894,816 | \$4,993,615 | \$4,989,405 | \$4,735,702 | \$4,735,703 |
| FULL TIME EQUIVALENT POSITIONS: | 40.3 | 44.0 | 44.0 | 41.5 | 41.5 |

3.B. Rider Revisions and Additions Request
87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

| | | | | |
|----------------------------|--|---|----------------------------|-----------------------------------|
| Agency Code: 234 | Agency Name: Fourteenth Court of Appeals, District, Houston | Prepared By: Kelly McIntosh/Chris Prine | Date: 09/18/2020 | Request Level: Baseline |
|----------------------------|--|---|----------------------------|-----------------------------------|

| Current Rider Number | Page Number in 2020-21 GAA | Proposed Rider Language |
|-----------------------------|-----------------------------------|--------------------------------|
|-----------------------------|-----------------------------------|--------------------------------|

5

IV-43

Sec. 5. 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.

The courts 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 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 authority to carryover unexpended budget balances between years of the biennium as shown in the current bill pattern. The flexibility afforded by these measures enhances the courts’ management ability, and we seek continuation of these budget features.

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: 8:37:55AM

Agency code: 234

Agency name: **Fourteenth Court of Appeals District, Houston**

| CODE | DESCRIPTION | Excp 2022 | Excp 2023 |
|------|--|-----------|-----------|
| | Item Name: Restore Budget Cut Calculated on the Estimated and Non-Transferable Funds in Strategy A.1.2. Item Priority: 1 IT Component: No Anticipated Out-year Costs: No Involve Contracts > \$50,000: No Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations | | |

OBJECTS OF EXPENSE:

| | | | |
|---------------------------------|--------------------|---------------|---------------|
| 1001 | SALARIES AND WAGES | 62,536 | 62,536 |
| TOTAL, OBJECT OF EXPENSE | | 62,536 | 62,536 |

METHOD OF FINANCING:

| | | | |
|-----------------------------------|----------------------|---------------|---------------|
| 1 | General Revenue Fund | 62,536 | 62,536 |
| TOTAL, METHOD OF FINANCING | | 62,536 | 62,536 |

FULL-TIME EQUIVALENT POSITIONS (FTE):

| | |
|------|------|
| 0.80 | 0.80 |
|------|------|

DESCRIPTION / JUSTIFICATION:

This exceptional item would restore the 5% budget reduction calculated on the estimated and nontransferable funds allocated to Strategy A.1.2.

This 5% budget reduction is based on the court's General Revenue funding that is dedicated to Strategy A.1.2. (judicial salaries). The requested cut calculated on the estimated and nontransferable funds allocated to Strategy A.1.2 imposes a disproportionate impact of the required reduction on the court's funding. The 5% cut calculated on judicial salaries amounts to \$125,072, but the court has no authority to reduce funds from Strategy A.1.2. because these estimated and nontransferable funds are dedicated to judicial salaries. As a result, the entire 5% budget cut based on judicial salaries must be applied only to the remaining two-thirds of the court's General Revenue: Strategy A.1.1. (appellate court operations), resulting in a 7% cut from appellate court operations.

As all cuts must be made from appellate court operations, if the reduction based on judicial salaries is not restored, the court will have to reduce staffing. This move would be unavoidable because 95 % of the court's budget is dedicated to staffing, leaving very little discretionary funds from which to achieve a 5% reduction. Though the court would maximize resources in an effort to maintain the same level of productivity, the reduction in staffing almost certainly would leave the court unequipped to meet some performance standards. The impact most likely would include a (1) a reduction in dispositions of appeals, preventing the court 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 and original proceedings remain pending.

EXTERNAL/INTERNAL FACTORS:

Courts of Appeals have specialized staffing requirements. The core function of the courts is to process appeals and original proceedings from civil and criminal trial courts. The process requires a highly skilled professional workforce of appellate court lawyers who assist the judges in reviewing appellate records, researching legal issues, writing opinions, and ultimately disposing of cases. Because the court operates with a lean staff, the loss of any court lawyers creates real difficulties in efficiently processing and disposing of cases. The reduction in work force would adversely impact the court's ability to maintain professional business practices and the high level of service the public

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: 8:37:55AM

Agency code: 234

Agency name:
Fourteenth Court of Appeals District, Houston

| CODE | DESCRIPTION | Excp 2022 | Excp 2023 |
|-------------|--------------------|------------------|------------------|
|-------------|--------------------|------------------|------------------|

has come to expect. This exceptional item would allow the court to operate at its historical performance-measure levels while maintaining the highest quality of legal analysis. The citizens of Texas deserve no less.

Were the Fourteenth to suffer a budget cut, the justices and court staff would resolve to do our very best with what we have, but experience teaches that without the necessary resources, the court cannot deliver justice efficiently. While the Fourteenth Court would readjust its strategies to work with any imposed reduction, a cut of this magnitude would impact court operations in material ways and compromise the court's ability to fulfill its chief mission of providing timely, high-quality appellate review and disposition of original proceedings in the ten-county district.

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: 8:37:55AM

Agency code: 234

Agency name:
Fourteenth Court of Appeals District, Houston

| CODE | DESCRIPTION | Excp 2022 | Excp 2023 |
|------|--|-----------|-----------|
| | Item Name: Restore Budget Cut to the Remaining Funds in Strategy A.1.1. Item Priority: 2 IT Component: No Anticipated Out-year Costs: No 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 | 162,094 | 162,094 |
| TOTAL, OBJECT OF EXPENSE | | \$162,094 | \$162,094 |

METHOD OF FINANCING:

| | | | |
|-----------------------------------|----------------------|------------------|------------------|
| 1 | General Revenue Fund | 162,094 | 162,094 |
| TOTAL, METHOD OF FINANCING | | \$162,094 | \$162,094 |

FULL-TIME EQUIVALENT POSITIONS (FTE):

| | |
|------|------|
| 1.70 | 1.70 |
|------|------|

DESCRIPTION / JUSTIFICATION:

This exceptional item would restore the 5% budget reduction calculated on the estimated and nontransferable funds allocated to Strategy A.1.1. Again, as all cuts must be made from appellate court operations and if the reduction is not restored, the court will have to reduce staffing. Any reduction in the Fourteenth Court's General Revenue would result in a direct impact on staffing because 95 % of the court's budget is dedicated to staffing, leaving very little discretionary funds to achieve a 5% reduction. The court's budget predominantly goes toward salaries and there are no discretionary funds to absorb a reduction without cutting integral staff. The court has no specific programs it can cut or reduce to meet any reduction. A reduction in the court's Strategy A.1.1, in effect, would have an even greater impact on the court's personnel budgets, given the judicial-salary portion of the court's budget is fixed by statute. Alternatively, an across-the-board reduction in salaries would drop salaries significantly below those of comparable positions in both the public and private sectors and likely would result in loss of valuable professional staff and also deter top candidates from applying with the court.

Any level of reduction results in a reduced staff and despite the court's best efforts, the effects likely will result in the court's inability to meet some performance standards. The practical impact likely would include (1) a reduction in dispositions of appeals and original proceedings, preventing the courts from clearing older cases and reaching the disposition target of 100% of new cases filed in the biennium, and (2) an increase in the time for which appeals remain pending.

EXTERNAL/INTERNAL FACTORS:

The Fourteenth Court of Appeals is a relatively small entity that runs a lean operation utilizing highly specialized professionals essential to performing the court's core function of processing and reviewing appeals and original proceedings from civil and criminal trial courts. Staff support functions include reviewing appellate records, researching the law, and assisting judges in drafting opinions. Loss of experienced court lawyers creates difficulties in timely processing and disposing of appeals and original proceedings and in maintaining professional business practices. Because it is difficult to find highly qualified individuals to fill these public-sector jobs, losing them to budget

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: 8:37:55AM

Agency code: 234

Agency name:
Fourteenth Court of Appeals District, Houston

| <u>CODE</u> | <u>DESCRIPTION</u> | <u>Excp 2022</u> | <u>Excp 2023</u> |
|-------------|--------------------|------------------|------------------|
|-------------|--------------------|------------------|------------------|

cuts would be especially difficult.

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 court decisions. This exceptional item would allow the court to operate at historical performance measure levels while maintaining the highest quality of legal analysis.

PCLS TRACKING KEY:

Agency code: 234 Agency name: Fourteenth Court of Appeals District, Houston

| Code | Description | Excp 2022 | Excp 2023 |
|--|---|-----------------|----------------------------|
| Item Name: Restore Budget Cut Calculated on the Estimated and Non-Transferable Funds in Strategy A.1.2. | | | |
| Allocation to Strategy: | | 1-1-1 | Appellate Court Operations |
| STRATEGY IMPACT ON OUTCOME MEASURES: | | | |
| <u>1</u> | Clearance Rate | 97.00% | 97.00% |
| <u>2</u> | Percentage of Cases Under Submission for Less Than One Year | 96.75% | 96.75% |
| <u>3</u> | Percentage of Cases Pending for Less Than Two Years | 96.90% | 96.90% |
| OUTPUT MEASURES: | | | |
| <u>1</u> | Number of Civil Cases Disposed | 14.00 | 14.00 |
| <u>2</u> | Number of Criminal Cases Disposed | 10.00 | 10.00 |
| OBJECTS OF EXPENSE: | | | |
| 1001 | SALARIES AND WAGES | 62,536 | 62,536 |
| TOTAL, OBJECT OF EXPENSE | | \$62,536 | \$62,536 |
| METHOD OF FINANCING: | | | |
| 1 | General Revenue Fund | 62,536 | 62,536 |
| TOTAL, METHOD OF FINANCING | | \$62,536 | \$62,536 |
| FULL-TIME EQUIVALENT POSITIONS (FTE): | | 0.8 | 0.8 |

Agency code: 234 Agency name: Fourteenth Court of Appeals District, Houston

| Code | Description | Excp 2022 | Excp 2023 |
|--|---|------------------|----------------------------|
| Item Name: Restore Budget Cut to the Remaining Funds in Strategy A.1.1. | | | |
| Allocation to Strategy: | | 1-1-1 | Appellate Court Operations |
| STRATEGY IMPACT ON OUTCOME MEASURES: | | | |
| <u>1</u> | Clearance Rate | 98.00% | 98.00% |
| <u>2</u> | Percentage of Cases Under Submission for Less Than One Year | 97.75% | 97.75% |
| <u>3</u> | Percentage of Cases Pending for Less Than Two Years | 97.90% | 97.90% |
| OUTPUT MEASURES: | | | |
| <u>1</u> | Number of Civil Cases Disposed | 21.00 | 21.00 |
| <u>2</u> | Number of Criminal Cases Disposed | 16.00 | 16.00 |
| OBJECTS OF EXPENSE: | | | |
| 1001 | SALARIES AND WAGES | 162,094 | 162,094 |
| TOTAL, OBJECT OF EXPENSE | | \$162,094 | \$162,094 |
| METHOD OF FINANCING: | | | |
| 1 | General Revenue Fund | 162,094 | 162,094 |
| TOTAL, METHOD OF FINANCING | | \$162,094 | \$162,094 |
| FULL-TIME EQUIVALENT POSITIONS (FTE): | | 1.7 | 1.7 |

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: 8:37:55AM

Agency Code: **234** Agency name: **Fourteenth Court of Appeals District, Houston**

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 |
|-------------------------|-----------------|-----------------|
|-------------------------|-----------------|-----------------|

STRATEGY IMPACT ON OUTCOME MEASURES:

| | | |
|--|----------|----------|
| <u>1</u> Clearance Rate | 100.00 % | 100.00 % |
| <u>2</u> Percentage of Cases Under Submission for Less Than One Year | 99.75 % | 99.75 % |
| <u>3</u> Percentage of Cases Pending for Less Than Two Years | 99.90 % | 99.90 % |

OBJECTS OF EXPENSE:

| | | |
|----------------------------------|------------------|------------------|
| 1001 SALARIES AND WAGES | 224,630 | 224,630 |
| Total, Objects of Expense | \$224,630 | \$224,630 |

METHOD OF FINANCING:

| | | |
|---------------------------------|------------------|------------------|
| 1 General Revenue Fund | 224,630 | 224,630 |
| Total, Method of Finance | \$224,630 | \$224,630 |

FULL-TIME EQUIVALENT POSITIONS (FTE):

| | |
|-----|-----|
| 2.5 | 2.5 |
|-----|-----|

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Restore Budget Cut Calculated on the Estimated and Non-Transferable Funds in Strategy A.1.2.

Restore Budget Cut to the Remaining Funds in Strategy A.1.1.

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: 8:37:56AM

Agency Code: 234 Agency: Fourteenth Court of Appeals District, Houston

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 \$ | FY 2019 | | |
| 26.0% | Other Services | 26.0 % | 0.0% | -26.0% | \$0 | \$1,088 | 26.0 % | 0.0% | -26.0% | \$0 | \$-56 | |
| 21.1% | Commodities | 21.1 % | 55.5% | 34.4% | \$193 | \$348 | 21.1 % | 0.0% | -21.1% | \$0 | \$-574 | |
| | Total Expenditures | | 13.4% | | \$193 | \$1,436 | | 0.0% | | \$0 | \$-630 | |

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

Attainment:

The agency overall exceeded the applicable statewide HUB procurement goals for "Commodities" in FY2018.
 The agency did not attain the statewide HUB procurement goals for "Other Services" in FY2018 due to the use of state term contracts.
 The agency did not attain the statewide HUB procurement goals for all categories in FY2019 due to the use of state term contracts.

Applicability:

The "Heavy Construction," Building Construction," "Special Trade," and "Professional Service," categories are not applicable to agency operations in either fiscal year 2018 or fiscal year 2019 since the agency did not have any strategies or programs related to these categories.

Factors Affecting Attainment:

- In fiscal year 2018, the goal of "Other Services" category were not met due to the following:
- printing expenditures are exempt from bidding for Judicial agencies per Texas Const. Sec. 21
 - the lowest bid was from a non-hub vendor
 - only source available
- In fiscal year 2019, the goal of "Other Services" category and "Commodities" category were not met due to the following:
- refunded expenditures

"Good-Faith" Efforts:

- The agency made the following good faith efforts to comply with statewide HUB procurement goals per 1 TAC Section 111.13c:
- ensured that contract specifications, terms, and conditions reflected the agency's actual requirements, were clearly stated, and did not impose unreasonable or unnecessary contract requirements
 - gathered information on HUB vendors from the on-line system and contacted the vendor directly for a bid
 - used the Statewide Procurement Division where applicable, not always resulting in the use of a HUB vendor

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

DATE: 9/18/2020
TIME: 8:38:00AM

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

Agency code: **234** Agency name: **14th Ct Appeals, Houston**

| CODE | DESCRIPTION | Exp 2019 | Est 2020 | Bud 2021 | BL 2022 | BL 2023 |
|---------------------------------------|---------------------------------------|------------|----------------|----------------|----------------|----------------|
| OBJECTS OF EXPENSE | | | | | | |
| 2003 | CONSUMABLE SUPPLIES | \$0 | \$612 | \$700 | \$700 | \$700 |
| 2009 | OTHER OPERATING EXPENSE | \$0 | \$682 | \$700 | \$700 | \$700 |
| TOTAL, OBJECTS OF EXPENSE | | \$0 | \$1,294 | \$1,400 | \$1,400 | \$1,400 |
| METHOD OF FINANCING | | | | | | |
| 1 | General Revenue Fund | \$0 | \$1,294 | \$1,400 | \$1,400 | \$1,400 |
| | Subtotal, MOF (General Revenue Funds) | \$0 | \$1,294 | \$1,400 | \$1,400 | \$1,400 |
| TOTAL, METHOD OF FINANCE | | \$0 | \$1,294 | \$1,400 | \$1,400 | \$1,400 |
| FULL-TIME-EQUIVALENT POSITIONS | | 0.0 | 44.0 | 44.0 | 41.5 | 41.5 |

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

Teleworking support, supplies for cleaning and sanitation, equipment for Court via Zoom.
The Fourteenth Court of Appeals has no Pass through activities to report, therefore pages 2 of 3 and 3 of 3 are correctly presented as blank.

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

DATE: 9/18/2020

Funds Passed through to Local Entities

TIME: 8:38:00AM

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

Agency code: **234** Agency name: **14th Ct Appeals, Houston**

| CODE | DESCRIPTION | Exp 2019 | Est 2020 | Bud 2021 | BL 2022 | BL 2023 |
|-------------|--------------------|-----------------|-----------------|-----------------|----------------|----------------|
|-------------|--------------------|-----------------|-----------------|-----------------|----------------|----------------|

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

DATE: 9/18/2020

Funds Passed through to State Agencies

TIME: 8:38:00AM

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

Agency code: **234** Agency name: **14th Ct Appeals, Houston**

| CODE | DESCRIPTION | Exp 2019 | Est 2020 | Bud 2021 | BL 2022 | BL 2023 |
|-------------|--------------------|-----------------|-----------------|-----------------|----------------|----------------|
|-------------|--------------------|-----------------|-----------------|-----------------|----------------|----------------|

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

| | | |
|---|-----------|----------------|
| ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2022-23 GAA BILL PATTERN | \$ | 814,000 |
|---|-----------|----------------|

| <u>Fund Name</u> | | |
|---|-----------|----------------|
| Estimated Beginning Balance in FY 2020 | | |
| Estimated Revenues FY 2020 | \$ | 407,000 |
| Estimated Revenues FY 2021 | \$ | 407,000 |
| FY 2020-21 Total | \$ | 814,000 |
| | | |
| Estimated Beginning Balance in FY 2022 | | |
| Estimated Revenues FY 2022 | \$ | 407,000 |
| Estimated Revenues FY 2023 | \$ | 407,000 |
| FY 2022-23 Total | \$ | 814,000 |
| Constitutional or Statutory Creation and Use of Funds: | | |
| <div style="border: 1px solid black; padding: 5px;"> <p>Pursuant to section 22.202 of the Government code, counties other than Harris County composing the First and Fourteenth Court of Appeals Districts shall annually reimburse Harris County for the cost incurred by Harris County during its previous fiscal year for supplemental salaries and fringe benefits for the justices of those courts. In addition, these counties are also to provide reimbursement for furnishings, equipment, supplies, and utility expense for those courts.</p> </div> | | |
| Method of Calculation and Revenue Assumptions: | | |
| <div style="border: 1px solid black; padding: 5px;"> <p>Each county is to pay a share based on the proportion of their population to the total population of all counties in these districts. To effectuate the billing and payment process, the Harris County Commissioners Court is required to furnish each county liable for expenses with a statement of that county's share. Furthermore, the statement must be approved by the Chief Justices of the Courts of Appeals.</p> </div> | | |