

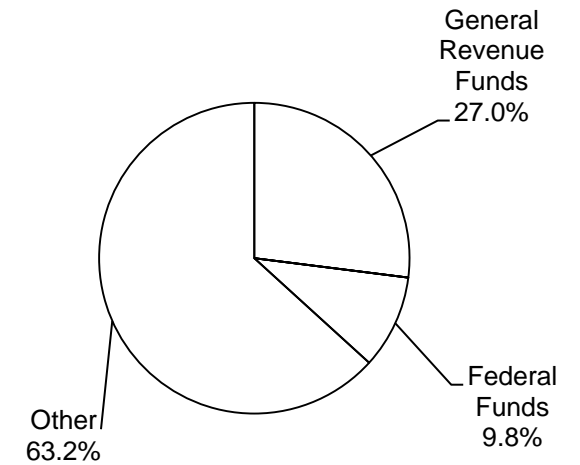
**Supreme Court of Texas
Summary of Recommendations - Senate**

Page IV-1
The Honorable Wallace Jefferson, Chief Justice

Jeff Pool, LBB Analyst

Method of Financing	2010-11 Appropriations	2010-11 Base	2012-13 Recommended	Biennial Change	% Change
General Revenue Funds	\$33,519,588	\$33,205,109	\$9,959,848	(\$23,245,261)	(70.0%)
GR Dedicated Funds	\$2,000,000	\$0	\$0	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$35,519,588</i>	<i>\$33,205,109</i>	<i>\$9,959,848</i>	<i>(\$23,245,261)</i>	<i>(70.0%)</i>
Federal Funds	\$4,990,698	\$4,990,698	\$3,600,000	(\$1,390,698)	(27.9%)
Other	\$20,434,432	\$23,336,949	\$23,333,552	(\$3,397)	(0.0%)
All Funds	\$60,944,718	\$61,532,756	\$36,893,400	(\$24,639,356)	(40.0%)

RECOMMENDED FUNDING
BY METHOD OF FINANCING



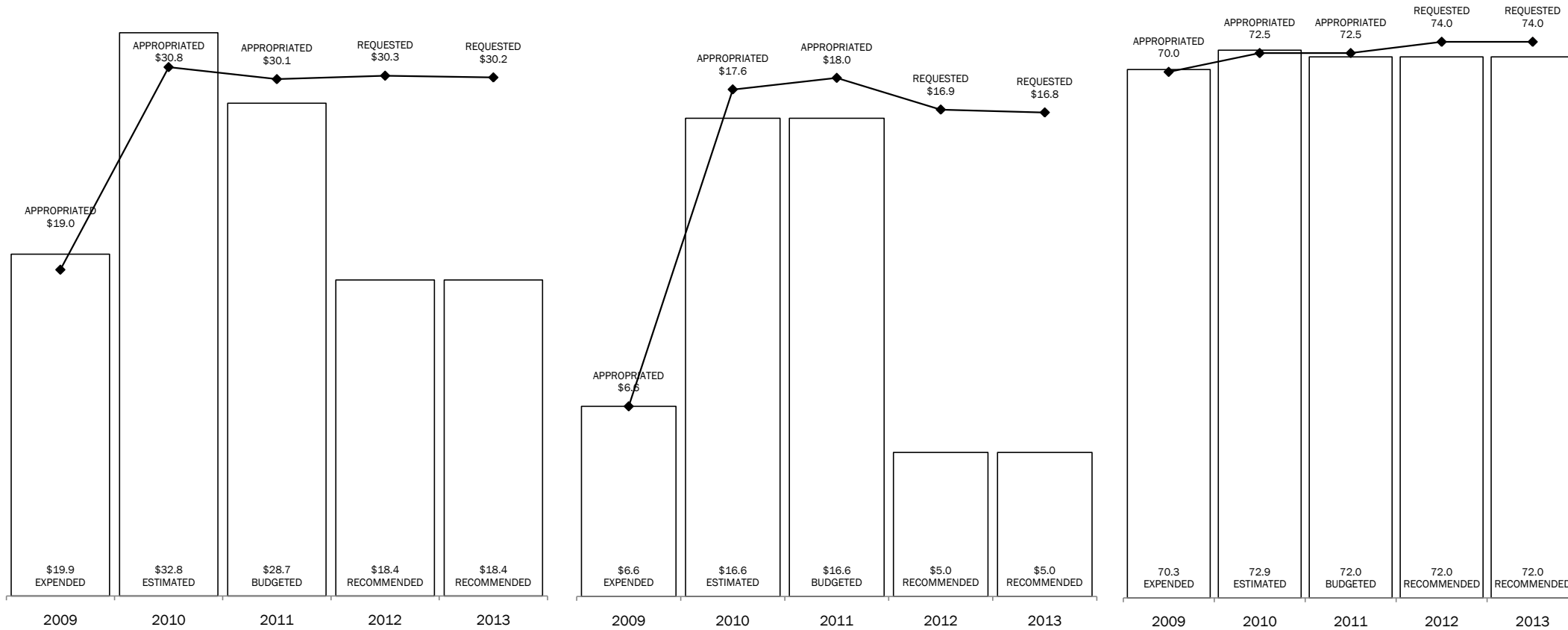
	FY 2011 Appropriations	FY 2011 Budgeted	FY 2013 Recommended	Biennial Change	% Change
FTEs	72.5	72.0	72.0	0.0	0.0%

The bill pattern for this Court (2012-13 Recommended) represents an estimated 69.7% of the Court's estimated total available funds for the 2012-13 biennium.

ALL FUNDS

**GENERAL REVENUE AND
 GENERAL REVENUE-DEDICATED FUNDS**

FULL-TIME-EQUIVALENT POSITIONS



Note: 1) Expended amounts exceed appropriated amounts in fiscal years 2009 and 2010 due to UB authority in Judicial Fund No. 573 for the Basic Civil Legal Services Program.
 2) Appropriated amounts for fiscal years 2009 - 2011 include funds from GR-Dedicated Sexual Assault Program No. 5010, which were never received due to litigation regarding the sexually-oriented business fee, and subsequently lapsed.
 3) Like all appellate courts, Supreme Court is exempted from Art. IX, Sec 6.10, which limits FTE counts to cap in GAA. This explains why Court exceeded FTE cap in 2009 and 2010.

Supreme Court of Texas
Summary of Recommendations - Senate, By Method of Finance -- ALL FUNDS

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
APPELLATE COURT OPERATIONS A.1.1	\$10,824,541	\$10,881,729	\$57,188	0.5%	The Introduced Bill funds Appellate Court Operations Strategy in an amount equal to the Court's baseline request plus an additional \$110,538 (\$55,269 per year) for legal reference materials previously purchased for the Court by the State Law Library (see Selected Fiscal and Policy Issue No. 6).
Total, Goal A, APPELLATE COURT OPERATIONS	\$10,824,541	\$10,881,729	\$57,188	0.5%	
BASIC CIVIL LEGAL SERVICES B.1.1	\$45,294,517	\$22,181,050	(\$23,113,467)	(51.0%)	Decrease due primarily to removal of \$20 million in one-time General Revenue (GR) funding for Basic Civil Legal Services appropriated because of the Interest on Lawyers Trust Account (IOLTA) shortfall in 2010-11 (see Selected Fiscal and Policy Issue No. 1). The Introduced Bill also removes nearly \$3 million in GR funding but replaces the funds with nearly \$2.8 million in additional BCLS filing fees due to the passage of HB 3637, 81st Legislature (see Selected Fiscal and Policy Issue No. 3). The Bill as Introduced also reduces appropriations from the Texas Young Lawyers License Plate receipts by 50% (see Selected Fiscal and Policy Issue No. 5).
COURT IMPROVEMENT PROJECTS B.1.2	\$4,990,698	\$3,600,000	(\$1,390,698)	(27.9%)	Federal funding for Court Improvement Projects is projected to decrease below the 2010-11 levels due to the Court receiving one-time funding in the 2010-11 biennium for prior year allocations.
MULTI-DISTRICT LITIGATION B.1.3	\$423,000	\$230,621	(\$192,379)	(45.5%)	The Introduced Bill funds MDL grants at a level near existing annual obligations through both years of the biennium (see Selected Fiscal and Policy Issue No. 4).
Total, Goal B, COURT PROGRAMS	\$50,708,215	\$26,011,671	(\$24,696,544)	(48.7%)	
Grand Total, All Strategies	\$61,532,756	\$36,893,400	(\$24,639,356)	(40.0%)	

Supreme Court of Texas
Summary of Recommendations - Senate, By Method of Finance -- GR & GR DEDICATED FUNDS

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
APPELLATE COURT OPERATIONS A.1.1	\$9,782,109	\$9,729,227	(\$52,882)	(0.5%)	The Introduced Bill reduces GR for Appellate Court Operations by \$123,070 (\$61,535 per year) and replaces it with revenue from the Supreme Court Support Fee Subaccount in Judicial Fund No. 573 (see Selected Fiscal and Policy Issue No. 1 and Rider 8).
Total, Goal A, APPELLATE COURT OPERATIONS	\$9,782,109	\$9,729,227	(\$52,882)	(0.5%)	
BASIC CIVIL LEGAL SERVICES B.1.1	\$23,000,000	\$0	(\$23,000,000)	(100.0%)	Decrease due primarily to removal of \$20 million in one-time General Revenue (GR) funding for Basic Civil Legal Services appropriated because of the Interest on Lawyers Trust Account (IOLTA) shortfall in 2010-11 (see Selected Fiscal and Policy Issue No. 1). The Introduced Bill also removes nearly \$3 million in GR funding but replaces the funds with nearly \$2.8 million in additional BCLS filing fees due to the passage of HB 3637, 81st Legislature (see Selected Fiscal and Policy Issue No. 3).
COURT IMPROVEMENT PROJECTS B.1.2	\$0	\$0	\$0	0.0%	
MULTI-DISTRICT LITIGATION B.1.3	\$423,000	\$230,621	(\$192,379)	(45.5%)	The Introduced Bill funds MDL grants at a level near existing annual obligations through both years of the biennium (see Selected Fiscal and Policy Issue No. 4).
Total, Goal B, COURT PROGRAMS	\$23,423,000	\$230,621	(\$23,192,379)	(99.0%)	
Grand Total, All Strategies	\$33,205,109	\$9,959,848	(\$23,245,261)	(70.0%)	

Supreme Court of Texas
Summary of Recommendations - Senate, By Method of Finance -- 573 - Judicial Fund

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
APPELLATE COURT OPERATIONS A.1.1	\$943,432	\$1,066,502	\$123,070	13.0%	The Introduced Bill reduces GR for Appellate Court Operations by \$123,070 (\$61,535 per year) and replaces it with revenue from the Supreme Court Support Fee Subaccount in Judicial Fund No. 573 (see Selected Fiscal and Policy Issue No. 1 and Rider 8).
Total, Goal A, APPELLATE COURT OPERATIONS	\$943,432	\$1,066,502	\$123,070	13.0%	
BASIC CIVIL LEGAL SERVICES B.1.1	\$17,294,517	\$17,181,050	(\$113,467)	(0.7%)	Net decrease due to additional BCLS fee collections in fiscal year 2010 and reduction in Young Lawyers License Plate receipts. Introduced Bill amounts include an increase of \$1.4 million a year due to the revenue gain from a fee increase in civil filing fees dedicated for BCLS authorized by HB 3637, 81st Legislature. Additionally, appropriation authority for BCLS fees is estimated.
COURT IMPROVEMENT PROJECTS B.1.2	\$0	\$0	\$0	0.0%	
MULTI-DISTRICT LITIGATION B.1.3	\$0	\$0	\$0	0.0%	
Total, Goal B, COURT PROGRAMS	\$17,294,517	\$17,181,050	(\$113,467)	(0.7%)	
Grand Total, All Strategies	\$18,237,949	\$18,247,552	\$9,603	0.1%	

Section 3

Supreme Court of Texas Selected Fiscal and Policy Issues

1. **Appellate Court Operations MOF swap of Supreme Court Support Fee revenues.** The Court made a rider request to appropriate all fee revenues from the Supreme Court Support Fee. The 80th Legislature enacted SB 1182 authorizing a \$50 filing fee to be deposited into the Supreme Court Subaccount of Judicial Fund No. 573. The Court had estimated appropriation authority (approximately \$200,000 per year) for this fee in 2008–09 from Article IX, Sec. 19.101. The Court did not request an appropriating rider in 2010–11 for all fees, and this revenue source is fixed in the 2010–11 GAA at \$138,465 per year. The Court will request approximately \$70,000 in the 2010–11 Supplemental Appropriations Bill. The Introduced Bill provides the Court with a rider providing estimated appropriation authority of \$200,000 per year (see Rider No. 8), which would allow them to access all Supreme Court Support fee revenues. The appropriation increase in Supreme Court Support fee receipts over 2010–11 levels is \$123,070 (\$61,535 per year). Finally, the Introduced Bill reduces GR for the Court (Strategy A.1.1, Appellate Court Operations) by \$123,070 (\$61,535 per year), which is offset by the appropriations increase of the same amount from Supreme Court Support fee receipts.
2. **One-time funding for Basic Civil Legal Service (BCLS) to offset Interest on Lawyers Trust Account (IOLTA) shortfall.** The Eighty-first Legislature added \$20 million (\$10 million each year) of GR funding to offset the projected IOLTA shortfall in the 2010–11 biennium. IOLTA funds are outside of the GAA but serve as a revenue source for BCLS funding. The decline was due to historically low interest rates of approximately 0.25 percent. The Eighty-first Legislature added Rider 8 to the Court's bill pattern identifying this \$20 million as a one-time measure. The Texas Access to Justice Foundation (TAJF), who administers the BCLS Program on behalf of the Court, is continuing to project low IOLTA revenues in the 2012–13 biennium, and the Court has requested the \$20 million be restored as part of its exceptional items request. (See the attached spreadsheet titled Funding Sources for BCLS, which highlights the sources of funding for BCLS both within and outside the GAA.)
3. **BCLS revenues from new fee.** The Eighty-first Legislature enacted House Bill 3637 which increased filing fees in civil actions from \$5 to \$10 in district or county courts and from \$2 to \$6 in justice courts, as of January 1, 2010, to increase revenues for Basic Civil Legal Services. While there is not a full year's worth of data on the new fee revenue, the current projection from the Court and Texas Access to Justice Foundation (TAJF) is an additional \$1.38 million per fiscal year. The Introduced Bill removes General Revenue previously appropriated for BCLS services of \$1.425 million per year, which will be (at least partially) offset by the revenue gain to Judicial Fund No. 573 due to the passage of HB 3637.
4. **Multi-District Litigation.** The Introduced Bill funds MDL grants in an amount near the level of existing yearly obligations times two. As of September 2010, there was only one grant recipient, a court hearing asbestos-related MDL case in Harris County. The grant funds salaries for one court coordinator (\$73,645 annual salary), one court clerk (\$41,980 annual salary), and legal research and office supplies (\$2,400). The Fiscal Year 2011 grant award for this court case totals \$118,025. The Introduced Bill applies a 2.3% reduction to the 2011 award, which represents the average reduction to the Court Operations strategies of all 16 appellate courts (The Supreme Court, Court of Criminal Appeals, and the 14 Courts of Appeals). The salary for the judge hearing the cases is funded out of the appropriations at the Comptroller's Judiciary for the Visiting Judge Program.

Section 3

Supreme Court of Texas Selected Fiscal and Policy Issues

5. **Texas Young Lawyers License Plate revenue.** The Introduced Bill funds license plate revenues to Judicial Fund No. 573 for BCLS purposes at 50% of projected levels. (See Rider Highlights No. 6).

6. **Legal Reference Materials for the Supreme Court and Court of Criminal Appeals.** The Bill as Introduced maintains \$192,144 (\$96,072 per year) in GR funding to continue purchases of legal reference materials for the Supreme Court and Court of Criminal Appeals. The Law Library has historically purchased legal reference materials for both of the State's top two appellate courts. The Introduced Bill funds legal reference materials at the amount the Law Library expended in 2010 (\$55,269 for the Supreme Court and \$40,803 at the Court of Criminal Appeals). Funds are appropriated in each court's Appellate Court Operations Strategy and the funding is restricted by rider for legal reference purposes (see Rider 13 in CCA bill pattern).

Section 3

**Supreme Court of Texas
FTE Highlights**

Full-Time-Equivalent Positions	Expended 2009	Actual 2010	Budgeted 2011	Recommended 2012	Recommended 2013
Cap	67.5	72.5	72.5	72.0	72.0
Actual/Budgeted	70.3	72.9	72.0	NA	NA
<p>Note: One staff attorney and one administrative assistant kept vacant to meet the 5% reduction in 2010-11 and the 2012-13 baseline request limit.</p>					
Schedule of Exempt Positions (Cap)					
Chief Justice	\$152,500	\$152,500	\$152,500	\$152,500	\$152,500
Justice (8)	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000

Note: Appellate Courts are exempt from FTE Cap restrictions due to Sec. 13, Article IV - Special Provisions.

Section 3

**Supreme Court of Texas
Performance Measure Highlights**

	Expended 2009	Actual 2010	Budgeted 2011	Recommended 2012	Recommended 2013
<ul style="list-style-type: none"> <i>Disposition Rate</i> <p><i>Measure Explanation: The disposition rate reflects the number of cases disposed of in any reporting period in relationship to the total number of cases filed or reinstated by grant of a motion for rehearing during the reporting period.</i></p>	99.65%	100.76%	100.00%	102.00%	102.00%
<ul style="list-style-type: none"> <i>Average Number of Days Since Filing of All Matters Pending in the Supreme Court</i> <p><i>Measure Explanation: This is a measure of the average number of days that have elapsed since the date each matter of any kind pending on the court's docket was filed.</i></p>	166	180	235	230	230

Section 3

Funding Sources for Basic Civil Legal Services

Funds Within the GAA - Basic Civil Legal Services

	2009	2010	2011	2010-11 Base		2012 Rec.	2013 Rec.	2012-13 Rec.
General Revenue	\$ 1,500,000	\$ 11,500,000	\$ 11,500,000	\$ 23,000,000		\$ -	\$ -	\$ -
Judicial Fund No. 573	\$ 7,691,565	\$ 10,074,517	\$ 7,220,000	\$ 17,294,517		\$ 7,210,525	\$ 7,210,525	\$ 14,421,050
Judicial Fund No. 573 - HB 3637 Revenues	\$ -	\$ -	\$ -	\$ -		\$ 1,380,000	\$ 1,380,000	\$ 2,760,000
Interagency Contract with Attorney General from Crime Victims Compensation Fund No. 469	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 5,000,000		\$ 2,500,000	\$ 2,500,000	\$ 5,000,000
Total State BCLS Contribution	\$ 11,691,565	\$ 24,074,517	\$ 21,220,000	\$ 45,294,517		\$ 11,090,525	\$ 11,090,525	\$ 22,181,050

Funds Outside the GAA - Basic Civil Legal Services

	2009	2010	2011	2010-11 Base		FY 2012	FY 2013	2012-13 Projections
Interest on Lawyers Trust Accouts (IOLTA)	\$ 5,485,328	\$ 5,500,000	\$ 4,000,000	\$ 9,500,000		\$ 4,200,000	\$ 4,600,000	\$ 8,800,000
Legal Services Corporation and Other Federal Funding	\$ 41,265,608	\$ 41,265,000	\$ 43,812,000	\$ 85,077,000		\$ 43,812,000	\$ 43,812,000	\$ 87,624,000
Other (Donations and Grants from Foundations)	\$ 21,434,518	\$ 17,347,000	\$ 17,347,000	\$ 34,694,000		\$ 17,500,000	\$ 17,500,000	\$ 35,000,000
Total BCLS Funding Outside GAA	\$ 68,185,454	\$ 64,112,000	\$ 65,159,000	\$ 129,271,000		\$ 65,512,000	\$ 65,912,000	\$ 131,424,000

Estimate of Total BCLS Funding

from All Revenue Sources \$ 79,877,019 \$ 88,186,517 \$ 86,379,000 \$ 174,565,517 \$ 76,602,525 \$ 77,002,525 \$ 153,605,050

Source: Texas Access to Justice Foundation, Supreme Court.

Supreme Court
Performance Review and Policy Report Highlights

Reports & Recommendations	GEER Report Page	Savings/ (Cost)	Gain/ (Loss)	Fund Type	Is included in the Introduced Bill	Action Required During Session
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NO RELATED RECOMMENDATIONS

Section 5

**Supreme Court of Texas
Rider Highlights**

2. **Appropriation: Basic Civil Legal Services.** Rider updated to reflect funding recommendations.
5. **Appropriation: Court Improvement Projects.** Rider updated to reflect funding recommendations.
6. **Texas Young Lawyers License Plate Receipts.** Rider updated to reflect funding recommendations.
7. (former) **Supreme Court Advisory Committees.** Informational rider deleted.
7. (new) **Supreme Court Performance Measures.** Deleting portion of rider that gives an initial reporting requirement date of August 31, 2011.
8. (former) **One-time Funding for Basic Civil Legal Services.** Rider deleted to reflect recommendations.
8. (new) **Appropriation: Supreme Court Support Fee.** New rider appropriating all fee revenue collected from the Supreme Court Support Fee to the Court's Appellate Court Operations Strategy. The Court had estimated appropriation authority for this fee in 2008–09 from Article IX, Sec. 19.101. However, no appropriation authority was provided for this account in the 2010–11 GAA. Rider is consistent with recommendation to reduce GR funding for court operations and offset reduction with additional Supreme Court Support fee receipts.
9. (new) **Legal Reference Materials.** New rider added to restrict that funds added from State Law Library for legal reference materials be used for that purpose.

Section 6

**Supreme Court of Texas
Items not Included in Recommendations**

	2012-13 Biennial Total	
	GR & GR- Dedicated	All Funds
1. Continuation of One-time Funding for Basic Civil Legal Services Court request is continue \$20 million (\$10 million per year) in General Revenue to offset continued decline in IOLTA receipts for Basic Civil Legal Services.	\$ 20,000,000	\$ 20,000,000
2. Court Security Court request to install security doors with a keycard system to the justices' chambers and add protective barriers to public counters (\$92,500 in fiscal year 2012 only).	\$ 92,500	\$ 92,500
Total, Items Not Included in the Recommendations	\$ 20,092,500	\$ 20,092,500