

Judicial

The 2004-06 budget, as adopted, includes a total of \$303.1 million GF the first year and \$308.9 million GF the second year for the Judicial Department. This represents a net increase of \$21.0 million GF (3.5 percent) for the biennium when compared to the adjusted appropriation for current operations.

Additional funds are included for five new Circuit Court judgeships, two new Juvenile and Domestic Relations District Court judgeships, 49 new positions for the District Courts, 32 new positions for existing Public Defender offices, and four new Public Defender offices.

The budget includes a series of technical amendments to adjust funding for risk management premiums, state employee workers' compensation premiums, rental charges for office space at the seat of government, and to capture savings associated with the Virginia Information Technologies Agency (VITA). Also, there are a series of technical amendments to pay for an increase in Social Security taxes on the salaries of justices and judges due to an increase in the federal FICA salary tax cap.

Additional technical amendments realign positions within the court system to more accurately reflect the actual work assignments for those positions in the General District Courts, Juvenile and Domestic Relations District Courts, Combined District Courts, and the Magistrate System and to distribute the base budget amounts for the Criminal Fund to the respective courts in which those funds are actually spent. However, new funds proposed for the Criminal Fund are budgeted to the Circuit Courts, and have not yet been distributed to the other parts of the judicial system.

- **Supreme Court of Virginia**
 - *Family Court Study.* Includes language directing the Judicial Council of Virginia to report on the funding, resources and statutory changes required to create a system of Family Courts.
- **Circuit Courts**
 - *New Judgeships.* Includes \$355,152 GF the first year, \$1,045,645 GF the second year, and 5.0 positions to establish new judgeships for the 1st, 14th, 15th, 22nd, and 29th Circuits, effective March 1, 2005.
 - Statutory authority for these new judgeships is included in Part V of the Appropriation Act.

- ***Criminal Fund.*** Includes a net reduction of \$1.7 million GF the first year and a net increase of \$1.2 million GF the second year. However, this net adjustment includes a series of actions.
 - First, the introduced budget included \$5.0 million GF the first year and \$8.1 million GF the second year for the cost of providing court-appointed counsel for an increasing number of indigent defendants in criminal cases and to support other expenses of the Criminal Fund.
 - Second, an amendment providing for a technical reduction of \$250,000 GF the first year and \$400,000 GF the second year was included.
 - Third, a reduction of \$6.6 million GF the first year and \$6.5 million GF the second year was included to reflect savings from the creation of four new Public Defender offices.
- **General District Courts**
 - ***Involuntary Mental Commitment Fund.*** Includes \$0.7 million GF the first year and \$0.9 million GF the second year for the cost of providing hearings for determining whether persons are to be committed involuntarily for mental health treatment.
 - Hospitalization costs associated with involuntary mental commitment proceedings are included in the budget for the Department of Medical Assistance Services (DMAS).
 - ***District Court Clerks.*** Provides \$898,406 GF the first year and \$1,796,812 GF the second year to support 49 new positions each year for the Clerks of the District Courts. These positions are to be allocated by the Committee on District Courts.
- **Juvenile and Domestic Relations District Courts**
 - ***New Judgeships.*** Includes \$128,623 GF the first year, \$380,870 GF the second year, and 2.0 positions to establish new Juvenile and Domestic Relations judgeships for the 15th and 27th Districts, effective March 1, 2005.
 - Statutory authority for these new judgeships is included in Part V of the Appropriation Act.

- **State Board of Bar Examiners**
 - *Conversion to Non-General Funds.* Provides for the conversion of this agency from general fund to nongeneral fund status, effective July 1, 2004.
 - *Conversion of Part-Time Position.* Includes \$71,106 NGF the first year and \$67,106 NGF the second year to convert the position of Secretary-Treasurer from part-time to full-time status.

- **Indigent Defense Commission**
 - *Change in Mission and Scope.* Provides for the conversion of the former Public Defender Commission into the new Indigent Defense Commission, effective July 1, 2004, consistent with Chapter 884 (SB 33) and Chapter 921 (HB 1056), Acts of Assembly 2004.
 - The new commission will have broadened responsibilities for overseeing provision of counsel for indigent defendants.
 - These new duties will include establishing qualification standards and standards of conduct for court-appointed counsel as well as public defenders, and the maintenance of a list of qualified attorneys.
 - The budget provides \$258,542 GF and four positions the first year and \$355,770 GF and two additional positions the second year for additional central office staff to address these new responsibilities.
 - *New Public Defender Offices.* Provides \$6.4 million GF the first year, \$5.9 million GF the second year, and 90 positions for creation of four new public defender offices. The new offices will serve Arlington-Falls Church, and the cities of Chesapeake, Hampton, and Newport News. Authority for creation of these new offices is included in Part V of the Appropriation Act.
 - *New Public Defender Positions.* Provides \$1.0 million GF and 16 FTE positions the first year and \$2.1 million GF and 32 positions the second year for attorneys and support staff in existing Public Defender offices. This will reduce attorney caseloads in those offices where caseloads significantly exceed the statewide average.

- *Rent Increase.* Provides \$280,659 GF the first year and \$297,573 GF the second year for rent increases for 27 public defender offices throughout the Commonwealth.
- *Salary Increase for New Positions.* Includes a technical adjustment of \$47,292 GF each year to fund the 2.5 percent pay increase granted December 1, 2003, for positions in the newly-created Norfolk Public Defender Office.
- **Virginia State Bar**
 - *Base Budget Adjustment.* Provides \$130,000 NGF each year to reflect current personal services costs.
 - *Compensation Plan.* Includes \$108,000 NGF the first year and \$144,000 NGF the second year to implement the compensation plan for employees of the Virginia State Bar.
 - *Increased Regulatory Staff.* Provides \$203,950 NGF the first year and \$191,450 NGF the second year and 3.5 FTE positions each year for regulation of the legal profession. These additional attorney positions are intended to eliminate case backlogs and ensure prompt resolution of disciplinary complaints.
 - *Electronic Files for Disciplinary Orders.* Includes \$20,000 NGF in the first year only for conversion of hard-copy disciplinary orders into a web-based, searchable electronic file.
 - *Electronic Services.* Provides \$110,000 NGF in the first year only to implement a web-based information system to enhance public access to services. The system is intended to enable bar members to review and update information on file with the Virginia State Bar and to provide enhanced access to the general public.
 - *Study of Existing Database.* Includes \$25,000 NGF each year for an assessment of database replacement needs.