

Department of Legislative Services
 Maryland General Assembly
 2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 111
 Judiciary

(The Speaker)(By Request - Maryland Judiciary)

Judicial Proceedings

Judgeships - Circuit Courts and District Court

This bill alters the number of resident judges of the circuit courts by adding one additional judgeship each in Baltimore City and Baltimore, Charles, Montgomery, and Prince George’s counties. The bill also creates one additional District Court judgeship in District 5 (Prince George’s County) and District 6 (Montgomery County).

The bill takes effect July 1, 2015, contingent on the inclusion of funding of at least \$2.0 million in the fiscal 2016 State budget.

Fiscal Summary

State Effect: General fund expenditures increase by \$2.0 million in FY 2016 for additional judges and associated staff; the proposed FY 2016 budget includes funding for the judges and staff. Future year expenditures reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	2,049,500	2,613,900	2,663,900	2,716,400	2,771,500
Net Effect	(\$2,049,500)	(\$2,613,900)	(\$2,663,900)	(\$2,716,400)	(\$2,771,500)

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: There are currently 162 circuit court judges in the State. **Exhibit 1** illustrates the geographic area and current number of judges for the circuit courts impacted by the bill's provisions.

Exhibit 1 Circuit Court Judgeships

<u>Jurisdiction</u>	<u>Number of Resident Judges</u>
Baltimore City	33
Baltimore County	18
Charles County	4
Montgomery County	22
Prince George's County	23

Source: Department of Legislative Services

For purposes of the operation and administration of the District Court, the State is divided into 12 districts. Montgomery County is District 6 and has 12 judges. Prince George's County is District 5 and has 16 judges.

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 court 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 consistently supported the need for new judges, the number of judgeships remained constant for a number of years after 2005, with the only exception being four new circuit court judgeships added in 2009.

In the fall of 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 an additional 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. The fiscal 2014 certification also certified a need for four additional appellate judges for the Court of Special Appeals. Pursuant to the Judiciary's multiyear plan, Chapter 34 of 2013 created two new judgeships in the Court of Special Appeals and added one additional circuit court judgeship each in Calvert, Carroll, Cecil, Frederick, and Wicomico counties. Chapter 34 also created one additional District Court judgeship in Baltimore City and Charles, Montgomery, and Prince George's counties.

The fiscal 2015 certification of judgeships, submitted in the fall of 2013, included an updated analysis of the multiyear plan. House Bill 120 and Senate Bill 167 of 2014 would have generally implemented the Judiciary's plan for the 2014 session. The bills also would have added an additional circuit court judgeship in Anne Arundel County, which was not part of the Judiciary's development plan as outlined in the certification report. However, neither of the bills passed. This bill is identical to the bills in the 2014 session, except that it does not include the additional circuit court judgeship in Anne Arundel County. **Appendix 1** displays the current need and the ability to accommodate the need in each of the counties where additional judges are still needed.

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

Circuit Courts

Baltimore City: The judicial workload standards indicate a need for three additional judges. In fiscal 2014, more than 50,000 cases were filed in the circuit court, which continues to have the highest total caseload in the State as well as the highest number of general civil, criminal, and juvenile case filings. In fiscal 2014, the court experienced a five-year high in criminal appeals filed (943) and motor vehicle jury trial requests (1,189). Juvenile case filings, which the Judiciary notes have a particularly strong effect on judicial resources, also increased by 7% between fiscal 2013 and 2014. The court's civil cases filed in fiscal 2014 represented approximately 20% of general civil case filings statewide.

Baltimore County: The judicial workload standards indicate a need for three additional judges. Total case filings remained above 32,000 for the third consecutive year, with general civil case filings increasing by more than 1,000 cases. The court had the second-highest number of juvenile delinquency, juvenile adoption, and Child in Need of Assistance cases filed in fiscal 2014. For the fifth consecutive year, the court recorded

more than 10,000 criminal case filings, representing the second-highest volume of filings in this category in the State.

Charles County: The judicial workload standard indicates a need for two additional judges. In fiscal 2014, the court experienced a 13% increase in the volume of general civil filings; criminal case filings increased by approximately 4%, as did juvenile case filings. Jury trial prayer cases (representing combined motor vehicle and other criminal cases) increased by 18%.

Montgomery County: The judicial workload standards indicate a need for three additional judges. The court had the third-highest number of filings in the State during fiscal 2014 (more than 35,500 cases). The court had the highest number of contract case filings in the State and has recorded the most family related case filings in the State in the six most recent fiscal years. The number of criminal appeals recorded is also highest in the State.

Prince George's County: The judicial workload standards indicate a need for one additional judge. Total case filings in fiscal 2014 were just above 37,000, which represented a four-year high. This increase has largely been attributable to increasing general civil filings, which increased by 10% (more than 1,000 cases) in fiscal 2014. The incoming family related caseload, which increased by 6% in fiscal 2014, was the second highest in the State. The court also had the second-highest number of criminal jury trial prayer filings in the State (5,765 cases).

District Court

The annual certification also indicated the need for one additional District Court judge in Montgomery County and four additional judges in Prince George's County. For example, the certification notes that Prince George's County surpasses all other jurisdictions in the areas of domestic violence and peace order cases, with two courtrooms devoted each day to hearing these matters. Montgomery County expressed concerns regarding the handling of parking tickets, speed and red light camera cases, municipal infractions, and toll violations, and noted that there are 300 cases set on each parking and speed camera docket.

State Expenditures: General fund expenditures increase by \$2,049,490 in fiscal 2016, which assumes a 90-day start-up delay. This estimate reflects the cost of creating one circuit court judgeship each in Baltimore City and Baltimore, Charles, Montgomery, and Prince George's counties, the associated positions of one courtroom clerk and one law clerk with each judgeship (a total of 15 positions) and includes salaries and fringe benefits. The estimate also reflects the cost of creating two new District Court judgeships and the associated positions of one court clerk and two contractual bailiffs with each new judgeship (a total of eight positions). **Exhibits 2 and 3** show the estimated costs in further detail by level of court.

Funding for all of the new positions has already been included in the proposed fiscal 2016 budget. This funding is not contingent on the enactment of this bill, however.

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 through 2020 as shown in the exhibits do not account for additional increases.

Exhibit 2
Estimated Increase in General Fund Expenditures – Circuit Courts

	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
Salaries					
Judges	\$579,124	\$772,165	\$772,165	\$772,165	\$772,165
Courtroom Clerks	122,528	165,442	172,721	180,321	188,255
Law Clerks	172,515	232,937	243,186	253,886	265,057
<i>Subtotal</i>	<i>\$874,167</i>	<i>\$1,170,544</i>	<i>\$1,188,072</i>	<i>\$1,206,372</i>	<i>\$1,225,477</i>
Fringe Benefits	\$527,285	\$717,426	\$735,786	\$755,176	\$775,655
Start-up Costs	\$97,000				
Total Expenditures	\$1,498,452	\$1,887,970	\$1,923,858	\$1,961,548	\$2,001,132

Source: Department of Legislative Services

Exhibit 3
Estimated Increase in General Fund Expenditures – District Courts

	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
Salaries					
Judges	\$212,000	\$282,666	\$282,666	\$282,666	\$282,666
Courtroom Clerks	49,011	66,177	69,088	72,128	75,302
Bailiffs	110,739	139,921	146,077	152,505	159,215
<i>Subtotal</i>	<i>\$371,750</i>	<i>\$488,764</i>	<i>\$497,831</i>	<i>\$507,299</i>	<i>\$517,183</i>
Fringe Benefits	\$172,088	\$232,435	\$237,458	\$242,763	\$248,363
Salaries and Benefits	\$543,838	\$721,199	\$735,289	\$750,062	\$765,546
Operating Costs	\$7,200	\$4,727	\$4,774	\$4,822	\$4,870
Total Expenditures	\$551,038	\$725,926	\$740,063	\$754,884	\$770,416

Source: Department of Legislative Services

The proposed fiscal 2016 budget includes approximately \$5,244,000 in funding for retired judges which the Judiciary uses to supplement current judicial resources. This estimate does not assume any additional savings as a result of needing to use retired judges to a lesser extent. However, the Department of Legislative Services advises that as the Judiciary's plan is fully implemented over the next several years and new judgeships are added, it is expected that general fund expenditures will decrease as the need to use retired judges will be minimized. Using the fiscal 2016 estimate, and *for illustrative purposes only*, for every 1% decrease in the use of retired judges, general fund expenditures decrease by approximately \$52,440 annually.

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 and are not available in time for inclusion in this fiscal and policy note. According to prior estimates from some of the impacted jurisdictions, annual expenditures may increase by approximately \$37,800 in Baltimore County, by a minimum of \$100,000 in Montgomery County, and by at least \$350,000 in Charles County.

Additional Information

Prior Introductions: None.

Cross File: SB 332 (The President) (By Request - Maryland Judiciary) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Baltimore, Charles, and Montgomery counties; Department of Legislative Services

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Appendix 1
Certified Need for Judgeships – Circuit and District Court
Fiscal 2016

<u>Jurisdiction</u>	Judge Need*		Space Available		Funding for Staff (Circuit Court)
	<u>Circuit Court</u>	<u>District Court</u>	<u>Circuit Court</u>	<u>District Court</u>	
Anne Arundel	2		Yes for 1		Yes
Baltimore City	3		Yes for 1		Yes
Baltimore County	3	5	Yes for 2	Possibly in fiscal 2017 or 2018	Yes
Charles	2		Yes for 1		Yes
Frederick	1		No		No
Harford	2		No		No
Howard	1		Yes		Yes
Montgomery	3	1	Yes	Yes	Yes
Prince George's	1	4	Yes	Yes for 1	Yes
Washington	1	1	Possibly	No	Not at this time but will be pursued
Wicomico		1		Yes	

*Judge need reflects the need identified in the fiscal 2016 certification but does not reflect the additional judgeships created by the bill.

Source: Maryland Judiciary