

Legislative Appropriations Request

For Fiscal Years 2026 and 2027

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

by

First Court of Appeals

August 16, 2024

TABLE OF CONTENTS

Administrator's Statement.....	1-3
Organizational Chart.....	1. A.
Certificate of Dual Submission.....	1. B.
Budget Overview.....	1-1
Summary of Base Request By Strategy.....	2. A.
Summary of Base Request By Method of Finance.....	2. B.
Summary of Base Request By Object of Expense.....	2. C.
Operating Cost Detail Base Request.....	2. C.1.
Summary of Base Request Objective Outcomes.....	2. D.
Summary of Exceptional Items Request.....	2. E.
Summary of Total Request By Strategy.....	2. F.
Summary of Total Request Objective Outcomes.....	2. G.
Strategy Request.....	3. A.
Rider Revisions and Additions Request.....	3. B.
Exceptional Items Request Schedule.....	4. A.
Exceptional Items Strategy Allocation Schedule.....	4. B.
Exceptional Items Strategy Request.....	4. C.
Historically Underutilized Business Supporting Schedule.....	6. A.
Estimated Total of All Agency Funds Outside the GAA Bill Pattern.....	6. H.

221 First Court of Appeals District, Houston

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. The courts of appeals are also tasked with resolving numerous original proceedings in the form of petitions seeking mandamus and habeas corpus relief, many of which involve voluminous records, that must be decided on an expedited basis.

Since 1983 until August 2024, the work of the courts of appeals has been accomplished by 80 justices statewide. Effective September 1, 2024, the Fifteenth Court of Appeals will become operational, increasing the total number of intermediate appellate court justices to 83 for the next biennium.

Since 1983, the population of Texas has nearly doubled. 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. In that regard, case filings in the Texas intermediate courts of appeals have returned to pre-pandemic levels. Adequate funding for the intermediate courts of appeals is essential for maintaining and providing cost-effective service to the citizens of Texas.

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. Hiring and retaining qualified support staff is critical to the courts' ability to manage their dockets and efficiently resolve the cases before them.

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 for the first time in 2015, and the courts had been operating under the same zero-based budget model and funding levels until the 88th Legislative Session when the Legislature increased the budgets for the intermediate appellate courts. The intermediate appellate courts are appreciative of the increased funding received last session.

Even with the increase in funding for the intermediate appellate courts from the 88th Legislative Session, the courts continue to lag behind in funding. With the growth in Texas population and the expansion of the Texas business environment, the demands of the core function of the courts have required higher-skilled and higher-salary positions in order to adequately serve the citizens of Texas. Further, the intermediate appellate courts have seen an increase in case activity that is a direct result of Operation Lone Star. Additionally, operating costs for necessary resources such as Westlaw/LexisNexis and other administrative needs have increased dramatically.

Funding for all courts of appeals (including the new Fifteenth Court of Appeals) comprises less than 0.04% 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.

Respectfully, additional funding is now necessary to ensure the efficient administration of justice going forward.

221 First Court of Appeals District, Houston

EXCEPTIONAL ITEM #1:

ADJUSTMENT FOR INFLATION

Even after the increased funding received in the 88th Legislative Session, attorneys and staff of the intermediate appellate courts remain impacted in many ways by increasing costs due to inflation. Their buying power for goods and services has diminished and, at some courts, has resulted in attrition by those seeking higher-paying jobs that are often paid by other governmental entities that can pay more than the intermediate appellate courts. 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 continued population growth and increased case filings attributed to a booming business environment and state efforts to secure the Texas border .

Respectfully, the intermediate appellate courts join with the Texas Supreme Court and the other Article IV Courts and Agencies in requesting a six percent (6%) increase in general revenue appropriations to help absorb the continuing impact of inflation and the increased demands placed on the courts, as well as maintaining and recruiting a strong, experience, and efficient judicial workforce. Thus, the First Court of Appeals requests this additional 6% to foster the business model adopted by the courts of appeals of equal funding for the same sized courts. Deviating from that model risks reversion to historic and potentially detrimental modes of individualized court funding focused less on the needs of Texas and the appellate judiciary as a whole.

SPECIAL PROVISIONS/RIDER EXCEPTION REQUESTS:

The courts of appeals also request the following with regard to the SPECIAL PROVISIONS – JUDICIARY found in Article IV (beginning at p. IV-42 of the General Appropriations Act for the 2024-25 Biennium) concerning across-the-board riders:

1. Retain Special Provisions – Judiciary, Sec. 3, Appellate Court Exemptions pertaining to the following Article IX riders: Section 6.10, Limitations on State Employment Levels, Section 6.13, Performance Standards, Section 14.03, Transfers – Capital Budget, and Section 3.04, Scheduled Exempt Positions.
2. Retain Special Provisions – Judiciary, Sec. 5, Interagency Contracts for Assigned Judges for Appellate Courts
3. Retain Special Provisions – Judiciary, Sec. 6, Appellate Court Transfer Authority

Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. The Legislature has 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:

221 First Court of Appeals District, Houston

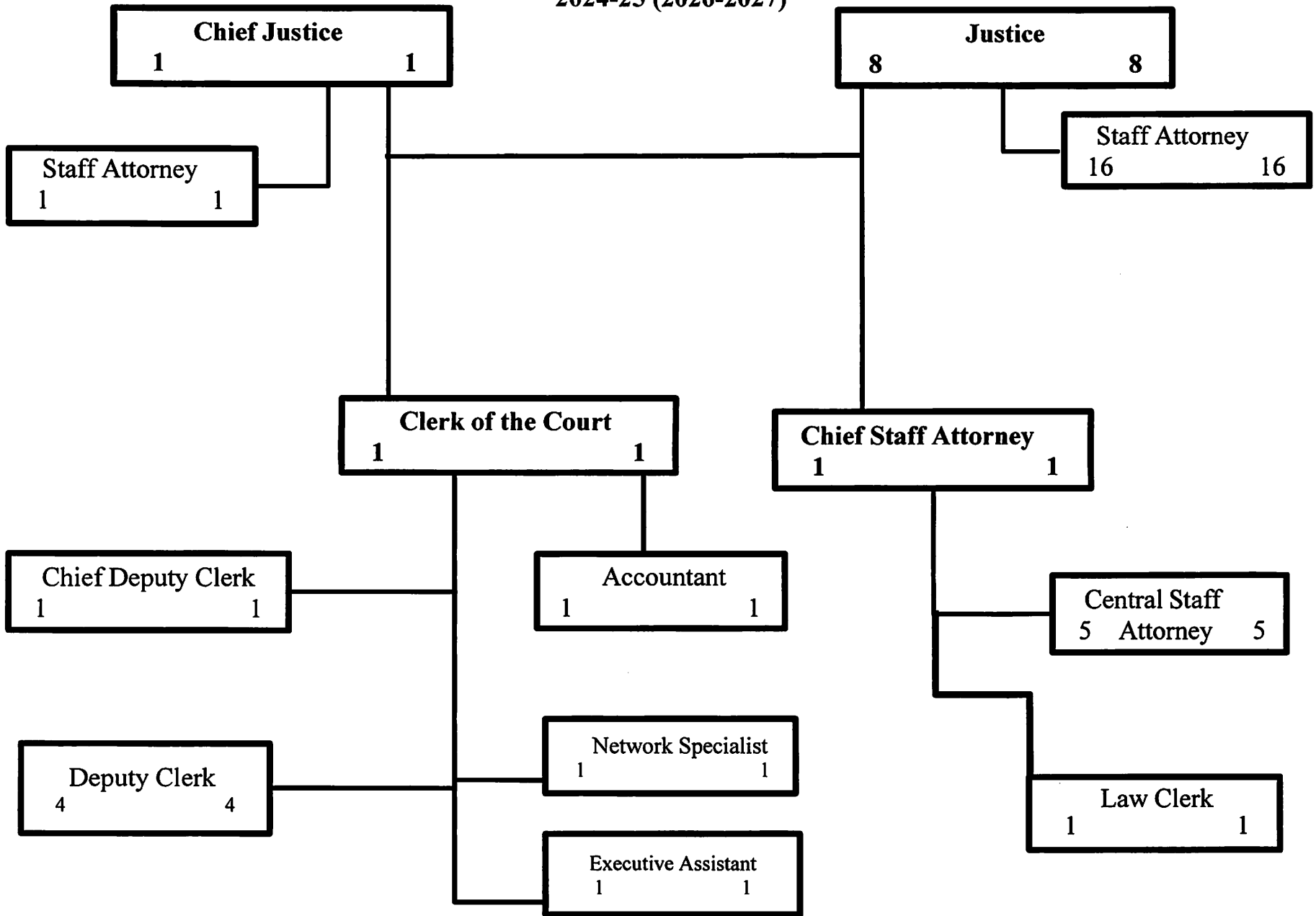
In order for the courts of appeals to function efficiently, it is vital that the Office of Court Administration (OCA) be adequately funded. The courts of appeals rely on many of the services provided by OCA and, therefore, the courts of appeals fully support the exceptional items the OCA requests as 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 \$15,007 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
First Court of Appeals
2024-25 (2026-2027)**





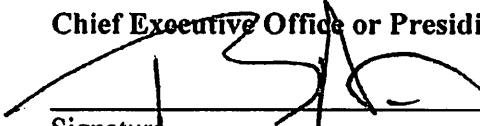
CERTIFICATE

Agency Name First 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 Office of the Governor, Budget and Policy Division, 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 Office of the Governor will be notified in writing in accordance with House Bill 1, Article IX, Section 7.01, Eighty-eighth Legislature, Regular Session, 2023.

Chief Executive Officer or Presiding Judge



Signature

Terry N. Adams

Printed Name

Chief Justice

Title

August 16, 2024

Date

Board or Commission Chair

Signature

Printed Name

Title

Date

Chief Financial Officer



Signature

Deborah M. Young

Printed Name

Clerk of Court

Title

August 16, 2024

Date

Budget Overview - Biennial Amounts
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston
Appropriation Years: 2026-27

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS	
	2024-25	2026-27	2024-25	2026-27	2024-25	2026-27	2024-25	2026-27	2024-25	2026-27	2026-27	
Goal: 1. Appellate Court Operations												
1.1.1. Appellate Court Operations	8,372,421	8,583,142					116,400	109,400	8,488,821	8,692,542		514,988
1.1.2. Appellate Justice Salaries	2,526,314	2,506,956					546,700	546,700	3,073,014	3,053,656		
Total, Goal	10,898,735	11,090,098					663,100	656,100	11,561,835	11,746,198		514,988
Total, Agency	10,898,735	11,090,098					663,100	656,100	11,561,835	11,746,198		514,988
Total FTEs									44.0	44.0		0.0

2.A. Summary of Base Request by Strategy
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:33:46PM

221 First Court of Appeals District, Houston

Goal / Objective / STRATEGY	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
1 Appellate Court Operations					
1 Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	3,279,843	4,171,053	4,317,768	4,346,271	4,346,271
2 APPELLATE JUSTICE SALARIES	1,524,703	1,524,497	1,548,517	1,526,828	1,526,828
TOTAL, GOAL 1	\$4,804,546	\$5,695,550	\$5,866,285	\$5,873,099	\$5,873,099
TOTAL, AGENCY STRATEGY REQUEST	\$4,804,546	\$5,695,550	\$5,866,285	\$5,873,099	\$5,873,099
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$4,804,546	\$5,695,550	\$5,866,285	\$5,873,099	\$5,873,099

2.A. Summary of Base Request by Strategy

8/15/2024 4:33:46PM

89th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston

Goal / Objective / STRATEGY	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
METHOD OF FINANCING:					
General Revenue Funds:					
1 General Revenue Fund	4,473,689	5,364,000	5,534,735	5,545,049	5,545,049
SUBTOTAL	\$4,473,689	\$5,364,000	\$5,534,735	\$5,545,049	\$5,545,049
Other Funds:					
573 Judicial Fund	273,350	273,350	273,350	273,350	273,350
666 Appropriated Receipts	15,007	8,700	8,700	8,700	8,700
777 Interagency Contracts	42,500	49,500	49,500	46,000	46,000
SUBTOTAL	\$330,857	\$331,550	\$331,550	\$328,050	\$328,050
TOTAL, METHOD OF FINANCING	\$4,804,546	\$5,695,550	\$5,866,285	\$5,873,099	\$5,873,099

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

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:34:17PM

Agency code: **221** Agency name: **First Court of Appeals District, Houston**

METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
---------------------	----------	----------	----------	----------	----------

GENERAL REVENUE

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2022-23 GAA)

\$4,502,231	\$0	\$0	\$0	\$0
-------------	-----	-----	-----	-----

Regular Appropriations from MOF Table (2024-25 GAA)

\$0	\$5,364,000	\$5,534,735	\$0	\$0
-----	-------------	-------------	-----	-----

Regular Appropriations from MOF Table (2026-27 GAA)

\$0	\$0	\$0	\$5,545,049	\$5,545,049
-----	-----	-----	-------------	-------------

Comments: 2026-2027 BL Request

TRANSFERS

SB 30, 88th Leg, Regular Session

\$23,889	\$0	\$0	\$0	\$0
----------	-----	-----	-----	-----

Comments: 5% salary adjustments

LAPSED APPROPRIATIONS

Regular Appropriations from MOF Table (2022-23 GAA)

\$(8,222)	\$0	\$0	\$0	\$0
-----------	-----	-----	-----	-----

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:34:17PM

Agency code: **221** Agency name: **First Court of Appeals District, Houston**

METHOD OF FINANCING		Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>GENERAL REVENUE</u>						
	Strategy A.1.1 Appellate Judge Salaries (2022-23 GAA)	\$(58,447)	\$0	\$0	\$0	\$0
	Comments: reduction in judicial tenure					
<i>UNEXPENDED BALANCES AUTHORITY</i>						
	A.1.1. Appellate Court Operations (2022-23 GAA)	\$14,238	\$0	\$0	\$0	\$0
TOTAL,	General Revenue Fund	\$4,473,689	\$5,364,000	\$5,534,735	\$5,545,049	\$5,545,049
TOTAL, ALL	GENERAL REVENUE	\$4,473,689	\$5,364,000	\$5,534,735	\$5,545,049	\$5,545,049

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

	Regular Appropriations from MOF Table (2022-23 GAA)	\$273,350	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2024-25 GAA)					

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:34:17PM

Agency code: 221 Agency name: First Court of Appeals District, Houston

METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>OTHER FUNDS</u>					
	\$0	\$273,350	\$273,350	\$0	\$0
Regular Appropriations MOF Table (2026-27 GAA)	\$0	\$0	\$0	\$273,350	\$273,350
Comments: 2026-2027 Request					
TOTAL, Judicial Fund No. 573	\$273,350	\$273,350	\$273,350	\$273,350	\$273,350
<u>666 Appropriated Receipts</u>					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2022-23 GAA)	\$8,700	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$8,700	\$8,700	\$0	\$0
Regular Appropriations MOF Table (2026-27 GAA)	\$0	\$0	\$0	\$8,700	\$8,700
Comments: 2026-27 BL Request					
<i>RIDER APPROPRIATION</i>					

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:34:17PM

Agency code: **221** Agency name: **First Court of Appeals District, Houston**

METHOD OF FINANCING		Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>OTHER FUNDS</u>						
	Art IX, Sec 8.02, Reimbursements and Payments (2022-23 GAA)	\$6,307	\$0	\$0	\$0	\$0
TOTAL,	Appropriated Receipts	\$15,007	\$8,700	\$8,700	\$8,700	\$8,700
<u>777</u>	Interagency Contracts					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2022-23 GAA)	\$45,700	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$46,000	\$46,000	\$0	\$0
	Regular Appropriations MOF Table (2026-27 GAA)	\$0	\$0	\$0	\$42,500	\$42,500
	Comments: 2026-27 BL Request					
	Regular Appropriations MOF Table (2026-27 GAA)	\$0	\$0	\$0	\$3,500	\$3,500

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:34:17PM

Agency code: 221

Agency name: First Court of Appeals District, Houston

METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>OTHER FUNDS</u>					
Comments: 2026-27 BL Request					
<i>RIDER APPROPRIATION</i>					
Art IX, Sec 8.02, Reimbursements and Payments (2022-23 GAA)	\$(3,200)	\$0	\$0	\$0	\$0
Art IX, Sec 8.02, Reimbursements and Payments (2024-25 GAA)	\$0	\$3,500	\$3,500	\$0	\$0
TOTAL, Interagency Contracts	\$42,500	\$49,500	\$49,500	\$46,000	\$46,000
TOTAL, ALL OTHER FUNDS	\$330,857	\$331,550	\$331,550	\$328,050	\$328,050
GRAND TOTAL	\$4,804,546	\$5,695,550	\$5,866,285	\$5,873,099	\$5,873,099

2.B. Summary of Base Request by Method of Finance
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:34:17PM

Agency code: 221 Agency name: First Court of Appeals District, Houston

METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2022-23 GAA)	44.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2024-25 GAA)	0.0	44.0	44.0	0.0	0.0
Regular Appropriations from MOF Table (2026-27 GAA)	0.0	0.0	0.0	44.0	44.0
Comments: GAA 2026-27 BL Request					
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Unauthorized Number Over/Below Cap	(6.8)	0.0	0.0	0.0	0.0
Comments: change in position availability and tenure					
Unauthorized Number over/below cap	0.0	(5.5)	0.0	0.0	0.0
Comments: available positions were filled, created a new position					
TOTAL, ADJUSTED FTES	37.2	38.5	44.0	44.0	44.0

**NUMBER OF 100% FEDERALLY FUNDED
FTEs**

2.C. Summary of Base Request by Object of Expense
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:35:06PM

221 First Court of Appeals District, Houston

OBJECT OF EXPENSE	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1001 SALARIES AND WAGES	\$4,197,726	\$4,835,548	\$5,177,307	\$5,142,119	\$5,142,119
1002 OTHER PERSONNEL COSTS	\$227,239	\$398,375	\$242,137	\$240,000	\$240,000
2001 PROFESSIONAL FEES AND SERVICES	\$178,874	\$202,465	\$205,000	\$250,000	\$250,000
2003 CONSUMABLE SUPPLIES	\$433	\$3,142	\$1,500	\$1,500	\$1,500
2004 UTILITIES	\$2,400	\$2,400	\$3,400	\$3,400	\$3,400
2005 TRAVEL	\$0	\$832	\$500	\$500	\$500
2006 RENT - BUILDING	\$43,260	\$39,960	\$39,960	\$39,960	\$39,960
2007 RENT - MACHINE AND OTHER	\$850	\$840	\$500	\$500	\$500
2009 OTHER OPERATING EXPENSE	\$153,764	\$211,988	\$195,981	\$195,120	\$195,120
OOE Total (Excluding Riders)	\$4,804,546	\$5,695,550	\$5,866,285	\$5,873,099	\$5,873,099
OOE Total (Riders)					
Grand Total	\$4,804,546	\$5,695,550	\$5,866,285	\$5,873,099	\$5,873,099

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

Date: 8/15/2024

Time: 4:35:37PM

89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 221 Agency: First Court of Appeals District, Houston

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

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
2	Postage	\$0	\$5,000	\$5,000	\$5,000	\$5,000
6	Registrations/Training	0	500	1,000	1,000	1,000
7	Subscriptions/Periodicals	11,662	8,708	6,000	6,000	6,000
12	Maintenance & Repair - Equipment	0	2,715	5,000	5,000	5,000
13	Furniture & Equipment (Expensed)	0	15,000	10,621	10,000	10,000
15	Printing & Reproduction	0	0	0	0	0
24	Freight/Delivery	67	486	500	500	500
25	Advertising	0	1,568	1,500	0	0
26	Books (expensed)	41,055	44,030	30,000	30,000	30,000
27	Membership Dues	15,813	19,973	18,000	18,000	18,000
28	Liability Insurance	8,683	16,507	20,000	20,000	20,000
35	Computer Equip./Software, Non-cap	1,710	1,971	5,000	5,000	5,000
38	Computer Parts and Supplies	0	5,541	10,000	10,000	10,000
39	Computer Equipment - Non Capital	18,563	25,000	10,000	10,000	10,000
45	Telephone/Communication Services	0	0	0	0	0
64	SORM Assessment	3,920	4,428	5,000	5,000	5,000
94	Awards	1,001	0	500	500	500
195	Payroll Health Insurance Contrib.	25,477	31,500	35,000	35,500	35,500
213	ERS 1% & .5%	12,953	16,100	18,000	18,500	18,500
	Total, Operating Costs	\$140,904	\$199,027	\$181,121	\$180,000	\$180,000

2.D. Summary of Base Request Objective Outcomes
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

8/15/2024 4:36:08PM

221 First Court of Appeals District, Houston

<i>Goal/ Objective / Outcome</i>	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate	99.35%	95.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year	97.02%	99.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years	99.07%	99.00%	100.00%	100.00%	100.00%

2.E. Summary of Exceptional Items Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/15/2024
 TIME : 4:38:13PM

Agency code: 221

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

Priority	Item	2026			2027			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Inflation and Recruitment-Staff	\$257,494	\$257,494		\$257,494	\$257,494		\$514,988	\$514,988
Total, Exceptional Items Request		\$257,494	\$257,494		\$257,494	\$257,494		\$514,988	\$514,988

Method of Financing

General Revenue	\$257,494	\$257,494		\$257,494	\$257,494		\$514,988	\$514,988
General Revenue - Dedicated								
Federal Funds								
Other Funds								
	\$257,494	\$257,494		\$257,494	\$257,494		\$514,988	\$514,988

Full Time Equivalent Positions

Number of 100% Federally Funded FTEs

2.F. Summary of Total Request by Strategy
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/15/2024
 TIME : 4:38:46PM

Agency code: 221	Agency name: First Court of Appeals District, Houston					
<i>Goal/Objective/STRATEGY</i>	Base 2026	Base 2027	Exceptional 2026	Exceptional 2027	Total Request 2026	Total Request 2027
1 Appellate Court Operations						
<i>1 Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$4,346,271	\$4,346,271	\$257,494	\$257,494	\$4,603,765	\$4,603,765
2 APPELLATE JUSTICE SALARIES	1,526,828	1,526,828	0	0	1,526,828	1,526,828
TOTAL, GOAL 1	\$5,873,099	\$5,873,099	\$257,494	\$257,494	\$6,130,593	\$6,130,593
TOTAL, AGENCY STRATEGY REQUEST	\$5,873,099	\$5,873,099	\$257,494	\$257,494	\$6,130,593	\$6,130,593
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$5,873,099	\$5,873,099	\$257,494	\$257,494	\$6,130,593	\$6,130,593

2.F. Summary of Total Request by Strategy
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/15/2024
 TIME : 4:38:46PM

Agency code: 221		Agency name: First Court of Appeals District, Houston				
Goal/Objective/STRATEGY	Base 2026	Base 2027	Exceptional 2026	Exceptional 2027	Total Request 2026	Total Request 2027
General Revenue Funds:						
1 General Revenue Fund	\$5,545,049	\$5,545,049	\$257,494	\$257,494	\$5,802,543	\$5,802,543
	\$5,545,049	\$5,545,049	\$257,494	\$257,494	\$5,802,543	\$5,802,543
Other Funds:						
573 Judicial Fund	273,350	273,350	0	0	273,350	273,350
666 Appropriated Receipts	8,700	8,700	0	0	8,700	8,700
777 Interagency Contracts	46,000	46,000	0	0	46,000	46,000
	\$328,050	\$328,050	\$0	\$0	\$328,050	\$328,050
TOTAL, METHOD OF FINANCING	\$5,873,099	\$5,873,099	\$257,494	\$257,494	\$6,130,593	\$6,130,593
FULL TIME EQUIVALENT POSITIONS	44.0	44.0	0.0	0.0	44.0	44.0

2.G. Summary of Total Request Objective Outcomes
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/15/2024
 Time: 4:39:08PM

Agency code: 221 Agency name: **First Court of Appeals District, Houston**

Goal/ Objective / Outcome

		BL 2026	BL 2027	Excp 2026	Excp 2027	Total Request 2026	Total Request 2027
1	Appellate Court Operations						
	1 Appellate Court Operations						
KEY	1 Clearance Rate	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
KEY	2 Percentage of Cases Under Submission for Less Than One Year	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
KEY	3 Percentage of Cases Pending for Less Than Two Years	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

3.A. Strategy Request
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:41:10PM

221 First Court of Appeals District, Houston

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

Service Categories:

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

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
Output Measures:						
1	Number of Civil Cases Disposed	710.00	720.00	750.00	770.00	790.00
2	Number of Criminal Cases Disposed	343.00	300.00	280.00	300.00	320.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	626.00	645.00	670.00	700.00	730.00
2	Number of Criminal Cases Filed	298.00	251.00	260.00	280.00	300.00
3	Number of Cases Transferred in	50.00	41.00	0.00	0.00	0.00
4	Number of Cases Transferred out	5.00	4.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,689,013	\$3,324,012	\$3,643,650	\$3,630,411	\$3,630,411
1002	OTHER PERSONNEL COSTS	\$224,109	\$398,375	\$242,137	\$240,000	\$240,000
2001	PROFESSIONAL FEES AND SERVICES	\$178,874	\$202,465	\$205,000	\$250,000	\$250,000
2003	CONSUMABLE SUPPLIES	\$433	\$3,142	\$1,500	\$1,500	\$1,500
2004	UTILITIES	\$2,400	\$2,400	\$3,400	\$3,400	\$3,400
2005	TRAVEL	\$0	\$832	\$500	\$500	\$500
2006	RENT - BUILDING	\$43,260	\$39,960	\$39,960	\$39,960	\$39,960
2007	RENT - MACHINE AND OTHER	\$850	\$840	\$500	\$500	\$500
2009	OTHER OPERATING EXPENSE	\$140,904	\$199,027	\$181,121	\$180,000	\$180,000

3.A. Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:41:10PM

221 First Court of Appeals District, Houston

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

Service Categories:

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

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
TOTAL, OBJECT OF EXPENSE		\$3,279,843	\$4,171,053	\$4,317,768	\$4,346,271	\$4,346,271
Method of Financing:						
1	General Revenue Fund	\$3,222,336	\$4,112,853	\$4,259,568	\$4,291,571	\$4,291,571
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$3,222,336	\$4,112,853	\$4,259,568	\$4,291,571	\$4,291,571
Method of Financing:						
666	Appropriated Receipts	\$15,007	\$8,700	\$8,700	\$8,700	\$8,700
777	Interagency Contracts	\$42,500	\$49,500	\$49,500	\$46,000	\$46,000
SUBTOTAL, MOF (OTHER FUNDS)		\$57,507	\$58,200	\$58,200	\$54,700	\$54,700
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$4,346,271	\$4,346,271
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$3,279,843	\$4,171,053	\$4,317,768	\$4,346,271	\$4,346,271
FULL TIME EQUIVALENT POSITIONS:		28.2	29.5	35.0	35.0	35.0
STRATEGY DESCRIPTION AND JUSTIFICATION:						

221 First Court of Appeals District, Houston

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

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

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
------	-------------	----------	----------	----------	---------	---------

The First Court of Appeals was created in 1891 by an amendment to Article 1817, V.T.C.S., pursuant to authority granted by Article V Section 1, Texas Constitution. This Court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts in civil cases where judgments exceed \$100, exclusive of costs, and other civil proceedings as provided by law; and in criminal cases, except post-conviction writs of habeas corpus, and where the death penalty has been imposed. This Court has jurisdiction over 10 counties.

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

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Courts of appeals are, by nature, small entities with a highly specialized staff. Courts of appeals have no discretion to decline appellate review of any case filed, and no control over the number of cases filed. The primary factor which drives the strategy is the need to attract and retain highly trained and knowledgeable staff to maintain the Court's ability to dispose of cases in as effective and efficient manner as possible in order to meet the Legislature's performance measures and the expectations of Texas citizens.

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 2024 + Bud 2025)</u>	<u>Baseline Request (BL 2026 + BL 2027)</u>	<u>CHANGE</u>	<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOEs and FTEs)</u>
\$8,488,821	\$8,692,542	\$203,721	\$203,721	Fund 001 difference is 5% Salary adjustment funding between biennium's.
			\$203,721	Total of Explanation of Biennial Change

3.A. Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:41:10PM

221 First Court of Appeals District, Houston

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

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

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,508,713	\$1,511,536	\$1,533,657	\$1,511,708	\$1,511,708
1002	OTHER PERSONNEL COSTS	\$3,130	\$0	\$0	\$0	\$0
2009	OTHER OPERATING EXPENSE	\$12,860	\$12,961	\$14,860	\$15,120	\$15,120
TOTAL, OBJECT OF EXPENSE		\$1,524,703	\$1,524,497	\$1,548,517	\$1,526,828	\$1,526,828
Method of Financing:						
1	General Revenue Fund	\$1,251,353	\$1,251,147	\$1,275,167	\$1,253,478	\$1,253,478
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,251,353	\$1,251,147	\$1,275,167	\$1,253,478	\$1,253,478
Method of Financing:						
573	Judicial Fund	\$273,350	\$273,350	\$273,350	\$273,350	\$273,350
SUBTOTAL, MOF (OTHER FUNDS)		\$273,350	\$273,350	\$273,350	\$273,350	\$273,350
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,526,828	\$1,526,828
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,524,703	\$1,524,497	\$1,548,517	\$1,526,828	\$1,526,828
FULL TIME EQUIVALENT POSITIONS:		9.0	9.0	9.0	9.0	9.0

3.A. Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:41:10PM

221 First Court of Appeals District, Houston

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

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

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
------	-------------	----------	----------	----------	---------	---------

STRATEGY DESCRIPTION AND JUSTIFICATION:

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

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

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

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
<u>Base Spending (Est 2024 + Bud 2025)</u>	<u>Baseline Request (BL 2026 + BL 2027)</u>	<u>CHANGE</u>	<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOFs and FTEs)</u>
\$3,073,014	\$3,053,656	\$(19,358)	\$(19,358)	change in judicial tenure
			\$(19,358)	Total of Explanation of Biennial Change

3.A. Strategy Request
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 4:41:10PM

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$4,804,546	\$5,695,550	\$5,866,285	\$5,873,099	\$5,873,099
METHODS OF FINANCE (INCLUDING RIDERS):				\$5,873,099	\$5,873,099
METHODS OF FINANCE (EXCLUDING RIDERS):	\$4,804,546	\$5,695,550	\$5,866,285	\$5,873,099	\$5,873,099
FULL TIME EQUIVALENT POSITIONS:	37.2	38.5	44.0	44.0	44.0

3.B. Rider Revisions and Additions Request

Agency Code: 221	Agency Name: First Court of Appeals, District, _____	Prepared By: Esthefania Rodriguez/Deborah M. Young	Date: 08/16/2024	Request Level: Baseline
----------------------------	--	--	----------------------------	-----------------------------------

Current Rider Number	Page Number in 2024-2025 GAA	Proposed Rider Language
-----------------------------	-------------------------------------	--------------------------------

3.B. Rider Revisions and Additions Request (continued)

5 IV-43 **Sec. 5. Interagency Contracts for Assigned Judges for Appellate Courts.** Out of funds appropriated in this Article to Strategies A.1.1., Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 15 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years ~~2024~~2026 and ~~2025~~2027, 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 include the 15th Court of Appeals and adjust the years for the 2026-2027 biennium.

7 IV-43 **Sec. 7. Schedule of Exempt Positions** ^{1, 2, 3, 4}

No change to sections (a), (b), and (c).

(d) **Information Listing – Judicial and Prosecutor Compensation.** Government Code §659.012, Judicial Salaries, and Section 46.003, Compensation of State Prosecutors, establish a tiered, tenure-based compensation structure for certain judges and professional prosecutor positions that is linked to the base salary of a district judge as set by the General Appropriations Act and adjusts depending on the judge’s or professional prosecutor’s tenure. Consistent with Government Code Section 46.003 and Section 659.012, for their first four years of service, district judges earn a base salary set by the General Appropriations Act and certain other judges or the and professional prosecutors earns a base salary that is a certain percentage of the base salary of a district judge, subject to certain other statutory limitations. The base salary for justices on the 1st through the 14th Court of Appeals is 110% of a district judge’s base salary and the base salary for a justice on the 15th Court of Appeals is \$5,000 less than 120% of the state base salary of a district judge. The base salary for justices on the Supreme Court and judges on the Court of Criminal Appeals is 120% of the base salary of a district judge. When their tenure is between 4-8 years of service, the judge or professional prosecutor earns 110 percent of the judge or prosecutor’s base salary. With 8 or more years of tenure, the judge or professional prosecutor’s salary is 120 percent of the judge or professional prosecutor’s base salary. County prosecutors receive a supplement from the state that is provided to the county in an amount based on a formula that includes the base salary of a district judge with comparable years of service and the number of counties served by the state prosecutor in the county. The table below shows the base salary amounts for each state judge and prosecutor position that are dependent on years of service within each tier.

Amending language to provide clarification on judicial and prosecutor compensation.

**3.B. Rider Revisions and Additions Request
(continued)**

7

IV-44

Judge / Prosecutor	Court / Judicial District / State Agency	Base Salary (0-4 years)	(4-8 years)	(8+ years)
Chief Justice Presiding Judge	Supreme Court Court of Criminal Appeals	\$170,500	\$187,300	\$204,100
Justice Judge	Supreme Court Court of Criminal Appeals	\$168,000	\$184,800	\$201,600
Chief Justice	15 th – 14th Court of Appeals	\$156,500	\$172,150	\$187,800
Justice Judge	15 th – 14th Court of Appeals	\$154,000	\$169,400	\$184,800
<u>Chief Justice</u>	<u>15th Court of Appeals</u>	<u>\$165,500</u>	<u>\$181,800</u>	<u>\$198,100</u>
<u>Justice Judge</u>	<u>15th Court of Appeals</u>	<u>\$163,000</u>	<u>\$179,300</u>	<u>\$195,600</u>
Associate Judge	Child Protection Court Child Support Court	\$126,000	\$138,600	\$151,200
Business Court Judge	Business Court	\$140,000	\$154,000	\$168,000
District Judge	District Court	\$140,000	\$154,000	\$168,000
State Prosecuting Attorney	Office of the State Prosecuting Attorney	\$140,000	\$154,000	\$168,000
Professional Prosecutors	Judicial Districts	\$140,000	\$154,000	\$168,000
District Attorneys	Judicial Districts	\$112,000	\$123,200	\$134,400
County Prosecutors	Constitutional County Court	\$23,334 to \$70,000	\$25,667 to \$77,000	\$28,001 to \$84,000

The schedule in Rider 7. Schedule of Exempt Positions needs to be amended to break out the judge salaries for the 15th Court of Appeals, which differs from the other intermediate appellate courts.

3.B. Rider Revisions and Additions Request (continued)

- 9 IV-44 **Sec. 9. Unexpended Balance Authority.** Any unexpended and unobligated balances remaining in non-estimated strategies at the Supreme Court of Texas, Court of Criminal Appeals, 4415 Courts of Appeals, Office of Court Administration, Office of Capital and Forensic Writs, Office of the State Prosecuting Attorney, and State Commission on Judicial Conduct as of August 31, 2024~~26~~, are appropriated to the respective court or agency for the fiscal year beginning September 1, 2024~~26~~, for the same purpose.
- Updating the rider to include the 15th Court of Appeals and to adjust the year for the 2026-2027 biennium.*
- 10 IV-44 **Sec. 10. ~~Contingency for SB 1045~~**^{5,6}
- ~~(a) Contingent on the enactment of Senate Bill 1045, Eighty-eighth Legislature, Regular Session, or similar legislation, relating to the creation of the Fifteenth Court of Appeals with jurisdiction over certain civil cases, the compensation of the justices of that court, and the jurisdiction of the courts of appeals in this state, General Revenue funds in the amount of \$2,397,807 and 17.0 FTEs in fiscal year 2024 and \$2,327,569 and 17.0 FTEs in the fiscal year 2025 are appropriated for the purpose of implementing the legislation.~~
- ~~(b) Upon the enactment of Senate Bill 1045, appropriations and FTEs identified above in subsection (a) shall be provided to the Fifteenth Court of Appeals in a new bill pattern for that purpose in Article IV, The Judiciary, of this Act. The bill pattern shall include:~~
- ~~(1) a Method of Financing with General Revenue appropriations in fiscal year 2025;~~
 - ~~(2) a Number of Full-Time Equivalents (FTE) in fiscal year 2025;~~
 - ~~(3) a Schedule of Exempt Positions including one Chief Justice and two Justices with salary caps in fiscal year 2025;~~
 - ~~(4) a strategy for Appellate Court Operations with amounts for that purpose in fiscal year 2025;~~
 - ~~(5) a strategy for Appellate Justice Salaries with amounts for that purpose that are estimated and nontransferable in fiscal year 2025;~~
 - ~~(6) a Performance Measure Targets rider including the following performance measures with targets of 100% attainment in fiscal year 2025;~~

3.B. Rider Revisions and Additions Request (continued)

- (A) ~~Clearance Rate;~~
- (B) ~~Percentage of Cases Under Submission for Less Than One Year; and~~
- (C) ~~Percentage of Cases Pending for Less Than Two Years.~~

Rider is no longer needed. Bill pattern for the 15th Court of Appeals is in place in the 2024-2025 GAA.

4.A. Exceptional Item Request Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/15/2024
 TIME: 4:43:09PM

Agency code: 221 Agency name: First Court of Appeals District, Houston

CODE	DESCRIPTION	Excp 2026	Excp 2027
	Item Name: Judiciary - Wide Adjustment for Inflation, Retention, and continued Recruitment 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	257,494	257,494
	TOTAL, OBJECT OF EXPENSE	257,494	257,494
	METHOD OF FINANCING:		
1	General Revenue Fund	257,494	257,494
	TOTAL, METHOD OF FINANCING	257,494	257,494

DESCRIPTION / JUSTIFICATION:

The intermediate appellate courts join with the Texas Supreme Court and the other Article IV Courts and Agencies in requesting a six percent (6%) increase in general revenue appropriations to help absorb the continuing impact of inflation and the increased demands placed on the courts, as well as maintaining and recruiting a strong, experience, and efficient judicial workforce. Thus, the Fourteenth Court of Appeals requests this additional 6% to foster the business model adopted by the courts of appeals of equal funding for the same sized courts. Deviating from that model risks reversion to historic and potentially detrimental modes of individualized court funding focused less on the needs of Texas and the appellate judiciary as a whole.

EXTERNAL/INTERNAL FACTORS:

Courts of Appeals are relatively small entities with specialized staffing requirements. The core function of the courts is to process and review appeals and original proceedings from civil and criminal trial courts. This requires a highly skilled and trained professional workforce of appellate court lawyers who assist the judges of the court in disposing of cases and researching and writing opinions. Loss of experienced court lawyers creates difficulties in timely processing of and disposing of appeals and in maintaining professional business practices. This exceptional item would allow the court to operate at historical performance measure levels while maintaining the highest quality of legal analysis. The citizens of Texas deserve no less.

PCLS TRACKING KEY:

4.A. Exceptional Item Request Schedule
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/15/2024**
TIME: **4:43:09PM**

Agency code: **221**

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

CODE DESCRIPTION

Excp 2026

Excp 2027

4.B. Exceptional Items Strategy Allocation Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/15/2024
 TIME: 4:44:08PM

Agency code: 221 Agency name: First Court of Appeals District, Houston

Code Description	Excp 2026	Excp 2027
Item Name: Judiciary - Wide Adjustment for Inflation, Retention, and continued Recruitment		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	257,494	257,494
TOTAL, OBJECT OF EXPENSE	\$257,494	\$257,494
METHOD OF FINANCING:		
1 General Revenue Fund	257,494	257,494
TOTAL, METHOD OF FINANCING	\$257,494	\$257,494

4.C. Exceptional Items Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/15/2024
TIME: 4:44:38PM

Agency Code: 221 Agency name: First Court of Appeals District, Houston

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

Service Categories:

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

CODE DESCRIPTION	Excp 2026	Excp 2027
------------------	-----------	-----------

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 %

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	257,494	257,494
Total, Objects of Expense	\$257,494	\$257,494

METHOD OF FINANCING:

1 General Revenue Fund	257,494	257,494
Total, Method of Finance	\$257,494	\$257,494

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Judiciary - Wide Adjustment for Inflation, Retention, and continued Recruitment

6.A. Historically Underutilized Business Supporting Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/15/2024
 Time: 4:45:11PM

Agency Code: 221 Agency: First Court of Appeals District, Houston

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year - HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2022			Total Expenditures FY 2022		HUB Expenditures FY 2023			Total Expenditures FY 2023
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$		
26.0%	Other Services	26.0 %	0.0%	-26.0%	\$0	\$13,552	26.0 %	0.0%	-26.0%	\$0	\$10,266
21.1%	Commodities	21.1 %	0.0%	-21.1%	\$0	\$1,390	21.1 %	0.0%	-21.1%	\$0	\$21,556
	Total Expenditures		0.0%		\$0	\$14,942		0.0%		\$0	\$31,822

B. Assessment of Attainment of HUB Procurement Goals

Attainment:

The agency did not attain the statewide HUB procurement goals for Other Services and Commodities for FY2022 and FY2023.

Applicability:

The Heavy Construction, Building Construction, Special Trade and Professional Services categories are not applicable to agency operations in either fiscal year 2022 or 2023. The agency did not have any strategies or programs related to these categories.

Factors Affecting Attainment:

- In fiscal year 2022, the goal of Other Services and Commodities category were not due to the following:
- the lowest bid was from a non-HUB vendor
 - only source available
 - used the Statewide Procurement Division where applicable, not always resulting in the use of a HUB vendor

C. Good-Faith Efforts to Increase HUB Participation

Outreach Efforts and Mentor-Protégé Programs:

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

HUB Program Staffing:

6.A. Historically Underutilized Business Supporting Schedule
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/15/2024
Time: 4:45:11PM

Agency Code: 221 Agency: First Court of Appeals District, Houston

The Court has a dedicated purchasing group that researches for HUB vendors and the TXSmartBuy website when purchasing is involved to make sure the agency is receiving the best bid and prioritizing the HUB Procurement program.

Current and Future Good-Faith Efforts:

The Court supports the HUB procurement program and will continue to make a good faith effort to meet HUB goals by giving HUB vendors preference for purchases when possible.

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

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2026-27 GAA BILL PATTERN	\$	814,000
---	-----------	----------------

<u>Fund Name</u>		
Estimated Beginning Balance in FY 2024		
Estimated Revenues FY 2024	\$	407,000
Estimated Revenues FY 2025	\$	407,000
FY 2024-25 Total	\$	814,000
Estimated Beginning Balance in FY 2026	\$	407,000
Estimated Revenues FY 2026	\$	407,000
Estimated Revenues FY 2027		
FY 2026-27 Total	\$	814,000
Constitutional or Statutory Creation and Use of Funds:		
<p>Pursuant to section 22.202 of the Government code, counties other than Harris County composing the First and Fourteenth Court of Appeals Districts shall annually reimburse Harris County for the cost incurred by Harris County during its previous fiscal year for supplemental salaries and fringe benefits for the justices of those courts. In addition, these counties are also to provide reimbursement for furnishings, equipment, supplies, and utility expense for those courts.</p>		
Method of Calculation and Revenue Assumptions:		
<p>Each county is to pay a share based on the proportion of their population to the total population of all counties in these districts. To effectuate the billing and payment process, the Harris County Commissioners Court is required to furnish each county liable for expenses with a statement of that county's share. Furthermore, the statement must be approved by the Chief Justices of the Courts of Appeals.</p>		