



Legislative Appropriations Request For Fiscal Years 2024 and 2025

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

by

**Second Court of Appeals District
Fort Worth**

August 5, 2022



Legislative Appropriations Request For Fiscal Years 2024 and 2025

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

by

Second Court of Appeals District Fort Worth

Chief Justice Bonnie Sudderth	January 1, 2019 – December 31, 2024	Fort Worth, Texas
Justice Elizabeth Kerr	January 1, 2017 – December 31, 2022	Fort Worth, Texas
Justice J. Wade Birdwell	January 1, 2019 – December 31, 2024	Fort Worth, Texas
Justice Dabney Bassel	January 1, 2019 – December 31, 2024	Fort Worth, Texas
Justice Dana Womack	January 1, 2021 – December 31, 2026	Fort Worth, Texas
Justice Mike Wallach	January 1, 2019 – December 31, 2024	Fort Worth, Texas
Justice Brian Walker	January 1, 2021 – December 31, 2026	Fort Worth, Texas

August 5, 2022

Prepared by: Debra Spisak
Debra Spisak, Clerk of the Court

Approved: Bonnie Sudderth
Bonnie Sudderth, Chief Justice

Second Court of Appeals
Legislative Appropriations Request
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Administrator's Statement

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222 Second Court of Appeals District, Fort Worth

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 are returning to pre-pandemic levels as of June 2022 and are expected to continue to increase beyond pre-pandemic levels as trial courts resume full operations and clear their backlogs. 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 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

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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.

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):

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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 that the Legislature implement the Judicial Compensation Commission's recommendations for an increase in judicial compensation.

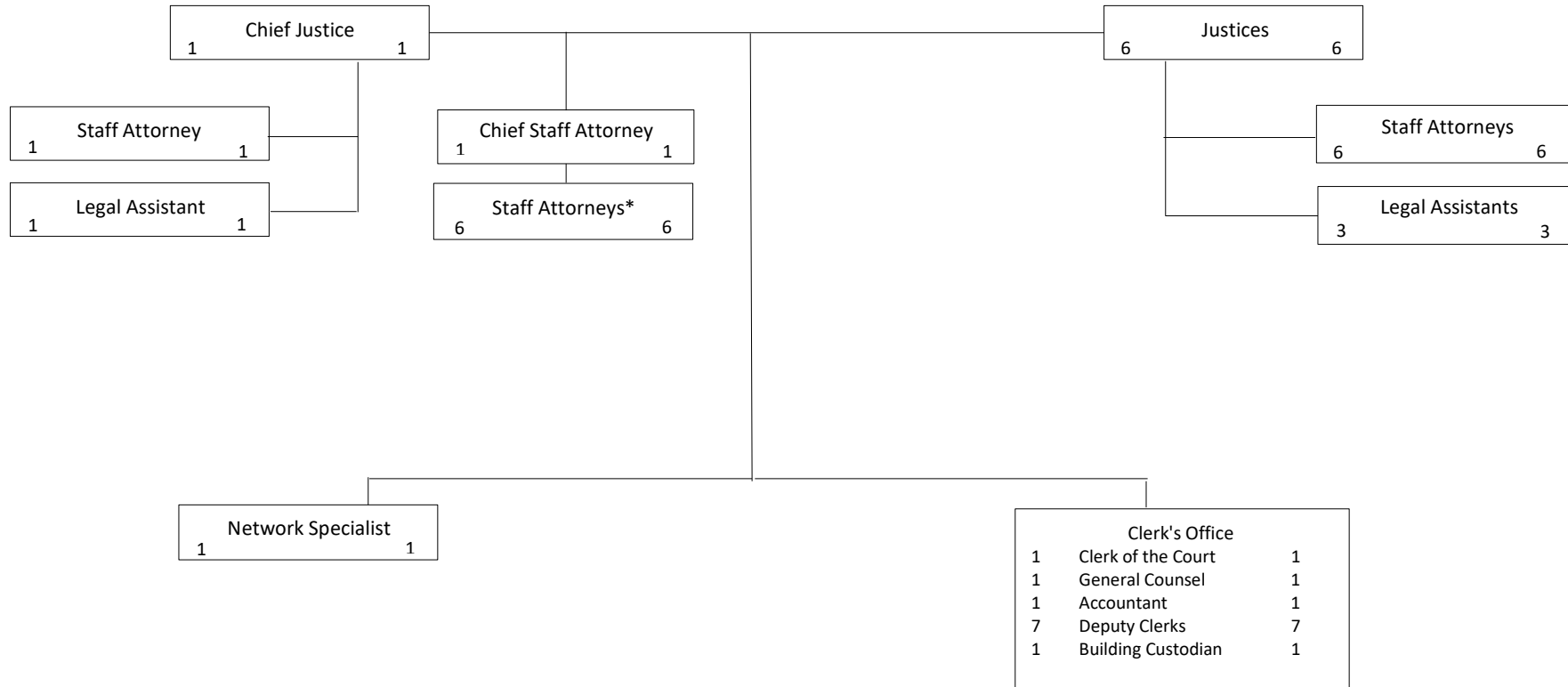
Note on Appropriated Receipts: At the direction of the LBB & Governor's Office, this court has included appropriated receipts in the total amount of \$16,000 for FY 2024 and 2025 reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the Court and do not constitute additional funds available for general expenditures for the Court. The amount can vary significantly from year to year.

ORGANIZATIONAL CHART

Second Court of Appeals

2023 (2024-25)

Attached is an organizational chart of the Second Court of Appeals. The number on the left is the number of budgeted positions for fiscal year 2023. The number on the right is the number of positions requested for quality legal and non-legal staff for FY 2024-25, including exceptional item positions.



*Employees (5.0 FTEs) related to Exceptional Items



CERTIFICATE

Agency Name: Second 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 or Presiding Judge

Bonnie Sudderth
Signature

Bonnie Sudderth
Printed Name

Chief Justice
Title

August 5, 2022
Date

Board or Commission Chair

Signature

Printed Name

Title

Date

Chief Financial Officer

Debra Spisak
Signature

Debra Spisak
Printed Name

Clerk of the Court
Title

August 5, 2022
Date

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

222 Second Court of Appeals District, Fort Worth
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	4,967,480	4,967,480					129,000	124,000	5,096,480	5,091,480	1,831,228
1.1.2. Appellate Justice Salaries	2,043,644	2,043,644					426,100	426,100	2,469,744	2,469,744	
Total, Goal	7,011,124	7,011,124					555,100	550,100	7,566,224	7,561,224	1,831,228
Total, Agency	7,011,124	7,011,124					555,100	550,100	7,566,224	7,561,224	1,831,228
Total FTEs									37.0	32.0	5.0

2.A. Summary of Base Request by Strategy

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222 Second Court of Appeals District, Fort Worth

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	2,625,644	2,483,359	2,613,121	2,545,740	2,545,740
2 APPELLATE JUSTICE SALARIES	1,228,455	1,234,872	1,234,872	1,234,872	1,234,872
TOTAL, GOAL 1	\$3,854,099	\$3,718,231	\$3,847,993	\$3,780,612	\$3,780,612
TOTAL, AGENCY STRATEGY REQUEST	\$3,854,099	\$3,718,231	\$3,847,993	\$3,780,612	\$3,780,612
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$3,854,099	\$3,718,231	\$3,847,993	\$3,780,612	\$3,780,612

2.A. Summary of Base Request by Strategy

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222 Second Court of Appeals District, Fort Worth

Goal / Objective / STRATEGY	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	3,564,071	3,438,181	3,572,943	3,505,562	3,505,562
SUBTOTAL	\$3,564,071	\$3,438,181	\$3,572,943	\$3,505,562	\$3,505,562
Other Funds:					
573 Judicial Fund	213,050	213,050	213,050	213,050	213,050
666 Appropriated Receipts	22,978	13,000	8,000	8,000	8,000
777 Interagency Contracts	54,000	54,000	54,000	54,000	54,000
SUBTOTAL	\$290,028	\$280,050	\$275,050	\$275,050	\$275,050
TOTAL, METHOD OF FINANCING	\$3,854,099	\$3,718,231	\$3,847,993	\$3,780,612	\$3,780,612

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

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

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Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025	
<u>GENERAL REVENUE</u>						
<u>1</u> General Revenue Fund						
<i>REGULAR APPROPRIATIONS</i>						
Regular Appropriations from MOF Table (2020-21 GAA)	\$3,365,589	\$0	\$0	\$0	\$0	
Regular Appropriations from MOF Table (2022-23 GAA)	\$0	\$3,505,562	\$3,505,562	\$0	\$0	
Regular Appropriations from MOF Table	\$0	\$0	\$0	\$3,505,562	\$3,505,562	
<i>RIDER APPROPRIATION</i>						
Art. IX, Sec. 18.25(d), Contingency for HB 2384 (2020-21 GAA)	\$(881,849)	\$0	\$0	\$0	\$0	
Comments: Reduce Strategy A.1.1, Appellate Court Operations						
Art. IX, Sec. 18.25(d), Contingency for HB 2384 (2020-21 GAA)	\$1,043,403	\$0	\$0	\$0	\$0	
Comments: Add New Strategy A.1.2, Appellate Justice Salaries						

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

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Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>GENERAL REVENUE</u>						
<i>LAPSED APPROPRIATIONS</i>						
	Strategy A.1.2, Appellate Justice Salaries (2020-21 GAA)	\$(27,998)	\$0	\$0	\$0	\$0
	Comments: Lapse of estimated and nontransferable Strategy A.1.2 funds due to changes in judicial personnel.					
<i>UNEXPENDED BALANCES AUTHORITY</i>						
	Strategy A.1.1., Appellate Court Operations (2020-21 GAA)	\$64,926	\$0	\$0	\$0	\$0
	Strategy A.1.1., Appellate Court Operations (2022-23 GAA)	\$0	\$(67,381)	\$67,381	\$0	\$0
	Comments: Estimated unexpended balance from FY22 due to vacancies in court staff.					
TOTAL,	General Revenue Fund	\$3,564,071	\$3,438,181	\$3,572,943	\$3,505,562	\$3,505,562
TOTAL, ALL	GENERAL REVENUE	\$3,564,071	\$3,438,181	\$3,572,943	\$3,505,562	\$3,505,562

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

2.B. Summary of Base Request by Method of Finance
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Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>OTHER FUNDS</u>						
	Regular Appropriations from MOF Table (2020-21 GAA)	\$213,050	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2022-23 GAA)	\$0	\$213,050	\$213,050	\$0	\$0
	Regular Appropriations from MOF Table	\$0	\$0	\$0	\$213,050	\$213,050
TOTAL,	Judicial Fund No. 573	\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
<u>666</u>	Appropriated Receipts					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2020-21 GAA)	\$8,000	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2022-23 GAA)	\$0	\$8,000	\$8,000	\$0	\$0

2.B. Summary of Base Request by Method of Finance
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Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>OTHER FUNDS</u>						
Regular Appropriations from MOF Table		\$0	\$0	\$0	\$8,000	\$8,000
<i>RIDER APPROPRIATION</i>						
Art. IX, Sec. 8.02, Reimbursements and Payments (2020-21 GAA)		\$14,978	\$0	\$0	\$0	\$0
Art. IX, Sec. 8.02, Reimbursements and Payments (2022-23 GAA)		\$0	\$5,000	\$0	\$0	\$0
TOTAL,	Appropriated Receipts	\$22,978	\$13,000	\$8,000	\$8,000	\$8,000
 <u>777</u> Interagency Contracts						
<i>REGULAR APPROPRIATIONS</i>						
Regular Appropriations from MOF Table (2020-21 GAA)		\$54,000	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2022-23 GAA)		\$0	\$54,000	\$54,000	\$0	\$0

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

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Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>OTHER FUNDS</u>						
	Regular Appropriations from MOF Table	\$0	\$0	\$0	\$54,000	\$54,000
TOTAL,	Interagency Contracts	\$54,000	\$54,000	\$54,000	\$54,000	\$54,000
TOTAL, ALL	OTHER FUNDS	\$290,028	\$280,050	\$275,050	\$275,050	\$275,050
GRAND TOTAL		\$3,854,099	\$3,718,231	\$3,847,993	\$3,780,612	\$3,780,612

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

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METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<p>Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth</p>					
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2020-21 GAA)	38.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2022-23 GAA)	0.0	37.0	37.0	0.0	0.0
Regular Appropriations from MOF Table	0.0	0.0	0.0	37.0	37.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Unauthorized Number Over (Below) Cap	(1.9)	(2.0)	0.0	0.0	0.0
<p>Comments: Number below cap is attributable to temporary vacancies in court staff, which were caused by an increasing number of voluntary resignations. Nearly all separating employees reported that rising inflation and stagnant State salaries were factors in their decisions to leave.</p>					
Unauthorized Number Over (Below) Cap	0.0	0.0	0.0	(5.0)	(5.0)
<p>Comments: Number below cap is attributable to anticipated staff attorney vacancies that will remain unfilled due to inadequate funding.</p>					
TOTAL, ADJUSTED FTES	36.1	35.0	37.0	32.0	32.0
NUMBER OF 100% FEDERALLY FUNDED FTES	0.0	0.0	0.0	0.0	0.0

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

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OBJECT OF EXPENSE	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
1001 SALARIES AND WAGES	\$3,488,243	\$3,484,153	\$3,592,108	\$3,592,108	\$3,592,108
1002 OTHER PERSONNEL COSTS	\$105,155	\$122,879	\$100,731	\$104,071	\$107,211
2001 PROFESSIONAL FEES AND SERVICES	\$1,716	\$0	\$500	\$500	\$500
2003 CONSUMABLE SUPPLIES	\$10,904	\$15,711	\$15,000	\$10,000	\$10,000
2004 UTILITIES	\$1,934	\$1,020	\$1,200	\$1,200	\$1,200
2005 TRAVEL	\$24,288	\$11,873	\$40,000	\$0	\$0
2007 RENT - MACHINE AND OTHER	\$5,908	\$871	\$1,000	\$1,000	\$1,000
2009 OTHER OPERATING EXPENSE	\$140,884	\$81,724	\$97,454	\$71,733	\$68,593
5000 CAPITAL EXPENDITURES	\$75,067	\$0	\$0	\$0	\$0
OOE Total (Excluding Riders)	\$3,854,099	\$3,718,231	\$3,847,993	\$3,780,612	\$3,780,612
OOE Total (Riders)					
Grand Total	\$3,854,099	\$3,718,231	\$3,847,993	\$3,780,612	\$3,780,612

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

Date: 8/5/2022
Time: 4:53:42PM

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Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 222 Agency: Second Court of Appeals District, Fort Worth

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

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
2	Postage	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500
5	Westlaw/Lexis	25,518	26,028	27,329	28,149	28,994
6	Registrations/Training	7,994	5,719	11,000	5,000	2,200
7	Subscriptions/Periodicals	3,018	3,199	3,199	0	0
12	Maintenance & Repair - Equipment	282	110	150	150	150
13	Furniture & Equipment (Expensed)	8,859	941	3,685	1,000	1,000
15	Printing & Reproduction	657	420	1,000	500	500
24	Freight/Delivery	773	801	800	800	500
25	Advertising	0	1,298	1,298	0	0
26	Books (expensed)	22,400	21,839	24,000	12,179	10,900
27	Membership Dues	11,480	9,173	11,000	11,000	11,000
28	Liability Insurance	6,540	7,380	7,400	7,400	7,400
35	Computer Equip./Software, Non-cap	3,955	278	1,500	462	856
54	Furnishings & Equip. - Controlled	4,637	0	0	0	0
55	Computer Furn & Equip-Controlled	6,060	0	0	0	0
64	SORM Assessment	3,158	3,032	3,593	3,593	3,593
111	Purchased Contract Services	33,538	0	0	0	0
157	Fees and Other Charges	172	0	0	0	0
166	Other Personnel Cost	343	6	0	0	0
Total, Operating Costs		\$140,884	\$81,724	\$97,454	\$71,733	\$68,593

2.D. Summary of Base Request Objective Outcomes
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222 Second Court of Appeals District, Fort Worth

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					
	121.36%	80.00%	65.00%	65.00%	65.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	97.82%	95.20%	90.00%	85.00%	80.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	99.37%	98.95%	95.00%	90.00%	85.00%

2.E. Summary of Exceptional Items Request
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 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/5/2022
 TIME : 4:53:37PM

Agency code: 222

Agency name: **Second Court of Appeals District, Fort Worth**

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	\$642,129	\$642,129	5.0	\$642,129	\$642,129	5.0	\$1,284,258	\$1,284,258
2	Judiciary-Wide Inflation Relief	\$273,485	\$273,485	0.0	\$273,485	\$273,485	0.0	\$546,970	\$546,970
Total, Exceptional Items Request		\$915,614	\$915,614	5.0	\$915,614	\$915,614	5.0	\$1,831,228	\$1,831,228
Method of Financing									
	General Revenue	\$915,614	\$915,614		\$915,614	\$915,614		\$1,831,228	\$1,831,228
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$915,614	\$915,614		\$915,614	\$915,614		\$1,831,228	\$1,831,228
Full Time Equivalent Positions				5.0				5.0	
Number of 100% Federally Funded FTEs				0.0				0.0	

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

DATE : 8/5/2022
 TIME : 4:53:38PM

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

Goal/Objective/STRATEGY	Base 2024	Base 2025	Exceptional 2024	Exceptional 2025	Total Request 2024	Total Request 2025
1 Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$2,545,740	\$2,545,740	\$915,614	\$915,614	\$3,461,354	\$3,461,354
2 APPELLATE JUSTICE SALARIES	1,234,872	1,234,872	0	0	1,234,872	1,234,872
TOTAL, GOAL 1	\$3,780,612	\$3,780,612	\$915,614	\$915,614	\$4,696,226	\$4,696,226
TOTAL, AGENCY STRATEGY REQUEST	\$3,780,612	\$3,780,612	\$915,614	\$915,614	\$4,696,226	\$4,696,226
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$3,780,612	\$3,780,612	\$915,614	\$915,614	\$4,696,226	\$4,696,226

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

DATE : 8/5/2022
 TIME : 4:53:38PM

Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
Goal/Objective/STRATEGY	Base 2024	Base 2025	Exceptional 2024	Exceptional 2025	Total Request 2024	Total Request 2025
General Revenue Funds:						
1 General Revenue Fund	\$3,505,562	\$3,505,562	\$915,614	\$915,614	\$4,421,176	\$4,421,176
	\$3,505,562	\$3,505,562	\$915,614	\$915,614	\$4,421,176	\$4,421,176
Other Funds:						
573 Judicial Fund	213,050	213,050	0	0	213,050	213,050
666 Appropriated Receipts	8,000	8,000	0	0	8,000	8,000
777 Interagency Contracts	54,000	54,000	0	0	54,000	54,000
	\$275,050	\$275,050	\$0	\$0	\$275,050	\$275,050
TOTAL, METHOD OF FINANCING	\$3,780,612	\$3,780,612	\$915,614	\$915,614	\$4,696,226	\$4,696,226
FULL TIME EQUIVALENT POSITIONS	32.0	32.0	5.0	5.0	37.0	37.0

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

Date : 8/5/2022
 Time: 4:53:38PM

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

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						
	65.00%	65.00%	100.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year						
	85.00%	80.00%	100.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years						
	90.00%	85.00%	100.00%	100.00%	100.00%	100.00%

222 Second Court of Appeals District, Fort Worth

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	442.00	465.00	276.00	276.00	276.00
2	Number of Criminal Cases Disposed	308.00	195.00	330.00	330.00	330.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	442.00	535.00	487.00	487.00	487.00
2	Number of Criminal Cases Filed	186.00	340.00	570.00	570.00	570.00
3	Number of Cases Transferred in	1.00	0.00	0.00	0.00	0.00
4	Number of Cases Transferred out	11.00	45.00	125.00	125.00	125.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,284,043	\$2,279,953	\$2,387,908	\$2,387,908	\$2,387,908
1002	OTHER PERSONNEL COSTS	\$80,900	\$92,207	\$70,059	\$73,399	\$76,539
2001	PROFESSIONAL FEES AND SERVICES	\$1,716	\$0	\$500	\$500	\$500
2003	CONSUMABLE SUPPLIES	\$10,904	\$15,711	\$15,000	\$10,000	\$10,000
2004	UTILITIES	\$1,934	\$1,020	\$1,200	\$1,200	\$1,200
2005	TRAVEL	\$24,288	\$11,873	\$40,000	\$0	\$0
2007	RENT - MACHINE AND OTHER	\$5,908	\$871	\$1,000	\$1,000	\$1,000
2009	OTHER OPERATING EXPENSE	\$140,884	\$81,724	\$97,454	\$71,733	\$68,593
5000	CAPITAL EXPENDITURES	\$75,067	\$0	\$0	\$0	\$0

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

8/5/2022 4:53:38PM

222 Second Court of Appeals District, Fort Worth

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		\$2,625,644	\$2,483,359	\$2,613,121	\$2,545,740	\$2,545,740
Method of Financing:						
1	General Revenue Fund	\$2,548,666	\$2,416,359	\$2,551,121	\$2,483,740	\$2,483,740
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,548,666	\$2,416,359	\$2,551,121	\$2,483,740	\$2,483,740
Method of Financing:						
666	Appropriated Receipts	\$22,978	\$13,000	\$8,000	\$8,000	\$8,000
777	Interagency Contracts	\$54,000	\$54,000	\$54,000	\$54,000	\$54,000
SUBTOTAL, MOF (OTHER FUNDS)		\$76,978	\$67,000	\$62,000	\$62,000	\$62,000
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$2,545,740	\$2,545,740
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,625,644	\$2,483,359	\$2,613,121	\$2,545,740	\$2,545,740
FULL TIME EQUIVALENT POSITIONS:		29.1	28.0	30.0	25.0	25.0
STRATEGY DESCRIPTION AND JUSTIFICATION:						

222 Second Court of Appeals District, Fort Worth

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

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
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The Second Court of Appeals was created in 1892 by the 2nd Leg., 1st Session, General Laws of Texas, and the Texas Constitution. The Second Court of Appeals District is composed of twelve counties: Archer, Clay, Cooke, Denton, Hood, Jack, Montague, Parker, Tarrant, Wichita, Wise, and Young. This court has intermediate appellate jurisdiction of all civil and criminal cases appealed from approximately 100 lower courts in these twelve counties. Cases include civil appeals in which the amount of the trial court's judgment exceeds \$250, exclusive of costs and interest, and all criminal appeals except appeals from cases in which the death penalty has been imposed, which are appealed directly to the Court of Criminal Appeals. The Second Court of Appeals also has jurisdiction over original proceedings--such as writs of mandamus, injunction, prohibition, and habeas corpus--arising from cases in the twelve counties it serves. The court processes, reviews, and decides each case filed in the court by written opinion or order. This process requires a highly skilled and trained professional workforce, including appellate lawyers and clerical staff, who assist the justices of the court in disposing of cases and researching and writing opinions.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The Second Court of Appeals District's population and caseload have more than doubled since 1983, when the court's size was increased to its current number of 7 justices. In 1983, the population in our district was 1.4 million and has now grown to approximately 3.6 million. In the same time period, the court's workload has increased from 491 cases filed in 1983 to over 1,000 filed in FY 2019, the last full year before the COVID-19 crisis. Filings have steadily increased since 2020 as the State rebounds from the effects of COVID-19, and by 2023, filings are expected to exceed pre-pandemic levels. Experience has shown that after every major financial crisis in the past 20 years, the number of cases filed in the intermediate appellate courts has risen significantly. Without additional justices to handle the increased workload, the court must maintain sufficient funding to recruit and retain professional, qualified staff to handle the increases in volume of cases filed, the number of accelerated and expedited matters on the court's docket, and the requests for access to court records from litigants, the public, and their counsel.

222 Second Court of Appeals District, Fort Worth

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

Service Categories:

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

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
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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 MOFs and FTEs)
\$5,096,480	\$5,091,480	\$(5,000)	\$(5,000)	Estimated amount of rider appropriation (reimbursements and payments) to MOF 666 - Appropriated Receipts in FY 2022
			\$(5,000)	Total of Explanation of Biennial Change

222 Second Court of Appeals District, Fort Worth

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	\$1,204,200	\$1,204,200	\$1,204,200	\$1,204,200	\$1,204,200
1002	OTHER PERSONNEL COSTS	\$24,255	\$30,672	\$30,672	\$30,672	\$30,672
TOTAL, OBJECT OF EXPENSE		\$1,228,455	\$1,234,872	\$1,234,872	\$1,234,872	\$1,234,872
Method of Financing:						
1	General Revenue Fund	\$1,015,405	\$1,021,822	\$1,021,822	\$1,021,822	\$1,021,822
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,015,405	\$1,021,822	\$1,021,822	\$1,021,822	\$1,021,822
Method of Financing:						
573	Judicial Fund	\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
SUBTOTAL, MOF (OTHER FUNDS)		\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,234,872	\$1,234,872
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,228,455	\$1,234,872	\$1,234,872	\$1,234,872	\$1,234,872
FULL TIME EQUIVALENT POSITIONS:		7.0	7.0	7.0	7.0	7.0

222 Second Court of Appeals District, Fort Worth

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

The 86th Legislature established current levels of judicial compensation that are fixed by statute and added Strategy A.1.2., Appellate Justice Salaries, which holds estimated and nontransferable funds that are dedicated to judicial salaries and are unable to be spent on any other category of appellate court operations.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Judicial salaries are established by statute and cannot be increased or decreased by the court. Salaries vary among the justices, depending on their level of judicial experience. 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. The estimated and nontransferable funds in Strategy A.1.2. are expected to fluctuate throughout the biennium due to changes in the makeup of the court.

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 MOFs and FTEs)
\$2,469,744	\$2,469,744	\$0	\$0	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$3,854,099	\$3,718,231	\$3,847,993	\$3,780,612	\$3,780,612
METHODS OF FINANCE (INCLUDING RIDERS):				\$3,780,612	\$3,780,612
METHODS OF FINANCE (EXCLUDING RIDERS):	\$3,854,099	\$3,718,231	\$3,847,993	\$3,780,612	\$3,780,612
FULL TIME EQUIVALENT POSITIONS:	36.1	35.0	37.0	32.0	32.0

3.B. Rider Revisions and Additions Request

Agency Code: 222	Agency Name: Second Court of Appeals District, Fort Worth	Prepared By: Debra Spisak	Date: August 5, 2022	Request Level: Baseline
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Current Rider Number	Page Number in 2022-2023 GAA	Proposed Rider Language
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IV-38

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

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

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

DATE: **8/5/2022**
 TIME: **4:53:42PM**

Agency code: **222** Agency name: **Second Court of Appeals District, Fort Worth**

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2024</u>	<u>Excp 2025</u>
	Item Name: Increase the general revenue limit to meet the updated budget model (similar funding for same-sized courts)		
	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	601,008	601,008
1002	OTHER PERSONNEL COSTS	9,015	9,015
2003	CONSUMABLE SUPPLIES	2,000	2,000
2005	TRAVEL	30,000	30,000
2009	OTHER OPERATING EXPENSE	106	106
	TOTAL, OBJECT OF EXPENSE	\$642,129	\$642,129
METHOD OF FINANCING:			
1	General Revenue Fund	642,129	642,129
	TOTAL, METHOD OF FINANCING	\$642,129	\$642,129
	FULL-TIME EQUIVALENT POSITIONS (FTE):	5.00	5.00

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 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 that remain pending. Any unnecessary delay will create 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:

The Second Court of Appeals District's population and caseload have more than doubled since 1983, when the court's size was increased to its current number of 7 justices. In 1983, the population in our district was 1.4 million and has now grown to approximately 3.6 million. In the same time period, the court's workload has increased from 491 cases filed in 1983 to over 1,000 filed in FY 2019, the last full year before the COVID-19 crisis. Filings have steadily increased since 2020 as the State rebounds from the effects of COVID-19, and by 2023, filings are expected to exceed pre-pandemic levels. Experience has shown that after every major financial crisis in the past 20 years, the number of cases filed in the intermediate appellate courts has risen significantly.

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

DATE: **8/5/2022**
TIME: **4:53:42PM**

Agency code: **222**

Agency name: **Second Court of Appeals District, Fort Worth**

CODE	DESCRIPTION	Excp 2024	Excp 2025
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Without additional justices to handle the increased workload, the court must maintain sufficient funding to recruit and retain professional, qualified staff to handle the increases in volume of cases filed, the number of accelerated and expedited matters on the court's docket, and the requests for access to court records from litigants, the public, and their counsel. At base appropriation levels in FY 2024-25, the court will be able to fully fund only 9 of its 14 staff attorney positions under the guideline budget. 5 staff attorney positions will be left unfunded, severely restricting the court's ability to fill vacancies as staff attorneys resign from the court. Funding for this exceptional item would allow the court to fill these vacancies and return to full staffing levels for the coming biennium.

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: 8/5/2022
 TIME: 4:53:42PM

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

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	269,443	269,443
1002	OTHER PERSONNEL COSTS	4,042	4,042
TOTAL, OBJECT OF EXPENSE		\$273,485	\$273,485
METHOD OF FINANCING:			
1	General Revenue Fund	273,485	273,485
TOTAL, METHOD OF FINANCING		\$273,485	\$273,485

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 Second Court of Appeals (along with the other 13 courts of appeals) joins 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:

The lack of raises for employees, coupled with soaring inflation, has drastically affected the court's ability to attract and retain qualified staff. In FY 2021-2022, the court experienced a 43% turnover in its staff attorney ranks, and almost all departing employees named low salaries as a significant motivating factor in their decisions to leave the court. Court job postings stay open for months at a time because low salaries render the court unable to attract qualified applicants. In addition, the court has left one deputy

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

DATE: **8/5/2022**
TIME: **4:53:42PM**

Agency code: **222**

Agency name: **Second Court of Appeals District, Fort Worth**

CODE	DESCRIPTION	Excp 2024	Excp 2025
	clerk position vacant for most of FY 2022 in an effort to retain staff through the use of those funds to increase other employees' salaries. As a result, due in large part to extended staff attorney vacancies and frequent employee turnover, the number of cases disposed by the court in FY 2022 is the lowest it has been in at least the last ten years. A 10% salary adjustment for inflation would allow the court to increase employee retention and reduce turnover, which in turn will improve court efficiency and increase the number of appeals disposed. PCLS TRACKING KEY:		

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

Code	Description	Excp 2024	Excp 2025
Item Name: Increase the general revenue limit to meet the updated budget model (similar funding for same-sized courts)			
Allocation to Strategy:		1-1-1	Appellate Court Operations
STRATEGY IMPACT ON OUTCOME MEASURES:			
<u>1</u>	Clearance Rate	92.00%	92.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	92.00%	92.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	92.00%	92.00%
OUTPUT MEASURES:			
<u>1</u>	Number of Civil Cases Disposed	391.00	391.00
<u>2</u>	Number of Criminal Cases Disposed	467.00	467.00
EXPLANATORY/INPUT MEASURES:			
<u>1</u>	Number of Civil Cases Filed	487.00	487.00
<u>2</u>	Number of Criminal Cases Filed	570.00	570.00
<u>3</u>	Number of Cases Transferred in	0.00	0.00
<u>4</u>	Number of Cases Transferred out	125.00	125.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	601,008	601,008
1002	OTHER PERSONNEL COSTS	9,015	9,015
2003	CONSUMABLE SUPPLIES	2,000	2,000
2005	TRAVEL	30,000	30,000
2009	OTHER OPERATING EXPENSE	106	106
TOTAL, OBJECT OF EXPENSE		\$642,129	\$642,129
METHOD OF FINANCING:			
1 General Revenue Fund		642,129	642,129
TOTAL, METHOD OF FINANCING		\$642,129	\$642,129
FULL-TIME EQUIVALENT POSITIONS (FTE):		5.0	5.0

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

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			
STRATEGY IMPACT ON OUTCOME MEASURES:			
<u>1</u>	Clearance Rate	73.00%	73.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	73.00%	73.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	73.00%	73.00%
OUTPUT MEASURES:			
<u>1</u>	Number of Civil Cases Disposed	310.00	310.00
<u>2</u>	Number of Criminal Cases Disposed	370.00	370.00
EXPLANATORY/INPUT MEASURES:			
<u>1</u>	Number of Civil Cases Filed	487.00	487.00
<u>2</u>	Number of Criminal Cases Filed	570.00	570.00
<u>3</u>	Number of Cases Transferred in	0.00	0.00
<u>4</u>	Number of Cases Transferred out	125.00	125.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	269,443	269,443
1002	OTHER PERSONNEL COSTS	4,042	4,042
TOTAL, OBJECT OF EXPENSE		\$273,485	\$273,485
METHOD OF FINANCING:			
1	General Revenue Fund	273,485	273,485
TOTAL, METHOD OF FINANCING		\$273,485	\$273,485
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: 8/5/2022
TIME: 4:53:43PM

Agency Code: **222** Agency name: **Second Court of Appeals District, Fort Worth**

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 2024	Exp 2025
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STRATEGY IMPACT ON OUTCOME MEASURES:

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

OUTPUT MEASURES:

<u>1</u> Number of Civil Cases Disposed	425.00	425.00
<u>2</u> Number of Criminal Cases Disposed	507.00	507.00

EXPLANATORY/INPUT MEASURES:

<u>1</u> Number of Civil Cases Filed	487.00	487.00
<u>2</u> Number of Criminal Cases Filed	570.00	570.00
<u>4</u> Number of Cases Transferred out	125.00	125.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	870,451	870,451
1002 OTHER PERSONNEL COSTS	13,057	13,057
2003 CONSUMABLE SUPPLIES	2,000	2,000
2005 TRAVEL	30,000	30,000
2009 OTHER OPERATING EXPENSE	106	106
Total, Objects of Expense	\$915,614	\$915,614

METHOD OF FINANCING:

1 General Revenue Fund	915,614	915,614
Total, Method of Finance	\$915,614	\$915,614

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

DATE: 8/5/2022
TIME: 4:53:43PM

Agency Code: **222** Agency name: **Second Court of Appeals District, Fort Worth**

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 2024	Exp 2025
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FULL-TIME EQUIVALENT POSITIONS (FTE):	5.0	5.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

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

Joint request for Article IV, Judiciary-wide inflation relief

Agency Code: 222 Agency: Second Court of Appeals District, Fort Worth

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	% Goal	HUB Expenditures FY 2021			Total Expenditures FY 2021
			% Actual	Diff	Actual \$	% Actual		Diff	Actual \$		
26.0%	Other Services	26.0 %	0.0%	-26.0%	\$9	\$32,486	26.0 %	1.7%	-24.3%	\$1,216	\$70,301
21.1%	Commodities	21.1 %	8.8%	-12.3%	\$1,897	\$21,591	21.1 %	10.1%	-11.0%	\$5,098	\$50,457
	Total Expenditures		3.5%		\$1,906	\$54,077		5.2%		\$6,314	\$120,758

B. Assessment of Attainment of HUB Procurement Goals

Attainment:

The Second Court of Appeals attained or exceeded \$1,906 of \$54,077, or 3.5%, of the applicable agency HUB procurement goals in fiscal year 2020.

The Second Court of Appeals attained or exceeded \$6,314 of \$120,758, or 5.2%, of the applicable agency HUB procurement goals in fiscal year 2021.

Applicability:

The Heavy Construction, Building Construction, Special Trade Construction, and Professional Services categories were not applicable to the court's operations in either FY 2020 or FY 2021 because the court did not have any strategies related to construction or any need for professional services.

Factors Affecting Attainment:

Approximately 95% of the court's appropriations is expended on salaries and personnel costs. Sole-source purchases, including highly specialized legal publications purchased directly from the publishers, comprise a large portion of the court's remaining expenditures. Additionally, the Office of Court Administration performs most of the computer-related purchases for the court. But overall, due to the small size of the court and the nature of its function (judicial services), the court does not make a large amount of purchases during any given fiscal year, and most of the purchases made by the court are small spot purchases using time-efficient, noncompetitive procedures. Therefore, the opportunities for the court to make HUB purchases are limited.

C. Good-Faith Efforts to Increase HUB Participation

Outreach Efforts and Mentor-Protégé Programs:

Whenever possible and feasible, the court's purchases are carried out through TXSmartBuy, WorkQuest, TCI, and other set-aside contractors, as required by the Comptroller. The court makes efforts to identify HUB vendors selling through TXSmartBuy.

HUB Program Staffing:

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

Date: **8/5/2022**
Time: **4:53:43PM**

Agency Code: **222** Agency: **Second Court of Appeals District, Fort Worth**

Due to the small size of the court (37 authorized FTEs), the court is unable to dedicate full-time staffing to increasing participation of HUBs. The court's accountant, who performs most purchasing activities for the court, makes a good-faith effort to identify and consider HUB vendors when making purchasing decisions.

Current and Future Good-Faith Efforts:

The court made good-faith efforts in both FY 2020 and FY 2021 to increase purchases from HUB vendors. However, there are instances when HUB vendors' products, services, and pricing (including shipping and handling) are more costly than those of non-HUB vendors, especially for the small spot purchases that made up most of the court's expenditures on commodities and services. Under such circumstances, the court chooses the best value as it expends taxpayer dollars. The court will continue to make good-faith efforts to meet or exceed its HUB goals in the coming biennium.

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

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2024-25 GAA BILL PATTERN	\$ 855,927
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Fund Name	
Estimated Beginning Balance in FY 2022	\$ 352,522
Estimated Revenues FY 2022	\$ 299,569
Estimated Revenues FY 2023	\$ 299,569
FY 2022-23 Total	\$ 951,660
Estimated Beginning Balance in FY 2024	\$ 256,789
Estimated Revenues FY 2024	\$ 299,569
Estimated Revenues FY 2025	\$ 299,569
FY 2024-25 Total	\$ 855,927

Constitutional or Statutory Creation and Use of Funds:

As per court order #65971, Tarrant County established an Appellate Judicial System pursuant to sections 22.201(c) and 22.2031 of the Texas Government Code. A fee of \$5 is set for each non-indigent civil suit filed in each county court, statutory county court, probate court, or district court, except such fees that apply to any suit filed by a county or any suit for delinquent taxes. Management of the system is vested in the Chief Justice of the Second Court of Appeals, and funds received from such fees shall be used and distributed only for the purpose of assisting the Second Court of Appeals.

Method of Calculation and Revenue Assumptions:

Revenue assumptions are based on current year collections. The number of civil suits filed determines the actual revenue received. The above annual revenue is reduced by the mandatory salary supplement and payroll-related costs for each Justice, and by county-related overhead costs that must be paid directly from these funds. Additional overhead expenditures that exceed the amount of funds appropriated by the State, due to the underfunded State budget, also reduce the balance of this fund.

Capital Expenditure Detail

Agency Code:	Court/Agency:	Strategy:			Prepared by:		Date:	Strategy:
222	Second Court of Appeals	Appellate Court Operations			Debra Spisak		8/5/2022	A.1.1.
Itemization by Capital Expenditure Category		Number of Units	Unit Cost	Expended 2021	Estimated 2022	Budgeted 2023	Requested 2024	Requested 2025
Category	Description of Items							
5007	Acquisition of Capital Equipment and Items							
	Lateral filing cabinets - fireproof	10	\$5,517	\$ 55,171				
	Copiers	3	\$6,632	\$ 19,896				
	TOTAL			\$ 75,067	\$0	\$0	\$0	\$0
	GRAND TOTAL: CAPITAL EXPENDITURES			\$ 75,067	\$0	\$0	\$0	\$0