



**House
Legislative
Analysis
Section**

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NEW JUDGESHIPS

House Bill 5538 as enrolled **RECEIVED**
Sponsor: Rep. H. Lynn Jondahl

House Bill 5539 as enrolled
Sponsor: Rep. Perry Bullard

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Third Analysis (8-23-88)
House Committee: Judiciary
Senate Committee: Judiciary

H.B. 5538 & 5539 (8-23-88)

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. Many urge that new judgeships, including those recommended by the State Court Administrative Office, be created and that various changes in elections procedures be made to facilitate elections for those judgeships.

THE CONTENT OF THE BILL:

House Bill 5539 would amend the Revised Judicature Act to provide for additional circuit judgeships and base the deadlines for local resolutions of support (required for new judgeships) on the year in which the election was held rather than the year in which the authorizing legislation was enacted. (Note: new district judgeships would be created by enrolled Senate Bill 796.)

New Judgeships. The bill would authorize new circuit judgeships as shown below. Each new judgeship would be subject to existing provisions for local approval. Most of the new judgeships would be effective January 1, 1989; the exceptions would be the Fifth (Barry-Eaton) and Sixth (Oakland) circuits, which would be effective January 1, 1991.

Circuit	# Judgeships
5th (Barry & Eaton Counties)	1
6th (Oakland County)	2
9th (Kalamazoo County)	1
17th (Kent County)	1
27th (Newaygo & Oceana Counties)	1
36th (Van Buren County)	1

Local Approval Deadlines. New judgeships are contingent on local resolutions of approval being filed with the state court administrator's office prior to certain deadlines. At present, those deadlines are based on the year in which the authorizing legislation was enacted; the bill would base the deadlines for circuit and probate courts on the year in which the election was held. In addition, the deadline for probate judgeships, which is now the tenth Tuesday preceding the August primary (immediately following enactment of the authorizing legislation) would be changed to the thirteenth Tuesday preceding the August primary (in the year the election was held). This three-week change would make the probate court deadline identical to the circuit court deadline.

For new circuit judgeships added in 1988, the filing deadline would be the tenth Tuesday preceding the primary.

MCL 600.506 et al.

House Bill 5538 would amend the Michigan Election Law to, for new 1988 judgeships only, allow a place on the primary ballot to be obtained by filing an affidavit certifying eligibility and paying a \$500 filing fee. In addition, the bill would provide for the new judgeship for the 54-b District Court to be filled in East Lansing's regular odd-year municipal election.

MCL 168.467P

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, each new circuit judgeship would cost the state about \$100,000 annually. (8-23-88)

ARGUMENTS:

For:

In accordance with recommendations from the State Court Administrative Office, House Bill 5539 would provide for sorely needed new circuit court judgeships, thus helping to ease clogged dockets and improving the administration of justice.

Against:

Two of the judgeships authorized by House Bill 5539, Barry/Eaton and Kalamazoo, were not among the new judgeships recommended by the State Court Administrative Office in its January 1988 report. Although the office has not opposed the creation of those judgeships, it may not be necessary or prudent to authorize them at this time. The Barry/Eaton circuit, for example, does not have an

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extraordinary caseload, and the funding of an additional judgeship there would put a severe strain on county budgets (particularly Barry County's) already in dire straits.

Response: The law puts the responsibility for approving new judgeships with the local units that must share in the costs of those offices. The bill does not change this structure.