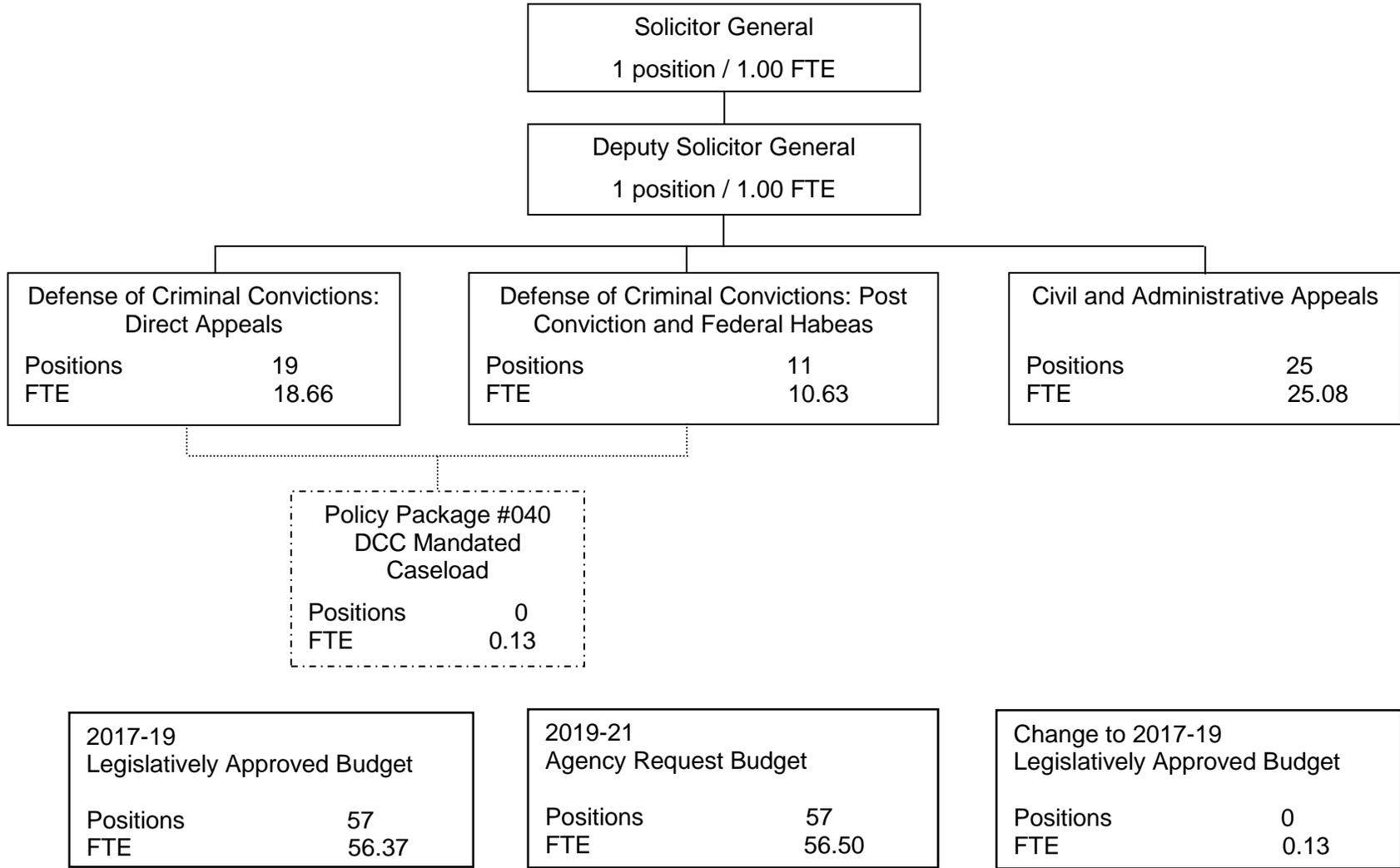
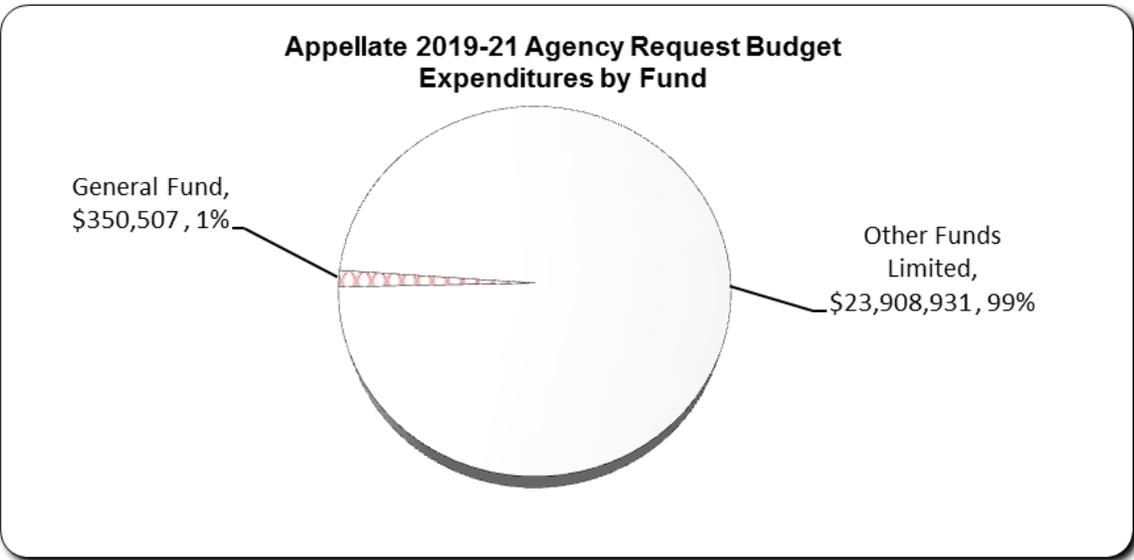
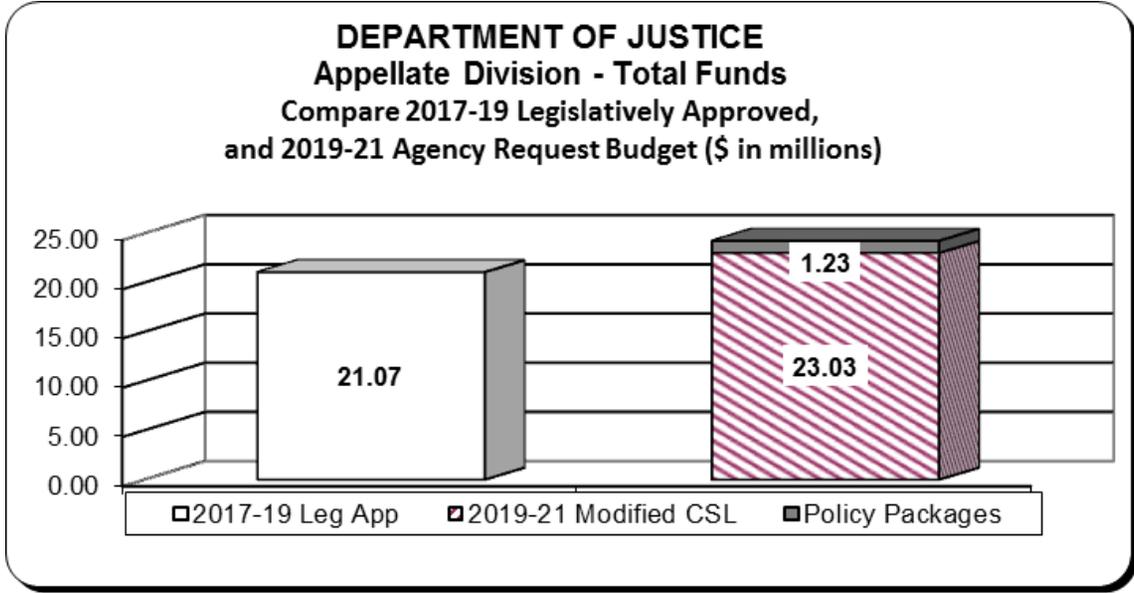


# Agency Request Budget

## ***Appellate Division***



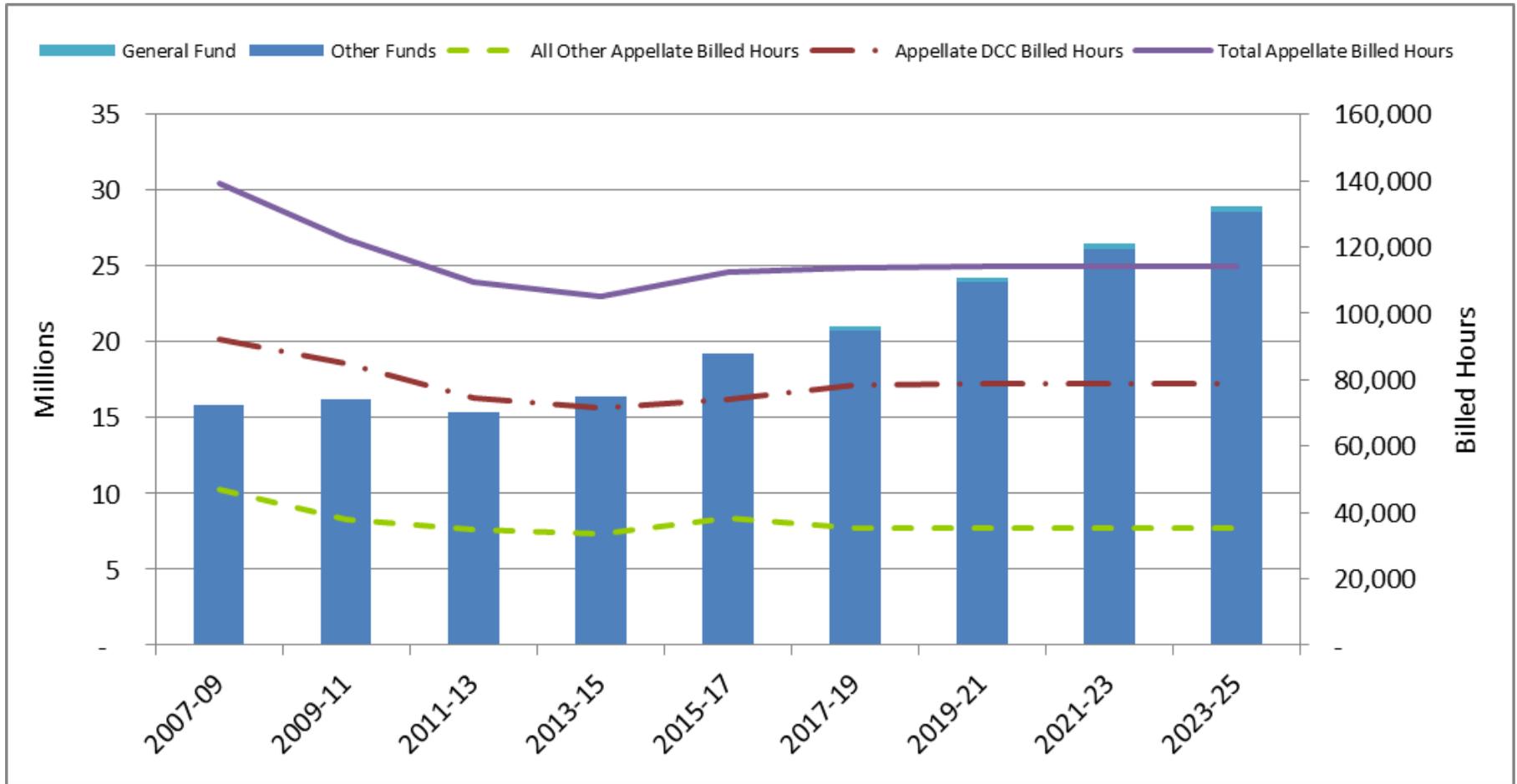
# Agency Request Budget



# Agency Request Budget

## Executive Summary

Primary Focus Area: Safer, Healthier Communities  
 Secondary Focus Area: Excellence in State Government  
 Program Contact: Benjamin Gutman, Solicitor General, 503.378.4402



# Agency Request Budget

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## **Program Overview**

The Appellate Division represents the state in all appellate cases in which the state is a party or has a significant legal interest. The Division's responsibility includes not only advocating on the state's behalf in the individual case but also advancing arguments that serve the state's long-term legal interests. Appellate Division lawyers play a key role in keeping convicted criminals in prison, protecting the state from monetary liability, and defending the constitutionality of state laws.

## **Program Description**

The Appellate Division has 40 attorneys, one support-staff manager, two paralegals, and 14 support staff. The Solicitor General is the Division Administrator. The Division's attorneys include some of the state's (and, in some instances, the nation's) foremost experts in appellate advocacy, criminal practice, victim's rights, administrative procedure, and constitutional law.

The Appellate Division represents the state in all appeals in which the state is a party. That includes every criminal and post-conviction appeal in the state and about 60% of the civil cases in the Oregon Court Appeals, where most appeals begin. In a typical appeal, the state will have prevailed in the trial court and the opposing party will be seeking to have that ruling overturned. The Division attorney assigned the case will submit a detailed written brief explaining the legal principles at issue and how the court should apply them to the facts of the case. In some appeals, the Court of Appeals will also hold an oral argument at which the judges ask the attorneys questions about the legal issue, the facts of the case, and how a precedent set in that case might be applied in future situations.

Appellate Division attorneys also appear in a majority of the appeals that come before the Oregon Supreme Court. Most of the cases that court hears are ones that the court chooses because they involve significant legal issues on which an in-depth analysis of the law will benefit the lower courts, attorneys, and the public. The Court's decisions interpreting the constitution and state laws affect the state, local governments, and the people across a wide spectrum of issues. If the Court grants review, the parties typically prepare additional written briefs and the Court hears oral argument. Because of the complexity, importance, and extraordinary nature of the cases at the Supreme Court level, the Appellate Division devotes special attention and considerable time to preparing its attorneys and editing their written work before the Court, to ensure that it is of the highest quality.

Appeals involving the state also arise in the federal system, typically in the United States Court of Appeals for the Ninth Circuit. The process is similar, with attorneys required to prepare briefs and present oral argument, but on average cases in the Ninth Circuit are more complex than those in the state Court of Appeals. In an average year, the state will also respond to several petitions for discretionary review by the United States Supreme Court on important questions of federal law.

## Agency Request Budget

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The state also appears in some cases in which the state is not a party but the case involves a challenge to a state statute or other significant policy issue. Appellate Division attorneys draft some of those amicus curiae (“friend of the court”) briefs, they also review multistate briefs prepared by other states to determine whether Oregon will join.

About two-thirds of the Division’s cases involve appeals from criminal convictions. These include direct criminal appeals—appeals in which a criminal seeks to overturn the conviction or sentence obtained by a district attorney’s office—as well as state post-conviction appeals and federal habeas corpus appeals, in which a convicted offender that the conviction or sentence is unconstitutional and should be overturned.

The remaining one-third of the Division’s cases typically involve a challenge to some action or decision by a state official or employee; they may involve state labor-relations issues, challenges to the constitutionality of a state statute, or claims that the state engaged in wrongful conduct for which the state can be liable under the Oregon Tort Claims Act. Another substantial part of the caseload is appeals related to dependency proceedings involving neglected or abused children. The Division also is responsible for preparing and defending ballot titles for initiative measures and some referenda.

Another significant role that the Division plays is advising other divisions in the department and client agencies. Because of their deep expertise in many areas of law, Division attorneys are frequently asked to provide legal advice and discuss strategies for handling cases in lower courts and administrative tribunals. Attorneys who concentrate on criminal-law matters provide legal advice on a daily basis to District Attorney’s offices throughout the state, provide electronic weekly updates on recent appellate court opinions, publish annual updates on appellate criminal law matters, and present training at conferences for District Attorneys and other law-enforcement organizations and continuing education programs. Division attorneys also help in presenting training for state agencies and in preparing the Department’s Administrative Law Manual.

In the vast majority of the cases handled by the Division, the state is responding to the appeal of another party. The costs of the program are therefore largely outside of the Division’s control. For the past few years, the total number of appeals has remained fairly constant, averaging more than 3,000 cases per biennium in the Oregon Court of Appeals and the Ninth Circuit.

### **Program Justification and Link to Long Term Outcomes**

The Appellate Division supports the primary goal of Safe, Healthy Oregonians. The Division’s work directly improves citizens’ access to justice and the ability to exercise their rights by ensuring competent and timely representation for the state on appeal. The Division supports a secondary goal of Excellence in State Government by ensuring that the government makes legal arguments that advance the interests of the state as a whole, not just the interests of the litigant in a particular case. The Division’s attorneys’ roles are not to

## Agency Request Budget

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simply advocate for a position but rather to determine whether the state party has a defensible legal position. If not, the Division's attorneys can work with agencies, for instance, to withdraw an order and fix the legal error, or to return a criminal case to the trial court for a correct sentence. The courts then determine the legally correct position, and typically explain those outcomes in public written opinions.

Briefs that are filed with the court are typically available to the public, the oral arguments are open to the public, and the legal opinions that come out on a weekly basis are available to the public. Thus, the vast majority of the Division's substantive work is transparent.

### **Program Performance**

With respect to the Division's work defending criminal convictions, the Division's performance can be measured by the amount of time it takes for the state to file its briefs in appeals. Due to budget cuts in past biennia, the average length of time that it took both the defendant and the state to file a brief was approximately 350 days for each side's brief. Reducing that time was critical: if cases take too long to resolve on appeal, cases are more difficult to prosecute again if the courts overturn a conviction. And in cases where resolution takes too long, there is a greater risk that federal courts will intervene in state-court operations. The Division has worked closely with the state courts and the Office of Public Defense Services to bring down that amount of delay. The current goal is that briefs be filed within 210 days. In 2017, the Division achieved that goal in 85% of cases.

Unlike the criminal caseload, civil and administrative appeals are briefed on a tighter schedule, usually within 49 days. For that reason, the amount of time that the Division takes to brief civil and administrative cases is not an informative measure of performance. Instead, performance can be gauged by looking at annual client-survey results. The 2015-16 survey results reflected that among client agencies who expressed an opinion, 95% rated the quality of the Division's legal services as "Excellent" or "Good."

### **Enabling Legislation/Program Authorization**

Under ORS 138.040, anyone convicted of a crime under Oregon law may appeal their convictions in the Court of Appeals as a matter of right. The legislature has designated the Attorney General to represent the state on appeal in all criminal cases. ORS 180.060(1). Under ORS 138.650, a petitioner in a post-conviction case may appeal an adverse decision as a matter of right. The legislature has also designated the Attorney General to represent the state in those cases, as well as in habeas corpus proceedings. ORS 138.570; ORS 180.060(4).

A party unsatisfied with a trial court judgment in a civil case may appeal that judgment as a matter of right under ORS 19.205, and the Division represents the state on appeal. ORS 180.060(4). Administrative appeals arise under the Oregon Administrative Procedures

## Agency Request Budget

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Act. That law provides anyone adversely affected by a state agency order the right to judicial review of that order. ORS 183.482; ORS 183.484. The Division represents the agency that issued the order in judicial review proceedings in the Court of Appeals.

### **Funding Streams**

The majority of the program is funded by charging client agencies for services rendered. The program is also responsible for preparing and defending ballot titles and criminal conviction appeals, which are supported by billing the General Fund (see Appellate and DCC programs).

### **Significant Program Changes from 2017-19**

The Division current service level includes the addition of a partial position to meet the anticipated growth in Defense of Criminal Convictions cases for 2019-21 that was projected during the development of the mandated caseload package (Package 040). Policy Option Package (POP) requests include POP #100 – Reconcile Intra-Agency Charges, POP #102 – Reconcile Attorney Position Classifications, and POP #104 – Essential Costs for Information Technology.

# Agency Request Budget

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## Appellate

### 010 – Non-PICS Psnl Svc / Vacancy Factor

**Purpose:** This package includes the following adjustments: Standard Inflation factor of 3.8%, adjustment for the 2019-21 vacancy factor and mass transit taxes, and PERS bond assessment (PBA).

**How Achieved:** Accounts were adjusted using the DAS published instructions.

**2019-21/2021-23 Staffing Impact:** None

**Revenue Source:** \$581,527 Other Funds Limited

### 031 – Standard Inflation and State Government Service Charge

**Purpose:** Standard inflation of 3.8% was applied to all services and supplies accounts except for Rent, Professional Services, Attorney General, and State Government Services Charges. The package adjusts the State Government Service Charges assessed by DAS, Secretary of State Audits Division, State Library, Supreme Court Library, Risk Management, and others based on the 2019-21 State of Oregon Price List of Goods and Services. Inflation of 3.8% was applied to Rent (uniform and non-uniform), 4.2% to Professional Services, and 20.14% to Attorney General line items.

**How Achieved:** Accounts were adjusted using the DAS published instructions.

**2019-21/2021-23 Staffing Impact:** None

**Revenue Source:** \$162,426 Other Funds Limited

# Agency Request Budget

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## Appellate

### 032 – Above Standard Inflation

**Purpose:** This package adjusts selected Services and Supplies accounts to provide budget for expenses that are projected to increase faster than standard inflation, including DAS uniform and non-uniform rent, DAS fleet lease costs, DAS lease fee increases on non-uniform properties, and DAS Financial Business Systems charges.

**How Achieved:** Accounts were adjusted using the DAS published instructions.

**2019-21/2021-23 Staffing Impact:** None

**Revenue Source:** \$75,697 Other Funds Limited

### 040 – Mandated Caseload - see also Pkg 040 in Defense of Criminal Convictions and Trial Division

**Purpose:** To provide necessary resources to meet the anticipated growth in DCC cases for 2019-21.

**How Achieved:** Add positions and associated expenditure limitation required to meet the projected workload. Note - Components of the DCC program are located in the Appellate and Trial Divisions because the same case may move progressively through different parts of the judicial system – including state and federal trial courts as well as state and federal appellate courts – before finally being concluded. Because the DCC program straddles administrative divisions with the Department, the narratives and other materials set out here for each of those Divisions simply refer the reader back to the DCC portion of the Agency Request Budget.

**2019-21 Staffing Impact:** Assistant Attorney General – 0 positions / 0.13 FTE

**2021-23 Staffing Impact:** Assistant Attorney General – 0 positions / 0.13 FTE

# Agency Request Budget

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## Appellate

### 040 – Mandated Caseload - see also Pkg 040 in Defense of Criminal Convictions and Trial Division (continued)

**Quantifying Results:** Results will be realized both in terms of efficiency and the quality of our representation. The best way to quantify efficiency gains will be through monitoring the number of briefs we are able to file, the extent to which we are able to keep pace with the DCC caseload without developing a backlog of cases, and the time it takes from the time we open a case until the time we file a brief. Specifically, we monitor as part of our key performance measures the percentage of cases that we are able to file a brief within 210 days from when the case enters the appellate division. That KPM has most recently been measured approximately 85% and our goal is to consistently achieve over 95%. Qualitative gains are difficult to measure, but the requested funds will allow us to spend slightly more hours per brief, which improves the quality of the analysis and increases the chances of the state prevailing on appeal. We do measure the percentage of cases in which the state's position is upheld, but this is not a particularly accurate gauge as many factors (changes in controlling precedent, e.g.) are beyond our control.

**Revenue Source:** \$50,708 Other Funds Limited

# Agency Request Budget

## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of  
 Pkg: 010 - Non-PICS Psnl Svc / Vacancy Factor

Cross Reference Name: Appellate  
 Cross Reference Number: 13700-020-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Personal Services</b>							
Temporary Appointments	-	-	6,105	-	-	-	6,105
Overtime Payments	-	-	287	-	-	-	287
Shift Differential	-	-	4	-	-	-	4
All Other Differential	-	-	288	-	-	-	288
Public Employees' Retire Cont	-	-	99	-	-	-	99
Pension Obligation Bond	-	-	64,820	-	-	-	64,820
Social Security Taxes	-	-	511	-	-	-	511
Unemployment Assessments	-	-	1,466	-	-	-	1,466
Mass Transit Tax	-	-	7,494	-	-	-	7,494
Vacancy Savings	-	-	500,453	-	-	-	500,453
<b>Total Personal Services</b>	-	-	<b>\$581,527</b>	-	-	-	<b>\$581,527</b>
<b>Total Expenditures</b>							
Total Expenditures	-	-	581,527	-	-	-	581,527
<b>Total Expenditures</b>	-	-	<b>\$581,527</b>	-	-	-	<b>\$581,527</b>
<b>Ending Balance</b>							
Ending Balance	-	-	(581,527)	-	-	-	(581,527)
<b>Total Ending Balance</b>	-	-	<b>(\$581,527)</b>	-	-	-	<b>(\$581,527)</b>

# Agency Request Budget

## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of  
Pkg: 031 - Standard Inflation

Cross Reference Name: Appellate  
Cross Reference Number: 13700-020-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Revenues</b>							
General Fund Appropriation	58,758	-	-	-	-	-	58,758
<b>Total Revenues</b>	<b>\$58,758</b>	-	-	-	-	-	<b>\$58,758</b>
<b>Services &amp; Supplies</b>							
Instate Travel	-	-	279	-	-	-	279
Out of State Travel	-	-	318	-	-	-	318
Employee Training	-	-	711	-	-	-	711
Office Expenses	-	-	7,217	-	-	-	7,217
Telecommunications	-	-	1,354	-	-	-	1,354
State Gov. Service Charges	-	-	38,888	-	-	-	38,888
Data Processing	-	-	176	-	-	-	176
Publicity and Publications	-	-	59	-	-	-	59
Professional Services	-	-	2,445	-	-	-	2,445
Attorney General	58,758	-	-	-	-	-	58,758
Employee Recruitment and Develop	-	-	76	-	-	-	76
Dues and Subscriptions	-	-	1,870	-	-	-	1,870
Facilities Rental and Taxes	-	-	43,768	-	-	-	43,768
Facilities Maintenance	-	-	3	-	-	-	3
Agency Program Related S and S	-	-	815	-	-	-	815
Intra-agency Charges	-	-	60,081	-	-	-	60,081
Other Services and Supplies	-	-	2,157	-	-	-	2,157
Expendable Prop 250 - 5000	-	-	372	-	-	-	372

# Agency Request Budget

## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of  
Pkg: 031 - Standard Inflation

Cross Reference Name: Appellate  
Cross Reference Number: 13700-020-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Services &amp; Supplies</b>							
IT Expendable Property	-	-	1,837	-	-	-	1,837
<b>Total Services &amp; Supplies</b>	<b>\$58,758</b>	-	<b>\$162,426</b>	-	-	-	<b>\$221,184</b>
<b>Total Expenditures</b>							
Total Expenditures	58,758	-	162,426	-	-	-	221,184
<b>Total Expenditures</b>	<b>\$58,758</b>	-	<b>\$162,426</b>	-	-	-	<b>\$221,184</b>
<b>Ending Balance</b>							
Ending Balance	-	-	(162,426)	-	-	-	(162,426)
<b>Total Ending Balance</b>	-	-	<b>(\$162,426)</b>	-	-	-	<b>(\$162,426)</b>

# Agency Request Budget

## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of  
Pkg: 032 - Above Standard Inflation

Cross Reference Name: Appellate  
Cross Reference Number: 13700-020-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Services &amp; Supplies</b>							
Instate Travel	-	-	407	-	-	-	407
Facilities Rental and Taxes	-	-	72,860	-	-	-	72,860
Other Services and Supplies	-	-	2,430	-	-	-	2,430
<b>Total Services &amp; Supplies</b>	-	-	<b>\$75,697</b>	-	-	-	<b>\$75,697</b>
<b>Total Expenditures</b>							
Total Expenditures	-	-	75,697	-	-	-	75,697
<b>Total Expenditures</b>	-	-	<b>\$75,697</b>	-	-	-	<b>\$75,697</b>
<b>Ending Balance</b>							
Ending Balance	-	-	(75,697)	-	-	-	(75,697)
<b>Total Ending Balance</b>	-	-	<b>(\$75,697)</b>	-	-	-	<b>(\$75,697)</b>

# Agency Request Budget

## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of  
Pkg: 040 - Mandated Caseload

Cross Reference Name: Appellate  
Cross Reference Number: 13700-020-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Personal Services</b>							
Class/Unclass Sal. and Per Diem	-	-	29,634	-	-	-	29,634
Empl. Rel. Bd. Assessments	-	-	8	-	-	-	8
Public Employees' Retire Cont	-	-	5,029	-	-	-	5,029
Social Security Taxes	-	-	2,267	-	-	-	2,267
Worker's Comp. Assess. (WCD)	-	-	8	-	-	-	8
Mass Transit Tax	-	-	178	-	-	-	178
Flexible Benefits	-	-	4,574	-	-	-	4,574
<b>Total Personal Services</b>	-	-	<b>\$41,698</b>	-	-	-	<b>\$41,698</b>
<b>Services &amp; Supplies</b>							
Instate Travel	-	-	242	-	-	-	242
Employee Training	-	-	77	-	-	-	77
Office Expenses	-	-	456	-	-	-	456
Telecommunications	-	-	264	-	-	-	264
Data Processing	-	-	576	-	-	-	576
Publicity and Publications	-	-	2	-	-	-	2
Employee Recruitment and Develop	-	-	12	-	-	-	12
Dues and Subscriptions	-	-	160	-	-	-	160
Facilities Rental and Taxes	-	-	1,396	-	-	-	1,396
Fuels and Utilities	-	-	4	-	-	-	4
Facilities Maintenance	-	-	13	-	-	-	13
Agency Program Related S and S	-	-	73	-	-	-	73
Intra-agency Charges	-	-	5,486	-	-	-	5,486

# Agency Request Budget

## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of  
Pkg: 040 - Mandated Caseload

Cross Reference Name: Appellate  
Cross Reference Number: 13700-020-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Services &amp; Supplies</b>							
Other Services and Supplies	-	-	249	-	-	-	249
<b>Total Services &amp; Supplies</b>	-	-	<b>\$9,010</b>	-	-	-	<b>\$9,010</b>
<b>Total Expenditures</b>							
Total Expenditures	-	-	50,708	-	-	-	50,708
<b>Total Expenditures</b>	-	-	<b>\$50,708</b>	-	-	-	<b>\$50,708</b>
<b>Ending Balance</b>							
Ending Balance	-	-	(50,708)	-	-	-	(50,708)
<b>Total Ending Balance</b>	-	-	<b>(\$50,708)</b>	-	-	-	<b>(\$50,708)</b>
<b>Total FTE</b>							
Total FTE							0.13
<b>Total FTE</b>	-	-	-	-	-	-	<b>0.13</b>

# Agency Request Budget

08/06/18 REPORT NO.: PDPDFISCAL DEPT. OF ADMIN. SVCS. -- PPDB PICS SYSTEM PAGE  
 REPORT: PACKAGE FISCAL IMPACT REPORT 2019-21 PROD FILE  
 AGENCY:13700 DEPT OF JUSTICE PICS SYSTEM: BUDGET PREPARATION  
 SUMMARY XREF:020-00-00 Appellate PACKAGE: 040 - Mandated Caseload

POSITION		POS					GF	OF	FF	LF	AF	
NUMBER	CLASS COMP	CLASS NAME	CNT	FTE	MOS	STEP	RATE	SAL/OPE	SAL/OPE	SAL/OPE	SAL/OPE	SAL/OPE
7504088	AJ U7504 AP	ASSISTANT ATTORNEY GENERAL		.13	3.12	08	9,498.00		29,634			29,634
									11,886			11,886
TOTAL PICS SALARY									29,634			29,634
TOTAL PICS OPE									11,886			11,886
TOTAL PICS PERSONAL SERVICES =				.13	3.12				41,520			41,520

# Agency Request Budget

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## Appellate

### 100 – Reconcile Intra-Agency Charges

**Purpose:** Align the Department’s budgeted Intra-Agency Charges, which come from other divisions to fund almost all of the Administration Division’s expenses, with the Administration Division’s budget.

**How Achieved:** This Policy Option Package seeks to greatly reduce and perhaps eliminate the need for mid-biennium adjustments to the Intra-Agency Charge budgets of paying divisions by adjusting those divisions’ budgets for the two sources of mismatch: (1) Current Service Level budget amounts that do not match due to historical and current rates of inflation for Administration Division expenditures (about 70% Personal Services) being higher than the historical and current rates of inflation for Services and Supplies; and (2) the existence of policy packages for the 2019-21 biennium in the Administration Division that must be paid for through the Intra-Agency Charges of paying divisions.

Please see the longer explanation of this multi-division package in the General Counsel Division section of the budget document.

**2019-21/2021-23 Staffing Impact:** None

**Quantifying Results:** The primary measurable results of this POP are the elimination of the need to seek mid-biennium legislative adjustment to Intra-Agency Charge budgets, or the reduction of the dollar value of those adjustments, and the ability of DOJ divisions to expend their Legislatively Approved Budgets in a manner that is more consistent with the reported account-level detail in the published budgets.

**Revenue Source:** \$1,093,826 Other Funds Limited

# Agency Request Budget

## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of  
Pkg: 100 - Reconcile Intra-Agency Charges

Cross Reference Name: Appellate  
Cross Reference Number: 13700-020-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Services &amp; Supplies</b>							
Intra-agency Charges	-	-	1,093,826	-	-	-	1,093,826
<b>Total Services &amp; Supplies</b>	-	-	<b>\$1,093,826</b>	-	-	-	<b>\$1,093,826</b>
<b>Total Expenditures</b>							
Total Expenditures	-	-	1,093,826	-	-	-	1,093,826
<b>Total Expenditures</b>	-	-	<b>\$1,093,826</b>	-	-	-	<b>\$1,093,826</b>
<b>Ending Balance</b>							
Ending Balance	-	-	(1,093,826)	-	-	-	(1,093,826)
<b>Total Ending Balance</b>	-	-	<b>(\$1,093,826)</b>	-	-	-	<b>(\$1,093,826)</b>

# Agency Request Budget

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## Appellate

### 102 – Reconcile Attorney Position Classifications

**Purpose:** Increase DOJ's budget for Personal Services for attorneys to reflect actual pay levels, which have risen above budgeted levels to match the increased attorney skill and experience level needed to successfully lead today's complex legal cases.

DOJ's practice is to allow an Assistant Attorney General (AAG) employee to progress through merit increases to a Senior AAG pay level even though their position remains funded at the top step of the AAG salary range. Also, DOJ may overfill an AAG position with an employee hired at a Senior AAG rate of pay. This results in substantial underfunding of expenditure limitation and a commensurate shortfall in the hourly billing rate, and requires the agency's divisions to hold vacancies or find other savings to afford the highly skilled attorneys needed for the complex cases they handle. This DOJ practice of overfilling attorney positions either by providing merit increases beyond budgeted funding or by hiring above budgeted level is followed to retain or attract attorneys who have gained valuable skills and experience and who are needed by the department to lead its increasingly complicated legal cases on behalf of the state.

Please see the longer explanation of this multi-division package in the Administration Division section of the budget document.

**How Achieved:** Increase Other Funds expenditure limitation to pay for differential between budgeted and actual Personal Services and associated Services and Supplies for attorneys paid above budgeted level.

**2019-21/2021-23 Staffing Impact:** None

**Quantifying Results:** This package would ensure that attorney positions in the 2019-21 biennium are budgeted to match the salary range and step being paid to the incumbent. DOJ has initiated discussions with DAS Chief Human Resources Office to explore the consolidation of the AAG and Senior AAG classifications and pay ranges. If successful, this consolidation should ensure that future biennia budgets will not contain a mismatch in budgeted and actual salaries due to the progression of an incumbent's merit increases beyond the pay range of the incumbent's position classification.

**Revenue Source:** \$28,723 Other Funds Limited

# Agency Request Budget

## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of  
Pkg: 102 - Reconcile Attorney Position Classifications

Cross Reference Name: Appellate  
Cross Reference Number: 13700-020-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Personal Services</b>							
All Other Differential	-	-	20,256	-	-	-	20,256
Public Employees' Retire Cont	-	-	3,437	-	-	-	3,437
Social Security Taxes	-	-	1,550	-	-	-	1,550
Mass Transit Tax	-	-	122	-	-	-	122
<b>Total Personal Services</b>	-	-	<b>\$25,365</b>	-	-	-	<b>\$25,365</b>
<b>Services &amp; Supplies</b>							
Intra-agency Charges	-	-	3,358	-	-	-	3,358
<b>Total Services &amp; Supplies</b>	-	-	<b>\$3,358</b>	-	-	-	<b>\$3,358</b>
<b>Total Expenditures</b>							
Total Expenditures	-	-	28,723	-	-	-	28,723
<b>Total Expenditures</b>	-	-	<b>\$28,723</b>	-	-	-	<b>\$28,723</b>
<b>Ending Balance</b>							
Ending Balance	-	-	(28,723)	-	-	-	(28,723)
<b>Total Ending Balance</b>	-	-	<b>(\$28,723)</b>	-	-	-	<b>(\$28,723)</b>

# Agency Request Budget

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## Appellate

### 104 – Essential Costs for Information Technology

**Purpose:** Enable DOJ to meet mandated state and federal data security requirements such as Federal Tax Information (FTI), Federal Office of Child Support Enforcement (OCSE), Personally Identifiable Information (PII), Health Insurance Portability & Accountability Act (HIPAA), and Criminal Justice Information Services (CJIS), by sustaining ongoing support, maintenance, upgrades, and life cycle replacement of DOJ's infrastructure, hardware, and software that directly support the mission and security of the data entrusted to DOJ.

During the last 10 years, the Department of Justice has struggled to address increasingly important and complex information security needs within its current technology budget. As the Department has increased its use of and reliance on technology to maintain customer service levels and improve work efficiency, it regularly has to choose between mission critical priorities. These competing priorities have forced the Department to make difficult decisions between life cycle replacement and information security. To fully comply with mandatory information security requirements and to protect our data and the data entrusted to us by our Federal, State, and local partners, DOJ needs this policy package to provide the necessary resources to maintain a fully functioning, reliable, efficient, current and secure information technology environment.

In addition to central costs, division-specific IT rebaselining is needed to true up costs such as fleet replacement, telecommunications, data processing, software, and other IT related expenses. Many divisions have deferred fleet replacement or are investing in higher-cost mobile solutions for increased productivity. Greater than average inflation for IT expenses as well as the growing costs of IT mobility and flexible functionality have outgrown budgets at a fast pace. This POP includes both the Administration Division's portion of the IT costs and the necessary increases to other divisions' budgets for IT costs (e.g., fleet replacement), which the Administration Division's IT does not cover. Without the other division budget increases for IT costs, the Administration Division's portion loses some of its overall benefit to DOJ.

Please refer to the business case for this package in the Special Reports section of this budget document.

**How Achieved:** Increase DOJ's permanent funding to sustain required levels of system support, data security, upgrades, maintenance, and infrastructure life cycle replacement on an ongoing basis.

# Agency Request Budget

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**Appellate**

**104 – Essential Costs for Information Technology (continued)**

**How Achieved (continued):**

<b>Cost of Package by Division and Fund Type (\$)</b>				
<b>Division</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Total Funds</b>
Administration		3,800,000		3,800,000
Appellate		109,163		109,163
Civil Enforcement	572	185,698	2,169	188,439
Criminal Justice	58,206	200,506	14,916	273,628
Crime Victim and Survivor Services	35,070	51,980	15,631	102,681
General Counsel		260,152		260,152
Trial		179,526		179,526
<b>Total</b>	<b>93,848</b>	<b>4,787,025</b>	<b>32,716</b>	<b>4,913,589</b>

**2019-21/2021-23 Staffing Impact:** None

**Quantifying Results:** Paying ongoing support, maintenance, and life cycle replacement costs ensures that DOJ complies with mandated state and federal data security requirements while continuing to provide services to its customers as efficiently as possible.

**Revenue Source:** \$109,163 Other Funds Limited

# Agency Request Budget

## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of  
Pkg: 104 - Essential Costs of Information Technology

Cross Reference Name: Appellate  
Cross Reference Number: 13700-020-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Services &amp; Supplies</b>							
Telecommunications	-	-	29,602	-	-	-	29,602
Data Processing	-	-	33,983	-	-	-	33,983
IT Expendable Property	-	-	45,578	-	-	-	45,578
<b>Total Services &amp; Supplies</b>	-	-	<b>\$109,163</b>	-	-	-	<b>\$109,163</b>
<b>Total Expenditures</b>							
Total Expenditures	-	-	109,163	-	-	-	109,163
<b>Total Expenditures</b>	-	-	<b>\$109,163</b>	-	-	-	<b>\$109,163</b>
<b>Ending Balance</b>							
Ending Balance	-	-	(109,163)	-	-	-	(109,163)
<b>Total Ending Balance</b>	-	-	<b>(\$109,163)</b>	-	-	-	<b>(\$109,163)</b>

# Agency Request Budget

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

Source	Fund	ORBITS Revenue Acct	2015-17 Actual	2017-19 Legislatively Approved	2017-19 Estimated	2019-21		
						Agency Request	Governor's Budget	Legislatively Adopted
Legal Billings to Client Agencies - Other Funds Ltd	3400	0410	\$ 18,531,525	\$ 21,249,874	\$ 21,249,874	\$ 24,403,931		
Misc. Legal - Other Funds Ltd	3400	0505,0705, 0975	\$ 23,178	\$ 25,000	\$ 25,000	\$ 5,000		
Misc. Legal Transfers In/(Out) - Other Funds Ltd	3400	1010,2010	\$ -	\$ -	\$ -			
Total Other Funds Ltd	3400		\$ 18,554,703	\$ 21,274,874	\$ 21,274,874	\$ 24,408,931	\$ -	\$ -
Total Other Funds Non-Ltd	3200		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Federal Funds Ltd	6400		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Federal Funds Non-Ltd	6200		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

# Agency Request Budget

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

Justice, Dept of  
2019-21 Biennium

Agency Number: 13700

Cross Reference Number: 13700-020-00-00-00000

<i>Source</i>	2015-17 Actuals	2017-19 Leg Adopted Budget	2017-19 Leg Approved Budget	2019-21 Agency Request Audit	2019-21 Governor's Budget	2019-21 Leg. Adopted Audit
<b>Other Funds</b>						
Charges for Services	18,531,525	20,832,767	21,249,874	24,403,931	-	-
Fines and Forfeitures	17,904	-	-	-	-	-
Sales Income	3,080	-	-	-	-	-
Other Revenues	2,194	25,000	25,000	5,000	-	-
<b>Total Other Funds</b>	<b>\$18,554,703</b>	<b>\$20,857,767</b>	<b>\$21,274,874</b>	<b>\$24,408,931</b>	-	-