

Department of Planning and Budget 2012 Fiscal Impact Statement

1. **Bill Number:** HB745

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron:** Cline

3. **Committee:** House Committee for Courts of Justice

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 the circuit boundaries.

6. **Budget Amendment Necessary:** Yes, Item 35

7. **Fiscal Impact Estimates:** Preliminary (see Item 8)

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013	\$180,000	General Fund
2014	\$60,000	General Fund

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.

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: It is not clear if the language in the legislation requiring courts to use existing funds for the creation of the weighted caseload system applies to the need by the Supreme Court to pursue outside expertise.

Date: January 24, 2012

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