

# ORBITS Budget Narrative

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## VII. Appellate/Tax Operation

The Appellate/Tax Court Operations program funds the operations and staffing of the Supreme Court, Court of Appeals, Appellate Court Records Section (ACRS), and Tax Courts. The Supreme Court is established by the Oregon Constitution, and consists of seven justices elected to serve six-year terms. The Court of Appeals consists of ten judges who hear appeals from trial courts, and state agencies and boards. The Tax Court consists of one judge, who hears matters arising from Oregon tax law, and a Tax Magistrate Division created in 1997 to replace the informal administrative tax appeals process conducted by the Department of Revenue. ACRS is the case processing center for both the Supreme Court and the Court of Appeals.

### **SUPREME COURT**

The Supreme Court is Oregon's court of last resort and exists by virtue of Article VII (Amended) of the Oregon Constitution. The Supreme Court has the ultimate responsibility for interpreting Oregon law. The court's decisions with respect to Oregon constitutional, statutory, administrative, and common laws are not subject to further judicial review, except by the United States Supreme Court to ensure consistency with federal law.

Cases come before the Supreme Court in a variety of ways, and jurisdiction is conferred by both the Oregon Constitution and by statute. The court primarily is a court of appellate review, reviewing the decisions of lower courts and other bodies, but it also has original jurisdiction in some types of cases. In addition, the law mandates that the Supreme Court hear certain types of cases. There are still other cases before the court because the justices have exercised their discretion and determined that the matters present important questions of Oregon law.

Constitutional Jurisdiction. When voters adopted Article VII (Amended) of the Oregon Constitution in 1910, they provided the Supreme Court with constitutional authority to exercise discretionary original jurisdiction in mandamus (involving the exercise of public duties), quo warranto (concerning the right to hold a public office), and habeas corpus (questioning whether incarceration is lawful) proceedings. The court typically receives between 100 and 125 such petitions every year. The court considers all of these cases, but accepts only a small percentage to decide on the merits. The Constitution also imposes mandatory original jurisdiction to consider any challenges to the decennial reapportionment of legislative districts.

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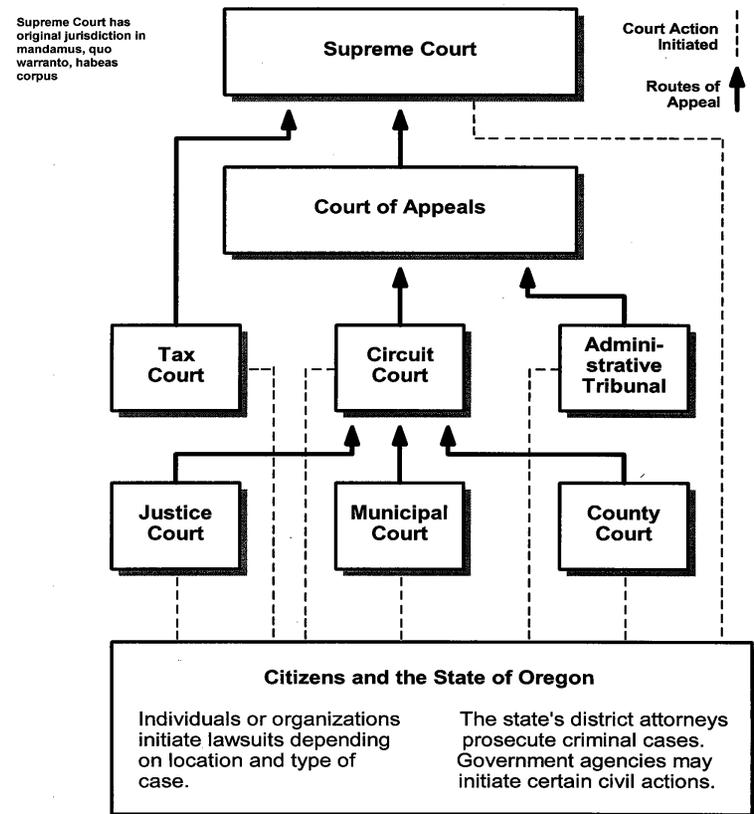
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Statutory Jurisdiction. The primary work of the Supreme Court is to perform its legislatively authorized discretionary review of decisions of the Oregon Court of Appeals. Cases in which a disappointed litigant in the Court of Appeals files a petition seeking review actually present two questions to the court: the first is the decision whether to allow review; and second is the decision on the merits of the questions presented if review is allowed. Each of those decisions is significant, and the court devotes substantial resources toward considering whether a particular petition for review presents an important question for adjudication. The court also has the discretionary authority to consider certified questions of Oregon law from other courts (typically from either Oregon's United States District Court or from the United States Court of Appeals for the Ninth Circuit) and certified appeals from the Oregon Court of Appeals.

The Supreme Court also has a substantial docket of statutory cases of mandatory review. On the appellate side of the court's mandatory caseload, the court hears:

- (1) Automatic reviews in cases where the death penalty was imposed (an average of four such reviews is filed each year, but the cases are complex and extensively briefed);
- (2) Appeals from the Oregon Tax Court (an average of four cases annually);
- (3) Appeals (infrequent) involving certain types of labor disputes;
- (4) Reviews of administrative siting decision for prison, energy production, and waste disposal facilities (also infrequent but often complex);

### APPEALS IN OREGON COURTS



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- (5) Reviews in lawyer discipline and admissions matters (60 to 90 cases annually);
- (6) Reviews involving questions of judicial fitness and disability; and
- (7) Specific cases or issues that the legislature has directed the Supreme Court to consider (challenges to the 2003 PERS legislation, as an example), either on original review or on appeal.

On the original jurisdiction side of the court's mandatory caseload, the court considers a variety of election-related petitions, including ballot title review proceedings and challenges to Voters' Pamphlet explanatory and fiscal impact statements.

Finally, either by legislative direction, or the court's own policies, a number of the case categories described above are considered and decided on an expedited basis. These cases include death sentence review proceedings, election law matters, attorney and judicial decision cases, mandamus petitions, and labor and facilities siting cases.

### Administrative Responsibilities

Sitting, as it does, at the apex of Oregon's third branch of government, the Supreme Court has been assigned significant regulatory responsibilities relating to the administration of Oregon's judicial system. The court, for example, is responsible for appointing, among other positions, *pro tempore* and senior judges, members of the Board of Bar Examiners (lawyer admission), and members of the Bar Disciplinary Board (lawyer discipline). The Supreme Court also has substantial rulemaking responsibilities. The court reviews and approves a variety of rules affecting the practice of law, including amendments to the Rules of Professional Conduct (lawyer ethics), the Rules of Appellate Procedure, the Rules for Admission of Attorneys, the Oregon State Bar Rules of Procedure, and the rules governing Mandatory Continuing Legal Education for Oregon lawyers.

The administrative and regulatory elements of the court's workload fall most heavily on the Chief Justice, who, in addition to managing the Supreme Court, is the administrative head of the entire Oregon unified court system. As such, the Chief Justice is responsible for appointing the Chief Judge of the Court of Appeals, the presiding judge of the Tax Court, the presiding judges for each of Oregon's 27 judicial districts, and the State Court Administrator. The Chief Justice also approves the unified biennial budget for the operating expenses of all the state courts.

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### Workload Distribution and Case Processing

The Supreme Court considers the judicial matters before it *en banc*, with all seven justices participating in the decision (unlike the Court of Appeals, which decides many of its cases by three-judge panels that are subject to additional review). The Supreme Court does so primarily because it is Oregon's court of last resort. It is critical that each justice—unless recused from the case—fully contribute to this final expression of Oregon law. Full court consideration applies not only to the opinions that the court issues, but also to the petitions and substantive motions that the court decides. The court also receives a substantial number of motions that are not substantive in nature. Non-substantive motions, such as extension of time, are decided by the Chief Justice, in coordination with Appellate Records Office staff.

Petitions for review and substantive motions are assigned on a rotational basis to one of the associate justices for preparation of a memorandum discussing the petition, motion, or other matter, and providing the assigned justice's recommended disposition. Once a case has been accepted for review, the Chief Justice assigns cases to a particular justice for the purpose of writing an opinion. The court sits in conference on average three times each month to consider the opinion drafts and other matters that are pending before the court. The conferences usually last a full day but regularly spill over into part of the following day. Finally, the court holds a monthly public meeting at which it addresses the rulemaking and other non-adjudicatory matters described above.

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### Cases Filed by Type and Subtype

	2008	2009	2010*
<b>Appeal</b>			
Certified – Civil - General	1	0	0
<b>Appeal - Civil</b>			
Adoptions	2	2	1
Agency – Circuit Court	0	2	1
Domestic Relations	9	18	19
FED	4	1	2
General	86	83	78
Mental Commitment	3	4	0
Non-Traffic Violation	0	4	2
Other	3	5	5
Probate	3	4	0
Stalking	0	2	2
Traffic	4	3	2
<b>Appeal - Collateral Criminal</b>			
Habeas Corpus	20	40	24
Post-Conviction	235	222	138
<b>Appeal - Criminal</b>			
General	509	538	301
Other	1	0	0
Stalking	0	0	1
Traffic	13	12	14
<b>Appeal - Juvenile</b>			
Delinquency	1	2	2
Dependency	13	12	20
Termination of Parental Rights	15	25	21
<b>Judicial Review – Agency/Board</b>			
Land Use Decisions	6	10	4
Other	3	1	2
Other Agency/Board Decision	19	20	17

	2008	2009	2010*
Parole Decision	60	42	19
Rule Challenge	0	1	2
Workers Compensation Decision	7	9	6
<b>Direct Review – Ballot Measure</b>			
Ballot Title	12	29	14
Explanatory Statement	0	2	0
<b>Direct Review - Civil</b>			
Certified Appeals	0	1	2
Certified Question	3	2	0
Other- Discretionary	0	1	0
<b>Direct Review – Criminal</b>			
Death Sentence	0	0	4
Pretrial Murder/Aggravated Murder	3	1	1
<b>Direct Review – Tax</b>	4	1	4
<b>Original Proceeding – Writ</b>			
Habeas Corpus	15	8	9
Mandamus	92	60	74
Quo Warrento	0	0	1
<b>Professional Regulation – Bar Review</b>			
Disciplinary Proceedings	31	18	21
Examination	1	1	0
Other	9	6	8
Petition for Admission	14	9	12
Reciprocal Discipline	0	0	4
Reinstatement	34	28	25
<b>Total</b>	<b>1235</b>	<b>1229</b>	<b>862</b>

\*2010 as of 11/22/10

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### Petitions for Review – Filings Allowed and Denied, with Aging (2008 to 2010)

	Total Filed	Allowed	Denied	Avg. days from Filing to Decision
<b>2008</b>	883	69	814	74
<b>2009</b>	1031	55	976	82
<b>2010*</b>	698	58	640	92

\*as of 11/22/2010

**Note:** The total number of described filings allowed and decided within a year is not the equivalent of the number filed within a year, because the filings allowed and denied are not necessarily the same as those filed.

### Number of Opinions Annually

	<b>2008</b>	<b>2009</b>	<b>2010*</b>
Opinions	78	77	60

\*as of 11/22/2010

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### Special Programs

Appellate Case Management System. The Supreme Court and Court of Appeals have implemented a new automated Appellate Case Management System, a key component of the Chief Justice's vision for an "electronic courthouse."

Oregon eCourt. Oregon eCourt for Appellate Courts allows external users to file documents electronically. By June 2011, internal court users will manage documents electronically. eCourt for the trial level processes of the Tax Court are included in the solution provided by the vendor for the circuit courts.

Court Security Enhancement Program. ORS 1.178 dedicates funds to the State Court Facilities Security Account. The appellate courts have undertaken an aggressive program to enhance security in the buildings that house the Supreme Court, Court of Appeals, and the offices of the State Court Administrator. As a result of that program, an Oregon State Police trooper now is stationed full-time in the Supreme Court building and the Justice Building, and several projects have been initiated to enhance and expand the security infrastructures at the nine appellate and administrative locations throughout the state—all of which have served to increase the safety and security of the public and judicial staff who use those state facilities. OJD is working with circuit courts, as well as municipal and justice courts, to develop security standards and provide business continuity planning assistance using these funds.

Geographic Oral Argument Sitings. The Supreme Court has held some of its oral arguments at Oregon's law schools, high schools, and post-secondary educational institutions throughout the state for at least 20 years. The court visited thirteen schools in 2009-10, and has heard arguments in dozens of Oregon communities, including Pendleton, La Grande, Baker City, Portland, Eugene, Lakeview, Klamath Falls and Ashland, to name a few. Making this important aspect of the court's work more accessible to the public enhances Oregonians' understanding of the role that courts play in the administration of justice.

Chief Justice Initiatives. Beginning January 1, 2006, the Honorable Paul J. De Muniz assumed the position of Chief Justice. As administrative head of the Oregon Judicial Department, Chief Justice De Muniz intends to continue the focus of Oregon's third branch of government on producing timely and quality work, providing responsible management of the public funds entrusted to the courts, and promoting access to justice by all Oregonians. Most of the initiatives that are planned or underway cut across all levels of the court system and are described elsewhere in this Recommended Budget document.

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### **COURT OF APPEALS**

#### Introduction

The Court of Appeals is Oregon's intermediate appellate court. By statute, the Court of Appeals is charged with deciding nearly all the civil and criminal appeals taken from Oregon's state trial courts and nearly all the judicial reviews taken from administrative agencies in contested cases. Created by statute in 1969, the Court of Appeals does not exercise any constitutional jurisdiction; instead, its jurisdiction is set by the legislature.

Whether measured against the number of appeals taken by population or the number of appeals taken by judge, the Oregon Court of Appeals consistently ranks as one of the busiest appellate courts in the nation. Over the past decade, the Court of Appeals has received approximately 3,300 to 4,000 filings per year. The information contained in this narrative is merely a summary of the court's structure, workload, and projects. More detailed information is available in the court's most recent annual report, which is posted on the court's web page on the Oregon Judicial Department's website at: <http://courts.oregon.gov/COA/Reports.page> (See Tab XIV Special Reports).

#### Workload Distribution

The Court of Appeals has ten judges. To meet the demand of its substantial workload, the court is divided into three departments (or "panels") of three judges each for the purpose of considering cases. In addition, there is another three-judge panel--consisting of one judge from each of the other three departments--that sits separately for the purpose of considering substantive motions filed in appeals or judicial reviews. The Chief Judge of the Court of Appeals sits as a nonvoting member on each of the court's four departments and participates in their deliberations. That participation, which is in addition to the Chief Judge's administrative and other responsibilities, permits the Chief Judge both to act as a substitute voting member on any panel when one of the other judges cannot participate (due to a conflict of interest, for example) and also helps to ensure consistency among the decision making of the various panels. Finally, before a panel releases an opinion in a case, the proposed opinion is circulated to all the court's judges, and the court then may elect to consider the case *en banc* (by the full ten-judge court), which happens in approximately three percent of the court's cases.

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### Case Processing

An appeal or judicial review can result in a dismissal short of a decision on the merits for a number of reasons: A party may voluntarily dismiss the case due to settlement or for some other reason, or, there also can be jurisdictional problems or a failure to prosecute. All but a handful of dismissals arise before the case is submitted for decision. Over time, the statistics translate roughly ("roughly" because a case may be dismissed in a year other than the year in which it was filed) into a 35-50 percent dismissal rate.

With regard to those cases that proceed to a disposition on the merits, most cases are submitted for decision after oral argument; a small percentage is submitted on the written briefing alone. Cases are assigned to a department on a random basis. Each department hears oral arguments on an average of three days each month; oral arguments are heard year-round. In addition, the court generally schedules an additional oral argument day each month to consider "fast track" cases; those matters that the legislature or the court has determined require expedited consideration. Primary among those cases are appeals or judicial reviews involving juvenile dependency, termination of parental rights, land use, workers' compensation, and certain felony convictions.

Before oral argument, all three judges assigned to hear the cases read the parties' briefs, perform whatever preliminary legal research may be in order, and meet together to discuss the case in a pre-argument conference. Following oral argument, the judges reevaluate the case in a post-argument conference in light of the parties' oral advocacy and review the record of the case as appropriate. If, based on all those considerations, each of the three judges agrees that (1) none of the arguments by the parties will result in the decision below being vacated, reversed, or modified, and (2) a written opinion would not benefit the parties, bench, or bar, then the panel will issue a decision affirming the ruling on appeal or review without opinion. Such decisions normally are issued within a few weeks of submission.

For matters in which an unwritten disposition would not be appropriate, the presiding judge assigns the case for preparation of a written opinion. Once prepared, the draft is circulated to the other judges of the panel and the Chief Judge, and the proposed decision is discussed at a regularly scheduled conference that the Chief Judge also attends. As noted above, once the panel has agreed on a disposition for the case, which may or may not include a concurring or dissenting opinion by one of the panel's judges, the final draft of the opinion(s) is circulated to all the other judges to determine whether the case will be considered by the full court.

The Court of Appeals typically issues between 400 and 450 written opinions each year, or 40 to 45 opinions per judge. At any one time, each judge usually has an active list of between 25 and 30 cases that have been assigned to that judge for a written opinion to be produced. The court continues its efforts to maintain its productivity goals, reaching the 458 mark for total authored opinions in 2010.

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### Internal Processes: Publication and Assessment

The court is committed to improving communications with the bench, the bar, the other branches of government, and the public about its work. As part of its efforts to fulfill that commitment, the court has prepared a written summary of its internal processes, the Oregon Court of Appeals Internal Practices Guidelines. Completed in 2007, the Guidelines describe the internal workings of the court, from the filing of documents that trigger the court's jurisdiction, until the issuance of judgments that end it. Included are descriptions of the organization of the court and its professional and administrative staff, how the court processes various filings at the initiation of an appeal or judicial review proceeding, how the court typically arrives at its decisions, and how it prepares them for publication. It also includes descriptions of how the court processes its several thousand motions annually and how cases may be referred to its nationally recognized Appellate Settlement Conference Program. The court hopes that, by providing these insights into its internal workings, the court has made its work more accessible and its rules and procedures easier for litigants to comply with.

The court is also committed to reviewing its internal practices on an ongoing basis, in an effort to improve its practices to better serve the bench, the bar, and the public. To that end, the court sponsored and supported a survey of the best practices of state intermediate appellate courts across the nation. We hope and expect that the study group's work will meaningfully contribute, both in Oregon and across the nation, to the improvement of intermediate appellate court performance through the systematic sharing of information pertaining to court processes and design. As the court changes its practices, it will modify the Guidelines to reflect those changes.

Copies of the Guidelines may be obtained online at the court's web page on the Oregon Judicial Department website at: <http://courts.oregon.gov/COA/InternalPractices.page>.

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### Appellate eCourt Project

The Court of Appeals has implemented a new automated Appellate Case Management System, a key component of the Chief Justice's vision for an "electronic courthouse." The Appellate Case Management System is now operational and has been in use by the court since 2008.

The court has also started implementation of a document management system. This system (when completed in mid 2011) will give the court the ability to process cases without the need to handle traditional hard copy documents. In addition, the court has started using electronic versions of trial court records, exhibits, and transcripts as part of the case review process.

### Appellate Performance Measures

The Court of Appeals Performance Measures design team, which began meeting in the fall of 2005, has finalized the court's success factors and accompanying core performance measures. The court's success factors are:

- Quality: Fairness, equality, clarity, transparency, and integrity of the judicial process.
- Timeliness and Efficiency: Resolution of cases in a timely and expeditious manner.
- Public Trust and Confidence: Cultivating trust and confidence in the judiciary.

The court's core performance measures are:

- Appellate Bar and Trial Bench Survey: The percentage of members of the Oregon appellate bar and trial bench who believe that the Oregon Court of Appeals is delivering quality justice, both in its adjudicative and other functions.
- On-Time Case Processing: The percentage of cases disposed or otherwise resolved within established time frames.
- Clearance Rate: The ratio of outgoing cases to incoming cases expressed as an average across all case types and disaggregated by case type--that is, civil, criminal, collateral criminal, juvenile, and agency/board.
- Productivity: The number of cases resolved by the Court of Appeals disaggregated by decision form--that is, signed opinions, per curium opinions, AWOPs (affirmances without opinion), and dispositive orders.

As our first formal effort to measure the quality of the court's work, in the spring of 2007, the court invited attorneys and judges involved in a circuit court case on appeal in which any case dispositional decision was entered between July and December 2006 to complete an

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anonymous online survey. Survey respondents gave the highest marks to the court's treatment of the trial court judges and appellate attorneys involved in the cases on appeal. Nine out ten believe that the Court of Appeals treats them with courtesy and respect. A lesser percentage of respondents, approximately two out of three, believe that the court handles its caseload efficiently, that the court is accessible to the public and attorneys in terms of its cost, and that the court does a good job of informing the bar and the public of its procedures. Overall, four out of five appellate attorneys and trial judges indicated that the court is doing a good job. The statistical summary is posted on the court's webpage on the Oregon Judicial Department website at: <http://courts.oregon.gov/COA/BenchBarSurvey07.page>.

During the Appellate Case Management System phase-in, the design team's extensive work on the case processing, clearance rate, and productivity measures helped identify proposed standard reports that will provide appellate case data to assist the court in evaluating its progress with respect to those performance measures. These reports were completed in 2008.

In 2008 and beyond, the design team will guide the monitoring, analysis, and integration of performance measurement into the court's management and leadership, including how we are doing over time, what we are doing to improve or maintain good performance, and what performance targets and goals we should set for future performance.

### Appellate Commissioner Project

In 2008, the court reorganized the Office of Appellate Legal Counsel into an Appellate Commissioner's Office. The goal of the appellate commissioner position is to reduce substantially the amount of time it historically has taken for substantive motions in the Court of Appeals to be decided. The commissioner has authority to decide motions, own motion matters, and cost and attorney fees matters arising from cases not decided by a department. Parties may move for reconsideration of a decision of the appellate commissioner, resulting in review of the decision by either the Chief Judge or the Motions Department of the Court of Appeals. The appellate commissioner position is modeled on commissioner positions found in the State of Washington appellate courts, except that the Oregon appellate commissioner does not have authority to decide any cases on their merits.

### Special Programs

Appellate Settlement Conference Program. The Court of Appeals has continued to utilize its highly effective mediation program, which has allowed parties to resolve on a mutual rather than judicial basis between 100 and 150 civil, domestic relations, and workers'

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compensation cases each year. The settlement rate for cases entering the program has been approximately 70 percent, one of the highest in the nation.

Trading Benches Program. The court has developed and implemented this program in coordination with Oregon's circuit court judges. Through the program, trial judges periodically sit *pro tempore* on the Court of Appeals while appellate judges perform judicial work for the circuit courts. With a better understanding of the work that each other perform, it is expected that the incidence of reversible error will be reduced.

Comparative Statistics: The following chart shows comparative statistics for the Court of Appeals for the years 2003-09.

Court of Appeals Comparative Statistics 2003-2009							
	2003	2004	2005	2006	2007	2008	2009
Adoptions	1	3	3	4	5	5	3
Criminal	1120	1519	1571	1562	1356	1384	1588
Criminal Stalking	NA	NA	NA	NA	1	4	2
Civil	487	432	418	405	388	402	365
Civil Injunctive Relief	NA	0	1	0	0	0	0
Civil Agency Review	NA	1	13	12	24	9	0
Civil FED	NA	22	35	27	29	28	29
Civil Other Violations	NA	3	11	9	6	15	17
Civil Stalking	NA	5	25	19	25	16	19
Civil Traffic	NA	15	30	35	31	36	39
Domestic Relations	218	195	176	159	187	185	176
Domestic Relations - Punitive Contempt	NA	NA	NA	NA	5	7	8
Habeas Corpus	93	80	85	81	84	78	48
Mandamus	0	1	0	0	0	0	0
Juvenile	74	0	1	0	0	0	0
Juvenile Delinquencies	11	42	38	32	30	24	31
Juvenile Dependencies	8	62	65	64	80	125	100

Juvenile Terminations	75	72	79	65	67	44	55
Probate	15	20	23	18	8	31	19
Post Conviction	249	387	550	334	291	236	225
Traffic	96	160	109	88	90	72	87
Administrative Review	231	217	200	193	232	212	324
LUBA	43	29	36	21	26	34	29
Parole Review	157	116	86	175	103	49	65
Workers' Compensation	214	181	120	116	102	110	79
Mental Commitment	88	115	126	94	102	83	71
Columbia River Gorge Commission	NA	NA	NA	NA	1	1	0
Rule Challenge	NA	NA	NA	2	1	13	9
Other	0	0	0	2	38	17	28
Total Filings	3180	3677	3801	3517	3312	3220	3416
Opinions Issued	344	351	400	420	400	436	503

Beginning in 2004, the Court of Appeals refined its tracking of certain broad categories of case filings. For example, before 2003 the category "juvenile" had included both delinquency and dependency proceedings. Now each type of filing is reported separately.

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### **Appellate Court Services Division**

The Appellate Court Services Division (ACSD) has four sections that provide specialized administrative support activities on behalf of the Oregon Supreme Court, Court of Appeals, and OSCA. ACSD is also responsible for the management of the department-owned Supreme Court Building.

The sections are: Appellate Court Records, State of Oregon Law Library, Publications, and Supreme Court Building Services. The specialized functions for each section are:

- **Appellate Court Records Section:** The Appellate Court Records Section (ACRS) is the case processing center for both the Supreme Court and the Court of Appeals. It is responsible for processing all documents filed with either appellate court, including petitions, appeals, motions, briefs, notices, and correspondence. ACRS manages appellate transcript filing, calendars oral arguments, prepares and issues administrative orders and appellate judgments, and is responsible for all archival activities. ACRS also supports the continued development of ACMS and Appellate eCourt.
- **State of Oregon Law Library:** The State of Oregon Law Library serves as a principal legal research center for the Oregon appellate courts, tax court, executive agencies, and citizens. The library is open to the public, without charge, and provides a variety of services to lawyers and lay patrons. It is funded mainly through a statewide assessment.
- **Publications Section:** The Publications Section publishes and markets the decisions, rules, and media releases of the appellate courts and provides desktop publishing services to OJD. This section is self-sustaining and receives no General Fund support. The section works with the appellate judicial chambers to finalize and set court opinions for production and utilizes the services of the Department of Administrative Services Publishing and Distribution Center to print and distribute opinions.
- **Building Services Section:** The Building Services Section is responsible for the maintenance of the Supreme Court Building. The building, built in 1914, is the oldest facility on the Capitol Mall and houses the Supreme Court, State of Oregon Law Library, and ACRS.

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### OREGON TAX COURT

The Oregon Tax Court is a specialized trial-level court with statewide jurisdiction. It has exclusive jurisdiction in all questions of law or fact arising under state tax laws. State tax laws include personal income tax, corporate excise tax, property tax, timber tax, cigarette tax, local budget laws, and constitutional property tax limitations. The court has two divisions, Regular Division and Magistrate Division.

#### **Regular Division**

Regular Division has one judge who hears appeals from: (1) the Magistrate Division; (2) direct appeals which are specially designated; and (3) direct petitions such as mandamus, local budget law, and constitutional property tax limitations.

#### **Magistrate Division**

Magistrate Division has three magistrates who hear appeals directly from county boards of property tax appeals and from actions of the Department of Revenue. Decisions of the magistrates may be appealed to the Regular Division. ORS 305.505 requires the Magistrate Division to keep records containing information as to the date cases are filed and the date decisions are issued. This statute also requires that “at the time of preparation biennially of consolidated budgets for submission to the Legislative Assembly . . . for petitions or appeals filed after September 1, 1997, the State Court Administrator shall prepare and submit to the Legislative Assembly general statistical information as to the amount of time required by the tax court magistrate division to reach its decisions.”

- For the two-year period July 1, 2008, through June 30, 2010, 3,042 appeals were filed: 2,256 property tax and 786 income tax.
- Magistrates produce a written decision in each case. The average time between a case filing date and the date of the decision is slightly more than seven months.
- During the two-year period, 66 cases decided in the Magistrate Division were appealed to the Regular Division. Of those 66 cases, 38 have been closed by the Regular Division. One of those cases reversed

Personal Income	731	Omitted Property	121
Corporate Income	15	Farm Property	76
Tobacco Income	8	Exemption Property	86
Withholding Income	19	Personal Property	123
Income/Other	13	Forest Property	32
Residential Property	1194	Utilities Property	13
Commercial Property	338	Real Property	0
Industrial Property	213	Property/Other	60

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the decision of the Magistrate Division.

- As of June 30, 2010, there were 1,039 active cases.

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### **Current Service Level**

The Appellate/Tax Courts Operations Current Service Level (CSL) budget totals \$19.2 million (All Funds). This amount represents an increase of 27.2 percent over the 2007-09 Legislatively Adopted Budget. This increase includes packages to adjust for non-PICS personal service increases, general inflation, restoring limited-duration positions funded with temporary revenues established in Enrolled HB 2287 (Chapter 659, Oregon Laws 2009), and the administrative transfer of the Appellate Court Records Office budget from the Administration and Central Support summary cross reference to the Appellate/Tax Operation summary cross reference.

### **Chief Justice's Recommended Budget**

The Chief Justice's Recommended Budget for this program for the 2011-13 biennium totals \$20.7 million (All Funds). This amount includes policy packages totaling \$1.5 million and representing one major policy issues as follows:

1. New Court of Appeals Judicial Panel: Policy Package 104 (\$1.5 million – General Fund, 7.25 FTE). Approval of this package will provide staff to support one additional panel of three (3) Court of Appeals judges. Whether measured against the number of appeals taken by population or the number of appeals taken by judge, the Oregon Court of Appeals consistently ranks as one of the busiest appellate courts in the nation. This additional panel addresses a portion of the heavy workload of the court.

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### Appellate/Tax Courts Operations Budget Summary

	<b>2007-09 Actual Expenditure</b>	<b>2009-11 Legislatively Approved Budget</b>	<b>2011-13 Current Service Level (CSL)</b>	<b>2011-13 Chief Justice's Recommended*</b>
General Fund	\$23,150,636	\$14,274,249	\$18,180,684	\$19,670,894
Other Funds	2,971,710	821,292	1,051,256	1,051,256
Federal Funds	0	0	0	0
Nonlimited (Other)	0	0	0	0
<b>TOTAL – ALL FUNDS</b>	<b>\$26,122,346</b>	<b>\$15,095,541</b>	<b>\$19,231,940</b>	<b>20,722,150</b>
Positions	124	86	103	116
FTE	119.51	79.85	98.45	105.70

\* Includes CSL and all policy option packages.

# ORBITS Budget Narrative

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## VII. Appellate/Tax Operation

### **Essential Packages**

#### **Purpose**

The essential packages present budget adjustments needed to bring the legislatively approved budget to Current Service Level (CSL), the calculated cost of continuing legislatively approved programs into the 2011-13 biennium.

#### **Staffing Impact**

The essential packages include 11 positions / 8.79 FTE for permanent restoration of Appellate Court positions funded during the 2009-11 biennium with temporary funding under Enrolled HB 2287 (Chapter 659, Oregon Laws 2009). These do not show on the reports due to the method approved by the Legislative Fiscal Office and Department of Administrative Services to 'rebuild' this portion of the budget.

#### **Revenue Source**

The essential packages decrease the General Fund appropriation by \$2,393,582 and decreases Other Funds-Limited by \$2,315,029.

### **010 Non-PICS Personal Service Adjustments**

The cost of Non-PICS Personal Services increases General Fund totals by \$25,795 and decreases Other Funds by \$4,573. These amounts are comprised of costs as follows:

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## VII. Appellate/Tax Operation

<b>Non-PICS Personal Service Adjustments</b>	<b>General Funds</b>	<b>Other Funds</b>
Other Differentials	+76,039	0
Mass Transit Tax not calculated by PICS	-19,109	+\$2,763
Temporary Appointments	+8,102	
Pension Bond Contribution	-56,631	-7,336
Public Employees Retire Cost	+10,957	0
Social Security Taxes	+6,437	0
<b>TOTALS</b>	<b>+\$25,795</b>	<b>-\$4,573</b>

### 020 Phase-In

The Appellate/Tax Courts Operations has no phase-in costs.

### 022 Phase-Out Program and One-Time Costs

The Appellate/Tax Courts Operations has no phase-out costs.

### 031 Inflation and Price List Adjustments

The cost of goods and services increase General Fund totals by \$11,625 for Appellate/Tax Courts Operations. This reflects the standard inflation rate of 2.4 percent on goods and services.

### 040 Mandated Caseload

The Appellate/Tax Courts Operations budget has no fund shifts within its EBL budget.

# ORBITS Budget Narrative

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## VII. Appellate/Tax Operation

### **050 Fund Shifts**

The Appellate/Tax Operations budget includes fund shifts. This package was developed in cooperation with the Legislative Fiscal Office and Department of Administrative Services Budget and Management Division. The package restores to a permanent status the limited-duration positions funded temporarily with revenue raised under Enrolled HB 2287 (Chapter 659, Oregon Laws 2009) during the 2009-11 biennium. The positions are then fund shifted to the general fund since the revenues end effective July 1, 2011. Long-term funding options are being reviewed by the Joint Interim Committee on State Justice System Revenues for recommendation to the 2011 legislature. The package restores 11 positions / 8.79 FTE.

### **060 Technical Adjustments**

The Appellate/Tax Courts Operations budget has no technical adjustments within its EBL budget.

# ORBITS Budget Narrative

## VII. Appellate/Tax Operation

### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept  
Pkg: 010 - Non-PICS Psnl Svc / Vacancy Factor

Cross Reference Name: Appellate/Tax Courts  
Cross Reference Number: 19800-101-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Revenues</b>							
General Fund Appropriation	25,795	-	-	-	-	-	25,795
<b>Total Revenues</b>	<b>\$25,795</b>	-	-	-	-	-	<b>\$25,795</b>
<b>Personal Services</b>							
Temporary Appointments	8,102	-	-	-	-	-	8,102
All Other Differential	76,039	-	-	-	-	-	76,039
Public Employees' Retire Cont	10,957	-	-	-	-	-	10,957
Pension Bond Contribution	(56,631)	-	(7,336)	-	-	-	(63,967)
Social Security Taxes	6,437	-	-	-	-	-	6,437
Mass Transit Tax	(19,109)	-	2,763	-	-	-	(16,346)
<b>Total Personal Services</b>	<b>\$25,795</b>	-	<b>(\$4,573)</b>	-	-	-	<b>\$21,222</b>
<b>Total Expenditures</b>							
Total Expenditures	25,795	-	(4,573)	-	-	-	21,222
<b>Total Expenditures</b>	<b>\$25,795</b>	-	<b>(\$4,573)</b>	-	-	-	<b>\$21,222</b>
<b>Ending Balance</b>							
Ending Balance	-	-	4,573	-	-	-	4,573
<b>Total Ending Balance</b>	-	-	<b>\$4,573</b>	-	-	-	<b>\$4,573</b>

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2011-13 Biennium

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Essential and Policy Package Fiscal Impact Summary - BPR013

# ORBITS Budget Narrative

## VII. Appellate/Tax Operation

### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept  
Pkg: 031 - Standard Inflation

Cross Reference Name: Appellate/Tax Courts  
Cross Reference Number: 19800-101-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Revenues</b>							
General Fund Appropriation	11,825	-	-	-	-	-	11,825
<b>Total Revenues</b>	<b>\$11,625</b>	-	-	-	-	-	<b>\$11,625</b>
<b>Services &amp; Supplies</b>							
Instate Travel	850	-	-	-	-	-	850
Out of State Travel	102	-	-	-	-	-	102
Employee Training	1,708	-	-	-	-	-	1,708
Office Expenses	1,811	-	-	-	-	-	1,811
Telecommunications	2,723	-	-	-	-	-	2,723
Data Processing	12	-	-	-	-	-	12
Professional Services	4	-	-	-	-	-	4
Employee Recruitment and Develop	61	-	-	-	-	-	61
Dues and Subscriptions	2,551	-	-	-	-	-	2,551
Fuels and Utilities	34	-	-	-	-	-	34
Facilities Maintenance	8	-	-	-	-	-	8
Agency Program Related S and S	2	-	-	-	-	-	2
Other Services and Supplies	62	-	-	-	-	-	62
Expendable Prop 250 - 5000	1,216	-	-	-	-	-	1,216
IT Expendable Property	481	-	-	-	-	-	481
<b>Total Services &amp; Supplies</b>	<b>\$11,625</b>	-	-	-	-	-	<b>\$11,625</b>

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## VII. Appellate/Tax Operation

### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept  
Pkg: 031 - Standard Inflation

Cross Reference Name: Appellate/Tax Courts  
Cross Reference Number: 19800-101-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Total Expenditures</b>							
Total Expenditures	11,625	-	-	-	-	-	11,625
<b>Total Expenditures</b>	<b>\$11,625</b>	-	-	-	-	-	<b>\$11,625</b>
<b>Ending Balance</b>							
Ending Balance	-	-	-	-	-	-	-
<b>Total Ending Balance</b>	-	-	-	-	-	-	-

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Essential and Policy Package Fiscal Impact Summary - BPR013

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## VII. Appellate/Tax Operation

### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept  
Pkg: 050 - Fundshifts

Cross Reference Name: Appellate/Tax Courts  
Cross Reference Number: 19800-101-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Revenues</b>							
General Fund Appropriation	2,356,162	-	-	-	-	-	2,356,162
<b>Total Revenues</b>	<b>\$2,356,162</b>	-	-	-	-	-	<b>\$2,356,162</b>
<b>Personal Services</b>							
Class/Unclass Sal. and Per Diem	1,710,578	-	(1,710,578)	-	-	-	-
Empl. Rel. Bd. Assessments	346	-	(451)	-	-	-	(105)
Public Employees' Retire Cont	246,493	-	(246,493)	-	-	-	-
Social Security Taxes	130,861	-	(130,861)	-	-	-	-
Worker's Comp. Assess. (WCD)	502	-	(649)	-	-	-	(147)
Flexible Benefits	267,382	-	(221,424)	-	-	-	45,958
<b>Total Personal Services</b>	<b>\$2,356,162</b>	-	<b>(\$2,310,456)</b>	-	-	-	<b>\$45,706</b>
<b>Total Expenditures</b>							
Total Expenditures	2,356,162	-	(2,310,456)	-	-	-	45,706
<b>Total Expenditures</b>	<b>\$2,356,162</b>	-	<b>(\$2,310,456)</b>	-	-	-	<b>\$45,706</b>
<b>Ending Balance</b>							
Ending Balance	-	-	2,310,456	-	-	-	2,310,456
<b>Total Ending Balance</b>	-	-	<b>\$2,310,456</b>	-	-	-	<b>\$2,310,456</b>

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## VII. Appellate/Tax Operation

10/07/10 REPORT NO.: PDPFISCAL REPORT: PACKAGE FISCAL IMPACT REPORT AGENCY: 19800 JUDICIAL DEPARTMENT SUMMARY XREF: 101-00-00 Appellate/Tax Courts				DEPT. OF ADMIN. SVCS. - PPDB PICS SYSTEM				2011-13 PICS SYSTEM: BUDGET PREPARATION				PAGE 23 PROD FILE	
				PACKAGE: 050 - Fundshifts									
POSITION NUMBER	CLASS	COMP	CLASS NAME	POS CNT	FTE	MOS	STEP	RATE	GF SAL/OPE	OF SAL/OPE	FF SAL/OPE	LF SAL/OPE	AF SAL/OPE
0002024	JM	J9722 AA	APPELLATE STAFF ATTORNEY	1-	.79-	19.00-	11	9,324.00		177,156- 70,812-			177,156- 70,812-
0002024	JM	J9722 AA	APPELLATE STAFF ATTORNEY	1	.79	19.00	11	9,324.00	177,156 66,991				177,156 66,991
0004200	JM	J9731 AA	LAW LIBRARIAN		.40-	9.60-	11	6,959.00		66,806- 14,838-			66,806- 14,838-
0004200	JM	J9731 AA	LAW LIBRARIAN		.40	9.60	11	6,959.00	66,806 27,431				66,806 27,431
5010024	JM	J9560 AA	OJD ELECTRONIC SERV LIBRARIAN		.40-	9.60-	09	6,010.00		57,696- 12,828-			57,696- 12,828-
5010024	JM	J9560 AA	OJD ELECTRONIC SERV LIBRARIAN		.40	9.60	09	6,010.00	57,696 25,421				57,696 25,421
5010025	JM	J9559 AA	OJD LIBRARIAN		.40-	9.60-	09	5,453.00		52,349- 11,648-			52,349- 11,648-
5010025	JM	J9559 AA	OJD LIBRARIAN		.40	9.60	09	5,453.00	52,349 24,241				52,349 24,241
6000193	JUA	J9559 AA	OJD LIBRARIAN		.40-	9.60-	10	5,727.00		54,979- 12,228-			54,979- 12,228-
6000193	JUA	J9559 AA	OJD LIBRARIAN		.40	9.60	10	5,727.00	54,979 23,976				54,979 23,976
6001477	JM	J9722 AA	APPELLATE STAFF ATTORNEY	1-	1.00-	24.00-	11	9,324.00		223,776- 81,097-			223,776- 81,097-
6001477	JM	J9722 AA	APPELLATE STAFF ATTORNEY	1	1.00	24.00	11	9,324.00	223,776 81,097				223,776 81,097
6001478	JM	J9722 AA	APPELLATE STAFF ATTORNEY	1-	1.00-	24.00-	08	8,056.00		193,344- 74,384-			193,344- 74,384-
6001478	JM	J9722 AA	APPELLATE STAFF ATTORNEY	1	1.00	24.00	08	8,056.00	193,344 74,384				193,344 74,384
6001479	JM	J9722 AA	APPELLATE STAFF ATTORNEY	1-	1.00-	24.00-	11	9,324.00		223,776- 81,097-			223,776- 81,097-
6001479	JM	J9722 AA	APPELLATE STAFF ATTORNEY	1	1.00	24.00	11	9,324.00	223,776 81,097				223,776 81,097

# ORBITS Budget Narrative

## VII. Appellate/Tax Operation

10/07/10 REPORT NO.: PDPFISCAL													
REPORT: PACKAGE FISCAL IMPACT REPORT													
AGENCY:19800 JUDICIAL DEPARTMENT													
SUMMARY XREF:101-00-00 Appellate/Tax Courts													
DEPT. OF ADMIN. SVCS. -- PP0B PICS SYSTEM													
2011-13													
PICS SYSTEM: BUDGET PREPARATION													
PAGE 24													
PROD FILE													
PACKAGE: 050 - Fundshifts													
POSITION NUMBER	CLASS	COMP	CLASS NAME	POS CNT	FTE	MOS	STEP	RATE	GF SAL/OPE	OF SAL/OPE	FF SAL/OPE	LF SAL/OPE	AF SAL/OPE
6001480	JM	J9722	AA APPELLATE STAFF ATTORNEY	1	1.00	24.00	10	8,881.00		213,144-78,752-			213,144-78,752-
6001480	JM	J9722	AA APPELLATE STAFF ATTORNEY	1	1.00	24.00	10	8,881.00	213,144 78,752				213,144 78,752
6001481	JM	J9722	AA APPELLATE STAFF ATTORNEY	1	1.00	24.00	11	9,324.00		223,776-81,097-			223,776-81,097-
6001481	JM	J9722	AA APPELLATE STAFF ATTORNEY	1	1.00	24.00	11	9,324.00	223,776 81,097				223,776 81,097
6001507	JM	J9722	AA APPELLATE STAFF ATTORNEY	1	1.00	24.00	11	9,324.00		223,776-81,097-			223,776-81,097-
6001507	JM	J9722	AA APPELLATE STAFF ATTORNEY	1	1.00	24.00	11	9,324.00	223,776 81,097				223,776 81,097
TOTAL PICS SALARY									1,710,578	1,710,578-			45,706
TOTAL PICS OPE									645,584	599,878-			
TOTAL PICS PERSONAL SERVICES =					.00	.00			2,356,162	2,310,456-			45,706

# ORBITS Budget Narrative

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## VII. Appellate/Tax Operation

**Program Option Package:** New Court of Appeals Judicial Panel, No. 104

### **Purpose**

The purpose of this package is to provide staffing to support one additional Court of Appeals judicial panel of three judges. The package assumes an effective date of May 1, 2012, for each position.

### **Background**

Whether measured against the number of appeals taken by population or the number of appeals taken by judge, the Oregon Court of Appeals consistently ranks as one of the busiest appellate courts in the nation. Over the past decade, the Court of Appeals received approximately 3,300 to 4,000 filings per year.

The Court of Appeals has ten judges. To meet the demand of its substantial workload, the court is divided into three departments (or "panels") of three judges each for the purpose of considering cases. In addition, there is another three-judge panel--consisting of one judge from each of the other three departments--that sits separately for the purpose of considering substantive motions filed in appeals or judicial reviews.

The Court has developed an Appellate Commissioner's Office and a nationally recognized Appellate Settlement Conference Program to assist in reducing the judicial resources needed to deal with its demanding workload. Both of these programs help mitigate the need for even more judicial resources within the court.

### **Staffing Impact**

Appellate Staff Attorney – 2 positions; 1.17 FTE, phase in 5/1/12

Law Clerk – 5 positions; 2.92 FTE, phase in 5/1/12

Judicial Services Specialist 3 – 2 positions; 0.88 FTE, phase in 5/1/12

Judicial Services Specialist 2 – 3 positions; 1.75 FTE, phase in 5/1/12

Management Assistant 1 – 1 position; 0.58 FTE, phase in 5/1/12

### **Revenue Source**

# ORBITS Budget Narrative

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## VII. Appellate/Tax Operation

General Fund – \$1,490,210

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## VII. Appellate/Tax Operation

### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept  
Pkg: 104 - New Court of Appeals Judicial Panel

Cross Reference Name: Appellate/Tax Courts  
Cross Reference Number: 19800-101-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Revenues</b>							
General Fund Appropriation	1,490,210	-	-	-	-	-	1,490,210
<b>Total Revenues</b>	<b>\$1,490,210</b>	-	-	-	-	-	<b>\$1,490,210</b>
<b>Personal Services</b>							
Class/Unlass Sal. and Per Diem	631,260	-	-	-	-	-	631,260
Empl. Rel. Bd. Assessments	312	-	-	-	-	-	312
Public Employees' Retire Cont	90,963	-	-	-	-	-	90,963
Social Security Taxes	48,291	-	-	-	-	-	48,291
Worker's Comp. Assess. (WCD)	442	-	-	-	-	-	442
Flexible Benefits	227,556	-	-	-	-	-	227,556
<b>Total Personal Services</b>	<b>\$998,824</b>	-	-	-	-	-	<b>\$998,824</b>
<b>Services &amp; Supplies</b>							
Employee Training	18,269	-	-	-	-	-	18,269
Office Expenses	18,269	-	-	-	-	-	18,269
Telecommunications	24,358	-	-	-	-	-	24,358
Professional Services	65,000	-	-	-	-	-	65,000
Employee Recruitment and Develop	10,000	-	-	-	-	-	10,000
Facilities Rental and Taxes	171,500	-	-	-	-	-	171,500
Other Services and Supplies	6,090	-	-	-	-	-	6,090
Expendable Prop 250 - 5000	137,900	-	-	-	-	-	137,900
IT Expendable Property	40,000	-	-	-	-	-	40,000
<b>Total Services &amp; Supplies</b>	<b>\$491,386</b>	-	-	-	-	-	<b>\$491,386</b>

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## VII. Appellate/Tax Operation

### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept  
Pkg: 104 - New Court of Appeals Judicial Panel

Cross Reference Name: Appellate/Tax Courts  
Cross Reference Number: 19800-101-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Total Expenditures</b>							
Total Expenditures	1,490,210	-	-	-	-	-	1,490,210
<b>Total Expenditures</b>	<b>\$1,490,210</b>	-	-	-	-	-	<b>\$1,490,210</b>
<b>Ending Balance</b>							
Ending Balance	-	-	-	-	-	-	-
<b>Total Ending Balance</b>	-	-	-	-	-	-	-
<b>Total Positions</b>							
Total Positions							13
<b>Total Positions</b>	-	-	-	-	-	-	<b>13</b>
<b>Total FTE</b>							
Total FTE							7.25
<b>Total FTE</b>	-	-	-	-	-	-	<b>7.25</b>

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## VII. Appellate/Tax Operation

10/07/10 REPORT NO.: PPOPFISCAL REPORT: PACKAGE FISCAL IMPACT REPORT AGENCY: 19800 JUDICIAL DEPARTMENT SUMMARY XREF: 101-00-00 Appellate/Tax Courts												
DEPT. OF ADMIN. SVCS. -- PP0B PICS SYSTEM												
PACKAGE: 104 - New Court of Appeals Judicial												
2011-13 PICS SYSTEM: BUDGET PREPARATION												
PAGE 25 PROD FILE												
POSITION NUMBER	CLASS COMP	CLASS NAME	POS CNT	FTE	MDS	STEP	RATE	GF SAL/OPE	OF SAL/OPE	FF SAL/OPE	LF SAL/OPE	AF SAL/OPE
6001592	JM J9722 AA	APPELLATE STAFF ATTORNEY	1	.58	14.00	02	6,010.00	84,140 37,072				84,140 37,072
6001593	JM J9722 AA	APPELLATE STAFF ATTORNEY	1	.58	14.00	02	6,010.00	84,140 37,072				84,140 37,072
6001594	JUA J9721 AA	LAW CLERK	1	.58	14.00	02	3,875.00	54,250 29,245				54,250 29,245
6001595	JUA J9721 AA	LAW CLERK	1	.58	14.00	02	3,875.00	54,250 29,245				54,250 29,245
6001596	JUA J9721 AA	LAW CLERK	1	.58	14.00	02	3,875.00	54,250 29,245				54,250 29,245
6001597	JUA J9721 AA	LAW CLERK	1	.58	14.00	02	3,875.00	54,250 29,245				54,250 29,245
6001598	JUA J9721 AA	LAW CLERK	1	.58	14.00	02	3,875.00	54,250 29,245				54,250 29,245
6001599	JUA J9740 AA	JUDICIAL SERVICES SPECIALIST 3	1	.58	14.00	02	2,622.00	36,708 25,376				36,708 25,376
6001600	JUA J9740 AA	JUDICIAL SERVICES SPECIALIST 3	1	.29	7.00	02	2,622.00	18,354 21,327				18,354 21,327
6001601	JM J9674 AA	MANAGEMENT ASSISTANT 1	1	.58	14.00	02	2,622.00	36,708 26,608				36,708 26,608
6001602	JUA J9739 AA	JUDICIAL SERVICES SPECIALIST 2	1	.58	14.00	02	2,380.00	33,320 24,628				33,320 24,628
6001603	JUA J9739 AA	JUDICIAL SERVICES SPECIALIST 2	1	.58	14.00	02	2,380.00	33,320 24,628				33,320 24,628
6001604	JUA J9739 AA	JUDICIAL SERVICES SPECIALIST 2	1	.58	14.00	02	2,380.00	33,320 24,628				33,320 24,628
TOTAL PICS SALARY								631,260				631,260
TOTAL PICS OPE								367,564				367,564
TOTAL PICS PERSONAL SERVICES =			13	7.25	175.00			998,824				998,824

# Appellate/Tax Operations Summary Reports

# ORBITS Budget Narrative

## VII. Appellate/Tax Operation

### DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

Judicial Dept Agency Number: 19800  
 2011-13 Biennium Cross Reference Number: 19800-101-00-00-00000

Source	2007-09 Actuals	2009-11 Leg Adopted Budget	2009-11 Leg Approved Budget	2011-13 Agency Request Budget	2011-13 Governor's Rec. Budget	2011-13 Leg Adopted Budget
<b>Other Funds</b>						
Charges for Services	1,453	-	-	-	-	-
Sales Income	1,024,905	1,026,000	1,026,000	1,026,000	-	-
Donations	16,548	-	-	-	-	-
Transfer In - Intrafund	247,083	216,700	216,700	216,700	-	-
Tsfr From Administrative Svcs	1,673,666	2,064,900	2,064,900	2,343,470	-	-
<b>Total Other Funds</b>	<b>\$2,963,655</b>	<b>\$3,307,600</b>	<b>\$3,307,600</b>	<b>\$3,586,170</b>	-	-

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 Detail of LF, OF, and FF Revenues - BPR012

# ORBITS Budget Narrative

## VII. Appellate/Tax Operation

*Judicial Dept*

*Agency Number: 19800*

Program Unit Appropriated Fund Group and Category Summary  
2011-13 Biennium  
Appellate/Tax Courts

Version: V - 01 - Agency Request Budget  
Cross Reference Number: 19800-101-00-00-00000

Description	2007-09 Actuals	2009-11 Leg Adopted Budget	2009-11 Leg Approved Budget	2011-13 Agency Request Budget	2011-13 Governor's Rec. Budget	2011-13 Leg Adopted Budget
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**LIMITED BUDGET (Excluding Packages)**

**PERSONAL SERVICES**

General Fund	21,809,026	13,789,821	13,789,821	15,302,674	-	-
Other Funds	1,176,876	821,292	821,292	3,366,285	-	-
All Funds	22,985,902	14,611,113	14,611,113	18,668,959	-	-

**SERVICES & SUPPLIES**

General Fund	1,311,610	484,428	484,428	484,428	-	-
Other Funds	1,794,834	-	-	-	-	-
All Funds	3,106,444	484,428	484,428	484,428	-	-

**CAPITAL OUTLAY**

General Fund	30,000	-	-	-	-	-
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**TOTAL LIMITED BUDGET (Excluding Packages)**

General Fund	23,150,636	14,274,249	14,274,249	15,787,102	-	-
Other Funds	2,971,710	821,292	821,292	3,366,285	-	-
All Funds	26,122,346	15,095,541	15,095,541	19,153,387	-	-

**AUTHORIZED POSITIONS**

	124	86	86	103	-	-
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**AUTHORIZED FTE**

	119.81	79.85	79.85	98.45	-	-
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**LIMITED BUDGET (Essential Packages)**

**010 NON-PICS PSNL SVC / VACANCY FACTOR**

**PERSONAL SERVICES**

General Fund	-	-	-	25,795	-	-
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# ORBITS Budget Narrative

## VII. Appellate/Tax Operation

	<i>Agency Number: 19800</i>					
<i>Judicial Dept</i>						<i>Version: V - 01 - Agency Request Budget</i>
Program Unit Appropriated Fund Group and Category Summary						<i>Cross Reference Number: 19800-101-00-00-00000</i>
2011-13 Biennium						
Appellate/Tax Courts						
Description	2007-09 Actuals	2009-11 Leg Adopted Budget	2009-11 Leg Approved Budget	2011-13 Agency Request Budget	2011-13 Governor's Rec. Budget	2011-13 Leg Adopted Budget
Other Funds	-	-	-	(4,573)	-	-
All Funds	-	-	-	21,222	-	-
<b>031 STANDARD INFLATION</b>						
<b>SERVICES &amp; SUPPLIES</b>						
General Fund	-	-	-	11,625	-	-
<b>050 FUNDSHIFTS</b>						
<b>PERSONAL SERVICES</b>						
General Fund	-	-	-	2,356,162	-	-
Other Funds	-	-	-	(2,310,456)	-	-
All Funds	-	-	-	45,708	-	-
<b>TOTAL LIMITED BUDGET (Essential Packages)</b>						
General Fund	-	-	-	2,393,582	-	-
Other Funds	-	-	-	(2,315,029)	-	-
All Funds	-	-	-	78,553	-	-
<b>LIMITED BUDGET (Current Service Level)</b>						
General Fund	23,150,636	14,274,249	14,274,249	18,180,884	-	-
Other Funds	2,971,710	821,292	821,292	1,051,256	-	-
All Funds	26,122,346	15,095,541	15,095,541	19,231,940	-	-
<b>AUTHORIZED POSITIONS</b>	124	86	86	103	-	-
<b>AUTHORIZED FTE</b>	119.81	79.85	79.85	98.45	-	-
<b>LIMITED BUDGET (Policy Packages)</b>						

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# ORBITS Budget Narrative

## VII. Appellate/Tax Operation

*Judicial Dept*

*Agency Number: 19800*

Program Unit Appropriated Fund Group and Category Summary

Version: V - 01 - Agency Request Budget

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Cross Reference Number: 19800-101-00-00-00000

Appellate/Tax Courts

Description	<i>2007-09 Actuals</i>	<i>2009-11 Leg Adopted Budget</i>	<i>2009-11 Leg Approved Budget</i>	<i>2011-13 Agency Request Budget</i>	<i>2011-13 Governor's Rec. Budget</i>	<i>2011-13 Leg Adopted Budget</i>
<b>PRIORITY 0</b>						
<b>104 NEW COURT OF APPEALS JUDICIAL PANEL</b>						
<b>PERSONAL SERVICES</b>						
General Fund	-	-	-	998,824	-	-
<b>SERVICES &amp; SUPPLIES</b>						
General Fund	-	-	-	491,388	-	-
<b>AUTHORIZED POSITIONS</b>						
	-	-	-	13	-	-
<b>AUTHORIZED FTE</b>						
	-	-	-	7.25	-	-
<b>TOTAL LIMITED BUDGET (Policy Packages)</b>						
General Fund	-	-	-	1,490,210	-	-
<b>AUTHORIZED POSITIONS</b>						
	-	-	-	13	-	-
<b>AUTHORIZED FTE</b>						
	-	-	-	7.25	-	-
<b>TOTAL LIMITED BUDGET (Including Packages)</b>						
General Fund	23,150,636	14,274,249	14,274,249	19,670,894	-	-
Other Funds	2,971,710	821,292	821,292	1,051,258	-	-
All Funds	26,122,346	15,095,541	15,095,541	20,722,150	-	-
<b>AUTHORIZED POSITIONS</b>						
	124	88	88	118	-	-
<b>AUTHORIZED FTE</b>						
	119.61	79.85	79.85	105.70	-	-
<b>OPERATING BUDGET</b>						
General Fund	23,150,636	14,274,249	14,274,249	19,670,894	-	-
Other Funds	2,971,710	821,292	821,292	1,051,258	-	-

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# ORBITS Budget Narrative

## VII. Appellate/Tax Operation

*Judicial Dept*

*Agency Number: 19800*

Program Unit Appropriated Fund Group and Category Summary  
 2011-13 Biennium  
 Appellate/Tax Courts

Version: V - 01 - Agency Request Budget  
 Cross Reference Number: 19800-101-00-00-00000

Description	<i>2007-09 Actuals</i>	<i>2009-11 Leg Adopted Budget</i>	<i>2009-11 Leg Approved Budget</i>	<i>2011-13 Agency Request Budget</i>	<i>2011-13 Governor's Rec. Budget</i>	<i>2011-13 Leg Adopted Budget</i>
All Funds	26,122,346	15,095,541	15,095,541	20,722,150	-	-
<b>AUTHORIZED POSITIONS</b>	124	86	86	118	-	-
<b>AUTHORIZED FTE</b>	119.81	79.85	79.85	105.70	-	-
<b>TOTAL BUDGET</b>						
General Fund	23,150,636	14,274,249	14,274,249	19,870,894	-	-
Other Funds	2,971,710	821,292	821,292	1,051,256	-	-
All Funds	26,122,346	15,095,541	15,095,541	20,722,150	-	-
<b>AUTHORIZED POSITIONS</b>	124	86	86	118	-	-
<b>AUTHORIZED FTE</b>	119.81	79.85	79.85	105.70	-	-

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