

**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

**SIXTH COURT OF APPEALS**  
Texarkana



July 30, 2008

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

DATE: 7/29/2008  
TIME: 3:25:04PM  
PAGE: 1 of 2

Agency code: 226

Agency name: Sixth Court of Appeals District, Texarkana

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 91% of the Sixth 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 Sixth 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 Sixth Court to comply with the mandate of Texas Government Code §659.0445. In the 2010-11 biennium, the Sixth Court will need \$7,680 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 Sixth 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).

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

DATE: 7/29/2008  
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PAGE: 2 of 2

Agency code: 226

Agency name: Sixth Court of Appeals District, Texarkana

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.

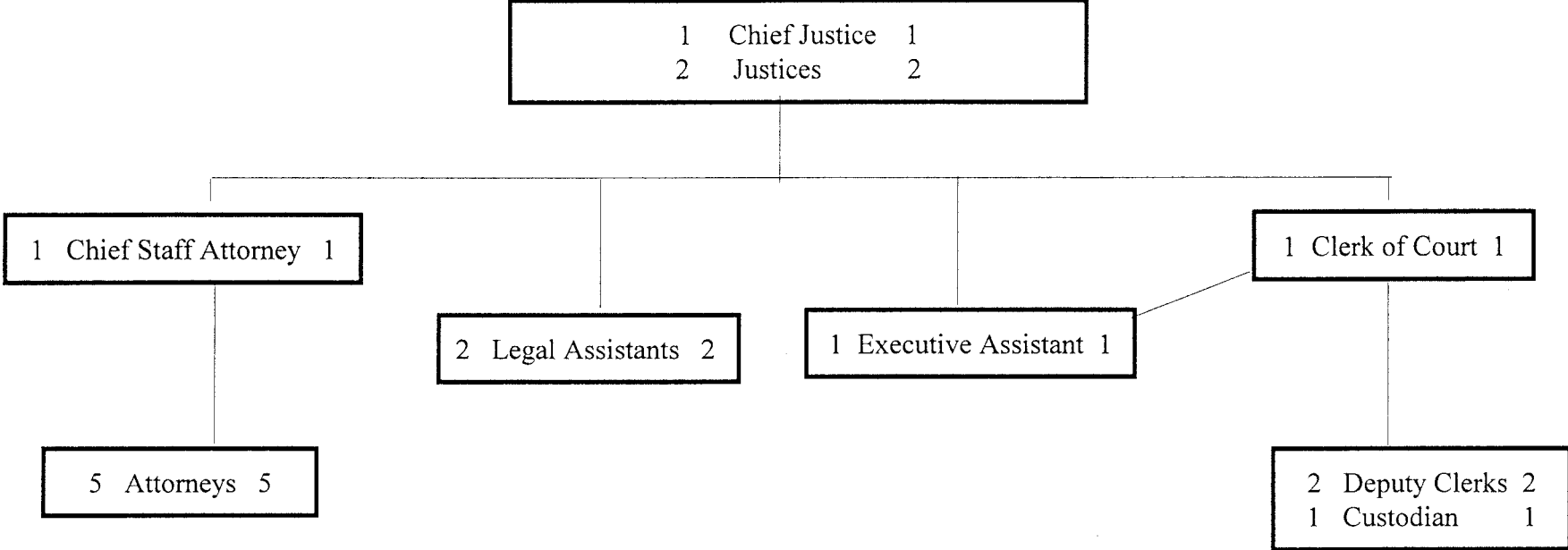
NOTE on Appropriated Receipts – At the direction of the LBB & Governors Office, this court has included appropriated receipts in the amount of \$4,000 for each year, reflecting reimbursement for copies of opinions and other court documents.

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.

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\* [www.bls.gov/oes/current/oes231011.htm](http://www.bls.gov/oes/current/oes231011.htm), May 2007

Sixth Court of Appeals Organizational Chart



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

DATE: 7/28/2008  
 TIME: 6:01:27PM

Agency code: 226 Agency name: Sixth Court of Appeals District, Texarkana

| Goal / Objective / STRATEGY                 | Exp 2007    | Est 2008    | Bud 2009    | Req 2010    | Req 2011    |
|---|-------------|-------------|-------------|-------------|-------------|
| 1 Appellate Court Operations                |             |             |             |             |             |
| 1 Appellate Court Operations                |             |             |             |             |             |
| 1 APPELLATE COURT OPERATIONS                | 1,254,037   | 1,274,211   | 1,330,544   | 1,303,014   | 1,303,015   |
| TOTAL, GOAL 1                               | \$1,254,037 | \$1,274,211 | \$1,330,544 | \$1,303,014 | \$1,303,015 |
| TOTAL, AGENCY STRATEGY REQUEST              | \$1,254,037 | \$1,274,211 | \$1,330,544 | \$1,303,014 | \$1,303,015 |
| TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST* |             |             |             | \$0         | \$0         |
| GRAND TOTAL, AGENCY REQUEST                 | \$1,254,037 | \$1,274,211 | \$1,330,544 | \$1,303,014 | \$1,303,015 |
| METHOD OF FINANCING:                        |             |             |             |             |             |
| General Revenue Funds:                      |             |             |             |             |             |
| 1 General Revenue Fund                      | 1,147,472   | 1,171,761   | 1,235,094   | 1,206,564   | 1,206,565   |
| SUBTOTAL                                    | \$1,147,472 | \$1,171,761 | \$1,235,094 | \$1,206,564 | \$1,206,565 |
| Other Funds:                                |             |             |             |             |             |
| 573 Judicial Fund                           | 92,450      | 92,450      | 92,450      | 92,450      | 92,450      |
| 666 Appropriated Receipts                   | 14,115      | 10,000      | 3,000       | 4,000       | 4,000       |
| SUBTOTAL                                    | \$106,565   | \$102,450   | \$95,450    | \$96,450    | \$96,450    |
| TOTAL, METHOD OF FINANCING                  | \$1,254,037 | \$1,274,211 | \$1,330,544 | \$1,303,014 | \$1,303,015 |

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

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

DATE: 7/28/2008  
 TIME: 6:01:47PM

Agency code: 226 Agency name: Sixth Court of Appeals District, Texarkana

| METHOD OF FINANCING  | Exp 2007           | Est 2008           | Bud 2009           | Req 2010           | Req 2011           |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b><u>GENERAL REVENUE</u></b>  |                    |                    |                    |                    |                    |
| <u>1</u> General Revenue Fund  |                    |                    |                    |                    |                    |
| <i>REGULAR APPROPRIATIONS</i>  |                    |                    |                    |                    |                    |
| Regular Appropriation from MOF Table                                 |                    |                    |                    |                    |                    |
|  | \$1,101,048        | \$1,194,410        | \$1,194,411        | \$1,206,564        | \$1,206,565        |
| <i>TRANSFERS</i>   |                    |                    |                    |                    |                    |
| Art IX, Sec 13.17(a), Salary Increase (2006-07 GAA)                  |                    |                    |                    |                    |                    |
|  | \$18,361           | \$0                | \$0                | \$0                | \$0                |
| Art IX, Sec 19.62(a), Salary Increase (2008-09 GAA)                  |                    |                    |                    |                    |                    |
|  | \$0                | \$5,880            | \$12,154           | \$0                | \$0                |
| <i>LAPSED APPROPRIATIONS</i>   |                    |                    |                    |                    |                    |
| Lapsed Appropriations  |                    |                    |                    |                    |                    |
|  | \$(124)            | \$0                | \$0                | \$0                | \$0                |
| <i>UNEXPENDED BALANCES AUTHORITY</i>                                 |                    |                    |                    |                    |                    |
| Art. IV, Special Provisions, Sec. 10: Appropriation UB (2006-07 GAA) |                    |                    |                    |                    |                    |
|  | \$28,187           | \$0                | \$0                | \$0                | \$0                |
| Art. IV, Special Provisions, Sec. 10: appropriation UB (2008-09 GAA) |                    |                    |                    |                    |                    |
|  | \$0                | \$(28,529)         | \$28,529           | \$0                | \$0                |
| <b>TOTAL, General Revenue Fund</b>                                   | <b>\$1,147,472</b> | <b>\$1,171,761</b> | <b>\$1,235,094</b> | <b>\$1,206,564</b> | <b>\$1,206,565</b> |

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

DATE: 7/28/2008  
 TIME: 6:01:50PM

Agency code: 226 Agency name: Sixth Court of Appeals District, Texarkana

| METHOD OF FINANCING               | Exp 2007           | Est 2008           | Bud 2009           | Req 2010           | Req 2011           |
|-----------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>TOTAL, ALL GENERAL REVENUE</b> | <b>\$1,147,472</b> | <b>\$1,171,761</b> | <b>\$1,235,094</b> | <b>\$1,206,564</b> | <b>\$1,206,565</b> |

**OTHER FUNDS**

573 Judicial Fund No. 573

*REGULAR APPROPRIATIONS*

Regular Appropriation from MOF Table

|     |          |          |          |          |
|-----|----------|----------|----------|----------|
| \$0 | \$92,450 | \$92,450 | \$92,450 | \$92,450 |
|-----|----------|----------|----------|----------|

*TRANSFERS*

House Bill 11, 79th Legislature, 2nd Called Session (Jud Sal Inc)

|          |     |     |     |     |
|----------|-----|-----|-----|-----|
| \$92,450 | \$0 | \$0 | \$0 | \$0 |
|----------|-----|-----|-----|-----|

**TOTAL, Judicial Fund No. 573**

|                 |                 |                 |                 |                 |
|-----------------|-----------------|-----------------|-----------------|-----------------|
| <b>\$92,450</b> | <b>\$92,450</b> | <b>\$92,450</b> | <b>\$92,450</b> | <b>\$92,450</b> |
|-----------------|-----------------|-----------------|-----------------|-----------------|

666 Appropriated Receipts

*REGULAR APPROPRIATIONS*

Regular Appropriation from MOF Table

|     |         |         |         |         |
|-----|---------|---------|---------|---------|
| \$0 | \$3,000 | \$3,000 | \$4,000 | \$4,000 |
|-----|---------|---------|---------|---------|

*RIDER APPROPRIATION*

Art. IX, Sec 8.03, Reimbursements and Payments (2008-09 GAA)

|     |         |     |     |     |
|-----|---------|-----|-----|-----|
| \$0 | \$7,000 | \$0 | \$0 | \$0 |
|-----|---------|-----|-----|-----|

Art. IX, Sec. 8.03, Reimbursements and Payments(2006-07 GAA)

|          |     |     |     |     |
|----------|-----|-----|-----|-----|
| \$11,465 | \$0 | \$0 | \$0 | \$0 |
|----------|-----|-----|-----|-----|



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

DATE: 7/28/2008  
 TIME: 6:01:50PM

Agency code: 226 Agency name: Sixth Court of Appeals District, Texarkana

| METHOD OF FINANCING                              | Exp 2007           | Est 2008           | Bud 2009           | Req 2010           | Req 2011           |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b><u>OTHER FUNDS</u></b>                        |                    |                    |                    |                    |                    |
| Art. IX, Sec. 8.04, Sale of Surplus(2006-07 GAA) | \$2,650            | \$0                | \$0                | \$0                | \$0                |
| <b>TOTAL, Appropriated Receipts</b>              | <b>\$14,115</b>    | <b>\$10,000</b>    | <b>\$3,000</b>     | <b>\$4,000</b>     | <b>\$4,000</b>     |
| <b>TOTAL, ALL OTHER FUNDS</b>                    | <b>\$106,565</b>   | <b>\$102,450</b>   | <b>\$95,450</b>    | <b>\$96,450</b>    | <b>\$96,450</b>    |
| <b>GRAND TOTAL</b>                               | <b>\$1,254,037</b> | <b>\$1,274,211</b> | <b>\$1,330,544</b> | <b>\$1,303,014</b> | <b>\$1,303,015</b> |

**FULL-TIME-EQUIVALENT POSITIONS**

|                               |             |             |             |             |             |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|
| <b>REGULAR APPROPRIATIONS</b> |             |             |             |             |             |
| Regular Appropriations        | 16.5        | 15.5        | 15.5        | 15.5        | 15.5        |
| Adjustments                   | (1.0)       | 0.0         | 0.0         | 0.0         | 0.0         |
| <b>TOTAL, ADJUSTED FTES</b>   | <b>15.5</b> | <b>15.5</b> | <b>15.5</b> | <b>15.5</b> | <b>15.5</b> |

**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: 7/28/2008  
 TIME: 6:02:29PM

Agency code: 226

Agency name: Sixth Court of Appeals District, Texarkana

| OBJECT OF EXPENSE                   | Exp 2007           | Est 2008           | Bud 2009           | BL 2010            | BL 2011            |
|-------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 1001 SALARIES AND WAGES             | \$1,109,384        | \$1,153,982        | \$1,187,595        | \$1,187,595        | \$1,187,595        |
| 1002 OTHER PERSONNEL COSTS          | \$65,900           | \$16,900           | \$18,000           | \$19,200           | \$20,400           |
| 2003 CONSUMABLE SUPPLIES            | \$6,224            | \$5,900            | \$6,900            | \$7,000            | \$7,000            |
| 2004 UTILITIES                      | \$3,151            | \$3,257            | \$3,800            | \$3,900            | \$3,900            |
| 2005 TRAVEL                         | \$10,066           | \$11,000           | \$14,000           | \$14,500           | \$14,500           |
| 2006 RENT - BUILDING                | \$1,200            | \$1,200            | \$2,000            | \$3,000            | \$3,000            |
| 2007 RENT - MACHINE AND OTHER       | \$1,452            | \$817              | \$1,200            | \$2,200            | \$2,200            |
| 2009 OTHER OPERATING EXPENSE        | \$56,660           | \$69,155           | \$97,049           | \$65,619           | \$64,420           |
| 5000 CAPITAL EXPENDITURES           | \$0                | \$12,000           | \$0                | \$0                | \$0                |
| <b>OOE Total (Excluding Riders)</b> | <b>\$1,254,037</b> | <b>\$1,274,211</b> | <b>\$1,330,544</b> | <b>\$1,303,014</b> | <b>\$1,303,015</b> |
| <b>OOE Total (Riders)</b>           |                    |                    |                    |                    |                    |
| <b>Grand Total</b>                  | <b>\$1,254,037</b> | <b>\$1,274,211</b> | <b>\$1,330,544</b> | <b>\$1,303,014</b> | <b>\$1,303,015</b> |

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

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

Date: 7/29/2008  
Time: 10:46:09AM

Agency Code: 226 Agency: Sixth Court of Appeals District, Texarkana

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                          | \$6,000         | \$5,000         | \$6,000         | \$6,000         | \$6,000         |
| 5    | Westlaw/Lexis                    | 3,997           | 13,200          | 13,700          | 14,000          | 14,000          |
| 6    | Registrations/Training           | 3,490           | 2,805           | 3,400           | 3,600           | 3,600           |
| 7    | Subscriptions/Periodicals        | 625             | 597             | 600             | 600             | 600             |
| 12   | Maintenance & Repair - Equipment | 3,201           | 2,500           | 2,600           | 2,700           | 2,700           |
| 13   | Furniture & Equipment (Expensed) | 1,467           | 25              | 300             | 300             | 300             |
| 16   | Miscellaneous Expenses           | 737             | 17,650          | 41,851          | 8,771           | 7,572           |
| 24   | Freight/Delivery                 | 950             | 700             | 750             | 800             | 800             |
| 26   | Books (expensed)                 | 32,156          | 23,000          | 24,000          | 25,000          | 25,000          |
| 27   | Membership Dues                  | 2,613           | 2,130           | 2,300           | 2,300           | 2,300           |
| 64   | SORM Assessment                  | 1,424           | 1,548           | 1,548           | 1,548           | 1,548           |
|      | <b>Total, Operating Costs</b>    | <b>\$56,660</b> | <b>\$69,155</b> | <b>\$97,049</b> | <b>\$65,619</b> | <b>\$64,420</b> |

### Capital Expenditure Detail

| Agency Code:<br>226                         | Court/Agency:<br>Sixth Court of Appeals             | Strategy:<br>Appellate Court Operations |              |                  | Prepared by:<br>Debbie Autrey |                  | Date:<br>7/30/2008 | Strategy:<br>1    |
|---|---|---|--------------|------------------|-------------------------------|------------------|--------------------|-------------------|
| Itemization by Capital Expenditure Category |   | Number<br>of Units                      | Unit<br>Cost | Expended<br>2007 | Estimated<br>2008             | Budgeted<br>2009 | Requested<br>2010  | Requested<br>2011 |
| Category                                    | Description of Items                                |   |              |                  |                               |                  |                    |                   |
| 5005  | Acquisition of Information<br>Resource Technologies |   |              |                  |                               |                  |                    |                   |
|   | Telephone System (R)                                | 1                                       | \$12,000     |                  | \$12,000                      |                  |                    |                   |
|   |   |   |              |                  |                               |                  |                    |                   |
|   |   |   |              |                  |                               |                  |                    |                   |
|   |   |   |              |                  |                               |                  |                    |                   |
|   |   |   |              |                  |                               |                  |                    |                   |
|   |   |   |              |                  |                               |                  |                    |                   |
|   |   |   |              |                  |                               |                  |                    |                   |
|   |   |   |              |                  |                               |                  |                    |                   |
|   |   |   |              |                  |                               |                  |                    |                   |
|   |   |   |              |                  |                               |                  |                    |                   |
|   | TOTAL   |   | \$12,000     |                  | \$12,000                      |                  |                    |                   |
|   | GRAND TOTAL: CAPITAL EXPENDITURES                   |   | \$12,000     |                  | \$12,000                      |                  |                    |                   |

**2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES**

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

Date : 7/28/2008  
 Time: 6:01:53PM

Agency code: 226

Agency name: Sixth Court of Appeals District, Texarkana

| Goal/ Objective / Outcome   | Exp 2007 | Est 2008 | Bud 2009 | BL 2010 | BL 2011 |
|---|----------|----------|----------|---------|---------|
| 1 Appellate Court Operations  |          |          |          |         |         |
| 1 Appellate Court Operations  |          |          |          |         |         |
| <b>KEY</b> <b>1 Clearance Rate</b>  |          |          |          |         |         |
|   | 112.12%  | 99.30%   | 100.00%  | 100.00% | 100.00% |
| <b>KEY</b> <b>2 Percentage of Cases Under Submission for Less Than One Year</b> |          |          |          |         |         |
|   | 100.00%  | 100.00%  | 100.00%  | 100.00% | 100.00% |
| <b>KEY</b> <b>3 Percentage of Cases Pending for Less Than Two Years</b>         |          |          |          |         |         |
|   | 100.00%  | 99.50%   | 100.00%  | 100.00% | 100.00% |

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

DATE: 7/28/2008  
 TIME : 6:02:00PM

Agency code: 226

Agency name: Sixth Court of Appeals District, Texarkana

| 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   | Employ and Retain Quality Staff | \$189,188              | \$189,188        | 1.0        | \$189,187           | \$189,187        | 1.0        | \$378,375           | \$378,375        |
| <b>Total, Exceptional Items Request</b>     |                                 | <b>\$189,188</b>       | <b>\$189,188</b> | <b>1.0</b> | <b>\$189,187</b>    | <b>\$189,187</b> | <b>1.0</b> | <b>\$378,375</b>    | <b>\$378,375</b> |
| <b>Method of Financing</b>                  |                                 |                        |                  |            |                     |                  |            |                     |                  |
|   | General Revenue                 | \$189,188              | \$189,188        |            | \$189,187           | \$189,187        |            | \$378,375           | \$378,375        |
|   | General Revenue - Dedicated     |                        |                  |            |                     |                  |            |                     |                  |
|   | Federal Funds                   |                        |                  |            |                     |                  |            |                     |                  |
|   | Other Funds                     |                        |                  |            |                     |                  |            |                     |                  |
|   |                                 | <b>\$189,188</b>       | <b>\$189,188</b> |            | <b>\$189,187</b>    | <b>\$189,187</b> |            | <b>\$378,375</b>    | <b>\$378,375</b> |
| <b>Full Time Equivalent Positions</b>       |                                 |                        |                  | <b>1.0</b> |                     |                  |            | <b>1.0</b>          |                  |
| <b>Number of 100% Federally Funded FTEs</b> |                                 |                        |                  | <b>0.0</b> |                     |                  |            | <b>0.0</b>          |                  |

2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY

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

DATE : 7/28/2008

TIME : 6:02:07PM

Agency code: 226 Agency name: Sixth Court of Appeals District, Texarkana

| Goal/Objective/STRATEGY                       | Base<br>2010 | Base<br>2011 | Exceptional<br>2010 | Exceptional<br>2011 | Total Request<br>2010 | Total Request<br>2011 |
|---|--------------|--------------|---------------------|---------------------|-----------------------|-----------------------|
| 1 Appellate Court Operations                  |              |              |                     |                     |                       |                       |
| 1 <i>Appellate Court Operations</i>           |              |              |                     |                     |                       |                       |
| 1 APPELLATE COURT OPERATIONS                  | \$1,303,014  | \$1,303,015  | \$189,188           | \$189,187           | \$1,492,202           | \$1,492,202           |
| TOTAL, GOAL 1                                 | \$1,303,014  | \$1,303,015  | \$189,188           | \$189,187           | \$1,492,202           | \$1,492,202           |
| TOTAL, AGENCY<br>STRATEGY REQUEST             | \$1,303,014  | \$1,303,015  | \$189,188           | \$189,187           | \$1,492,202           | \$1,492,202           |
| TOTAL, AGENCY RIDER<br>APPROPRIATIONS REQUEST |              |              |                     |                     |                       |                       |
| GRAND TOTAL, AGENCY REQUEST                   | \$1,303,014  | \$1,303,015  | \$189,188           | \$189,187           | \$1,492,202           | \$1,492,202           |

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

DATE : 7/28/2008  
 TIME : 6:02:10PM

Agency code: 226                      Agency name: Sixth Court of Appeals District, Texarkana

| <i>Goal/Objective/STRATEGY</i>        | Base<br>2010       | Base<br>2011       | Exceptional<br>2010 | Exceptional<br>2011 | Total Request<br>2010 | Total Request<br>2011 |
|---------------------------------------|--------------------|--------------------|---------------------|---------------------|-----------------------|-----------------------|
| <b>General Revenue Funds:</b>         |                    |                    |                     |                     |                       |                       |
| 1 General Revenue Fund                | \$1,206,564        | \$1,206,565        | \$189,188           | \$189,187           | \$1,395,752           | \$1,395,752           |
|                                       | <b>\$1,206,564</b> | <b>\$1,206,565</b> | <b>\$189,188</b>    | <b>\$189,187</b>    | <b>\$1,395,752</b>    | <b>\$1,395,752</b>    |
| <b>Other Funds:</b>                   |                    |                    |                     |                     |                       |                       |
| 573 Judicial Fund                     | 92,450             | 92,450             | 0                   | 0                   | \$92,450              | \$92,450              |
| 666 Appropriated Receipts             | 4,000              | 4,000              | 0                   | 0                   | \$4,000               | \$4,000               |
|                                       | <b>\$96,450</b>    | <b>\$96,450</b>    | <b>\$0</b>          | <b>\$0</b>          | <b>\$96,450</b>       | <b>\$96,450</b>       |
| <b>TOTAL, METHOD OF FINANCING</b>     | <b>\$1,303,014</b> | <b>\$1,303,015</b> | <b>\$189,188</b>    | <b>\$189,187</b>    | <b>\$1,492,202</b>    | <b>\$1,492,202</b>    |
| <b>FULL TIME EQUIVALENT POSITIONS</b> | <b>15.5</b>        | <b>15.5</b>        | <b>1.0</b>          | <b>1.0</b>          | <b>16.5</b>           | <b>16.5</b>           |



2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES

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

Date : 7/28/2008  
 Time: 6:02:14PM

Agency code: 226 Agency name: Sixth Court of Appeals District, Texarkana

Goal/ Objective / Outcome

|            |  | BL<br>2010 | BL<br>2011 | Excp<br>2010 | Excp<br>2011 | Total<br>Request<br>2010 | Total<br>Request<br>2011 |
|------------|--|------------|------------|--------------|--------------|--------------------------|--------------------------|
| 1          | Appellate Court Operations   |            |            |              |              |                          |                          |
| 1          | Appellate Court Operations   |            |            |              |              |                          |                          |
| <b>KEY</b> | <b>1 Clearance Rate</b>  |            |            |              |              |                          |                          |
|            |  | 100.00%    | 100.00%    | 100.00%      | 100.00%      | 100.00%                  | 100.00%                  |
| <b>KEY</b> | <b>2 Percentage of Cases Under Submission for Less Than One Year</b> |            |            |              |              |                          |                          |
|            |  | 100.00%    | 100.00%    | 100.00%      | 100.00%      | 100.00%                  | 100.00%                  |
| <b>KEY</b> | <b>3 Percentage of Cases Pending for Less Than Two Years</b>         |            |            |              |              |                          |                          |
|            |  | 100.00%    | 100.00%    | 100.00%      | 100.00%      | 100.00%                  | 100.00%                  |

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

DATE: 7/28/2008  
 TIME: 6:02:22PM

Agency code: **226** Agency name: **Sixth Court of Appeals District, Texarkana**

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            |
|--|-----------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Output Measures:</b>                      |                                   |                    |                    |                    |                    |                    |
| 1  | Number of Civil Cases Disposed    | 139.00             | 144.00             | 148.00             | 148.00             | 148.00             |
| 2  | Number of Criminal Cases Disposed | 268.00             | 256.00             | 270.00             | 270.00             | 270.00             |
| <b>Explanatory/Input Measures:</b>           |                                   |                    |                    |                    |                    |                    |
| 1  | Number of Civil Cases Filed       | 120.00             | 106.00             | 115.00             | 115.00             | 115.00             |
| 2  | Number of Criminal Cases Filed    | 182.00             | 186.00             | 195.00             | 195.00             | 195.00             |
| 3  | Number of Cases Transferred in    | 45.00              | 89.00              | 90.00              | 90.00              | 90.00              |
| 4  | Number of Cases Transferred out   | 0.00               | 4.00               | 0.00               | 0.00               | 0.00               |
| <b>Objects of Expense:</b>                   |                                   |                    |                    |                    |                    |                    |
| 1001   | SALARIES AND WAGES                | \$1,109,384        | \$1,153,982        | \$1,187,595        | \$1,187,595        | \$1,187,595        |
| 1002   | OTHER PERSONNEL COSTS             | \$65,900           | \$16,900           | \$18,000           | \$19,200           | \$20,400           |
| 2003   | CONSUMABLE SUPPLIES               | \$6,224            | \$5,900            | \$6,900            | \$7,000            | \$7,000            |
| 2004   | UTILITIES                         | \$3,151            | \$3,257            | \$3,800            | \$3,900            | \$3,900            |
| 2005   | TRAVEL                            | \$10,066           | \$11,000           | \$14,000           | \$14,500           | \$14,500           |
| 2006   | RENT - BUILDING                   | \$1,200            | \$1,200            | \$2,000            | \$3,000            | \$3,000            |
| 2007   | RENT - MACHINE AND OTHER          | \$1,452            | \$817              | \$1,200            | \$2,200            | \$2,200            |
| 2009   | OTHER OPERATING EXPENSE           | \$56,660           | \$69,155           | \$97,049           | \$65,619           | \$64,420           |
| 5000   | CAPITAL EXPENDITURES              | \$0                | \$12,000           | \$0                | \$0                | \$0                |
| <b>TOTAL, OBJECT OF EXPENSE</b>              |                                   | <b>\$1,254,037</b> | <b>\$1,274,211</b> | <b>\$1,330,544</b> | <b>\$1,303,014</b> | <b>\$1,303,015</b> |
| <b>Method of Financing:</b>                  |                                   |                    |                    |                    |                    |                    |
| 1  | General Revenue Fund              | \$1,147,472        | \$1,171,761        | \$1,235,094        | \$1,206,564        | \$1,206,565        |
| <b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS)</b> |                                   | <b>\$1,147,472</b> | <b>\$1,171,761</b> | <b>\$1,235,094</b> | <b>\$1,206,564</b> | <b>\$1,206,565</b> |

Method of Financing:

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

DATE: 7/28/2008  
 TIME: 6:02:25PM

Agency code: **226**      Agency name: **Sixth Court of Appeals District, Texarkana**

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

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

| CODE   | DESCRIPTION           | Exp 2007           | Est 2008           | Bud 2009           | BL 2010            | BL 2011            |
|--|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 573  | Judicial Fund         | \$92,450           | \$92,450           | \$92,450           | \$92,450           | \$92,450           |
| 666  | Appropriated Receipts | \$14,115           | \$10,000           | \$3,000            | \$4,000            | \$4,000            |
| <b>SUBTOTAL, MOF (OTHER FUNDS)</b>                 |                       | <b>\$106,565</b>   | <b>\$102,450</b>   | <b>\$95,450</b>    | <b>\$96,450</b>    | <b>\$96,450</b>    |
| <b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b> |                       |                    |                    |                    | <b>\$1,303,014</b> | <b>\$1,303,015</b> |
| <b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b> |                       | <b>\$1,254,037</b> | <b>\$1,274,211</b> | <b>\$1,330,544</b> | <b>\$1,303,014</b> | <b>\$1,303,015</b> |
| <b>FULL TIME EQUIVALENT POSITIONS:</b>             |                       | <b>15.5</b>        | <b>15.5</b>        | <b>15.5</b>        | <b>15.5</b>        | <b>15.5</b>        |

**STRATEGY DESCRIPTION AND JUSTIFICATION:**

The Sixth Court of Appeals was created in 1907 by amendment to Article 1817, V.T.C.S., pursuant to authority granted by Article 5, Section 1, of the Texas Constitution. The Court has intermediate appellate jurisdiction in civil cases in which the judgment rendered exceeds \$100, exclusive of costs, and effective September 1, 1981, in criminal cases, except in post-conviction writs of habeas corpus and where the death penalty has been assessed. The Court has jurisdiction in nineteen 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: 7/28/2008  
TIME: 6:02:25PM

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**SUMMARY TOTALS:**

|   |                    |                    |                    |                    |                    |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>OBJECTS OF EXPENSE:</b>                    | <b>\$1,254,037</b> | <b>\$1,274,211</b> | <b>\$1,330,544</b> | <b>\$1,303,014</b> | <b>\$1,303,015</b> |
| <b>METHODS OF FINANCE (INCLUDING RIDERS):</b> |                    |                    |                    | <b>\$1,303,014</b> | <b>\$1,303,015</b> |
| <b>METHODS OF FINANCE (EXCLUDING RIDERS):</b> | <b>\$1,254,037</b> | <b>\$1,274,211</b> | <b>\$1,330,544</b> | <b>\$1,303,014</b> | <b>\$1,303,015</b> |
| <b>FULL TIME EQUIVALENT POSITIONS:</b>        | <b>15.5</b>        | <b>15.5</b>        | <b>15.5</b>        | <b>15.5</b>        | <b>15.5</b>        |

### 3.B. RIDER REVISIONS AND ADDITIONS REQUEST

|                             |   |   |                         |                                   |
|-----------------------------|---|---|-------------------------|-----------------------------------|
| <b>Agency Code:</b><br>226  | <b>Agency Name:</b><br>Sixth Court of Appeals | <b>Prepared by:</b><br>Debbie Autrey  | <b>Date:</b><br>7/30/08 | <b>Request Level:</b><br>Baseline |
| <b>Current Rider Number</b> | <b>Page Number in 2008-09 GAA</b>             | <b>Proposed Rider Language</b>  |                         |                                   |
| 5                           | IV-38   | <p><b>Transfer of Cases.</b> 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><b>Judicial Internship Program.</b> 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><b>Appellate Court Exemptions.</b> The following provisions of Article IX of this Act do not apply to the appellate courts:</p> <ul style="list-style-type: none"> <li>a. Article IX, § 5.08, Limitation on Travel Expenditures</li> <li>b. Article IX, § 6.10, Limitation on State Employment Levels</li> <li>c. Article IX, § 6.15, Performance Rewards and Penalties</li> <li>d. Article IX, §14.03, Limit on Expenditures - Capital Budget</li> </ul> <p><i>The Courts of Appeals request that this rider be retained and section numbers updated as needed.</i></p> |                         |                                   |
| 10                          | IV-39   | <p><b>Appropriation: Unexpended Balances Between Fiscal Years within the Biennium.</b> Any unexpended balances from appropriations made to the appellate courts for fiscal year <del>2008-2010</del> are hereby appropriated to the same court for fiscal year <del>2009-2011</del> for the same purposes.</p> <p><i>Update rider to reflect the new biennium.</i></p>  |                         |                                   |

### 3.B. RIDER REVISIONS AND ADDITIONS REQUEST

|                             |   |  |                         |                                   |
|-----------------------------|---|--|-------------------------|-----------------------------------|
| <b>Agency Code:</b><br>226  | <b>Agency Name:</b><br>Sixth Court of Appeals | <b>Prepared by:</b><br>Debbie Autrey   | <b>Date:</b><br>7/30/08 | <b>Request Level:</b><br>Baseline |
| <b>Current Rider Number</b> | <b>Page Number in 2008-09 GAA</b>             | <b>Proposed Rider Language</b>   |                         |                                   |
| 11                          | IV-39   | <p><b>Intermediate Appellate Court Local Funding Information.</b> 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><b>Appellate Court Salary Limits.</b> 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<del>05</del>, more than <del>\$97,750</del> <del>\$4,000</del> 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<del>05</del> more than <del>\$85,000</del> <del>72,500</del> 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><b>Interagency Contracts for Assigned Judges for Appellate Courts.</b> 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 <del>2010</del> <del>2008</del> and <del>2011</del> <del>2009</del>, 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

|                             |   |   |                         |                                   |
|-----------------------------|---|---|-------------------------|-----------------------------------|
| <b>Agency Code:</b><br>226  | <b>Agency Name:</b><br>Sixth Court of Appeals | <b>Prepared by:</b><br>Debbie Autrey  | <b>Date:</b><br>7/30/08 | <b>Request Level:</b><br>Baseline |
| <b>Current Rider Number</b> | <b>Page Number in 2008-09 GAA</b>             | <b>Proposed Rider Language</b>  |                         |                                   |
| 14                          | IV-39   | <p><b>Appellate Court Transfer Authority.</b> 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 <del>2010-2011</del> <u>2012-2013</u> biennium.</p> <p><i>Update rider to reflect the new biennium.</i></p> |                         |                                   |

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

DATE: 7/28/2008  
 TIME: 6:02:50PM

Agency code: 226

Agency name:

Sixth Court of Appeals District, Texarkana

| CODE                            | DESCRIPTION   | Excp 2010        | Excp 2011        |
|---------------------------------|---|------------------|------------------|
|                                 | <b>Item Name:</b> Employ and Retain Quality Staff (Similar Funding for Same-sized Courts)             |                  |                  |
|                                 | <b>Item Priority:</b> 1   |                  |                  |
|                                 | <b>Includes Funding for the Following Strategy or Strategies:</b> 01-01-01 Appellate Court Operations |                  |                  |
| <br><b>OBJECTS OF EXPENSE:</b>  |   |                  |                  |
| 1001                            | SALARIES AND WAGES  | 184,000          | 184,000          |
| 2003                            | CONSUMABLE SUPPLIES   | 300              | 300              |
| 2009                            | OTHER OPERATING EXPENSE   | 4,888            | 4,887            |
|                                 | <b>TOTAL, OBJECT OF EXPENSE</b>   | <b>\$189,188</b> | <b>\$189,187</b> |
| <br><b>METHOD OF FINANCING:</b> |   |                  |                  |
| 1                               | General Revenue Fund  | 189,188          | 189,187          |
|                                 | <b>TOTAL, METHOD OF FINANCING</b>   | <b>\$189,188</b> | <b>\$189,187</b> |
|                                 | <b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>  | 1.00             | 1.00             |

**DESCRIPTION / JUSTIFICATION:**

As an exceptional item request, we are seeking an appropriation to adequately support the effective and efficient operation of this Court at historical performance measure levels. 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. 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:**

Courts of appeals are small offices with specialized staff. National studies and our experience show that, except for additional judges, legal staff support most directly affects a court's efficiency and caseload disposition. Complex cases require sophisticated analysis, technical knowledge, and legal expertise. A stable, experienced legal staff is essential in meeting our performance goals, disposing of more cases in a shorter time despite an increasing caseload, and maintaining the quality of our opinions. Escalating salaries in the private sector, and substantially higher salaries for comparable positions in the public sector, place the courts at a disadvantage for attracting and retaining excellent legal staff. This funding will also allow the Court to adequately staff positions to support our necessary clerical and administrative functions. Loss of experienced court staff creates difficulties in timely processing and disposing of appeals and in maintaining professional business practices. This exceptional item would allow the court to operate at historical performance measure levels while maintaining the highest quality of legal analysis. The citizens of Texas deserve no less.



4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

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

DATE: //28/2008  
 TIME: 6:03:09PM

Agency code: 226 Agency name Sixth Court of Appeals District, Texarkana

| Code Description  | Excp 2010        | Excp 2011        |
|---|------------------|------------------|
| <b>Item Name:</b> Employ and Retain Quality Staff (Similar Funding for Same-sized Courts) |                  |                  |
| <b>Allocation to Strategy:</b> 1-1-1 Appellate Court Operations                           |                  |                  |
| <b>OBJECTS OF EXPENSE:</b>  |                  |                  |
| 1001 SALARIES AND WAGES   | 184,000          | 184,000          |
| 2003 CONSUMABLE SUPPLIES  | 300              | 300              |
| 2009 OTHER OPERATING EXPENSE  | 4,888            | 4,887            |
| <b>TOTAL, OBJECT OF EXPENSE</b>   | <b>\$189,188</b> | <b>\$189,187</b> |
| <b>METHOD OF FINANCING:</b>   |                  |                  |
| 1 General Revenue Fund  | 189,188          | 189,187          |
| <b>TOTAL, METHOD OF FINANCING</b>   | <b>\$189,188</b> | <b>\$189,187</b> |
| <b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>  | 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:** 7/28/2008  
**TIME:** 6:03:14PM

Agency Code: 226

Agency name: Sixth Court of Appeals District, Texarkana

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

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

**CODE DESCRIPTION**

**Excp 2010**

**Excp 2011**

**STRATEGY IMPACT ON OUTCOME MEASURES:**

|  |          |          |
|--|----------|----------|
| <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          | 184,000          | 184,000          |
| 2003 CONSUMABLE SUPPLIES         | 300              | 300              |
| 2009 OTHER OPERATING EXPENSE     | 4,888            | 4,887            |
| <b>Total, Objects of Expense</b> | <b>\$189,188</b> | <b>\$189,187</b> |

**METHOD OF FINANCING:**

|                                 |                  |                  |
|---------------------------------|------------------|------------------|
| 1 General Revenue Fund          | 189,188          | 189,187          |
| <b>Total, Method of Finance</b> | <b>\$189,188</b> | <b>\$189,187</b> |

**FULL-TIME EQUIVALENT POSITIONS (FTE):**

1.0 1.0

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

Employ and Retain Quality Staff (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: 7/28/2008  
Time: 5:51:06PM  
Page: 1 of 1

Agency Code: 226 Agency: Sixth Court of Appeals District, Texarkana

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 |                |               |               |               |               |
|      |                                  | 2011 |                |               |               |               |               |
| 7    | Subscriptions/Periodicals        | 2010 |                |               |               |               |               |
|      |                                  | 2011 |                |               |               |               |               |
| 12   | Maintenance & Repair - Equipment | 2010 |                |               |               |               |               |
|      |                                  | 2011 |                |               |               |               |               |
| 13   | Furniture & Equipment (Expensed) | 2010 |                |               |               |               |               |
|      |                                  | 2011 |                |               |               |               |               |
| 16   | Miscellaneous Expenses           | 2010 | 4,888          |               |               |               |               |
|      |                                  | 2011 | 4,887          |               |               |               |               |
| 24   | Freight/Delivery                 | 2010 |                |               |               |               |               |
|      |                                  | 2011 |                |               |               |               |               |
| 26   | Books (expensed)                 | 2010 |                |               |               |               |               |
|      |                                  | 2011 |                |               |               |               |               |
| 27   | Membership Dues                  | 2010 |                |               |               |               |               |
|      |                                  | 2011 |                |               |               |               |               |
| 64   | SORM Assessment                  | 2010 |                |               |               |               |               |
|      |                                  | 2011 |                |               |               |               |               |
|      | <b>Total, Operating Costs</b>    | 2010 | <b>\$4,888</b> |               |               |               |               |
|      |                                  | 2011 | <b>\$4,887</b> |               |               |               |               |

**6.A. HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE**

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

Date: 7/30/2008  
Time: 10:14:52AM

Agency Code: 226 Agency: Sixth Court of Appeals District, Texarkana

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

**A. Fiscal Year 2006 - 2007 HUB Expenditure Information**

| Statewide<br>HUB Goals | Procurement<br>Category    | HUB Expenditures FY 2006 |              |                | Total Expenditures<br>FY 2006 | HUB Expenditures FY 2007 |              |                | Total Expenditures<br>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            | \$4,193                       | 0.0 %                    | 0.0%         | \$0            | \$7,798                       |
| 12.6%                  | Commodities                | 55.4 %                   | 55.4%        | \$5,241        | \$9,455                       | 70.8 %                   | 70.8%        | \$3,729        | \$5,265                       |
|                        | <b>Total Expenditures</b>  |                          | <b>38.4%</b> | <b>\$5,241</b> | <b>\$13,648</b>               |                          | <b>28.5%</b> | <b>\$3,729</b> | <b>\$13,063</b>               |

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

**Attainment:**

The Court attained or exceeded one of two, or 50%, of the applicable statewide HUB procurement goals in FY 2006 and 2007.

**Applicability:**

The "Heavy Construction," "Building Construction," "Special Trade Construction," and "Professional Services" categories are not applicable to Court operations in fiscal years 2006 and 2007 since the court did not have any strategies or programs related to these categories.

**Factors Affecting Attainment:**

In both fiscal year 2006 and 2007, the goal of the "Other Services" category was not met since there are no HUB vendors for the Court's legal research. This represents a large portion of the Court's expenditures in this category.

**"Good-Faith" Efforts:**

The Court continues to make a good faith effort in giving HUB vendors preference and in attempting to increase HUB participation opportunities.

### 6.B. Current Biennium One-time Expenditure Schedule

| <b>Agency Code:</b><br>226                                     | <b>Agency Name:</b><br>Sixth Court of Appeals | <b>Prepared By:</b><br>Debbie Autrey |           | <b>Date:</b><br>7/30/2008 |
|--|---|--------------------------------------|-----------|---------------------------|
| Item   | 2008-2009                                     |                                      | 2010-2011 |                           |
|  | Amount  | MOF                                  | Amount    | MOF                       |
| Telephone System <i>(to replace 23-year-old analog system)</i> | \$12,000                                      | 1                                    |           |                           |

**6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern**  
**Sixth Court of Appeals**

|   |           |               |
|---|-----------|---------------|
| <b>ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2010-11 GAA BILL PATTERN</b> | <b>\$</b> | <b>45,000</b> |
|---|-----------|---------------|

**Salary Supplements (Note: This Court does NOT have Chapter 22 Funds)**

Estimated Salary Supplements paid by Bowie and Gregg Counties to the Justices (3) of this Court.

|                         |    |        |               |
|-------------------------|----|--------|---------------|
| FY 2008                 | \$ | 22,500 |               |
| FY 2009                 | \$ | 22,500 |               |
|                         |    | 22,500 |               |
| <b>FY 2008-09 Total</b> |    | \$     | <b>45,000</b> |

Estimated Salary Supplements paid by Bowie and Gregg Counties to the Justices (3) of this Court.

|                         |    |        |               |
|-------------------------|----|--------|---------------|
| FY 2010                 | \$ | 22,500 |               |
| FY 2011                 | \$ | 22,500 |               |
|                         |    | 22,500 |               |
| <b>FY 2010-11 Total</b> |    | \$     | <b>45,000</b> |

**Constitutional or Statutory Creation and Use of Funds:**

Texas Government Code, Sec. 31.001

**Method of Calculation and Revenue Assumptions:**

Texas Government Code, Sec. 659.012

### 6.I. 10 Percent Biennial Base Reduction Options Schedule

Approved Reduction Amount

**\$226,982**

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

| Agency Code: 226                         |                |                            | Agency Name: Sixth 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 | 226,982                                       |                   |             |             | \$ 226,982        | 2.0  | 2.0        | N                   | 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%   |
| <b>Agency Biennial Total</b>             |                |                            | <b>\$ 226,982</b>                             | <b>\$ -</b>       | <b>\$ -</b> | <b>\$ -</b> | <b>\$ 226,982</b> | <b>2.0</b>   | <b>2.0</b> |                     | <b>10.0%</b>  |
| <b>Agency Biennial Total (GR + GR-D)</b> |                |                            |   | <b>\$ 226,982</b> |             |             |                   |  |            |                     |   |

**Rank / Name**

**Explanation of Impact to Programs and Revenue Collections**

1 Appellate Court Operations

Ten percent less funding for this Court in FY2010-11 would likely cause (1) dispositions of appeals to be 80% of new appeals filed in the biennium, and (2) the time for which appeals remain pending during the biennium to be increased.

The core function of the courts is to process and review appeals from criminal and civil trial courts. This requires a highly skilled and trained professional workforce including appellate court lawyers and clerical staff who assist the judges of the court in disposing of cases and researching and writing opinions. Consequently, 91% of the Court's FY2008-09 appropriated budget is dedicated to salaries. A 10% reduction in the court's appropriated budget, which amounts to \$226,982, would require the Court to eliminate two staff attorneys, representing 33.3% of the court's legal staff. The minimum number of lawyers an appellate court must have to perform at a reasonably productive and efficient level is two lawyers to each judge. This reduction in legal staff would drop the court below the 2:1 ratio to a 4:3 ratio and cause the Court to triage cases based on priority or urgency. The number of dispositions and their timeliness would suffer.

Agency code: 226

Agency name: Sixth Court of Appeals District, Texarkana

| Strategy                         |                            | Exp 2007         | Est 2008         | Bud 2009          | BL 2010           | BL 2011           |
|----------------------------------|----------------------------|------------------|------------------|-------------------|-------------------|-------------------|
| 1-1-1                            | Appellate Court Operations |                  |                  |                   |                   |                   |
| <b>OBJECTS OF EXPENSE:</b>       |                            |                  |                  |                   |                   |                   |
| 1001                             | SALARIES AND WAGES         | \$ 81,928        | \$ 90,392        | \$ 92,432         | \$ 92,432         | \$ 92,432         |
| 1002                             | OTHER PERSONNEL COSTS      | 4,867            | 1,324            | 1,401             | 1,494             | 1,588             |
| 2003                             | CONSUMABLE SUPPLIES        | 460              | 462              | 537               | 545               | 545               |
| 2004                             | UTILITIES                  | 233              | 255              | 296               | 304               | 304               |
| 2005                             | TRAVEL                     | 743              | 862              | 1,090             | 1,129             | 1,129             |
| 2006                             | RENT - BUILDING            | 89               | 94               | 156               | 233               | 233               |
| 2007                             | RENT - MACHINE AND OTHER   | 107              | 64               | 93                | 171               | 171               |
| 2009                             | OTHER OPERATING EXPENSE    | 4,184            | 5,417            | 7,553             | 5,107             | 5,014             |
| 5000                             | CAPITAL EXPENDITURES       | 0                | 940              | 0                 | 0                 | 0                 |
| <b>Total, Objects of Expense</b> |                            | <b>\$ 92,611</b> | <b>\$ 99,810</b> | <b>\$ 103,558</b> | <b>\$ 101,415</b> | <b>\$ 101,416</b> |

**METHOD OF FINANCING:**

|                                   |                      |                  |                  |                   |                   |                   |
|-----------------------------------|----------------------|------------------|------------------|-------------------|-------------------|-------------------|
| 1                                 | General Revenue Fund | 92,611           | 99,810           | 103,558           | 101,415           | 101,416           |
| <b>Total, Method of Financing</b> |                      | <b>\$ 92,611</b> | <b>\$ 99,810</b> | <b>\$ 103,558</b> | <b>\$ 101,415</b> | <b>\$ 101,416</b> |

**FULL-TIME-EQUIVALENT POSITIONS (FTE):**

|     |     |     |     |     |
|-----|-----|-----|-----|-----|
| 1.7 | 1.7 | 1.7 | 1.7 | 1.7 |
|-----|-----|-----|-----|-----|

**DESCRIPTION**



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Agency code: 226

Agency name: Sixth Court of Appeals District, Texarkana

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Exp 2007

Est 2008

Bud 2009

BL 2010

BL 2011

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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. The percentage of time spent on administrative duties for this Court are as follows:

|                      |     |
|----------------------|-----|
| Chief Justice        | 10% |
| Chief Staff Attorney | 2%  |
| Clerk                | 85% |
| Deputy Clerk IV      | 1%  |
| Deputy Clerk IV      | 1%  |
| Custodial Manager I  | 75% |

FTE Equivalent: 1.74

Agency code: 226

Agency name: Sixth Court of Appeals District, Texarkana

|   | Exp 2007        | Est 2008        | Bud 2009         | BL 2010          | BL 2011          |
|---|-----------------|-----------------|------------------|------------------|------------------|
| <b>GRAND TOTALS</b>                         |                 |                 |                  |                  |                  |
| <b>Objects of Expense</b>                   |                 |                 |                  |                  |                  |
| 1001 SALARIES AND WAGES                     | \$81,928        | \$90,392        | \$92,432         | \$92,432         | \$92,432         |
| 1002 OTHER PERSONNEL COSTS                  | \$4,867         | \$1,324         | \$1,401          | \$1,494          | \$1,588          |
| 2003 CONSUMABLE SUPPLIES                    | \$460           | \$462           | \$537            | \$545            | \$545            |
| 2004 UTILITIES                              | \$233           | \$255           | \$296            | \$304            | \$304            |
| 2005 TRAVEL                                 | \$743           | \$862           | \$1,090          | \$1,129          | \$1,129          |
| 2006 RENT - BUILDING                        | \$89            | \$94            | \$156            | \$233            | \$233            |
| 2007 RENT - MACHINE AND OTHER               | \$107           | \$64            | \$93             | \$171            | \$171            |
| 2009 OTHER OPERATING EXPENSE                | \$4,184         | \$5,417         | \$7,553          | \$5,107          | \$5,014          |
| 5000 CAPITAL EXPENDITURES                   | \$0             | \$940           | \$0              | \$0              | \$0              |
| <b>Total, Objects of Expense</b>            | <b>\$92,611</b> | <b>\$99,810</b> | <b>\$103,558</b> | <b>\$101,415</b> | <b>\$101,416</b> |
| <b>Method of Financing</b>                  |                 |                 |                  |                  |                  |
| 1 General Revenue Fund                      | \$92,611        | \$99,810        | \$103,558        | \$101,415        | \$101,416        |
| <b>Total, Method of Financing</b>           | <b>\$92,611</b> | <b>\$99,810</b> | <b>\$103,558</b> | <b>\$101,415</b> | <b>\$101,416</b> |
| <b>Full-Time-Equivalent Positions (FTE)</b> | <b>1.7</b>      | <b>1.7</b>      | <b>1.7</b>       | <b>1.7</b>       | <b>1.7</b>       |