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FISCAL IMPACT REPORT

SPONSOR: Smith, J.A. DATE TYPED: 02/24/01 HB _____
 SHORT TITLE: Eliminate Lea Magistrate Court Divisions SB 581
 ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			\$ (210.0)	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB215.

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
LFC files

SUMMARY

Synopsis of Bill

SB581 amends Section 35-1-16 NMSA 1978 which essentially eliminates two divisions in the Lea County magistrate district. Pursuant to Subsection B of the bill, unless the Director of the Administrative Office of the Courts determines that the caseload in Lea county merits more than three (3) judges, then the primary and general elections will not be held in divisions 4 and 5. As a result, the term of those two judgeships will end on December 31, 2002.

The effective date of the provisions of this bill is July 1, 2001.

Significant Issues

The judiciary Chief Judges Council uses its Weighted Caseload study and resulting data in order to determine the need for new judgeships and court clerks. Budget requests presented to the Legislature are supported by caseload data to evidence the need.

In regards to magistrate judges, caseload data indicates that each magistrate, on average, handles approximately 2,500 cases per year. Based on that average, as caseload increases, additional magistrates are requested.

In Lea county, there are currently 5 magistrate judges. In reviewing case filings for Lea county for last fiscal year, the statistics indicate that Lea county received 4,424 new cases. Dividing the cases by the number of judges, the result is that each judge handles only 885 cases compared to the average of 2,500. Using the judiciary's formula, Lea county should only have 2 judgeships. In sum, each judge in Lea county has approximately one-third the caseload compared to other magistrates around the state. If the Weighted Caseload data is used to request additional judgeships, it may also be used to indicate the converse; that Lea county has too many judges based on the number of cases filed and handled by that jurisdiction.

Given that judges in a couple counties (Santa Fe and Dona Ana) have an average caseload of 4,500 because of the higher volume of filings, it is suggested that resources be shifted to those counties who are overloaded with cases resulting in backlogs. Reducing the number of judgeships in Lea county would be a response to reality of excess and an action of efficiency and resourcefulness.

FISCAL IMPLICATIONS

Eliminating two judgeships would save approximately \$210.0 for the general fund. However, since new judgeships are being requested for other courts (HB215 totaling \$4,591.3), the fiscal impact would be a minimal net decrease.

RELATIONSHIP

HB215 is referred to as the "judgeship bill" which is proposing various judgeships around the state for magistrate, metropolitan and district courts based on the Weighted Caseload Study. It is also supported by the Chief Judges Council and the *Judiciary Unified Budget*.

CMH/njw