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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/20/09

SPONSOR Saavedra LAST UPDATED \_\_\_\_\_ HB 812

SHORT TITLE Creating Additional Judgeships SB \_\_\_\_\_

ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
None	\$247.62	Nonrecurring	General Fund
	\$2,453.728	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

House Bill 812 creates and provides for an appropriation for five district court judgeships in the First (Santa Fe County), Second (Bernalillo County), Third (Dona Ana County), Eighth (Taos County) and Thirteenth (Cibola County) Judicial Districts, one judgeship in the Bernalillo County Metropolitan Court, and one Dona Ana Magistrate Court judgeship.

The bill provides for the district judges and the metropolitan court judge to be appointed by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico. The magistrate court judgeship in Dona Ana County shall be filled by appointment by the governor and will begin serving on July 1, 2009. The appointed magistrate judge shall serve until succeeded by a magistrate elected at the general election in 2010. The first full term of office of the elected magistrate shall begin on January 1, 2011.

### FISCAL IMPLICATIONS

The bill also provides appropriations for salaries and benefits and furniture, supplies and equipment for the additional judges and support staff. The appropriations are laid out in the following table:

#### JUDGESHIP APPROPRIATIONS

Judgeships	Appropriation to the Court
1 <sup>st</sup> Judicial District (one judge & support staff)	\$423,087
2 <sup>nd</sup> Judicial District (one judge & support staff)	\$423,087
3 <sup>rd</sup> Judicial District (one judge and support staff)	\$423,087
8 <sup>th</sup> Judicial District (one judge and support staff)	\$423,087
13 <sup>th</sup> Judicial District (one judge and support staff)	\$423,087
Metropolitan Court (one judge and support staff)	\$401,208
Dona Ana County Magistrate Judge (one judge and support staff)	\$184,710
<b>TOTAL</b>	<b>\$2,701,353.00</b>

Unused funds remaining at the end of FY 09 shall revert to the general fund. The effective date of HB 812 is July 1, 2009.

According to the February 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$575 million less than the FY09 appropriations before the 2009 solvency reductions. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

### SIGNIFICANT ISSUES

The New Mexico Sentencing Commission with the assistance of the National Center for State Courts conducted a workload assessment study in 2007 for the judiciary, district attorneys, and public defenders. The study indicates a need for twenty-four district court judges, six metropolitan court judges, and six magistrate judges. According to the AOC, the study assigned a weight, expressed in minutes, for each type of case heard in court. Each weight is multiplied by the number of new cases filed per category of case.

According to the AOC, the Chief Judges Council reviewed all district, metropolitan, and magistrate judgeship requests statewide and considered both the need as determined by the workload assessment study applied to FY 08 filings, as well as additional narrative and testimonial information. The Chief Judges Council decided to gradually fill this need, supporting a total of seven new judgeships in FY 10 in the judiciary's unified budget. The seven judgeships in HB 812 were designated as the judges *critically* needed.

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The results of the workload assessment study for each judgeship request in this bill are attached to this analysis.

The chart below demonstrates the results of the workload assessment study.

<b>** District Courts **</b>						
<b>Judicial District:</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>8th</b>	<b>13th</b>	<b>Statewide</b>
<b>Judge Demand, based on workload</b>	<b>11.49</b>	<b>39.54</b>	<b>12.26</b>	<b>5.17</b>	<b>11.96</b>	<b>126.55</b>
Current Number of Judges	7	26	8	2	7	88
Total Number of Judicial Officers (including Hearing Officers and Special Masters)	8.32	32.60	8.66	2.88	8.65	101.67
<b>Additional Judges Needed</b>	<b>(3.17)</b>	<b>(6.94)</b>	<b>(3.60)</b>	<b>(2.30)</b>	<b>(3.31)</b>	<b>(24.88)</b>
<b>** Magistrate Courts **</b>						
<b>County:</b>	Dona Ana					
<b>Location:</b>	Las Cruces					
<b>Judge Demand, based on workload</b>	<b>7.98</b>					
Current Number of Judges	5					
<b>Additional Judges Needed</b>	<b>(2.98)</b>					
<b>** Metropolitan Court **</b>						
<b>Judge Demand, based on workload</b>	<b>24.95</b>					
Current Number of Judges	19					
<b>Additional Judges Needed</b>	<b>(5.95)</b>					

**PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. The bill may have a positive impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

**ADMINISTRATIVE IMPLICATIONS**

According to the AOC, the primary long-term administrative effect on the courts upon enactment of this bill would be more efficient and expeditious disposal of cases in the district and metropolitan courts, and the Dona Ana County Magistrate Court.

CS/mt