

**Senate Bill 824 as passed by the Senate
First Analysis (2-25-98)**

Sponsor: Sen. Philip E. Hoffman
Senate Committee: Judiciary
House Committee: Judiciary

THE APPARENT PROBLEM:

Currently, the Revised Judicature Act of 1961 allows for Jackson County to have two probate judgeships. However, it has been suggested by the Jackson County Board of Commissioners and some of the local judges that the county's caseload is not sufficient for the allotted number of judges, and that elimination of one of the judgeships would increase judicial efficiency and decrease costs. An opportunity to reduce the number of judges has arisen since the retirement of Probate Judge Frederick Sill will create a vacancy as of April 1, 1998. Rather than have the vacancy filled by appointment or election, it has been suggested that the vacant judgeship be eliminated. Since the state government sets the number probate judges, legislative action is needed to eliminate the seat.

THE CONTENT OF THE BILL:

The bill would amend the Revised Judicature Act to provide that Jackson county would have only probate court judge, instead of the two that are provided for under current law.

MCL 600.803

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would result in decreased costs for the state and the County of Jackson. The decreased state costs would be \$109,000 in salary paid for a full-time probate judge. The county costs would be decreased by about \$10,000 for health insurance and/or retirement for judges at the local level. (2-24-98)

ARGUMENTS:

For:

According to the Jackson County Board of Commissioners, an examination of the judicial caseload in Jackson county has led the chief circuit judge and the chief probate judge to conclude that "five judges, at one location and with an adequate staff could handle the entire probate and circuit court caseload" and to

recommend that the number of judges be reduced from six to five when a vacancy occurs. Removing an unnecessary judgeship saves a significant amount of money and in this case will do so without having a negative impact on the timely resolution of cases.

Against:

The loss of a judgeship could affect the caseloads of the other judges as they are forced to increase their caseloads to deal with the gap left by the vacant judgeship. This change is likely to slow down the process; people will have to wait longer for hearings and for resolution of the cases they bring to court. Furthermore, given that a number of legislative changes to the court system are in the works, time should be taken to examine what impact these changes might have on the caseload faced by the county or on how that caseload would have to be handled. Eliminating this judgeship without more careful consideration of the potential impact could be detrimental not only to the other judges but to the people of Jackson County as well.

Response:

According to a representative from the Jackson County Board of Commissioners, the removal of a judgeship was proposed by the chief judges of both the circuit and the probate courts of Jackson County. The decision was based on analysis of caseloads over five years; comparison of Jackson County's caseload with the average caseload for other counties with the same number of judges revealed that Jackson county's courts had only 86 percent of the circuit court caseload maintained by these other counties and only 80 percent of the probate court caseload. By removing one judge, the number of judges will more reasonably match the county's caseload.

POSITIONS:

The Jackson County Board of Commissioners supports the bill. (2-28-98)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.