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PAUL F. DELOSH, DIRECTOR

LEGAL RESEARCH
STEVEN L. DALLE MURA, DIRECTOR

LEGISLATIVE & PUBLIC RELATIONS
KATYA N. HERNDON, DIRECTOR

December 20, 2013

The Honorable Walter A. Stosch
Chairman, Senate Finance Committee
Innsbrook Centre
4551 Cox Road, Suite 110
Glen Allen, Virginia 23060-6740

The Honorable Lacey E. Putney
Chairman, House Appropriations Committee
P.O. Box 127
Bedford, VA 24523

The Honorable Thomas K. Norment, Jr.
Chairman, Senate Courts of Justice Committee
P.O. Box 6205
Williamsburg, Virginia 23188

The Honorable David B. Albo
Chairman, House Courts of Justice Committee
6367 Rolling Mill Place, Suite 102
Springfield, VA 22152

Dear Chairmen:

Virginia Code § 16.1-69.10 provides that the Committee on District Courts shall make a study and report to the General Assembly on the number of district court judges needed and the districts for which they shall be authorized.

As you are aware, Chapter 601, Virginia Acts of Assembly (2012), directed the Supreme Court of Virginia to "develop and implement a weighted caseload system to precisely measure and compare judicial caseloads throughout the Commonwealth on the circuit court, general district court, and juvenile and domestic relations district court levels." In response to the legislation, the Supreme Court of Virginia's Office of the Executive Secretary contracted with the National Center for State Courts (NCSC) to develop a weighted caseload system for Virginia's trial courts. In light of the detailed study conducted by the National Center for State Courts, the Committee on District Courts did not conduct a study regarding the need for new district court judgeships this year. On December 5, The Executive Committee of the Committee on District Courts adopted the National Center for State Courts' report and recommendations.

In the *Virginia Judicial Workload Assessment Report*, The National Center for State Courts recommended that the General Assembly consider filling judicial vacancies and, in some cases creating new judicial positions in districts where the weighted caseload model shows a need for additional judicial resources. Based on the *Virginia Judicial Workload Assessment Report*, the Committee on District Courts recommends the authorization of seven new general district court judgeships (one each in the Eleventh, Twelfth, Fourteenth, Twenty-sixth, and Thirty-first Judicial Districts, and two in the Fifteenth Judicial District), and 19 new juvenile and domestic relations district court judgeships (one each in the First, Ninth, Tenth, Eleventh, Twelfth, Twenty-second, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-seventh, Twenty-eighth, and Twenty-ninth Judicial Districts; two each in the Sixteenth and Twenty-sixth Judicial Districts; and three in the Fifteenth Judicial District). Additionally, the weighted caseload study reveals that 10 general district court judgeships currently authorized are not supported by caseload in the districts for which they are authorized (one each in the Third, Fifth, Seventeenth, Twenty-first, Twenty-third, and Twenty-fourth Judicial Districts, and two each in the Thirteenth and Twenty-fifth Judicial Districts), and that two juvenile and domestic relations district court judgeships are not supported by caseload in the districts for which they are authorized (one each in the Thirteenth and Nineteenth Judicial Districts). Six of these authorized general district court judgeships (one each in the Thirteenth, Seventeenth, Twenty-first, Twenty-third, Twenty-fourth, and Twenty-fifth Judicial Districts), and one authorized juvenile and domestic relations district court judgeship (in the Thirteenth Judicial District) can be reallocated if a current/announced judicial vacancy in each of these district courts is left unfilled.

Please find enclosed Exhibits 12 and 13 from the NCSC report which outline the "Summary of Judicial Need and Availability" for the district courts, lists of the current and announced general district and juvenile and domestic relations district court vacancies, as of December 17, 2013, and a statement showing the costs for the creation of a new district court judgeship. In accordance with Item 40, Paragraph D of the Appropriations act, Chapter 806, 2013 Virginia Acts of Assembly, the fiscal impact for the creation of each new district court judgeship will be \$259,369.

If you have any questions, please do not hesitate to contact me.

With best wishes, I am

Very truly yours,



Karl R. Hade

KRH: jrp
Enclosures

cc: The Honorable Susan C. Schaar, Clerk
The Honorable G. Paul Nardo, Clerk
Mr. Richard E. Hickman, Jr., Senate Finance Committee
Mr. Michael Jay, House Appropriations Committee
Ms. Mary Kate Felch, Division of Legislative Services

Exhibit 12: General District Court - Summary of Judicial Need and Availability

District	Implied Need (FTE)	Implied Need w/ chief (FTE)	Implied Need with EPM Rounding (FTE)	Total Authorized Judges	Judicial Need*
1	3.7	3.8	4	4	
2	7.1	7.2	7	7	
2A	1.0	1.1	1	1	
3	1.9	2.0	2	3	- 1
4	5.6	5.7	6	6	
5	2.3	2.4	2	3	- 1
6	4.4	4.5	4	4	
7	3.7	3.8	4	4	
8	2.9	3.0	3	3	
9	3.0	3.1	3	3	
10	2.5	2.6	3	3	
11	2.9	3.0	3	2	1
12	5.3	5.4	5	4	1
13	6.3	6.4	6	8	- 2
14	5.0	5.1	5	4	1
15	7.8	7.9	8	6	2
16	4.1	4.2	4	4	
17	2.6	2.7	3	4	- 1
18	1.3	1.4	2	2	
19	10.5	10.6	11	11	
20	3.4	3.5	4	4	
21	1.1	1.2	1	2	- 1
22	2.2	2.3	2	2	
23	4.3	4.4	4	5	- 1
24	3.3	3.4	3	4	- 1
25	3.4	3.5	3	5	- 2
26	5.2	5.3	5	4	1
27	4.7	4.8	5	5	
28	2.1	2.2	2	2	
29	1.6	1.7	2	2**	
30	1.3	1.4	2	2	
31	5.2	5.3	5	4	1
	121.7	124.9	124	127	- 3

*A positive number indicates additional judicial need beyond the number of current authorized judges

**Although there are three general district court judges authorized by the Code of Virginia for the Twenty-ninth Judicial District, the General Assembly has, on a long term basis, only authorized filling two of these judgeships.

Exhibit 13: Juvenile and Domestic Relations District Court - Summary of Judicial Need and Availability

District	Implied Need (FTE)	Implied Need w/ chief (FTE)	Implied Need with EPM Rounding (FTE)	Total Authorized Judges	Judicial Need*
1	3.4	3.5	4	3	1
2	6.5	6.6	7	7	
2A	.8	.9	1	1	
3	2.7	2.8	3	3	
4	5.1	5.2	5	5	
5	2.2	2.3	2	2	
6	2.4	2.5	2	2	
7	3.7	3.8	4	4	
8	2.9	3.0	3	3	
9	3.6	3.7	4	3	1
10	3.5	3.6	4	3	1
11	2.6	2.7	3	2	1
12	5.9	6.0	6	5	1
13	4.3	4.4	4	5	- 1
14	5.3	5.4	5	5	
15	9.8	9.9	10	7	3
16	5.9	6.0	6	4	2
17	1.6	1.7	2	2	
18	1.7	1.8	2	2	
19	6.5	6.6	7	8	- 1
20	3.3	3.4	3	3	
21	2.2	2.3	2	2	
22	3.9	4.0	4	3	1
23	4.7	4.8	5	4	1
24	5.8	5.9	6	5	1
25	4.7	4.8	5	4	1
26	6.6	6.7	7	5	2
27	5.3	5.4	5	4	1
28	2.6	2.7	3	2	1
29	3.0	3.1	3	2	1
30	2.1	2.2	2	2	
31	5.3	5.4	5	5	
	129.9	133.1	134	117	17

*A positive number indicates additional judicial need beyond the number of current authorized judges

General District Court - Current/Announced Judicial Vacancies as of 12/17/13

District	Authorized Judgeships	NCSC Recommendation	Current or Announced Vacancy
1	4	4	
2	7	7	1
2A	1	1	
3	3	2	
4	6	6	1
5	3	2	
6	4	4	1
7	4	4	
8	3	3	
9	3	3	
10	3	3	
11	2	3	
12	4	5	
13	8	6	1
14	4	5	
15	6	8	2
16	4	4	
17	4	3	1
18	2	2	
19	11	11	1
20	4	4	
21	2	1	1
22	2	2	
23	5	4	1
24	4	3	1
25	5	3	1
26	4	5	
27	5	5	1
28	2	2	
29	2	2	
30	2	2	
31	4	5	1
	127	124	14

J&DR Court - Current/Announced Judicial Vacancies as of 12/17/13

District	Authorized Judgeships	NCSC Recommendation	Current or Announced Vacancy
1	3	4	
2	7	7	1
2A	1	1	
3	3	3	
4	5	5	
5	2	2	
6	2	2	
7	4	4	
8	3	3	
9	3	4	
10	3	4	
11	2	3	
12	5	6	
13	5	4	1
14	5	5	
15	7	10	
16	4	6	
17	2	2	
18	2	2	
19	8	7	
20	3	3	
21	2	2	
22	3	4	
23	4	5	1
24	5	6	
25	4	5	1
26	5	7	
27	4	5	
28	2	3	
29	2	3	
30	2	2	
31	5	5	1
	117	134	5

New District Court Judgeship Costs

2014-16 Biennium

				District Court
Salary (July 25, 2013)				\$ 146,599
VRS Rate*		51.66%		75,733
Group Life *		1.32%		1,935
Retire Health Ins.*		1.17%		1,715
FICA Base	\$113,700	7.65%		8,698
FICA (above cap)	(\$113,700)	1.45%		477
Health Ins. (family plan - 2013-14 fiscal year)				15,852
Deferred Comp Match				480
Substitute Judges (Avg expense per judge)				7,880
Total				\$ 259,369
* Rates based on VRS Board recommended rates for the 2014-16 biennium.				

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December 20, 2013

The Honorable David B. Albo
Chairman, House Courts of Justice Committee
6367 Rolling Mill Place, Suite 102
Springfield, VA 22152

The Honorable Thomas K. Norment, Jr.
Chairman, Senate Courts of Justice Committee
P.O. Box 6205
Williamsburg, Virginia 23188

Dear Chairmen:

Virginia Code § 17.1-507 provides that the Judicial Council shall make a study and report to the Courts of Justice Committees of the House of Delegates and Senate on the number of new circuit court judgeships needed and the circuits for which they should be authorized.

As you are aware, Chapter 601, Virginia Acts of Assembly (2012), directed the Supreme Court of Virginia to "develop and implement a weighted caseload system to precisely measure and compare judicial caseloads throughout the Commonwealth on the circuit court, general district court, and juvenile and domestic relations district court levels." In response to the legislation, the Supreme Court of Virginia's Office of the Executive Secretary contracted with the National Center for State Courts (NCSC) to develop a weighted caseload system for Virginia's trial courts. In light of the detailed study conducted by the National Center for State Courts, the Judicial Council did not conduct a study regarding the need for new circuit court judgeships this year. On December 2, The Executive Committee of the Judicial Council adopted the National Center for State Courts' report and recommendations.

In the *Virginia Judicial Workload Assessment Report*, the National Center for State Courts recommended that the General Assembly consider filling judicial vacancies and, in some cases, creating new judicial positions, in circuits where the weighted caseload model shows a need for additional judicial resources. Based on the *Virginia Judicial Workload Assessment Report*, the Judicial Council recommends the authorization of 20 new circuit court judgeships (one each in the Sixth, Seventh, Tenth, Twelfth, Sixteenth, Eighteenth, Twenty-second, Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirtieth, and Thirty-first Judicial Circuits; two each in the Fifteenth and Twenty-seventh Judicial Circuits; and three additional judgeships in the Twenty-sixth Judicial Circuit). Additionally, the weighted caseload study reveals that seven judgeships currently authorized are not supported by the caseload in the circuits for which they are authorized (one each in the Second, Third, Fourth, Eighth, Seventeenth, Twenty-first, and Twenty-third Judicial Circuits). Six of these authorized judgeships (in the Second, Third, Fourth, Eighth, Seventeenth, and Twenty-third Judicial Circuits) can be reallocated if a current/announced judicial vacancy is left unfilled in each of these circuits.

Please find enclosed Exhibit 11 from the NCSC report, which outlines the "Summary of Judicial Need and Availability" for the circuit courts, a list of current and announced circuit court vacancies, as of December 17, 2013, and a statement showing the cost for the creation of a new circuit court judgeship. In accordance with Item 40, Paragraph D of the Appropriations act, Chapter 806, 2013 Virginia Acts of Assembly, the cost for the creation of each new circuit court judgeship will be \$284,047.

If you have any questions, please do not hesitate to contact me.

With best wishes, I am

Very truly yours,



Karl R. Hade

KRH:jrp
Enclosures

cc: The Honorable Susan C. Schaar, Clerk
The Honorable G. Paul Nardo, Clerk
Mr. Richard E. Hickman, Jr., Senate Finance
Mr. Michael Jay, House Appropriations
Ms. Mary Kate Felch, Legislative Services

Exhibit 11: Circuit Court - Summary of Judicial Need and Availability

Circuit	Implied Need (FTE)	Implied Need w/ chief (FTE)	Implied Need with EPM Rounding (FTE)	Total Authorized Judges	Judicial Need*
1	4.5	4.6	5	5	
2	8.6	8.7	9	10	- 1
3	4.2	4.3	4	5	- 1
4	8.2	8.3	8	9	- 1
5	3.1	3.2	3	3	
6	2.6	2.7	3	2	1
7	6.3	6.4	6	5	1
8	2.7	2.8	3	4	- 1
9	3.9	4.0	4	4	
10	4.1	4.2	4	3	1
11	2.7	2.8	3	3	
12	5.8	5.9	6	5	1
13	7.5	7.6	8	8	
14	4.8	4.9	5	5	
15	11.0	11.1	11	9**	2
16	5.4	5.5	6	5	1
17	2.7	2.8	3	4	- 1
18	4.1	4.2	4	3	1
19	14.5	14.6	15	15	
20	4.6	4.7	5	4	1
21	2.4	2.5	2	3	- 1
22	4.7	4.8	5	4	1
23	5.4	5.5	5	6	- 1
24	5.0	5.1	5	5	
25	5.1	5.2	5	4	1
26	7.5	7.6	8	5	3
27	6.9	7.0	7	5	2
28	3.5	3.6	4	3	1
29	5.2	5.3	5	4	1
30	3.7	3.8	4	3	1
31	5.7	5.8	6	5	1
	166.4	169.5	171	158	13

*A positive number indicates additional judicial need beyond the number of current authorized judges

**Effective July 1, 2013, the number of authorized circuit court judgeships in the Fifteenth Judicial Circuit was increased by one bringing the total authorized judgeships to nine.

Circuit Court - Current/Announced Judicial Vacancies as of 12/17/13

Circuit	Authorized Judgeships	NCSC Recommendation	Current or Announced Vacancy
1	5	5	
2	10	9	1
3	5	4	2
4	9	8	3
5	3	3	1
6	2	3	
7	5	6	1
8	4	3	1
9	4	4	1
10	3	4	
11	3	3	1
12	5	6	2
13	8	8	2
14	5	5	
15	9	11	1
16	5	6	1
17	4	3	1
18	3	4	
19	15	15	2
20	4	5	1
21	3	2	
22	4	5	
23	6	5	1
24	5	5	1
25	4	5	
26	5	8	
27	5	7	
28	3	4	
29	4	5	
30	3	4	
31	5	6	
	158	171	23

New Circuit Court Judgeship Costs

2014-16 Biennium

			Circuit Court
Salary (July 25, 2013)			\$ 162,878
VRS Rate*		51.66%	84,143
Group Life *		1.32%	2,150
Retire Health Ins.*		1.17%	1,906
FICA Base	\$113,700	7.65%	8,698
FICA (above cap)	(\$113,700)	1.45%	713
Health Ins. (family plan - 2013-14 fiscal year)			15,852
Deferred Comp Match			480
Office Expenses/ Clerk Hire			1,500
Substitute Judges (Avg expense per judge)			5,727
Total			\$ 284,047
* Rates based on VRS Board recommended rates for the 2014-16 biennium.			

Exhibit 11: Circuit Court - Summary of Judicial Need and Availability

Circuit	Implied Need (FTE)	Implied Need w/ chief (FTE)	Implied Need with EPM Rounding (FTE)	Total Authorized Judges	Judicial Need*
1	4.5	4.6	5	5	
2	8.6	8.7	9	10	- 1
3	4.2	4.3	4	5	- 1
4	8.2	8.3	8	9	- 1
5	3.1	3.2	3	3	
6	2.6	2.7	3	2	1
7	6.3	6.4	6	5	1
8	2.7	2.8	3	4	- 1
9	3.9	4.0	4	4	
10	4.1	4.2	4	3	1
11	2.7	2.8	3	3	
12	5.8	5.9	6	5	1
13	7.5	7.6	8	8	
14	4.8	4.9	5	5	
15	11.0	11.1	11	9**	2
16	5.4	5.5	6	5	1
17	2.7	2.8	3	4	- 1
18	4.1	4.2	4	3	1
19	14.5	14.6	15	15	
20	4.6	4.7	5	4	1
21	2.4	2.5	2	3	- 1
22	4.7	4.8	5	4	1
23	5.4	5.5	5	6	- 1
24	5.0	5.1	5	5	
25	5.1	5.2	5	4	1
26	7.5	7.6	8	5	3
27	6.9	7.0	7	5	2
28	3.5	3.6	4	3	1
29	5.2	5.3	5	4	1
30	3.7	3.8	4	3	1
31	5.7	5.8	6	5	1
	166.4	169.5	171	158	13

*A positive number indicates additional judicial need beyond the number of current authorized judges

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Circuit Court - Current/Anounced Judicial Vacancies as of 12/17/13

Circuit	Authorized Judgeships	NCSC Recommendation	Current or Anounced Vacancy
1	5	5	
2	10	9	1
3	5	4	2
4	9	8	3
5	3	3	1
6	2	3	
7	5	6	1
8	4	3	1
9	4	4	1
10	3	4	
11	3	3	1
12	5	6	2
13	8	8	2
14	5	5	
15	9	11	1
16	5	6	1
17	4	3	1
18	3	4	
19	15	15	2
20	4	5	1
21	3	2	
22	4	5	
23	6	5	1
24	5	5	1
25	4	5	
26	5	8	
27	5	7	
28	3	4	
29	4	5	
30	3	4	
31	5	6	
	158	171	23

New Circuit Court Judgeship Costs

2014-16 Biennium

			Circuit Court
Salary (July 25, 2013)			\$ 162,878
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Health Ins. (family plan - 2013-14 fiscal year)			15,852
Deferred Comp Match			480
Office Expenses/ Clerk Hire			1,500
Substitute Judges (Avg expense per judge)			5,727
Total			\$ 284,047
* Rates based on VRS Board recommended rates for the 2014-16 biennium.			