



**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

EIGHTH DISTRICT COURT OF APPEALS

July 31, 2008

Chief Justice David Wellington Chew
Justice Ann Crawford McClure
Justice Kenneth R. Carr

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

DATE: 7/30/2008
TIME: 3:27:26PM
PAGE: 1 of 2

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

The core function of the state courts of appeals is to process, review, and decide by written opinion or order all 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. The consequent result is approximately ninety-four (94) percent of the 8th Court's appropriated budget is salary. During the 79th and 80th legislative sessions, the courts of appeals collectively sought appropriations 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 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 8th 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 provides justices \$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.

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 8th Court to continue to decrease the time cases are under submission and the time cases are pending to levels consistent with historical court performance goals. The court's clearance rate would remain at or slightly above 100%.

RIDER REQUESTS:

The Court requests a change to Article IV rider, Sec. 12, Appellate Court Salary Limits, to reflect the salary levels proposed in the revised guideline budgets (\$85,000 for staff attorney and \$97,750 for chief staff attorney).

The Court also requests the following with regard to the across the board riders found in Article IV (p. IV-39):

- (1) Retain Article IV rider, Sec. 9, Appellate Court Exemptions
- (2) Retain Article IV rider, Sec. 10, Appn: Unexpended Balances Between Fiscal Years within the Biennium
- (3) Retain Article IV rider, Sec. 13, Interagency Contracts for Assigned Judges for Appellate Courts
- (4) Retain Article IV rider, Sec. 14, Appellate Court Transfer Authority

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

DATE: 7/30/2008
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Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

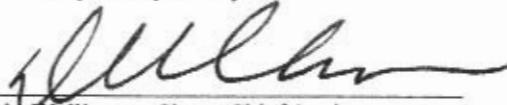
Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the authority to carry over unexpended budget balances between years of the biennium. The flexibility afforded by these measures enhances the courts' management 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 \$6,000 per fiscal 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.

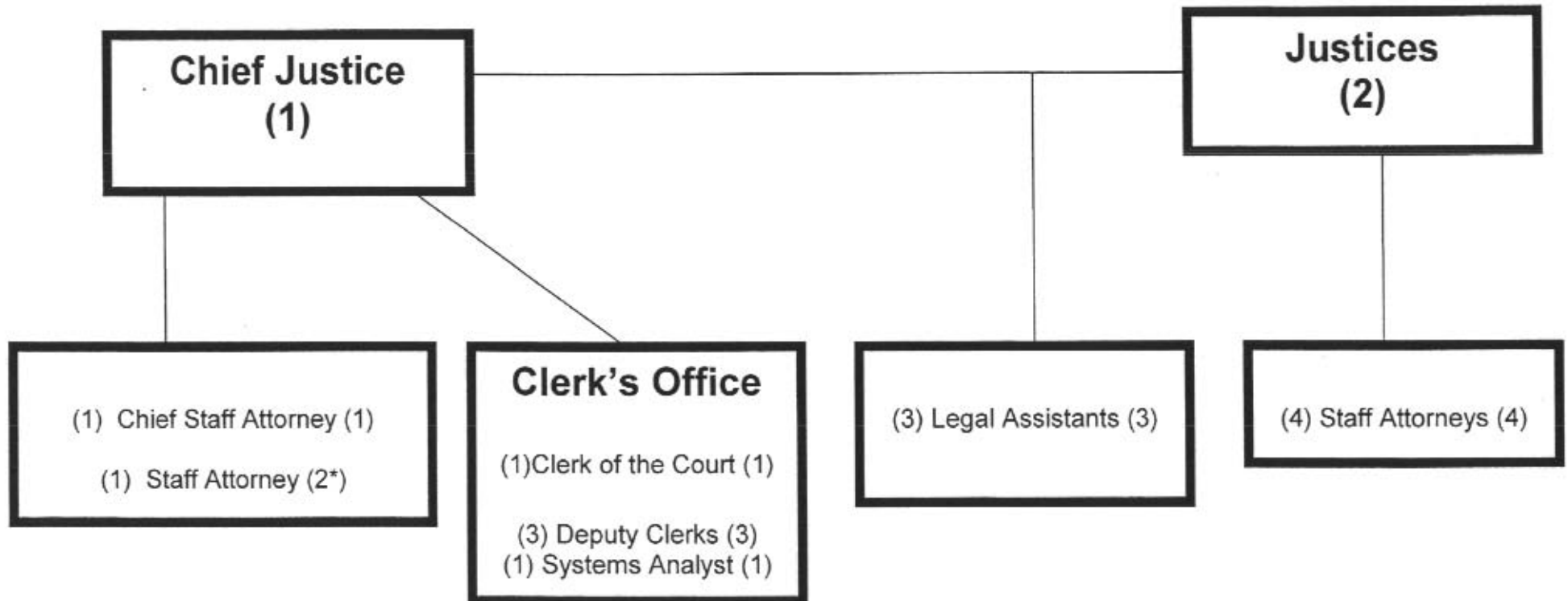


David Wellington Chew, Chief Justice
July 31, 2008

Eighth Court of Appeals

Organizational Chart (2010 - 2011)

The number on the right represents the number of positions requested for 2010-2011 biennium, including exceptional item positions*. The number on the left represents number of budgeted positions for fiscal year 2009.



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

DATE: 7/30/2008
 TIME: 6:50:19PM

Agency code: 228 Agency name: Eighth Court of Appeals District, El Paso

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	1,272,911	1,330,483	1,338,134	1,338,135	1,338,135
TOTAL, GOAL 1	\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135
TOTAL, AGENCY STRATEGY REQUEST	\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	1,148,225	1,205,033	1,212,684	1,212,685	1,212,685
SUBTOTAL	\$1,148,225	\$1,205,033	\$1,212,684	\$1,212,685	\$1,212,685
Other Funds:					
573 Judicial Fund	87,034	92,450	92,450	92,450	92,450
666 Appropriated Receipts	10,652	6,000	6,000	6,000	6,000
777 Interagency Contracts	27,000	27,000	27,000	27,000	27,000
SUBTOTAL	\$124,686	\$125,450	\$125,450	\$125,450	\$125,450
TOTAL, METHOD OF FINANCING	\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135

*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: 7/30/2008
 TIME: 6:50:28PM

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>GENERAL REVENUE</u>					
1 General Revenue Fund					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Tables	\$1,118,800	\$1,197,531	\$1,197,529	\$1,212,685	\$1,212,685
<i>TRANSFERS</i>					
Art IX, Sec 13.17(a), Salary Increase (2006-07 GAA)	\$24,500	\$0	\$0	\$0	\$0
Art IX, Sec 19.62(a), Salary Increase (2008-09 GAA)	\$0	\$7,502	\$15,155	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$(15,723)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Art. IV, Sec. 10 (2006-07 GAA)	\$20,648	\$0	\$0	\$0	\$0
TOTAL, General Revenue Fund	\$1,148,225	\$1,205,033	\$1,212,684	\$1,212,685	\$1,212,685
TOTAL, ALL GENERAL REVENUE	\$1,148,225	\$1,205,033	\$1,212,684	\$1,212,685	\$1,212,685

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: 7/30/2008
 TIME: 6:50:32PM

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
<u>573</u> Judicial Fund No. 573					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations	\$0	\$92,450	\$92,450	\$92,450	\$92,450
<i>TRANSFERS</i>					
HB 11, 79th Leg., 2nd Called Session, 2005	\$92,450	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriation	\$(5,416)	\$0	\$0	\$0	\$0
TOTAL, Judicial Fund No. 573	\$87,034	\$92,450	\$92,450	\$92,450	\$92,450
<u>666</u> Appropriated Receipts					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations Art. IV	\$0	\$6,000	\$6,000	\$6,000	\$6,000
<i>RIDER APPROPRIATION</i>					
Art IX 8.03 Reimbursement and Payments (2006-07 GAA)	\$10,652	\$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: 7/30/2008
 TIME: 6:50:32PM

Agency code: **228** Agency name: **Eighth Court of Appeals District, El Paso**

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
TOTAL, Appropriated Receipts	\$10,652	\$6,000	\$6,000	\$6,000	\$6,000
<u>777</u> Interagency Contracts					
REGULAR APPROPRIATIONS					
Regular Appropriations	\$0	\$27,000	\$27,000	\$27,000	\$27,000
RIDER APPROPRIATION					
Art IX Sec 8.03, Reimbursement & Payments (2006 -07 GAA)	\$27,000	\$0	\$0	\$0	\$0
TOTAL, Interagency Contracts	\$27,000	\$27,000	\$27,000	\$27,000	\$27,000
TOTAL, ALL OTHER FUNDS	\$124,686	\$125,450	\$125,450	\$125,450	\$125,450
GRAND TOTAL	\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135

<u>FULL-TIME-EQUIVALENT POSITIONS</u>					
REGULAR APPROPRIATIONS					
Regular Appropriations (GAA)	19.0	17.0	17.0	17.0	17.0
Adjustments	(2.6)	0.0	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	16.4	17.0	17.0	17.0	17.0

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: 7/30/2008
TIME: 6:50:32PM

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

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: 7/30/2008
 TIME: 6:51:18PM

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

OBJECT OF EXPENSE	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1001 SALARIES AND WAGES	\$1,136,894	\$1,199,484	\$1,247,284	\$1,247,284	\$1,247,284
1002 OTHER PERSONNEL COSTS	\$38,235	\$39,070	\$25,231	\$27,740	\$33,731
2001 PROFESSIONAL FEES AND SERVICES	\$480	\$75	\$0	\$0	\$0
2003 CONSUMABLE SUPPLIES	\$4,826	\$5,235	\$4,500	\$5,000	\$4,000
2004 UTILITIES	\$2,941	\$4,504	\$4,700	\$4,800	\$5,000
2005 TRAVEL	\$7,396	\$10,485	\$10,544	\$10,135	\$9,144
2006 RENT - BUILDING	\$11,967	\$13,840	\$9,200	\$7,200	\$5,200
2007 RENT - MACHINE AND OTHER	\$384	\$384	\$400	\$400	\$400
2009 OTHER OPERATING EXPENSE	\$58,163	\$48,793	\$36,275	\$35,576	\$33,376
5000 CAPITAL EXPENDITURES	\$11,625	\$8,613	\$0	\$0	\$0
OOE Total (Excluding Riders)	\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135
OOE Total (Riders)					
Grand Total	\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135

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

Date: 7/30/2008
 Time: 6:52:29PM

Agency Code: 228 Agency: Eighth Court of Appeals District, El Paso

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	\$4,500	\$5,000	\$5,000	\$4,000	\$4,000
5	Westlaw/Lexis	5,400	10,772	11,275	11,275	11,275
7	Subscriptions/Periodicals	4,491	7,166	8,000	7,500	8,000
13	Furniture & Equipment (Expensed)	4,722	3,199	500	500	500
15	Printing & Reproduction	1,981	500	500	0	0
16	Miscellaneous Expenses	11,984	13,010	5,850	6,501	4,500
24	Freight/Delivery	1,232	449	500	500	500
26	Books (expensed)	8,314	1,899	1,950	2,500	2,301
54	Furnishings & Equip. - Controlled	10,622	434	500	500	0
56	Computer Equipment - Expensed	988	365	500	500	500
64	SORM Assessment	1,695	1,713	1,700	1,800	1,800
101	Registrations/Membership Dues	2,234	4,286	0	0	0
	Total, Operating Costs	\$58,163	\$48,793	\$36,275	\$35,576	\$33,376

2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES

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

Date : 7/30/2008
 Time: 6:50:37PM

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

Goal/ Objective / Outcome	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate	87.03%	81.92%	93.00%	90.00%	90.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year	99.55%	97.25%	98.00%	98.00%	98.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years	99.32%	98.70%	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: 7/30/2008
 TIME : 6:50:44PM

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

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	Similiar Funding	\$183,067	\$183,067	1.0	\$183,067	\$183,067	1.0	\$366,134	\$366,134
Total, Exceptional Items Request		\$183,067	\$183,067	1.0	\$183,067	\$183,067	1.0	\$366,134	\$366,134
Method of Financing									
	General Revenue	\$183,067	\$183,067		\$183,067	\$183,067		\$366,134	\$366,134
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$183,067	\$183,067		\$183,067	\$183,067		\$366,134	\$366,134
Full Time Equivalent Positions				1.0				1.0	
Number of 100% Federally Funded FTEs				0.0				0.0	

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

DATE : 7/30/2008
 TIME : 6:50:53PM

Agency code: 228 Agency name: Eighth Court of Appeals District, El Paso

Goal/Objective/STRATEGY	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
1 Appellate Court Operations						
1 Appellate Court Operations						
1 APPELLATE COURT OPERATIONS	\$1,338,135	\$1,338,135	\$183,067	\$183,067	\$1,521,202	\$1,521,202
TOTAL, GOAL 1	\$1,338,135	\$1,338,135	\$183,067	\$183,067	\$1,521,202	\$1,521,202
TOTAL, AGENCY STRATEGY REQUEST	\$1,338,135	\$1,338,135	\$183,067	\$183,067	\$1,521,202	\$1,521,202
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$1,338,135	\$1,338,135	\$183,067	\$183,067	\$1,521,202	\$1,521,202

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

DATE : 7/30/2008
 TIME : 6:50:56PM

Agency code: 228 Agency name: Eighth Court of Appeals District, El Paso

<i>Goal/Objective/STRATEGY</i>	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
General Revenue Funds:						
1 General Revenue Fund	\$1,212,685	\$1,212,685	\$183,067	\$183,067	\$1,395,752	\$1,395,752
	\$1,212,685	\$1,212,685	\$183,067	\$183,067	\$1,395,752	\$1,395,752
Other Funds:						
573 Judicial Fund	92,450	92,450	0	0	\$92,450	\$92,450
666 Appropriated Receipts	6,000	6,000	0	0	\$6,000	\$6,000
777 Interagency Contracts	27,000	27,000	0	0	\$27,000	\$27,000
	\$125,450	\$125,450	\$0	\$0	\$125,450	\$125,450
TOTAL, METHOD OF FINANCING	\$1,338,135	\$1,338,135	\$183,067	\$183,067	\$1,521,202	\$1,521,202
FULL TIME EQUIVALENT POSITIONS	17.0	17.0	1.0	1.0	18.0	18.0

2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES

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

Date : 7/30/2008
Time: 6:51:02PM

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

Goal/ Objective / Outcome

		BL 2010	BL 2011	Excp 2010	Excp 2011	Total Request 2010	Total Request 2011
1	Appellate Court Operations						
1	Appellate Court Operations						
KEY	1 Clearance Rate	90.00%	90.00%	100.00%	100.00%	100.00%	100.00%
KEY	2 Percentage of Cases Under Submission for Less Than One Year	98.00%	98.00%	100.00%	100.00%	100.00%	100.00%
KEY	3 Percentage of Cases Pending for Less Than Two Years	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: 8:47:44AM

Agency code: **228** Agency name: **Eighth Court of Appeals District, El Paso**

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

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

CODE	DESCRIPTION	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
Output Measures:						
1	Number of Civil Cases Disposed	152.00	141.00	174.00	177.00	177.00
2	Number of Criminal Cases Disposed	170.00	158.00	175.00	182.00	182.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	154.00	161.00	157.00	165.00	165.00
2	Number of Criminal Cases Filed	114.00	106.00	118.00	125.00	125.00
3	Number of Cases Transferred in	104.00	98.00	100.00	105.00	105.00
4	Number of Cases Transferred out	2.00	0.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,136,894	\$1,199,484	\$1,247,284	\$1,247,284	\$1,247,284
1002	OTHER PERSONNEL COSTS	\$38,235	\$39,070	\$25,231	\$27,740	\$33,731
2001	PROFESSIONAL FEES AND SERVICES	\$480	\$75	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$4,826	\$5,235	\$4,500	\$5,000	\$4,000
2004	UTILITIES	\$2,941	\$4,504	\$4,700	\$4,800	\$5,000
2005	TRAVEL	\$7,396	\$10,485	\$10,544	\$10,135	\$9,144
2006	RENT - BUILDING	\$11,967	\$13,840	\$9,200	\$7,200	\$5,200
2007	RENT - MACHINE AND OTHER	\$384	\$384	\$400	\$400	\$400
2009	OTHER OPERATING EXPENSE	\$58,163	\$48,793	\$36,275	\$35,576	\$33,376
5000	CAPITAL EXPENDITURES	\$11,625	\$8,613	\$0	\$0	\$0
TOTAL, OBJECT OF EXPENSE		\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135
Method of Financing:						
1	General Revenue Fund	\$1,148,225	\$1,205,033	\$1,212,684	\$1,212,685	\$1,212,685
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,148,225	\$1,205,033	\$1,212,684	\$1,212,685	\$1,212,685

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

DATE: 7/31/2008
 TIME: 8:47:54AM

Agency code: 228 Agency name: Eighth Court of Appeals District, El Paso

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
Method of Financing:						
573	Judicial Fund	\$87,034	\$92,450	\$92,450	\$92,450	\$92,450
666	Appropriated Receipts	\$10,652	\$6,000	\$6,000	\$6,000	\$6,000
777	Interagency Contracts	\$27,000	\$27,000	\$27,000	\$27,000	\$27,000
SUBTOTAL, MOF (OTHER FUNDS)		\$124,686	\$125,450	\$125,450	\$125,450	\$125,450
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,338,135	\$1,338,135
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135
FULL TIME EQUIVALENT POSITIONS:		16.4	17.0	17.0	17.0	17.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Eighth Court of Appeals was created in 1911 by Legislature pursuant to authority granted by the Texas Constitution. This Court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts in civil cases where judgments rendered exceeds \$100, exclusive of costs and other civil proceedings as provided by law; and in criminal cases except in post-conviction writs of habeas corpus and where the death penalty has been imposed. This court has jurisdiction in seventeen counties.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Courts of Appeals are constitutionally created judicial entities and by nature, small judicial entities with highly specialized staff. As such, 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 and complicated 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: 8:47:54AM

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135
METHODS OF FINANCE (INCLUDING RIDERS):				\$1,338,135	\$1,338,135
METHODS OF FINANCE (EXCLUDING RIDERS):	\$1,272,911	\$1,330,483	\$1,338,134	\$1,338,135	\$1,338,135
FULL TIME EQUIVALENT POSITIONS:	16.4	17.0	17.0	17.0	17.0

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 228	Agency Name: Eighth Court of Appeals District	Prepared by: Denise Pacheco	Date: July 24, 2008	Request Level: Baseline
Current Rider Number	Page Number in 2008-09 GAA	Proposed Rider Language		
5	IV-38	<p>Transfer of Cases. The Chief Justices of the 14 Courts of Appeals are encouraged to cooperate with the Chief Justice of the Supreme Court to transfer cases between appellate courts which are in neighboring jurisdictions in order to equalize the disparity between the workloads of the various courts of appeals.</p> <p><i>No change requested.</i></p>		
8	IV-39	<p>Judicial Internship Program. It is the intent of the Legislature that the Judicial Branch cooperate with law schools to establish a judicial internship program for Texas appellate and trial courts. The Judicial Branch is encouraged to work with the Texas Judicial Council in the development of the judicial internship program.</p> <p><i>No change requested.</i></p>		
9	IV-39	<p>Appellate Court Exemptions. The following provisions of Article IX of this Act do not apply to the appellate courts:</p> <ul style="list-style-type: none"> a. Article IX, § 5.08, Limitation on Travel Expenditures b. Article IX, § 6.10, Limitation on State Employment Levels c. Article IX, § 6.15, Performance Rewards and Penalties d. Article IX, § 14.03, Limit on Expenditures - Capital Budget <p><i>The Courts of Appeals request that this rider be retained and section numbers updated as needed.</i></p>		
10	IV-39	<p>Appropriation: Unexpended Balances Between Fiscal Years within the Biennium. Any unexpended balances from appropriations made to the appellate courts for fiscal year <u>2010</u> are hereby appropriated to the same court for fiscal year <u>2011</u> for the same purposes.</p> <p><i>Update rider to reflect the new biennium.</i></p>		

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3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 228		Agency Name: Eighth Court of Appeals District	Prepared by: Denise Pacheco	Date: July 24, 2008	Request Level: Baseline
Current Rider Number	Page Number in 2008-09 GAA	Proposed Rider Language			
11	IV-39	<p>Intermediate Appellate Court Local Funding Information. The Office of Court Administration shall assist the appellate courts in the submission of a report for local funding information each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor.</p> <p><i>No change requested.</i></p>			
12	IV-39	<p>Appellate Court Salary Limits. It is the intent of the Legislature that no intermediate appellate court may pay more than one chief staff attorney promoted or hired after September 1, 2010, more than \$97,750 annually under this provision. Further, it is the intent of the Legislature that no intermediate appellate court may pay other permanent legal staff hired or promoted after September 1, 2010, more than \$85,000 annually. This provision does not apply to law clerk positions at any appellate court.</p> <p><i>Update rider to reflect the new biennium and amounts requested in the updated guideline budgets for the courts of appeals.</i></p>			
13	IV-39	<p>Interagency Contracts for Assigned Judges for Appellate Courts. Out of funds appropriated in this article to Strategies A.1.1, Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years 2010 and 2011, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3, Visiting Judges - Appellate in the Judiciary Section, Comptroller's Department.</p> <p><i>Update rider to reflect the new biennium.</i></p>			

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3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 228	Agency Name: Eighth Court of Appeals District	Prepared by: Denise Pacheco	Date: July 24, 2008	Request Level: Baseline
Current Rider Number	Page Number in 2008-09 GAA	Proposed Rider Language		
14	IV-39	<p>Appellate Court Transfer Authority. The Chief Justice of the Supreme Court of Texas, the Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices is authorized to transfer funds between appellate courts, notwithstanding any other provision in this Act and subject to prior approval of any transfer of funds by the Legislative Budget Board and the Governor. Any such transfer shall be made for the purpose of efficient and effective appellate court operations and management of court caseloads. It is the intent of the Legislature that transfers made under this provision are addressed by the Legislative Budget Board and the Governor in reviewing amounts requested in the appellate courts' Legislative Appropriations Request for the 2012-2013 biennium.</p> <p><i>Update rider to reflect the new biennium.</i></p>		

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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: 7/30/2008
 TIME: 6:51:27PM

Agency code: 228

Agency name:
Eighth Court of Appeals District, El Paso

CODE	DESCRIPTION	Excp 2010	Excp 2011
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Item Name: Similiar 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	170,000	170,000
1002	OTHER PERSONNEL COSTS	13,067	13,067
TOTAL, OBJECT OF EXPENSE		\$183,067	\$183,067

METHOD OF FINANCING:

1	General Revenue Fund	183,067	183,067
TOTAL, METHOD OF FINANCING		\$183,067	\$183,067

FULL-TIME EQUIVALENT POSITIONS (FTE):

	1.00	1.00
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DESCRIPTION / JUSTIFICATION:

To continue meeting performance goals and dispose of more cases in less time, the guideline budgets have been revised to add funding that is needed to continue to recruit and retain a qualified staff and to comply with the requirements of Section 659.0445 of the Texas Government Code which provides justices \$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.

EXTERNAL/INTERNAL FACTORS:

Agency code: 228

Agency name:

Eighth Court of Appeals District, El Paso

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 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 8th Court to continue to decrease the time cases are under submission and the time cases are pending to levels consistent with historical court performance goals. The court's clearance rate would remain at or slightly above 100%.

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

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

DATE: 7/30/2008

TIME: 6:51:35PM

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

Code	Description	Excp 2010	Excp 2011
Item Name: Similiar Funding for Same-sized Courts			
Allocation to Strategy: 1-1-1 Appellate Court Operations			
STRATEGY IMPACT ON OUTCOME MEASURES:			
	1 Clearance Rate	100.00%	100.00%
OBJECTS OF EXPENSE:			
	1001 SALARIES AND WAGES	170,000	170,000
	1002 OTHER PERSONNEL COSTS	13,067	13,067
TOTAL, OBJECT OF EXPENSE		\$183,067	\$183,067
METHOD OF FINANCING:			
	1 General Revenue Fund	183,067	183,067
TOTAL, METHOD OF FINANCING		\$183,067	\$183,067
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

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

DATE: 7/30/2008
TIME: 6:51:47PM

Agency Code: **228**

Agency name: **Eighth Court of Appeals District, El Paso**

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

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

CODE DESCRIPTION	Excp 2010	Excp 2011
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STRATEGY IMPACT ON OUTCOME MEASURES:

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

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	170,000	170,000
1002 OTHER PERSONNEL COSTS	13,067	13,067
Total, Objects of Expense	\$183,067	\$183,067

METHOD OF FINANCING:

1 General Revenue Fund	183,067	183,067
Total, Method of Finance	\$183,067	\$183,067

FULL-TIME EQUIVALENT POSITIONS (FTE):

	1.0	1.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Similiar Funding for Same-sized Courts

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: 6:52:07PM

Agency Code: 228 Agency: Eighth Court of Appeals District, El Paso

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2006 - 2007 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	HUB Expenditures FY 2006			Total Expenditures FY 2006	HUB Expenditures FY 2007			Total Expenditures FY 2007
		% Goal	% Actual	Actual \$		% Goal	% Actual	Actual \$	
20.0%	Professional Services	0.0 %	0.0%	\$0	\$1	0.0 %	0.0%	\$0	\$1
33.0%	Other Services	22.3 %	22.3%	\$2,059	\$9,225	31.8 %	31.9%	\$4,751	\$14,907
12.6%	Commodities	41.5 %	41.5%	\$716	\$1,725	6.9 %	6.9%	\$2,417	\$34,830
	Total Expenditures		25.3%	\$2,775	\$10,951		14.4%	\$7,168	\$49,738

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

Attainment:

The Court exceeded one of the applicable statewide HUB procurement goals in FY 2006.

Applicability:

The "Heavy Construction", "Building Construction", "Special Trade Construction" categories are not applicable to agency operations in either fiscal year 2006 or 2007 since the agency did not have any strategies or programs related to construction.

Factors Affecting Attainment:

In fiscal year 2006 & 2007, the goal of "other services" category was not met since the majority of this court's appropriations are expended on salaries and personnel costs. A large portion of the court's remaining appropriations are spent on sole source (libraries and legal research databases).

"Good-Faith" Efforts:

The Eighth Court of Appeals continues to make a good faith effort to increase purchases and contract awards to HUBS. All other factors under the Texas Comptroller's TPASS Purchasing rules being equal, HUB vendors are given preference for any purchase to increase HUB participation. However, there are instances where HUB vendor products, services and/or pricing is a great deal more costly than non-HUB vendors, and under such circumstances the court will choose the best value as it is incurring expenses under taxpayer dollars. The 8th Court will continue to make a good faith effort to meet and/or increase its HUB goals.

6.I. 10 Percent Biennial Base Reduction Options Schedule

Approved Reduction Amount

\$229,306

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

Agency Code: 228		Agency Name: Eighth 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
			GR	GR-Dedicated	Federal	Other	All Funds	FY 08	FY 09		
	Strat	Name									
1	1-1-1	Appellate Court Operations	229,306				\$ 229,306	2	2	Y	10.0%
2							\$ -				
3							\$ -				
4							\$ -				
5							\$ -				
6							\$ -				
7							\$ -				
8							\$ -				
9							\$ -				
10							\$ -				
11							\$ -				
12							\$ -				
Agency Biennial Total			\$ 229,306	\$ -	\$ -	\$ -	\$ 229,306	2.0	2.0		10.0%
Agency Biennial Total (GR + GR-D)				\$ 229,306							

Rank / Name

Explanation of Impact to Programs and Revenue Collections

1 Appellate Court Operations

The core function of this court 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 courts appropriated budget is dedicated to salaries. Any reduction would force the court to eliminate two (2) attorney/law clerk positions, representing one-third of the court legal staff. The minimum number of legal staff members an appellate court must have to perform at a reasonable productive and efficient level is six attorneys (two attorneys to each judge). This reduction in legal staff will drop the court below the 2:1 ratio and would increase the courts backlog and inability to meet its performance measures.

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

Strategy		Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1-1-1	Appellate Court Operations					
OBJECTS OF EXPENSE:						
1001	SALARIES AND WAGES	\$ 204,558	\$ 210,840	\$ 213,725	\$ 213,725	\$ 213,725
1002	OTHER PERSONNEL COSTS	3,645	4,002	4,134	4,496	4,630
2003	CONSUMABLE SUPPLIES	97	105	90	100	80
2004	UTILITIES	59	70	94	96	100
2005	TRAVEL	5,547	6,919	7,908	6,858	6,858
2009	OTHER OPERATING EXPENSE	1,163	876	726	671	598
Total, Objects of Expense		\$ 215,069	\$ 222,812	\$ 226,677	\$ 225,946	\$ 225,991
METHOD OF FINANCING:						
1	General Revenue Fund	188,069	195,812	199,677	198,946	198,991
777	Interagency Contracts	27,000	27,000	27,000	27,000	27,000
Total, Method of Financing		\$ 215,069	\$ 222,812	\$ 226,677	\$ 225,946	\$ 225,991
FULL-TIME-EQUIVALENT POSITIONS (FTE):		2.6	2.6	2.6	2.6	2.6

DESCRIPTION

The administrative and support costs in this strategy are related to the percentage of salaries and related operating costs of court personnel performing administrative functions.

Agency code: 228

Agency name: Eighth Court of Appeals District, El Paso

	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$204,558	\$210,840	\$213,725	\$213,725	\$213,725
1002 OTHER PERSONNEL COSTS	\$3,645	\$4,002	\$4,134	\$4,496	\$4,630
2003 CONSUMABLE SUPPLIES	\$97	\$105	\$90	\$100	\$80
2004 UTILITIES	\$59	\$70	\$94	\$96	\$100
2005 TRAVEL	\$5,547	\$6,919	\$7,908	\$6,858	\$6,858
2009 OTHER OPERATING EXPENSE	\$1,163	\$876	\$726	\$671	\$598
Total, Objects of Expense	\$215,069	\$222,812	\$226,677	\$225,946	\$225,991
Method of Financing					
1 General Revenue Fund	\$188,069	\$195,812	\$199,677	\$198,946	\$198,991
777 Interagency Contracts	\$27,000	\$27,000	\$27,000	\$27,000	\$27,000
Total, Method of Financing	\$215,069	\$222,812	\$226,677	\$225,946	\$225,991
Full-Time-Equivalent Positions (FTE)	2.6	2.6	2.6	2.6	2.6

Capital Expenditure Detail

Agency Code:	Court/Agency:	Strategy:			Prepared by:		Date:	Strategy:
228	Eighth Court of Appeals	Appellate Court Operations			Denise Pacheco		7/30/2008	1
Itemization by Capital Expenditure Category		Number of Units	Unit Cost	Expended 2007	Estimated 2008	Budgeted 2009	Requested 2010	Requested 2011
Category	Description of Items							
5007	Acquisition of Capital Equip. and Items							
	Court Security and Recording System (R)	1	\$11,625	11625				
	Copy Machine (R)	1	\$7,613		7613			
GRAND TOTAL - CAP EXP				11625	7613			