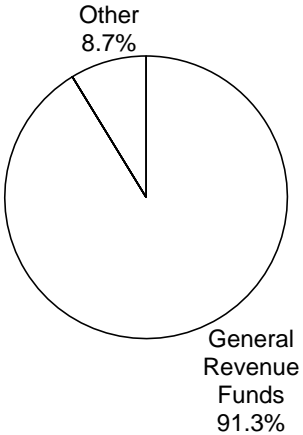


**The 14 Court of Appeals Districts  
Summary of Recommendations - Senate**

RECOMMENDED FUNDING  
BY METHOD OF FINANCING

Method of Financing	2010-11 Appropriations	2010-11 Base	2012-13 Recommended	Biennial Change	% Change
General Revenue Funds	\$63,192,722	\$61,928,869	\$60,033,084	(\$1,895,785)	(3.1%)
GR Dedicated Funds	\$0	\$0	\$0	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$63,192,722</i>	<i>\$61,928,869</i>	<i>\$60,033,084</i>	<i>(\$1,895,785)</i>	<i>(3.1%)</i>
Federal Funds	\$0	\$0	\$0	\$0	0.0%
Other	\$5,771,478	\$5,818,232	\$5,749,478	(\$68,754)	(1.2%)
<b>All Funds</b>	<b>\$68,964,200</b>	<b>\$67,747,101</b>	<b>\$65,782,562</b>	<b>(\$1,964,539)</b>	<b>(2.9%)</b>



FTEs	FY 2011 Appropriations	FY 2011 Budgeted	FY 2013 Recommended	Biennial Change	% Change
	432.3	413.6	393.6	(20.0)	(4.8%)

The bill patterns for these courts (2012-13 Recommended) represent an estimated % of the courts' estimated total available funds.

First Court of Appeals District, Houston	93.2%	Eighth Court of Appeals District, El Paso	98.4%
Second Court of Appeals District, Fort Worth	91.5%	Ninth Court of Appeals District, Beaumont	94.8%
Third Court of Appeals District, Austin	89.2%	Tenth Court of Appeals District, Waco	98.3%
Fourth Court of Appeals District, San Antonio	89.2%	Eleventh Court of Appeals District, Eastland	94.7%
Fifth Court of Appeals District, Dallas	93.6%	Twelfth Court of Appeals District, Tyler	94.1%
Sixth Court of Appeals District, Texarkana	93.9%	Thirteenth Court of Appeals District, Corpus Christi-Edinburg	98.8%
Seventh Court of Appeals District, Amarillo	95.1%	Fourteenth Court of Appeals District, Houston	89.1%

**The 14 Court of Appeals Districts**

2012-2013 BIENNIUM

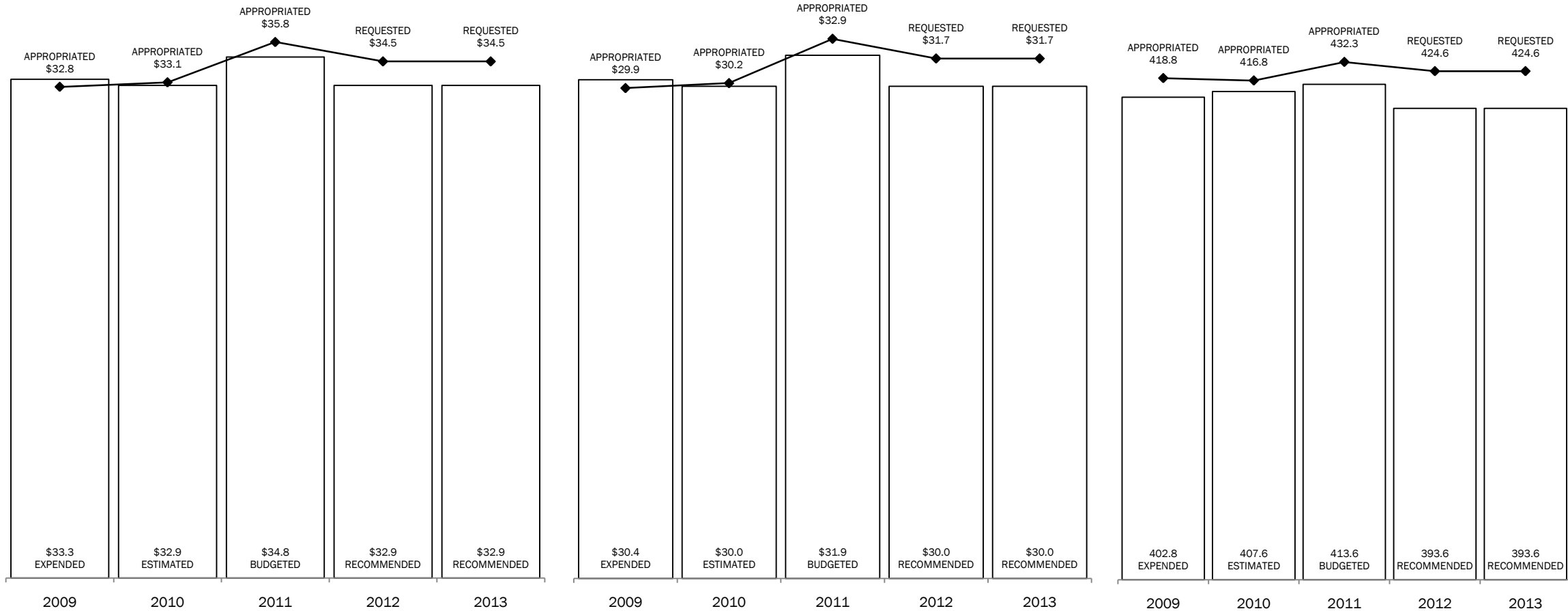
IN MILLIONS

TOTAL= \$65.8 MILLION

**ALL FUNDS**

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

**FULL-TIME-EQUIVALENT POSITIONS**



Note: Expended amounts exceed appropriated amounts in fiscal year 2009 due to unexpended balance authority within the biennium.

## Section 2

**The 14 Court of Appeals Districts**  
**Summary of Recommendations - Senate, By Method of Finance -- ALL FUNDS**

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
<b>Metropolitan Courts</b>					
<b>First Court of Appeals District, Houston</b>					
APPELLATE COURT OPERATIONS A.1.1	\$7,600,876	\$7,369,842	(\$231,034)	(3.0%)	The Bill as Introduced for the 14 Courts of Appeals is approximately 3% below the 2010-11 base because a 2%, rather than the full 5% reduction, was applied to the 14 Courts for the 2010-11 Biennium. Compared to 2010-11 appropriated levels, the reduction in General Revenue for each court equals 5%.
<b>Fifth Court of Appeals District, Dallas</b>					
APPELLATE COURT OPERATIONS A.1.1	\$10,367,424	\$10,076,132	(\$291,292)	(2.8%)	
<b>Fourteenth Court of Appeals District, Houston</b>					
APPELLATE COURT OPERATIONS A.1.1	\$7,623,349	\$7,403,641	(\$219,708)	(2.9%)	
<b>All Other Courts of Appeals</b>					
<b>Second Court of Appeals District, Fort Worth</b>					
APPELLATE COURT OPERATIONS A.1.1	\$5,775,252	\$5,596,033	(\$179,219)	(3.1%)	
<b>Third Court of Appeals District, Austin</b>					
APPELLATE COURT OPERATIONS A.1.1	\$5,033,157	\$4,889,585	(\$143,572)	(2.9%)	
<b>Fourth Court of Appeals District, San Antonio</b>					
APPELLATE COURT OPERATIONS A.1.1	\$5,817,076	\$5,656,447	(\$160,629)	(2.8%)	
<b>Sixth Court of Appeals District, Texarkana</b>					
APPELLATE COURT OPERATIONS A.1.1	\$2,732,696	\$2,650,117	(\$82,579)	(3.0%)	
<b>Seventh Court of Appeals District, Amarillo</b>					
APPELLATE COURT OPERATIONS A.1.1	\$3,373,151	\$3,276,846	(\$96,305)	(2.9%)	
<b>Eighth Court of Appeals District, El Paso</b>					
APPELLATE COURT OPERATIONS A.1.1	\$2,791,090	\$2,709,112	(\$81,978)	(2.9%)	
<b>Ninth Court of Appeals District, Beaumont</b>					
APPELLATE COURT OPERATIONS A.1.1	\$3,365,524	\$3,267,586	(\$97,938)	(2.9%)	
<b>Tenth Court of Appeals District, Waco</b>					
APPELLATE COURT OPERATIONS A.1.1	\$2,705,367	\$2,627,702	(\$77,665)	(2.9%)	
<b>Eleventh Court of Appeals District, Eastland</b>					
APPELLATE COURT OPERATIONS A.1.1	\$2,727,530	\$2,650,184	(\$77,346)	(2.8%)	
<b>Twelfth Court of Appeals District, Tyler</b>					
APPELLATE COURT OPERATIONS A.1.1	\$2,779,603	\$2,694,571	(\$85,032)	(3.1%)	

Section 2

**The 14 Court of Appeals Districts  
Summary of Recommendations - Senate, By Method of Finance -- ALL FUNDS**

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
<b>Thirteenth Court of Appeals District, Corpus Christi-Edinburg</b>					
APPELLATE COURT OPERATIONS A.1.1	\$5,055,006	\$4,914,764	(\$140,242)	(2.8%)	
<b>Total, LBB Recommendations</b>	<b>\$67,747,101</b>	<b>\$65,782,562</b>	<b>(\$1,964,539)</b>	<b>(2.9%)</b>	

Section 2

**The 14 Court of Appeals Districts**  
**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)	
<b>Metropolitan Courts</b>						
<b>First Court of Appeals District, Houston</b>						
APPELLATE COURT OPERATIONS A.1.1	\$6,932,976	\$6,720,742	(\$212,234)	(3.1%)	The Bill as Introduced for the 14 Courts of Appeals is approximately 3% below the 2010-11 base because a 2%, rather than the full 5% reduction, was applied to the 14 Courts for the 2010-11 Biennium. Compared to 2010-11 appropriated levels, the reduction in General Revenue for each court equals 5%.	
<b>Fifth Court of Appeals District, Dallas</b>						
APPELLATE COURT OPERATIONS A.1.1	\$9,515,524	\$9,224,232	(\$291,292)	(3.1%)		
<b>Fourteenth Court of Appeals District, Houston</b>						
APPELLATE COURT OPERATIONS A.1.1	\$6,961,985	\$6,748,863	(\$213,122)	(3.1%)		
<b>All Other Courts of Appeals</b>						
<b>Second Court of Appeals District, Fort Worth</b>						
APPELLATE COURT OPERATIONS A.1.1	\$5,201,152	\$5,041,933	(\$159,219)	(3.1%)		
<b>Third Court of Appeals District, Austin</b>						
APPELLATE COURT OPERATIONS A.1.1	\$4,559,357	\$4,419,785	(\$139,572)	(3.1%)		
<b>Fourth Court of Appeals District, San Antonio</b>						
APPELLATE COURT OPERATIONS A.1.1	\$5,286,169	\$5,124,347	(\$161,822)	(3.1%)		
<b>Sixth Court of Appeals District, Texarkana</b>						
APPELLATE COURT OPERATIONS A.1.1	\$2,534,813	\$2,457,217	(\$77,596)	(3.1%)		
<b>Seventh Court of Appeals District, Amarillo</b>						
APPELLATE COURT OPERATIONS A.1.1	\$3,110,877	\$3,015,646	(\$95,231)	(3.1%)		
<b>Eighth Court of Appeals District, El Paso</b>						
APPELLATE COURT OPERATIONS A.1.1	\$2,535,840	\$2,458,212	(\$77,628)	(3.1%)		
<b>Ninth Court of Appeals District, Beaumont</b>						
APPELLATE COURT OPERATIONS A.1.1	\$3,101,324	\$3,006,386	(\$94,938)	(3.1%)		
<b>Tenth Court of Appeals District, Waco</b>						
APPELLATE COURT OPERATIONS A.1.1	\$2,499,313	\$2,422,802	(\$76,511)	(3.1%)		
<b>Eleventh Court of Appeals District, Eastland</b>						
APPELLATE COURT OPERATIONS A.1.1	\$2,526,630	\$2,449,284	(\$77,346)	(3.1%)		
<b>Twelfth Court of Appeals District, Tyler</b>						
APPELLATE COURT OPERATIONS A.1.1	\$2,581,703	\$2,502,671	(\$79,032)	(3.1%)		

Section 2

**The 14 Court of Appeals Districts  
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)
<b>Thirteenth Court of Appeals District, Corpus Christi-Edinburg</b>					
APPELLATE COURT OPERATIONS A.1.1	\$4,581,206	\$4,440,964	(\$140,242)	(3.1%)	
<b>Total, LBB Recommendations</b>	<b>\$61,928,869</b>	<b>\$60,033,084</b>	<b>(\$1,895,785)</b>	<b>(3.1%)</b>	

## Section 3

### The 14 Court of Appeals Districts Selected Fiscal and Policy Issues

1. **Impact of 2010–11 and 2012–13 Reductions by Court.** The Bill as Introduced funds the 14 Courts of Appeals at their 2012–13 baseline request limits which equal 95 percent of the Courts' appropriations in the 2010–11 Biennium. Attached is a spreadsheet which shows the effect of the original across the board reductions in 2010–11 by court (2% for the 14 Courts of Appeals), as well as the projected effect of the 5% reduction on court operations in 2012–13 from 2010–11 appropriated amounts.
2. **No funding to annualize Fiscal Year 2011 Block Grant.** The 14 Courts of Appeals were awarded a \$3.8 million block grant for Similar Funding for Same-Sized Courts by the Eighty-first Legislature in the second year of the 2010–11 Biennium. The block grant funds were intended to provide salary increases for court personnel and the addition of 15.5 FTEs at the Courts. The Introduced Bill does not include funds to annualize salary increases or annualize funding for new staff included in the 2010–11 block grant. While most of the 14 Courts of Appeals left new positions vacant in fiscal year 2011, some of the Courts awarded salary increases which the Courts will not be able to sustain at 2012–13 baseline funding levels without making reductions elsewhere. Conversely, other Courts awarded no salary increases from their block grant funds fearing they would be unable to annualize the salary increases in 2012–13. See subsequent table for court-identified implementation of the reductions to 2010–11 funding and 2012–13 General Revenue limits.

## Section 3

## Court Identified Implementation of Reductions

	2010-11 Reduction Amount 2%	FTEs Reduced	FTE Positions Held Vacant	Description of 2010-11 Reduction	2012-13 5% Reduction Amount from 2010-11 Appropriated	2012-13 Reduction Amount from 2010-11 Base	FTEs to be Reduced	Description of Impact
1st Court of Appeals - Houston	\$141,489	1.0	1.0	Combined two attorney positions into one with new legal assistant; reorganized by reassigning five attorneys; vacancy savings (\$35,306).	\$353,723	\$212,234	2.0	Reversal of salary adjustments from FY 2011; reduce staffing by a minimum of two staff attorneys and other adjustments to achieve amount; negative impact on clearance rate and court operations.
2nd Court of Appeals - Fort Worth	\$106,146	1.0	1.5	Achieved reductions from vacancies and reductions in CLE. Vacancies include one (1) Justice vacancy, Jan-Jul 2010; one (1) Staff Attorney vacancy (4 months), one (1) Legal Secretary vacancy (7 months); one (1) Deputy Clerk position, since Sept. 2008.	\$265,364	\$159,219	2.0	Eliminate at least two (2) staff attorneys; terminate the refilled deputy clerk position; reduce/eliminate CLE travel, and reduce/reverse raises implemented in FY2011 for all employees, all of which will hinder the court's core function.
3rd Court of Appeals - Austin	\$93,048	-	1.0	Unable to hire additional staff attorney. Attorney salary adjustments reduced.	\$232,620	\$139,572	-	Attorney salaries will return to FY 2010 levels.
4th Court of Appeals - San Antonio	\$107,881	-	1.0	Approximately \$68,599 of the 2% reduction (\$107,881) is derived from cuts in telecommunications services, books and reference materials, and education and training. The remaining \$39,282 is derived from a vacant Legal Assistant III (\$33,792) and one Law Clerk who departed prior to the end of her appointed term (\$5,490).	\$269,703	\$161,822	2.0	The court will reduce staffing by two (2) FTEs: one (1) staff attorney and one (1) legal assistant. 96% of Court's funds is dedicated to staffing.

Source: Office of Court Administration, 14 Courts of Appeals



## Section 3

## Court Identified Implementation of Reductions

	2010-11 Reduction Amount 2%	FTEs Reduced	FTE Positions Held Vacant	Description of 2010-11 Reduction	2012-13 5% Reduction Amount from 2010-11 Appropriated	2012-13 Reduction Amount from 2010-11 Base	FTEs to be Reduced	Description of Impact
5th Court of Appeals - Dallas	\$194,194	-	-	The court will give lower than anticipated cost of living allowances (COLA) in order to attract and retain quality legal and support staff in Dallas and to enable its case disposition rate to remain at 100%. The court will also be reducing legal research materials and other operating expenses to pay the COLAs from available funds after the 2% cut.	\$485,486	\$291,292	4.0	The 5% cut will require the elimination of two attorney positions and two clerk positions. The elimination of two staff attorney positions at this court represents 6% of the court's legal staff. This reduction in funding will cause the court to fall below the 2:1 attorney/justice ratio and the court's clearance rate to fall below 90%, thereby creating a substantial backlog.
6th Court of Appeals - Texarkana	\$51,731	-	-	The court gave only minimal raises; delayed ongoing records-scanning project.	\$129,327	\$77,596	-	The court would not be able to provide needed salary adjustments for legal staff; further delay of records-scanning project; any unexpected expense or assessment could cause workforce reduction.
7th Court of Appeals - Amarillo	\$63,487	-	1.0	At this time we have not given raises or hired a staff attorney.	\$158,718	\$95,231	1.0	Reduce staff by one (1) FTE; either a staff attorney or non-attorney staff.
8th Court of Appeals - El Paso	\$51,752	-	-	Did not implement anticipated salary increases; law clerk on leave without pay; and reduced reference materials.	\$129,380	\$77,628	2.0	Reduce staff by 2 legal staff members.
9th Court of Appeals - Beaumont	\$63,292			New attorneys hired at lower rate than two attorneys that retired.	\$158,231	\$94,938	1.0	The court would lose 1 staff attorney and reduce salaries of remaining staff.
10th Court of Appeals - Waco	\$51,006	-	-	Salary freeze.	\$127,516	\$76,511	-	Salary freeze.
11th Court of Appeals - Eastland	\$51,564	-	1.0	Chief staff attorney not hired; no salary increases.	\$128,910	\$77,346	1.0	Staff attorney position not filled; no salary increases.

Source: Office of Court Administration, 14 Courts of Appeals

Section 3

**Court Identified Implementation of Reductions**

	2010-11 Reduction Amount 2%	FTEs Reduced	FTE Positions Held Vacant	Description of 2010-11 Reduction	2012-13 5% Reduction Amount from 2010-11 Appropriated	2012-13 Reduction Amount from 2010-11 Base	FTEs to be Reduced	Description of Impact
12th Court of Appeals - Tyler	\$52,688	-	0.5	In FY 2011, no raises and one (1) staff attorney position will be left vacant for a few months.	\$131,720	\$79,032	1.0	Loss of a full-time staff attorney will impair the court's ability to fulfill its core function and discharge its constitutional and statutory duties in an efficient, effective, and timely manner. Delayed justice will create a backlog of cases that will require additional future resources to eliminate.
13th Court of Appeals - Corpus Christi - Edinburg	\$93,494	-	1.5	Did not hire additional staff attorney (1 FTE) and a 0.5 administrative position. Reduced amount of raises to be provided to staff attorneys and reduced operational costs.	\$233,735	\$140,242	1.0	Salary adjustments would have to be reversed; staff would be reduced by one (1) FTE (staff attorney); and travel eliminated.
14th Court of Appeals - Houston	\$142,081	-	1.0	Achieved reduction by leaving a staff attorney position unfilled; and savings on publications.	\$355,203	\$213,122	3.0	Leave staff attorney position unfilled from 2010-11 plus loss of an additional staff attorney and law clerk for 2012-13. Such loss will negatively affect the Court's clearance rate.
<b>Total</b>	<b>\$1,263,853</b>	<b>2.0</b>	<b>9.5</b>		<b>\$3,159,636</b>	<b>\$1,895,785</b>	<b>20.0</b>	

Source: Office of Court Administration, 14 Courts of Appeals

Section 4

The 14 Court of Appeals Districts  
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

### **The 14 Court of Appeals Districts Rider Highlights**

Riders affecting appellate courts are included in Article IV, Special Provisions. The Introduced Bill continues the following provisions:

- Sec. 4, Appellate court exemptions from Article IX limitations on FTEs, capital budget and travel, and performance rewards and penalties;
- Sec. 5, Unexpended balance authority within the biennium;
- Sec. 8, Interagency contracts between appellate courts and Comptroller's Judiciary Section for visiting judges funded by judicial vacancies;  
and
- Sec. 9, Authorizes transfer of funds between the courts upon approval by the Legislative Budget Board and the Governor.

**The 14 Court of Appeals Districts  
Items not Included in Recommendations - Senate**

	<b>2012-13 Biennial Total</b>	
	<b>GR &amp; GR- Dedicated</b>	<b>All Funds</b>
1. Second Court of Appeals District, Fort Worth - Restore 2.0 FTEs and funding to 2010-11 appropriated levels	\$ 265,365	\$ 265,365
<b>Total, Items Not Included in the Recommendations</b>	<b>\$ 265,365</b>	<b>\$ 265,365</b>