

# The 14 Court of Appeals Districts Summary of Budget Recommendations - Senate

Page IV-9 through IV-25  
The Honorable Bonnie Sudderth, Chair, Council of Chief Justices  
Bryan Hadley, LBB Analyst

Method of Financing	2020-21 Base	2022-23 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$80,776,924	\$80,920,155	\$143,231	0.2%
GR Dedicated Funds	\$0	\$0	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$80,776,924</i>	<i>\$80,920,155</i>	<i>\$143,231</i>	<i>0.2%</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$6,112,403	\$6,037,886	(\$74,517)	(1.2%)
<b>All Funds</b>	<b>\$86,889,327</b>	<b>\$86,958,041</b>	<b>\$68,714</b>	<b>0.1%</b>

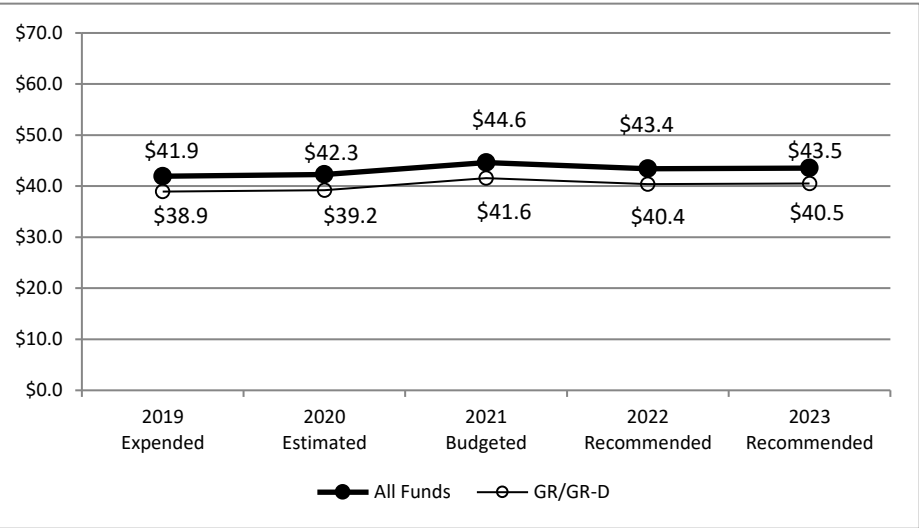
	FY 2021 Budgeted	FY 2023 Recommended	Biennial Change	Percent Change
FTEs	402.5	402.5	0.0	0.0%

The 14 Courts of Appeals were exempt from the 5 percent reduction for the 2020-21 biennium.

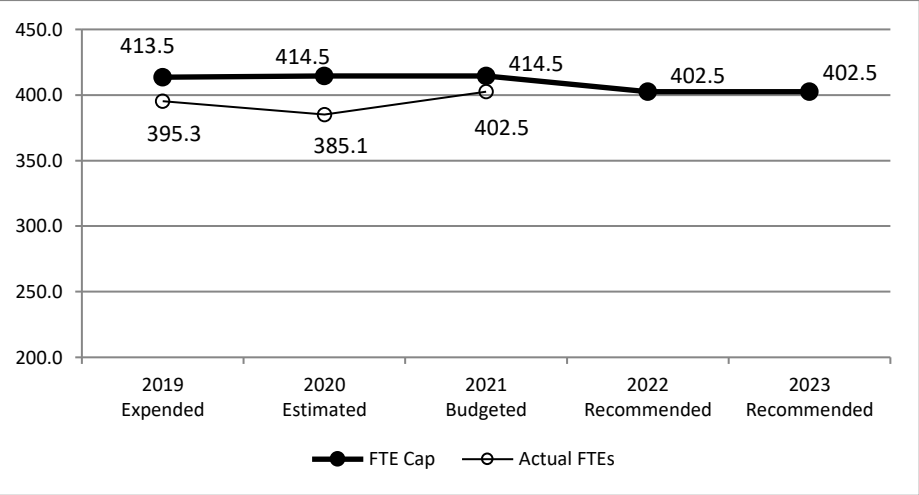
The bill pattern for these courts (2022-23 Recommended) represents the following percentages for each of the courts' total available funds.

First Court of Appeals District, Houston 92.2%	Eighth Court of Appeals District, El Paso 89.7%
Second Court of Appeals District, Fort Worth 91.0%	Ninth Court of Appeals District, Beaumont 97.8%
Third Court of Appeals District, Austin 89.1%	Tenth Court of Appeals District, Waco 100.0%
Fourth Court of Appeals District, San Antonio 87.9%	Eleventh Court of Appeals District, Eastland 95.7%
Fifth Court of Appeals District, Dallas 95.0%	Twelfth Court of Appeals District, Tyler 94.1%
Sixth Court of Appeals District, Texarkana 95.3%	Thirteenth Court of Appeals District, Corpus Christi-Edinburg 98.8%
Seventh Court of Appeals District, Amarillo 90.2%	Fourteenth Court of Appeals District, Houston 92.5%

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



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

**Section 2**

Funding Changes and Recommendations for the 2022-23 Biennium compared to the 2020-21 Base Spending Level		General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
<b><i>SIGNIFICANT Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):</i></b>							
A)	Net Increase in Strategy A.1.2, Appellate Justice Salaries, in various Court of Appeals resulting from judicial position changes within the judicial compensation tiers created through enactment of HB 2384, Eighty-sixth Legislature, Regular Session, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1).	\$143,231	\$0	\$0	\$0	\$143,231	A.1.2
<b><i>OTHER Funding Changes and Recommendations (these issues are not addressed in Section 3 but details are provided in Appendix A):</i></b>							
B)	Decrease in Appropriated Receipts due to anticipated reduction in requests for sales of copies of court opinions from the public and publishers and a decrease in an Interagency Contract with the Office of Court Administration for information technology services.	\$0	\$0	\$0	(\$74,517)	(\$74,517)	A.1.1
<b>TOTAL SIGNIFICANT &amp; OTHER Funding Changes and Recommendations</b>		<b>\$143,231</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$74,517)</b>	<b>\$68,714</b>	As Listed
<i>SIGNIFICANT &amp; OTHER Funding Increases</i>		\$143,231	\$0	\$0	\$0	\$143,231	As Listed
<i>SIGNIFICANT &amp; OTHER Funding Decreases</i>		\$0	\$0	\$0	(\$74,517)	(\$74,517)	As Listed

NOTE: Totals may not sum due to rounding.

**The 14 Court of Appeals Districts  
Selected Fiscal and Policy Issues - Senate**

1. **New Judicial Salary Strategy.** Recommendations provide \$28.1 million in All Funds which includes an estimated General Revenue funding increase of \$0.1 million above 2020-21 spending levels for judicial compensation. Enactment of House Bill 2384, Eighty-sixth Legislature, 2019, adjusted the compensation structure for certain judges and prosecutors by creating tiers of compensation based on years of service. State salary and salary supplements for these positions remain linked to a district judge's base salary of \$140,000 as set in the General Appropriations Act. Judges and prosecutors with four to eight years of service receive compensation at 110 percent of a district judge's base salary, or \$154,000, and 120 percent of a district judge's base salary, or \$168,000, for eight or more years of service.

The Eighty-sixth Legislature, 2019, modified the General Appropriations Act for the 2020–21 biennium due to the enactment of this legislation by creating individual, estimated, and non-transferrable strategies within the bill patterns of the 16 appellate courts and the Office of State Prosecuting Attorney to isolate required compensation-related appropriations. The estimated appropriation authority provides the flexibility to adjust funding levels to meet unanticipated changes in compensation obligations resulting from tenure changes and elections or appointment of persons with years of service credits differing from the previous position holder.

2. **Appellate Court Operations.** Recommendations maintain General Revenue appropriations at 2020–21 spending levels to maintain the court's clearance rates at or above 100 percent, which includes addressing a backlog of cases resulting from the COVID-19 pandemic. According to information provided by the Office of Court Administration, the appellate courts typically held 186 trials per week prior to the COVID-19 pandemic. Under normal circumstances, approximately 5,400 trials would have been held between March and September. As a result of the pandemic, the courts were able to hold 30 actual trials between March and September 2020.

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

	2022-23 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2024-25
	GR & GR-D	All Funds	FTEs			

Agency Exceptional Items Not Included (in agency priority order)

	None						
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TOTAL Items Not Included in Recommendations		\$0	\$0	-		\$0
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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

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

Strategy/Goal	2020-21 Base	2022-23 Recommended	Biennial Change	% Change	Comments
<b>Metropolitan Courts</b>					
<b>First Court of Appeals District, Houston</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$6,615,106	\$6,610,555	(\$4,551)	(0.1%)	Recommendations reflect an anticipated decrease in Appropriated Receipts.
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$2,932,773</u>	<u>\$2,997,659</u>	<u>\$64,886</u>	<u>2.2%</u>	Recommendations reflect increase resulting from judges' changes in the judicial and prosecutor compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
SUBTOTAL	\$9,547,879	\$9,608,214	\$60,335	0.6%	
<b>Fifth Court of Appeals District, Dallas</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$8,958,399	\$8,958,399	\$0	0.0%	
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$4,422,016</u>	<u>\$4,398,440</u>	<u>(\$23,576)</u>	<u>(0.5%)</u>	Recommendations reflect increase resulting from judges' changes in the judicial and prosecutor compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
SUBTOTAL	\$13,380,415	\$13,356,839	(\$23,576)	(0.2%)	
<b>Fourteenth Court of Appeals District, Houston</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$6,932,800	\$6,870,445	(\$62,355)	(0.9%)	Recommendations reflect an anticipated decrease in Appropriated Receipts and Interagency Contracts.
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$3,050,220</u>	<u>\$3,131,126</u>	<u>\$80,906</u>	<u>2.7%</u>	Recommendations reflect increase resulting from judges' changes in the judicial and prosecutor compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
SUBTOTAL	\$9,983,020	\$10,001,571	\$18,551	0.2%	
<b>All Other Courts of Appeals</b>					
<b>Second Court of Appeals District, Fort Worth</b>					

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

<b>Strategy/Goal</b>	<b>2020-21 Base</b>	<b>2022-23 Recommended</b>	<b>Biennial Change</b>	<b>% Change</b>	<b>Comments</b>
APPELLATE COURT OPERATIONS 1.1.1	\$5,098,400	\$5,091,480	(\$6,920)	(0.1%)	Recommendations reflect an anticipated decrease in Appropriated Receipts.
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$2,467,587</u>	<u>\$2,469,744</u>	<u>\$2,157</u>	<u>0.1%</u>	Recommendations reflect increase resulting from judges' changes in the judicial and prosecutor compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
SUBTOTAL	\$7,565,987	\$7,561,224	(\$4,763)	(0.1%)	
<b>Third Court of Appeals District, Austin</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$4,261,884	\$4,267,708	\$5,824	0.1%	Recommendations reflect an anticipated increase in Appropriated Receipts.
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$2,077,668</u>	<u>\$2,077,668</u>	<u>\$0</u>	<u>0.0%</u>	
SUBTOTAL	\$6,339,552	\$6,345,376	\$5,824	0.1%	
<b>Fourth Court of Appeals District, San Antonio</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$5,090,277	\$5,089,355	(\$922)	(0.0%)	Recommendations reflect an anticipated decrease in Appropriated Receipts.
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$2,473,031</u>	<u>\$2,420,372</u>	<u>(\$52,659)</u>	<u>(2.1%)</u>	Recommendations reflect increase resulting from judges' changes in the judicial and prosecutor compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
SUBTOTAL	\$7,563,308	\$7,509,727	(\$53,581)	(0.7%)	
<b>Sixth Court of Appeals District, Texarkana</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$2,373,372	\$2,372,372	(\$1,000)	(0.0%)	Recommendations reflect an anticipated decrease in Appropriated Receipts.
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$1,100,992</u>	<u>\$1,100,992</u>	<u>\$0</u>	<u>0.0%</u>	
SUBTOTAL	\$3,474,364	\$3,473,364	(\$1,000)	(0.0%)	
<b>Seventh Court of Appeals District, Amarillo</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$2,881,350	\$2,880,293	(\$1,057)	(0.0%)	Recommendations reflect an anticipated decrease in Appropriated Receipts.

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

<b>Strategy/Goal</b>	<b>2020-21 Base</b>	<b>2022-23 Recommended</b>	<b>Biennial Change</b>	<b>% Change</b>	<b>Comments</b>
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$1,446,932</u>	<u>\$1,474,288</u>	<u>\$27,356</u>	<u>1.9%</u>	Recommendations reflect increase resulting from judges' changes in the judicial and prosecutor compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
SUBTOTAL	\$4,328,282	\$4,354,581	\$26,299	0.6%	
<b>Eighth Court of Appeals District, El Paso</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$2,383,722	\$2,381,931	(\$1,791)	(0.1%)	Recommendations reflect an anticipated decrease in Appropriated Receipts.
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$986,249</u>	<u>\$1,000,506</u>	<u>\$14,257</u>	<u>1.4%</u>	Recommendations reflect increase resulting from judges' changes in the judicial and prosecutor compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
SUBTOTAL	\$3,369,971	\$3,382,437	\$12,466	0.4%	
<b>Ninth Court of Appeals District, Beaumont</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$2,902,594	\$2,902,594	\$0	0.0%	
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$1,523,876</u>	<u>\$1,523,876</u>	<u>\$0</u>	<u>0.0%</u>	
SUBTOTAL	\$4,426,470	\$4,426,470	\$0	0.0%	
<b>Tenth Court of Appeals District, Waco</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$2,373,659	\$2,373,659	\$0	0.0%	
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$1,181,688</u>	<u>\$1,181,688</u>	<u>\$0</u>	<u>0.0%</u>	
SUBTOTAL	\$3,555,347	\$3,555,347	\$0	0.0%	
<b>Eleventh Court of Appeals District, Eastland</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$2,419,538	\$2,419,538	\$0	0.0%	
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$1,021,750</u>	<u>\$1,032,120</u>	<u>\$10,370</u>	<u>1.0%</u>	Recommendations reflect increase resulting from judges' changes in the judicial and prosecutor compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
SUBTOTAL	\$3,441,288	\$3,451,658	\$10,370	0.3%	



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

Strategy/Goal	2020-21 Base	2022-23 Recommended	Biennial Change	% Change	Comments
<b>Twelfth Court of Appeals District, Tyler</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$2,377,333	\$2,377,004	(\$329)	(0.0%)	
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$1,131,196</u>	<u>\$1,132,100</u>	<u>\$904</u>	<u>0.1%</u>	Recommendations reflect increase resulting from judges' changes in the judicial and prosecutor compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
SUBTOTAL	\$3,508,529	\$3,509,104	\$575	0.0%	
<b>Thirteenth Court of Appeals District, Corpus Christi-Edinburg</b>					
APPELLATE COURT OPERATIONS 1.1.1	\$4,227,621	\$4,226,205	(\$1,416)	(0.0%)	
APPELLATE JUSTICE SLARIES 1.1.2.	<u>\$2,177,294</u>	<u>\$2,195,924</u>	<u>\$18,630</u>	<u>0.9%</u>	Recommendations reflect increase resulting from judges' changes in the judicial and prosecutor compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
SUBTOTAL	\$6,404,915	\$6,422,129	\$17,214	0.3%	
<b>Total, Goal 1, APPELLATE COURT OPERATIONS</b>	<b>\$58,896,055</b>	<b>\$58,821,538</b>	<b>(\$74,517)</b>	<b>(0.1%)</b>	
<b>Total, Goal 1, APPELLATE JUSTICE SALARIES</b>	<b>\$27,993,272</b>	<b>\$28,136,503</b>	<b>\$143,231</b>	<b>0.5%</b>	
<b>Total, LBB Recommendations</b>	<b>\$86,889,327</b>	<b>\$86,958,041</b>	<b>\$68,714</b>	<b>0.1%</b>	

**The 14 Court of Appeals Districts  
FTE Highlights - Senate**

<b>Full-Time-Equivalent Positions</b>	<b>Expended 2019</b>	<b>Estimated 2020</b>	<b>Budgeted 2021</b>	<b>Recommended 2022</b>	<b>Recommended 2023</b>
Cap	413.5	414.5	414.5	402.5	402.5
Actual/Budgeted	395.3	385.1	402.5	NA	NA

<b>Schedule of Exempt Positions (Cap)</b>					
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 Appeal 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) House Bill 2384, Eighty-sixth Legislature, Regular Session, 2019, created compensation tiers based on years of service for the Chief Justice and Justices of the 14 Courts of Appeal and continued to link the salaries to a district judge's base salary of \$140,000 as set in the General Appropriations Act. Justices with four to eight years of service receive compensation at 110% of a district judge's base salary, or \$154,000, and 120% of a district judge's base salary, or \$168,000, for eight or more years of service.

c) State Auditor's Office is the source for the fiscal year 2019 and fiscal year 2020 annual average (actual) FTE levels.