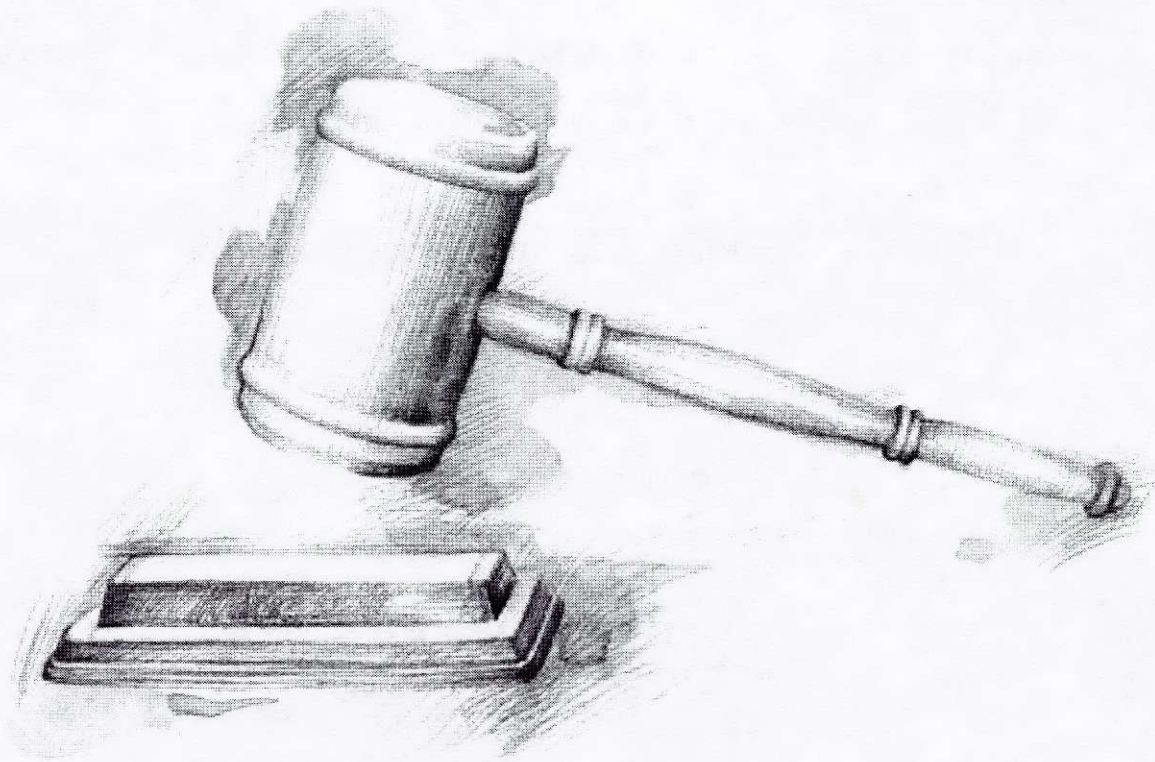


**Court of Appeals  
Fifth District of Texas at Dallas**



**Legislative Appropriations Request  
for Fiscal Years 2018 and 2019**

Submitted to the  
Governor's Office of Budget and Planning  
and  
Legislative Budget Board

by

***FIFTH DISTRICT COURT OF APPEALS***

at  
Dallas, Texas

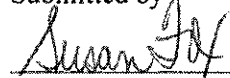
Carolyn Wright, Chief Justice

Justice David Bridges  
Justice Douglas Lang  
Justice Robert Fillmore  
Justice David Evans  
Justice Ada Brown  
Justice Bill Whitehill

Justice Molly Francis  
Justice Elizabeth Lang-Miers  
Justice Lana Myers  
Justice David Lewis  
Justice Craig Stoddart  
Justice David Schenck

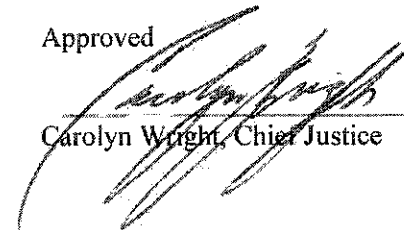
August 12, 2016

Submitted by



Susan Fox, Budget Analyst

Approved



Carolyn Wright, Chief Justice

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**225 Fifth Court of Appeals District, Dallas**

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Administrative Statement

The Fifth District Court of Appeals located in Dallas, the ninth largest city in the United States and considered one of the top ten legal markets in the U.S. is the largest intermediate appellate court in the state with thirteen justices serving six counties. The intermediate appellate courts in the state serve the litigants and the judicial process by being the first, and often the only, appellate court to review proceedings brought from both civil and criminal trial courts. In carrying out its essential function, the Fifth District Court of Appeals issues opinions, judgments, and orders in which it sets forth the basis for its decisions. This requires a highly-skilled and trained professional workforce, including experienced appellate attorneys who assist the justices of the court in researching and writing opinions, judgments, and orders, as well as specially-trained support staff who intake, process, and dispose of cases via the electronic case management system. In each of the past six years, the fourteen intermediate courts of appeals have disposed of approximately 11,410 cases. Of this number, the Fifth District Court has disposed of an average of 19% of these cases on an annual basis. The long-term trend of more than 11,000 annual case filings along with an ever-increasing number of cases being eligible for expedited review clearly demonstrates that the workload within the courts of appeals is significant. Consequently, 95% of the Fifth Court's appropriated budget is dedicated to staff salaries in order to effectively manage the demands of annual case filings. In addition, the Fifth Court utilizes visiting justices to target potential backlogs (See GAA, Art. IV, Special Provisions, Sec. 6).

The efforts of the 84th Legislature to fully fund the similar funding for same-sized courts initiative has allowed the courts of appeals to offer more competitive salaries that are commensurate with staff responsibilities and that are more competitive with salaries of similar positions in both the public and private sector. With the combined funding from the 83rd and 84th Legislatures, the Fifth Court of Appeals has fully established its three-step career ladder system for attorneys, clerks, and administrative staff. The average tenure of a Fifth Court staffer is twelve years with nineteen employees serving the court for twenty years or more. The courts of appeals across the state now face budget cuts rather than systematic budget increases. Systematic, incremental baseline budget increases would allow the courts of appeals to remain competitive with public and private sector salaries for comparable positions as well as to adjust salaries for cost-of-living increases associated with inflation.

The proposed baseline budget reduction of 4% is detrimental to the appellate courts' productivity, to the retention of qualified professional legal staff and experienced clerks, and to staff morale. For the Fifth Court in particular, the baseline reduction undermines its efforts to support its year-round paid law clerk program that supports a practical and educational legal experience for all law students who are chosen to participate. Specifically, the Fifth Court will be forced to eliminate its newly-funded law clerk program, which supports students from the state's newest public law school—the University of North Texas School of Law. The Fifth Court intends to request to restore its baseline budget through an exceptional item request.

**HISTORICAL DATA:**

Between August 31, 1990 and April 30, 1996, the number of cases pending in the Fifth Court increased by over 124% from 1,055 cases to 2,368 cases. During this same period, funding was not authorized for additional attorney or deputy clerk positions, thus creating a backlog in cases and decreasing disposition rates. To address this issue, the Legislature created the Metropolitan Task Force and began providing block grants which were used to hire additional personnel to address the backlog. The Metropolitan Task Force demonstrated that increased legal personnel and support staff provides the key mechanism for increased case disposition rates. The Fifth Court's case clearance rate increased by 21% between FY99 and FY2000 and the court became one of the three most productive courts insofar as case dispositions per justice. (See OCA Annual Reports.)

During the 79th and 80th legislative sessions, the courts of appeals collectively developed guideline budgets and sought block grant resources to similarly fund same-size appellate courts in order to: 1) obtain a two-to-one attorney-to-justice ratio for maximum case disposition; 2) create a career ladder for staff attorneys that would allow for the recruitment and retention of qualified, experienced appellate attorneys; 3) reclassify the majority of law clerks as permanent staff attorneys; and 4) make salary

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**225 Fifth Court of Appeals District, Dallas**

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adjustments for experienced, non-legal staff members commensurate with responsibility and more competitive in the marketplace to aid in staff retention. By the end of the 80th Legislature, significant progress was made towards bringing same-size courts closer to similar funding levels.

Going into the 81st Legislature, the appellate courts updated the block grant funding requests to continue the same-size court initiative. This initiative created a career ladder for attorneys by more closely matching attorney salaries to other state agencies and county governments, added one or more permanent staff attorneys to each court, and continued to make appropriate salary adjustments for non-legal staff to reflect their increasing levels of responsibility. The Legislature provided a portion of the requested funding, including attorney salaries and an additional staff attorney position for most courts; however, the funding was provided in FY2011 only. In the interim, state leadership directed budget cuts in the face of the national economic downturn. As a result, the approved funding was reduced and the courts of appeals were only able to provide a portion of the intended salary adjustments and not all courts were able to hire additional attorneys to meet the growing caseload.

During the 82nd Legislative Session, the Fifth Court demonstrated its commitment to the similar funding for same-size courts initiative. The courts of appeals collectively agreed to respond to declining state revenues by not asking for an increase in their FY12-13 budgets. However, a request was made in support of restoration of the information technology projects funded in the Office of Court Administration (OCA) budget. Despite these efforts, by the end of the 82nd Legislative Session, the Fifth Court's FY12-13 budget was reduced by 6% from FY11 and a total of two FTE positions were eliminated. The state leadership's directive to cut budgets coupled with an overall increase in the number of cases filed and a legislative mandate to expedite the processing of parental termination cases imposed significant pressures on the court's ability to meet performance objectives and dispose of cases in a timely manner.

In the face of an improving national economy and a thriving state economy, the courts of appeals once again sought the funding necessary to fully implement the similar funding for same-size courts initiative. For AY14-15, the Fifth Court sought funding to restore FTEs lost due to the economic downturn, as well as funds for staff salary increases. The 83rd Legislature provided one-half of the Fifth Court's requested funding, then the 84th Legislature fully funded the similar funding for same-sized courts initiative by granting the courts of appeals' request for the remaining one-half of the funding not provided in the 83rd Legislative Session. Full implementation of the similar funding for same-sized courts initiative has afforded the Fifth Court the ability to maintain satisfactory levels of qualified, professional legal and support staff while paying them more competitive wages, better ensuring staff retention.

**EXCEPTIONAL ITEM #1: RESTORE 4% REDUCTION TO BASELINE BUDGET:**

With the funding provided under the 84th Legislature, the Fifth Court sought to fully comply with the charge put forth under GAA, Art. IV, Special Provisions, Sec. 3, Judicial Internship Program by implementing a fully paid judicial clerkship initiative. In September 2015, the Fifth Court welcomed two full-time first-year law school graduates and four part-time University of North Texas School of Law student law clerks, all of whom work under the Chief Justice's tutelage. This is the first paid law clerk program of its kind in the Texas intermediate appellate court system and exists thanks to the funding granted by the 84th Legislature. On June 30, 2016, the Fifth Court received a letter from the Governor, Lt. Governor, and Speaker of the House asking for its cooperation in trimming 4% from its base appropriation. Under this mandatory base reduction proposal, the Fifth Court must cut a total of \$480,624 for the AY18-19 biennium, or \$240,312 per year, forcing the court to eliminate its new paid law clerk program as well as a full-time permanent staff member—a total of 5 FTEs—in addition to cutting a portion of its operating expenses. This reduction will directly impact the Fifth Court's productivity, resulting in a drop in dispositions of 6% in AY18 and 13% in AY19. In order to preserve this newly-founded legal education program, as well as a permanent staff member, and preserve current productivity levels, the Fifth Court will be requesting restoration of the 4% baseline appropriation cut as Exceptional Item #1 in its 2018-19 Legislative Appropriations Request.

10% REDUCTION:

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**225 Fifth Court of Appeals District, Dallas**

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A further baseline reduction of 10% will lead to further staff losses for the Fifth Court. Under this reduction scenario, the Fifth Court will cut an additional \$1,153,497 from its budget for the AY18-19 biennium, which amounts to \$576,749 per year. This necessitates that the court eliminate a total of 8 FTEs—5 attorneys, 1 legal secretary, and 2 deputy clerks. This dramatic cut in staff will result in a drop in productivity of 17% in AY18-19, returning us to the days of case backlogs. Should the 85th Legislature elect to grant the Fifth Court's exceptional item request and restore the court's baseline budget to 100%, the Fifth Court will be better positioned to weather a 10% reduction. While the staff reduction would have to remain at 8 FTEs, productivity could be improved to 92% under a cut from a full baseline budget.

**RIDER REQUESTS:**

The Fifth Court also requests the following with regard to the across-the-board riders found in Article IV (p. IV-42):

- 1) Retain Article IV rider, Sec. 4, Appellate Court Exemptions
- 3) Retain Article IV rider, Sec. 6, Interagency Contracts for Assigned Judges for Appellate Courts
- 4) Retain Article IV rider, Sec. 7, Appellate Court Transfer Authority

Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the authority to carry over unexpended budget balances between years of the biennium. The flexibility afforded by these measures enhances the courts' management ability, and we seek continuation of these budget features.

**INFORMATION TECHNOLOGY:**

The Fifth Court participates in the consolidated budget approach represented in the biennial appropriations request of the Office of Court Administration (OCA). If OCA's IT request is not fully funded for the 2018-19 biennium, this court will lose its current IT reimbursement used to offset the costs of the Fifth Court's onsite IT technician. The Fifth Court is the largest appellate court in the state and OCA cannot adequately maintain the court's IT needs. Should OCA's IT request fail to receive full funding, neither the Fifth Court nor OCA will be able to maintain the Fifth Court's separate, onsite information technology network without additional funding.

**NOTE:** Appropriated Receipts—At the direction of the LBB & Governor's Office, the Fifth Court has included appropriated receipts in the amount of \$32,000 which reflects reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the court and do not constitute additional funds available for general expenditures of the Fifth Court. The amount can vary significantly from year to year.

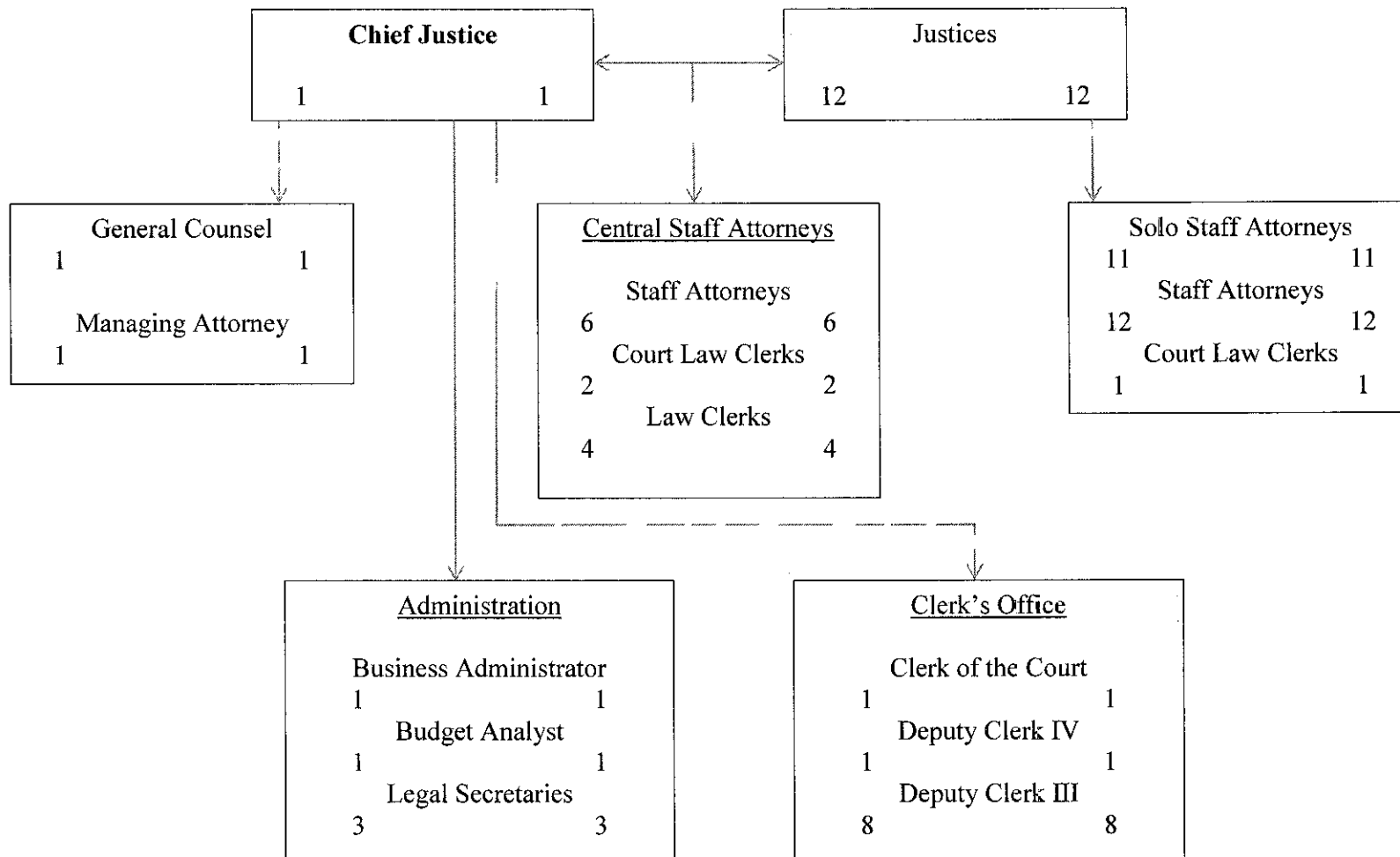
**CONCLUSION:**

The Fifth District Court of Appeals respectfully requests the continued support of the Legislature in funding this court's baseline budget as established by the 84th Legislature in order to facilitate the Fifth Court's endeavor to fulfill its statutory duties and the constitutional mandate of the Texas courts of appeals to effectively and efficiently dispense justice on behalf of the citizens of the state of Texas.

# Organizational Chart

## Fifth District Court of Appeals (225)

The number on the left is the number of budgeted positions for fiscal year 2016. The number on the right is the number of positions requested in order to retain adequate, quality legal and non-legal staff with salaries that are commensurate with their responsibilities and the salaries paid to like personnel at the other courts of appeals for the 2018-2019 biennium.





## CERTIFICATE

Agency Name Fifth District Court of Appeals (225)

This is to certify that the information contained in the agency Legislative Appropriation Request filed with the Legislative Budget Board (LBB) and the Office of the Governor, Budget Division, is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the PDF file submitted via the LBB Document Submission application are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the Governor's office will be notified in writing in accordance with Article IX, Section 7.01 (2016-17 GAA).

**Chief Executive Officer or Presiding Judge**

Signature

Carolyn Wright  
Printed Name

Chief Justice  
Title

08/12/2016  
Date

**Board or Commission Chair**

Signature

Printed Name

Title

Date

**Chief Financial Officer**

Signature

Susan Fox  
Printed Name

Budget Analyst  
Title

08/12/2016  
Date



**Budget Overview - Biennial Amounts**  
**85th Regular Session, Agency Submission, Version 1**  
Automated Budget and Evaluation System of Texas (ABEST)

225 Fifth Court of Appeals District, Dallas  
Appropriation Years: 2018-19

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS
	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2018-19
	<b>Goal: 1. Appellate Court Operations</b>										
1.1.1. Appellate Court Operations	12,015,598	11,534,974					851,900	851,900	12,867,498	12,386,874	480,624
<b>Total, Goal</b>	<b>12,015,598</b>	<b>11,534,974</b>					<b>851,900</b>	<b>851,900</b>	<b>12,867,498</b>	<b>12,386,874</b>	<b>480,624</b>
<b>Total, Agency</b>	<b>12,015,598</b>	<b>11,534,974</b>					<b>851,900</b>	<b>851,900</b>	<b>12,867,498</b>	<b>12,386,874</b>	<b>480,624</b>
<b>Total FTEs</b>									<b>63.5</b>	<b>58.5</b>	<b>5.0</b>

2.A. Summary of Base Request by Strategy

8/12/2016 1:30:06PM

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

225 Fifth Court of Appeals District, Dallas

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<b>1</b> Appellate Court Operations					
<b>1</b> Appellate Court Operations					
<b>1</b> APPELLATE COURT OPERATIONS	5,831,361	6,433,749	6,433,749	6,193,437	6,193,437
TOTAL, GOAL <b>1</b>	<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>
TOTAL, AGENCY STRATEGY REQUEST	<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>

2.A. Summary of Base Request by Strategy

8/12/2015 1:30:06PM

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

225 Fifth Court of Appeals District, Dallas

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>METHOD OF FINANCING:</u>					
<b>General Revenue Funds:</b>					
1 General Revenue Fund	5,405,887	6,007,799	6,007,799	5,767,487	5,767,487
SUBTOTAL	\$5,405,887	\$6,007,799	\$6,007,799	\$5,767,487	\$5,767,487
<b>Other Funds:</b>					
573 Judicial Fund	393,950	393,950	393,950	393,950	393,950
666 Appropriated Receipts	31,524	32,000	32,000	32,000	32,000
SUBTOTAL	\$425,474	\$425,950	\$425,950	\$425,950	\$425,950
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>

\*Rider appropriations for the historical years are included in the strategy amounts.

**2.B. Summary of Base Request by Method of Finance**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

8/12/2016 1:30:07PM

Agency code: **225** Agency name: **Fifth Court of Appeals District, Dallas**

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<b><u>GENERAL REVENUE</u></b>					
<b><u>1</u> General Revenue Fund</b>					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2014-15 GAA)	\$5,191,618	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2016-17 GAA)	\$0	\$5,912,799	\$5,912,799	\$5,672,487	\$5,672,487
<i>TRANSFERS</i>					
Art. IV, Sec. 11, Appropriation for Judicial Compensation (2014-15 GAA)	\$214,500	\$0	\$0	\$0	\$0
Art. IX, Sec. 18.02, Appropriation for Salary Increases for General State Employees (2016-17 GAA)	\$0	\$95,000	\$95,000	\$95,000	\$95,000
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$(231)	\$0	\$0	\$0	\$0
<b>TOTAL, General Revenue Fund</b>	<b>\$5,405,887</b>	<b>\$6,007,799</b>	<b>\$6,007,799</b>	<b>\$5,767,487</b>	<b>\$5,767,487</b>

**2.B. Summary of Base Request by Method of Finance**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

8/12/2016 1:30:07PM

Agency code: **225** Agency name: **Fifth Court of Appeals District, Dallas**

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<b>TOTAL, ALL GENERAL REVENUE</b>	<b>\$5,405,887</b>	<b>\$6,007,799</b>	<b>\$6,007,799</b>	<b>\$5,767,487</b>	<b>\$5,767,487</b>

**OTHER FUNDS**

573 Judicial Fund No. 573

*REGULAR APPROPRIATIONS*

Regular Appropriations from MOF Table (2014-15 GAA)

\$393,950 \$0 \$0 \$0 \$0

Regular Appropriations from MOF Table (2016-17 GAA)

\$0 \$393,950 \$393,950 \$393,950 \$393,950

**TOTAL, Judicial Fund No. 573**

**\$393,950 \$393,950 \$393,950 \$393,950 \$393,950**

666 Appropriated Receipts

*REGULAR APPROPRIATIONS*

Regular Appropriations from MOF Table (2014-15 GAA)

\$32,000 \$0 \$0 \$0 \$0

Regular Appropriations from MOF Table (2016-17 GAA)

\$0 \$32,000 \$32,000 \$32,000 \$32,000

*LAPSED APPROPRIATIONS*

2.B. Summary of Base Request by Method of Finance  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

8/12/2016 1:30:07PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<b><u>OTHER FUNDS</u></b>					
Lapsed Appropriations	\$(476)	\$0	\$0	\$0	\$0
<b>TOTAL, Appropriated Receipts</b>	<b>\$31,524</b>	<b>\$32,000</b>	<b>\$32,000</b>	<b>\$32,000</b>	<b>\$32,000</b>
<b>TOTAL, ALL OTHER FUNDS</b>	<b>\$425,474</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>
<b>GRAND TOTAL</b>	<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>

**FULL-TIME-EQUIVALENT POSITIONS**

**REGULAR APPROPRIATIONS**

Regular Appropriations from MOF Table (2014-15 GAA)	55.2	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2016-17 GAA)	0.0	55.2	55.2	55.2	55.2
<b>UNAUTHORIZED NUMBER OVER (BELOW) CAP</b>					
Unauthorized number over (below) cap	3.4	7.1	8.3	3.3	3.3
<b>TOTAL, ADJUSTED FTES</b>	<b>58.6</b>	<b>62.3</b>	<b>63.5</b>	<b>58.5</b>	<b>58.5</b>

**2.B. Summary of Base Request by Method of Finance**  
85th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

8/12/2016 1:30:07PM

Agency code: **225**

Agency name: **Fifth Court of Appeals District, Dallas**

<b>METHOD OF FINANCING</b>	<b>Exp 2015</b>	<b>Est 2016</b>	<b>Bud 2017</b>	<b>Req 2018</b>	<b>Req 2019</b>
<b>NUMBER OF 100% FEDERALLY FUNDED FTEs</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

2.C. Summary of Base Request by Object of Expense  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

8/12/2016 1:30:07PM

225 Fifth Court of Appeals District, Dallas

OBJECT OF EXPENSE	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1001 SALARIES AND WAGES	\$5,318,642	\$5,703,749	\$5,853,749	\$5,632,157	\$5,632,157
1002 OTHER PERSONNEL COSTS	\$98,461	\$270,000	\$125,000	\$125,000	\$125,000
2003 CONSUMABLE SUPPLIES	\$21,862	\$30,000	\$30,000	\$30,000	\$30,000
2004 UTILITIES	\$23,407	\$40,000	\$45,000	\$45,000	\$45,000
2005 TRAVEL	\$25,826	\$35,000	\$40,000	\$40,000	\$40,000
2006 RENT - BUILDING	\$39,963	\$45,000	\$50,000	\$50,000	\$50,000
2007 RENT - MACHINE AND OTHER	\$35,824	\$50,000	\$50,000	\$50,000	\$50,000
2009 OTHER OPERATING EXPENSE	\$267,376	\$260,000	\$240,000	\$221,280	\$221,280
<b>OOE Total (Excluding Riders)</b>	<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>
<b>OOE Total (Riders)</b>					
<b>Grand Total</b>	<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>



## 2.C.1. Operating Costs Detail ~ Base Request

Date: 8/12/2016  
Time: 1:30:07PM85th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 225 Agency: Fifth Court of Appeals District, Dallas

BASE REQUEST STRATEGY: 1-1-1 Appellate Court Operations

Code	Type of Expense	Expended 2015	Estimated 2016	Budgeted 2017	Requested 2018	Requested 2019
1	Consumable Supplies	\$21,862	\$25,000	\$30,000	\$27,500	\$27,500
2	Postage	4,721	2,600	2,600	2,600	2,600
4	Travel	25,825	25,000	40,000	32,500	32,500
5	Westlaw/Lexis	39,972	42,387	45,000	42,500	42,500
6	Registrations/Training	12,810	24,789	25,000	12,500	12,500
7	Subscriptions/Periodicals	7,019	670	3,100	3,000	3,000
13	Furniture & Equipment (Expensed)	7,586	25,000	5,000	5,000	5,000
16	Miscellaneous Expenses	60,384	32,036	58,800	56,480	56,780
25	Advertising	3,274	2,230	5,000	5,000	5,000
26	Books (expensed)	34,425	44,852	36,120	38,000	38,000
37	Computer Software / Upgrades	11,767	17,000	10,000	5,000	5,000
64	SORM Assessment	5,307	5,595	6,500	7,000	7,500
78	Leasehold Improvements - Expensed	29,100	62,550	70,000	5,000	5,000
	<b>Total, Operating Costs</b>	<b>\$264,052</b>	<b>\$309,709</b>	<b>\$337,120</b>	<b>\$242,080</b>	<b>\$242,880</b>

**2.D. Summary of Base Request Objective Outcomes**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

8/12/2016 1:30:08PM

**225 Fifth Court of Appeals District, Dallas**

<i>Goal/ Objective / Outcome</i>	<b>Exp 2015</b>	<b>Est 2016</b>	<b>Bud 2017</b>	<b>BL 2018</b>	<b>BL 2019</b>
<b>1</b> Appellate Court Operations					
<i>1 Appellate Court Operations</i>					
<b>KEY</b> <b>1 Clearance Rate</b>					
	108.92%	105.00%	99.00%	92.00%	93.00%
<b>KEY</b> <b>2 Percentage of Cases Under Submission for Less Than One Year</b>					
	99.39%	99.00%	95.00%	93.00%	90.00%
<b>KEY</b> <b>3 Percentage of Cases Pending for Less Than Two Years</b>					
	99.43%	95.00%	90.00%	88.00%	85.00%

**2.E. Summary of Exceptional Items Request**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/12/2016  
 TIME 1:30:08PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Priority	Item	2018			2019			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	1-1-1 Appellate Court Operations	\$240,312	\$240,312	5.0	\$240,312	\$240,312	5.0	\$480,624	\$480,624
<b>Total, Exceptional Items Request</b>		<b>\$240,312</b>	<b>\$240,312</b>	<b>5.0</b>	<b>\$240,312</b>	<b>\$240,312</b>	<b>5.0</b>	<b>\$480,624</b>	<b>\$480,624</b>
<b>Method of Financing</b>									
	General Revenue	\$240,312	\$240,312		\$240,312	\$240,312		\$480,624	\$480,624
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		<b>\$240,312</b>	<b>\$240,312</b>		<b>\$240,312</b>	<b>\$240,312</b>		<b>\$480,624</b>	<b>\$480,624</b>
<b>Full Time Equivalent Positions</b>				<b>5.0</b>				<b>5.0</b>	
<b>Number of 100% Federally Funded FTEs</b>				<b>0.0</b>				<b>0.0</b>	

**2.F. Summary of Total Request by Strategy**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE 8/12/2016  
 TIME 1:30:08PM

Agency code: 225	Agency name: Fifth Court of Appeals District, Dallas					
<b>Goal/Objective/STRATEGY</b>	<b>Base 2018</b>	<b>Base 2019</b>	<b>Exceptional 2018</b>	<b>Exceptional 2019</b>	<b>Total Request 2018</b>	<b>Total Request 2019</b>
1 Appellate Court Operations						
1 Appellate Court Operations						
1 APPELLATE COURT OPERATIONS	\$6,193,437	\$6,193,437	\$240,312	\$240,312	\$6,433,749	\$6,433,749
<b>TOTAL, GOAL 1</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>	<b>\$240,312</b>	<b>\$240,312</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>	<b>\$240,312</b>	<b>\$240,312</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST</b>						
<b>GRAND TOTAL, AGENCY REQUEST</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>	<b>\$240,312</b>	<b>\$240,312</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>

**2.F. Summary of Total Request by Strategy**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE **8/12/2016**  
 TIME **1:30:08PM**

Agency code: <b>225</b>	Agency name: <b>Fifth Court of Appeals District, Dallas</b>					
<b>Goal/Objective/STRATEGY</b>	<b>Base 2018</b>	<b>Base 2019</b>	<b>Exceptional 2018</b>	<b>Exceptional 2019</b>	<b>Total Request 2018</b>	<b>Total Request 2019</b>
<b>General Revenue Funds:</b>						
1 General Revenue Fund	\$5,767,487	\$5,767,487	\$240,312	\$240,312	\$6,007,799	\$6,007,799
	<b>\$5,767,487</b>	<b>\$5,767,487</b>	<b>\$240,312</b>	<b>\$240,312</b>	<b>\$6,007,799</b>	<b>\$6,007,799</b>
<b>Other Funds:</b>						
573 Judicial Fund	393,950	393,950	0	0	393,950	393,950
666 Appropriated Receipts	32,000	32,000	0	0	32,000	32,000
	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$0</b>	<b>\$0</b>	<b>\$425,950</b>	<b>\$425,950</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>	<b>\$240,312</b>	<b>\$240,312</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>
<b>FULL TIME EQUIVALENT POSITIONS</b>	<b>58.5</b>	<b>58.5</b>	<b>5.0</b>	<b>5.0</b>	<b>63.5</b>	<b>63.5</b>

**2.G. Summary of Total Request Objective Outcomes**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

Date **8/12/2016**  
 Time: **1:30:09PM**

Agency code: **225** Agency name: **Fifth Court of Appeals District, Dallas**

Goal/ Objective / Outcome

	<b>BL 2018</b>	<b>BL 2019</b>	<b>Excp 2018</b>	<b>Excp 2019</b>	<b>Total Request 2018</b>	<b>Total Request 2019</b>
<b>1</b> Appellate Court Operations						
<b>1</b> <i>Appellate Court Operations</i>						
<b>KEY 1 Clearance Rate</b>						
	92.00%	93.00%	103.00%	102.00%	103.00%	102.00%
<b>KEY 2 Percentage of Cases Under Submission for Less Than One Year</b>						
	93.00%	90.00%	98.00%	99.00%	98.00%	99.00%
<b>KEY 3 Percentage of Cases Pending for Less Than Two Years</b>						
	88.00%	85.00%	95.00%	96.00%	95.00%	96.00%

**3.A. Strategy Request**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

8/12/2015 1:30:09PM

**225 Fifth Court of Appeals District, Dallas**

GOAL: 1 Appellate Court Operations  
 OBJECTIVE: 1 Appellate Court Operations  
 STRATEGY: 1 Appellate Court Operations

Service Categories:

Service: 01      Income: A.2      Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>Output Measures:</b>						
1	Number of Civil Cases Disposed	964.00	950.00	912.00	894.00	876.00
2	Number of Criminal Cases Disposed	1,112.00	991.00	951.00	932.00	913.00
<b>Explanatory/Input Measures:</b>						
1	Number of Civil Cases Filed	953.00	965.00	985.00	1,005.00	1,025.00
2	Number of Criminal Cases Filed	1,041.00	892.00	910.00	928.00	947.00
3	Number of Cases Transferred in	0.00	1.00	0.00	0.00	0.00
4	Number of Cases Transferred out	88.00	30.00	50.00	50.00	50.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$5,318,642	\$5,703,749	\$5,853,749	\$5,632,157	\$5,632,157
1002	OTHER PERSONNEL COSTS	\$98,461	\$270,000	\$125,000	\$125,000	\$125,000
2003	CONSUMABLE SUPPLIES	\$21,862	\$30,000	\$30,000	\$30,000	\$30,000
2004	UTILITIES	\$23,407	\$40,000	\$45,000	\$45,000	\$45,000
2005	TRAVEL	\$25,826	\$35,000	\$40,000	\$40,000	\$40,000
2006	RENT - BUILDING	\$39,963	\$45,000	\$50,000	\$50,000	\$50,000
2007	RENT - MACHINE AND OTHER	\$35,824	\$50,000	\$50,000	\$50,000	\$50,000
2009	OTHER OPERATING EXPENSE	\$267,376	\$260,000	\$240,000	\$221,280	\$221,280

**3.A. Strategy Request**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

8/12/2016 1:30:09PM

**225 Fifth Court of Appeals District, Dallas**

GOAL: 1 Appellate Court Operations  
 OBJECTIVE: 1 Appellate Court Operations  
 STRATEGY: 1 Appellate Court Operations

Service Categories:

Service: 01      Income: A.2      Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>
<b>Method of Financing:</b>						
1	General Revenue Fund	\$5,405,887	\$6,007,799	\$6,007,799	\$5,767,487	\$5,767,487
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS)</b>		<b>\$5,405,887</b>	<b>\$6,007,799</b>	<b>\$6,007,799</b>	<b>\$5,767,487</b>	<b>\$5,767,487</b>
<b>Method of Financing:</b>						
573	Judicial Fund	\$393,950	\$393,950	\$393,950	\$393,950	\$393,950
666	Appropriated Receipts	\$31,524	\$32,000	\$32,000	\$32,000	\$32,000
<b>SUBTOTAL, MOF (OTHER FUNDS)</b>		<b>\$425,474</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$6,193,437</b>	<b>\$6,193,437</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>58.6</b>	<b>62.3</b>	<b>63.5</b>	<b>58.5</b>	<b>58.5</b>
<b>STRATEGY DESCRIPTION AND JUSTIFICATION:</b>						



**225 Fifth Court of Appeals District, Dallas**

GOAL: 1 Appellate Court Operations  
 OBJECTIVE: 1 Appellate Court Operations  
 STRATEGY: 1 Appellate Court Operations

Service Categories:

Service: 01      Income: A.2      Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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The Fifth Court of Appeals was created in 1893 pursuant to authority granted by Article V Section 6, Texas Constitution. This Court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts: in civil cases where judgments rendered exceed \$100, exclusive of costs, and other civil proceedings as provided by law; in criminal cases of varying types but excluding post-conviction writs of habeas corpus and cases in which the death penalty has been imposed. The Fifth Court of Appeals has jurisdiction in six counties: Collin, Dallas, Hunt, Grayson, Kaufman, and Rockwall.

**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**

Courts of appeals, by nature, are small agencies with highly specialized staff. The main factor driving this strategy is the need to attract and retain experienced legal staff, and highly-trained, knowledgeable support staff in order to process and dispose of an increasing caseload in a timely and efficient manner.

**EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):**

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
<u>Base Spending (Est 2016 + Bud 2017)</u>	<u>Baseline Request (BL 2018 + BL 2019)</u>	<u>CHANGE</u>	<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOFs and FTEs)</u>
\$12,867,498	\$12,386,874	\$(480,624)	\$(480,624)	4% base reduction: \$480,624 GR funding 5 FTEs
			<u>\$(480,624)</u>	<b>Total of Explanation of Biennial Change</b>

**3.A. Strategy Request**  
85th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

8/12/2016 1:30:09PM

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**SUMMARY TOTALS:**

<b>OBJECTS OF EXPENSE:</b>	<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>
<b>METHODS OF FINANCE (INCLUDING RIDERS):</b>				<b>\$6,193,437</b>	<b>\$6,193,437</b>
<b>METHODS OF FINANCE (EXCLUDING RIDERS):</b>	<b>\$5,831,361</b>	<b>\$6,433,749</b>	<b>\$6,433,749</b>	<b>\$6,193,437</b>	<b>\$6,193,437</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>58.6</b>	<b>62.3</b>	<b>63.5</b>	<b>58.5</b>	<b>58.5</b>

**3.A.1. PROGRAM-LEVEL REQUEST SCHEDULE**  
 85th Regular Session, Agency Submission, Version 1

<b>Agency Code:</b> 225		<b>Agency:</b> Fifth District Court of Appeals at Dallas				<b>Prepared By:</b> Susan Fox, Budget Analyst					
<b>Date:</b>						<b>16-17</b>	<b>Requested</b>	<b>Requested</b>	<b>Biennial Total</b>	<b>Biennial Difference</b>	
<b>Goal</b>	<b>Goal Name</b>	<b>Strategy</b>	<b>Strategy Name</b>	<b>Program</b>	<b>Program Name</b>	<b>Base</b>	<b>2018</b>	<b>2019</b>	<b>18-19</b>	<b>\$</b>	<b>%</b>
1	Appellate Court Operations	1	Appellate Court Operations	1	Appellate Court Operations	\$6,433,749	\$6,193,437	\$6,193,437	\$12,386,874	\$5,953,125	92.5%
1	Appellate Court Operations	1	Appellate Court Operations	1	Paid Law Clerk Program		\$240,312	\$240,312	\$480,624	\$480,624	

### 3.B. Rider Revisions and Additions Request

<b>Agency Code:</b> 225	<b>Agency Name:</b> Fifth District Court of Appeals	<b>Prepared By:</b> Susan Fox, Budget Analyst	<b>Date:</b> 8/12/2016	<b>Request Level:</b> Baseline
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Current Rider Number	Page Number in 2016-17 GAA	Proposed Rider Language
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6

IV-41

**Sec. 6. Interagency Contracts for Assigned Judges for Appellate Courts.** Out of funds appropriated in this Article to Strategies A.1.1. Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years ~~2016~~2018 and ~~2017~~2019, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3. Visiting Judges – Appellate in the Judiciary Section, Comptroller's Department.

*Updating rider to adjust the years for the 2018-2019 biennium.*

**4.A. Exceptional Item Request Schedule**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/12/2016  
 TIME: 1:30:09PM

Agency code: 225

Agency name:

**Fifth Court of Appeals District, Dallas**

CODE	DESCRIPTION	Excp 2018	Excp 2019
	<b>Item Name:</b> Employ and Retain Professional, Quality Staff; Continue Paid Law Clerk Program <b>Item Priority:</b> 1 <b>IT Component:</b> No <b>Anticipated Out-year Costs:</b> Yes <b>Involve Contracts &gt; \$50,000:</b> No <b>Includes Funding for the Following Strategy or Strategies:</b> 01-01-01 Appellate Court Operations		
<b>OBJECTS OF EXPENSE:</b>			
1001	SALARIES AND WAGES	221,592	221,592
2009	OTHER OPERATING EXPENSE	18,720	18,720
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$240,312</b>	<b>\$240,312</b>

**METHOD OF FINANCING:**

1 General Revenue Fund

**TOTAL, METHOD OF FINANCING**

240,312	240,312
<b>\$240,312</b>	<b>\$240,312</b>
5.00	5.00

**FULL-TIME EQUIVALENT POSITIONS (FTE):**

**DESCRIPTION / JUSTIFICATION:**

With the funding provided under the 84th Legislature, the Fifth Court sought to fully comply with the charge put forth under GAA, Art. IV, Special Provisions, Sec. 3, Judicial Internship Program by implementing a fully paid judicial clerkship initiative. In September 2015, the Fifth Court welcomed two full-time first-year law school graduates and four part-time University of North Texas School of Law student law clerks, all of whom work under the Chief Justice's tutelage. This is the first paid law clerk program of its kind in the Texas intermediate appellate court system and exists thanks to the funding granted by the 84th Legislature.

**EXTERNAL/INTERNAL FACTORS:**

4% baseline reduction

**DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS**

The Fifth Court seeks to retain current staff, specifically its newly-implemented paid law clerk program and a full-time administrative staffer, as well as a portion of its operating expenses reserved for incremental salary increases related to its established career ladder program and longevity.

**ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:**

2020	2021	2022
\$240,312	\$240,312	\$240,312

4.B. Exceptional Items Strategy Allocation Schedule  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/12/2016  
 TIME: 1:30:10PM

Agency code: 225 Agency name: Fifth Court of Appeals District, Dallas

Code	Description	Excp 2018	Excp 2019
<b>Item Name:</b> Employ and Retain Professional, Quality Staff; Continue Paid Law Clerk Program			
<b>Allocation to Strategy:</b> 1-1-1 Appellate Court Operations			
<b>STRATEGY IMPACT ON OUTCOME MEASURES:</b>			
<u>1</u>	Clearance Rate	103.00%	102.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year	98.00%	99.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years	95.00%	96.00%
<b>OUTPUT MEASURES:</b>			
<u>1</u>	Number of Civil Cases Disposed	950.00	955.00
<u>2</u>	Number of Criminal Cases Disposed	995.00	1,000.00
<b>EXPLANATORY/INPUT MEASURES:</b>			
<u>1</u>	Number of Civil Cases Filed	1,005.00	1,025.00
<u>2</u>	Number of Criminal Cases Filed	928.00	947.00
<u>3</u>	Number of Cases Transferred in	0.00	0.00
<u>4</u>	Number of Cases Transferred out	50.00	50.00
<b>OBJECTS OF EXPENSE:</b>			
1001	SALARIES AND WAGES	221,592	221,592
2009	OTHER OPERATING EXPENSE	18,720	18,720
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$240,312</b>	<b>\$240,312</b>
<b>METHOD OF FINANCING:</b>			
1	General Revenue Fund	240,312	240,312
<b>TOTAL, METHOD OF FINANCING</b>		<b>\$240,312</b>	<b>\$240,312</b>
<b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>		5.0	5.0

**4.C. Exceptional Items Strategy Request**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

**DATE:** 8/12/2016  
**TIME:** 1:30:10PM

Agency Code: 225 Agency name: Fifth Court of Appeals District, Dallas

GOAL: 1 Appellate Court Operations

OBJECTIVE: 1 Appellate Court Operations

STRATEGY: 1 Appellate Court Operations

Service Categories:

Service: 01 Income: A.2 Age: B.3

CODE DESCRIPTION	Excp 2018	Excp 2019
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**STRATEGY IMPACT ON OUTCOME MEASURES:**

<u>1</u> Clearance Rate	103.00 %	102.00 %
<u>2</u> Percentage of Cases Under Submission for Less Than One Year	98.00 %	99.00 %
<u>3</u> Percentage of Cases Pending for Less Than Two Years	95.00 %	96.00 %

**OUTPUT MEASURES:**

<u>1</u> Number of Civil Cases Disposed	950.00	955.00
<u>2</u> Number of Criminal Cases Disposed	995.00	1,000.00

**EXPLANATORY/INPUT MEASURES:**

<u>1</u> Number of Civil Cases Filed	1,005.00	1,025.00
<u>2</u> Number of Criminal Cases Filed	928.00	947.00
<u>4</u> Number of Cases Transferred out	50.00	50.00

**OBJECTS OF EXPENSE:**

1001 SALARIES AND WAGES	221,592	221,592
2009 OTHER OPERATING EXPENSE	18,720	18,720
<b>Total, Objects of Expense</b>	<b>\$240,312</b>	<b>\$240,312</b>

**METHOD OF FINANCING:**

1 General Revenue Fund	240,312	240,312
<b>Total, Method of Finance</b>	<b>\$240,312</b>	<b>\$240,312</b>

**FULL-TIME EQUIVALENT POSITIONS (FTE):** - 5.0 5.0

**EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:**

**4.C. Exceptional Items Strategy Request**  
85th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

**DATE:** 8/12/2016  
**TIME:** 1:30:10PM

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Agency Code: 225 Agency name: **Fifth Court of Appeals District, Dallas**

GOAL: 1 Appellate Court Operations

OBJECTIVE: 1 Appellate Court Operations

STRATEGY: 1 Appellate Court Operations

Service Categories:

Service: 01 Income: A.2 Age: B.3

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**CODE DESCRIPTION**

**Excp 2018**

**Excp 2019**

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Employ and Retain Professional, Quality Staff; Continue Paid Law Clerk Program



**6.A. Historically Underutilized Business Supporting Schedule**  
 85th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/12/2016  
 Time: 1:30:10PM

Agency Code: 225 Agency: Fifth Court of Appeals District, Dallas

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

**A. Fiscal Year 2014 - 2015 HUB Expenditure Information**

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2014			Total Expenditures FY 2014	% Goal	HUB Expenditures FY 2015			Total Expenditures FY 2015
			% Actual	Diff	Actual \$			% Actual	Diff	Actual \$	
11.2%	Heavy Construction	11.2 %	0.0%	-11.2%	\$0	\$0	11.2 %	0.0%	-11.2%	\$0	\$0
21.1%	Building Construction	21.1 %	0.0%	-21.1%	\$0	\$0	21.1 %	0.0%	-21.1%	\$0	\$0
32.9%	Special Trade	32.9 %	0.0%	-32.9%	\$0	\$2,070	32.9 %	17.1%	-15.8%	\$4,246	\$24,852
23.7%	Professional Services	23.7 %	0.0%	-23.7%	\$0	\$0	23.7 %	0.0%	-23.7%	\$0	\$0
26.0%	Other Services	26.0 %	0.0%	-26.0%	\$0	\$86,462	26.0 %	0.1%	-25.9%	\$105	\$94,391
21.1%	Commodities	21.1 %	36.6%	15.5%	\$23,747	\$64,805	21.1 %	25.3%	4.2%	\$18,636	\$73,572
	<b>Total Expenditures</b>		<b>15.5%</b>		<b>\$23,747</b>	<b>\$153,337</b>		<b>11.9%</b>		<b>\$22,987</b>	<b>\$192,815</b>

**B. Assessment of Fiscal Year 2014 - 2015 Efforts to Meet HUB Procurement Goals**

**Attainment:**

The Fifth Court attained 27.30% of the applicable statewide HUB procurement goals for 2014.

The Fifth Court attained 25.90% of the applicable statewide HUB procurement goals for 2015.

**Applicability:**

In fiscal year 2014-15, the procurement categories not applicable to the Court's operations were heavy construction, building construction, and professional services.

The Fifth Court did not have any programs relating to these procurement categories.

**Factors Affecting Attainment:**

The Fifth Court spends a majority of its appropriated funds on salaries. Computer and printer purchases are made through the Office of Court Administration. The Court's third-largest expense is the purchase of law books and electronic legal research. Unfortunately, after a thorough examination of current catalogs, lists, and price quotations of dealers / publishers, this specialized research material - with exact specifications - is not available from any other sources. The Court fully supports the statewide initiative of creating jobs for Texans with disabilities and therefore purchases commodities from TIBH Industries.

**'Good-Faith' Efforts:**

The Fifth Court of Appeals conscientiously makes every effort to recognize and utilize HUB vendors. Office and computer supplies / maintenance are purchased from local HUB vendors when possible. The Court has utilized HUBs for commodities and other services and made a good faith effort to meet and exceed goals outlined in ITAC 11.13(c).

### 6.B. Current Biennium Onetime Expenditure Schedule

<b>Agency Code:</b> 225	<b>Agency Name:</b> Fifth District Court of Appeals	<b>Prepared By:</b> Susan Fox		<b>Date:</b> 8/12/2016
Item	2016-17 Est/Bud		2018-19 Baseline Request	
	Amount	MOF	Amount	MOF
County Courtroom Bench Remodeling	\$ 60,000.00	1		

**6.B. Current Biennium One-time Expenditure Schedule  
Part 1 Strategy Allocation 2016-17 Biennium**

<b>Agency Code:</b> 225		<b>Agency Name:</b> Fifth District Court of Appeals		<b>Prepared By:</b> Susan Fox		<b>Date:</b> 08/12/2016	
<b>PROJECT ITEM:</b> Leasehold improvement: Courtroom renovation							
<b>ALLOCATION TO STRATEGY:</b> 1.1.1. Construction							
Code	Strategy Allocation	Estimated 2016	Budgeted 2017	Requested 2018	Requested 2019		
2009	<b>Objects of Expense:</b> Other Operating Expense: Leasehold Improvement	60,000	60,000	0	0		
	<b>Total, Objects of Expense</b>	\$60,000	\$60,000	\$0	\$0		
1	<b>Method of Financing:</b> General Revenue Fund	\$60,000	\$60,000				
	<b>Total, Method of Financing</b>	\$60,000	\$60,000	\$0	\$0		

**Description of Item for 2016-17**

On July 7, 2015, the Fifth Court of Appeals and the Texas Supreme Court entered into a Memorandum of Understanding for the Fifth Court to serve as the Supreme Court's operational site in the event of emergency or disaster. Pursuant to this agreement, the Fifth Court must provide a suitable courtroom to seat the 9 justices of the Supreme Court. The Fifth Court has also been seeking space to accommodate en banc hearings wherein all 13 justices sit to hear an appeal. Given both of these needs, the Fifth Court approached its lessor, Dallas County, about the renovation of a rarely used courtroom in the George Allen Courthouse where the Fifth Court currently offices. Dallas County is amenable to renovating this courtroom in a timely manner. Due to a judicial vacancy in FY2015-16, the Fifth Court has unexpended judicial salary funds that it will roll into FY2016-17 pursuant to its unexpended balance authority granted under its bill pattern in GAA, Art. IV. These funds will help fund the courtroom renovation project and will allow for a construction completion date in FY2016-17. The Fifth Court of Appeals endeavors to fulfill its statutory duties and constitutional mandate to effectively and efficiently dispense justice on behalf of the citizens of the state of Texas.

**6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern  
Fifth District Court of Appeals (225)**

<b>ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2018-19 GAA BILL PATTERN</b>	<b>\$</b>	<b>671,506</b>
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<b>Fund Name</b>		
Estimated Beginning Balance in FY 2016		
Estimated Revenues FY 2016	\$	335,753
Estimated Revenues FY 2017	\$	335,753
<b>FY-2016-17 Total</b>	<b>\$</b>	<b>671,506</b>
Estimated Beginning Balance in FY 2018	\$	
Estimated Revenues FY 2018	\$	335,753
Estimated Revenues FY 2019	\$	335,753
<b>FY 2018-19 Total</b>	<b>\$</b>	<b>671,506</b>
<b>Constitutional or Statutory Creation and Use of Funds:</b>		
<div style="border: 1px solid black; min-height: 60px; padding: 5px;">                     Tex. Gov't Code, Sec. 22.2061, Appellate Judicial System                 </div>		
<b>Method of Calculation and Revenue Assumptions:</b>		
<div style="border: 1px solid black; min-height: 60px; padding: 5px;">                     Historical Analysis                 </div>		

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Strategy	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>1-1-1 Appellate Court Operations</b>					
<b>OBJECTS OF EXPENSE:</b>					
1001 SALARIES AND WAGES	\$299,004	\$299,004	\$299,004	\$257,412	\$257,412
1002 OTHER PERSONNEL COSTS	4,485	4,485	4,485	3,861	3,861
2003 CONSUMABLE SUPPLIES	1,500	1,786	1,786	1,587	1,587
2005 TRAVEL	2,738	2,100	5,000	5,000	5,000
2006 RENT - BUILDING	2,160	2,160	2,160	2,160	2,160
2007 RENT - MACHINE AND OTHER	2,166	2,233	2,233	2,233	2,233
2009 OTHER OPERATING EXPENSE	3,500	3,000	3,000	2,250	2,250
<b>Total, Objects of Expense</b>	<b>\$315,553</b>	<b>\$314,768</b>	<b>\$317,668</b>	<b>\$274,503</b>	<b>\$274,503</b>
<b>METHOD OF FINANCING:</b>					
1 General Revenue Fund	315,553	314,768	317,668	274,503	274,503
<b>Total, Method of Financing</b>	<b>\$315,553</b>	<b>\$314,768</b>	<b>\$317,668</b>	<b>\$274,503</b>	<b>\$274,503</b>
<b>FULL-TIME-EQUIVALENT POSITIONS (FTE):</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>4.0</b>	<b>4.0</b>

**DESCRIPTION**

The administrative and support costs in this strategy are related to the percentage of salaries and related operating costs of court personnel performing administrative functions.

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
<b>GRAND TOTALS</b>					
<b>Objects of Expense</b>					
1001 SALARIES AND WAGES	\$299,004	\$299,004	\$299,004	\$257,412	\$257,412
1002 OTHER PERSONNEL COSTS	\$4,485	\$4,485	\$4,485	\$3,861	\$3,861
2003 CONSUMABLE SUPPLIES	\$1,500	\$1,786	\$1,786	\$1,587	\$1,587
2005 TRAVEL	\$2,738	\$2,100	\$5,000	\$5,000	\$5,000
2006 RENT - BUILDING	\$2,160	\$2,160	\$2,160	\$2,160	\$2,160
2007 RENT - MACHINE AND OTHER	\$2,166	\$2,233	\$2,233	\$2,233	\$2,233
2009 OTHER OPERATING EXPENSE	\$3,500	\$3,000	\$3,000	\$2,250	\$2,250
<b>Total, Objects of Expense</b>	<b>\$315,553</b>	<b>\$314,768</b>	<b>\$317,668</b>	<b>\$274,503</b>	<b>\$274,503</b>
<b>Method of Financing</b>					
1 General Revenue Fund	\$315,553	\$314,768	\$317,668	\$274,503	\$274,503
<b>Total, Method of Financing</b>	<b>\$315,553</b>	<b>\$314,768</b>	<b>\$317,668</b>	<b>\$274,503</b>	<b>\$274,503</b>
<b>Full-Time-Equivalent Positions (FTE)</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>4.0</b>	<b>4.0</b>

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

85th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/12/2016

Time: 1:30:11PM

Agency code: 225 Agency name: **Fifth Court of Appeals District, Dallas**

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2018	2019	Biennial Total	2018	2019	Biennial Total	
<b>1 Reduce Staff</b>							
<b>Category:</b> Programs - Service Reductions (FTEs-Layoffs)							
<b>Item Comment:</b> A 10% GR-based budget reduction of \$579,230 per year of the biennium will require the court to eliminate 8 FTEs. The core function of the Fifth Court is to process and review appeals from criminal and civil trial courts in its jurisdiction. This requires a highly-skilled and trained professional workforce, including appellate court lawyers and clerical and administrative staff, who assist the justices in researching, composing, and disposing of legal opinions and orders in appellate cases. Consequently, 95% of the court's appropriated budget is dedicated to salaries. A 10% reduction would require the court to eliminate 5 staff attorneys, 1 administrative assistant, and 2 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 cause the court to fall below the 2:1 lawyer-to-judge ratio and would cause our clearance rate to drop below current standards. Reduced funding and subsequent reduction in staff would also increase the number of cases pending after one year by 18%.							
<p>The results that the Fifth Court attained from the Metropolitan Task Force initiative demonstrated that an increased number of legal and support staff provides the key mechanism for maintaining adequate clearance rates. Between FY99 and FY2000 when the task force initiative was underway, the Fifth Court's clearance rate increased by 21% and the court became one of the three most productive appellate courts insofar as dispositions per justice. The similar funding for same-size courts block grant funding has allowed the Fifth Court to maintain the productivity levels seen during the task force initiative. However, if adequate funding is not authorized to allow the court to maintain current staffing levels, the Fifth Court will again see decreased disposition rates and backlog of cases will once again be created.</p>							
Strategy: 1-1-1 Appellate Court Operations							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$579,230	\$579,230	\$1,158,460	
<b>General Revenue Funds Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$579,230</b>	<b>\$579,230</b>	<b>\$1,158,460</b>	
<b>Item Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$579,230</b>	<b>\$579,230</b>	<b>\$1,158,460</b>	
<b>FTE Reductions (From FY 2018 and FY 2019 Base Request)</b>				<b>8.0</b>	<b>8.0</b>		
<b>AGENCY TOTALS</b>							
<b>General Revenue Total</b>				<b>\$579,230</b>	<b>\$579,230</b>	<b>\$1,158,460</b>	<b>\$1,153,497</b>
<b>Agency Grand Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$579,230</b>	<b>\$579,230</b>	<b>\$1,158,460</b>	

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

85th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/12/2016  
Time: 1:30:11PM

Agency code: 225 Agency name: **Fifth Court of Appeals District, Dallas**

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2018	2019	Biennial Total	2018	2019	Biennial Total	
<b>Difference, Options Total Less Target</b>							<b>\$4,963</b>
<b>Agency FTE Reductions (From FY 2018 and FY 2019 Base Request)</b>				<b>8.0</b>	<b>8.0</b>		