

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
 Third Reader

House Bill 159
 Judiciary

(The Speaker)(By Request)

Judicial Proceedings and Budget and Taxation

Judgeships - Circuit Court and District Court

This bill alters the number of resident judges of the circuit court by adding one additional judgeship in Washington County. It also creates one additional District Court judgeship in District 4 (which must be appointed from St. Mary’s County) and District 7 (Anne Arundel County). The bill also creates two additional District Court judgeships in District 5 (Prince George’s County) and District 8 (Baltimore County). **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: General fund expenditures increase by \$2.2 million in FY 2020 for additional judges and associated staff; the proposed FY 2020 budget includes funding for this purpose. Future year expenditures reflect annualization and inflation. Revenues are not affected.

(\$ in millions)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	2.2	2.8	2.9	2.9	2.9
Net Effect	(\$2.2)	(\$2.8)	(\$2.9)	(\$2.9)	(\$2.9)

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

Local Effect: Washington County expenditures increase beginning in FY 2020. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: There are 173 circuit court judges in the State, including 5 from Washington County.

For purposes of the operation and administration of the District Court, the State is divided into 12 districts. Anne Arundel County is District 7 and has 9 judges. Baltimore County is District 8 and has 13 judges. Prince George's County is District 5 and has 17 judges. District 4 consists of Calvert, Charles, and St. Mary's counties and has 6 judges (2 who must be appointed from Calvert County and 3 who must be appointed from Charles County).

Background: Additional judgeships were last created by Chapter 91 of 2016, which added 11 circuit court judges and 2 District Court judges. To support the General Assembly's role in establishing new judgeships, the Chief Judge of the Court of Appeals annually certifies to the General Assembly the need for additional judges in the State. The Judiciary uses best practices developed by the National Center for State Courts (NCSC) to calculate judicial need, which take into account the amount of judicial work generated on average per case filing within each distinct case type. Using the model developed by NCSC, judicial need for fiscal 2020 was primarily based on the average number and type of cases filed in the most recent three years (from fiscal 2016 to 2018). Although certification of judicial workloads indicates a projected need of 14 additional judges throughout the State, the Judiciary is requesting 7 judges for the locations deemed to be in most critical need of additional judicial resources.

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

Circuit Court

Washington County: The judicial workload standards indicate a need for one additional judge. Between fiscal 2016 and 2018, the court received an average of 4,714 filings annually.

District Court

Anne Arundel County: The judicial workload standards indicate a need for one additional judge. Between fiscal 2016 and 2018, the court received an average of 126,819 filings annually.

Baltimore County: The judicial workload standards indicate a need for two additional judges. Between fiscal 2016 and 2018, the court received an average of 304,361 filings annually.

Prince George's County: The judicial workload standards indicate a need for two additional judges. Between fiscal 2016 and 2018, the court received an average of 327,052 filings annually.

St. Mary's County: The judicial workload standards indicate a need for one additional judge. Between fiscal 2016 and 2018, the court received an average of 21,155 filings annually.

State Expenditures: General fund expenditures increase by \$2,242,771 in fiscal 2020, which assumes a 90-day start-up delay. This estimate reflects the cost of creating one circuit court judgeship in Washington County and the associated positions of one courtroom clerk and one law clerk with the judgeship (a total of 3 positions). It includes salaries, fringe benefits, and start-up costs. The estimate also reflects the cost of creating six new District Court judgeships and the associated positions of one court clerk and two contractual bailiffs with each new judgeship (a total of 24 positions). **Exhibits 1 and 2** show the estimated costs in further detail by level of court. The Judiciary also advises that any operating costs after fiscal 2020 will be absorbed within existing resources.

Funding for the new positions is included in the proposed fiscal 2020 budget. This funding (\$2,166,371 in general funds for salaries/fringe benefits and \$76,400 for start-up costs) is not contingent on the enactment of this bill, however. Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses. Pursuant to Joint Resolution 3 of 2018, judicial salaries have been set in statute through fiscal 2022. 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 2023 and 2024, as shown in the exhibits, do not account for additional increases.

Exhibit 1
Estimated Increase in General Fund Expenditures – Circuit Courts

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>
Salaries					
Judge	\$123,325	\$169,433	\$174,433	\$174,433	\$174,433
Courtroom Clerk	31,623	41,854	43,277	44,748	46,270
Law Clerk	36,418	48,200	49,838	51,533	53,285
<i>Subtotal</i>	<i>\$191,366</i>	<i>\$259,487</i>	<i>\$267,548</i>	<i>\$270,714</i>	<i>\$273,988</i>
Fringe Benefits	\$130,441	\$147,895	\$152,424	\$154,568	\$156,791
Start-up Costs	\$21,400				
Total Expenditures	\$343,207	\$407,382	\$419,972	\$425,282	\$430,779

Source: Department of Legislative Services

Exhibit 2
Estimated Increase in General Fund Expenditures – District Courts

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>
Salaries					
Judges	\$680,999	\$937,998	\$967,998	\$967,998	\$967,998
Courtroom Clerks	189,738	251,122	259,660	268,489	277,617
Bailiffs	343,845	430,388	445,021	460,152	475,797
<i>Subtotal</i>	<i>\$1,214,582</i>	<i>\$1,619,508</i>	<i>\$1,672,679</i>	<i>\$1,696,639</i>	<i>\$1,721,412</i>
Fringe Benefits	\$629,982	\$738,825	\$762,562	\$771,431	\$780,621
Salaries and Benefits	\$1,844,564	\$2,358,333	\$2,435,241	\$2,468,070	\$2,502,033
Start-up Costs	\$55,000				
Total Expenditures	\$1,899,564	\$2,358,333	\$2,435,241	\$2,468,070	\$2,502,033

Source: Department of Legislative Services

The proposed fiscal 2020 budget includes approximately \$7,575,660 in funding for retired judges which the Judiciary uses to supplement 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 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 2020 estimate, and *for illustrative purposes only*, for every 1% decrease in the use of retired judges, general fund expenditures decrease by approximately \$75,757 annually.

Local Expenditures: The counties are responsible for funding the salaries and operating expenses of administrative assistants for circuit court judges. Therefore, Washington County expenditures increase beginning in fiscal 2020 to fund one administrative assistant.

Additional Information

Prior Introductions: None.

Cross File: SB 205 (The President)(By Request) and Senator Zirkin - Judicial Proceedings and Budget and Taxation.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

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