

**Supreme Court of Texas
Summary of Recommendations - Senate**

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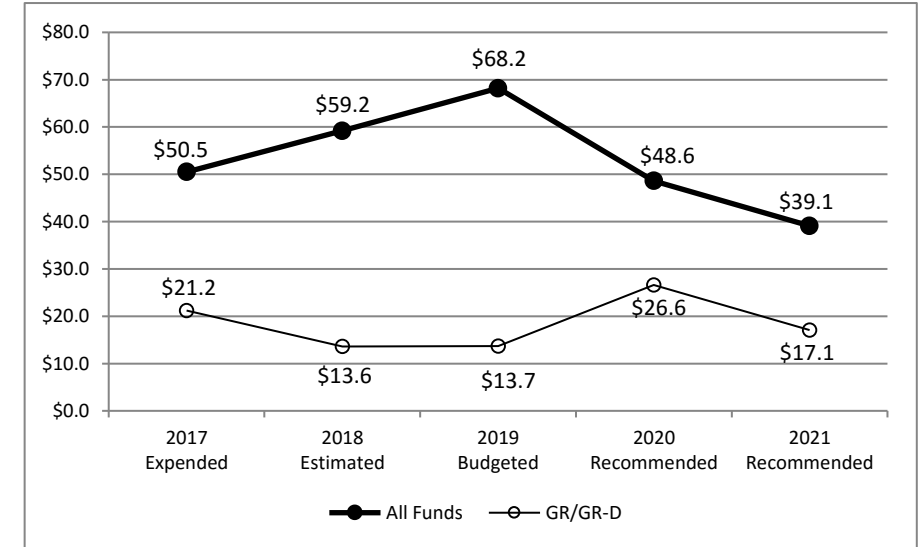
The Honorable Nathan Hecht, Chief Justice

Darren Albrecht, LBB Analyst

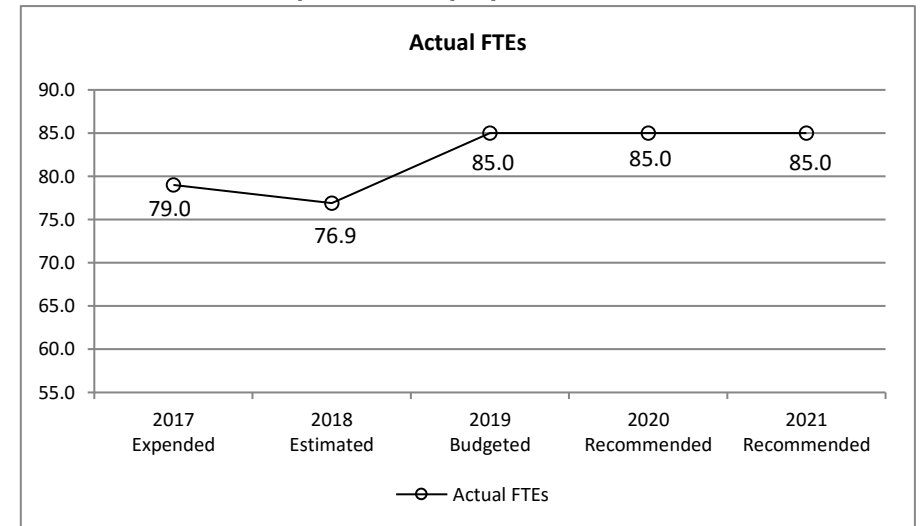
Method of Financing	2018-19 Base	2020-21 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$17,701,900	\$34,045,718	\$16,343,818	92.3%
GR Dedicated Funds	\$9,600,000	\$9,600,000	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$27,301,900</i>	<i>\$43,645,718</i>	<i>\$16,343,818</i>	<i>59.9%</i>
Federal Funds	\$3,544,671	\$3,544,671	\$0	0.0%
Other	\$96,517,495	\$40,550,011	(\$55,967,484)	(58.0%)
All Funds	\$127,364,066	\$87,740,400	(\$39,623,666)	(31.1%)

	FY 2019 Budgeted	FY 2021 Recommended	Biennial Change	Percent Change
FTEs	85.0	85.0	0.0	0.0%

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this Court (2020-21 Recommended) represents an estimated 76% of the Court's estimated total available funds for the 2020-21 biennium.

Supreme Court of Texas
Summary of Funding Changes and Recommendations - Senate

Funding Changes and Recommendations for the 2020-21 Biennium compared to the 2018-19 Base Spending Level (in millions)		General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
<i>Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):</i>							
A)	Increase Basic Civil Legal Services General Revenue funding to FY2016-17 spending levels.	\$16.3	\$0.0	\$0.0	\$0.0	\$16.3	B.1.1
B)	Decrease in funding from Judicial Fund No. 573 due to one-time civil penalty recovery funding from the Volkswagen settlement in fiscal years 2018-19 no longer being anticipated to continue.	\$0.0	\$0.0	\$0.0	(\$55.9)	(\$55.9)	A.1.1, B.1.1
TOTAL Funding Changes and Recommendations (in millions)		\$16.3	\$0.0	\$0.0	(\$55.9)	(\$39.6)	As Listed
<i>Funding Increases</i>		\$16.3	\$0.0	\$0.0	\$0.0	\$16.3	As Listed
<i>Funding Decreases</i>		\$0.0	\$0.0	\$0.0	(\$55.9)	(\$55.9)	As Listed

Supreme Court of Texas
Selected Fiscal and Policy Issues - Senate

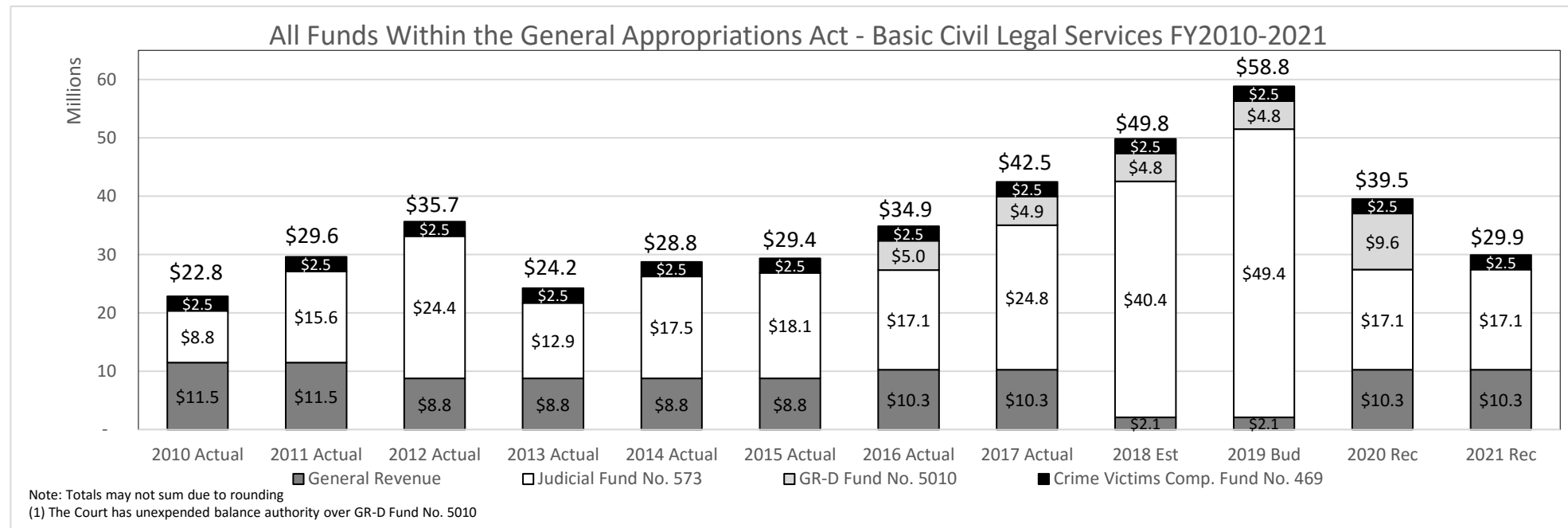
1. **Judicial Compensation.** The Judiciary Section, Comptroller's Department Legislative Appropriations Request includes a 15 percent increase in district judge salaries (\$140,000 to \$161,000) and for the salaries of all judicial and prosecutor positions that are statutorily linked to a district judge's state salary. This includes the Chief Justice and Justices of the Supreme Court of Texas. A justice of the Supreme Court receives an annual state salary that is 120 percent of the salary of a district judge and the Chief Justice is entitled to an additional \$2,500 more than the salary of the other justices of the court. A justice salary would increase from \$168,000 to \$193,200 and the Chief Justices' salary would increase from \$170,500 to \$195,700.

The total state cost of a 15 percent increase in a district judge's salary is approximately \$57.9 million which includes salary and salary supplement increases of \$17.0 million for benefits costs for both payroll contributions and increased liabilities due to a higher actuarially sound contribution rate. This does not include an additional \$1.7 million that would be needed to maintain visiting judge appointment rates at 2018–19 levels due to statutory requirements linking visiting judge compensation to judicial salaries. The most recent judicial salary adjustment was a 12 percent increase in the 2014-15 biennium for judge and prosecutor positions linked to district judge pay totaling \$34.8 million.

2. **Basic Civil Legal Services.** Recommendations reflect an All Funds total of \$69.4 million for Basic Civil Legal Services (BCLS) which is a decrease of \$39.2 million from 2018-19 spending levels. This includes an increase of \$16.3 million in General Revenue to return General Revenue funding for the program to 2016-17 spending levels and partially offset a decrease of \$55.5 million in Judicial Fund No. 573 (Other Funds), which is due to one-time civil penalties from the settlement between the State of Texas and Volkswagen no longer being available. Recommendations provide \$34.3 million in Judicial Fund No. 573 and continue an estimated appropriation authority for anticipated civil penalty collections deposited to the Fund in the 2020-21 biennium.

Recommendations remove Rider 11, Appropriations for BCLS, in the Court’s bill pattern (See Also, Rider Highlights - Senate #11). The rider was added by the Eighty-fifth Legislature to state the Legislature’s intent to continue funding for BCLS beyond the use of one-time civil penalties from funding from the settlement between the State of Texas and Volkswagen. This was a response to the Legislature reducing General Revenue by \$16.3 million and increasing Judicial Fund No. 573 by \$33.3 million for the settlement.

The revenue levels of Judicial Fund No. 573 have varied between biennia due to a lack of consistency in the revenues directed into this fund. Revenue includes Judicial Support court costs, 50.0 percent of civil filing fees collected by the 14 Courts of Appeals, and the net amount of civil penalties recovered by the Attorney General up to \$50.0 million. Since the revenue streams are dependent on the type, frequency, and settlement amounts of certain court cases, the Court has seen a fluctuation in spending for BCLS over the years. The chart below provides a breakdown of the All Funds total for BCLS within the General Appropriations Act from fiscal year 2010-2021.



In December 2018, the State was notified of a \$575.0 million multi-state settlement with Wells Fargo Bank N.A. to resolve claims that the bank violated consumer protection laws. As part of its participation in the lawsuit, Texas will receive \$47.4 million, out of which \$4.7 million will be designated as attorney’s fees and investigative costs under Government Code §402.006(c). The remaining balance of \$42.7 million will be deposited to Judicial Fund No. 573 to provide for basic civil legal services. Although these funds are not included in the bill pattern for the 2020-21 biennium due to the timing of the notification and the uncertainty of when the funds will be received, the recommendations continue estimated appropriation authority for BCLS which will allow the agency to spend any of these funds received during the biennium.

Recommendations do not include \$2.4 million in General Revenue requested by the Court to increase BCLS General Revenue funding to FY2010-11 levels (See Also, Items Not Included in Recommendations - Senate #2). Recommendations provide \$20.6 million in General Revenue funding.

Recommendations do not include a \$3.0 million increase in General Revenue requested by the Court to provide additional legal services for veterans and their immediate families (See also, Items Not Included in Recommendations - Senate #3). Recommendations continue to provide the 2018-19 base funding level of \$3.0 million in General Revenue for this purpose.

3. **Court Improvement Projects.** Recommendations include \$5.5 million in All Funds for Court Improvement Projects which is an increase of \$2.3 million from 2018-19 spending levels. This includes \$3.5 million in Federal Funds and 10.8 FTEs for the Children's Commission and \$2.0 million with 4.2 FTEs for the Judicial Commission on Mental Health. The Eighty-fifth Legislature, Regular Session appropriated \$2.0 million in General Revenue funding for the Children's Commission to offset an anticipated decrease of \$2.0 million in Federal Funds during the 2018-19 biennium. In the fall of 2017 the Supreme Court and the Children's Commission staff became aware that Federal Funding would continue to be available through 2021 at fiscal year 2016-17 spending levels. In fiscal year 2018, the Supreme Court and the Court of Criminal Appeals co-sponsored the Judicial Commission on Mental Health (JCMH) and reallocated the appropriated General Revenue funds for the Children's Commission to the JCMH after receiving the approval of the Governor's Office, Lieutenant Governor's Office, the Speaker of the House Office, the Senate Finance Committee, and the House Appropriations Committee.

The JCMH is the first joint commission of the Supreme Court of Texas and the Court of Criminal Appeals and was established to develop and coordinate policy initiatives designed to improve the court's interaction with children, adults, and families with mental health needs. Recommendations provide \$1.1 million in General Revenue for 4.2 FTEs, \$0.5 million on staff directed projects including a mental health specialty court, \$0.4 million in grants for judges, attorneys, and law enforcement to attend JCMH Fall Summits and specialty court pilot programs and scholarships. Recommendations include the addition of subsection B to Rider 5, Court Improvement Projects which identifies \$2 million in General Revenue for the JCMH and requires the Court to file a report following each fiscal year showing expenditures and disbursements (See Also, Rider Highlight - Senate #5).

Recommendations do not include the Court's request for \$1.0 million in General Revenue to fund the Children's Commission with the authority to hire a jurist-in-residence (1.0 FTE) and to provide training and up-to-date policies and practices focused on abused and neglected children for judges of the Office of Court Administration's Child Support Courts (See also, Items Not Included in Recommendations - Senate #4).

4. **Removal of Riders.** Recommendations delete Rider 3, Docket Equalization, Rider 4, Special Master: State Commission on Judicial Conduct, and Rider 7, Supreme Court Performance Measures. The Court has established its own internal protocol that equalizes the dockets amount the 14 Courts of Appeals (See Also, Rider Highlights - Senate #3) and appoints active judges rather than retired judges as special masters in formal proceedings initiated by the State Commission on Judicial Conduct (See Also, Rider Highlight - Senate #4). The Courts history of compliance with internal deadlines supports discontinuing reporting requirements and the removal of Rider 7 (See Also, Rider Highlights - Senate #7).
5. **Contingency for Behavioral Health Funds.** Recommendations add a contingency rider in alignment with Art. IX, §10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, to add appropriations for the Judicial Commission on Mental Health to the list of agencies in Art. IX, §10.04 (See Also, Rider Highlights - Senate #11). Art. IX, §10.04 provides an informational listing of appropriations for behavioral health services made throughout the General Appropriations Act and makes the appropriation contingent upon the approval of the Statewide Behavioral Health Strategic Plan.

**Supreme Court of Texas
All Funding Sources for Basic Civil Legal Services**

Funds Within the GAA - Basic Civil Legal Services (Fiscal Year)

	2017 Expended	2018 Estimated	2019 Budgeted	2018-19 Base	2020 Recommended	2021 Recommended	2020-21 Recommended	Change from 2018-19 to 2020-21 (\$)	Change from 2018-19 to 2020-21 (%)
General Revenue	\$ 10,276,244	\$ 2,108,875	\$ 2,108,875	\$ 4,217,750	\$ 10,280,784	\$ 10,280,784	\$ 20,561,568	\$ 16,343,818	387.5%
General Revenue–Dedicated Sexual Assault Program No. 5010	\$ 4,945,498	\$ 4,800,000	\$ 4,800,000	\$ 9,600,000	\$ 9,600,000		\$ 9,600,000	\$ -	0.0%
Judicial Fund No. 573 ¹	\$ 24,751,375	\$40,438,447	\$ 49,404,306	\$89,842,753	\$ 17,144,000	\$ 17,144,000	\$ 34,288,000	\$ (55,554,753)	-61.8%
IAC with Attorney General (Crime Victims Compensation Fund No. 469)	\$ 2,488,427	\$ 2,500,000	\$ 2,500,000	\$ 5,000,000	\$ 2,500,000	\$ 2,500,000	\$ 5,000,000	\$ -	0.0%
Total State BCLS Contribution	\$ 42,461,544	\$ 49,847,322	\$ 58,813,181	\$ 108,660,503	\$ 39,524,784	\$ 29,924,784	\$ 69,449,568	\$ (39,210,935)	-36.1%

Funds Outside the GAA - Basic Civil Legal Services (Calendar Year)

	2017	2018	2019	2018-19	2020	2021	2020-21	Change from 2018-19 to 2020-21 (\$)	Change from 2018-19 to 2020-21 (%)
Interest on Lawyers Trust Accounts (IOLTA) ²	\$ 7,020,786	\$ 7,682,000	\$ 8,864,000	\$ 16,546,000	\$ 10,046,000	\$ 11,228,000	\$ 21,274,000	\$ 4,728,000	28.6%
Legal Services Corporation and Other Federal Funding ³	\$ 68,661,492	\$ 68,700,000	\$ 68,700,000	\$ 137,400,000	\$ 68,700,000	\$ 68,700,000	\$ 137,400,000	\$ -	0.0%
Other (Donations and Grants from Foundations)	\$ 35,290,654	\$ 40,300,000	\$ 40,300,000	\$ 80,600,000	\$ 40,300,000	\$ 40,300,000	\$ 80,600,000	\$ -	0.0%
Total BCLS Funding Outside GAA	\$ 110,972,932	\$ 116,682,000	\$ 117,864,000	\$ 234,546,000	\$ 119,046,000	\$ 120,228,000	\$ 239,274,000	\$ 4,728,000	28.6%

Estimate of Total BCLS Funding from All Revenue Sources

	\$ 153,434,476	\$ 166,529,322	\$ 176,677,181	\$ 343,206,503	\$ 158,570,784	\$ 150,152,784	\$ 308,723,568	\$ (34,482,935)	-7.5%
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Source: Texas Access to Justice Foundation, Supreme Court

Notes:

- (1) Judicial Fund No. 573: The increased revenue in fiscal year 2018-19 is the result of the \$42.5 million one-time civil penalties recovered from the Volkswagen settlement.
- (2) Interest on Lawyers Trust Accounts: Amounts for 2019, 2020, and 2021 assume an increase in interest rates by the Federal Reserve.
- (3) Legal Services Corporation and Other Federal Funding: Amounts include significant grants to non-BCLS funded legal aid organizations which provide civil legal services to unaccompanied minors.

**Supreme Court of Texas
Rider Highlights - Senate**

Modification of Existing Riders

3. **Rider 3, Court Improvement Projects.** Recommendations identify \$1.0 million in General Revenue each year for the Judicial Commission on Mental Health (JCMH) and requires the Court to file a report following each fiscal year showing expenditure and disbursements (See Also, Selected Fiscal and Policy Issues - Senate #3). Recommendations also increase the amount allocated in Federal Funds to administer the grant from \$527,000 each year to \$750,000 each year.
4. **Rider 4, Texas Young Lawyers License Plate Receipts.** Recommendations revise the rider to reflect amounts included in the Courts appropriations from the sale of Texas Young Lawyer license plates from Judicial Fund No. 573 and to clarify that the appropriation authority is provided in Art. IX, Sec. 8.13, Appropriation of Specialty License Plate Receipts.
6. **Rider 6, Basic Civil Legal Services for Victims of Sexual Assault.** Recommendations reflect the removal of the title of the Government Code, §420.008 within the rider.

New Riders

8. **Rider, Contingency for Behavioral Health Funds.** Recommendations add a contingency rider in alignment with Art. IX, §10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, to add appropriations for the Judicial Commission on Mental Health to the list of agencies in Art. IX, §10.04 (See Also, Selected Fiscal and Policy Issues - Senate #5).

Deleted Riders

3. **Rider 3, Docket Equalization.** Recommendations delete this rider. The Court has established its own internal protocol that equalizes the dockets among the 14 Courts of Appeals (See Also, Selected Fiscal and Policy Issues - Senate #4).
4. **Rider 4, Special Masters: State Commission on Judicial Conduct.** Recommendations delete this rider. The Court has established its own internal protocol to appoint active judges rather than retired judges as special masters in formal proceedings initiated by the State Commission on Judicial Conduct under Rule 10 of the Procedural Rules for the Removal or Retirement of Judges (See Also, Selected Fiscal and Policy Issues - Senate #4).
7. **Rider 7, Supreme Court Performance Measures.** Recommendations delete this rider. The history of compliance supports discontinuing the reporting requirement (See Also, Selected Fiscal and Policy Issues - Senate #4).
11. **Rider 11, Appropriation for Basic Civil Legal Services.** Recommendations delete this rider. Recommendations provide General Revenue funding for BCLS at 2016-17 levels (See Also, Selected Fiscal and Policy Issues - Senate #2).

Supreme Court of Texas
Items Not Included in Recommendations - Senate

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

Court Exceptional Items Not Included (in Court priority order)

1)	General Revenue funding for salary increases for 14 senior staff attorneys from an average of \$109,322 to \$123,718 each year (\$201,546 each year), 18 Court Law Clerk positions from \$56,375 to \$61,929 each year (\$99,972 each year), nine Clerk positions from an average of \$58,864 to \$67,566 each year (\$78,317 each year), and 20 administrative staff positions from an average of \$56,158 to \$63,055 each year (\$137,944 each year).	\$1,035,558	\$1,035,558	0.0	No	No	\$1,035,558
2)	General Revenue funding for basic civil legal services to be funded at FY2010-11 levels.	\$2,438,432	\$2,438,432	0.0	No	Yes	\$2,438,432
3)	General Revenue funding for additional legal services for veterans and their immediate families. The funds would be distributed as grants to organizations that provide legal aid, legal clinics, and other legal services to veterans, through the Court's Justice for Veterans Initiative.	\$3,000,000	\$3,000,000	0.0	No	Yes	\$3,000,000
4)	General Revenue fund the Children's Commission to provide the Office of Court Administration (OCA) Child Support Courts training and up-to-date policies and practices focused on abused and neglected children. This item includes funding and authority to hire a Jurist in Residence at \$100,000 in fiscal year 2020 and \$104,500 in fiscal year 2021.	\$1,000,000	\$1,000,000	1.0	No	No	\$1,000,000
5)	General Revenue funding and the authority to hire 3.0 staff attorney positions (\$121,000 each year for each position) to assist current staff with parental terminations cases, mandamus and expedited matters fillings, and appeals.	\$726,000	\$726,000	3.0	No	No	\$363,000
6)	General Revenue funding to fund travel reimbursement and other service-related expenses for Court-appointed committee members statewide.	\$20,000	\$20,000	0.0	No	No	\$20,000
7)	General Revenue to provide grant funding for the Multi-District Litigation panel and/or pretrial courts for staff and technology support at 2016-17 funding levels.	\$14,379	\$14,379	0.0	No	No	\$14,379

Supreme Court of Texas
Items Not Included in Recommendations - Senate

		2020-21 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2022-23
		GR & GR-D	All Funds	FTEs			
8)	General Revenue—Dedicated Sexual Assault Program Account No. 5010 funding to provide grant funding at 2016-17 funding levels for basic civil legal services to low-income populations.	\$400,000	\$400,000	0.0	No	Yes	\$400,000
9)	General Revenue funding to establish a Judicial Civics and Education Center to provide visitors with information on Texas legal history and the third branch of government.	\$2,500,000	\$2,500,000	0.0	No	Yes	\$2,500,000
TOTAL Items Not Included in Recommendations		\$11,134,369	\$11,134,369	4.0			\$8,271,369

**Supreme Court of Texas
Appendices - Senate**

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* Appendix is not included - no significant information to report

** Information is included in the presentation section of the packet

Supreme Court of Texas
Funding Changes and Recommendations - Senate, by Strategy -- ALL FUNDS

Strategy/Goal	2018-19 Base	2020-21 Recommended	Biennial Change	% Change	Comments
APPELLATE COURT OPERATIONS A.1.1	\$12,943,271	\$12,530,540	(\$412,731)	(3.2%)	Recommendations reflect a reduction in Judicial Fund No. 573 funding as the Court does not anticipate recovering the same amount in Supreme Court Support Fees.
Total, Goal A, APPELLATE COURT OPERATIONS	\$12,943,271	\$12,530,540	(\$412,731)	(3.2%)	
BASIC CIVIL LEGAL SERVICES B.1.1	\$108,660,503	\$69,449,568	(\$39,210,935)	(36.1%)	Recommendations reflect the reduction in BCLS funding is a result of the one-time civil penalty recovery from the Volkswagen settlement in 2018-19. The Court does not anticipate recovering the same amount in civil penalties in the 2020-21 biennium. Recommendations provide an increase of \$16.3 million in General Revenue to return General Revenue funding for the strategy to 2016-17 spending levels and partially offset a decrease of \$55.5 million in Judicial Fund No. 573 (Other Funds).
COURT IMPROVEMENT PROJECTS B.1.2	\$5,544,671	\$5,544,671	\$0	0.0%	
MULTI-DISTRICT LITIGATION B.1.3	\$215,621	\$215,621	\$0	0.0%	
Total, Goal B, COURT PROGRAMS	\$114,420,795	\$75,209,860	(\$39,210,935)	(34.3%)	
Grand Total, All Strategies	\$127,364,066	\$87,740,400	(\$39,623,666)	(31.1%)	

**Supreme Court of Texas
FTE Highlights - Senate**

Full-Time-Equivalent Positions	Expended 2017	Estimated 2018	Budgeted 2019	Recommended 2020	Recommended 2021
Cap	77.0	77.0	77.0	85.0	85.0
Actual/Budgeted	79.0	76.9	85.0	NA	NA

Schedule of Exempt Positions (Cap)					
Chief Justice (1)	\$170,500	\$170,500	\$170,500	\$170,500	\$170,500
Justice (8)	\$168,000	\$168,000	\$168,000	\$168,000	\$168,000

Notes:

a) The Supreme Court of Texas is exempted from Article IX, Section 6.10, which limits the number of FTEs paid from appropriated funds to the amounts specified in the General Appropriations Act.

**Supreme Court of Texas
Performance Measure Highlights - Senate**

	Expended 2017	Estimated 2018	Budgeted 2019	Recommended 2020	Recommended 2021
<ul style="list-style-type: none"> • <i>Number of Basic Civil Legal Services Grantees Provided State Funding</i> <p><i>Measure Explanation: The number of sub-recipient grantees provided state funding to administer basic civil legal services.</i></p>	29	29	29	26	26
<ul style="list-style-type: none"> • <i>Number of Eligible Clients Whose Cases Were Closed</i> <p><i>Measure Explanation: The number of eligible basic civil legal services clients provided legal assistance whose cases were closed during the reporting period.</i></p>	157,727	170,000	170,000	166,000	155,000

Supreme Court of Texas
Summary of Ten Percent Biennial Base Reduction Options Recommendations - Senate

Priority	Item	Description/Impact	Biennial Reduction Amounts			Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Program GR/GR-D Total	Included in Introduced Bill?
			GR & GR-D	All Funds	FTEs				
1)	Reduce Grants for Multi-District Litigation (MDL)	The reduction would result in less grant funding for the MDL panel and/or pretrial courts, which would affect the efficiency with which these cases could be processed.	\$21,562	\$21,562	0.0	\$0	10%	\$215,621	No
2)	Reduce Grants for Victims of Sexual Assault	The reduction would result in the loss of legal services for sexual assault survivors and would result in 1,029 fewer of cases processed.	\$960,000	\$960,000	0.0	\$0	10%	\$9,600,000	No
3)	Reduce Grants for Basic Civil & Veterans Legal Services	The reduction would result in the loss of legal services to the indigent and to veterans. This approach would result in 452 fewer cases processed.	\$421,775	\$421,775	0.0	\$0	10%	\$4,217,750	No
4)	Reduce Judicial Commission on Mental Health Training	The reduction would result in the loss of grant funds the Judicial Commission on Mental Health would distribute to judges, attorneys, law enforcement, and county leaders to attend the yearly JCMH Summit.	\$200,000	\$200,000	0.0	\$0	10%	\$2,000,000	No
5)	Reduce Staff and Court Operating Expenses	The reduction would result in the loss of nine law clerk positions and one deputy clerk position (\$1,115,654) and reduce operating expenses by 10 percent for consumable supplies, membership dues, employee training, and equipment maintenance and repairs (\$11,199). This approach would reduce Court staff by 14 percent.	\$1,126,853	\$1,126,853	10.0	\$0	10%	\$11,268,529	No
TOTAL, 10% Reduction Options			\$2,730,190	\$2,730,190	10.0	\$0			