

Legislative Analysis



JUDGESHIPS: REDUCE IN CERTAIN DISTRICTS & JUDICIAL CIRCUITS

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House Bills 5073 and 5105
Sponsor: Rep. Kevin Cotter

House Bill 5093
Sponsor: Rep. Kate Segal

House Bill 5103
Sponsor: Rep. David Rutledge

Committee: Judiciary

Complete to 10-26-11

A SUMMARY OF HOUSE BILLS 5073 AS INTRODUCED 10-13-11, 5093 AS INTRODUCED 10-18-11, AND 5103 AND 5105 AS INTRODUCED 10-19-11

The bills would amend the Revised Judicature Act (RJA) to eliminate certain probate, district, and circuit court judgeships; consolidate districts; and make numerous technical revisions for clarity.

House Bill 5073 would amend the RJA (MCL 600.8215 and 600.8134) to reduce from five to four the number of judgeships in the 54A District (City of Lansing) and the 68th District (City of Flint). The judgeships would be eliminated on the date on which a vacancy occurred or the beginning date of the term for which an incumbent no longer sought election or reelection, whichever was earlier.

House Bill 5093 would amend the RJA (MCL 600.803 and 600.8116) to reduce from three to two the number of probate judgeships in the County of Kalamazoo and from two judgeships to one in the 7th District (County of Van Buren). The judgeships would be eliminated on the date on which a vacancy occurred or the beginning date of the term for which an incumbent no longer sought election or reelection, whichever was earliest.

House Bill 5103 would amend the RJA (MCL 600.8121 and 600.8123). The bill would reduce from two to one the number of judgeships in the 25th District (City of Lincoln Park) and the 30th District (City of Highland Park). The bill would also reduce from three to two the number of judgeships in the 33rd District (Cities of Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the Townships of Brownstown and Grosse Ile in the County of Wayne) and the 48th District (Cities of Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and Orchard Lake Village and the Townships of Bloomfield and West Bloomfield in the County of Oakland). The judgeships would be eliminated on the date on which a vacancy occurred or the beginning date of the term for which an incumbent no longer sought election or reelection, whichever was earliest.

The 50th District (City of Pontiac) would have one judgeship eliminated (from four to three) on the date on which a vacancy occurred or the beginning date of the term for which an incumbent no longer sought election or reelection. In addition, following, or simultaneously with, that reduction, the 50th District would have another judgeship eliminated (from three to two) under the same circumstances.

The 47th District (Cities of Farmington and Farmington Hills) would retain its two judgeships. However, a provision allowing an additional judgeship if and when a district court judgeship was eliminated anywhere in the state, subject to review and recommendation by SCAO and subsequent legislation, would be deleted.

Consolidations. Currently, the 43rd District consists of the Cities of Madison Heights, Ferndale, and Hazel Park and has three judges. The 44th District consists of the City of Royal Oak and has two judges. Beginning January 2, 2015, the bill would consolidate the two districts and abolish the 44th District. The judges of the abolished court would serve out their terms in the 43rd District, making five judges in the District. However, one judgeship would be eliminated (from five judges to four judges) beginning on the date on which a vacancy occurred or the beginning date of the term for which an incumbent no longer sought election or reelection, whichever was earliest.

The bill would also consolidate the 45A and 45B District into the 45th District. Currently, the 45A District (City of Berkley) has one judge and the 45B District (Cities of Huntington Woods, Oak Park, and Pleasant Ridge and the Township of Royal Oak in Oakland County) has two judges. After the consolidation, those three judges would serve the balance of their terms. For purposes of the November 2020 general election only, the term of the candidate for district judge in the consolidated 45th Judicial District who received the highest number of votes would be eight years and the term of the candidate with the second highest number of votes would be six years. Beginning on the date on which a vacancy occurred or the beginning date of the term for which an incumbent no longer sought election or reelection, whichever was earliest, the number of judgeships in the 45th District would be reduced from three to two.

House Bill 5105 would amend the RJA (MCL 600.504, 600.8123, and 600.8136). The bill would reduce the number of judgeships in the 3rd Judicial Circuit (County of Wayne) from 61 to 60 beginning at noon, January 1, 2013.

The bill would also reduce the number of judgeships in the 52nd District from 11 to 10. The 52nd District comprises four election divisions. Beginning 12 noon, January 1, 2013, the Fourth Election Division (the Cities of Troy and Clawson in Oakland County) would have two judges instead of three.

Lastly, beginning 12 noon, January 1, 2013, the 71A District (County of Lapeer) would have one of the two judgeships eliminated.

FISCAL IMPACT:

Together, these bills would eliminate 12 district judgeships, one probate court judgeship and one circuit court judgeship. The cost to the state for a judgeship includes the judge's salary, employer-required retirement contributions, and the employer portion of FICA taxes, totaling approximately \$158,000 per year for a circuit or probate judge and \$156,500 per year for a district judge.

Removing all of these judgeships would result in a total savings to the state of \$2,194,000 per year once all judgeships are eliminated.

Because these judgeships are removed by attrition, these savings would only come into effect as judges retire or choose not to run for reelection. In addition, some of these districts will not eliminate a judgeship until a certain date, and thus the judge could still be replaced before that date. The savings related to eliminating these judgeships will not be reflected in the state budget for several years, and they will likely take a decade or longer to be fully realized.

The consolidation of multiple court districts could result in an indeterminate amount of savings for local governments. If court districts are merged, local governments would face indeterminate costs or savings. Savings may be attained through consolidation of resources, resulting in some economies of scale. Such savings could include reductions in office space, staff, and technology costs. However, these savings would depend upon the degree of consolidation each of the court districts is able to manage, and the savings may be outweighed by the upfront and continuing costs related to consolidation.

Several issues would need to be resolved in order to consolidate courts. Most prominently, this includes the physical consolidation of court facilities and the resulting increase in travel and transportation time for prisoners, law enforcement officials, attorneys, and judicial staff. Computer systems and records would have to be merged, resulting in indeterminate costs related to technology and training of judicial staff. Additionally, the consolidation of each district's employees would require the reconciliation of multiple unions and labor agreements. Changes in these agreements could lead to some savings if the salary and benefits agreed upon are less costly than those previously utilized by individual districts, but may result in higher costs if the new labor agreement requires higher average wages and benefits. The difficulty and cost of each of these measures increases with the number of courts to be consolidated.

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