

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/2/2007

SPONSOR Saavedra LAST UPDATED _____ HB 791

SHORT TITLE Metro & Magistrate Court Judge Salaries SB _____

ANALYST Moser

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$423.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 301, HB 488

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Metro Court (MC)

SUMMARY

Synopsis of Bill

House bill 791 amends Section 34-1-9 NMSA 1978 to increase the salaries of metropolitan court judges to 95% of the salary of a district judge, instead of 90%. This change in statute would also increase salaries of magistrate court judges since magistrate court judges are paid at 75% of the salary of a metropolitan court judge.

FISCAL IMPLICATIONS

House bill 791 appropriates recurring funds in the amount of \$423.1 to increase the salaries of metropolitan court and magistrate court judges.

The following chart sets forth the proposed increases for metropolitan court and magistrate court judges:

	No.	Current Salary	Effect on Current Salary	
		Curr. Rate	NewRate	Total
Chief Metro Judge	1	\$ 95,066	\$ 100,347	\$ 6,388
Assoc. Metro Judges	18	\$ 93,441	\$ 98,632	\$ 113,017
Total Metro Cost				\$ 119,405
Magistrate Judges				
	No.	Curr. Rate	NewRate	Total
Presiding Magistrate	2	\$ 71,299	\$ 75,260	\$ 9,503
Assoc. Magistrate	63	\$ 70,081	\$ 73,974	\$ 294,217
Total Magistrate Cost				\$ 303,720
Total				\$ 423,125

SIGNIFICANT ISSUES

The Judicial Compensation Commission, an independent six-member Commission charged with recommending to the Legislative Finance Committee and the Department of Finance and Administration a compensation and benefits plan for New Mexico judges, was created two years ago. The Judicial Compensation Commission evaluated judicial salaries, including comparing New Mexico judges’ salaries and benefits to surrounding states; issues of retention and recruitment; salaries of attorneys in New Mexico; and reasons judges leave the New Mexico judiciary. The Commission determined that the current 10 percent salary differential between metropolitan court judges and district court judges creates an unfair disadvantage for the metropolitan court as all other judges receive only a 5 percent differential.

The Metro Court indicates that that main qualification difference between a Metropolitan Court Judge and a District Court Judge are the number of years of law practice required as a prerequisite to taking the bench. While a District Court Judge requires six (6) years of actual practice, a Metropolitan Court Judge only requires three years. The practical difference, however, is negligible, as the nineteen judges currently sitting at Metropolitan Court average 12.56 years of legal experience prior to their appointment or election to the bench.

The Metro Court states that a Metropolitan Court Judge has the highest caseload of any judge in the state. Based upon last fiscal year's case filings, the Court projects each Metropolitan Court Judge to average 6,632 new case filings in fiscal year 2007.

Since 2001, three Metropolitan Court Judges have moved to the Second Judicial District Court. Of the current judges sitting at the Second Judicial District Court, nine (or 38%) served previously as Metropolitan Court Judges. The prospects of a lower caseload and a salary increase of \$10,383 by transferring to the District Court have made it difficult for Metropolitan Court to retain its judges. By passing this legislation, the metro court argues that the salary gap would be reduced by half.

PERFORMANCE IMPLICATIONS

Increased salaries may reduce turnover and vacancy rates, with attendant training costs, in the metropolitan and magistrate courts. Higher salaries may encourage highly qualified individuals to seek both metropolitan and magistrate positions.