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# 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

**The Second Court of Appeals**

Chief Justice John Cayce  
Justice Terrie Livingston  
Justice Lee Ann Dauphinot  
Justice Dixon W. Holman  
Justice Anne Gardner  
Justice Sue Walker  
Justice Bob McCoy

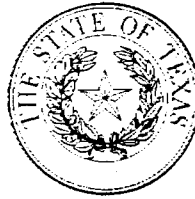
January 1, 2007 - December 31, 2012  
January 1, 2003 - December 31, 2008  
January 1, 2007 - December 31, 2012  
January 1, 2003 - December 31, 2008  
January 1, 2005 - December 31, 2010  
January 1, 2007 - December 31, 2012  
January 1, 2007 - December 31, 2012

Fort Worth, Texas  
Fort Worth, Texas  
Fort Worth, Texas  
Arlington, Texas  
Fort Worth, Texas  
Arlington, Texas  
Fort Worth, Texas

August 1, 2008

Submitted by: Stephanie Robinson, Clerk of the Court

Approved: John Cayce, Chief Justice



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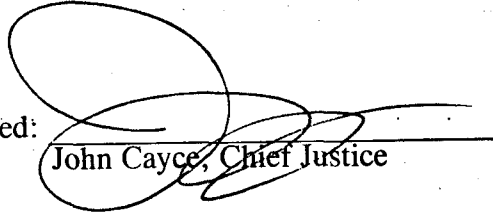
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Fort Worth, Texas  
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Fort Worth, Texas

August 1, 2008

Submitted by: Stephanie Robinson  
Stephanie Robinson, Clerk of the Court

Approved:   
John Cayce, Chief Justice

Second Court of Appeals  
Legislative Appropriations Request

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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: 4:01:44PM  
PAGE: 1 of 2

Agency code: 222

Agency name: **Second Court of Appeals District, Fort Worth**

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 Second 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 Second 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 Second Court to comply with the mandate of Texas Government Code §659.0445. In the 2010-11 biennium, the Second Court will need \$12,800 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 funding for a minimum of at least one 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 Second 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 reach or exceed 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):

**ADMINISTRATOR'S STATEMENT**  
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Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/31/2008  
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Agency code: 222

Agency name: **Second Court of Appeals District, Fort Worth**

- 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 \$40,000 for the biennium, 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.



## CERTIFICATE

**Agency Name: Second Court of Appeals, #222**

This is to certify that the information contained in the agency Legislative Appropriations Request filed with the Legislative Budget Board (LBB) and the Governor's Office of Budget, Planning and Policy (GOBPP) is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the bound paper copies are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the GOBPP will be notified in writing in accordance with Article IX, Section 7.01 (2008-09 GAA).

**Chief Executive Officer or Presiding Judge**

Signature

John Cayce  
Printed Name

Chief Justice  
Title

8.1.08  
Date

**Board or Commission Chair**

Signature

Printed Name

Title

Date

**Chief Financial Officer**

Stephanie Robinson  
Signature

Stephanie Robinson  
Printed Name

Clerk of the Court  
Title

8.1.08  
Date

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

DATE: 7/31/2008  
 TIME: 4:02:24PM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

| 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                       | 2,623,506          | 2,695,652          | 2,900,187          | 2,804,687          | 2,804,688          |
| <b>TOTAL, GOAL 1</b>                               | <b>\$2,623,506</b> | <b>\$2,695,652</b> | <b>\$2,900,187</b> | <b>\$2,804,687</b> | <b>\$2,804,688</b> |
| <b>TOTAL, AGENCY STRATEGY REQUEST</b>              | <b>\$2,623,506</b> | <b>\$2,695,652</b> | <b>\$2,900,187</b> | <b>\$2,804,687</b> | <b>\$2,804,688</b> |
| <b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*</b> |                    |                    |                    | \$0                | \$0                |
| <b>GRAND TOTAL, AGENCY REQUEST</b>                 | <b>\$2,623,506</b> | <b>\$2,695,652</b> | <b>\$2,900,187</b> | <b>\$2,804,687</b> | <b>\$2,804,688</b> |
| <u>METHOD OF FINANCING:</u>                        |                    |                    |                    |                    |                    |
| <b>General Revenue Funds:</b>                      |                    |                    |                    |                    |                    |
| 1 General Revenue Fund                             | 2,331,841          | 2,408,602          | 2,613,137          | 2,517,637          | 2,517,638          |
| <b>SUBTOTAL</b>                                    | <b>\$2,331,841</b> | <b>\$2,408,602</b> | <b>\$2,613,137</b> | <b>\$2,517,637</b> | <b>\$2,517,638</b> |
| <b>Other Funds:</b>                                |                    |                    |                    |                    |                    |
| 573 Judicial Fund                                  | 213,050            | 213,050            | 213,050            | 213,050            | 213,050            |
| 666 Appropriated Receipts                          | 24,615             | 20,000             | 20,000             | 20,000             | 20,000             |
| 777 Interagency Contracts                          | 54,000             | 54,000             | 54,000             | 54,000             | 54,000             |
| <b>SUBTOTAL</b>                                    | <b>\$291,665</b>   | <b>\$287,050</b>   | <b>\$287,050</b>   | <b>\$287,050</b>   | <b>\$287,050</b>   |
| <b>TOTAL, METHOD OF FINANCING</b>                  | <b>\$2,623,506</b> | <b>\$2,695,652</b> | <b>\$2,900,187</b> | <b>\$2,804,687</b> | <b>\$2,804,688</b> |

\*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: 7/31/2008  
 TIME: 4:03:18PM

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

| METHOD OF FINANCING  | Exp 2007           | Est 2008           | Bud 2009           | Req 2010           | Req 2011           |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b><u>GENERAL REVENUE</u></b>                                |                    |                    |                    |                    |                    |
| <b><u>1</u> General Revenue Fund</b>                         |                    |                    |                    |                    |                    |
| <i>REGULAR APPROPRIATIONS</i>                                |                    |                    |                    |                    |                    |
| Regular Appropriation from MOF Table                         | \$2,288,557        | \$2,491,402        | \$2,491,401        | \$2,517,637        | \$2,517,638        |
| <i>TRANSFERS</i>   |                    |                    |                    |                    |                    |
| Art IX, Sec 19.62(a), Salary Increase (2008-09 GAA)          | \$0                | \$12,700           | \$26,236           | \$0                | \$0                |
| Art. IX, Sec. 13.17(a), Salary Increase (2006-07 GAA)        | \$35,350           | \$0                | \$0                | \$0                | \$0                |
| <i>LAPSED APPROPRIATIONS</i>                                 |                    |                    |                    |                    |                    |
| Lapsed Appropriation   | \$(15)             | \$0                | \$0                | \$0                | \$0                |
| <i>UNEXPENDED BALANCES AUTHORITY</i>                         |                    |                    |                    |                    |                    |
| Art. IV, Special Prov. Sec. 10. Appn: U.B. 2006-07 & 2008-09 | \$7,949            | \$(95,500)         | \$95,500           | \$0                | \$0                |
| <b>TOTAL, General Revenue Fund</b>                           | <b>\$2,331,841</b> | <b>\$2,408,602</b> | <b>\$2,613,137</b> | <b>\$2,517,637</b> | <b>\$2,517,638</b> |
| <b>TOTAL, ALL GENERAL REVENUE</b>                            | <b>\$2,331,841</b> | <b>\$2,408,602</b> | <b>\$2,613,137</b> | <b>\$2,517,637</b> | <b>\$2,517,638</b> |

**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: 7/31/2008  
 TIME: 4:03:22PM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

| METHOD OF FINANCING   | Exp 2007         | Est 2008         | Bud 2009         | Req 2010         | Req 2011         |
|---|------------------|------------------|------------------|------------------|------------------|
| <b><u>OTHER FUNDS</u></b>   |                  |                  |                  |                  |                  |
| <u>573</u> Judicial Fund No. 573                                      |                  |                  |                  |                  |                  |
| <i>REGULAR APPROPRIATIONS</i>   |                  |                  |                  |                  |                  |
| Regular Appropriation from MOF Table                                  | \$0              | \$213,050        | \$213,050        | \$213,050        | \$213,050        |
| <i>TRANSFERS</i>  |                  |                  |                  |                  |                  |
| HB 11, 79th Leg., 2nd Called Session, 2005                            | \$213,050        | \$0              | \$0              | \$0              | \$0              |
| <b>TOTAL, Judicial Fund No. 573</b>                                   | <b>\$213,050</b> | <b>\$213,050</b> | <b>\$213,050</b> | <b>\$213,050</b> | <b>\$213,050</b> |
| <u>666</u> Appropriated Receipts                                      |                  |                  |                  |                  |                  |
| <i>REGULAR APPROPRIATIONS</i>   |                  |                  |                  |                  |                  |
| Regular Appropriation from MOF Table                                  | \$0              | \$20,000         | \$20,000         | \$20,000         | \$20,000         |
| <i>RIDER APPROPRIATION</i>  |                  |                  |                  |                  |                  |
| Article IX, Section 8.03, Reimbursements & Pmts (2006-07) & (2008-09) | \$24,615         | \$0              | \$0              | \$0              | \$0              |
| <b>TOTAL, Appropriated Receipts</b>                                   | <b>\$24,615</b>  | <b>\$20,000</b>  | <b>\$20,000</b>  | <b>\$20,000</b>  | <b>\$20,000</b>  |
| <u>777</u> Interagency Contracts                                      |                  |                  |                  |                  |                  |
| <i>REGULAR APPROPRIATIONS</i>   |                  |                  |                  |                  |                  |



**2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE**

81st Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/31/2008  
TIME: 4:03:22PM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

**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: 4:03:44PM

| Agency code: 222                    | Agency name: Second Court of Appeals District, Fort Worth |                    |                    |                    |                    |
|-------------------------------------|---|--------------------|--------------------|--------------------|--------------------|
| OBJECT OF EXPENSE                   | Exp 2007  | Est 2008           | Bud 2009           | BL 2010            | BL 2011            |
| 1001 SALARIES AND WAGES             | \$2,489,559   | \$2,461,223        | \$2,706,070        | \$2,656,070        | \$2,656,070        |
| 1002 OTHER PERSONNEL COSTS          | \$23,775  | \$67,545           | \$70,640           | \$23,000           | \$28,120           |
| 2003 CONSUMABLE SUPPLIES            | \$27,068  | \$23,000           | \$27,000           | \$30,000           | \$30,000           |
| 2004 UTILITIES                      | \$621   | \$957              | \$1,100            | \$1,200            | \$1,200            |
| 2005 TRAVEL                         | \$17,866  | \$17,000           | \$21,000           | \$21,000           | \$21,000           |
| 2006 RENT - BUILDING                | \$80  | \$127              | \$127              | \$127              | \$127              |
| 2007 RENT - MACHINE AND OTHER       | \$828   | \$828              | \$828              | \$828              | \$828              |
| 2009 OTHER OPERATING EXPENSE        | \$63,709  | \$124,972          | \$73,422           | \$72,462           | \$67,343           |
| <b>OOE Total (Excluding Riders)</b> | <b>\$2,623,506</b>  | <b>\$2,695,652</b> | <b>\$2,900,187</b> | <b>\$2,804,687</b> | <b>\$2,804,688</b> |
| <b>OOE Total (Riders)</b>           |   |                    |                    |                    |                    |
| <b>Grand Total</b>                  | <b>\$2,623,506</b>  | <b>\$2,695,652</b> | <b>\$2,900,187</b> | <b>\$2,804,687</b> | <b>\$2,804,688</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: 7/31/2008  
 Time: 4:04:35PM

Agency Code: 222 Agency: Second Court of Appeals District, Fort Worth

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                            | \$1,731         | \$41             | \$0             | \$0             | \$0             |
| 6    | Registrations/Training             | 10,120          | 6,757            | 10,000          | 10,000          | 10,000          |
| 7    | Subscriptions/Periodicals          | 1,852           | 1,852            | 1,852           | 1,852           | 1,852           |
| 12   | Maintenance & Repair - Equipment   | 309             | 0                | 0               | 0               | 0               |
| 15   | Printing & Reproduction            | 531             | 1,177            | 1,000           | 1,000           | 0               |
| 24   | Freight/Delivery                   | 1,391           | 1,442            | 1,500           | 1,500           | 1,500           |
| 25   | Advertising                        | 515             | 6,285            | 1,000           | 1,000           | 0               |
| 27   | Membership Dues                    | 2,787           | 1,843            | 3,000           | 3,000           | 3,000           |
| 28   | Liability Insurance                | 4,692           | 4,692            | 4,692           | 4,692           | 4,692           |
| 58   | Furn/Equip (Expensed & Controlled) | 3,485           | 7,951            | 8,000           | 7,774           | 5,955           |
| 61   | Purchase of Contract Services      | 610             | 52,662           | 434             | 0               | 0               |
| 64   | SORM Assessment                    | 6,743           | 7,344            | 7,344           | 7,344           | 7,344           |
| 67   | Cleaning Services                  | 563             | 0                | 0               | 0               | 0               |
| 94   | Awards                             | 781             | 326              | 300             | 300             | 0               |
| 146  | Interest                           | 1               | 0                | 0               | 0               | 0               |
| 157  | Fees and Other Charges             | 334             | 386              | 300             | 0               | 0               |
| 164  | Books/Reference Materials          | 27,264          | 32,214           | 34,000          | 34,000          | 33,000          |
|      | <b>Total, Operating Costs</b>      | <b>\$63,709</b> | <b>\$124,972</b> | <b>\$73,422</b> | <b>\$72,462</b> | <b>\$67,343</b> |

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

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

Date : 7/31/2008  
Time: 4:02:34PM

Agency code: **222**

Agency name: **Second Court of Appeals District, Fort Worth**

| 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>  | 98.75%   | 98.00%   | 98.00%   | 98.00%  | 98.00%  |
| <b>KEY</b> <b>2 Percentage of Cases Under Submission for Less Than One Year</b> | 97.15%   | 96.21%   | 97.00%   | 97.00%  | 97.00%  |
| <b>KEY</b> <b>3 Percentage of Cases Pending for Less Than Two Years</b>         | 99.41%   | 99.22%   | 99.00%   | 99.00%  | 99.00%  |

2.E. SUMMARY OF EXCEPTIONAL ITEMS REQUEST

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

DATE: 7/31/2008

TIME : 4:03:27PM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

| Priority                                    | Item                               | 2010                   |                  |            | 2011                |                  |            | Biennium            |                  |
|---|------------------------------------|------------------------|------------------|------------|---------------------|------------------|------------|---------------------|------------------|
|   |                                    | GR and GR/GR Dedicated | All Funds        | FTEs       | GR and GR Dedicated | All Funds        | FTEs       | GR and GR Dedicated | All Funds        |
| 1   | Similar Funding for Same-sized Cts | \$348,284              | \$348,284        | 1.0        | \$348,283           | \$348,283        | 1.0        | \$696,567           | \$696,567        |
| <b>Total, Exceptional Items Request</b>     |                                    | <b>\$348,284</b>       | <b>\$348,284</b> | <b>1.0</b> | <b>\$348,283</b>    | <b>\$348,283</b> | <b>1.0</b> | <b>\$696,567</b>    | <b>\$696,567</b> |
| <b>Method of Financing</b>                  |                                    |                        |                  |            |                     |                  |            |                     |                  |
|   | General Revenue                    | \$348,284              | \$348,284        |            | \$348,283           | \$348,283        |            | \$696,567           | \$696,567        |
|   | General Revenue - Dedicated        |                        |                  |            |                     |                  |            |                     |                  |
|   | Federal Funds                      |                        |                  |            |                     |                  |            |                     |                  |
|   | Other Funds                        |                        |                  |            |                     |                  |            |                     |                  |
|   |                                    | <b>\$348,284</b>       | <b>\$348,284</b> |            | <b>\$348,283</b>    | <b>\$348,283</b> |            | <b>\$696,567</b>    | <b>\$696,567</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 : 7/31/2008  
 TIME : 4:02:41PM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

| Goal/Objective/STRATEGY                               | Base<br>2010       | Base<br>2011       | Exceptional<br>2010 | Exceptional<br>2011 | Total Request<br>2010 | Total Request<br>2011 |
|---|--------------------|--------------------|---------------------|---------------------|-----------------------|-----------------------|
| <b>1</b> Appellate Court Operations                   |                    |                    |                     |                     |                       |                       |
| 1 Appellate Court Operations                          |                    |                    |                     |                     |                       |                       |
| 1 APPELLATE COURT OPERATIONS                          | \$2,804,687        | \$2,804,688        | \$348,284           | \$348,283           | \$3,152,971           | \$3,152,971           |
| <b>TOTAL, GOAL 1</b>                                  | <b>\$2,804,687</b> | <b>\$2,804,688</b> | <b>\$348,284</b>    | <b>\$348,283</b>    | <b>\$3,152,971</b>    | <b>\$3,152,971</b>    |
| <b>TOTAL, AGENCY<br/>STRATEGY REQUEST</b>             | <b>\$2,804,687</b> | <b>\$2,804,688</b> | <b>\$348,284</b>    | <b>\$348,283</b>    | <b>\$3,152,971</b>    | <b>\$3,152,971</b>    |
| <b>TOTAL, AGENCY RIDER<br/>APPROPRIATIONS REQUEST</b> |                    |                    |                     |                     |                       |                       |
| <b>GRAND TOTAL, AGENCY REQUEST</b>                    | <b>\$2,804,687</b> | <b>\$2,804,688</b> | <b>\$348,284</b>    | <b>\$348,283</b>    | <b>\$3,152,971</b>    | <b>\$3,152,971</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 : 7/31/2008  
 TIME : 4:02:45PM

| Agency code: 222      Agency name: Second Court of Appeals District, Fort Worth |                    |                    |                     |                     |                       |                       |  |
|---|--------------------|--------------------|---------------------|---------------------|-----------------------|-----------------------|--|
| Goal/Objective/STRATEGY   | 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  | \$2,517,637        | \$2,517,638        | \$348,284           | \$348,283           | \$2,865,921           | \$2,865,921           |  |
|   | <b>\$2,517,637</b> | <b>\$2,517,638</b> | <b>\$348,284</b>    | <b>\$348,283</b>    | <b>\$2,865,921</b>    | <b>\$2,865,921</b>    |  |
| <b>Other Funds:</b>   |                    |                    |                     |                     |                       |                       |  |
| 573 Judicial Fund   | 213,050            | 213,050            | 0                   | 0                   | \$213,050             | \$213,050             |  |
| 666 Appropriated Receipts   | 20,000             | 20,000             | 0                   | 0                   | \$20,000              | \$20,000              |  |
| 777 Interagency Contracts   | 54,000             | 54,000             | 0                   | 0                   | \$54,000              | \$54,000              |  |
|   | <b>\$287,050</b>   | <b>\$287,050</b>   | <b>\$0</b>          | <b>\$0</b>          | <b>\$287,050</b>      | <b>\$287,050</b>      |  |
| <b>TOTAL, METHOD OF FINANCING</b>   | <b>\$2,804,687</b> | <b>\$2,804,688</b> | <b>\$348,284</b>    | <b>\$348,283</b>    | <b>\$3,152,971</b>    | <b>\$3,152,971</b>    |  |
| <b>FULL TIME EQUIVALENT POSITIONS</b>   | <b>38.0</b>        | <b>38.0</b>        | <b>1.0</b>          | <b>1.0</b>          | <b>39.0</b>           | <b>39.0</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 : 7/31/2008  
Time: 4:03:36PM

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

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 1 Clearance Rate</b>  |            |            |              |              |                          |                          |
|  | 98.00%     | 98.00%     | 100.00%      | 100.00%      | 100.00%                  | 100.00%                  |
| <b>KEY 2 Percentage of Cases Under Submission for Less Than One Year</b> |            |            |              |              |                          |                          |
|  | 97.00%     | 97.00%     | 100.00%      | 100.00%      | 100.00%                  | 100.00%                  |
| <b>KEY 3 Percentage of Cases Pending for Less Than Two Years</b>         |            |            |              |              |                          |                          |
|  | 99.00%     | 99.00%     | 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: 7/31/2008  
 TIME: 4:02:50PM

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

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            |
|--|-----------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Output Measures:</b>                      |                                   |                    |                    |                    |                    |                    |
| 1  | Number of Civil Cases Disposed    | 477.00             | 508.00             | 508.00             | 508.00             | 508.00             |
| 2  | Number of Criminal Cases Disposed | 473.00             | 509.00             | 508.00             | 508.00             | 508.00             |
| <b>Explanatory/Input Measures:</b>           |                                   |                    |                    |                    |                    |                    |
| 1  | Number of Civil Cases Filed       | 502.00             | 565.00             | 563.00             | 563.00             | 563.00             |
| 2  | Number of Criminal Cases Filed    | 534.00             | 530.00             | 532.00             | 532.00             | 532.00             |
| 3  | Number of Cases Transferred in    | 0.00               | 1.00               | 0.00               | 0.00               | 0.00               |
| 4  | Number of Cases Transferred out   | 74.00              | 59.00              | 60.00              | 60.00              | 60.00              |
| <b>Objects of Expense:</b>                   |                                   |                    |                    |                    |                    |                    |
| 1001   | SALARIES AND WAGES                | \$2,489,559        | \$2,461,223        | \$2,706,070        | \$2,656,070        | \$2,656,070        |
| 1002   | OTHER PERSONNEL COSTS             | \$23,775           | \$67,545           | \$70,640           | \$23,000           | \$28,120           |
| 2003   | CONSUMABLE SUPPLIES               | \$27,068           | \$23,000           | \$27,000           | \$30,000           | \$30,000           |
| 2004   | UTILITIES                         | \$621              | \$957              | \$1,100            | \$1,200            | \$1,200            |
| 2005   | TRAVEL                            | \$17,866           | \$17,000           | \$21,000           | \$21,000           | \$21,000           |
| 2006   | RENT - BUILDING                   | \$80               | \$127              | \$127              | \$127              | \$127              |
| 2007   | RENT - MACHINE AND OTHER          | \$828              | \$828              | \$828              | \$828              | \$828              |
| 2009   | OTHER OPERATING EXPENSE           | \$63,709           | \$124,972          | \$73,422           | \$72,462           | \$67,343           |
| <b>TOTAL, OBJECT OF EXPENSE</b>              |                                   | <b>\$2,623,506</b> | <b>\$2,695,652</b> | <b>\$2,900,187</b> | <b>\$2,804,687</b> | <b>\$2,804,688</b> |
| <b>Method of Financing:</b>                  |                                   |                    |                    |                    |                    |                    |
| 1  | General Revenue Fund              | \$2,331,841        | \$2,408,602        | \$2,613,137        | \$2,517,637        | \$2,517,638        |
| <b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS)</b> |                                   | <b>\$2,331,841</b> | <b>\$2,408,602</b> | <b>\$2,613,137</b> | <b>\$2,517,637</b> | <b>\$2,517,638</b> |
| <b>Method of Financing:</b>                  |                                   |                    |                    |                    |                    |                    |
| 573  | Judicial Fund                     | \$213,050          | \$213,050          | \$213,050          | \$213,050          | \$213,050          |
| 666  | Appropriated Receipts             | \$24,615           | \$20,000           | \$20,000           | \$20,000           | \$20,000           |

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

DATE: 7/31/2008  
 TIME: 4:02:53PM

Agency code: **222** Agency name: **Second Court of Appeals District, Fort Worth**

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

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

| CODE   | DESCRIPTION           | Exp 2007           | Est 2008           | Bud 2009           | BL 2010            | BL 2011            |
|--|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 777  | Interagency Contracts | \$54,000           | \$54,000           | \$54,000           | \$54,000           | \$54,000           |
| <b>SUBTOTAL, MOF (OTHER FUNDS)</b>                 |                       | <b>\$291,665</b>   | <b>\$287,050</b>   | <b>\$287,050</b>   | <b>\$287,050</b>   | <b>\$287,050</b>   |
| <b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b> |                       |                    |                    |                    | <b>\$2,804,687</b> | <b>\$2,804,688</b> |
| <b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b> |                       | <b>\$2,623,506</b> | <b>\$2,695,652</b> | <b>\$2,900,187</b> | <b>\$2,804,687</b> | <b>\$2,804,688</b> |
| <b>FULL TIME EQUIVALENT POSITIONS:</b>             |                       | <b>38.6</b>        | <b>37.5</b>        | <b>39.0</b>        | <b>38.0</b>        | <b>38.0</b>        |

**STRATEGY DESCRIPTION AND JUSTIFICATION:**

The Second Court of Appeals was created in 1892 by the 2nd Leg., 1st Session, General Laws of Texas, and the Texas Constitution. This court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts in civil cases where judgments rendered exceed \$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 Second Court of Appeals district is composed of twelve counties: Archer, Clay, Cooke, Denton, Hood, Jack, Montague, Parker, Tarrant, Wichita, Wise, and Young.

**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**

Courts of Appeals in Texas are medium to small appellate courts with highly specialized staff. The main factor which drives appellate court operations is the need to attract and retain highly trained and knowledgeable staff to work on an increasing caseload and dispense justice in a fair and efficient manner.

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

DATE: 7/31/2008  
TIME: 4:02:53PM

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**SUMMARY TOTALS:**

|   |                    |                    |                    |                    |                    |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>OBJECTS OF EXPENSE:</b>                    | <b>\$2,623,506</b> | <b>\$2,695,652</b> | <b>\$2,900,187</b> | <b>\$2,804,687</b> | <b>\$2,804,688</b> |
| <b>METHODS OF FINANCE (INCLUDING RIDERS):</b> |                    |                    |                    | <b>\$2,804,687</b> | <b>\$2,804,688</b> |
| <b>METHODS OF FINANCE (EXCLUDING RIDERS):</b> | <b>\$2,623,506</b> | <b>\$2,695,652</b> | <b>\$2,900,187</b> | <b>\$2,804,687</b> | <b>\$2,804,688</b> |
| <b>FULL TIME EQUIVALENT POSITIONS:</b>        | <b>38.6</b>        | <b>37.5</b>        | <b>39.0</b>        | <b>38.0</b>        | <b>38.0</b>        |

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

|                             |   |  |                           |                                   |
|-----------------------------|---|--|---------------------------|-----------------------------------|
| <b>Agency Code:</b><br>222  | <b>Agency Name:</b><br>Second Court of Appeals District | <b>Prepared by:</b><br>Stephanie Robinson  | <b>Date:</b><br>7-28-2008 | <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>2010</del> are hereby appropriated to the same court for fiscal year <del>2011</del> for the same purposes.</p> <p><i>Update rider to reflect the new biennium.</i></p>   |                           |                                   |

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

|                             |   |  |                           |                                   |
|-----------------------------|---|--|---------------------------|-----------------------------------|
| <b>Agency Code:</b><br>222  | <b>Agency Name:</b><br>Second Court of Appeals District | <b>Prepared by:</b><br>Stephanie Robinson  | <b>Date:</b><br>7-28-2008 | <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, 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><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 2010 and 2011, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3, Visiting Judges - Appellate in the Judiciary Section, Comptroller's Department.</p> <p><i>Update rider to reflect the new biennium.</i></p> |                           |                                   |

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

|                             |   |   |                           |                                   |
|-----------------------------|---|---|---------------------------|-----------------------------------|
| <b>Agency Code:</b><br>222  | <b>Agency Name:</b><br>Second Court of Appeals District | <b>Prepared by:</b><br>Stephanie Robinson   | <b>Date:</b><br>7-28-2008 | <b>Request Level:</b><br>Baseline |
| <b>Current Rider Number</b> | <b>Page Number in</b><br>2008-09 GAA                    | <b>Proposed Rider Language</b>  |                           |                                   |
| <b>14</b>                   | <b>IV-39</b>  | <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 2012-2013 biennium.</p> <p><i>Update rider to reflect the new biennium.</i></p> |                           |                                   |

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

DATE: 7/31/2008  
 TIME: 4:02:59PM

Agency code: 222

Agency name:

**Second Court of Appeals District, Fort Worth**

**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

348,284

348,283

**TOTAL, OBJECT OF EXPENSE**

**\$348,284**

**\$348,283**

**METHOD OF FINANCING:**

1 General Revenue Fund

348,284

348,283

**TOTAL, METHOD OF FINANCING**

**\$348,284**

**\$348,283**

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

1.00

1.00

**DESCRIPTION / JUSTIFICATION:**

The core function of the cts of appeals is to process, review, & decide by written opinion appeals from criminal & civil trial cts. This requires a highly skilled & trained professional workforce, including appellate ct lawyers & clerical staff, who assist the justices in disposing of cases and researching and writing opinions. Consequently, approximately 94% of the 2nd Court's budget is dedicated to salaries. During the 79th and 80th leg. sessions, the cts of appeals collectively sought resources to similarly fund same-size appellate cts 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, & 3) make salary adjustments for some non-legal staff to reflect levels of responsibility. By the end of the 80th Leg., the majority of this "guideline budget" initiative was funded, bringing same-size courts to similar funding levels. The 2nd 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 §659.0445 of the TX Gov't 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. The additional funding will allow the courts to continue the same size ct 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 amt requested will also allow the 2nd Ct to comply with the mandate of TX Gov't Code §659.0445. In the 2010-11 biennium, the 2nd Court will need \$12,800 to fund its judicial longevity pay.

**EXTERNAL/INTERNAL FACTORS:**

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

DATE: 7/31/2008  
TIME: 4:03:02PM

Agency code: 222

Agency name:

Second Court of Appeals District, Fort Worth

**CODE DESCRIPTION**

**Excp 2010**

**Excp 2011**

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 funding for a minimum of at least one 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 Second 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 reach or exceed 100%.

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

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

DATE: 7/31/2008  
 TIME: 4:03:54PM

Agency code: 222 Agency name: Second Court of Appeals District, Fort Worth

| Code Description  | Excp 2010        | Excp 2011        |
|---|------------------|------------------|
| <b>Item Name:</b> Similar Funding for Same-sized Courts         |                  |                  |
| <b>Allocation to Strategy:</b> 1-1-1 Appellate Court Operations |                  |                  |
| <b>STRATEGY IMPACT ON OUTCOME MEASURES:</b>                     |                  |                  |
| 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%          |
| <b>OUTPUT MEASURES:</b>   |                  |                  |
| 1 Number of Civil Cases Disposed                                | 518.00           | 518.00           |
| 2 Number of Criminal Cases Disposed                             | 517.00           | 517.00           |
| <b>EXPLANATORY/INPUT MEASURES:</b>                              |                  |                  |
| 1 Number of Civil Cases Filed                                   | 0.00             | 0.00             |
| 2 Number of Criminal Cases Filed                                | 0.00             | 0.00             |
| 3 Number of Cases Transferred in                                | 0.00             | 0.00             |
| 4 Number of Cases Transferred out                               | 0.00             | 0.00             |
| <b>OBJECTS OF EXPENSE:</b>                                      |                  |                  |
| 1001 SALARIES AND WAGES   | 348,284          | 348,283          |
| <b>TOTAL, OBJECT OF EXPENSE</b>                                 | <b>\$348,284</b> | <b>\$348,283</b> |
| <b>METHOD OF FINANCING:</b>                                     |                  |                  |
| 1 General Revenue Fund  | 348,284          | 348,283          |
| <b>TOTAL, METHOD OF FINANCING</b>                               | <b>\$348,284</b> | <b>\$348,283</b> |
| <b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>                    | <b>1.0</b>       | <b>1.0</b>       |

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

**DATE:** 7/31/2008  
**TIME:** 4:03:06PM

Agency Code: 222

Agency name: Second Court of Appeals District, Fort Worth

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:**

|   |          |          |
|---|----------|----------|
| 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    | 518.00 | 518.00 |
| 2 Number of Criminal Cases Disposed | 517.00 | 517.00 |

**OBJECTS OF EXPENSE:**

|                                  |                  |                  |
|----------------------------------|------------------|------------------|
| 1001 SALARIES AND WAGES          | 348,284          | 348,283          |
| <b>Total, Objects of Expense</b> | <b>\$348,284</b> | <b>\$348,283</b> |

**METHOD OF FINANCING:**

|                                 |                  |                  |
|---------------------------------|------------------|------------------|
| 1 General Revenue Fund          | 348,284          | 348,283          |
| <b>Total, Method of Finance</b> | <b>\$348,284</b> | <b>\$348,283</b> |

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

1.0 1.0

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

Similar Funding for Same-sized Courts

**OPERATING COSTS DETAIL ~ EXCEPTIONAL ITEMS**

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BASE REQUEST STRATEGY: Appellate Court Operations

| Code | Type of Expense                    | Year         | Exceptional 1 | Exceptional 2 | Exceptional 3 | Exceptional 4 | Exceptional 5 |
|------|------------------------------------|--------------|---------------|---------------|---------------|---------------|---------------|
| 2    | Postage                            | 2010<br>2011 |               |               |               |               |               |
| 6    | Registrations/Training             | 2010<br>2011 |               |               |               |               |               |
| 7    | Subscriptions/Periodicals          | 2010<br>2011 |               |               |               |               |               |
| 12   | Maintenance & Repair - Equipment   | 2010<br>2011 |               |               |               |               |               |
| 15   | Printing & Reproduction            | 2010<br>2011 |               |               |               |               |               |
| 24   | Freight/Delivery                   | 2010<br>2011 |               |               |               |               |               |
| 25   | Advertising                        | 2010<br>2011 |               |               |               |               |               |
| 27   | Membership Dues                    | 2010<br>2011 |               |               |               |               |               |
| 28   | Liability Insurance                | 2010<br>2011 |               |               |               |               |               |
| 58   | Furn/Equip (Expensed & Controlled) | 2010<br>2011 |               |               |               |               |               |
| 61   | Purchase of Contract Services      | 2010<br>2011 |               |               |               |               |               |
| 64   | SORM Assessment                    | 2010<br>2011 |               |               |               |               |               |
| 67   | Cleaning Services                  | 2010<br>2011 |               |               |               |               |               |

**OPERATING COSTS DETAIL ~ EXCEPTIONAL ITEMS**

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BASE REQUEST STRATEGY: Appellate Court Operations

| Code | Type of Expense               | Year         | Exceptional 1 | Exceptional 2 | Exceptional 3 | Exceptional 4 | Exceptional 5 |
|------|-------------------------------|--------------|---------------|---------------|---------------|---------------|---------------|
| 94   | Awards                        | 2010<br>2011 |               |               |               |               |               |
| 146  | Interest                      | 2010<br>2011 |               |               |               |               |               |
| 157  | Fees and Other Charges        | 2010<br>2011 |               |               |               |               |               |
| 164  | Books/Reference Materials     | 2010<br>2011 |               |               |               |               |               |
|      | <b>Total, Operating Costs</b> | 2010<br>2011 |               |               |               |               |               |

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

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**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 \$       |                               |
| 33.0%                  | Other Services            | 33.0 %                   | 0.0%         | \$0            | \$6,812                       | 33.0 %                   | 8.7%         | \$346           | \$3,976                       |
| 12.6%                  | Commodities               | 12.6 %                   | 34.1%        | \$6,535        | \$19,156                      | 12.6 %                   | 54.5%        | \$13,317        | \$24,456                      |
|                        | <b>Total Expenditures</b> |                          | <b>25.2%</b> | <b>\$6,535</b> | <b>\$25,968</b>               |                          | <b>48.1%</b> | <b>\$13,663</b> | <b>\$28,432</b>               |

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

**Attainment:**

The court attained or exceeded one of the two, or 50%, of the applicable statewide HUB procurement goals in FY2006 and in FY2007

**Applicability:**

The Heavy Construction, Building Construction, Special Trade Construction, and Professional Services categories were not applicable to court operations in either FY2006 or FY2007 because the court did not have any strategies related to construction or the need for professional services.

**Factors Affecting Attainment:**

The majority of this court's appropriations, approximately 94%, is expended on salaries and personnel costs. A large portion of the court's remaining expenditures are sole-source. Whenever possible and feasible, other purchasing is carried out through TBPC term contract/catalog purchasing. In addition, the Judicial Committee on Information Technology (JCIT) performs the purchasing for all the courts for computer equipment.

**"Good-Faith" Efforts:**

The Second Court of Appeals continues to make a good faith effort to increase purchases and contract awards to HUBs. All other factors under TBPC purchasing rules being equal, HUB vendors are given preference for any purchase to increase HUB participation.

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

|   |                   |
|---|-------------------|
| <b>ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2010-11 GAA BILL PATTERN</b> | <b>\$ 570,000</b> |
|---|-------------------|

| <b>Fund Name</b>                       |                   |
|--|-------------------|
| Estimated Beginning Balance in FY 2008 | \$ 251,547        |
| Estimated Revenues FY 2008             | \$ 160,000        |
| Estimated Revenues FY 2009             | \$ 160,000        |
| <b>FY 2008-09 Total</b>                | <b>\$ 571,547</b> |
| <br>                                   |                   |
| Estimated Beginning Balance in FY 2010 | \$ 250,000        |
| Estimated Revenues FY 2010             | \$ 160,000        |
| Estimated Revenues FY 2011             | \$ 160,000        |
| <b>FY 2010-11 Total</b>                | <b>\$ 570,000</b> |

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

As per court order #65971, Tarrant County established an Appellate Judicial System, pursuant to Section 22.2031, Subchapter C, Chapter 22, of the Texas Government Code, as adopted and approved by Senate Bill 243, Chapter 93. The effective date was 10-2-1991. A fee of \$5 is set for each civil suit filed in the county court, statutory county court, probate court or district court, except such fees that apply to any suit filed by the county or to any suit for delinquent taxes. Management of the system is vested in the Chief Justice of the Second Court of Appeals and funds received from such fees shall be used and disbursed only for the purposes of assisting the Second Court of Appeals.

**Method of Calculation and Revenue Assumptions:**

Revenue is earned at the rate of approximately \$13,300 per month.



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

Approved Reduction Amount  
**\$469,811**

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

| Agency Code: 222                         |                | Agency Name: 2nd Court of Appeals                     |                   |              |             |             |                   | FTE Reductions (FY 2010-11 Base Request Compared to Budgeted 2009) |              | Revenue Impact? Y/N | Cumulative GR-related reduction as a % of Approved Base |
|--|----------------|---|-------------------|--------------|-------------|-------------|-------------------|--|--------------|---------------------|---|
| Rank                                     | Reduction Item | Biennial Application of 10% Percent Reduction         |                   |              |             |             |                   | FY 10  | FY 11        |                     |   |
|  | Strat          | Name  | GR                | GR-Dedicated | Federal     | Other       | All Funds         |  |              |                     |   |
| 1  | 1              | Appellate Court Operations (Reduction of Legal Staff) | 469,811           |              |             |             | \$ 469,811        | -4   | -4           | Y                   | 10.0%   |
| 2  |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| 3  |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| 4  |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| 5  |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| 6  |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| 7  |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| 8  |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| 9  |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| 10                                       |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| 11                                       |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| 12                                       |                |   |                   |              |             |             | \$ -              |  |              |                     |   |
| <b>Agency Biennial Total</b>             |                |   | <b>\$ 469,811</b> | <b>\$ -</b>  | <b>\$ -</b> | <b>\$ -</b> | <b>\$ 469,811</b> | <b>(4.0)</b>   | <b>(4.0)</b> |                     | <b>10.0%</b>  |
| <b>Agency Biennial Total (GR + GR-D)</b> |                |   | <b>\$ 469,811</b> |              |             |             |                   |  |              |                     |   |

**Rank / Name**  
**Explanation of Impact to Programs and Revenue Collections**

**1 Appellate Court Operations (Reduction of Legal Staff)**

A biennial reduction of \$469,811 would cause this court to reduce its legal staff by two (2) law clerk positions plus two (2) staff attorney positions, for a total of four (4) lawyer positions. This would cause the court to fall below the 2:1 lawyer/judge ratio to support case dispositions. Reduced funding would cause disposition of appeals to be 80% of new appeals filed in the biennium, and the time for which appeals remained pending during the biennium would 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 94% of the Court's FY08-09 appropriated budget is dedicated to salaries. A 10% reduction in the Court's appropriated budget, would require the Court to eliminate 2 law clerk positions and 2 staff attorney positions, for a total of 4 lawyer positions. This represents 19% of the court's legal staff, including the court's seven justices. 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. Additionally, lawyers working for multiple judges are less efficient than those working with and responsible to an individual judge. This reduction in legal staff would drop the Court below the 2:1 ratio and require the Court to assign some legal staff to a "pool" shared by all of the judges of the Court. To prevent the backlog of cases and maintain minimum disposition and clearance rates, the Court specifically needs the assistance of these 4 legal positions.

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

| Strategy                                     | Exp 2007          | Est 2008          | Bud 2009          | BL 2010           | BL 2011           |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|
| <b>1-1-1 Appellate Court Operations</b>      |                   |                   |                   |                   |                   |
| <b>OBJECTS OF EXPENSE:</b>                   |                   |                   |                   |                   |                   |
| 1001 SALARIES AND WAGES                      | \$ 204,891        | \$ 207,949        | \$ 214,321        | \$ 210,361        | \$ 210,361        |
| 1002 OTHER PERSONNEL COSTS                   | 1,957             | 5,701             | 5,595             | 1,822             | 2,227             |
| 2003 CONSUMABLE SUPPLIES                     | 2,228             | 1,941             | 2,138             | 2,376             | 2,376             |
| 2004 UTILITIES                               | 51                | 81                | 87                | 95                | 95                |
| 2005 TRAVEL                                  | 1,470             | 1,435             | 1,663             | 1,663             | 1,663             |
| 2006 RENT - BUILDING                         | 7                 | 11                | 10                | 10                | 10                |
| 2007 RENT - MACHINE AND OTHER                | 68                | 70                | 66                | 66                | 66                |
| 2009 OTHER OPERATING EXPENSE                 | 5,243             | 10,326            | 5,815             | 5,739             | 5,334             |
| <b>Total, Objects of Expense</b>             | <b>\$ 215,915</b> | <b>\$ 227,514</b> | <b>\$ 229,695</b> | <b>\$ 222,132</b> | <b>\$ 222,132</b> |
| <b>METHOD OF FINANCING:</b>                  |                   |                   |                   |                   |                   |
| 1 General Revenue Fund                       | 191,911           | 203,286           | 206,960           | 199,397           | 199,397           |
| 573 Judicial Fund                            | 17,534            | 17,981            | 16,874            | 16,874            | 16,874            |
| 666 Appropriated Receipts                    | 2,026             | 1,688             | 1,584             | 1,584             | 1,584             |
| 777 Interagency Contracts                    | 4,444             | 4,559             | 4,277             | 4,277             | 4,277             |
| <b>Total, Method of Financing</b>            | <b>\$ 215,915</b> | <b>\$ 227,514</b> | <b>\$ 229,695</b> | <b>\$ 222,132</b> | <b>\$ 222,132</b> |
| <b>FULL-TIME-EQUIVALENT POSITIONS (FTE):</b> | <b>3.3</b>        | <b>3.3</b>        | <b>3.3</b>        | <b>3.3</b>        | <b>3.3</b>        |
| <b>DESCRIPTION</b>                           |                   |                   |                   |                   |                   |

**7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS**  
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Agency name: Second Court of Appeals District, Fort Worth

Exp 2007

Est 2008

Bud 2009

BL 2010

BL 2011

The administrative and supports costs in this strategy are related to the percentage of salaries and related operating costs of court personnel performing administrative functions. Direct administrative salary costs for FY2008 are shown as follows, with the respective categories: Title, Annual Salary, Percentage of Administrative and Support Costs, Salary Related to Administrative and Support Costs, and Number of FTEs.

|                    |                  |            |
|--------------------|------------------|------------|
| Chief Justice      | 40%              | 0.4        |
| Network Specialist | 80%              | 0.8        |
| Legal Secretary    | 5%               | 0.05       |
| Clerk of the Court | 85%              | 0.85       |
| Chief Deputy Clerk | 10%              | 0.1        |
| Deputy Clerk III   | 10%              | 0.1        |
| Custodian III      | 100%             | 1.0        |
| <b>TOTAL</b>       | <b>\$211,142</b> | <b>3.3</b> |

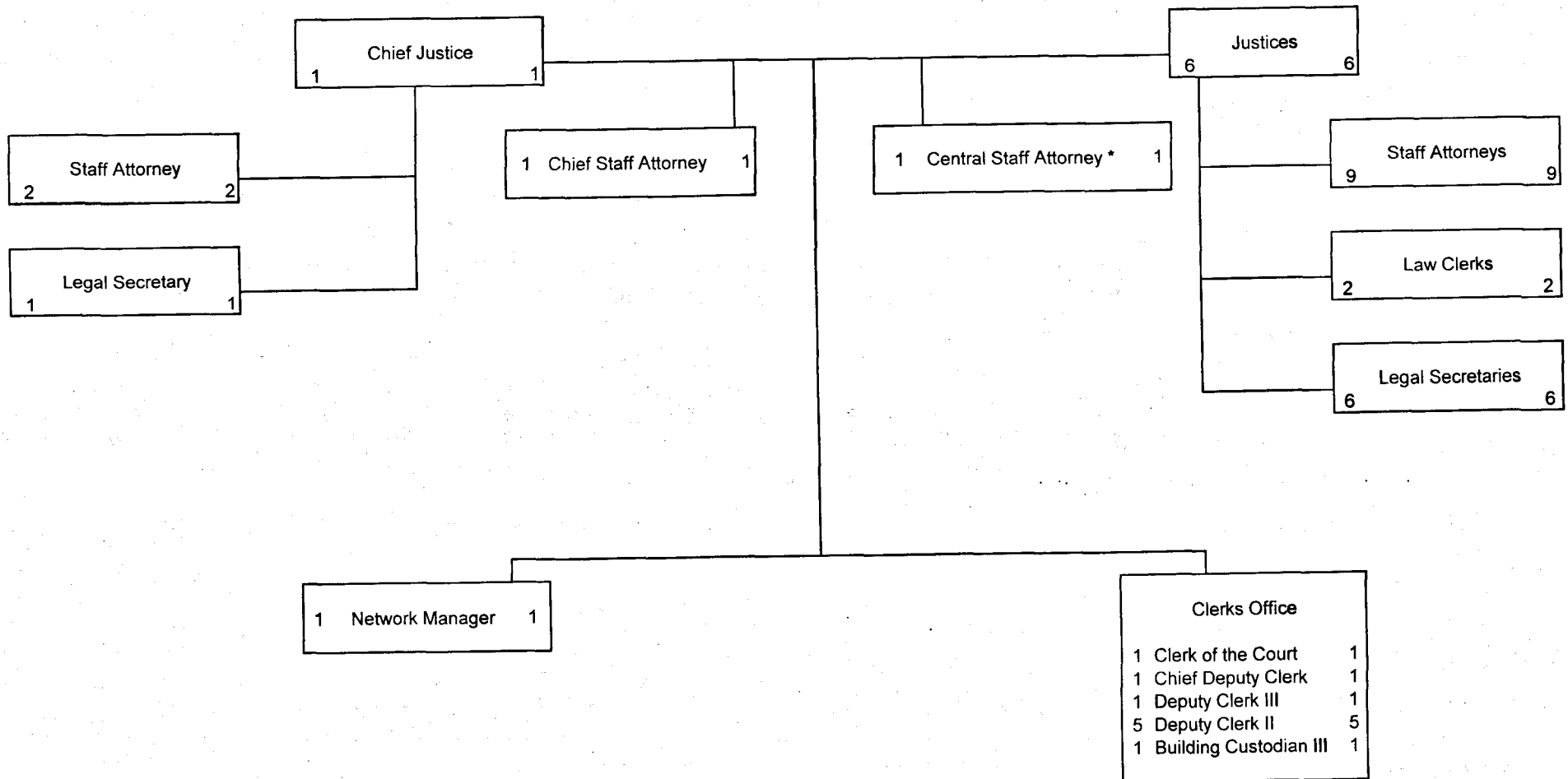
FY2008: Total salaries related to administrative and support costs (\$211,142) divided by Total salaries (2,502,247) = percentage of administrative support costs (8.44%).

Agency code: 222

Agency name: Second Court of Appeals District, Fort Worth

|   | Exp 2007         | Est 2008         | Bud 2009         | BL 2010          | BL 2011          |
|---|------------------|------------------|------------------|------------------|------------------|
| <b>GRAND TOTALS</b>                         |                  |                  |                  |                  |                  |
| <b>Objects of Expense</b>                   |                  |                  |                  |                  |                  |
| 1001 SALARIES AND WAGES                     | \$204,891        | \$207,949        | \$214,321        | \$210,361        | \$210,361        |
| 1002 OTHER PERSONNEL COSTS                  | \$1,957          | \$5,701          | \$5,595          | \$1,822          | \$2,227          |
| 2003 CONSUMABLE SUPPLIES                    | \$2,228          | \$1,941          | \$2,138          | \$2,376          | \$2,376          |
| 2004 UTILITIES                              | \$51             | \$81             | \$87             | \$95             | \$95             |
| 2005 TRAVEL                                 | \$1,470          | \$1,435          | \$1,663          | \$1,663          | \$1,663          |
| 2006 RENT - BUILDING                        | \$7              | \$11             | \$10             | \$10             | \$10             |
| 2007 RENT - MACHINE AND OTHER               | \$68             | \$70             | \$66             | \$66             | \$66             |
| 2009 OTHER OPERATING EXPENSE                | \$5,243          | \$10,326         | \$5,815          | \$5,739          | \$5,334          |
| <b>Total, Objects of Expense</b>            | <b>\$215,915</b> | <b>\$227,514</b> | <b>\$229,695</b> | <b>\$222,132</b> | <b>\$222,132</b> |
| <b>Method of Financing</b>                  |                  |                  |                  |                  |                  |
| 1 General Revenue Fund                      | \$191,911        | \$203,286        | \$206,960        | \$199,397        | \$199,397        |
| 573 Judicial Fund                           | \$17,534         | \$17,981         | \$16,874         | \$16,874         | \$16,874         |
| 666 Appropriated Receipts                   | \$2,026          | \$1,688          | \$1,584          | \$1,584          | \$1,584          |
| 777 Interagency Contracts                   | \$4,444          | \$4,559          | \$4,277          | \$4,277          | \$4,277          |
| <b>Total, Method of Financing</b>           | <b>\$215,915</b> | <b>\$227,514</b> | <b>\$229,695</b> | <b>\$222,132</b> | <b>\$222,132</b> |
| <b>Full-Time-Equivalent Positions (FTE)</b> | <b>3.3</b>       | <b>3.3</b>       | <b>3.3</b>       | <b>3.3</b>       | <b>3.3</b>       |

# ORGANIZATIONAL CHART Second Court of Appeals 2009-(2010-11)



\*Court requesting continuation of funding for Central Staff Attorney position in Exceptional Item #1