

H.470: AN ACT RELATING TO RESTRUCTURING OF THE JUDICIARY
Committee Vote: 10-0-1

	Current Law	Commission on Judicial Operations Proposal	House Judiciary Proposal
Probate Court	14 probate districts and probate judges; one judge per county	5 probate judges in 5 probate districts	8 probate judges (6 full time and 2 half time) in 8 probate districts
Assistant Judges	Sit as side judge fact finders with trial judges; may elect to hear small claims, traffic violation cases (8 assistant judges currently elect to hear small claims cases, 14 hear traffic)	Eliminates <u>all</u> adjudicative functions: side judge role and hearing of small claims, ordinance, traffic violation cases	Creates job description requiring all 28 assistant judges to sit on traffic cases; eliminates other adjudicative functions
Magistrates	Not subject to retention	Not addressed	Expand magistrates' jurisdiction and include them in retention process
Geographic Structure of Court System	Location of courts generally follows county lines, with court in each county	Permits Supreme Court to establish court units that include more than one county, so each county might not have a court	Establishes 14 units drawn along county lines, so each county continues to have court presence
Consolidation of Court Staff	Some court clerks and staff hired and paid by county, others hired by county and paid by state, others hired by state and paid by state	All court staff hired and paid by state; permits court to consolidate clerks and staff as needed to maximize efficiency	All court staff hired and paid by state; permits court to consolidate clerks and staff as needed to maximize efficiency
Unification	Superior, family, district, probate and environmental courts are separate courts	Family, district, superior, and probate courts become "divisions" in one unified Superior Court. Divisions will be known as family, criminal, civil, and probate divisions	Family, district, superior, environmental, and probate courts become "divisions" in one unified Superior Court. Divisions will be known as family, criminal, civil, environmental, and probate divisions

**H.470 Savings as passed by the House Committee on the Judiciary
Full Annual Savings (FY 2012 and After)**

	County	State
1. Convert county paid employees that perform judicial functions and are necessary to staff the newly configured Superior Court	\$1,896,405	-\$1,896,405
2. Reduce middle management positions and staff reorganization		\$ 1,003,495
3. Reallocate revenue from small claims filing fees	(\$700,000)	\$700,000
4. Saving possibilities: Fee for space, hearing officer, etc.		\$ 289,000
5. Consolidate Probate Court		\$ 853,525
6. Assistant Judge: net savings		\$ 272,050
7. Eliminate 1½ day per month District & Family Court closings		-\$ 141,675
8. Reduce for previous Probate Consolidation		-\$ 78,000
TOTAL SAVINGS	\$ 1,196,405	\$1,001,990

1. H.470 places all staff resources of the Judiciary under the management of the Supreme Court. In accomplishing this, there will be a net savings to the County of \$1,896,405 and a cost to the State Judiciary of \$1,896,405. This is reflected in the County and State columns as a plus (savings) for the County and a deficit (cost) for the State.
2. A premise of the judicial restructuring is the reduction of middle management positions by consolidating court manager positions within the units of the newly created Superior Court. This also includes offering incentives for employee retirements and other job transitions as well as adjusting some compensation for employees who are taking on more responsibility. The savings of \$1,003,495 is a net figure that includes the projected cost of incentives and compensation adjustments and the savings resulting from position conversion and retirements.
3. In the mid-1990s, the revenue from small claims was transferred from the State to the County when the small claims docket was transferred from the District Court to the Superior Court. This reverses that action because small claims cases will be within the jurisdiction of the newly created Superior Court.
4. H.470 changes several of the recommendations made by the Commission on Judicial Operation. These changes reduce the savings in the probate court from the Commission recommendation and the savings for assistant judge compensation due to the assistant judges retaining some of their adjudicative functions. The change eliminates the need to hire an additional hearing officer but requires additional savings to offset the reduction in savings related to the probate court and the added cost of training for the assistant judges adjudicative responsibilities. The House Judiciary Committee requested the Court Administrator to look for additional savings by consolidating space in state owned buildings as a possibility if restructuring is passed.
5. This reflects the new estimated savings with a configuration of 6 full time judges and 2 half time judges.
6. This reflects the new estimated savings with the assistant judges retaining adjudicative responsibility for traffic cases.
7. This item buys back 1½ days per month of court closings in the District and Family Courts. The 1 day per month of furloughs would continue.
8. This prevents double counting of existing savings related to the consolidation of the southern probate court districts that occurring last session.