

LEGISLATIVE APPROPRIATIONS REQUEST

For Fiscal Years 2010 and 2011

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

by

Third Court of Appeals

August 4, 2008

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

DATE: 7/31/2008
TIME: 10:57:58AM
PAGE: 1 of 2

Agency code: 223

Agency name: **Third Court of Appeals District, Austin**

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 Third 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 Third 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(www.bls.gov/oes/current/oes231011.htm, May 2007), 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 Third 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

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

DATE: 7/31/2008
TIME: 10:58:02AM
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Agency code: 223

Agency name: **Third Court of Appeals District, Austin**

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.

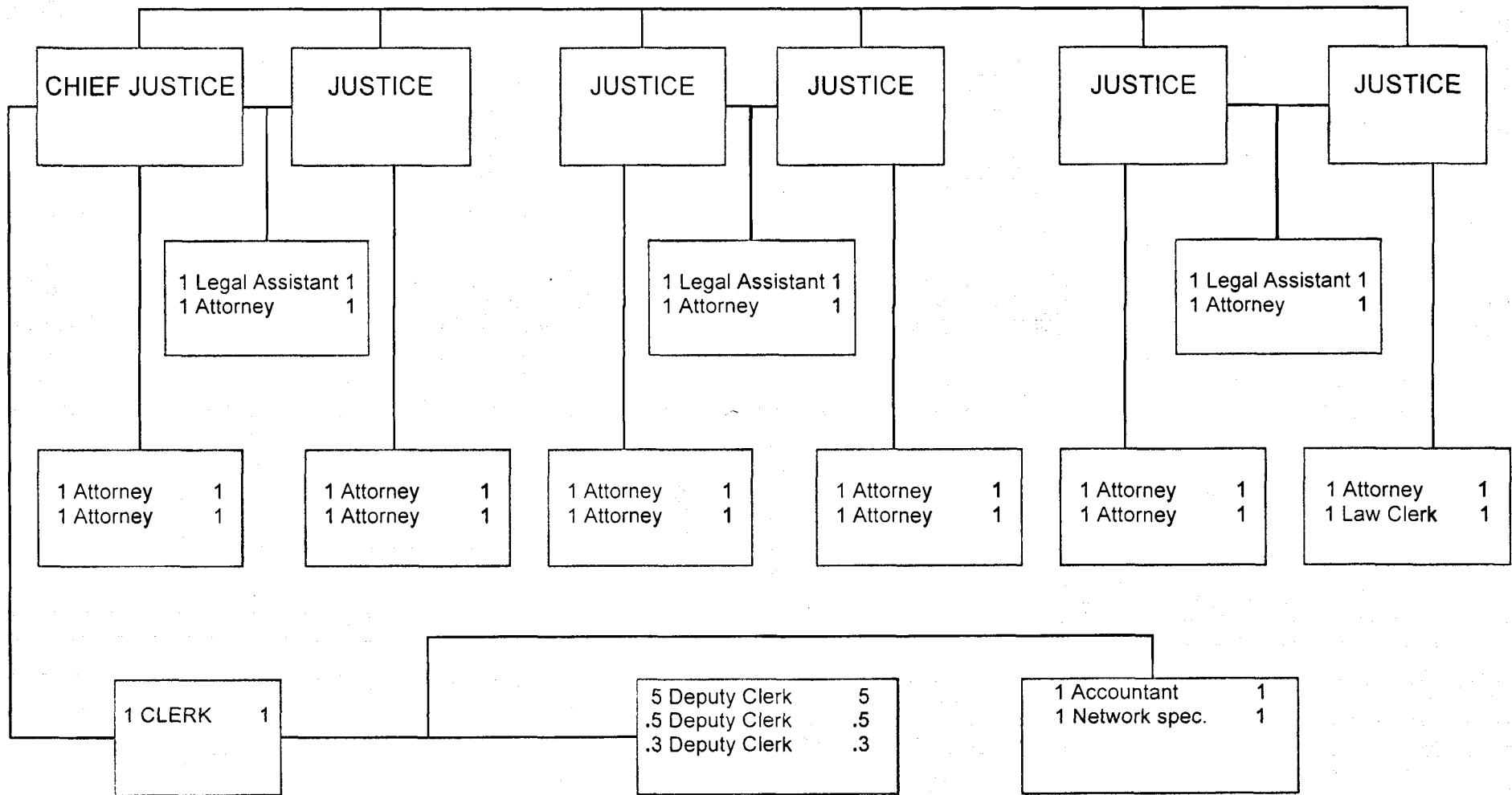
INFORMATION TECHNOLOGY:

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 \$16,000.00, 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.

ORGANIZATION CHART
 THIRD COURT OF APPEALS
 AGENCY 223
 FY 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: 8/1/2008
 TIME: 4:53:14PM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

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	2,306,516	2,428,982	2,441,920	2,441,919	2,441,920
TOTAL, GOAL 1	\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920
TOTAL, AGENCY STRATEGY REQUEST	\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	2,074,413	2,196,814	2,207,020	2,207,019	2,207,020
SUBTOTAL	\$2,074,413	\$2,196,814	\$2,207,020	\$2,207,019	\$2,207,020
Other Funds:					
573 Judicial Fund	182,900	182,900	182,900	182,900	182,900
666 Appropriated Receipts	13,203	13,268	16,000	16,000	16,000
777 Interagency Contracts	36,000	36,000	36,000	36,000	36,000
SUBTOTAL	\$232,103	\$232,168	\$234,900	\$234,900	\$234,900
TOTAL, METHOD OF FINANCING	\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920

*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: 8/1/2008
 TIME: 5:05:11PM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

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	\$2,027,760	\$2,187,295	\$2,187,296	\$2,207,019	\$2,207,020
<i>TRANSFERS</i>					
Art IX 13.17, Salary Increases (2006-07 GAA)	\$26,174	\$0	\$0	\$0	\$0
Art IX, Sec 19.62(a), Salary Increase (2008-09 GAA)	\$0	\$9,519	\$19,724	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
FY 2007 Lapsed	\$(8,947)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
2006-07 GAA, Art IV, Sec. 10 Unexpended Balance	\$29,426	\$0	\$0	\$0	\$0
TOTAL, General Revenue Fund	\$2,074,413	\$2,196,814	\$2,207,020	\$2,207,019	\$2,207,020
TOTAL, ALL GENERAL REVENUE	\$2,074,413	\$2,196,814	\$2,207,020	\$2,207,019	\$2,207,020

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: 8/1/2008
 TIME: 5:05:15PM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

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>					
HB 11, 2nd 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	\$16,000	\$16,000	\$16,000	\$16,000
<i>RIDER APPROPRIATION</i>					
Art. IX., Sec. 8.03, Reimbursements (2006-07)	\$13,203	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$0	\$(2,732)	\$0	\$0	\$0

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

DATE: 8/1/2008
 TIME: 5:05:15PM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
TOTAL, Appropriated Receipts	\$13,203	\$13,268	\$16,000	\$16,000	\$16,000
<u>777</u> Interagency Contracts					
REGULAR APPROPRIATIONS					
Regular Appropriations	\$0	\$36,000	\$36,000	\$36,000	\$36,000
RIDER APPROPRIATION					
Art. IX., Sec. 8.03, Reimbursements (2006-07)	\$36,000	\$0	\$0	\$0	\$0
TOTAL, Interagency Contracts	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000
TOTAL, ALL OTHER FUNDS	\$232,103	\$232,168	\$234,900	\$234,900	\$234,900
GRAND TOTAL	\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920
<u>FULL-TIME-EQUIVALENT POSITIONS</u>					
REGULAR APPROPRIATIONS					
Regular Appropriations	30.0	32.0	32.0	33.0	33.0
Adjustments (Art. IV, SP, Sec. 9, Appellate Court Exemptions)	(0.1)	0.0	1.0	0.0	0.0
TOTAL, ADJUSTED FTES	29.9	32.0	33.0	33.0	33.0

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: 8/1/2008
TIME: 5:05:15PM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

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: 7/31/2008
 TIME: 11:10:12AM

OBJECT OF EXPENSE	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
Agency code: 223	Agency name: Third Court of Appeals District, Austin				
1001 SALARIES AND WAGES	\$2,082,793	\$2,262,159	\$2,324,469	\$2,337,558	\$2,337,558
1002 OTHER PERSONNEL COSTS	\$125,928	\$93,818	\$37,000	\$23,611	\$23,212
2001 PROFESSIONAL FEES AND SERVICES	\$2,000	\$0	\$0	\$0	\$0
2003 CONSUMABLE SUPPLIES	\$19,201	\$17,298	\$20,000	\$20,000	\$20,000
2005 TRAVEL	\$441	\$0	\$1,000	\$1,000	\$1,000
2006 RENT - BUILDING	\$6,641	\$6,130	\$7,000	\$7,000	\$7,000
2009 OTHER OPERATING EXPENSE	\$69,512	\$49,577	\$52,451	\$52,750	\$53,150
OOE Total (Excluding Riders)	\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920
OOE Total (Riders)					
Grand Total	\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920

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

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

Date: 7/31/2008
Time: 11:30:09AM

Agency Code: **223** Agency: **Third Court of Appeals District, Austin**

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	\$442	\$7,004	\$7,000	\$7,000	\$7,000
3	Telephone	11,189	9,081	12,000	12,000	12,000
6	Registrations/Training	1,246	800	1,000	1,000	1,000
11	Misc. Operating Costs	306	77	100	100	100
12	Maintenance & Repair - Equipment	4,931	4,822	5,000	5,000	5,000
13	Furniture & Equipment (Expensed)	7,227	563	1,000	1,000	1,000
15	Printing & Reproduction	146	12	50	50	50
24	Freight/Delivery	357	116	200	200	200
26	Books (expensed)	30,254	21,034	20,000	20,000	20,000
58	Furn/Equip (Expensed & Controlled)	8,221	470	0	0	0
64	SORM Assessment	2,639	2,870	3,101	3,400	3,500
131	Online Legal Research Subscription	2,554	2,728	3,000	3,000	3,300
	Total, Operating Costs	\$69,512	\$49,577	\$52,451	\$52,750	\$53,150

2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES

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

Date : 8/1/2008
 Time: 5:07:51PM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

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	97.66%	90.00%	95.00%	95.00%	95.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year	71.66%	40.00%	70.00%	95.00%	95.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years	93.52%	86.00%	90.00%	95.00%	95.00%

2.E. SUMMARY OF EXCEPTIONAL ITEMS REQUEST

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

DATE: 8/1/2008
 TIME : 5:08:00PM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

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	Empty and Retain Quality Staff	\$318,857	\$318,857	1.0	\$318,856	\$318,856	1.0	\$637,713	\$637,713
Total, Exceptional Items Request		\$318,857	\$318,857	1.0	\$318,856	\$318,856	1.0	\$637,713	\$637,713
Method of Financing									
	General Revenue	\$318,857	\$318,857		\$318,856	\$318,856		\$637,713	\$637,713
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$318,857	\$318,857		\$318,856	\$318,856		\$637,713	\$637,713
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 : 8/1/2008
 TIME : 5:08:06PM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

<i>Goal/Objective/STRATEGY</i>	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	\$2,441,919	\$2,441,920	\$318,857	\$318,856	\$2,760,776	\$2,760,776
TOTAL, GOAL 1	\$2,441,919	\$2,441,920	\$318,857	\$318,856	\$2,760,776	\$2,760,776
TOTAL, AGENCY STRATEGY REQUEST	\$2,441,919	\$2,441,920	\$318,857	\$318,856	\$2,760,776	\$2,760,776
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$2,441,919	\$2,441,920	\$318,857	\$318,856	\$2,760,776	\$2,760,776

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

DATE : 8/1/2008
 TIME : 5:08:09PM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

Goal/Objective/STRATEGY	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
General Revenue Funds:						
1 General Revenue Fund	\$2,207,019	\$2,207,020	\$318,857	\$318,856	\$2,525,876	\$2,525,876
	\$2,207,019	\$2,207,020	\$318,857	\$318,856	\$2,525,876	\$2,525,876
Other Funds:						
573 Judicial Fund	182,900	182,900	0	0	\$182,900	\$182,900
666 Appropriated Receipts	16,000	16,000	0	0	\$16,000	\$16,000
777 Interagency Contracts	36,000	36,000	0	0	\$36,000	\$36,000
	\$234,900	\$234,900	\$0	\$0	\$234,900	\$234,900
TOTAL, METHOD OF FINANCING	\$2,441,919	\$2,441,920	\$318,857	\$318,856	\$2,760,776	\$2,760,776
FULL TIME EQUIVALENT POSITIONS	33.0	33.0	1.0	1.0	34.0	34.0

2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES

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

Date : 8/1/2008
 Time: 5:08:13PM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

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						
	95.00%	95.00%	100.00%	100.00%	100.00%	100.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years						
	95.00%	95.00%	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: 8/1/2008
 TIME: 5:08:20PM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

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	401.00	440.00	440.00	440.00	440.00
2	Number of Criminal Cases Disposed	392.00	321.00	365.00	365.00	365.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	493.00	476.00	475.00	475.00	475.00
2	Number of Criminal Cases Filed	395.00	383.00	385.00	385.00	385.00
3	Number of Cases Transferred in	0.00	0.00	0.00	0.00	0.00
4	Number of Cases Transferred out	76.00	10.00	10.00	10.00	10.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$2,082,793	\$2,262,159	\$2,324,469	\$2,337,558	\$2,337,558
1002	OTHER PERSONNEL COSTS	\$125,928	\$93,818	\$37,000	\$23,611	\$23,212
2001	PROFESSIONAL FEES AND SERVICES	\$2,000	\$0	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$19,201	\$17,298	\$20,000	\$20,000	\$20,000
2005	TRAVEL	\$441	\$0	\$1,000	\$1,000	\$1,000
2006	RENT - BUILDING	\$6,641	\$6,130	\$7,000	\$7,000	\$7,000
2009	OTHER OPERATING EXPENSE	\$69,512	\$49,577	\$52,451	\$52,750	\$53,150
TOTAL, OBJECT OF EXPENSE		\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920
Method of Financing:						
1	General Revenue Fund	\$2,074,413	\$2,196,814	\$2,207,020	\$2,207,019	\$2,207,020
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,074,413	\$2,196,814	\$2,207,020	\$2,207,019	\$2,207,020
Method of Financing:						
573	Judicial Fund	\$182,900	\$182,900	\$182,900	\$182,900	\$182,900
666	Appropriated Receipts	\$13,203	\$13,268	\$16,000	\$16,000	\$16,000
777	Interagency Contracts	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000

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

DATE: 8/1/2008
 TIME: 5:08:23PM

Agency code: **223** Agency name: **Third Court of Appeals District, Austin**

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
SUBTOTAL, MOF (OTHER FUNDS)		\$232,103	\$232,168	\$234,900	\$234,900	\$234,900
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$2,441,919	\$2,441,920
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920
FULL TIME EQUIVALENT POSITIONS:		29.9	32.0	33.0	33.0	33.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Court of Appeals for the Third District of Texas was created in 1892 by an Act of the 22nd Legislature, 1st C.J., P. 25, ch. 15; Gammel's Laws of Texas, Vol. 10, Page 389. This Court has intermediate appellate jurisdiction of both civil and criminal cases appealed from lower courts; in civil cases where judgment 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 reviews State of Texas administrative law appeals from cases throughout the state.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The citizens of Texas have an absolute right to appeal and seek review of a trial court judgment in the intermediate court of appeals. The Court does not have discretion to decline appellate review and the number of cases continues to rise. The Court strives to administer justice and to render a thorough and fair decision in each case on its docket as expeditiously as possible.

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

DATE: 8/1/2008
TIME: 5:08:23PM

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920
METHODS OF FINANCE (INCLUDING RIDERS):				\$2,441,919	\$2,441,920
METHODS OF FINANCE (EXCLUDING RIDERS):	\$2,306,516	\$2,428,982	\$2,441,920	\$2,441,919	\$2,441,920
FULL TIME EQUIVALENT POSITIONS:	29.9	32.0	33.0	33.0	33.0

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 223	Agency Name: Third Court of Appeals	Prepared by: Jeffrey D. Kyle	Date: August 4,2008	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: 223	Agency Name: Third Court of Appeals	Prepared by: Jeffrey D. Kyle	Date: August 4, 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: 223	Agency Name: Third Court of Appeals	Prepared by: Jeffrey D. Kyle	Date: August 4, 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: 8/1/2008
 TIME: 5:08:35PM

Agency code: 223

Agency name:

Third Court of Appeals District, Austin

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	318,857	318,856
	TOTAL, OBJECT OF EXPENSE	\$318,857	\$318,856
METHOD OF FINANCING:			
1	General Revenue Fund	318,857	318,856
	TOTAL, METHOD OF FINANCING	\$318,857	\$318,856
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 (www.bls.gov/oes/current/oes231011.htm, May 2007), 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 Third Court of Appeals 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 100%.

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

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

DATE: 8/1/2008
 TIME: 5:08:43PM

Agency code: 223 Agency name Third Court of Appeals District, Austin

Code	Description	Excp 2010	Excp 2011
Item Name: Similar Funding for Same-sized Courts			
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%
OUTPUT MEASURES:			
1	Number of Civil Cases Disposed	465.00	465.00
2	Number of Criminal Cases Disposed	385.00	385.00
EXPLANATORY/INPUT MEASURES:			
1	Number of Civil Cases Filed	475.00	475.00
2	Number of Criminal Cases Filed	385.00	385.00
3	Number of Cases Transferred in	0.00	0.00
4	Number of Cases Transferred out	10.00	10.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	318,857	318,856
TOTAL, OBJECT OF EXPENSE		\$318,857	\$318,856
METHOD OF FINANCING:			
1	General Revenue Fund	318,857	318,856
TOTAL, METHOD OF FINANCING		\$318,857	\$318,856
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

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

DATE: 8/1/2008
TIME: 5:08:49PM

Agency Code: 223

Agency name: Third Court of Appeals District, Austin

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	465.00	465.00
2 Number of Criminal Cases Disposed	385.00	385.00

EXPLANATORY/INPUT MEASURES:

1 Number of Civil Cases Filed	475.00	475.00
2 Number of Criminal Cases Filed	385.00	385.00
4 Number of Cases Transferred out	10.00	10.00

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	318,857	318,856
Total, Objects of Expense	\$318,857	\$318,856

METHOD OF FINANCING:

1 General Revenue Fund	318,857	318,856
Total, Method of Finance	\$318,857	\$318,856

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.0	1.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Similar Funding for Same-sized Courts

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

Date: 7/18/2008
 Time: 11:28:01AM
 Page: 1 of 1

Agency Code: 223 Agency: Third Court of Appeals District, Austin

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					
3	Telephone	2010 2011					
6	Registrations/Training	2010 2011					
11	Misc. Operating Costs	2010 2011					
12	Maintenance & Repair - Equipment	2010 2011					
13	Furniture & Equipment (Expensed)	2010 2011					
15	Printing & Reproduction	2010 2011					
24	Freight/Delivery	2010 2011					
26	Books (expensed)	2010 2011					
58	Furn/Equip (Expensed & Controlled)	2010 2011					
64	SORM Assessment	2010 2011					
131	Online Legal Research Subscription	2010 2011					
	Total, Operating Costs	2010 2011					

EXCEPTIONAL ITEMS HAD NO
 IMPACT ON OPERATING COSTS

6.A. HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE

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

Date: 7/25/2008
Time: 2:26:23PM

Agency Code: 223 Agency: Third Court of Appeals District, Austin

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	\$2,000
33.0%	Other Services	0.0 %	1.8%	\$85	\$4,646	0.0 %	0.0%	\$0	\$5,821
12.6%	Commodities	0.0 %	69.5%	\$13,746	\$19,772	0.0 %	86.6%	\$8,028	\$9,269
	Total Expenditures		56.6%	\$13,831	\$24,418		47.0%	\$8,028	\$17,090

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

Attainment:

The Court attained and exceeded one of two, or 50%, of the applicable statewide HUB procurement goals in fiscal year 2006.

The Court attained and exceeded one of three, or 33%, of the applicable statewide HUB procurement goals in fiscal year 2007.

Applicability:

In both fiscal years 2006 and 2007 the following procurement categories were not applicable to this Court's operations:

- Heavy Construction
- Building Construction
- Special Trade Construction

Factors Affecting Attainment:

In fiscal years 2006 and 2007 the goal of "Other Services" was not met by the Court since the two largest dollar purchases were made from two nonhub vendors: one, Lexis Nexis, for online legal services and the other for copier maintenance under a contract negotiated with the purchase of copiers under a contract with JCIT.

"Good-Faith" Efforts:

The Court has always made every effort to make purchases and obtain services from qualified HUB vendors. That is not always possible since, being a small Court with 94% of its budget spent on salaries, it is very important that best price and value be taken into consideration. Our large technological budget is funded and administered through the Office of Court Administration and is not reflected in this Court's HUB report. All factors continuing to be equal, this Court will continue to use TIBH (as required in Chapter 122 of the Texas Human Resources Code) whenever possible, strive to enter into business with HUBs as often as possible and attempt to reach the state goal each fiscal year.

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	\$ 450,990
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<u>Fund Name</u>	
Estimated Beginning Balance in FY 2008	\$ 145,990
Estimated Revenues FY 2008	\$ 195,000
Estimated Revenues FY 2009	\$ 195,000
FY 2008-09 Total	\$ 535,990
Estimated Beginning Balance in FY 2010	\$ 60,990
Estimated Revenues FY 2010	\$ 195,000
Estimated Revenues FY 2011	\$ 195,000
FY 2010-11 Total	\$ 450,990
 Constitutional or Statutory Creation and Use of Funds:	
Sub Chapter C, Sec. 22.2041 Tex Gov't Code and Sec 659.021 Tex. Gov't Code	
 Method of Calculation and Revenue Assumptions:	
In accordance with the above referenced statute, the District and County Clerks of the various courts in the 24 counties that make up the Third Court of Appeal's District are to collect and remit a \$5.00 filing fee on each civil suit filed in a county court, county court-at-law, probate court or district court.	

6.I. 10 Percent Biennial Base Reduction Options Schedule

Approved Reduction Amount

\$425,995

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		
1	1	Appellate Court Operations	425,995				\$ 425,995	3	3	Y	10.0%
2							\$ -				
3							\$ -				
4							\$ -				
5							\$ -				
6							\$ -				
7							\$ -				
8							\$ -				
9							\$ -				
10							\$ -				
11							\$ -				
12							\$ -				
Agency Biennial Total			\$ 425,995	\$ -	\$ -	\$ -	\$ 425,995	3.0	3.0		10.0%
Agency Biennial Total (GR + GR-D)				\$ 425,995							

Rank / Name
Explanation of Impact to Programs and Revenue Collections

1 Appellate Court Operations

Reduced funding for the judiciary in FY 2010-11 would cause (1) dispositions of appeals to be 82% of new appeals filed in the biennium, and (2) the time for which appeals remained pending during the biennium would be increased.

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 Court's appropriated budget is dedicated to salaries. A 10% reduction in the Court's appropriated budget, which amounts to \$425,995 will require the Court to eliminate 3 staff attorney positions in the amount of \$384,000, representing 21% of the Court's legal staff, and reduce operational expenses in the amount of \$41,995. To prevent the backlog of cases and maintain minimum disposition and clearance rates, this Court must maintain its current staffing levels.

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

DATE: 7/18/2008
 TIME : 5:11:31PM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

Strategy	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$ 176,545	\$ 193,056	\$ 193,056	\$ 193,056	\$ 193,056
1002 OTHER PERSONNEL COSTS	10,674	8,007	3,073	1,950	1,950
2001 PROFESSIONAL FEES AND SERVICES	170	0	0	0	0
2003 CONSUMABLE SUPPLIES	1,628	1,476	1,661	1,652	1,652
2005 TRAVEL	37	0	83	83	83
2006 RENT - BUILDING	563	523	581	578	578
2009 OTHER OPERATING EXPENSE	5,892	4,231	4,356	4,357	4,357
Total, Objects of Expense	\$ 195,509	\$ 207,293	\$ 202,810	\$ 201,676	\$ 201,676
METHOD OF FINANCING:					
1 General Revenue Fund	195,509	207,293	202,810	201,676	201,676
Total, Method of Financing	\$ 195,509	\$ 207,293	\$ 202,810	\$ 201,676	\$ 201,676
FULL-TIME-EQUIVALENT POSITIONS (FTE):	2.7	2.7	2.7	2.7	2.7

7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS

81st Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/18/2008

TIME : 5:11:40PM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$176,545	\$193,056	\$193,056	\$193,056	\$193,056
1002 OTHER PERSONNEL COSTS	\$10,674	\$8,007	\$3,073	\$1,950	\$1,950
2001 PROFESSIONAL FEES AND SERVICES	\$170	\$0	\$0	\$0	\$0
2003 CONSUMABLE SUPPLIES	\$1,628	\$1,476	\$1,661	\$1,652	\$1,652
2005 TRAVEL	\$37	\$0	\$83	\$83	\$83
2006 RENT - BUILDING	\$563	\$523	\$581	\$578	\$578
2009 OTHER OPERATING EXPENSE	\$5,892	\$4,231	\$4,356	\$4,357	\$4,357
Total, Objects of Expense	\$195,509	\$207,293	\$202,810	\$201,676	\$201,676
Method of Financing					
1 General Revenue Fund	\$195,509	\$207,293	\$202,810	\$201,676	\$201,676
Total, Method of Financing	\$195,509	\$207,293	\$202,810	\$201,676	\$201,676
Full-Time-Equivalent Positions (FTE)	2.7	2.7	2.7	2.7	2.7

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

DATE: 8/1/2008

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

TIME: 5:08:55PM

Agency code:

Agency name: **Third Court of Appeals District, Austin**

GR Baseline Request Limit = \$4,414,039

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					
Strategy: 1 - 1 - 1 Appellate Court Operations														
33.0	2,441,919	2,207,019	0	33.0	2,441,920	2,207,020	0	4,414,039	0					
33.0				33.0				*****GR Baseline Request Limit=\$4,414,039*****						
Excp Item: 1 Similar Funding for Same-sized Courts														
1.0	318,857	318,857	0	1.0	318,856	318,856	0	5,051,752	0					
Strategy Detail for Excp Item: 1														
Strategy: 1 - 1 - 1 Appellate Court Operations														
1.0	318,857	318,857	0	1.0	318,856	318,856	0							
34.0	\$2,760,776	\$2,525,876	\$0	34.0	\$2,760,776	\$2,525,876	0							