

The 14 Courts Of Appeals Districts
Summary of Recommendations - House

Pages IV-7 through IV-23
The Honorable Jeff Rose, Chair, Council of Chief Justices
George Dziuk, LBB Analyst

| Method of Financing | 2016-17 Base | 2018-19 Recommended | Biennial Change (\$) | Biennial Change (%) |
|------------------------|-----------------|------------------------|-------------------------|------------------------|
| General Revenue Funds | \$77,632,857 | \$77,816,857 | \$184,000 | 0.2% |
| GR Dedicated Funds | \$0 | \$0 | \$0 | 0.0% |
| Total GR-Related Funds | \$77,632,857 | \$77,816,857 | \$184,000 | 0.2% |
| Federal Funds | \$0 | \$0 | \$0 | 0.0% |
| Other | \$5,964,042 | \$5,962,486 | (\$1,556) | (0.0%) |
| All Funds | \$83,596,899 | \$83,779,343 | \$182,444 | 0.2% |

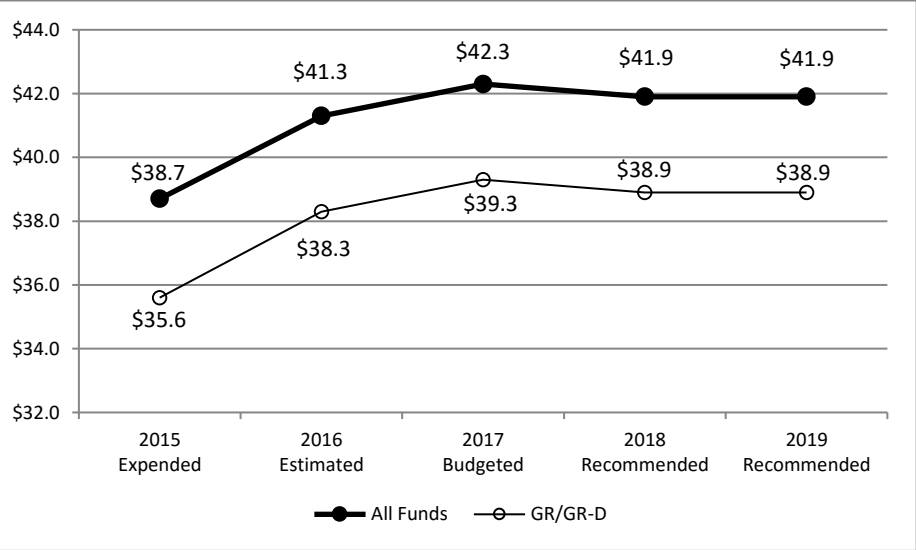
| | FY 2017 Budgeted | FY 2019 Recommended | Biennial Change | Percent Change |
|--|---------------------|------------------------|--------------------|-------------------|
|--|---------------------|------------------------|--------------------|-------------------|

FTEs 417.5 413.5 (4.0) (1.0%)

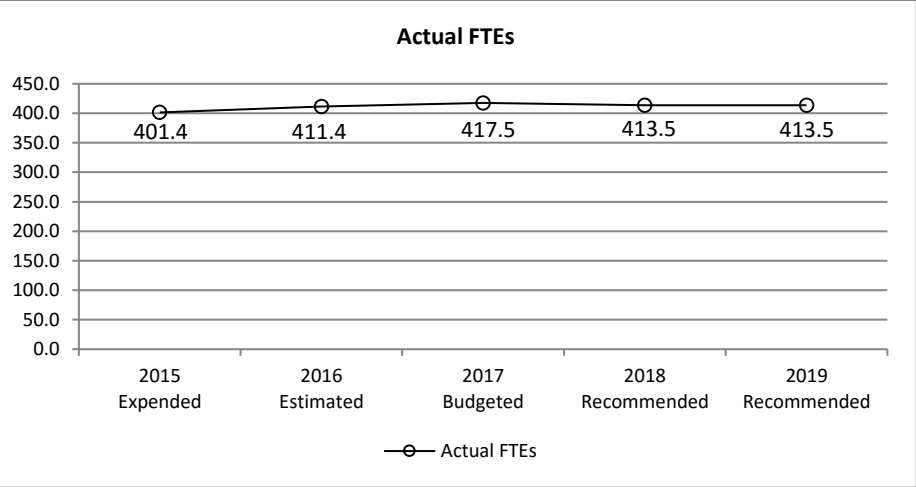
The bill patterns for these courts (2018-19 Recommended) represent the following percentages for each of the courts' estimated total available funds.

| | |
|---|---|
| First Court of Appeals District, Houston 92.1% | Eighth Court of Appeals District, El Paso 93.9% |
| Second Court of Appeals District, Fort Worth 92% | Ninth Court of Appeals District, Beaumont 95% |
| Third Court of Appeals District, Austin 91.3% | Tenth Court of Appeals District, Waco 98.1% |
| Fourth Court of Appeals District, San Antonio 90.4% | Eleventh Court of Appeals District, Eastland 95.7% |
| Fifth Court of Appeals District, Dallas 95% | Twelfth Court of Appeals District, Tyler 95% |
| Sixth Court of Appeals District, Texarkana 95.1% | Thirteenth Court of Appeals District, Corpus Christi-Edinburg 98.4% |
| Seventh Court of Appeals District, Amarillo 92.4% | Fourteenth Court of Appeals District, Houston 92.3% |

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



The 14 Courts Of Appeals Districts
Summary of Funding Changes and Recommendations - House

| Funding Changes and Recommendations for the 2018-19 Biennium compared to the 2016-17 Base Spending Level (in millions) | | General Revenue | GR-Dedicated | Federal Funds | Other Funds | All Funds | Strategy in Appendix A |
|---|---|--------------------|--------------|------------------|-------------|--------------|---------------------------|
| <i>SIGNIFICANT Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):</i> | | | | | | | |
| A) | Maintain \$3.1 million in General Revenue and 24.5 FTEs that were included in the courts' 4 percent reduction to enable the courts to continue to process cases and reduce pending caseloads at 2016-17 levels. | \$0 | \$0 | \$0 | \$0 | \$0 | A.1.1 |
| <i>OTHER Funding Changes and Recommendations (these issues are not addressed in Section 3 but details are provided in Appendix A):</i> | | | | | | | |
| B) | Maintain the 12th Court of Appeals, Tyler at 2016-17 appropriated levels by including operational funds that were lapsed in 2016-17. | \$0.2 | \$0 | \$0 | \$0 | \$0.2 | A.1.1 |
| TOTAL SIGNIFICANT & OTHER Funding Changes and Recommendations (in millions) | | \$0.2 | \$0 | \$0 | \$0 | \$0.2 | As Listed |
| <i>SIGNIFICANT & OTHER Funding Increases</i> | | \$0.2 | \$0 | \$0 | \$0 | \$0.2 | As Listed |
| <i>SIGNIFICANT & OTHER Funding Decreases</i> | | \$0 | \$0 | \$0 | \$0 | \$0 | As Listed |

The 14 Courts of Appeals Districts
Selected Fiscal and Policy Issues - House

1. **Appellate Court Operations:** Recommendations continue \$3.1 million in General Revenue with authority for 24.5 FTEs for the Appellate Court Operations strategies for the 14 Courts of Appeals to maintain the court’s clearance rates at or above 100 percent. This includes continuing the Twelfth Court of Appeals, Tyler, at 2016–17 appropriated levels by including operational funds that were lapsed in 2016–17. The four percent reduction would have included the following:
- 1) 13 staff attorneys

2) Transitioning 1 staff attorney from a full-time to a part-time position

3) 2 Deputy Clerks

4) Transitioning 2 deputy clerks from full-time to part-time positions

5) 4 Administrative positions

6) 4 Law Clerk positions
2. **14 Courts of Appeals Caseloads and Clearance Rates:** The number of cases filed amongst the 14 Courts of Appeals has been steadily declining, resulting in a 10 percent decrease in new cases added since fiscal year 2012. Over that same time period, the Courts of Appeals’ case dispositions have decreased by 7.4 percent and pending caseloads have also been decreasing by approximately 16 percent. This correlates with aggregate clearance rate data for the 14 Courts of Appeals showing that more cases were disposed than added each fiscal year since fiscal year 2013. A clearance rate measures the number of cases disposed as a percentage of filings during a reporting period. A clearance rate of 100 percent indicates that the court disposed of the same number of cases during the year as were added, resulting in no change to the court’s case backlog. Average time to disposition amongst the 14 Courts of Appeals remained steady over this same time period.

- In addition, the Courts of Appeals have seen increases among the following types of cases:
- Pro se litigant cases; cases where a person represents himself or herself in court;
 - A 47 percent increase since fiscal year 2007 in accelerated cases that statute requires be resolved within 6 months. This caseload represented 25 percent of the 9,333 new cases filed in fiscal year 2016;
 - A 202 percent increase since fiscal year 2007 in parental termination cases with an expedited appeal that statute requires be resolved within 6 months; and
 - The number of petitions for a Writ of Mandamus; these writs are orders from a superior court to a lower court commanding that court or official perform or refrain from a specific act.

| | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 (Estimated) | % Change 2012-2016 | % Change 2015-2016 |
|---|--------------|------------|--------------|--------------|------------------------|-----------------------|-----------------------|
| New Cases Filed | 10,416 | 9,964 | 9,597 | 9,277 | 9,346 | (10.3%) | 0.7% |
| Cases Disposed | 11,709 | 11,498 | 11,549 | 11,189 | 10,848 | (7.4%) | (3.0%) |
| Cases Pending | 7,929 | 7,698 | 7,294 | 6,750 | 6,673 | (15.8%) | (1.1%) |
| Clearance Rate | 98.2% | 102.2% | 104.0% | 105.2% | 103.5% | N/A | N/A |
| Average Time to Disposition (months) | 8.2 | 8.7 | 8.6 | 8.4 | 8.1 | (1.2%) | (3.6%) |
| All Funds Expenditures | \$32,890,078 | 34,000,887 | \$37,515,826 | \$38,726,615 | \$41,316,652 | 26.6% | 6.7% |

- Notes:
1. The Courts of Appeals report clearance rates separately to the Legislative Budget Board as a performance measure, however the Office of Court Administration provides aggregated 14 Courts of Appeals caseload data in its Annual Statistical Report.
 2. Cases Disposed and Cases Pending may contain cases that were filed in prior fiscal years.

Source: Office of Court Administration

3. **Judicial Compensation Commission:** The Judicial Compensation Commission is recommending a 10.2 percent increase in judicial salaries for the 2018–19 biennium. This would increase the state salary of a Court of Appeals Justice from \$154,000 to \$169,708 and a Chief Justice of a Court of Appeals from \$156,500 to \$172,208. The most recent judicial salary adjustment was a 12 percent increase in the 2014–15 biennium for judge and prosecutor positions linked to district judge pay totaling \$34.8 million across the 2014–15 biennium.

**The 14 Courts of Appeals Districts
Rider Highlights - House**

10th Court of Appeals District, Waco

Deleted Riders

- 2. **Unexpended Balance Authority:** Recommendations delete the rider, but continue \$100,000 in General Revenue appropriations for the court’s facilities relocation in the 2018–19 biennium.

The 14 Courts of Appeals Districts
Items Not Included in Recommendations - House

| | | 2018-19 Biennial Total | | | Information Technology Involved? | Contracting Involved? | Estimated Continued Cost 2020-22 |
|---|------|------------------------|-----------|------|--|--------------------------|--|
| | | GR & GR-D | All Funds | FTEs | | | |
| Court Exceptional Items - In Court Priority Order | | | | | | | |
| | None | | | | | | |
| TOTAL Items Not Included in Recommendations | | \$0 | \$0 | - | | | \$0 |

**The 14 Courts of Appeals Districts
Appendices - House**

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* Appendix is not included - no significant information to report

** Information is included in the presentation section of the packet

The 14 Court of Appeals Districts
Funding Changes and Recommendations - House, by Strategy -- ALL FUNDS

| Strategy/Gol | 2016-17 Base | 2018-19 Recommended | Biennial Change | % Change | Comments |
|--|-----------------|------------------------|--------------------|-------------|---|
| Metropolitan Courts | | | | | |
| First Court of Appeals District, Houston | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$9,426,336 | \$9,411,254 | (\$15,082) | (0.2%) | All Funds recommendations for the 14 Courts of Appeals differ from 2016-17 levels due to adjustments to Appropriated Receipts and Interagency Contracts. |
| | | | | | Recommendations continue \$3.1 million in General Revenue funding for all 14 Courts of Appeals at 2016-17 levels to maintain the court's clearance rates at or above 100 percent (see also, Selected Fiscal and Policy Issues - House #1) |
| Fifth Court of Appeals District, Dallas | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$12,867,498 | \$12,867,498 | \$0 | 0.0% | |
| Fourteenth Court of Appeals District, Houston | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$9,694,261 | \$9,677,544 | (\$16,717) | (0.2%) | |
| All Other Courts of Appeals | | | | | |
| Second Court of Appeals District, Fort Worth | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$7,278,295 | \$7,282,579 | \$4,284 | 0.1% | |
| Third Court of Appeals District, Austin | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$6,112,724 | \$6,122,008 | \$9,284 | 0.2% | |
| Fourth Court of Appeals District, San Antonio | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$7,254,325 | \$7,261,358 | \$7,033 | 0.1% | |
| Sixth Court of Appeals District, Texarkana | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$3,324,923 | \$3,321,923 | (\$3,000) | (0.1%) | |
| Seventh Court of Appeals District, Amarillo | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$4,146,297 | \$4,144,212 | (\$2,085) | (0.1%) | |
| Eighth Court of Appeals District, El Paso | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$3,368,491 | \$3,375,934 | \$7,443 | 0.2% | |

The 14 Court of Appeals Districts
Funding Changes and Recommendations - House, by Strategy -- ALL FUNDS

| Strategy/Goal | 2016-17 Base | 2018-19 Recommended | Biennial Change | % Change | Comments |
|--|---------------------|------------------------|--------------------|-------------|---|
| Ninth Court of Appeals District, Beaumont | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$4,150,597 | \$4,150,597 | \$0 | 0.0% | |
| Tenth Court of Appeals District, Waco | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$3,429,210 | \$3,429,210 | \$0 | 0.0% | |
| Eleventh Court of Appeals District, Eastland | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$3,327,950 | \$3,327,950 | \$0 | 0.0% | |
| Twelfth Court of Appeals District, Tyler | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$3,134,153 | \$3,316,153 | \$182,000 | 5.8% | Recommendations continue funding for the Twelfth Court of Appeals at 2016-17 appropriated levels by including operational funds that were lapsed in 2016-17 |
| Thirteenth Court of Appeals District, Corpus Christi-Edinburg | | | | | |
| APPELLATE COURT OPERATIONS A.1.1 | \$6,081,839 | \$6,091,123 | \$9,284 | 0.2% | |
| Total, LBB Recommendations | \$83,596,899 | \$83,779,343 | \$182,444 | 0.2% | |

**The 14 Courts Of Appeals Districts
FTE Highlights - House**

| Full-Time-Equivalent Positions | Expended 2015 | Estimated 2016 | Budgeted 2017 | Recommended 2018 | Recommended 2019 |
|---------------------------------------|--------------------------|---------------------------|--------------------------|-----------------------------|-----------------------------|
| Cap | 413.7 | 429.7 | 429.7 | 413.5 | 413.5 |
| Actual/Budgeted | 401.4 | 411.4 | 417.5 | NA | NA |

| Schedule of Exempt Positions (Cap) | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|
| Chief Justice (1) | \$156,500 | \$156,500 | \$156,500 | \$156,500 | \$156,500 |
| Justice (8) | \$154,000 | \$154,000 | \$154,000 | \$154,000 | \$154,000 |

Notes:

a) The 14 Courts of Appeals are exempted from Article IX, Section 6.10, which limits the number of FTEs paid from appropriated funds to the amounts specified in the General Appropriations Act.

b) FTE recommended amounts reflect amounts requested by the 14 Courts of Appeals for the 2018-19 biennium which are 4.0 FTEs lower than fiscal year 2017 amounts.

The 14 Courts Of Appeals Districts
Summary of Ten Percent Biennial Base Reduction Options - House

| Court | Priority | Item | Description/Impact | Biennial Reduction Amounts | | | Potential Revenue Loss | Reduction as % of Program GR/GR-D Total | Included in Introduced Bill? |
|-------|----------|--|--|----------------------------|-------------|------|------------------------|---|------------------------------|
| | | | | GR & GR-D | All Funds | FTEs | | | |
| 1st | 1 | Reduce Legal and Non-Legal Staff Positions | The reduction would eliminate three staff attorney positions, two law clerk positions, one administrative assistant position, and one deputy clerk position. Reduction would impact the Court's case processing and clearance rates, and would contribute to a backlog in case dispositions. An alternative option would be an across-the-board salary reduction. This would drop staff salaries below those of other comparable positions in both the public and private sectors. | \$841,167 | \$841,167 | | \$0 | 10% | No |
| 2nd | 1 | Reduce Legal and Non-Legal Staff Positions | The reduction would eliminate two staff attorney positions, two legal secretary positions, and one deputy clerk position. This reduction would result in a 21 percent decrease in the Court's permanent legal staff, a 40 percent reduction in the Court's upper-level administrative staff, and a 29 percent reduction in the clerk's office staff. This would result in greater difficulty in managing the court's accelerated cases and would contribute to a larger number of pending cases. | \$646,318 | \$646,318 | 5.0 | \$0 | 10% | No |
| 3rd | 1 | Reduce Two Staff Attorney Positions | The reduction would eliminate two staff attorney positions representing 12 percent of the Court's legal staff. The court anticipates that this would result in a decrease in the Court's Clearance Rate to 80 percent and would create a case backlog. | \$271,786 | \$271,786 | 2.0 | \$0 | 5% | No |
| 3rd | 2 | Reduce Two Staff Attorney Positions | The reduction would eliminate two staff attorney positions. The court anticipates that this reduction would result in a decrease in the court's clearance rate to 70 percent and an increase in the time for which a case remains pending. | \$271,786 | \$271,786 | 2.0 | \$0 | 5% | No |
| 4th | 1 | Reclassify Seven Staff Attorney Positions | The reduction would reclassify seven staff attorney positions to a lower position category, with a corresponding decrease in salary. The court anticipates this would reduce the court's clearance rate below 90 percent and increase the time for which an appeal remains pending. | \$646,009 | \$646,009 | | \$0 | 10% | No |
| 5th | 1 | Reduce Legal and Non-Legal Staff Positions | The reduction would eliminate five staff attorney positions, one administrative assistant position, and two deputy clerk positions. This represents 15.87% of the court's legal staff, 20.00% of the court's administrative staff, and 22.22% of the court's clerical staff. This would result in the court falling below a 2:1 lawyer-to-judge ratio and would cause the court's clearance rate to decrease and would increase the number of cases pending after one year by 18 percent. | \$1,158,460 | \$1,158,460 | 8.0 | \$0 | 10% | No |
| 6th | 1 | Reduce One Staff Attorney Position | The reduction would eliminate a staff attorney position. The court anticipates this would contribute to a backlog in case dispositions, increase the court's docket with pending cases, and lower its clearance rate from 90 to 80 percent. | \$210,000 | \$210,000 | 1.0 | \$0 | 7% | No |
| 6th | 2 | Reduce One Support Staff Position | The reduction would eliminate one support staff. The court anticipates this would increase the length of time required for the court to process an appeal and would affect the court's clearance rate. | \$90,386 | \$90,386 | 1.0 | \$0 | 3% | No |
| 7th | 1 | Reduce Two Unidentified Positions | The reduction would eliminate two unidentified positions resulting in a decrease in the court's clearance rate and an increase in the backlog of cases | \$373,057 | \$373,057 | 2.0 | \$0 | 10% | No |

**The 14 Courts Of Appeals Districts
Summary of Ten Percent Biennial Base Reduction Options - House**

| Court | Priority | Item | Description/Impact | Biennial Reduction Amounts | | | Potential Revenue Loss | Reduction as % of Program GR/GR-D Total | Included in Introduced Bill? |
|------------------------------|----------|--|--|----------------------------|-----------|------|------------------------|---|------------------------------|
| | | | | GR & GR-D | All Funds | FTEs | | | |
| 8th | 1 | Reduce Two Staff Attorney Positions | The reduction would eliminate two staff attorney positions. The court anticipates this would create additional case backlogs and reduce the timeliness and efficiency in the disposition of appeals. | \$300,003 | \$300,003 | 2.0 | \$0 | 10% | No |
| 9th | 1 | Reduce 2.5 Unidentified Positions | The reduction would eliminate 2.5 unidentified positions. The court anticipates this would negatively impact its disposition rate and result in a backlog of cases. | \$373,382 | \$373,382 | 2.5 | \$0 | 10% | No |
| 10th | 1 | Reduce Renovation/Relocation Budget | The reduction would significantly reduce funding budgeted by the court for relocation or remodeling of the court's facilities. | \$154,959 | \$154,959 | | \$0 | 5% | No |
| 10th | 2 | Eliminate Renovation/Relocation Budget | The reduction would eliminate funding budgeted by the court for relocation or remodeling of the court's facilities. | \$27,630 | \$27,630 | | \$0 | 1% | No |
| 10th | 3 | Reduce Legal and Non-Legal Staff Positions | The reduction would eliminate a staff attorney position and a deputy clerk position that are currently unfilled. | \$110,000 | \$110,000 | 1.0 | \$0 | 3% | No |
| 10th | 4 | Reduce Bailiff Coverage | The reduction would reduce the bailiff from part-time coverage to approximately 1/4 of this position's normal hours. | \$17,329 | \$17,329 | 0.2 | \$0 | 1% | No |
| 11th | 1 | Reduce Two Unidentified Positions and Reduce Legal Reference Material and Online Research Access | The reduction would eliminate two unidentified positions and would reduce the court's law library, research materials, and online research access. The court anticipates this would reduce dispositions and increase the time for which appeals remain pending. | \$300,197 | \$300,197 | 2.0 | \$0 | 10% | No |
| 12th | 1 | Reduce Two Staff Attorney Positions | The reduction would eliminate two staff attorney positions. The court anticipates this would negatively impact clearance rates and contribute to a backlog in case dispositions. | \$282,168 | \$282,168 | 2.0 | \$0 | 9% | No |
| 13th | 1 | Reduce Staff Attorney Positions | The reduction would eliminate 1.5 staff attorney positions. This would result in a reduction in the disposition of appeals decreasing the court's clearance rate to 80 percent, and increase the time for which appeals remain pending during the biennium. | \$270,399 | \$270,399 | 1.5 | \$0 | 5% | No |
| 13th | 2 | Reduce Staff Attorney Positions | The reduction would eliminate 1.5 staff attorney positions. This would result in a reduction in the disposition of appeals decreasing the court's clearance rate to 80 percent, and increase the time for which appeals remain pending during the biennium. | \$270,400 | \$270,400 | 1.5 | \$0 | 5% | No |
| 14th | 1 | Reduce Legal and Non-Legal Staff Positions | The reduction would eliminate three staff attorney positions, two law clerk positions, and one administrative assistant position. This would result in a decrease in the court's dispositions, negatively impact the clearance rate, and increase the pending caseload. Alternatively, the court could implement across-the-board salary reductions. | \$842,281 | \$842,281 | 6.0 | \$0 | 10% | No |
| TOTAL, 10% Reduction Options | | | | \$841,167 | \$841,167 | | \$0 | | |