

LEGISLATIVE APPROPRIATIONS REQUEST

FOR FISCAL YEARS 2012 AND 2013

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

by

SEVENTH COURT OF APPEALS



BRIAN QUINN, Chief Justice
JAMES T. CAMPBELL, Justice

MACKEY K. HANCOCK, Justice
PATRICK A. PIRTLE, Justice

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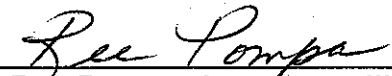
by

SEVENTH COURT OF APPEALS

August 2, 2010

Prepared By:


Peggy Culp, Clerk


Ree Pompa, Accountant III

Approved:

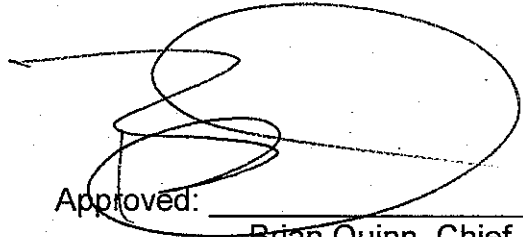

Brian Quinn, Chief Justice

TABLE OF CONTENTS

1. Administrator's Statement	1.A.	Page 1-2
2. Organizational Chart	1.A.1.	Page 1
3. Summary of Base Request by Strategy	2.A.	Page 1
4. Summary of Base Request by Method of Finance	2.B.	Page 1-4
5. Summary of Base Request by Object of Expense	2.C.	Page 1
6. Operating Costs Detail – Base Request	2.C.1.	Page 1
7. Summary of Base Request Objective Outcomes	2.D.	Page 1
8. Summary of Exceptional Items Request	2.E.	Page 1
9. Summary of Total Request by Strategy	2.F.	Page 1-2
10. Summary of Total Request Objective Outcomes	2.G.	Page 1
11. Strategy Request	3.A.	Page 1-3
12. Rider Revisions and Additions Request	3.A.1.	Page 1-3
13. Exceptional Item Request Schedule	4.A.	Page 1
14. Exceptional Items Strategy Allocation Schedule	4.B.	Page 1
15. Exceptional Items Strategy Request	4.C.	Page 1
16. Historically Underutilized Business Supporting Schedule	6.A.	Page 1
17. Estimated Total of All Agency Funds Outside the GAA Bill Pattern	6.H.	Page 1
18. Ten Percent Biennial Base Reduction Options Schedule	6.I.	Page 1-2
19. Direct Administrative and Support Costs	7.B.	Page 1-2
20. General Revenue & General Revenue Dedicated Baseline Report	8.A.	Page 1

ADMINISTRATOR'S STATEMENT
82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

PAGE: 1 of 2

Agency code: 227

Agency name: **Seventh Court of Appeals District, Amarillo**

Administrator's Statement, Agency Submission
82nd Regular Session, Agency Submission
Automated Budget and Evaluation System of Texas (ABEST)

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 7th 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.

Going into the 81st Legislature, the courts updated the guideline budgets to continue the same size court initiative of a career ladder for attorneys by more closely matching those of attorney salaries in state agencies and county government, to add one or more permanent staff attorneys, and to continue to make appropriate salary adjustments for non-legal staff to reflect increasing levels of responsibility. The Legislature provided a portion of the requested funding, including attorney salaries (capped at a lower amount than requested) and an additional staff attorney position for most courts; however, the funding was provided in FY 2011 only. In the interim, as part of state leadership's directive to cut budgets in the face of the national economic downturn, the approved funding was reduced further, such that the courts were able to provide salary adjustments commensurate with the duties and responsibilities of the staff attorneys, but not all courts were able to hire additional staff attorneys. The 7th court is grateful for the Legislature's support in sparing a majority of this much-needed funding from the budget reductions.

To continue meeting performance goals and dispose of more cases in less time, the courts of appeals believe it is critical to continue working toward the guideline budgets developed prior to the 81st Legislature, i.e., continue to enhance the career ladder for attorneys, to add one or more permanent staff attorneys, and to continue to make appropriate salary adjustments for non-legal staff to reflect increasing levels of responsibility. However, in light of the continuing economic challenges in Texas, the courts of appeals are limiting their request during the 82nd Legislature to ask only that the courts of appeals budgets for FY 2012-13 be the same as appropriated for FY2010-11 prior to any percentage reduction.

While the number of justices for each state court of appeals has not been increased in twenty five (25) years, new filings have increased by thirty-six (36) percent overall over the same time period. The courts of appeals disposed of an average of approximately 11,500 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 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 2009, the annual mean wage for attorneys in state government was \$82,750 compared to \$91,040 for local government and \$127,550 for federal government. Currently, the courts of appeals have a rider that limits the pay of newly hired or promoted attorneys to \$79,750 (and \$92,400 for a chief staff attorney in each court). Further, the current budget levels do not allow adequate funding to compensate attorneys at higher rates.

RIDER REQUESTS:

ADMINISTRATOR'S STATEMENT
82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

PAGE: 2 of 2

Agency code: 227

Agency name: **Seventh Court of Appeals District, Amarillo**

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. 7, Appellate Court Exemptions
- 2) Retain Article IV rider, Sec. 8, Appn: Unexpended Balances Between Fiscal Years within the Biennium
- 3) Retain Article IV rider, Sec. 11, Interagency Contracts for Assigned Judges for Appellate Courts
- 4) Retain Article IV rider, Sec. 12, Appellate Court Transfer Authority

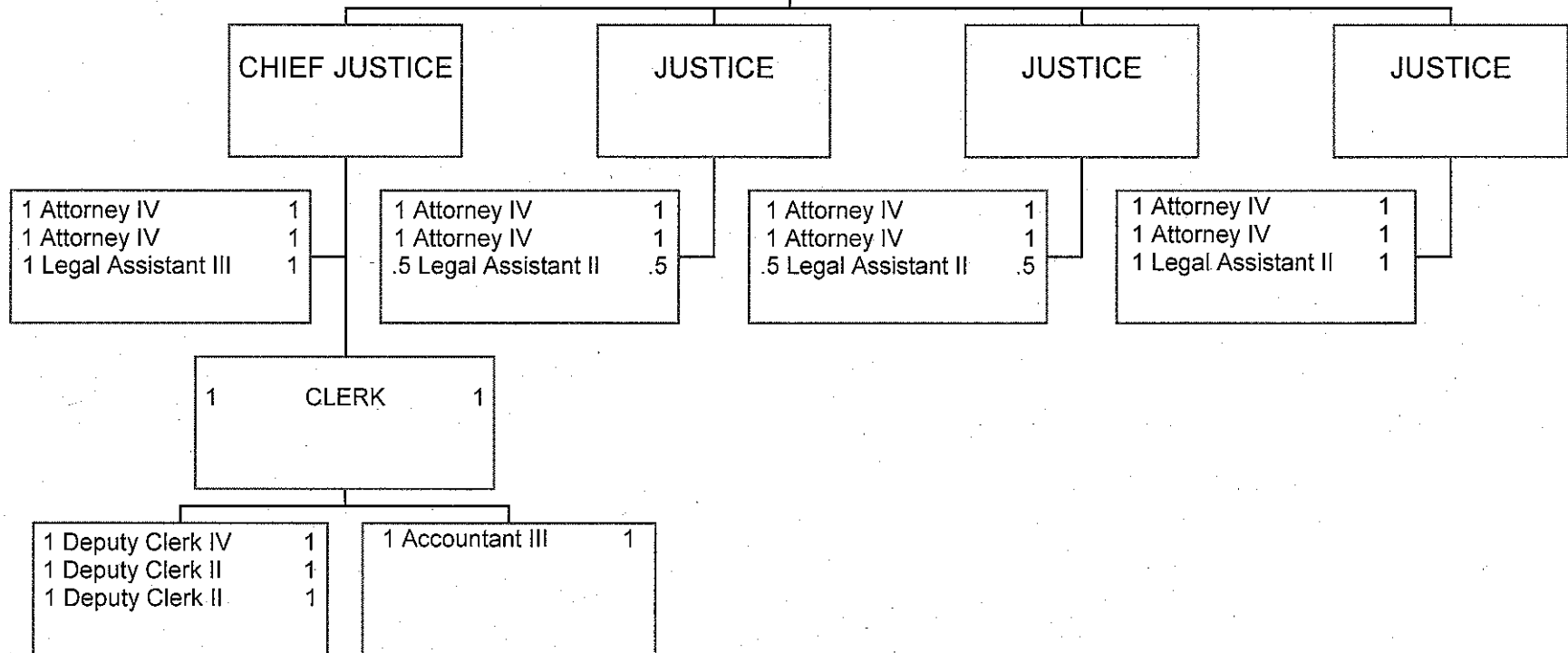
Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the authority to carryover unexpended budget balances between years of the biennium. The flexibility afforded by these measures enhances the courts' management 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 2012-13 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 \$8,000.00, reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the court, and do not constitute additional funds available for general expenditures of the court. The amount can vary significantly from year to year.

ORGANIZATION CHART
SEVENTH COURT OF APPEALS
AGENCY 227
2011-(2012-2013)



2.A. SUMMARY OF BASE REQUEST BY STRATEGY
82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227

Agency name: Seventh Court of Appeals District, Amarillo

<u>Goal / Objective / STRATEGY</u>	<u>Exp 2009</u>	<u>Est 2010</u>	<u>Bud 2011</u>	<u>Req 2012</u>	<u>Req 2013</u>
1 Appellate Court Operations					
1 Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	1,674,765	1,641,970	1,731,181	1,638,423	1,638,423
TOTAL, GOAL 1	\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423
TOTAL, AGENCY STRATEGY REQUEST	\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	1,539,445	1,510,296	1,600,581	1,507,823	1,507,823
SUBTOTAL	\$1,539,445	\$1,510,296	\$1,600,581	\$1,507,823	\$1,507,823
Other Funds:					
573 Judicial Fund	122,600	122,600	122,600	122,600	122,600
666 Appropriated Receipts	12,720	9,074	8,000	8,000	8,000
SUBTOTAL	\$135,320	\$131,674	\$130,600	\$130,600	\$130,600
TOTAL, METHOD OF FINANCING	\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423

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

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227

Agency name: Seventh Court of Appeals District, Amarillo

METHOD OF FINANCING	Exp 2009	Est 2010	Bud 2011	Req 2012	Req 2013
<u>GENERAL REVENUE</u>					
1 General Revenue Fund					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2008-09 GAA)	\$1,489,739	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2010-11 GAA)	\$0	\$1,510,296	\$1,664,068	\$0	\$0
Regular Appropriations from MOF Table (2012-13 GAA)	\$0	\$0	\$0	\$1,507,823	\$1,507,823
<i>TRANSFERS</i>					
Art IX, Sec 19.62(a), Salary Increase (2008-09 GAA)	\$14,156	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Five Percent Reduction (2010-11 Biennium)	\$0	\$0	\$(63,487)	\$0	\$0
Lapsed Appropriations	\$(2,019)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Art. IV, Sec. 10, Unexpended Balance (2008-09 GAA)	\$37,569	\$0	\$0	\$0	\$0

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227

Agency name: Seventh Court of Appeals District, Amarillo

METHOD OF FINANCING	Exp 2009	Est 2010	Bud 2011	Req 2012	Req 2013
<u>OTHER FUNDS</u>					
Regular Appropriations from MOF Table (2010-11 GAA)	\$0	\$8,000	\$8,000	\$0	\$0
Regular Appropriations from MOF Table (2012-13 GAA)	\$0	\$0	\$0	\$8,000	\$8,000
<i>RIDER APPROPRIATION</i>					
Art IX, Sec 8.03, Reimbursements and Payments (2008-09 GAA)	\$4,720	\$0	\$0	\$0	\$0
Art IX, Sec 8.03, Reimbursements and Payments (2010-11 GAA)	\$0	\$1,074	\$0	\$0	\$0
TOTAL, Appropriated Receipts	\$12,720	\$9,074	\$8,000	\$8,000	\$8,000
TOTAL, ALL OTHER FUNDS	\$135,320	\$131,674	\$130,600	\$130,600	\$130,600
GRAND TOTAL	\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
 82nd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **227**

Agency name: **Seventh Court of Appeals District, Amarillo**

METHOD OF FINANCING	Exp 2009	Est 2010	Bud 2011	Req 2012	Req 2013
<u>FULL-TIME-EQUIVALENT POSITIONS</u>					
REGULAR APPROPRIATIONS					
Unauthorized Number Over (Below) Cap	0.0	0.0	(1.0)	(1.0)	(1.0)
Regular Appropriations from MOF Table (2008-09 GAA)	20.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2010-11 GAA)	0.0	20.0	21.0	0.0	0.0
Regular Appropriations from MOF Table (2012-13 GAA)	0.0	0.0	0.0	20.0	20.0
TOTAL, ADJUSTED FTES	20.0	20.0	20.0	19.0	19.0
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

82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **227**

Agency name: **Seventh Court of Appeals District, Amarillo**

OBJECT OF EXPENSE	Exp 2009	Est 2010	Bud 2011	BL 2012	BL 2013
1001 SALARIES AND WAGES	\$1,497,085	\$1,502,371	\$1,584,085	\$1,500,085	\$1,500,085
1002 OTHER PERSONNEL COSTS	\$56,460	\$35,902	\$40,397	\$31,525	\$32,825
2001 PROFESSIONAL FEES AND SERVICES	\$3,800	\$0	\$0	\$0	\$0
2003 CONSUMABLE SUPPLIES	\$13,181	\$12,000	\$10,000	\$10,000	\$10,000
2004 UTILITIES	\$4,486	\$4,688	\$6,000	\$6,000	\$6,000
2005 TRAVEL	\$17,824	\$12,000	\$16,000	\$16,000	\$16,000
2006 RENT - BUILDING	\$20	\$20	\$20	\$20	\$20
2007 RENT - MACHINE AND OTHER	\$1,219	\$1,741	\$1,830	\$1,830	\$1,830
2009 OTHER OPERATING EXPENSE	\$80,690	\$73,248	\$72,849	\$72,963	\$71,663
OOE Total (Excluding Riders)	\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423
OOE Total (Riders)					
Grand Total	\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423

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

82nd Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 227 Agency: Seventh Court of Appeals District, Amarillo

BASE REQUEST STRATEGY: 1-1-1 Appellate Court Operations

Code	Type of Expense	Expended 2009	Estimated 2010	Budgeted 2011	Requested 2012	Requested 2013
2	Postage	\$10,261	\$10,220	\$12,000	\$12,000	\$12,000
5	Westlaw/Lexis	26,033	13,083	9,000	9,000	9,000
7	Subscriptions/Periodicals	17,274	30,000	28,560	28,560	28,560
10	Court Security	906	1,463	1,500	1,500	1,500
12	Maintenance & Repair - Equipment	1,463	1,536	2,000	2,000	2,000
13	Furniture & Equipment (Expensed)	2,350	117	1,000	1,000	1,000
15	Printing & Reproduction	774	0	0	0	0
16	Miscellaneous Expenses	60	1,029	2,000	2,303	2,003
24	Freight/Delivery	1,238	1,079	2,000	2,000	2,000
25	Advertising	0	2,121	0	0	0
28	Liability Insurance	4,160	4,160	3,600	3,600	3,600
54	Furnishings & Equip. - Controlled	4,996	1,000	2,689	2,500	1,500
64	SORM Assessment	1,948	2,092	2,500	2,500	2,500
101	Registrations/Membership Dues	9,227	5,348	6,000	6,000	6,000
	Total, Operating Costs	\$80,690	\$73,248	\$72,849	\$72,963	\$71,663

2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES

82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

Agency code: 227

Agency name: Seventh Court of Appeals District, Amarillo

Goal/ Objective / Outcome	Exp 2009	Est 2010	Bud 2011	BL 2012	BL 2013
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY 1 Clearance Rate					
	106.96%	100.00%	100.00%	98.00%	98.00%
KEY 2 Percentage of Cases Under Submission for Less Than One Year					
	99.39%	100.00%	100.00%	98.00%	98.00%
KEY 3 Percentage of Cases Pending for Less Than Two Years					
	99.94%	100.00%	100.00%	98.00%	98.00%

2.E. SUMMARY OF EXCEPTIONAL ITEMS REQUEST

82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227

Agency name: Seventh Court of Appeals District, Amarillo

Priority	Item	2012			2013			Biennium		
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	
1	Restore Baseline Funding	\$79,359	\$79,359	1.0	\$79,359	\$79,359	1.0	\$158,718	\$158,718	
Total, Exceptional Items Request		\$79,359	\$79,359	1.0	\$79,359	\$79,359	1.0	\$158,718	\$158,718	
Method of Financing										
	General Revenue	\$79,359	\$79,359		\$79,359	\$79,359		\$158,718	\$158,718	
	General Revenue - Dedicated									
	Federal Funds									
	Other Funds									
		\$79,359	\$79,359		\$79,359	\$79,359		\$158,718	\$158,718	
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

82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227

Agency name: Seventh Court of Appeals District, Amarillo

Goal/Objective/STRATEGY	Base 2012	Base 2013	Exceptional 2012	Exceptional 2013	Total Request 2012	Total Request 2013
1 Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$1,638,423	\$1,638,423	\$79,359	\$79,359	\$1,717,782	\$1,717,782
TOTAL, GOAL 1	\$1,638,423	\$1,638,423	\$79,359	\$79,359	\$1,717,782	\$1,717,782
TOTAL, AGENCY STRATEGY REQUEST	\$1,638,423	\$1,638,423	\$79,359	\$79,359	\$1,717,782	\$1,717,782
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$1,638,423	\$1,638,423	\$79,359	\$79,359	\$1,717,782	\$1,717,782

2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY

82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227

Agency name: Seventh Court of Appeals District, Amarillo

Goal/Objective/STRATEGY	Base 2012	Base 2013	Exceptional 2012	Exceptional 2013	Total Request 2012	Total Request 2013
General Revenue Funds:						
1 General Revenue Fund	\$1,507,823	\$1,507,823	\$79,359	\$79,359	\$1,587,182	\$1,587,182
	\$1,507,823	\$1,507,823	\$79,359	\$79,359	\$1,587,182	\$1,587,182
Other Funds:						
573 Judicial Fund	122,600	122,600	0	0	122,600	122,600
666 Appropriated Receipts	8,000	8,000	0	0	8,000	8,000
	\$130,600	\$130,600	\$0	\$0	\$130,600	\$130,600
TOTAL, METHOD OF FINANCING	\$1,638,423	\$1,638,423	\$79,359	\$79,359	\$1,717,782	\$1,717,782
FULL TIME EQUIVALENT POSITIONS	19.0	19.0	1.0	1.0	20.0	20.0

2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES

82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

Agency code: 227

Agency name: Seventh Court of Appeals District, Amarillo

Goal/ Objective / Outcome

	BL 2012	BL 2013	Excp 2012	Excp 2013	Total Request 2012	Total Request 2013
1 Appellate Court Operations						
1 Appellate Court Operations						
KEY 1 Clearance Rate						
	98.00%	98.00%	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						
	98.00%	98.00%	100.00%	100.00%	100.00%	100.00%

3.A. STRATEGY REQUEST
 82nd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227 Agency name: Seventh Court of Appeals District, Amarillo

GOAL:	1 Appellate Court Operations	Statewide Goal/Benchmark:	0 0
OBJECTIVE:	1 Appellate Court Operations	Service Categories:	
STRATEGY:	1 Appellate Court Operations	Service: 01	Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2009	Est 2010	Bud 2011	BL 2012	BL 2013
Output Measures:						
1	Number of Civil Cases Disposed	215.00	220.00	220.00	200.00	200.00
2	Number of Criminal Cases Disposed	384.00	390.00	390.00	377.00	377.00
Explanatory/Input Measures:						
1	Number of Civil Cases Filed	173.00	179.00	179.00	179.00	179.00
2	Number of Criminal Cases Filed	355.00	360.00	360.00	360.00	360.00
3	Number of Cases Transferred in	33.00	69.00	69.00	50.00	50.00
4	Number of Cases Transferred out	1.00	0.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,497,085	\$1,502,371	\$1,584,085	\$1,500,085	\$1,500,085
1002	OTHER PERSONNEL COSTS	\$56,460	\$35,902	\$40,397	\$31,525	\$32,825
2001	PROFESSIONAL FEES AND SERVICES	\$3,800	\$0	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$13,181	\$12,000	\$10,000	\$10,000	\$10,000
2004	UTILITIES	\$4,486	\$4,688	\$6,000	\$6,000	\$6,000
2005	TRAVEL	\$17,824	\$12,000	\$16,000	\$16,000	\$16,000
2006	RENT - BUILDING	\$20	\$20	\$20	\$20	\$20
2007	RENT - MACHINE AND OTHER	\$1,219	\$1,741	\$1,830	\$1,830	\$1,830
2009	OTHER OPERATING EXPENSE	\$80,690	\$73,248	\$72,849	\$72,963	\$71,663
TOTAL, OBJECT OF EXPENSE		\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423
Method of Financing:						
1	General Revenue Fund	\$1,539,445	\$1,510,296	\$1,600,581	\$1,507,823	\$1,507,823
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,539,445	\$1,510,296	\$1,600,581	\$1,507,823	\$1,507,823

Method of Financing:

3.A. STRATEGY REQUEST
 82nd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227 Agency name: **Seventh Court of Appeals District, Amarillo**

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 2009	Est 2010	Bud 2011	BL 2012	BL 2013
573	Judicial Fund	\$122,600	\$122,600	\$122,600	\$122,600	\$122,600
666	Appropriated Receipts	\$12,720	\$9,074	\$8,000	\$8,000	\$8,000
SUBTOTAL, MOF (OTHER FUNDS)		\$135,320	\$131,674	\$130,600	\$130,600	\$130,600
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$1,638,423	\$1,638,423
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423
FULL TIME EQUIVALENT POSITIONS:		20.0	20.0	20.0	19.0	19.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Seventh Court of Appeals was created in 1911 and is located in the City of Amarillo. The Court has intermediated 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 court has jurisdiction in forty-six counties.

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
82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423
METHODS OF FINANCE (INCLUDING RIDERS):				\$1,638,423	\$1,638,423
METHODS OF FINANCE (EXCLUDING RIDERS):	\$1,674,765	\$1,641,970	\$1,731,181	\$1,638,423	\$1,638,423
FULL TIME EQUIVALENT POSITIONS:	20.0	20.0	20.0	19.0	19.0

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 227	Agency Name: Seventh Court of Appeals	Prepared by: Peggy Culp / Ree Pompa	Date: August 2, 2010	Request Level: Baseline
Current Rider Number	Page Number in 2010-11 GAA	Proposed Rider Language		
4	IV-39	<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>		
5	IV-39	<p>Systems Compatibility. No funds shall be utilized to purchase information technology unless it interfaces with other courts and with the Office of Court Administration and also complies with the plans filled with the Legislative Budget Board.</p> <p><i>No change requested.</i></p>		
6	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. All of the employees and officials of the Judicial Branch are encouraged to work with the Texas Judicial Council in the development of the judicial internship program.</p> <p><i>No change requested.</i></p>		
7	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, § 6.13, Performance Rewards and Penalties d. Article IX, §14.03, Limit on Expenditures - Capital Budget <p><i>No change requested.</i></p>		

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 227	Agency Name: Seventh Court of Appeals	Prepared by: Peggy Culp / Ree Pompa	Date: August 2, 2010	Request Level: Baseline
Current Rider Number	Page Number in 2010-11 GAA	Proposed Rider Language		
8	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 2012 are hereby appropriated to the same court for fiscal year 2013 for the same purposes.</p> <p><i>Update rider to reflect the new biennium</i></p>		
9	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>		
10	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, 2011, more than \$92,400 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, 2011 more than \$79,750 annually. This provision does not apply to law clerk positions at any appellate court.</p> <p><i>Update rider to reflect the new biennium</i></p>		

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code: 227	Agency Name: Seventh Court of Appeals	Prepared by: Peggy Culp / Ree Pompa	Date: August 2, 2010	Request Level: Baseline
Current Rider Number	Page Number in 2010-11 GAA	Proposed Rider Language		
11	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 2012 and 2013, 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>		
12	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, the Governor and the courts affected. 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 2014-2015 biennium.</p> <p><i>Update rider to reflect the new biennium</i></p>		

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 82nd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227

Agency name:

Seventh Court of Appeals District, Amarillo

CODE	DESCRIPTION	Excp 2012	Excp 2013
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Item Name: Restore Baseline Funding

Item Priority: 1

Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES

79,359

79,359

TOTAL, OBJECT OF EXPENSE

79,359

79,359

METHOD OF FINANCING:

1 General Revenue Fund

79,359

79,359

TOTAL, METHOD OF FINANCING

79,359

79,359

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.00

1.00

DESCRIPTION / JUSTIFICATION:

This exceptional item would restore the 5% budget reductions applied to the court's appropriations for FY 2012-13. In FY 2010-11, legislative leadership recognized the need, even in these tough economic times, for the courts to be able to retain qualified attorneys in the courts of appeals and to provide adequate levels of staffing for all court functions. Consequently, they provided funding for salary adjustments for the courts' attorneys to begin to bring salaries in line with those of county government and other state agencies. If funding is reduced below the FY 2010-11 level, this court will have to make adjustments, potentially and negatively affecting attorney salaries.

Further, this court will have to reduce staffing by 1 FTE. This is necessary because 94% of the court's budget is dedicated to staffing, leaving very little discretionary funds to achieve a 5% reduction. A reduction in staffing will result in (1) a reduction in dispositions of appeals to less than 100% of new appeals filed in the biennium, and (2) an increase in the time for which appeals remain pending during the biennium. We estimate this court's clearance rate would fall from 100% to 98%.

EXTERNAL/INTERNAL FACTORS:

Courts of Appeals are relatively small entities with specialized staffing requirements. The core function of the courts is to process and review appeals from civil and criminal trial courts. This requires a highly skilled and trained professional workforce of appellate court lawyers who assist the judges of the court in disposing of cases and researching and writing opinions. 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. Loss of experienced court lawyers creates difficulties in timely processing of and disposing of appeals.

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **227**

Agency name: **Seventh Court of Appeals District, Amarillo**

Code Description	Excp 2012	Excp 2013
Item Name: Restore Baseline Funding		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
STRATEGY IMPACT ON OUTCOME MEASURES:		
<u>1</u> Clearance Rate	100.00%	100.00%
<u>2</u> Percentage of Cases Under Submission for Less Than One Year	100.00%	100.00%
<u>3</u> Percentage of Cases Pending for Less Than Two Years	100.00%	100.00%
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	79,359	79,359
TOTAL, OBJECT OF EXPENSE	\$79,359	\$79,359
METHOD OF FINANCING:		
1 General Revenue Fund	79,359	79,359
TOTAL, METHOD OF FINANCING	\$79,359	\$79,359
FULL-TIME EQUIVALENT POSITIONS (FTE):	1.0	1.0

4.C. EXCEPTIONAL ITEMS STRATEGY REQUEST
 82nd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 227

Agency name: Seventh Court of Appeals District, Amarillo

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 2012	Excp 2013
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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	79,359	79,359
Total, Objects of Expense	\$79,359	\$79,359

METHOD OF FINANCING:

1 General Revenue Fund	79,359	79,359
Total, Method of Finance	\$79,359	\$79,359

FULL-TIME EQUIVALENT POSITIONS (FTE):

1.0	1.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Restore Baseline Funding

6.A. HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE

82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 227 Agency: Seventh Court of Appeals District, Amarillo

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2008 - 2009 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	HUB Expenditures FY 2008				Total Expenditures FY 2008	HUB Expenditures FY 2009				Total Expenditures FY 2009
		% Goal	% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$		
57.2%	Special Trade Construction	0.0 %	0.0%	0.0%	\$0	\$471	57.2 %	0.0%	-57.2%	\$0	\$0
33.0%	Other Services	0.0 %	0.0%	0.0%	\$0	\$34,750	33.0 %	2.8%	-30.2%	\$1,046	\$37,090
12.6%	Commodities	0.0 %	12.5%	12.5%	\$3,922	\$31,471	12.6 %	71.6%	59.0%	\$7,305	\$10,201
	Total Expenditures		5.9%		\$3,922	\$66,692		17.7%		\$8,351	\$47,291

B. Assessment of Fiscal Year 2008 - 2009 Efforts to Meet HUB Procurement Goals

Attainment:

The Court attained one of two, or 50% of the applicable statewide HUB procurement goals in fiscal year 2009.

Applicability:

The "Heavy Construction", "Building Construction", and "Professional Services" categories were not applicable to the Court's operations in either fiscal year 2008 or fiscal year 2009 since the Court did not have any strategies or programs related to construction or the need for professional services.

In fiscal year 2008, the total expended on "Special Trade Construction" was not contracted with a HUB vendor. The construction was in a county owned building in which the Court offices are located. The county has authority over contracts awarded regarding services for county buildings, therefore, it is required we use vendors they recommend for purchase of services. The "Special Trade Construction" category was not applicable to the Court's operations in fiscal year 2009.

Factors Affecting Attainment:

The majority of the Court's appropriations, approximately 94% was expended on salaries and personnel costs during fiscal year 2008-2009. A large portion of the Court's remaining expenditures were solo-source. Whenever possible and feasible, other purchasing was carried out through TPASS term contract/catalog purchasing.

"Good-Faith" Efforts:

The Court continues to make a good faith to increase purchases and contracts awards to HUBs. All other factors under the TPASS purchasing rules being equal, HUB vendors are given preference for any purchase to increase HUB participation. However, there are instances where HUB products or services are a great deal more costly than non-HUB, and under such circumstances the agency will choose the best value as it is incurring expenses using taxpayer's dollars. All other factors under the TPASS rules being equal, the Court plans to make a good faith effort to meet and increase the TPASS' HUB goals giving HUB vendors preference for purchases.

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

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2012-13 GAA BILL PATTERN	\$ 168,000
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<u>Fund Name</u>	
Estimated Beginning Balance in FY 2010	
Estimated Revenues FY 2010	\$ 45,000
Estimated Revenues FY 2011	\$ 84,000
FY 2010-11 Total	\$ 129,000
Estimated Beginning Balance in FY 2012	
Estimated Revenues FY 2012	\$ 84,000
Estimated Revenues FY 2013	\$ 84,000
FY 2012-13 Total	\$ 168,000
Constitutional or Statutory Creation and Use of Funds:	
Subchapter C, Section 22.2081 of the Texas Government Code	
Method of Calculation and Revenue Assumptions:	
The County Commissioners Court for each county in the Seventh District is required to set a court fee of \$5.00 for each civil suit filed in a county court, county court at law, probate court or district court in the the county.	

6.I 10 PERCENT BIENNIAL BASE REDUCTION OPTIONS
 82nd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227 Agency name: Seventh Court of Appeals District, Amarillo

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2012	2013	Biennial Total	2012	2013	Biennial Total	
1 Reduce Staffing							
Category: Programs - Service Reductions (FTEs-Layoffs)							
Item Comment: The court will reduce staff by one staff attorney. This reduction will reduce clearance rate another 5% and increase the amount of time to process appeals. The reductions will result in an increase to the court's backlog.							
Strategy: 1-1-1 Appellate Court Operations							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$72,500	\$72,500	\$145,000	
General Revenue Funds Total	\$0	\$0	\$0	\$72,500	\$72,500	\$145,000	
Item Total	\$0	\$0	\$0	\$72,500	\$72,500	\$145,000	
FTE Reductions (From FY 2012 and FY 2013 Base Request)				1.0	1.0		
2 Reduce Staffing							
Category: Programs - Service Reductions (FTEs-Layoffs)							
Item Comment: The court will reduce staff by one staff attorney and will have to cut other staff salaries. This reduction will reduce clearance rate another 8% and increase the amount of time to process appeals. The reductions will result in an increase to the court's backlog.							
Strategy: 1-1-1 Appellate Court Operations							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$78,282	\$78,283	\$156,565	
General Revenue Funds Total	\$0	\$0	\$0	\$78,282	\$78,283	\$156,565	
Item Total	\$0	\$0	\$0	\$78,282	\$78,283	\$156,565	
FTE Reductions (From FY 2012 and FY 2013 Base Request)				1.0	1.0		
AGENCY TOTALS							
General Revenue Total				\$150,782	\$150,783	\$301,565	\$301,565

6.I 10 PERCENT BIENNIAL BASE REDUCTION OPTIONS
 82nd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227 Agency name: Seventh Court of Appeals District, Amarillo

<u>Item Priority and Name/ Method of Financing</u>	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2012	2013	Biennial Total	2012	2013	Biennial Total	
Agency Grand Total	\$0	\$0	\$0	\$150,782	\$150,783	\$301,565	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2012 and FY 2013 Base Request)				2.0	2.0		

7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS
 82nd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227

Agency name: Seventh Court of Appeals District, Amarillo

Strategy	Exp 2009	Est 2010	Bud 2011	BL 2012	BL 2013
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$ 180,324	\$ 166,275	\$ 181,824	\$ 167,824	\$ 181,824
1002 OTHER PERSONNEL COSTS	6,801	3,974	4,637	3,526	3,979
2001 PROFESSIONAL FEES AND SERVICES	458	0	0	0	0
2003 CONSUMABLE SUPPLIES	1,587	1,328	1,148	1,119	1,212
2004 UTILITIES	540	518	689	671	727
2005 TRAVEL	2,147	1,328	1,836	1,790	1,940
2006 RENT - BUILDING	2	2	2	2	2
2007 RENT - MACHINE AND OTHER	147	193	210	205	222
2009 OTHER OPERATING EXPENSE	9,719	8,107	8,362	8,163	8,686
Total, Objects of Expense	\$ 201,725	\$ 181,725	\$ 198,708	\$ 183,300	\$ 198,592
METHOD OF FINANCING:					
1 General Revenue Fund	201,725	181,725	198,708	183,300	198,592
Total, Method of Financing	\$ 201,725	\$ 181,725	\$ 198,708	\$ 183,300	\$ 198,592
FULL-TIME-EQUIVALENT POSITIONS (FTE):	2.4	2.3	2.4	2.3	2.4
DESCRIPTION					

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

7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS
 82nd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 227

Agency name: Seventh Court of Appeals District, Amarillo

	Exp 2009	Est 2010	Bud 2011	BL 2012	BL 2013
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$180,324	\$166,275	\$181,824	\$167,824	\$181,824
1002 OTHER PERSONNEL COSTS	\$6,801	\$3,974	\$4,637	\$3,526	\$3,979
2001 PROFESSIONAL FEES AND SERVICES	\$458	\$0	\$0	\$0	\$0
2003 CONSUMABLE SUPPLIES	\$1,587	\$1,328	\$1,148	\$1,119	\$1,212
2004 UTILITIES	\$540	\$518	\$689	\$671	\$727
2005 TRAVEL	\$2,147	\$1,328	\$1,836	\$1,790	\$1,940
2006 RENT - BUILDING	\$2	\$2	\$2	\$2	\$2
2007 RENT - MACHINE AND OTHER	\$147	\$193	\$210	\$205	\$222
2009 OTHER OPERATING EXPENSE	\$9,719	\$8,107	\$8,362	\$8,163	\$8,686
Total, Objects of Expense	\$201,725	\$181,725	\$198,708	\$183,300	\$198,592
Method of Financing					
1 General Revenue Fund	\$201,725	\$181,725	\$198,708	\$183,300	\$198,592
Total, Method of Financing	\$201,725	\$181,725	\$198,708	\$183,300	\$198,592
Full-Time-Equivalent Positions (FTE)	2.4	2.3	2.4	2.3	2.4

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

DATE: 8/4/2010
TIME: 9:55:08AM

82nd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: Agency name: **Seventh Court of Appeals District, Amarillo**

GR Baseline Request Limit = \$3,015,646

GR-D Baseline Request Limit = \$1

Strategy/Strategy Option/Rider				2013 Funds				Biennial Cumulative GR	Biennial Cumulative Ded	Page #
2012 Funds				2013 Funds						
FTEs	Total	GR	Ded	FTEs	Total	GR	Ded			
Strategy: 1 - 1 - 1 Appellate Court Operations										
19.0	1,638,423	1,507,823	0	19.0	1,638,423	1,507,823	0	3,015,646	0	
19.0				19.0				*****GR Baseline Request Limit=\$3,015,646*****		
Excp Item: 1 Restore Baseline Funding										
1.0	79,359	79,359	0	1.0	79,359	79,359	0	3,174,364	0	
Strategy Detail for Excp Item: 1										
Strategy: 1 - 1 - 1 Appellate Court Operations										
1.0	79,359	79,359	0	1.0	79,359	79,359	0			
20.0	\$1,717,782	\$1,587,182	\$0	20.0	\$1,717,782	\$1,587,182	0			