

**DATE:** September 15, 2011  
**TO:** Judiciary Subcommittee  
**FROM:** Erik Jonasson, Fiscal Analyst  
**RE:** Judicial Resources Recommendations

### Summary

In the August 2011 Judicial Resources Recommendations (JRR), the State Court Administrative Office (SCAO) selected trial court judgeships for removal based on an analysis of weighted case filings in each district court, and identified districts with more judgeships than needed for their case loads. Additionally, the SCAO analyzed the change in case loads in the Court of Appeals, and identified multiple judgeships that could be removed.

Based on this analysis, the SCAO recommended the following changes:

- Eliminate 45 trial court judgeships by attrition.
- Eliminate 4 Court of Appeals judgeships by attrition, including 2 judgeships that are currently vacant.
- Consolidate the 25th with 26th District, as well as District 45A with 45B.

Judgeships eliminated by attrition would be removed when the current judge chooses to step down or chooses not to run for re-election. The Court of Appeals judgeships that are currently vacant would be removed immediately.

The SCAO's analysis also identified a need for 31 additional judgeships in districts where the current workload per judge is too high. However, the SCAO recommended that these judgeships not be added due to current budget restraints. The SCAO stated that they will revisit these recommendations in 2013 and evaluate if adding these judgeships would be feasible at that time.

### Expected Fiscal Impact

The state provides funding for a judge's salary, employer required retirement contributions, and the employer portion of FICA taxes, resulting in an annual cost of \$158,364 for a circuit or probate judge, or \$156,578 for a district judge. If all circuit, probate, and district court judgeships recommended for elimination by the SCAO were removed, the savings would total \$7.1 million annually.

For Court of Appeals judgeships, the SCAO's recommendation of removing four judgeships would save \$737,000 annually. However, two of these positions were already left vacant for the current fiscal year, thus the state savings would total approximately \$368,000 per year compared to the FY 2011-12 judicial budget. Additional savings could also result from lower staff, facilities, and support costs related to reduced Court of Appeals judgeships, but these changes are not directly recommended in the SCAO's report.

In the long run, eliminating all recommended judgeships would save the state approximately \$7.8 million per year once all judges have stepped down. However, since these judgeships are removed by attrition, these savings would not be immediate. Judgeships would be eliminated when an incumbent

judge either leaves office during his or her term or chooses not to run for re-election. The actual short-term savings over the next several years is indeterminate, and would depend on how quickly these judges left their positions.

Local governments would also realize some savings, although the exact impact is indeterminate. While the state pays the entirety of a judge's salary and benefits, any staff, facilities, technology, or other resources are provided by local governments. The actual investment per judge varies from district to district, and it would be up to the local governments to choose to remove these judges' staff and resources or transfer them to remaining judges. Thus, some local savings are likely, but the actual amount saved by local governments is uncertain.

While the SCAO does not recommend the addition of the 31 judgeships in areas where there is a judicial need, the cost of such an addition would be approximately \$4.9 million per year. Local governments would also pay costs related to providing staff, facilities, and other resources to these new judges, though the exact cost would vary from district to district. This cost would be immediately added to the state budget, while any judgeships removed by attrition will take several years to be eliminated. Thus, adding these positions would likely result in a temporary increase in the judicial budget. For this reason, the SCAO recommends deferring the addition of these judgeships to a time when such additions are more financially feasible.