

**Department of Planning and Budget
2012 Fiscal Impact Statement**

1. Bill Number: HB745ER

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Cline

3. Committee: Passed Both Houses

4. Title: Supreme Court of Virginia; required to develop weighted caseload system to assess caseloads, report.

5. Summary: Requires the Supreme Court to develop a weighted caseload system to assess judicial caseloads throughout the Commonwealth, and using that system, requires the Court to determine the need for judicial positions and the optimum distribution of judicial positions throughout the Commonwealth and to prepare a recommended plan for the realignment of district and circuit boundaries.

6. Budget Amendment Necessary: See Item 8.

7. Fiscal Impact Estimates: Final. One time funding of \$240,000 required.

8. Fiscal Implications: A weighted caseload system is a comprehensive workload and resource assessment methodology premised on the fact that different types of cases demand vastly differing amounts of judicial work. It is universally believed a properly constructed and applied weighted caseload system can give a picture of a court's workload much more accurately than simply counting the number of cases adjudicated.

According to the Supreme Court, the creation of a court system-specific weighted caseload system is a complex task which requires study of current practices, data collection of time spent on various types of cases over a sample period, development of preliminary case weights, field-testing those preliminary markers for adequacy, and a qualitative and quantitative assessment which will yield a final set of workload standards. The creation of a weighted caseload system is a specialized, complex and time consuming process. Given this, in order to produce a quality system, the Supreme Court believes it is best to rely on a renowned expert in this area, such as the National Center for State Courts ("NCSC"). The NCSC has recently completed such studies for a number of state court systems, as well as an attorney and support staff assessment for the Virginia Indigent Defense Commission. The NCSC estimates that it will take 16 months to complete the study at a total cost of \$240,000. From this study, the Supreme Court could determine how best to implement the requirements of this legislation.

The Governor's introduced budget for the 2012-2014 biennium (House Bill 30) did not include funding for this study. The budget as originally approved by the House included \$240,000 to cover the cost of the study; however, the Senate Finance Committee did not include any funding. The newly introduced House Bill 1301, as passed by the House, also includes the \$240,000 for the weighted caseload study.

9. Specific Agency or Political Subdivisions Affected: The Office of the Executive Secretary of the Supreme Court of Virginia, the administrative office of the Virginia court system.

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: March 9, 2012

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