

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, Thirteenth 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: 8/4/2008
TIME: 9:52:37AM
PAGE: 1 of 2

Agency code: 233

Agency name: **Thirteenth Court of Appeals District, Corpus Christi-Edinburg**

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 thirteenth 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 Thirteenth 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 Thirteenth Court to comply with the mandate of Texas Government Code Section 659.0445. In the 2010-11 biennium, the Thirteenth Court will need \$4080 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 Thirteenth 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: 8/4/2008
TIME: 9:52:42AM
PAGE: 2 of 2

Agency code: 233

Agency name: **Thirteenth Court of Appeals District, Corpus Christi-Edinburg**

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.

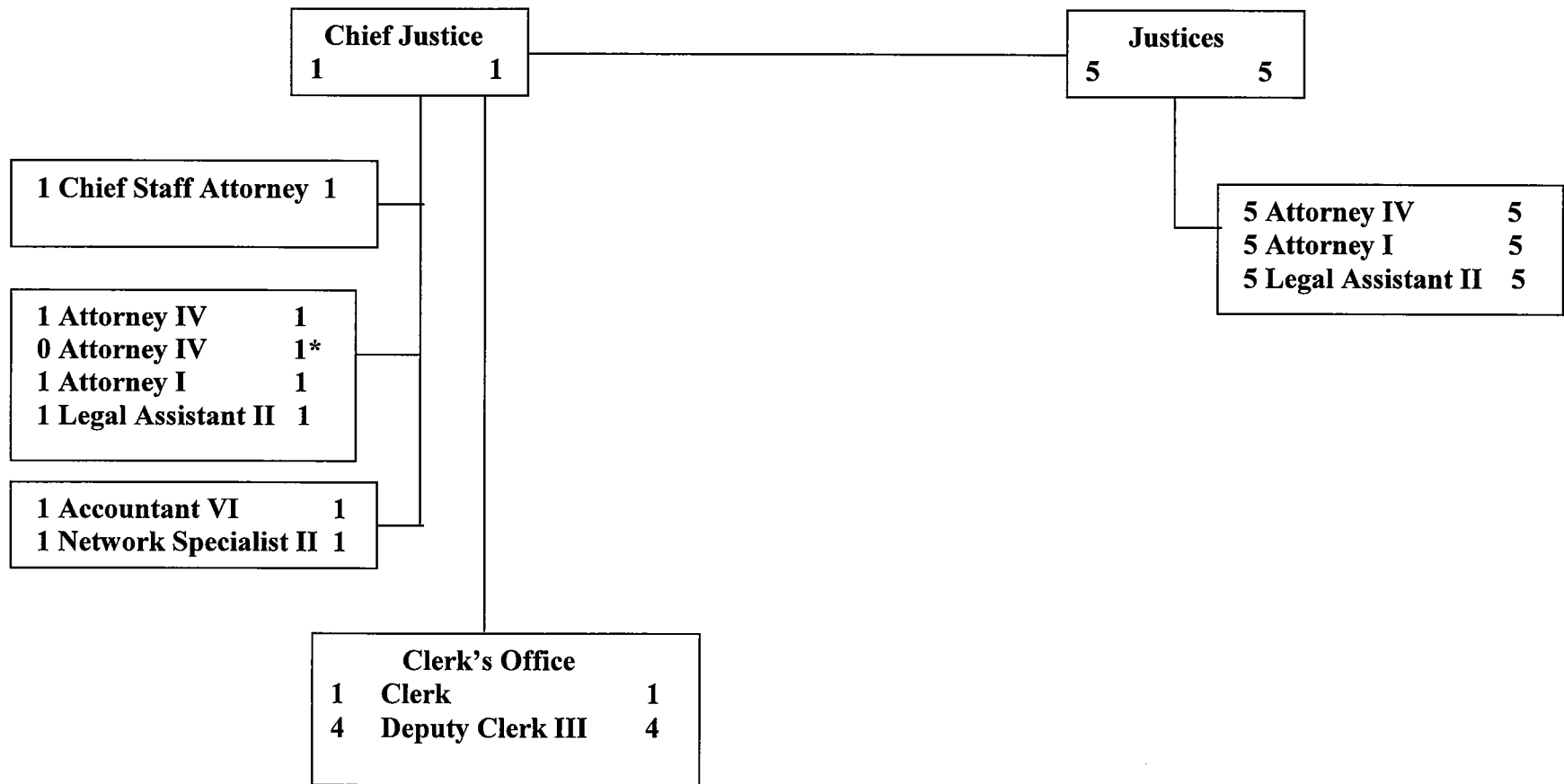
INFORMATION TECHNOLOGY:

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 & Governors Office, this court has included appropriated receipts in the amount of \$18,000, 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
Thirteenth Court of Appeals
2010-11



* Employee 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: 8/4/2008
 TIME: 9:53:07AM

Agency code: 233 Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg

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	2,318,824	2,435,725	2,447,855	2,447,855	2,447,855
TOTAL, GOAL 1	\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855
TOTAL, AGENCY STRATEGY REQUEST	\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855
METHOD OF FINANCING:					
General Revenue Funds:					
1 General Revenue Fund	2,063,884	2,198,825	2,210,955	2,210,955	2,210,955
SUBTOTAL	\$2,063,884	\$2,198,825	\$2,210,955	\$2,210,955	\$2,210,955
Other Funds:					
573 Judicial Fund	182,900	182,900	182,900	182,900	182,900
666 Appropriated Receipts	39,566	18,000	18,000	18,000	18,000
777 Interagency Contracts	32,474	36,000	36,000	36,000	36,000
SUBTOTAL	\$254,940	\$236,900	\$236,900	\$236,900	\$236,900
TOTAL, METHOD OF FINANCING	\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855

*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: 8/4/2008
 TIME: 9:53:23AM

Agency code: 233

Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg

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	\$2,025,598	\$2,186,932	\$2,186,931	\$2,210,955	\$2,210,955
<i>TRANSFERS</i>					
Art. IX, Sec 13.17, Salary Increase (06-07 GAA)	\$46,042	\$0	\$0	\$0	\$0
Art. IX, Sec 5.09, Reductions for Commercial Air Travel (2008-09 GAA)	\$(577)	\$0	\$0	\$0	\$0
Article IX, Sec. 19.62 Salary Increase (2008-09 GAA)	\$0	\$11,893	\$24,024	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$(7,179)	\$0	\$0	\$0	\$0
TOTAL, General Revenue Fund	\$2,063,884	\$2,198,825	\$2,210,955	\$2,210,955	\$2,210,955
TOTAL, ALL GENERAL REVENUE	\$2,063,884	\$2,198,825	\$2,210,955	\$2,210,955	\$2,210,955

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: 8/4/2008
 TIME: 9:53:26AM

Agency code: 233

Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg

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	\$182,900	\$182,900	\$182,900	\$182,900
<i>TRANSFERS</i>					
H.B. 1., 79th Leg., Second Called Session, 2005	\$182,900	\$0	\$0	\$0	\$0
TOTAL, Judicial Fund No. 573	\$182,900	\$182,900	\$182,900	\$182,900	\$182,900
<u>666</u> Appropriated Receipts					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations	\$0	\$18,000	\$18,000	\$18,000	\$18,000
<i>RIDER APPROPRIATION</i>					
Article IX, Sec. 8.03 Reimbursements and Payments (2006-2007 GAA)	\$39,566	\$0	\$0	\$0	\$0
TOTAL, Appropriated Receipts	\$39,566	\$18,000	\$18,000	\$18,000	\$18,000
<u>777</u> Interagency Contracts					
<i>REGULAR APPROPRIATIONS</i>					

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: 8/4/2008
 TIME: 9:53:26AM

Agency code: 233

Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
Regular Appropriations	\$0	\$36,000	\$36,000	\$36,000	\$36,000
<i>RIDER APPROPRIATION</i>					
Article IX, Section 8.03 Reimbursements and Payments (2006-07 GAA)	\$32,474	\$0	\$0	\$0	\$0
TOTAL, Interagency Contracts	\$32,474	\$36,000	\$36,000	\$36,000	\$36,000
TOTAL, ALL OTHER FUNDS	\$254,940	\$236,900	\$236,900	\$236,900	\$236,900
GRAND TOTAL	\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855

FULL-TIME-EQUIVALENT POSITIONS

REGULAR APPROPRIATIONS					
Regular Appropriations	32.0	32.0	32.0	32.0	32.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Adjustments	(1.4)	(0.5)	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	30.6	31.5	32.0	32.0	32.0

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: **8/4/2008**
TIME: **9:53:26AM**

Agency code: **233**

Agency name: **Thirteenth Court of Appeals District, Corpus Christi-Edinburg**

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 I
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/4/2008
 TIME: 9:53:46AM

Agency code: 233

Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg

OBJECT OF EXPENSE	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1001 SALARIES AND WAGES	\$2,190,850	\$2,276,758	\$2,288,651	\$2,288,651	\$2,288,651
1002 OTHER PERSONNEL COSTS	\$19,220	\$30,000	\$30,500	\$31,000	\$31,000
2003 CONSUMABLE SUPPLIES	\$13,312	\$15,291	\$16,169	\$16,500	\$16,500
2005 TRAVEL	\$14,277	\$22,000	\$23,000	\$23,000	\$23,000
2006 RENT - BUILDING	\$35	\$25	\$35	\$35	\$35
2007 RENT - MACHINE AND OTHER	\$3,386	\$6,736	\$2,500	\$2,500	\$2,500
2009 OTHER OPERATING EXPENSE	\$31,828	\$40,115	\$42,000	\$42,000	\$42,000
5000 CAPITAL EXPENDITURES	\$45,916	\$44,800	\$45,000	\$44,169	\$44,169
OOE Total (Excluding Riders)	\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855
OOE Total (Riders)					
Grand Total	\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855

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

Date: 8/4/2008
 Time: 10:04:42AM

Agency Code: 233 Agency: **Thirteenth Court of Appeals District, Corpus Christi-Edinburg**

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	\$12,000	\$12,000	\$13,000	\$13,000	\$13,000
5	Westlaw/Lexis	1,874	2,659	2,800	2,800	2,800
6	Registrations/Training	1,000	450	450	450	450
7	Subscriptions/Periodicals	398	494	500	500	500
12	Maintenance & Repair - Equipment	1,106	2,000	2,000	2,000	2,000
24	Freight/Delivery	12,460	15,000	15,200	15,200	15,200
25	Advertising	164	0	0	0	0
26	Books (expensed)	0	4,575	5,000	5,000	5,000
64	SORM Assessment	2,710	2,916	3,000	3,000	3,000
108	Publications	86	11	50	50	50
120	Interest Paid on Delay Payments	30	10	0	0	0
	Total, Operating Costs	\$31,828	\$40,115	\$42,000	\$42,000	\$42,000

2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES

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

Date : 8/4/2008
Time: 9:54:12AM

Agency code: 233		Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg				
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	94.25%	95.00%	100.00%	95.00%	95.00%
KEY	2 Percentage of Cases Under Submission for Less Than One Year	90.07%	95.00%	100.00%	95.00%	95.00%
KEY	3 Percentage of Cases Pending for Less Than Two Years	94.40%	97.00%	100.00%	97.00%	97.00%

2.E. SUMMARY OF EXCEPTIONAL ITEMS REQUEST

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

DATE: 8/4/2008
 TIME : 9:54:34AM

Agency code: 233

Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg

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 for Same Size Court	\$314,920	\$314,920	1.0	\$314,920	\$314,920	1.0	\$629,840	\$629,840
Total, Exceptional Items Request		\$314,920	\$314,920	1.0	\$314,920	\$314,920	1.0	\$629,840	\$629,840
Method of Financing									
	General Revenue	\$314,920	\$314,920		\$314,920	\$314,920		\$629,840	\$629,840
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$314,920	\$314,920		\$314,920	\$314,920		\$629,840	\$629,840
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 : 8/4/2008
 TIME : 9:54:50AM

Agency code: 233		Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg				
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	\$2,447,855	\$2,447,855	\$314,920	\$314,920	\$2,762,775	\$2,762,775
TOTAL, GOAL 1	\$2,447,855	\$2,447,855	\$314,920	\$314,920	\$2,762,775	\$2,762,775
TOTAL, AGENCY STRATEGY REQUEST	\$2,447,855	\$2,447,855	\$314,920	\$314,920	\$2,762,775	\$2,762,775
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$2,447,855	\$2,447,855	\$314,920	\$314,920	\$2,762,775	\$2,762,775

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

DATE : 8/4/2008
 TIME : 9:54:53AM

Agency code: 233		Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg				
Goal/Objective/STRATEGY	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
General Revenue Funds:						
1 General Revenue Fund	\$2,210,955	\$2,210,955	\$314,920	\$314,920	\$2,525,875	\$2,525,875
	\$2,210,955	\$2,210,955	\$314,920	\$314,920	\$2,525,875	\$2,525,875
Other Funds:						
573 Judicial Fund	182,900	182,900	0	0	\$182,900	\$182,900
666 Appropriated Receipts	18,000	18,000	0	0	\$18,000	\$18,000
777 Interagency Contracts	36,000	36,000	0	0	\$36,000	\$36,000
	\$236,900	\$236,900	\$0	\$0	\$236,900	\$236,900
TOTAL, METHOD OF FINANCING	\$2,447,855	\$2,447,855	\$314,920	\$314,920	\$2,762,775	\$2,762,775
FULL TIME EQUIVALENT POSITIONS	32.0	32.0	1.0	1.0	33.0	33.0

2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES

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

Date : 8/4/2008
Time: 9:55:02AM

Agency code: 233 Agency name: **Thirteenth Court of Appeals District, Corpus Christi-Edinburg**

Goal/ Objective / Outcome		BL 2010	BL 2011	Excp 2010	Excp 2011	Total Request 2010	Total Request 2011
1	Appellate Court Operations						
1	<i>Appellate Court Operations</i>						
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	95.00%	95.00%	100.00%	100.00%	100.00%	100.00%
KEY	3 Percentage of Cases Pending for Less Than Two Years	97.00%	97.00%	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: 8/4/2008
 TIME: 9:55:15AM

Agency code: 233 Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg

GOAL: 1 Appellate Court Operations Statewide Goal/Benchmark: 0 0
 OBJECTIVE: 1 Appellate Court Operations Service Categories:
 STRATEGY: 1 Appellate Court Operations 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	421.00	378.00	398.00	398.00	398.00
2	Number of Criminal Cases Disposed	431.00	365.00	377.00	377.00	377.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	345.00	378.00	400.00	400.00	400.00
2	Number of Criminal Cases Filed	322.00	334.00	350.00	350.00	350.00
3	Number of Cases Transferred in	89.00	51.00	70.00	70.00	70.00
4	Number of Cases Transferred out	2.00	4.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,190,850	\$2,276,758	\$2,288,651	\$2,288,651	\$2,288,651
1002	OTHER PERSONNEL COSTS	\$19,220	\$30,000	\$30,500	\$31,000	\$31,000
2003	CONSUMABLE SUPPLIES	\$13,312	\$15,291	\$16,169	\$16,500	\$16,500
2005	TRAVEL	\$14,277	\$22,000	\$23,000	\$23,000	\$23,000
2006	RENT - BUILDING	\$35	\$25	\$35	\$35	\$35
2007	RENT - MACHINE AND OTHER	\$3,386	\$6,736	\$2,500	\$2,500	\$2,500
2009	OTHER OPERATING EXPENSE	\$31,828	\$40,115	\$42,000	\$42,000	\$42,000
5000	CAPITAL EXPENDITURES	\$45,916	\$44,800	\$45,000	\$44,169	\$44,169
TOTAL, OBJECT OF EXPENSE		\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855
Method of Financing:						
1	General Revenue Fund	\$2,063,884	\$2,198,825	\$2,210,955	\$2,210,955	\$2,210,955
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,063,884	\$2,198,825	\$2,210,955	\$2,210,955	\$2,210,955
Method of Financing:						
573	Judicial Fund	\$182,900	\$182,900	\$182,900	\$182,900	\$182,900
666	Appropriated Receipts	\$39,566	\$18,000	\$18,000	\$18,000	\$18,000

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

DATE: 8/4/2008
 TIME: 9:55:18AM

Agency code: **233** Agency name: **Thirteenth Court of Appeals District, Corpus Christi-Edinburg**

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
777	Interagency Contracts	\$32,474	\$36,000	\$36,000	\$36,000	\$36,000
SUBTOTAL, MOF (OTHER FUNDS)		\$254,940	\$236,900	\$236,900	\$236,900	\$236,900
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$2,447,855	\$2,447,855
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855
FULL TIME EQUIVALENT POSITIONS:		30.6	31.5	32.0	32.0	32.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Thirteenth Court of Appeals was created in 1912 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. The court has jurisdiction in twenty counties.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Court of Appeals are, by nature, 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: 8/4/2008
TIME: 9:55:18AM

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855
METHODS OF FINANCE (INCLUDING RIDERS):				\$2,447,855	\$2,447,855
METHODS OF FINANCE (EXCLUDING RIDERS):	\$2,318,824	\$2,435,725	\$2,447,855	\$2,447,855	\$2,447,855
FULL TIME EQUIVALENT POSITIONS:	30.6	31.5	32.0	32.0	32.0

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 233	Agency Name: 13 th Court of Appeals	Prepared by: Dorian Ramirez	Date: 08/01/08	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>		

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3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 233		Agency Name: 13 th Court of Appeals		Prepared by: Dorian Ramirez		Date: 08/01/08		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>

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3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 233		Agency Name: 13 th Court of Appeals		Prepared by: Dorian Ramirez		Date: 08/01/08		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>							

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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: 8/4/2008
 TIME: 9:56:31AM

Agency code: 233

Agency name:
Thirteenth Court of Appeals District, Corpus Christi-Edinburg

CODE	DESCRIPTION	Excp 2010	Excp 2011
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Item Name: Similar Funding for Same-size 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	311,920	311,920
2003	CONSUMABLE SUPPLIES	300	300
2005	TRAVEL	500	500
2009	OTHER OPERATING EXPENSE	2,200	2,200
TOTAL, OBJECT OF EXPENSE		\$314,920	\$314,920

METHOD OF FINANCING:

1	General Revenue Fund	314,920	314,920
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TOTAL, METHOD OF FINANCING	\$314,920	\$314,920
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FULL-TIME EQUIVALENT POSITIONS (FTE):	1.00	1.00
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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 court 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 court must 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 appeal 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 thirteenth 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: **8/4/2008**
TIME: **9:56:48AM**

Agency code: **233** Agency name: **Thirteenth Court of Appeals District, Corpus Christi-Edinburg**

Code	Description	Excp 2010	Excp 2011
Item Name:			
	Similar Funding for Same-size Courts		
Allocation to Strategy:			
	1-1-1 Appellate Court Operations		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	311,920	311,920
2003	CONSUMABLE SUPPLIES	300	300
2005	TRAVEL	500	500
2009	OTHER OPERATING EXPENSE	2,200	2,200
TOTAL, OBJECT OF EXPENSE		\$314,920	\$314,920
METHOD OF FINANCING:			
	1 General Revenue Fund	314,920	314,920
TOTAL, METHOD OF FINANCING		\$314,920	\$314,920
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: 8/4/2008
TIME: 9:56:57AM

Agency Code: 233

Agency name: Thirteenth Court of Appeals District, Corpus Christi-Edinburg

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:

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

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	311,920	311,920
2003 CONSUMABLE SUPPLIES	300	300
2005 TRAVEL	500	500
2009 OTHER OPERATING EXPENSE	2,200	2,200
Total, Objects of Expense	\$314,920	\$314,920

METHOD OF FINANCING:

1 General Revenue Fund	314,920	314,920
Total, Method of Finance	\$314,920	\$314,920

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.0	1.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Similar Funding for Same-size Courts

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

Date: 8/4/2008
 Time: 9:57:53AM
 Page: 1 of 1

Agency Code: 233 Agency: Thirteenth Court of Appeals District, Corpus Christi-Edinburg

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					
5	Westlaw/Lexis	2010					
		2011					
6	Registrations/Training	2010	2,200				
		2011	2,200				
7	Subscriptions/Periodicals	2010					
		2011					
12	Maintenance & Repair - Equipment	2010					
		2011					
24	Freight/Delivery	2010					
		2011					
25	Advertising	2010					
		2011					
26	Books (expensed)	2010					
		2011					
64	SORM Assessment	2010					
		2011					
108	Publications	2010					
		2011					
120	Interest Paid on Delay Payments	2010					
		2011					
	Total, Operating Costs	2010	\$2,200				
		2011	\$2,200				

6.A. HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE

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

Date: 8/4/2008
Time: 9:58:03AM

Agency Code: 233 Agency: Thirteenth Court of Appeals District, Corpus Christi-Edinburg

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	\$0	0.0 %	0.0%	\$0	\$0
20.0%	Professional Services	0.0 %	0.0%	\$0	\$0	0.0 %	0.0%	\$0	\$0
33.0%	Other Services	0.0 %	0.0%	\$0	\$0	0.0 %	0.0%	\$0	\$0
12.6%	Commodities	0.0 %	0.0%	\$0	\$0	0.0 %	0.0%	\$0	\$0
	Total Expenditures		0.0%	\$0	\$0		0.0%	\$0	\$0

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

Attainment:

The Court attained or exceeded 0% of the applicable statewide HUB procurement goals in FY 2006 and 2007.

Applicability:

The "Heavy Construction," "Building Construction," and "Special Trade Construction" categories are not applicable to agency 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 year 2006 and 2007, the goal of the "Other Services" category was not met. The services the Court uses under this category are very specialized, and no HUB vendors are available.

"Good-Faith" Efforts:

This Court 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 or procurement procedures in a manner that encouraged participation in agency contracts by all businesses.

6.B. Current Biennium One-time Expenditure Schedule

Agency Code: 233	Agency Name: Thirteenth Court of Appeals	Prepared By: Dorian E. Ramirez		Date: 8/1/2008
Item	2008-2009		2010-2011	
	Amount	MOF	Amount	MOF
N/A				

6.B. Current Biennium One-time Expenditure Schedule - Strategy Allocation 2008-09 Biennium

Agency Code: 233		Agency Name: Thirteenth Court of Appeals		Prepared By: Dorian E. Ramirez		Date: 08/01/08	
PROJECT ITEM:							
ALLOCATION TO STRATEGY:							
Code	Strategy Allocation	Estimated 2008	Budgeted 2009	Requested 2010	Requested 2011		
	Objects of Expense: N/A						
	Total, Objects of Expense	\$0	\$0	\$0	\$0		
	Method of Financing:						
	Total, Method of Financing	\$0	\$0	\$0	\$0		

Description of Item for 2008-09

6.B. Current Biennium One-time Expenditure Schedule - Strategy Allocation 2010-11 Biennium

Agency Code: 233	Agency Name: Thirteenth Court of Appeals	Prepared By: Dorian E. Ramirez	Date: 08/01/08
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PROJECT ITEM:

ALLOCATION TO STRATEGY:

Code	Strategy Allocation	Estimated 2008	Budgeted 2009	Requested 2010	Requested 2011
	Objects of Expense: N/A				
	Total, Objects of Expense			\$0	\$0
	Method of Financing:				
	Total, Method of Financing			\$0	\$0

Description of Item for 2010-11

6.I. 10 Percent Biennial Base Reduction Options Schedule

Approved Reduction Amount

\$412,718

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

Agency Code: 233			Agency Name: Thirteenth 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	1-1-1	Appellate Court Operations--Salaries	412,718				\$ 412,718	3.4	3.4	Y	10.0%
2							\$ -				0.0%
3							\$ -				0.0%
4							\$ -				0.0%
5							\$ -				0.0%
6							\$ -				0.0%
7							\$ -				0.0%
8							\$ -				0.0%
9							\$ -				0.0%
10							\$ -				0.0%
11							\$ -				0.0%
12							\$ -				0.0%
Agency Biennial Total			\$ 412,718	\$ -	\$ -	\$ -	\$ 412,718	3.4	3.4		10.0%
Agency Biennial Total (GR + GR-D)				\$ 412,718							

Rank / Name
Explanation of Impact to Programs and Revenue Collections

1 Appellate Court Operations--Salaries
 A 10% reduction to the 2010-2011 biennium funding would require the Court to eliminate 3.4 attorneys (Attorney I classified positions, salary group B11, at salaries of \$60,776 per year), representing 30% of the Court's legal staff. The minimum number of attorneys an appellate court must have to perform at a reasonably productive and efficient level is two attorneys to each judge. If the Court eliminates 3.4 attorneys, it will result in attorneys working for multiple judges which is less efficient than those working for an individual judge. This reduction in legal staff will drop the Court below the 2:1 ratio and cause the Court to assign some legal staff to a "pool" shared by all the judges of the Court. A 10% reduction would have the following effects: (1) reduce the dispositions of appeals, and (2) increase the time for which appeals remain pending during the biennium. To prevent the backlog of cases increasing and to maintain current disposition and clearance rates, this Court needs the assistance of a minimum of twelve attorneys for the six justices of the Court.

2 0

3 0

4 0

Agency code: 233

Agency name: **Thirteenth Court of Appeals District, Corpus Christi-Edinburg**

Strategy	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$ 180,660	\$ 180,660	\$ 183,405	\$ 183,405	\$ 183,405
1002 OTHER PERSONNEL COSTS	1,163	1,163	1,163	1,163	1,163
2003 CONSUMABLE SUPPLIES	1,065	1,223	1,294	1,240	1,240
2005 TRAVEL	1,142	1,760	1,840	1,720	1,720
2007 RENT - MACHINE AND OTHER	271	539	200	200	200
2009 OTHER OPERATING EXPENSE	3,673	3,209	3,360	3,360	3,360
Total, Objects of Expense	\$ 187,974	\$ 188,554	\$ 191,262	\$ 191,088	\$ 191,088
METHOD OF FINANCING:					
1 General Revenue Fund	151,974	152,554	155,262	155,088	155,088
777 Interagency Contracts	36,000	36,000	36,000	36,000	36,000
Total, Method of Financing	\$ 187,974	\$ 188,554	\$ 191,262	\$ 191,088	\$ 191,088

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.

Chief Justice	20%
Justice	2%
Justice	2%
Justice	2%
Justice	2%
Justice	2%
Chief Staff Attorney	2%
Network Specialist II	100%
Accountant VI	100%
Clerk	50%

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

DATE: 8/4/2008
 TIME : 9:58:27AM

Agency code: 233

Agency name: **Thirteenth Court of Appeals District, Corpus
 Christi-Edinburg**

	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$180,660	\$180,660	\$183,405	\$183,405	\$183,405
1002 OTHER PERSONNEL COSTS	\$1,163	\$1,163	\$1,163	\$1,163	\$1,163
2003 CONSUMABLE SUPPLIES	\$1,065	\$1,223	\$1,294	\$1,240	\$1,240
2005 TRAVEL	\$1,142	\$1,760	\$1,840	\$1,720	\$1,720
2007 RENT - MACHINE AND OTHER	\$271	\$539	\$200	\$200	\$200
2009 OTHER OPERATING EXPENSE	\$3,673	\$3,209	\$3,360	\$3,360	\$3,360
Total, Objects of Expense	\$187,974	\$188,554	\$191,262	\$191,088	\$191,088
Method of Financing					
1 General Revenue Fund	\$151,974	\$152,554	\$155,262	\$155,088	\$155,088
777 Interagency Contracts	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000
Total, Method of Financing	\$187,974	\$188,554	\$191,262	\$191,088	\$191,088
Full-Time-Equivalent Positions (FTE)					

Capital Expenditure Detail

Agency Code: 233	Court/Agency: Thirteenth Court of Appeals	Strategy: Appellate Court Operations			Prepared by: Dorian E. Ramirez		Date: 8/1/2008	Strategy: 1
Itemization by Capital Expenditure Category		Number of Units	Unit Cost	Expended	Estimated	Budgeted	Requested	Requested
Category	Description of Items			2007	2008	2009	2010	2011
5007	Law Library Maintenance			\$45,916	\$44,800	\$45,000	\$44,169	\$44,169