

TOTAL EXPENDITURES	0	\$47,578	\$44,887	\$46,233
\$47,621		RECURRING	\$32,685*	\$44,887
NON-RECURRING			\$14,893	\$46,233
POSITIONS:		1	1	1
1				

TABLE 2A: ALTERNATIVE 2

2 JUDGES' POSITIONS DOWNGRADED
 2 JUDGES' POSITIONS UPGRADED
 NO PURCHASE OF EQUIPMENT
 ADD 1 DISTRICT ATTORNEY INVESTIGATOR POSITION

	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u>
98-99					
TOTAL EXPENDITURES	0	\$27,684	\$38,019	\$39,159	
\$40,334					
RECURRING		\$27,684*	\$38,019	\$39,159	
		\$40,334			
NON-RECURRING					
POSITIONS:		1	1	1	1

TABLE 2B: ALTERNATIVE 2

2 JUDGES' POSITIONS DOWNGRADED
 2 JUDGES' POSITIONS UPGRADED
 NO PURCHASE OF EQUIPMENT
 ADD 1 DISTRICT ATTORNEY INVESTIGATOR POSITION

	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u>
98-99					
TOTAL EXPENDITURES	0	\$42,577	\$38,019	\$39,159	
\$40,334					
RECURRING		\$27,684*	\$38,019	\$39,159	
		\$40,334			
NON-RECURRING		\$14,893			
POSITIONS:		1	1	1	1

TABLE 3: ALTERNATIVE 3

2 JUDGES' POSITIONS DOWNGRADED
 2 JUDGES' POSITIONS UPGRADED
 NO PURCHASE OF EQUIPMENT

NO ADDITIONAL DISTRICT ATTORNEY INVESTIGATOR POSITION

	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u>
98-99					
TOTAL EXPENDITURES	0	0	0	0	
0					
RECURRING		0	0	0	
0					
NON-RECURRING					
POSITIONS:					

* Assumes effective date of October 1, 1995 so recurring costs are for nine months.

TABLE 4
Estimated Annual Costs if Moore County is Moved to District 19B

	Alternatives		
	__1__	__2__	__3__
1) Move Senior Superior salary Court Judge from District 20A to 19B	Not reduce salary	Reduce salary (\$3,334)	Reduce (\$3,334)
2) Upgrade Superior Court Judge in Dist. 20A to Senior Resident	\$3,334**	\$3,334**	\$3,334**
3) Move Chief District Salary Court Judge from District 20 to 19B	Not reduce salary	Reduce salary (\$3,334)	Reduce (\$3,334)
4) Upgrade District Court Judge in Dist. 20 to Chief Judge	\$3,334**	\$3,334**	\$3,334**
5) Transfer second District Court judgeship from Dist. 20 to 19B *	\$0*	\$0*	\$0*
6) Move three Assistant District Attorneys from District 20 to 19B	\$0	\$0	\$0
7) Add a District Attorney Investigator position in District 19B	\$36,912	\$36,912	No addition
8) Move other support staff from District 20 to 19B	\$0	\$0	\$0
Total Without Equipment			
Annual Cost:	<u>\$43,580</u>	<u>\$36,912</u>	\$0
Oct. 1 - June 30	<u>\$32,685</u>	<u>\$27,684</u>	\$0
Equipment Costs			
Superior Court judge equipment	\$ 7,592	\$ 7,592	No
District Court Judge equipment	\$ 7,301	\$ 7,301	No
Equipment Total	\$14,893	\$14,893	
Total With Equipment			
Annual Cost:	<u>\$58,473</u>	<u>\$51,805</u>	No
equipment			

Oct. 1 - June 30:	<u>\$47,578</u>	<u>\$42,577</u>	No
equipment			

* The second district court judge "transferred" from District 20 would be a position authorized by the 1994 General Assembly that has not precleared under the Voting Rights Act (presumably "transfer" could be repeal of the District 20 position and enactment for District 19B). (Position costs were based on 1994-95 base salary and benefit levels and adjusted for the 1995-96 fiscal year as the effective date of the legislation would be October 1, 1995.)

** Note on cost differences between senior/regular resident and chief/district court judges: Actual costs may differ slightly depending on the judicial longevity pay of incumbents.

ASSUMPTIONS AND METHODOLOGY:

The proposed legislation would transfer Moore County from Districts 20/20A to Superior and District Court Districts 19B and to Prosecutorial District 19B. Determination of the fiscal impact of the proposed legislation was based generally on the following: (1) The affect on the workload and staffing in each of the districts if Moore County is transferred to 19B, and (2) constitutional issues that may have fiscal (and legal) implications. The overall assumption was that balancing workload between districts is a desirable goal.

FISCAL IMPACT OF THE PROPOSED LEGISLATION

The Administrative Office of the Courts provided two possible fiscal impact scenarios which are summarized in Tables 4. Alternatives 1 and 2 are the same except where noted below. Alternative 3 has no cost associated with it as it does not include the addition of an investigator for District 19B. A brief description of each alternative follows.

ALTERNATIVE 1

Alternative 1 includes the salary required for an additional district attorney investigator for District 19B and the additional salary required to upgrade 2 judges. Alternative 1 does not include a reduction in salary for the judges whose positions would be downgraded if Moore County were moved to District 19B.

ALTERNATIVE 2

Alternative 2 differs only in that it takes into consideration a reduction in salary for two judges whose positions would be downgraded if the proposed legislation were enacted. The positions affected are listed below.

1. Superior Court Judge: Since senior resident judges are paid more, the transferred judge may face a reduction in salary.

2. District Court Judge: Since chief district court judges are paid more, the transferred judge may face a reduction in salary.

Alternative 2 may require the examination of N.C. Constitution Article IV, Section 21 ("the salaries of Judges shall not be diminished during their continuance in office") to determine how to proceed. Alternative 2 is presented so as to capture the fiscal impact only.

Equipment: Fiscal impact is calculated two ways for Alternatives 1 and 2. First, assuming that no new computer, telecommunications, or other equipment would be purchased for the upgraded judges (Tables 1A and 2A). A second estimate is provided which takes into account the cost of equipment needed for the upgraded judges (Tables 1B and 2B). The equipment costs would be \$7,592 for a Superior Court Judge and \$7,301 for a District Court Judge.

Alternative 3

Like Alternative 2, Alternative 3 downgrades two judgeships and upgrades two judgeships. The salary changes involved cancel each other out creating a no cost alternative.

Alternative 3 does not include the addition of a district attorney investigator as the bill does not mandate an additional investigator; nor is there a mandate contained in the proposed legislation to balance caseloads.

Alternative 3, like Alternative 2, may require the examination of N.C. Constitution Article IV, Section 21.

A potential fourth alternative with no fiscal impact was not included in this note. This option would implement a district change without transferring judges based on their residency. This option would result in very skewed district caseload ratios as the two judges in rearranged District 20A would have a significantly reduced ratio of cases per judge (decreasing from 2,273 in the present district to 1,219 cases per judge). While, the ratio in District 19B would be much higher (increasing from 2,599 to 4,707 cases per judge).

Personnel assumptions relevant to all three alternatives follow:

JUDGES

Superior Court: Transferring one judge from District 20A to District 19B would result in judge-per-case ratios close to those in the present districts. The senior resident superior court judge for the current District 20A resides in Moore County. If Moore County were to be moved to District 19B it is assumed that he would have to be moved to District 19B as required under N.C. Constitution Article IV, Section 9(1) (each "regular Superior Court Judge shall reside in the district for which he is elected").

**TABLE 5
SUPERIOR COURT JUDGES - IMPACT OF MOORE COUNTY TRANSFER ON
STAFFING AND CASELOADS**

Districts-- Cases/Judge	--Present Districts--		--Rearranged	
	<u># of Judges</u>	<u>Cases/Judge</u>	<u># of Judges</u>	
Superior 20	2	2,273	1	2,438
Superior 19B	1	2,599	2	2,354
Total	3		3	

District Court: It appears that the chief district court judge for District 20 would be transferred to District 19B as he is the only resident of Moore County and N.C. Constitution Article IV, Section 10 provides that "(e)very District Judge shall reside in the district for which he is elected").

District Court Resulting Caseloads: Moore County currently has a substantial percentage of the cases in District 20 so the present caseloads are larger in Districts 20/20A than in District 19B. Moving Moore County to 19B will keep caseloads relatively even and will not require new district and superior court judges as long as judges can be transferred from 20/20A to balance caseloads.

TABLE 6
DISTRICT COURT JUDGES - IMPACT OF MOORE COUNTY TRANSFER ON
STAFFING AND CASELOADS

Districts-- <u>Cases/Judge</u>	--Present Districts--		--Rearranged	
	<u># of Judges</u>	<u>Cases/Judge</u>	<u># of Judges</u>	
Dist. Crt. 20	6	9,061	5	8,094*
Dist. Crt. 19B	3	9,063	4	10,272*
Total	9		9	

* There is a vacant judgeship that was approved in 1994 for District 20 that has not yet precleared under the U.S. Voting Rights Act. If the judgeship pending preclearance were utilized in rearranged District 20 (shown above), the caseload noted in Table 6 would be reduced from 8,094 to 6,745 cases per judge. On the other hand, if the position could be moved to rearranged District 19B, the resulting caseload would decrease from 10,272 to 8,218 cases per judge. Whether this position is utilized or not does not have a fiscal impact.

Personnel Requirements

Assistant District Attorneys; Investigator: No additional ADA's would be needed as the transfer of three ADA's from District 20 to District 19B would result in caseload ratios per attorney (DA plus ADAs) very close to those in present districts. Each rearranged district would have the same number of attorney positions, for similar caseload sizes.

It was assumed in Alternatives 1 and 2 that balancing the workload was a desirable goal. There is only one investigator currently allotted for these districts. Since the caseloads will be about even with the transfer of Moore County, there would seem to be a need for an investigator in each district. For this reason, Alternatives 1 and 2 include the addition of an investigator. However, Alternative 3 does not make this assumption as there is no set formula or statutory requirement that district attorney investigator positions be established based on workload.

Support Staff: With the exception of a DA investigator, there seem to be sufficient numbers of district attorney, juvenile

services, and guardian ad litem support in these districts to allow movement of personnel to cover the rearranged districts.

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS:

Superior Court: According to the Administrative Office of the Courts, transfer of a judge from District 20A to District 19B seems to be required under N.C. Constitution Article IV, Section 9(1)(each "regular Superior Court Judge shall reside in the district for which he is elected"). However, that judge is the senior resident in District 20A, and he would not be the senior resident in District 19B (the present senior resident would remain so under G.S. 7A-41.1(b)(2), because he has served longer). The resulting reduction in salary, shown in Alternative 2, may need to be reviewed to determine its constitutional impact.

District Court: The current chief district court judge of Moore County would have to be transferred to District 19B as he is a resident of Moore County and under N.C. Constitution Article IV, Section 10 "(e)very District Judge shall reside in the district for which he is elected"). According to the Administrative Office of the Courts, however, the constitutional prohibition against diminishing salaries may apply because this judge is the chief district court judge and the transfer would involve a reduction in pay. (Under Article IV, Section 10, designation of the chief judge is by the Chief Justice (to serve "at the pleasure of the Chief Justice" under G.S. 7A-141). This issue needs to be reviewed further.

FISCAL RESEARCH DIVISION

733-4910

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DATE: March 8, 1995

[FRD#003]



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