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FISCAL IMPACT REPORT

SPONSOR Varela **ORIGINAL DATE** 1/23/15
LAST UPDATED 3/18/15 **HB** 143

SHORT TITLE Create Additional Judgeships **SB** _____

ANALYST Sánchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
	\$822.2	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$822.2	\$851.8	\$1,674.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Senate Bill 36
 Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 New Mexico Sentencing Commission (NMSC)
 Judicial Standards Commission (JSC)
 Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Bill

House Bill 143 creates two judgeships, one in the Second Judicial District Court and another in the Third Judicial District Court. The number of judges would go up to 28 and nine, in the Second and Third Judicial District Courts, respectively.

The appropriation of \$822.2 thousand contained in this bill is a recurring expense to the general

fund. Any unexpended balance remaining at the end of fiscal year 2016 shall revert to the general fund.

FISCAL IMPLICATIONS

A total of \$822.2 thousand from the general fund is appropriated for the two judgeships, which includes staff, furniture, equipment and supplies. In its “Unified Budget”, the judiciary stated that the judge in the Second would be assigned to the criminal division while the one in the Third would be assigned to children’s court. Natural budgetary growth is about three percent for state agencies however the judiciary usually requests five percent salary growth for judges to stay in line with judicial pay in the surrounding western states. The amount needed to fund the two new judgeships in subsequent years will increase by about four percent.

The House Appropriations and Finance Committee substitute for HB 2 as amended by the Senate Finance Committee has \$75 thousand for a judge pro tem in the 2nd Judicial District.

SIGNIFICANT ISSUES

The Judicial Compensation Commission in its 2014 Report stated that “applicants to the Judicial Nominating Commission around the state continue to lack diversity, especially lacking applicants with private practice experience in civil law.

According to the AOC, the NMSC 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. Based on FY14 case filings, the study’s workload calculation indicates the state needs an additional 12.58 judges statewide.

The AOC reports that the Second and Third District Courts are handling increasing caseloads and are in dire need of the additional judges, or they risk failing to meet their constitutional and statutory duties. The results of the workload assessment study for this judgeship request are attached to this analysis. Both courts have sufficient courtrooms and office space for the new judges.

The Chief Judges Council reviewed all district, metropolitan, and magistrate judgeship requests statewide and considered both the need as determined by the workload assessment, as well as cost, additional narrative and testimonial information. Despite the need for 12.58 judges in the courts statewide (see chart attached), the Judiciary is seeking to add two critically needed judgeships in FY16.

PERFORMANCE IMPLICATIONS

With additional judges and staff, the performance measure “cases disposed as a percent of cases filed” may be positively affected; however the courts’ disposition rates are already at 100 and 98 percent, respectively. The other measure to be affected is “percent change in case filings by case type”. No data is available on that measure.

ADMINISTRATIVE IMPLICATIONS

According to the AOC, in these courts, the existing judges are laboring to keep up with the filings. The additional judgeships are desperately needed to help fill the critical shortage of judgeships that exists in the Second and Third Judicial Districts.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to the General Appropriation Act and to SB36

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

According to the AOC, without the addition of the new judges, the Second and Third Judicial Districts are at risk of failing to meet their constitutional and statutory duties.

ABS/je