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December 14, 2017

The Honorable Mark D. Obenshain
Chairman, Senate Courts of Justice Committee
P.O. Box 555
Harrisonburg, Virginia 22803

The Honorable Robert B. Bell
Acting-Chairman, House Courts of Justice Committee
2309 Finch Court
Charlottesville, Virginia 22911

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 and Senate on the number of new circuit court judgeships needed and the circuits for which they should be authorized.

As you are aware, Item 40, Paragraph K, of the 2016 Appropriation Act, provided funding “for the Supreme Court of Virginia to contract with the National Center for State Courts [NCSC] to reevaluate the November 2013 results of the weighted caseload system study that measured and compared judicial caseloads throughout the Commonwealth” on the circuit, general district, and juvenile and domestic relations district court levels. In response, the Supreme Court of Virginia's Office of the Executive Secretary contracted with the NCSC. In addition to the factors considered during the previous study, the NCSC also considered factors identified by the Supreme Court such as the use of interpreters, law clerks, the effect of pro se litigants on judicial time, and the effect of population growth or decline. In light of the detailed study conducted by the NCSC, the Judicial Council of Virginia did not conduct a study regarding the need for new district court judgeships this year. On December 13, the Executive Committee of the Judicial Council of Virginia adopted the NCSC’s report and recommendations.

Consistent with the 2017 *Virginia Judicial Workload Assessment Report* (“Report”), the Judicial Council recommends that the General Assembly authorize and fund the number of judges identified in the Report as needed in each of the circuits. Specifically, the Report recommends increasing by one the number of authorized circuit court judgeships in the Fifth, Seventeenth, Twenty-first, Twenty-fourth, and Twenty-fifth Judicial Circuits.

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The Report also reveals that six circuit court judgeships currently authorized are not supported by caseloads in the circuits for which they are authorized (one each in the Second, Seventh, Thirteenth, Eighteenth, Twenty-second and Twenty-seventh Judicial Circuits). The Judicial Council of Virginia recommends reducing by one the number of authorized judgeships in five of these judicial circuits (Seventh, Thirteenth, Eighteenth, Twenty-second and Twenty-seventh) as the number of funded and filled judgeships corresponds with the newly recommended number of authorized judgeships, and reducing by one the number of judgeships in the Second Judicial Circuit upon the death, resignation or retirement of any judge of that court.

Please find enclosed Exhibits 16 and 17 from the NCSC report which outline the "Judge Need" for the circuit courts, lists of the current and announced circuit court vacancies as of December 12, 2017, and a statement showing the costs for the creation of a new circuit court judgeship. In accordance with Item 40, Paragraph D of the 2017 Appropriation Act, the fiscal impact for the creation of each new district court judgeship will be \$ 288,822.

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

With best wishes, I am

Very truly yours,

Handwritten signature of Karl R. Hade in black ink, consisting of stylized initials 'KR' followed by 'R Hade'.

Karl R. Hade

KRH: jrp
Enclosures

cc: The Honorable Susan C. Schaar, Clerk
The Honorable G. Paul Nardo, Clerk
Mr. Adam Rosatelli, Senate Finance Committee
Mr. David Reynolds, House Appropriations Committee
Ms. Shannon Heard, Division of Legislative Services

Exhibit 15: Circuit Court Implied Need, using 1.15/.9 rounding rule

Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01
2	9	9	7.43	.83	8	.93
3	4	4	3.69	.92	4	.92
4	8	8	7.95	.99	8	.99
5	3	3	3.50	1.17	4	.87
6	3	2	2.45	1.23	3	.82
7	6	5	4.80	.96	5	.96
8	3	3	3.01	1.00	3	1.00
9	4	4	4.32	1.08	4	1.08
10	4	4	4.12	1.03	4	1.03
11	3	3	2.76	.92	3	.92
12	6	6	6.15	1.03	6	1.03
13	8	7	6.50	.93	7	.93
14	5	5	4.82	.96	5	.96
15	11	11	11.93	1.08	11	1.08
16	6	5	5.89	1.18	6	.98
17	3	3	3.74	1.25	4	.93
18	4	3	2.35	.78	3	.78
19	15	15	14.12	.94	15	.94
20	5	4	4.60	1.15	5	.92
21	2	3	2.75	.92	3	.92
22	5	4	4.54	1.14	4	1.14
23	5	5	5.38	1.08	5	1.08
24	5	5	5.78	1.16	6	.96
25	5	5	5.99	1.20	6	1.00
26	8	8	8.64	1.08	8	1.08
27	7	6	6.79	1.13	6	1.13
28	4	3	3.47	1.16	4	.87
29	5	5	5.58	1.12	5	1.12
30	4	4	4.03	1.01	4	1.01
31	6	6	5.48	.91	6	.91
	171	162	167.59	1.03	170	.99

Current and Announced Judicial Vacancies

Circuit/District	Circuit		General District		J&DR District	
	Authorized* Judges	Vacancies	Authorized* Judges	Vacancies	Authorized* Judges	Vacancies
1	5	1	4	-	4	1
2	9	-	7	-	7	2
2A			1	-	1	-
3	4	-	2	-	3	1
4	8	-	6	1	5	2
5	3	-	2	-	2	-
6	3	1	4	-	2	-
7	6	1	4	1	4	-
8	3	1	3	1	3	1
9	4	-	3	-	4	1
10	4	-	3	-	4	1
11	3	-	3	-	3	1
12	6	-	5	-	6	-
13	8	1	6	-	4	-
14	5	-	5	-	5	-
15	11	-	8	2	10	1
16	6	2	4	-	6	1
17	3	-	3	-	2	-
18	4	1	2	-	2	-
19	15	-	11	1	7	1
20	5	1	4	-	3	-
21	2	-	1	-	2	-
22	5	1	2	-	4	-
23	5	-	4	-	5	-
24	5	-	3	-	6	2
25	5	1	3	-	5	1
26	8	1	5	-	7	1
27	7	1	5	1	5	-
28	4	1	2	-	3	1
29	5	-	2	-	3	-
30	4	-	2	1	2	-
31	6	2	5	-	5	-
State	171	16	124	8	134	18

*"Authorized Judges" refers to the maximum number of judges stated in Virginia Code § 17.1-507 (circuit) and § 16.1-69.6:1 (district) as of July 1, 2016.

Source: People Soft, 2017

Prepared by: Department of Judicial Planning, 12/12/2017

JUDGESHIP COSTS
SALARY EFFECTIVE 7/10/17

		Circuit
SALARY		\$171,120
RETIREMENT	41.97%	71,819
GROUP LIFE	1.31%	2,242
RETIREE HEALTH INS.	1.18%	2,019
FICA BASE	127,200 @7.65%	9,731
FICA (above cap)	43,920 @1.45%	637
HEALTH		20,388
DEF COMP MATCH		480
CLERK HIRE		1,500
PERSONAL COMPUTER		2,500
SUB/RET JUDGES:		
CIRCUIT AVG.EXP. PER JUDGE		5,933
FICA FOR SUB JUDGE		454
 TOTAL		 \$288,822

CIRCUIT SUBSTITUTE BASED ON 23.73 DAYS @ \$250.00 (CY2016)