

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE

House Bill 58
 Judiciary

(The Speaker) (By Request – Maryland Judiciary)

Judicial Proceedings

Judgeships - Circuit and District Courts

This bill alters the number of resident circuit court judges from 21 to 22 in Montgomery County and from 32 to 33 in Baltimore City. The bill also creates two new District Court judgeships – one in District 4 (Charles, St. Mary’s, and Calvert counties) and one in District 6 (Montgomery County). The bill requires that the new District Court judge from District 4 be appointed from Charles County.

The bill takes effect on July 1, 2007.

Fiscal Summary

State Effect: General fund expenditures would increase by \$891,700 in FY 2008 for four additional judges and six associated staff. Future year estimates reflect annualization and inflation. The proposed FY 2008 budget includes \$874,400 for these 10 positions, contingent upon enactment of this bill.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	891,700	1,209,600	1,268,700	1,330,900	1,396,400
Net Effect	(\$891,700)	(\$1,209,600)	(\$1,268,700)	(\$1,330,900)	(\$1,396,400)

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

Local Effect: Circuit court expenses would increase for Baltimore City and Montgomery County.

Small Business Effect: None.

Analysis

Current Law: In fiscal 2008, circuit court judges will earn a salary of \$134,352 and District Court judges will earn a salary of \$122,752. There are currently 153 circuit court judges and 111 District Court judges in the State. Of the five judges sitting in District 4, two are to be appointed from Charles County and two are to be appointed from Calvert County. **Exhibit 1** shows the number of circuit and District Court judges by county.

Exhibit 1 Current Number of Circuit Court and District Court Judges by Jurisdiction.

<u>Jurisdiction</u>	<u>Circuit Court Judges</u>	<u>District Court Judges</u>
Allegany	2	2
Anne Arundel	11	9
Baltimore City	32	27
Baltimore County	17	13
Calvert	2	2
Caroline	1	1
Carroll	3	2
Cecil	3	2
Charles	4	2
Dorchester	1	1
Frederick	4	3
Garrett	1	1
Harford	5	4
Howard	5	5
Kent	1	1
Montgomery	21	11
Prince George's	23	15
Queen Anne's	1	1
St. Mary's	3	1
Somerset	1	1
Talbot	1	1
Washington	5	2
Wicomico	3	2
Worcester	<u>3</u>	<u>2</u>
Statewide	153	111

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 2008, the Judiciary has certified the need for 8 additional circuit court judgeships and 18 additional District Court judgeships.

According to the *Annual Certification of Need for Additional Judgeships for Fiscal Year 2008*, approximately 280,000 cases were filed in circuit courts per year over the last three years. Domestic and juvenile cases account for almost 50% of the case filings. The nature of family cases, which include divorce, adoption and guardianship, paternity, and domestic violence, and the increase in more complex civil case filings, have placed additional demands on judicial time. Criminal cases accounted for approximately 29% of the filings, increasing 3.8% from fiscal 2001.

The *Annual Certification* also notes that in District 4 of the District Court, domestic violence and protective order cases have increased 93% over the past five years, while criminal cases have increased 14%. Southern Maryland is the fastest growing region in the State, with Charles County in particular expected to experience rapid growth over the next decade. Caseloads have also become particularly heavy in District 6 (Montgomery County) due to an increase in criminal, domestic violence, and small claims cases.

State Expenditures: General fund expenditures could increase by an estimated \$891,708 in fiscal 2008, which accounts for a 90-day start-up delay. This estimate reflects the salaries and fringe benefits cost of hiring four judges, two law clerks, and four courtroom clerks. This includes one law clerk and one courtroom clerk for each circuit court judge, and one courtroom clerk for each District Court judge.

Positions	10
Salaries	\$527,541
Fringe Benefits	312,215
Other Operating Expenses	<u>51,952</u>
Total FY 2008 State Expenditures	\$891,708

Future year expenditures reflect: (1) full salaries with 4.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

The fiscal 2008 budget for the Judiciary includes \$874,447 to fund these 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 1557 of 2006 (cross filed as SB 1058) would have created a new circuit court judgeship in Montgomery County and Baltimore City. This bill was adopted by the House of Delegates. The cross filed bill was heard by the Senate Judicial Proceeding Committee, but no further action was taken.

Cross File: SB 60 (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

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ncs/jr

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