SUPREME COURT OF VIRGINIA

OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

December 14, 2017

The Honorable Thomas K. Norment, Jr.
Co-Chairman, Senate Finance Committee
P.O. Box 6205
Williamsburg, VA 23188

The Honorable Emmett W. Hanger, Jr.
Co-Chairman, Senate Finance Committee
P.O. Box 2
Mount Solon, Virginia 22843-0002

The Honorable S. Chris Jones
Chairman, House Appropriations Committee
P.O. Box 5059
Suffolk, VA 23435

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 § 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, 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 Committee on District Courts did not conduct a study regarding the need for new district court judgeships this year. On December 13, the Executive Committee of the Committee on District Courts adopted the NCSC's report and recommendations.

Consistent with the 2017 *Virginia Judicial Workload Assessment Report* ("Report"), the Committee on District Courts recommends that the General Assembly authorize and fund the number of judges identified in the Report as needed in each of the districts. Specifically, the Report recommends increasing by one the number of authorized general district court judgeships in the Fifth, Sixth, Twenty-first, Twenty-fifth, Twenty-eighth, and Thirty-second Districts, and by one the number of authorized juvenile and domestic relations district court judgeships in the Sixth, Thirteenth, Nineteenth, and Thirtieth Districts.

The Report also reveals that three juvenile and domestic relations district court judgeships currently authorized are not supported by caseloads in the districts for which they are authorized (one each in the Second, Tenth, and Fifteenth Judicial Districts). The Committee on District Courts recommends reducing by one the number of authorized judgeships in each of these districts as the number of funded and filled judgeships in these districts corresponds with the newly recommended number of authorized judgeships.

Please find enclosed Exhibits 16 and 17 from the NCSC report which outline the "Judge Need" for the district courts, lists of the current and announced general district and juvenile and domestic relations district court vacancies as of December 12, 2017, and a statement showing the costs for the creation of a new district 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 $264,334.

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

With best wishes, I am

Very truly yours,

Karl 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

JUDGESHIP COSTS
SALARY EFFECTIVE 7/10/17

			District
SALARY			$154,017
RETIREMENT	41.97%		64,641
GROUP LIFE	1.31%		2,018
RETIREE HEALTH INS.	1.18%		1,817
FICA BASE	127,200	@7.65%	9,731
FICA (above cap)	26,817	@1.45%	389
HEALTH			20,388
DEF COMP MATCH			480
PERSONAL COMPUTER			2,500
SUB/RET JUDGES:			
DISTRICT AVG. EXP. PER JUDGE			7,760
FICA SUB JUDGE			594
TOTAL			$264,334

DISTRICT SUBSTITUTE BASED ON 31.04 DAYS @ $250.00 (CY2016)

Current and Announced Judicial Vacancies

Circuit/District	Circuit Authorized* Judges	Circuit Vacancies	General District Authorized* Judges	General District Vacancies	J&DR District Authorized* Judges	J&DR District 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

Exhibit 16: General District Court Implied Need, using 1.15/.9 rounding rule

District	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	4	4	4.16	1.04	4	1.04
2	7	7	6.43	.92	7	.92
3	2	3	1.88	.63	2	.94
4	6	5	5.75	1.15	6	.96
5	2	2	2.62	1.31	3	.87
6	4	4	5.01	1.25	5	1.00
7	4	4	3.44	.86	4	.86
8	3	3	2.80	.93	3	.93
9	3	3	3.13	1.04	3	1.04
10	3	3	2.52	.84	3	.84
11	3	3	2.48	.83	3	.83
12	5	5	5.53	1.11	5	1.11
13	6	6	6.05	1.01	6	1.01
14	5	5	4.80	.96	5	.96
15	8	7	8.06	1.15	8	1.01
16	4	4	4.01	1.00	4	1.00
17	3	3	2.54	.85	3	.85
18	2	2	1.61	.80	2	.80
19	11	10	12.07	1.21	11	1.10
20	4	4	3.44	.86	4	.86
21	1	1	1.25	1.25	2	.63
22	2	2	2.22	1.11	2	1.11
23	4	4	3.79	.95	4	.95
24	3	3	3.05	1.02	3	1.02
25	3	3	3.45	1.15	4	.86
26	5	5	5.33	1.07	5	1.07
27	5	4	5.05	1.26	5	1.01
28	2	2	2.46	1.23	3	.82
29	2	2	1.70	.85	2	.85
30	2	2	1.42	.71	2	.71
31	5	5	5.05	1.01	5	1.01
32	1	1	1.30	1.30	2	.65
	124	121	124.42	1.03	130	.96

30

Exhibit 17: Juvenile and Domestic Relations District Court Implied Need, using 1.15/.9 rounding rule

District	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE)	Final Workload per Judge
1	4	3	3.53	1.18	4	.88
2	7	6	6.20	1.03	6	1.03
3	3	3	2.61	.87	3	.87
4	5	5	4.76	.95	5	.95
5	2	2	2.28	1.14	2	1.14
6	2	2	2.39	1.20	3	.80
7	4	4	3.54	.88	4	.88
8	3	3	2.93	.98	3	.98
9	4	3	3.82	1.27	4	.95
10	4	3	3.11	1.04	3	1.04
11	3	2	2.44	1.22	3	.81
12	6	6	5.77	.96	6	.96
13	4	4	4.69	1.17	5	.94
14	5	5	5.15	1.03	5	1.03
15	10	9	9.62	1.07	9	1.07
16	6	5	6.14	1.23	6	1.02
17	2	2	1.60	.80	2	.80
18	2	2	1.83	.91	2	.91
19	7	7	8.82	1.26	8	1.10
20	3	3	3.33	1.11	3	1.11
21	2	2	2.20	1.10	2	1.10
22	4	4	3.62	.91	4	.91
23	5	5	4.78	.96	5	.96
24	6	5	5.86	1.17	6	.98
25	5	4	4.62	1.16	5	.92
26	7	6	7.11	1.19	7	1.02
27	5	5	4.83	.97	5	.97
28	3	3	2.67	.89	3	.89
29	3	3	3.27	1.09	3	1.09
30	2	2	2.30	1.15	3	.77
31	5	5	5.39	1.08	5	1.08
32	1	1	.84	.84	1	.84
	134	124	132.06	1.06	135	.98

SUPREME COURT OF VIRGINIA

OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

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.

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,

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 Authorized* Judges	Circuit Vacancies	General District Authorized* Judges	General District Vacancies	J&DR District Authorized* Judges	J&DR District 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)