

Legislative Analysis



ELIMINATION/CONSOLIDATION OF JUDGESHIPS

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Senate Bill 525 reported from committee as substitute H-1

Sponsor: Sen. Rick Jones

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 12-20-17

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 6 of 2018)

BRIEF SUMMARY: Senate Bill 525 would amend the Revised Judicature Act for a total of 1 addition and 3 reductions in judgeships in various areas of the state. The bill would add 1 circuit court judgeship, and reduce circuit court judgeships by 1 and district court judgeships by 2. These changes result in a net reduction of 2 district court judgeships to the state. The following table summarizes judgeship changes that would be made by Senate Bill 525:

<u>Location</u>	<u>County/City</u>	<u>Addition/Reduction</u>
10 th Judicial Circuit	Saginaw County	-1 Circuit Court Judge
44 th Judicial Circuit	Livingston County	+1 Circuit Court Judge
36 th Judicial District	City of Detroit	-1 District Court Judge
53 rd Judicial District	Livingston County	-1 District Court Judge

Senate Bill 525 would also consolidate judicial districts as follows:

<u>Location</u>	<u>County/City</u>	<u>Addition/Reduction</u>
18 th and 29 th Judicial Districts	18 th - City of Westland 29 th - City of Wayne	Consolidation - net effect is 0 judgeships
38 th and 39 th Judicial Districts	38 th - City of Eastpointe 39 th - Cities of Roseville and Fraser	Consolidation - net effect is 0 judgeships

Senate Bill 525 would also revise or remove certain judicial district consolidations and judgeship eliminations that the Revised Judicature Act currently contains; modify a provision regarding the practice of law (other than as a judge) by probate court judges; and make editorial changes throughout for clarity and consistency.

FISCAL IMPACT: The state pays for the salaries, payroll taxes, and retirement benefits for circuit and district court judges. Fringe benefits, personnel costs, and costs for supplies, equipment, and space are paid for by the local court system. Local costs vary from circuit

to circuit and district to district. Each district court judgeship costs the state \$159,342. This amount includes the district court judge's salary of \$143,844, and \$15,498 in payroll taxes and retirement costs.

Therefore, Senate Bill 525 would result in a savings to the state of roughly \$318,700 because of the net reduction of 2 district court judgeships. Affected local units could potentially realize savings if they are able to reduce associated staff costs.

THE APPARENT PROBLEM:

In order to monitor judicial costs and caseloads, the State Court Administrative Office (SCAO) formed the Judicial Resources Advisory Committee, composed of representatives from judicial and administrative associations, to review the state's judicial needs every 2 years and compile the findings in the *Judicial Resources Recommendations* (JRR). The report provides the Legislature with recommendations regarding the addition or removal of judgeships so that judicial resources are equitably distributed across the state. Senate Bill 525 seeks to adopt most of the 2017 recommendations.

THE CONTENT OF THE BILL:

Senate Bill 525 would amend several sections in the Revised Judicature Act by either eliminating or consolidating judgeships. The bill would amend the following sections:

Section 511

The bill would eliminate a judgeship for the 10th Judicial Circuit, consisting of Saginaw County. There are currently 5 judges; the bill would reduce this number to 4 judges when whichever of the following occurs first:

- The date on which a vacancy occurs (unless the vacancy occurs after the vacating judge has been defeated in a primary or general election).
- The beginning date of the term for which an incumbent no longer seeks election or reelection to that office.

Section 530

The bill would remove language that currently provides conditions (the same as those provided above, in Section 511) under which the number of judges for the 29th Judicial Circuit, consisting of Clinton and Gratiot Counties, would be reduced from 2 to 1. The bill would keep the current number of judges at 2.

Section 545

The bill would allow the 44th Judicial Circuit, consisting of Livingston County, to have 1 additional judge beginning on January 1, 2019, with an initial term of office of 8 years. The 44th Circuit currently has 2 judges.

Section 821

This section currently prohibits certain probate judges from engaging in the practice of law, other than as a judge. The bill would place this prohibition on all probate judges, with the

single exception of the probate judge in Keweenaw County who is not a judge of the first probate district described in Section 807.

Section 8121

The bill would change the effective dates for the consolidation of the 18th District (consisting of the city of Westland, with 2 judges) and the 29th District (consisting of the city of Wayne, with 1 judge). The current dates are set in 2015 and 2016, and the new dates would allow Westland and Wayne to file a resolution before January 2, 2019 for consolidation on January 1, 2020. The consolidation would eliminate the 29th District. The 18th District would consist of the cities of Westland and Wayne and have 3 judges.

The bill would also remove subsection (11), which currently allows for the consolidation of the 27th District (consisting of the cities of Wyandotte and Riverview, with 1 judge) and the 28th District (consisting of the city of Southgate, with 1 judge) into a 26th District that would have 2 judges.

Section 8121a

The bill would eliminate a judgeship in the city of Detroit for the 36th District, which currently has 30 judges. The bill would reduce this number to 29 judges when whichever of the following occurs first:

- The date on which a vacancy occurs (unless the vacancy occurs after the vacating judge has been defeated in a primary or general election).
- The beginning date of the term for which an incumbent no longer seeks election or reelection to that office.

Section 8122

This section would allow the 38th District (consisting of the city of Eastpointe, with 1 judge) and the 39th District (consisting of the cities of Roseville and Fraser, with 3 judges) to consolidate into the 39th District with 4 judges. If the clerks of all 3 cities file a resolution before January 2, 2019 for consolidation on January 1, 2020, then the additional judgeship in the 39th District would be filled by the incumbent judge of the 38th District.

Section 8123

The bill would remove the elimination and consolidation language for the 44th District (consisting of the city of Royal Oak) and the 45th-A District (consisting of the city of Berkley), as the dates for the consolidation have passed and are in effect. Now, the 44th District consists of the cities of Royal Oak and Berkley and has 2 judges.

The bill would also remove the language changing the 44th-B District to the 45th District (consisting of the cities of Huntington Woods, Oak Park, and Pleasant Ridge, plus the township of Royal Oak in Oakland County, with 2 judges). The current language created the 45th District upon the consolidation of the 44th District and the 45th-A District, described above. Because that consolidation is now in effect and the 45th District is underway, there is no longer need for the additional language to create the 45th District.

Section 8124

The bill would reduce the number of judges for the 53rd District (consisting of Livingston County) from 3 judges to 2 judges, beginning January 1, 2019. The judgeship eliminated would be that of a judge who is not eligible to run for reelection in 2018 due to constitutional limitation as of the bill's effective date. According to this limitation, judges are not eligible to run for election or reelection after the age of 70.

MCL 600.511 et al.

HOUSE COMMITTEE ACTION:

The House Judiciary Committee adopted substitute H-1 to remove a reference to Section 8121a(3), which was removed from the bill by amendment in the Senate. The subsection would have eliminated an additional judgeship in the 36th District for the City of Detroit, eliminating a total of 2 judges from the district. The bill now eliminates 1 judgeship.

ARGUMENTS:***For:***

Supporters of the bill argue that the recommendations and reductions in judgeships across the state save millions of taxpayer dollars over time by eliminating excess, unnecessary judgeships. The judgeships are only cut as a result of multiple statistical analyses conducted by the SCAO through analyzing judicial need or excess throughout the state.

Against:

Critics of the bill argue that two of the larger areas shouldn't eliminate a judgeship. Saginaw County and the City of Detroit both have large court dockets, and some data and personal accounts reflect that, as well as projections of an increase in caseloads for those areas in the future. Eliminating a judgeship in both of these areas would not benefit taxpayers if the court dockets become further overloaded and backed up. Amendments were introduced in committee to eliminate language reducing a judgeship in Saginaw County and in the City of Detroit, but they were not adopted.

Response:

Supporters of the bill responded to the concerns about eliminating a judge in the City of Detroit by acknowledging that Detroit's population has been increasing. An amendment adopted in the Senate reduced the number of judgeships eliminated from 2 to 1.

POSITIONS:

A representative from the SCAO testified in support of the bill. (11-28-17)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.