

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE
 Revised

Senate Bill 497

(Senator Frosh)

Judicial Proceedings

Judiciary

Circuit Court Judgeships - Workforce Planning - Counties of Greatest Identified Need

This bill alters the number of resident judges of the circuit courts by adding one additional judgeship each in Baltimore City and in Anne Arundel, Baltimore, and Montgomery counties.

The bill takes effect July 1, 2009.

Fiscal Summary

State Effect: General fund expenditures increase by \$621,300 in FY 2010. The FY 2010 budget includes an appropriation to fund the judgeships. Future year expenditures reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	621,300	845,000	911,300	980,900	1,053,800
Net Effect	(\$621,300)	(\$845,000)	(\$911,300)	(\$980,900)	(\$1,053,800)

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

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

Small Business Effect: None.

Analysis

Bill Summary: The bill's effective date is contingent upon when funding is included in the State budget. The bill takes effect July 1, 2009, since the contingency related to the appropriation of funds in the State budget for fiscal 2010 has been met. If funds had not been appropriated for fiscal 2010, the bill established a delayed effective date, contingent on the later appropriation of funds in the State budget.

Current Law: There are currently 153 circuit court judges in the State. Anne Arundel County has 11 resident circuit court judges, Baltimore County has 17, Montgomery County has 21, and Baltimore City has 32.

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. 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 has consistently supported the need for new judges, no new judgeships have been added since 2005, when the General Assembly authorized 13 new judgeships.

Findings in the annual certification specific to the jurisdictions covered under this bill are as follows:

Anne Arundel County

The judicial workload standards indicate a need for three additional judges. From fiscal 2002 to 2008, family-related case filings increased by 28.5%. Since fiscal 2005, civil hearings increased by 42.8 % and criminal case hearings increased by 17.6 %.

Baltimore City

The judicial workload standards indicate a need for four additional judges. In fiscal 2008, Baltimore City accounted for 27.9% of all criminal cases; 15.2% of all family-related cases; and 19.7% of all civil cases in the circuit courts.

Baltimore County

The judicial workload standards indicate a need for four additional judges. Since fiscal 2003, civil hearings have increased by 55.6% and family-related hearings by 38.3%. Criminal hearings increased by 48.7% since fiscal 2003.

Montgomery County

The judicial workload standards indicate a need for three additional judges. Since fiscal 2002, family-related case filings increased by 24.6%. From fiscal 2007 through 2008, civil case filings increased by 26.3%. Criminal hearings have increased by 19.1% since fiscal 2003.

Retired judges receive a pension equal to two-thirds of a sitting judge's salary (currently \$140,352) and may earn up to the remaining one-third by hearing cases on special assignment. At a per diem rate of \$571, the Judiciary spent \$4.1 million in pay-above-pension for retired judges in fiscal 2008 of which approximately \$2.4 million was for the circuit courts.

State Expenditures: General fund expenditures increase by \$621,274 in fiscal 2010, as the contingency established in the bill and the fiscal 2010 State budget has been met. This estimate reflects the cost of creating one judgeship each in Baltimore City and Anne Arundel, Baltimore, and Montgomery counties, the associated positions of one courtroom clerk and one law clerk with each judgeship (a total of 12 positions) and includes salaries and fringe benefits. Future year expenditures reflect full salaries with 4.4% annual increases and 3% turnover.

The estimate further assumes that the salary costs from creation of judgeships and associated positions is offset by an estimated reduction of expenditures associated with the use of retired judges in each of these jurisdictions. In fiscal 2010, Legislative Services advises that the creation of the four judgeships offsets expenditures for retired judges by as much as \$421,400 in fiscal 2010 (assuming the 90-day start-up delay) and by \$561,800 annually. For purposes of this analysis, the current per diem rate of \$571 is used to generate the offset estimate. **Exhibit 1** shows the estimated cost of creating four additional circuit court judgeships and the offset from using retired judges to hear certain cases when the court docket is overloaded, as the bill is effective July 1, 2009.

The estimate assumes that the creation of one permanent judgeship position reduces the equivalent expenditure now allocated for the use of retired judges. Legislative Services further advises, however, that the extent to which retired judges are called upon and the purposes for which they are allocated vary for each jurisdiction. It is also possible that some jurisdictions may refrain from using retired judges for workload and instead may

ask sitting judges to absorb workload beyond the prevailing judicial workload standard to facilitate specific docket management issues. As a result, the creation of additional judgeships does not completely alleviate the need to use retired judges in the relevant jurisdictions because retired judges may be called upon to address issues other than those purely related to workload.

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. The precise expenditure increase that will 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: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 25, 2009
mlm/kdm Revised - Senate Third Reader - March 30, 2009
Revised - Updated Budget Information - May 18, 2009

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Exhibit 1
Estimated Increase in General Fund Expenditures – SB 497

	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>
Salaries					
Judges	561,408	586,110	611,899	638,822	666,931
Courtroom Clerks	121,960	127,326	132,929	138,777	144,884
Law Clerks	<u>171,720</u>	<u>179,276</u>	<u>187,164</u>	<u>195,399</u>	<u>203,996</u>
Subtotal	\$855,088	\$892,712	\$931,991	\$972,999	\$1,015,810
Fringe Benefits	\$489,990	\$552,239	\$580,952	\$611,244	\$643,205
Salaries and Benefits	\$1,345,078	\$1,444,950	\$1,512,944	\$1,584,243	\$1,659,015
Turnover/Start-up Delay	-302,804	-38,168	-39,845	-41,596	-43,424
Total Expenditures	\$1,042,274	\$1,406,783	\$1,473,099	\$1,542,647	\$1,615,591
Offset – Retired Judges	-421,000	-561,784	-561,784	-561,784	-561,784
Net Expenditures	\$621,274	\$844,999	\$911,315	\$980,863	\$1,053,807
