



Budget Briefing: Judiciary

Robin R. Risko, Associate Director

December 2022

Briefing Topics

- Funding Sources
- Appropriation Areas
- Major Budget Topics

Judicial Branch: Constitutional Mandate

“The judicial power of the state is vested exclusively in one court of justice which shall be divided into the supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by two-thirds vote of the members elected to and serving in each house.”

Article VI, Section 1

Constitution of the State of Michigan of 1963

Key Budget Terms

Fiscal Year: The state's fiscal year (FY) runs from October to September. FY 2022-23 is October 1, 2022 through September 30, 2023.

Appropriation: Authority to expend funds. An appropriation is not a mandate to spend. Constitutionally, state funds cannot be expended without an appropriation by the legislature.

Line Item: Specific appropriation amount in a budget bill that establishes spending authorization for a particular program or function.

Boilerplate: Specific language sections in a budget bill that direct, limit, or restrict line item expenditures, express legislative intent, and/or require reports.

Lapses: Appropriated amounts that are unspent or unobligated at the end of a fiscal year. Appropriations are automatically terminated at the end of a fiscal year unless designated as a multi-year work project under a statutory process. Lapsed funds are available for expenditure in the subsequent fiscal year.

Note: Unless otherwise indicated, historical budget figures in this presentation have not been adjusted for inflation.

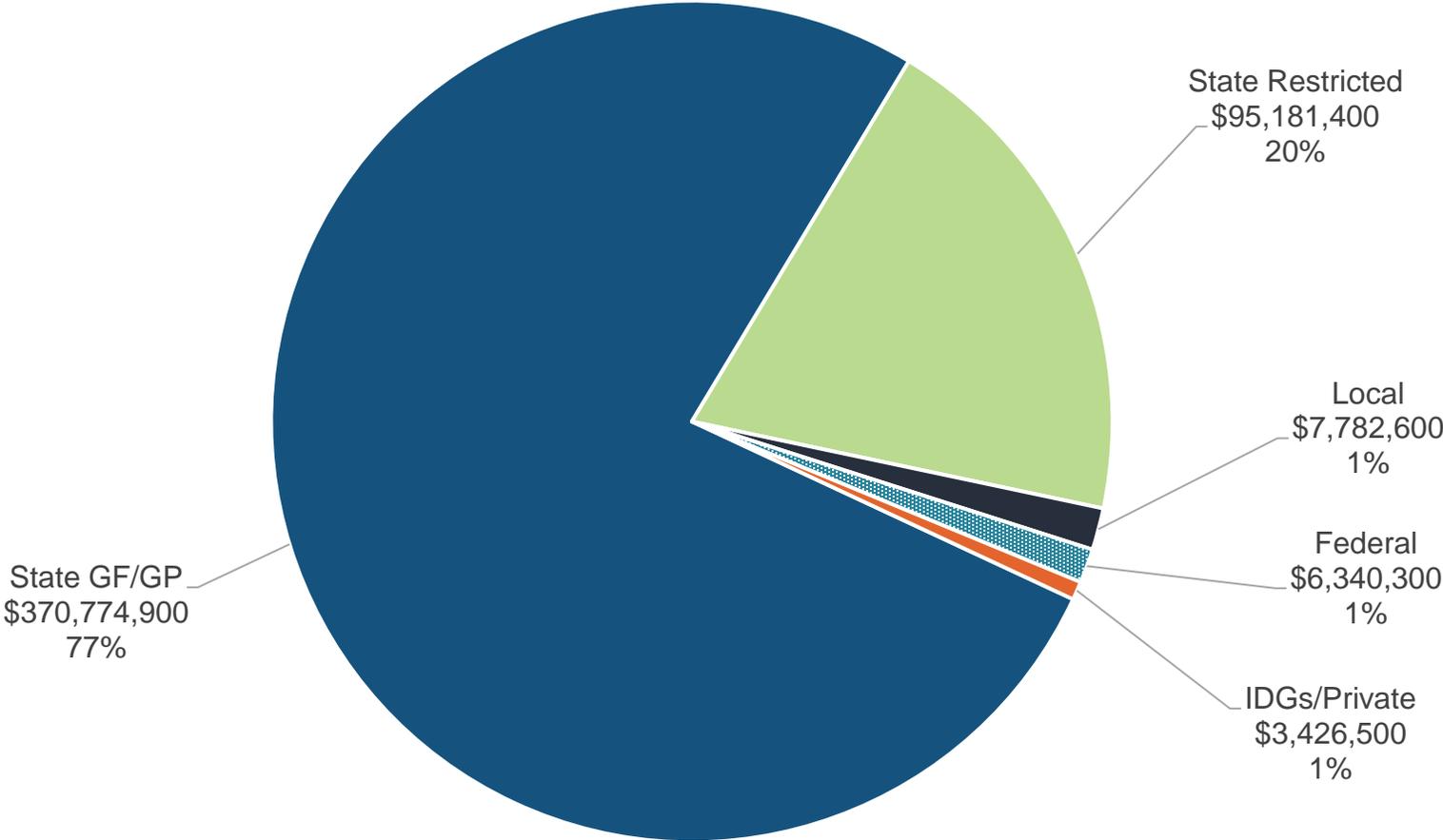
Funding Sources

FY 2022-23 Judiciary Budget

Fund Source	Funding	Description
Gross Appropriations	\$483,505,700	Total spending authority from all revenue sources
Interdepartmental Grants (IDG) Revenue	1,902,300	Funds received by one state department from another state department, usually for services provided
Adjusted Gross Appropriations	\$481,603,400	Gross appropriations excluding IDGs; avoids double counting when adding appropriation amounts across budget areas
Federal Revenue	6,340,300	Federal grant or matching revenue; generally dedicated to specific programs or purposes
Local Revenue	7,782,600	Revenue received from local units of government for state services
Private Revenue	1,524,200	Revenue from individuals and private entities, including payments for services, grants, and other contributions
State Restricted Revenue	95,181,400	State revenue restricted by the State Constitution, state statute, or outside restriction that is available only for specified purposes; includes most fee revenue
State General Fund/General Purpose (GF/GP) Revenue	\$370,774,900	Unrestricted revenue from taxes and other sources available to fund basic state programs and other purposes determined by the legislature

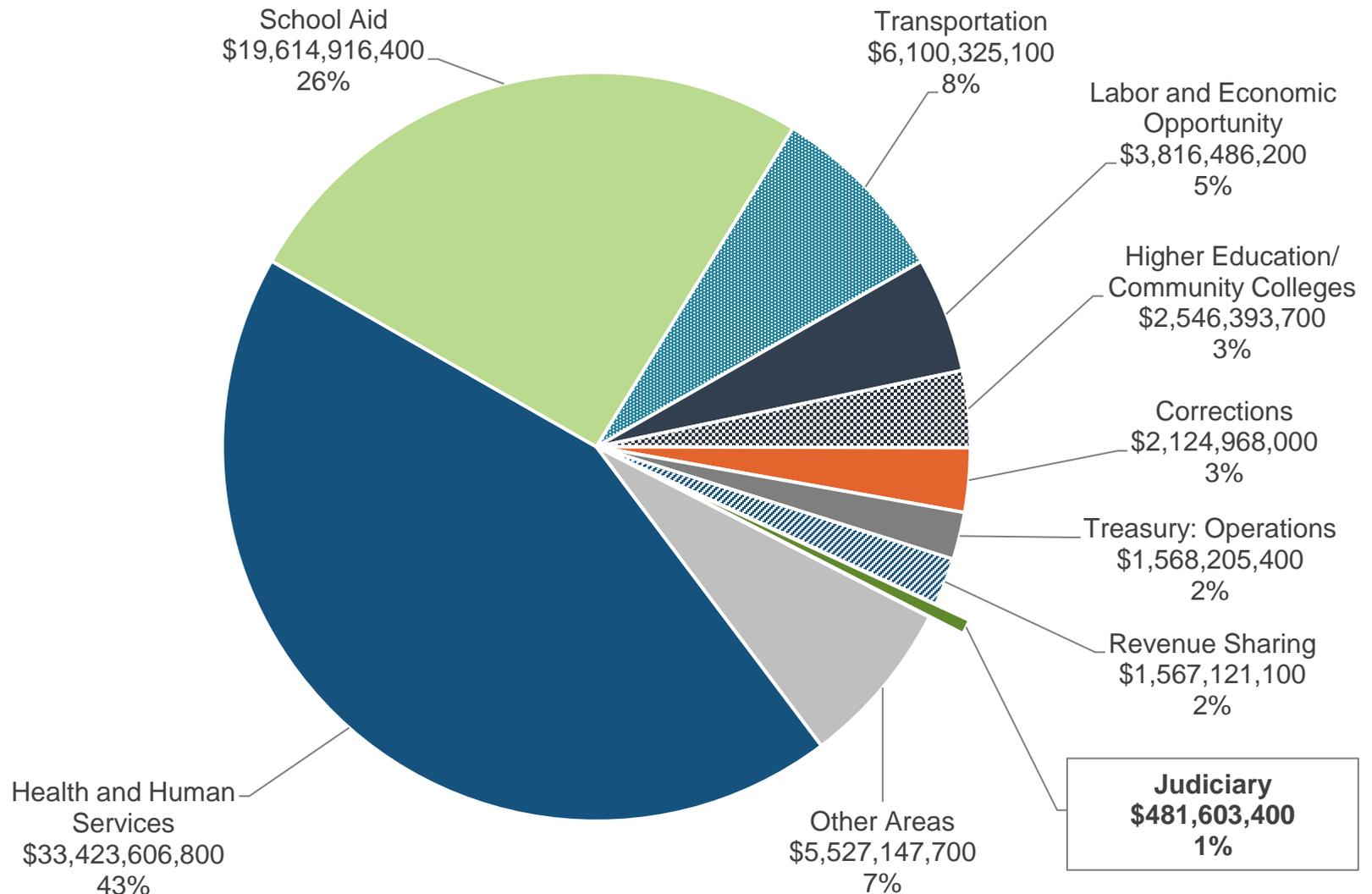
FY 2022-23 Fund Sources

The Judiciary budget is funded **97%** with state general fund and state restricted funding.



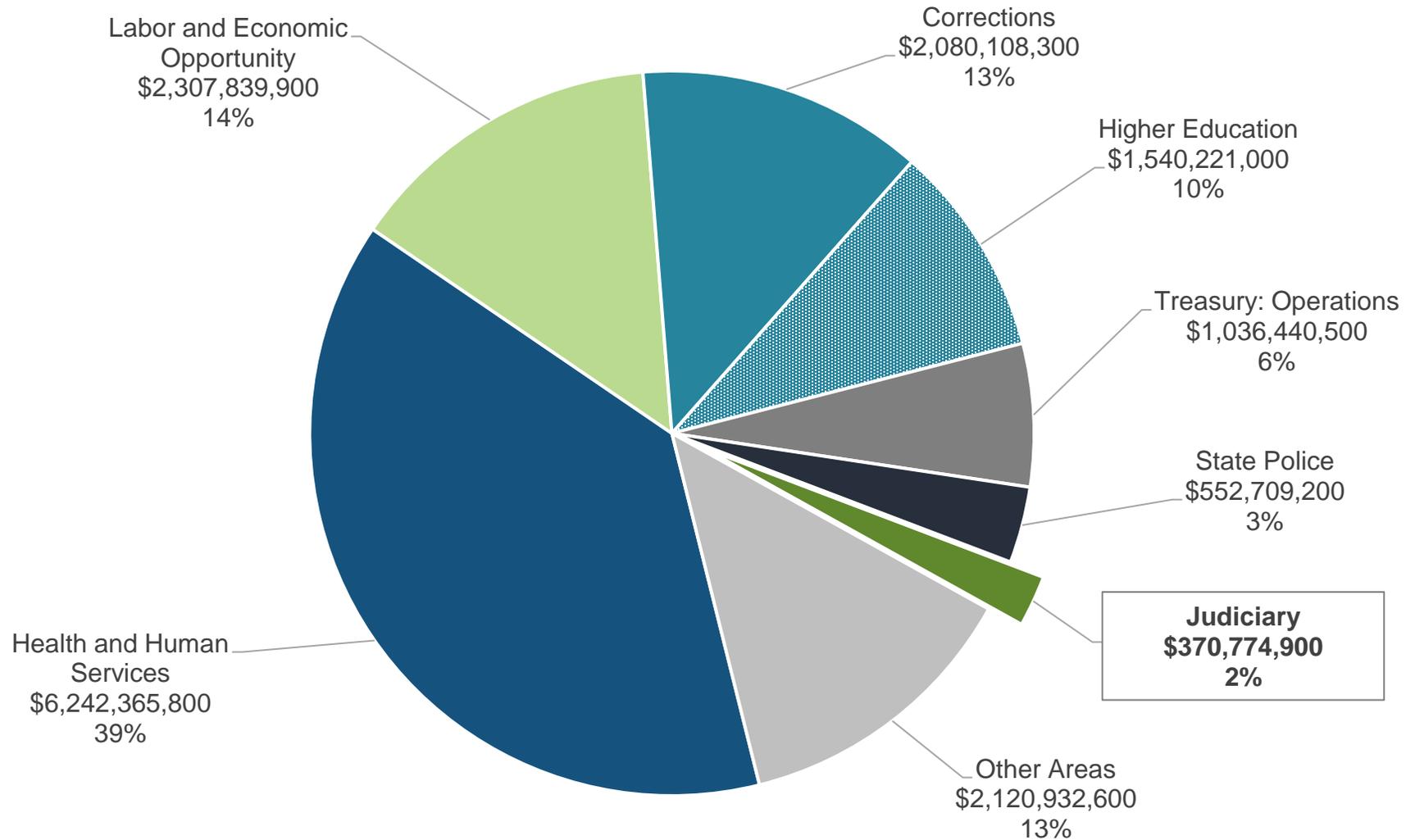
Judiciary Share of Total State Budget

The Judiciary budget represents about **1%** of the **\$76.8 billion** state budget (adjusted gross) for FY 2022-23.



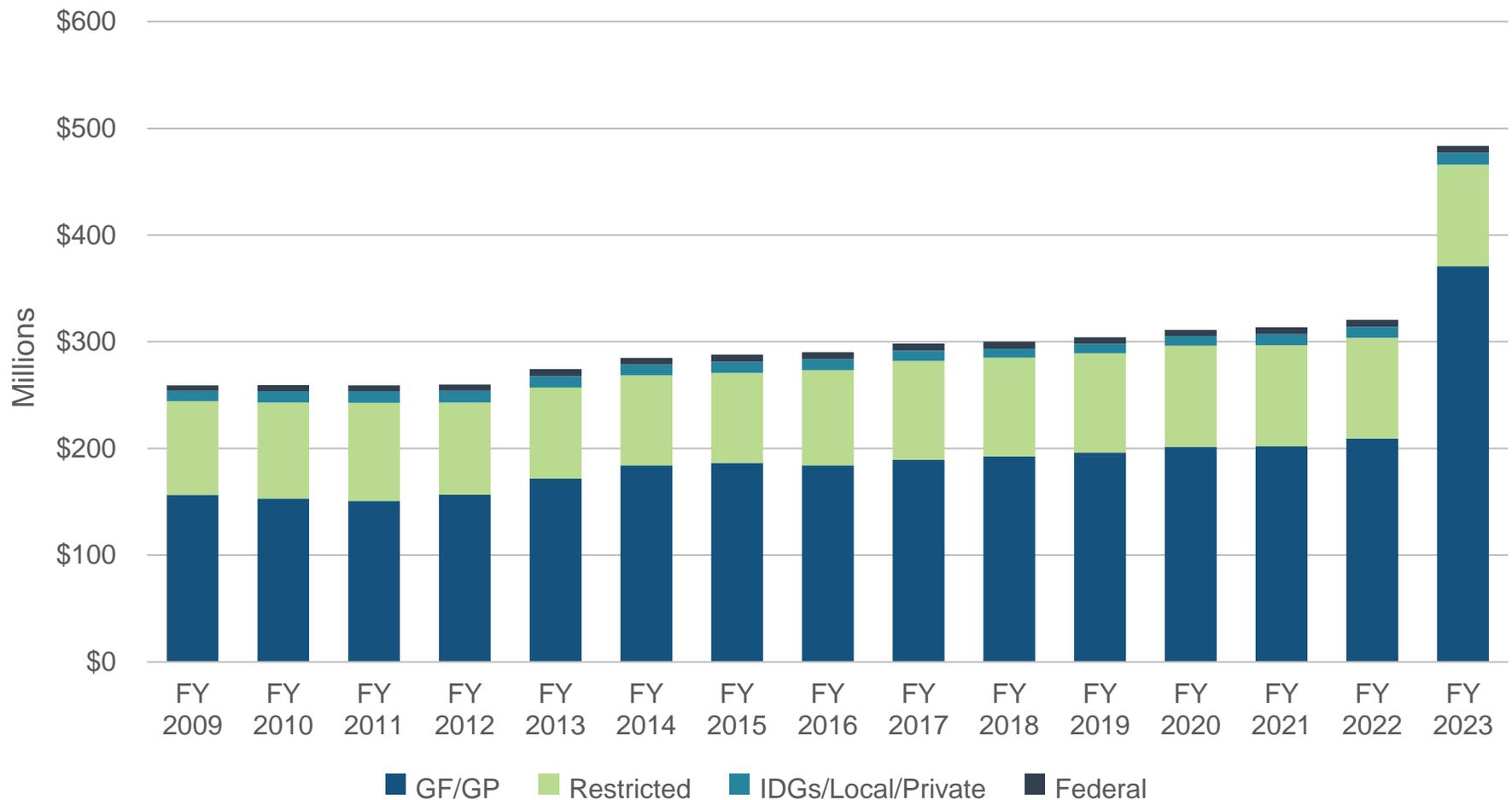
Judiciary Share of Total GF/GP Budget

The Judiciary budget represents **2%** of the state's **\$16.3 billion** GF/GP budget for FY 2022-23.



Judiciary Funding History

Funding for Judiciary has grown by **86%** since FY 2008-09. Substantial growth in FY 2022-23 is due to a one-time appropriation of \$150.0 million to support a new statewide judicial case management system. In prior years, growth was primarily due to the expansion of problem-solving courts (i.e., drug treatment/DWI sobriety, mental health, and veterans courts) and other programs that offer community alternatives to prison.



Appropriation Areas

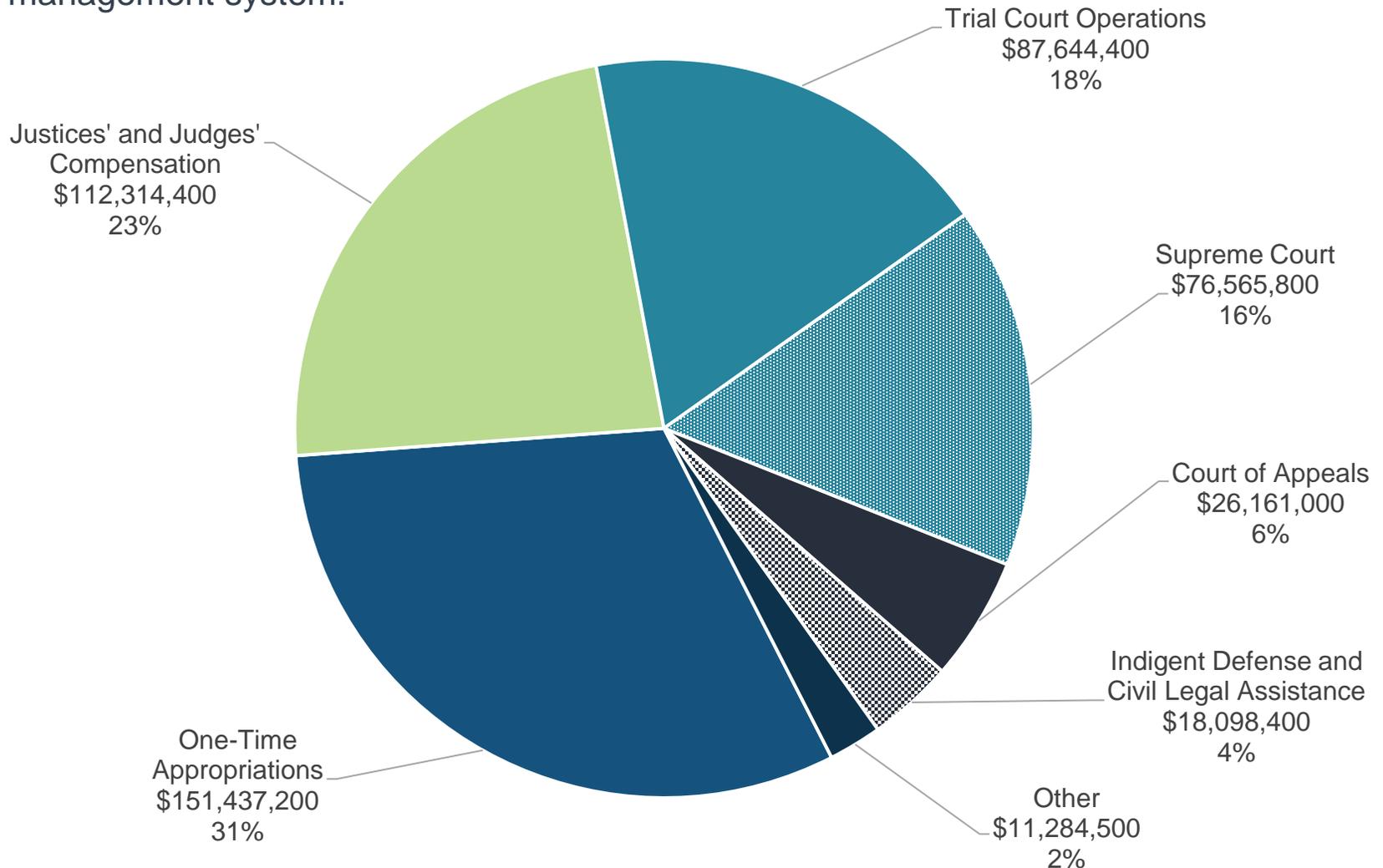
Judiciary Appropriation Areas

The Judiciary budget is allocated into the following major spending areas:

- Supreme Court
- Court of Appeals
- Trial Court Operations
- Justices' and Judges' Compensation
- Indigent Defense and Civil Legal Assistance
- One-Time Appropriations (including Statewide Judicial Case Management System)
- Other (Judicial Tenure Commission and Branchwide Appropriations)

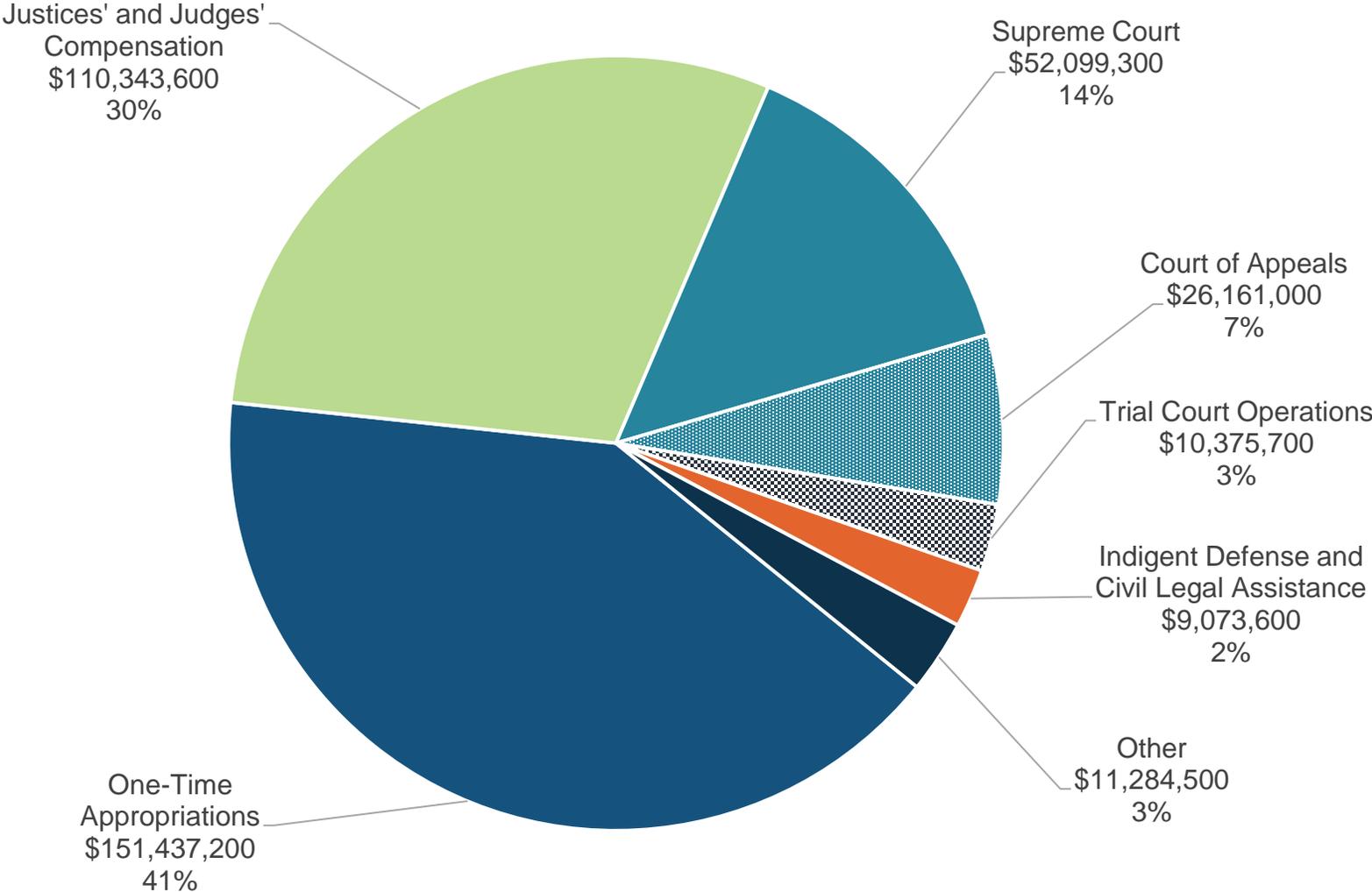
FY 2022-23 Gross Appropriations

Just over half, or **57%**, of the **\$483.5 million** Judiciary budget supports justices' and judges' compensation, trial court operations, and the Supreme Court. In prior years, that percentage was closer to 85%. In FY 2022-23, **31%** of the budget supports the new statewide judicial case management system.



FY 2022-23 GF/GP Appropriations

Of the total **\$370.8 million** GF/GP appropriated in the Judiciary budget, **\$110.3 million**, or **30%**, supports justices' and judges' compensation. In prior years, that percentage was closer to 50%. In FY 2022-23, **41%** of GF/GP supports the new statewide judicial case management system.



Major Budget Topics

Judicial Salaries – Fiscal Year 2022-23

Supreme Court Justices’ salaries are determined by the State Officers Compensation Commission, as required by the State Constitution. Other judicial salaries are set according to the Revised Judicature Act. The number of justices/judges and annual salary amounts listed below are as of December 1, 2022.

Court	# of Justices/ Judges	Annual Salary	Total Cost of Salaries Only
Supreme Court	7	\$181,483	\$1,270,381
Court of Appeals	25	\$182,656	\$4,566,400
Circuit Court	221	\$168,759	\$37,295,739
Probate Court	104	\$168,759	\$17,550,936
District Court	232	\$168,759	\$39,152,088

Statewide Judicial Case Management System

- **\$150.0 million**, or about **31%**, of the total Judiciary budget (**41%** of GF/GP) is appropriated for the new statewide judicial case management system
- SCAO is charged with establishing a system that demonstrates the ability to integrate and provide broad access to criminal justice information across state departments and agencies and local units of government, including the Department of State Police, other law enforcement agencies, the Department of Corrections, jail administrators, judges, prosecuting attorneys, and courts
- System must improve current operations, financial systems, research capabilities, ability to inform of policy, and ability to gain actionable insights across organizational data
- System is required to be hosted in a secure cloud by a vendor and must comply with all security measures and restrictions to ensure that access to any information is held confidential under federal and state law

State Appellate Defender Office

State Appellate Defender Office (SADO): \$10.2 million Gross

- SADO fulfills statutory requirements of the Appellate Defender Act and the Sixth Amendment of the United States Constitution to represent people appealing their criminal convictions who cannot afford counsel
- SADO is comprised of three divisions: Public Defender Division, Michigan Appellate Assigned Counsel System (MAACS), and Criminal Defense Resource Center (CDRC)
 - Public Defender represents at least 25% of individuals appealing their convictions; consists of 17 attorneys, 1 investigator, and 1 mitigation specialist
 - MAACS manages county-funded private attorneys who represent the other 75% of appeals; consists of 2 administrators, 1 litigation support, and 3 support staff
 - CDRC provides training and resources to the state's court-appointed trial and appellate counsel, and resources to the public and all system stakeholders
- In 2016, SADO created the Juvenile Lifer Unit
 - *Montgomery v Louisiana* requires resentencing of all people serving mandatory sentences of life without parole for offenses committed as youth; these sentences violate the Eighth Amendment of the United States Constitution
 - Juvenile Lifer Unit represents 193 of the state's 364 juvenile lifers
 - Unit consists of 6 attorneys, 4 mitigation specialists, and 1 reentry coordinator

Judicial Tenure Commission

Judicial Tenure Commission (JTC): \$2.4 million Gross

- Judicial Tenure Commission is a 9-member commission, established by Article VI, Section 30 of the State Constitution; commission consists of 4 judges elected by judges of the state's courts, 3 members elected by the State Bar of Michigan, and 2 members appointed by the governor
- JTC serves to promote the integrity of the judicial process and to preserve public confidence in the courts by holding judges accountable for their misconduct; JTC investigates complaints against judges, and, where appropriate, recommends disciplinary action
- In 2021, JTC received 638 Request for Investigation forms; 447 forms complained about actions by a total of 421 judges
- In 2021, JTC resolved 395 requests for investigation concerning 364 judges; in 386 of the 395 grievances resolved, evidence did not demonstrate misconduct after review of information
- Sources of requests for investigation include litigants, acquaintances of litigants, prisoners, attorneys, other judges, and court personnel
- Subject matter of grievances include prejudice/partiality, demeanor, review of legal ruling, failure to perform duties, misconduct, and delay

Grant Programs to Assist Local Trial Courts

- **\$121.7 million**, or about **25%**, of the Judiciary budget is appropriated for various grant programs and reimbursements to local units; in prior years, this percentage was closer to 40%
- Primary among these is the **Court Equity Fund Reimbursements** program, **\$60.8 million** Gross, used to assist local trial courts with operational expenses
- Funding from the Court Equity Fund (**\$50.4 million**) is combined with GF/GP funding (**\$10.4 million**) and is distributed to counties quarterly under a statutory formula that recognizes circuit and probate court caseload activity and the number of judgeships allocated to each county

Grant Programs to Assist Local Trial Courts

Other major grant programs include:

- ***Drug Treatment/DWI Sobriety Courts: \$12.7 million Gross***
 - Operate to reduce criminal activity and to rehabilitate offenders diagnosed with substance use disorders through a combination of therapeutic services and judicial supervision
 - Offer an alternative to imprisonment for non-violent criminal offenders
 - As of December 1, 2022, there were 137 drug treatment/DWI sobriety courts operating in the state (58 hybrid drug treatment/DWI sobriety courts, 39 DWI sobriety courts, 12 adult and 11 juvenile drug treatment courts, 8 family dependency courts, and 9 tribal drug treatment/DWI sobriety courts)

- ***Mental Health Courts: \$5.7 million Gross***
 - Target offenders who have been diagnosed with serious mental illnesses, serious emotional disturbances, or developmental disabilities, and offer them opportunities to participate in court-based treatment programs to address their mental illnesses instead of sentencing them to lengthy jail or prison terms
 - Include intense judicial oversight, treatment through local community mental health service providers, drug testing when appropriate, referrals to community services, enrollment in educational classes and certificate programs, transportation assistance, and assistance in obtaining employment
 - As of December 1, 2022, there were 42 mental health courts operating in the state (35 adult and 7 juvenile courts)

Grant Programs to Assist Local Trial Courts

- **Veterans Courts: \$1.1 million Gross**
 - Were first established in 2012 to help address the particular needs of military veterans who become involved with the court system
 - Use a hybrid integration of drug treatment court and mental health court principles
 - Promote sobriety, recovery, and stability through a coordinated response that involves collaboration with the United States Department of Veterans Affairs
 - Provide an alternative to incarceration
 - As of December 1, 2022, there were 29 veterans treatment courts operating in the state
- **Swift and Sure Sanctions Program: \$3.4 million Gross**
 - Grants were first implemented in FY 2012; \$1.0 million was received from the Department of Corrections for a pilot program
 - Funding was increased to \$6.0 million in FY 2013; funding was decreased to \$4.0 million in FY 2017, decreased to \$3.6 million in FY 2020, and decreased further, to \$3.4 million in FY 2021
 - Funding is used to provide a high-intensity supervision program, which provides close monitoring and swift sanctions in the event of probation violations; program focuses on high-risk, felony offenders
 - As of December 1, 2022, there were 23 circuit courts receiving grant funding under the program

Trial Court Funding

- Michigan trial courts are funded through a complex collection of general tax revenue and fee and fine revenue
- It costs between \$1.1 and \$1.4 billion annually to operate the state's 242 trial courts
- Trial courts are funded 44% by local units of government, 23% by state government, 7% by the federal government, and 26% by the trial courts
- A significant portion of funds generated by the trial courts are assessments on criminal defendants; state funding consists of general fund revenue and revenue generated from fines; more than \$400 million of funding for trial courts comes from fines and fees paid by people found guilty of crimes
- Judges impose penalties and also rely on revenue from these penalties to operate their courts
- In 2014, the state Supreme Court ruled in *People v Cunningham* that local courts do not have authority to use revenue from court costs imposed on defendants to pay for day-to-day operations of trial courts

Trial Court Funding

- In 2017, the legislature responded to the *Cunningham* decision in Public Act 64 by authorizing trial courts to assess defendants the cost of court operations related to their cases
- 2017 PA 64 also included a sunset provision meaning the use of revenue collected from defendants to pay costs of court operations would exist for only a specified period of time; (sunset expires May 2024)
- Through 2017 PA 65, the legislature created the 14-member Trial Court Funding Commission to review Michigan's trial court funding system and to recommend changes that would improve efficiency, the administration of justice, and justice outcomes
- 2017 PA 65 is now repealed since the commission concluded its work and filed its Final Report on September 6, 2019, in accordance with statute

Trial Court Funding Commission (TCFC)

- The Trial Court Funding Commission arrived at five recommendations to implement its vision for a new funding system for Michigan's trial courts:
 - Recommendation One – Establish a Stable Court Funding System
 - Recommendation Two – Provide All Court Technology Needs
 - Recommendation Three – Establish Uniform Assessments and Centralized Collections
 - Recommendation Four – Move Toward a Uniform Employment System
 - Recommendation Five – Establish a Transition Plan for the New Court Funding Model

TCFC Recommendations

- Recommendation One – Establish a Stable Court Funding System
 - Balanced state and local partnership is necessary to ensure equal access to justice
 - State to create the Trial Court Fund for receipt of all trial court assessments and state general fund payments
 - Trial Court Fund to distribute appropriate monies to fund trial courts based on operational requirements
 - Decisions about local trial court operations to remain local

TCFC Recommendations

- Recommendation Two – Provide All Court Technology Needs
 - State to make available and fund all technology needs of the courts, including case and document management services
 - State to supply and manage technology products and services for all courts, including hardware, software, infrastructure, training, and ongoing technology support
 - State to bear cost of all technology provided, which will create a uniform system throughout the state

TCFC Recommendations

- Recommendation Three – Establish Uniform Assessments and Centralized Collections
 - State Court Administrative Office to establish a system of uniform assessments and centralized collections to be implemented for all trial courts
 - System will maintain judicial discretion for ordering fines within limits set by law and determination of ability to pay
 - Centralization of some court business functions will reduce costs overall, promote efficiency, and eliminate ethical dilemma of trial court judges being incentivized to maximize revenue from court users for budget support
 - Centralizing court collections to achieve greater efficiency and achieve higher level of uniform customer service

TCFC Recommendations

- Recommendation Four – Move Toward a Uniform Employment System
 - Make trial court judges direct employees of the state to eliminate issues of dual employment and to allow all trial court judges to be treated equally in salaries and fringe and retirement benefits
 - Referees and magistrates to become state employees to allow for common training, easier coordination, and for potential synergies
 - Over time, state and local governments to consider working together to transition other court personnel into state employment while being respectful of existing bargaining units and labor agreements

TCFC Recommendations

- Recommendation Five – Establish a Transition Plan for the New Court Funding Model
 - Create a task force to develop a plan for transition to the new trial court funding model, which must include a timeline for short-term, intermediate, and long-term objectives and milestones to be achieved
 - Transition plan to include technical assistance and funding for local units of government for any shortfall in operating funds due to implementation
 - Once model is implemented, establish a Michigan Judicial Council to exercise administrative policymaking authority to ensure continued progress toward a unified Michigan court system

Michigan Judicial Council

- Recommendation five on the previous slide suggests establishing a Michigan Judicial Council to exercise administrative policymaking authority to ensure continued progress toward a unified Michigan court system
 - In June 2021, the Michigan Supreme Court appointed 29 individuals to the Michigan Judicial Council (MJC)
 - MJC is charged with developing a strategic plan for the judicial branch of government, making the justice system more accessible, equitable, engaged, and efficient
 - Strategic planning process includes visioning, analyzing trends, reviewing outreach data, and developing strategic goals and long-term strategies for advancing judicial branch reform and improvements

For more information about the Judiciary budget:

HFA Resources

<http://www.house.mi.gov/hfa/Judiciary.asp>

Contact Information

Robin R. Risko

Associate Director

rrisko@house.mi.gov

(517) 373-8080