

**Courts Of Appeals
Summary of Recommendations - Senate**

Page IV-7 through IV-21

The Honorable Sandee Marion, Chair, Council of Chief Justices

Darren Albrecht, LBB Analyst

Method of Financing	2018-19 Base	2020-21 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$77,798,657	\$77,698,657	(\$100,000)	(0.1%)
GR Dedicated Funds	\$0	\$0	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$77,798,657</i>	<i>\$77,698,657</i>	<i>(\$100,000)</i>	<i>(0.1%)</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$6,075,251	\$6,085,886	\$10,635	0.2%
All Funds	\$83,873,908	\$83,784,543	(\$89,365)	(0.1%)

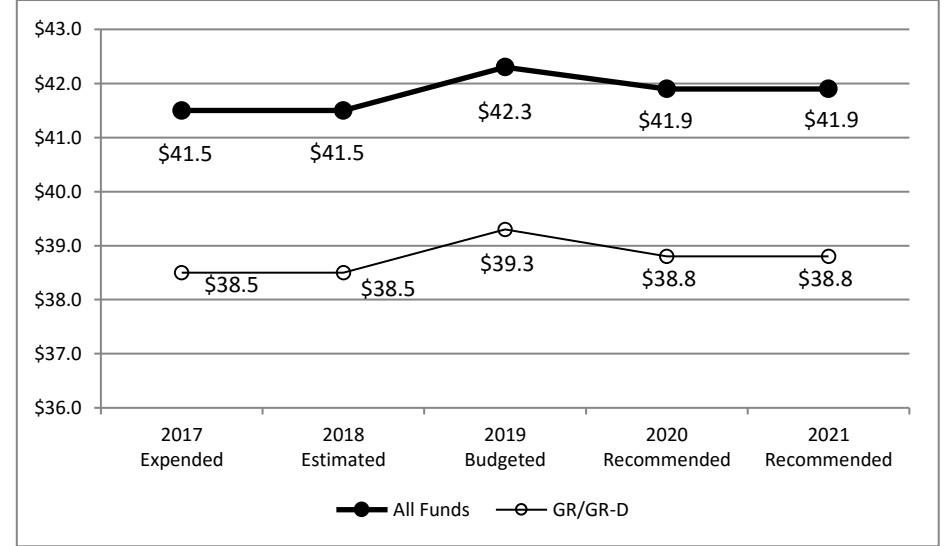
	FY 2019 Budgeted	FY 2021 Recommended	Biennial Change	Percent Change
FTEs	409.5	414.5	5.0	1.2%

The bill pattern for these courts (2020-21 Recommended) represents the following percentages for each of the courts' estimated total available funds.

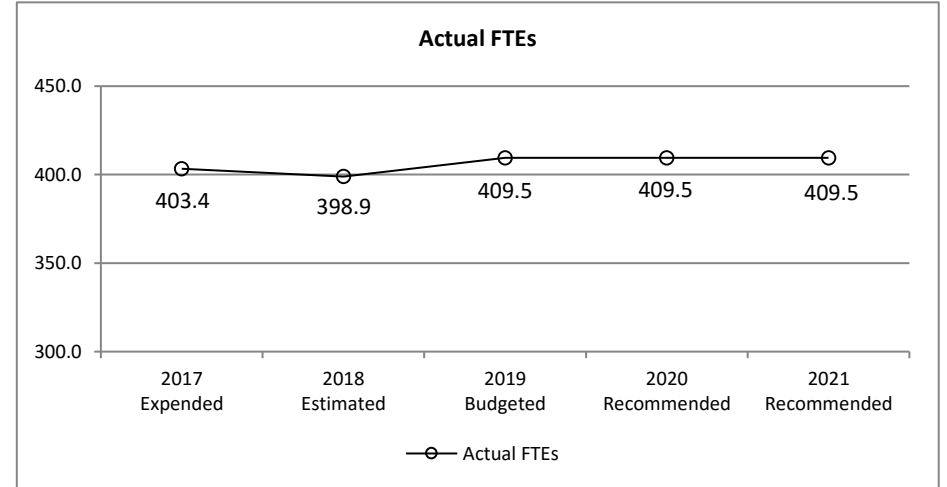
First Court of Appeals District, Houston 92%
 Second Court of Appeals District, Fort Worth 91.3%
 Third Court of Appeals District, Austin 90.1%
 Fourth Court of Appeals District, San Antonio 89.6%
 Fifth Court of Appeals District, Dallas 94.9%
 Sixth Court of Appeals District, Texarkana 94.8%
 Seventh Court of Appeals District, Amarillo 89.6%

Eighth Court of Appeals District, El Paso 93.2%
 Ninth Court of Appeals District, Beaumont 97.6%
 Tenth Court of Appeals District, Waco 98.1%
 Eleventh Court of Appeals District, Eastland 95.6%
 Twelfth Court of Appeals District, Tyler 95%
 Thirteenth Court of Appeals District, Corpus Christi-Edinburg 98.8%
 Fourteenth Court of Appeals District, Houston 92.2%

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



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

Funding Changes and Recommendations for the 2020-21 Biennium compared to the 2018-19 Base Spending Level (in millions)	General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
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Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):

A)	Reduction of unused funding carried forward from the 2014-15 biennium for court relocation costs for the 10th Court of Appeals (Waco) due to the City of Waco and the McLennan County not being able to decide on a new location for the Court.	(\$0.1)	\$0.0	\$0.0	\$0.0	(\$0.1)	A.1.1
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Funding Changes and Recommendations (in millions)	(\$0.1)	\$0.0	\$0.0	\$0.0	(\$0.1)	As Listed
<i>Funding Increases</i>	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	As Listed
<i>Funding Decreases</i>	(\$0.1)	\$0.0	\$0.0	\$0.0	(\$0.1)	As Listed

**The 14 Courts Of Appeals Districts
Selected Fiscal and Policy Issues - Senate**

1. **Judicial Compensation.** The Judiciary Section, Comptroller's Department Legislative Appropriations Request includes a 15 percent increase in district judge salaries (\$140,000 to \$161,000) and for the salaries of all judicial and prosecutor positions that are statutorily linked to a district judge's state salary. This includes the Chief Justices and Justices of the 14 Courts of Appeals. A justice of the Courts of Appeals receives an annual state salary that is 110 percent of the salary of a district judge and the Chief Justice is entitled to an additional \$2,500 more than the salary of the other justices of the court. A justice salary would increase from \$154,000 to \$177,100 and the Chief Justices' salary would increase from \$156,500 to \$179,600.

The total state cost of a 15 percent increase in a district judge's salary is approximately \$57.9 million which includes salary and salary supplement increases of \$17.0 million for benefits costs for both payroll contributions and increased liabilities due to a higher actuarially sound contribution rate. This does not include an additional \$1.7 million that would be needed to maintain visiting judge appointment rates at 2018–19 levels due to statutory requirements linking visiting judge compensation to judicial salaries. 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.

**The 14 Court Of Appeals Districts
Items Not Included in Recommendations - Senate**

	2020-21 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2022-23
	GR & GR-D	All Funds	FTEs			

Court Exceptional Items Not Included (in agency priority order)

1)	General Revenue and the authority to hire two attorney positions to assist visiting appellate judges with processing cases. The Courts are requesting that the funding be allocated to the Office of Court Administration.	\$516,000	\$516,000	2.0	No	No	\$516,000
2)	Add a new rider to the Judiciary Section, Comptroller's Department bill pattern to allow funding in Strategy A.1.3, Visiting Judges - Appellate, to reimburse one or more courts of appeals for the salary or fee paid to a staff attorney employed or contracted by a court of appeals to assist judges assigned to cases in addition to their ordinary caseload. Funding provided for a staff attorney salary under this provision must be approved by the Council of Chief Justices.	\$0	\$0	0.0	No	No	\$0

TOTAL Items Not Included in Recommendations	\$516,000	\$516,000	2.0			\$516,000
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**The 14 Court Of Appeals Districts
Appendices - Senate**

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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 - Senate, by Strategy -- ALL FUNDS

Strategy/Goal	2018-19 Base	2020-21 Recommended	Biennial Change	% Change	Comments
Metropolitan Courts					
First Court of Appeals District, Houston					
APPELLATE COURT OPERATIONS A.1.1	\$9,409,954	\$9,409,954	\$0	0.0%	
Fifth Court of Appeals District, Dallas					
APPELLATE COURT OPERATIONS A.1.1	\$12,996,198	\$12,996,198	\$0	0.0%	
Fourteenth Court of Appeals District, Houston					
APPELLATE COURT OPERATIONS A.1.1	\$9,676,244	\$9,676,244	\$0	0.0%	
All Other Courts of Appeals					
Second Court of Appeals District, Fort Worth					
APPELLATE COURT OPERATIONS A.1.1	\$7,278,939	\$7,281,279	\$2,340	0.0%	
Third Court of Appeals District, Austin					
APPELLATE COURT OPERATIONS A.1.1	\$6,120,708	\$6,120,708	\$0	0.0%	
Fourth Court of Appeals District, San Antonio					
APPELLATE COURT OPERATIONS A.1.1	\$7,264,587	\$7,260,058	(\$4,529)	(0.1%)	
Sixth Court of Appeals District, Texarkana					
APPELLATE COURT OPERATIONS A.1.1	\$3,321,623	\$3,320,623	(\$1,000)	(0.0%)	
Seventh Court of Appeals District, Amarillo					
APPELLATE COURT OPERATIONS A.1.1	\$4,143,032	\$4,142,312	(\$720)	(0.0%)	
Eighth Court of Appeals District, El Paso					
APPELLATE COURT OPERATIONS A.1.1	\$3,374,634	\$3,374,634	\$0	0.0%	
Ninth Court of Appeals District, Beaumont					
APPELLATE COURT OPERATIONS A.1.1	\$4,149,297	\$4,149,297	\$0	0.0%	

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

Strategy/Goal	2018-19 Base	2020-21 Recommended	Biennial Change	% Change	Comments
Tenth Court of Appeals District, Waco					
APPELLATE COURT OPERATIONS A.1.1	\$3,427,910	\$3,321,910	(\$106,000)	(3.1%)	Recommendations include a \$100,000 reduction in General Revenue for unused funding carried forward from the 2014-15 biennium for court relocation costs. The City of Waco and McLennan County have not agreed on a new location and there is no prospect of an agreement in the future.
Eleventh Court of Appeals District, Eastland					
APPELLATE COURT OPERATIONS A.1.1	\$3,306,106	\$3,326,650	\$20,544	0.6%	Recommendations include an increase in Judicial Funds No. 573 (Other Funds) for a laspe due to the vacancy of the Chief Justice position from January 1 to August 31, 2018.
Twelfth Court of Appeals District, Tyler					
APPELLATE COURT OPERATIONS A.1.1	\$3,314,853	\$3,314,853	\$0	0.0%	
Thirteenth Court of Appeals District, Corpus Christi-Edinburg					
APPELLATE COURT OPERATIONS A.1.1	\$6,089,823	\$6,089,823	\$0	0.0%	
Total, LBB Recommendations	\$83,873,908	\$83,784,543	(\$89,365)	(0.1%)	

**First Court of Appeals District, Houston
FTE Highlights - Senate**

Full-Time-Equivalent Positions	Expended 2017	Estimated 2018	Budgeted 2019	Recommended 2020	Recommended 2021
Cap	429.7	413.5	413.5	414.5	414.5
Actual/Budgeted	403.4	398.9	409.5	NA	NA

Schedule of Exempt Positions (Cap)					
Chief Justice (14)	\$156,500	\$156,500	\$156,500	\$156,500	\$156,500
Justice (66)	\$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 2020-21 biennium which are 5.0 FTEs above fiscal year 2019 amounts.

**The 14 Court of Appeals Districts
Summary of Ten Percent Biennial Base Reduction Options Recommendations - Senate**

Court	Priority	Item	Description/Impact	Biennial Reduction Amounts			Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Program GR/GR-D Total	Included in Introduced Bill?
				GR & GR-D	All Funds	FTEs				
1st	1)	10 percent Base Reduction	The reduction would result in the loss of four permanent staff attorneys and the court's one administrative assistant. The loss of four attorneys represents 16 percent of the court's legal staff. The loss of one administrative assistant represents 10 percent of the court's upper-level administrative staff	\$876,085	\$876,085	5.0	\$0	10%	\$8,760,854	No
2nd	1)	10 percent FTE Reduction	The reduction would result in a loss of four positions including one justice, legal assistant, staff attorney, and deputy clerk. This approach would reduce court staff by 10 percent and its judicial capacity by 14 percent. This would reduce the case clearance rate by increasing the time it takes for the court to issue its opinions.	\$673,118	\$673,118	4.0	\$0	10%	\$6,731,179	No
3rd	1)	10 Percent Reduction	The reduction would result in the loss of three staff attorney positions. This approach would reduce court staff by 19 percent.	\$566,091	\$566,091	3.0	\$0	10%	\$5,660,908	No
4th	1)	FTE - Layoffs	The reduction would result in seven permanent staff attorney positions having to be reclassified as law clerks and the elimination of one Deputy Clerk III position. This approach would reduce the court's permanent legal staff by 46 percent and the courts classified staff by 20 percent.	\$672,796	\$672,796	1.0	\$0	10%	\$6,727,958	No
5th	1)	Reduce Staff	The reduction would result in the loss of the University of North Texas School of Law clerkship program, one staff law clerk, five staff attorneys, and one deputy clerk. This approach would reduce the courts legal staff by 21.43 percent and the court's clerical staff by 6.25 percent.	\$1,207,760	\$1,207,760	9.5	\$0	10%	\$12,014,298	No
6th	1)	FTE Reduction 10%	The reduction would result in the loss of two attorney positions and one support staff position. This approach would reduce productivity approximately 27 percent, affecting case clearance rates.	\$312,772	\$312,772	3.0	\$0	10%	\$3,127,723	No
7th	1)	10 Percent Reduction	The reduction would result in the loss of two staff attorney positions or four full time support staff. This approach would reduce disposition rates by approximately 15-20 percent.	\$388,471	\$388,471	4.0	\$0	10%	\$3,884,712	No

**The 14 Court of Appeals Districts
Summary of Ten Percent Biennial Base Reduction Options Recommendations - Senate**

Court	Priority	Item	Description/Impact	Biennial Reduction Amounts			Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Program GR/GR-D Total	Included in Introduced Bill?
				GR & GR-D	All Funds	FTEs				
8th	1)	10 Percent Reduction	This approach would result in the loss of two attorney positions. This would reduce the case clearance rate by increasing the time it takes for the court to issue its opinions.	\$312,373	\$312,373	2.0	\$0	10%	\$3,123,734	No
9th	1)	10 Percent Reduction	The reduction would result in the loss of two support staff positions and two attorney positions. This approach would reduce case dispositions by approximately 20-23 percent.	\$388,810	\$388,810	4.0	\$0	10%	\$3,888,097	No
10th	1)	10 Percent Reduction	The reduction would result in the court being unable to relocate or remodel the court's facilities, maintain the law library's currency, reduce online research subscriptions, and the loss of one attorney position.	\$322,701	\$322,701	1.0	\$0	10%	\$3,227,010	No
11th	1)	FTE Reduction	The reduction would result in the loss of two or three staff positions, the inability to update the law library's research materials, and the cancellation of online reference material subscriptions. This approach would reduce the case clearance rate by increasing the time it takes for the court to issue its opinions.	\$312,575	\$312,575	3.0	\$0	10%	\$3,125,750	No
12th	1)	10 Percent Reduction	The reduction would result in the loss of two staff attorney positions. This approach would reduce the case clearance rate by increasing the time it takes for the court to issue its opinions.	\$312,194	\$312,194	2.0	\$0	10%	\$3,121,953	No
13th	1)	10 Percent Reduction	The reduction would result in the loss of three attorney positions, which represents 23 percent of the court's legal staff. This would reduce the case clearance rate by increasing the time it takes for the court to issue its opinions.	\$563,202	\$563,202	3.0	\$0	10%	\$5,632,023	No
14th	1)	10 Percent Reduction	The reduction would result in the loss of four attorney positions and one administrative assistant. The loss of four attorney positions represents 17.4 percent of the courts professional staff and the administrative assistant represents 10 percent of the courts upper-level administrative staff.	\$877,246	\$877,246	5.0	\$0	10%	\$8,772,458	No
TOTAL, 10% Reduction Options				\$7,786,194	\$7,786,194	49.5	\$0			