

Legislative Appropriations Request

For Fiscal Years 2010 and 2011

**Submitted to the
Governor's Office of Budget and Planning
and the Legislative Budget Board**

by

Eleventh Court of Appeals, Eastland, Texas

Submitted July 31, 2008

Prepared by: Sherry Williamson, Clerk

Approved by: Jim R. Wright, Chief Justice

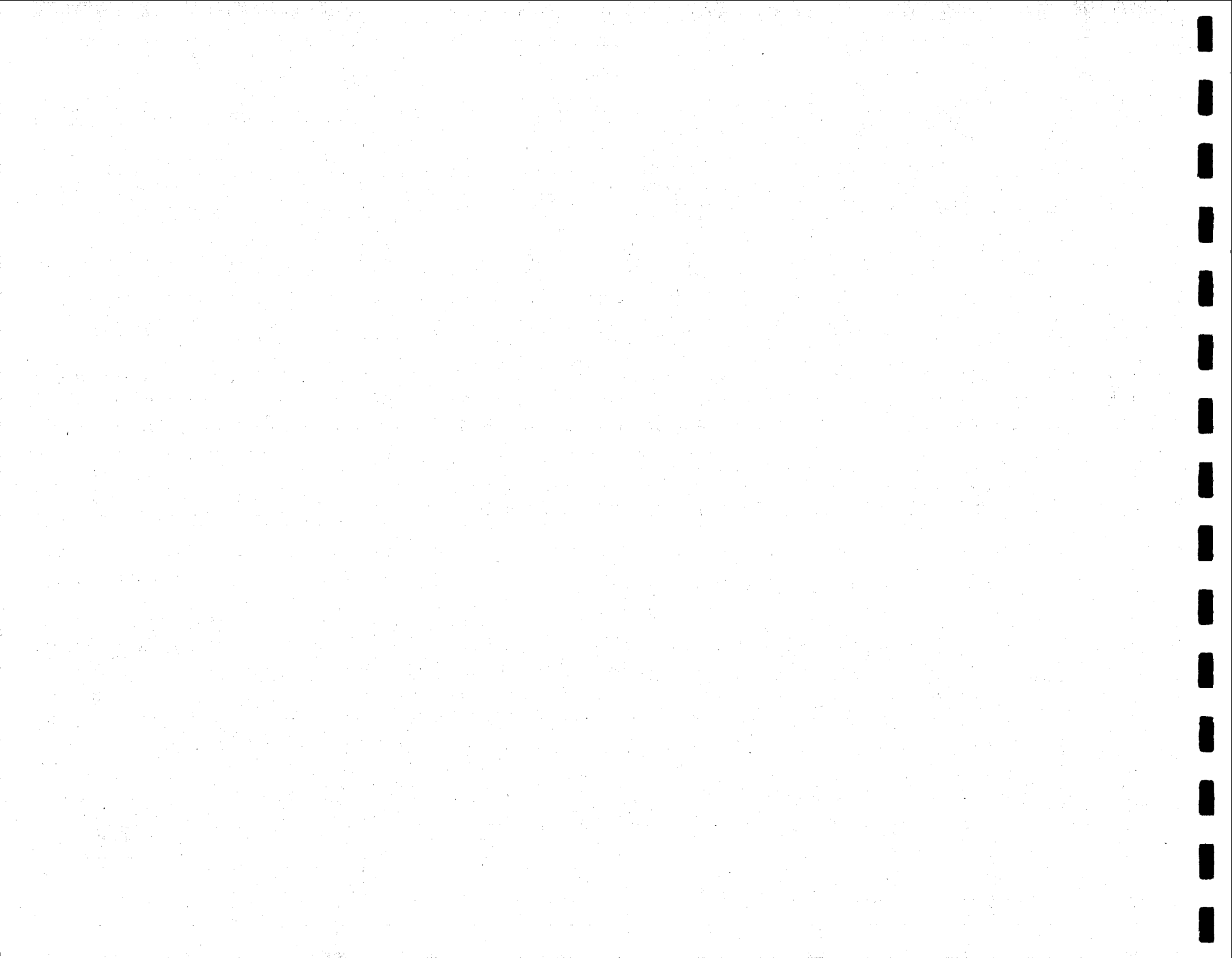


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ADMINISTRATOR'S STATEMENT
81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2008
TIME: 8:28:58PM
PAGE: 1 of 2

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

Administrator's Statement
81st Regular Session, Agency Submission
Automated Budget and Evaluation System of Texas (ABEST)

The core function of the state courts of appeals is to 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. Consequently, approximately 94% of the 11th court's appropriated budget is dedicated to salaries. During the 79th and 80th legislative sessions, the courts of appeals collectively sought resources to similarly fund same-size appellate courts to: 1) create a career ladder for staff attorneys that would allow for the recruitment and retention of qualified attorneys, 2) reclassify the majority of law clerks as permanent staff attorneys, and 3) make salary adjustments for some non-legal staff to reflect levels of responsibility. By the end of the 80th Legislature, the majority of this "guideline budget" initiative was funded, bringing same-size courts to similar funding levels. The 11th court is grateful for the Legislature's support in procuring this much-needed funding.

To continue meeting performance goals and dispose of more cases in less time, the guideline budgets have been revised to add funding that is needed to continue to recruit and retain a qualified staff and to comply with the requirements of Section 659.0445 of the Texas Government Code which entitles justices to \$20 in monthly longevity pay for each year of service after the justice completes 16 years of state service in the Judicial Retirement System of Texas. The additional funding will allow the courts to continue the same size court initiative of a career ladder for attorneys, add one or more permanent staff attorneys, and continue to make appropriate salary adjustments for non-legal staff to reflect increasing levels of responsibility. The amount requested will also allow the Eleventh Court to comply with the mandate of Texas Government Code §659.0445. In the 2010-11 biennium, the Eleventh Court will need \$6,720 to fund its judicial longevity pay.

While the number of justices for each state court of appeals has not been increased in twenty five (25) years, filings have increased by fifty-five (55) percent over the same time period. The courts of appeals disposed of an average of nearly 12,000 cases in each of the past six years. The courts of appeals must have an adequate number of experienced legal staff to properly handle this workload. The federal courts employ three attorneys for each active federal court of appeals judge, compared to two attorneys for each judge in the state courts of appeals. Therefore, the revised guideline budget includes an additional staff attorney to assist the court in managing its caseload in a productive and efficient manner.

The courts of appeals must also be able to offer competitive salaries in order to recruit and retain the most qualified staff. According to national statistics published by the Bureau of Labor Statistics, attorneys in state government are paid less than other industry sectors, including local and federal government. In FY 2007, the annual mean wage for attorneys in state government was \$78,310 compared to \$87,130 for local government and \$119,730 for federal government. Currently, the courts of appeals have a rider that limits the pay of newly hired or promoted attorneys to \$72,500 (and \$84,000 for a chief staff attorney in each court). Further, the current budget levels do not allow adequate funding to compensate attorneys at higher rates. To address this issue, the courts of appeals have revised their guideline budgets to bring their attorney salaries more in line with other government sectors.

These guideline budget initiatives will permit the 11th court to continue to decrease the time cases are under submission and the time cases are pending to levels consistent with historical court performance goals. The court's clearance rate would remain at or slightly above 100%.

ADMINISTRATOR'S STATEMENT
81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2008
TIME: 8:29:01PM
PAGE: 2 of 2

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

RIDER REQUESTS:

The court requests a change to Article IV rider, Sec. 12, Appellate Court Salary Limits, to reflect the salary levels proposed in the revised guideline budgets (\$85,000 for staff attorney and \$97,750 for chief staff attorney).

The court also requests the following with regard to the across-the-board riders found in Article IV (p. IV-39):

- 1) Retain Article IV rider, Sec. 9, Appellate Court Exemptions
- 2) Retain Article IV rider, Sec. 10, Appn: Unexpended Balances Between Fiscal Years within the Biennium
- 3) Retain Article IV rider, Sec. 13, Interagency Contracts for Assigned Judges for Appellate Courts
- 4) Retain Article IV rider, Sec. 14, Appellate Court Transfer Authority

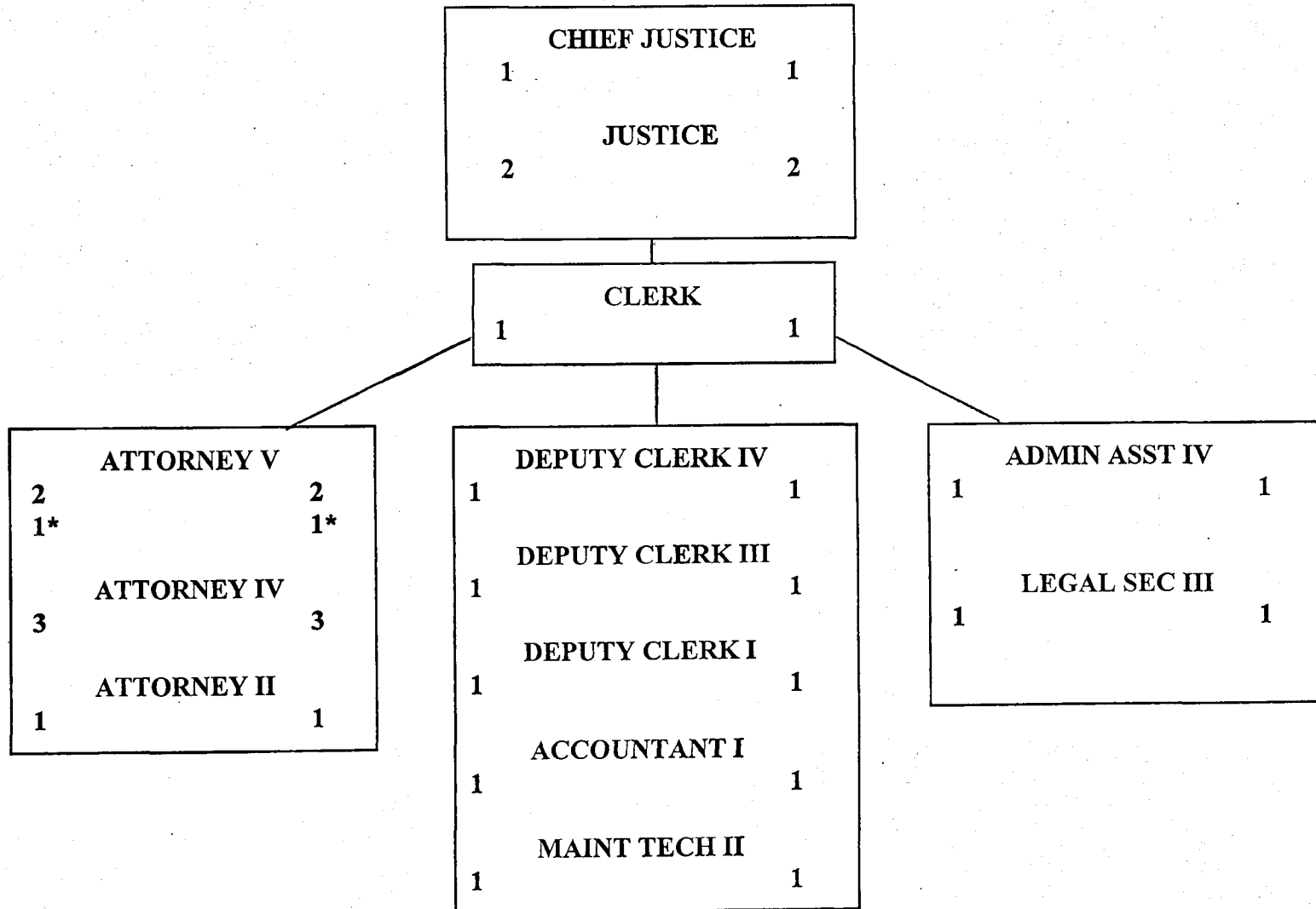
Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the authority to carryover unexpended budget balances between years of the biennium. The flexibility afforded by these measures enhances the courts' management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

INFORMATION TECHNOLOGY:

This court supports the consolidated budget approach represented in the biennial appropriations request of the Office of Court Administration. If the OCA's request is not fully funded for the 2010-11 biennium, this court would need additional funds to maintain its own, separate information technology network.

NOTE on Appropriated Receipts – At the direction of the LBB & Governor's Office, this court has included appropriated receipts in the amount of \$8,000, 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 of the court. The amount can vary significantly from year to year.

**ORGANIZATIONAL CHART
ELEVENTH COURT OF APPEALS, EASTLAND, TEXAS**



*Funding for this position related to Exceptional Item.

2.A. SUMMARY OF BASE REQUEST BY STRATEGY
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2008
 TIME: 8:53:08PM

Agency code: 231 Agency name: Eleventh Court of Appeals District, Eastland

Goal / Objective / STRATEGY	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
1 Appellate Court Operations					
1 Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	1,252,711	1,299,745	1,311,350	1,307,968	1,307,968
TOTAL, GOAL 1	\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968
TOTAL, AGENCY STRATEGY REQUEST	\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968
METHOD OF FINANCING:					
General Revenue Funds:					
1 General Revenue Fund	1,149,888	1,199,295	1,210,900	1,207,518	1,207,518
SUBTOTAL	\$1,149,888	\$1,199,295	\$1,210,900	\$1,207,518	\$1,207,518
Other Funds:					
573 Judicial Fund	92,450	92,450	92,450	92,450	92,450
666 Appropriated Receipts	10,373	8,000	8,000	8,000	8,000
SUBTOTAL	\$102,823	\$100,450	\$100,450	\$100,450	\$100,450
TOTAL, METHOD OF FINANCING	\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968

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

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2008
 TIME: 8:53:35PM

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>GENERAL REVENUE</u>					
1 General Revenue Fund					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations	\$1,130,091	\$1,194,549	\$1,201,313	\$1,207,518	\$1,207,518
<i>TRANSFERS</i>					
Art IX, Sec 13.17(a), Salary Increase (2006-07 GAA)	\$15,736	\$0	\$0	\$0	\$0
Art IX, Sec 19.62(a), Salary Increase (2008-09 GAA)	\$0	\$4,746	\$9,587	\$0	\$0
Art IX, Sec 5.09, Reductions for Commercial Air Travel (2006-07 GAA)	\$(3,383)	\$0	\$0	\$0	\$0
Art IX, Sec 5.09, Reductions for Commercial Air Travel (2006-07 GAA)	\$3,383	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$(50)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Art. IV, Sec. 10, Unexpended Balances (2006-07 GAA)	\$4,111	\$0	\$0	\$0	\$0

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2008
 TIME: 8:30:06PM

Agency code: 231 Agency name: Eleventh Court of Appeals District, Eastland

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>GENERAL REVENUE</u>					
TOTAL, General Revenue Fund	\$1,149,888	\$1,199,295	\$1,210,900	\$1,207,518	\$1,207,518
TOTAL, ALL GENERAL REVENUE	\$1,149,888	\$1,199,295	\$1,210,900	\$1,207,518	\$1,207,518
<u>OTHER FUNDS</u>					
<u>573</u> Judicial Fund No. 573					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations	\$0	\$92,450	\$92,450	\$92,450	\$92,450
<i>TRANSFERS</i>					
HB 11, 79th Leg., Second Called Session, 2005	\$92,450	\$0	\$0	\$0	\$0
TOTAL, Judicial Fund No. 573	\$92,450	\$92,450	\$92,450	\$92,450	\$92,450
<u>666</u> Appropriated Receipts					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations	\$0	\$8,000	\$8,000	\$8,000	\$8,000
<i>RIDER APPROPRIATION</i>					
Art IX, Sec 8.03, Reimbursements and Payments (2006-07 GAA)	\$10,373	\$0	\$0	\$0	\$0

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2008
 TIME: 8:29:52PM

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
TOTAL, Appropriated Receipts	\$10,373	\$8,000	\$8,000	\$8,000	\$8,000
TOTAL, ALL OTHER FUNDS	\$102,823	\$100,450	\$100,450	\$100,450	\$100,450
GRAND TOTAL	\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968

FULL-TIME-EQUIVALENT POSITIONS

REGULAR APPROPRIATIONS					
Regular Appropriations	16.0	17.0	17.0	17.0	17.0
Adjustments	0.7	0.0	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	16.7	17.0	17.0	17.0	17.0
NUMBER OF 100% FEDERALLY FUNDED FTES					
FTEs	0.0	0.0	0.0	0.0	0.0

2.C. SUMMARY OF BASE REQUEST BY OBJECT OF EXPENSE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2008
 TIME: 8:30:34PM

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

OBJECT OF EXPENSE	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1001 SALARIES AND WAGES	\$1,120,932	\$1,172,847	\$1,177,847	\$1,177,847	\$1,177,847
1002 OTHER PERSONNEL COSTS	\$42,657	\$24,720	\$25,680	\$29,790	\$30,210
2003 CONSUMABLE SUPPLIES	\$6,034	\$7,000	\$7,000	\$7,000	\$7,000
2004 UTILITIES	\$9,111	\$13,000	\$13,000	\$13,000	\$13,000
2005 TRAVEL	\$16,824	\$17,000	\$17,000	\$14,000	\$14,000
2007 RENT - MACHINE AND OTHER	\$4,758	\$6,000	\$6,000	\$6,000	\$6,000
2009 OTHER OPERATING EXPENSE	\$52,395	\$59,178	\$64,823	\$60,331	\$59,911
OOE Total (Excluding Riders)	\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968
OOE Total (Riders)					
Grand Total	\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968

2.C.1. OPERATING COSTS DETAIL ~ BASE REQUEST
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/28/2008
 Time: 8:30:49PM

Agency Code: 231 Agency: Eleventh Court of Appeals District, Eastland

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

Code	Type of Expense	Expended 2007	Estimated 2008	Budgeted 2009	Requested 2010	Requested 2011
2	Postage	\$10,523	\$17,000	\$17,000	\$17,000	\$17,000
6	Registrations/Training	1,492	2,000	2,000	2,000	2,000
7	Subscriptions/Periodicals	6,694	7,000	7,000	7,000	7,000
11	Misc. Operating Costs	2,051	4,095	7,723	5,731	5,211
12	Maintenance & Repair - Equipment	4,825	6,000	6,000	3,000	3,000
13	Furniture & Equipment (Expensed)	1,293	1,500	1,500	1,500	1,500
15	Printing & Reproduction	778	1,000	1,000	1,400	1,400
24	Freight/Delivery	1,782	2,500	2,500	2,500	2,500
26	Books (expensed)	13,035	14,000	16,000	16,000	16,000
27	Membership Dues	2,257	2,500	2,500	2,500	2,500
38	Computer Parts and Supplies	20	0	0	0	0
54	Furnishings & Equip. - Controlled	4,763	0	0	0	0
64	SORM Assessment	1,424	1,583	1,600	1,700	1,800
70	Telecommunications Equipment (exp)	1,345	0	0	0	0
111	Purchased Contract Services	113	0	0	0	0
	Total, Operating Costs	\$52,395	\$59,178	\$64,823	\$60,331	\$59,911

2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

Date : 7/28/2008

Time: 8:31:09PM

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

Goal/ Objective / Outcome	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate	98.03%	98.00%	98.00%	98.00%	98.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year	100.00%	100.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years	99.71%	98.00%	98.00%	98.00%	98.00%

2.E. SUMMARY OF EXCEPTIONAL ITEMS REQUEST
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/28/2008
 TIME : 8:31:18PM

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

Priority	Item	2010			2011			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Similar Funding - Same-Sized Courts	\$188,234	\$188,234	1.0	\$188,234	\$188,234	1.0	\$376,468	\$376,468
Total, Exceptional Items Request		\$188,234	\$188,234	1.0	\$188,234	\$188,234	1.0	\$376,468	\$376,468
Method of Financing									
	General Revenue	\$188,234	\$188,234		\$188,234	\$188,234		\$376,468	\$376,468
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$188,234	\$188,234		\$188,234	\$188,234		\$376,468	\$376,468
Full Time Equivalent Positions				1.0				1.0	
Number of 100% Federally Funded FTEs				0.0				0.0	

2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 7/28/2008
 TIME : 8:31:27PM

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

Goal/Objective/STRATEGY	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
1 Appellate Court Operations						
1 Appellate Court Operations						
1 APPELLATE COURT OPERATIONS	\$1,307,968	\$1,307,968	\$188,234	\$188,234	\$1,496,202	\$1,496,202
TOTAL, GOAL 1	\$1,307,968	\$1,307,968	\$188,234	\$188,234	\$1,496,202	\$1,496,202
TOTAL, AGENCY STRATEGY REQUEST	\$1,307,968	\$1,307,968	\$188,234	\$188,234	\$1,496,202	\$1,496,202
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$1,307,968	\$1,307,968	\$188,234	\$188,234	\$1,496,202	\$1,496,202

2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 7/29/2008
 TIME : 1:10:51PM

Agency code: 231 Agency name: Eleventh Court of Appeals District, Eastland

Goal/Objective/STRATEGY	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
General Revenue Funds:						
1 General Revenue Fund	\$1,207,518	\$1,207,518	\$188,234	\$188,234	\$1,395,752	\$1,395,752
	\$1,207,518	\$1,207,518	\$188,234	\$188,234	\$1,395,752	\$1,395,752
Other Funds:						
573 Judicial Fund	92,450	92,450	0	0	\$92,450	\$92,450
666 Appropriated Receipts	8,000	8,000	0	0	\$8,000	\$8,000
	\$100,450	\$100,450	\$0	\$0	\$100,450	\$100,450
TOTAL, METHOD OF FINANCING	\$1,307,968	\$1,307,968	\$188,234	\$188,234	\$1,496,202	\$1,496,202
FULL TIME EQUIVALENT POSITIONS	17.0	17.0	1.0	1.0	18.0	18.0

2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES

Date : 7/29/2008

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

Time: 1:11:00PM

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

Goal/ Objective / Outcome

	BL 2010	BL 2011	Excp 2010	Excp 2011	Total Request 2010	Total Request 2011
1 Appellate Court Operations						
1 Appellate Court Operations						
KEY 1 Clearance Rate	98.00%	98.00%	99.00%	99.00%	99.00%	99.00%
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	98.00%	98.00%	100.00%	100.00%	100.00%	100.00%

3.A. STRATEGY REQUEST
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/29/2008
 TIME: 1:11:08PM

Agency code: 231 Agency name: Eleventh Court of Appeals District, Eastland

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

Statewide Goal/Benchmark: 0 0
 Service Categories:
 Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
Output Measures:						
1	Number of Civil Cases Disposed	168.00	170.00	170.00	170.00	170.00
2	Number of Criminal Cases Disposed	230.00	230.00	230.00	230.00	230.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	133.00	140.00	140.00	140.00	140.00
2	Number of Criminal Cases Filed	194.00	220.00	220.00	220.00	220.00
3	Number of Cases Transferred in	79.00	37.00	0.00	0.00	0.00
4	Number of Cases Transferred out	0.00	1.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,120,932	\$1,172,847	\$1,177,847	\$1,177,847	\$1,177,847
1002	OTHER PERSONNEL COSTS	\$42,657	\$24,720	\$25,680	\$29,790	\$30,210
2003	CONSUMABLE SUPPLIES	\$6,034	\$7,000	\$7,000	\$7,000	\$7,000
2004	UTILITIES	\$9,111	\$13,000	\$13,000	\$13,000	\$13,000
2005	TRAVEL	\$16,824	\$17,000	\$17,000	\$14,000	\$14,000
2007	RENT - MACHINE AND OTHER	\$4,758	\$6,000	\$6,000	\$6,000	\$6,000
2009	OTHER OPERATING EXPENSE	\$52,395	\$59,178	\$64,823	\$60,331	\$59,911
TOTAL, OBJECT OF EXPENSE		\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968
Method of Financing:						
1	General Revenue Fund	\$1,149,888	\$1,199,295	\$1,210,900	\$1,207,518	\$1,207,518
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,149,888	\$1,199,295	\$1,210,900	\$1,207,518	\$1,207,518
Method of Financing:						
573	Judicial Fund	\$92,450	\$92,450	\$92,450	\$92,450	\$92,450
666	Appropriated Receipts	\$10,373	\$8,000	\$8,000	\$8,000	\$8,000

3.A. STRATEGY REQUEST
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/29/2008
 TIME: 1:11:11PM

Agency code: 231 Agency name: Eleventh Court of Appeals District, Eastland

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

Statewide Goal/Benchmark: 0 0
 Service Categories:
 Service: 01 Income: A.2 Age: B.1

CODE	DESCRIPTION	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
SUBTOTAL, MOF (OTHER FUNDS)		\$102,823	\$100,450	\$100,450	\$100,450	\$100,450
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,307,968	\$1,307,968
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968
FULL TIME EQUIVALENT POSITIONS:		16.7	17.0	17.0	17.0	17.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Eleventh Court of Appeals was created in 1925, Acts 1925, 39th Leg., Chap 87, Sec. 3. See now, Tex.Govt. Code, Sec. 22.212. This Court has intermediate appellate jurisdiction in civil cases where the judgment rendered exceeds \$100, exclusive of costs, and in criminal cases, except those in which the death penalty has been assessed. We have geographical jurisdiction of decisions of the 40 trial courts of the Eleventh District which includes 26 district courts, 6 county courts at law and 28 county courts. There are 28 counties in our judicial district.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Court of Appeals are, by nature, similar to small agencies with highly specialized staff. The main factor which drives this strategy is the need to attract and retain highly trained and knowledgeable staff to work on an increasing caseload.

3.A. STRATEGY REQUEST
81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/29/2008
TIME: 1:11:11PM

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968
METHODS OF FINANCE (INCLUDING RIDERS):				\$1,307,968	\$1,307,968
METHODS OF FINANCE (EXCLUDING RIDERS):	\$1,252,711	\$1,299,745	\$1,311,350	\$1,307,968	\$1,307,968
FULL TIME EQUIVALENT POSITIONS:	16.7	17.0	17.0	17.0	17.0

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 231	Agency Name: 11th Court of Appeals, Eastland	Prepared by: Sherry Williamson, Clerk	Date: 7/28/2008	Request Level: Baseline
Current Rider Number	Page Number in 2008-09 GAA	Proposed Rider Language		
5	IV-38	<p>Transfer of Cases. The Chief Justices of the 14 Courts of Appeals are encouraged to cooperate with the Chief Justice of the Supreme Court to transfer cases between appellate courts which are in neighboring jurisdictions in order to equalize the disparity between the workloads of the various courts of appeals.</p> <p><i>No change requested.</i></p>		
8	IV-39	<p>Judicial Internship Program. It is the intent of the Legislature that the Judicial Branch cooperate with law schools to establish a judicial internship program for Texas appellate and trial courts. The Judicial Branch is encouraged to work with the Texas Judicial Council in the development of the judicial internship program.</p> <p><i>No change requested.</i></p>		
9	IV-39	<p>Appellate Court Exemptions. The following provisions of Article IX of this Act do not apply to the appellate courts:</p> <ul style="list-style-type: none"> a. Article IX, § 5.08, Limitation on Travel Expenditures b. Article IX, § 6.10, Limitation on State Employment Levels c. Article IX, § 6.15, Performance Rewards and Penalties d. Article IX, §14.03, Limit on Expenditures - Capital Budget <p><i>The Courts of Appeals request that this rider be retained and section numbers updated as needed.</i></p>		
10	IV-39	<p>Appropriation: Unexpended Balances Between Fiscal Years within the Biennium. Any unexpended balances from appropriations made to the appellate courts for fiscal year 2010 are hereby appropriated to the same court for fiscal year 2011 for the same purposes.</p> <p><i>Update rider to reflect the new biennium.</i></p>		

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 231	Agency Name: 11th Court of Appeals, Eastland	Prepared by: Sherry Williamson, Clerk	Date: 7/28/2008	Request Level: Baseline
Current Rider Number	Page Number in 2008-09 GAA	Proposed Rider Language		
11	IV-39	<p>Intermediate Appellate Court Local Funding Information. The Office of Court Administration shall assist the appellate courts in the submission of a report for local funding information each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor.</p> <p><i>No change requested.</i></p>		
12	IV-39	<p>Appellate Court Salary Limits. It is the intent of the Legislature that no intermediate appellate court may pay more than one chief staff attorney promoted or hired after September 1, 2010, more than \$97,750 annually under this provision. Further, it is the intent of the Legislature that no intermediate appellate court may pay other permanent legal staff hired or promoted after September 1, 2010 more than \$85,000 annually. This provision does not apply to law clerk positions at any appellate court.</p> <p><i>Update rider to reflect the new biennium and amounts requested in the updated guideline budgets for the courts of appeals.</i></p>		
13	IV-39	<p>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 2010 and 2011, 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.</p> <p><i>Update rider to reflect the new biennium.</i></p>		

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 231	Agency Name: 11th Court of Appeals, Eastland	Prepared by: Sherry Williamson, Clerk	Date: 7/28/2008	Request Level: Baseline
Current Rider Number	Page Number in 2008-09 GAA	Proposed Rider Language		
14	IV-39	<p>Appellate Court Transfer Authority. The Chief Justice of the Supreme Court of Texas, the Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices is authorized to transfer funds between appellate courts, notwithstanding any other provision in this Act and subject to prior approval of any transfer of funds by the Legislative Budget Board and the Governor. Any such transfer shall be made for the purpose of efficient and effective appellate court operations and management of court caseloads. It is the intent of the Legislature that transfers made under this provision are addressed by the Legislative Budget Board and the Governor in reviewing amounts requested in the appellate courts' Legislative Appropriations Request for the 2012-2013 biennium.</p> <p><i>Update rider to reflect the new biennium.</i></p>		

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/29/2008
 TIME: 5:54:24PM

Agency code: 231

Agency name:

Eleventh Court of Appeals District, Eastland

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Similar Funding - Same-Sized Courts		
	Item Priority: 1		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	188,234	188,234
	TOTAL, OBJECT OF EXPENSE	\$188,234	\$188,234
METHOD OF FINANCING:			
1	General Revenue Fund	188,234	188,234
	TOTAL, METHOD OF FINANCING	\$188,234	\$188,234
FULL-TIME EQUIVALENT POSITIONS (FTE):			
		1.00	1.00

DESCRIPTION / JUSTIFICATION:

To continue meeting performance goals and dispose of more cases in less time, the guideline budgets have been revised to add funding that is needed to continue to recruit and retain a qualified staff. The additional funding will allow the courts to continue the same size court initiative of a career ladder for attorneys, add one or more permanent staff attorneys, and continue to make appropriate salary adjustments for non-legal staff to reflect increasing levels of responsibility.

While the number of justices for each state court of appeals has not been increased in twenty five (25) years, filings have increased by fifty-five (55) percent over the same time period. The courts of appeals disposed of an average of nearly 12,000 cases in each of the past six years. The courts of appeals must have an adequate number of experienced legal staff to properly handle this workload. The federal courts employ three attorneys for each active federal court of appeals judge, compared to two attorneys for each judge in the state courts of appeals. Therefore, the revised guideline budget includes an additional staff attorney to assist the court in managing its caseload in a productive and efficient manner.

The courts of appeals must also be able to offer competitive salaries in order to recruit and retain the most qualified staff. Further, the current budget levels do not allow adequate funding to compensate attorneys at higher rates. To address this issue, the courts of appeals have revised their guideline budgets to bring their attorney salaries more in line with other government sectors.

EXTERNAL/INTERNAL FACTORS:

These guideline budget initiatives will permit the 11th Court to continue to decrease the time cases are under submission and the time cases are pending to levels consistent with historical court performance goals. The court's clearance rate would remain at or slightly above 100%.

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

DATE: 7/29/2008

81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

TIME: 1:17:56PM

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

Code Description	Excp 2010	Excp 2011
Item Name: Similar Funding - Same-Sized Courts		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
STRATEGY IMPACT ON OUTCOME MEASURES:		
1 Clearance Rate	99.00%	99.00%
2 Percentage of Cases Under Submission for Less Than One Year	100.00%	100.00%
3 Percentage of Cases Pending for Less Than Two Years	100.00%	100.00%
OUTPUT MEASURES:		
1 Number of Civil Cases Disposed	12.00	12.00
2 Number of Criminal Cases Disposed	36.00	36.00
EXPLANATORY/INPUT MEASURES:		
1 Number of Civil Cases Filed	0.00	0.00
2 Number of Criminal Cases Filed	0.00	0.00
3 Number of Cases Transferred in	0.00	0.00
4 Number of Cases Transferred out	0.00	0.00
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	188,234	188,234
TOTAL, OBJECT OF EXPENSE	\$188,234	\$188,234
METHOD OF FINANCING:		
1 General Revenue Fund	188,234	188,234
TOTAL, METHOD OF FINANCING	\$188,234	\$188,234
FULL-TIME EQUIVALENT POSITIONS (FTE):	1.0	1.0

Agency Code: 231

Agency name: Eleventh Court of Appeals District, Eastland

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

Statewide Goal/Benchmark: 0 - 0
 Service Categories:
 Service: 01 Income: A.2 Age: B.3

CODE DESCRIPTION

Excp 2010

Excp 2011

STRATEGY IMPACT ON OUTCOME MEASURES:

1 Clearance Rate	99.00 %	99.00 %
2 Percentage of Cases Under Submission for Less Than One Year	100.00 %	100.00 %
3 Percentage of Cases Pending for Less Than Two Years	100.00 %	100.00 %

OUTPUT MEASURES:

1 Number of Civil Cases Disposed	12.00	12.00
2 Number of Criminal Cases Disposed	36.00	36.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	188,234	188,234
Total, Objects of Expense	<u>\$188,234</u>	<u>\$188,234</u>

METHOD OF FINANCING:

1 General Revenue Fund	188,234	188,234
Total, Method of Finance	<u>\$188,234</u>	<u>\$188,234</u>

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.0	1.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Similar Funding - Same-Sized Courts

OPERATING COSTS DETAIL ~ EXCEPTIONAL ITEMS

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/29/2008

Time: 11:26:36AM

Page: 1 of

Agency Code: 231 Agency: Eleventh Court of Appeals District, Eastland

BASE REQUEST STRATEGY: Appellate Court Operations

Code	Type of Expense	Year	Exceptional 1	Exceptional 2	Exceptional 3	Exceptional 4	Exceptional 5
2	Postage	2010 2011					
6	Registrations/Training	2010 2011					
7	Subscriptions/Periodicals	2010 2011					
11	Misc. Operating Costs	2010 2011					
12	Maintenance & Repair - Equipment	2010 2011					
13	Furniture & Equipment (Expensed)	2010 2011					
15	Printing & Reproduction	2010 2011					
24	Freight/Delivery	2010 2011					
26	Books (expensed)	2010 2011					
27	Membership Dues	2010 2011					
38	Computer Parts and Supplies	2010 2011					
54	Furnishings & Equip. - Controlled	2010 2011					
64	SORM Assessment	2010 2011					

EXCEPTIONAL ITEMS HAD NO
IMPACT ON OPERATING COSTS

OPERATING COSTS DETAIL ~ EXCEPTIONAL ITEMS
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/29/2008
 Time: 11:26:41AM
 Page: 2 of 2

Agency Code: 231 Agency: Eleventh Court of Appeals District, Eastland

BASE REQUEST STRATEGY: Appellate Court Operations

Code	Type of Expense	Year	Exceptional 1	Exceptional 2	Exceptional 3	Exceptional 4	Exceptional 5
70	Telecommunications Equipment (exp)	2010 2011					
111	Purchased Contract Services	2010 2011		EXCEPTIONAL ITEMS HAD NO IMPACT ON OPERATING COSTS			
	Total, Operating Costs	2010 2011					

6.A. HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/29/2008

Time: 1:20:27PM

Agency Code: 231 Agency: Eleventh Court of Appeals District, Eastland

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2006 - 2007 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	HUB Expenditures FY 2006			Total Expenditures FY 2006	HUB Expenditures FY 2007			Total Expenditures FY 2007
		% Goal	% Actual	Actual \$		% Goal	% Actual	Actual \$	
11.9%	Heavy Construction	0.0 %	0.0%	\$0	\$0	0.0 %	0.0%	\$0	\$0
26.1%	Building Construction	0.0 %	0.0%	\$0	\$0	0.0 %	0.0%	\$0	\$0
57.2%	Special Trade Construction	0.0 %	0.0%	\$0	\$2,928	0.0 %	0.0%	\$0	\$1,828
20.0%	Professional Services	0.0 %	0.0%	\$0	\$0	0.0 %	0.0%	\$0	\$0
33.0%	Other Services	0.0 %	41.5%	\$2,038	\$4,905	0.0 %	15.2%	\$1,926	\$12,675
12.6%	Commodities	0.0 %	53.3%	\$15,692	\$29,452	0.0 %	42.6%	\$4,413	\$10,358
	Total Expenditures		47.6%	\$17,730	\$37,285		25.5%	\$6,339	\$24,861

B. Assessment of Fiscal Year 2006 - 2007 Efforts to Meet HUB Procurement Goals

Attainment:

The court attained or exceeded two of three, or 67%, of the applicable statewide HUB procurement goals in FY 2006.
The court attained or exceeded one of three, or 34%, of the applicable statewide HUB procurement goals in FY 2007.

Applicability:

The "Heavy Construction," "Building Construction," and "Professional Services" categories are not applicable to court operations in either FY 2006 or FY 2007, since the court did not have any strategies or programs related to construction.

Factors Affecting Attainment:

SPECIAL TRADE: In fiscal years 2006 and 2007, the goal of this category was not met due to an absence of a HUB vendor in the Court's locality for the maintenance and repair service the Court was requiring. Please note, however, that the expenditures in this category were less than 1% of the Court's total operating expenditures in both fiscal years.

OTHER SERVICES: For this category, the goal was exceeded in FY 2006 year after deleting the amount paid to Eastland County for security. We have no control in obtaining a HUB vendor for this service, so it was removed from the total. For FY 2007, 75% of the expenditures were for law books or telephone services which are specific to that vendor and not available from other sources.

COMMODITIES: We exceeded the goal in both fiscal years in this category.

"Good-Faith" Efforts:

The Court made the following good faith efforts to comply with statewide HUB procurement goals per ITAC Section 111.13(c):

- ensured that contract specifications, terms and conditions reflected the court'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 on procurement procedures in a manner that encouraged participation in court contracts by all businesses.

6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern
Eleventh Court of Appeals, Agency 231

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2010-11 GAA BILL PATTERN	\$ 146,575
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<u>Fund Name</u>	
Estimated Beginning Balance in FY 2008	\$ 34,575
Estimated Revenues FY 2008	\$ 28,000
Estimated Revenues FY 2009	\$ 28,000
FY 2008-09 Total	\$ 90,575
Estimated Beginning Balance in FY 2010	\$ 90,575
Estimated Revenues FY 2010	\$ 28,000
Estimated Revenues FY 2011	\$ 28,000
FY 2010-11 Total	\$ 146,575
Constitutional or Statutory Creation and Use of Funds:	
1) Sub Chapter C, Sec. 22.2121 Tex.Govt Code. 2) Sec. 31.001, Govt Code.	
Method of Calculation and Revenue Assumptions:	
1) In accordance with the above referenced statute, the District and County Clerks of the various courts in the 28 counties that make up the Eleventh Court of Appeals' District are to collect and remit a \$5.00 filing fee on each civil suit filed in a county court, county court-at-law, probate court or district court and remit to the Eleventh Court of Appeals. The estimated revenue for each year is \$28,000. 2) Pursuant to Government Code, sec. 31.001, the Chief Justice and each Justice in the Eleventh Court of Appeals receives an additional supplement of \$6,075 each.	

6.I. 10 Percent Biennial Base Reduction Options Schedule

Approved Reduction Amount

\$229,203

"Approved Base" here refers to approved 2008-09 base AFTER policy letter exceptions have been excluded.

Agency Code: 231		Agency Name: Eleventh Court of Appeals								FTE Reductions (FY 2010-11 Base Request Compared to Budgeted 2009)	Revenue Impact? Y/N	Cumulative GR-related reduction as a % of Approved Base
Rank	Reduction Item	Biennial Application of 10% Percent Reduction						FY 08	FY 09			
	Strat	Name	GR	GR-Dedicated	Federal	Other	All Funds					
1	A.1.1	Reduced Staff	229,203				\$ 229,203	114,602	114,601		10.0%	
2							\$ -				10.0%	
3							\$ -				10.0%	
4							\$ -				10.0%	
5							\$ -				10.0%	
6							\$ -				10.0%	
7							\$ -				10.0%	
8							\$ -				10.0%	
9							\$ -				10.0%	
10							\$ -				10.0%	
11							\$ -				10.0%	
12							\$ -				10.0%	
Agency Biennial Total			\$ 229,203	\$ -	\$ -	\$ -	\$ 229,203	114,602.0	114,601.0		10.0%	
Agency Biennial Total (GR + GR-D)				\$ 229,203								

Rank / Name

Explanation of Impact to Programs and Revenue Collections

1 Reduced Staff

Since 92% of the court's budget is dedicated to salaries, reduced funding for the Eleventh Court of Appeals would result in two positions being eliminated. We currently have a highly skilled and trained professional workforce, and loss of experienced court lawyers and non-legal staff would create difficulties in the timely processing of and disposing of appeals. Consequently, reduced funding would result in 1) dispositions of appeals being reduced to less than 100% of new appeals filed in the biennium, and 2) the time for which appeals remain pending during the biennium would be increased.

2 0

3 0

4 0

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

Strategy	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$ 164,386	\$ 164,386	\$ 164,386	\$ 164,386	\$ 164,386
2003 CONSUMABLE SUPPLIES	600	600	600	600	600
2009 OTHER OPERATING EXPENSE	3,000	3,000	3,000	3,000	3,000
Total, Objects of Expense	\$ 167,986	\$ 167,986	\$ 167,986	\$ 167,986	\$ 167,986

METHOD OF FINANCING:

1 General Revenue Fund

Total, Method of Financing

167,986	167,986	167,986	167,986	167,986
\$ 167,986	\$ 167,986	\$ 167,986	\$ 167,986	\$ 167,986

FULL-TIME-EQUIVALENT POSITIONS (FTE):

2.9 2.9 2.9 2.9 2.9

DESCRIPTION

The administrative and support costs in this strategy are related to the percentage of salaries and related operating costs of court personnel performing administrative functions. Direct administrative percentages for 2008 are shown as follow:

Chief Justice .25
 Clerk .85
 Accountant 1.00
 Maint. Tech. .80

 2.90

Agency code: 231

Agency name: Eleventh Court of Appeals District, Eastland

	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$164,386	\$164,386	\$164,386	\$164,386	\$164,386
2003 CONSUMABLE SUPPLIES	\$600	\$600	\$600	\$600	\$600
2009 OTHER OPERATING EXPENSE	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
Total, Objects of Expense	\$167,986	\$167,986	\$167,986	\$167,986	\$167,986
Method of Financing					
1 General Revenue Fund	\$167,986	\$167,986	\$167,986	\$167,986	\$167,986
Total, Method of Financing	\$167,986	\$167,986	\$167,986	\$167,986	\$167,986
Full-Time-Equivalent Positions (FTE)	2.9	2.9	2.9	2.9	2.9