

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, NINTH DISTRICT
BEAUMONT, TEXAS***

Chief Justice Steve McKeithen

Justice David Gaultney

Justice Charles Kreger

Justice Hollis Horton

***Prepared by Carol Anne Flores
Clerk of the Court***

July 25, 2008

TABLE OF CONTENTS

	PAGE
1. Title Page	
2. Table of Contents	
3. Administrator's Statement	1. Page 1-2
4. Organizational Chart	1.A. Page 1
5. Summary of Base Request by Strategy	2.A. Page 1
6. Summary of Base Request by Method of Finance	2.B. Page 1-3
7. Summary of Base Request by Object of Expense	2.C. Page 1
8. Operating Costs Detail - Base Request.....	2.C.1Page 1
9. Summary of Base Request Objective Outcomes	2.D. Page 1
10. Summary of Exceptional Items Request	2.E. Page 1
11. Summary of Total Request by Strategy	2.F. Page 1-2
12. Summary of Total Request Objective Outcomes	2.G. Page 1
13. Strategy Request	3.A. Page 1-3
14. Rider Revisions and Additions Request.....	3.B. Page 1-3
15. Exceptional Item Request Schedule.....	4.A. Page 1
16. Exceptional Items Strategy Allocation Schedule	4.B. Page 1
17. Exceptional Items Strategy Request	4.C. Page 1
18. Historically Underutilized Business Supporting Schedule.....	6.A. Page 1
19. Estimated Total of All Agency Funds Outside the GAA Bill Pattern.....	6.H. Page 1
20. Allocation of the Biennial Ten Percent Reduction to Strategies Schedule.....	6.I. Page 1
21. Direct Administrative and Support Costs.....	7.B. Page 1-2
22. General Revenue & General Revenue Dedicated Baseline Report.....	8. Page 1

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

DATE: 7/21/2008
TIME: 10:40:13AM
PAGE: 1 of 2

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

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 98% of the Ninth 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 Ninth 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. 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. 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 Ninth 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 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

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

DATE: 7/21/2008
TIME: 10:40:21AM
PAGE: 2 of 2

Agency code: 229

Agency name: **Ninth Court of Appeals District, Beaumont**

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:

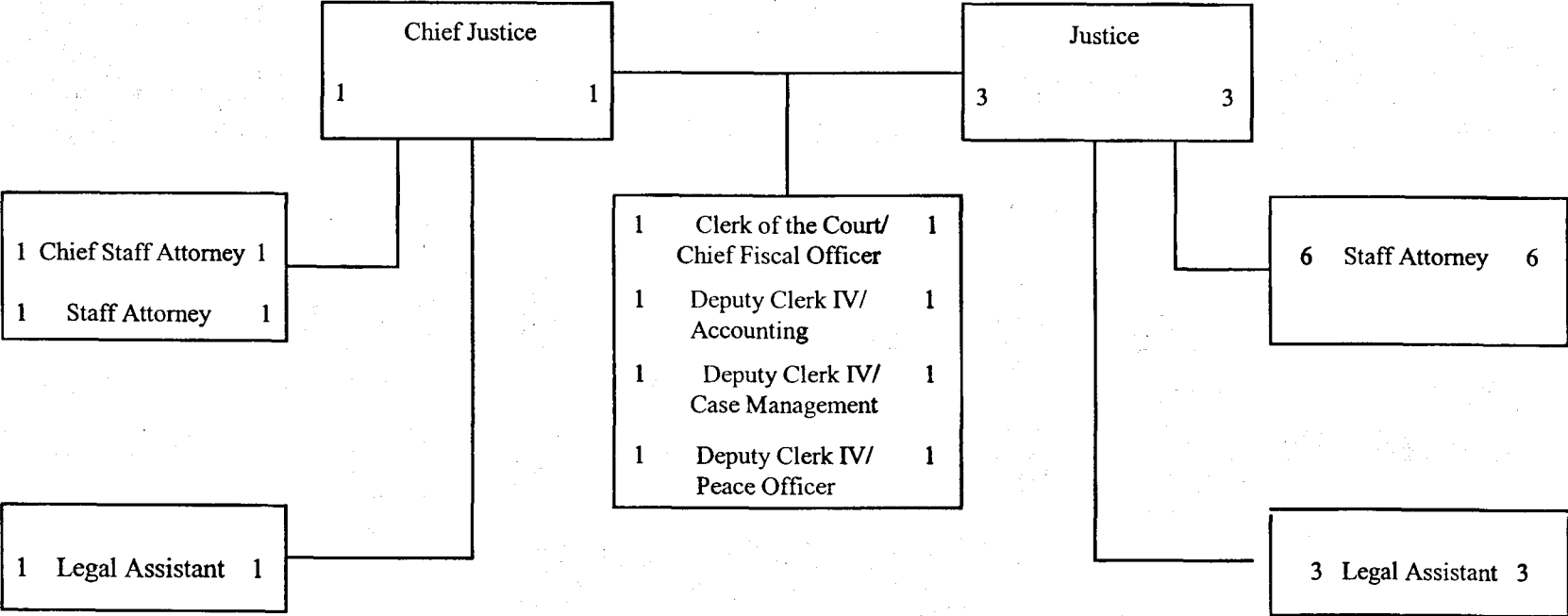
This Court supports the consolidated budget approach represented in the biennial appropriations request of the Office of Court Administration. If the OCA's request is not fully funded for the 2010-11 biennium, this court would need additional funds to maintain its own, separate information technology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

NOTE on Appropriated Receipts – At the direction of the LBB & Governors Office, this court has included appropriated receipts in the amount of \$8000, 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.

**Ninth Court of Appeals
Organizational Chart**

2008-2009



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

DATE: 7/21/2008
 TIME: 12:24:18PM

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

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	1,610,459	1,628,877	1,637,548	1,637,548	1,637,548
TOTAL, GOAL 1	\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548
TOTAL, AGENCY STRATEGY REQUEST	\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	1,474,831	1,498,277	1,506,948	1,506,948	1,506,948
SUBTOTAL	\$1,474,831	\$1,498,277	\$1,506,948	\$1,506,948	\$1,506,948
Other Funds:					
573 Judicial Fund	122,600	122,600	122,600	122,600	122,600
666 Appropriated Receipts	13,028	8,000	8,000	8,000	8,000
SUBTOTAL	\$135,628	\$130,600	\$130,600	\$130,600	\$130,600
TOTAL, METHOD OF FINANCING	\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548

*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: 7/21/2008
 TIME: 10:42:23AM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

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	\$1,407,146	\$1,490,020	\$1,490,020	\$1,506,948	\$1,506,948
<i>TRANSFERS</i>					
Art IX, Sec 13.17(a), Salary Increase (2006-07 GAA)	\$27,066	\$0	\$0	\$0	\$0
Art IX, Sec 19.62(a), Salary Increase (2008-09 GAA)	\$0	\$8,257	\$16,928	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$(22)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Unexpended Balance Authority	\$40,641	\$0	\$0	\$0	\$0
TOTAL, General Revenue Fund	\$1,474,831	\$1,498,277	\$1,506,948	\$1,506,948	\$1,506,948
TOTAL, ALL GENERAL REVENUE	\$1,474,831	\$1,498,277	\$1,506,948	\$1,506,948	\$1,506,948

OTHER FUNDS

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

DATE: 7/21/2008
 TIME: 10:42:30AM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
<u>573</u> Judicial Fund No. 573					
REGULAR APPROPRIATIONS					
Regular Appropriation	\$0	\$122,600	\$122,600	\$122,600	\$122,600
TRANSFERS					
HB 11, 79th Legislature, 2nd Called Session, (2005)	\$122,600	\$0	\$0	\$0	\$0
TOTAL, Judicial Fund No. 573	\$122,600	\$122,600	\$122,600	\$122,600	\$122,600
<u>666</u> Appropriated Receipts					
REGULAR APPROPRIATIONS					
Regular Appropriations	\$0	\$8,000	\$8,000	\$8,000	\$8,000
RIDER APPROPRIATION					
Art. IX, Sec. 8.03, Reimbursements & Payments (2006-2007)	\$13,028	\$0	\$0	\$0	\$0
TOTAL, Appropriated Receipts	\$13,028	\$8,000	\$8,000	\$8,000	\$8,000
TOTAL, ALL OTHER FUNDS	\$135,628	\$130,600	\$130,600	\$130,600	\$130,600

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: 7/21/2008
 TIME: 10:42:30AM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
GRAND TOTAL	\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548

FULL-TIME-EQUIVALENT POSITIONS

REGULAR APPROPRIATIONS					
Regular Appropriations	21.5	20.0	20.0	20.0	20.0
Adjustments	(1.5)	0.0	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	20.0	20.0	20.0	20.0	20.0

NUMBER OF 100% FEDERALLY FUNDED FTES

0.0	0.0	0.0	0.0	0.0
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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: 7/21/2008
 TIME: 12:28:59PM

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

OBJECT OF EXPENSE	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1001 SALARIES AND WAGES	\$1,536,698	\$1,530,850	\$1,594,648	\$1,594,648	\$1,594,648
1002 OTHER PERSONNEL COSTS	\$20,960	\$22,900	\$23,900	\$25,900	\$25,900
2003 CONSUMABLE SUPPLIES	\$8,810	\$5,000	\$3,000	\$3,000	\$3,000
2005 TRAVEL	\$7,549	\$8,000	\$4,000	\$4,000	\$4,000
2009 OTHER OPERATING EXPENSE	\$36,442	\$62,127	\$12,000	\$10,000	\$10,000
OOE Total (Excluding Riders)	\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548
OOE Total (Riders)					
Grand Total	\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548

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

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

Date: 7/22/2008

Time: 12:50:20PM

Agency Code: 229 Agency: Ninth Court of Appeals District, Beaumont

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	\$8,810	\$5,000	\$3,000	\$3,000	\$3,000
2	Postage	8,000	5,000	3,000	3,000	3,000
4	Travel	7,549	8,000	4,000	4,000	4,000
5	Westlaw/Lexis	4,600	4,800	4,800	0	0
6	Registrations/Training	1,345	4,000	0	1,000	1,000
7	Subscriptions/Periodicals	12,000	12,000	0	0	0
11	Misc. Operating Costs	6,681	32,703	576	2,376	2,376
12	Maintenance & Repair - Equipment	3,192	3,000	3,000	3,000	3,000
14	Rentals & Leases - Postage Meter	624	624	624	624	624
	Total, Operating Costs	\$52,801	\$75,127	\$19,000	\$17,000	\$17,000

2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES

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

Date : 7/21/2008

Time: 11:03:32AM

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

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	115.62%	95.00%	95.00%	95.00%	95.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year	99.00%	98.00%	98.00%	98.00%	98.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years	99.00%	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: 7/21/2008
 TIME : 4:12:27PM

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

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	Guideline Budget 4-Justice Court	\$204,380	\$204,380	1.0	\$204,380	\$204,380	1.0	\$408,760	\$408,760
Total, Exceptional Items Request		\$204,380	\$204,380	1.0	\$204,380	\$204,380	1.0	\$408,760	\$408,760
Method of Financing									
	General Revenue	\$204,380	\$204,380		\$204,380	\$204,380		\$408,760	\$408,760
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$204,380	\$204,380		\$204,380	\$204,380		\$408,760	\$408,760
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 : 7/21/2008
 TIME : 4:06:32PM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

Goal/Objective/STRATEGY	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
1 Appellate Court Operations						
<i>1 Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$1,637,548	\$1,637,548	\$204,380	\$204,380	\$1,841,928	\$1,841,928
TOTAL, GOAL 1	\$1,637,548	\$1,637,548	\$204,380	\$204,380	\$1,841,928	\$1,841,928
TOTAL, AGENCY STRATEGY REQUEST	\$1,637,548	\$1,637,548	\$204,380	\$204,380	\$1,841,928	\$1,841,928
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$1,637,548	\$1,637,548	\$204,380	\$204,380	\$1,841,928	\$1,841,928

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

DATE : 7/21/2008
 TIME : 4:06:40PM

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

<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	\$1,506,948	\$1,506,948	\$204,380	\$204,380	\$1,711,328	\$1,711,328
	\$1,506,948	\$1,506,948	\$204,380	\$204,380	\$1,711,328	\$1,711,328
Other Funds:						
573 Judicial Fund	122,600	122,600	0	0	\$122,600	\$122,600
666 Appropriated Receipts	8,000	8,000	0	0	\$8,000	\$8,000
	\$130,600	\$130,600	\$0	\$0	\$130,600	\$130,600
TOTAL, METHOD OF FINANCING	\$1,637,548	\$1,637,548	\$204,380	\$204,380	\$1,841,928	\$1,841,928
FULL TIME EQUIVALENT POSITIONS	20.0	20.0	1.0	1.0	21.0	21.0

2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES

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

Date : 7/22/2008
Time: 9:13:02AM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

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						
	95.00%	95.00%	100.00%	100.00%	100.00%	100.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year						
	98.00%	98.00%	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: 7/22/2008
 TIME: 9:08:58AM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

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	275.00	256.00	256.00	256.00	256.00
2	Number of Criminal Cases Disposed	332.00	314.00	314.00	314.00	314.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	267.00	270.00	270.00	270.00	270.00
2	Number of Criminal Cases Filed	364.00	330.00	330.00	330.00	3,300.00
4	Number of Cases Transferred out	106.00	103.00	100.00	100.00	100.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,536,698	\$1,530,850	\$1,594,648	\$1,594,648	\$1,594,648
1002	OTHER PERSONNEL COSTS	\$20,960	\$22,900	\$23,900	\$25,900	\$25,900
2003	CONSUMABLE SUPPLIES	\$8,810	\$5,000	\$3,000	\$3,000	\$3,000
2005	TRAVEL	\$7,549	\$8,000	\$4,000	\$4,000	\$4,000
2009	OTHER OPERATING EXPENSE	\$36,442	\$62,127	\$12,000	\$10,000	\$10,000
TOTAL, OBJECT OF EXPENSE		\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548
Method of Financing:						
1	General Revenue Fund	\$1,474,831	\$1,498,277	\$1,506,948	\$1,506,948	\$1,506,948
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,474,831	\$1,498,277	\$1,506,948	\$1,506,948	\$1,506,948
Method of Financing:						
573	Judicial Fund	\$122,600	\$122,600	\$122,600	\$122,600	\$122,600
666	Appropriated Receipts	\$13,028	\$8,000	\$8,000	\$8,000	\$8,000
SUBTOTAL, MOF (OTHER FUNDS)		\$135,628	\$130,600	\$130,600	\$130,600	\$130,600

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

DATE: 7/22/2008
 TIME: 9:09:05AM

Agency code: 229 Agency name: **Ninth Court of Appeals District, Beaumont**

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
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,637,548	\$1,637,548
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548
FULL TIME EQUIVALENT POSITIONS:		20.0	20.0	20.0	20.0	20.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Ninth Court of Appeals was established by the 34th Texas Legislature on March 11, 1915. Our Court has intermediate appellate jurisdiction in civil cases when the judgment exceeds \$100 exclusive of cost and effective September 1, 1981 in criminal cases excluding those in which the death penalty has been assessed. Located in Beaumont, Texas, it is composed of the following ten counties: Hardin, Jasper, Jefferson, Liberty, Montgomery, Newton, Orange, Polk, San Jacinto and Tyler. Effective January 1, 2005 our Court became a four-justice court pursuant to H.B. 2261 and H.B. 3306, 78th Regular Session.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Courts of Appeals are by nature, constitutional components of the Judicial Branch of the government with highly specialized staffs. The main factor which drives this strategy is the need to attract and retain highly trained and knowledgeable staff to work on an annually increasing caseload. Effective January 1, 2005, our Court became a four-justice court pursuant to H.B. 2261 and H.B. 3306, 78th Regular Session. Our Court continues to transfer out cases to other courts of appeals due to our high volume of cases filed per year.

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

DATE: 7/22/2008
TIME: 9:09:05AM

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548
METHODS OF FINANCE (INCLUDING RIDERS):				\$1,637,548	\$1,637,548
METHODS OF FINANCE (EXCLUDING RIDERS):	\$1,610,459	\$1,628,877	\$1,637,548	\$1,637,548	\$1,637,548
FULL TIME EQUIVALENT POSITIONS:	20.0	20.0	20.0	20.0	20.0

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 229		Agency Name: Ninth Court of Appeals	Prepared by: Carol Anne Flores	Date: 7/24/2008	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>

Deleted: 2008
Deleted: 2009

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 229	Agency Name: Ninth Court of Appeals	Prepared by: Carol Anne Flores	Date: 7/24/2008	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>		
14	IV-39	<p>Appellate Court Transfer Authority. The Chief Justice of the Supreme Court of Texas, the Presiding Judge of the Court of</p>		

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3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 229	Agency Name: Ninth Court of Appeals	Prepared by: Carol Anne Flores	Date: 7/24/2008	Request Level: Baseline
Current Rider Number	Page Number in 2008-09 GAA	Proposed Rider Language		

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

DATE: 7/21/2008
 TIME: 3:45:17PM

Agency code: 229

Agency name:

Ninth Court of Appeals District, Beaumont

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Employ and Retain Quality Staff to Maintain a Four - Justice Court of Appeals		
	Item Priority: 1		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	204,380	204,380
	TOTAL, OBJECT OF EXPENSE	\$204,380	\$204,380
METHOD OF FINANCING:			
1	General Revenue Fund	204,380	204,380
	TOTAL, METHOD OF FINANCING	\$204,380	\$204,380
	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.

EXTERNAL/INTERNAL FACTORS:

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 Ninth 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

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

DATE: 7/21/2008

TIME: 4:11:06PM

Agency code: 229 Agency name: Ninth Court of Appeals District, Beaumont

Code Description	Excp 2010	Excp 2011
Item Name: Employ and Retain Quality Staff to Maintain a Four - Justice Court of Appeals		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
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	204,380	204,380
TOTAL, OBJECT OF EXPENSE	\$204,380	\$204,380
METHOD OF FINANCING:		
1 General Revenue Fund	204,380	204,380
TOTAL, METHOD OF FINANCING	\$204,380	\$204,380
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: 7/22/2008
TIME: 9:10:26AM

Agency Code: 229

Agency name: Ninth Court of Appeals District, Beaumont

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 %

OUTPUT MEASURES:

1 Number of Civil Cases Disposed	270.00	270.00
2 Number of Criminal Cases Disposed	330.00	330.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	204,380	204,380
Total, Objects of Expense	<u>\$204,380</u>	<u>\$204,380</u>

METHOD OF FINANCING:

1 General Revenue Fund	204,380	204,380
Total, Method of Finance	<u>\$204,380</u>	<u>\$204,380</u>

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.0	1.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Employ and Retain Quality Staff to Maintain a Four - Justice Court of Appeals

6.A. HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/22/2008
 Time: 1:32:00PM

Agency Code: 229 Agency: Ninth Court of Appeals District, Beaumont

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 \$	
33.0%	Other Services	0.0 %	0.0%	\$0	\$2,324	0.0 %	0.0%	\$0	\$7,542
12.6%	Commodities	25.0 %	25.0%	\$1,099	\$4,391	63.6 %	63.6%	\$8,243	\$12,958
	Total Expenditures		16.4%	\$1,099	\$6,715		40.2%	\$8,243	\$20,500

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

Attainment:

The Court only had purchases in two of the six categories and far exceeded one of the goals for FY 2006 and FY 2007

Applicability:

Four of the procurement categories are not applicable to court operations in either fiscal year 2006 or 2007.

Factors Affecting Attainment:

In both FY 2006 and FY 2007, the goal of "Other Services" was not met since the contracts in that category were specialized contracts that limited the court to contracting with non-HUB vendors.

"Good-Faith" Efforts:

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

- 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 procurements 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

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2010-11 GAA BILL PATTERN	\$ 180,000
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Fund Name	
Estimated Beginning Balance in FY 2008	\$ -
Estimated Revenues FY 2008	\$ 60,000
Estimated Revenues FY 2009	\$ 90,000
FY 2008-09 Total	\$ 150,000
Estimated Beginning Balance in FY 2010	
Estimated Revenues FY 2010	\$ 90,000
Estimated Revenues FY 2011	\$ 90,000
FY 2010-11 Total	\$ 180,000
Constitutional or Statutory Creation and Use of Funds:	
The judges are paid a supplemental salary from Jefferson County. The Chapter 22 Funds, collected by the counties in our district since January 2008, is used to fund this supplemental salary.	
Method of Calculation and Revenue Assumptions:	
The supplemental salary amount is \$7500 per judge per fiscal year. The Chapter 22 funds are \$5 filing fee per civil case filed in the District Clerk and County Clerk's Offices in our district.	

6.I. 10 Percent Biennial Base Reduction Options Schedule

Approved Reduction Amount

\$286,838

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

Agency Code:		Agency Name:									
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	y	
1	1	Appellate Court Operations	286,838				\$ 286,838	3	3		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			\$ 286,838	\$ -	\$ -	\$ -	\$ 286,838	3.0	3.0		10.0%
Agency Biennial Total (GR + GR-D)			\$ 286,838								

Rank / Name

Explanation of Impact to Programs and Revenue Collections

1 Appellate Court Operations

Reducing the funding for the Ninth Court of Appeals to 90% of the 2008-09 biennium funding will most certainly have the following effects: (1) reduce the dispositions of appeals to 80% of new appeals filed in the biennium, and (2) increase the time for which appeals remain pending during the biennium. As a result, the core functions of the Court, the timely processing and disposing of appeals, will be seriously impaired.

Because 98% of the Court's FY 2008-09 appropriated budget is dedicated to salaries, a 10% reduction (\$286,838) in the Court's appropriated budget will require the Court to eliminate two attorneys and one legal assistant. The minimum number of attorneys an appellate court must have to perform at a reasonably productive and efficient level is two attorneys for each judge. The loss of two attorneys and one legal assistant would represent 25% of the court's legal staff. To prevent the backlog of cases from increasing and to maintain current disposition and clearance rates, this Court specifically needs the assistance of a full complement of attorneys and legal assistants.

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

DATE: 7/21/2008
 TIME : 1:05:54PM

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

Strategy	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$ 186,919	\$ 186,450	\$ 194,466	\$ 194,466	\$ 194,466
2003 CONSUMABLE SUPPLIES	1,057	600	360	360	360
2005 TRAVEL	906	960	480	480	480
2009 OTHER OPERATING EXPENSE	4,373	7,455	1,200	1,200	1,200
Total, Objects of Expense	\$ 193,255	\$ 195,465	\$ 196,506	\$ 196,506	\$ 196,506
METHOD OF FINANCING:					
1 General Revenue Fund	172,743	174,953	175,994	175,994	175,994
573 Judicial Fund	20,512	20,512	20,512	20,512	20,512
Total, Method of Financing	\$ 193,255	\$ 195,465	\$ 196,506	\$ 196,506	\$ 196,506
FULL-TIME-EQUIVALENT POSITIONS (FTE):	2.0	2.0	2.0	2.0	2.0

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

DATE: 7/21/2008
 TIME : 1:05:59PM

Agency code: 229

Agency name: Ninth Court of Appeals District, Beaumont

	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$186,919	\$186,450	\$194,466	\$194,466	\$194,466
2003 CONSUMABLE SUPPLIES	\$1,057	\$600	\$360	\$360	\$360
2005 TRAVEL	\$906	\$960	\$480	\$480	\$480
2009 OTHER OPERATING EXPENSE	\$4,373	\$7,455	\$1,200	\$1,200	\$1,200
Total, Objects of Expense	\$193,255	\$195,465	\$196,506	\$196,506	\$196,506
Method of Financing					
1 General Revenue Fund	\$172,743	\$174,953	\$175,994	\$175,994	\$175,994
573 Judicial Fund	\$20,512	\$20,512	\$20,512	\$20,512	\$20,512
Total, Method of Financing	\$193,255	\$195,465	\$196,506	\$196,506	\$196,506
Full-Time-Equivalent Positions (FTE)	2.0	2.0	2.0	2.0	2.0

GENERAL REVENUE (GR) & GENERAL REVENUE DEDICATED (GR-D) BASELINE REPORT

DATE: 7/21/2008

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

TIME: 4:11:31PM

Agency code: Agency name: Ninth Court of Appeals District, Beaumont

GR Baseline Request Limit = \$3,005,225

GR-D Baseline Request Limit = \$1

Strategy/Strategy Option/Rider				2010 Funds				2011 Funds				Biennial	Biennial	Page #
FTEs	Total	GR	Ded	FTEs	Total	GR	Ded	Cumulative GR	Cumulative Ded					
0.0				0.0				*****GR Baseline Request Limit=\$3,005,225*****						
Strategy: 1 - 1 - 1 Appellate Court Operations														
20.0	1,637,548	1,506,948	0	20.0	1,637,548	1,506,948	0	3,013,896	0					
Excp Item: 1 Employ and Retain Quality Staff to Maintain a Four - Justice Court of Appeals														
1.0	204,380	204,380	0	1.0	204,380	204,380	0	3,422,656	0					
Strategy Detail for Excp Item: 1														
Strategy: 1 - 1 - 1 Appellate Court Operations														
1.0	204,380	204,380	0	1.0	204,380	204,380	0							
21.0	\$1,841,928	\$1,711,328	\$0	21.0	\$1,841,928	\$1,711,328	0							