The 2012 Budget Survey of State Court Administrators

This year’s survey of the Conference of State Court Administrators gathered information on the sources of funding for the states’ courts and on the impact that the tough economic climate of the past four years has had on the ability of the states’ courts to provide access to justice and the fair and timely resolution of disputes.

The Principles for Judicial Administration – Developing and Managing the Judicial Budget

In almost two-thirds of the states, the Judiciary presents its budget request directly to the legislature. In almost three-quarters of the states, the Judiciary have the discretion to manage and administer appropriated funds without restrictions of detailed budget line items.

Sources of Funding:

The state general fund is the primary source of court funding in approximately two-thirds of the states. In these states, the level of funding for the trial courts is determined by the states’ legislatures: the state funds trial court judges, judicial support staff, clerical staff, technology and operating expenses. In some of these states, the probation department is included in the Judiciary’s budget. Counties usually provide the courthouses, along with their maintenance.

In the other states, the trial courts are funded by a mix of state and local funding. In all but a few states, the state funds the salaries of the trial court judges. In most states, the state funds the cost of developing and enhancing technology.

The state funds trial court clerical staff and judicial support staff in three-fourths of the states. The counties or municipalities fund the cost of providing and maintaining the courthouses in two-thirds of the states.

In a handful of the states, the trial courts are entirely locally funded.

The proportion of general funds that are devoted to supporting the state courts is minimal. In those states in which the courts are wholly state funded, the courts receive approximately two percent of the general fund.

The following expenditures are funded primarily (more than 50%) by state or local resources

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<tr>
<th>Answer Options</th>
<th>State</th>
<th>Local</th>
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<td>Appellate Courts</td>
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<td>Administrative Office of the Courts</td>
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<td>Trial Court Judge Salaries</td>
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<td>Trial Court Judge Support Staff (law clerks, court reporters, secretaries)</td>
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<td>Trial Court Technology</td>
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<td>Local Courthouses and Equipment</td>
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Current Year Appropriations

The fiscal situation for the states’ courts, which had been particularly difficult for the past four years, has improved somewhat: most state court systems received small increases in their appropriations compared to the previous year; only a handful saw reductions.

Seventy percent of the state court administrators report that they expect their budget situation to stay relatively the same over the next three years. Eleven percent expect their budget situation to get worse.

- The Funding of Judgeships

Over the past four years the number of judicial positions has remained fairly stable. In most states, the number of general jurisdiction trial court judges is set by state statute; legislative bodies have not passed laws to reduce the number of judgeships. Over the past four years, a third of the states have each added one to three judgeships to match the growing caseload. In half the states, the number of trial court judgeships has remained the same. Two states have reduced the number of judgeships by one each.

While the number of judgeships has not been reduced, state court leaders have had to take steps to reduce the cost of judgeships. In half the states, the salaries of judges have been
frozen. Other states have reduced the number of days that judges actually sit on the bench or are available to hear and decide cases before them. While state court leaders cannot on their own reduce the number of judgeships, they can respond to budget shortfalls by choosing to reduce the number of times that they call on retired judges to take the bench to replace judges who are sick or on vacation or to assist judges to clear up their backlog. One-third of the states have reduced or eliminated the practice of calling upon retired judges.

In one-third of the states, court leaders have made the difficult decision to cut costs by reducing the number of hours that courthouses are open or, in some states, by closing the courts for a day a month and imposing furloughs on the court staff. The furlough means that trial court staff persons are not paid for the day. While many state constitutions prevent the courts from furloughing the judges – they prohibit the state to reduce judicial pay – judges in most of the states that have furloughed staff have chosen to voluntarily not work on that day and refuse pay for that day.

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<th>Reduced hours of operation</th>
<th>Staff layoffs</th>
<th>Delay in filling judicial vacancies</th>
<th>Delay in filling vacancies in the clerks’ offices</th>
<th>Delay in filling vacancies in judicial support positions</th>
<th>Reduced use of retired judges</th>
<th>Delay/Reduction in jury trials</th>
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The Funding of Court Staff

While the number of judgeships has remained stable over recent years, many courts have reduced the levels of trial court and central office staff. Two-thirds of the states have frozen the salaries of court staff. Almost one-third of the states are operating with at least 8% fewer trial court staff persons than they had four years ago. Similarly, almost one-third of the states have reduced the level of central office staff by more than 8%. In 10% of the states, the number of staff persons working in the trial courts will decrease further in this current fiscal year.

The Impact on Court Services

While half the states report that any actions taken over the past four years to respond to budget challenges have had no impact on the delivery of court services, half the states report that there has been an impact.

- More than a third of the states report that these actions have resulted in reduced service to the public.
- More than a quarter of the states report that these actions have resulted in limited access to court services.
- More than a third of the states report that these actions have resulted in delays and backlogs.
Reengineering Efforts in States Throughout the Country

Many state court systems are meeting these challenges and the challenges of providing access to justice despite limited funding by restructuring and consolidating their operations, by adopting new business processes, by centralizing operations and by introducing eCourt.

Sixty percent of the state court administrators report that because of restructuring and technology enhancements, their courts are in a better position than four years ago to provide access and timely justice.

**Centralization** - Centralization of organizational or procedural changes that states have taken in the past four years and/or plans to take in the coming year in an attempt to increase efficiency in the courts.

<table>
<thead>
<tr>
<th>Centralized call center</th>
<th>Centralized payable center</th>
<th>Centralized or regionalized collections processing</th>
<th>Centralized or regionalized traffic citation processing</th>
<th>Centralized or regionalized jury qualification and/or summoning</th>
<th>Centralized or regionalized probate annual reports</th>
<th>Other</th>
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</table>
**Business Process** - Organizational or procedural changes that states have taken in the past four years and/or plans to take in the coming year in an attempt to increase efficiency in the courts.

<table>
<thead>
<tr>
<th>Implementation of new or enhanced caseflow management programs</th>
<th>Creation of a statewide fine schedule for petty misdemeanors</th>
<th>Implementation of &quot;in-court updating&quot; for docket entries and other orders</th>
<th>Transition to digital recording of court proceedings</th>
<th>Videoconferencing of arraignments for incarcerated defendants</th>
<th>Videoconferencing of detention hearings for detained juveniles</th>
<th>Eliminate court work duplicated by other trial courts or other state agencies</th>
<th>Remote videoconferencing of interpreters for persons with limited English proficiency</th>
<th>Other</th>
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**Technology** - Changes that states have taken in the past four years and/or plans to take in the coming year in an attempt to increase efficiency in the courts.

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<th>E-Filing</th>
<th>Electronic document management system</th>
<th>Enhanced case management system</th>
<th>Electronic workflow</th>
<th>E-Citations by law enforcement agencies</th>
<th>E-Payment of fees and fines</th>
<th>Virtual self-help centers</th>
<th>Virtual web-based information center to provide public access to records</th>
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- Maryland
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- Kentuckiana
- District of Columbia
- Guam
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