

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 257 (Substitute S-4 as passed by the Senate)
Senate Bill 769 (Substitute S-2 as passed by the Senate)
House Bill 4207 (Substitute H-2 as reported without amendment)
Sponsor: Senator Bill Bullard, Jr. (Senate Bill 257)
Senator Loren Bennett (Senate Bill 769)
Representative Nancy Cassis (House Bill 4207)
Senate Committee: Judiciary
House Committee: Family and Civil Law

Date Completed: 5-15-00

RATIONALE

As communities grow, their courts may have difficulty keeping up with the increased case filings that often accompany increased population and/or business activity in a community. If a community grows rapidly without the addition of new judgeships, case backlogs can develop. While clogged dockets may be relieved occasionally by the use of magistrates or temporary judicial assignments, it is sometimes necessary to create new judgeships in order to meet the needs of rapidly expanding communities. Conversely, some communities, as they age, lose population to other localities, and aging businesses sometimes close facilities or relocate them to more economically or socially desirable areas. Courts in those communities may find that they are overstaffed with judicial resources for the declining caseloads they might experience.

As part of its duties, the State Court Administrative Office (SCAO) reviews existing judicial resources. The SCAO's review of the State's district courts for the 2000 election year cycle identified four courts for extended analysis. In regard to these four courts, the SCAO has recommended the immediate addition of one judgeship in one court, the elimination of one judgeship in another court upon the first vacancy in that court, and no change in the number of judgeships in the other two courts it analyzed. These recommendations are based upon a statistical review of the comparative workloads of the courts, followed by an extensive secondary analysis. (See **BACKGROUND** for a further explanation of the SCAO's analysis.)

CONTENT

Senate Bills 257 (S-4) and 769 (S-2) and House Bill 4207 (H-2) would amend the Revised Judicature Act to do all of the following:

- **Combine the first and second divisions of the 52nd judicial district in Oakland County.**
- **Allow an additional judgeship in the combined first and second division of the 52nd judicial district.**
- **Combine the two divisions of the 27th judicial district in Wayne County and reduce that district by one judgeship.**

Senate Bills 257 (S-4) and 769 (S-2) are tie-barred to each other; House Bill 4207 (H-2) is tie-barred to both Senate bills.

Senate Bill 257 (S-4)

The first division of the 52nd judicial district currently has three judges and consists of the Cities of Novi, South Lyon, Wixom, and Walled Lake and the Townships of Milford, Highland, Rose, White Lake, Commerce, Lyon, and Novi in Oakland County. The second division currently has one judge and consists of the Townships of Springfield, Independence, Holly, Groveland, and Brandon. Under the bill, if the Oakland County board of commissioners approved the reorganization by resolution adopted and filed with the State Court Administrator by September 1, 2001, the townships currently in the second division would be included in the first division and the second division would be abolished effective January 1, 2002. The incumbent judge in the second division would become a judge of the first division for the balance of the term to which he or she was elected.

In addition, subject to Section 8175 of the RJA, the first division could have one additional judge effective January 1, 2003. (Section 8175 provides that additional district judgeships may not be authorized to be filled by election unless each district control unit approves the creation of the judgeship by

resolution and the clerk of each district control unit files a copy of the resolution with the State Court Administrator by 4:00 p.m. of the 16th Tuesday preceding the August primary.)

Senate Bill 257 (S-4) also would add the "City of Village of Clarkston" to the list of communities in the second division of the 52nd district and the proposal to combine the first and second districts. (The Village of Clarkston, which is located entirely within Independence Township, apparently was incorporated as a city within the past few years.)

Senate Bill 769 (S-2)

The 27th judicial district currently consists of the Cities of Wyandotte and Riverview in Wayne County and is divided into two divisions. The first division consists of Wyandotte and has one judge; the second division consists of Riverview and has one judge. Under Senate Bill 769 (S-2), the 27th district would remain as is until January 1, 2003, or until a vacancy occurred in one of the district's judgeships, whichever occurred first. Beginning on January 1, 2003, or on the date on which a judicial vacancy occurred, the 27th judicial district would consist of Wyandotte and Riverview, without separate divisions, and the district would have only one judge. The district's sole judgeship would be filled initially by the remaining incumbent judge, who would serve as judge of the entire 27th district for the balance of the term to which he or she was elected or appointed.

House Bill 4207 (H-2)

Under the bill, subject to Section 8175 of the RJA, the first division of the 52nd district could have one additional judge effective January 1, 2003.

MCL 600.8123 (S.B. 257 & H.B. 4207)

600.8121 (S.B. 769)

BACKGROUND

In making its assessment and recommendations, the SCAO 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, nonweighted 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 caseloads 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 those 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.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Senate Bill 257 (S-4) and House Bill 4207 (H-2) are needed to allow for the creation of a new judgeship in the first division of the 52nd judicial district. The SCAO has determined that this division is in need of an additional judge to meet growth-related caseload levels and has recommended that legislation permit the creation of such a judgeship. The first division of the 52nd district saw a 13.3% increase in new cases filed between 1990 and 1998, compared with the statewide average increase of 8.3%, and its number

of new filings per judge was 49.2% higher than the statewide average number of new filings per judge. Projections for the communities served by the first division of the 52nd district suggest that, from 2000 to 2020, population will increase 42.7% in those communities, so the recent increase in court activity can be expected to continue. Given the rapid pace at which the 52nd district has grown in recent years, and is likely to continue to grow, it would be an appropriate and responsible use of resources to create a new judgeship.

In addition, a reading of the SCAO analysis of the 52nd district suggests that it could be served more efficiently if the first and second divisions were combined. While the first division, which has three judges and could get one more under the bills, is the most active, the second division is the least active of the district's four divisions and has only one judge. Combining the first and second divisions, as is proposed by Senate Bill 257 (S-4), would provide for more efficient use of the 52nd district's judicial resources.

Response: The first and second divisions of the 52nd judicial district should not be combined. The merger of the two divisions would be inconsistent with one of the purposes of the district court system: to create locally based courts with a community feel. Rather than having one division of the 52nd district completely swallow up another, if change is necessary for efficiency of resources, perhaps a shift in district boundaries would be in order. Indeed, the Oakland County executive has suggested just such a move, by transferring Rose, Highland, and White Lake Townships from the first division to the second. This would be in the public's best interest by balancing the workload among the divisions and retaining a community feel in both divisions' jurisdictions.

Supporting Argument

Senate Bill 769 (S-2) is necessary to eliminate an unneeded judicial position in the 27th district. The SCAO has determined, based on its extensive analysis, that the 27th district can be served adequately by one judge rather than two. New case filings in the 27th district decreased by 0.6% between 1990 and 1998, while they increased by 8.3% statewide, and new filings per judge in the 27th district in 1998 amounted to only 43.1% of the statewide average. A growth analysis of the two communities in the 27th district revealed that, between 1990 and 1999, Wyandotte lost 7.3% of its population while Riverview lost 4.3%. Projections over the next 10 years indicate that the district's population is expected to decline by an additional 3.5%. Since Senate Bill 257 (S-4) and House Bill 4207 (H-2) propose a needed additional judgeship in the 52nd district in Oakland County, eliminating one judicial position in Wayne County's 27th district

would maintain an overall balance in the number of district judges statewide.

Opposing Argument

The bills do not propose enough judicial changes to promote the most efficient use of judicial resources throughout the State. Other districts, besides the 52nd, are in need of new judicial positions. The SCAO's report concluded that an additional district judge is statistically indicated in the 18th district in Wayne County (Westland) and the 63rd district in Kent County (Rockford and Cascade). Also, the 35th district in Wayne and Oakland Counties (Northville, Plymouth, and Canton) and the 47th district in Oakland County (Farmington and Farmington Hills) could use additional judgeships. Further, the SCAO has identified two districts in Wayne County, the 31st (Hamtramck) and the 36th (Detroit), in which reduction by one judgeship may be statistically indicated.

Response: Although the SCAO's statistical analysis indicated that a new judgeship might be needed for the 18th and 63rd districts, the SCAO report does not recommend the establishment of those judicial positions. In each of those districts, the SCAO determined that the courts' current two judges, with the assistance of a magistrate, a well-managed staff, and limited assistance from other district courts have been able to process the caseload and appear to be doing so in a timely manner. Although the SCAO report concluded that the 35th and 47th districts could make efficient use of a new judge, it did not recommend the addition of a judgeship in those districts at this time because the need is not as acute as it appears to be in other courts reviewed by the SCAO. As to reducing judgeships in the 31st and 36th districts, the report stated that the SCAO will undertake an extended analysis of judicial resources requirements in those districts, when a vacancy occurs, in order to make recommendations to the Legislature regarding the appropriate level of judicial resources for those courts at the time of a vacancy.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 257 (S-4) & House Bill 4207 (H-2)

Based on the current salary of a district court judge, the State would incur the following annual costs:

The State also would incur approximately \$6,000 in one-time costs for electronic recording equipment.

Local costs would depend on support staff allocated to the new judge and whether additional office/courtroom facilities would be required.

Senate Bill 769 (S-2)

Based on the current salary of a district court judge, the State would save the following annual amounts:

Salary	\$118,285
Social Security/Medicare	6,440
Defined Contribution	
Retirement	<u>8,280</u>
	\$133,005

Local savings would depend on support staff and office space allocated to the eliminated judgeship.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.