C00A00
Judiciary

Operating Budget Data

($ in Thousands)

	FY 02	FY 03	FY 04	FY 02-04 Change	FY 05	FY 04-05 Change
Operations	$218,744	$225,801	$243,843	$25,099	$248,865	$5,023
Contractual Services	27,723	25,642	38,974	$11,251	41,473	2,499
Grants	26,328	28,368	27,223	$895	28,651	1,428
Contingent & Back of Bill Reductions	0	0	0	$0	-1,048	-1,048
Adjusted Grand Total	**$272,795**	**$279,810**	**$310,040**	**$37,245**	**$317,942**	**$7,902**
General Funds	258,128	263,788	275,006	$16,878	282,576	7,570
Contingent & Back of Bill Reductions	0	0	0	$0	-1,031	-1,031
Adjusted General Funds	**$258,128**	**$263,788**	**$275,006**	**$16,878**	**$281,545**	**$6,539**
Special Funds	12,849	13,609	33,118	$20,269	33,705	587
Federal Funds	1,818	2,414	1,915	$97	2,708	793
Contingent & Back of Bill Reductions	0	0	0	$0	-17	-17
Adjusted Federal Funds	**$1,818**	**$2,414**	**$1,915**	**$97**	**$2,691**	**$776**
Adjusted Grand Total	**$272,795**	**$279,810**	**$310,040**	**$37,245**	**$317,942**	**$7,902**

- Cost containment reduced fiscal 2003 expenditures $6,608,967 and the fiscal 2004 appropriation $10,008,594. Prior year reversions increased the fiscal 2003 cost containment actions to $7,472,967.

- The allowance includes $348,000 for drug court coordinators and expenses.

- The special fund grant to the Maryland Legal Services Corporation (MLSC) from the Interest on Lawyer Trust Accounts (IOLTA) is increased by $1.0 million to $7.0 million.

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

For further information contact: James L. Stoops Phone: (410) 946-5530

Personnel Data

	FY 02	FY 03	FY 04	FY 02-04 Change	FY 05	FY 04-05 Change
Regular Positions	3,009.8	3,223.8	3,223.8	214	3,243.8	20.0
Contractual FTEs	371.0	390.0	390.0	19	371.0	-19.0
Total Personnel	**3,380.8**	**3,613.8**	**3,613.8**	**233**	**3,614.8**	**1.0**

Vacancy Data: Regular Positions

Turnover Expectancy	78.98	2.45%
Positions Vacant as of 12/31/03	115.00	3.57%

- The Judiciary is asking for the contractual conversion of 20 positions and one new contractual position. The new contractual position is a District Court Commissioner for Charles County.

- The State's assumption of salary and benefits for circuit court law clerks and masters added 146 and 58 new positions, respectively, in fiscal 2003.

Analysis in Brief

Issues

Land Records: State Archives is archiving the Judiciary electronic land optical image (ELROI) records over ten years old onto the State Archives *mdlandrec.net*. **It is recommended that the Judiciary and State Archives jointly evaluate the feasibility and cost of archiving all land records, not just records that are over ten years and consider using the State Archives scanning system as an alternative to the existing ELROI Optix and non-Optix systems.**

Drug Court Coordinators: Drug court coordination and drug treatment programs are primarily an executive function. Policy decisions on where to allocate scarce resources to fight crime should be a function of the Governor's Office of Crime Control and Prevention (GOCCP), the Governor's policy office on criminal justice**. It is recommended that funds for the coordinators be deleted from the Judiciary budget.**

Local Contribution for Circuit Court Law Clerks: The Chief Judge has cited problems in getting local jurisdictions to remit the 25% contribution for circuit court law clerk salaries. **It is recommended that payments more than 90 days in arrears be deducted by the Comptroller from the local income tax payments due the jurisdiction.**

Abolish Vacant Positions: **It is recommended that 58 vacant regular positions ($2,378,966), 12.25 FTE vacant contractual positions ($407,195), and 20 contractual conversion positions ($242,622) be denied.** The $242,622 includes the abolition of 3 of the 20 contractual conversion positions currently vacant for a total of 61 positions abolished.

Recommended Actions

		Funds	Positions
1.	Reduce funding for the use of retired judges to fiscal 2003 expenditures.	$ 618,791	
2.	Reduce cell phone appropriation 20% below fiscal 2003 expenditure level to reflect savings from new State cell phone contract.	17,796	
3.	Deny contractual conversion of 17 positions.	138,414	17.0

4.	Abolish 3 vacant contractual positions in District Court offices.	94,764	
5.	Delete 3 vacant District Court data entry contractual conversion positions budgeted as regular positions in the 2005 allowance.	104,208	3.0
6.	Abolish 23 vacant frozen regular positions in the District Court.	955,060	23.0
7.	Reduce funds for annual judicial conference.	120,867	
8.	Delete funds to support expansion of drug courts.	348,506	
9.	Abolish 2 vacant contractual positions in the Administrative Office of the Courts.	120,325	
10.	Delete Maryland Legal Services Corporation general fund grant.	300,000	
11.	Delete frozen Information Specialist position in Administrative Office of the Courts.	41,856	1.0
12.	Adopt narrative to require a report on archiving electronic land record images.		
13.	Abolish part-time (FTE 0.25) vacant contractual position in court related agencies.	7,823	
14.	Abolish 7 vacant contractual positions in Clerks of the Circuit Court offices.	184,503	
15.	Abolish 34 vacant frozen positions in the Clerks of the Circuit Court offices.	1,382,050	34.0
	Total Reductions	**$ 4,434,963**	**78.0**

Updates

No New Circuit Court Judgeships Certified Although Study Projects a Need for 16 Circuit Court Judges and 15 District Court Judges: The Chief Judge for the Court of Appeals, by letter dated November 1, 2003, advised the General Assembly and the Governor that no new judges would be requested for fiscal 2005 due to the State's financial condition.

C00A00
Judiciary

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, Orphan's Court, Maryland Conflict Resolution Office, and the State Board of Law Examiners. The State Law Library serves the legal information needs of the State. Judicial Data Processing manages information systems maintenance and development for the Judiciary. Major Information Technology (IT) development projects are in a separate program while all production and maintenance of current operating systems are in the Judicial Data Processing program.

Performance Analysis: Managing for Results

Judiciary case clearance or termination data is provided in **Exhibit 1.** The actual and projected circuit court civil caseload continues to reflect the growth in family-related cases before the court statewide but particularly in the suburban jurisdictions.

Exhibit 1
Judiciary Managing for Results

	FY 01 Actual	FY 02 Actual	FY 03 Actual	FY 04 Est.	FY 05 Est.	FY 04 - 05 Amt. Chg.	FY 04 - 05 % Chg.
Court of Appeals							
Regular docket dispositions	148	126	139	125	120	-5	-4.00%
Petitions for certiori	712	718	707	715	717	2	0.28%
Atty. grievance proceedings	68	73	81	86	91	5	5.81%
Court of Special Appeals							
Regular docket	1,825	1,813	1,901	1,759	1,841	82	4.66%
Circuit Court							
Civil Case Clearance							
Baltimore City	29,663	27,248	25,119	26,481	26,010	-471	-1.78%
Counties	136,477	141,885	132,690	144,768	149,374	4,606	3.18%
Total	**166,140**	**169,133**	**157,809**	**171,249**	**175,384**	**4,135**	**2.41%**
Criminal Cases Cleared							
Baltimore City	24,782	23,417	24,156	23,501	23,202	-299	-1.27%
Counties	48,543	49,442	47,212	49,400	50,124	724	1.47%
Total	**73,325**	**72,859**	**71,368**	**72,901**	**73,326**	**425**	**0.58%**
Jury Trial Prayers							
Baltimore City	8,630	10,621	10,296				
Counties	21,703	23,275	22,062				
Statewide	30,333	33,896	32,358				
Juvenile Cases Cleared							
Baltimore City	6,748	8,767	6,067	7,226	7,288	62	0.86%
Counties	29,015	24,168	20,490	17,435	13,835	-3,600	-20.65%
Total	**35,763**	**32,935**	**26,557**	**24,661**	**21,123**	**-3,538**	**-14.35%**
District Court							
Civil Case Clearance							
Baltimore City	73,255	68,789	71,210	67,336	65,291	-2,045	-3.04%
Counties	258,157	282,153	288,971	308,728	325,027	16,299	5.28%
Total	**331,412**	**350,942**	**360,181**	**376,064**	**390,318**	**14,254**	**3.79%**
Criminal Cases Cleared							
Baltimore City	72,476	78,309	73,657	64,989	59,481	-5,508	-8.48%
Counties	133,932	131,630	125,175	127,392	126,305	-1,087	-0.85%
Total	**206,408**	**209,939**	**198,832**	**192,381**	**185,786**	**-6,595**	**-3.43%**
Traffic Cases Cleared							
Baltimore City	103,890	135,612	150,062	133,277	133,027	-250	-0.19%
Counties	958,003	1,010,917	991,662	1,001,707	1,007,899	6,192	0.62%
Total	**1,061,893**	**1,146,529**	**1,141,724**	**1,134,984**	**1,140,926**	**5,942**	**0.52%**

Source: Administrative Office of the Courts

A small decrease in the criminal caseload is projected for Baltimore City and a small increase is projected for the counties. However, jury trial prayers (JTPs) continue to be a problem impacting the circuit court criminal caseload. JTPs have increased dramatically in Baltimore City where non-motor vehicle JTPs have increased from 30 to 40% of the criminal docket compared to an increase from 28 to 32% of the criminal docket statewide. The situation has a major impact on the disposition of criminal cases in the city because criminal cases are 94% of JTPs in the city compared to suburban jurisdictions where they range from 52 to 73% of JTPs. (Proposed solutions to the JPT problem are discussed in the Criminal Justice Coordinating Committee analysis D00A05.21).

Juvenile court caseloads, after dramatic swings, are projected to stabilize in Baltimore City in the 7,200 – 7,300 range while the dramatic decline in juvenile cases is projected to continue in the counties. Juvenile delinquency continues to be a significant issue in Baltimore City but less of an issue in suburban jurisdictions.

The District Court criminal caseload is projected to decline significantly in Baltimore City. This decline is likely driven by two factors – a change in policy by the police to issue citations for minor nuisance crimes and the JTP problem which results in the transfer of a significant number of criminal cases to the circuit court.

Cost Containment Actions Fiscal 2003 and 2004

Cost containment actions reduced $6,608,967 in fiscal 2003 and in fiscal 2004 by $10,008,594 as indicated in **Exhibit 2.** There were additional savings of $864,000 from prior year reversions at closeout in fiscal 2003.

Exhibit 2
Judiciary Cost Containment
Fiscal 2003 and 2004

Fiscal 2003 Cost Containment		
Judiciary January 2003 cost containment	$ 3,000,000	
One-time bonus	1,800,000	
Subtotal	*4,800,000*	*$ 4,800,000*
Closeout reversions		
Additional savings	1,200,967	
Federal fund grant for child support enforcement masters	608,000	
Subtotal 2003 reversions	*1,808,967*	*1,808,967*
Fiscal 2003 Cost Containment		**6,608,967**
Prior year reversions		
Encumbrance canceled projects delayed	864,000	864,000
Total Fiscal 2003 Cost Containment Actions		**$ 7,472,967**
Fiscal 2004 Cost Containment Actions		
Position freeze 3.75% turnover reduction	2,602,741	
2003 BRFA required 25% local match for circuit court law clerks	1,350,000	
2003 BRFA delayed circuit court rent payments to local jurisdictions	1,225,000	
Clerks of the Court miscellaneous and additional assistance	830,853	
Subtotal Fiscal 2004 Budget Reductions	6,008,594	6,008,594
District Court fee increases		4,000,000
Total Fiscal 2004 Cost Containment Actions		**$ 10,008,594**

BRFA = Budget Reconciliation and Financing Act of 2003

Prepared by: Department of Legislative Services

Cost Containment for Fiscal 2003

The Judiciary in January 2003 initially agreed to cost containment reductions of $3.0 million which combined with the $1.8 million one-time bonus deleted from the budget resulted in a voluntary reduction of $4.8 million. During the budget hearings, the Judiciary indicated that additional cost measures were in place and, while they were unable to give a firm commitment at the time, anticipated additional reversions of $700,000.

Final Fiscal 2003 Closeout

There were general fund reversions of $1,808,967 in fiscal 2003 consisting of $1,200,967 additional savings and $608,000 for child support enforcement masters. The Judiciary used a $608,000 federal fund grant to replace general fund expenditures for the masters. Finally, the Judiciary reviewed prior year encumbrances and elected to delay specific projects and revert an additional $864,000 in prior year reversions.

Fiscal 2004 Actions

Fiscal 2004 budget action increased revenue and produced savings of $10,008,594. While there were other reductions that reduced future expenditures, all the $6,008,594 in reductions noted in Exhibit 2 avoided current expenditures in fiscal 2004. The Budget Reconciliation and Financing Act of 2003 (BRFA) delayed until fiscal 2008 $1,225,000 in circuit court rent payments to local governments that would have begun in fiscal 2004. In addition, the BRFA required a local 25% match of circuit court law clerk salaries to avoid an expenditure of an additional $1,350,000 in fiscal 2004 and subsequent years. Additional reductions of $2,602,741 continued the position freeze into fiscal 2004 and $830,853 reduced Clerks of the Court miscellaneous and additional assistance. The Judiciary also proposed to increase District Court fines and fees to generate an additional $4.0 million in general fund revenue.

Impact of Cost Containment

The Judiciary currently has 115 regular positions and 64 contractual positions vacant as indicated below:

	Regular	Contractual FTEs
Administrative Office of the Courts	7	17
Court-related Agencies;	9	-
Circuit Court	46	-
District Court	36	43
District Court Commissioners	5	4
Judges	8	-
Law Clerks	4	-
Total	**115**	**64**

The Judiciary has agreed voluntarily to $4.2 million in additional cost containment savings in fiscal 2004. The exact composition of the reductions has not been determined at this time. It is likely that the additional savings will include salary savings beyond the $2.6 million required in the fiscal 2004 budget appropriation and will again include $698,000 in savings to reflect federal funds for child support masters to replace general fund expenditures. This is the same federal grant noted in the fiscal 2003 closeout. The federal funds for the masters are reflected in the fiscal 2005 allowance but not in the current fiscal 2004 appropriation.

Judiciary Proposed Budget

The Judiciary budget increases $7,901,861, an increase of 2.5% over the fiscal 2004 budget, as indicated in **Exhibit 3**. The general fund budget increase is $6,538,868. The fiscal 2005 allowance restores approximately $2.8 million of the $6.0 million for fiscal 2004 cost containment that can be directly attributable to 2004 budget actions.

Exhibit 3
Judiciary
Proposed Budget
($ in Thousands)

	FY 03 Actual	FY 04 Approp.	FY 05 Allowance	FY 04-05 Change	FY 04-05 % Change
General Funds	$263,788	$275,006	$282,576	$7,570	2.8%
Contingent & Back of Bill Reductions	0	0	-1,031	-1,031	
Adjusted General Funds	**$263,789**	**$275,006**	**$281,545**	**$6,539**	**2.4%**
Special Funds	$13,609	$33,118	$33,705	$587	1.8%
Federal Funds	$2,414	$1,915	$2,708	$793	41.4%
Contingent & Back of Bill Reductions	0	0	-17	-17	
Adjusted Federal Funds	**$2,414**	**$1,915**	**$2,691**	**$776**	**40.5%**
Adjusted Grand Total	**$279,811**	**$310,040**	**$317,942**	**$7,902**	**2.5%**

Where It Goes:

Personnel Expenses	
New positions – net 20 contractual conversions and one contractual position	$275
Abolished/transferred positions	-47
Increments	2,777
Employee and retiree health insurance	336
Judges Retirement System	-2,496
Unemployment compensation	235
Workers' compensation premium assessment	391
Cost containment and turnover adjustments	2,874
Accrued leave payout	272
Other fringe benefit adjustments	331
Other Changes	
Telecommunications	254
Use of retired judges	576

Where It Goes:

District Court Rent Silver Spring	-316
District Court building improvements	-510
Land Record Improvement Fund contract with State Archives	-100
Judicial Information Systems – Central Processing Unit Upgrade	450
Direct Access Storage Devices	244
Systems software (maintenance)	349
Drug court coordinators and operating expenses	348
Equipment repairs and microfilming	530
Maryland Legal Services Corporation special fund grant	1,000
Administrative Office of the Courts fixed charges – rent and insurance	232
Major Information Technology projects	-245
Other	142
Total	**$7,902**

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

Impact of Cost Containment

Eliminating the 401(k) State match to employee 401(k) contributions in Section 29 of the budget bill only applies to the Executive Branch. The Judiciary has $1,048,040 budgeted for this item. However, the 401(k) has been recommended for reduction as indicated in Exhibit 3 consistent with the treatment of this expense in Executive Branch agencies.

Judges Retirement System Contribution Adjusted

There is a significant $2,495,560 decrease in the Judges Retirement System (JRS) contribution rate in the 2005 allowance. JRS benefit payments are tied to a percentage of the salary of a sitting judge, and there have been no increases in judicial salaries since January 2, 2002, when State employees received a 4% increase. Even with the JRS adjustment, the contribution rate assumes a 4% increase in benefits paid out to beneficiaries which is well above the current experience in which judicial salaries increased at the 4% rate in only two years since fiscal 1991. In 7 of the last 14 years, judges received no increase and in 2 years the increase was $1,275 each year consistent with the increases provided other State employees.

Contractual Positions

The allowance includes the contractual conversion of 20 positions throughout the Judiciary ($180,848 net cost) and one new contractual position in the District Court.

Use of Retired Judges

The allowance includes $4,809,431 for the use of retired judges on the bench, an increase of $576,423 over the fiscal 2004 appropriation of $4,233,008. The Judiciary had expenditures of $3,849,102 for the use of retired judges in fiscal 2003.

Judicial Information Systems and Major Information Technology Projects

Judicial Information Systems (JIS) includes a general fund allowance of $650,000 for upgrades to the computer mainframe central processing unit (CPU) and $275,000 for direct access disk storage devices (DASD). This is an increase of $450,000 in CPU and $243,600 in DASD infrastructure enhancements over fiscal 2004. There were no general fund expenditures for CPU and DASD in fiscal 2003 under cost containment. These expenditures are in addition to any expenditure for IT infrastructure enhancements for Electronic Land Records Optical Images (ELROI) or Plats On-line (PLATO) financed with the Land Record Improvement Fund revenue.

The general fund allowance for development and implementation of major IT projects reflects a decrease of $245,415. The Judiciary expects to complete case management ($317,331), web enabled access ($715,158), and e-license ($800,000) projects that received funds in fiscal 2004. The $1,259,634 IT framework project is the only significant project funded with general funds in fiscal 2005. The framework project is a critical high priority project. This project will increase bandwidth required to transmit data, voice, and video on the JIS IT network. Currently, JIS uses both frame relay and Switched Multimega Byte Data Service (SMDS) circuits for the JIS Wide Area Network. The SMDS circuits are being phased out by the JIS circuit provider and must be replaced. Asynchronous transfer mode (ATM) circuits are required. All circuits and network hardware will be updated to handle the ATM protocol Cisco routers, hubs, and Verizon Local Area Transport Access (LATA) installation. JIS currently maintains a 16Mbps link between the wide area network (WAN) and the Internet. Verizon is the Judiciary Internet provider.

Maryland Legal Services Corporation

The AOC administers the Interest on Lawyers Trust Account (IOLTA) grant to the Maryland Legal Services Corporation (MLSC). The fiscal 2004 appropriation is $6,000,000, and the actual grant was $6,931,549 in fiscal 2003. This grant is used by MLSC to fund services to represent defendants in civil matters. The AOC had projected $6.0 million from IOLTA in fiscal 2004 based on the general decline in interest rates. However, the sustained housing boom and mortgage refinancing fueled by low interest rates has increased IOLTA income. AOC is proposing to increase the IOLTA special fund grant to MLSC to $7,000,000 to reflect the increased IOLTA income. In addition the general fund $300,000 supplemental grant is continued in fiscal 2005.

Drug Court Coordinators

The Judiciary has repeated the $348,000 request for drug coordinators ($315,006) and related expenses of $33,500 that was denied by the budget committees in fiscal 2004.

Drug treatment courts are specialized dockets responsible for handling nonviolent, drug/alcohol related cases through judicial intervention, intensive supervision and immediate and consistent substance abuse treatment. Five jurisdictions currently have drug courts: Anne Arundel Juvenile Court and Adult District Court; Baltimore City Juvenile, Adult District, and circuit courts; Harford County Juvenile and Adult District Court; Prince George's County Adult circuit courts; and St. Mary's Juvenile Court. Coordinators for these courts are provided by funds from local government. Nine jurisdictions are actively planning drug court programs.

Issues

1. Land Records

Clerks of the Circuit Court are responsible for recording and maintaining all land records. Land records include deeds, mortgages, releases, leases, assignments, powers of attorney, agreements, easements, and other instruments affecting title to an interest in real property.

The Maryland Judiciary and State Archives share responsibility for preserving and providing access to land records. The Judiciary Clerks of the Circuit Court land record offices record the land record instruments, but State Archives is the ultimate repository and custodian of all land records. The indices to land records, both electronic and historic bound volumes, provide the public with the means to research land record instruments.

The Electronic Land Records Optical Imagery System (ELROI) is the Judiciary's answer to record electronically all land record instruments. ELROI was implemented in 13 jurisdictions prior to July 1, 2003. Last year the Judiciary and State Archives entered into a memorandum of understanding (MOU) to archive ELROI land records and to accelerate implementation of ELROI in the remaining 11 jurisdictions. The Land Record Surcharge was increased in the BRFA of 2003 from $5 to $20 for each recordable instrument to finance the project through fiscal 2008. **Exhibit 4** illustrates the projected Land Record Fund revenues for fiscal 2004 – 2006.

Exhibit 4
Land Record Fund
Fiscal 2004

Total Revenue	Surcharge	Copy Fee	Interest	Total
7/03 Actual	$2,190,543	$219,559	$16,393	$2,426,495
8/03 Actual	3,621,725	179,441	19,747	3,820,913
9/03 Actual	3,679,561	193,919	21,903	3,895,383
10/03 Actual	3,475,560	184,727	25,614	3,685,901
11/03 Actual	2,908,945	168,959	27,322	3,105,226
12/03 Actual	2,768,204	167,119	32,975	2,968,298
1/04 Projected	2,332,728	152,078	30,007	2,514,813
2/04 Projected	2,122,783	138,391	27,306	2,288,481
3/04 Projected	1,931,732	125,936	24,849	2,082,517
4/04 Projected	1,757,876	114,602	22,612	1,895,090
5/04 Projected	1,599,667	104,288	20,577	1,724,532
6/04 Projected	1,455,697	94,902	18,725	1,569,324
FY 2004 Total	**$29,845,021**	**$1,843,922**	**$288,030**	**$31,976,973**
FY 2005 Projected				30,538,009
FY 2006 Projected				30,538,009

Note: The Judiciary is providing these projections based on current fiscal trends. Because of the volatility of the real estate market interest rate upon which the surcharge is based, it is extremely difficult to adequately predict whether the current revenue stream will remain constant. The projections provided are based on a noticed decline in the revenue since the surcharge increase went into effect in June 2003.

Source: Maryland Judiciary

MDLANDREC or *mdlandrec.net* is the State Archives' project to archive all Maryland land records electronically. ELROI began electronic scanning of new land records in the Prince George's County Land Record Office in 1991. Under the State Archives' MOU, land records over 10 years old now on servers in the 13 ELROI jurisdictions will electronically migrate to *mdlandrec.net*. Archives is also performing the back file conversion of the land records that are currently on paper and microfilm from the 11 jurisdictions not currently on ELROI to place the records on the State Archives *mdlandrec.net*. State Archives has also scanned all paper and microfilm indices used to locate land records and in the future will maintain this index electronically.

The second major initiative supported by the Land Record Fund is PLATO or *plats.net* State Archives will have completed the scanning of all plats for the 24 subdivisions by the close of fiscal 2004 and will continue to maintain the electronic version of the subdivision plats.

Exhibits 5.1 and **5.2** shows funds budgeted for the State Archives MOU in fiscal 2004 and 2005 together with the Judiciary implementation and maintenance of ELROI and PLATO. Essentially implementation of PLATO and ELROI are budgeted under program 12 Major Information Technology Projects while maintenance and Archival of ELROI scanned images are budgeted in the AOC Program 06.

Land Records Fiscal 2004/2005 Changes

Exhibit 5.1
Land Record File Maintenance

Program 6 (Maintenance)	FY 2004	FY 2005	Change(+/-)
ELROI			
ELROI Implementation	$0	$0	$0
ELROI Maintenance	4,323,661	7,198,661	2,875,000
ELROI Upgrade	0	0	0
JIS Infrastructure (for ELROI, PLATO, Land Rec.)	0	685,548	685,548
Subtotal Judiciary	**$4,323,661**	**$7,884,209**	**$3,560,548**
Archives/mdlandrec.net			
Index Access	0	0	0
New Image Acquisition	0	0	0
Achival Backup	0	3,108,571	3,108,571
mdlandrec.net maintenance	328,864	328,864	0
PLATO			
PLATO Phase II Implementation	0	0	0
PALTO Maintenance	0	0	0
Subtotal State Archives MOU	**$328,864**	**$3,437,435**	**$3,108,571**
Total	**$4,652,525**	**$11,321,644**	**$6,669,119**
FY 2004 Appropriation	**$20,343,932**		
FY 2005 Budget Allowance	**$20,343,932**		

Exhibit 5.2
Land Record File Development

Program 12 (Major IT)	FY 2004	FY 2005	Change(+/-)
ELROI			
ELROI Implementation	$7,430,000	$3,175,000	-$4,255,000
ELROI Maintenance	0	0	0
ELROI Upgrade	0	500,000	500,000
JIS Infrastructure (for ELROI, PLATO, Land Rec.)	1,488,334	1,782,786	294,452
Subtotal Judiciary	**$8,918,334**	**$5,457,786**	**-$3,460,548**
Archives/mdlandrec.net			
Index Access	400,000	400,000	0
New Image Acquisition	2,139,901	2,139,901	0
Achival Backup	3,108,571	0	-3,108,571
mdlandrec.net maintenance	0	0	0
PLATO			
PLATO Phase II Implementation	624,601	624,601	0
PALTO Maintenance	500,000	400,000	-100,000
Subtotal State Archives MOU	**$ 6,773,073**	**$ 3,564,502**	**-$3,208,571**
Total	**$15,691,407**	**$9,022,288**	**-$6,669,119**
State Archives MOU	**FY 2004**	**$ 7,101,937**	
	FY 2005	**$ 7,001,937**	

Source: Administrative Office of the Courts

Since the initial installation of ELROI was completed in Prince George's County in 1995, ELROI has been deployed in twelve other counties. The last six jurisdictions received the latest version of Software (OPTIX) which will allow for web access once enabled. The Judiciary seeks to deploy ELROI in every jurisdiction before enabling the web access feature. However, the assumption is that the earlier installed systems (non-Optix) will continue to have vendor software and hardware support for the systems in place. There is a real possibility that vendor support may not be available in the future. The Judiciary has in fact replaced the Prince George's and Harford counties' non-Optix systems with the newer Optix systems and has a plan to upgrade the remaining four with the Optix system. Both the non-Optix and Optix ELROI files use proprietary software and an indexing system that is not sequential. It would be desirable and probably less expensive to move the ELROI files to an open architecture system. The State Archives *mdlandrec.net* backfile conversion and the archival of ELROI records over ten years old has demonstrated the feasibility of the open architecture State Archives System.

Under the current plan, land record servers in each jurisdiction would maintain up to 10 years of land records with records older than 10 years archived onto the State Archives *mdlandrec.net*. A title examiner would be able to access the ELROI and *mdlandrec.net* land records from a work station in a courthouse land record office using electronic indexes. The location of the individual land records – on ELROI or *mdlandrec.net* – would be transparent.

It is recommended that the AOC and State Archives jointly complete a feasibility study of the ELROI and State Archives *mdlandrec.net* by September 30, 2004, before converting any of the remaining four ELROI non-Optix jurisdictions to the Optix system. The study should address the cost and feasibility of the following:

- **electronically transferring all records to *mdlandrec.net* after they are scanned in the courthouse land record offices, not just records that are over 10 years old;**

- **using the system currently deployed by State Archives to scan the records for the backfile conversion of the eleven jurisdictions currently implementing ELROI as a replacement for the current ELROI Optix and non-Optix system scanning of documents;**

- **using the current ELROI non-Optix and Optix system to scan all records but electronically transferring the records once they are scanned to *mdlandrec.net* rather than maintaining 10 years of records on the land record servers, and**

- **the cost and security issues involved in deploying ELROI and/or *mdlandrec.net* on the Internet so that title service agents and/or the general public can access the records from the Internet as a web enabled application.**

2. Drug Court Coordinators

The Judiciary allowance includes $348,506 for five drug coordinators and related expenses. The budget committees denied a similar request for fiscal 2004. Currently drug courts are operational in six jurisdictions as indicated in **Exhibit 6.**

Exhibit 6
Drug Courts

Jurisdiction	Court	Year Instituted
Anne Arundel County	Adult District Court	1997
	Juvenile Circuit Court	2002
Baltimore City	Adult District and Circuit Courts	1994
	Juvenile Circuit Court	1998
Harford County	Adult District Court	1998
	Juvenile Circuit Court	2001
Baltimore County	Juvenile Circuit Court	2003
Prince George's County	Adult Circuit Court	2002
St. Mary's County	Juvenile Circuit Court	2004

Source: AOC Drug Treatment Court Commission, February 10, 2004

There are nine additional jurisdictions involved in the planning process to implement drug courts and two jurisdictions that desire to expand their present programs indicated in **Exhibit 7**.

Exhibit 7
Drug Courts in the Planning Stage

Jurisdiction	Court
Caroline County	Juvenile Circuit Court
Cecil County	Adult Circuit Court
Dorchester County	Juvenile and Family Circuit Court
Frederick County	Adult Circuit Court
Harford County	Adult and Family Court
Howard County	Adult District
Montgomery County	Juvenile and Adult Circuit Court
Prince George's County	Juvenile and Adult Circuit Court
Somerset County	Juvenile Circuit
Talbot County	Juvenile Circuit Court
Wicomico County	Juvenile Court

Source: AOC Drug Treatment Court Commission February 10, 2004

The Drug Treatment Court Commission, a joint executive, legislative, and judicial commission, was established in 2002 to establish standards and best practices. The commission works with the courts and local jurisdictions to apply for technical assistance and grants. The commission reports that seven grants that totaled over $1.2 million were received for drug treatment programming. Local law enforcement block grants, federal Byrne grants, STOP grants, tobacco restitution funds, and local government are the source of funds to support drug court.

NPC Research in Portland Oregon, at the request of AOC and the drug commission, has analyzed the effectiveness of the Anne Arundel County Adult District Court drug treatment court and the Baltimore City District and circuit court drug treatment courts.

NPC findings indicate that 54.7 % of the participants that entered the drug court program in Anne Arundel County during 1997 – 1998 successfully completed the program. Four years later there were 12.3% fewer drug arrests, 18.8% fewer property crimes, and 73.3% fewer crimes against persons for the 172 individuals in the drug court group than among the comparison group that did not participate in the drug court program.

NPC findings for the Baltimore City District and Circuit Court drug court program tracked participants who entered the drug court program in 2000. For this group the re-arrest rate was 31.4% fewer arrests (62.3% in circuit court) for drug offenses, 68.8% fewer arrests for property crimes (71.9% fewer arrests in District Court), and 48% fewer property crime arrests (70% fewer arrests in circuit court) for the 758 drug court participants in the three-year study.

Drug court coordination and drug treatment programs are primarily an Executive Branch rather than a Judicial responsibility. The Governor's Office of Crime Control and Prevention (GOCCP) is the Governor's criminal justice policy agency. GOCCP has $12.5 million in general funds for local law enforcement and $17.3 million in federal grants to distribute. The Criminal Justice Coordinating Council coordinates the crime control initiatives in Baltimore City.

It is recommended that the $348,508 for the drug coordinators and expenses be deleted from the judiciary budget and decisions on where to allocate scarce resources to reduce crime – expanded drug courts, drug treatment programs tracking, and apprehensions of violent offenders – should be coordinated through a refocused GOCCP.

3. Local Contribution for Circuit Court Law Clerks

The General Assembly included a provision in the BRFA of 2003 to require local jurisdictions to make a 25% contribution for the salaries of circuit court law clerks. The Chief Judge, in a cover letter with the Judiciary's budget submission to the Presiding Officers and the Chairmen of the budget committees, has indicated the Judiciary has had problems with several jurisdictions making the required payments. As of November 1, 2003, five jurisdictions had failed to respond to two notices for their contributions, amounting to over $200,000 in uncollectible payments. **It is recommended that a provision be inserted into the budget reconciliation legislation to require the Comptroller to withhold funds from local income tax payments to any jurisdiction more than 90 days in arrears in making the local contribution to the law clerk salaries, upon certification by the Administrative Officer of the Courts.**

4. Abolish Vacant Positions

The Judiciary Currently has 179 vacant positions including 64 contractual positions. The 179 vacant positions includes one Court of Special Appeals judge, four circuit court judges, and three District Court judges in addition to one Court of Special Appeals, and three circuit court law clerks. The Judiciary has frozen approximately half or 61 regular positions and one-third or 20 of the contractual positions to meet salary savings under cost containment. The Judiciary has exempted from the hiring freeze positions that are critical to the operation of the courts. Positions exempted from the hiring freeze include all vacant judges, law clerks, District Court Commissioners, most information technology positions, and supervisory positions. Section 41 of the fiscal 2004 budget bill imposed a cap of 74,100 regular positions and 8,800 contractual positions on the Executive Branch. The General Assembly salary cap required the Executive Branch to abolish 1,675 out of 75,889

regular positions and 370 out of 9,170 contractual positions. The Board of Public Works approved the abolition of 1,680.75 regular positions and 389.83 contractual positions in two separate actions in July and November 2003. The Judiciary, as a separate branch of government, was not required to abolish any positions. Similar reductions in the Judiciary should be taken to make the salary savings permanent.

It is recommended that 58 of 61 existing regular positions and 12.25 full-time equivalent contractual positions subject to the Judiciary hiring freeze, be abolished for a total reduction of $2,378,966 in the regular salary payroll and $407,415 in the contractual payroll. It is also recommended that 17 of 20 contractual conversion positions be denied together with the outright abolition of 3 vacant contractual conversion positions ($242,622) for a total reduction of $3,029,003. The proposed action is summarized in **Exhibit 8.**

Exhibit 8

Judiciary Recommended Salary Actions

Recommended Action	Regular Positions		Contractual Positions		Contractual Conversions	
Deny contractual conversion					17	$138,414
Abolish District Court contractual			3	$94,764		
Abolish vacant contractual conversions					3	104,208
Abolish 23 vacant District Court positions	23.00	$955,060				
Abolish vacant AOC contractual positions			2	120,325		
Abolish vacant AOC contractual position	1.00	41,856				
Abolish part-time contractual position in Court-related agencies			0.25	7,823		
Abolish Clerk of the Circuit Court contractual positions			7	184,503		
Abolish vacant Clerk of the Court positions	34.00	1,382,050				
Total Reduction	**58.00**	**$2,378,966**	**12.25**	**$407,415**	**20**	**$242,622**

Source: Department of Legislative Services

Alternatively, the budget committees could make a reduction of $3,029,003 in the regular and contractual salary payrolls equal to the components indicated in Exhibit 8 and require the Judiciary to meet a position cap of 3,162.8 regular and 374.75 full-time equivalent contractual positions by December 1, 2004, as was done with the Executive Branch in fiscal 2004. However**, it is recommended that the 61 regular positions and 12.25 FTE contractual positions be abolished as all of the positions recommended for abolition are currently vacant under the Judiciary hiring freeze, and all of the positions represent the broad spectrum of positions in the Judiciary and are not unique positions.** The Judiciary has already exempted from the hiring freeze positions that are unique and those that are critical to operations of the courts.

Recommended Actions

		Amount Reduction		Position Reduction
1.	Reduce funding for the use of retired judges to fiscal 2003 expenditures of $3,849,102. It is the intent that the Judiciary may redistribute this reduction between the courts of the Judiciary.	$ 618,791	GF	
2.	Reduce cell phone appropriation 20% below fiscal 2003 expenditure level to reflect savings from new State cell phone contract. The new rate is 7 cents a minute with no monthly minimum.	17,796	GF	
3.	Deny contractual conversion of 17 positions indicated below: 10 - District Court 2 - Court Related Agencies 3 - Judicial Data Processing 2 - Charles County Clerk of the Court	138,414	GF	17.0
4.	Abolish three vacant contractual positions in District Court offices.	94,764	GF	

Office Clerk I	District Court Baltimore City	$26,595
Criminal/Traffic Clerk	District Court Prince George's County	$24,954
Alternative Dispute Resolution	District Court ADR Commission	$49,077

5.	Delete three vacant data entry contractual conversion positions budgeted as regular positions in the 2005 allowance in the District Court. Positions have been vacant since August 29, 2002.	104,208	GF	3.0

6. Abolish 23 vacant frozen positions in the District Court indicated below: 955,060 GF 23.0

Office	PIN #	Title	Vacant	Total
Baltimore City	001162	District Court Clerk (DCC) II	12/12/2003	$45,340
Baltimore City	001209	DCC II	9/2/2003	37,370
Baltimore City	001228	DCC II	9/2/2003	38,266
Baltimore City	069636	DCC I/Civil	7/25/2003	42,110
Baltimore City	076864	DCC II	12/9/2003	38,266
Baltimore City	079014	DCC I	8/19/2003	36,808
Baltimore City	081937	DCC II	8/6/2003	38,132
District 2	001051	DCC III	9/17/2003	47,858
District 2	001066	DCC II	9/30/2003	34,332
District 4	000761	DCC Criminal	1/20/2004	42,478
District 5	000430	DCC II	11/11/2003	36,503
District 5	000943	DCC I	10/23/2003	35,957
District 5	000958	DCC II	1/31/2003	57,489
District 5	000965	DCC II	1/15/2004	37,819
District 5	080548	DCC II	11/11/2003	36,081
District 6	000432	Clerk II	11/25/2003	40,193
District 6	000867	Human Resource Associate	1/20/2004	44,306
District 7	060164	DCC II	12/24/2003	43,405
District 8	000625	DCC II	8/13/2003	41,132
District 8	000653	Supervisor	6/10/2003	52,290
District 13 HQS	001084	Admin Servs. Spec.	11/4/2003	55,170
District 13 HQS	001276	Office Clerk	1/7/2004	33,825
District 13 HQS	060098	Office Clerk II	12/31/2003	39,930
		S/T		**$955,060**

7. Reduce funds for annual judicial conference as a cost containment. This reduction will provide $10,000 to hold the annual judicial conference as a day conference in Annapolis as held in fiscal 2003 and is planned for fiscal 2004. — 120,867 GF

8. Delete funds to support expansion of drug courts. This is an Executive Branch function, and the policy decision to expand support for drug courts and provide State funding should be evaluated as a policy issue by the Governor's Office of Crime Control and Prevention (GOCCP) against other proposals to reduce crime. — 348,506 GF

9. Abolish two vacant frozen contractual positions in the Administrative Office of the Courts as indicated below: — 120,325 GF

Position	PIN #	Vacant	Salary
Administration	999913	07/01/02	$63,883
Administration	999915	07/01/02	$63,883

10. Delete Maryland Legal Services Corporation (MLSC) general fund grant. A general fund appropriation of $300,000 was provided in fiscal 2004 to provide a supplement to the special fund grant from the Interest on Lawyer Trust Accounts (IOLTA). In fiscal 2004 IOLTA was expected to realize $6.0 million in revenue compared to $7.0 million in fiscal 2003. In fiscal 2005 the IOLTA grant is anticipated to be $7.0 million because of higher interest rates and a continuing boom in mortgage refinancing. — 300,000 GF

11. Delete frozen Information Specialist position (vacant 7/25/03) PIN #077526. — 41,856 GF — 1.0

12. Adopt the following narrative:

Archiving Land Record Images: The Administrative Office of the Courts and State Archives shall prepare a feasibility study of the Judiciary Electronic Land Optical Image (ELROI) system and the State Archives *mdlandrec.net* by September 30, 2004, before converting any of the remaining four ELROI non-Optix jurisdictions to the ELROI Optix system. The study, which should be submitted to the committees by September 30, 2004, shall address the cost and feasibility of the following:

- electronically transferring all land record images to *mdlandrec.net* after they are scanned in the courthouse land record offices, not just records that are over ten years old;

- using the system currently deployed by State Archives to scan the records for the backfile conversion of the eleven jurisdictions currently installing ELROI as a replacement for the current ELROI Optix and non-Optix system to scan all land records in the land record offices;

- using the current ELROI non-Optix and/or Optix system to scan all records but electronically transferring the records once they are scanned to *mdlandrec.net* rather than maintaining ten years of records on the land record office servers, and

- the cost and security issues involved in deploying ELROI and/or *mdlandrec.net* so that title service agents and/or the general public can access the records from the Internet as a web enabled application.

Information Request	**Authors**	**Due Date**
Study of ELROI and *mdlandrec.net* alternatives	Judiciary AOC and State Archives	September 30, 2004

		Amount Reduction		**Position Reduction**
13.	Abolish part-time (FTE 0.25) frozen (vacant 6/30/02) contractual Judicial Disabilities Clerk position in Court-related Agencies Program.	7,823	GF	
14.	Abolish 7 vacant contractual positions in circuit court clerk offices as indicated below:	184,503	GF	

CT Civil Asst.	Frederick County	08/27/03	$29,219
CT – Land Records	Howard County	11/18/03	29,220
CT Family Assistance	Montgomery County	12/12/03	29,220
CT – Land Records	Prince George's County	12/29/03	25,713
CT – Civil Assistance	Prince George's County	09/04/03	29,219
Paternity Assistant	St. Mary's County	05/12/02	29,219
Family Services	Baltimore City	10/01/03	24,109

15. Abolish 34 vacant frozen positions in the Clerks of the Circuit Court offices as indicated below: 1,382,050 GF 34.0

Jurisdiction	PIN #	Position	Vacant Date	Salary
Anne Arundel	059071	Fiscal Clerk	09/16/03	$39,607
Anne Arundel	059090	Trust Clerk	10/06/03	44,710
		S/T		**84,317**
Baltimore County	059159	File Assistant	09/23/03	33,991
Baltimore County	059196	Land Records Assistant	09/23/03	30,674
Baltimore County	059217	Civil Assistant	12/10/03	36,005
		S/T		**100,670**
Cecil County	059297	Land Record Assistant	09/16/03	**45,523**
Harford County	059387	Fiscal Clerk	09/07/03	**40,578**
Montgomery County	059442	Courtroom Assistant	10/15/03	44,918
Montgomery County	059462	Civil Assistant	10/03/03	37,898
Montgomery County	059463	Criminal Assistant	08/17/03	39,921
Montgomery County	059476	Courtroom Assistant	11/06/03	38,498
Montgomery County	059478	Family Assistant	08/26/03	37,898
Montgomery County	059484	Civil Assistant	11/28/03	36,569
Montgomery County	059523	License Assistant	09/02/03	40,810
Montgomery County	060073	Civil Assistant	09/19/03	39,301
		S/T		**315,813**
Prince George's County	059588	Civil Assistant	07/15/03	37,446
Prince George's County	059602	Land Records Assistant	08/21/03	36,868

Prince George's County	059608	Criminal Assistant	08/08/03	37,445		
Prince George's County	059631	Criminal Assistant	01/14/04	37,894		
Prince George's County	059641	Courtroom Assistant	08/29/03	39,437		
Prince George's County	059647	Courtroom Assistant	09/26/03	38,029		
Prince George's County	059664	Criminal Assistant	09/05/03	38,820		
Prince George's County	059683	License Assistant	12/22/03	43,077		
Prince George's County	064901	Paternity Assistant	01/16/04	36,130		
Prince George's County	064908	Paternity Assistant	12/31/03	38,820		
Prince George's County	072611	Paternity Assistant	11/26/03	38,820		
Prince George's County	073311	Administrative Assoc	07/18/03	42,082		
Prince George's County	073323	Civil Assistant	08/22/03	38,357		
Prince George's County	073324	Paternity Assistant	11/12/03	37,446		
Prince George's County	074758	Civil Assistant	08/22/03	36,564		
		S/T		**577,235**		
Washington County	059744	Courtroom Juvenile	10/31/03	**46,945**		
Baltimore City	059926	Associate VII-Q	07/22/03	50,085		
Baltimore City	059966	Family Services Asst	11/26/03	37,440		
Baltimore City	059998	Civil Assistant	01/14/04	44,478		
Baltimore City	076629	Associate VII	01/30/04	38,556		
		S/T		**$170,559**		
Total General Fund Reductions					**$ 4,434,963**	**78.0**

Updates

1. No New Circuit Court Judgeships Certified Although Study Projects a Need for 16 Circuit Court Judges and 15 District Court Judges

The Chief Judge for the Court of Appeals, by letter dated November 1, 2003, advised the General Assembly and the Governor that no new judges or judicial masters would be requested for fiscal 2005 due to the State budget financial condition.

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.

This is the third year that the Judiciary has used a new assessment model developed by the National Center for State Courts (NCSC). 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*.

Exhibit 9 indicates the current number of circuit court judges and the additional judges needed by each county and Baltimore City. The total additional circuit court judges needed statewide is 16 compared to 13 last year. Family cases now comprise 33.5% of circuit court civil caseloads. When juvenile cases are factored in, family-related matters now comprise almost 46% of the circuit court statewide.

Exhibit 9

Additional Circuit Court and District Court Judges Needed As of November 2003

Jurisdiction	Actual Number Circuit Court Judges	Additional Circuit Court Judges Needed	Actual Number District Court Judges	Additional District Court Judges Needed
Chief Judge of the District Court	0	0	1	0
Allegany	2	0	2	0
Anne Arundel	10	3	8	1
Baltimore City	30	4	26	2
Baltimore	16	3	13	4
Calvert	2	0	1	0 (2)
Caroline	1	0	1	0
Carroll	3	1	2	0
Cecil	3	0	2	0
Charles	4	0	2	1
Dorchester	1	0	1	0
Frederick	4	0	3	0
Garrett	1	0	1	0
Harford	5	0	4	0
Howard	5	0	5	0
Kent	1	0	1	0
Montgomery	20	3	11	0
Prince George's	23	0	13	4
Queen Anne's	1	0	1	0
St. Mary's	3	1	1	1 (2)
Somerset	1	0	1	0
Talbot	1	0	1	0
Washington	4	1	2	1
Wicomico	3	0	2	0
Worcester	2	1 (1)	1	1
Statewide	**146**	**17**	**106**	**15**

(1) Judgeship would be shared with other counties in the First Judicial Circuit (Dorchester, Somerset, and Wicomico) for family law matters.

(2) One additional judgeship would be shared with Calvert County.

Source: Judiciary Judgeship Needs for Fiscal 2005, Administrative Office of the Courts, November 1, 2003

Jury Trial Prayers (JTP) from the District Court continues to be a significant problem. JTPs have increased 15.3% from 28,244 in fiscal 1999 to 32,577 filings in fiscal 2003. In Baltimore City three judges are devoted to hearing JTPs.

Baltimore City comprised 32.6% of all criminal cases filed in the circuit court statewide with 24,936 and approximately 38% of all indictment and information filings recorded in fiscal 2003. Baltimore City has experienced a surge in the number of hearings conducted over the last five years, increasing 61.1% from 56,745 in fiscal 1999 to 91,428 in fiscal 2003. The Judiciary attributes the increase to a significant rise in juvenile hearings. The amount of time required to dispose of criminal appeals and indictment and information cases is now significantly less in Baltimore City than statewide – as much as 30 minutes less per case. The case processing initiative implemented in Baltimore City now includes enforcement of a stricter postponement policy, extensive monitoring of open cases, and central assignment of cases involving the more complex criminal offenses.

The certification cites the need in Anne Arundel, Baltimore, and Montgomery counties for three additional judges in each county. In Anne Arundel and Baltimore counties the increase can be attributed to the increase in family-related cases that take more court time, while in Montgomery County the need seems to be across the board driven by a 7.4% population increase to 938,000 since the 2000 census.

In both Carroll and St. Mary's counties the need for one additional judge seems to be population driven where the population of Carroll County has increased 9% and St. Mary's County 7.6% since the 2000 census.

The Chief Judge cited the need for an additional judgeship in Worcester County to serve as a family law judge for the entire First Judicial Circuit that includes Dorchester, Somerset, and Wicomico counties.

Exhibit 9 indicates that 15 additional District Court judges are required statewide compared to 10 last year. The Chief Judge of the district also restates his priority for six judgeships in Anne Arundel County (2), Baltimore City (1), Prince George's County (2), St. Mary's County (1), and Worcester County.

Appendix 1

Current and Prior Year Budgets

Current and Prior Year Budgets
Judiciary
($ in Thousands)

	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
Fiscal 2003					
Legislative Appropriation	$270,397	$12,912	$1,865	$0	$285,174
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	0	770	697	0	1,467
Cost Containment	-4,800	0	0	0	-4,800
Reversions and Cancellations	-1,809	-73	-148	0	-2,030
Actual Expenditures	**$263,788**	**$13,609**	**$2,414**	**$0**	**$279,810**
Fiscal 2004					
Legislative Appropriation	$275,006	$20,672	$1,915	$0	$297,594
Cost Containment	0	0	0	0	0
Budget Amendments	0	12,446	0	0	12,446
Working Appropriation	**$275,006**	**$33,118**	**$1,915**	**$0**	**$310,040**

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

Fiscal 2003

Cost containment includes the $3.0 million Judiciary voluntary budget reduction and $1.8 million for the one-time salary bonus. There were additional general fund reversions at close-out consisting

of $1.2 million additional savings and substituting $696,749 in general fund expenditures with a federal grant for child support enforcement masters. The Judiciary had budget authority to transfer in additional unappropriated special fund income from the Land Record Improvement Fund. The $770,000 was used to cover additional computer maintenance expenses incurred by the AOC in support of ELROI.

Fiscal 2004

The $12,446,291 special fund amendment provides additional funds from the Land Record surcharge increase from $5 to $20 enacted in the BRFA of 2003 to support ELROI, the State Archives *mdlndrec.com* and PLATO projects and to cover $5.0 million in operating expenses of the Clerks of the Court Land Record Offices as required by the fiscal 2004 budget action.

Object/Fund Difference Report
Judiciary

Object/Fund	FY03 Actual	FY04 Working Appropriation	FY05 Allowance	FY04 - FY05 Amount Change	Percent Change
Positions					
01 Regular	3223.75	3223.75	3243.75	20.00	0.6%
02 Contractual	390.00	390.00	371.00	-19.00	-4.9%
Total Positions	**3613.75**	**3613.75**	**3614.75**	**1.00**	**0%**
Objects					
01 Salaries and Wages	$ 184,979,396	$ 190,931,890	$ 197,423,279	$ 6,491,389	3.4%
02 Technical & Spec Fees	9,096,412	11,470,982	10,975,908	-495,074	-4.3%
03 Communication	9,471,489	8,622,914	8,876,886	253,972	2.9%
04 Travel	715,359	1,268,039	1,278,933	10,894	0.9%
06 Fuel & Utilities	363,044	456,010	474,286	18,276	4.0%
07 Motor Vehicles	88,479	150,576	152,608	2,032	1.3%
08 Contractual Services	25,641,529	38,974,081	41,473,385	2,499,304	6.4%
09 Supplies & Materials	4,402,225	5,322,349	5,622,702	300,353	5.6%
10 Equip - Replacement	1,765,532	5,937,465	6,648,564	711,099	12.0%
11 Equip - Additional	2,539,691	4,584,232	3,162,590	-1,421,642	-31.0%
12 Grants,Subsidies,Contr	28,367,927	27,222,895	28,650,965	1,428,070	5.2%
13 Fixed Charges	10,670,632	12,579,775	12,380,651	-199,124	-1.6%
14 Land & Structures	1,708,509	2,518,648	1,869,000	-649,648	-25.8%
Total Objects	**$ 279,810,224**	**$ 310,039,856**	**$ 318,989,757**	**$ 8,949,901**	**2.9%**
Funds					
01 General Fund	$ 263,788,042	$ 275,006,252	$ 282,576,405	$ 7,570,153	2.8%
03 Special Fund	13,608,680	33,118,430	33,705,432	587,002	1.8%
05 Federal Fund	2,413,502	1,915,174	2,707,920	792,746	41.4%
Total Funds	**$ 279,810,224**	**$ 310,039,856**	**$ 318,989,757**	**$ 8,949,901**	**2.9%**

Note: The fiscal 2004 appropriation does not include deficiencies, and the fiscal 2005 allowance does not reflect contingent reductions.

Fiscal Summary
Judiciary

Unit/Program	FY03 Actual	FY04 Legislative Appropriation	FY04 Working Appropriation	FY03 - FY04 % Change	FY05 Allowance	FY04 - FY05 % Change
01 Court of Appeals	$ 6,119,213	$ 6,687,500	$ 6,608,592	8.0%	$ 6,790,285	2.7%
02 Court of Special Appeals	6,657,796	7,060,374	6,976,405	4.8%	7,018,808	0.6%
03 Circuit Court Judges	40,714,213	45,512,324	45,319,244	11.3%	44,988,005	-0.7%
04 District Court	102,724,908	108,450,793	107,457,982	4.6%	109,838,834	2.2%
05 Maryland Judicial Conference	3,953	130,867	130,867	3210.6%	130,867	0%
06 Administrative Office of the Courts	19,215,297	20,680,381	20,872,806	8.6%	29,478,504	41.2%
07 Court Related Agencies	4,291,021	4,488,084	4,450,914	3.7%	4,547,446	2.2%
08 State Law Library	1,646,499	1,765,910	1,749,975	6.3%	1,863,659	6.5%
09 Judicial Data Processing	16,209,765	19,291,525	19,346,160	19.3%	19,790,839	2.3%
10 Clerks of the Circuit Court	64,218,086	66,441,989	68,203,046	6.2%	72,446,180	6.2%
11 Family Law Division	11,796,881	11,313,908	11,298,473	-4.2%	11,385,472	0.8%
12 Major IT Projects	6,212,592	5,769,910	17,625,392	183.7%	10,710,858	-39.2%
Total Expenditures	**$ 279,810,224**	**$ 297,593,565**	**$ 310,039,856**	**10.8%**	**$ 318,989,757**	**2.9%**
General Fund	$ 263,788,042	$ 275,006,252	$ 275,006,252	4.3%	$ 282,576,405	2.8%
Special Fund	13,608,680	20,672,139	33,118,430	143.4%	33,705,432	1.8%
Federal Fund	2,413,502	1,915,174	1,915,174	-20.6%	2,707,920	41.4%
Total Appropriations	**$ 279,810,224**	**$ 297,593,565**	**$ 310,039,856**	**10.8%**	**$ 318,989,757**	**2.9%**

Note: The fiscal 2004 appropriation does not include deficiencies, and the fiscal 2005 allowance does not reflect contingent reductions.