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BILL ANALYSIS



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House Bill 5105 (Substitute H-2 as passed by the House)
Sponsor: Representative Kevin Cotter
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 12-12-11

CONTENT

The bill would amend the Revised Judicature Act (RJA) to do all of the following:

- **Reduce from 61 to 59 the number of judgeships in the Third Circuit Court (Wayne County).**
- **Provide for the consolidation of probate and district court judgeships in Sanilac, Gratiot, Manistee, and Benzie Counties.**
- **Reduce from two to one the number of probate judgeships in Calhoun County.**
- **Provide for the consolidation of the 25th and 26th District Courts in Wayne County and reduce from two to one the number of judgeships in the 26th District Court.**
- **Reduce from three to two the number of judgeships in the fourth division of the 52nd District Court in Oakland County.**
- **Reduce from two to one the number of judgeships in the 71st-A District Court in Lapeer County.**

Third Circuit Court

The Third Judicial Circuit consists of Wayne County and has 61 judges. Under the bill, the Third Circuit would have 61 judges until noon on January 1, 2013. Beginning at noon on January 1, 2013, the Third Circuit would have 59 judges.

Probate & District Courts

Probate/District Consolidations. Except as otherwise provided under the RJA, each county that is not part of a probate court district has one probate judge. Article VI, Section 15 of the State Constitution allows the Legislature to provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county.

Under the bill, the office of probate judge for Sanilac County would be combined with the office of judge of the 73rd-A judicial district, which consists of Sanilac County and has one judge. The incumbent judge of that district would become the probate judge for Sanilac County for the balance of the term to which he or she was elected. The probate judge for Sanilac County would serve as judge of District 73-A.

The 65th-B District consists of Gratiot County and has one judge. Under the bill, beginning April 1, 2012, the office of probate judge for Gratiot County would be combined with the

office of judge of the 65th-B judicial district, and the county would have two probate judges. The judgeship added under this provision would have to be filled by the incumbent judge of District 65-B, who would become a probate judge for the balance of the term to which he or she was elected. Beginning at noon on January 1, 2013, Gratiot County would have one probate judge. Beginning on April 1, 2012, a probate judge for Gratiot County would serve as judge of District 65-B.

The 85th judicial district consists of Manistee and Benzie Counties of and has one judge. Under the bill, the probate judge for Manistee County would serve as judge of the 85th District within Manistee County, and the probate judge for Benzie County would serve as judge of the 85th District within Benzie County.

Under Section 805 of the RJA, an additional probate judgeship may not be filled by election unless the county, by resolution of the board of commissioners, approves the creation of that judgeship and the county clerk files a copy of the resolution with the State Court Administrator by a certain deadline. The bill specifies that a combination of the office of probate judge with a judicial office of limited jurisdiction, as allowed under Article VI, Section 15 of the State Constitution, that did not result in an increase in the total number of trial judgeships in the county would not require a resolution of approval under Section 805.

The bill also specifies that, in counties in which the only district judgeship was eliminated, the probate judge in that county would have the jurisdiction, powers, duties, and title of a district judge within that county, in addition to the jurisdiction, powers, duties, and title of a probate judge.

Probate Judge Reduction. Under the RJA, several counties, including Calhoun, have two probate judges. The bill would remove Calhoun County from the list of counties with two probate judges.

District Court Consolidation. The 25th judicial district consists of the City of Lincoln Park and has two judges. Under the bill, beginning on April 1, 2012, the 25th district would consist of the Cities of Ecorse, Lincoln Park, and River Rouge and would have three judges. The additional judgeship would be filled by the incumbent judge of the 26th District, who would become a judge of the 25th District for the balance of the term to which he or she was elected or appointed. The bill specifies that Sections 8175 and 8176 would not apply to the reformation of the 25th District. (Under those sections, additional district judgeships and new districts may not be created unless approved by the local district control units.)

The 26th Judicial District currently consists of River Rouge and Ecorse and is divided into two election divisions, each of which has one judge. Under the bill, the 26th District would not have election districts and would have a single judge. Beginning on April 1, 2012, the 26th District would be abolished and the judge of the 26th District would become a judge of the 25th District, as described above.

District Judge Reductions. The fourth division of the 52nd judicial district consists of the Cities of Troy and Clawson and has three judges. Under the bill, beginning at noon on January 1, 2013, the fourth division of the 52nd District would have two judges.

The 71st-A judicial district consists of Lapeer County and has two judges. Under the bill, beginning at noon on January 1, 2013, the 71st-A District would have one judge.

MCL 600.504 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would result in annual savings to the State, counties, and district court control units. State savings include the judge's salary, FICA (OASI and Medicare), travel reimbursement, and defined contribution retirement costs.

The current salaries of trial court judges are as follows:

Circuit Court Judge	\$139,919
Probate Court Judge	\$139,919
District Court Judge	\$138,272

The State Court Administrative Office estimates the annual average savings to the State from each eliminated trial court judgeship to be approximately \$157,471. Annual savings to the State from the nine judgeships eliminated by the bill would total \$1.4 million. The FY 2011-12 Judiciary budget reflected a \$942,100 reduction in trial court judgeship funding based on future reductions in the number of judges.¹

Local cost savings would include the judge's fringe benefits, the cost of court personnel, and the cost of equipment. Local savings and costs would vary between jurisdictions based on the number and compensation of staff associated with the judgeships. Public Act 228 of 2009 temporarily eliminated one circuit judgeship each in Macomb and Oakland Counties. Estimated annual local savings were \$570,000 and \$450,000, respectively. Smaller jurisdictions could realize smaller savings and be affected to a greater degree by consolidation costs.

Fiscal Analyst: Bill Bowerman

¹ The State Court Administrative Office (SCAO) biennially reviews the judicial needs of the State. The 2011 Judicial Resources Recommendations (JRR) proposed the elimination of four Court of Appeals judgeships, the elimination of 45 trial court judgeships, the consolidation of the 25th and 26th District Courts, and the consolidation of the 45A and 45B District Courts. While the biennial review also indicated that there was a need for 31 judges in other courts, the JRR did not recommend the addition of any judgeships due to the cost implications for local government. The JRR recommended that all of the eliminations be achieved through attrition; therefore, the timing of the eliminations would vary based on when a judge left office. If all of the 2011 JRR recommendations were implemented, eventual annual savings to the State would be approximately \$8.0 million.

The 2011 JRR can be obtained at the following website:

<http://courts.michigan.gov/scao/resources/publications/reports/JRRSummary2011.pdf>

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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.