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REORGANIZE 27TH JUDICIAL DISTRICT

Senate Bill 769 with committee amendments First Analysis (5-17-00)

Sponsor: Sen. Loren Bennett
House Committee: Family and Civil Law
Senate Committee: Judiciary

THE APPARENT PROBLEM:

As a community grows, the courts of that community may have difficulty keeping up with the increased case filings that often accompany a growth in population. Generally, the larger the community the more judges will be needed to meet the increased demands that the community places upon its courts. If a community grows rapidly without the addition of new judgeships, backlogs can develop. While clogged dockets may occasionally be relieved by temporary assignments, it is sometimes necessary to create new judgeships in order to meet the needs of rapidly expanding communities.

As part of its duties, the State Court Administrative Office (SCAO) performs a review of current judicial resources. (See BACKGROUND INFORMATION.) The SCAO's review of the state's district courts for the 2000 election year cycle identified four courts for extended analysis. Of these four courts, the SCAO has recommended the immediate addition of one judgeship in one court (the 52nd district court), the elimination of one judgeship in one court upon the first vacancy in that court (the 27th district court), and no change in judgeships in the two remaining courts.

The 27th judicial district currently is divided into two electoral divisions with one judge each, and consists of the cities of Wyandotte (which composes the first division) and Riverview (which composes the second division) in Wayne County.

Legislation has been introduced in response to the SCAO's recommendation to eliminate one judgeship in the 27th district court.

THE CONTENT OF THE BILL:

The bill would amend the Revised Judicature Act to require the 27th judicial district, which currently is divided into two electoral divisions, to merge those two divisions on January 1, 2003, or when a vacancy occurred in one of the district's two judgeships, whichever came first. The remaining incumbent judge would serve as the judge of the entire 27th district for the balance of the term to which he or she had been elected.

Stricken language. The bill also would delete now-obsolete language that allowed the 32nd-B judicial district to add a judge by January 1, 1985, or January 1, 1987, and that allowed the 34th judicial district to split into the 34th district and the 34th-A district effective January 1, 1997.

Tie-bar. The bill would not take effect unless House Bill 4207 and Senate Bill 257 were enacted. House Bill 4207 would allow the addition of one judge to the first division of the 52nd judicial district, as would Senate Bill 257. Senate Bill 257 also, like Senate Bill 769, would delete current language that would have allowed the 34th judicial district to split into two districts effective January 1, 1997.

HOUSE COMMITTEE ACTION:

The House Committee on Family and Civil Law amended the Senate-passed version of the bill (S-2) to delete new language that would have specified that the remaining judgeship would have been "filled initially" by the remaining incumbent judge, instead amending the remaining language to say that the remaining incumbent judge would serve as the judge of the entire district for the balance of the term to which he or she had been elected.

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BACKGROUND INFORMATION

The State Court Administrative Office. In making its assessment and recommendations, the State Court Administrative Office selected the particular courts for review based upon preliminary statistical analyses of three workload indicators (weighted caseload analysis, average caseload per judge, and regression analysis of caseload). The weighted caseload analysis indicates how many judges would be needed if the standards and case weights developed by the Trial Court Assessment Commission were applied. Average caseload per judge indicates the number of judges needed if each judge were to handle an average, non-weighted caseload. Regression analysis of caseload indicates how many judges would be needed based on a court's caseload if the court were treated similarly to other courts based on the existing relationship between judgeships and caseload statewide.

If the SCAO determines that there is a consistent difference of at least one judgeship between the current number of judges and the estimated need on two of these three measures, an extended analysis is conducted. The extended analysis uses available quantitative and qualitative information, such as: the makeup of the caseload, caseload trends, prosecutor and law enforcement practices, staffing levels, facilities, technological resources, need for assignments to or from other jurisdictions, demographics, local legal culture and local judicial philosophy.

Since the state constitution requires that new judgeships be filled by election, any additions to the number of judgeships must be made in time for candidates to file for election to a newly created seat. Under the Revised Judicature Act deadlines are established for the statutory creation and local approval of new judgeships. The Michigan Election Law places a deadline on filing for the primary election. Furthermore, the creation of new district judgeships requires the approval by the governing bodies of the appropriate district control units. In order for a new judgeship to be filled, a resolution must be adopted by the appropriate local unit of government and filed with the state court administrator. Thus, a new judgeship cannot be created and filled without the approval of the appropriate local unit of government.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would result in a savings of \$133,005 to the state, while local savings would depend on support staff and office space allocated to the eliminated judgeship. (5-15-00)

ARGUMENTS:

For:

The bill would implement the recommendation of the State Court Administrative Office (SCAO) "that the number of judgeships authorized for the 27th District Court be reduced at the time of the first judicial vacancy by retirement or resignation in that court." Reportedly, it is believed that the incumbent judge in Riverview, whose term expires on January 1, 2003, will not seek reelection, while the incumbent judge in Wyandotte, whose term expires on January 1, 2001, will seek reelection this year and will run in the current first election district for a six-year term. Thus, the "remaining incumbent" referred to in the bill already is a judge of the 27th district and has full authority throughout the district under MCL 500.8102. The election unit would be the only thing changed by the bill, which would eliminate the current division of the judicial district into two election districts so that future elections for the district's single judge would occur district-wide (that is, in both cities of Wyandotte and Riverview). Reportedly, the district has agreed to the elimination of one of its judgeships, provided that it receives the funding it would need to do this, and this funding apparently is expected to be forthcoming.

POSITIONS:

There are no positions on the bill.

Analyst: S. Ekstrom

■ 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.