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FISCAL IMPACT REPORT

SPONSOR Campos DATE TYPED 02/07/05 HB _____

SHORT TITLE Additional Fourth District Judge SB 25

ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NFI	\$300.0	NFI	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Senate Bill 25 relates to other bills proposing to increase the number of judgeships at certain courts: SB 26, Additional Guadalupe District Magistrate, HB 476 Additional Santa Fe Magistrate Judge, SB 379, Additional 9th District Judge.

SOURCES OF INFORMATION

LFC Files
 Administrative Office of the Courts (AOC)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 25 appropriates \$300 thousand from the general fund to the Fourth Judicial District Court for the purpose of one additional judgeship along with the associated benefits, furniture, supplies, and equipment for an additional district judge and support staff for the judge. Any unexpended or unencumbered balance remaining at the end of the fiscal year 2006 shall revert to the general fund.

According to the proposed bill, the additional judgeship would be filled by appointment by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico. The bill amends NMSA 1978, §34-6-7 in order to add an additional judge in the Fourth Judicial District resulting in a total of three district judges.

The effective date of this act would be July 1, 2005.

Significant Issues

In November 1998, the judiciary updated a “weighted caseload study” which was designed to provide a methodology for determining the distribution of needs for additional judgeships. This type of study assigns a weight, expressed in minutes, for each type of case heard in a court. The weight represents the average amount of judge’s time found to be necessary to process a case of a particular type. Each weight is multiplied by the number of new cases filed per category. Attached are the findings of the study.

According to the Administrative Office of the Courts (AOC), the Chief Judges Council reviewed all district, metropolitan, and magistrate judgeship requests statewide and considered both the need as determined by the Weighted Caseload Study as well as additional narrative and testimonial information. AOC states the Weighted Caseload Study for judges reflects a total need for 23 new judgeships and that the judiciary is requesting the twelve most critically needed judgeships in FY 06 prioritized into a two tier system. Tier one consists of one Bernalillo County Metropolitan Court Judge, two magistrate court judges located in the Santa Fe and San Juan Counties, and three district court judges located in the Second, Ninth, and Eleventh Judicial Districts. Tier two consists of two magistrate judges located in the Sandoval and McKinley Counties, one Bernalillo County Metropolitan Court Judge, and three district court judges located in the Eleventh, Thirteenth and Second Judicial Districts. AOC asserts that the funding request for an additional judge for the Fourth Judicial District is not within the unified judgeship package.

The Fourth Judicial District Court shows a need of 0.24 judges in the study results. Other districts were determined to have needs for judges approaching 3 new judges. AOC reports that the Fourth Judicial District does not have the space to house an additional judge, but that the district is working with San Miguel County to obtain capital outlay funds to build a new courthouse. AOC asserts that it is the intent of the Fourth Judicial District to request an additional judge when the Weighted Caseload Study supports another judge.

PERFORMANCE IMPLICATIONS

AOC reports that FY 05 is the second year that the courts are participating in performance based budgeting. This bill may have an impact on the measures of the district courts in the following areas: cases disposed as a percent of cases filed, percent change in case filings by case type, and clearance rate.

FISCAL IMPLICATIONS

The appropriation of \$300 thousand contained in this bill would be a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

According to the Administrative Office of the Courts, an additional \$12.4 thousand would be needed to cover the costs of an additional district judge. \$312.4 thousand is the amount being proposed for other judgeships, and is projected to include all associated costs of the new judgeship. AOC cites a recurring cost of \$277 thousand and \$35 thousand in one-time costs.

The Office of the Public Defender points out that there is no appropriation for the Public Defender Department or the district attorney included in this bill. PD asserts that it is not known at this time how many criminal cases the new judge would hear, and that an estimate of the fiscal

impact would be based on the proposed judge's caseload.

ADMINISTRATIVE IMPLICATIONS

Additional judges could have an impact on reduced administrative workload at the Fourth District. The proposed additional judge could also increase workload for other criminal justice contributing parties.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 25 relates to other bills proposing to increase the number of judgeships at certain courts: SB 26, Additional Guadalupe District Magistrate, HB 476 Additional Santa Fe Magistrate Judge, SB 379, Additional 9th District Judge.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The Fourth Judicial District Court will continue with 3, rather than 4 judgeships.

POSSIBLE QUESTIONS

1. Why is the additional judgeship being proposed for the Fourth Judicial District Court when the latest judgeship study showed a need of less than 0.24 judgeships?

EM/sb

Attachment

Judge and Staff Need for District Courts and Metropolitan Court for FY 06				
Agency	Judges/Hearing Officers			
	Judge Need ¹ (based on weighted caseload study)	Current Actual Judges	Hearing Officers/Special Masters ² (at 66% of judge weight)	Gap (negative number denotes need)
First Judicial District	8.72	7.00	1.33	(0.39)
Second Judicial District	29.82	23.00	4.66	(2.16)
Third Judicial District	8.30	7.00	0.66	(0.64)
Fourth Judicial District	2.58	2.00	0.34	(0.24)
Fifth Judicial District	10.25	8.00	0.00	(2.25)
Sixth Judicial District	3.86	3.00	0.00	(0.86)
Seventh Judicial District	3.22	3.00	0.66	0.44
Eighth Judicial District	2.82	2.00	1.00	0.18
Ninth Judicial District	5.53	3.00	0.54	(1.99)
Tenth Judicial District	1.22	1.00	0.11	(0.11)
Eleventh Judicial District	9.66	6.00	0.66	(3.00)
Twelfth Judicial District	4.56	4.00	0.66	0.10
Thirteenth Judicial District	8.55	6.00	1.33	(1.22)
DISTRICT POSITIONS NEEDED ⁴ :				12
Bernalillo County Metropolitan Court	18.68	16.00		(2.68)
¹ Weighted Caseload Study for judges revisited in 1998 by NM AOC and Heidi Green, National Center for State Courts				
² Court Administrators provided information based on: - if hearing officer/special master is shared with another district, FTE time was estimated - hearing officers/special masters given credit of .66 of a district judge as authorized by Chief Judges Council on May 21, 2004				
⁴ Total Positions Needed (.5 or greater need rounded to the next whole number.)				

Judge and Staff Need for Magistrate Courts for FY 06			
Agency	Judges		
MAGISTRATE COURTS	Judge Need ¹ (based on weighted caseload study)	Current Actual Judges	Gap (negative number denotes need)
Catron	0.19	1.00	0.81
Chaves	2.25	2.00	(0.25)
Cibola	1.80	2.00	0.20
Colfax	0.79	2.00	1.21
Curry	2.81	2.00	(0.81)
De Baca	0.22	1.00	0.78
Dona Ana	6.40	5.00	(1.40)
Eddy	2.05	3.00	0.95
Grant	1.54	2.00	0.46
Guadalupe	0.70	1.00	0.30
Harding	0.03	1.00	0.97
Hidalgo	0.87	1.00	0.13
Lea	2.16	5.00	2.84
Lincoln	1.18	2.00	0.82
Los Alamos	0.11	1.00	0.89
Luna	1.34	1.00	(0.34)
McKinley	4.26	3.00	(1.26)
Mora	0.19	1.00	0.81
Otero	2.51	2.00	(0.51)
Quay	1.22	1.00	(0.22)
Rio Arriba	1.28	2.00	0.72
Roosevelt	1.15	1.00	(0.15)
San Juan	5.87	4.00	(1.87)
San Miguel	1.75	2.00	0.25
Sandoval	2.59	2.00	(0.59)
Santa Fe	4.80	3.00	(1.80)
Sierra	0.75	1.00	0.25
Socorro	1.06	1.00	(0.06)
Taos	0.97	2.00	1.03
Torrance	0.96	1.00	0.04
Union	0.23	1.00	0.77
Valencia	2.48	3.00	0.52
TOTAL POSITIONS NEEDED³:			(8.00)
¹ Weighted Caseload Study for judges revisited in 1998 by NM AOC and Heidi Green, National Center for State Courts			
³ Total Positions Needed (.5 or greater need rounded to the next whole number.)			