

**ITEM REDUCTIONS BY METHOD OF FINANCING**  
 81st Regular Session, 2010-11 Agency Item Reductions  
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 2/26/2010  
 Time: 1:11:31PM  
 Page: 1 of 2

Agency code: 223

Agency name: Third Court of Appeals District, Austin

Item Priority and Name/ Method of Financing	2010	2011	Biennial Total	Target
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**1 Staff Attorney Position**

**Item Comment:** As discussed in the joint letter to state leadership dated 2/16/10, the courts of appeals request to maintain the full level of funding appropriated to the courts for FY 2010-11 and utilize that funding as authorized by the 81st Legislature. Over the last several years the Third Court of Appeals has, for a variety of reasons, wrestled with a substantial backlog of cases. Contributing to this issue, the Court receives approximately 95% of all administrative law cases in the state. These cases involve significantly diverse and complex issues of law which consume substantial judicial resources. In the last year the Court has made great progress on its backlog problem by eliminating more than half of the backlog. A 5% reduction will eliminate one full time attorney position whose job it is to assist in researching and preparing opinions on backlog cases. This reduction constitutes a 6.3% reduction in the court's attorney staff. Ultimately, the reduction would result in a decrease in the number of case dispositions, increase the amount of time in which appeals remain pending, and seriously hinder the court's efforts to eliminate the remainder of its backlog.

GENERAL REVENUE FUNDS

1 General Revenue Fund	\$0	\$75,000		
<b>General Revenue Funds Total</b>	<b>\$0</b>	<b>\$75,000</b>		
<b>Item Total</b>	<b>\$0</b>	<b>\$75,000</b>		

**2 Authorized Salary Adjustments**

**Item Comment:** Satisfaction of the court's core function and its constitutional mandate, the delivery of justice to Texas citizens through review of criminal and civil trial court proceedings, requires a highly skilled and trained professional workforce. As a result, 96% of the Third Court of Appeals FY 2010-11 appropriated budget is dedicated to salaries. Full-level funding will support the court's continued ability to attract and retain the highly qualified attorney staff the court must have to operate effectively and efficiently so that it can deliver justice and satisfy legislative performance requirements. Full-level funding will support staff pay levels that better compete with private and other governmental sectors. Hiring and retaining highly qualified attorneys is crucial to the Court's productivity. Staff turnover, resulting in the loss of institutional knowledge and the loss of time spent training new attorneys, negatively impacts the core function of this court.

Additionally, the Third Court of Appeals was instructed to forgo paying the court's attorneys the statewide retention bonus given to other state employees at the end of FY 2009 because of the anticipated - and funded - salary adjustments scheduled to become effective for such attorneys at the end of FY 2010. These attorneys have been previously notified of the upcoming salary adjustments. A withholding of the promised salary adjustments would significantly damage morale among current attorney staff.

GENERAL REVENUE FUNDS

1 General Revenue Fund	\$0	\$157,620		
<b>General Revenue Funds Total</b>	<b>\$0</b>	<b>\$157,620</b>		

\* - Indicates amount does not meet target requirements.

ITEM REDUCTIONS BY METHOD OF FINANCING  
81st Regular Session, 2010-11 Agency Item Reductions  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 2/26/2010  
Time: 1:15:12PM  
Page: 2 of 2

Agency code: 223

Agency name: Third Court of Appeals District, Austin

Item Priority and Name/ Method of Financing	2010	2011	Biennial Total	Target
Item Total	\$0	\$157,620		
Agency General Revenue Total	\$0	\$232,620		
Agency GR Dedicated Total				
Agency Grand Total	\$0	\$232,620	\$232,620	\$232,620

\* - Indicates amount does not meet target requirements.