

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE

House Bill 236

(The Speaker)

(By Request – Maryland Judiciary)

Judiciary

Judicial Proceedings

Judgeships - Circuit Courts and District Court

This bill creates seven new circuit court judgeships – two in Baltimore City, and one each in Anne Arundel, Baltimore, Montgomery, Washington, and Worcester counties. The bill also creates six new District Court judgeships – two in District 5 (Prince George’s County), and one each in District 1 (Baltimore City), District 2 (Dorchester, Wicomico, Somerset, and Worcester counties), District 4 (Charles, St. Mary’s, and Calvert counties), and District 7 (Anne Arundel County). The bill further provides that two of the District Court judges from District 2 be appointed from Worcester County and that two of the District Court judges from District 4 be appointed from Calvert County.

The bill is effective July 1, 2005.

Fiscal Summary

State Effect: General fund expenditures would increase by approximately \$2.7 million in FY 2006, which reflects a 90-day start-up delay from the bill’s July 1, 2005 effective date. The Governor’s proposed FY 2006 budget includes \$2.5 million for new judgeships and related positions. Out-year expenditures reflect annualization and inflation.

(\$ in millions)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Revenues	\$0	\$0	\$0	\$0	\$0
Expenditure	2.7	3.7	3.9	4.1	4.3
Net Effect	(\$2.7)	(\$3.7)	(\$3.9)	(\$4.1)	(\$4.3)

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

Local Effect: Circuit court expenses would increase, possibly significantly, for Baltimore City and Anne Arundel, Baltimore, Montgomery, Washington, and Worcester counties.

Small Business Effect: None.

Analysis

Current Law: There are currently 146 circuit court judges and 105 District Court judges. Of the five judges sitting in District 2 (Dorchester, Wicomico, Somerset, and Worcester counties), two are to be appointed from Wicomico County. Of the four judges sitting in District 4 (Charles, St. Mary's, and Calvert counties), two are to be appointed from Charles County.

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 administrative judges and the Chief Judge of the District Court. For fiscal 2006 the Judiciary has certified the need for 33 additional judgeships.

According to the *Annual Certification of Need for Additional Judgeships for Fiscal Year 2006*, family cases accounted for more than one-third of all case filings in circuit court in fiscal 2004. The nature of family cases, which include divorce, adoption and guardianship, paternity, and domestic violence, and the rise in the number of *pro se* litigants have placed additional demands on judicial time. The numbers of criminal filings and District Court jury trial demands have also increased over the last five years, 6.3% and 6.2%, respectively.

The Judiciary is also requesting six additional judgeships in the District Court based on an increase in the volume of petitions for civil protective orders and peace orders, complex civil cases, and traffic offenses.

State Expenditures: General fund expenditures for the Judiciary would increase by an estimated \$2,665,214, in fiscal 2006, which reflects a 90-day start-up delay from the bill's July 1, 2005 effective date. The estimate includes salaries and fringe benefits for the 7 circuit court judges, 6 District Court judges, 7 circuit court law clerks, 13 courtroom clerks, and 6 District Court contractual bailiffs.

Judicial Salaries	\$1,816,752
Courtroom Clerks	421,293
Law Clerks	297,776
Bailiffs	<u>129,393</u>
Total Expenditures	\$2,665,214

Future year expenditures reflect: (1) full salaries for the judges with a 2% cost-of-living increase; (2) 3% employee turnover; and (3) 1% annual increase in ongoing operating expenses. Judicial salary increases (other than cost-of-living adjustments) are not included because they are determined by the Judicial Compensation Commission and the General Assembly.

The Governor's proposed fiscal 2006 budget includes \$2.5 million for new judgeships and related positions.

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. The precise expenditure increases that would be incurred by the counties affected by the bill cannot be estimated at this time. Expenditures could be significant, however, if building renovations or increased office space is needed.

Additional Information

Prior Introductions: HB 689 of 2002 would have created additional judgeships. It was withdrawn following a hearing by the House Judiciary Committee. SB 519 of 2001 passed both houses with amendments, but the Senate refused to concur with the House amendments and the House refused to recede. A conference committee was appointed but no further action was taken.

Cross File: SB 204 (The President) (By Request – Maryland Judiciary) – Judicial Proceedings and Budget and Taxation.

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

Fiscal Note History: First Reader - February 3, 2005
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