



**Legislative Appropriations Request**  
**for Fiscal Years 2012 and 2013**

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 Joseph Morris  
Justice David Bridges  
Justice Kerry FitzGerald  
Justice Molly Francis  
Justice Elizabeth Lang-Miers  
Justice Robert Fillmore

Justice Jim Moseley  
Justice Michael O'Neill  
Justice Martin Richter  
Justice Douglas Lang  
Justice Mary Murphy  
Justice Lana Myers

August 09, 2010

Submitted by

Gayle Humpa, Business Administrator

Approved

Carolyn Wright, Chief Justice

**ADMINISTRATOR'S STATEMENT**

82nd Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/3/2010**  
TIME: **3:11:36PM**  
PAGE: **1** of **2**

Agency code: **225**

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

The Fifth District Court of Appeals, the largest intermediate appellate court in this state, serves the State of Texas and the judicial process by being the first, and often the only court in the six counties it serves, to review proceedings brought from both civil and criminal trial courts. In carrying out its role, the Fifth District Court of Appeals issues opinions, judgments, and orders setting forth the basis for its decisions. This requires a highly skilled and trained professional workforce, including experienced appellate court lawyers and a specifically trained support staff, who assist the justices of the court in researching and writing opinions and disposing of cases. Consequently, approximately 95% of the Fifth Court's appropriated budget is dedicated to salaries. During the 79th and 80th legislative sessions, the courts of appeals collectively sought block grant resources to similarly fund same -size appellate courts to: 1) obtain the 2:1 attorney/justice ratio for maximum case disposition; 2) create a career ladder for staff attorneys that would allow for the recruitment and retention of qualified attorneys; 3) reclassify the majority of law clerks as permanent staff attorneys; and 4) make salary adjustments for experienced non-legal staff to reflect levels of responsibility and retention. By the end of the 80th Legislature, significant progress was made towards funding this "guideline budget initiative" bringing same-size courts closer to similar funding levels.

**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 decreased disposition rates. To address this issue, the Legislature created the Metropolitan Task Force and began providing block grants used to hire additional personnel. The Metropolitan Task Force demonstrated that increased legal personnel and support staff provides the key mechanism for increased dispositions. The Fifth Court's 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 judge. (See OCA Annual Reports.)

**EXCEPTIONAL ITEM #1 AND STATISTICAL SUPPORT:**

Going into the 81st Legislature, the appellate courts updated the guideline budgets, funded by block grants, to continue the same size court initiative creating a career ladder for attorneys by more closely matching attorney salaries to other state agencies and county government; to add one or more permanent staff attorneys; and to continue making appropriate salary adjustments for non-legal staff reflecting increased levels of responsibility. The Legislature provided a portion of the requested funding, including attorney salaries (capped at a lower amount than requested) and an additional staff attorney position for most courts; however, the funding was provided in FY 2011 only.

To continue meeting performance goals and dispose of more cases in less time, the courts of appeals believe it is critical to continue working toward the guideline budgets developed prior to the 81st Legislature. If the Fifth Court's budget is not restored to 100% of FY2010-11, this will result in a backlog of cases and lower disposition rates. Also, the court will have to lay off two attorneys and two clerks for the biennium. This represents 6% of legal staff and 22% of clerical staff. It will reduce the court's clearance rate to below 90%, a level that has not been seen since 1996. However, in light of the continuing economic challenges in Texas, the Fifth District Court of Appeals is limiting its request during the 82nd Legislative Session to ask only that the court's budget for FY 2012-13 be restored to the initial budget of FY2010-11 before the 5% reduction was requested. This court will not request the restoration of the 2% (\$194,194) that was cut in FY2011. The court requests in Exceptional Item #1 that it is allowed to receive the full level of funding (100%) appropriated to the court for the FY2010-11 biennium and utilize that funding as authorized by the 81st Legislature. This will allow the block grant to remain whole for each intermediate appellate court and will minimize the impact on direct services provided by the courts to citizens of Texas during austere economic times.

While the number of justices for each state court of appeals has not been increased in 25 years, new filings have increased by 36% over the same period. The courts of

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

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appeals disposed of approximately 11,500 cases in each of the past six years. The courts of appeals must have an adequate number of experienced legal staff and highly trained support staff to properly handle this workload. The federal courts employ three attorneys for each active federal court of appeals judge, compared to two attorneys for each judge in the state courts of appeals.

The courts of appeals must also be able to offer competitive salaries in order to recruit and retain the most qualified staff. According to national statistics published by the Bureau of Labor Statistics, attorneys in state government are paid less than other industry sectors, including local and federal government. In FY 2010, the annual mean wage for attorneys in state government was \$82,750 compared to \$91,040 for local government and \$127,550 for federal government. Currently, the courts of appeals have a rider that limits the pay of newly hired or promoted attorneys to \$79,750 and limits the courts to one chief staff attorney position at a maximum salary of \$92,400. Further, the current budget levels do not allow adequate funding to compensate attorneys at higher rates.

**RIDER REQUESTS:**

The Fifth Court also requests the following with regard to the across -the-board riders found in Article IV (p. IV-39):

- 1) Retain Article IV rider, Sec. 7, Appellate Court Exemptions
- 2) Retain Article IV rider, Sec. 8, Appn: Unexpended Balances Between Fiscal Years within the Biennium
- 3) Retain Article IV rider, Sec. 11, Interagency Contracts for Assigned Judges for Appellate Courts
- 4) Retain Article IV rider, Sec. 12, 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 enhance 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 request is not fully funded for the FY2012-13 biennium, this court would need additional funds to maintain its own, separate information technology network.

NOTE on Appropriated Receipts - At the direction of the LBB & Governors Office, the Fifth Court has included appropriated receipts in the amount of \$32,000, reflecting 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 its endeavor to fulfill its statutory duties.

2.A. SUMMARY OF BASE REQUEST BY STRATEGY  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/3/2010  
 TIME: 3:13:41PM

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

Goal / Objective / STRATEGY	Exp 2009	Est 2010	Bud 2011	Req 2012	Req 2013
<b>1</b> Appellate Court Operations					
<b>1</b> Appellate Court Operations					
<b>1</b> APPELLATE COURT OPERATIONS	4,915,758	5,104,825	5,262,599	5,038,066	5,038,066
<b>TOTAL, GOAL 1</b>	<b>\$4,915,758</b>	<b>\$5,104,825</b>	<b>\$5,262,599</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$4,915,758</b>	<b>\$5,104,825</b>	<b>\$5,262,599</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*</b>				<b>\$0</b>	<b>\$0</b>
<b>GRAND TOTAL, AGENCY REQUEST</b>	<b>\$4,915,758</b>	<b>\$5,104,825</b>	<b>\$5,262,599</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>
<b>METHOD OF FINANCING:</b>					
<b>General Revenue Funds:</b>					
1 General Revenue Fund	4,500,410	4,678,875	4,836,649	4,612,116	4,612,116
<b>SUBTOTAL</b>	<b>\$4,500,410</b>	<b>\$4,678,875</b>	<b>\$4,836,649</b>	<b>\$4,612,116</b>	<b>\$4,612,116</b>
<b>Other Funds:</b>					
573 Judicial Fund	393,950	393,950	393,950	393,950	393,950
666 Appropriated Receipts	21,398	32,000	32,000	32,000	32,000
<b>SUBTOTAL</b>	<b>\$415,348</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$4,915,758</b>	<b>\$5,104,825</b>	<b>\$5,262,599</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>

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

**2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/3/2010**  
 TIME: **3:14:11PM**

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

METHOD OF FINANCING	Exp 2009	Est 2010	Bud 2011	Req 2012	Req 2013
<b><u>GENERAL REVENUE</u></b>					
<b><u>1</u> General Revenue Fund</b>					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table	\$0	\$4,678,875	\$5,030,843	\$4,612,116	\$4,612,116
Regular Appropriations from MOF Table (2008-09 GAA)	\$4,500,382	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Five Percent Reduction (2010-11 Biennium)	\$0	\$0	\$(194,194)	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Art. IV, Sec. 10 Unexpended Balance (2008-09 GAA)	\$28	\$0	\$0	\$0	\$0
<b>TOTAL, General Revenue Fund</b>	<b>\$4,500,410</b>	<b>\$4,678,875</b>	<b>\$4,836,649</b>	<b>\$4,612,116</b>	<b>\$4,612,116</b>
<b>TOTAL, ALL GENERAL REVENUE</b>	<b>\$4,500,410</b>	<b>\$4,678,875</b>	<b>\$4,836,649</b>	<b>\$4,612,116</b>	<b>\$4,612,116</b>

**OTHER FUNDS**

**573 Judicial Fund No. 573**

*REGULAR APPROPRIATIONS*

**2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/3/2010**  
 TIME: **3:14:11PM**

Agency code: <b>225</b>		Agency name: <b>Fifth Court of Appeals District, Dallas</b>			
<b>METHOD OF FINANCING</b>	<b>Exp 2009</b>	<b>Est 2010</b>	<b>Bud 2011</b>	<b>Req 2012</b>	<b>Req 2013</b>
<b><u>OTHER FUNDS</u></b>					
Regular Appropriations from MOF Table	\$0	\$393,950	\$393,950	\$393,950	\$393,950
Regular Appropriations from MOF Table (2008-09 GAA)	\$393,950	\$0	\$0	\$0	\$0
<b>TOTAL, Judicial Fund No. 573</b>	<b>\$393,950</b>	<b>\$393,950</b>	<b>\$393,950</b>	<b>\$393,950</b>	<b>\$393,950</b>
<b><u>666</u> Appropriated Receipts</b>					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table	\$0	\$32,000	\$32,000	\$32,000	\$32,000
Regular Appropriations from MOF Table (2008-09 GAA)	\$32,000	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$(10,602)	\$0	\$0	\$0	\$0
<b>TOTAL, Appropriated Receipts</b>	<b>\$21,398</b>	<b>\$32,000</b>	<b>\$32,000</b>	<b>\$32,000</b>	<b>\$32,000</b>
<b>TOTAL, ALL OTHER FUNDS</b>	<b>\$415,348</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>

**2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/3/2010**  
 TIME: **3:14:11PM**

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Agency code: <b>225</b>	Agency name: <b>Fifth Court of Appeals District, Dallas</b>				
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<b>METHOD OF FINANCING</b>	<b>Exp 2009</b>	<b>Est 2010</b>	<b>Bud 2011</b>	<b>Req 2012</b>	<b>Req 2013</b>
<b>GRAND TOTAL</b>	<b>\$4,915,758</b>	<b>\$5,104,825</b>	<b>\$5,262,599</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>

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**FULL-TIME-EQUIVALENT POSITIONS**

<b>REGULAR APPROPRIATIONS</b>					
Regular Appropriations from MOF Table	62.0	60.3	60.3	60.3	60.3
<b>UNAUTHORIZED NUMBER OVER (BELOW) CAP</b>					
Unauthorized Number Over (Below) Cap	(6.6)	(2.9)	(2.7)	(6.7)	(6.7)
<b>TOTAL, ADJUSTED FTES</b>	<b>55.4</b>	<b>57.4</b>	<b>57.6</b>	<b>53.6</b>	<b>53.6</b>

**NUMBER OF 100% FEDERALLY FUNDED**

<b>FTEs</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**2.C.1. OPERATING COSTS DETAIL ~ BASE REQUEST**

82nd Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/3/2010  
Time: 3:16:20PM

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

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

Code	Type of Expense	Expended 2009	Estimated 2010	Budgeted 2011	Requested 2012	Requested 2013
1	Consumable Supplies	\$33,369	\$33,369	\$36,221	\$36,221	\$36,221
2	Postage	4,291	6,500	6,500	6,500	6,500
4	Travel	20,367	13,000	13,000	13,000	13,000
6	Registrations/Training	15,036	15,399	15,036	15,036	15,036
7	Subscriptions/Periodicals	20,596	20,255	50,870	40,871	40,871
10	Court Security	0	0	0	0	0
12	Maintenance & Repair - Equipment	0	0	0	0	0
13	Furniture & Equipment (Expensed)	19,540	3,262	0	0	0
15	Printing & Reproduction	199	0	0	0	0
16	Miscellaneous Expenses	15,938	6,893	4,394	4,394	4,394
24	Freight/Delivery	3,586	964	964	964	964
25	Advertising	25,489	4,729	4,729	4,729	4,729
26	Books (expensed)	49,737	35,000	49,000	49,000	49,000
46	Communication Services	37,092	33,168	43,442	30,032	30,032
64	SORM Assessment	5,154	5,794	5,154	5,154	5,154
78	Leasehold Improvements - Expensed	5,489	9,714	0	0	0
	<b>Total, Operating Costs</b>	<b>\$255,883</b>	<b>\$188,047</b>	<b>\$229,310</b>	<b>\$205,901</b>	<b>\$205,901</b>

**2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES**

82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/3/2010  
 Time: 3:17:09PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Goal/ Objective / Outcome	Exp 2009	Est 2010	Bud 2011	BL 2012	BL 2013
1 Appellate Court Operations					
1 Appellate Court Operations					
<b>KEY</b> <b>1 Clearance Rate</b>	99.70%	100.00%	100.00%	87.00%	85.00%
<b>KEY</b> <b>2 Percentage of Cases Under Submission for Less Than One Year</b>	97.10%	96.50%	97.50%	86.50%	85.50%
<b>KEY</b> <b>3 Percentage of Cases Pending for Less Than Two Years</b>	99.30%	99.00%	99.00%	86.00%	84.00%

**2.E. SUMMARY OF EXCEPTIONAL ITEMS REQUEST**

82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/3/2010  
 TIME : 3:17:36PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Priority	Item	2012			2013			Biennium		
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	
1	Restore Baseline Funding	\$242,743	\$242,743	4.0	\$242,743	\$242,743	4.0	\$485,486	\$485,486	
<b>Total, Exceptional Items Request</b>		<b>\$242,743</b>	<b>\$242,743</b>	<b>4.0</b>	<b>\$242,743</b>	<b>\$242,743</b>	<b>4.0</b>	<b>\$485,486</b>	<b>\$485,486</b>	
<b>Method of Financing</b>										
	General Revenue	\$242,743	\$242,743		\$242,743	\$242,743		\$485,486	\$485,486	
	General Revenue - Dedicated									
	Federal Funds									
	Other Funds									
		<b>\$242,743</b>	<b>\$242,743</b>		<b>\$242,743</b>	<b>\$242,743</b>		<b>\$485,486</b>	<b>\$485,486</b>	
<b>Full Time Equivalent Positions</b>				<b>4.0</b>				<b>4.0</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**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/3/2010  
 TIME : 3:18:36PM

Agency code: 225	Agency name: Fifth Court of Appeals District, Dallas					
<b>Goal/Objective/STRATEGY</b>	<b>Base 2012</b>	<b>Base 2013</b>	<b>Exceptional 2012</b>	<b>Exceptional 2013</b>	<b>Total Request 2012</b>	<b>Total Request 2013</b>
1 Appellate Court Operations						
1 Appellate Court Operations						
1 APPELLATE COURT OPERATIONS	\$5,038,066	\$5,038,066	\$242,743	\$242,743	\$5,280,809	\$5,280,809
<b>TOTAL, GOAL 1</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>	<b>\$242,743</b>	<b>\$242,743</b>	<b>\$5,280,809</b>	<b>\$5,280,809</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>	<b>\$242,743</b>	<b>\$242,743</b>	<b>\$5,280,809</b>	<b>\$5,280,809</b>
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST</b>						
<b>GRAND TOTAL, AGENCY REQUEST</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>	<b>\$242,743</b>	<b>\$242,743</b>	<b>\$5,280,809</b>	<b>\$5,280,809</b>

**2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/3/2010  
 TIME : 3:18:20PM

Agency code: 225		Agency name: Fifth Court of Appeals District, Dallas				
Goal/Objective/STRATEGY	Base 2012	Base 2013	Exceptional 2012	Exceptional 2013	Total Request 2012	Total Request 2013
<b>General Revenue Funds:</b>						
1 General Revenue Fund	\$4,612,116	\$4,612,116	\$242,743	\$242,743	\$4,854,859	\$4,854,859
	<b>\$4,612,116</b>	<b>\$4,612,116</b>	<b>\$242,743</b>	<b>\$242,743</b>	<b>\$4,854,859</b>	<b>\$4,854,859</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>\$5,038,066</b>	<b>\$5,038,066</b>	<b>\$242,743</b>	<b>\$242,743</b>	<b>\$5,280,809</b>	<b>\$5,280,809</b>
<b>FULL TIME EQUIVALENT POSITIONS</b>	<b>53.6</b>	<b>53.6</b>	<b>4.0</b>	<b>4.0</b>	<b>57.6</b>	<b>57.6</b>

**2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES**

82nd Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/3/2010  
Time: 3:22:03PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Goal/ Objective / Outcome

	BL 2012	BL 2013	Excp 2012	Excp 2013	Total Request 2012	Total Request 2013
1 Appellate Court Operations						
1 Appellate Court Operations						
<b>KEY 1 Clearance Rate</b>						
	87.00%	85.00%	97.50%	95.00%	97.50%	95.00%
<b>KEY 2 Percentage of Cases Under Submission for Less Than One Year</b>						
	86.50%	85.50%	96.50%	96.00%	96.50%	96.00%
<b>KEY 3 Percentage of Cases Pending for Less Than Two Years</b>						
	86.00%	84.00%	99.00%	98.00%	99.00%	98.00%



**3.A. STRATEGY REQUEST**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/3/2010  
 TIME: 3:22:31PM

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

GOAL:	1	Appellate Court Operations	Statewide Goal/Benchmark:	0	0
OBJECTIVE:	1	Appellate Court Operations	Service Categories:		
STRATEGY:	1	Appellate Court Operations	Service:	01	Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2009	Est 2010	Bud 2011	BL 2012	BL 2013
<b>SUBTOTAL, MOF (OTHER FUNDS)</b>		<b>\$415,348</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>\$5,038,066</b>	<b>\$5,038,066</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$4,915,758</b>	<b>\$5,104,825</b>	<b>\$5,262,599</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>55.4</b>	<b>57.4</b>	<b>57.6</b>	<b>53.6</b>	<b>53.6</b>

**STRATEGY DESCRIPTION AND JUSTIFICATION:**

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 judgements rendered exceeds \$ 100, exclusive of costs and other civil proceedings as provided by law; and in criminal courts except in post-conviction writs of habeas corpus and where the death penalty has been imposed . The Court has jurisdiction in six counties.

**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**

**STRATEGY DESCRIPTION AND JUSTIFICATION:**

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 judgements rendered exceeds \$100, exclusive of costs and other civil proceedings as provided by law; and in criminal courts except in post-conviction writs of habeas corpus and where the death penalty has been imposed . The Court has jurisdiction in six counties.

**EXTERNAL/INTERNAL FACTORS:**

Court of Appeals are by nature small agencies with highly specialized staff . The main factor which drives this strategy is the need to attract and retain experienced legal staff, and highly trained and knowledgeable support staff to work on an increasing caseload and dispositions .

**3.A. STRATEGY REQUEST**  
82nd Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/3/2010  
TIME: 3:22:31PM

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**SUMMARY TOTALS:**

<b>OBJECTS OF EXPENSE:</b>	<b>\$4,915,758</b>	<b>\$5,104,825</b>	<b>\$5,262,599</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>
<b>METHODS OF FINANCE (INCLUDING RIDERS):</b>				<b>\$5,038,066</b>	<b>\$5,038,066</b>
<b>METHODS OF FINANCE (EXCLUDING RIDERS):</b>	<b>\$4,915,758</b>	<b>\$5,104,825</b>	<b>\$5,262,599</b>	<b>\$5,038,066</b>	<b>\$5,038,066</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>55.4</b>	<b>57.4</b>	<b>57.6</b>	<b>53.6</b>	<b>53.6</b>

### 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> Lara Thompson	<b>Date:</b> 07/31/10	<b>Request Level:</b> Baseline
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Current Rider Number	Page Number in 2010-11 GAA	Proposed Rider Language
4	IV-39	<p><b>Transfer of Cases.</b> The Chief Justices of the 14 Courts of Appeals are encouraged to cooperate with the Chief Justice of the Supreme Court to transfer cases between appellate courts which are in neighboring jurisdictions in order to equalize the disparity between the workloads of the various courts of appeals.</p> <p><i>No change requested.</i></p>
5	IV-39	<p><b>Systems Compatability.</b> No funds shall be utilized to purchase information technology unless it interfaces with other courts and with the Office of Court Administration and complies with the plans filed with the Legislative Budget Board.</p> <p><i>No change requested.</i></p>
6	IV-39	<p><b>Judicial Internship Program.</b> It is the intent of the Legislature that the Judicial Branch cooperate with law schools to establish a judicial internship program for Texas appellate and trial courts. All of the employees and officials of the Judicial Branch are encouraged to work with the Texas Judicial Council in the development of the judicial internship program.</p> <p><i>No change requested.</i></p>
7	IV-39	<p><b>Appellate Court Exemptions.</b> The following provisions of Article IX of this Act do not apply to the appellate courts:</p> <ul style="list-style-type: none"> <li>a. Article IX, § 5.08, Limitation on Travel Expenditures</li> <li>b. Article IX, § 6.10, Limitation on State Employment Levels</li> <li>c. Article IX, § 6.15, Performance Rewards and Penalties</li> <li>d. Article IX, §14.03, Limit on Expenditures - Capital Budget</li> </ul> <p><i>No change requested.</i></p>

8	IV-39	<p><b>Appropriation: Unexpended Balances Between Fiscal Years within the Biennium.</b> Any unexpended balances from appropriations made to the appellate courts for fiscal year 2012 are hereby appropriated to the same court for fiscal year 2013 for the same purposes.</p> <p><i>Update rider to reflect the new biennium.</i></p>
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### 3.B. Rider Revisions and Additions Request (continued)

9	IV-39	<p><b>Intermediate Appellate Court Local Funding Information.</b> The Office of Court Administration shall assist the appellate courts in the submission of a report for local funding information each January 1 to the Legislative Budget Board and the Governor.</p> <p><i>No change requested.</i></p>
10	IV-39	<p><b>Appellate Court Salary Limits.</b> It is the intent of the Legislature that no intermediate appellate court may pay more than one chief staff attorney promoted or hired after September 1, 2011, more than \$92,400 annually under this provision. Further, it is the intent of the Legislature that no intermediate appellate court may pay other permanent legal staff hired or promoted after September 1, 2011 more than \$79,750 annually. This provision does not apply to law clerk positions at any appellate court.</p> <p><i>Update rider to reflect the new biennium.</i></p>
11	IV-39	<p><b>Interagency Contracts for Assigned Judges for Appellate Courts.</b> 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 2012 and 2013 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.</p> <p><i>Update Rider to reflect the new biennium.</i></p>
12	IV-39	<p><b>Appellate Court Transfer Authority.</b> The Chief Justice of the Supreme Court of Texas, the Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices is authorized to transfer funds between appellate courts, notwithstanding any other provision in this Act and subject to prior approval of any transfer of funds by the Legislative Budget Board and the Governor. Any such transfer shall be made for the purpose of efficient and effective appellate court operations and management of court caseloads. It is the intent of the Legislature that transfers made under this provision are addressed by Appropriations Request for the 2014-2015 biennium.</p> <p><i>Update rider to reflect the new biennium.</i></p>

**4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/3/2010**  
 TIME: **3:23:43PM**

Agency code: **225**

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

CODE	DESCRIPTION	Excp 2012	Excp 2013
	<b>Item Name:</b> Restore Baseline Funding		
	<b>Item Priority:</b> 1		
	<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	219,333	219,333
2009	OTHER OPERATING EXPENSE	23,410	23,410
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$242,743</b>	<b>\$242,743</b>
<b>METHOD OF FINANCING:</b>			
1	General Revenue Fund	242,743	242,743
<b>TOTAL, METHOD OF FINANCING</b>		<b>\$242,743</b>	<b>\$242,743</b>
<b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>		4.00	4.00

**DESCRIPTION / JUSTIFICATION:**

The Fifth Court requests to restore the baseline funding appropriated to the courts for FY2010-11 and to utilize that funding as authorized by the 81st Legislature. The sole function of the courts is to process and review appeals from criminal and civil trial courts. This requires a highly skilled and trained professional workforce, including appellate court lawyers and clerical staff, who assist the judges of the court in disposing of cases and researching and writing opinions. A 5% reduction of the budget for the Fifth Court is \$485,486 and 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 would cause the court to fall below the 2:1 attorney/justice ratio and would cause our clearance rate to fall below 90%, thus, increasing the time for which appeals remain pending during the biennium.

**EXTERNAL/INTERNAL FACTORS:**

Historically, case backlog has been addressed by either transferring cases or by utilizing visiting justices; however, neither option has been successful. In July of 1997, the Texas Supreme Court implemented a case transfer program designed to periodically and regularly transfer newly -filed cases from the metropolitan courts to the non-metropolitan courts. This policy did not help the large metropolitan courts reduce their accumulated backlog. Transferring cases places additional cost and time burdens on attorneys required by administrative rules to stay with the cases under submission. In January, 1998, the Texas Supreme Court began assigning retired and former appellate justices to help reduce the dockets. This plan had some limited success but the primary reason for its limited effectiveness was the lack of experienced legal and support staff to assist the visiting justices.

The Fifth Court does NOT want to return to the pre-metropolitan task force backlog case disposition rates. The results that the Fifth Court attained from the metropolitan task force demonstrated that the increased legal and support staff provides the key mechanism for the increased dispositions. The Fifth Court's 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 judge. The block grant funding process has kept the Fifth Court a productive court since that time. However, if funding is not authorized to keep a 2:1 attorney/justice ratio and staff in their current positions, a backlog in cases and decreased disposition rates will once again be created as it was in the 1990's (see OCA Annual Reports).

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/3/2010  
 TIME: 3:24:17PM

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

Code Description	Excp 2012	Excp 2013
<b>Item Name:</b> Restore Baseline Funding		
<b>Allocation to Strategy:</b> 1-1-1 Appellate Court Operations		
<b>STRATEGY IMPACT ON OUTCOME MEASURES:</b>		
<u>1</u> Clearance Rate	100.00%	100.00%
<u>2</u> Percentage of Cases Under Submission for Less Than One Year	96.50%	96.50%
<u>3</u> Percentage of Cases Pending for Less Than Two Years	99.00%	99.00%
<b>OUTPUT MEASURES:</b>		
<u>1</u> Number of Civil Cases Disposed	787.00	787.00
<u>2</u> Number of Criminal Cases Disposed	1,350.00	1,350.00
<b>EXPLANATORY/INPUT MEASURES:</b>		
<u>1</u> Number of Civil Cases Filed	840.00	850.00
<u>2</u> Number of Criminal Cases Filed	1,310.00	1,320.00
<u>4</u> Number of Cases Transferred out	0.00	0.00
<b>OBJECTS OF EXPENSE:</b>		
1001 SALARIES AND WAGES	219,333	219,333
2009 OTHER OPERATING EXPENSE	23,410	23,410
<b>TOTAL, OBJECT OF EXPENSE</b>	<b>\$242,743</b>	<b>\$242,743</b>
<b>METHOD OF FINANCING:</b>		
1 General Revenue Fund	242,743	242,743
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$242,743</b>	<b>\$242,743</b>
<b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>	4.0	4.0

**4.C. EXCEPTIONAL ITEMS STRATEGY REQUEST**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

**DATE: 8/3/2010**  
**TIME: 3:24:47PM**

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

Statewide Goal/Benchmark: 0 - 0  
 Service Categories:  
 Service: 01 Income: A.2 Age: B.3

<b>CODE DESCRIPTION</b>	<b>Excp 2012</b>	<b>Excp 2013</b>
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**STRATEGY IMPACT ON OUTCOME MEASURES:**

<u>1</u> Clearance Rate	97.50 %	95.00 %
<u>2</u> Percentage of Cases Under Submission for Less Than One Year	96.50 %	96.00 %
<u>3</u> Percentage of Cases Pending for Less Than Two Years	99.00 %	98.00 %

**OUTPUT MEASURES:**

<u>1</u> Number of Civil Cases Disposed	787.00	787.00
<u>2</u> Number of Criminal Cases Disposed	1,350.00	1,350.00

**EXPLANATORY/INPUT MEASURES:**

<u>1</u> Number of Civil Cases Filed	870.00	880.00
<u>2</u> Number of Criminal Cases Filed	1,330.00	1,350.00

**OBJECTS OF EXPENSE:**

1001 SALARIES AND WAGES	219,333	219,333
2009 OTHER OPERATING EXPENSE	23,410	23,410
<b>Total, Objects of Expense</b>	<b>\$242,743</b>	<b>\$242,743</b>

**METHOD OF FINANCING:**

1 General Revenue Fund	242,743	242,743
<b>Total, Method of Finance</b>	<b>\$242,743</b>	<b>\$242,743</b>

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

4.0	4.0
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**EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:**

**4.C. EXCEPTIONAL ITEMS STRATEGY REQUEST**  
82nd Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

**DATE:** 8/3/2010  
**TIME:** 3:24:47PM

Agency Code: **225**

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

GOAL: 1 Appellate Court Operations

Statewide Goal/Benchmark: 0 - 0

OBJECTIVE: 1 Appellate Court Operations

Service Categories:

STRATEGY: 1 Appellate Court Operations

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

**CODE DESCRIPTION**

**Excp 2012**

**Excp 2013**

Restore Baseline Funding

**6.A. HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE**

82nd Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/3/2010  
Time: 3:26:07PM

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

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

**A. Fiscal Year 2008 - 2009 HUB Expenditure Information**

Statewide HUB Goals	Procurement Category	% Goal	<u>HUB Expenditures FY 2008</u>			<u>Total Expenditures FY 2008</u>			<u>HUB Expenditures FY 2009</u>			<u>Total Expenditures FY 2009</u>		
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	% Goal
57.2%	Special Trade Construction	57.2 %	0.0%	-57.2%	\$0	57.2 %	0.0%	-57.2%	\$0	57.2 %	0.0%	-57.2%	\$5,489	57.2 %
33.0%	Other Services	33.0 %	1.2%	-31.8%	\$1,064	33.0 %	0.0%	-33.0%	\$0	33.0 %	0.0%	-33.0%	\$94,122	33.0 %
12.6%	Commodities	12.6 %	29.8%	17.2%	\$20,008	12.6 %	35.0%	22.4%	\$23,739	12.6 %	35.0%	22.4%	\$67,732	12.6 %
	<b>Total Expenditures</b>		<b>10.2%</b>		<b>\$21,072</b>		<b>14.2%</b>		<b>\$23,739</b>		<b>14.2%</b>		<b>\$167,343</b>	

**B. Assessment of Fiscal Year 2008 - 2009 Efforts to Meet HUB Procurement Goals**

**Attainment:**

The Court attained 10.2% of applicable statewide HUB procurement goals in 2008. The Court attained 14.2% of applicable statewide HUB procurement goals in 2009.

**Applicability:**

In the year 2008-09 the procurement categories not applicable to the court's operations were: heavy construction, building construction, and professional services as the court did not have any programs related to these procurement categories .

**Factors Affecting Attainment:**

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

**"Good-Faith" Efforts:**

The Fifth Court of Appeals conscientiously makes every effort to recognize HUB vendors . Office and computer supplies/maintenance are purchased from local HUB vendors when possible. The Court has utilized HUBs for commodities purchase and other services and made a good faith effort to meet and exceed the goals outlined in 1TAC 11.13(c).

**6.B. Current Biennium One-time Expenditure Schedule**

<b>Agency Code:</b> 225	<b>Agency Name:</b> Fifth District Court of Appeals	<b>Prepared By:</b> L. Thompson		<b>Date:</b> 7/31/2010
	<b>2010-2011</b>		<b>2012-2013</b>	
<b>Item</b>	<b>Amount</b>	<b>MOF</b>	<b>Amount</b>	<b>MOF</b>
N/A	0	0	0	0

**6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern**  
Agency Name

<b>ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2012-13 GAA BILL PATTERN</b>	<b>\$</b>	<b>690,826</b>
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<u>Fund Name</u>		
Estimated Beginning Balance in FY 2010	\$	32,959
Estimated Revenues FY 2010	\$	330,379
Estimated Revenues FY 2011	\$	330,379
<b>FY 2010-11 Total</b>	<b>\$</b>	<b>693,717</b>
Estimated Beginning Balance in FY 2012	\$	30,068
Estimated Revenues FY 2012	\$	330,379
Estimated Revenues FY 2013	\$	330,379
<b>FY 2012-13 Total</b>	<b>\$</b>	<b>690,826</b>
<b>Constitutional or Statutory Creation and Use of Funds:</b>		
V.T.C.A., Government Code Section 22.2061, Appellate Judicial System - Purpose to defray costs and expenses incurred by the county to assist the Fifth Court of Appeals.		
<b>Method of Calculation and Revenue Assumptions:</b>		
Historical Analysis		

**6.I 10 PERCENT BIENNIAL BASE REDUCTION OPTIONS**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/3/2010  
 Time: 3:29:21PM

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

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2012	2013	Biennial Total	2012	2013	Biennial Total	
<b>3 Reduce Staffing</b>							
<b>Category:</b> Programs - Service Reductions (FTEs-Layoffs)							
<b>Item Comment:</b> 95% of the Court's budget is dedicated to salaries. An additional 10% reduction of the budget for the Fifth Court is \$922,423. This amount equates to an elimination of an additional six staff attorney positions over and above the four staff positions already necessary due to the 5% reduction to the FY2012-13 funding base. A 15% cut from the Fifth Court's FY2010-11 appropriation would result in a total elimination of 10 positions. This represents 21% of the court's legal staff. This reduction in funding would cause the court to fall below the 2:1 lawyer/judge ratio and would cause our clearance rate to fall below 80%. If the Fifth Court had to implement this cut in 5% increments the amount would equal \$461,211.50 and would be achieved by laying off three attorneys at a time .							
The Fifth Court does NOT want to return to the pre-metropolitan task force backlog case disposition rates. The results that the Fifth Court attained from the metropolitan task force demonstrated that the increased legal and support staff provides the key mechanism for the increased dispositions . The Fifth Court's 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 judge . The block grant funding process has kept the Fifth Court a productive court since that time; however, if funding is not authorized to keep attorneys and staff in their current positions, OCA has the Annual Reports to prove that a backlog in cases and decreased disposition rates will once again be created .							
Strategy: 1-1-1 Appellate Court Operations							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$461,211	\$461,212	\$922,423	
<b>General Revenue Funds Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$461,211</b>	<b>\$461,212</b>	<b>\$922,423</b>	
<b>Item Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$461,211</b>	<b>\$461,212</b>	<b>\$922,423</b>	
<b>FTE Reductions (From FY 2012 and FY 2013 Base Request)</b>				<b>6.0</b>	<b>6.0</b>		
<b>AGENCY TOTALS</b>							
<b>General Revenue Total</b>				<b>\$461,211</b>	<b>\$461,212</b>	<b>\$922,423</b>	<b>\$922,423</b>
<b>Agency Grand Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$461,211</b>	<b>\$461,212</b>	<b>\$922,423</b>	
<b>Difference, Options Total Less Target</b>							
<b>Agency FTE Reductions (From FY 2012 and FY 2013 Base Request)</b>				<b>6.0</b>	<b>6.0</b>		

**7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/3/2010  
 TIME : 3:30:02PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Strategy	Exp 2009	Est 2010	Bud 2011	BL 2012	BL 2013
<b>1-1-1 Appellate Court Operations</b>					
<b>OBJECTS OF EXPENSE:</b>					
1001 SALARIES AND WAGES	\$ 247,741	\$ 269,790	\$ 269,790	\$ 269,790	\$ 269,790
1002 OTHER PERSONNEL COSTS	15,609	12,721	3,944	3,944	3,944
2003 CONSUMABLE SUPPLIES	2,002	2,002	2,173	2,173	2,173
2004 UTILITIES	64	30	0	0	0
2005 TRAVEL	1,222	780	780	780	780
2006 RENT - BUILDING	2,171	2,280	2,280	2,280	2,280
2007 RENT - MACHINE AND OTHER	1,579	1,650	1,650	1,650	1,650
2009 OTHER OPERATING EXPENSE	12,129	8,501	10,805	9,401	9,401
5000 CAPITAL EXPENDITURES	0	0	0	0	0
<b>Total, Objects of Expense</b>	<b>\$ 282,517</b>	<b>\$ 297,754</b>	<b>\$ 291,422</b>	<b>\$ 290,018</b>	<b>\$ 290,018</b>
<b>METHOD OF FINANCING:</b>					
1 General Revenue Fund	282,517	297,754	291,422	290,018	290,018
<b>Total, Method of Financing</b>	<b>\$ 282,517</b>	<b>\$ 297,754</b>	<b>\$ 291,422</b>	<b>\$ 290,018</b>	<b>\$ 290,018</b>
<b>FULL-TIME-EQUIVALENT POSITIONS (FTE):</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>

**7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS**  
 82nd Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/3/2010**  
 TIME : **3:30:02PM**

Agency code: **225**

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

	<b>Exp 2009</b>	<b>Est 2010</b>	<b>Bud 2011</b>	<b>BL 2012</b>	<b>BL 2013</b>
<b>GRAND TOTALS</b>					
<b>Objects of Expense</b>					
1001 SALARIES AND WAGES	\$247,741	\$269,790	\$269,790	\$269,790	\$269,790
1002 OTHER PERSONNEL COSTS	\$15,609	\$12,721	\$3,944	\$3,944	\$3,944
2003 CONSUMABLE SUPPLIES	\$2,002	\$2,002	\$2,173	\$2,173	\$2,173
2004 UTILITIES	\$64	\$30	\$0	\$0	\$0
2005 TRAVEL	\$1,222	\$780	\$780	\$780	\$780
2006 RENT - BUILDING	\$2,171	\$2,280	\$2,280	\$2,280	\$2,280
2007 RENT - MACHINE AND OTHER	\$1,579	\$1,650	\$1,650	\$1,650	\$1,650
2009 OTHER OPERATING EXPENSE	\$12,129	\$8,501	\$10,805	\$9,401	\$9,401
5000 CAPITAL EXPENDITURES	\$0	\$0	\$0	\$0	\$0
<b>Total, Objects of Expense</b>	<b>\$282,517</b>	<b>\$297,754</b>	<b>\$291,422</b>	<b>\$290,018</b>	<b>\$290,018</b>
<b>Method of Financing</b>					
1 General Revenue Fund	\$282,517	\$297,754	\$291,422	\$290,018	\$290,018
<b>Total, Method of Financing</b>	<b>\$282,517</b>	<b>\$297,754</b>	<b>\$291,422</b>	<b>\$290,018</b>	<b>\$290,018</b>
<b>Full-Time-Equivalent Positions (FTE)</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>

### Capital Expenditure Detail

Agency Code:	Court/Agency:	Strategy:			Prepared by:	Date:	Strategy:	
225	Fifth District Court of Appeals				L. Thompson	7/31/2010		
Itemization by Capital Expenditure Category		Number of Units	Unit Cost	Expended FY 2009	Estimated FY 2010	Budgeted 2011	Requested 2012	Requested 2013
Category	Description of Items							
N/A	N/A	N/A	N/A	0	0	0	0	0
TOTAL				\$0	\$0	\$0	\$0	\$0
GRAND TOTAL: CAPITAL EXPENDITURES								

**OPERATING COSTS DETAIL ~ EXCEPTIONAL ITEMS**

82nd Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/3/2010  
Time: 3:25:21PM  
Page: 1 of 2

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

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BASE REQUEST STRATEGY: Appellate Court Operations

Code	Type of Expense	Year	Exceptional 1	Exceptional 2	Exceptional 3	Exceptional 4	Exceptional 5
1	Consumable Supplies	2012 2013					
2	Postage	2012 2013					
4	Travel	2012 2013					
6	Registrations/Training	2012 2013					
7	Subscriptions/Periodicals	2012 2013	10,000 10,000				
10	Court Security	2012 2013					
12	Maintenance & Repair - Equipment	2012 2013					
13	Furniture & Equipment (Expensed)	2012 2013					
15	Printing & Reproduction	2012 2013					
16	Miscellaneous Expenses	2012 2013					
24	Freight/Delivery	2012 2013					
25	Advertising	2012 2013					
26	Books (expensed)	2012 2013					

**OPERATING COSTS DETAIL ~ EXCEPTIONAL ITEMS**

82nd Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/3/2010  
Time: 3:25:21PM  
Page: 2 of 2

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

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BASE REQUEST STRATEGY: Appellate Court Operations

Code	Type of Expense	Year	Exceptional 1	Exceptional 2	Exceptional 3	Exceptional 4	Exceptional 5
46	Communication Services	2012	\$13,410				
		2013	13,410				
64	SORM Assessment	2012					
		2013					
78	Leasehold Improvements - Expensed	2012					
		2013					
	<b>Total, Operating Costs</b>	2012	<b>\$23,410</b>				
		2013	<b>\$23,410</b>				

## Organizational Chart

Attach an organizational chart of the Fifth Court. The number on the left is the number of budgeted positions for fiscal year 2010. The number on the right is the number of positions requested to retain adequate, quality legal and non-legal staff with salaries that are commensurate with their responsibilities and the salaries paid like personnel at the other courts of appeals for the 20012-2013 biennium.

### Organizational Chart 2010-(2012-2013)

