

# Legislative Analysis



## ELIMINATION/CONSOLIDATION OF JUDGESHIPS

Phone: (517) 373-8080  
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### Senate Bill 525 (proposed substitute H-1)

Sponsor: Sen. Rick Jones

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 11-27-17

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

### BRIEF SUMMARY:

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

<u>Location</u>	<u>County/City</u>	<u>Addition/Reduction</u>
10 <sup>th</sup> Judicial Circuit	Saginaw County	-1 Circuit Court Judge
44 <sup>th</sup> Judicial Circuit	Livingston County	+1 Circuit Court Judge
36 <sup>th</sup> Judicial District	City of Detroit	-1 District Court Judge
53 <sup>rd</sup> 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 <sup>th</sup> and 29 <sup>th</sup> Judicial Districts	18 <sup>th</sup> - City of Westland 29 <sup>th</sup> - City of Wayne	Consolidation - net effect is 0 judgeships
38 <sup>th</sup> and 39 <sup>th</sup> Judicial Districts	38 <sup>th</sup> - City of Eastpointe 39 <sup>th</sup> - 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.

## **DETAILED SUMMARY:**

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 10<sup>th</sup> Judicial Circuit, consisting of Saginaw County. There are currently 5 judges, but 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 29<sup>th</sup> 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 44<sup>th</sup> 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 44<sup>th</sup> 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 18<sup>th</sup> District (consisting of the city of Westland, with 2 judges) and the 29<sup>th</sup> 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 29<sup>th</sup> District. The 18<sup>th</sup> 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 27<sup>th</sup> District (consisting of the cities of Wyandotte and Riverview, with 1 judge) and the 28<sup>th</sup> District (consisting of the city of Southgate, with 1 judge) into a 26<sup>th</sup> District that would have 2 judges.

**Section 8121a**

The bill would eliminate a judgeship in the city of Detroit for the 36<sup>th</sup> 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 38<sup>th</sup> District (consisting of the city of Eastpointe, with 1 judge) and the 39<sup>th</sup> District (consisting of the cities of Roseville and Fraser, with 3 judges) to consolidate into the 39<sup>th</sup> 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 39<sup>th</sup> District would be filled by the incumbent judge of the 38<sup>th</sup> District.

**Section 8123**

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

The bill would also remove the language changing the 44<sup>th</sup>-B District to the 45<sup>th</sup> 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 45<sup>th</sup> District upon the consolidation of the 44<sup>th</sup> District and the 45<sup>th</sup>-A District, described above. Because that consolidation is now in effect and the 45<sup>th</sup> District is underway, there is no need for the additional language to create the 45<sup>th</sup> District.

**Section 8124**

The bill would reduce the number of judges for the 53<sup>rd</sup> 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.

**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, SB 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.

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