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FISCAL IMPACT REPORT

SPONSOR: Park DATE TYPED: 2/13/03 HB 47a/HJC

SHORT TITLE: Law Clerk for 2nd Judicial District SB _____

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$110.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

Administrative Office of the Courts (AOC)
LFC files

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee is striking the term “law clerk” where referenced in the bill and is replacing it with “staff attorney” in order to clarify that the position and funding requested in HB 47 is for an attorney, not a law clerk.

Synopsis of Original Bill

House Bill 47 appropriates \$110,000 from the general fund to the Second Judicial District Court for the purpose of creating and funding a full-time law clerk position in the court’s civil division.

Significant Issues

1. The amount being requested to fund a law clerk FTE, \$110.0, seems higher than necessary according to the judiciary’s salary scale, including benefits. It is unclear whether the appropriation includes operating expenses.

2. This law clerk position was not among the seven base expansions requested by the 2nd Judicial District Court in its FY04 budget submission to the LFC. Nor was this position included in the *Judicial Unified Budget* document which approves all judiciary budgets requests before submission.
3. Caseload information per attorney would be helpful in analyzing the need for this position or the number of law clerks per division. No performance data was provided, however, except that approximately 45 percent of the cases filed at the 2nd district are civil actions.

FISCAL IMPLICATIONS

The appropriation of \$110.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

POSSIBLE QUESTIONS

1. Why is this position being requested? Why was it not included in the court's FY04 budget submission?
2. If the civil division has a backlog, has the court looked for alternative help such as hiring a UNM law student or establishing an internship for law students?
3. Is a new judgeship needed instead?

CMH/yr