

# Judicial Department

<b>Adopted Adjustments</b> (\$ in millions)				
	<b>FY 2021 Adopted</b>		<b>FY 2022 Adopted</b>	
	<u>GF</u>	<u>NGF</u>	<u>GF</u>	<u>NGF</u>
2018-20 Base Budget, Ch. 854	\$507.3	\$33.7	\$507.3	\$33.7
Adopted Increases	36.1	1.7	39.6	1.7
Adopted Decreases	<u>(10.3)</u>	<u>&gt;(0.0)</u>	<u>(11.3)</u>	<u>&gt;(0.0)</u>
\$ Net Change	25.9	1.7	28.2	1.7
<b>Ch. 1289 (HB 30, as Adopted)</b>	<b>\$533.2</b>	<b>\$35.4</b>	<b>\$535.5</b>	<b>\$35.4</b>
% Change	5.1%	5.0%	5.6%	5.0%
FTEs	3,480.71	106.00	3,510.71	106.00
# Change	193.00	0.00	223.00	0.00

## Unallotted Spending

*(pending the assessment of the impact of a potential general fund revenue shortfall caused by the COVID-19 pandemic)*

	<u>FY 2021</u>	<u>FY 2022</u>
<b>General District Courts</b>		
Additional District Court Clerk Positions	\$5,732,280	\$7,596,300
Additional 19 <sup>th</sup> District Judgeship	323,437	323,437
<b>Indigent Defense Commission</b>		
Additional Public Defenders	\$3,798,726	\$5,698,089
<b>Virginia State Bar</b>		
Additional Housing Attorneys	<u>\$1,500,000</u>	<u>\$1,500,000</u>
<b>Total</b>	<b>\$11,354,443</b>	<b>\$9,419,737</b>

*Note: Unallotting an appropriation is an executive function that prevents an agency from expending such appropriation. Budget language was included to authorize any particular spending items will no longer apply until such time as the General Assembly re-enacts such appropriation after acceptance of a revenue forecast that supports the underlying appropriation.*

- **Supreme Court of Virginia**
  - ***Enhance General District Case Management System.*** Provides \$299,403 GF the first year as a one-time appropriation for the Office of the Executive Secretary to perform enhancements to the General District Case Management System, to accommodate the provisions of Chapter 1013 of the 2020 Acts of Assembly (SB 640).
- **Circuit Courts**
  - ***Reduce Criminal Fund Appropriation Related to New Public Defender Office.*** Includes a general fund reduction of \$1.2 million over the biennium to the Criminal Fund to account for a projected reduction in court-appointed counsel due to the opening of a new public defender office in Prince William County. There is a companion amendment to the Indigent Defense Commission that establishes the new office, as well as amendments to the General District and Juvenile and Domestic Relations Courts that similarly reduce Criminal Fund appropriations commensurate with the projected reduction in court-appointed counsel.

- ***Provide Monthly Compensation Cap for Indigent Prisoner Counsel.*** Includes a language amendment allowing for appointed attorneys representing indigent prisoners at multiple prisons to receive compensation capped at \$6,000 per month. Prior to the amendment, such compensation was capped at \$200 per day.

- **General District Courts**

- ***Increase Criminal Fund Appropriation.*** Includes an increase of \$2.3 million GF each year to support projected expenditures from the Criminal Fund over the next biennium. A corresponding action in the Caboose bill includes a \$2.3 million increase in FY 2020 to recognize higher than expected expenditures from the Fund. This brings total appropriations for the Criminal Fund for the General District Courts to \$19.3 million each year.
- ***Reduce Criminal Fund Appropriation Related to New Public Defender Office.*** Includes a general fund reduction of \$1.4 million over the biennium to the Criminal Fund to account for a projected reduction in court-appointed counsel due to the opening of a new public defender office in Prince William County. There is a companion amendment to the Indigent Defense Commission that establishes the new office, as well as amendments to the Circuit Courts and Juvenile and Domestic Relations Courts that similarly reduce Criminal Fund appropriations commensurate with the projected reduction in court-appointed counsel.
- ***District Court Clerk Positions (Unallotted).*** Provides \$5.7 million GF in FY 2021 and \$7.6 million GF in FY 2022. The funding is sufficient to add 90 additional deputy district court clerk positions the first year and 30 the second year (total of 120 over the biennium). According to the workload standards developed by the Office of the Executive Secretary of the Supreme Court, current staffing levels in district courts are 276 positions lower than that suggested by the 2019 staffing model. This increases the total general district court clerk FTE positions to 1,702.00. Includes language authorizing the Executive Secretary of the Supreme Court, at its discretion, to use the funding for additional district court clerk positions, salary increases for district court clerks, or a combination of both. There is a corresponding amendment in Part 4-14 that increases general district court civil filing fees by \$6 (from \$30 to \$36), which is projected to generate \$3.9 million in additional general fund revenues each year.
- ***New Judge and Clerk in 19<sup>th</sup> Judicial District (Unallotted).*** Includes \$323,000 GF each year to fund a new general district court judgeship in the 19<sup>th</sup> Judicial District (Fairfax) and one corresponding deputy district court clerk position. The new judgeship is a recommendation of the Committee on District Courts.

- **Juvenile and Domestic Relations District Courts**
  - ***Increase Criminal Fund Appropriation.*** Includes an additional \$2.3 million GF each year to support projected expenditures from the Criminal Fund over the next biennium. A corresponding action in the Caboose bill includes a \$2.3 million increase in FY 2020 to recognize higher than expected expenditures from the Fund. This brings total appropriations for the Criminal Fund for the Juvenile and Domestic Relations District Courts to \$36.8 million each year.
  - ***Reduce Criminal Fund Appropriation Related to New Public Defender Office.*** Includes a general fund reduction of \$600,141 over the biennium to the Criminal Fund to account for a projected reduction in court-appointed counsel due to the opening of a new public defender office in Prince William County. There is a companion amendment to the Indigent Defense Commission that establishes the new office, as well as amendments to the Circuit Courts and General District Courts that similarly reduce Criminal Fund appropriations commensurate with the projected reduction in court-appointed counsel.
  
- **Indigent Defense Commission**
  - ***Provide Additional Public Defender Positions (Unallotted).*** Includes \$3.8 million GF in FY 2021 and \$5.7 million GF in FY 2022 and 59 positions to hire additional public defender positions. The new positions are intended to address increased workloads and reduce turnover in offices across the Commonwealth. Includes language authorizing the Commission to direct a portion of the funding to adjust the salaries of attorneys and staff to address turnover rates in the offices.
  - ***Establish Prince William Office.*** Provides \$2.7 million GF each year and 35 positions to establish a new public defender office in the County of Prince William. There are currently 25 public defender offices serving the Commonwealth, with Prince William County being the largest locality not currently served. This is the first new public defender’s office established in the Commonwealth since 2005. There are companion amendments in the Circuit Courts, General District Courts, and Juvenile and Domestic Relations District Courts that reduce Criminal Fund appropriation, collectively, by \$1.1 million GF the first year and \$2.1 million GF the second year to account for the reduction in court-appointed counsel for criminal indigent defense as some cases shift to the new public defender office.
  - ***Annualize Paralegal Costs.*** Includes \$637,000 GF each year to annualize the costs of 20 paralegal positions authorized in FY 2020 in Chapter 854 of the 2019 Acts of Assembly (HB 1700). This is a technical adjustment that was not captured as part of the Department of Planning and Budget’s base budget adjustments.

- **Virginia State Bar**

- *Add Civil Indigent Defense Positions (Unallotted)*. Provides \$1.5 million GF each year for the State Bar to hire additional positions through the Legal Services Corporation of Virginia to focus on housing cases, and to adjust the salaries of legal aid attorneys with the appropriation provided. The funding is sufficient to hire up to 15 additional attorneys, without salary adjustments, or up to nine additional attorneys, with funding capacity to increase starting salaries for attorneys to \$51,000 per year.