



AMENDED LEGISLATIVE APPROPRIATIONS REQUEST

For Fiscal Years 2024 and 2025

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

by

TENTH COURT OF APPEALS DISTRICT

**Originally Submitted
August 5, 2022**

**Resubmitted
August 30, 2022**

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230 Tenth Court of Appeals District, Waco

88TH LEGISLATIVE SESSION ADMINISTRATOR'S STATEMENT

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

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

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

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

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

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

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

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

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

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

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

The updated budget model reflects increased funding to permit the courts to attract and retain experienced lawyers and support staff with the requisite knowledge and skills to assist the courts in meeting their performance measures and fulfilling the core function of timely processing and disposing of appeals. Without an increase in funding, appellate courts will lose talented personnel to higher-paying private jobs. This loss of key personnel will detrimentally affect performance standards, including (1) a reduction in overall dispositions of appeals, preventing the courts from clearing older cases and reaching the disposition target of 100% of new appeals filed in the biennium, and (2) an increase in the time from filing until disposition for those appeals which remain pending. Any unnecessary delay will be particularly devastating to the State by creating significant adverse consequences for the businesses, families, and children in Texas that are awaiting justice through the resolution of their disputes. Note, the updated budget model does not include an adjustment for the impact of inflation.

EXCEPTIONAL ITEM #2: JUDICIARY-WIDE INFLATION RELIEF

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

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

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

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RIDER REQUESTS:

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

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

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

ADDITIONAL STATEMENTS OF SUPPORT:

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

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

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

Note: on Appropriated Receipts – At the direction of the LBB & Governor's Office, this Court has included appropriated receipts in the amount of \$5,000 reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the Court and do not constitute additional funds available for general expenditures for the Court. The amount can vary significantly from year to year.

Agency code: 230

Agency name: Tenth Court of Appeals District, Waco

Goal: 1 Appellate Court Operations
Objective: 1 Appellate Court Operations
Strategy: 1 Appellate Court Operations

External/Internal Factors:

The main factors which impact this strategy are those that affect the balance that must be achieved between a constant flow of new proceedings and the necessary staffing to timely process those proceedings. Unlike the US and Texas Supreme Courts, or the Texas Court of Criminal Appeals, all of which have discretionary review, this Court must dispose of every proceeding filed by a written opinion that addresses every issue raised by the parties, no matter how frivolous. The Court has no control over the number of cases filed. Once a case is filed, it remains on our docket until we can write the opinion. Thus, if our staff is reduced to a level at which we are unable to dispose of as many cases as there are new cases filed in the same period, our inventory of cases grows. This is commonly referred to as a backlog. A backlog which results from inadequate staffing can take a very long time to eliminate even when the Court is returned to being fully staffed. Thus, the external factor of new filings is what primarily drives the need for adequate funding. The primary internal factor is the level of training and experience of the Court's staff, both legal and administrative. This Court's staff has been extraordinarily stable over a long period of time. Adequate compensation continues to be a critical factor, whether you characterize that as internal or external, in the ability to attract and retain staff with sufficient training and experience to timely process the Court's docket.

Goal: 1 Appellate Court Operations
Objective: 1 Appellate Court Operations
Strategy: 2 Appellate Justice Salaries. Estimated and Nontransferable

External/Internal Factors:

The factors are derived by the number of justices for the Court as determined by the legislature and their number of years of service as it impacts their longevity pay.

Justification Description

8/30/2022 10:14:38AM

88R Stage: S01 Version: 1

Agency: 230 TENTH COURT OF APPEALS DISTRICT, WACO

Goal: 1 Appellate Court Operations

Objective: 1 Appellate Court Operations

Strategy: 1 Appellate Court Operations

General Justification

The Tenth Court of Appeals has appellate jurisdiction of civil and criminal cases appealed from trial courts in 18 counties. Appeals are of judgments in civil cases where the judgment exceeds \$250, exclusive of costs, and other proceedings as provided by law; and in criminal cases except in some postconviction writs of habeas corpus and when the death penalty has been assessed. The Court also has jurisdiction in original proceedings, such as petitions for writs of mandamus from those same 18 counties.

Goal: 1 Appellate Court Operations

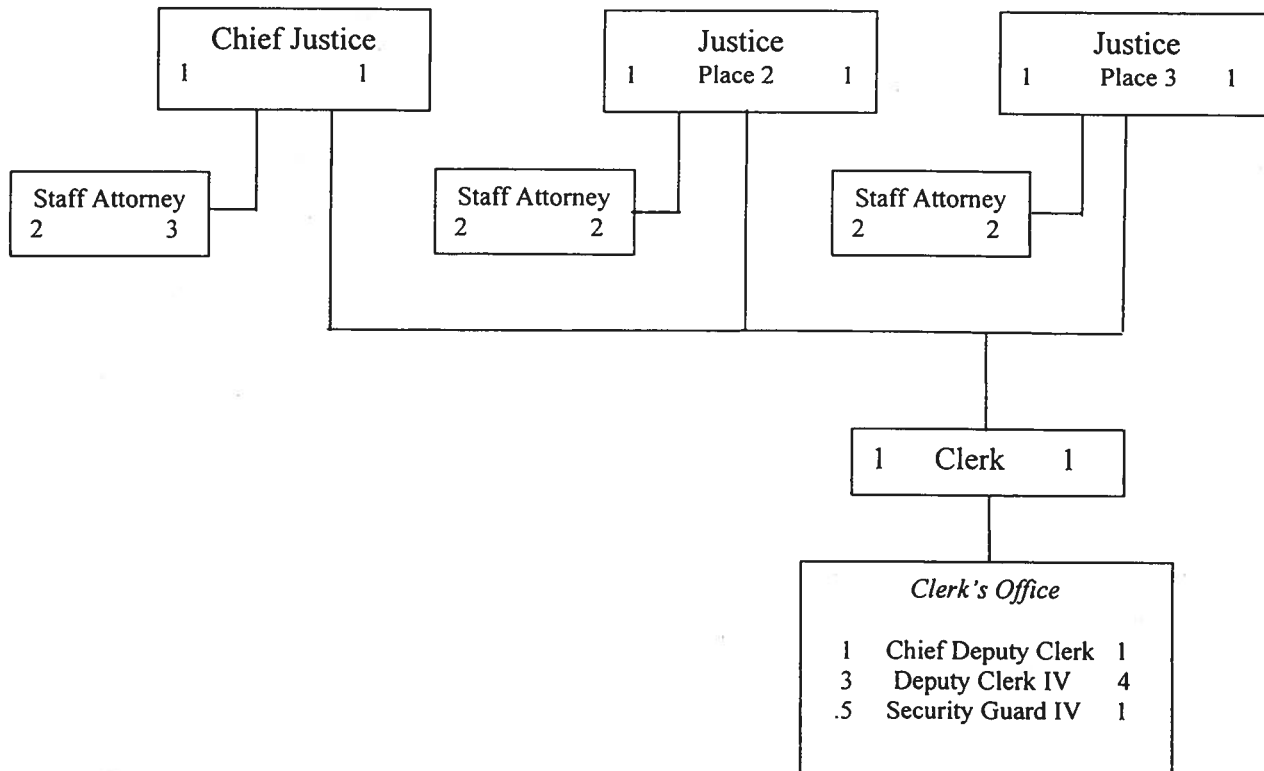
Objective: 1 Appellate Court Operations

Strategy: 2 Appellate Justice Salaries. Estimated and Nontransferable

General Justification

The Tenth Court of Appeals has three justices as required by the Texas Constitution and relevant statutes.

Organizational Chart Tenth Court of Appeals 2024-2025





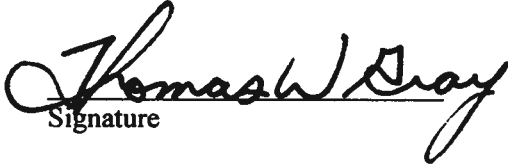
CERTIFICATE

Agency Name Tenth Court of Appeals

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

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the Governor's Office will be notified in writing in accordance with Article IX, Section 7.01 (2022-23 GAA).

Chief Executive Officer

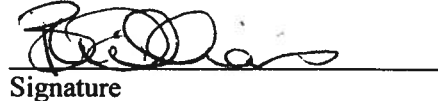

Signature

Thomas W. Gray
Printed Name

Chief Justice
Title

August 4, 2022
Date

Chief Financial Officer


Signature

Beverly Williams
Printed Name

Chief Deputy Clerk
Title

August 4, 2022
Date

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

230 Tenth Court of Appeals District, Waco
Appropriation Years: 2024-25

| | GENERAL REVENUE FUNDS | | GR DEDICATED | | FEDERAL FUNDS | | OTHER FUNDS | | ALL FUNDS | | EXCEPTIONAL ITEM FUNDS |
|-----------------------------------|--------------------------------------------|------------------|--------------|---------|---------------|---------|----------------|----------------|------------------|------------------|------------------------------|
| | 2022-23 | 2024-25 | 2022-23 | 2024-25 | 2022-23 | 2024-25 | 2022-23 | 2024-25 | 2022-23 | 2024-25 | 2024-25 |
| | Goal: 1. Appellate Court Operations | | | | | | | | | | |
| 1.1.1. Appellate Court Operations | 2,363,659 | 2,363,659 | | | | | 10,000 | 10,000 | 2,373,659 | 2,373,659 | 715,450 |
| 1.1.2. Appellate Justice Salaries | 996,788 | 996,788 | | | | | 184,900 | 184,900 | 1,181,688 | 1,181,688 | |
| Total, Goal | 3,360,447 | 3,360,447 | | | | | 194,900 | 194,900 | 3,555,347 | 3,555,347 | 715,450 |
| Total, Agency | 3,360,447 | 3,360,447 | | | | | 194,900 | 194,900 | 3,555,347 | 3,555,347 | 715,450 |
| Total FTEs | | | | | | | | | 17.5 | 15.0 | 2.0 |

230 Tenth Court of Appeals District, Waco

| Goal / Objective / STRATEGY | Exp 2021 | Est 2022 | Bud 2023 | Req 2024 | Req 2025 |
|---------------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 1 Appellate Court Operations | | | | | |
| 1 Appellate Court Operations | | | | | |
| 1 APPELLATE COURT OPERATIONS | 1,183,425 | 1,057,884 | 1,315,775 | 1,186,829 | 1,186,830 |
| 2 APPELLATE JUSTICE SALARIES | 541,872 | 590,844 | 590,844 | 590,844 | 590,844 |
| TOTAL, GOAL 1 | \$1,725,297 | \$1,648,728 | \$1,906,619 | \$1,777,673 | \$1,777,674 |
| TOTAL, AGENCY STRATEGY REQUEST | \$1,725,297 | \$1,648,728 | \$1,906,619 | \$1,777,673 | \$1,777,674 |
| TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST* | | | | \$0 | \$0 |
| GRAND TOTAL, AGENCY REQUEST | \$1,725,297 | \$1,648,728 | \$1,906,619 | \$1,777,673 | \$1,777,674 |

2.A. Summary of Base Request by Strategy

8/30/2022 9:56:36AM

88th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (AREST)

230 Tenth Court of Appeals District, Waco

| Goal / Objective / STRATEGY | Exp 2021 | Est 2022 | Bud 2023 | Req 2024 | Req 2025 |
|-----------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| METHOD OF FINANCING: | | | | | |
| General Revenue Funds: | | | | | |
| 1 General Revenue Fund | 1,624,751 | 1,551,278 | 1,809,169 | 1,680,223 | 1,680,224 |
| SUBTOTAL | \$1,624,751 | \$1,551,278 | \$1,809,169 | \$1,680,223 | \$1,680,224 |
| Other Funds: | | | | | |
| 573 Judicial Fund | 92,450 | 92,450 | 92,450 | 92,450 | 92,450 |
| 666 Appropriated Receipts | 8,096 | 5,000 | 5,000 | 5,000 | 5,000 |
| SUBTOTAL | \$100,546 | \$97,450 | \$97,450 | \$97,450 | \$97,450 |
| TOTAL, METHOD OF FINANCING | \$1,725,297 | \$1,648,728 | \$1,906,619 | \$1,777,673 | \$1,777,674 |

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

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

8/30/2022 9:57:04AM

Agency code: 230

Agency name: Tenth Court of Appeals District, Waco

METHOD OF FINANCING

Exp 2021

Est 2022

Bud 2023

Req 2024

Req 2025

GENERAL REVENUE

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2020-21 GAA)

\$1,563,505 \$0 \$0 \$0 \$0

Regular Appropriations from MOF Table (2022-23 GAA)

\$0 \$1,680,223 \$1,680,224 \$0 \$0

Regular Appropriations from MOF Table (2024-25 GAA)

\$0 \$0 \$0 \$1,680,223 \$1,680,224

RIDER APPROPRIATION

Art.IX, Sec 18.25, Contingency on HB 2384

\$(381,675) \$0 \$0 \$0 \$0

Comments: Reduce Strategy A.1.1., Appellate Court Operations

Art.IX, Sec 18.25, Contingency on HB 2384

\$452,780 \$0 \$0 \$0 \$0

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

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

8/30/2022 9:57:04AM

Agency code: 230 Agency name: Tenth Court of Appeals District, Waco

| METHOD OF FINANCING | Exp 2021 | Est 2022 | Bud 2023 | Req 2024 | Req 2025 |
|-----------------------------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <u>GENERAL REVENUE</u> | | | | | |
| <i>LAPSED APPROPRIATIONS</i> | | | | | |
| Strategy A.1.1., Appellate Court Operations (2020-21 GAA) | \$ (196,170) | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Comments: Lapsed Appropriations | | | | | |
| Strategy A.1.2., Appellate Court Operations (2020-21 GAA) | \$ (3,358) | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Comments: Lapsed from Judicial Fund for Judicial vacancy | | | | | |
| <i>UNEXPENDED BALANCES AUTHORITY</i> | | | | | |
| Strategy A.1.1., Appellate Court Operations (2020-21 GAA) | \$ 189,669 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Strategy A.1.1., Appellate Court Operations (2022-23 GAA) | \$ 0 | \$ (128,945) | \$ 128,945 | \$ 0 | \$ 0 |
| TOTAL, General Revenue Fund | \$1,624,751 | \$1,551,278 | \$1,809,169 | \$1,680,223 | \$1,680,224 |
| TOTAL, ALL GENERAL REVENUE | \$1,624,751 | \$1,551,278 | \$1,809,169 | \$1,680,223 | \$1,680,224 |

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

8/30/2022 9:57:04AM

Agency code: **230**

Agency name: **Tenth Court of Appeals District, Waco**

| METHOD OF FINANCING | | Exp 2021 | Est 2022 | Bud 2023 | Req 2024 | Req 2025 |
|----------------------------|-----------------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <u>OTHER FUNDS</u> | | | | | | |
| <u>573</u> | Judicial Fund No. 573 | | | | | |
| | <i>REGULAR APPROPRIATIONS</i> | | | | | |
| | Regular Appropriations from MOF Table (2020-21 GAA) | \$92,450 | \$0 | \$0 | \$0 | \$0 |
| | Regular Appropriations from MOF Table (2022-23 GAA) | \$0 | \$92,450 | \$92,450 | \$0 | \$0 |
| | Regular Appropriations from MOF Table (2024-25 GAA) | \$0 | \$0 | \$0 | \$92,450 | \$92,450 |
| TOTAL, | Judicial Fund No. 573 | \$92,450 | \$92,450 | \$92,450 | \$92,450 | \$92,450 |
| <u>666</u> | Appropriated Receipts | | | | | |
| | <i>REGULAR APPROPRIATIONS</i> | | | | | |
| | Regular appropriation from MOF Table (2020-21 GAA) | \$5,000 | \$0 | \$0 | \$0 | \$0 |
| | Regular Appropriations from MOF Table (2022-23 GAA) | \$0 | \$5,000 | \$5,000 | \$0 | \$0 |

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

8/30/2022 9:57:04AM

Agency code: 230

Agency name: Tenth Court of Appeals District, Waco

| METHOD OF FINANCING | | Exp 2021 | Est 2022 | Bud 2023 | Req 2024 | Req 2025 |
|-------------------------------------------------------------|------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <u>OTHER FUNDS</u> | | | | | | |
| Regular Appropriations from MOF Table (2024-25 GAA) | | \$0 | \$0 | \$0 | \$5,000 | \$5,000 |
| <i>RIDER APPROPRIATION</i> | | | | | | |
| Art IX, Sec 8.02, Reimbursements and Payments (2020-21 GAA) | | \$3,096 | \$0 | \$0 | \$0 | \$0 |
| TOTAL, | Appropriated Receipts | \$8,096 | \$5,000 | \$5,000 | \$5,000 | \$5,000 |
| TOTAL, ALL | OTHER FUNDS | \$100,546 | \$97,450 | \$97,450 | \$97,450 | \$97,450 |
| GRAND TOTAL | | \$1,725,297 | \$1,648,728 | \$1,906,619 | \$1,777,673 | \$1,777,674 |

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

8/30/2022 9:57:04AM

Agency code: 230

Agency name: Tenth Court of Appeals District, Waco

| METHOD OF FINANCING | Exp 2021 | Est 2022 | Bud 2023 | Req 2024 | Req 2025 |
|--------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|
| FULL-TIME-EQUIVALENT POSITIONS | | | | | |
| REGULAR APPROPRIATIONS | | | | | |
| Regular Appropriations from MOF Table (2020-21 GAA) | 17.5 | 0.0 | 0.0 | 0.0 | 0.0 |
| Regular Appropriations from MOF Table (2022-23 GAA) | 0.0 | 17.5 | 17.5 | 0.0 | 0.0 |
| Regular Appropriations from MOF Table (2024-25 GAA) | 0.0 | 0.0 | 0.0 | 15.0 | 15.0 |
| UNAUTHORIZED NUMBER OVER (BELOW) CAP | | | | | |
| Unauthorized Number Over (Below) Cap | (3.1) | (3.4) | 0.0 | 0.0 | 0.0 |
| TOTAL, ADJUSTED FTES | 14.4 | 14.1 | 17.5 | 15.0 | 15.0 |

**NUMBER OF 100% FEDERALLY FUNDED
 FTEs**

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

8/30/2022 9:57:22AM

230 Tenth Court of Appeals District, Waco

| OBJECT OF EXPENSE | Exp 2021 | Est 2022 | Bud 2023 | BL 2024 | BL 2025 |
|-------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 1001 SALARIES AND WAGES | \$1,455,755 | \$1,519,629 | \$1,749,015 | \$1,617,429 | \$1,617,430 |
| 1002 OTHER PERSONNEL COSTS | \$205,546 | \$53,481 | \$54,304 | \$56,944 | \$56,944 |
| 2001 PROFESSIONAL FEES AND SERVICES | \$860 | \$1,000 | \$1,000 | \$1,000 | \$1,000 |
| 2003 CONSUMABLE SUPPLIES | \$4,760 | \$4,039 | \$6,000 | \$6,000 | \$6,000 |
| 2004 UTILITIES | \$579 | \$1,293 | \$1,500 | \$1,500 | \$1,500 |
| 2005 TRAVEL | \$531 | \$3,537 | \$12,000 | \$12,000 | \$12,000 |
| 2007 RENT - MACHINE AND OTHER | \$627 | \$627 | \$800 | \$800 | \$800 |
| 2009 OTHER OPERATING EXPENSE | \$56,639 | \$65,122 | \$82,000 | \$82,000 | \$82,000 |
| OOE Total (Excluding Riders) | \$1,725,297 | \$1,648,728 | \$1,906,619 | \$1,777,673 | \$1,777,674 |
| OOE Total (Riders) | | | | | |
| Grand Total | \$1,725,297 | \$1,648,728 | \$1,906,619 | \$1,777,673 | \$1,777,674 |

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

Date: 8/30/2022

Time: 9:58:01AM

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

Agency Code: 230 Agency: Tenth Court of Appeals District, Waco

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

| Code | Type of Expense | Expended | Estimated | Budgeted | Requested | Requested |
|------|------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 2 | Postage | \$0 | \$4,000 | \$4,000 | \$4,000 | \$4,000 |
| 5 | Westlaw/Lexis | 14,453 | 14,687 | 20,000 | 20,000 | 20,000 |
| 12 | Maintenance & Repair - Equipment | 3,237 | 900 | 2,000 | 2,000 | 2,000 |
| 64 | SORM Assessment | 1,240 | 1,289 | 2,000 | 2,000 | 2,000 |
| 94 | Awards | 3,733 | 2,163 | 3,000 | 3,000 | 3,000 |
| 108 | Publications | 3,328 | 7,500 | 15,000 | 15,000 | 15,000 |
| 168 | Registration, Training, Membership | 8,825 | 12,253 | 12,000 | 12,000 | 12,000 |
| 177 | Janitorial Services | 9,000 | 9,000 | 10,000 | 10,000 | 10,000 |
| 213 | ERS 1% & .5% | 12,823 | 13,330 | 14,000 | 14,000 | 14,000 |
| | Total, Operating Costs | \$56,639 | \$65,122 | \$82,000 | \$82,000 | \$82,000 |

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

8/30/2022 9:58:38AM

230 Tenth Court of Appeals District, Waco

| Goal/ Objective / Outcome | Exp 2021 | Est 2022 | Bud 2023 | BL 2024 | BL 2025 |
|--------------------------------------------------------------------------|-----------------|-----------------|-----------------|----------------|----------------|
| 1 Appellate Court Operations | | | | | |
| 1 Appellate Court Operations | | | | | |
| KEY 1 Clearance Rate | 116.84% | 101.00% | 100.00% | 100.00% | 100.00% |
| KEY 2 Percentage of Cases Under Submission for Less Than One Year | 91.58% | 100.00% | 100.00% | 100.00% | 100.00% |
| KEY 3 Percentage of Cases Pending for Less Than Two Years | 85.76% | 95.00% | 97.00% | 100.00% | 100.00% |

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

DATE: 8/30/2022
 TIME : 10:06:44AM

Agency code: 230

Agency name: Tenth Court of Appeals District, Waco

| Priority | Item | 2024 | | | 2025 | | | Biennium | |
|-----------------------------------------|---------------------------------|------------------------|------------------|------------|---------------------|------------------|------------|---------------------|------------------|
| | | GR and GR/GR Dedicated | All Funds | FTEs | GR and GR Dedicated | All Funds | FTEs | GR and GR Dedicated | All Funds |
| 1 | Updated COA Budget Model | \$233,101 | \$233,101 | 2.0 | \$233,101 | \$233,101 | 2.0 | \$466,202 | \$466,202 |
| 2 | Judiciary-Wide Inflation Relief | \$124,624 | \$124,624 | 0.0 | \$124,624 | \$124,624 | 0.0 | \$249,248 | \$249,248 |
| Total, Exceptional Items Request | | \$357,725 | \$357,725 | 2.0 | \$357,725 | \$357,725 | 2.0 | \$715,450 | \$715,450 |

Method of Financing

| | | | | | | | | |
|-----------------------------|------------------|------------------|--|------------------|------------------|--|------------------|------------------|
| General Revenue | \$357,725 | \$357,725 | | \$357,725 | \$357,725 | | \$715,450 | \$715,450 |
| General Revenue - Dedicated | | | | | | | | |
| Federal Funds | | | | | | | | |
| Other Funds | | | | | | | | |
| | \$357,725 | \$357,725 | | \$357,725 | \$357,725 | | \$715,450 | \$715,450 |

Full Time Equivalent Positions

2.0

2.0

Number of 100% Federally Funded FTEs

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

DATE : 8/30/2022
 TIME : 10:07:08AM

Agency code: 230 Agency name: Tenth Court of Appeals District, Waco

| <i>Goal/Objective/STRATEGY</i> | Base 2024 | Base 2025 | Exceptional 2024 | Exceptional 2025 | Total Request 2024 | Total Request 2025 |
|---------------------------------------------------|--------------------|--------------------|---------------------|---------------------|-----------------------|-----------------------|
| 1 Appellate Court Operations | | | | | | |
| 1 <i>Appellate Court Operations</i> | | | | | | |
| 1 APPELLATE COURT OPERATIONS | \$1,186,829 | \$1,186,830 | \$357,725 | \$357,725 | \$1,544,554 | \$1,544,555 |
| 2 APPELLATE JUSTICE SALARIES | 590,844 | 590,844 | 0 | 0 | 590,844 | 590,844 |
| TOTAL, GOAL 1 | \$1,777,673 | \$1,777,674 | \$357,725 | \$357,725 | \$2,135,398 | \$2,135,399 |
| TOTAL, AGENCY STRATEGY REQUEST | \$1,777,673 | \$1,777,674 | \$357,725 | \$357,725 | \$2,135,398 | \$2,135,399 |
| TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST | | | | | | |
| GRAND TOTAL, AGENCY REQUEST | \$1,777,673 | \$1,777,674 | \$357,725 | \$357,725 | \$2,135,398 | \$2,135,399 |

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

DATE : 8/30/2022
 TIME : 10:07:08AM

Agency code: 230 Agency name: Tenth Court of Appeals District, Waco

| Goal/Objective/STRATEGY | Base 2024 | Base 2025 | Exceptional 2024 | Exceptional 2025 | Total Request 2024 | Total Request 2025 |
|---------------------------------------|----------------------|----------------------|-----------------------------|-----------------------------|-------------------------------|-------------------------------|
| General Revenue Funds: | | | | | | |
| 1 General Revenue Fund | \$1,680,223 | \$1,680,224 | \$357,725 | \$357,725 | \$2,037,948 | \$2,037,949 |
| | \$1,680,223 | \$1,680,224 | \$357,725 | \$357,725 | \$2,037,948 | \$2,037,949 |
| Other Funds: | | | | | | |
| 573 Judicial Fund | 92,450 | 92,450 | 0 | 0 | 92,450 | 92,450 |
| 666 Appropriated Receipts | 5,000 | 5,000 | 0 | 0 | 5,000 | 5,000 |
| | \$97,450 | \$97,450 | \$0 | \$0 | \$97,450 | \$97,450 |
| TOTAL, METHOD OF FINANCING | \$1,777,673 | \$1,777,674 | \$357,725 | \$357,725 | \$2,135,398 | \$2,135,399 |
| FULL TIME EQUIVALENT POSITIONS | 15.0 | 15.0 | 2.0 | 2.0 | 17.0 | 17.0 |

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

Date : 8/30/2022
 Time: 10:07:25AM

Agency code: 230 Agency name: Tenth Court of Appeals District, Waco

Goal/ Objective / Outcome

| | BL 2024 | BL 2025 | Excp 2024 | Excp 2025 | Total Request 2024 | Total Request 2025 |
|--------------------------------------------------------------------------|------------|------------|--------------|--------------|--------------------------|--------------------------|
| 1 Appellate Court Operations | | | | | | |
| 1 Appellate Court Operations | | | | | | |
| KEY 1 Clearance Rate | | | | | | |
| | 100.00% | 100.00% | 110.00% | 110.00% | 110.00% | 110.00% |
| KEY 2 Percentage of Cases Under Submission for Less Than One Year | | | | | | |
| | 100.00% | 100.00% | 0.00% | 0.00% | 100.00% | 100.00% |
| KEY 3 Percentage of Cases Pending for Less Than Two Years | | | | | | |
| | 100.00% | 100.00% | 0.00% | 0.00% | 100.00% | 100.00% |

230 Tenth Court of Appeals District, Waco

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

Service Categories:

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

| CODE | DESCRIPTION | Exp 2021 | Est 2022 | Bud 2023 | BL 2024 | BL 2025 |
|------------------------------------|-----------------------------------|-----------|-----------|-------------|-------------|-------------|
| Output Measures: | | | | | | |
| 1 | Number of Civil Cases Disposed | 141.00 | 112.00 | 156.00 | 156.00 | 156.00 |
| 2 | Number of Criminal Cases Disposed | 199.00 | 178.00 | 234.00 | 234.00 | 234.00 |
| Explanatory/Input Measures: | | | | | | |
| 1 | Number of Civil Cases Filed | 157.00 | 150.00 | 200.00 | 200.00 | 200.00 |
| 2 | Number of Criminal Cases Filed | 160.00 | 235.00 | 300.00 | 300.00 | 300.00 |
| 3 | Number of Cases Transferred in | 2.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4 | Number of Cases Transferred out | 72.00 | 95.00 | 110.00 | 110.00 | 110.00 |
| Objects of Expense: | | | | | | |
| 1001 | SALARIES AND WAGES | \$944,555 | \$962,229 | \$1,191,615 | \$1,060,029 | \$1,060,030 |
| 1002 | OTHER PERSONNEL COSTS | \$174,874 | \$20,037 | \$20,860 | \$23,500 | \$23,500 |
| 2001 | PROFESSIONAL FEES AND SERVICES | \$860 | \$1,000 | \$1,000 | \$1,000 | \$1,000 |
| 2003 | CONSUMABLE SUPPLIES | \$4,760 | \$4,039 | \$6,000 | \$6,000 | \$6,000 |
| 2004 | UTILITIES | \$579 | \$1,293 | \$1,500 | \$1,500 | \$1,500 |
| 2005 | TRAVEL | \$531 | \$3,537 | \$12,000 | \$12,000 | \$12,000 |
| 2007 | RENT - MACHINE AND OTHER | \$627 | \$627 | \$800 | \$800 | \$800 |
| 2009 | OTHER OPERATING EXPENSE | \$56,639 | \$65,122 | \$82,000 | \$82,000 | \$82,000 |

230 Tenth Court of Appeals District, Waco

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

Service Categories:

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

| CODE | DESCRIPTION | Exp 2021 | Est 2022 | Bud 2023 | BL 2024 | BL 2025 |
|----------------------------------------------------|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| TOTAL, OBJECT OF EXPENSE | | \$1,183,425 | \$1,057,884 | \$1,315,775 | \$1,186,829 | \$1,186,830 |
| Method of Financing: | | | | | | |
| 1 | General Revenue Fund | \$1,175,329 | \$1,052,884 | \$1,310,775 | \$1,181,829 | \$1,181,830 |
| SUBTOTAL, MOF (GENERAL REVENUE FUNDS) | | \$1,175,329 | \$1,052,884 | \$1,310,775 | \$1,181,829 | \$1,181,830 |
| Method of Financing: | | | | | | |
| 666 | Appropriated Receipts | \$8,096 | \$5,000 | \$5,000 | \$5,000 | \$5,000 |
| SUBTOTAL, MOF (OTHER FUNDS) | | \$8,096 | \$5,000 | \$5,000 | \$5,000 | \$5,000 |
| TOTAL, METHOD OF FINANCE (INCLUDING RIDERS) | | | | | \$1,186,829 | \$1,186,830 |
| TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS) | | \$1,183,425 | \$1,057,884 | \$1,315,775 | \$1,186,829 | \$1,186,830 |
| FULL TIME EQUIVALENT POSITIONS: | | 11.5 | 11.1 | 14.5 | 12.0 | 12.0 |

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Tenth Court of Appeals has appellate jurisdiction of civil and criminal cases appealed from trial courts in 18 counties. Appeals are of judgments in civil cases where the judgment exceeds \$250, exclusive of costs, and other proceedings as provided by law; and in criminal cases except in some postconviction writs of habeas corpus and when the death penalty has been assessed. The Court also has jurisdiction in original proceedings, such as petitions for writs of mandamus from those same 18 counties.

230 Tenth Court of Appeals District, Waco

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

Service Categories:

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

| CODE | DESCRIPTION | Exp 2021 | Est 2022 | Bud 2023 | BL 2024 | BL 2025 |
|------|-------------|----------|----------|----------|---------|---------|
|------|-------------|----------|----------|----------|---------|---------|

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The main factors which impact this strategy are those that affect the balance that must be achieved between a constant flow of new proceedings and the necessary staffing to timely process those proceedings. Unlike the US and Texas Supreme Courts, or the Texas Court of Criminal Appeals, all of which have discretionary review, this Court must dispose of every proceeding filed by a written opinion that addresses every issue raised by the parties, no matter how frivolous. The Court has no control over the number of cases filed. Once a case is filed, it remains on our docket until we can write the opinion. Thus, if our staff is reduced to a level at which we are unable to dispose of as many cases as there are new cases filed in the same period, our inventory of cases grows. This is commonly referred to as a backlog. A backlog which results from inadequate staffing can take a very long time to eliminate even when the Court is returned to being fully staffed. Thus, the external factor of new filings is what primarily drives the need for adequate funding. The primary internal factor is the level of training and experience of the Court's staff, both legal and administrative. This Court's staff has been extraordinarily stable over a long period of time. Adequate compensation continues to be a critical factor, whether you characterize that as internal or external, in the ability to attract and retain staff with sufficient training and experience to timely process the Court's docket.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

| <u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u> | | <u>BIENNIAL</u> | <u>EXPLANATION OF BIENNIAL CHANGE</u> | |
|--------------------------------------------|---------------------------------------------|-----------------|---------------------------------------|--------------------------------------------------------------|
| <u>Base Spending (Est 2022 + Bud 2023)</u> | <u>Baseline Request (BL 2024 + BL 2025)</u> | <u>CHANGE</u> | <u>\$ Amount</u> | <u>Explanation(s) of Amount (must specify MOFs and FTEs)</u> |
| \$2,373,659 | \$2,373,659 | \$0 | \$0 | Total of Explanation of Biennial Change |

230 Tenth Court of Appeals District, Waco

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

Service Categories:

Service: NA Income: NA Age: NA

| CODE | DESCRIPTION | Exp 2021 | Est 2022 | Bud 2023 | BL 2024 | BL 2025 |
|----------------------------------------------------|-----------------------|------------------|------------------|------------------|------------------|------------------|
| Objects of Expense: | | | | | | |
| 1001 | SALARIES AND WAGES | \$511,200 | \$557,400 | \$557,400 | \$557,400 | \$557,400 |
| 1002 | OTHER PERSONNEL COSTS | \$30,672 | \$33,444 | \$33,444 | \$33,444 | \$33,444 |
| TOTAL, OBJECT OF EXPENSE | | \$541,872 | \$590,844 | \$590,844 | \$590,844 | \$590,844 |
| Method of Financing: | | | | | | |
| 1 | General Revenue Fund | \$449,422 | \$498,394 | \$498,394 | \$498,394 | \$498,394 |
| SUBTOTAL, MOF (GENERAL REVENUE FUNDS) | | \$449,422 | \$498,394 | \$498,394 | \$498,394 | \$498,394 |
| Method of Financing: | | | | | | |
| 573 | Judicial Fund | \$92,450 | \$92,450 | \$92,450 | \$92,450 | \$92,450 |
| SUBTOTAL, MOF (OTHER FUNDS) | | \$92,450 | \$92,450 | \$92,450 | \$92,450 | \$92,450 |
| TOTAL, METHOD OF FINANCE (INCLUDING RIDERS) | | | | | \$590,844 | \$590,844 |
| TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS) | | \$541,872 | \$590,844 | \$590,844 | \$590,844 | \$590,844 |
| FULL TIME EQUIVALENT POSITIONS: | | 2.9 | 3.0 | 3.0 | 3.0 | 3.0 |

230 Tenth Court of Appeals District, Waco

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

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

| CODE | DESCRIPTION | Exp 2021 | Est 2022 | Bud 2023 | BL 2024 | BL 2025 |
|------|-------------|----------|----------|----------|---------|---------|
|------|-------------|----------|----------|----------|---------|---------|

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Tenth Court of Appeals has three justices as required by the Texas Constitution and relevant statutes.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The factors are derived by the number of justices for the Court as determined by the legislature and their number of years of service as it impacts their longevity pay.

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 2022 + Bud 2023) | Baseline Request (BL 2024 + BL 2025) | CHANGE | \$ Amount | Explanation(s) of Amount (must specify MOEs and FTEs) |
| \$1,181,688 | \$1,181,688 | \$0 | \$0 | Total of Explanation of Biennial Change |

SUMMARY TOTALS:

| | | | | | |
|-----------------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| OBJECTS OF EXPENSE: | \$1,725,297 | \$1,648,728 | \$1,906,619 | \$1,777,673 | \$1,777,674 |
| METHODS OF FINANCE (INCLUDING RIDERS): | | | | \$1,777,673 | \$1,777,674 |
| METHODS OF FINANCE (EXCLUDING RIDERS): | \$1,725,297 | \$1,648,728 | \$1,906,619 | \$1,777,673 | \$1,777,674 |
| FULL TIME EQUIVALENT POSITIONS: | 14.4 | 14.1 | 17.5 | 15.0 | 15.0 |

3.B. Rider Revisions and Additions Request

| | | | | |
|-----------------------------|---------------------------------------------------------|-----------------------------------------|-----------------------------|-----------------------------------|
| Agency Code: 230 | Agency Name: 10th Court of Appeals, District, | Prepared By: Beverly Williams | Date: 08/05/20/22 | Request Level: Baseline |
| Current Rider Number | Page Number in 2022-2023 GAA | Proposed Rider Language | | |

5

IV-38

Sec. 6. Interagency Contracts for Assigned Judges for Appellate Courts. Out of funds appropriated in this Article to Strategies A.1.1., Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years ~~2022~~2024 and ~~2023~~2025, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3. Visiting Judges – Appellate in the Judiciary Section, Comptroller’s Department.

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

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

DATE: 8/30/2022
 TIME: 10:08:40AM

Agency code: 230 Agency name: Tenth Court of Appeals District, Waco

| CODE | DESCRIPTION | Excp 2024 | Excp 2025 |
|------|-------------|-----------|-----------|
|------|-------------|-----------|-----------|

| |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Item Name: Increase the GR limit to meet the updated budget model (similar funding for same-sized courts)</p> <p>Item Priority: 1</p> <p>IT Component: No</p> <p>Anticipated Out-year Costs: No</p> <p>Involve Contracts > \$50,000: No</p> <p>Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

OBJECTS OF EXPENSE:

| | | | |
|---------------------------------|--------------------|----------------|----------------|
| 1001 | SALARIES AND WAGES | 233,101 | 233,101 |
| TOTAL, OBJECT OF EXPENSE | | 233,101 | 233,101 |

METHOD OF FINANCING:

| | | | |
|-----------------------------------|----------------------|----------------|----------------|
| 1 | General Revenue Fund | 233,101 | 233,101 |
| TOTAL, METHOD OF FINANCING | | 233,101 | 233,101 |

FULL-TIME EQUIVALENT POSITIONS (FTE):

| | | |
|--|------|------|
| | 2.00 | 2.00 |
|--|------|------|

DESCRIPTION / JUSTIFICATION:

The updated budget model reflects increased funding to permit the courts to attract and retain experienced lawyers and support staff with the requisite knowledge and skills to assist the courts in meeting their performance measures and fulfilling the core function of timely processing and disposing of appeals. Without an increase in funding, appellate courts will lose talented personnel to higher-paying private jobs. This loss of key personnel will detrimentally effect performance standards, including (1) a reduction in overall dispositions of appeals, preventing the courts from clearing older cases and reaching the disposition target of 100% of new appeals filed in the biennium, and (2) an increase in the time from filing until disposition for those appeals which remain pending. Any unnecessary delay will be particularly devastating to the State by creating significant adverse consequences for the businesses, families, and children in Texas that are awaiting justice through the resolution of their disputes. Note, the updated budget model does not include an adjustment for the impact of inflation.

EXTERNAL/INTERNAL FACTORS:

This loss of key personnel will detrimentally effect performance standards, including (1) a reduction in overall dispositions of appeals, preventing the courts from clearing older cases and reaching the disposition target of 100% of new appeals filed in the biennium, and (2) an increase in the time from filing until disposition for those appeals which remain pending.

PCLS TRACKING KEY:

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

DATE: 8/30/2022
TIME: 10:08:40AM

Agency code: 230

Agency name: Tenth Court of Appeals District, Waco

CODE DESCRIPTION

Excp 2024

Excp 2025

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

DATE: 8/30/2022
 TIME: 10:08:40AM

Agency code: 230 Agency name: Tenth Court of Appeals District, Waco

| CODE | DESCRIPTION | Excp 2024 | Excp 2025 |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|
| | Item Name: Joint request for Article IV, Judiciary-wide inflation relief 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 | 124,624 | 124,624 |
| | TOTAL, OBJECT OF EXPENSE | \$124,624 | \$124,624 |
| METHOD OF FINANCING: | | | |
| 1 | General Revenue Fund | 124,624 | 124,624 |
| | TOTAL, METHOD OF FINANCING | \$124,624 | \$124,624 |

DESCRIPTION / JUSTIFICATION:

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

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

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

EXTERNAL/INTERNAL FACTORS:

A ten percent (10%) increase on current salaries is sought to help absorb the impact of inflation. This exceptional item is not duplicative of exceptional item 1, which does not include an inflation factor.

PCLS TRACKING KEY:

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

DATE: 8/30/2022
TIME: 10:08:40AM

Agency code: 230

Agency name: Tenth Court of Appeals District, Waco

CODE DESCRIPTION

Excp 2024

Excp 2025

Agency code: 230 Agency name: Tenth Court of Appeals District, Waco

| Code | Description | Excp 2024 | Excp 2025 |
|----------------------------------------------|------------------------------------------------------------------------------------------------|------------------|------------------|
| Item Name: | Increase the GR limit to meet the updated budget model (similar funding for same-sized courts) | | |
| Allocation to Strategy: | 1-1-1 Appellate Court Operations | | |
| STRATEGY IMPACT ON OUTCOME MEASURES: | | | |
| <u>1</u> | Clearance Rate | 110.00% | 110.00% |
| OUTPUT MEASURES: | | | |
| <u>1</u> | Number of Civil Cases Disposed | 16.00 | 16.00 |
| <u>2</u> | Number of Criminal Cases Disposed | 23.00 | 23.00 |
| OBJECTS OF EXPENSE: | | | |
| 1001 | SALARIES AND WAGES | 233,101 | 233,101 |
| TOTAL, OBJECT OF EXPENSE | | \$233,101 | \$233,101 |
| METHOD OF FINANCING: | | | |
| 1 | General Revenue Fund | 233,101 | 233,101 |
| TOTAL, METHOD OF FINANCING | | \$233,101 | \$233,101 |
| FULL-TIME EQUIVALENT POSITIONS (FTE): | | 2.0 | 2.0 |

Agency code: 230 Agency name: Tenth Court of Appeals District, Waco

| Code | Description | Excp 2024 | Excp 2025 |
|---------------------------------------------------------------------------------|----------------------|------------------|------------------|
| Item Name: Joint request for Article IV, Judiciary-wide inflation relief | | | |
| Allocation to Strategy: 1-1-1 Appellate Court Operations | | | |
| OBJECTS OF EXPENSE: | | | |
| 1001 | SALARIES AND WAGES | 124,624 | 124,624 |
| TOTAL, OBJECT OF EXPENSE | | \$124,624 | \$124,624 |
| METHOD OF FINANCING: | | | |
| 1 | General Revenue Fund | 124,624 | 124,624 |
| TOTAL, METHOD OF FINANCING | | \$124,624 | \$124,624 |
| FULL-TIME EQUIVALENT POSITIONS (FTE): | | 0.0 | 0.0 |

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

DATE: 8/30/2022
TIME: 10:10:38AM

Agency Code: 230 Agency name: Tenth Court of Appeals District, Waco

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

Service Categories:

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

| CODE DESCRIPTION | Excp 2024 | Excp 2025 |
|------------------|-----------|-----------|
|------------------|-----------|-----------|

STRATEGY IMPACT ON OUTCOME MEASURES:

| | | |
|------------------|----------|----------|
| 1 Clearance Rate | 110.00 % | 110.00 % |
|------------------|----------|----------|

OUTPUT MEASURES:

| | | |
|-------------------------------------|-------|-------|
| 1 Number of Civil Cases Disposed | 16.00 | 16.00 |
| 2 Number of Criminal Cases Disposed | 23.00 | 23.00 |

OBJECTS OF EXPENSE:

| | | |
|----------------------------------|------------------|------------------|
| 1001 SALARIES AND WAGES | 357,725 | 357,725 |
| Total, Objects of Expense | \$357,725 | \$357,725 |

METHOD OF FINANCING:

| | | |
|---------------------------------|------------------|------------------|
| 1 General Revenue Fund | 357,725 | 357,725 |
| Total, Method of Finance | \$357,725 | \$357,725 |

FULL-TIME EQUIVALENT POSITIONS (FTE):

| | | |
|--|-----|-----|
| | 2.0 | 2.0 |
|--|-----|-----|

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Increase the GR limit to meet the updated budget model (similar funding for same-sized courts)

Joint request for Article IV, Judiciary-wide inflation relief

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

Date: 8/4/2022
 Time: 4:22:01PM

Agency Code: 230 Agency: Tenth Court of Appeals District, Waco

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year - HUB Expenditure Information

| Statewide HUB Goals | Procurement Category | % Goal | HUB Expenditures FY 2020 | | | Total Expenditures FY 2020 | | HUB Expenditures FY 2021 | | | Total Expenditures FY 2021 | |
|------------------------|---------------------------|--------|--------------------------|--------|-----------------|----------------------------------|----------|--------------------------|-----------|-----------------|----------------------------------|--|
| | | | % Actual | Diff | Actual \$ | % Goal | % Actual | Diff | Actual \$ | FY 2021 | | |
| 11.2% | Heavy Construction | 11.2 % | 0.0% | -11.2% | \$0 | \$0 | 11.2 % | 0.0% | -11.2% | \$0 | \$0 | |
| 21.1% | Building Construction | 23.1 % | 0.0% | -23.1% | \$0 | \$0 | 23.1 % | 0.0% | -23.1% | \$0 | \$0 | |
| 32.9% | Special Trade | 32.9 % | 0.0% | -32.9% | \$0 | \$0 | 32.9 % | 0.0% | -32.9% | \$0 | \$0 | |
| 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 % | 38.5% | 12.5% | \$9,145 | \$23,725 | 26.0 % | 27.0% | 1.0% | \$9,000 | \$33,286 | |
| 21.1% | Commodities | 21.1 % | 29.0% | 7.9% | \$2,123 | \$7,332 | 21.1 % | 82.1% | 61.0% | \$15,590 | \$18,993 | |
| | Total Expenditures | | 36.3% | | \$11,268 | \$31,057 | | 47.0% | | \$24,590 | \$52,279 | |

B. Assessment of Attainment of HUB Procurement Goals

Attainment:

The Tenth Court of Appeals attained our goal in both of the applicable categories, only two of which had any measurable expenditures.

Applicability:

The "Heavy Construction", "Professional Services", and "Special Trade", were not applicable to the Court's operations in either fiscal year 2020 or fiscal year 2021.

Factors Affecting Attainment:

The majority of the Court's appropriations are expended on salaries and personnel costs. A large portion of the Court's remaining expenditures are sole-source. Because the Court is housed in the McLennan County courthouse we must request and pay for the improvement and some repairs to the space they provide the court. Because we have no control over their process of bidding a project or their method of selecting vendors, the selection of the vendor for funds paid for our requested improvements, even when paid directly to the vendor, are beyond our control. It effectively makes this type of purchase a sole-source purchase because it is paid either to the county directly or the vendor selected by the county. Whenever possible and feasible, other purchasing is carried out through TX Smartbuy term contract/catalog purchasing. In addition, the Office of Court Administration provides almost all of our computer equipment and support.

C. Good-Faith Efforts to Increase HUB Participation

Outreach Efforts and Mentor-Protégé Programs:

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

Date: 8/4/2022
Time: 4:22:01PM

Agency Code: 230 Agency: Tenth Court of Appeals District, Waco

HUB Program Staffing:

Current and Future Good-Faith Efforts:

The Court continues to make a good faith effort to increase purchases and contract awards to HUBs . All other factors under the State purchasing rules being equal, HUB vendors are given preference. However, there are instances where HUB vendor products or services are more costly than non-HUB vendors, and under such circumstances the agency will choose the best value as it is incurring expenses using taxpayer's dollars. All other factors under the State's rules being equal, the agency plans to make a good faith effort to meet and increase the State HUB goals by giving HUB vendors preference for purchases.

**6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern
Tenth Court of Appeals (230)**

| | | |
|-----------------------------------------------------------------------------------|-----------|----------------|
| ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2024-25 GAA BILL PATTERN | \$ | 242,000 |
|-----------------------------------------------------------------------------------|-----------|----------------|

| Fund Name | | |
|----------------------------------------|-----------|----------------|
| Estimated Beginning Balance in FY 2022 | \$ | - |
| Estimated Revenues FY 2022 | \$ | 44,000 |
| Estimated Revenues FY 2023 | \$ | 66,000 |
| FY 2022-23 Total | \$ | 110,000 |
| | | |
| Estimated Beginning Balance in FY 2024 | \$ | 110,000 |
| Estimated Revenues FY 2024 | \$ | 66,000 |
| Estimated Revenues FY 2025 | \$ | 66,000 |
| FY 2024-25 Total | \$ | 242,000 |

Constitutional or Statutory Creation and Use of Funds:

Pursuant to sections 22.201 and 22.229 of the Texas government Code. A fee is charged for each non-indigent civil suit filed in each county court, statutory court, probate court, or district court, except such fees that apply to a suit filed by a county or a suit for delinquent taxes. Funds received from such fees shall be used only for the purpose of assisting the Tenth Court of Appeals.

Method of Calculation and Revenue Assumptions:

The number of civil suits filed determines the actual revenue received.

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

DATE: 8/30/2022

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

TIME: 10:10:58AM

Agency code: 230

Agency name: Tenth Court of Appeals District, Waco

GR Baseline Request Limit = \$3,360,447

GR-D Baseline Request Limit = \$0

| Strategy/Strategy Option/Rider | | | | | | | | Biennial | Biennial | |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------|------------|-------------|--------------------|--------------------|----------|--------------------------------------------------------|----------------|--------|
| 2024 Funds | | | | 2025 Funds | | | | Cumulative GR | Cumulative Ded | Page # |
| FTEs | Total | GR | Ded | FTEs | Total | GR | Ded | | | |
| Strategy: 1 - 1 - 1 | Appellate Court Operations | | | | | | | | | |
| 12.0 | 1,186,829 | 1,181,829 | 0 | 12.0 | 1,186,830 | 1,181,830 | 0 | 2,363,659 | 0 | _____ |
| Strategy: 1 - 1 - 2 | Appellate Justice Salaries. Estimated and Nontransferable | | | | | | | | | |
| 3.0 | 590,844 | 498,394 | 0 | 3.0 | 590,844 | 498,394 | 0 | 3,360,447 | 0 | _____ |
| 15.0 | | | | 15.0 | | | | *****GR Baseline Request Limit=\$3,360,447***** | | |
| Excp Item: 1 | Increase the GR limit to meet the updated budget model (similar funding for same-sized courts) | | | | | | | | | |
| 2.0 | 233,101 | 233,101 | 0 | 2.0 | 233,101 | 233,101 | 0 | 3,826,649 | 0 | _____ |
| Strategy Detail for Excp Item: 1 | | | | | | | | | | |
| Strategy: 1 - 1 - 1 | Appellate Court Operations | | | | | | | | | |
| 2.0 | 233,101 | 233,101 | 0 | 2.0 | 233,101 | 233,101 | 0 | | | |
| Excp Item: 2 | Joint request for Article IV, Judiciary-wide inflation relief | | | | | | | | | |
| 0.0 | 124,624 | 124,624 | 0 | 0.0 | 124,624 | 124,624 | 0 | 4,075,897 | 0 | _____ |
| Strategy Detail for Excp Item: 2 | | | | | | | | | | |
| Strategy: 1 - 1 - 1 | Appellate Court Operations | | | | | | | | | |
| 0.0 | 124,624 | 124,624 | 0 | 0.0 | 124,624 | 124,624 | 0 | | | |
| 17.0 | \$2,135,398 | \$2,037,948 | \$0 | 17.0 | \$2,135,399 | \$2,037,949 | 0 | | | |