

Department of Legislative Services
 Maryland General Assembly
 2000 Session

FISCAL NOTE
Revised

Senate Bill 69 (The President)
 (Judiciary)

Judicial Proceedings & Budget and Taxation

Judgeships - Circuit Courts and District Court

This bill creates six new circuit court judgeships -- one each in Anne Arundel, Baltimore, Montgomery, Prince George's, and Worcester counties and Baltimore City. The bill also creates one new District Court judgeship in District 4 (Charles, St. Mary's, and Calvert counties).

The bill takes effect July 1, 2000.

Fiscal Summary

State Effect: General fund expenditures would increase by approximately \$1.29 million for the Judiciary in FY 2001, which reflects a 90-day start-up delay from the bill's July 1, 2000 effective date. The Governor's proposed FY 2001 budget includes \$973,146 in general funds for salaries and benefits for six circuit court judges and six circuit court clerks and associated fixed costs. Out-year expenditures include costs for staffing increases in the Public Defender's Office beginning in FY 2002, and reflect annualization, inflation, and salary increases.

(in millions)	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
GF Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditures	\$1.29	\$2.23	\$2.25	\$2.32	\$2.40
Net Effect	(\$1.29)	(\$2.23)	(\$2.25)	(\$2.32)	(\$2.40)

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

Local Effect: Anne Arundel, Baltimore, Montgomery, Prince George's, and Worcester

counties and Baltimore City would incur expenditures associated with the new circuit court judges as discussed herein.

Small Business Effect: None.

Analysis

Current Law: There are currently 143 circuit court judgeships and 107 District Court judgeships statewide.

Background: 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 after completion of a statistical analysis of the workload and performance of the circuit courts and the District Court and consideration of the comments of the circuit court administrative judges and the Chief Judge of the District Court. For fiscal 2001, the Judiciary certified the need for one additional circuit court judge in each of the following counties: Calvert, Cecil, Charles, Frederick, Washington, and Worcester. The bill is seeking only the creation of the circuit court judgeship for Worcester County.

The bill also seeks the establishment of one additional circuit court judgeship for each of the five jurisdictions operating a family division -- Anne Arundel, Baltimore, Montgomery, and Prince George's counties and Baltimore City. This request is made as a result of a policy decision to change the role of domestic relations masters. The power of masters was articulated in the Court of Appeals' decision in *State v. Wiegmann*, 350 Md. 585 (1998). In that case the court held that a master has no authority to order an arrest pending entry of a judicial order in accordance with the master's recommendation of contempt. The opinion clarified that a master is not vested with any judicial powers and, as such, is not a judicial officer. In light of this decision, the Executive Committee of the Judicial Conference has recommended to the Chief Judge of the Court of Appeals that the duties of domestic relations masters be limited to pendente lite matters, scheduling conferences, uncontested cases, settlements, modifications, and the application of alternative dispute resolution. The Judiciary contends that because the operation of family divisions in the five largest jurisdictions is presently bolstered by the utilization of masters, changes in the jurisdictional responsibilities of masters will necessitate additional judgeships.

State Expenditures:

Judiciary

General fund expenditures for the Judiciary would increase by an estimated \$1,292,355 in fiscal 2001, which reflects a 90-day start-up delay from the bill's July 1, 2000 effective date. This estimate includes the costs of salaries and fringe benefits for six circuit court judges, one District Court judge, six circuit court clerks, and one District Court clerk. The estimate also includes costs for supplies, a contractual bailiff, other ongoing operating expenses, and one-time expenses associated with "fitting out" existing space for a courtroom for the District Court judge (installing a judge's bench, public seating, sound and recording systems, automation systems, furniture, carpeting, and lighting).

Judicial salaries	\$588,862
Fringe benefits	360,020
Other salaries	131,040
Fringe benefits	49,397
One-time expenses	94,584
Ongoing operating expenses	<u>68,452</u>
Total FY 2001 expenditures	\$1,292,355

Future year expenditures reflect full salaries with 2% annual cost of living increases for the judges, 4.5% annual increases for the non-judicial employees, 2.4% annual increases for the contractual bailiff, 3% employee turnover, and 1% annual increases in ongoing operating expenses. Judicial salary increases are not included because they are determined by the Judicial Compensation Commission and the General Assembly. The estimate is based on current salaries of \$110,500 per year for circuit court judges and \$103,000 for District Court judges, with a 2.5% cost of living increase for fiscal 2001.

Office of the Public Defender

The Office of the Public Defender advises that it would need to hire seven new attorneys and seven new legal assistants as a result of the bill. General fund expenditures for the Office of the Public Defender would increase by \$656,000 in fiscal 2002, which reflects time for the new judgeships to be filled and reach full operating capacity. The estimate includes the costs of salaries and fringe benefits for the fourteen employees, as well as supplies, equipment, and communications expenses associated with the new positions.

Salaries	\$451,478
Fringe benefits	144,832
One-time equipment purchases	53,270
Ongoing operating expenses	<u>6,505</u>
Total FY 2002 expenditures	\$656,085

Future year expenditures reflect full salaries with 4.5% annual increases, 3% employee turnover, and 1% annual increases in ongoing operating expenses.

Budget

The Governor's proposed fiscal 2001 budget contains \$807,594 in general funds for salaries and fringe benefits for six circuit court judges; \$150,552 in general funds for six circuit court clerks; and \$15,000 in general funds for fixed costs associated with the six circuit court clerks. The Governor's proposed fiscal 2001 budget does not currently contain any funding associated with the proposed new District Court judge.

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 staffs. Specific costs associated with the circuit courts vary from county to county.

Anne Arundel County advises that it would incur expenses of \$87,600 in fiscal 2001 for staff, supplies, and equipment to support the new circuit court judge.

Baltimore City advises that it does not currently have an extra courtroom and chambers area to accommodate the new circuit court judge. Renovation expenditures to create a sufficient courtroom and chambers in an existing courthouse could exceed \$250,000. Assuming that these renovations could be completed by October 1, 2000, Baltimore City would incur expenses of \$175,000 in fiscal 2001 for staff, supplies, and equipment to support the new judge.

Baltimore County advises that it would incur expenses of \$58,750 in fiscal 2001 for staff, supplies, and equipment to support the new circuit court judge.

Montgomery County advises that it does not currently have an extra courtroom and chambers area to accommodate the new circuit court judge. Renovation expenditures to create a

sufficient courtroom and chambers in a nearby annex would be incurred. Assuming these renovations could be completed by October 1, 2000, it is estimated that Montgomery County would incur expenses of \$180,500 in fiscal 2001 for staff, supplies, and equipment to support the new judge.

Prince George's County advises that it would incur expenses of \$141,051 in fiscal 2001 for staff, supplies, and equipment to support the new circuit court judge.

Worcester County advises that it does not currently have an extra courtroom and chambers area to accommodate the new circuit court judge. The county is in the process of building a government office building which would free up space in the courthouse. The completion of the office building is expected in late fiscal 2001 or early fiscal 2002. Renovation expenditures of approximately \$1.5 million to create a new courtroom and chambers in the existing courthouse would be incurred in fiscal 2002. Assuming that these renovations are completed by January 1, 2002, Worcester County would incur expenses of \$18,850 in fiscal 2002 for staff to support the new judge.

These counties would also incur additional operating costs associated with the new judges such as telecommunications, utilities, memberships, and printing. Further expenses would be incurred by counties beginning in fiscal 2002 for staff expansions in State's Attorneys' offices.

Additional Comments: In January 2000, the Judicial Compensation Commission recommended salary increases of \$10,000 for circuit court and District Court judges. Subsequently, SJ 3/HJ 5, which reflected the Judicial Compensation Commission's recommended salary increases, were introduced in the General Assembly. The General Assembly has amended SJ 3 and HJ 5, however, to provide only that if a general salary increase is awarded to State employees in fiscal 2001 and 2002, each judge shall receive the general salary increase on the same date the increase is effective for State employees.

Additional Information

Prior Introductions: None.

Cross File: HB 577 (The Speaker) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts, District Court of Maryland); Maryland State's Attorneys' Association; Office of the Public Defender; Anne Arundel, Baltimore, Montgomery, Prince George's, and Worcester counties; Baltimore City; Department of Legislative Services

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