

LEGISLATIVE APPROPRIATIONS REQUEST

For Fiscal Years 2026 and 2027

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

By

**Court of Appeals
Fourth Court of Appeals District of Texas**

Rebeca C. Martinez, Justice	2026	San Antonio
Luz Elena D. Chapa, Justice	2024	San Antonio
Irene A. Rios, Justice	2028	San Antonio
Beth Watkins, Justice	2024	San Antonio
Liza A. Rodriguez, Justice	2024	San Antonio
Lori I. Valenzuela, Justice	2024	San Antonio
Lori Massey Brissette	2024	San Antonio

August 16, 2024

Submitted By:


Luz G. Estrada, Chief Deputy Clerk

Approved:


Rebeca C. Martinez, Chief Justice



Legislative Appropriations Request

For Fiscal Years 2026 and 2027

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Fourth Court of Appeals District of Texas**

August 23, 2024



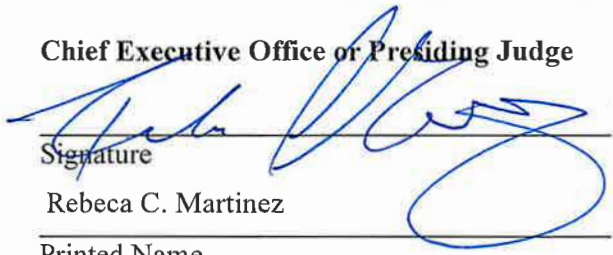
CERTIFICATE

Agency Name Fourth 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 Office or Presiding Judge


Signature

Rebeca C. Martinez

Printed Name

Chief Justice

Title

August 23, 2024
Date

Board or Commission Chair

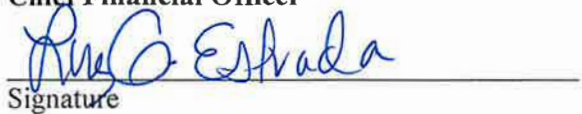
Signature

Printed Name

Title

Date

Chief Financial Officer


Signature

Luz G. Estrada

Printed Name

Chief Deputy Clerk

Title

August 23, 2024
Date

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Administrator's Statement

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Automated Budget and Evaluation System of Texas (ABEST)

224 Fourth Court of Appeals District, San Antonio

Administrator's Statement
For Fiscal Years 2026 and 2027
89th Legislature

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

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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.

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. 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 and anticipated in the next biennium, the Fourth Court is challenged to retain and recruit a strong and experienced judicial workforce. 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 and equally compete for qualified staff. Thus, the Fourth 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.

EXCEPTIONAL ITEM #2:

ADDITIONAL TWO FTE STAFF ATTORNEYS

The Fourth Court is requesting funding for two additional full-time central staff attorneys. The Fourth Court encompasses 32-counties, including most of the Texas border and the Texas Hill Country. A majority of court activity stemming from judicial proceedings related to Operation Lone Star activity is contained within the Fourth Court judicial district, which has resulted in an over 20% increase in criminal appeals related to Operation Lone Star since 2021, which include writs of habeas corpus and mandamus petitions with related emergency filings. The above referenced appeals include writs of habeas corpus and mandamus petitions requiring expedited review and consideration of often novel, first-impression issues, thus also causing delayed disposition of other pending appeals and a possible negative effect on performance measures. To assist the Justices with their prompt resolution of pending matters, the Fourth Court requests two additional full-time staff attorneys.

EXCEPTIONAL ITEM #3: JUDICIAL PAY INCREASE DUE TO CHANGE IN TENURE

A minimum number of two Justices will merit an increase in judicial pay due to reaching the next tier as provided in Texas Government Code section 659.012.

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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:

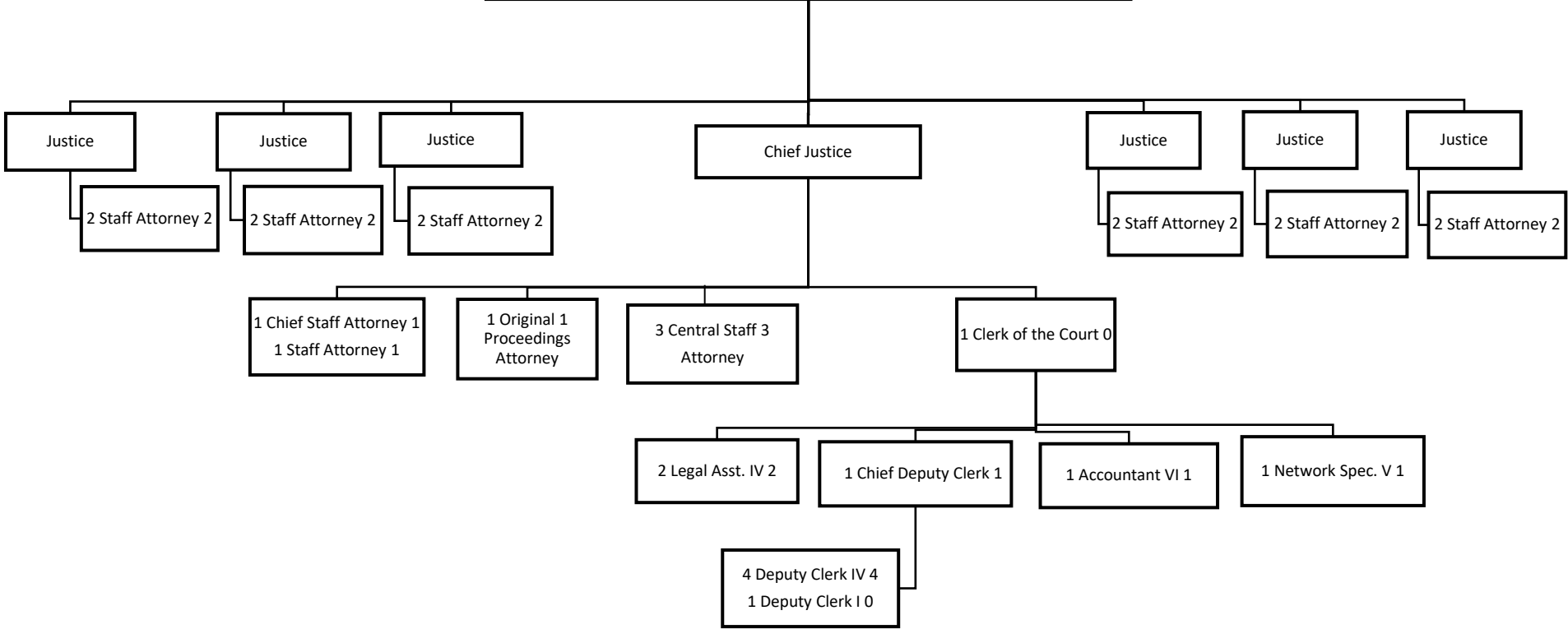
In order for the courts of appeals to function efficiently, it is vital that the Office of Court Administration (OCA) be adequately funded. The courts of appeals rely on many of the services provided by OCA and, therefore, the courts of appeals fully support the exceptional items the OCA requests as 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.

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 \$11,000 reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the Court and do not constitute additional funds available for general expenditures for the Court. The amount can vary significantly from year to year.

**ORGANIZATIONAL CHART FOURTH COURT OF APPEALS
AGENCY 224
FY 2024 (2026-2027)**



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

224 Fourth Court of Appeals District, San Antonio
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	6,515,622	6,664,164					106,000	106,000	6,621,622	6,770,164		1,135,456
1.1.2. Appellate Justice Salaries	2,154,736	2,170,072					426,100	426,100	2,580,836	2,596,172		
Total, Goal	8,670,358	8,834,236					532,100	532,100	9,202,458	9,366,336		1,135,456
Total, Agency	8,670,358	8,834,236					532,100	532,100	9,202,458	9,366,336		1,135,456
Total FTEs									34.0	34.0		2.0

2.A. Summary of Base Request by Strategy

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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	2,797,577	3,185,222	3,436,400	3,385,082	3,385,082
2 APPELLATE JUSTICE SALARIES	1,286,437	1,290,760	1,290,076	1,298,086	1,298,086
TOTAL, GOAL 1	\$4,084,014	\$4,475,982	\$4,726,476	\$4,683,168	\$4,683,168
TOTAL, AGENCY STRATEGY REQUEST	\$4,084,014	\$4,475,982	\$4,726,476	\$4,683,168	\$4,683,168
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$4,084,014	\$4,475,982	\$4,726,476	\$4,683,168	\$4,683,168

2.A. Summary of Base Request by Strategy

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Automated Budget and Evaluation System of Texas (ABEST)

224 Fourth Court of Appeals District, San Antonio

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	3,817,964	4,209,932	4,460,426	4,417,118	4,417,118
SUBTOTAL	\$3,817,964	\$4,209,932	\$4,460,426	\$4,417,118	\$4,417,118
Other Funds:					
573 Judicial Fund	213,050	213,050	213,050	213,050	213,050
666 Appropriated Receipts	11,000	11,000	11,000	11,000	11,000
777 Interagency Contracts	42,000	42,000	42,000	42,000	42,000
SUBTOTAL	\$266,050	\$266,050	\$266,050	\$266,050	\$266,050
TOTAL, METHOD OF FINANCING	\$4,084,014	\$4,475,982	\$4,726,476	\$4,683,168	\$4,683,168

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

2.B. Summary of Base Request by Method of Finance
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 Automated Budget and Evaluation System of Texas (ABEST)

8/23/2024 2:18:30PM

Agency code: **224** Agency name: **Fourth Court of Appeals District, San Antonio**

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)

\$3,488,814	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2024-25 GAA)

\$0	\$4,243,640	\$4,426,718	\$0	\$0
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Regular Appropriations from MOF Table (2026-27 GAA)

\$0	\$0	\$0	\$4,417,118	\$4,417,118
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TRANSFERS

SB 30, 88th Leg, Regular Session

\$20,780	\$0	\$0	\$0	\$0
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LAPSED APPROPRIATIONS

LAPSED APPROPRIATIONS

\$(86,401)	\$0	\$0	\$0	\$0
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Comments: Lapsed Appropriations

UNEXPENDED BALANCES AUTHORITY

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)

8/23/2024 2:18:30PM

Agency code: **224** Agency name: **Fourth Court of Appeals District, San Antonio**

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

A.1.1 Appellate Court Operations (2022-23 GAA)	\$318,520	\$0	\$0	\$0	\$0
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A.1.1 Appellate Court Operations (2024-25 GAA)	\$0	\$(33,708)	\$33,708	\$0	\$0
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BASE ADJUSTMENT

A.1.1 Appellate Court Operations (2022-23 GAA)	\$76,251	\$0	\$0	\$0	\$0
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TOTAL, General Revenue Fund	\$3,817,964	\$4,209,932	\$4,460,426	\$4,417,118	\$4,417,118
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TOTAL, ALL GENERAL REVENUE	\$3,817,964	\$4,209,932	\$4,460,426	\$4,417,118	\$4,417,118
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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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2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
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Agency code: 224		Agency name: Fourth Court of Appeals District, San Antonio				
METHOD OF FINANCING		Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>OTHER FUNDS</u>						
	Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$213,050	\$213,050	\$0	\$0
	Regular Appropriations from MOF Table (2026-27 GAA)	\$0	\$0	\$0	\$213,050	\$213,050
TOTAL,	Judicial Fund No. 573	\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
<u>666</u>	Appropriated Receipts					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2022-23 GAA)	\$11,000	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$11,000	\$11,000	\$0	\$0
	Regular Appropriations from MOF Table (2026-27 GAA)	\$0	\$0	\$0	\$11,000	\$11,000
TOTAL,	Appropriated Receipts	\$11,000	\$11,000	\$11,000	\$11,000	\$11,000

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

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Agency code: 224		Agency name: Fourth Court of Appeals District, San Antonio				
METHOD OF FINANCING		Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>OTHER FUNDS</u>						
<u>777</u> Interagency Contracts						
<i>REGULAR APPROPRIATIONS</i>						
Regular Appropriations from MOF Table (2022-23 GAA)						
		\$42,000	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2024-25 GAA)						
		\$0	\$42,000	\$42,000	\$0	\$0
Regular Appropriations from MOF Table (2026-27 GAA)						
		\$0	\$0	\$0	\$42,000	\$42,000
TOTAL,	Interagency Contracts	\$42,000	\$42,000	\$42,000	\$42,000	\$42,000
TOTAL, ALL	OTHER FUNDS	\$266,050	\$266,050	\$266,050	\$266,050	\$266,050
GRAND TOTAL		\$4,084,014	\$4,475,982	\$4,726,476	\$4,683,168	\$4,683,168

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

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Automated Budget and Evaluation System of Texas (ABEST)

METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
Agency code: 224 Agency name: Fourth Court of Appeals District, San Antonio					
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2022-23 GAA)	33.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2024-25 GAA)	0.0	34.0	34.0	0.0	0.0
Regular Appropriations from MOF Table (2026-27 GAA)	0.0	0.0	0.0	34.0	34.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
UNAUTHORIZED NUMBER ABOVE (BELOW) CAP	(0.3)	0.0	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	32.7	34.0	34.0	34.0	34.0
NUMBER OF 100% FEDERALLY FUNDED FTEs					
	0.0	0.0	0.0	0.0	0.0

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

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224 Fourth Court of Appeals District, San Antonio

OBJECT OF EXPENSE	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1001 SALARIES AND WAGES	\$3,529,913	\$4,080,468	\$4,251,934	\$4,253,734	\$4,253,734
1002 OTHER PERSONNEL COSTS	\$332,883	\$213,722	\$309,018	\$255,190	\$252,450
2003 CONSUMABLE SUPPLIES	\$5,596	\$6,798	\$3,500	\$6,174	\$6,174
2004 UTILITIES	\$1,733	\$2,089	\$1,745	\$1,840	\$1,840
2005 TRAVEL	\$883	\$0	\$0	\$0	\$0
2006 RENT - BUILDING	\$17,394	\$17,683	\$20,873	\$21,800	\$22,672
2007 RENT - MACHINE AND OTHER	\$1,868	\$1,915	\$1,930	\$2,000	\$2,000
2009 OTHER OPERATING EXPENSE	\$157,409	\$153,307	\$137,476	\$142,430	\$144,298
5000 CAPITAL EXPENDITURES	\$36,335	\$0	\$0	\$0	\$0
OOE Total (Excluding Riders)	\$4,084,014	\$4,475,982	\$4,726,476	\$4,683,168	\$4,683,168
OOE Total (Riders)					
Grand Total	\$4,084,014	\$4,475,982	\$4,726,476	\$4,683,168	\$4,683,168

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

Date: **8/23/2024**
 Time: **2:18:30PM**

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 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: **224** Agency: **Fourth Court of Appeals District, San Antonio**

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

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
2	Postage	\$2,400	\$1,500	\$1,800	\$1,500	\$1,500
5	Westlaw/Lexis	21,154	23,487	31,185	32,432	33,729
13	Furniture & Equipment (Expensed)	41,241	4,732	4,500	4,500	4,500
15	Printing & Reproduction	2,471	165	150	100	100
21	Materials & Supplies	31	0	0	0	0
24	Freight/Delivery	101	17	110	100	100
46	Communication Services	7,586	5,903	6,474	6,474	6,475
55	Computer Furn & Equip-Controlled	1,357	6,135	0	0	0
56	Computer Equipment - Expensed	1,000	2,958	2,500	2,750	1,499
61	Purchase of Contract Services	525	450	600	600	600
64	SORM Assessment	3,110	3,802	4,100	4,100	4,500
74	Computer Software - Expensed	540	891	0	0	0
75	Maint. & Repair Computer Software	0	374	0	0	0
94	Awards	155	91	155	150	150
120	Interest Paid on Delay Payments	0	380	0	0	0
163	Pers Prop-Main & Rep (Exp)	687	1,334	600	598	650
164	Books/Reference Materials	28,136	28,518	30,167	33,990	35,360
171	Insurance Premiums	5,939	7,565	5,900	5,900	5,900
173	Parts - Computer Equip/Exp	50	176	0	0	0
183	Registration Fees	2,085	800	0	0	0
213	ERS 1% & .5%	32,577	39,756	44,819	44,819	44,819
Total, Operating Costs		\$151,145	\$129,034	\$133,060	\$138,013	\$139,882

89th Regular Session, Agency Submission, Version 1
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Agency Code: 224 Agency: Fourth Court of Appeals District, San Antonio

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

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
195	Payroll Health Insurance Contrib.	\$6,264	\$5,956	\$4,416	\$4,416	\$4,416
	Total, Operating Costs	\$6,264	\$5,956	\$4,416	\$4,416	\$4,416

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

8/23/2024 2:18:31PM

224 Fourth Court of Appeals District, San Antonio

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					
	85.10%	121.46%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	98.28%	95.72%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	99.37%	98.22%	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: 8/23/2024
 TIME : 2:18:31PM

Agency code: 224

Agency name: **Fourth Court of Appeals District, San Antonio**

Priority	Item	2026			2027			Biennium		
		GR and GR/Dedicated	All Funds	FTEs	GR and GR/Dedicated	All Funds	FTEs	GR and GR/Dedicated	All Funds	
1	COA Adjustment for Inflation	\$200,385	\$200,385	0.0	\$200,385	\$200,385	0.0	\$400,770	\$400,770	
2	Recruitment of 2 FTEs for the COA	\$381,930	\$381,930	2.0	\$352,756	\$352,756	2.0	\$734,686	\$734,686	
Total, Exceptional Items Request		\$582,315	\$582,315	2.0	\$553,141	\$553,141	2.0	\$1,135,456	\$1,135,456	
Method of Financing										
	General Revenue	\$582,315	\$582,315		\$553,141	\$553,141		\$1,135,456	\$1,135,456	
	General Revenue - Dedicated									
	Federal Funds									
	Other Funds									
		\$582,315	\$582,315		\$553,141	\$553,141		\$1,135,456	\$1,135,456	
Full Time Equivalent Positions				2.0				2.0		
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 : 8/23/2024
 TIME : 2:18:31PM

Agency code: 224 Agency name: Fourth Court of Appeals District, San Antonio

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	\$3,385,082	\$3,385,082	\$582,315	\$553,141	\$3,967,397	\$3,938,223
2 APPELLATE JUSTICE SALARIES	1,298,086	1,298,086	0	0	1,298,086	1,298,086
TOTAL, GOAL 1	\$4,683,168	\$4,683,168	\$582,315	\$553,141	\$5,265,483	\$5,236,309
TOTAL, AGENCY STRATEGY REQUEST	\$4,683,168	\$4,683,168	\$582,315	\$553,141	\$5,265,483	\$5,236,309
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$4,683,168	\$4,683,168	\$582,315	\$553,141	\$5,265,483	\$5,236,309

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

DATE : 8/23/2024
 TIME : 2:18:31PM

Agency code: 224 Agency name: Fourth Court of Appeals District, San Antonio

Goal/Objective/STRATEGY	Base 2026	Base 2027	Exceptional 2026	Exceptional 2027	Total Request 2026	Total Request 2027
General Revenue Funds:						
1 General Revenue Fund	\$4,417,118	\$4,417,118	\$582,315	\$553,141	\$4,999,433	\$4,970,259
	\$4,417,118	\$4,417,118	\$582,315	\$553,141	\$4,999,433	\$4,970,259
Other Funds:						
573 Judicial Fund	213,050	213,050	0	0	213,050	213,050
666 Appropriated Receipts	11,000	11,000	0	0	11,000	11,000
777 Interagency Contracts	42,000	42,000	0	0	42,000	42,000
	\$266,050	\$266,050	\$0	\$0	\$266,050	\$266,050
TOTAL, METHOD OF FINANCING	\$4,683,168	\$4,683,168	\$582,315	\$553,141	\$5,265,483	\$5,236,309
FULL TIME EQUIVALENT POSITIONS	34.0	34.0	2.0	2.0	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 : 8/23/2024
 Time: 2:18:32PM

Agency code: 224 Agency name: Fourth Court of Appeals District, San Antonio

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%

224 Fourth Court of Appeals District, San Antonio

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	415.00	469.00	391.00	398.00	398.00
2	Number of Criminal Cases Disposed	373.00	403.00	312.00	318.00	318.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	462.00	395.00	468.00	477.00	477.00
2	Number of Criminal Cases Filed	701.00	433.00	339.00	440.00	440.00
3	Number of Cases Transferred in	0.00	0.00	0.00	0.00	0.00
4	Number of Cases Transferred out	237.00	215.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,258,980	\$2,804,904	\$2,987,934	\$2,987,934	\$2,987,934
1002	OTHER PERSONNEL COSTS	\$323,643	\$204,482	\$287,358	\$227,320	\$224,580
2003	CONSUMABLE SUPPLIES	\$5,596	\$6,798	\$3,500	\$6,174	\$6,174
2004	UTILITIES	\$1,733	\$2,089	\$1,745	\$1,840	\$1,840
2005	TRAVEL	\$883	\$0	\$0	\$0	\$0
2006	RENT - BUILDING	\$17,394	\$17,683	\$20,873	\$21,800	\$22,672
2007	RENT - MACHINE AND OTHER	\$1,868	\$1,915	\$1,930	\$2,000	\$2,000
2009	OTHER OPERATING EXPENSE	\$151,145	\$147,351	\$133,060	\$138,014	\$139,882
5000	CAPITAL EXPENDITURES	\$36,335	\$0	\$0	\$0	\$0

224 Fourth Court of Appeals District, San Antonio

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		\$2,797,577	\$3,185,222	\$3,436,400	\$3,385,082	\$3,385,082
Method of Financing:						
1	General Revenue Fund	\$2,744,577	\$3,132,222	\$3,383,400	\$3,332,082	\$3,332,082
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,744,577	\$3,132,222	\$3,383,400	\$3,332,082	\$3,332,082
Method of Financing:						
666	Appropriated Receipts	\$11,000	\$11,000	\$11,000	\$11,000	\$11,000
777	Interagency Contracts	\$42,000	\$42,000	\$42,000	\$42,000	\$42,000
SUBTOTAL, MOF (OTHER FUNDS)		\$53,000	\$53,000	\$53,000	\$53,000	\$53,000
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$3,385,082	\$3,385,082
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,797,577	\$3,185,222	\$3,436,400	\$3,385,082	\$3,385,082
FULL TIME EQUIVALENT POSITIONS:		25.7	27.0	27.0	27.0	27.0
STRATEGY DESCRIPTION AND JUSTIFICATION:						

224 Fourth Court of Appeals District, San Antonio

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 Fourth Court of Appeals was created in 1893 by an amendment to Article 1822, 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 rendered exceed \$100, exclusive of costs and other civil proceedings as provided by law; and in criminal cases except in post-conviction writs of habeas corpus and where the death penalty has been imposed. This Court has jurisdiction in thirty-two counties.

The core function of the state courts of appeals is to provide justice for the thousands of litigants who seek review of trial court judgments that affect their lives and their businesses. The appellate courts of Texas process, review, and decide by written opinion or order appeals from criminal and civil trial courts. This requires a highly skilled and trained professional workforce, including appellate court 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:

Courts of Appeals are relatively small entities with specialized staffing requirements. The core function of the court is to process and review appeals 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 research and writing opinions. Maintaining current funding levels will allow the court to recruit and retain well qualified professional staff, which is a major factor in the court's ability to fulfill its core function of timely processing and disposing of appeals while maintaining the quality of justice to which the citizens of Texas are entitled.

224 Fourth Court of Appeals District, San Antonio

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)
\$6,621,622	\$6,770,164	\$148,542	\$148,542	The difference in General Revenue biennial totals reflects the continued funding of FY 2024 and 2025 statewide salary adjustments.
			\$148,542	Total of Explanation of Biennial Change

224 Fourth Court of Appeals District, San Antonio

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
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,270,933	\$1,275,564	\$1,264,000	\$1,265,800	\$1,265,800
1002	OTHER PERSONNEL COSTS	\$9,240	\$9,240	\$21,660	\$27,870	\$27,870
2009	OTHER OPERATING EXPENSE	\$6,264	\$5,956	\$4,416	\$4,416	\$4,416
TOTAL, OBJECT OF EXPENSE		\$1,286,437	\$1,290,760	\$1,290,076	\$1,298,086	\$1,298,086
Method of Financing:						
1	General Revenue Fund	\$1,073,387	\$1,077,710	\$1,077,026	\$1,085,036	\$1,085,036
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,073,387	\$1,077,710	\$1,077,026	\$1,085,036	\$1,085,036
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)					\$1,298,086	\$1,298,086
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,286,437	\$1,290,760	\$1,290,076	\$1,298,086	\$1,298,086
FULL TIME EQUIVALENT POSITIONS:		7.0	7.0	7.0	7.0	7.0

224 Fourth Court of Appeals District, San Antonio

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
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STRATEGY DESCRIPTION AND JUSTIFICATION:

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2024 + Bud 2025)	Baseline Request (BL 2026 + BL 2027)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$2,580,836	\$2,596,172	\$15,336	\$15,336	The Strategy A.1.2 biennial change is due to increased judicial longevity increases in 2026-27 for those justices who will complete 12 years of JRS retirement service credit.
			\$15,336	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$4,084,014	\$4,475,982	\$4,726,476	\$4,683,168	\$4,683,168
METHODS OF FINANCE (INCLUDING RIDERS):				\$4,683,168	\$4,683,168
METHODS OF FINANCE (EXCLUDING RIDERS):	\$4,084,014	\$4,475,982	\$4,726,476	\$4,683,168	\$4,683,168
FULL TIME EQUIVALENT POSITIONS:	32.7	34.0	34.0	34.0	34.0

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-40

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-40

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-40

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-41 **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 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;~~

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: **8/23/2024**
 TIME: **3:56:11PM**

Agency code: **224**

Agency name: **Fourth Court of Appeals District, San Antonio**

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2026</u>	<u>Excp 2027</u>
	Item Name: Judiciary-Wide Inflation Relief and Staff Retention		
	Item Priority: 1		
	IT Component: No		
	Anticipated Out-year Costs: Yes		
	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	185,170	185,170
1002	OTHER PERSONNEL COSTS	7,715	7,715
2009	OTHER OPERATING EXPENSE	7,500	7,500
	TOTAL, OBJECT OF EXPENSE	\$200,385	\$200,385
 METHOD OF FINANCING:			
1	General Revenue Fund	200,385	200,385
	TOTAL, METHOD OF FINANCING	\$200,385	\$200,385

DESCRIPTION / JUSTIFICATION:

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 skilled 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.

EXTERNAL/INTERNAL FACTORS:

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 Fourth 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.

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: **8/23/2024**
TIME: **3:56:11PM**

Agency code: **224**

Agency name: **Fourth Court of Appeals District, San Antonio**

CODE	DESCRIPTION	Excp 2026	Excp 2027
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DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Funding for ongoing staff salaries.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

<u>2028</u>	<u>2029</u>	<u>2030</u>
\$200,385	\$200,385	\$200,385

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

DATE: 8/23/2024
 TIME: 3:56:11PM

Agency code: 224

Agency name: **Fourth Court of Appeals District, San Antonio**

CODE	DESCRIPTION	Excp 2026	Excp 2027
	Item Name: Recruitment of Two Additional FTEs		
	Item Priority: 2		
	IT Component: No		
	Anticipated Out-year Costs: Yes		
	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	260,001	260,001
1002	OTHER PERSONNEL COSTS	82,758	82,758
2005	TRAVEL	6,000	6,000
2009	OTHER OPERATING EXPENSE	33,171	3,997
TOTAL, OBJECT OF EXPENSE		\$381,930	\$352,756
 METHOD OF FINANCING:			
1	General Revenue Fund	381,930	352,756
TOTAL, METHOD OF FINANCING		\$381,930	\$352,756
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.00	2.00

DESCRIPTION / JUSTIFICATION:

The Fourth Court is requesting funding for two additional full-time central staff attorneys. The Fourth Court encompasses 32-counties, including most of the Texas border and the Texas Hill Country. A majority of court activity stemming from judicial proceedings related to Operation Lone Star activity is contained within the Fourth Court judicial district, which has resulted in an over 20% increase in criminal appeals since 2021. The above referenced appeals include writs of habeas corpus and mandamus petitions requiring expedited review and consideration of often novel, first-impression issues, thus also causing delayed disposition of other pending appeals and a possible negative effect on performance measures. With two additional FTE staff attorneys, the court can increase its monthly disposition rate of related criminal filings by over 60%. To assist the Justices with their prompt resolution of pending matters, the Fourth Court requests two additional full-time staff attorneys to meet the court's demands, achieve more efficient performance measures and reach 100% clearance rates with timely disposition of all appeals.

EXTERNAL/INTERNAL FACTORS:

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.

As an additional consideration, at least two current senior staff attorneys are near retirement, and it is imperative that we recruit additional experienced staff attorneys to

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

DATE: **8/23/2024**
TIME: **3:56:11PM**

Agency code: **224**

Agency name: **Fourth Court of Appeals District, San Antonio**

CODE	DESCRIPTION	Excp 2026	Excp 2027
	efficiently manage the court's increasing accelerated, criminal and original proceedings dockets. PCLS TRACKING KEY:		

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Funding for ongoing staff salaries.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2028	2029	2030
\$352,756	\$352,756	\$352,756

Agency code: 224 Agency name: Fourth Court of Appeals District, San Antonio

Code	Description	Excp 2026	Excp 2027
Item Name: Judiciary-Wide Inflation Relief and Staff Retention			
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	0.00	0.00
<u>2</u>	Number of Criminal Cases Disposed	0.00	0.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	185,170	185,170
1002	OTHER PERSONNEL COSTS	7,715	7,715
2009	OTHER OPERATING EXPENSE	7,500	7,500
TOTAL, OBJECT OF EXPENSE		\$200,385	\$200,385
METHOD OF FINANCING:			
1	General Revenue Fund	200,385	200,385
TOTAL, METHOD OF FINANCING		\$200,385	\$200,385
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

Agency code: 224 Agency name: Fourth Court of Appeals District, San Antonio

Code	Description	Excp 2026	Excp 2027
Item Name: Recruitment of Two Additional FTEs			
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	79.00	79.00
<u>2</u>	Number of Criminal Cases Disposed	122.00	122.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	260,001	260,001
1002	OTHER PERSONNEL COSTS	82,758	82,758
2005	TRAVEL	6,000	6,000
2009	OTHER OPERATING EXPENSE	33,171	3,997
TOTAL, OBJECT OF EXPENSE		\$381,930	\$352,756
METHOD OF FINANCING:			
1	General Revenue Fund	381,930	352,756
TOTAL, METHOD OF FINANCING		\$381,930	\$352,756
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.0	2.0

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

DATE: 8/23/2024
TIME: 2:18:45PM

Agency Code: **224** Agency name: **Fourth Court of Appeals District, San Antonio**

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 %

OUTPUT MEASURES:

<u>1</u> Number of Civil Cases Disposed	79.00	79.00
<u>2</u> Number of Criminal Cases Disposed	122.00	122.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	445,171	445,171
1002 OTHER PERSONNEL COSTS	90,473	90,473
2005 TRAVEL	6,000	6,000
2009 OTHER OPERATING EXPENSE	40,671	11,497
Total, Objects of Expense	\$582,315	\$553,141

METHOD OF FINANCING:

1 General Revenue Fund	582,315	553,141
Total, Method of Finance	\$582,315	\$553,141

FULL-TIME EQUIVALENT POSITIONS (FTE):

	2.0	2.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Judiciary-Wide Inflation Relief and Staff Retention
 Recruitment of Two Additional FTEs

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

Date: 8/23/2024
 Time: 2:18:46PM

Agency Code: 224 Agency: Fourth Court of Appeals District, San Antonio

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		
11.2%	Heavy Construction	11.2 %	0.0%	-11.2%	\$0	\$0	11.2 %	0.0%	-11.2%	\$0	\$0	
21.1%	Building Construction	21.1 %	0.0%	-21.1%	\$0	\$0	21.1 %	0.0%	-21.1%	\$0	\$0	
32.9%	Special Trade	32.9 %	0.0%	-32.9%	\$0	\$0	32.9 %	0.0%	-32.9%	\$0	\$0	
23.7%	Professional Services	23.7 %	0.0%	-23.7%	\$0	\$0	23.7 %	0.0%	-23.7%	\$0	\$0	
26.0%	Other Services	26.0 %	0.0%	-26.0%	\$0	\$35,342	26.0 %	0.0%	-26.0%	\$0	\$36,976	
21.1%	Commodities	21.1 %	69.3%	48.2%	\$70,347	\$101,498	21.1 %	4.9%	-16.2%	\$1,007	\$20,648	
	Total Expenditures		51.4%		\$70,347	\$136,840		1.7%		\$1,007	\$57,624	

B. Assessment of Attainment of HUB Procurement Goals

Attainment:

While the court did not attain applicable statewide HUB procurement goals in FY 2023, it attained or exceeded in one of the applicable HUB procurement goals in FY 2022.

Applicability:

The "Heavy Construction", "Building Construction", "Special Trade" and "Professional Services" categories are not applicable to court operations in fiscal years 2022 and 2023.

Factors Affecting Attainment:

In both fiscal years 2022 and 2023 the goal of the "Other Services" was not met since the main expense of that category was for publications that are only available from sole source vendors. The restriction limits the court in contracting with non-HUB vendors.

C. Good-Faith Efforts to Increase HUB Participation

Outreach Efforts and Mentor-Protégé Programs:

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: **8/23/2024**

Time: **2:18:46PM**

Agency Code: **224** Agency: **Fourth Court of Appeals District, San Antonio**

Current and Future Good-Faith Efforts:

The agency made the following good-faith efforts to comply with statewide HUB procurement goals by the TAC, Title 34, Section 20.13(d):

- ensured that contract specifications, terms and conditions reflected the agency's actual requirements, were clearly stated, and did not impose unreasonable or unnecessary contract requirements.
- provided potential bidders with a list of certified HUBs for subcontracting, and
- prepared and distributed information procurement procedures in a manner that encouraged participation in agency contracts by all businesses.

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

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2026-27 GAA BILL PATTERN	\$	889,584
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<u>Fund Name</u>		
Estimated Beginning Balance in FY 2024	\$	249,046
Estimated Revenues FY 2024	\$	277,243
Estimated Revenues FY 2025	\$	277,243
FY 2024-25 Total	\$	803,532
Estimated Beginning Balance in FY 2026	\$	335,098
Estimated Revenues FY 2026	\$	277,243
Estimated Revenues FY 2027	\$	277,243
FY 2026-27 Total	\$	889,584
Constitutional or Statutory Creation and Use of Funds:		
<p>Section 22.2051 of the Texas Government Code provides that the commissioners court of each county in the Fourth Court of Appeals District, by order entered in its minutes, shall establish an appellate judicial system to (1) assist the court of appeals for the county in the processing of appeals filed with the court of appeals from the county courts, county courts at law, probate courts, and district courts; and (2) defray costs and expenses incurred by the county under Section 22.205. The commissioners court shall fund the system by setting a court costs fee of not more than \$5 for each civil suit filed in county court, county court at law, probate court, or district court in the county. The fund may not be used for any other purpose.</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.</p>		

Capital Expenditure Detail

Agency Code:	Court/Agency:	Strategy:			Prepared by:		Date:	Strategy:
224	Fourth Court of Appeals	Appellate Court Operations			Letty R. White		08/16/2024	A.1.1
Itemization by Capital Expenditure Category		Number of Units	Unit Cost	Expended 2023	Estimated 2024	Budgeted 2025	Requested 2026	Requested 2027
Category	Description of Items							
5000	Fujitsu Desktop Scanner	1	\$10,011	10,011				
	Canon Copier Adv DX 6870i	1	\$11,999	11,999				
	Canon Copier Adv DX 8986i	1	\$14,325	14,325				
	TOTAL		\$36,336	\$36,335	\$0			
GRAND TOTAL: CAPITAL EXPENDITURES								