

Department of Legislative Services
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 167 (The President)(By Request - Maryland Judiciary)
Judicial Proceedings and Budget and Taxation

Judgeships - Circuit Courts and District Court

This bill alters the number of resident judges of the circuit courts by adding one additional judgeship each in Baltimore City and Anne Arundel, Baltimore, Charles, Montgomery, and Prince George’s counties. The bill also creates one additional District Court judgeship in District 5 (Prince George’s County) and District 6 (Montgomery County).

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: General fund expenditures increase by \$2.2 million in FY 2015 for additional judges and associated staff; the proposed FY 2015 budget includes \$1.9 million in general funds for the judges and staff. Future year expenditures reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	2,215,700	2,917,900	2,971,000	3,026,200	3,084,100
Net Effect	(\$2,215,700)	(\$2,917,900)	(\$2,971,000)	(\$3,026,200)	(\$3,084,100)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local government expenditures for the circuit courts increase for the affected jurisdictions. Revenues are not directly affected.

Small Business Effect: None.

Analysis

Current Law: There are currently 162 circuit court judges in the State. **Exhibit 1** illustrates the geographic area and current number of judges for the circuit courts impacted by the bill's provisions.

Exhibit 1 Circuit Court Judgeships

<u>Jurisdiction</u>	<u>Number of Resident Judges</u>
Anne Arundel County	12
Baltimore City	33
Baltimore County	18
Charles County	4
Montgomery County	22
Prince George's County	23

Source: Department of Legislative Services

For purposes of the operation and administration of the District Court, the State is divided into 12 districts. Montgomery County is District 6 and has 12 judges. Prince George's County is District 5 and has 16 judges.

Background: At the suggestion of the Legislative Policy Committee, in January 1979 the Chief Judge of the Court of Appeals began an annual procedure of formally certifying to the General Assembly the need for additional judges in the State. The annual certification is prepared based upon a statistical analysis of the workload of the courts and the comments of the circuit court administrative judges and the Chief Judge of the District Court. Since fiscal 2002, the Judiciary has implemented a weighted caseload methodology to assist in determining judgeship needs. This methodology weights cases to account for the varying degrees of complexity associated with particular case types and the amount of judicial time required to process the workload. Although the weighted caseload methodology consistently supported the need for new judges, the number of judgeships remained constant for a number of years after 2005, with the only exception being four new circuit court judgeships added in 2009.

In the fall of 2011, the certification of judgeships for fiscal 2013 was submitted. Citing the economic climate, no new judgeships were requested despite having certified a need for an additional 21 circuit court and 19 District Court judges. The 2012 *Joint SB 167/ Page 2*

Chairmen's Report directed the Judiciary to develop a multiyear plan to request new judgeships so that workloads can be addressed gradually without a significant impact on State expenditures. In the fall of 2012, the Judiciary submitted this plan along with the fiscal 2014 certification of judgeships. In the new certification, the Judiciary certified a need for 38 trial court judges (21 circuit court judges and 17 District Court judges). From these certifications of need, the Judiciary also considered whether each jurisdiction also had the required space available as well as the necessary funding to support the additional circuit court judges. The fiscal 2014 certification also certified a need for four additional appellate judges for the Court of Special Appeals. Pursuant to the Judiciary's multiyear plan, Chapter 34 of 2013 created two new judgeships in the Court of Special Appeals and added one additional circuit court judgeship each in Calvert, Carroll, Cecil, Frederick, and Wicomico counties. Chapter 34 also created one additional District Court judgeship in Baltimore City and Charles, Montgomery, and Prince George's counties.

The fiscal 2015 certification of judgeships was submitted in the fall of 2013, and included an updated analysis of the multiyear plan. This bill primarily implements the Judiciary's plan for the 2014 legislative session. However, the additional circuit court judgeship in Anne Arundel County was not part of the Judiciary's development plan outlined in the report. **Appendix 1** displays the current need and the ability to accommodate the need in each of the counties where additional judges are still needed.

Selected findings in the annual certification specific to the jurisdictions covered under the bill are as follows:

Circuit Courts

Anne Arundel County: The judicial workload standards indicate a need for two additional judges. The court recorded more than 23,000 combined original and reopened case filings in fiscal 2013, which represented a three-year high. While criminal and juvenile cases increased only slightly, general civil filings increased by 8% over the last two fiscal years.

Baltimore City: The judicial workload standards indicate a need for three additional judges. In fiscal 2013, over 50,000 cases were filed in the circuit court, which continues to have the highest total caseload in the State as well as the highest number of general civil, criminal, and juvenile case filings. The court's criminal filings in fiscal 2013 represented 23% of criminal filings statewide; civil cases filed in fiscal 2013 represented approximately 21% of civil filings statewide.

Baltimore County: The judicial workload standards indicate a need for three additional judges. Total case filings increased by more than 500 cases in fiscal 2013. The court had the second-highest number of juvenile delinquency and child in need of assistance cases

filed in fiscal 2013. For the fourth consecutive year, the court recorded over 10,000 criminal case filings. Criminal jury trial prayer cases filed in fiscal 2013 represent a 78% increase over fiscal 2008 filings.

Charles County: The judicial workload standard indicates a need for two additional judges. In fiscal 2013, the court experienced a 19% increase in the volume of general civil filings; criminal case filings increased by 8%. Jury trial prayer cases (representing combined motor vehicle and other criminal cases) increased by 35%.

Montgomery County: The judicial workload standards indicate a need for three additional judges. The court has the highest number of contract case filings in the State and has recorded the most family-related case filings in the State in the five most recent fiscal years. The number of criminal appeals recorded is also highest in the State.

Prince George's County: The judicial workload standards indicate a need for one additional judge. General civil case filings increased by nearly 2,400 cases in fiscal 2013. The court had the second-highest volume of civil tort filings statewide in fiscal 2013 and the incoming family-related caseload is the second highest in the State.

District Court

The annual certification also indicated the need for one additional District Court judge in Montgomery County and four additional judges in Prince George's County.

State Expenditures: General fund expenditures increase by \$2,215,695 in fiscal 2015, which assumes a 90-day start-up delay. This estimate reflects the cost of creating one circuit court judgeship each in Baltimore City and Anne Arundel, Baltimore, Charles, Montgomery, and Prince George's counties, the associated positions of one courtroom clerk and one law clerk with each judgeship (a total of 18 positions) and includes salaries and fringe benefits. The estimate also reflects the cost of creating two new District Court judgeships and the associated positions of one court clerk and one contractual bailiff with each new judgeship (a total of six positions). **Exhibits 2 and 3** show the estimated costs in further detail by level of court.

Funding for all but three of the new positions (the circuit court judge and related staff for Anne Arundel County) has already been included in the proposed fiscal 2015 budget.

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses. Pursuant to Senate Joint Resolution 3 of 2012, judicial salaries have been set in statute through fiscal 2016. Because future increases in judicial salaries depend on any recommendations proposed by the Judicial Compensation Commission and subsequent action by the General

Assembly, judicial salaries for fiscal 2017 through 2019 as shown in the exhibits do not account for additional increases.

Exhibit 2
Estimated Increase in General Fund Expenditures – Circuit Courts

	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
Salaries					
Judges	\$673,200	\$926,598	\$926,598	\$926,598	\$926,598
Courtroom Clerks	144,149	196,499	205,145	214,172	223,595
Law Clerks	204,750	279,110	291,391	304,212	317,597
<i>Subtotal</i>	<i>\$1,022,099</i>	<i>\$1,402,207</i>	<i>\$1,423,134</i>	<i>\$1,444,982</i>	<i>\$1,467,790</i>
Fringe Benefits	\$605,559	\$867,334	\$888,500	\$910,844	\$934,433
Total Expenditures	\$1,627,658	\$2,269,541	\$2,311,634	\$2,355,826	\$2,402,223

Source: Department of Legislative Services

Exhibit 3
Estimated Increase in General Fund Expenditures – District Courts

	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
Salaries					
Judges	\$204,750	\$282,666	\$282,666	\$282,666	\$282,666
Courtroom Clerks	48,050	65,500	68,382	71,391	74,532
Bailiffs	54,284	69,245	72,292	75,473	78,794
<i>Subtotal</i>	<i>\$307,084</i>	<i>\$417,411</i>	<i>\$423,340</i>	<i>\$429,530</i>	<i>\$435,992</i>
Fringe Benefits	\$163,953	\$228,009	\$232,515	\$237,274	\$242,302
Salaries and Benefits	\$471,037	\$645,420	\$655,855	\$666,804	\$678,294
Operating Costs	\$117,000	\$3,515	\$3,550	\$3,586	\$3,621
Total Expenditures	\$588,037	\$648,395	\$659,405	\$670,390	\$681,915

Source: Department of Legislative Services

The proposed fiscal 2015 budget includes approximately \$5,240,000 in funding for retired judges which the Judiciary uses to supplement current judicial resources. This estimate does not assume any additional savings as a result of needing to use retired judges to a lesser extent. However, the Department of Legislative Services advises that as the Judiciary's plan is fully implemented over the next several years and new judgeships are added, it is expected that general fund expenditures will decrease as the need to use retired judges will be minimized. Using the fiscal 2015 estimate, and *for*

illustrative purposes only, for every 1% decrease in the use of retired judges, general fund expenditures decrease by approximately \$52,400 annually.

Local Expenditures: The counties provide support staff, supplies, and equipment for circuit court judges, as well as capital and operating expenses for courtrooms and office facilities used by the circuit court judges and their staff. Specific costs associated with the circuit courts vary by jurisdiction. Baltimore County advises the circuit court has accounted for an additional judicial assistant in its budget request, and anticipates salary expenditures of approximately \$37,800 in fiscal 2015. Montgomery County anticipates expenditures of at least \$100,000 annually for a judicial assistant and associated expenditures. Charles County estimates that expenditures increase by at least \$350,000 annually for personnel to support an additional judge, which includes a judicial assistant, a part-time bailiff, a court security officer, and two additional positions in the State's Attorney's Office.

Additional Information

Prior Introductions: None.

Cross File: HB 120 (The Speaker)(By Request - Maryland Judiciary) - Judiciary.

Information Source(s): Baltimore, Charles, and Montgomery counties; Judiciary (Administrative Office of the Courts); Maryland Association of Counties; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2014
ncs/kdm

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Appendix 1
Certified Need for Judgeships – Circuit and District Court
Fiscal 2015

<u>Jurisdiction</u>	Judge Need*		Space Available		Funding for Staff
	<u>Circuit Court</u>	<u>District Court</u>	<u>Circuit Court</u>	<u>District Court</u>	<u>(Circuit Court)</u>
Anne Arundel	2		No		No
Baltimore City	3		Yes for 1		Yes
Baltimore County	3	5	Yes for 2	Possibly in fiscal 2017 or 2018	Yes
Charles	2		Yes for 1		Yes
Frederick	1		No		No
Harford	2		No		No
Howard	1		Yes		Yes
Montgomery	3	1	Yes	Yes	Yes
Prince George's	1	4	Yes	Yes for 1	Yes
Washington	1	1	Possibly	No	Not at this time but will be pursued
Wicomico		1		Yes	

*Judge need reflects the need identified in the fiscal 2015 certification but does not reflect the additional judgeships created by the bill.

Source: Maryland Judiciary