

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 74
 Judiciary

(The Speaker)(By Request - Maryland Judiciary)

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 Anne Arundel, Charles, Frederick, Harford, and Prince George’s counties. It adds two judgeships each in Baltimore City and Baltimore and Montgomery 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, 2016.

Fiscal Summary

State Effect: General fund expenditures increase by \$4.1 million in FY 2017 for additional judges and associated staff; the proposed FY 2017 budget includes \$3.8 million in funding for all but one judge and two staff. Future year expenditures reflect annualization and inflation. Revenues are not affected.

| (in dollars) | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 |
|----------------|---------------|---------------|---------------|---------------|---------------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 4,109,600 | 5,026,800 | 5,108,700 | 5,194,300 | 5,283,800 |
| Net Effect | (\$4,109,600) | (\$5,026,800) | (\$5,108,700) | (\$5,194,300) | (\$5,283,800) |

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> |
|------------------------|----------------------------------|
| Anne Arundel | 12 |
| Baltimore City | 33 |
| Baltimore County | 18 |
| Charles County | 4 |
| Frederick County | 5 |
| Harford County | 5 |
| 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/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. Legislation (House Bill 111/Senate Bill 332) was reintroduced in the 2015 session to add the additional judgeships (absent the judgeship in Anne Arundel County); however, neither of those bills passed. Accordingly, no additional judgeships have been created since July 1, 2013.

The fiscal 2017 certification revised the multiyear plan to reflect updated judgeship needs and the availability of space and funding to accommodate additional judgeships. The bill generally reflects the Judiciary's plan for the 2016 session. However, the Judiciary's plan only adds one judgeship in the Baltimore City Circuit Court; the bill adds two. **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

Anne Arundel County: The judicial workload standards indicate a need for two additional judges. In fiscal 2015, the court recorded more than 6,500 combined original and reopened

criminal case filings. The county's resident population increased by 4.2% between calendar 2010 and 2014. In fiscal 2015, there were 1,726 filings per judge.

Baltimore City: The judicial workload standards indicate a need for three additional judges. In fiscal 2015, almost 45,000 cases were filed in the circuit court, which continues to have the highest total caseload in the State. Even with a modest decrease in general civil case filings, it still has the most civil filings in the State. The court had nearly 4,900 juvenile case filings, which the Judiciary notes have a particularly strong impact on judicial resources. Criminal case filings (more than 16,900), represented approximately 38% of all cases filed in the court in fiscal 2015.

Baltimore County: The judicial workload standards indicate a need for three additional judges. Total case filings reached a five-year high and the court had the most filings per judge among large circuit court jurisdictions, with 1,868 combined original and reopened cases filed per judgeship. The court had the second-highest number of juvenile delinquency, juvenile guardianship, and Child in Need of Assistance cases filed in fiscal 2015. The court's total criminal case filings rose by more than 4% between fiscal 2014 and 2015.

Charles County: The judicial workload standard indicates a need for two additional judges. In fiscal 2015, the court experienced a 6% increase in the volume of general civil filings and had nearly 2,500 criminal case filings. The county's population increased by 5.6% between calendar 2010 and 2014.

Frederick County: The judicial workload standards indicate a need for one additional judge. For the second consecutive year, the court recorded the second-highest number of civil appeals among medium-large jurisdictions. Per the judicial workload standards, these appeals are among the most judicial resource-intensive cases. The court's family related caseload (more than 3,500 filings) comprised 40% of the court's filings in fiscal 2015. The court had more than 2,500 criminal case filings and an increase of more than 8% in motor vehicle and other criminal jury trial prayer cases.

Harford County: The judicial workload standards indicate a need for two additional judges. The court had more than 11,400 total case filings in fiscal 2015, which was the sixth-highest number in the State. For the second consecutive year, the county is second-highest in the State in the number of population served per judge (approximately 50,000 residents per judge). The court had more than 2,000 motor vehicle and criminal jury trial prayers and more than 4,700 family related case filings.

Montgomery County: The judicial workload standards indicate a need for three additional judges. The court, which serves the most populous jurisdiction, had the second-highest number of filings in the State during fiscal 2015 (more than 35,400 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 seven 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. Family related case filings increased by 5% for a total of 14,365 cases, which represented a five-year high. For the second consecutive year, the court had the most domestic violence case filings. It also had the third-highest number of criminal jury trial prayer case filings. The total resident population of the county increased by nearly 5% between calendar 2010 and 2014.

District Court

The annual certification also indicated a 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. The county also notes that the lack of the additional judgeship has limited the District Court's ability in that county to open specialty courts, such as drug, mental health, and veterans' courts.

State Expenditures: General fund expenditures increase by \$4,109,567 in fiscal 2017, which assumes a 90-day start-up delay. This estimate reflects the cost of creating one circuit court judgeship each in Anne Arundel, Charles, Frederick, Harford, and Prince George's counties, two judgeships each in Baltimore City and Baltimore and Montgomery counties, and the associated positions of one courtroom clerk and one law clerk with each judgeship (a total of 33 positions). It includes salaries, fringe benefits, and start-up costs. 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. The Judiciary also advises that any start-up or operating costs for the District Court in fiscal 2017 will be absorbed within existing resources.

Funding for all but three of the new positions has already been included in the proposed fiscal 2017 budget. This funding (\$3,786,876 in general funds) is not contingent on the enactment of this bill, however. As noted, the Judiciary's plan for additional judgeships in fiscal 2017 only added one new judgeship in the Baltimore City Circuit Court; the bill adds two. Expenses for that judgeship, which are estimated at approximately \$322,691, are accordingly not included in the proposed fiscal 2017 budget.

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 2021, as shown in the exhibits, do not account for additional increases.

Exhibit 2
Estimated Increase in General Fund Expenditures – Circuit Courts

| | <u>FY 2017</u> | <u>FY 2018</u> | <u>FY 2019</u> | <u>FY 2020</u> | <u>FY 2021</u> |
|---------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Salaries | | | | | |
| Judges | \$1,274,072 | \$1,698,763 | \$1,698,763 | \$1,698,763 | \$1,698,763 |
| Courtroom Clerks | 269,561 | 356,769 | 368,899 | 381,441 | 394,410 |
| Law Clerks | 379,533 | 502,320 | 519,398 | 537,058 | 555,318 |
| <i>Subtotal</i> | <i>\$1,923,166</i> | <i>\$2,557,852</i> | <i>\$2,587,060</i> | <i>\$2,617,262</i> | <i>\$2,648,491</i> |
| Fringe Benefits | \$1,391,035 | \$1,724,589 | \$1,765,291 | \$1,808,227 | \$1,853,526 |
| Start-up Costs | \$235,400 | | | | |
| Total Expenditures | \$3,549,601 | \$4,282,441 | \$4,352,351 | \$4,425,489 | \$4,502,017 |

Source: Department of Legislative Services

Exhibit 3
Estimated Increase in General Fund Expenditures – District Courts

| | <u>FY 2017</u> | <u>FY 2018</u> | <u>FY 2019</u> | <u>FY 2020</u> | <u>FY 2021</u> |
|---------------------------|------------------|------------------|------------------|------------------|------------------|
| Salaries | | | | | |
| Judges | \$212,000 | \$282,666 | \$282,666 | \$282,666 | \$282,666 |
| Courtroom Clerks | 49,038 | 64,903 | 67,109 | 69,391 | 71,750 |
| Bailiffs | 110,739 | 137,985 | 142,677 | 147,528 | 152,544 |
| <i>Subtotal</i> | <i>\$371,777</i> | <i>\$485,554</i> | <i>\$492,452</i> | <i>\$499,585</i> | <i>\$506,960</i> |
| Fringe Benefits | \$188,189 | \$253,943 | \$258,952 | \$264,234 | \$269,807 |
| Salaries and Benefits | \$559,966 | \$739,497 | \$751,404 | \$763,819 | \$776,767 |
| Operating Costs | \$0 | \$4,864 | \$4,913 | \$4,962 | \$5,011 |
| Total Expenditures | \$559,966 | \$744,361 | \$756,317 | \$768,781 | \$781,778 |

Source: Department of Legislative Services

The proposed fiscal 2017 budget includes approximately \$4,925,000 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 2017 estimate, and *for illustrative purposes only*, for every 1% decrease in the use of retired judges, general fund expenditures decrease by approximately \$49,250 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 for inclusion in this fiscal and policy note. As previously noted, the Judiciary's multiyear plan for the addition of judgeships takes into account the ability of the counties to accommodate additional judgeships, including associated costs. However, this bill adds an additional judgeship in Baltimore City, which was not part of the Judiciary's plan for fiscal 2017. The Judiciary also advises that the Baltimore City Circuit Court does not have the ability to secure a courtroom/chamber at this time for the additional judge.

Additional Information

Prior Introductions: None.

Cross File: SB 117 (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

Fiscal Note History: First Reader - February 3, 2016
md/kdm

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Appendix 1
Certified Need for Judgeships – Circuit and District Court
Fiscal 2017

| <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, possibly 2 in future years | | Yes for 1, possibly for 2 in future years |
| Baltimore County | 3 | 5 | Yes for 2 | Possibly in fiscal 2018 | Yes |
| Charles | 2 | | Yes for 1 | | Yes |
| Frederick | 1 | | Yes | | Yes |
| Harford | 2 | | Possibly for 1 | | Possibly |
| Howard | 1 | | Yes | | Yes |
| Montgomery | 3 | 1 | Yes | Yes | Yes |
| Prince George's | 1 | 4 | Yes | Yes for 1 | Yes |
| Washington | 1 | 1 | Yes | No | Not at this time but will be pursued |
| Wicomico | | 1 | | Yes | |

*Judge need reflects the need identified in the fiscal 2017 certification but does not reflect the additional judgeships created by the bill.

Source: Maryland Judiciary