

Department of Legislative Services  
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 239 (The President, *et al.*) (By Request - Maryland Judiciary)  
Judicial Proceedings and Budget and Taxation Judiciary

**Judgeships - Court of Special Appeals, Circuit Courts, and District Court**

This bill alters the number of resident judges of the circuit courts by adding one additional judgeship each in Calvert, Carroll, Cecil, Frederick, and Wicomico counties. The bill also creates one additional District Court judgeship in the following four districts: District 1 (Baltimore City), District 4 (Charles, St. Mary’s, and Calvert counties), District 5 (Prince George’s County), and District 6 (Montgomery County). The bill further specifies that the additional judge from District 4 must be from Charles County. The bill also adds two judgeships to the Court of Special Appeals.

The bill takes effect July 1, 2013.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$3.2 million in FY 2014 for additional judges and associated staff; the proposed FY 2014 budget includes \$3.2 million in general funds for the judges and staff. Future year expenditures reflect annualization and inflation. Revenues are not affected.

| (\$ in millions) | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 |
|------------------|---------|---------|---------|---------|---------|
| Revenues         | \$0     | \$0     | \$0     | \$0     | \$0     |
| GF Expenditure   | 3.2     | 4.2     | 4.4     | 4.4     | 4.5     |
| Net Effect       | (\$3.2) | (\$4.2) | (\$4.4) | (\$4.4) | (\$4.5) |

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

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

**Small Business Effect:** None.

## Analysis

**Current Law:** The Court of Special Appeals consists of 13 judges, 1 of whom is designated by the Governor as Chief Judge. Each of the State's appellate circuits is represented on the court with the other six judges selected on an at-large basis.

There are currently 157 circuit court judges in the State. Calvert County has two resident circuit court judges, Carroll County has three, Cecil County has three, Frederick County has four, and Wicomico County has three.

For purposes of the operation and administration of the District Court, the State is divided into 12 districts. **Exhibit 1** illustrates the geographic area and current number of judges for the districts impacted by the bill's provisions.

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### Exhibit 1 District Court Jurisdictions

| <u>District/Jurisdiction</u>                  | <u>Number of Resident Judges</u> |
|---|----------------------------------|
| 1 – Baltimore City                            | 27                               |
| 4 – Charles, St. Mary's, and Calvert counties | 5                                |
| 5 – Prince George's County                    | 15                               |
| 6 – Montgomery County                         | 11                               |

Source: Department of Legislative Services

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Of the five judges sitting in District 4, two are to be appointed from Calvert County and 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. 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. Chapter 269 of 2009 (SB 497) authorized one additional circuit court judge each in Baltimore City and Anne Arundel, Baltimore, and Montgomery counties. Although the weighted caseload

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

In fall 2011, the certification of judgeships for fiscal 2013 was submitted. Citing the economic climate, no new judgeships were requested despite having certified a need for 21 circuit court and 19 District Court judges. The 2012 *Joint Chairmen's Report* directed the Judiciary to develop a multiyear plan to request new judgeships so that workloads can be addressed gradually without a significant impact on State expenditures. In the fall of 2012, the Judiciary submitted this plan along with the fiscal 2014 certification of judgeships. In the new certification, the Judiciary certified a need for 38 trial court judges (21 circuit court judges and 17 District Court judges). From these certifications of need, the Judiciary also considered whether each jurisdiction also had the required space available as well as the necessary funding to support the additional circuit court judges. **Appendix A** displays the current need and the ability to accommodate the need in each of the counties. The fiscal 2014 certification also certified a need for four additional appellate judges for the Court of Special Appeals.

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

### **Court of Special Appeals**

The judicial workload standards indicate a need for four additional judgeships. The Court of Special Appeals has not received additional judgeships since the bench was increased to 13 judges in 1977. Over that 35-year period, filings have increased by 41.9% and dispositions have increased by 37.8%. In addition, the number of opinions increased by 38.4% and the length of opinions by 137%. The caseload per judge has increased by 41.9%.

### **Circuit Courts**

*Calvert County:* The judicial workload standards indicate a need for one additional judge. General civil filings increased by nearly 19% between fiscal 2011 and 2012 and criminal case filings increased by 6.8% during that period.

*Carroll County:* The judicial workload standards indicate a need for one additional judge. Carroll County ranked third in the State in fiscal 2012 in terms of total filings per judge (2,513 cases filed per each of the court's three judges) and population served per judge (55,763 resident population served per judge). While general civil case filings remained relatively constant in fiscal 2012, juvenile case filings increased by 24.3%.

*Cecil County:* The judicial workload standards indicate a need for one additional judge. Cecil County was second-highest in fiscal 2012 in terms of the number of cases filed per judge (2,576 cases filed per each of the court's three judges). Although criminal case filings have decreased, jury trial prayer cases were 33.4% higher than they were in fiscal 2007. Filings in the family-related caseload have increased by 9.6% over the last two years.

*Frederick County:* The judicial workload standards indicate a need for one additional judge. CINA case filings have increased 31.6% in the last two years and overall filings have increased 5.4%. For the past four fiscal years, the circuit court has recorded the highest ratio of population served per judge statewide among the circuit courts (59,186 resident population served per each of the four judgeships in fiscal 2012).

*Wicomico County:* The judicial workload standards indicate a need for one additional judge. Juvenile case filings increased 29.3% in fiscal 2012. Although family-related filings decreased slightly in fiscal 2012, this follows an increase of nearly 25% between fiscal 2006 and 2011.

### ***District Court***

The annual certification also included projected case filings for fiscal 2014, shown in **Exhibit 2**, which reiterated the need for additional judges in Baltimore City and Charles, Montgomery, and Prince George's counties.

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## **Exhibit 2 Projected Case Filings in Fiscal 2014**

| <b><u>Jurisdiction</u></b> | <b><u>Projected Case Filings</u></b> |
|----------------------------|--------------------------------------|
| Baltimore City             | 344,108                              |
| Charles County             | 40,537                               |
| Montgomery County          | 197,948                              |
| Prince George's County     | 329,874                              |

Source: Maryland Judiciary

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**State Expenditures:** General fund expenditures increase by \$3,224,902 in fiscal 2014, which assumes a 90-day start-up delay. This estimate reflects the cost of creating 1 circuit court judgeship each in Calvert, Carroll, Cecil, Frederick, and Wicomico counties, the associated positions of 1 courtroom clerk and 1 law clerk with each judgeship (a total of 15 positions) and includes salaries and fringe benefits. The estimate also reflects the cost of creating 4 new District Court judgeships and the associated positions of 1 court clerk and 1 contractual bailiff with each new judgeship (a total of

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12 positions). Finally, the estimate reflects costs associated with the creation of 2 new associate judgeships on the Court of Special Appeals and the associated positions of 2 law clerks and 1 judicial administrative assistant per judge (a total of 8 positions). **Exhibits 3 through 5** show the estimated costs in further detail by level of court.

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses. Pursuant to Senate Joint Resolution 3 of 2012, judicial salaries have been set in statute through fiscal 2016. 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 2017 and 2018 as shown in the exhibits do not account for additional increases.

Prior fiscal and policy notes regarding the creation of new judgeships included as part of the fiscal estimate an offset to account for decreased usage of retired judges. However, this bill represents part of the Judiciary’s multiyear plan, submitted at the request of the budget committees, to address caseload concerns by increasing judgeships gradually, and funding for the new positions has already been included in the proposed fiscal 2014 budget. Accordingly, this estimate does not assume any additional savings as a result of needing to use retired judges to a lesser extent.

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**Exhibit 3**  
**Estimated Increase in General Fund Expenditures – Court of Special Appeals**

|                           | <u><b>FY 2014</b></u> | <u><b>FY 2015</b></u> | <u><b>FY 2016</b></u> | <u><b>FY 2017</b></u> | <u><b>FY 2018</b></u> |
|---------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Salaries                  |                       |                       |                       |                       |                       |
| Judges                    | \$231,162             | \$317,600             | \$327,266             | \$327,266             | \$327,266             |
| Law Clerks                | 136,536               | 189,124               | 197,446               | 206,133               | 215,203               |
| Administrative Assistant  | 62,217                | 86,180                | 89,972                | 93,931                | 98,064                |
| <i>Subtotal</i>           | <i>\$429,915</i>      | <i>\$592,904</i>      | <i>\$614,684</i>      | <i>\$627,330</i>      | <i>\$640,533</i>      |
| Fringe Benefits           | \$272,116             | \$377,697             | \$393,606             | \$404,287             | \$415,558             |
| Salaries and Benefits     | \$702,031             | \$970,601             | \$1,008,290           | \$1,031,617           | \$1,056,091           |
| Operating Costs           | \$38,640              | \$4,646               | \$4,692               | \$4,740               | \$4,786               |
| <b>Total Expenditures</b> | <b>\$740,671</b>      | <b>\$975,247</b>      | <b>\$1,012,982</b>    | <b>\$1,036,357</b>    | <b>\$1,060,877</b>    |

Source: Department of Legislative Services

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**Exhibit 4**  
**Estimated Increase in General Fund Expenditures – Circuit Courts**

|                           | <u>FY 2014</u>     | <u>FY 2015</u>     | <u>FY 2016</u>     | <u>FY 2017</u>     | <u>FY 2018</u>     |
|---------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Salaries                  |                    |                    |                    |                    |                    |
| Judges                    | \$543,405          | \$748,000          | \$772,165          | \$772,165          | \$772,165          |
| Courtroom Clerks          | 164,209            | 227,455            | 237,463            | 247,912            | 258,820            |
| Law Clerks                | 116,625            | 161,544            | 168,652            | 176,073            | 183,820            |
| <i>Subtotal</i>           | <i>\$824,239</i>   | <i>\$1,136,999</i> | <i>\$1,178,280</i> | <i>\$1,196,150</i> | <i>\$1,214,805</i> |
| Fringe Benefits           | \$552,372          | \$766,673          | \$798,674          | \$817,197          | \$836,758          |
| <b>Total Expenditures</b> | <b>\$1,376,611</b> | <b>\$1,903,672</b> | <b>\$1,976,954</b> | <b>\$2,013,347</b> | <b>\$2,051,563</b> |

Source: Department of Legislative Services

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**Exhibit 5**  
**Estimated Increase in General Fund Expenditures – District Courts**

|                           | <u>FY 2014</u>     | <u>FY 2015</u>     | <u>FY 2016</u>     | <u>FY 2017</u>     | <u>FY 2018</u>     |
|---------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Salaries                  |                    |                    |                    |                    |                    |
| Judges                    | \$395,424          | \$546,000          | \$565,332          | \$565,332          | \$565,332          |
| Courtroom Clerks          | 93,300             | 129,235            | 134,922            | 140,858            | 147,056            |
| Bailiffs                  | 103,335            | 136,938            | 142,963            | 149,254            | 155,821            |
| <i>Subtotal</i>           | <i>\$592,059</i>   | <i>\$812,173</i>   | <i>\$843,217</i>   | <i>\$855,444</i>   | <i>\$868,209</i>   |
| Fringe Benefits           | \$352,815          | \$489,424          | \$510,020          | \$519,556          | \$529,629          |
| Salaries and Benefits     | \$944,874          | \$1,301,597        | \$1,353,237        | \$1,375,000        | \$1,397,838        |
| Operating Costs           | \$162,746          | \$6,969            | \$7,038            | \$7,109            | \$7,180            |
| <b>Total Expenditures</b> | <b>\$1,107,620</b> | <b>\$1,308,567</b> | <b>\$1,360,274</b> | <b>\$1,382,108</b> | <b>\$1,405,018</b> |

Source: Department of Legislative Services

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**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. Calvert County advises that its expenditures increase by \$300,000 to \$350,000 in fiscal 2014, which includes expenditures associated with space renovations, then by approximately \$70,000 annually thereafter for costs associated with an administrative assistant position. Carroll County anticipates expenditures of at least \$350,000 annually for the salaries for a judicial assistant, administrative support specialist, court assignment officer, a bailiff, and a court security officer. Cecil County estimates that its expenditures increase by approximately \$200,000 annually for clerical and administrative support for the new judge. Frederick County estimates expenditures of approximately \$135,000 annually for a judicial assistant and a courthouse deputy, as well as ongoing administrative costs. Wicomico County did not provide an estimate of the fiscal impact of the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 83 (The Speaker)(By Request - Maryland Judiciary) - Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Calvert, Carroll, Cecil, and Frederick counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2013  
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**Appendix A**  
**Certified Need for Judgeships – Circuit and District Court**  
**Fiscal 2014**

| <b><u>Jurisdiction</u></b> | <b>Judge Need</b>           |                              | <b>Space Available</b>      |                                 | <b>Funding for Staff</b>             |
|----------------------------|-----------------------------|------------------------------|-----------------------------|---------------------------------|--------------------------------------|
|                            | <b><u>Circuit Court</u></b> | <b><u>District Court</u></b> | <b><u>Circuit Court</u></b> | <b><u>District Court</u></b>    | <b><u>(Circuit Court)</u></b>        |
| Anne Arundel               | 2                           |                              | No                          |                                 | No                                   |
| Baltimore City             | 3                           | 2                            | Yes for 1                   | Yes for 1                       | Yes                                  |
| Baltimore County           | 3                           | 5                            | Yes for 2                   | Possibly in fiscal 2017 or 2018 | Yes                                  |
| Calvert                    | 1                           |                              | Yes                         |                                 | Yes                                  |
| Carroll                    | 1                           |                              | Yes                         |                                 | Yes                                  |
| Cecil                      | 1                           |                              | Yes                         |                                 | Yes                                  |
| Charles                    | 1                           | 1                            | Yes                         | Yes                             | Yes                                  |
| Frederick                  | 1                           |                              | Yes                         |                                 | Yes                                  |
| Harford                    | 2                           |                              | No                          |                                 | No                                   |
| Montgomery                 | 3                           | 2                            | Yes                         | Yes                             | Yes                                  |
| Prince George's            | 1                           | 5                            | Yes                         | Yes for 2                       | Yes                                  |
| Washington                 | 1                           | 1                            | Possibly                    | No until the CIP addition       | Not at this time but will be pursued |
| Wicomico                   | 1                           | 1                            | Yes                         | Yes                             | Yes                                  |

CIP: *Capital Improvement Program*

Source: Maryland Judiciary