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BILL ANALYSIS

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House Bill 5539 (Substitute H-1 as reported without amendment)**Sponsor: Representative Perry Bullard****House Committee: Judiciary****Senate Committee: Judiciary****Date Completed: 5-4-88****RATIONALE**

Many trial courts reportedly are experiencing difficulty in operating adequately with existing resources, as case filings increase and backlogs develop. While clogged dockets can be eased somewhat by the use of temporarily assigned visiting judges, some people feel that it has become necessary to create new judgeships in order to meet the needs of the judicial system. To aid the Legislature in its deliberations concerning approval of new judgeships, 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 factor, the State Court Administrative Office developed recommendations for eight additional district judgeships for various courts.

In addition, some people feel that several districts in Oakland County should be incorporated into District 52 as divisions of that district, in order to fund those courts better.

CONTENT

The bill would amend the Revised Judicature Act to authorize additional judgeships to be filled in various judicial districts; incorporate three judicial districts into District 52, beginning January 1, 1991; increase, from four to six, the maximum number of magistrates permitted in District 36; and change the deadline for candidates to file for election to the new judgeships from the 10th to the 11th Tuesday prior to the August primary. (The additional judgeships that the bill would authorize, would be effective on January 1, 1989, except for the one in District 54B, which would be effective on January 1, 1990.)

Under the bill, District 36, which consists of the City of Detroit and has 29 judges, would be authorized to add two judges. The following judicial districts would be authorized to add one judgeship:

- District 39, which consists of Roseville and Fraser and has two judges.
- District 41B, which consists of Mt. Clemens and the townships of Clinton and Harrison and has two judges.
- The third division of District 52, which consists of Rochester, Auburn Hills, and Lake Angelus and the townships of Oxford, Addison, Orion, and Oakland and has two judges. (The City of Rochester Hills would be added to this division and the township of Avon would be excluded.)
- District 54B, which consists of East Lansing and has one judge.

- District 61, which consists of Grand Rapids and has five judges.
- District 64A, which consists of Ionia County and has one judge.

District 43, which consists of Madison Heights, Ferndale, and Hazel Park; District 45A, which consists of Berkley; and District 45B, which consists of Huntington Woods, Oak Park, and Pleasant Ridge and the township of Royal Oak would become the fifth, sixth, and seventh divisions, respectively, of District 52.

MCL 600.8121a et al.

FISCAL IMPACT

The bill would increase costs for State and local government. The State makes the following payments for each district judgeship:

State salary	\$49,500
Standardization payments	34,650
Retirement contribution	1,733
FICA	3,477
One-time recording equipment cost	6,000
Total State cost per Judge	\$95,360

The salary is based on 1988 amounts. Determinations of the State Officers Compensation Commission for 1989 and 1990 will have an impact on judges' salaries. The employer's share of Social Security (FICA) is estimated.

The State would also incur additional costs for any additional judges in the 36th District Court (City of Detroit). Support staff for each additional judge (court reporter, clerk, equipment, etc.) would cost approximately \$127,000.

Costs for additional magistrates in the 36th District Court would also be a State obligation. Each magistrate would cost approximately \$69,000. Support staff and equipment for each magistrate would cost approximately \$99,000.

Local costs for judgeships (excluding 36th District Court) would include support staff, office space, courtrooms, etc.

ARGUMENTS**Supporting Argument**

In accordance with the recommendations of the State Court Administrative Office, the bill would authorize the creation of badly needed new judgeships and magistrates, thus helping to ease clogged dockets and improving the administration of justice in Michigan's district courts. In

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addition, the bill should be enacted quickly, because the Michigan 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.

Supporting Argument

District 43, District 45A, and District 45B, which consist of parts of Oakland County, currently are funded by municipalities. District 52, which also consists of part of Oakland County, on the other hand, is funded by the county. Districts 43, 45A, and 45B would be better funded and more efficient if allowed to be incorporated as divisions of District 52.

Supporting Argument

The additional judges and magistrates that the bill would approve for District 36 would allow that court to establish a "substance abuse court" to deal with the district's growing number of drug cases.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.