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FISCAL IMPACT REPORT

SPONSOR Campos DATE TYPED 02/09/05 HB _____

SHORT TITLE Additional Guadalupe District Magistrate SB 26

ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$94.0		Indeterminate	Recurring	General Fund
	\$75.0		Indeterminate	Recurring	General Fund
	\$87.0		Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Senate Bill 26 relates to other bills proposing to increase the number of judgeships at certain courts: SB 25, Additional 4th District Judge, HB 476 Additional Santa Fe Magistrate Judge, SB 379, Additional 9th District Judge.

SOURCES OF INFORMATION

LFC Files
 Administrative Office of the Courts
 Administrative Office of the District Attorneys

SUMMARY

Synopsis of Bill

Senate Bill 26 appropriates \$2 thousand from the general fund. \$94 thousand would be for the Administrative Office of the Courts (AOC) to provide salary, benefits, and supplies for an additional Guadalupe Magistrate Judge. \$75 thousand would be for Fourth Judicial District Attorney for additional staff and \$87 thousand would be for the Public Defender for the increased workload in the Guadalupe Magistrate District.

The bill would increase the number of judges in Guadalupe County from 1 to 2 judges. The main court in Guadalupe County is in Santa Rosa and the bill proposes that the two judges would rotate to Vaughn on a regular basis. The proposed judge would begin service on July 1, 2005 and would be appointed by the governor. The judge would then seek election in the 2006 general election.

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 Guadalupe Magistrate Court shows a need of -0.3 judges in the study results, in other words, 0.3 judges in excess. Other magistrate courts were determined to have needs for judges approaching 3 new judges. According to AOC, the Guadalupe County Magistrate Court does not have the space to house an additional judge.

PERFORMANCE IMPLICATIONS

Additional workforce could have the potential to increase performance for the magistrate court, public defender and district attorney.

FISCAL IMPLICATIONS

According to the Administrative Office of the District Attorneys (AODA), the appropriation contained in the legislation is enough to pay the salary and benefits of an experienced prosecutor.

According to the Public Defender, the appropriation would not be sufficient to pay for additional support staff but initially the office may be able to support another attorney with current resources.

According to AOC, the bill’s proposed appropriation of \$256 thousand to pay for the costs of salaries, benefits, furniture, supplies and equipment for an additional judge and additional staff with the office of the district attorney and public defender department is short by \$12.3 thousand. According to AOC, the total recurring costs as a portion of the proposed appropriation would be \$246.9 thousand.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 26 relates to other bills proposing to increase the number of judgeships at certain courts: SB 25, Additional 4th District Judge, HB 476 Additional Santa Fe Magistrate Judge, SB 379, Additional 9th District Judge.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

AOC asserts that cases in will continue to be processed at the current rate.
The Guadalupe Magistrate court will continue with 1 rather than 2 judgeships.

POSSIBLE QUESTIONS

1. Why is an additional judgeship being proposed for a county that does not demonstrate a need in the judiciary weighted caseload study?

EM/sb:yr

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.)				

ATTACHMENT

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.)			