



Legislative Appropriations Request For Fiscal Years 2026 and 2027

**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 16, 2024



Legislative Appropriations Request For Fiscal Years 2026 and 2027

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, 2023 – December 31, 2028	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 16, 2024

Prepared by:

Handwritten signature of Debra Spisak in cursive.

Debra Spisak, Clerk of the Court

Approved:

Handwritten signature of Bonnie Sudderth in cursive.

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

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.

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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 wages become stagnant, 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 .

The courts of appeals must compete not only with the private sector but also with other governmental entities for qualified attorneys and staff. In the past, the Second Court of Appeals has lost a staff attorney to the Texas Supreme Court, which was able to pay a significantly higher salary. Since then, the courts of appeals have had a goal of keeping intermediate court staff attorneys' salaries within 5% of Texas Supreme Court staff attorneys' salaries to help retain qualified staff at the courts of appeals. The Texas Supreme Court is now requesting a 6% budget increase that will go, in part, toward salary increases for its staff. To the extent that the Texas Supreme Court receives its requested 6% increase, we request the same so that our salaries may remain competitive with other similar government attorney positions.

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:

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.

Administrator's Statement

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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.

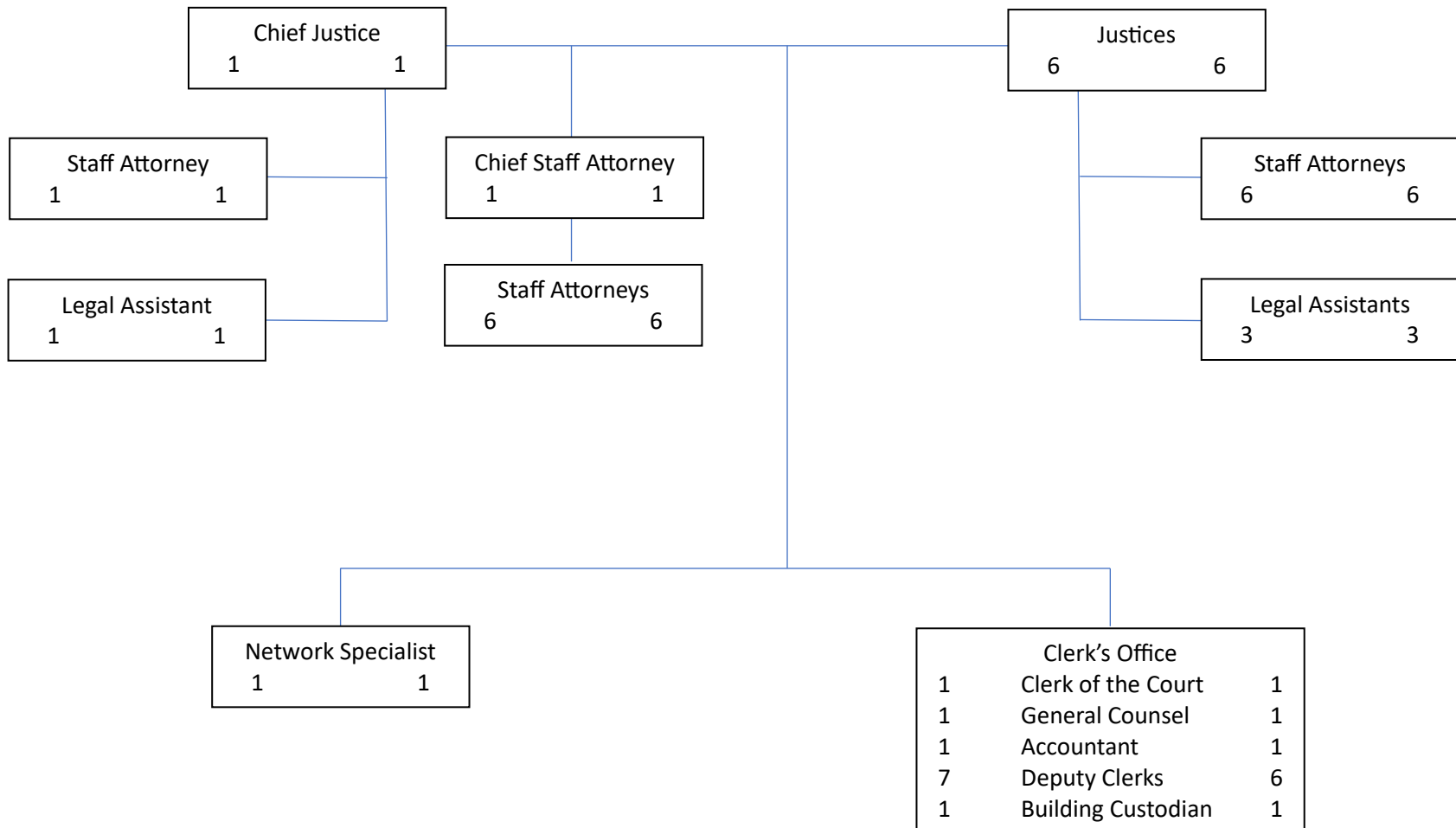
Note on Appropriated Receipts: At the direction of the LBB & Governor's Office, this court has included appropriated receipts in the total amount of \$14,000 for FY 2026 and 2027 reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional 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

2025 (2026–27)

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 2025. The number on the right is the number of positions requested for quality legal and non-legal staff for FY 2026–27.





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 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

Bonnie Sudderth

Signature

Bonnie Sudderth

Printed Name

Chief Justice

Title

August 16, 2024

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 16, 2024

Date

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

222 Second Court of Appeals District, Fort Worth
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	6,693,134	6,845,936					146,210	122,000	6,839,344	6,967,936	410,756
1.1.2. Appellate Justice Salaries	2,105,860	2,105,860					426,100	426,100	2,531,960	2,531,960	
Total, Goal	8,798,994	8,951,796					572,310	548,100	9,371,304	9,499,896	410,756
Total, Agency	8,798,994	8,951,796					572,310	548,100	9,371,304	9,499,896	410,756
Total FTEs									36.0	36.0	0.0

2.A. Summary of Base Request by Strategy

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Automated Budget and Evaluation System of Texas (ABEST)

222 Second Court of Appeals District, Fort Worth

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	2,650,802	3,355,376	3,483,968	3,483,968	3,483,968
2 APPELLATE JUSTICE SALARIES	1,246,537	1,250,426	1,281,534	1,265,980	1,265,980
TOTAL, GOAL 1	\$3,897,339	\$4,605,802	\$4,765,502	\$4,749,948	\$4,749,948
TOTAL, AGENCY STRATEGY REQUEST	\$3,897,339	\$4,605,802	\$4,765,502	\$4,749,948	\$4,749,948
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$3,897,339	\$4,605,802	\$4,765,502	\$4,749,948	\$4,749,948

2.A. Summary of Base Request by Strategy

8/16/2024 4:00:30PM

89th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

222 Second Court of Appeals District, Fort Worth

Goal / Objective / STRATEGY	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	3,609,840	4,307,542	4,491,452	4,475,898	4,475,898
SUBTOTAL	\$3,609,840	\$4,307,542	\$4,491,452	\$4,475,898	\$4,475,898
Other Funds:					
573 Judicial Fund	213,050	213,050	213,050	213,050	213,050
666 Appropriated Receipts	20,449	31,210	7,000	7,000	7,000
777 Interagency Contracts	54,000	54,000	54,000	54,000	54,000
SUBTOTAL	\$287,499	\$298,260	\$274,050	\$274,050	\$274,050
TOTAL, METHOD OF FINANCING	\$3,897,339	\$4,605,802	\$4,765,502	\$4,749,948	\$4,749,948

*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)

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

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

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2022-23 GAA)

\$3,505,562	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2024-25 GAA)

\$0	\$4,272,106	\$4,401,066	\$0	\$0
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Regular Appropriations from MOF Table (2022-23 GAA)

\$12,000	\$0	\$0	\$0	\$0
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Comments: Increase in estimated and non-transferable Strategy A.1.2 funds due to changes in judicial salary requirements.

Regular Appropriations from MOF Table (2024-25 GAA)

\$0	\$15,554	\$46,662	\$0	\$0
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Comments: Increase in estimated and non-transferable Strategy A.1.2 funds due to changes in judicial salary requirements.

Regular Appropriations from MOF Table

\$0	\$0	\$0	\$4,475,898	\$4,475,898
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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)

8/16/2024 4:00:30PM

Agency code: 222	Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>GENERAL REVENUE</u>					
<i>TRANSFERS</i>					
SB 30, 88th Leg, Regular Session	\$24,049	\$0	\$0	\$0	\$0
Comments: 5 percent salary increase effective July 1, 2023.					
Art. IX, Sec. 17.16, Appropriation for a Salary Increase for General State Employees (2024-25 GAA)	\$0	\$19,882	\$43,724	\$0	\$0
Comments: Additional allocation from Comptroller necessary to implement 5 percent salary increase.					
<i>LAPSED APPROPRIATIONS</i>					
Strategy A.1.2, Appellate Justice Salaries (2022-23 GAA)	\$(335)	\$0	\$0	\$0	\$0
Comments: Lapse of estimated and non-transferable Strategy A.1.2. funds due to changes in judicial personnel.					
<i>UNEXPENDED BALANCES AUTHORITY</i>					
A.1.1. Appellate Court Operations (2022-23 GAA)	\$68,564	\$0	\$0	\$0	\$0
Comments: Transfer of unexpended and unobligated Strategy A.1.1 funds to the next fiscal year within the same biennium.					

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)

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Agency code: 222	Agency name: Second Court of Appeals District, Fort Worth					
METHOD OF FINANCING		Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>GENERAL REVENUE</u>						
TOTAL, General Revenue Fund		\$3,609,840	\$4,307,542	\$4,491,452	\$4,475,898	\$4,475,898
TOTAL, ALL GENERAL REVENUE		\$3,609,840	\$4,307,542	\$4,491,452	\$4,475,898	\$4,475,898

OTHER FUNDS

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2022-23 GAA)

\$213,050	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2024-25 GAA)

\$0	\$213,050	\$213,050	\$0	\$0
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Regular Appropriations from MOF Table

\$0	\$0	\$0	\$213,050	\$213,050
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TOTAL, Judicial Fund No. 573		\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
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666 Appropriated Receipts

REGULAR APPROPRIATIONS

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)

8/16/2024 4:00:30PM

METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<p>Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth</p>					
<u>OTHER FUNDS</u>					
Regular Appropriations from MOF Table (2022-23 GAA)	\$8,000	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$8,000	\$8,000	\$0	\$0
Regular Appropriations from MOF Table	\$0	\$0	\$0	\$7,000	\$7,000
<i>RIDER APPROPRIATION</i>					
Art IX, Sec 8.02, Reimbursements and Payments (2022-23 GAA)	\$14,000	\$0	\$0	\$0	\$0
<p>Comments: Art. IV, Judiciary Section, Comptroller's Department, Rider 9 reimbursement for fees paid to staff attorneys assisting judges assigned to cases in addition to their ordinary caseload.</p>					
Art IX, Sec 8.02, Reimbursements and Payments (2024-25 GAA)	\$0	\$24,000	\$0	\$0	\$0
<p>Comments: Art. IV, Judiciary Section, Comptroller's Department, Rider 9 reimbursement for fees paid to staff attorneys assisting judges assigned to cases in addition to their ordinary caseload.</p>					
<i>LAPSED APPROPRIATIONS</i>					

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
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8/16/2024 4:00:30PM

Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>OTHER FUNDS</u>						
Regular Appropriations from MOF Table (2022-23 GAA)		\$ (1,551)	\$ 0	\$ 0	\$ 0	\$ 0
Comments: Collections less than the Regular Appropriations amount.						
Regular Appropriations from MOF Table (2024-25 GAA)		\$ 0	\$ (790)	\$ (1,000)	\$ 0	\$ 0
Comments: Collections anticipated to be less than the Regular Appropriations amount.						
TOTAL,	Appropriated Receipts	\$20,449	\$31,210	\$7,000	\$7,000	\$7,000
<u>777</u>	Interagency Contracts					
<i>REGULAR APPROPRIATIONS</i>						
Regular Appropriations from MOF Table (2022-23 GAA)		\$54,000	\$ 0	\$ 0	\$ 0	\$ 0
Regular Appropriations from MOF Table (2024-25 GAA)		\$ 0	\$54,000	\$54,000	\$ 0	\$ 0
Regular Appropriations from MOF Table						

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
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8/16/2024 4:00:30PM

Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
METHOD OF FINANCING		Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>OTHER FUNDS</u>		\$0	\$0	\$0	\$54,000	\$54,000
TOTAL,	Interagency Contracts	\$54,000	\$54,000	\$54,000	\$54,000	\$54,000
TOTAL, ALL	OTHER FUNDS	\$287,499	\$298,260	\$274,050	\$274,050	\$274,050
GRAND TOTAL		\$3,897,339	\$4,605,802	\$4,765,502	\$4,749,948	\$4,749,948
FULL-TIME-EQUIVALENT POSITIONS						
REGULAR APPROPRIATIONS						
	Regular Appropriations from MOF Table (2022-23 GAA)	37.0	0.0	0.0	0.0	0.0
	Regular Appropriations from MOF Table (2024-25 GAA)	0.0	37.0	37.0	0.0	0.0
	Regular Appropriations from MOF Table	0.0	0.0	0.0	36.0	36.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP						
	Unauthorized Number Over (Below) Cap	(2.0)	(1.5)	(1.0)	0.0	0.0
TOTAL, ADJUSTED FTES		35.0	35.5	36.0	36.0	36.0

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

8/16/2024 4:00:30PM

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Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 222	Agency name: Second Court of Appeals District, Fort Worth					
METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027	
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

8/16/2024 4:00:31PM

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222 Second Court of Appeals District, Fort Worth

OBJECT OF EXPENSE	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1001 SALARIES AND WAGES	\$3,640,930	\$4,128,046	\$4,388,046	\$4,363,497	\$4,363,497
1002 OTHER PERSONNEL COSTS	\$61,439	\$239,913	\$94,655	\$101,423	\$99,185
2001 PROFESSIONAL FEES AND SERVICES	\$4,475	\$0	\$500	\$500	\$500
2003 CONSUMABLE SUPPLIES	\$13,205	\$9,719	\$15,000	\$15,000	\$15,000
2004 UTILITIES	\$900	\$699	\$1,500	\$1,500	\$1,500
2005 TRAVEL	\$14,373	\$15,077	\$43,000	\$43,000	\$43,000
2007 RENT - MACHINE AND OTHER	\$858	\$858	\$858	\$1,200	\$1,200
2009 OTHER OPERATING EXPENSE	\$161,159	\$211,490	\$221,943	\$223,828	\$226,066
OOE Total (Excluding Riders)	\$3,897,339	\$4,605,802	\$4,765,502	\$4,749,948	\$4,749,948
OOE Total (Riders)					
Grand Total	\$3,897,339	\$4,605,802	\$4,765,502	\$4,749,948	\$4,749,948

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

Date: **8/16/2024**
 Time: **4:00:48PM**

89th Regular Session, Agency Submission, Version 1
 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	\$2,000	\$2,000	\$2,000
5	Westlaw/Lexis	27,637	28,640	29,427	30,898	32,443
6	Registrations/Training	7,989	4,642	11,000	11,000	11,000
7	Subscriptions/Periodicals	2,932	4,000	6,000	6,000	6,000
13	Furniture & Equipment (Expensed)	1,149	4,290	4,000	4,000	4,000
15	Printing & Reproduction	1,440	355	1,500	1,500	1,500
24	Freight/Delivery	901	615	1,000	1,000	1,000
25	Advertising	0	649	1,500	1,500	1,500
26	Books (expensed)	21,170	23,464	22,184	22,843	23,536
27	Membership Dues	7,668	12,603	12,000	12,000	12,000
28	Liability Insurance	7,312	9,397	11,500	11,500	11,500
35	Computer Equip./Software, Non-cap	1,592	2,443	5,000	5,000	5,000
64	SORM Assessment	3,808	4,095	4,250	4,250	4,250
67	Cleaning Services	145	300	300	300	300
111	Purchased Contract Services	27,000	57,788	50,000	50,000	50,000
157	Fees and Other Charges	58	3	0	0	0
172	Maintenance and Repair - Expensed	491	883	713	713	713
213	ERS 1% & .5%	36,209	43,627	47,065	47,065	47,065
	Total, Operating Costs	\$149,001	\$199,294	\$209,439	\$211,569	\$213,807

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

BASE REQUEST STRATEGY: 1-1-2 Appellate Justice Salaries. Estimated and Nontransferable

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
187	1% salary benefits fee	\$12,158	\$12,196	\$12,504	\$12,259	\$12,259
	Total, Operating Costs	\$12,158	\$12,196	\$12,504	\$12,259	\$12,259

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

8/16/2024 4:00:31PM

222 Second Court of Appeals District, Fort Worth

Goal/ Objective / Outcome	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate					
	100.85%	100.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	98.77%	99.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	99.85%	99.90%	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: 8/16/2024
 TIME : 4:00:31PM

Agency code: 222

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

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 Relief for Court Staff	\$205,378	\$205,378	0.0	\$205,378	\$205,378	0.0	\$410,756	\$410,756
Total, Exceptional Items Request		\$205,378	\$205,378	0.0	\$205,378	\$205,378	0.0	\$410,756	\$410,756
Method of Financing									
	General Revenue	\$205,378	\$205,378		\$205,378	\$205,378		\$410,756	\$410,756
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$205,378	\$205,378		\$205,378	\$205,378		\$410,756	\$410,756
Full Time Equivalent Positions				0.0				0.0	
Number of 100% Federally Funded FTEs				0.0				0.0	

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

DATE : 8/16/2024
 TIME : 4:00:32PM

Agency code: 222	Agency name: Second Court of Appeals District, Fort Worth					
Goal/Objective/STRATEGY	Base 2026	Base 2027	Exceptional 2026	Exceptional 2027	Total Request 2026	Total Request 2027
1 Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$3,483,968	\$3,483,968	\$205,378	\$205,378	\$3,689,346	\$3,689,346
2 APPELLATE JUSTICE SALARIES	1,265,980	1,265,980	0	0	1,265,980	1,265,980
TOTAL, GOAL 1	\$4,749,948	\$4,749,948	\$205,378	\$205,378	\$4,955,326	\$4,955,326
TOTAL, AGENCY STRATEGY REQUEST	\$4,749,948	\$4,749,948	\$205,378	\$205,378	\$4,955,326	\$4,955,326
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$4,749,948	\$4,749,948	\$205,378	\$205,378	\$4,955,326	\$4,955,326

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

DATE : 8/16/2024
 TIME : 4:00:32PM

Agency code: 222		Agency name: Second Court of Appeals District, Fort Worth				
Goal/Objective/STRATEGY	Base 2026	Base 2027	Exceptional 2026	Exceptional 2027	Total Request 2026	Total Request 2027
General Revenue Funds:						
1 General Revenue Fund	\$4,475,898	\$4,475,898	\$205,378	\$205,378	\$4,681,276	\$4,681,276
	\$4,475,898	\$4,475,898	\$205,378	\$205,378	\$4,681,276	\$4,681,276
Other Funds:						
573 Judicial Fund	213,050	213,050	0	0	213,050	213,050
666 Appropriated Receipts	7,000	7,000	0	0	7,000	7,000
777 Interagency Contracts	54,000	54,000	0	0	54,000	54,000
	\$274,050	\$274,050	\$0	\$0	\$274,050	\$274,050
TOTAL, METHOD OF FINANCING	\$4,749,948	\$4,749,948	\$205,378	\$205,378	\$4,955,326	\$4,955,326
FULL TIME EQUIVALENT POSITIONS	36.0	36.0	0.0	0.0	36.0	36.0

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

Date : 8/16/2024
 Time: 4:00:32PM

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

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%

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 2023	Est 2024	Bud 2025	BL 2026	BL 2027
Output Measures:						
1	Number of Civil Cases Disposed	481.00	546.00	547.00	547.00	547.00
2	Number of Criminal Cases Disposed	352.00	357.00	358.00	358.00	358.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	503.00	604.00	605.00	605.00	605.00
2	Number of Criminal Cases Filed	392.00	435.00	435.00	435.00	435.00
3	Number of Cases Transferred in	0.00	1.00	0.00	0.00	0.00
4	Number of Cases Transferred out	69.00	137.00	135.00	135.00	135.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,425,181	\$2,908,446	\$3,137,646	\$3,137,646	\$3,137,646
1002	OTHER PERSONNEL COSTS	\$42,809	\$221,283	\$76,025	\$73,553	\$71,315
2001	PROFESSIONAL FEES AND SERVICES	\$4,475	\$0	\$500	\$500	\$500
2003	CONSUMABLE SUPPLIES	\$13,205	\$9,719	\$15,000	\$15,000	\$15,000
2004	UTILITIES	\$900	\$699	\$1,500	\$1,500	\$1,500
2005	TRAVEL	\$14,373	\$15,077	\$43,000	\$43,000	\$43,000
2007	RENT - MACHINE AND OTHER	\$858	\$858	\$858	\$1,200	\$1,200
2009	OTHER OPERATING EXPENSE	\$149,001	\$199,294	\$209,439	\$211,569	\$213,807

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 2023	Est 2024	Bud 2025	BL 2026	BL 2027
TOTAL, OBJECT OF EXPENSE		\$2,650,802	\$3,355,376	\$3,483,968	\$3,483,968	\$3,483,968
Method of Financing:						
1	General Revenue Fund	\$2,576,353	\$3,270,166	\$3,422,968	\$3,422,968	\$3,422,968
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,576,353	\$3,270,166	\$3,422,968	\$3,422,968	\$3,422,968
Method of Financing:						
666	Appropriated Receipts	\$20,449	\$31,210	\$7,000	\$7,000	\$7,000
777	Interagency Contracts	\$54,000	\$54,000	\$54,000	\$54,000	\$54,000
SUBTOTAL, MOF (OTHER FUNDS)		\$74,449	\$85,210	\$61,000	\$61,000	\$61,000
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$3,483,968	\$3,483,968
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,650,802	\$3,355,376	\$3,483,968	\$3,483,968	\$3,483,968
FULL TIME EQUIVALENT POSITIONS:		28.0	28.5	29.0	29.0	29.0
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 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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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 3.8 million. In the same time period, the court's workload has increased from 491 cases filed in 1983 to over 1,000 projected to be filed in FY 2024. Filings have steadily increased since 2020 as the State rebounds from the effects of COVID-19, and by the end of this fiscal year, filings will have exceeded pre-pandemic levels. 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 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		BIENNIAL	<u>EXPLANATION OF BIENNIAL CHANGE</u>		
Base Spending (Est 2024 + Bud 2025)	Baseline Request (BL 2026 + BL 2027)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)	
\$6,839,344	\$6,967,936	\$128,592	\$128,592	Calculation of GR limit added \$152,802 to FY24-25 GR base to biennialize FY24-25 salary adjustments. Difference adjusted by \$23,210 additional appropriated receipts in FY24 and \$1,000 less in FY25.	
			\$128,592	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 2023	Est 2024	Bud 2025	BL 2026	BL 2027
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,215,749	\$1,219,600	\$1,250,400	\$1,225,851	\$1,225,851
1002	OTHER PERSONNEL COSTS	\$18,630	\$18,630	\$18,630	\$27,870	\$27,870
2009	OTHER OPERATING EXPENSE	\$12,158	\$12,196	\$12,504	\$12,259	\$12,259
TOTAL, OBJECT OF EXPENSE		\$1,246,537	\$1,250,426	\$1,281,534	\$1,265,980	\$1,265,980
Method of Financing:						
1	General Revenue Fund	\$1,033,487	\$1,037,376	\$1,068,484	\$1,052,930	\$1,052,930
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,033,487	\$1,037,376	\$1,068,484	\$1,052,930	\$1,052,930
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)					\$1,265,980	\$1,265,980
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,246,537	\$1,250,426	\$1,281,534	\$1,265,980	\$1,265,980
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 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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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>	
<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>
\$2,531,960	\$2,531,960	\$0	\$0	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$3,897,339	\$4,605,802	\$4,765,502	\$4,749,948	\$4,749,948
METHODS OF FINANCE (INCLUDING RIDERS):				\$4,749,948	\$4,749,948
METHODS OF FINANCE (EXCLUDING RIDERS):	\$3,897,339	\$4,605,802	\$4,765,502	\$4,749,948	\$4,749,948
FULL TIME EQUIVALENT POSITIONS:	35.0	35.5	36.0	36.0	36.0

3.B. Rider Revisions and Additions Request

Agency Code:	Agency Name: Court of Appeals, District,	Prepared By: Jennifer Henry	Date: 8/16/2024	Request Level: Baseline
Current Rider Number	Page Number in 2024-25 GAA	Proposed Rider Language		

5

IV-43

Sec. 5. Interagency Contracts for Assigned Judges for Appellate Courts. Out of funds appropriated in this Article to Strategies A.1.1., Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 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.

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

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 prosecutor_s 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	1st – 14th Court of Appeals	\$156,500	\$172,150	\$187,800
Justice Judge	1st – 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, 2024²⁶, are appropriated to the respective court or agency for the fiscal year beginning September 1, 2024²⁶, 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 Equivalentents (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;~~

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

~~(6) a Performance Measure Targets rider including the following performance measures with targets of 100% attainment in fiscal year 2025;~~

~~(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: **8/16/2024**
 TIME: **4:00:49PM**

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

CODE	DESCRIPTION	Excp 2026	Excp 2027
	Item Name: Adjustment for Inflation 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 01-01-02 Appellate Justice Salaries. Estimated and Nontransferable		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	202,343	202,343
2009	OTHER OPERATING EXPENSE	3,035	3,035
TOTAL, OBJECT OF EXPENSE		\$205,378	\$205,378
METHOD OF FINANCING:			
1	General Revenue Fund	205,378	205,378
TOTAL, METHOD OF FINANCING		\$205,378	\$205,378

DESCRIPTION / JUSTIFICATION:

The courts of appeals must compete not only with the private sector but also with other governmental entities for qualified attorneys and staff. If salaries are not increased, the courts risk losing more personnel that will be costly and often difficult to replace.

EXTERNAL/INTERNAL FACTORS:

In the past, the Second Court of Appeals has lost a staff attorney to the Texas Supreme Court, which was able to pay a significantly higher salary. Since then, the courts of appeals have had a goal of keeping intermediate court staff attorneys' salaries within 5% of Texas Supreme Court staff attorneys' salaries to help retain qualified staff at the courts of appeals.

The Texas Supreme Court is now requesting a 6% budget increase that will go, in part, toward salary increases for its staff. To the extent that the Texas Supreme Court receives its requested 6% increase, we request the same so that our salaries may remain competitive with other similar government attorney positions.

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: **8/16/2024**
TIME: **4:00:49PM**

Agency code: **222**

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

CODE	DESCRIPTION	Excp 2026	Excp 2027
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Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

Code	Description	Excp 2026	Excp 2027
Item Name: Adjustment for Inflation			
Allocation to Strategy: 1-1-1 Appellate Court Operations			
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	547.00	547.00
<u>2</u>	Number of Criminal Cases Disposed	358.00	358.00
EXPLANATORY/INPUT MEASURES:			
<u>1</u>	Number of Civil Cases Filed	605.00	605.00
<u>2</u>	Number of Criminal Cases Filed	435.00	435.00
<u>3</u>	Number of Cases Transferred in	0.00	0.00
<u>4</u>	Number of Cases Transferred out	135.00	135.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	202,343	202,343
2009	OTHER OPERATING EXPENSE	3,035	3,035
TOTAL, OBJECT OF EXPENSE		\$205,378	\$205,378
METHOD OF FINANCING:			
1	General Revenue Fund	205,378	205,378
TOTAL, METHOD OF FINANCING		\$205,378	\$205,378
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

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

Code	Description	Excp 2026	Excp 2027
Item Name: Adjustment for Inflation			
Allocation to Strategy: 1-1-2 Appellate Justice Salaries. Estimated and Nontransferable			
STRATEGY IMPACT ON OUTCOME MEASURES:			
<u>1</u>	Clearance Rate	0.00%	0.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	0.00%	0.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	0.00%	0.00%
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	0	0
2009	OTHER OPERATING EXPENSE	0	0
TOTAL, OBJECT OF EXPENSE		\$0	\$0
METHOD OF FINANCING:			
1	General Revenue Fund	0	0
TOTAL, METHOD OF FINANCING		\$0	\$0
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

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

DATE: 8/16/2024
TIME: 4:00:50PM

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 2026	Exp 2027
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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 %

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	202,343	202,343
2009 OTHER OPERATING EXPENSE	3,035	3,035
Total, Objects of Expense	\$205,378	\$205,378

METHOD OF FINANCING:

1 General Revenue Fund	205,378	205,378
Total, Method of Finance	\$205,378	\$205,378

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Adjustment for Inflation

4.C. Exceptional Items Strategy Request
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DATE: 8/16/2024
TIME: 4:00:50PM

Agency Code: **222** Agency name: **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 2026	Exp 2027
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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 %

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Adjustment for Inflation

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

Date: **8/16/2024**
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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 2022			Total Expenditures FY 2022		HUB Expenditures FY 2023			Total Expenditures FY 2023	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	FY 2023		
26.0%	Other Services	26.0 %	0.0%	-26.0%	\$0	\$36,730	26.0 %	0.0%	-26.0%	\$0	\$69,896	
21.1%	Commodities	21.1 %	0.9%	-20.2%	\$539	\$63,133	21.1 %	6.2%	-14.9%	\$666	\$10,803	
	Total Expenditures		0.5%		\$539	\$99,863		0.8%		\$666	\$80,699	

B. Assessment of Attainment of HUB Procurement Goals

Attainment:

The Second Court of Appeals attained or exceeded \$539 of \$99,863, or .5%, of the applicable agency HUB procurement goals in fiscal year 2022.

The Second Court of Appeals attained or exceeded \$666 of \$80,699, or .8%, of the applicable agency HUB procurement goals in fiscal year 2023.

Applicability:

The Heavy Constructions, Building Construction, Special Trade Construction, and Professional Services categories were not applicable to the court's operations in either FY 2022 or FY 2023 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
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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 2022 and FY 2023 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 2026-27 GAA BILL PATTERN	\$ 1,015,000
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Fund Name	
Estimated Beginning Balance in FY 2024	\$ 332,992
Estimated Revenues FY 2024	\$ 340,000
Estimated Revenues FY 2025	\$ 340,000
FY 2024-25 Total	\$ 1,012,992
Estimated Beginning Balance in FY 2026	\$ 335,000
Estimated Revenues FY 2026	\$ 340,000
Estimated Revenues FY 2027	\$ 340,000
FY 2026-27 Total	\$ 1,015,000
Constitutional or Statutory Creation and Use of Funds:	
<p>The appellate judicial system fund for the Second Court of Appeals is established pursuant to section 22.229 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, statutory probate court, and district court in the counties served by the Second Court of Appeals. Management of the system is vested in the court's chief justice, and funds received from such fees shall be used to defray costs and expenses incurred in the operation of the Second Court of Appeals.</p>	
Method of Calculation and Revenue Assumptions:	
<p>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.</p>	