

Judicial

The 2006-08 budget, as introduced, includes a total of \$685.8 million GF and \$32.5 million NGF for the Judicial Department. For the general fund, this includes a net increase of \$32.6 million (or 5.0 percent) for the biennium when compared to the adjusted appropriation for current operations. For nongeneral funds, the proposed budget recommends increases of \$2.7 million for an increase of 9.2 percent for the biennium.

Proposed amendments include an additional \$18.6 million GF for the Criminal Fund, plus \$3.7 million to raise attorney fees closer to the statutory caps for representation of criminal indigent defendants. In addition, the proposed budget includes \$2.3 million for the Indigent Defense Commission for 16 new public defenders to reduce caseloads. An additional \$5.0 million is recommended to replace nongeneral funds that are no longer available to support 14 existing drug court programs.

The proposed budget for the General District Courts includes \$0.8 million GF for the Involuntary Mental Commitment Fund. This represents the required addition for that portion of the fund which is expended by the Judicial Department. The remainder of this fund is expended by the Department of Medical Assistance Services (DMAS).

- **Supreme Court of Virginia**

- *Court Technology Study.* Provides \$250,000 GF the first year to study technology needs for the court system and develop a comprehensive technology plan.
- *Magistrate Study.* Includes \$250,000 GF the first year for a consultant study of manpower needs for the magistrate system.
- *Substitute GF Support for 14 Drug Courts.* Provides \$2.5 million GF each year to replace nongeneral funds with general funds for 14 drug courts which have been supported through a federal Byrne grant earmark and drug assessment fees. These nongeneral funds are no longer available to support the drug courts.
- *Drug Court Expansion.* Provides an additional \$367,000 GF each year for two more drug courts, in addition to those currently receiving state support. (Currently, there are 28 drug courts in Virginia, of which 14 have received state NGF support from the

federal earmark and drug assessment fees, and another 14 which have not received state NGF funding.)

- *Judicial Expenses.* Includes \$56,000 GF each year for expenses not otherwise reimbursed for the Chief and Associate Justices of the Supreme Court of Virginia. Language is included raising the cap on these expenses from \$6,500 to \$13,500.
- *Spanish Language Training.* Includes \$19,500 the first year and \$117,000 the second year from the general fund for a pilot program to provide on-site Spanish language courses for court employees.
- **Circuit Courts**
 - *Criminal Fund.* Includes \$9.3 million GF each year to recognize projected costs for the Criminal Fund. The consensus expenditure projection for the fund is \$82.3 million in FY 2006, \$86.2 million in 2007, and \$90.0 million in 2008. With this recommendation, the appropriation would be level-funded at \$86.2 million in fiscal years 2007 and 2008.
 - *Increased Court-Appointed Attorney Fees.* Provides \$1.2 million the first year and \$2.5 million the second year from the general fund for the Criminal Fund, to increase the fees paid to court-appointed attorneys representing indigent defendants in criminal cases. This would raise the fees closer to the statutory maximums.
- **General District Courts**
 - *Involuntary Mental Commitment Fund.* Provides \$389,876 GF each year for increased costs to the fund. The consensus expenditure projection for the fund is \$5.0 million in FY 2006, \$5.3 million in 2007, and \$5.6 million in 2008. With this recommendation, the appropriation would be level-funded at \$5.3 million in fiscal years 2007 and 2008.
- **Board of Bar Examiners**
 - *Additional Position.* Increases the agency nongeneral fund appropriation by \$60,910 each year to reflect agency expenditures for one position added by the board in 2005
 - *Per Diems.* Increases the agency nongeneral fund appropriation by \$14,330 each year to cover the cost of per diem payments for travel

by board members. The per diem rate was raised by the Supreme Court in 2005.

- *Multi-State Bar Examination.* Increases the agency nongeneral fund appropriation by \$5,814 each year to account for the increase in the fee (from \$45 to \$48) for the multi-state bar examination. The fee increase will be effective in July 2006.
- **Indigent Defense Commission**
 - *Public Defender Staffing.* Includes \$1.2 million the first year and \$1.1 million the second year and 16 positions from the general fund. This recommendation provides additional public defenders to reduce the number of cases per attorney.
- **Virginia Criminal Sentencing Commission**
 - *Additional Publication Costs.* Provides \$35,000 NGF each year to account for increased printing and distribution costs for additional copies of the sentencing guidelines manual.
- **Virginia State Bar**
 - *Compensation Plan.* Increases the nongeneral fund appropriation by \$39,016 the first year and \$91,538 the second year to reflect salary actions previously taken, consistent with the compensation plan as adopted by the Council of the Virginia State Bar.
 - *Other Compensation Actions.* Increases the agency nongeneral fund appropriation by \$120,650 each year to reflect additional salary actions for certain positions in highly competitive fields, including information technology and certain legal specialties.
 - *Nonpersonal Services.* Increases the nongeneral fund appropriation by \$387,635 the first year and \$447,385 the second year to reflect actual expenditures for contracts, supplies, transfer payments, and continuous charges, including rent.
 - *Professional Regulation Staff.* Increases the nongeneral fund appropriation by \$185,698 and 2.8 positions each year to regulate the legal profession in Virginia.
 - *Outside Attorney Services.* Increases the nongeneral fund appropriation by \$79,550 the first year and \$89,550 the second year to reflect current expenditures for outside attorney services.

- ***Facilities and Procurement.*** Increases the nongeneral fund appropriation by \$24,010 and 0.6 positions each year to provide administrative support for facilities and procurement in the Richmond and Alexandria offices.
- ***Public Information.*** Increases the nongeneral fund appropriation by \$28,812 and 0.6 positions each year to assist the public information coordinator in reporting bar activities and other substantive developments in the law that are published in the “Virginia Lawyer” magazine and in the general news media.
- ***Special Projects.*** Increases the nongeneral fund appropriation by \$132,500 each year for new initiatives of the Chief Justice of the Supreme Court of Virginia, including: Indigent Criminal Defense Training; Virginia Lawyers Helping Families; Programs for Solo and Rural Lawyers; and, the Conference on Reforming the Involuntary Mental Commitment Process. These funds are intended to support meetings and conferences, including expenses for speakers, printed materials, and hotel meeting rooms, but not to add additional staff.
- ***Clients’ Protection Fund.*** Increases the nongeneral fund balance in the fund by \$250,000 each year. The fund was established in 1976 to make monetary awards to persons who have suffered financial losses as a result of dishonest conduct by Virginia lawyers.
- ***Legal Aid.*** Provides \$250,000 GF the first year for the Legal Services Corporation of Virginia to support legal aid programs for the indigent in civil cases.