



**OFFICE OF THE BOARD OF COMMISSIONERS  
MEMORANDUM**

**TO:** Board Chair Dan Koorndyk

**FROM:** Judicial Resources Subcommittee – Commissioner Freeman (Chair), and Commissioners Antor, Bulkowski, and Shroll

**SUBJECT:** Subcommittee Recommendation – Additional Judgeships for Kent County

**DATE:** **February 26, 2014**

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Every two years, the State Court Administrative Office (SCAO) conducts a review of judicial resources throughout the State. The 2013 review included a recommendation of two additional judgeships for Kent County – one in each the circuit and 63<sup>rd</sup> district courts. Implementation of any recommendation to add additional judges is subject to approval of the State of Michigan – via the legislative process – as well as the Board of Commissioners, in its role as the funding unit for the courts.

The Judicial Resources Subcommittee was appointed in August 2013 and charged to review the recommendation and relevant local data including case filing and processing trends; to identify the one-time and annual cost associated with adding the additional judgeship(s); and to make a recommendation regarding the addition of the new judgeships and the sources of funding for any associated costs, if required.

The Subcommittee met 10 times, including a meeting with representatives of the SCAO; two meetings with the Judiciary (Circuit, Probate and District); and a meeting at which the Clerk, Prosecutor, and Office of the Sheriff presented their staffing requirements to support the additional judgeship. All Subcommittee members toured the areas of the sixth and seventh floors of the Kent County Courthouse, which had been identified as possible expansion space for a new judge.

Costs Associated with the Additional Judgeship(s):

Although the State pays the salary and retirement costs for the judge, the County is mandated to pay for certain benefits for the judge, the salary and benefits of any other positions required, and to provide for the facility (office space, courtroom, equipment etc.) needs. The costs for the

positions requested by the courts, the other elected officials (Sheriff, Prosecutor and Clerk) and the facility costs are detailed on Attachment A.

While there was some discussion as to whether an additional Prosecutor and Court Security Officers were necessary, the Subcommittee noted that since the last time an additional judge was hired, the Prosecutor's staff had been reduced by five Assistant Prosecuting Attorneys. The Sheriff had not been able to add the additional requested personnel in 2007, and since that time has also had to take on additional prisoner transport duties for all district courts within the county. In light of these facts, the Subcommittee considered all the additional requested staff as part of the cost at this time.

Discussion:

The Subcommittee recognizes that Kent County has historically had an exceptionally hard-working and effective bench. Although the SCAO review has consistently found a statistical need for additional judgeships for Kent County, the Courts have consistently maintained high closure rates and strong performance with respect to State case processing guidelines. Also, despite statistical findings of need in the past, the SCAO has not always recommended additional judgeships and the Board of Commissioners – for a variety of reasons – has not always approved a new judgeship when recommended.

The last time an additional judge was recommended was in the 2005 review and recommendation. The addition was approved by the Board and took office in 2007.

Since that time, the County general fund budget has actually decreased by \$4 million, which, if adjusted for inflation, would equate to a \$25-30 million decrease. During this time, the County has eliminated 144 full-time and 39 part-time positions, and taken significant other steps to reduce current and future spending, including:

- Modifying health insurance plans to include higher copays, and increasing the amount of the premium paid by employees;
- Modifying the pension plan by raising the normal retirement age and increasing the maximum contribution by 20 percent;
- Privatizing some operations (e.g., food service at the correctional facility, and John Ball Zoo), and eliminating others (e.g., the Sheriff's Honor Camp);
- Reducing support to the non-mandated Parks and Zoo operations by almost 20%.
- Granting only minimal wage increases, including some years with no increases at all; and
- Deferring non-critical maintenance and construction projects, and used those funds to balance the budget for current operations.

All of this was accomplished with the cooperation of the various employee groups, who are continuing to perform with reduced staffing levels. In light of this, and due to the significant annual operating costs associated with two new judgeships, the major one-time facility costs which need to be planned for, the uncertainty of the County revenues, and the County's long-standing practice of restraint in growing its workforce, the Subcommittee's discussions focused on adding at most one judge to the next budget cycle. Other factors contributing to this

preliminary direction included the decline in filings of certain case types, and the resulting decline in the statistical need identified by the SCAO, even since the 2011 review. The Subcommittee was reluctant to recommend additional resources in the face of overall declining case filings.

The Subcommittee did receive information regarding certain areas where caseload was beginning to show an upward trend. Discussions with the SCAO and the judges seemed to indicate the greatest need in Probate, followed by the Circuit Court Family Division and District Court. The assignment of judicial resources within a court is at the complete discretion of the Chief Judge(s) and during the course of the Subcommittee's review, there was considerable discussion on the potential of sharing judicial resources among the various County-funded courts. Since 1997, Probate Court and the Circuit Court have operated under concurrent jurisdiction plan whereby three Probate Judges are assigned to the Circuit Court to handle family law matters. During the Subcommittee's review, it was pointed out that the courts are currently in the process of preparing an updated concurrent jurisdiction plan. While several scenarios were discussed whereby resources could be shared among those areas of greatest needs, there seemed to be a lack of consensus on the feasibility or desirability of some of the possible arrangements. As a result, the impact of any such plan on judicial need and the requirements for additional prosecutorial and security staffing, or facility needs, remain unknown at this time.

Recommendation:

After careful consideration of all the above issues, and particularly the financial constraints under which the County is continuing to operate, it is the Subcommittee's recommendation that the Board of Commissioners not approve the additional judgeships at this time. The Subcommittee also recommends that over the next two years, the Board of Commissioners monitor whether 1) the overall caseload or specific case types increase significantly as projected, and 2) the courts' updated concurrent jurisdiction plan and/or resource sharing efforts do not allow them to continue to meet SCAO processing guidelines. Should the 2015 Judicial Resources Review identify the need and budgetary conditions improve, the Subcommittee recommends that the Board of Commissioners promptly initiate its process to review and recommend action on the additional judgeship(s). Finally, the Subcommittee recommends that during the next several budget cycles, the County begin planning for the eventual need for additional space for the courts.

### Cost Estimates for Additional Judge(s)

<b>Facilities Costs for Additional Judicial Offices/Suite and Courtroom - Revised</b>			
	<b>Circuit Court</b>		<b>District Court</b>
	Build-out of 6th Floor; Furnish and Equip only 1 Judge	for Lease vacant 7th floor courtroom and suite from City of GR	
Build out /Construction	\$2,562,231		
Architect	\$10,000		
Hearing Assist Loop	\$24,000		
Computer Technology (1) Technology and Lighting Controls	\$4,500	\$4,500	
Judicial Office Furniture (1)	\$24,000		
Staff Furniture (1)	\$19,000	\$19,000	
Courtroom Furniture (1)	\$25,000	\$25,000	
Video Court Recording (1)	\$50,000		
	\$4,000	\$4,000	
<b>One-Time Total</b>	<b>\$2,722,731</b>	<b>\$52,500</b>	<b>\$50,000 (2)</b>
<b>Annual Lease Payment</b>		<b>\$32,000</b>	

(1) Price reduced to equip suite and Courtroom for only 1 Judge.  
If suite/courtroom completed for visiting judge or back-up use, line item price would double.

(2) Estimated costs to equip planned third courtroom and judicial chambers. Courtroom will not have capacity to accommodate in-custody defendants.

<b>Additional Annual Personnel and Costs Associated with Additional Judgeship(s)</b>						
		Circuit Court Judgeship Only	District Court Judgeship Only	Both Judgeships		
<b>Circuit Court</b>						
Judge (1)		\$15,766		1		\$15,766
Circuit Court Clerk	2	\$123,575		2		\$123,575
<b>District Court</b>						
Judge (1)			1	\$15,766	1	\$15,766
Senior Admin Specialist			1	\$64,371	1	\$64,371
Adult Probation Officer			1	\$73,608	1	\$73,608
<b>Prosecutor</b>						
Asst. Prosecuting Attorney I	1	\$84,728	1	\$84,728	2	\$169,456
<b>Sheriff</b>						
Corrections Officer	2	\$149,230	2	\$149,230	3	\$223,845
<b>Clerk</b>						
.5 FTE Docket Clerk (PT to FT)		\$38,779				\$38,779
<b>Total</b>		<b>\$412,078</b>		<b>\$387,703</b>		<b>\$725,166</b>

(1) County Portion Only