



**House
Legislative
Analysis
Section**

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ADDITIONAL DISTRICT JUDGESHIPS

House Bill 5538 as introduced
Sponsor: Rep. H. Lynn Johndahl

House Bill 5539 with committee amendments
Sponsor: Rep. Perry Bullard

First Analysis (4-19-88)
Committee: Judiciary

MAY 05 1988

100-1000000

THE APPARENT PROBLEM:

Many trial courts are having difficulty managing with existing resources, as case filings increase and backlogs develop. While clogged dockets can be eased by the use of judges temporarily assigned from other jurisdictions, it sometimes becomes necessary to create new judgeships in order to meet needs. The constitution requires that new judgeships be filled by election, which means that there is a biennial deadline for the necessary statutory changes and local resolutions to be enacted in time for candidates to file for election. (The Revised Judicature Act establishes deadlines for statutory creation and local approval of new judgeships, while the Michigan Election Law places a deadline on filing for the primary election.) With the approach of the deadline for action, the State Court Administrative Office conducted a statistical analysis of various objective factors that might serve as indicators for the number of judges needed. The office settled on the number of new cases filed as the most useful single factor in assessing the need for new judgeships. Using that figure in conjunction with indications of local support and consideration of special circumstances, the State Court Administrative Office developed recommendations for additional judgeships for various courts. House Bill 5539 incorporates those recommendations for district courts.

THE CONTENT OF THE BILL:

House Bill 5539 would amend the Revised Judicature Act to provide for new judgeships for various district courts, as follows:

District	# judgeships
36 (Detroit)	2
39 (Roseville & Fraser)	1
41b (Mt. Clemens, Clinton Twp)	1
52 (portions of Oakland Co.)	1
54b (East Lansing)	1
61 (Grand Rapids)	1
64A (Ionia County)	1

Each new judgeship would be subject to the act's provisions for local approval, which place a deadline of 4 p.m. on the tenth Tuesday preceding the August primary for filing copies of local resolutions of approval with the State Court Administrative Office. Except for the 54-b District Court in East Lansing, each new judgeship would be effective January 1, 1989. For the 54-b court, the judgeship would be effective January 1, 1990, and for the initial election only would be for a term of five years.

The bill also would authorize two new magistrates for the 36th District Court.

In addition, the bill would modify provisions that now require a district court of the second class to sit at a county seat within the district, and at each city and incorporated village having a population of 3,250 or more (except that

when two or more of those cities or villages are contiguous, the court need sit only in the city having the greater population). Under the bill, the court would not be required to sit in any political subdivision if the governing body of that subdivision and the court agree that the court not sit there.

MCL 600.8121a

House Bill 5538 would amend the Michigan Election Law to provide for the new judgeship for the 54-b District Court to be filled in a "special" odd year general election to be held in East Lansing on November 7, 1989. (Note: the election in question is a regular city election; the sponsor has offered amendments to clarify that the election would not be a "special" one.)

MCL 168.467P

BACKGROUND INFORMATION:

The State Court Administrative Office has provided the following information on deadlines for action and pertinent dates with regard to the proposed district judgeships:

5-24-88	enactment of bill, receipt of local resolutions of approval
5-31-88	filing for the primary election
8-2-88	primary election
11-8-88	general election
1-1-89	judges take office

(The 54-b district judgeship in East Lansing does not follow this timetable.)

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, each new judgeship (other than those in the 36th district) would cost the state about \$90,000 annually, with an additional one-time cost for recording equipment of about \$5,000 per judge. It is estimated that the two judgeships for the 36th district court would entail gross state costs of about \$440,000; this figure includes the cost of support staff and furniture for the two judges. Should the state fund the two magistrate positions, the state costs for the two positions would be about \$330,000. Local costs for the district judgeships would vary, but in some jurisdictions additional revenues would be more than enough to offset local costs; state costs for the 36th district court would be similarly offset. (4-18-88)

H.B. 5538 & 5539 (4-19-88)

ARGUMENTS:

For:

In accordance with recommendations from the State Court Administrative Office, the bills would provide for sorely needed new judgeships and magistrates, thus helping to ease clogged dockets and improving the administration of justice. In addition, amendments proposed by House Bill 5539 would offer some flexibility in where certain district courts sit.

POSITIONS:

The Michigan District Judges' Association takes no position on the bills, but concurs with the recommendations of the State Court Administrative Office. (4-18-88)

The State Court Administrative Office supports the bills. (4-12-88)

The 36th District Court supports the addition of two judges and two magistrates to the court to help meet its recent increases in docket filings. (4-14-88)