

Legislative Appropriations Request

For Fiscal Years 2024 and 2025

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

by

First Court of Appeals

August 5, 2022

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221 First Court of Appeals District, Houston

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

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

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

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

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

Since 1983, the work of the intermediate courts of appeals has been accomplished by 80 justices statewide. In that time, the population of Texas has nearly doubled. A key component to handling the ever-increasing workload without additional justices has been the employment of a highly skilled and trained professional workforce, including appellate lawyers and clerical staff, who assist the justices in processing complex cases, researching and drafting orders and opinions, disposing of voluminous motions, and managing accelerated and emergency matters. Appellate work requires specialized knowledge and significant experience, and the courts constantly face competition from higher-paying private practice and government legal jobs for skilled attorneys and staff. Specialized technological skills are also necessary to understand and operate the complex case management system currently used by the courts. Transitioning to a new case management system in the next biennium will also require special skills. Hiring and retaining qualified support staff is critical to the courts' ability to manage their dockets and efficiently resolve the cases before them.

Funding for all fourteen courts of appeals comprises merely 0.035% of the State budget as a whole. Yet, on average, 96.5% of each appellate court's budget is dedicated to salaries and benefits. Without additional funding, appellate courts will be unable to attract and retain the highly trained and skilled support staff with the specialized

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knowledge and relevant experience critical to the courts' function. Without sufficient qualified staff, courts cannot comply with Legislative mandates to give accelerated and preferential treatment to certain appeals, such as parental-termination and juvenile-certification appeals under the Family Code, mental-health appeals under the Health and Safety Code, and interlocutory appeals under the Civil Practice and Remedies Code.

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

EXCEPTIONAL ITEM #1: INCREASE THE GENERAL REVENUE LIMIT TO MEET THE UPDATED BUDGET MODEL

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

EXCEPTIONAL ITEM #2: JUDICIARY-WIDE INFLATION RELIEF

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

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

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

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

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

RIDER REQUESTS:

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

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

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

ADDITIONAL STATEMENTS OF SUPPORT:

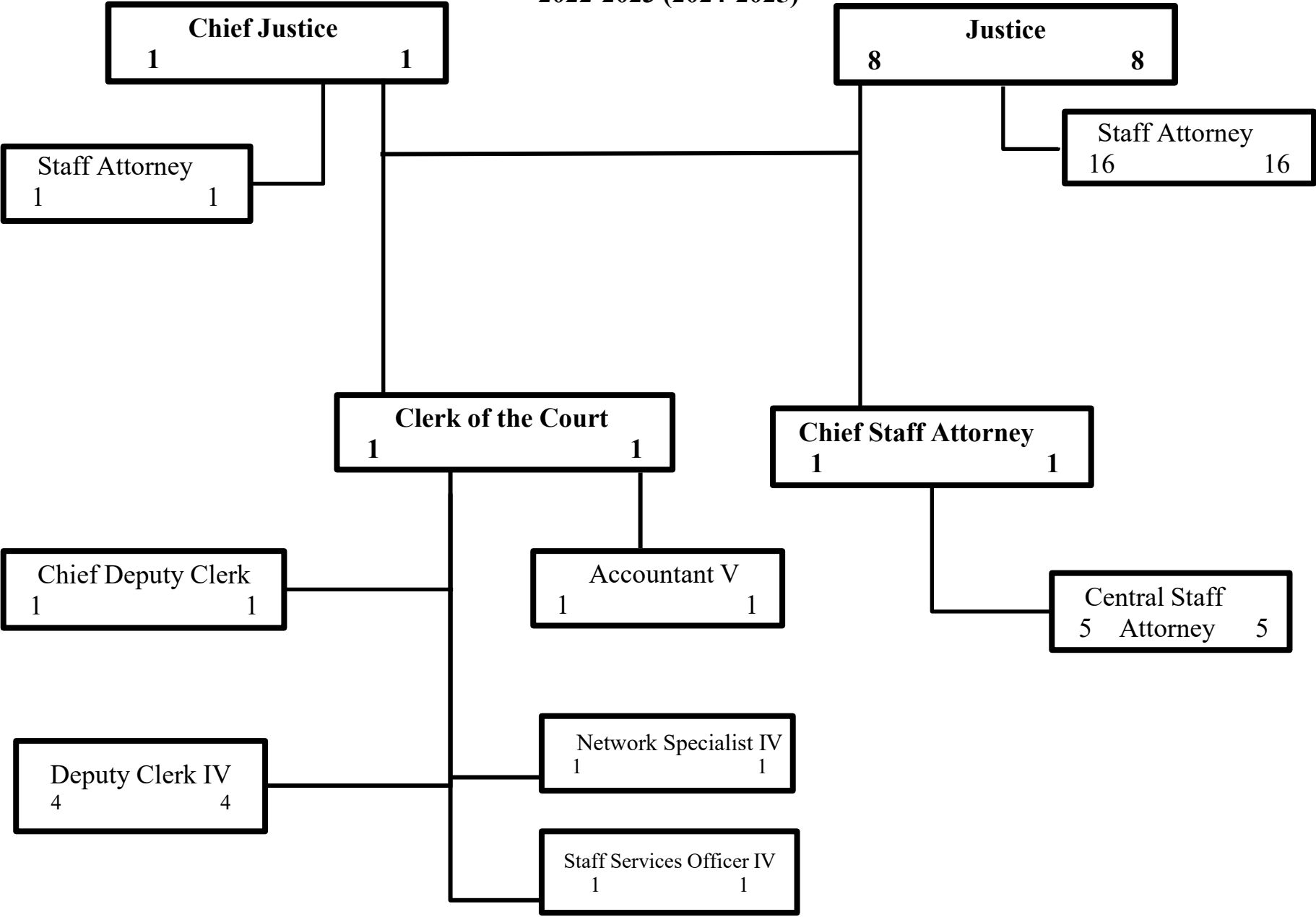
In order for the courts of appeals to function efficiently, it is vital that the Office of Court Administration (OCA) be adequately funded. The courts of appeals rely on many of the services provided by OCA and, therefore, the courts of appeals fully support the exceptional items the OCA requests as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

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

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

Note: on Appropriated Receipts – At the direction of the LBB & Governor's Office, this Court has included appropriated receipts in the amount of \$21,237 reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the Court and do not constitute additional funds available for general expenditures for the Court. The amount can vary significantly from year to year

**Organizational Chart
First Court of Appeals
2022-2023 (2024-2025)**





CERTIFICATE

Agency Name First Court of Appeals

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

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

Chief Executive Office or Presiding Judge

Sherry Radack
Signature

Sherry Radack
Printed Name

Chief Justice
Title

August 5, 2022
Date

Board or Commission Chair

Signature

Printed Name

Title

Date

Chief Financial Officer

[Signature]
Signature

Christopher A. Prine
Printed Name

Clerk of the Court
Title

August 5, 2022
Date

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

221 First Court of Appeals District, Houston
Appropriation Years: 2024-25

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS
	2022-23	2024-25	2022-23	2024-25	2022-23	2024-25	2022-23	2024-25	2022-23	2024-25	2024-25
	Goal: 1. Appellate Court Operations										
1.1.1. Appellate Court Operations	6,501,755	6,501,754					121,937	109,400	6,623,692	6,611,154	2,137,780
1.1.2. Appellate Justice Salaries	2,502,293	2,502,294					546,700	546,700	3,048,993	3,048,994	24,020
Total, Goal	9,004,048	9,004,048					668,637	656,100	9,672,685	9,660,148	2,161,800
Total, Agency	9,004,048	9,004,048					668,637	656,100	9,672,685	9,660,148	2,161,800
Total FTEs									44.0	44.0	0.0

2.A. Summary of Base Request by Strategy

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221 First Court of Appeals District, Houston

Goal / Objective / STRATEGY	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
1 Appellate Court Operations					
1 Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	3,373,128	3,318,114	3,305,578	3,305,577	3,305,577
2 APPELLATE JUSTICE SALARIES	1,464,768	1,472,956	1,576,037	1,524,497	1,524,497
TOTAL, GOAL 1	\$4,837,896	\$4,791,070	\$4,881,615	\$4,830,074	\$4,830,074
TOTAL, AGENCY STRATEGY REQUEST	\$4,837,896	\$4,791,070	\$4,881,615	\$4,830,074	\$4,830,074
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$4,837,896	\$4,791,070	\$4,881,615	\$4,830,074	\$4,830,074

2.A. Summary of Base Request by Strategy

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221 First Court of Appeals District, Houston

Goal / Objective / STRATEGY	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	4,497,638	4,450,483	4,553,565	4,502,024	4,502,024
SUBTOTAL	\$4,497,638	\$4,450,483	\$4,553,565	\$4,502,024	\$4,502,024
Other Funds:					
573 Judicial Fund	273,350	273,350	273,350	273,350	273,350
666 Appropriated Receipts	20,977	21,237	8,700	8,700	8,700
777 Interagency Contracts	45,931	46,000	46,000	46,000	46,000
SUBTOTAL	\$340,258	\$340,587	\$328,050	\$328,050	\$328,050
TOTAL, METHOD OF FINANCING	\$4,837,896	\$4,791,070	\$4,881,615	\$4,830,074	\$4,830,074

*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)

Agency code: 221

Agency name: First Court of Appeals District, Houston

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
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GENERAL REVENUE

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2020-21 GAA)

\$4,380,427	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2022-23 GAA)

\$0	\$4,450,483	\$4,502,231	\$0	\$0
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Regular Appropriations from MOF Table (2022-23 GAA)

\$0	\$0	\$51,334	\$0	\$0
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Comments: Additional Appropriation needed due to actual expenditures for Judicial Salaries

Regular Appropriations from MOF Table

\$0	\$0	\$0	\$4,502,024	\$4,502,024
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Comments: 2024-2025 BL Request

RIDER APPROPRIATION

Article IX, Section 18.25 Contingency for HB2384

\$1,251,320	\$0	\$0	\$0	\$0
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2.B. Summary of Base Request by Method of Finance
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Agency code: 221	Agency name: First Court of Appeals District, Houston					
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>GENERAL REVENUE</u>						
Comments: Add New Strategy A.1.2, Appellate Justice Salaries						
Article IX, Section Contingency for HB 2384						
		\$(1,129,549)	\$0	\$0	\$0	\$0
Comments: Reduce Strategies A.1.1, Appellate Court Operations						
<i>LAPSED APPROPRIATIONS</i>						
Strategy A.1.1 Appellate Judge Salaries (2020-21 GAA)						
		\$(59,902)	\$0	\$0	\$0	\$0
Comments: Reduction in Judicial Tenure						
<i>UNEXPENDED BALANCES AUTHORITY</i>						
Strategy A.1.1, Appellate Court Operations (2020-21 GAA)						
		\$55,342	\$0	\$0	\$0	\$0
TOTAL, General Revenue Fund		\$4,497,638	\$4,450,483	\$4,553,565	\$4,502,024	\$4,502,024
TOTAL, ALL GENERAL REVENUE		\$4,497,638	\$4,450,483	\$4,553,565	\$4,502,024	\$4,502,024

OTHER FUNDS

573 Judicial Fund No. 573

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

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Agency code: 221		Agency name: First Court of Appeals District, Houston				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>OTHER FUNDS</u>						
<i>REGULAR APPROPRIATIONS</i>						
	Regular Appropriations from MOF Table (2020-21 GAA)	\$273,350	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2022-23 GAA)	\$0	\$273,350	\$273,350	\$0	\$0
	Regular Appropriations from MOF Table	\$0	\$0	\$0	\$273,350	\$273,350
	Comments: 2024-2025 BL Request					
TOTAL,	Judicial Fund No. 573	\$273,350	\$273,350	\$273,350	\$273,350	\$273,350
<u>666</u>	Appropriated Receipts					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2020-21 GAA)	\$8,700	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2020-21 GAA)	\$0	\$8,700	\$8,700	\$0	\$0

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

8/3/2022 8:03:24AM

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

METHOD OF FINANCING	Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>OTHER FUNDS</u>					
Regular Appropriations from MOF Table	\$0	\$0	\$0	\$8,700	\$8,700
Comments: 2024-2025 BL Request					
<i>RIDER APPROPRIATION</i>					
Art IX, Sec 8.02, Reimbursements and Payments (2020-21 GAA)	\$12,187	\$0	\$0	\$0	\$0
Art IX, Sec 8.02, Reimbursements and Payments (2020-21 GAA)	\$90	\$0	\$0	\$0	\$0
Art IX, Sec 8.02, Reimbursements and Payments (2022-23 GAA)	\$0	\$12,537	\$0	\$0	\$0
TOTAL, Appropriated Receipts	\$20,977	\$21,237	\$8,700	\$8,700	\$8,700

777 Interagency Contracts
REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2020-21 GAA)

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

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Agency code: 221		Agency name: First Court of Appeals District, Houston				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
<u>OTHER FUNDS</u>						
		\$42,500	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2020-21 GAA)	\$0	\$45,700	\$45,700	\$0	\$0
	Regular Appropriations from MOF Table	\$0	\$0	\$0	\$42,500	\$42,500
	Comments: 2024-2025 BL Request					
<i>RIDER APPROPRIATION</i>						
	Art IX, Sec 8.02, Reimbursements and Payments (2020-21 GAA)	\$3,431	\$0	\$0	\$0	\$0
	Art IX, Sec 8.02, Reimbursements and Payments (2022-23 GAA)	\$0	\$300	\$300	\$0	\$0
	Art IX, Sec 8.02, Reimbursements and Payments	\$0	\$0	\$0	\$3,500	\$3,500
TOTAL,	Interagency Contracts	\$45,931	\$46,000	\$46,000	\$46,000	\$46,000

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

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88th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 221		Agency name: First Court of Appeals District, Houston				
METHOD OF FINANCING		Exp 2021	Est 2022	Bud 2023	Req 2024	Req 2025
TOTAL, ALL OTHER FUNDS		\$340,258	\$340,587	\$328,050	\$328,050	\$328,050
GRAND TOTAL		\$4,837,896	\$4,791,070	\$4,881,615	\$4,830,074	\$4,830,074
FULL-TIME-EQUIVALENT POSITIONS						
REGULAR APPROPRIATIONS						
Regular Appropriations from MOF Table (2020-21 GAA)		44.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2022-23 GAA)		0.0	44.0	44.0	0.0	0.0
Regular Appropriations from MOF Table Comments: 2024-2025 BL Request		0.0	0.0	0.0	44.0	44.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP						
Unauthorized Number Over (Below) Cap		(6.5)	(6.1)	0.0	0.0	0.0
TOTAL, ADJUSTED FTES		37.5	37.9	44.0	44.0	44.0
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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Automated Budget and Evaluation System of Texas (ABEST)

221 First Court of Appeals District, Houston

OBJECT OF EXPENSE	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
1001 SALARIES AND WAGES	\$4,159,840	\$4,206,257	\$4,315,146	\$4,255,396	\$4,255,396
1002 OTHER PERSONNEL COSTS	\$297,898	\$222,287	\$207,881	\$208,200	\$208,200
2001 PROFESSIONAL FEES AND SERVICES	\$192,456	\$180,613	\$153,489	\$150,000	\$150,000
2003 CONSUMABLE SUPPLIES	\$3,085	\$52	\$1,200	\$1,200	\$1,200
2004 UTILITIES	\$3,284	\$877	\$3,300	\$3,300	\$3,300
2005 TRAVEL	\$0	\$887	\$500	\$500	\$500
2006 RENT - BUILDING	\$39,960	\$39,960	\$39,960	\$39,960	\$39,960
2007 RENT - MACHINE AND OTHER	\$209	\$840	\$840	\$840	\$840
2009 OTHER OPERATING EXPENSE	\$141,164	\$139,297	\$159,299	\$170,678	\$170,678
OOE Total (Excluding Riders)	\$4,837,896	\$4,791,070	\$4,881,615	\$4,830,074	\$4,830,074
OOE Total (Riders)					
Grand Total	\$4,837,896	\$4,791,070	\$4,881,615	\$4,830,074	\$4,830,074

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

Date: 8/3/2022
Time: 8:03:25AM

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Automated Budget and Evaluation System of Texas (ABEST)

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

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

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
2	Postage	\$5,000	\$0	\$5,000	\$5,000	\$5,000
6	Registrations/Training	600	0	2,517	2,517	2,517
7	Subscriptions/Periodicals	10,087	14,846	18,528	18,528	18,528
12	Maintenance & Repair - Equipment	10,862	12,145	1,850	10,829	10,829
13	Furniture & Equipment (Expensed)	0	75	3,692	3,692	3,692
15	Printing & Reproduction	0	0	0	0	0
24	Freight/Delivery	99	49	500	500	500
26	Books (expensed)	39,528	41,738	46,680	46,680	46,680
27	Membership Dues	15,480	14,673	15,937	15,937	15,937
28	Liability Insurance	6,598	8,475	6,250	6,250	6,250
35	Computer Equip./Software, Non-cap	3,665	1,500	0	0	0
38	Computer Parts and Supplies	0	0	0	0	0
39	Computer Equipment - Non Capital	5,384	0	0	0	0
45	Telephone/Communication Services	0	2,400	0	2,400	2,400
64	SORM Assessment	3,953	3,674	4,600	4,600	4,600
94	Awards	631	114	500	500	500
118	Temporary Employment Services	0	0	0	0	0
195	Payroll Health Insurance Contrib.	13,110	13,270	13,686	13,686	13,686
213	ERS 1% & .5%	26,167	26,338	39,259	39,259	39,259
	Total, Operating Costs	\$141,164	\$139,297	\$158,999	\$170,378	\$170,378

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

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221 First Court of Appeals District, Houston

Goal/ Objective / Outcome	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate					
	115.20%	95.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	96.30%	97.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	98.80%	97.00%	100.00%	100.00%	100.00%

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

DATE: 8/3/2022
 TIME : 8:03:25AM

Agency code: 221

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

Priority	Item	2024			2025			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Updated COA Budget Model	\$721,826	\$721,826		\$721,826	\$721,826		\$1,443,652	\$1,443,652
2	Judiciary-Wide inflation relief	\$347,064	\$347,064		\$347,064	\$347,064		\$694,128	\$694,128
3	Judicial Tenure Increase	\$0	\$0		\$24,020	\$24,020		\$24,020	\$24,020
Total, Exceptional Items Request		\$1,068,890	\$1,068,890		\$1,092,910	\$1,092,910		\$2,161,800	\$2,161,800

Method of Financing

General Revenue	\$1,068,890	\$1,068,890		\$1,092,910	\$1,092,910		\$2,161,800	\$2,161,800
General Revenue - Dedicated								
Federal Funds								
Other Funds								
	\$1,068,890	\$1,068,890		\$1,092,910	\$1,092,910		\$2,161,800	\$2,161,800

Full Time Equivalent Positions

Number of 100% Federally Funded FTEs **0.0** **0.0**

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

DATE : 8/3/2022
 TIME : 8:03:25AM

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

Goal/Objective/STRATEGY	Base 2024	Base 2025	Exceptional 2024	Exceptional 2025	Total Request 2024	Total Request 2025
1 Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$3,305,577	\$3,305,577	\$1,068,890	\$1,068,890	\$4,374,467	\$4,374,467
2 APPELLATE JUSTICE SALARIES	1,524,497	1,524,497	0	24,020	1,524,497	1,548,517
TOTAL, GOAL 1	\$4,830,074	\$4,830,074	\$1,068,890	\$1,092,910	\$5,898,964	\$5,922,984
TOTAL, AGENCY STRATEGY REQUEST	\$4,830,074	\$4,830,074	\$1,068,890	\$1,092,910	\$5,898,964	\$5,922,984
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$4,830,074	\$4,830,074	\$1,068,890	\$1,092,910	\$5,898,964	\$5,922,984

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

DATE : 8/3/2022
 TIME : 8:03:25AM

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

Goal/Objective/STRATEGY	Base 2024	Base 2025	Exceptional 2024	Exceptional 2025	Total Request 2024	Total Request 2025
General Revenue Funds:						
1 General Revenue Fund	\$4,502,024	\$4,502,024	\$1,068,890	\$1,092,910	\$5,570,914	\$5,594,934
	\$4,502,024	\$4,502,024	\$1,068,890	\$1,092,910	\$5,570,914	\$5,594,934
Other Funds:						
573 Judicial Fund	273,350	273,350	0	0	273,350	273,350
666 Appropriated Receipts	8,700	8,700	0	0	8,700	8,700
777 Interagency Contracts	46,000	46,000	0	0	46,000	46,000
	\$328,050	\$328,050	\$0	\$0	\$328,050	\$328,050
TOTAL, METHOD OF FINANCING	\$4,830,074	\$4,830,074	\$1,068,890	\$1,092,910	\$5,898,964	\$5,922,984
FULL TIME EQUIVALENT POSITIONS	44.0	44.0	0.0	0.0	44.0	44.0

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

Date : 8/3/2022
 Time: 8:03:26AM

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

Goal/ Objective / Outcome

	BL 2024	BL 2025	Excp 2024	Excp 2025	Total Request 2024	Total Request 2025
1 Appellate Court Operations						
1 Appellate Court Operations						
KEY 1 Clearance Rate						
	100.00%	100.00%	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%

221 First Court of Appeals District, Houston

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

Service Categories:

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

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
Output Measures:						
1	Number of Civil Cases Disposed	579.00	580.00	671.00	772.00	849.00
2	Number of Criminal Cases Disposed	292.00	290.00	370.00	386.00	425.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	538.00	566.00	707.00	813.00	894.00
2	Number of Criminal Cases Filed	171.00	321.00	354.00	402.00	448.00
3	Number of Cases Transferred in	11.00	22.00	0.00	0.00	0.00
4	Number of Cases Transferred out	44.00	0.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,719,507	\$2,755,349	\$2,763,240	\$2,755,349	\$2,755,349
1002	OTHER PERSONNEL COSTS	\$273,463	\$200,239	\$183,750	\$183,750	\$183,750
2001	PROFESSIONAL FEES AND SERVICES	\$192,456	\$180,613	\$153,489	\$150,000	\$150,000
2003	CONSUMABLE SUPPLIES	\$3,085	\$52	\$1,200	\$1,200	\$1,200
2004	UTILITIES	\$3,284	\$877	\$3,300	\$3,300	\$3,300
2005	TRAVEL	\$0	\$887	\$500	\$500	\$500
2006	RENT - BUILDING	\$39,960	\$39,960	\$39,960	\$39,960	\$39,960
2007	RENT - MACHINE AND OTHER	\$209	\$840	\$840	\$840	\$840
2009	OTHER OPERATING EXPENSE	\$141,164	\$139,297	\$159,299	\$170,678	\$170,678

221 First Court of Appeals District, Houston

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

Service Categories:

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

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
TOTAL, OBJECT OF EXPENSE		\$3,373,128	\$3,318,114	\$3,305,578	\$3,305,577	\$3,305,577
Method of Financing:						
1	General Revenue Fund	\$3,306,220	\$3,250,877	\$3,250,878	\$3,250,877	\$3,250,877
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$3,306,220	\$3,250,877	\$3,250,878	\$3,250,877	\$3,250,877
Method of Financing:						
666	Appropriated Receipts	\$20,977	\$21,237	\$8,700	\$8,700	\$8,700
777	Interagency Contracts	\$45,931	\$46,000	\$46,000	\$46,000	\$46,000
SUBTOTAL, MOF (OTHER FUNDS)		\$66,908	\$67,237	\$54,700	\$54,700	\$54,700
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$3,305,577	\$3,305,577
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$3,373,128	\$3,318,114	\$3,305,578	\$3,305,577	\$3,305,577
FULL TIME EQUIVALENT POSITIONS:		28.5	28.9	35.0	35.0	35.0
STRATEGY DESCRIPTION AND JUSTIFICATION:						

221 First Court of Appeals District, Houston

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

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
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The First Court of Appeals was created in 1891 by an amendment to Article 1817, V.T.C.S., pursuant to authority granted by Article V Section 1, Texas Constitution. This Court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts in civil cases where judgments exceed \$100, exclusive of costs, and other civil proceedings as provided by law; and in criminal cases, except post-conviction writs of habeas corpus, and where the death penalty has been imposed. This Court has jurisdiction over 10 counties.

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

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

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

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2022 + Bud 2023)	Baseline Request (BL 2024 + BL 2025)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$6,623,692	\$6,611,154	\$(12,538)	\$(12,538)	Reimbursements and payments collected versus committed
			\$(12,538)	Total of Explanation of Biennial Change

221 First Court of Appeals District, Houston

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations Service Categories:
 STRATEGY: 2 Appellate Justice Salaries. Estimated and Nontransferable Service: NA Income: NA Age: NA

CODE	DESCRIPTION	Exp 2021	Est 2022	Bud 2023	BL 2024	BL 2025
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,440,333	\$1,450,908	\$1,551,906	\$1,500,047	\$1,500,047
1002	OTHER PERSONNEL COSTS	\$24,435	\$22,048	\$24,131	\$24,450	\$24,450
TOTAL, OBJECT OF EXPENSE		\$1,464,768	\$1,472,956	\$1,576,037	\$1,524,497	\$1,524,497
Method of Financing:						
1	General Revenue Fund	\$1,191,418	\$1,199,606	\$1,302,687	\$1,251,147	\$1,251,147
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,191,418	\$1,199,606	\$1,302,687	\$1,251,147	\$1,251,147
Method of Financing:						
573	Judicial Fund	\$273,350	\$273,350	\$273,350	\$273,350	\$273,350
SUBTOTAL, MOF (OTHER FUNDS)		\$273,350	\$273,350	\$273,350	\$273,350	\$273,350
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,524,497	\$1,524,497
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,464,768	\$1,472,956	\$1,576,037	\$1,524,497	\$1,524,497
FULL TIME EQUIVALENT POSITIONS:		9.0	9.0	9.0	9.0	9.0

221 First Court of Appeals District, Houston

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations Service Categories:
 STRATEGY: 2 Appellate Justice Salaries. Estimated and Nontransferable Service: NA Income: NA Age: NA

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

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

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

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

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2022 + Bud 2023)	Baseline Request (BL 2024 + BL 2025)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$3,048,993	\$3,048,994	\$1	\$1	judicial salary tenure-based compensation
			\$1	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$4,837,896	\$4,791,070	\$4,881,615	\$4,830,074	\$4,830,074
METHODS OF FINANCE (INCLUDING RIDERS):				\$4,830,074	\$4,830,074
METHODS OF FINANCE (EXCLUDING RIDERS):	\$4,837,896	\$4,791,070	\$4,881,615	\$4,830,074	\$4,830,074
FULL TIME EQUIVALENT POSITIONS:	37.5	37.9	44.0	44.0	44.0

3.B. Rider Revisions and Additions Request

Agency Code: 221	Agency Name: First Court of Appeals, District, Houston	Prepared By: Chris Prine/Esthefania Rodriguez	Date:	Request Level: Baseline
Current Rider Number	Page Number in 2022-2023 GAA	Proposed Rider Language		

5

IV-38

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

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

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

DATE: **8/3/2022**
 TIME: **8:03:30AM**

Agency code: **221**

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

CODE	DESCRIPTION	Excp 2024	Excp 2025
	<p>Item Name: Increase the general revenue limit to meet the updated budget model (similar funding for same-sized courts)</p> <p>Item Priority: 1</p> <p>IT Component: No</p> <p>Anticipated Out-year Costs: No</p> <p>Involve Contracts > \$50,000: No</p> <p>Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations</p>		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	649,643	649,643
2009	OTHER OPERATING EXPENSE	72,183	72,183
TOTAL, OBJECT OF EXPENSE		\$721,826	\$721,826
METHOD OF FINANCING:			
1	General Revenue Fund	721,826	721,826
TOTAL, METHOD OF FINANCING		\$721,826	\$721,826

DESCRIPTION / JUSTIFICATION:

The updated budget model reflects increased funding to permit the courts to attract and retain experienced lawyers and support staff with the requisite knowledge and skills to assist the courts in meeting their performance measures and fulfilling their core function of timely processing and disposing of appeals. Without an increase in funding, appellate courts will lose talented personnel to higher-paying private jobs. This loss of key personnel will detrimentally effect performance standards, including (1) a reduction in overall dispositions of appeals, preventing the courts from clearing older cases and reaching the disposition target of 100% of new appeals filed in the biennium, and (2) an increase in the time from filing until disposition for those appeals which remain pending. Any unnecessary delay will be particularly devastating to the State by creating significant adverse consequences for the businesses, families, and children in Texas that are awaiting justice through the resolution of their disputes. Note, also, that the budget model is updated as of 2020 and does not include an adjustment for the impact of inflation.

EXTERNAL/INTERNAL FACTORS:

Courts of Appeals are relatively small entities with specialized staffing requirements. The core function of the courts is to process and review appeals and original proceedings from civil and criminal trial courts. This requires a highly skilled and trained professional workforce of appellate court lawyers who assist the judges of the court in disposing of cases and researching and writing opinions.

Prior to this LAR, the budget model had not been completely updated since 2005. Operating at this funding level has prevented the courts of appeals from increasing salaries to a level that will help the courts attract and retain the most qualified attorneys and staff. In FY 2021, the Judiciary had the third highest turnover rate in the state by General Appropriations Act Article at 14.5 percent. Loss of key personnel will effect performance standards thus preventing the courts from reaching the disposition target of 100% of

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

DATE: **8/3/2022**
TIME: **8:03:30AM**

Agency code: **221**

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

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2024</u>	<u>Excp 2025</u>
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new appeals filed in the biennium. It will further result in an increase in the time from filing until disposition for remaining appeals.

This exceptional item would allow the court to operate at historical performance measure levels while maintaining the highest quality of legal analysis. The citizens of Texas deserve no less.

PCLS TRACKING KEY:

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

DATE: **8/3/2022**
 TIME: **8:03:30AM**

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

CODE	DESCRIPTION	Excp 2024	Excp 2025
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Item Name: Joint request for Article IV, Judiciary-wide inflation relief
Item Priority: 2
IT Component: No
Anticipated Out-year Costs: No
Involve Contracts > \$50,000: No
Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations

OBJECTS OF EXPENSE:

1001	SALARIES AND WAGES	347,064	347,064
TOTAL, OBJECT OF EXPENSE		\$347,064	\$347,064

METHOD OF FINANCING:

1	General Revenue Fund	347,064	347,064
TOTAL, METHOD OF FINANCING		\$347,064	\$347,064

DESCRIPTION / JUSTIFICATION:

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

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

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

EXTERNAL/INTERNAL FACTORS:

Inflation is diminishing the buying power of attorneys and staff. Many are struggling to pay mortgages, rent and other items necessary for their livelihood. A ten percent (10%) increase on the budget model salaries is sought to offset the current impact of inflation, diminish the effect of future inflation, and to permit the courts of appeals to pay attorneys and staff competitive salaries that will help them in the event of a recession.

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

DATE: **8/3/2022**
TIME: **8:03:30AM**

Agency code: **221**

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

CODE	DESCRIPTION	Excp 2024	Excp 2025
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This exceptional item would allow the court to operate at historical performance measure levels while maintaining the highest quality of legal analysis. The citizens of Texas deserve no less.

PCLS TRACKING KEY:

Agency code: **221**

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

CODE	DESCRIPTION	Excp 2024	Excp 2025
	Item Name: JUDICIAL PAY INCREASE DUE TO CHANGE IN TENURE (as provided by Texas Government Code section 659.012) Item Priority: 3 IT Component: No Anticipated Out-year Costs: No Involve Contracts > \$50,000: No Includes Funding for the Following Strategy or Strategies: 01-01-02 Appellate Justice Salaries. Estimated and Nontransferable		

OBJECTS OF EXPENSE:

1001	SALARIES AND WAGES	0	24,020
TOTAL, OBJECT OF EXPENSE		\$0	\$24,020

METHOD OF FINANCING:

1	General Revenue Fund	0	24,020
TOTAL, METHOD OF FINANCING		\$0	\$24,020

DESCRIPTION / JUSTIFICATION:

This exceptional item would increase the calculated amount on the estimated and nontransferable funds allocated to Strategy A.1.2. This is based on the court's General Revenue funding that is dedicated to Strategy A.1.2. (judicial salaries). The requested amount is calculated on the estimated and nontransferable funds allocated to Strategy A.1.2. The calculated amount on judicial salaries amounts to an estimated \$130,661 per month for Fiscal Year 2025, the court would be at a deficit once all judicial salaries increase.

If the increase in judicial salaries is not augmented, the court will have to reduce staffing. This is crucial because 96.5 % of the court's budget is dedicated to staffing, leaving very little discretionary funds to achieve any reductions. Any reduction in staffing will result in failure to meet performance standards, including (1) a reduction in dispositions of appeals, preventing the courts from clearing older cases and reaching the disposition target of 100% of new appeals filed in the biennium, and (2) an increase in the time for which appeals remain pending.

EXTERNAL/INTERNAL FACTORS:

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

PCLS TRACKING KEY:

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

DATE: **8/3/2022**
TIME: **8:03:30AM**

Agency code: **221**

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

CODE	DESCRIPTION	Excp 2024	Excp 2025
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4.B. Exceptional Items Strategy Allocation Schedule
 88th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/3/2022**
 TIME: **8:03:30AM**

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

Code	Description	Excp 2024	Excp 2025
Item Name:			
	Increase the general revenue limit to meet the updated budget model (similar funding for same-sized courts)		
Allocation to Strategy:			
	1-1-1 Appellate Court Operations		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	649,643	649,643
2009	OTHER OPERATING EXPENSE	72,183	72,183
TOTAL, OBJECT OF EXPENSE		\$721,826	\$721,826
METHOD OF FINANCING:			
1	General Revenue Fund	721,826	721,826
TOTAL, METHOD OF FINANCING		\$721,826	\$721,826

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

DATE: 8/3/2022
 TIME: 8:03:30AM

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

Code	Description	Excp 2024	Excp 2025
Item Name: Joint request for Article IV, Judiciary-wide inflation relief			
Allocation to Strategy: 1-1-1 Appellate Court Operations			
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	347,064	347,064
TOTAL, OBJECT OF EXPENSE		\$347,064	\$347,064
METHOD OF FINANCING:			
1	General Revenue Fund	347,064	347,064
TOTAL, METHOD OF FINANCING		\$347,064	\$347,064

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

Code	Description	Excp 2024	Excp 2025
Item Name: JUDICIAL PAY INCREASE DUE TO CHANGE IN TENURE (as provided by Texas Government Code section 659.012)			
Allocation to Strategy: 1-1-2 Appellate Justice Salaries. Estimated and Nontransferable			
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	0	24,020
TOTAL, OBJECT OF EXPENSE		\$0	\$24,020
METHOD OF FINANCING:			
1	General Revenue Fund	0	24,020
TOTAL, METHOD OF FINANCING		\$0	\$24,020

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

DATE: 8/3/2022
TIME: 8:03:30AM

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

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

Service Categories:

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

CODE DESCRIPTION	Exp 2024	Exp 2025
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STRATEGY IMPACT ON OUTCOME MEASURES:

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

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	996,707	996,707
2009 OTHER OPERATING EXPENSE	72,183	72,183
Total, Objects of Expense	\$1,068,890	\$1,068,890

METHOD OF FINANCING:

1 General Revenue Fund	1,068,890	1,068,890
Total, Method of Finance	\$1,068,890	\$1,068,890

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

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

Joint request for Article IV, Judiciary-wide inflation relief

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

DATE: 8/3/2022
TIME: 8:03:30AM

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

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 2024	Exp 2025
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OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	0	24,020
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Total, Objects of Expense	\$0	\$24,020
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METHOD OF FINANCING:

1 General Revenue Fund	0	24,020
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Total, Method of Finance	\$0	\$24,020
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

JUDICIAL PAY INCREASE DUE TO CHANGE IN TENURE (as provided by Texas Government Code section 659.012)

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

Date: 8/3/2022
 Time: 8:03:31AM

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

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year - HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2020			Total Expenditures FY 2020			HUB Expenditures FY 2021			Total Expenditures FY 2021	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	FY 2021			
26.0%	Other Services	26.0 %	0.0%	-26.0%	\$0	\$4,133	26.0 %	0.0%	-26.0%	\$0	\$12,937		
21.1%	Commodities	21.1 %	0.0%	-21.1%	\$0	\$140	21.1 %	0.0%	-21.1%	\$0	\$6,060		
	Total Expenditures		0.0%		\$0	\$4,273		0.0%		\$0	\$18,997		

B. Assessment of Attainment of HUB Procurement Goals

Attainment:

During the Biennium, With only approximately a low percentage of our budget available over and beyond salaries, and most vendors of items we purchase are non-HUB, single-source vendors, success has been limited.

Applicability:

The Heavy Construction, Building Construction, Special Trade and Professional Service categories are not applicable to agency operations in either fiscal year 2020 or fiscal year 2021 since the agency did not have any strategies or programs related to these categories.

Factors Affecting Attainment:

In fiscal year 2020 and 2021, the goal of Other Services and Commodities category were not met due to the following:

- the lowest bid was from a non-hub vendor
- only source available

C. Good-Faith Efforts to Increase HUB Participation

Outreach Efforts and Mentor-Protégé Programs:

The agency made the following good faith efforts to comply with statewide HUB procurement goals:

- ensured contract specifications, terms and conditions reflected, clearly stated and did not impose unreasonable or unnecessary contract requirements
- gathered information on HUB vendors from the online system and contacted the vendor directly for a bid
- used the Statewide Procurement Division where applicable, not resulting in the use of a HUB vendor

HUB Program Staffing:

6.A. Historically Underutilized Business Supporting Schedule
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Current and Future Good-Faith Efforts:

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

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

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2024-25 GAA BILL PATTERN	\$	814,000
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Fund Name		
Estimated Beginning Balance in FY 2022		
Estimated Revenues FY 2022	\$	407,000
Estimated Revenues FY 2023	\$	407,000
FY-2022-23 Total	\$	814,000
Estimated Beginning Balance in FY 2024		
Estimated Revenues FY 2024	\$	407,000
Estimated Revenues FY 2025	\$	407,000
FY 2024-25 Total	\$	814,000
Constitutional or Statutory Creation and Use of Funds:		
<p>Pursuant to section 22.202 of the Government code, counties other than Harris County composing the First and Fourteenth Court of Appeals Districts shall annually reimburse Harris County for the cost incurred by Harris County during its previous fiscal year for supplemental salaries and fringe benefits for the justices of those courts. In addition, these counties are also to provide reimbursement for furnishings, equipment, supplies, and utility expense for those courts.</p>		
Method of Calculation and Revenue Assumptions:		
<p>Each county is to pay a share based on the proportion of their population to the total population of all counties in these districts. To effectuate the billing and payment process, the Harris County Commissioners Court is required to furnish each county liable for expenses with a statement of that county's share. Furthermore, the statement must be approved by the Chief Justices of the Courts of Appeals.</p>		