



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 546 (as enrolled)
 Sponsor: Senator William Van Regenmorter
 Committee: Judiciary

Date Completed: 5-31-95

RATIONALE

In its 1992 Judicial Resources Report, the State Court Administrative Office (SCAO) recommended, based on an assessment of courts' caseloads, that one of the six judgeships in District 54A, which consists of the City of Lansing, be eliminated. The death of District Judge John Davis has left that court with only five judges and the Governor reportedly has decided not to fill the vacancy by appointment. If the position remains vacant, however, it will be filled by election at the next regularly scheduled general election because of the statutory authorization for six judgeships. In order to comply with the SCAO's recommendation, and to avoid displacing a sitting judge, some people believe that the Revised Judicature Act's authorization for judgeships in District 54A should be reduced from six to five before that vacancy is filled by election.

CONTENT

The bill would amend the Revised Judicature Act to specify that the 54th-A judicial district would continue to have six judges through December 31, 1995, and would have only five judges beginning on January 1, 1996.

MCL 600.8125

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

District court caseload figures indicate that Lansing's district court does not need six judges. The SCAO's 1992 Judicial Resources report recommended that the number of judgeships in the 54th-A judicial district be reduced from six to

five. Although the 1994 edition of the report apparently did not make that specific recommendation, it reportedly did reveal a declining caseload in District 54A and case filings substantially below State averages. The 1994 report also indicated a need for between 3.37 and 5.23 judges in the district, with the best estimate indicating that the court needs 3.99 judges. In 1994, the district's total caseload reportedly was 37,905, or about 6,317 cases per judge, which represents a 33.8% reduction from the 1990 caseload of 57,230. The Statewide average caseload per judge reportedly was 10,741, and the average caseload was 9,644 cases per judge for all districts with four to six judges. If the 54th-A district were to have only five judges, its caseload of 7,581 per judge would still be significantly below those averages. The resources of the State and of the City of Lansing could be put to better use if District 54A had only five judges.

Response: Simply comparing the caseload figures from district to district can be deceiving. These comparisons do not take into account the types of cases handled by a particular court, so the SCAO may be comparing one district that has a significantly high number of traffic violations with another district that has far fewer traffic cases but may deal with more criminal cases or civil trials. This may be the situation in Lansing, where the local police department has developed a community policing policy in recent years and, consequently, may be focusing less on traffic violators than it once did.

Opposing Argument

District 54A, because it is located in the State's capital city, is unique among district courts and is more likely than other judicial districts to have to deal with a large number of complex and substantive cases. Almost all of the court cases involving the Attorney General, for instance, are

filed in Lansing. According to testimony before the Senate Judiciary Committee by Judge Charles Filice, the Chief District Judge for the 54th-A district, 15% of the cases before that court are Attorney General filings. Also, all of Michigan's campaign finance cases are handled in Lansing, regardless of the district in which the alleged violator resides. In addition, cases investigated by the tri-county grand jury, whose jurisdiction covers Ingham, Eaton, and Clinton Counties, are filed in Lansing's district court.

Opposing Argument

This is not the time to be reducing district judgeships, particularly in Lansing. Although recent reports have indicated that crime is on the downswing Statewide, Lansing is one of the few Michigan cities in which crime has been increasing. According to Judge Filice's testimony before the Senate Committee, felony cases filed in Lansing are up 4% in the current year. In addition, since the Lansing police department has switched its focus to community policing, the 54th-A district court evidently is seeing fewer traffic violation cases and more domestic abuse and simple assault filings. While other traffic violations apparently have decreased, drunk driving cases reportedly have increased in recent months, since the City of Lansing adopted a local ordinance substantially similar to the State's drunk driving prohibitions.

Making changes such as those proposed by the bill could be premature. Legislation that may be considered during the current session would raise the felony threshold for many crimes and would increase the threshold for civil cases filed in circuit court. Both of these measures could have a substantial impact on the caseloads of all district courts in Michigan. In addition, the Supreme Court is in the midst of a project to study the allocation of resources throughout the State's entire judicial system. Perhaps the size or operation of any of Michigan's courts should not be revised until that study has been completed and the Supreme Court has made its recommendations.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Currently a district judge costs the State \$99,420 annually. This cost includes the base salary, the standardization payment, and Social Security and Medicare costs (FICA).

The saving realized in calendar year 1996 by the State would be \$99,420.

Fiscal Analyst: L. Nacionales-Tafoya

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.