

SR-73, As Adopted by Senate, June 7, 2007

Senators Sanborn, Patterson, Kuipers, Gilbert, Bishop and Pappageorge offered the following resolution:

Senate Resolution No. 73.

A resolution to urge the Governor to refrain from filling judicial vacancies prior to the Supreme Court's issuance of the 2007 Judicial Resources Report in early August.

Whereas, The three branches of state government, as well as local governments and schools, have been coping with the impact of our continuing budget difficulties. The judicial branch has already taken action to meet this challenge through both voluntary and mandated furlough days for court employees. Even these steps may be inadequate to meet the needs of balancing the budget given that judicial salaries represent over half of the judiciary's annual budget. We must take advantage of every option that allows us to save money without endangering the safety and welfare of the public; and

Whereas, There are currently a number of judicial vacancies in our circuit courts and pending vacancies in the Court of Appeals. Every day judicial seats remain vacant saves the state money and reduces the impact of any spending reductions made necessary by our requirement to balance the state's budget. Changing patterns of judicial activity and trends in court annual filings may have made some of these seats unnecessary. Any decision to automatically fill these vacancies risks misallocating scarce taxpayer resources. Indeed, in scheduling special elections for vacant seats in the State Legislature, the Governor has considered the cost and delayed these elections to coincide with scheduled elections. Wise stewardship of our state's financial resources dictates that we focus our state's judicial resources to maximize our expenditures; and

Whereas, The Michigan Supreme Court is charged, pursuant to Article VI, Section 11 of the *Constitution of the State of Michigan of 1963*, with the duty of recommending the creation, alteration, and discontinuance of circuit courts necessary to meet changes in judicial activity. In early August, the 2007 Judicial Resources Report will be issued to meet this requirement of our state constitution. Court filings data also indicates that our Court of Appeals could carry out its duties without harming the public until the report is issued with its analysis and recommendations for Court of Appeals seats. With little more than two months until this key tool to evaluate the needs of our judicial branch is presented, it would be prudent for the Governor to refrain from filling these vacancies until the court's report can be reviewed; and

Whereas, Maintaining judicial vacancies until the Supreme Court's Judicial Resources Report can be analyzed and acted upon will save significant sums of money which may reduce the need for further furloughs for judiciary employees. This savings can be made without risking the core function of the judiciary of providing timely justice to our people. Once the judiciary, legislature, and executive branch assess the needs of our court system, we can chart a course that will save money in future years while ensuring the provision of justice for all; now, therefore, be it

Resolved by the Senate, That we urge the Governor to refrain from filling judicial vacancies prior to the Supreme Court's issuance of the 2007 Judicial Resources Report in early August; and be it further

Resolved, That a copy of this resolution be transmitted to Governor Jennifer M. Granholm.