

Legislative Analysis



CONCURRENT JURISDICTION FOR COURTS

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House Bill 5124 (Substitute H-4)

Sponsor: Rep. Kevin Cotter

Committee: Judiciary

Complete to 5-29-12

A SUMMARY OF HOUSE BILL 5124 AS REPORTED FROM COMMITTEE

BACKGROUND INFORMATION:

In a typical trial court, district, circuit, and probate judges handle different types of cases. Some of these differences are outlined in statute, but some are constitutionally defined. However, if courts wish to distribute their caseload differently, they need to adopt plans of concurrent jurisdiction. Under such a plan, for example, a district judge may take on partial responsibility for the operation of a family court, which would otherwise be assigned exclusively to a circuit judge. Such plans give courts more discretion on how they assign cases, which supporters argue will make the courts more efficient.

CONTENT OF THE BILL:

The bill would amend existing language in the Revised Judicature Act, which currently describes the types of concurrent jurisdiction plans that can be adopted. The bill's effective date is January 1, 2013. The bill would do the following:

- Change language stating that concurrent jurisdiction plans "may" be adopted, into language stating that such plans "shall" be adopted, unless a majority of all judges vote not to have a plan of concurrent jurisdiction. If such a vote occurs, the chief judge of the circuit court of the judicial circuit shall report the results to the State Court Administrator.
- Add language allowing concurrent jurisdiction plans to include sharing jurisdiction between one or more district courts within a judicial circuit.
- Allow a plan of concurrent jurisdiction to apply to other matters involving trial court operation, as approved by the Supreme Court.
- Eliminate some of the types of plans that are not allowed under concurrent jurisdiction, including power of appointment to a public office delegated to a district court or district judge.
- Remove the requirement that district courts have exclusive jurisdiction over small claims, and that probate courts have exclusive jurisdiction over trust and estate matters.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on local courts, though the exact cost or savings would vary by district. The implementation of concurrent jurisdiction allows for courts to redistribute their caseloads in a manner that may be more efficient than requiring each judge to only preside over cases in their jurisdiction, thus reducing costs through a more efficient caseload. The expansion of which sorts of concurrent jurisdiction plans may be adopted may allow courts to adopt more cost-effective plans that were not previously permitted.

However, as most types of concurrent jurisdiction plans are already legal (but optional), it is possible that some of the courts that expected the most savings from such plans have already implemented concurrent jurisdiction.

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