

Legislative Analysis



KENT & MACOMB CO. CIRCUIT COURT JUDGESHIPS

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Senate Bill 788 as passed by the Senate
Sponsor: Sen. Bill Hardiman

Senate Bill 829 as passed by the Senate
Sponsor: Sen. Alan Sanborn

House Committee: Judiciary
Senate Committee: Judiciary

First Analysis (3-11-04)

BRIEF SUMMARY: The bills would allow the 16th and 17th Judicial Circuits to add additional judgeships.

FISCAL IMPACT: The annual cost to the state of each circuit court judgeship is approximately \$157,736 (\$139,919 for judicial salary and standardization payment, \$7,423 for FICA, \$600 for travel, and \$9,794 for retirement contribution for judges enrolled in the defined benefit retirement plan). Local expenses attendant on each judgeship depend upon costs of staffing, support services, office space, and supplies.

THE APPARENT PROBLEM:

As communities grow or decline due to shifts in population, a community's need for circuit court judgeships also may change. The state constitution allows for the creation, alteration, and discontinuation of judicial circuits and the numbers of judges to be increased or decreased on recommendation of the Michigan Supreme Court "to reflect changes in judicial activity". To that end, the State Court Administrative Office (SCAO) conducts a biennial review of the judicial needs of trial courts and makes recommendations to the legislature regarding changes in the number of judges.

The SCAO's 2003 report recommends that due to an increasing caseload and increasing population in the 16th Circuit Court (Macomb County), adding one additional judge is justified. The report for the 17th Circuit Court (Kent County) states that "there is a need for more than two additional judges" as indicated by statistical measures. However, the SCAO is only recommending that one judge be added at this time. Public Act 256 of 2001 increased the number of judges in the circuit by two effective January 1, 2003, and the SCAO feels that the court should have a period of time to adjust to the addition of those two new judgeships. Legislation has been offered to address the recommendations of SCAO regarding judgeships in the 16th and 17th Judicial Circuits.

THE CONTENT OF THE BILLS:

Senate Bill 788 would amend the Revised Judicature Act (MCL 600.518) to allow the 17th Judicial Circuit (Kent County), subject to Section 550 of the RJA, to have one additional judge effective January 1, 2007.

Senate Bill 829 would also amend the Revised Judicature Act (MCL 600.517). Currently, the 16th Judicial Circuit (Macomb County) has 11 judges and the RJA allows the circuit to add another judge effective January 1, 2005; for that election only, the term of office is eight years. Under the bill, subject to Section 550 of the RJA, the 16th Circuit could have one more additional judge as of that date. If two new offices of judge were added to the circuit by election in 2004, the bill would specify that 1) one candidate would be elected for a term of eight years for that election only and one candidate would be elected for a term of six years; and 2) the names of the candidates seeking election to the eight-year term would have to be listed separately on the ballot from the candidates seeking election to the six-year term.

(Under Section 550, an additional circuit judgeship permitted by the RJA may not be authorized to be filled by election unless the county board of commissioners of each county in the circuit adopts a resolution approving the creation of the judgeship. The county clerk must file a copy of the resolution with the State Court Administrator no later than 4 p.m. of the sixteenth Tuesday preceding the August primary for the election to fill the additional judgeship.)

ARGUMENTS:

For:

Changes in population, increases or decreases in criminal activity, and policy changes or changes in law that affect the number of civil filings can impact the number of judges needed in district and circuit judgeships. Using a rather complex analysis process, the State Court Administrative Office (SCAO) collects and analyses information on judicial workloads. The information is then used to allocate judicial resources through the temporary reassignment of judges and caseloads as necessary, and periodically recommends to the state supreme court and the legislature changes in the number of judgeships.

The 2003 SCAO report for Kent County estimated that the county's population grew 2.4 percent from 2000 to 2002 and estimates the growth for the period 2000 to 2020 to be about 16.2 percent. Statistical measures indicate a need for two additional judgeships, but the report only recommends that one be added at this time. Public Act 825 of 2001 added two judgeships in 2003, and the SCAO felt that adding only one judge along with additional support staff would make the transition easier than if another two judges were added soon. Therefore, Senate Bill 788 would allow one judge to be added effective 2007. Though another judge probably would be useful sooner, the 2007 date takes into

consideration current economic conditions and the effect on the budgets of the state and local governmental units. Adding a judgeship does cost money for both the state and the local unit. Waiting until the 2007 fiscal year budget will give more time for the economy to rebound.

The SCAO report on the 16th Judicial Circuit (Macomb County) reveals that not only the population increased between 2000 and 2002 by an estimated 2.6 percent, but that adult non-capital criminal case filings increased by 15 percent and juvenile delinquency filings increased by 12 percent. The caseload and the population are expected to continue to increase in the future. Senate Bill 829 would address the need of the county by allowing an additional circuit judge.

POSITIONS:

A representative of the State Bar of Michigan indicated support for Senate Bill 788. (3-9-04)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.