

CA.00 Judiciary

Operating Budget Data

(\$ in Thousands)

	<u>FY 01 Actual</u>	<u>FY 02 Working</u>	<u>FY 03 Allowance</u>	<u>Change</u>	<u>% Change Prior Year</u>
General Fund	\$228,593	\$260,819	\$293,564	\$32,745	12.6%
Special Fund	11,882	15,311	13,112	(2,200)	(14.4%)
Federal Fund	<u>1,760</u>	<u>1,967</u>	<u>1,865</u>	<u>(102)</u>	<u>(5.2%)</u>
Total Funds	\$242,234	\$278,097	\$308,540	\$30,443	10.9%

- Increases in personnel expenses account for over \$25 million, or 82%, of the total increase for fiscal 2003. These personnel expenses do not include the following: approximately \$1.3 million for fiscal 2003 general salary increase included in the budget of the Department of Budget and Management (DBM), along with all State agency general salary increases; any increase in judicial salaries; or any increase in the salaries of the clerks of courts.
- The 1999 Circuit Court Action Plan accounts for \$17.1 million of the increase in fiscal 2003: \$12.2 million funds costs assumed through recently effective legislation; almost \$4.9 million is for lease payments for the circuit court clerks.

Personnel Data

	<u>FY 01 Actual</u>	<u>FY 02 Working</u>	<u>FY 03 Allowance</u>	<u>Change</u>
Regular Positions	2,870.25	3,009.75	3,321.75	312.00
Contractual FTEs	<u>365.00</u>	<u>371.00</u>	<u>334.00</u>	<u>(37.00)</u>
Total Personnel	3,235.25	3,380.75	3,655.75	275.00

Vacancy Data: Regular Positions

Budgeted Turnover: FY 03	79.39	2.39%
Positions Vacant as of 12/31/01	136.00	4.52%

- The State's assumption of salary and benefits for circuit court law clerks and standing masters adds 146 and 57 new positions, respectively.
- 58 of the new positions are contractual conversions.
- There are 21 new contractual positions, all of which are for the District Court.

Note: Numbers may not sum to total due to rounding.

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Analysis in Brief

Issues

Voluntary Measures Taken by the Judiciary Towards Cost Containment Should Generate \$1.4 Million Reversion to the General Fund: By law, the Judiciary does not fall under the cost containment mandates of the Governor. However, the Judiciary has implemented a two-part plan towards containing costs for fiscal 2002. The administration has based its balanced budget upon a commitment of a \$1.4 million reversion from the Judiciary for fiscal 2002. **The Department of Legislative Services (DLS) recommends that the Chief Judge for the Court of Appeals brief the budget committees on the status of the measures that the Judicial Branch has voluntarily taken towards cost containment, including the current estimated savings to date and the future cumulative projected savings from these measures. Also, DLS recommends that the fiscal 2003 budget be reduced to reflect these projected fiscal 2003 cost containment savings.**

Judicial Compensation Commission Recommends 5% Salary Increase for Maryland Judges and Changes to Benefits: The Judicial Compensation Commission recommends: (1) that Maryland judges receive a 5% salary increase beginning January 1, 2003, inclusive of any general salary increase provided by the Governor to regular State employees; and (2) a change in the pension plan which would allow the designation of multiple beneficiaries and a lump sum benefit payment when there is not a surviving spouse. **DLS recommends that the Judiciary comment on the need for the 5% increase in light of the general salary increase currently available for fiscal 2003 and projected for fiscal 2004. DLS further recommends that the Judiciary comment on the change to the pension plan.**

Reassessment of the Circuit Court Action Plan Is Needed: Concerned with increasing costs associated with the Circuit Court Action Plan, in fiscal 2001 the legislature required the Judiciary to submit a supplemental report to the 1999 Circuit Court Action Plan, including current and projected State and local expenditures, before any further funding would be assumed by the State. According to the report, the State's assumption of costs has risen significantly over the past few years. **DLS recommends against State assumption of the remaining costs identified in the Circuit Court Action Plan.**

No New Circuit Court Judgeships Certified Although Needs at 21.62 for the Circuit Court and 13.99 for the District Court: The need for judges has recently been studied and determined to be 21.62 for the circuit courts and 13.99 for the District Court. However, by letter dated November 1, 2001, the Chief Judge for the Court of Appeals advised the General Assembly and the Governor that no new judges would be requested for fiscal 2003 due to the projected economic downturn. **DLS recommends that the Chief Judge of the Court of Appeals brief the budget committees on the determination of the certification of judicial need.**

Diminishing Circuit Court Real Property Records Improvement Fund (Fund): Maintenance costs now exceed development costs for the Fund. Once the Fund sunsets in fiscal 2006, general funds may have to support this cost, which is estimated at \$5.6 million upon completion of the project. Proposed legislation would raise the surcharge fee and terminate the sunset. **DLS recommends that a representative from the Judiciary brief the budget committees on the status of the Land Records projects, as well as estimated costs associated with same and the proposed legislation.**

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Consolidation of the Offices of the Chief Clerk of the District Court and the State Court Administrator: The functions of the District Court and the Administrative Office of the Courts (AOC) have been consolidated. The most recent area to be consolidated has been the administrative functions of the District Court and the AOC. **DLS recommends that a representative from the Judiciary brief the budget committees on the status of implementation of the consolidation of the Judiciary's finance departments. DLS further recommends adoption of committee narrative requesting an update on the development of the consolidation plan.**

Proposed Salary Increase for the Clerks of the Circuit Court: Three proposed bills would raise the maximum salary for clerks of the circuit court from \$75,000 to \$85,000. Clerks' salaries are supported from the general fund. **DLS recommends that the Judicial Branch brief the budget committees on the legislation's anticipated effect on the general fund.**

Recommended Actions

	<u>Funds</u>	<u>Positions</u>
1. Reduce proposed 45.9% general fund growth in additional assistance to the fiscal 2002 general fund working appropriation.	\$ 548,359	
2. Reduce proposed 12.8% general fund growth for overtime to the fiscal 2002 general fund working appropriation.	93,864	
3. Delete funding for 146 circuit court law clerks predicated on repeal of Chapter 677, Acts of 2001 through the Budget Reconciliation Act of 2002.	7,176,604	146.0
4. Delete 34 new positions from the fiscal 2003 budget.	1,177,625	34.0
5. Delete six positions as cost savings in the consolidation of the finance departments of the Administrative Office of the Courts and the District Court.	292,228	6.0
6. Delete funds for conversion of 58 contractual FTEs.	454,320	58.0
7. Delete two contractual employee positions from the District Court.	61,176	
8. Delete three PINs in the District Court.	100,262	3.0
9. Delete three PINs in the Court of Appeals.	159,150	3.0
10. Delete four long-term vacant positions in the Administrative Office of the Courts.	247,673	4.0
11. Delete one long-term vacant position in Major Information Technology program.	71,150	1.0
12. Delete one vacant position in the Clerks of the Circuit Courts.	35,707	1.0

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13.	Reduce growth in fuel and utilities to correlate with the Department of Budget and Management instructions.	40,271	
14.	Reduce proposed 43.3% general fund increase in total travel expenses to the fiscal 2001 general fund actual expenditures.	822,464	
15.	Reduce growth in general fund contractual services for the District Court from 15.8% to 5% over the fiscal 2002 working appropriation.	407,835	
16.	Reduce growth in general fund contractual services for Judicial Information Services from 41.4% to 5% over the fiscal 2002 working appropriation.	2,201,777	
17.	Reduce growth in general fund supplies and materials from 7.3% to the fiscal 2002 general fund working appropriation.	359,573	
18.	Reduce general fund growth in additional equipment from 24.8% to the fiscal 2002 general fund working appropriation.	703,035	
19.	Delete funding for Courtroom Digital Sound and Recording Systems in the District Court.	807,200	
20.	Reduce growth in land and structures in the Clerks of Circuit Courts program from 43.21% to 5% over the fiscal 2002 working appropriation.	92,850	
21.	Delete general funds for Plats On-line.	1,462,908	
22.	Delete general fund expenditure for Land Records.	900,000	
23.	Reduce Information Technology general fund growth to the fiscal 2002 appropriation level.	1,014,728	
24.	Delete funding for State assumption of lease payments for circuit court clerks.	4,878,460	
25.	Delete funds for interpreters in civil actions.	325,000	
26.	Reduce general fund allowance for a fiscal 2003 cost containment contribution.	1,646,000	
27.	Add budget bill language restricting funds until the Administrative Office of the Courts has submitted case time standards and data standards.		
28.	Add budget bill language making special funds contingent upon enactment of legislation.		
	Total Reductions	\$ 26,080,219	256.0

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Updates

Ex Parte and Protective Order Processing: Restrictive language in the budget bill required the Judiciary, along with the Department of State Police, the Department of Public Safety and Correctional Services (DPSCS), and local law enforcement representatives, to execute a Memorandum of Understanding (MOU) addressing improvements in civil protective orders by November 15, 2001. This report has been completed.

Judiciary Develops a Procurement Policy: A 2001 audit recommended, among other things, that a formal, comprehensive procurement policy that establishes standards and minimum requirements for purchasing goods and services be developed by the Judiciary. A policy was developed and became effective January 2, 2002.

Expediting Termination of Parental Rights Cases: 2001 committee narrative requested the Judiciary and the Department of Human Resources to submit a report outlining a plan for expediting termination of parental rights cases. The resulting report was submitted August 1, 2001.

Final Report of the Pretrial Release Project Advisory Committee Submitted: In June 2000 the Chief Judge for the Court of Appeals created the Pretrial Release Project Advisory Committee to study pretrial procedures and practices in Baltimore City with the intent of making recommendations for the entire State's criminal justice system. The resulting report was submitted in early October 2001.

Legislation Would Expand the Authority of District Court Commissioners to Issue Interim Ex Parte Orders: Several bills propose an amendment to the Maryland Constitution to expand the powers and duties of District Court commissioners to include the issuance of interim civil orders.

New Judgeships for the District Court Proposed: HB 689 of 2002 proposes to increase the number of associate judgeships authorized for the District Court in various jurisdictions.

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Operating Budget Analysis

Program Description

The Judiciary is composed of four courts and six agencies which support the administrative, personnel, and regulatory functions of the judicial branch of government. Courts consist of the Court of Appeals, Court of Special Appeals, circuit courts, and District Court. The Chief Judge of the Court of Appeals is the administrative head of the State's judicial system. The Chief Judge appoints the State court administrator as head of the Administrative Office of the Courts (AOC) to carry out the administrative duties which include data analysis, personnel policies, education, and training for judicial personnel.

Other agencies are included in the administrative and budgetary purview of the Judiciary. The Maryland Judicial Conference, consisting of judges of all levels, meets annually to discuss continuing education programs. Court-related agencies also include the State Reporter, the Commission on Judicial Disabilities, and the State Board of Law Examiners. The State Law Library serves the legal information needs of the State. Judiciary Information Systems (JIS) (formerly called Judicial Data Processing) manages information systems maintenance and development for the Judiciary. The Judiciary added another program this year titled "Major IT."

The Chief Judge's Proposed Budget

Exhibit 1 shows that the Judiciary's proposed fiscal 2003 budget is \$308.5 million, an increase of \$30.4 million, or 10.9% over the fiscal 2002 working appropriation. Exhibit 1 also illustrates additional expenses contributing to the increase in the Judiciary's budget. Significant expenditures are discussed in more detail below.

General funds comprise 95%, special funds comprise 4%, and federal funds comprise 1% of the Judiciary's proposed fiscal 2003 budget. The Judiciary's primary sources of special fund income are the Real Property Records Improvement Fund and the Maryland Legal Services Corporations Fund. Federal fund income is provided solely through Child Support Enforcement grants.

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Exhibit 1

**Governor's Proposed Budget
Judiciary
(\$ in Thousands)**

How Much It Grows:	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
2002 Working Appropriation	\$260,819	\$15,311	\$1,967	\$0	\$278,097
2003 Governor's Allowance	<u>293,564</u>	<u>13,112</u>	<u>1,865</u>	<u>0</u>	<u>308,541</u>
Amount Change	\$32,745	(\$2,200)	(\$102)	\$0	\$30,443
Percent Change	12.6%	(14.4)%	(5.2)%	0.0%	10.9%

Where It Goes:

Personnel Expenses

New positions (312 new positions total, which includes 146 circuit court law clerks and 57 masters, and 58 contractual conversions)	\$16,101
Fiscal 2003 general salary increase (this is included within the Department of Budget and Management's budget and will be administered, if appropriated, by budget amendment)	0
Fiscal 2003 increments	1,656
Annualize fiscal 2002 general salary increase	2,729
Net fiscal 2003 cost containment	0
Employee and retiree health insurance cost increase	1,404
Retirement contribution cost increase	1,393
Additional assistance	537
Employee transit expenses	155
Workers' compensation	113
Overtime	94
Other adjustments	861

Other Changes

State assumption of lease payments for circuit court clerks	4,878
Total increase in communications for all programs	1,620
Total increase in travel costs for all programs	607
Funding for civil interpreter fees (district and circuit courts)	377
Total increase in supplies and materials for all programs	360
Total increase in fuel and utilities for all programs	89
Decrease in land records special fund costs	(2,199)
Decrease in fixed charges, including rent and association dues	(351)
Decrease in motor vehicle costs	(47)
Miscellaneous adjustments	66

Total **\$30,443**

Note: Numbers may not sum to total due to rounding.

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Personnel

New Full-time Positions

The Judiciary has requested 312 new regular positions, 58 of which are contractual conversions. New position expenses increase the fiscal 2003 allowance by \$16.1 million, accounting for 53% of the total increase in the Judiciary's fiscal 2003 allowance. A list of these new positions appears in **Appendix 4**. A list describing the need for these positions as reported by the Judiciary appears in **Appendix 5**.

In light of the economic forecast, the Spending Affordability Committee has recommended that there should be no new positions in the budget with the exception of positions for: new facilities, higher education workload changes, 24-hours a day/seven days a week facilities, and public safety/homeland security. **Based upon this and the considerations enumerated in Appendix 5, DLS recommends that 180 of the new positions be deleted from the fiscal 2003 budget and that none of the 58 requested contractual conversions be allocated for fiscal 2003. A brief breakdown of these 312 new positions by program is as follows:**

<u>Program</u>	<u>Total</u>	<u>Positions</u>	<u>Comment</u>
Circuit Court	203	Law clerks & masters	Per 2001 legislation
District Court	36	Clerks, Commissioners, New facility	Additional clerks and commissioners, new facility
Admin Ofc of the Courts	6	Security, admin., IT	Drug Court Program, support, security ADR
Court-related Agencies	1	Director	Research
Md State Law Library	1	Librarian	Traffic ticket violations, admin., support
Judicial Information Systems	18	Data entry, admin., manager	33 conversions
Circuit Court Clerks	41	Clerks, chief deputy	CINA/TPR/adoption
Family Services	3	IT, liaison, coordinator	Manage/maintain database
Major IT	2	Analyst, admin.	
Total	312		

ADR = Alternative Dispute Resolution
CINA = Children in Need of Assistance
TPR = Termination of Parental Rights

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New Contractual Positions

The total number of contractual full-time equivalents (FTEs) declines by 37. This is comprised of the reduction of 58 FTE contractual conversions, offset by 21 new contractual positions, all of which are for the District Court. The positions are as follows:

- 11 security positions for the new Baltimore City facility, the Hargrove Building on Patapsco Avenue;
- 8 security positions at various district courthouses;
- 1 FTE commissioner position, who the Judiciary reports has already been hired and would like funded. It should be noted that the Judiciary reports that this is actually two commissioner positions at .5 each; and
- 1 clerk, who the Judiciary reports has already been hired and would like funded.

The District Court reported 55 vacant positions as of December 31, 2001. Most of these positions are either commissioner or clerk positions. **Therefore, DLS recommends that the positions of commissioner and clerk be deleted from the fiscal 2003 budget and that the Judiciary either switch those PINs with vacant positions or continue to fund these positions as they have been doing.**

Regarding the new Baltimore City facility, the Judiciary's request includes costs for furnishings for five judges' chambers, one x-ray machine, and one metal detector. DLS believes that 11 security positions would be more than adequate to support these areas. **DLS recommends that the Judiciary brief the budget committees on whether the number of security personnel for the new facility can be reduced.** Further, the Spending Affordability Committee has recommended an exemption from the hiring of new employees for security personnel. Likewise, the 8 additional security positions at various courthouses also fall into this exemption. **However, DLS recommends that a representative from the Judiciary brief the budget committees on the need for these security positions, including a discussion of where the 8 additional security personnel will be placed and the current condition of security in those locations.**

Vacant Positions

The Judiciary's December 31, 2001, vacancy report shows 136 regular, full-time vacancies. These vacancies are distributed as follows:

<u>Area</u>	<u>Number</u>
Administrative Office of the Courts	19
Court-related	13
Circuit Court	32
District Court	55
Judges	15
Law Clerks	2
Total	136

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The turnover for the fiscal 2003 allowance estimates that only 79.39 positions must be held vacant in order to meet the estimated turnover for fiscal 2003. Of the 136 vacancies, the Judiciary reports that 45 positions will be filled by the end of February 2002. As more fully discussed in the *Issues* section of this analysis, the Judiciary has instituted "hiring restrictions," whereby positions would be frozen for at least 90 days. Thus, it seems unusual that 45 positions would be filled during the implementation of this hiring restriction. Since the Department of Budget and Management's (DBM) vacancy reports indicate that the vacancy rate seems to fluctuate minimally, it seems that perhaps many positions would become vacant over that same period of time. Therefore, DLS has reviewed the vacancies reported by the Judiciary as of December 31, 2001, and confirmed with the Judiciary that there are no employment offers made on at least 12 of the positions. **DLS recommends that 12 vacant positions be deleted from the fiscal 2003 budget of the Judiciary.** The positions to be eliminated can be found in **Appendix 6.**

Nonpersonnel

Costs for Digital Sound and Recording System

One of the biggest increases in fiscal 2003 for the Judiciary arises from District Court expenditures in the object code of Land and Structures. The total Judicial increase in that area is almost \$1.5 million, with the District Court accounting for almost the entire amount. The major District Court expenditure in that area is the installation of Courtroom Digital Sound and Recording Systems in 20 facilities and the furnishing of the new Hargrove facility which will be discussed separately. The Courtroom Digital Sound and Recording Systems (systems) will replace the digital audio tape recorders in the courtrooms. The systems were piloted a few years ago in Anne Arundel County and expanded to the larger counties. It is now proposed that the systems be placed in the smaller counties. The cost for installation in each of the 20 facilities mentioned in the 2003 request ranges from \$23,200 to \$92,800 per system. The total cost for these installations is \$807,200. Due to the current fiscal condition, it is DLS' recommendation that installation of the Courtroom Digital Sound and Recording Systems in the 20 facilities outlined in the request be postponed for at least one year. **Therefore, DLS recommends that the budget committees reduce funding to the District Court by \$807,200 for fiscal 2003.**

New Facility in Baltimore City

A new facility in Baltimore City, the Hargrove Building on Patapsco Avenue, increases the District Court budget for additional equipment and land and structures. Ten new full-time positions, at a cost of \$267,356, have been requested in the fiscal 2003 budget to staff this building. Also requested are 11 new contractual security positions. The total cost for equipment in the fiscal 2003 budget is \$253,745, and the total cost for land and structures is \$570,975, including \$140,000 for a Courtroom Digital Sound and Recording System which is not part of the \$870,200 reduction above. This brings the total cost to \$824,720.

Performance Analysis: Managing for Results

Judiciary Has Not Finalized Performance Accountability Measures

As a separate branch of government, the Judiciary does not participate in Managing for Results. However, the Judiciary has indicated its intent to develop performance measures based upon those developed for court systems by the National Center for State Courts (NCSC). NCSC has developed model performance standards and measures in five areas:

- access to justice;
- expedition and timeliness;
- equality, fairness, and integrity;
- independence and accountability; and
- public trust and confidence.

The Judiciary has not indicated whether it plans to develop performance standards for the appellate courts in addition to the trial courts.

In 1999 the General Assembly requested that the Judiciary report on criminal and civil case processing in the circuit courts. A report was submitted, and updated in 2000, which included a number of recommendations on how best to improve the effectiveness of case management in the courts. The development of uniform case processing time standards was central to these recommendations. In May 1999 the Chief Judge gathered a group of judicial leaders to discuss the future of the Judicial Branch. As part of the recommendations which emerged, the group noted a need to improve case processing. As a result, the Maryland Judicial Council was formed in September 1999 and has since engaged in developing and implementing case time standards to measure trial court performance. In addition, the Judiciary has made an effort to establish uniform statewide data and information collection standards.

Development of performance standards and measures is a key component of the 1999 Circuit Courts Action Plan. According to this proposal, the circuit courts will not consolidate into one unified court system; rather, they will work through the conference of circuit court judges to develop performance standards based upon the NCSC model. The action plan does not provide a timetable for the development of these standards.

Committee narrative in the 2001 *Joint Chairmen's Report*, requested that the Judiciary provide an update on the development of these standards by December 1, 2001. By letter dated December 1, 2001, the Judiciary advised the budget committees that it anticipates that the case time standards and the data standards will be finalized in the first quarter of 2002.

Also, in the fiscal 2002 budget analysis, it was noted that the Family Division has prepared a draft set of performance standards based upon NCSC and that the District Court had indicated their intent to develop performance standards.

The Chief Judge for the Court of Appeals should brief the budget committees on the status of the case time standards and the data standards currently being developed, as well as the anticipated date these standards will be implemented. Further, particular mention should be made regarding the

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status of the Family Division and District Court's development of their own performance standards. DLS also recommends the addition of the following budget bill language:

.provided that \$500,000 of the general fund may not be expended until the Administrative Office of the Courts has submitted case time standards and data standards to the Senate Judicial Proceedings and Budget and Taxation and House Judiciary and Appropriations committees.

Workload Analysis

Calendar 2001 submission on Judicial Certification of Need for additional judgeships contained a detailed analysis of the workload for the circuit courts and the District Court, which was adopted in the fiscal 2002 budget analysis. This year's submission, while including some workload analysis, did not contain the same detail. However, AOC voluntarily supplied information so that performance measurement data could be evaluated in the budget analysis. That workload summary for the Judiciary is presented in **Exhibit 2**. Notable changes are highlighted below.

- **Court of Appeals:** After a drop in 1999, the court's primary caseload appears to have returned to 1998 levels and is expected to remain stable in fiscal 2002 and 2003. Attorney grievance proceedings, which have been declining since 1997, rose in fiscal 2001.
- **Court of Special Appeals:** Steady increases occurred through 2000 but appear to have decreased in 2001 and leveled out from 2001 through 2003.

Exhibit 2

**Program Measurement Data
Judiciary
Fiscal 1998 through 2003**

	<u>Actual</u> <u>1999</u>	<u>Actual</u> <u>2000</u>	<u>Est.</u> <u>2001</u>	<u>Actual</u> <u>2001</u>	<u>Est.</u> <u>2002</u>	<u>Est.</u> <u>2003</u>	<u>Ann.</u> <u>Chg.</u> <u>99-01</u>	<u>Ann.</u> <u>Chg.</u> <u>01-03</u>
Court of Appeals								
Number of judges	7	7	7	7	7	7	0.00%	0.00%
Regular docket	138	151	152	151	147	146	4.60%	-1.67%
Petitions for certiori	679	741	739	700	705	701	1.53%	0.07%
Atty. griev. proceedings	74	72	65	77	70	67	2.01%	-6.72%
Court of Special Appeals								
Number of judges	13	13	13	13	13	13	0.00%	0.00%
Regular docket	1,957	2,038	2,048	1,868	1,917	1,904	-2.30%	0.96%
Circuit Court								
Number of judges	143	143	143	143	146	146	0.00%	1.04%
Civil cases filed	167,265	168,330	173,412	169,950	174,028	177,067	0.80%	2.07%
Civil cases terminated	142,263	158,879	171,915	166,140	180,071	192,270	8.07%	7.58%
Civil Cases Clearance Rate	85%	94%	99%	98%	103%	109%	7.38%	5.46%

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	<u>Actual</u> <u>1999</u>	<u>Actual</u> <u>2000</u>	<u>Est.</u> <u>2001</u>	<u>Actual</u> <u>2001</u>	<u>Est.</u> <u>2002</u>	<u>Est.</u> <u>2003</u>	<u>Ann.</u> <u>Chg.</u> <u>99-01</u>	<u>Ann.</u> <u>Chg.</u> <u>01-03</u>
(%)								
Criminal cases filed	72,123	73,680	74,434	78,028	78,983	81,016	4.01%	1.90%
Criminal cases terminated	70,774	69,792	71,571	73,325	74,414	76,029	1.79%	1.83%
Criminal Cases Clearance Rate (%)	98%	95%	96%	94%	94%	94%	-2.06%	0.00%
Juvenile cases filed	48,057	48,502	50,515	44,059	45,680	45,364	-4.25%	1.47%
Juvenile cases terminated	40,309	40,811	42,408	35,763	37,086	36,416	-5.81%	0.91%
Juvenile Cases Clearance Rate (%)	84%	84%	84%	81%	81%	80%	-1.80%	-0.62%
Total filed	287,445	290,512	298,361	292,037	298,691	303,448	0.80%	1.94%
Total terminated	253,346	269,482	285,894	275,228	291,571	304,714	4.23%	5.22%
Total Clearance Rate (%)	88%	93%	96%	94%	98%	100%	3.35%	3.14%
District Court								
Number of judges	102	107	109	109	109	109	3.37%	0.00%
Traffic	1,187,130	1,114,503	1,147,938	1,064,864	1,068,369	1,048,318	-5.29%	-0.78%
Criminal	227,908	204,642	210,781	183,812	180,901	170,578	-10.19%	-3.67%
Civil	237,438	234,433	241,466	230,763	224,427	219,223	-1.42%	-2.53%
Landlord/tenant	569,858	553,314	569,913	525,781	508,704	488,544	-3.95%	-3.61%
Domestic violence	17,489	18,078	19,747	18,829	18,830	19,114	3.76%	0.75%
Total Filings	2,239,823	2,124,970	2,189,845	2,024,049	2,001,231	1,945,777	-4.94%	-1.95%

Source: Administrative Office of the Courts

- **Circuit Court:** Case clearance rates are improving overall. However, the criminal case clearance rate has declined slightly since 1999 from 98% to 95% in 2000 and 94% in 2001. While last year it was expected to increase in 2001 and 2002, this year's projections show the rate remaining at 94%. The juvenile case clearance rate also declined slightly since 2000 from 84% to 81% in 2001. It is expected to remain constant in 2002 and drop another 1% in 2003. **DLS recommends that the Judiciary brief the budget committees on why criminal and juvenile cases clearance rates are dropping.**
- **District Court:** There are no reported clearance rates. Caseloads decline slightly from 1999 to 2000. While calendar 2001 analysis showed an expected increase in 2001 and 2002, 2001 figures show an actual continued reduction in caseloads. Further, this decline is expected to continue through 2003.

DLS recommends that the Judiciary identify for the budget committees any jurisdictions that have developed any case backlogs in the past year. The briefing should include the status of each county and Baltimore City, for both the District Court and circuit court cases.

Issues

1. Voluntary Measures Taken by the Judiciary Towards Cost Containment Should Generate \$1.4 Million Reversion to General Fund

Fiscal 2002

As a separate branch of government, the Judiciary does not fall under the cost containment mandates of the Governor. However, the Judiciary has implemented a two-part plan toward containing costs for fiscal 2002, initially committing themselves to reverting approximately \$1 million to the State in fiscal 2002. It is the Judiciary's position that the \$1 million reversion is still their goal. However, the Governor's spending plan assumes that the Judiciary will make a specific reversion of \$1.4 million to the general fund for fiscal 2002. The two-part plan for reaching this cost containment consists of:

- a hiring restriction; and
- a reduction of nonpersonnel operating costs.

DLS recommends that the Chief Judge of the Court of Appeals discuss the issue regarding the discrepancy in the amount of the reversion to the general fund through cost containment measures.

90-Day Hiring Restriction

The Chief Judge for the Court of Appeals instituted a 90-day hiring restriction for the entire Judicial Branch, which took effect December 1, 2001. This delay is not a permanent long-term freeze on hiring, but rather a short-term delay of hiring for certain vacant full-time and contractual positions. Any position vacant on December 1, 2001, is to have a delayed hiring date for 90 days, i.e., the position cannot be filled for 90 days. Once the 90-day period is over, the position is open and can be filled at any time and is not subject to any further hiring delays, unless the position is filled and then once again vacated. Any other positions that become vacant after December 1, 2001, will also be subject to this 90-day hiring delay. For example, if a position becomes vacant on January 9, 2002, it cannot be filled for 90 days. As stated, the only way the same position can be held for over 90 days is if it is filled and then vacated. Further, active recruitment for any vacant position can take place during the last 45 days of the 90-day period. In addition, an offer of employment can be made during the 90-day period. Plus, the position can be exempted at any time from the hiring restriction. Authority for granting exemptions has been given by the Chief Judge to the AOC Human Resources Director, along with specific guidelines as to which positions may be exempt from the hiring restriction. The Judiciary anticipates that this process will continue until the end of the fiscal year and be revisited at that time. Monthly vacancy reports should provide the Judiciary with an estimate of accumulated cost savings.

DLS recommends that the Judiciary discuss their current vacancies, the amount of essential vacant positions, and the standards a position must meet in order to be exempted from the hiring restriction.

Reduction of Nonpersonnel Operating Costs

The second part of the Judiciary's cost containment approach involves savings measures to ensure cost containment within each jurisdiction through a reduction of nonpersonnel operating costs. The reduction of nonpersonnel operating costs is based upon 1.5% of each program budget, adjusted for salaries and wages, technical and special fees, grants, fixed charges, land improvements, and other essential services. Targeted costs for containment are suggested as communications, travel, fuel and utilities, motor vehicle operations and maintenance, contractual services, supplies and material, replacement equipment, and additional equipment. The AOC determined the target amount each jurisdiction was to cut in its nonpersonnel operating budget to achieve the total target goal. Each jurisdiction was notified by letter of its respective target goals at the beginning of January 2002. Starting January 2002, each jurisdiction will be responsible for determining how they are to meet their individual target goals and may allocate the savings through object codes as they see fit. The AOC will monitor each jurisdiction for compliance by closely following their monthly reports. However, the jurisdictions do not have any monthly target goals and, on a case by case basis, allowances will be made for certain expenses which may make a jurisdiction unable to meet its overall goal.

DLS further recommends that the Chief Judge for the Court of Appeals brief the budget committees on the status of the measures that the Judicial Branch has voluntarily taken toward cost containment, including the current and future cumulative projected savings from these measures.

Fiscal 2003

Both the Executive and Legislative Branches of government have been advised of fiscal 2003 cost containment measures, which include savings from the continued hiring freeze and the reduction in operating expenses. Likewise, it should be expected that the Judiciary will offer its own contributions for fiscal 2003. By annualizing their fiscal 2002 contribution, the fiscal 2003 contribution can be calculated. DBM reports that of the \$1.4 million fiscal 2002 Judicial contribution for cost containment measures, \$800,000 was related to a 1.5% reduction in operating expenses and \$600,000 was related to eight months of a hiring restriction. Carrying forward the \$800,000 for the reduction in operating expenses and annualizing the \$600,000 for the hiring restriction savings yields a total fiscal 2003 cost savings of \$1,646,000.

DLS recommends that the fiscal 2003 budget be reduced by \$1,646,000 to reflect these projected fiscal 2003 cost containment savings.

This reduction will also adjust the Judiciary's turnover expectancy which is too low for fiscal 2003. Historical vacancy patterns have been quite different from budgeted turnover. Since at least fiscal 2000, the Judiciary has reported a vacancy rate of at least 4.00%, sometimes reaching almost 5.00%. During that same time period, the budgeted turnover has been between 2.39% and 2.97%. Thus, the turnover expectancy should be closer to the 4.00%. By raising the turnover expectancy, funds would be removed from the operating budget. However, reducing the budget for a fiscal 2003 cost containment contribution is in effect also indirectly raising the turnover expectancy.

2. Judicial Compensation Commission Recommends 5% Salary Increase for Maryland Judges and Changes to Benefits

In January 2002 the Judicial Compensation Commission (JCC) adopted a proposal to:

- increase the salary level for Judges of the Court of Appeals, Court of Special Appeal, circuit court, and District Court by 5% beginning January 1, 2003; and
- modify the pension plan to allow for the designation of multiple beneficiaries and a lump-sum payment when there is no surviving spouse.

According to its report, the JCC based its recommendations on salary levels compared to other Maryland officials, other states' judges, and federal judges; economic and fiscal conditions; the ability to attract and retain qualified individuals; and workplace conditions. In comparing judicial salaries in Maryland to federal judicial salaries, the JCC noted its intent "to meet during the 2002 interim with a view toward proposing, during the 2003 session, that Maryland judicial salaries be tied to federal judicial salaries and that, over time, Maryland judicial salaries achieve a degree of parity with the federal salaries." Also, it should be noted that the JCC did not focus upon the general salary increase in considering increases to judicial salaries. *Finally, it should be noted that at the December 13, 2001, JCC hearing, the judicial representative, Judge Irma S. Raker, stated that Maryland judges were not requesting an increased compensation for fiscal 2003.*

The recommended salary increase is in addition to the Governor's fiscal 2003 proposed general salary increase which, pursuant to the Courts and Judicial Proceedings Article §1-703(b), is "the same percentage increase in salary as awarded to the lowest step of the highest salary grade for employees in the Standard Pay Plan." The current and proposed salaries, not including the Governor's general salary increase, are as follows in **Exhibit 3**.

Exhibit 3

Current and Proposed Judicial Salaries

		<u>Current Salary</u>	<u>Proposed Salary</u>	<u>% Change</u>
Court of Appeals	Chief Judge	\$150,600	\$158,200	5.0%
	Associate Judge	131,600	138,200	5.0%
Court of Special Appeals	Chief Judge	126,800	133,200	5.0%
	Associate Judge	123,800	130,000	5.0%
Circuit Court		119,600	125,600	5.0%
District Court	Chief Judge	123,800	130,000	5.0%
	Associate Judge	111,500	117,100	5.0%

Note: These numbers are not inclusive of the Governor's proposed fiscal 2003 cost-of-living increase or of fringe benefits.

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Source: Judicial Compensation Commission; Department of Legislative Services

Impact of Fiscal 2003 General Salary Increase

As a result of the collective bargaining process, the Governor has proposed an additional general salary increase effective for fiscal 2003, which the judges are statutorily entitled to receive. **Exhibit 4** shows the salary level for each judgeship, effective July 1, 2002, in the event the general salary increase, or cost-of-living adjustment (COLA) is included in the Governor's fiscal 2003 proposed budget. It also makes a comparison as to what judges salaries would be with only the proposed salary increase and with both the proposed salary increase and the COLA.

Exhibit 4

Projected Judicial Salaries Effective July 1, 2003 Fiscal 2003

		<u>Current Salary</u>	<u>Current Law (COLA Only)*</u>	<u>Resolution Only</u>	<u>Resolution plus COLA*</u>
Court of Appeals	Chief Judge	\$150,600	\$153,700	\$158,200	\$161,400
	Associate Judge	131,600	134,300	138,200	141,000
Court of Special Appeals	Chief Judge	126,800	129,400	133,200	135,900
	Associate Judge	123,800	126,300	130,000	132,600
Circuit Court		119,600	122,000	125,600	128,200
District Court	Chief Judge	123,800	126,300	130,000	132,600
	Associate Judge	111,500	113,800	117,100	119,500

Note: * Annualized

Source: Judicial Compensation Commission; Department of Legislative Services

Impact of Judicial Salary Increase on General Fund

If the commission's recommendation is adopted without amendment, general fund expenditures for judge's salaries and fringe benefits will increase. The general fund expenditures for the increase in judicial salaries only is \$679,000 in fiscal 2003, due to the effective date of the increase, January 1, 2003. Future year projections increase the general fund expenditures by almost \$1.4 million. The fiscal 2004 through 2007 general fund expenditure projections do not include the possibility of additional judgeships.

The State Prosecutor, the Public Defender, members of the Workers' Compensation Commission, and State's Attorneys of various counties have salaries which are tied to judicial salaries. The ties of the State

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Prosecutor, Public Defender, and members of the Workers' Compensation Commission increase the fiscal impact of an increase in judicial salaries on the State's general fund.

If the commission's recommendation is adopted without amendment, general fund expenditures for judges' salaries and fringe benefits, plus other offices tied to judicial salaries, will increase by more than \$1.4 million annually beginning in fiscal 2004. Fiscal 2003 will see a total increase of only \$724,800 due to the effective date of the salary increase, January 1, 2003. **Exhibit 5** shows the total general fund expenditures for a judicial salary increase, plus State official salaries which are tied to judges, inclusive of the COLA and fringe benefits.

Exhibit 5

**Impact of Judicial Salary Increase Inclusive of
Other Salaries Tied to Judicial Salaries
Fiscal 2003 through 2007**

	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
General Fund Expenditures	\$724,800	\$1,449,800	\$1,451,700	\$1,454,600	\$1,472,600

Note: These numbers include salary and fringe benefits
Source: Department of Legislative Services

The commission's recommendation is before the General Assembly as Senate Joint Resolution 5/House Joint Resolution 5. The General Assembly must act within 50 days of submission of the resolutions or the recommendation will be adopted as submitted. For the 2002 session, action must be taken by the General Assembly by March 7. If the increase is approved, \$724,800 in general funds would need to be added to the fiscal 2003 budget via supplemental budget or legislative action, which could include restricting a portion of the current appropriation for that purpose.

DLS recommends that the Judiciary comment on the need for the 5% increase in light of the general salary increase currently available for fiscal 2003 and projected for fiscal 2004. DLS also recommends that the Chief Judge of the Court of Appeals comment on the recommendation of the JCC. In particular, the Chief Judge should discuss whether the fiscal 2003 and projected fiscal 2004 general salary increases will provide a sufficient increase in judicial salaries commensurate with the recommendation of the JCC. DLS further recommends that the Judiciary comment on the change to the pension plan.

In addition, DLS recommends that the Chief Judge of the Court of Appeals comment upon whether he supports the recommendation of the Judicial Compensation Commission.

3. Reassessment of the Circuit Court Action Plan Is Needed

Pursuant to committee narrative in the 1999 *Joint Chairmen's Report*, the Judiciary submitted the "Circuit Court Action Plan" in November 1999. This plan set forth an incremental partial cost assumption plan that as originally reported would require the State to contribute an additional \$50 million per year to the circuit courts by fiscal 2004. These estimates are now outdated. Heavier caseloads and normal cost increases have led to higher costs for the State to absorb. Concerned with this trend, DLS recommended in fiscal 2002 that the Judiciary prepare a master plan with updated cost projections. As a result, committee narrative stated that before the State would consider assumption of additional costs for circuit court operations, additional information needed to be provided in a supplemental report to the 1999 Circuit Court Action Plan, including current and projected State and local expenditures. This supplemental report was submitted in November 2001. While State funding was reported, local funding was not, on the grounds that information "is less than complete and in need of fuller research and examination." **DLS recommends that the Judiciary brief the budget committees on the status of the fuller research and examination being performed to compile information on local funding of the circuit courts.** Exhibit 6 shows the State appropriation over the past few years, and Exhibit 7 breaks down the fiscal 2003 outlook.

Exhibit 6

Yearly Comparison of State Appropriations for Circuit Court Action Plan Fiscal 2001 though 2003

	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>	<u>FY 2003 Allowance</u>
Total	\$94,177,127	\$111,475,014	\$128,624,823	\$130,342,398

Source: Supplemental Report to the 1999 Circuit Court Action Plan; fiscal 2003 allowance

Exhibit 7

**State Cost of Circuit Court Action Plan
Fiscal 2003**

	<u>2003 Allowance</u>
Judges	\$26,948,863
Clerk of Courts (Personnel and Operating Expenses)	70,130,651
Family Divisions/Services	11,448,633
Interpreter Fees (Criminal)	325,000
Education/Training	67,090
Juror Fees	3,935,517
Standing Masters	5,106,580
Law Clerks Salaries	7,176,604
Subtotal	\$125,139,938
 Requested in 2003	
Lease Costs (Clerk of Courts)	4,878,460
Interpreter Fees (Civil)	325,000
Total	\$130,342,398

Source: Fiscal 2003 Allowance; Supplemental Report to the 1999 Circuit Court Action Plan

As shown, the total State assumption for fiscal 2003 could rise to almost \$130 million. Further, the supplemental report shows future State assumption of leasing of courthouse facilities and courtroom security for domestic relations and juvenile cases. With the economic forecast showing very little general fund revenue growth in the next year, it would be very difficult for the State to assume additional costs. Further, it would seem prudent to wait until the Judiciary has presented information on local expenditures as requested in the fiscal 2002 committee narrative.

As it has in the past, DLS recommends against State assumption of the remaining costs identified in the Circuit Court Action Plan.

Cost of Circuit Court Law Clerks

One of the recommendations in the 1999 *Joint Chairmen's Report* was that the State assume costs related to salary and benefits of circuit court law clerks. Chapter 677, Acts of 2001 requires that each circuit court judge have one law clerk to be employed by the State. The bill intended for the funds to flow through the budget for the AOC and to apply to only law clerks beginning employment on or after July 1, 2002. As part of the bill, the counties and Baltimore City must use the savings from the State's assumption to

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increase local expenditures for circuit court or related public safety purposes. From fiscal 2003 to 2010, each jurisdiction is required to report these expenditures to DBM by November 1 of each year. DBM must report these expenditures to the Chief Judge of the Court of Appeals and the General Assembly. The bill allows the Judiciary the discretion to set the salaries of the circuit court law clerks. However, the bill was enacted under the auspices that a tiered salary plan would be implemented by the Judiciary and under a fiscal estimate based upon information provided by the AOC.

Tiered Salary Plan Uncertain

In its November 1, 1999, Circuit Court Action Plan the Judiciary set forth a *fiscal 2002* statewide tiered salary plan for circuit court law clerks based on bar membership and length of employment. As per **Exhibit 8**, this tiered salary plan started at \$30,000 and peaked at \$37,500.

Exhibit 8

**1999 Circuit Court Action Plan
Fiscal 2002 Statewide Tiered Base Salary Plan for Circuit Court Law Clerks**

Nonmember of the Bar	\$30,000
Nonmember of the Bar retained an additional year	32,500
Member of the Bar	35,000
Member of the Bar retained an additional year	37,500

Source: 1999 Circuit Court Action Plan

The estimated total fiscal 2002 cost for this State assumption was, according to the 1999 Circuit Court Action Plan, \$5,906,250. Pursuant to narrative in the 2001 *Joint Chairmen's Report*, before the State would consider assuming additional circuit court costs, the Judiciary was requested to submit a supplement to the 1999 Circuit Court Action Plan. In its submission, Judiciary again notes the tiered salary plan but does not set forth any changes that have been made to the tiers. However, in its fiscal 2003 budget, the Judiciary assumes a flat base pay schedule of \$39,000 per law clerk. The Judiciary explains that the tiered base salary plan as shown in Exhibit 8 will no longer be used. Instead, there will apparently be only two tiers:

- Member of the Bar; and
- Nonmember of the Bar.

Since the Judiciary expects most of the law clerks to be members of the Bar by September, the higher salary, \$39,000, was used for the fiscal 2003 budget. However, generally, exam results from the July examination period are not known until early to mid November, thus enabling the lower tier payment to be made to all those law clerks awaiting bar results.

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DLS recommends that a representative from the Judiciary brief the budget committees on the status of the tiered salary plan for law clerks and the calculation of the flat pay rate.

Cost of Circuit Court Law Clerks Exceeds Estimates

As previously stated, in the 1999 Circuit Court Action Plan, the estimated total fiscal 2002 State assumption cost for circuit court law clerks was \$5,906,250. In its 2001 supplement to the Circuit Courts Actions Plan, the Judiciary requests \$7,176,604 in its 2003 budget. A portion of this increase may be attributable to the fact that the 2003 budget request is based on a flat salary rate of \$39,000 and not a tiered salary plan. Last session, based on information supplied by the AOC, DLS estimated the fiscal 2003 cost for circuit court law clerks at \$5,427,899. However, since the Act only applies to law clerks beginning employment on or after July 1, 2001, the estimate was also based upon each judge hiring a new law clerk beginning September 1, 2001. Even assuming that the Judiciary's request was based upon a 12-month period, reduction by two months would only decrease the request by approximately \$1.2 million. Further, any recent law school graduate interested in a circuit court clerkship would be unlikely to begin employment until after the 2002 Maryland bar exam, now scheduled for July 30 and 31. Since the information provided to DLS for the cost estimates was obtained by the Judiciary, and since it is reasonable to assume a September 1, 2001, start date for all new circuit court law clerks, the fiscal estimate should be used for the fiscal 2003 budget.

Effective Date of the Act

Chapter 677 of 2001 states that the "Act shall only apply to a law clerk who begins employment on or after the effective date of this Act." The effective date of the Act is July 1, 2002. In essence, each of the 146 circuit court judges will have to relieve their current law clerk and employ a new law clerk to start after July 1, 2002. Otherwise, the State is not responsible for payment of that law clerks salary. Since the term of employment for law clerks now differs from jurisdiction to jurisdiction, it is unclear how many law clerks will begin their employment on or after July 1, 2002. Further, although most law clerks seem to hold their position for only one year, a list of law clerks and their start dates provided by the AOC shows that many current law clerks began employment in early calendar 1999 or early calendar 2000. It is unclear whether their positions will continue through calendar 2002. DLS projected the cost last year based upon a start date of September 1, 2001. Further deferment would reduce the funding for circuit court law clerks.

Repeal of Funding Law Clerks for Circuit Courts Is Recommended

In fiscal 2002, when the General Assembly was considering the bill which would have the State assume the costs for circuit court law clerks, the year's fiscal circumstances were not contemplated. In hindsight, it may not have been prudent to place such a burden on the State. **With that in mind, it is DLS's recommendation that \$7.2 million be deleted from the budget for funding circuit court law clerks. Moreover, it is recommended that through the Budget Reconciliation Act of 2002, the statute which obligates the State for circuit court law clerk costs, be repealed.**

Alternative I

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In the alternative, DLS recommends that the budget committees reduce the fiscal 2003 allowance for circuit court law clerks by \$1,748,705. In addition, DLS recommends that due to the uncertainty of the number of law clerks beginning employment after July 1, 2002, funding for circuit court law clerks be deferred for an additional month, yielding a \$542,790 reduction.

DLS further recommends that \$3 million in the general fund appropriation be restricted pending the submission of a report setting forth the law clerk salary plan, a comparison of law clerk salaries from 1997 to the present, a list of all law clerks and their hire dates, and the length of each law clerks employment. Consistent with this recommendation, DLS recommends the adoption of the following budget bill language:

.provided that \$3,000,000 of this appropriation may not be expended until the Administrative Office of the Courts has submitted a report to the budget committees no later than December 1, 2001, detailing the circuit court law clerk salary plan and setting forth historical salary data relevant to circuit court law clerks. This report shall include the following information:

- (i) a detailed description of the circuit court law clerk salary plan, including calculation of annual salary and benefits;
- (ii) a comparison of circuit court law clerk salaries from 1997 to the present, including annual salary and benefits;
- (iii) a list of all circuit court law clerks for each jurisdiction, as well as their hire dates and length of employment;
- (iv) a list of all circuit court law clerks working prior to July 1, 2002, including the county for which they are employed; and
- (v) a list of all circuit court law clerks hired after July 1, 2002, including the county for which they are employed.

Further provided that the budget committees shall have 45 days to review and comment upon the plan prior to release of funds.

Leasing of Courthouse Facilities for Clerks of Court

In fiscal 2003, as per SB 197 of 2002, there is once again a request that the State budget include appropriations to pay rent to counties for space occupied in county facilities by the clerks of the circuit courts. The funding for this is based upon \$10 cost per square foot. Counties would have to use savings for the circuit court or for related public safety purposes. In the 2001 session, the general assembly deleted \$6.7 million for this purpose. **DLS recommends that the General Assembly again delete the \$4.9 million proposed for circuit court lease costs.**

Court Interpreter Fees

There is also a bill, HB 320 of 2002, which would expand the cases in which interpreters are required to be appointed. Further, legislation would add clarity to statutory law so that interpreters in both criminal and civil actions have costs paid by the State. Currently, only interpreters in criminal cases have their costs paid by the State. This would add costs in both the circuit court and District Court budgets. Civil interpreter fees are now included in the both budget, adding approximately \$325,000 to the fiscal 2003 allowance. **DLS recommends that these funds be deleted and that the costs be borne by the litigants.**

4. No New Circuit Court Judgeships Certified Although Needs at 21.62 for the Circuit Court and 13.99 for the District Court

Since 1979, the Chief Judge of the Court of Appeals annually certifies to the General Assembly the need for additional judges in the State. The determination of need is based upon a statistical analysis of factors affecting workload and performance, as well as the comments of circuit court administrative judges and the Chief Judge of the District Court in consultation with area representatives. Legislation to create additional judgeships based upon the certification of need is then introduced to the General Assembly.

NCSC was commissioned by the Judiciary to conduct a judicial workload assessment to be used to determine the number of judges necessary in the circuit courts. NCSC submitted a final report dated July 2001 titled *Workload Assessment Model for the Maryland Circuit Courts*. The report sets forth the 12-step methodology for determining the workload of the Maryland Circuit Court judges, with a discussion of the Maryland results in each step. The 12-step methodology is as follows:

- selection of representative sample courts;
- categorization of case types;
- decision of study period length;
- time-study;
- disposition count;
- construction of the case weights;
- filings count;
- calculation of the workload;
- determination of the judge year value;
- judicial resource count;
- calculation of judicial resource need; and

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- comparison of actual judicial resources and required judicial resources.

DLS recommends that a representative of the Judiciary brief the budget committees on each of these 12 steps, as well as the weight that is given to each step and where the information containing a judge's benchtime can be found.

The report weighs cases to account for complexity and judicial attention. All eight circuit courts were a part of this assessment, supplying critical information for the assessment through forms generated by NCSC. These forms basically allowed NCSC to collect workload data from the judges directly. Once the information was gathered, it was then interpreted by NCSC. The report sets forth a discussion on the interpretation of the information gathered as part of the 12-step process. The conclusions and recommendations are based upon the interpretation. **Exhibit 9** shows the final recommendation as to the need of additional judgeships in the Circuit Court as of June 30, 2001.

Implementing the same workload assessment, an August 2001 report titled *Workload Assessment Model for the District Court of Maryland* was also submitted to the Judiciary. All 12 judicial districts were a part of this assessment. Exhibit 9 also sets forth the findings of need of this report.

While the report on circuit court judges shows a need for 21.62 additional judges, three judges are not accounted for in the number of actual judgeships. These three judges would make a significant impact upon judicial caseloads. The District Court assessment excluded four judgeships: the Chief Judge and three judges in Montgomery County who handle only juvenile cases. Further, no mention is made of the number of retired judges currently working a docket and any possible increase in utilization of retired judges.

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Exhibit 9

Additional Circuit Court and District Court Judges Needed as of June 30, 2001

<u>Circuit or District Court</u>	<u>Actual Number Circuit Court Judges</u>	<u>Additional Circuit Court Judges Needed</u>	<u>Actual Number District Court Judges</u>	<u>Additional District Court Judges Needed</u>
First	7.00	1.57	26.00	2.13
Second	7.00	0.77	5.00	1.22
Third	21.00	3.34	6.00	0
Fourth	7.00	1.08	4.00	1.47
Fifth	18.00	2.76	13.00	4.94
Sixth	21.00	6.56	10.00	1.25
Seventh	32.00	2.76	8.00	0.67
Eighth	30.00	2.80	13.00	2.30
Ninth	n/a	n/a	4.00	0
Tenth	n/a	n/a	7.00	0
Eleventh	n/a	n/a	5.00	0.01
Twelfth	n/a	n/a	3.00	0
Total	143.00 *	21.62 **	104.00 ***	13.99

*There are currently 146 authorized Circuit Court Judge positions.

**Adds to 21.64.

***There are currently 108 authorized District Court Judge positions; however, the assessment excluded four judgeships: the Chief Judge and three judges in Montgomery County who handle only juvenile cases.

Source: July 2001 Final Report, *Workload Assessment Model for the Maryland Circuit Courts*; August 2001 Final Report, *Workload Assessment Model for the District Court of Maryland*

Once the reports are submitted to the Judiciary, a determination of certification of need is made. However, in spite of the recommendations of these reports, by letter dated November 1, 2001, the Chief Judge advised that due to the economic conditions of the State, the fiscal 2003 budget would contain no request for additional judges. This decision was made despite what the Chief Judge described as "a reasonable expectation that a declining economy will increase case filings." The Chief Judge explained in this letter that prior to September 11, 2001, the Judiciary seriously considered requesting eight new judgeships in the trial courts: four for family matters in the circuit courts and four for the District Court. Instead, the Judiciary will attempt to manage caseloads with existing resources, including retired judges.

DLS recommends that the Chief Judge of the Court of Appeals brief the budget committees on the determination of the certification of judicial need.

5. Diminishing Circuit Court Real Property Records Improvement Fund (Fund)

In 1991 the General Assembly passed legislation creating the Circuit Court Real Property Records Improvement Fund (Fund), a nonlapsing fund to be used for improvement and modernization of land records offices of the Clerk of Courts in each county and Baltimore City. Since the fund was established, the surcharge for mortgages, leases, deeds, and deeds of trust has remained at \$5, with all other instruments assessed at \$2 until October 2000, when the fee was raised to \$5.

The Fund was originally set to sunset in 1996, but 1995 legislation extended the sunset date to June 30, 2001. At the same time, the legislature created a five-member Fund Oversight Committee to advise the State Court Administrator with regard to Fund expenditures. Representatives from the Maryland Land Title Association, the Maryland State Bar Association, the Maryland State Archives, the Circuit Court Clerks' Association, and the AOC constitute the committee. Also part of the 1995 legislation was a requirement that the State Court Administrator submit an annual report of revenues and expenditures to the budget committees.

1998 legislation allowed the Fund to collect additional revenues from copies made on equipment purchased through the Fund. The life of the Fund was once again extended through 2000 legislation marking a new sunset date of June 30, 2006.

The Judiciary reports that since 1991 the Fund has allowed improvements to be made in clerk of court offices, the State Department of Assessment and Taxation, county treasurer, and county finance offices. The improvements involve two initiatives: electronic land records on-line imaging (ELROI), and digital image reference system for subdivision and condominium plats, or Plats On-line (PLATO). The Judiciary also reports that at the end of fiscal 2001, a total of 11 jurisdictions had been brought into the ELROI system and that PLATO will be installed in all jurisdictions by the end of fiscal 2002. **DLS recommends that a representative from the Judiciary brief the budget committees on the current status of the statewide implementation of ELROI and PLATO.**

Based upon concerns about the escalating costs of technological improvements to real property records in the State, specifically ELROI and PLATO, and the lack of strategic planning guiding the technological improvements, fiscal 2002 budget bill language restricted \$700,000 for these projects until the annual report of revenues and expenditures was submitted. The restrictive budget bill language mandated that the report include "a feasibility evaluation of alternative funding proposals and alteration in project scope to ensure availability of sufficient funds for the development, installation, and operation of improved land record systems" as well as draft legislation to implement funding options and discussion as to decreases in project scope, increase in fees, and elimination of the sunset provision. In September 2001, the Judiciary submitted its annual report.

The annual report of the Judiciary describes the activities and related revenues and expenditures

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associated with the Fund and does include an evaluation of alternative funding proposals for the Fund as required. Specifically, the annual report evaluates the following alternative funding proposals:

- the possibility of user access fees;
- an increase in the present surcharge fee, including calculations of potential revenue for incremental increases in the surcharge fee;
- the removal of the sunset provision; and
- full or partial assumption of maintenance costs through the general fund.

Further, the annual report states that in 2000 the Judiciary looked more closely at ELROI spending and realized that the Fund may be depleted before completion of the project. Based on this realization, according to the annual report, the Judiciary modified its plans to restrict use of the Fund. In support of this assertion, a chart was included showing that from fiscal 2000 to 2001, expenditures under the Fund were reduced from \$7,197,531 to \$4,872,880. **Exhibit 10** sets forth this chart. Fiscal 2002 expenditures increased and a total of \$6.1 million in special funds is requested for fiscal 2003. It should be noted that fiscal 2003 marks a return to higher spending at \$6.1 million in special funds. This will once again deplete the fund to an unacceptable level.

Exhibit 10

Real Property Records Improvement Fund Balance Fiscal 1992 through 2001 As of June 30, 2001

<u>Fiscal Year</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Fund Balance</u>
1992	\$2,676,582	\$907,053	\$1,769,529
1993	3,349,912	2,457,091	2,662,350
1994	4,088,912	2,987,299	3,763,963
1995	2,995,141	3,476,599	3,282,505
1996	3,088,527	2,556,545	3,814,487
1997	3,183,194	1,615,242	5,382,439
1998	3,758,387	3,722,889	5,417,937
1999	5,691,294	6,316,559	4,792,672
2000	4,947,541	7,197,531	2,542,682
2001	6,198,804	4,872,880	3,868,606
Estimated 2002	7,000,000	8,300,000 *	2,568,606
Estimated 2003	7,000,000	6,100,000	3,468,606
Total	\$53,978,294	\$50,509,688	\$3,468,606

*The Judiciary believes that approximately \$3 million of this will be returned to the Fund.

Source: Judiciary's September 1, 2001, Report on the Circuit Court Land Records Improvement Fund; Department of Legislative Services.

In addition, the Information Technology Project Request shows a \$900,000 general fund increase "to

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be used to assist in delivering the land records initiatives throughout the state." **DLS recommends against using general funds for land records initiatives; and therefore, recommends a reduction of these funds.**

As stated, although the annual report does not specifically include draft legislation to implement alternative funding proposals, it does offer suggested recommendations for the legislature to ensure the viability of the Fund and completion and ongoing maintenance of the system. In addition, the annual report does not address the option of decreasing the project scope as required by the restrictive language in the Budget Bill. However, it does attempt to clarify questions raised in the *Joint Chairmen's Report* of 2001 and a Legislative Auditor's Report on cost overruns with the ELROI project by explaining the factors that it feels have affected the final project costs. These factors are as follows:

- the change in the initial scope of the project. Originally, back-scanning of records was limited to two years, but it has expanded to ten years;
- the original ELROI database was converted to a Windows-based, web-enabled environment to comport with the State's e-government initiative;
- as the scope of the project has increased, so has the cost of maintenance; and
- the plat optical imaging system (PLATO) was added to the project.

The Judiciary reports that the original estimate of \$18 million was reasonable at the time in 1996 but that the factors mentioned above have added significant cost increases to that original estimate.

Exhibit 11 shows the breakdown of expenditures from general and special fund sources through the end of fiscal 2001. For fiscal 2003, the request includes \$1,018,971 in general fund expenditures for PLATO and \$6,100,000 in special fund expenditures for ELROI; \$3,378,494 is for maintenance and \$2,721,506 is for development. Maintenance costs now exceed development costs. As maintenance costs rise, and without support from the general fund, the Fund will pay for more maintenance and less implementation. Upon the expected completion date, fiscal 2006, maintenance is estimated at approximately \$5.6 million. DLS is concerned with the balance of the fund being able to support maintenance costs in the future. Current revenues to the fund would cover this cost. However, the Fund is set to sunset in fiscal 2006. This would mean that general funds would be requested to cover maintenance costs.

Exhibit 11

**Total Expenditures from Land Records Improvement Fund
General and Special Fund Expenditures
As of June 30, 2001**

<u>Category</u>	<u>General Fund Expenditure</u>	<u>Special Fund Expenditure</u>
Automated Installations		
ELROI	\$926,875	\$14,858,052
PLATO	1,900,000	1,271,030
Furniture, Fixture, and Equipment (Over \$1,000)	0	10,604,135
Maintenance		
ELROI	0	3,210,483
Equipment and Other	898,765	1,581,676
Other Expenses and Small Equipment		4,584,312
Total Expenditures	\$3,725,640	\$36,109,688

Source: Judiciary's September 1, 2001, Report on the Circuit Court Land Records Improvement Fund

Two cross filed bills, SB 511/HB 906 of 2002, are currently pending which would increase from \$5 to \$10 the maximum surcharge that the State Court Administrator may establish on recordable instruments for the Fund and would repeal the June 30, 2006, termination date of the Fund. The Judiciary, in its annual report, estimated that an increase:

- to \$7 would yield a \$2 million increase;
- to \$8 would yield a \$3.1 million increase;
- to \$9 would yield a \$4.1 million increase; and
- to \$10 would yield a \$5.2 million increase in revenues for the Fund.

These numbers were based upon fiscal 2001 data.

As stated in the annual report, "[it is anticipated that all remaining jurisdictions will become part of the [PLATO] system in Fiscal Year 2002." The State Archives web site validates this statement. Further, since this phase of the PLATO project will be completed in fiscal 2002, any future phases, which have not yet

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begun, can be delayed for at least one year. **Therefore, DLS recommends that the \$1,018,971 and \$443,937 in general funds for PLATO be deleted from the fiscal 2003 budget.**

DLS also recommends that a representative from the Judiciary brief the budget committees on the status of the ELROI and PLATO projects, as well as projected costs associated with same.

DLS also recommends addition of the following language:

.provided that \$1,500,000 of this appropriation shall be contingent upon the enactment of SB 511 or HB 906 to increase from \$5 to \$10 the maximum surcharge that the State Court Administrator may establish on recordable instruments for the Circuit Court Real Property Records Improvement Fund.

6. Consolidation of the Offices of the Chief Clerk of the District Court and the State Court Administrator

Over the past few years, the Judiciary has promoted a policy of "one Judiciary." Consistent with this policy, functions of the District Court and the AOC have been consolidated. In the fall of 2000, the personnel departments of the District Court and the AOC were merged under one new director for human resources. This past summer, the Chief Judge announced the intent to further promote the policy of "one Judiciary" by integrating the administrative functions of the District Court into the AOC. **As per the Chief Judge's August 15, 2001, memorandum to the Judiciary, the purpose behind the consolidation was to unify administrative functions which were duplicated by the two offices and to ensure that the Judiciary operates more efficiently.** Previously, the District Court was administered by the Chief Judge of the District Court through the District Court Headquarters while the circuit courts, appellate courts, and court-related agencies were administered by the Chief Judge of the Court of Appeals through the AOC. Consolidation of these offices was to include budget and finance, procurement and contract administration, and audit.

In an August 23, 2001, letter to the budget and judiciary committees, DLS noted that the consolidation of budget, procurement, contract management, and internal audit departments has the potential to improve judicial administration, reduce administrative costs, improve communication between the General Assembly and the Judiciary, provide for more directed fiscal growth, and improve accountability. As an example, the significant deficiencies noted in the recent Judiciary and Judicial Information Systems legislative audit reports in contract management and procurement for both the District Court and the AOC was cited as a possible area to be improved by the consolidation. However, DLS also noted that the consolidation could undermine the relative focus, efficiency, and fiscal conservatism displayed by the District Court as compared to the AOC. In essence, DLS's concern was that the priorities and purpose of the District Court could be lost in the circuit court management issues that dominate the administrative responsibilities of the AOC.

On September 20, 2001, a *Unification Plan for the Consolidation of the Judiciary's Finance Departments* was prepared and submitted by the Director of Finance and the Assistant Chief Clerk Finance. As per this submission, the unification plan was to be submitted to the State Court Administrator and the Chief Deputy Clerk of the District Court on or before October 1, 2001, with an implementation strategy on or around January 1, 2002.

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According to the plan, prior to the unification, the District Court's Finance Department was comprised of 15 full-time positions, with two positions being vacant. One vacant position was for a budget manager and the other position staffs a money room. The AOC's Finance Department was comprised of 17 full-time positions, with six positions being vacant.

Also according to the plan, as part of the consolidation all staff are to be retained. However, as per the September 20, 2001 plan, there were at least eight vacant positions in the finance departments of the District Court and the AOC. Since the purpose behind the consolidation is to eliminate duplication of effort and promote efficiency, it seems that the staff would be diminished, not stay the same or increase. However, in the December 31, 2001, vacancy report there are only two vacancies in the finance department, both of which are to be filled at the end of February 2002. Therefore all positions will be hired in the finance department. DLS finds this particularly interesting as there has been a hiring restriction since December 1, 2001. DLS is also curious as to the cost savings, which would seem inherent in a consolidation of offices.

DLS recommends that in order to achieve the efficiency inherent in a consolidation, six positions be deleted from the fiscal 2003 budget. DLS has used the six PINs found in the *Unification Plan for the Consolidation of the Judiciary's Finance Departments*, which were vacant at the time the plan was submitted. An equivalent exchange could be made with vacant PINs.

DLS further recommends that a representative from the Judiciary brief the budget committees on the status of implementation of the consolidation of the Judiciary's finance departments. DLS further recommends that the Judiciary detail the cost savings from the consolidation of the human resources and finance departments of the AOC and the District Court. In addition, DLS recommends that the Judiciary comment upon the filling of positions during a hiring restriction.

DLS also recommends adoption of the following committee narrative requesting an update on the development of the consolidation plan, a quality review of the new unified structure of the finance department and personnel departments, their processes and effectiveness, and future plans for further unification of the administration of the Judiciary:

Administrative Consolidation: The committees request an update on the development of the consolidation plan of the Judiciary's finance departments, a quality review of the new unified structure of the finance department and personnel department, their processes and effectiveness, and future plans for further unification of the administration of the Judiciary, to be submitted on or before September 1, 2002.

7. Proposed Salary Increase for the Clerks of the Circuit Court

At least three proposed bills in the 2002 session (SB 14, HB 39, and HB 127) would raise the maximum salary for clerks of the circuit court from \$75,000 to \$85,000. Clerks' salaries are supported from the general fund. Salaries for individual clerks are currently budgeted in one of four scales:

- A - \$75,000;
- B - \$73,250;

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- C - \$72,100; and
- D - \$69,100.

If legislation is enacted, the Board of Public Works (BMW) would set the new salary scales. Similar legislation proposed during the 2001 session failed.

The most recent increase to the maximum allowable salary for circuit court clerks was enacted in 1998 as Chapter 221 - a 17% increase from \$64,000 to \$75,000. Since 1982, the circuit court clerks' maximum allowable salary has increased from \$37,500 to \$75,000.

Exhibit 12 assumes that the BMW would increase the salaries of the clerks who currently earn \$75,000 to \$85,000, a 13.33% increase, and increase the salaries of the other clerks by 13.33%.

Exhibit 12

Circuit Court Clerks' Proposed Salary Increase

<u>Clerk</u>	<u>FY 99 Salary</u>	<u>FY 00 - 02</u>	<u>FY 03</u>	<u>% Annual Increase 99-03</u>
Caroline	\$59,000	\$69,100	\$78,311	7.3%
Dorchester	59,000	69,100	78,311	7.3%
Garrett	59,000	69,100	78,311	7.3%
Kent	59,000	69,100	78,311	7.3%
Queen Anne's	59,000	69,100	78,311	7.3%
Somerset	59,000	69,100	78,311	7.3%
Talbot	59,000	69,100	78,311	7.3%
Allegany	61,500	72,100	81,711	7.4%
Calvert	61,500	72,100	81,711	7.4%
Carroll	61,500	72,100	81,711	7.4%
Cecil	61,500	72,100	81,711	7.4%
Frederick	61,500	72,100	81,711	7.4%
St. Mary's	61,500	72,100	81,711	7.4%
Washington	61,500	72,100	81,711	7.4%
Wicomico	61,500	72,100	81,711	7.4%
Worcester	61,500	72,100	81,711	7.4%
Charles	61,500	73,250	83,014	7.8%
Harford	61,500	73,250	83,014	7.8%
Howard	61,500	73,250	83,014	7.8%
Anne Arundel	64,000	75,000	85,000	7.4%

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<u>Clerk</u>	<u>FY 99 Salary</u>	<u>FY 00 - 02</u>	<u>FY 03</u>	<u>% Annual Increase 99-03</u>
Baltimore	64,000	75,000	85,000	7.4%
Montgomery	64,000	75,000	85,000	7.4%
Prince George's	64,000	75,000	85,000	7.4%
Baltimore City	64,000	75000	85,000	7.4%

Source: Department of Legislative Services

The new salaries do not apply to incumbents. General fund expenditures would increase by \$154,700 (salary and fringe benefits) in fiscal 2003, due to the December 1, 2001, effective date of the proposed increase. Future year increases would be \$265,300, inclusive of fringe benefits. The fiscal 2003 allowance does not include funds for the increase in circuit court clerks' salary. Therefore, funds would have to be supplied in a supplemental budget.

DLS recommends that the Judicial Branch brief the budget committees on the legislation's anticipated effect on the general fund.

Recommended Actions

	<u>Amount Reduction</u>		<u>Position Reduction</u>
1. Reduce proposed 45.9% general fund growth in additional assistance to the fiscal 2002 general fund working appropriation. The fiscal 2001 actual general fund expenditure is \$1,007,564. The fiscal 2002 general fund working appropriation is \$1,194,092. The fiscal 2003 general fund allowance is \$1,742,451, or 45.9% over the fiscal 2002 appropriation. The fiscal 2003 increase in general fund additional assistance expenses should be restricted to the fiscal 2002 general fund working appropriation. This reduction should be allocated among all programs.	\$ 548,359	GF	
2. Reduce proposed 12.8% general fund growth for overtime to the fiscal 2002 general fund working appropriation. The fiscal 2001 actual general fund expenditure is \$724,082. The fiscal 2002 general fund working appropriation is \$731,151 (1%, or \$7,069 above the fiscal 2001 actual general fund expenditure). The fiscal 2003 general fund allowance is \$825,015, or 12.8% over the fiscal 2002 general fund working appropriation. The fiscal 2003 increase should be restricted to the fiscal 2002 general fund working appropriation. This reduction should be allocated among all programs.	93,864	GF	
3. Delete funding for 146 circuit court law clerks predicated on repeal of Chapter 677, Acts of 2001 through the Budget Reconciliation Act of 2002. In light of the current economic forecast, it is not prudent for the General Assembly to assume additional debt such as this.	7,176,604	GF	146.0

In the alternative, it is recommended that funding for the circuit court law clerks be reduced in two ways:

- The Department of Legislative Services recommends using the fiscal estimate of \$5,427,899 for fiscal 2003, which was based upon information provided by the Administrative Office of the Courts and estimates a September 1, 2002, start date for all new law clerks. This would generate a savings of \$1,748,705.

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- Defer funding for circuit court law clerks for one additional month past September 1, 2002. There is uncertainty as to the number of circuit court law clerks who would begin employment after July 1, 2002, the date on which all newly hired circuit court law clerks need to start in order to be supported by the State. There would be a savings of \$542,790.

4. Delete 34 new positions from the fiscal 2003 budget. 1,177,625 GF 34.0
 These positions are listed as follows by program:

District Court

Clerks	12
Commissioners	5

Administrative Office of the Courts

Human Resource Administrator	1
Accounts Payable Associate	1

Court-related Agencies

Community-based Alternative Dispute Resolution Programs Director	1
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Maryland State Law Library

Outreach Services/Research Librarian	1
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Judicial Information Systems

User Support Administrator	1
Special Projects Manager	1
Senior Database Project/Analyst	1

Circuit Court Clerks

Clerks	7
Chief Deputy	1

Family Services

Permanency Planning Liaison	1
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Major Information Technology

Systems Database Administrator	1
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Total **34**

5. Delete six positions as cost savings in the consolidation of the finance departments of the Administrative Office of the Courts and the District Court. This deletion is in order to achieve the efficiency inherent in a consolidation. The PINs are as follows: 061704, 079031, 079030, 077526, 079028, and 000422. 292,228 GF 6.0

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6.	Delete funds for conversion of 58 contractual FTEs. These positions are listed as follows by program:	454,320	GF	58.0												
	District Court															
	Commissioners	4														
	Clerks	5														
	Administrative Office of the Courts															
	Database Support Technician	1														
	Judicial Information Systems															
	Data Entry Clerk	13														
	Administrative Support	1														
	Circuit Court Clerks															
	Clerks @ \$27,936	25														
	Clerks @ \$26,198	3														
	Clerks @ \$23,057	4														
	Clerk @ \$25,541	1														
	Family Services															
	Database Support Technician	1														
	Total	58														
7.	Delete two contractual employee positions from the District Court.	61,176	GF													
8.	Delete three PINs in the District Court:	100,262	GF	3.0												
	<ul style="list-style-type: none"> ● 000972 – Clerk II (there were a total of six Clerk II positions vacant as of December 31, 2001, in this district alone); ● 079006 – New, Operations (there were a total of two new operations positions vacant as of December 31, 2001, in this district headquarters); and ● 080549 – Clerk I (there were a total of three Clerk I positions vacant as of December 31, 2001, in this district alone). 															
9.	Delete three long-term vacant PINs in the Court of Appeals:	159,150	GF	3.0												
	<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>PIN</u></th> <th style="text-align: left;"><u>Classification</u></th> <th style="text-align: left;"><u>Date Vacant</u></th> </tr> </thead> <tbody> <tr> <td>069656</td> <td>Spec. XIII Lead</td> <td>January 25, 2000</td> </tr> <tr> <td>069657</td> <td>Spec. XIII</td> <td>October 27, 2000</td> </tr> <tr> <td>077502</td> <td>Lead Auditor</td> <td>July 1, 2000</td> </tr> </tbody> </table>	<u>PIN</u>	<u>Classification</u>	<u>Date Vacant</u>	069656	Spec. XIII Lead	January 25, 2000	069657	Spec. XIII	October 27, 2000	077502	Lead Auditor	July 1, 2000			
<u>PIN</u>	<u>Classification</u>	<u>Date Vacant</u>														
069656	Spec. XIII Lead	January 25, 2000														
069657	Spec. XIII	October 27, 2000														
077502	Lead Auditor	July 1, 2000														

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10. Delete four long-term vacant positions in the Administrative Office of the Courts: 247,673 GF 4.0

<u>PIN</u>	<u>Classification</u>	<u>Date Vacant</u>
000411	Associate X	November 14, 2000
000424	Dep. S. Ct. Admin.	April 18, 2000
073288	Administrator	October 1, 1998
074742	Administrative Specialist II	July 1, 1999

11. Delete one long-term vacant position in Major Information Technology program: 71,150 GF 1.0

<u>PIN</u>	<u>Classification</u>	<u>Date Vacant</u>
077548	Database Administrator	July 1, 2000

12. Delete one vacant position in the Clerks of the Circuit Courts: Information Specialist VIII. 35,707 GF 1.0

13. Reduce growth in fuel and utilities to correlate with the Department of Budget and Management (DBM) budget instructions. Specifically, subobjects 606 (fuel – natural gas/propane) and 620 (utilities – electric), which have growth of 83.3% and 23.2%, respectively. Under DBM budget instructions, the fiscal 2003 amount in these subobjects is to be no more than 15.4% inflation over the fiscal 2002 appropriation. This reduction brings the growth to the 15.4% appropriate level. This reduction should be allocated among all programs. 40,271 GF

14. Reduce proposed 43.1% general fund increase in total travel expenses to the fiscal 2001 general fund actual expenditures. The fiscal 2001 actual general fund expenditure for travel is \$1,181,264. The fiscal 2002 general fund working appropriation is \$1,399,857, or 18.5% over the fiscal 2001 actual general fund expenditure. The fiscal 2003 general fund allowance of \$2,003,731 for travel represents a \$603,874, or 43.1%, increase over the fiscal 2002 general fund working appropriation. All but two programs, Automation (which travel request remained the same) and Major Information Technology (a new program which requested a reduction in travel), have requested an increase in travel for fiscal 2003, with the Court of Appeals requesting a \$232,578 increase, and the Administrative Office of the Courts requesting a \$194,232 increase. The increase in general fund travel 822,464 GF

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expenses should be restricted in light of the current economic forecast. This reduction should be allocated among programs.

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|-----|--|-----------|----|
| 15. | Reduce growth in general fund contractual services for the District Court from 15.8% to 5% over the fiscal 2002 working appropriation. | 407,835 | GF |
| 16. | Reduce growth in general fund contractual services for Judicial Information Services from 41.4% to 5% over the fiscal 2002 working appropriation. | 2,201,777 | GF |
| 17. | Reduce growth in general fund supplies and materials from 7.3% to the fiscal 2002 general fund working appropriation. Costs for supplies and materials should be restricted in light of the current economic forecast. This reduction should be allocated among programs. | 359,573 | GF |
| 18. | Reduce general fund growth in additional equipment from 24.8% to the fiscal 2002 general fund working appropriation. Additional equipment costs should be restricted to the fiscal 2002 working appropriation in light of the current economic forecast. This reduction should be allocated among programs. Also, it should be noted that Courtroom Digital Sound and Recording Systems are not located in this category; therefore, there is no doubling in this reduction. | 703,035 | GF |
| 19. | Delete funding for Courtroom Digital Sound and Recording Systems in the District Court. This is for the new installation of a system in 20 facilities around the State. The District Courts that do not have this system should continue using their current recording methods for at least one more year. | 807,200 | GF |
| 20. | Reduce growth in land and structures in the Clerks of Circuit Courts program from 43.21% to 5% over the fiscal 2002 working appropriation. The fiscal 2001 actual expenditure is \$21,360. The fiscal 2002 working appropriation is \$243,000. Growth in this area should be restricted. | 92,850 | GF |
| 21. | Delete general funds for Plats On-line (PLATO). As per the Judiciary's annual report and the State Archives web site, all jurisdictions will become a part of PLATO by the end of fiscal 2002. Any future phases should be delayed for at least one year. This reduction includes two fund requests, one for \$1,018,971 and one for \$443,937. | 1,462,908 | GF |

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|-----|---|-----------|----|
| 22. | Delete general fund expenditure for Land Records. The ITPR evidences anticipated general fund expenditure for Land Records “to be used to assist in delivering the Land Record initiatives throughout the State.” | 900,000 | GF |
| 23. | Reduce Information Technology (IT) general fund growth to the fiscal 2002 appropriation level. It is suggested that information technology programs which have not started, are in the beginning phases, or are ready to move to an enhancement phase should be delayed for at least one year. It should be noted that the general fund reductions already recommended in conjunction with Land Records initiatives, specifically ELROI and PLATO, have been removed from this reduction calculation. Further, the Judiciary reports that IT expenditures can be found in the Judicial Information Systems, Major IT, and Automation programs. Therefore, areas that have already received a recommended reduction in this analysis have been removed from this calculation in order to avoid a doubling of reductions. | 1,014,728 | GF |
| 24. | Delete funding for State assumption of lease payments for circuit court clerks. As per previous years, the Department of Legislative Services recommends against State assumption of the remaining costs proposed in the 1999 Circuit Court Action Plan. It should be noted that these expenditures are not located in other recommended reduction areas; therefore, there is no doubling in this reduction. | 4,878,460 | GF |
| 25. | Delete funds for interpreters in civil actions. Costs should be borne by litigants. | 325,000 | GF |
| 26. | Reduce general fund allowance for a fiscal 2003 cost containment contribution. This number was calculated by annualizing the expected fiscal 2002 cost containment contribution, which included savings from a hiring restriction and a 1.5% cut in certain operating expenses. Both the Executive and Legislative Branches will be subjected to these cost containment measures. | 1,646,000 | GF |
| 27. | Add the following language: | | |

, provided that \$500,000 of the general fund may not be expended until the Administrative Office of the Courts has submitted case time standards and data standards. Further provided that the budget committees shall have 45 days to review and comment upon the case time standards and data

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standards to the Senate Judicial Proceedings and Budget and Taxation and House Judiciary and Appropriations committees.

28. Add the following language:

,provided that \$1,500,000 of this appropriation shall be contingent upon the enactment of SB 511 or HB 906 to increase from \$5 to \$10 the maximum surcharge that the State Court Administrator may establish on recordable instruments for the Circuit Court Real Property Records Improvement Fund.

Total General Fund Reductions	\$ 26,080,219	256.0
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Updates

1. Ex Parte and Protective Order Processing

Language in the 2001 budget bill restricted funds until the Judiciary, along with the Department of State Police, the Department of Public Safety and Correctional Services (DPSCS), and local law enforcement representatives, execute a Memorandum of Understanding (MOU) addressing improvements in civil protective orders by November 15, 2001. \$1 million was restricted in each parties budget until the MOU was satisfactorily completed. The MOU was submitted by letter dated January 2, 2002, and was the product of lengthy discussions between all parties. The MOU sets forth the responsibilities of the agencies and the Judiciary to be performed individually or jointly. However, many of the responsibilities entail developing or participating in the development of plans and programs. The MOU does set forth fiscal 2003 cost estimates for each agency and the Judiciary which total over \$3.0 million and are to be included in each agency's 2003 Information Technology Project Request. The MOU also lists the actions taken to date by all parties to the agreement. According to the MOU, the Judiciary has amended a court rule to allow consolidation of proceedings, initiated review of databases for collection of information regarding pending actions involving the parties, and developed an automated process to allow staff to create court orders.

2. Judiciary Develops a Procurement Policy

A 2001 audit by the Office of Legislative Audits recommended, among other things, that a formal, comprehensive procurement policy that establishes standards and minimum requirements for purchasing goods and services be developed by the Judiciary. A policy was developed and became effective January 2, 2002. The Judiciary reports that it based its own procurement policy on the spirit of the Executive Branch's procurement policy.

3. Expediting Termination of Parental Rights Cases

2001 committee narrative requested the Judiciary and the Department of Human Resources to submit a report outlining a plan for expediting termination of parental rights cases. This was to ensure that these cases were concluded within the statutory time period, to identify any other proposed improvements in handling these cases, and to identify funding sources for these improvements. The resulting report was submitted August 1, 2001. Recommendations included State funding for additional judicial and administrative resources, improved service of process and parent identification, expanded use of alternative dispute resolution, improved case management, and enhanced automation support. Funding has been included in the fiscal 2003 allowance.

4. Final Report of the Pretrial Release Project Advisory Committee Submitted

In June 2000 the Chief Judge created the Pretrial Release Project Advisory Committee to study pretrial procedures and practices in Baltimore City, with the intent of making recommendations for the entire State's criminal justice system. The committee met from July 2000 through July 2001. The resulting report was submitted in early October 2001 and set forth the following nine statewide recommendations:

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- There should be a creation of a statewide pretrial release agency.
- Every indigent defendant is entitled to representation by the Office of the Public Defender at bail review hearings.
- If appropriate, a prosecutor shall be present at bail review hearings.
- Maryland rules should make clear that monetary bail should be used sparingly and should encourage the use of unsecured collateral bond in lieu of a collateral bond.
- Maryland rules should conform to Maryland Code Annotated as to automatic 10% bonds.
- Consideration should be given to dedicating resources to other modes of pretrial release.
- Judicial officers should receive training and education on pretrial release determinations prior to assuming their duties and at annual seminars.
- Commissioners should have the ability to set conditions of pretrial release for bailable offenses, other than crimes punishable by death or a life sentence.
- Maryland Rule 4-216(j) should be clarified to specify that weekly reports must be made to the appropriate administrative judge and should provide for pretrial release personnel to provide information that a judge should consider with respect to change in detention status.

5. Legislation Would Expand the Authority of District Court Commissioners to Issue Interim Ex Parte Orders

Several bills in the 2002 session, SB 501/HB 6/HB 663, propose an amendment to the Maryland Constitution to expand the powers and duties of District Court commissioners to include the issuance of interim civil orders. The power to issue these interim orders would be restricted to the jurisdiction of the District Court and on days and hours in which the office of the clerk of the District Court is not open.

6. New Judgeships for the District Court Proposed

HB 689 of 2002 proposes to increase by one the number of associate judgeships authorized for the District Court in Baltimore City and Prince George's, St. Mary's, and Worcester counties. The bill would go into effect on July 1, 2002.

Current and Prior Year Budgets

Current and Prior Year Budgets

Judiciary

(\$ in Thousands)

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2001					
Legislative Appropriation	\$228,611	\$12,060	\$2,201	\$0	\$242,872
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	452	0	0	0	452
Reversions and Cancellations	(470)	(178)	(441)	0	(1,089)
Actual Expenditures	\$228,593	\$11,882	\$1,760	\$0	\$242,235
Fiscal 2002					
Legislative Appropriation	\$260,819	\$9,311	\$1,967	\$0	\$272,097
Budget Amendments	0	6,000	0	0	6,000
Working Appropriation	\$260,819	\$15,311	\$1,967	\$0	\$278,097

Note: Numbers may not sum to total due to rounding.

Fiscal 2002 Budget Amendment

In July 2001 an amendment was processed appropriating \$6 million in special funds from the Circuit Court Real Property Improvement Fund for the land records improvement project.

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Appendix 2

Object/Fund Difference Report
Judiciary

Object/Fund	FY01	FY02	FY03	FY02 - FY03	Percent Change
	Actual	Working Appropriation	Allowance	Amount Change	
Positions					
01 Regular	2870.25	3009.75	3321.75	312.00	10.4%
02 Contractual	365.00	371.00	334.00	(37.00)	(10.0%)
Total Positions	3235.25	3380.75	3655.75	275.00	8.1%
Objects					
01 Salaries and Wages	\$ 157,890,441	\$ 174,948,141	\$ 199,991,228	\$ 25,043,087	14.3%
02 Technical & Spec Fees	9,880,170	9,836,306	9,903,391	67,085	0.7%
03 Communication	6,518,711	6,627,620	8,247,582	1,619,962	24.4%
04 Travel	1,181,264	1,400,433	2,007,407	606,974	43.3%
06 Fuel & Utilities	353,521	407,344	496,281	88,937	21.8%
07 Motor Vehicles	183,775	227,293	180,386	(46,907)	(20.6%)
08 Contractual Services	22,886,977	30,189,789	30,143,541	(46,248)	(0.2%)
09 Supplies & Materials	4,909,648	4,949,462	5,309,035	359,573	7.3%
10 Equip - Replacement	3,168,555	5,175,197	4,440,695	(734,502)	(14.2%)
11 Equip - Additional	7,174,605	3,831,245	4,199,875	368,630	9.6%
12 Grants, Subsidies, Contr	15,536,842	26,699,120	28,685,412	1,986,292	7.4%
13 Fixed Charges	10,019,884	11,784,496	11,433,329	(351,167)	(3.0%)
14 Land & Structures	2,530,048	2,020,400	3,501,875	1,481,475	73.3%
Total Objects	\$ 242,234,441	\$ 278,096,846	\$ 308,540,037	\$ 30,443,191	10.9%
Funds					
01 General Fund	\$ 228,592,780	\$ 260,818,936	\$ 293,563,509	\$ 32,744,573	12.6%
03 Special Fund	11,881,727	15,311,200	13,111,500	(2,199,700)	(14.4%)
05 Federal Fund	1,759,934	1,966,710	1,865,028	(101,682)	(5.2%)
Total Funds	\$ 242,234,441	\$ 278,096,846	\$ 308,540,037	\$ 30,443,191	10.9%

Note: Full-time and contractual positions and salaries are reflected for operating budget programs only.

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Appendix 3

Fiscal Summary
Judiciary

Unit/Program	FY01	FY02	FY02	FY01 - FY02	FY03	FY02 - FY03
	Actual	Legislative Appropriation	Working Appropriation	% Change	Allowance	% Change
01 Court of Appeals	\$ 4,109,116	\$ 7,467,268	\$ 5,447,765	32.6%	\$ 6,044,944	11.0%
02 Court of Special Appeals	5,649,041	6,773,706	6,704,886	18.7%	7,059,002	5.3%
03 Circuit Court Judges	27,696,367	38,040,416	38,021,890	37.3%	49,800,054	31.0%
04 District Court	95,029,617	103,207,770	103,150,440	8.5%	110,911,549	7.5%
05 Maryland Judicial Conference	170,672	154,530	154,530	(9.5%)	160,250	3.7%
06 Administrative Office of the Courts	19,719,807	16,856,914	19,364,519	(1.8%)	20,023,472	3.4%
07 Court Related Agencies	1,742,139	1,916,364	3,792,808	117.7%	4,339,160	14.4%
08 State Law Library	1,191,864	1,616,187	1,591,433	33.5%	1,906,861	19.8%
09 Judicial Data Processing	17,828,280	19,647,182	16,498,992	(7.5%)	20,300,314	23.0%
10 Clerks of the Circuit Court	58,907,656	68,153,081	65,050,082	10.4%	68,049,288	4.6%
11 Family Law Division	6,558,564	8,263,428	9,389,377	43.2%	11,448,633	21.9%
12 Major IT Projects	3,631,318	0	8,930,124	145.9%	8,496,510	(4.9%)
Total Expenditures	\$ 242,234,441	\$ 272,096,846	\$ 278,096,846	14.8%	\$ 308,540,037	10.9%
General Fund	\$ 228,592,780	\$ 260,818,936	\$ 260,818,936	14.1%	\$ 293,563,509	12.6%
Special Fund	11,881,727	9,311,200	15,311,200	28.9%	13,111,500	(14.4%)
Federal Fund	1,759,934	1,966,710	1,966,710	11.7%	1,865,028	(5.2%)
Total Appropriations	\$ 242,234,441	\$ 272,096,846	\$ 278,096,846	14.8%	\$ 308,540,037	10.9%

Judiciary
New Positions in the Fiscal 2003 Allowance

<u>Class Title</u>	<u>Number</u>	<u>Salary</u>	<u>Fringe Benefits</u>	<u>Turnover</u>	<u>Total Costs</u>
Circuit Court Judge					
Circuit court law clerks	146	\$5,694,000	\$1,697,043	(\$214,439)	\$7,176,604
Masters	57	4,339,357	917,135	(152,513)	5,103,979
District Court					
Commissioners*	5	188,190	56,785	(7,110)	237,865
Clerks*	4	89,932	38,084	(3,724)	124,292
Courtroom clerk (Baltimore City)	1	25,541	9,892	(8,862)	26,571
Cashier (Baltimore City)	2	47,922	19,400	(16,838)	50,484
Administrative assistant to judge (Baltimore City)	2	51,082	19,784	(17,724)	53,142
Division chief (Baltimore City)	1	42,893	11,994	(13,728)	41,159
Domestic violence (Baltimore City)	1	22,483	9,521	(8,004)	24,000
Operational/informational filing clerk (Baltimore City)	3	67,449	28,563	(24,012)	72,000
Commissioners	5	188,190	56,785	(61,275)	183,700
Clerks @ \$22,483	8	179,864	76,168	(64,032)	192,000
Clerk @ \$48,908	1	48,908	12,721	(15,415)	46,214
Clerk @ \$35,267	1	35,267	11,070	(11,590)	34,747
Clerk @ \$27,233	1	27,233	10,097	(9,337)	27,993
Clerk @ \$23,961	1	23,961	9,700	(8,419)	25,242
Administrative Office of the Court					
Database support technician*	1	41,232	11,743	(1,537)	51,438
Human resources administrator	1	45,799	12,342	(14,542)	43,599
Security officer	3	81,699	29,718	(27,867)	83,550
Accounts payable associate	1	27,233	9,906	(9,289)	27,850
Drug Court director	1	76,647	16,390	(23,271)	69,766

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<u>Class Title</u>	<u>Number</u>	<u>Salary</u>	<u>Fringe Benefits</u>	<u>Turnover</u>	<u>Total Costs</u>
Court-related Agencies					
Community-based ADR programs director	1	45,799	12,342	(14,542)	43,599
Maryland State Law Library					
Outreach services/research librarian	1	42,893	11,961	(13,720)	41,134
Judicial Information Systems					
Data entry clerks*	13	319,475	124,254	(12,870)	430,859
Assistant data security administrator	1	35,336	10,969	(11,582)	34,723
User support administrator	1	49,004	12,762	(15,449)	46,317
Special projects manager	1	37,712	11,281	(12,254)	36,739
Sr. database pr/analyst	1	62,935	14,590	(19,391)	58,134
Administrative support*	1	50,300	12,932	(1,835)	61,397
Circuit Court Clerks					
Clerks* @ \$27,936	25	698,400	244,275	(27,350)	915,325
Clerks* @ \$26,198	3	78,594	28,626	(3,111)	104,109
Clerks* @ \$23,057	4	92,228	36,520	(3,736)	125,012
Clerk* @ \$25,541	1	25,541	9,456	(8,753)	26,244
Clerks @ \$25,541	7	178,787	66,192	(61,271)	183,708
Chief deputy	1	48,908	12,521	(15,365)	46,064
Family Services					
Model court coordinator	1	42,893	11,961	(13,720)	41,134
Permancy planning liaison	1	40,177	11,604	(12,951)	38,830
Database support technician*	1	38,625	11,401	(1,451)	48,575
Major Information Technology (IT)					
Network systems analyst	1	62,935	14,590	(19,391)	58,134
Systems database administrator	1	71,196	15,674	(21,728)	65,142
Total	312	\$13,366,620	\$3,738,752	(\$948,264)	\$16,101,374

ADR = Alternative Dispute Resolution

* These are contractual conversions.

Source: Fiscal 2003 Allowance

Description of New Full-time Positions

Circuit Court Judge

- ***Circuit Court Law Clerks:*** Chapter 677, Acts of 2001 requires the State to assume the costs related to salary and benefits of circuit court law clerks. **As discussed more fully in the issues section of this analysis, DLS recommends that funding for these positions be reassessed.**
- ***Masters:*** Chapter 652, Acts of 2000 requires the State to assume the costs related to salary and benefits associated with standing masters.

District Court

- ***Ten New Positions for Baltimore City:*** These positions are for a new facility in Baltimore City, the Hargrove Building on Patapsco Avenue.
- ***Clerks:*** Twelve new clerk positions are requested. Four clerk conversions are also requested. **DLS recommends that these new positions and conversions be deleted from the fiscal 2003 budget.**
- ***Commissioner:*** Five new commissioner positions are requested. Five commissioner conversions are also requested. **DLS recommends that these new positions and conversions be deleted from the fiscal 2003 budget.**

Administrative Office of the Courts

- ***Security Officers:*** The Judiciary is requesting three security officers for the Courts of Appeal building.
- ***Human Resource Administrator:*** This position is in order for the hiring of a technical expert and consultant in the areas of job analysis, job evaluation, classification structures, pay analysis and system development. **DLS recommends that this position be deleted from the fiscal 2003 budget.**
- ***Accounts Payable Associate:*** The Judiciary reports that this position is needed in order to process, code, and enter data into the financial accounting system, to review input for accuracy and completeness, to investigate accounts payable issues, and track purchase orders and contractual payments. As discussed in the *Issues* section of this analysis, the Judiciary has consolidated the AOC and the District Court's financial departments for efficiency, although no positions were abolished. Numerous accounts payable associates already exist. **Thus, DLS recommends that this position be deleted from the fiscal 2003 budget.**

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- **Drug Court Director:** The Judiciary reports that this position is needed in order to develop and manage the statewide comprehensive Drug Court Program for the Maryland Judiciary. The individual filling this position will also recommend standards and guidelines for the development and operation of a treatment-based program; coordinate Drug Court activities; and establish standardized policies and practices throughout the State.
- **Database Support Technician:** One conversion is requested in this category. This position is intended to support the new positions for Family Services. There is already such a conversion requested under that program. **Therefore, DLS recommends that this conversion be deleted from the fiscal 2003 budget.**

Court-related Agencies

- **Community-based ADR Programs Director:** This position will strengthen, create, help expand, and monitor dispute resolution programs in community schools, and criminal and juvenile justice programs. This position is meant to spearhead the creation of new programs and institutionalize community-based ADR services statewide. It is DLS's position that the Judiciary should use one of its vacant positions to fill this need. **Therefore, DLS recommends that this position be deleted from the fiscal 2003 budget.**

Maryland State Law Library

- **Outreach Services/Research Librarian:** The Judiciary reports that this position will serve to develop and manage an outreach program of informational, technical, managerial, and educational services for all 24 jurisdictions. **DLS recommends that this position be deleted from the fiscal 2003 budget.**

Judicial Information Systems

- **Data Entry Clerks:** All 13 positions are contractual conversions. The Judiciary reports that the individuals in these positions key traffic ticket violations. The Judiciary would like to convert these positions to regular, full-time positions. It is DLS's position that the conversion of these positions should be delayed at least one year in light of the economic forecast. **Therefore, DLS recommends that these conversions be deleted from the fiscal 2003 budget.**
- **Assistant Data Security Administrator:** The Judiciary reports that this position is needed to comply with recommendations from the legislative auditor regarding improvements in security standards.
- **User Support Administrator:** This position is requested in order to separate the daily functions from the administrative to provide time to test and implement new software and document procedures. It is DLS's position that the Judiciary should use its current vacancies to fill this need. **Therefore, DLS recommends that this position be deleted from the fiscal 2003 budget.**

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- ***Special Projects Manager:*** This position is requested for the purpose of managing projects to include a variety of technologies. **DLS recommends that this position be deleted from the fiscal 2003 budget.**
- ***Senior Database Project/Analyst:*** It is DLS's position that the Judiciary should use its current vacancies to fill this need. **Therefore, DLS recommends that this position be deleted from the fiscal 2003 budget.**
- ***Administrative Support:*** The Judiciary requests that this position be converted to a regular, full-time position. It is DLS's position that the conversion of these positions should be delayed at least one year in light of the economic forecast. **Therefore, DLS recommends that this conversion be deleted from the fiscal 2003 budget.**

Circuit Court Clerks

- ***Thirty-three Clerk Conversions Are Requested:*** The Judiciary requests that these positions be converted to regular, full-time positions. It is DLS's position that the conversion of these positions should be delayed at least one year in light of the economic forecast. **Therefore, DLS recommends that these conversions be deleted from the fiscal 2003 budget.**
- ***Eight New Positions Requested:*** The Judiciary has requested seven new clerk positions and one chief deputy position. Numerous vacancies currently exist which could be utilized rather than appropriating new positions. **Therefore, DLS recommends that these positions be deleted from the fiscal 2003 budget.**

Family Services

- ***Model Court Coordinator:*** The purpose of this position is to facilitate compliance of the juvenile courts with the statutory timeframe and to assist the juvenile court. Further, the Family Services division reports that this position would be responsible for monitoring the Child in Need of Assistance (CINA)/Termination of Parental Rights (TPR)/adoption cases. The position would also be responsible for monitoring eight permanency planning positions which would be funded through grants.
- ***Permanency Planning Liaison:*** The Judiciary states in its request that this position would be responsible for monitoring CINA/TPR/Adoption cases. However, the Family Services division reports that these responsibilities would be handled by the model court coordinator. **Therefore, DLS recommends that this position be deleted from the fiscal 2003 budget.**
- ***Database Support Technician:*** The Judiciary requests that this position be converted to a regular, full-time position. It is DLS's position that the conversion of these positions should be delayed at least one year in light of the economic forecast. **Therefore, DLS recommends that this conversion be deleted from the fiscal 2003 budget.**

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Major IT

- *Network Systems Analyst:* The Judiciary reports that this position is needed to design, implement, and maintain complex relational databases.
- *Systems Database Administrator:* This position will manage and maintain the relational database at the operating system level. It is DLS's position that the Judiciary should use one of its vacancies to fill this position. **Therefore, DLS recommends that this position be deleted from the fiscal 2003 budget.**

Vacant Judicial Positions To Be Eliminated

<u>Program</u>	<u>PIN Number</u>	<u>Judicial Position Title</u>	<u>Date Vacant</u>	<u>2003 Allowance</u>	<u>Status*</u>
Court of Appeals					
1	069656	Spec. XIII Lead	1/25/00	\$53,050	Frozen, recruiting for fourth time
1	069657	Spec. XIII	10/27/00	53,050	Frozen, recruiting for fourth time
1	077502	Lead Auditor	7/1/00	53,050	Frozen, recruiting for fourth time
District Court					
4	000972	Clerk II	10/31/01	35,120	Court critical, exempt from hiring freeze, recruiting (Note: There were a total of six Clerk II positions vacant as of 12/31/01 in this district alone)
4	080549	Clerk I	7/1/01	32,571	Court critical, exempt from hiring freeze, recruiting (Note: There were a total of three Clerk I positions vacant as of 12/31/01 in this district alone)
4	079006	New, Operations	10/01/01	32,571	Court critical, exempt from hiring freeze, recruiting, no offer (Note: There were a total of two New, Operations positions vacant as of 12/31/01 in this district headquarters alone)
Administrative Office of the Court					
6	000411	Associate X	11/14/00	44,713	Frozen, recruitment planned, no offer yet
6	000424	Dep. S. Ct. Admin.	4/18/00	101,789	Frozen, recruitment planned, no offer yet
6	073288	Administrator	10/1/98	63,263	Frozen, recruitment planned, no offer yet
6	074742	Administrative Specialist II	7/1/99	37,908	Frozen, recruitment planned, no offer yet
Judicial Information Systems					
9	077548	Database Administrator	7/1/00	71,150	Frozen, recruitment planned, no offer yet
Clerks of the Circuit Courts					
10	059481	Info. Specialist VIII	4/24/01	35,707	Frozen, second recruitment effort to begin after freeze, no offer
Total				\$613,942	

*This information was supplied by the Administrative Office of the Courts on February 7, 2002.