

THIRD JUDICIAL DISTRICT COURT

Fiscal Year 22 Budget Request Summary

Submitted by: The Honorable Manuel I. Arrieta, Chief Judge
David S. Borunda, Court Executive Officer
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General Fund (In Thousands)

<i>FY 21 OP BUD GF “Shaved 4%”</i>	<i>FY 22 Incoming Deficiency</i>	<i>FY 22 Approved Unified Budget Process</i> <small>(Before 4% Shave)</small>	<i>Total Restoration</i>	<i>Restoration % over FY21</i>
\$ 9,900.4	\$241,092	\$ 10,223.2	\$ 322.8	3.3%

NEED JUSTIFIED- CONTINUOUSLY DOING “MORE WITH LESS”

The Third Judicial District Court (3rd JDC) is located in Las Cruces, the second largest city in the state. The District represents three of the largest and busiest courts in the state based on the number of case filings. The Court has a total of 134.5 total employees and under normal circumstances the court runs with a vacancy rate of 5%. Even prior to COVID and the oil and gas shortfalls, the 3rd JDC was still not operating with a fair and sustainable budget or with appropriate and adequately funded staff. The 2019 study completed by the National Center for State Courts documented the Judge and staff shortages and the true need of the Court; an additional 2.4 judges and an additional 11+ support staff were required. Before the pandemic and budget shortfalls, the 3rd JDC has been sacrificing and doing more with less.

Given the magnitude of the state’s budget shortfalls and the global pandemic, the Court understands that sacrifices must be made by all state agencies. The 3rd JDC is only asking for the restored amount of money approved by the Legislature in FY 21 prior to the 4 % Budget Reduction “Shave” in order to properly staff our Courts to ensure constitutionally protected rights to our community in Dona Ana County.

NEGATIVE IMPACT ON STAFF

Frustration and fatigue have set in with the additional electronic workload and the anxiety caused by COVID. Increased work demands with decreased staff leads to mistakes and inefficient work product. Morale has significantly decreased across the Courts; the concept of “doing more with less” is unrealistic and not sustainable.

IMPACT ON COURT- LIKELIHOOD OF FURLONGHS

The Third Judicial District Court personnel makes up approximately 87% of the entire General Fund Budget. The Court is asking for funding of the Supplemental Deficiencies, so that the Court can run effectively and efficiently. The Court could manage a “Flat Budget” without furloughs; but only at a great sacrifice by our staff.

A worst-case scenario would be an allocation of a Flat Budget along with a 5% Budget Reduction. This would amount to an additional budget reduction of \$495,020. Along with the existing deficiency of \$241,092 the Court would see a deficit projected at over \$736,112. The Court would have no other alternative other than to:

1. Run at a 13-15% Vacancy rate; the normal rate is 5%. Estimated savings \$488,000; and
2. **Furlough employees an estimated 11 days / 88 hrs. per employee for the entire fiscal period for an estimated \$240,000**

SUMMARY

In summary, the 3rd JDC has always answered the call to sacrifice during difficult fiscal years and we continue to do so during this pandemic. However, we will advocate on behalf of our staff as they are overwhelmed with work and anxiety. We are facing difficult financial times for the foreseeable future and we ask the Legislature to recognize that the Judiciary is an essential branch of government and it employs critical front line staff that have been and continue to be at the forefront of the pandemic efforts ensuring that constitutionally protected rights are still be provided to our communities. Any additional budget reductions beyond a “Flat Budget” will hinder this Court in its ability to provide these rights and critical services, which will result in a greater fiscal impact on the community if they are not met. Our Judiciary is beyond doing more with less!

FY22 Capital Outlay Requests not included in GF \$ 78,852.03

- A.** \$ 50,521 – Security (Purchase two X-Ray Machines and three Walk-Through Metal Detectors for three court locations).
B. \$ 28,331.03 Building Improvements

Special Request/ Supplemental Deficiencies not included in GF \$241,092

- A.** \$132,000 allocation shortage for the 9th Judgeship; Court was only given \$90,000 to fund a 9th Judge and TCCA
B. \$19,000 Shortage of 1% raise awarded to employees earning less than \$50,000
C. \$66,830 Shortage due to Magistrate Court consolidation (Security contracts, lease / maintenance agreements, and communication costs).
D. \$23,262 HSD shortage after 5% reduction to cover personnel costs.