

LEGISLATIVE APPROPRIATIONS REQUEST

For Fiscal Years 2010 and 2011

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

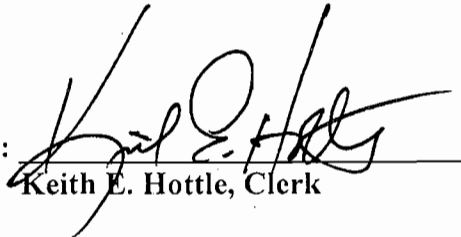
By

Court of Appeals
Fourth Court of Appeals District of Texas

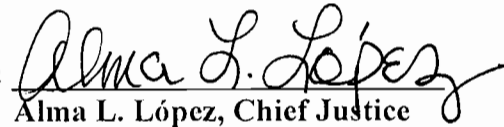
Alma L. López, Chief Justice	2008	Natalia
Catherine Stone, Justice	2012	Helotes
Karen Angelini, Justice	2012	San Antonio
Sandee Bryan Marion	2010	San Antonio
Phylis Speedlin	2012	San Antonio
Rebecca Simmons	2012	San Antonio
Steve Hilbig	2012	San Antonio

August 6, 2008

Submitted By:


Keith E. Hottle, Clerk

Approved:


Alma L. López, Chief Justice

Amended 8/12/08



Legislative Appropriations Request

For Fiscal Years 2010 and 2011

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Governor's Office of Budget, Planning and Policy
and the Legislative Budget Board**

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

August 6, 2008

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

DATE: 8/6/2008
TIME: 8:47:02AM
PAGE: 1 of 2

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

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 95% of the Fourth 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 Fourth 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 Fourth Court to comply with the mandate of Texas Government Code Section 659.0445. In the 2010-11 biennium, the Fourth Court will need \$5,440 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 Fourth 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%.

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

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

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Agency code: 224

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

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 carry over 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.

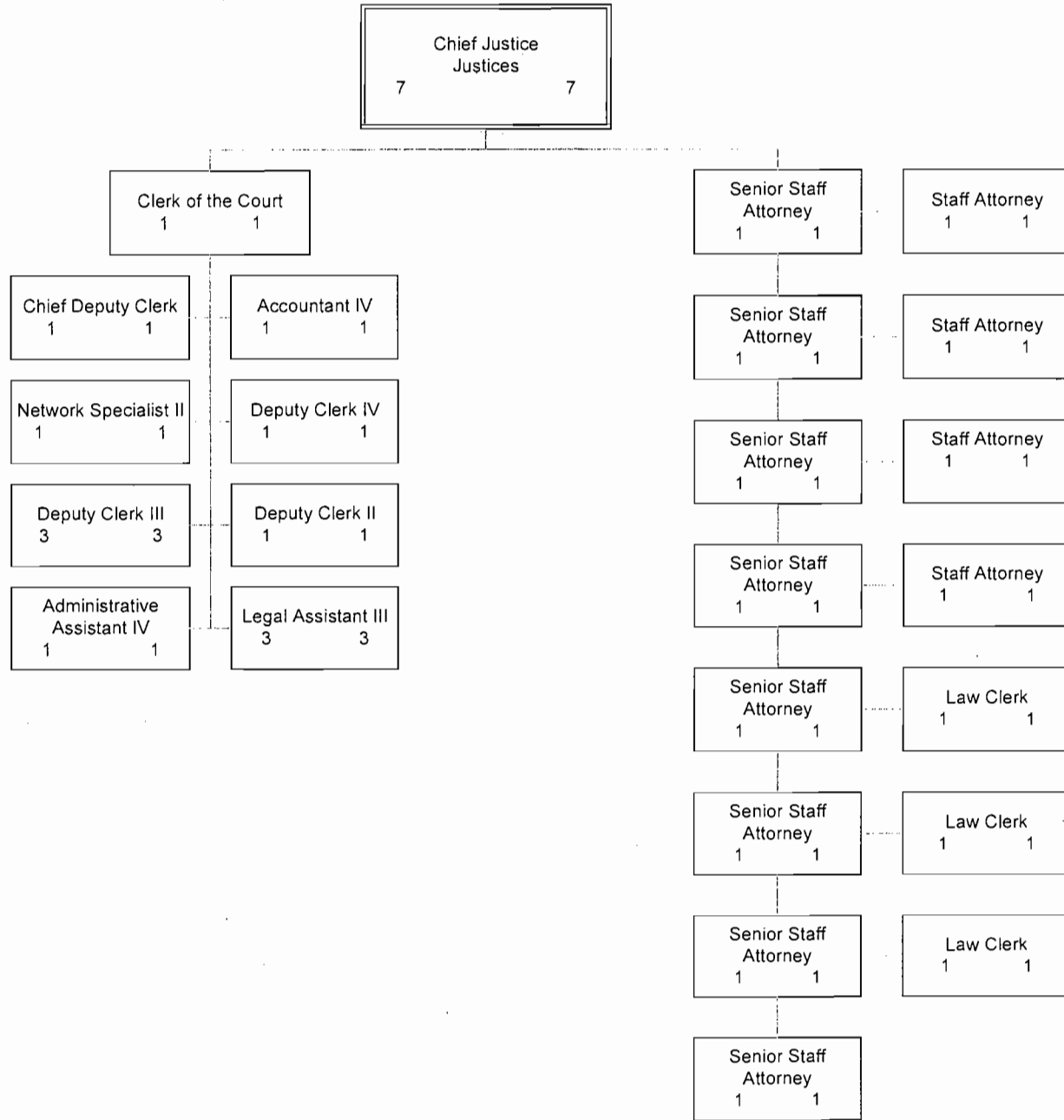
NOTE on Appropriated Receipts – At the direction of the LBB & Governor's Office, this court has included appropriated receipts in the amount of \$9,000.00, reflecting reimbursement for copies of opinions and other court documents.

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

FOURTH COURT OF APPEALS

2009 – (2010-2011)



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

DATE: 8/6/2008
 TIME: 8:39:39AM

Agency code: 224

Agency name: Fourth Court of Appeals District, San Antonio

Goal / Objective / STRATEGY	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>1</u> Appellate Court Operations					
<u>1</u> Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	2,502,407	2,767,784	2,777,144	2,777,144	2,777,144
TOTAL, GOAL 1	\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144
TOTAL, AGENCY STRATEGY REQUEST	\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	2,230,753	2,501,865	2,513,094	2,513,094	2,513,094
SUBTOTAL	\$2,230,753	\$2,501,865	\$2,513,094	\$2,513,094	\$2,513,094
Other Funds:					
573 Judicial Fund	213,050	213,050	213,050	213,050	213,050
666 Appropriated Receipts	16,604	10,869	9,000	9,000	9,000
777 Interagency Contracts	42,000	42,000	42,000	42,000	42,000
SUBTOTAL	\$271,654	\$265,919	\$264,050	\$264,050	\$264,050
TOTAL, METHOD OF FINANCING	\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144

*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: 8/6/2008
 TIME: 8:39:56AM

Agency code: 224

Agency name: Fourth Court of Appeals District, San Antonio

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>GENERAL REVENUE</u>					
<u>1</u> General Revenue Fund					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations	\$2,196,951	\$2,491,401	\$2,491,401	\$2,513,094	\$2,513,094
<i>TRANSFERS</i>					
Art IX, Sec 13.17(a), Salary Increase (2006-07 GAA)	\$33,853	\$0	\$0	\$0	\$0
Art IX, Sec 19.62(a), Salary Increase (2008-09 GAA)	\$0	\$10,464	\$21,693	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$(115)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Article IV, Special Provisions, Sec. 10, Appn: U.B. (2006-2007)	\$64	\$0	\$0	\$0	\$0
TOTAL, General Revenue Fund	\$2,230,753	\$2,501,865	\$2,513,094	\$2,513,094	\$2,513,094
TOTAL, ALL GENERAL REVENUE	\$2,230,753	\$2,501,865	\$2,513,094	\$2,513,094	\$2,513,094

OTHER FUNDS

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: 8/6/2008
 TIME: 8:40:00AM

Agency code: 224

Agency name: Fourth Court of Appeals District, San Antonio

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
<u>573</u> Judicial Fund No. 573					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations	\$0	\$213,050	\$213,050	\$213,050	\$213,050
<i>TRANSFERS</i>					
HB 11, 79th Leg., Second Called Session, 2005	\$213,050	\$0	\$0	\$0	\$0
TOTAL, Judicial Fund No. 573	\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
<u>666</u> Appropriated Receipts					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations	\$0	\$9,000	\$9,000	\$9,000	\$9,000
<i>RIDER APPROPRIATION</i>					
Art IX, Sec 8.03, Reimbursements and Payments (2006-2007 GAA)	\$16,604	\$0	\$0	\$0	\$0
Art IX, Sec 8.03, Reimbursements and Payments (2008-09 GAA)	\$0	\$1,869	\$0	\$0	\$0
TOTAL, Appropriated Receipts	\$16,604	\$10,869	\$9,000	\$9,000	\$9,000

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: 8/6/2008
 TIME: 8:40:00AM

Agency code: 224

Agency name: Fourth Court of Appeals District, San Antonio

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
<u>777</u> Interagency Contracts					
REGULAR APPROPRIATIONS					
Regular Appropriations					
	\$0	\$42,000	\$42,000	\$42,000	\$42,000
RIDER APPROPRIATION					
Art IX, Sec 8.03, Reimbursements and Payments (2006-07 GAA)					
	\$42,000	\$0	\$0	\$0	\$0
TOTAL, Interagency Contracts	\$42,000	\$42,000	\$42,000	\$42,000	\$42,000
TOTAL, ALL OTHER FUNDS	\$271,654	\$265,919	\$264,050	\$264,050	\$264,050
GRAND TOTAL	\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144

FULL-TIME-EQUIVALENT POSITIONS

REGULAR APPROPRIATIONS					
Regular Appropriations	34.0	39.0	39.0	39.0	39.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
UNAUTHORIZED NUMBER BELOW CAP	(0.6)	(4.0)	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	33.4	35.0	39.0	39.0	39.0

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: 8/6/2008
TIME: 8:40:00AM

Agency code: 224

Agency name: Fourth Court of Appeals District, San Antonio

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
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
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/6/2008
 TIME: 8:40:19AM

OBJECT OF EXPENSE	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
Agency code: 224	Agency name: Fourth Court of Appeals District, San Antonio				
1001 SALARIES AND WAGES	\$2,406,993	\$2,607,668	\$2,616,840	\$2,619,340	\$2,619,340
1002 OTHER PERSONNEL COSTS	\$27,899	\$39,714	\$43,940	\$49,600	\$54,232
2001 PROFESSIONAL FEES AND SERVICES	\$0	\$8,552	\$7,057	\$6,563	\$6,281
2003 CONSUMABLE SUPPLIES	\$8,993	\$12,081	\$6,008	\$5,587	\$5,348
2004 UTILITIES	\$463	\$2,989	\$2,889	\$2,686	\$2,571
2005 TRAVEL	\$513	\$1,243	\$1,201	\$1,117	\$1,069
2006 RENT - BUILDING	\$0	\$500	\$6,333	\$5,889	\$5,637
2007 RENT - MACHINE AND OTHER	\$0	\$1,380	\$1,334	\$1,240	\$1,187
2009 OTHER OPERATING EXPENSE	\$57,546	\$93,657	\$91,542	\$85,122	\$81,479
OOE Total (Excluding Riders)	\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144
OOE Total (Riders)					
Grand Total	\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144

2.C.1. OPERATING COSTS DETAIL ~ BASE REQUEST

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

Date: 8/6/2008
Time: 8:40:34AM

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

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

Code	Type of Expense	Expended 2007	Estimated 2008	Budgeted 2009	Requested 2010	Requested 2011
1	Consumable Supplies	\$8,993	\$12,081	\$6,008	\$5,587	\$5,348
2	Postage	11,500	10,500	10,148	9,436	9,032
4	Travel	513	1,243	1,201	1,117	1,069
5	Westlaw/Lexis	11,918	15,220	14,711	13,679	13,093
6	Registrations/Training	0	1,145	1,107	1,029	985
7	Subscriptions/Periodicals	0	67	65	60	58
12	Maintenance & Repair - Equipment	1,869	179	173	161	154
13	Furniture & Equipment (Expensed)	1,358	4,728	4,569	4,249	4,067
14	Rentals & Leases - Postage Meter	0	1,380	1,334	1,240	1,187
15	Printing & Reproduction	1,485	463	448	416	399
24	Freight/Delivery	1,053	1,158	6,755	6,281	6,013
26	Books (expensed)	21,434	47,137	40,945	38,073	36,444
35	Computer Equip./Software, Non-cap	2,766	4,417	4,269	3,970	3,800
41	Telecommunication Charges	463	2,989	2,889	2,686	2,571
64	SORM Assessment	2,873	3,220	3,112	2,894	2,770
81	Professional Fees and Services	0	8,552	7,057	6,563	6,281
101	Registrations/Membership Dues	0	739	714	664	635
124	Rental of Space	0	500	6,333	5,889	5,637
129	Maintenance Agreements	1,290	3,416	3,301	3,070	2,938
157	Fees and Other Charges	0	1,268	1,225	1,140	1,091
Total, Operating Costs		\$67,515	\$120,402	\$116,364	\$108,204	\$103,572

2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES

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

Date : 8/6/2008
 Time: 8:40:53AM

Agency code: 224

Agency name: Fourth Court of Appeals District, San Antonio

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	101.86%	100.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year	99.83%	100.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years	99.85%	99.50%	100.00%	100.00%	100.00%

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

DATE: 8/6/2008
 TIME : 8:41:08AM

Agency code: 224

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

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	\$352,827	\$352,827	1.0	\$352,827	\$352,827	1.0	\$705,654	\$705,654	
Total, Exceptional Items Request		\$352,827	\$352,827	1.0	\$352,827	\$352,827	1.0	\$705,654	\$705,654	
Method of Financing										
	General Revenue	\$352,827	\$352,827		\$352,827	\$352,827		\$705,654	\$705,654	
	General Revenue - Dedicated									
	Federal Funds									
	Other Funds									
		\$352,827	\$352,827		\$352,827	\$352,827		\$705,654	\$705,654	
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 : 8/6/2008
 TIME : 8:41:21AM

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

Goal/Objective/STRATEGY	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
1 Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$2,777,144	\$2,777,144	\$352,827	\$352,827	\$3,129,971	\$3,129,971
TOTAL, GOAL 1	\$2,777,144	\$2,777,144	\$352,827	\$352,827	\$3,129,971	\$3,129,971
TOTAL, AGENCY STRATEGY REQUEST	\$2,777,144	\$2,777,144	\$352,827	\$352,827	\$3,129,971	\$3,129,971
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$2,777,144	\$2,777,144	\$352,827	\$352,827	\$3,129,971	\$3,129,971

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

DATE : 8/6/2008
 TIME : 8:41:25AM

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

<i>Goal/Objective/STRATEGY</i>	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
General Revenue Funds:						
1 General Revenue Fund	\$2,513,094	\$2,513,094	\$352,827	\$352,827	\$2,865,921	\$2,865,921
	\$2,513,094	\$2,513,094	\$352,827	\$352,827	\$2,865,921	\$2,865,921
Other Funds:						
573 Judicial Fund	213,050	213,050	0	0	\$213,050	\$213,050
666 Appropriated Receipts	9,000	9,000	0	0	\$9,000	\$9,000
777 Interagency Contracts	42,000	42,000	0	0	\$42,000	\$42,000
	\$264,050	\$264,050	\$0	\$0	\$264,050	\$264,050
TOTAL, METHOD OF FINANCING	\$2,777,144	\$2,777,144	\$352,827	\$352,827	\$3,129,971	\$3,129,971
FULL TIME EQUIVALENT POSITIONS	39.0	39.0	1.0	1.0	40.0	40.0

2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES

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

Date : 8/6/2008
 Time: 8:41:32AM

Agency code: 224

Agency name: Fourth Court of Appeals District, San Antonio

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						
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year						
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years						
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

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

DATE: 8/6/2008
 TIME: 8:41:45AM

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

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

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	545.00	469.00	561.00	561.00	561.00
2	Number of Criminal Cases Disposed	387.00	436.00	510.00	510.00	510.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	514.00	456.00	529.00	529.00	529.00
2	Number of Criminal Cases Filed	412.00	427.00	469.00	469.00	469.00
3	Number of Cases Transferred in	0.00	1.00	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	\$2,406,993	\$2,607,668	\$2,616,840	\$2,619,340	\$2,619,340
1002	OTHER PERSONNEL COSTS	\$27,899	\$39,714	\$43,940	\$49,600	\$54,232
2001	PROFESSIONAL FEES AND SERVICES	\$0	\$8,552	\$7,057	\$6,563	\$6,281
2003	CONSUMABLE SUPPLIES	\$8,993	\$12,081	\$6,008	\$5,587	\$5,348
2004	UTILITIES	\$463	\$2,989	\$2,889	\$2,686	\$2,571
2005	TRAVEL	\$513	\$1,243	\$1,201	\$1,117	\$1,069
2006	RENT - BUILDING	\$0	\$500	\$6,333	\$5,889	\$5,637
2007	RENT - MACHINE AND OTHER	\$0	\$1,380	\$1,334	\$1,240	\$1,187
2009	OTHER OPERATING EXPENSE	\$57,546	\$93,657	\$91,542	\$85,122	\$81,479
TOTAL, OBJECT OF EXPENSE		\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144
Method of Financing:						
1	General Revenue Fund	\$2,230,753	\$2,501,865	\$2,513,094	\$2,513,094	\$2,513,094
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,230,753	\$2,501,865	\$2,513,094	\$2,513,094	\$2,513,094

Method of Financing:

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

DATE: 8/6/2008
 TIME: 8:41:47AM

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

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

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
573	Judicial Fund	\$213,050	\$213,050	\$213,050	\$213,050	\$213,050
666	Appropriated Receipts	\$16,604	\$10,869	\$9,000	\$9,000	\$9,000
777	Interagency Contracts	\$42,000	\$42,000	\$42,000	\$42,000	\$42,000
SUBTOTAL, MOF (OTHER FUNDS)		\$271,654	\$265,919	\$264,050	\$264,050	\$264,050
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$2,777,144	\$2,777,144
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144
FULL TIME EQUIVALENT POSITIONS:		33.4	35.0	39.0	39.0	39.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Fourth Court of Appeals was created in 1893 by an amendment to Article 1822, V.T.C.S. pursuant to authority granted by Article V Section 1, Texas Constitution. This Court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts in civil cases where judgments rendered exceeds \$100, exclusive of costs and other civil proceedings as provided by law; and in criminal cases except in post-conviction writs of habeas corpus and where the death penalty has been imposed. This Court has jurisdiction in thirty-two counties.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Court of Appeals are by nature, small entities 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 I
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/6/2008
TIME: 8:41:47AM

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144
METHODS OF FINANCE (INCLUDING RIDERS):				\$2,777,144	\$2,777,144
METHODS OF FINANCE (EXCLUDING RIDERS):	\$2,502,407	\$2,767,784	\$2,777,144	\$2,777,144	\$2,777,144
FULL TIME EQUIVALENT POSITIONS:	33.4	35.0	39.0	39.0	39.0

3. B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 224	Agency Name: Fourth Court of Appeals District	Prepared by: Keith E. Hottle	Date: August 6, 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: 224	Agency Name: Fourth Court of Appeals District	Prepared by: Keith E. Hottle	Date: August 6, 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: 224	Agency Name: Fourth Court of Appeals District	Prepared by: Keith E. Hottle	Date: August 6, 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: 8/6/2008
 TIME: 8:41:56AM

Agency code: 224

Agency name:

Fourth Court of Appeals District, San Antonio

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Similar Funding for 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	352,827	352,827
	TOTAL, OBJECT OF EXPENSE	\$352,827	\$352,827
METHOD OF FINANCING:			
1	General Revenue Fund	352,827	352,827
	TOTAL, METHOD OF FINANCING	\$352,827	\$352,827
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.00	1.00

DESCRIPTION / JUSTIFICATION:

Funding for this exceptional item will allow the court to continue the Same-sized Courts initiative to recruit and retain qualified staff, continue to meet performance goals and dispose of more cases. It will also provide the necessary resources to:

- 1) create a career ladder for staff attorneys that would allow for the recruitment and retention of qualified attorneys;
- 2) continue the initiative to reclassify law clerks as permanent staff attorneys; and
- 3) make salary adjustments for non-legal staff to reflect levels of responsibility.

EXTERNAL/INTERNAL FACTORS:

The funding provided in this item will allow the court to fully implement a career ladder that will permit for the recruitment and retention of well qualified staff. It will also allow the court to reclassify needed positions, implement salary adjustments for non-legal staff to reflect levels of responsibility and enhance court operations. The competitiveness of the private sector makes it difficult to recruit and retain experienced specialized staff. This initiative will further allow the court to decrease the time cases are under submission and the time cases are pending to levels consistent with historic performance measures.

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

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

DATE: 8/6/2008
 TIME: 8:42:04AM

Agency code: 224

Agency name: Fourth Court of Appeals District, San Antonio

Code Description	Excp 2010	Excp 2011
Item Name: Similar Funding for Same-sized Courts		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	352,827	352,827
TOTAL, OBJECT OF EXPENSE	\$352,827	\$352,827
METHOD OF FINANCING:		
1 General Revenue Fund	352,827	352,827
TOTAL, METHOD OF FINANCING	\$352,827	\$352,827
FULL-TIME EQUIVALENT POSITIONS (FTE):	1.0	1.0

4.C. EXCEPTIONAL ITEMS STRATEGY REQUEST
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/6/2008
 TIME: 8:42:19AM

Agency Code: 224

Agency name: Fourth Court of Appeals District, San Antonio

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

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

CODE DESCRIPTION	Excp 2010	Excp 2011
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STRATEGY IMPACT ON OUTCOME MEASURES:

1 Clearance Rate	100.00 %	100.00 %
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 %

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	352,827	352,827
Total, Objects of Expense	352,827	352,827

METHOD OF FINANCING:

1 General Revenue Fund	352,827	352,827
Total, Method of Finance	352,827	352,827

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.0	1.0	1.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Similar Funding for Same-sized Courts

6.A. HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE

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

Date: 8/6/2008
Time: 8:44:33AM

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

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	11.9 %	0.0%	\$0	\$0	11.9 %	0.0%	\$0	\$0
26.1%	Building Construction	26.1 %	0.0%	\$0	\$0	26.1 %	0.0%	\$0	\$0
57.2%	Special Trade Construction	57.2 %	0.0%	\$0	\$0	57.2 %	0.0%	\$0	\$0
20.0%	Professional Services	20.0 %	0.0%	\$0	\$0	20.0 %	0.0%	\$0	\$0
33.0%	Other Services	33.0 %	0.0%	\$0	\$18,414	33.0 %	0.0%	\$0	\$15,926
12.6%	Commodities	12.6 %	62.5%	\$12,874	\$20,614	12.6 %	61.0%	\$8,087	\$13,268
	Total Expenditures		33.0%	\$12,874	\$39,028		27.7%	\$8,087	\$29,194

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

Attainment:

The court attained or exceeded one of two, or 50%, of the applicable statewide HUB procurement goals in FY 2006.

The court attained or exceeded one of two, or 50%, of the applicable statewide HUB procurement goals in FY 2007.

Applicability:

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

Factors Affecting Attainment:

In both fiscal years 2006 and 2007, the goal of the "Other Services" category was not met since the main expense of that category was for publications that are only available from sole source vendors. The restriction limits the court to contracting with non-HUB vendors.

"Good-Faith" Efforts:

The court has made the following good faith efforts to comply with statewide HUB procurement goals per 1 TAC 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

Agency Name

Fourth Court of Appeals District

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2010-11 GAA BILL PATTERN	\$	842,234
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Fund Name Section 22.2051 - Appellate Judicial System		
Estimated Beginning Balance in FY 2008	\$	258,132
Estimated Revenues FY 2008	\$	321,117
Estimated Revenues FY 2009	\$	321,117
FY 2008-09 Total	\$	900,366
Estimated Beginning Balance in FY 2010	\$	200,000
Estimated Revenues FY 2010	\$	321,117
Estimated Revenues FY 2011	\$	321,117
FY 2010-11 Total	\$	842,234
 Constitutional or Statutory Creation and Use of Funds:		
Section 22.2051 of the Texas Government Code provides that the commissioners court of each county in the Fourth Court of Appeals District, by order entered in its minutes, shall establish an appellate judicial system to (1) assist the court of appeals for the county in the processing of appeals filed with the court of appeals from the county courts, county courts at law, probate courts, and district courts; and (2) defray costs and expenses incurred by the county under Section 22.205. The commissioners court shall fund the system by setting a court costs fee of not more than \$5 for each civil suit filed in county court, county court at law, probate court, or district court in the county. The fund may not be used for any other purpose.		
 Method of Calculation and Revenue Assumptions:		
Revenue assumptions are based on FY 2007 collections. The number of civil suits filed determine actual revenue received. The above estimated annual revenue includes a salary supplement for each justice paid directly from Bexar County. The combined amount for all seven judges is \$52,500.		

6.I. 10 Percent Biennial Base Reduction Options Schedule

Approved Reduction Amount

\$473,424

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

Agency Code: 224		Agency Name: Fourth Court of Appeals									
Rank	Reduction Item		Biennial Application of 10% Percent Reduction					FTE Reductions (FY 2010-11 Base Request Compared to Budgeted 2009)		Revenue Impact? Y/N	Cumulative GR-related reduction as a % of Approved Base
	Strat	Name	GR	GR-Dedicated	Federal	Other	All Funds	FY 08	FY 09		
1	1	Appellate Operations	473,424				\$ 473,424	5	5	Y	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			\$ 473,424	\$ -	\$ -	\$ -	\$ 473,424	5.0	5.0		10.0%
Agency Biennial Total (GR + GR-D)				\$ 473,424							

Rank / Name

Explanation of Impact to Programs and Revenue Collections

1 Appellate Operations

The core function of courts is to process and review 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 judges of the court in disposing of cases and researching and writing opinions. Consequently, 95% of the courts FY2008-09 appropriated budget is dedicated to salaries. A 10% reduction in the Court's appropriated budget, which amounts to \$473,424, will require the Court to eliminate five legal positions representing 33% of the court's legal staff. The minimum number of lawyers an appellate court must have to perform at a reasonably productive and efficient level is two lawyers to each judge. Any reduction of FTEs will result in a corresponding reduction in the court's targeted clearance rate. Currently the court has a 100.12 percent clearance rate (i.e. the number of cases disposed in relation to the number of cases received). A reduction in funding will result in this clearance rate dropping at a corresponding rate to approximately 67.12 percent, thus creating a backlog of cases within the judiciary.

2 0

3 0

7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/6/2008
 TIME : 8:44:44AM

Agency code: 224

Agency name: Fourth Court of Appeals District, San Antonio

Strategy	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$ 131,522	\$ 137,788	\$ 139,523	\$ 139,523	\$ 139,523
Total, Objects of Expense	\$ 131,522	\$ 137,788	\$ 139,523	\$ 139,523	\$ 139,523
METHOD OF FINANCING:					
1 General Revenue Fund	131,522	137,788	139,523	139,523	139,523
Total, Method of Financing	\$ 131,522	\$ 137,788	\$ 139,523	\$ 139,523	\$ 139,523
FULL-TIME-EQUIVALENT POSITIONS (FTE):	1.5	1.5	1.5	1.5	1.5

DESCRIPTION

The administrative and support costs in this strategy are related to the percentage of salaries and related operating costs of support personnel performing administrative duties.

- Chief Justice - 30%
- Coordinating Staff Attorney - 10%
- Clerk of the Court - 80%
- Chief Deputy Clerk - 30%

7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/6/2008
 TIME : 8:44:48AM

Agency code: 224

Agency name: Fourth Court of Appeals District, San Antonio

	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$131,522	\$137,788	\$139,523	\$139,523	\$139,523
Total, Objects of Expense	\$131,522	\$137,788	\$139,523	\$139,523	\$139,523
Method of Financing					
1 General Revenue Fund	\$131,522	\$137,788	\$139,523	\$139,523	\$139,523
Total, Method of Financing	\$131,522	\$137,788	\$139,523	\$139,523	\$139,523
Full-Time-Equivalent Positions (FTE)	1.5	1.5	1.5	1.5	1.5