

## C00A00 Judiciary

### *Operating Budget Data*

(\$ in Thousands)

|                    | <b>FY 05</b>     | <b>FY 06</b>     | <b>FY 07</b>     | <b>FY 06-07</b> | <b>% Change</b>   |
|--------------------|------------------|------------------|------------------|-----------------|-------------------|
|                    | <u>Actual</u>    | <u>Working</u>   | <u>Budget</u>    | <u>Change</u>   | <u>Prior Year</u> |
| General Fund       | \$278,114        | \$294,316        | \$337,311        | \$42,995        | 14.6%             |
| Special Fund       | 30,658           | 43,266           | 43,309           | 43              | 0.1%              |
| Federal Fund       | <u>2,513</u>     | <u>2,749</u>     | <u>3,412</u>     | <u>664</u>      | <u>24.1%</u>      |
| <b>Total Funds</b> | <b>\$311,285</b> | <b>\$340,331</b> | <b>\$384,033</b> | <b>\$43,701</b> | <b>12.8%</b>      |

- The Maryland Judiciary's budget increases by \$43,701,267, or 12.8% above the fiscal 2006 working appropriation. This increase is primarily attributed to a \$20,659,753 for a 9.7% increase in personnel expenses and a \$10,540,557 for a 31.2% increase in grant expenditures.
- Personnel expenses increase by \$21 million due to the addition of 121 employees and State assumption of funding for circuit court law clerk salaries at 100%.
- Grant expenditures increase by \$11 million primarily due to a \$6.7 million increase to expand Maryland's drug courts.
- The budget includes \$1.8 million in rent and fit-up costs for a new Catonsville District Court.

### *Personnel Data*

|                        | <b>FY 05</b>    | <b>FY 06</b>    | <b>FY 07</b>     | <b>FY 06-07</b> |
|------------------------|-----------------|-----------------|------------------|-----------------|
|                        | <u>Actual</u>   | <u>Working</u>  | <u>Allowance</u> | <u>Change</u>   |
| Regular Positions      | 3,223.75        | 3,291.25        | 3,412.25         | 121.00          |
| Contractual FTEs       | <u>391.00</u>   | <u>371.00</u>   | <u>367.50</u>    | <u>-3.50</u>    |
| <b>Total Personnel</b> | <b>3,614.75</b> | <b>3,662.25</b> | <b>3,779.75</b>  | <b>117.50</b>   |

#### *Vacancy Data: Regular Positions*

|                                   |        |       |
|-----------------------------------|--------|-------|
| Turnover, Excluding New Positions | 82.58  | 2.42% |
| Positions Vacant as of 12/31/05   | 137.00 | 4.16% |

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

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- The fiscal 2007 budget includes 121 new positions. Six positions have been requested to support 2 new circuit court judgeships; 48 positions are in the Clerk of the Circuit Court's offices, of which 4 positions are associated with 2 new family law masters; and 12 District Court clerk positions have been requested to support the 6 district court judges appointed in fiscal 2006. The budget also includes 35 contractual conversions located throughout the Judiciary's various programs.
- The remaining 20 positions are distributed throughout the Court of Appeals (2), District Court (6), Administrative Office of the Courts (5), court-related agencies (1), Maryland Law Library (1), and Judicial Information Systems (5).
- As of December 31, 2005, the vacancy rate for regular employees was 4.16%. Thirty-three of these vacancies have subsequently been filled, thereby reducing the vacancy rate to 3.16%.
- Turnover expectancy for regular employees is reduced from 2.9 to 2.4%.

## *Analysis in Brief*

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### **Major Trends**

*District Court Caseloads:* The total number of criminal, civil, and landlord cases filed decreased by 2% in fiscal 2005.

*Circuit Court Caseloads:* The total number of circuit court case filings decreased by 1.5% in fiscal 2005.

### **Issues**

*New Judges Requested for Circuit Courts:* The Judiciary has requested two new circuit court judgeships, one each for Baltimore City and Montgomery County. **The Department of Legislative Services (DLS) recommends that \$459,273 of the appropriation for circuit court judges be contingent upon enactment of legislation to authorize new circuit court judges and the related law clerk and courtroom clerk positions.**

*New Positions Requested by the Judiciary:* The Maryland Judiciary has requested 121 new positions, including 86 new regular positions and 35 contractual conversions in fiscal 2007. **DLS recommends that 25 of the 86 new positions requested by the Judiciary be denied and that 32 of the 35 contractual conversions requested by the Judiciary be denied.**

***Restoration of Law Clerk Salaries and Benefits:*** In the 2006 session, the Judiciary has introduced SB 692/HB 728 which would reinstate the remaining 25% funding for judicial law clerks. **It is recommended that \$1,945,929 of the appropriation for judicial law clerk salaries be contingent upon enactment of legislation restoring the remaining 25% funding for these positions.**

***Circuit Court Clerks Leased Space:*** The Judiciary’s fiscal 2007 allowance includes \$1,333,105 as part of a multi-year phase-in to lease clerk of court space at an initial \$2.50 per square foot and in succeeding annual increments, raising the rate to the statutory ceiling of \$10 per square foot. **DLS recommends a general fund reduction of \$1,083,105. This reduction will limit general fund spending to \$250,000 as directed by the General Assembly for the first year of the phase-in for courthouse leasing as originally contemplated when the bill was enacted.**

***Drug Courts:*** The Judiciary’s Drug Court Action Plan outlines a collective fiscal strategy where State budget requests for drug court funding for the various stakeholders such as the Alcohol and Drug Abuse Administration, Division of Parole and Probation, the Department of Juvenile Services, the State’s Attorney’s Office, and the Office of the Public Defender are consolidated into the Judiciary’s fiscal 2007 budget request. These funds are to be distributed to local and State government partners via the Drug Treatment Court Commission, a unit within the Judiciary. DLS asked the Office of the Attorney General for advice regarding the Judiciary’s proposed use of drug court funds within its operating budget to fund Executive Branch agency functions. DLS has been advised that this action raises serious questions about the proper roles of each branch of government with respect to the budget amendment Article III Section 52 which confers sole responsibility on the Governor for presenting a complete plan of proposed expenditures and estimated revenues. **DLS recommends that the funding for Maryland’s drug courts be reduced by \$7,201,500 as the proposed action may be regarded as interfering with the Governor’s preminent role in the budgetary process. This reduction will leave \$926,000 in drug court funding to sustain the Judiciary’s current level of drug court operations.**

***Catonsville District Court:*** In fiscal 2007 the Judiciary has re-submitted its request for \$720,000 in rent and \$1.1 million in fit-up costs for a new Catonsville facility. The District Court has expressed an interest in constructing a new facility through the use of the Maryland Economic Development Corporation. **While the need for an alternative modern court facility is evident, DLS recommends that the funding for the Catonsville District Court be deleted as there are too many unknown variables at this time. The Judiciary should work with the Department of Budget and Management (DBM) and the Department of General Services (DGS) to explore and select a single alternative and to develop capital program plans and cost estimates. Budget bill language is recommended stating that it is the intent of the General Assembly to begin funding the design of a new Catonsville facility in fiscal 2008. A status report should be submitted to the budget committees by November 1, 2006, by DBM, DGS, and the Judiciary, outlining a single option for the Catonsville facility as well as the status of a capital program plan for the selected option.**

**Recommended Actions**

|   | <u>Funds</u> | <u>Positions</u> |
|---|--------------|------------------|
| 1. Add budget bill language to make the appropriation for two circuit court judges and the related law clerk and circuit court positions contingent on the enactment of legislation.  |              |                  |
| 2. Add budget bill language to make the appropriation for the restoration of judicial law clerk funding contingent upon the enactment of legislation.   |              |                  |
| 3. Add budget bill language to make fund appropriated for the Judiciary’s case management project contingent upon the submission of a final requirements analysis.  |              |                  |
| 4. Add budget bill language to require the submission of a draft report from the Judiciary, the Department of General Services, and the Department of Budget and Management regarding the developmental status of a new Catonsville facility. |              |                  |
| 5. Delete new Public Affairs assistant position.  | \$ 32,597    | 1.0              |
| 6. Delete funding for jury staff.   | 1,380,207    |                  |
| 7. Delete funding for Catonsville District Court as there are too many unknown variables at this time.  | 1,862,000    |                  |
| 8. Reduce allowance for telephone expense based on fiscal 2005 actual expenditures.   | 298,000      |                  |
| 9. Reduce general funds for turnover expectancy to better reflect historical turnover rate.   | 1,089,319    |                  |
| 10. Delete 21 contractual conversions for the District Court.   | 283,353      | 21.0             |
| 11. Reduce travel expenses based on fiscal 2005 actual expenditures.  | 100,000      |                  |
| 12. Delete four new positions and three contractual conversions in the Administrative Office of the Courts.   | 196,371      | 7.0              |
| 13. Reduce drug court funding by \$7,201,500. This reduction will leave \$926,000 in drug court funding to sustain the Judiciary’s current level of drug court operations.  | 7,201,500    |                  |

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|     |  |                      |             |
|-----|--|----------------------|-------------|
| 14. | Delete new Alternative Dispute Resolution Program Evaluations director.                      | 47,666               | 1.0         |
| 15. | Reduce circuit court lease funding to reflect a phase-in cap.                                | 1,083,105            |             |
| 16. | Delete 19 new positions and 8 contractual conversions for circuit court clerk of the court.  | 727,720              | 27.0        |
| 17. | Reduce funds for Major Information Technology Project development – AOC Back Office Systems. | 1,725,000            |             |
|     | <b>Total Reductions</b>  | <b>\$ 16,026,838</b> | <b>57.0</b> |

## Updates

***Case Management Modernization:*** In fiscal 2006 the Judiciary refined its modernization strategy and developed new processing requirements for its case management project.

***Information Technology Framework Modernization:*** The Judiciary's network circuits to its circuit courts have been upgraded to technology compatible with Network Maryland.

***Land Records:*** The Electronic-On-line Imagery system is now installed in all 23 counties and Baltimore City, and Mdlandrec is installed and operational in all but six counties.

***e-Licensing:*** In fiscal 2006 the Judiciary plans to implement public Internet capability to provide public research and access of business license information.

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### *Operating Budget Analysis*

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#### **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.

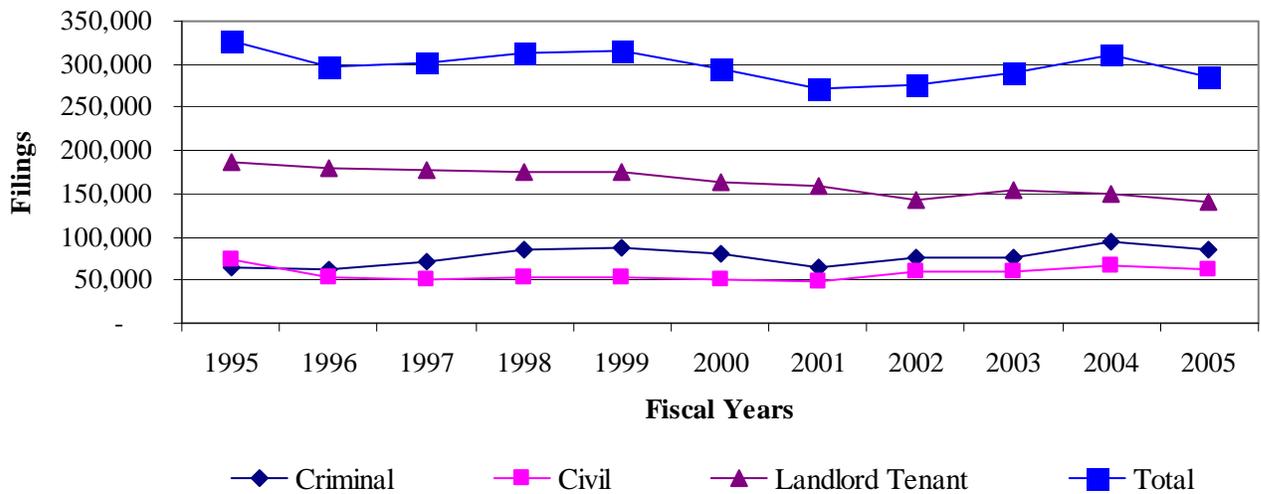
Other agencies are included in the administrative and budgetary purview of the Judiciary. The Maryland Judicial Conference, consisting of judges of all levels, meets annually to discuss continuing education programs. Court-related agencies also include the State Reporter, the Commission on Judicial Disabilities, 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**

**Exhibits 1 and 2** illustrate long-term District Court caseload trends for Baltimore City and the counties. Overall, there was an 8% decrease in the total number of criminal, civil, and landlord tenant filings in Baltimore City in fiscal 2005. While there has been an increase in the number of criminal and civil caseload filings in Baltimore City in preceding years, the number of criminal and civil caseloads declined by approximately 10 and 9%, respectively, in fiscal 2005. The number of landlord tenant cases continued to decline by 6% in fiscal 2005. By contrast, the total number of criminal, civil, and landlord tenant filings throughout the various counties increased slightly in fiscal 2005. This increase was primarily driven by a 1.5% increase in the number of landlord tenant filings.

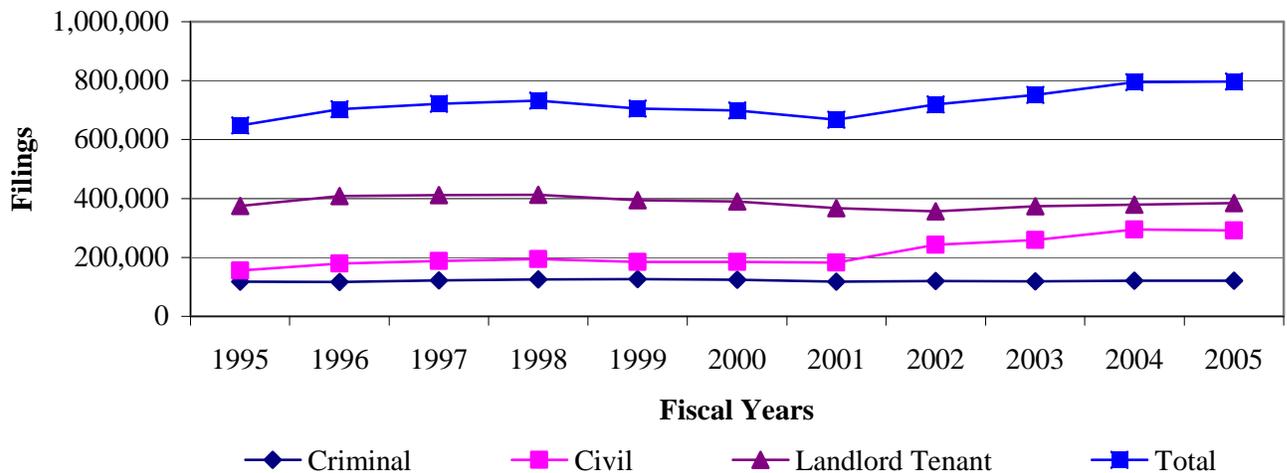
**Exhibits 3 and 4** illustrate long-term circuit court caseload trends for Baltimore City and the counties. Similar to the number of District Court filings, the total number of circuit court filings decreased by 4% in fiscal 2005. In Baltimore City, there was an across-the-board decrease in the number of criminal, civil, and juvenile filings. The number of circuit court criminal filings for Baltimore City peaked in fiscal 2001 and then again in fiscal 2004 at 27,189 filings. However, the number of Baltimore City Circuit Court criminal filings declined by 5% in fiscal 2005. By contrast, the total number of criminal, civil, and juvenile circuit court filings increased throughout the various counties in fiscal 2005. Unlike fiscal 2004 which reflected a 2% decline in the total number of filings, the total number of county filings increased by eleven-tenths of a percentage point in fiscal 2005. This increase was solely driven by a 5% increase in the number of criminal filings.

**Exhibit 1**  
**Baltimore City District Court Filings**  
**Fiscal 1995 – 2005**



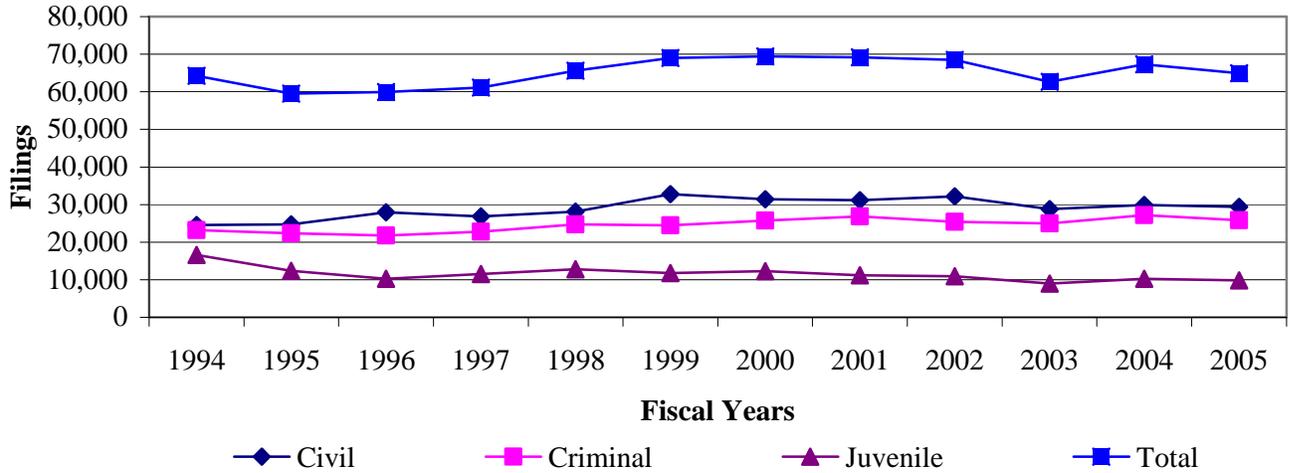
Source: Maryland Judiciary and Administrative Office of the Courts Annual Reports and Statistical Abstracts

**Exhibit 2**  
**County District Court Filings**  
**Fiscal 1995 – 2005**



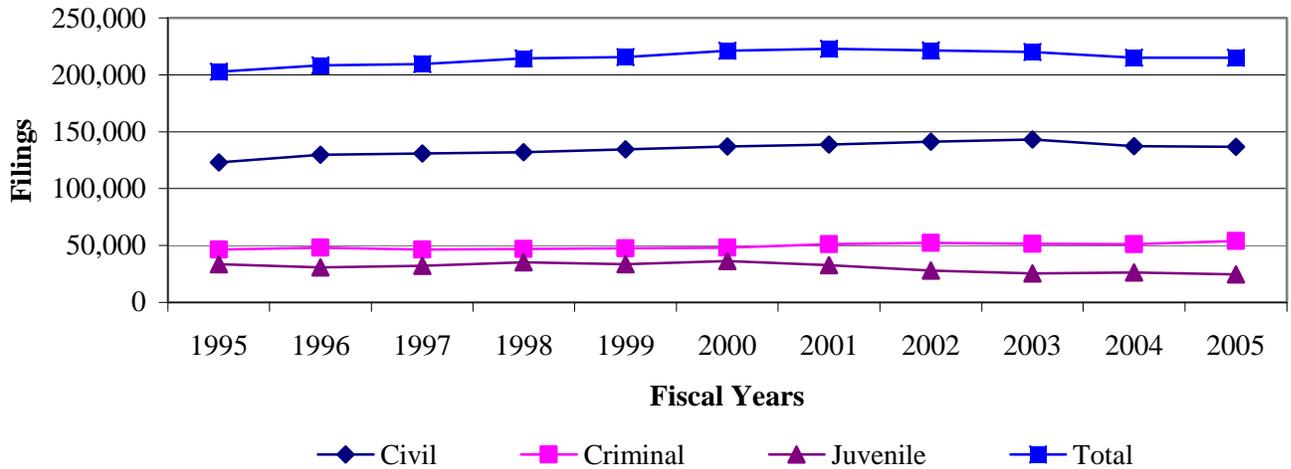
Source: Maryland Judiciary and Administrative Office of the Courts Annual Reports and Statistical Abstracts

**Exhibit 3  
Baltimore City Circuit Court Filings  
Fiscal 1994 – 2005**



Source: Maryland Judiciary and Administrative Office of the Courts Annual Reports and Statistical Abstracts

**Exhibit 4  
County Circuit Court Filings  
Fiscal 1995 – 2005**



Source: Maryland Judiciary and Administrative Office of the Courts Annual Reports and Statistical Abstracts

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**Exhibit 5** shows the Judiciary’s ability to dispose of cases in Baltimore City and the counties. The total number of circuit court civil and criminal cases increased by 8 and 12% in fiscal 2005, respectively. The increase in the number of circuit court civil cases disposed is primarily driven by a 32% increase in the number of cases disposed in Baltimore City. While there may be a variety of reasons driving this increase on an aggregate level throughout the State, the Judiciary reports that the increase is likely attributed to changes in work processes and concerted efforts to clear cases that have been lingering for long periods of time.

**Exhibit 5  
Judiciary Managing for Results  
Fiscal 2002 – 2007**

|                                 | <u>FY 03<br/>Actual</u> | <u>FY 04<br/>Actual</u> | <u>FY 05<br/>Actual</u> | <u>FY 04-05<br/>Percentage<br/>Change</u> | <u>FY 06<br/>Estimate</u> | <u>FY07<br/>Estimate</u> | <u>FY 06-07<br/>Amount<br/>Change</u> | <u>FY 06-07<br/>Percentage<br/>Change</u> |
|---------------------------------|-------------------------|-------------------------|-------------------------|---|---------------------------|--------------------------|---------------------------------------|---|
| <b>Courts of Appeal</b>         |                         |                         |                         |   |                           |                          |                                       |   |
| Regular docket dispositions     | 139                     | 136                     | 153                     | 12.5%                                     | 146                       | 148                      | 2                                     | 1.37%                                     |
| Petitions for certiorii         | 707                     | 664                     | 612                     | -7.8%                                     | 606                       | 581                      | -25                                   | -4.13%                                    |
| Attorney grievance proceedings  | 81                      | 85                      | 87                      | 2.4%                                      | 94                        | 99                       | 5                                     | 5.32%                                     |
| <b>Courts of Special Appeal</b> |                         |                         |                         |   |                           |                          |                                       |   |
| Regular docket                  | 1,901                   | 1,935                   | 1,796                   | -7.2%                                     | 1,873                     | 1,880                    | 7                                     | 0.37%                                     |
| <b>Circuit Court</b>            |                         |                         |                         |   |                           |                          |                                       |   |
| <b>Civil Case Clearance</b>     |                         |                         |                         |   |                           |                          |                                       |   |
| Baltimore City                  | 25,119                  | 24,598                  | 32,451                  | 31.9%                                     | 28,694                    | 28,986                   | 292                                   | 1.02%                                     |
| Counties                        | 132,690                 | 131,696                 | 136,932                 | 4.0%                                      | 133,152                   | 132,224                  | -928                                  | -0.70%                                    |
| <b>Total</b>                    | <b>157,809</b>          | <b>156,294</b>          | <b>169,383</b>          | <b>8.4%</b>                               | <b>161,846</b>            | <b>161,210</b>           | <b>-636</b>                           | <b>-0.39%</b>                             |
| <b>Criminal Cases Cleared</b>   |                         |                         |                         |   |                           |                          |                                       |   |
| Baltimore City                  | 24,156                  | 24,975                  | 29,042                  | 16.3%                                     | 28,298                    | 29,306                   | 1,008                                 | 3.56%                                     |
| Counties                        | 47,212                  | 46,322                  | 50,675                  | 9.4%                                      | 48,782                    | 48,896                   | 114                                   | 0.23%                                     |
| <b>Total</b>                    | <b>71,368</b>           | <b>71,297</b>           | <b>79,717</b>           | <b>11.8%</b>                              | <b>77,080</b>             | <b>78,202</b>            | <b>1,122</b>                          | <b>1.46%</b>                              |
| <b>Jury Trial Prayers</b>       |                         |                         |                         |   |                           |                          |                                       |   |
| Baltimore City                  | 10,296                  | 10,582                  | 10,818                  | 2.2%                                      | 11,491                    | 11,924                   | 433                                   | 3.77%                                     |
| Counties                        | 22,062                  | 21,620                  | 22,421                  | 3.7%                                      | 22,151                    | 22,129                   | -22                                   | -0.10%                                    |
| <b>Statewide</b>                | <b>32,358</b>           | <b>32,202</b>           | <b>33,239</b>           | <b>3.2%</b>                               | <b>33,642</b>             | <b>34,053</b>            | <b>411</b>                            | <b>1.22%</b>                              |

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|                               | <u>FY 03</u><br><u>Actual</u> | <u>FY 04</u><br><u>Actual</u> | <u>FY 05</u><br><u>Actual</u> | <u>FY 04-05</u><br><u>Percentage</u><br><u>Change</u> | <u>FY 06</u><br><u>Estimate</u> | <u>FY07</u><br><u>Estimate</u> | <u>FY 06-07</u><br><u>Amount</u><br><u>Change</u> | <u>FY 06-07</u><br><u>Percentage</u><br><u>Change</u> |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|---|---------------------------------|--------------------------------|---|---|
| <b>Juvenile Cases Cleared</b> |                               |                               |                               |   |                                 |                                |   |   |
| Baltimore City                | 6,067                         | 7,902                         | 8,051                         | 1.9%  | 8,029                           | 8,203                          | 174   | 2.17%   |
| Counties                      | 20,490                        | 21,205                        | 21,813                        | 2.9%  | 20,332                          | 19,697                         | -635  | -3.12%  |
| <b>Total</b>                  | <b>26,557</b>                 | <b>29,107</b>                 | <b>29,864</b>                 | <b>2.6%</b>   | <b>28,361</b>                   | <b>27,900</b>                  | <b>-461</b>                                       | <b>-1.63%</b>   |
| <b>District Court</b>         |                               |                               |                               |   |                                 |                                |   |   |
| <b>Civil Case Clearance</b>   |                               |                               |                               |   |                                 |                                |   |   |
| Baltimore City                | 71,210                        | 68,107                        | 64,115                        | -5.9%   | 63,407                          | 61,510                         | -1,897  | -2.99%  |
| Counties                      | 288,971                       | 288,305                       | 288,970                       | 0.2%  | 301,645                         | 308,422                        | 6,777   | 2.25%   |
| <b>Total</b>                  | <b>360,181</b>                | <b>356,412</b>                | <b>353,085</b>                | <b>-0.9%</b>  | <b>365,052</b>                  | <b>369,93</b>                  | <b>4,880</b>                                      | <b>1.34%</b>  |
| <b>Criminal Cases Cleared</b> |                               |                               |                               |   |                                 |                                |   |   |
| Baltimore City                | 73,657                        | 98,494                        | 88,777                        | -9.9%   | 98,195                          | 103,477                        | 5,282   | 5.38%   |
| Counties                      | 125,175                       | 123,108                       | 125,181                       | 1.7%  | 119,99                          | 117,396                        | -2,602  | -2.17%  |
| <b>Total</b>                  | <b>198,832</b>                | <b>221,602</b>                | <b>213,958</b>                | <b>-3.4%</b>  | <b>218,193</b>                  | <b>220,873</b>                 | <b>2,680</b>                                      | <b>1.23%</b>  |
| <b>Traffic Cases Cleared</b>  |                               |                               |                               |   |                                 |                                |   |   |
| Baltimore City                | 150,062                       | 149,098                       | 151,954                       | 1.9%  | 171,007                         | 181,969                        | 10,962  | 6.41%   |
| Counties                      | 991,662                       | 1,142,582                     | 1,161,843                     | 1.7%  | 1,214,805                       | 1,268,739                      | 53,934  | 4.44%   |
| <b>Total</b>                  | <b>1,141,724</b>              | <b>1,291,680</b>              | <b>1,313,797</b>              | <b>1.7%</b>   | <b>1,385,812</b>                | <b>1,450,708</b>               | <b>64,896</b>                                     | <b>4.68%</b>  |

Source: Maryland Judiciary

By contrast, the total number of District Court civil and criminal cases cleared declined by 1 and 3%, respectively. The decrease in the number of civil and criminal cases disposed is solely attributed to a 6% decline in the number of civil cases cleared and a 10% decline in the number of criminal cases cleared in Baltimore City, respectively. Despite a decline in this measure in fiscal 2005, the Judiciary anticipates that the total number of civil and criminal cases disposed will increase in fiscal 2006 and 2007. Other clearance trends include a 3% increase in statewide jury trial prayers and a 3% increase in juvenile dispositions.

## **Judiciary's Proposed Budget**

As shown in **Exhibit 6**, the Judiciary's fiscal 2007 budget increases by \$43,701,267, or 12.8% above the fiscal 2006 working appropriation. The majority of this increase is attributed to (1) a \$2,249,505 increase in equipment which is related to the Judiciary's Major IT projects such as case management for new services and software as well as the cyclical replacement of desktop computers; (2) a \$10,540,557 increase in grant funding primarily for Maryland's drug courts and Family Services; and (3) a net \$2,804,469 increase in fixed charges primarily due to a \$1,333,105 million increase in rent for leased space at local circuit courthouses and a \$1,862,000 million increase for a rent and fit-up costs for a new Catonsville District Court.

**Exhibit 6**  
**Judiciary’s Proposed Budget**  
**(\$ in Thousands)**

| <b>How Much It Grows:</b>  | <b><u>General</u><br/><u>Fund</u></b> | <b><u>Special</u><br/><u>Fund</u></b> | <b><u>Federal</u><br/><u>Fund</u></b> | <b><u>Total</u></b> |
|----------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------|
| 2006 Working Appropriation | \$294,316                             | \$43,266                              | \$2,749                               | \$340,331           |
| 2007 Judiciary’s Budget    | <u>337,311</u>                        | <u>43,309</u>                         | <u>3,412</u>                          | <u>384,033</u>      |
| Amount Change              | \$42,995                              | \$43                                  | \$664                                 | \$43,701            |
| Percent Change             | 14.6%                                 | 0.1%                                  | 24.1%                                 | 12.8%               |

**Where It Goes:****Personnel Expenses**

|   |         |
|---|---------|
| Employee and retiree health insurance .....                               | \$8,526 |
| Additional assistance, overtime, and shift differential .....             | 1,579   |
| Circuit court clerks – 56 new positions .....                             | 1,511   |
| Circuit court – 2 judges, 2 masters, and 2 law clerks .....               | 485     |
| Increments, merit increases, and other pay adjustments.....               | 1,464   |
| Employees' and Judges' Retirement System.....                             | 2,894   |
| District Court – 21 contractual conversion.....                           | 682     |
| District Court – 18 new positions .....                                   | 457     |
| Other payroll adjustments.....  | 1,078   |
| Other fringe benefits.....  | 761     |
| Administrative Office of the Courts – 5 new positions .....               | 193     |
| Judicial Information Systems – 5 new positions .....                      | 189     |
| Administrative Office of the Courts – 4 contractual conversions.....      | 116     |
| Court-related agencies – 1 new position and 1 contractual conversion..... | 74      |
| Court of Appeals – 2 new positions.....                                   | 52      |
| State Law Library – 1 new position.....                                   | 39      |
| Family Services – 1 contractual conversion .....                          | 38      |
| Unemployment and workers' compensation.....                               | -346    |
| Turnover adjustment.....  | 868     |

**Other Changes**

|   |      |
|---|------|
| Contractual payroll – 32.5 new FTEs .....     | 857  |
| Contractual payroll – 36 abolished FTEs ..... | -330 |

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**Where It Goes:**

|   |                 |
|---|-----------------|
| Contractual unemployment compensation.....  | -12             |
| Contractual Social Security .....   | 40              |
| Contractual turnover expectancy .....   | -18             |
| Contractual services.....   | 2,622           |
| Replaced equipment – case modernization and information technology framework.....   | 2,250           |
| Supplies and materials .....  | 1,023           |
| Data processing supplies – land records .....                                       | 400             |
| Telephone and communications expenses.....  | 1,214           |
| Additional equipment .....  | 363             |
| Travel .....  | 100             |
| Motor vehicles .....  | 35              |
| Fuel and utilities .....  | 8               |
| Courthouse leasing for clerk of court offices (\$2.50 per square foot).....         | 1,333           |
| Rent – new Catonsville facility.....  | 1,862           |
| Rent – building renovations and increased space throughout various facilities ..... | 680             |
| Reduced land and structure expenses .....   | -671            |
| Other fixed charges.....  | 71              |
| Drug courts – evaluations .....   | 675             |
| Grants – drug court expansion.....  | 6,710           |
| Masters and county employment.....  | -260            |
| Grant – jury staff support for 13 jurisdictions .....                               | 1,380           |
| County Public Law Library grants .....  | 380             |
| Grant – circuit court digital recording systems.....                                | 20              |
| Circuit court family divisions and family services program grants.....              | 1,514           |
| Grants to local partners to enhance access to the family justice system.....        | 678             |
| Foster care grants.....   | 172             |
| Termination of parental rights and alternative dispute resolution grants .....      | -220            |
| Mediation and conflict resolution grants .....                                      | 166             |
| <b>Total</b>  | <b>\$43,702</b> |

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

## New Regular Positions

### Judges, Masters, and Associated Positions

As shown in **Exhibit 7**, the Maryland Judiciary is requesting 121 positions, including 86 new regular positions and 35 contractual conversions. The Judiciary is requesting 2 new circuit court judges, each of which requires a new courtroom clerk and law clerk. Two additional family law masters and two new courtroom clerks have also been requested for Anne Arundel and Baltimore counties.

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#### Exhibit 7 New Positions Requested by Program

| <u>Program Name</u>   | <u>Regular<br/>PINs</u> | <u>Contractual<br/>Conversions</u> | <u>Total<br/>PINs</u> |
|---|-------------------------|------------------------------------|-----------------------|
| Court of Appeals  | 2                       | 0                                  | 2                     |
| Circuit Court Judges  | 6                       | 0                                  | 6                     |
| District Court  | 18                      | 21                                 | 39                    |
| Administrative Office of the Courts                                   | 5                       | 4                                  | 9                     |
| Court-related Agencies  | 1                       | 1                                  | 2                     |
| Maryland Library  | 1                       | 0                                  | 1                     |
| Judicial Information Systems  | 5                       | 0                                  | 5                     |
| Circuit Court Clerks  | 48                      | 8                                  | 56                    |
| Family Services   | 0                       | 1                                  | 1                     |
| <b>Total</b>  | <b>86</b>               | <b>35</b>                          | <b>121</b>            |
| <br>  |                         |                                    |                       |
| Circuit Court Judges – 2 Judges, 2 Courtroom Clerks, and 2 Law Clerks |                         |                                    | 6                     |
| Circuit Court Master – 2 Masters and 2 Courtroom Clerks               |                         |                                    | 4                     |
| District Court Appointments (Fiscal 2006) – 11 Courtroom Clerks       |                         |                                    | 11                    |
| <b>Total Judge-related</b>  |                         |                                    | <b>21</b>             |

Source: Maryland Judiciary

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## Circuit Court Clerks

As shown in **Exhibit 8**, the Clerks of the Circuit Court budget contains 56 new positions of which 8 are contractual conversions. The majority of the new positions requested by the Judiciary are for Baltimore City, Prince George’s and Anne Arundel counties. **Exhibit 9** provides a detailed breakdown of the various types of circuit court clerk positions requested and the base salary associated with each of the 48 new positions requested. Sixty percent of the total new positions requested are for courtroom and land records clerks. Of this percentage amount, 25% are for land record clerks, and 35% are for courtroom clerks. The remaining 40% include several types of clerk positions such as child support, juvenile, and criminal clerks.

### Exhibit 8 New Positions Requested by Program

| <u>County</u>   | <u>New Position No.</u> | <u>Conversion No.</u> |
|-----------------|-------------------------|-----------------------|
| Allegany        | 1                       | 0                     |
| Anne Arundel    | 5                       | 0                     |
| Baltimore Co.   | 4                       | 0                     |
| Calvert         | 2                       | 0                     |
| Caroline        | 1                       | 0                     |
| Carroll         | 2                       | 0                     |
| Cecil           | 1                       | 1                     |
| Charles         | 2                       | 0                     |
| Dorchester      | 1                       | 0                     |
| Frederick       | 2                       | 0                     |
| Garrett         | 1                       | 0                     |
| Harford         | 2                       | 0                     |
| Howard          | 2                       | 0                     |
| Kent            | 1                       | 0                     |
| Montgomery      | 2                       | 2                     |
| Prince George's | 6                       | 0                     |
| Queen Anne's    | 0                       | 2                     |
| St. Mary's      | 1                       | 1                     |
| Somerset        | 2                       | 0                     |
| Talbot          | 0                       | 1                     |

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| <u>County</u>              | <u>New Position No.</u> | <u>Conversion No.</u> |
|----------------------------|-------------------------|-----------------------|
| Washington                 | 0                       | 0                     |
| Wicomico                   | 1                       | 1                     |
| Worcester                  | 3                       | 0                     |
| Baltimore City             | 6                       | 0                     |
| <b>Total</b>               | <b>48</b>               | <b>8</b>              |
| <b>Total New Positions</b> | <b>56</b>               |                       |

Source: Maryland Judiciary

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**Exhibit 9**  
**Base Salaries and Positions for Circuit Court Clerk Personnel**  
**Fiscal 2007**

| <u>Location</u>  | <u>Type of Position</u>    | <u>Base Salary</u> |
|------------------|----------------------------|--------------------|
| Allegany         | Courtroom Clerk            | \$28,405           |
| Anne Arundel     | Land Records               | 26,688             |
| Anne Arundel     | Criminal Clerk             | 26,688             |
| Anne Arundel     | Civil/Family Clerk         | 26,688             |
| Anne Arundel     | Land Records               | 26,688             |
| Anne Arundel     | Courtroom Clerk for Master | 28,405             |
| Baltimore County | Courtroom Clerk            | 28,405             |
| Baltimore County | Juvenile/Courtroom Clerk   | 28,405             |
| Baltimore County | Juvenile/Courtroom Clerk   | 28,405             |
| Baltimore County | Courtroom Clerk for Master | 28,405             |
| Calvert County   | Child Support Clerk        | 26,688             |
| Calvert County   | Jury Clerk                 | 25,084             |
| Caroline County  | Courtroom Clerk            | 28,405             |
| Carroll County   | File Clerk                 | 22,183             |
| Carroll County   | File Clerk                 | 22,183             |
| Cecil County     | Courtroom Clerk            | 28,405             |
| Charles County   | Civil Clerk                | 26,688             |
| Charles County   | Juvenile Clerk             | 26,688             |

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| <u>Location</u>                           | <u>Type of Position</u>   | <u>Base Salary</u> |
|---|---------------------------|--------------------|
| Dorchester County                         | Courtroom/Civil Clerk     | 28,405             |
| Frederick County                          | Land Records              | 26,688             |
| Frederick County                          | Courtroom Clerk           | 28,405             |
| Garrett County                            | Land Records              | 25,084             |
| Harford County                            | Land Records              | 25,084             |
| Harford County                            | Courtroom Clerk           | 28,405             |
| Howard County                             | Courtroom Clerk           | 28,405             |
| Howard County                             | Courtroom Clerk           | 28,405             |
| Kent County                               | Civil Clerk               | 26,688             |
| Montgomery County                         | Family Clerk              | 26,688             |
| Montgomery                                | Courtroom Clerk for Judge | 28,405             |
| Prince George's County                    | Land Records              | 26,688             |
| Prince George's County                    | Land Records              | 26,688             |
| Prince George's County                    | Criminal Clerk            | 26,688             |
| Prince George's County                    | Criminal Clerk            | 26,688             |
| Prince George's County                    | Courtroom Clerk-Lead      | 30,240             |
| Prince George's County                    | Accounting Associate      | 28,405             |
| St. Mary's County                         | Land Records              | 26,688             |
| Somerset County                           | Land Records              | 26,688             |
| Somerset County                           | Land Records              | 26,688             |
| Wicomico County                           | Juvenile/Truancy Clerk    | 26,688             |
| Worcester County                          | Receptionist/Cashier      | 23,584             |
| Worcester County                          | Land Records              | 26,688             |
| Worcester County                          | Courtroom Clerk           | 28,405             |
| Baltimore City                            | File Clerk                | 22,183             |
| Baltimore City                            | File Clerk                | 22,183             |
| Baltimore City                            | Land Records              | 26,688             |
| Baltimore City                            | Criminal Assistant        | 26,688             |
| Baltimore City                            | Criminal Assistant        | 26,688             |
| Baltimore City                            | Courtroom Clerk for Judge | 28,405             |
| <b>Base Salaries for 48 New Positions</b> |                           | <b>\$1,287,829</b> |

Source: Maryland Judiciary

## **District Court**

The District Court budget includes 39 new positions, of which 21 are contractual conversions. Eighteen of these positions are clerks located throughout various districts. Of the 18 clerks, 12 are civil and criminal/traffic courtroom clerks needed to support the 6 new District Court judges appointed in fiscal 2006. The remaining clerks will be allocated throughout the District Court system, primarily in the area of domestic violence to support the Judiciary's growing District Court caseload. The 21 contractual conversions include 10 data entry clerks at the District Court traffic processing center, 4 positions within the Alternative Dispute Resolution office (1 administrative assistant, 2 managers, and 1 regional coordinator), 6 on-call commissioners, and 1 clerk.

## **Remaining Positions**

The remaining 20 positions include 14 new positions and 6 contractual conversions. The 14 new positions are distributed throughout the Court of Appeals (2), Administrative Office of the Courts (5), court-related agencies (1), Maryland Law Library (1), and Judicial Information Systems (5). Six contractual conversions are distributed throughout the Administrative Office of the Courts (4), court-related agencies (1), and Family Service Divisions (1).

## **Contractual Positions**

As shown in **Exhibit 10**, there is a net decline of 3.5 contractual positions. Fifteen new contractual full-time equivalent (FTE) bailiff positions are requested in fiscal 2007. These 15 bailiffs will be used to increase security in Baltimore City, Caroline, Cecil, Queen Anne, Talbot, Howard, Allegany, and Garret counties. Additionally, there is an increase of 16.5 FTE on-call contractual commissioners. The Judiciary reports that this increase does not add any new positions but reflects an increase in the percentage of hours worked by on-call commissioners employed by the District Court. Other notable decreases include a net reduction of 10 contractual FTE positions for the Circuit Court Clerks program. Ten of these reductions are associated with 8 contractual conversions, a 0.5 land records clerk reduction and a 1.5 contractual FTE reallocation. **The Judiciary should comment as to why additional bailiff positions are requested as contractual employee positions, as opposed to regular positions, since they are essential to District Court operations.**

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**Exhibit 10**  
**Judiciary FTE Personnel Request Summary**  
**Fiscal 2007**

| <u>Program</u> | <u>Program Name</u>                 | <u>New Contractual FTEs</u> | <u>Abolished Contractual FTEs</u> | <u>Net Contractual FTEs</u> |
|----------------|-------------------------------------|-----------------------------|-----------------------------------|-----------------------------|
| 1              | Court of Appeals                    | 0.0                         | 0.0                               | 0.0                         |
| 2              | Court of Special Appeals            | 0.0                         | 0.0                               | 0.0                         |
| 3              | Circuit Court Judges                | 0.0                         | 0.0                               | 0.0                         |
| 4              | District Court                      | 31.5                        | -21.0                             | 10.5                        |
| 5              | Maryland Judicial Conference        | 0.0                         | 0.0                               | 0.0                         |
| 6              | Administrative Office of the Courts | 0.0                         | -3.0                              | -3.0                        |
| 7              | Court-related Agencies              | 0.5                         | 0.0                               | 0.5                         |
| 8              | Maryland Law Library                | 0.5                         | 0.0                               | 0.5                         |
| 9              | Judicial Information Systems        | 0.0                         | -1.0                              | -1.0                        |
| 10             | Circuit Court Clerks                | 0.0                         | -10.0                             | -10.0                       |
| 11             | Family Services                     | 0.0                         | -1.0                              | -1.0                        |
| 12             | Major IT                            | 0.0                         | 0.0                               | 0.0                         |
|                | <b>Total</b>                        | <b>32.5</b>                 | <b>-36.0</b>                      | <b>-3.5</b>                 |

Source: Maryland Judiciary

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## Grants

The fiscal 2007 budget includes an additional \$10,540,557, or 31.2% increase above the fiscal 2006 working appropriation for various grants throughout the Judiciary as shown in **Exhibit 11**. The budget includes funding in the following areas:

- \$6,709,914 for the expansion of Maryland's drug courts. There are currently 27 operational drug court programs within the State; the Judiciary plans to increase this number to 38 in fiscal 2007;

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**Exhibit 11**  
**Proposed Distribution of Grant Funding**  
**Fiscal 2007**

| <u>Program</u>   | <u>Proposed Allocation in FY 2007</u> |
|--|---------------------------------------|
| Maryland's Drug Courts   | \$6,709,914                           |
| Maryland Circuit Court Family Divisions                                    | 1,513,882                             |
| Jury Staff Support   | 1,380,207                             |
| Court Appointed Special Advocate Grants                                    | 678,372                               |
| Public Law Library Grants  | 380,000                               |
| Mediation and Conflict Resolution  | 166,188                               |
| Circuit Court Digital Recording  | 20,000                                |
| County Masters   | -260,006                              |
| Termination of Parental Rights and<br>Alternative Dispute Resolution Cases | -48,000                               |
| <b>Total Grant Funding</b>   | <b>\$10,540,557</b>                   |

Source: Maryland Judiciary

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- \$1,513,882 to support Maryland's Circuit Court Family Divisions and Family Services programs. Funding for these positions is provided in accordance with the Maryland Rules of the Court. Pursuant to Maryland Rule 16-204, if a county has more than seven resident circuit court judges, there shall be a family division in the circuit court;
- \$1,380,207 for jury staff support so that courts may assume autonomous control over jury functions in 13 jurisdictions that rely upon Clerk of the Court staff, including Calvert, Caroline, Charles, Frederick, Kent, Prince George's, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, and Worcester counties and Baltimore City;
- \$678,372 for special project grants and Court Appointed Special Advocate organization grants. Funds are granted to various organizations, primarily in the area of domestic violence in addition to legal representation in complex custody cases. Many of these projects are Protective Order Advocacy Representation Projects located in courthouses throughout Maryland;
- \$380,000 to fund county public law library grants in 19 counties at \$20,000 per county;

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- \$166,188 for mediation and conflict resolution services for schools, State, and local governments; and
- \$20,000 for digital recording for circuit courts, and reductions in the amount of \$260,006 for county masters and \$48,000 for termination of parental rights and alternative dispute resolution grants.

## **Drug Courts**

Currently, there are 27 operational drug courts at various District and circuit court locations throughout the State. The fiscal 2007 budget includes \$8,127,500 for the expansion of Maryland's drug courts, an increase of \$7,201,500 above the fiscal 2006 working appropriation. \$6.7 million of the increase is grant funding for drug court operations and the remaining funds are to be used for drug court evaluations and training.

In fiscal 2007 the Judiciary has developed a Drug Court Action Plan outlining a collective fiscal strategy developed in collaboration with the Judiciary's drug court partners such as the Alcohol Drug Abuse Administration (ADAA), Division of Parole and Probation (DPP), the Department of Juvenile Services (DJS), the State Attorney's Office, and the Office of the Public Defender (OPD). Under the plan, State budget requests for drug court funding for the various stakeholders are consolidated into the Judiciary's fiscal 2007 budget to be distributed to local and State government partners via the Drug Treatment Court Commission, a unit within the Judiciary. Included within the \$6.7 million in grant funding is approximately \$4.4 in funding to allow for the authorization of up to 72 positions within DJS, DPP, and OPD via the Board of Public Works (BPW). **Exhibit 12** illustrates the Judiciary's proposed distribution of drug court funding with respect to the various stakeholders.

## **District Court**

The District Court allowance includes \$1.9 million in rent and fit-up costs, respectively, for a new District Court facility. In addition, the District Court allowance also includes \$37,704 for scheduled maintenance projects at District Court locations statewide. These maintenance projects include painting and carpet replacement in new judge's chambers.

**Exhibit 12**  
**Proposed Distribution of Drug Court Funding**

|                                   | Adult 25 (10) | Adult 100 (5) | Adult 100+ (2) | Juv 25 (10) | Juv 100 (3) | F/D 25 (3) | F/D 100 (2) | Total               | Projected PINs |
|-----------------------------------|---------------|---------------|----------------|-------------|-------------|------------|-------------|---------------------|----------------|
| <b>Drug Court</b>                 |               |               |                |             |             |            |             |                     |                |
| Drug Tests                        | \$130,000     | \$260,000     | \$364,000      | \$130,000   | \$156,000   | \$26,000   | \$52,000    | \$1,118,000         | No State PINs  |
| Drug Court Coordinators           | 660,000       | 330,000       | 132,000        | 660,000     | 198,000     | 132,000    | 66,000      | 2,178,000           | No State PINs  |
| Evaluation/MIS                    | 250,000       | 125,000       | 50,000         | 250,000     | 75,000      | 50,000     | 25,000      | 825,000             | No State PINs  |
|                                   |               |               |                |             |             |            |             |                     |                |
| <b>State's Attorney's Office</b>  |               |               |                |             |             |            |             |                     |                |
| Assistant State's Attorney        |               | 390,000       | 364,000        |             | 234,000     |            | 78,000      | 1,066,000           | No State PINs  |
|                                   |               |               |                |             |             |            |             |                     |                |
| <b>Substance Abuse Treatment</b>  |               |               |                |             |             |            |             |                     |                |
| Substance Abuse Treatment         | 60,750        | 121,500       | 170,100        | 58,750      | 70,500      | 12,150     | 24,300      | 518,050             | No State PINs  |
|                                   |               |               |                |             |             |            |             |                     |                |
| <b>Office of Public Defenders</b> |               |               |                |             |             |            |             |                     |                |
| Public Defender                   |               | 390,000       | 364,000        |             | 234,000     |            | 78,000      | 1,066,000           | 12             |
|                                   |               |               |                |             |             |            |             |                     |                |
| <b>Supervision (DJS)</b>          |               |               |                |             |             |            |             |                     |                |
| DJS Case Management Specialist    |               |               |                | 532,000     | 638,400     |            |             | 1,170,400           | 22             |
| DPP Agent (50:1)                  | 585,000       | 585,000       | 696,000        |             |             |            |             | 1,866,000           | 32             |
| Family/Dependency Case Manager    |               |               |                |             |             | 106,400    | 212,800     | 319,200             | 6              |
|                                   |               |               |                |             |             |            |             |                     |                |
| <b>Total</b>                      |               |               |                |             |             |            |             | <b>\$10,126,650</b> |                |
| <b>Grant Funding Projection</b>   |               |               |                |             |             |            |             | <b>\$2,016,650</b>  |                |
| <b>Total Request</b>              |               |               |                |             |             |            |             | <b>\$8,110,000</b>  | <b>72</b>      |

**Projected Adult, Juvenile, and Family/Dependency Drug Court costs are calculated by using projected drug court budgets using fiscal 2005 and 2006 costs. The budgets accounted, when appropriate, the costs of the program coordinator, drug testing, State attorney’s, public defenders, substance abuse treatment, supervision, and evaluation.**

**Drug Testing:** DPP and DJS have also indicated that drug screens cost \$5 per screen. Total costs were calculated by taking the difference in what is recommended for drug courts (two tests per week) compared with current non-intensive supervision standards (seven tests per supervising agent per month as of June 2005).

**Drug Court Coordinator:** Calculated at \$66,000 per drug court program.

**Evaluation/MIS:** \$25,000 per program.

**State Attorney and Public Defender:** In programs designated as programs with up to 25 participants, these positions were not calculated in Projected Drug Costs. 100% of the costs of these positions were used in cost projections for programs expanding to 100 participants.

**Substance Abuse Treatment Cost:** For Projected Need costs, Substance Abuse Treatment was calculated by using the difference in costs for Outpatient Services and Intensive Outpatient Services per client. The Alcohol and Drug Abuse Administration provided the cost data. This assumes that “standard” substance abuse treatment may constitute a lower level of care where drug court participants would require intensive services. Inpatient treatment was not factored into this cost.

**Supervision:** DJS Case Manager Specialists are calculated at \$53,200 with a 25:1 child to staff caseload ratio. DPP Agent is calculated at \$58,500 at 50:1 with a defendant to staff caseload ratio. Family/Dependency Case Manager calculated at \$29,018 with a 25:1 child to staff caseload ratio.

**Grant Funding Projection:** This amount equals the actual grant awards in fiscal 2004 and 2005 divided by the total number of drug courts programs in those years. Starting in fiscal 2006, the average projected award per program was increased each year by 3% and multiplied by the number of operational drug courts projected.

Source: Maryland Judiciary

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## Information Technology

The net budget for Major IT projects decreased by \$1.5 million in fiscal 2007 as compared to the fiscal 2006 working appropriation. The fiscal 2007 budget provides for the support of several Major IT projects, including the addition of two projects – Administrative Office of the Courts Back Office Systems and Revenue Collection Systems Replacement.

- **Case Management Modernization:** The budget for this project is \$2,617,275 in fiscal 2007. Nearly all of the current court case management systems are legacy systems that have been in use for 15 to 25 years. These systems are unable to respond to the emerging needs of the courts (e.g., electronic filing, drug and family court program management, and revenue collection and financial system integration) and cannot support effective interoperability with other federal and State agencies, principally, the Department of Public Safety and Correctional Services, the State Police, and local State Attorneys. This project focuses on the replacement of the Judiciary’s legacy Case Management systems to an environment that employs Oracle relational database technology and a base of flexible business modules consistent with the standards required at both the federal and State levels. The Judiciary reports that the new technology will allow for development of web-based Case Processing systems, facilitating improved access to selected data for public, law enforcement agencies, facilitate improved interoperability for case transfers and web access for electronic filing and payment, as well as statistics and reports to Judiciary management for decision making purposes. The fiscal 2007 budget for case management modernization includes \$79,775 for salaries; \$25,000 for trainer’s travel; \$712,500 for system analysis, design, and development; and \$1,800,000 for replacement and new equipment.
- **IT Framework Modernization:** The budget for this project is \$940,500 in fiscal 2007, which is a small increase in funding from the fiscal 2006 appropriation of \$773,698. Given the fact that the network was designed and established in 1994 using what is now considered to be outdated technology, the Judiciary is striving to comply with the State’s mandate for improved public access. This particular project supports the other Major IT initiatives undertaken by the Judiciary by providing the additional bandwidth needed to support other web-enabled access projects. The fiscal 2007 budget includes \$135,500 for contractual services and \$805,000 for new equipment.
- **Web-enabled Access/Data Migration:** The fiscal 2007 budget includes \$462,500. A foundational element of the process to modernize the systems support of court data is enabling access to the data from web-based vehicles. This includes the presentation of information to the public as required by law or rule, efficient transfer of data to authorized parties via standards supported at both the federal and State levels, and the replacement of existing methods of case information inquiry for members of the Judiciary and related State agencies. The first step in this effort was to extract case data from the legacy systems and migrate it to the relational Oracle environment. This was completed as part of Phase I for Public Access inquiry in January 2006. The Judiciary reports that the next step in this modernization process is to incorporate data from Prince George’s and Montgomery counties circuit courts, optimize

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the data transfer process to provide better currency of data in the Oracle environment, and provide for the registration of Internet users to receive expanded court case information in a secure environment as well as bulk data downloads. The Judiciary plans to use the fiscal 2007 appropriation for system analysis, design, and development services in support of this effort.

- ***e-Licensing:*** The budget for this project in fiscal 2007 is \$1,048,552. Maryland e-License is the Judiciary's web-based business license system. The system is currently used by court clerks to process license applications and annual renewals. In fiscal 2007 the Judiciary plans to develop and implement new application processing through the Internet in addition to on-line license renewals. The fiscal 2007 budget includes \$122,202 for salaries, \$1,350 for end-user training, and \$925,000 for contractual development and testing services.
- ***Administrative Office of the Courts Back Office Systems:*** The budget for this project is \$2,225,000. This is a new project in fiscal 2007. The objective of this project is to replace the Judiciary's current stand-alone systems with an integrated system consistent with the technology being used to replace the case management systems to provide interoperability. The Judiciary reports that this project will increase the use of Internet commerce and communications, which will reduce costs and improve timeliness of communications with vendors for purchasing and procurement. The fiscal 2007 budget includes \$1,300,000 to complete an alternative resolution analysis, selection, and implementation planning and \$925,000 will be used to procure the required equipment for fiscal 2008 rollout.
- ***Revenue Collections Systems Replacement:*** The budget for this project is \$412,000. This is a new IT initiative in fiscal 2007. The existing District and circuit court cashier systems use antiquated non-supported operating systems platforms and/or are no longer supported by the software vendor. This project will implement an enterprise revenue collection system and integrate with the existing AOC Back Office financial system as well as the Case Management Modernization Project. In fiscal 2007 the Judiciary has requested \$412,000 to perform a requirements analysis.

## *Issues*

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### 1. New Judges Requested for Circuit Courts

In a letter dated November 1, 2005, the Chief Judge of the Court of Appeals requested two new circuit court judgeships – one for Baltimore City and one for Montgomery County. Prior to the 2005 legislative session which authorized the addition of seven new circuit judgeships (Chapter 199, Acts of 2005), no additional circuit court judges had been authorized by the General Assembly since 1998 (excluding transfers).

**Exhibit 13** indicates the current number of District Court and circuit court judges and the additional judges needed by each jurisdiction. Approximately 7 additional circuit court and 16 additional District Court judges are needed statewide.

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#### **Exhibit 13 Additional Circuit Court and District Court Judges Needed as of November 2005**

| <u>Jurisdiction</u>               | <u>Actual Number<br/>Circuit Court<br/>Judges</u> | <u>Additional<br/>Circuit Court<br/>Judges Needed</u> | <u>Actual Number<br/>District Court<br/>Judges</u> | <u>Additional<br/>District Court<br/>Judges Needed</u> |
|-----------------------------------|---|---|--|--|
| Chief Judge of the District Court | 0   | 0   | 0  | 0  |
| Allegany                          | 2   | 0   | 2  | 0  |
| Anne Arundel                      | 11  | 2   | 9  | 1  |
| Baltimore City                    | 32  | 2   | 27   | 2  |
| Baltimore                         | 17  | 2   | 13   | 4  |
| Calvert                           | 2   | 0   | 1  | 0  |
| Caroline                          | 1   | 0   | 1  | 0  |
| Carroll                           | 3   | 0   | 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                        | 21  | 1   | 11   | 2  |
| Prince George's                   | 23  | 0   | 15   | 4  |

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| <u>Jurisdiction</u> | <u>Actual Number<br/>Circuit Court<br/>Judges</u> | <u>Additional<br/>Circuit Court<br/>Judges Needed</u> | <u>Actual Number<br/>District Court<br/>Judges</u> | <u>Additional<br/>District Court<br/>Judges Needed</u> |
|---------------------|---|---|--|--|
| Queen Anne's        | 1   | 0   | 1  | 0  |
| St. Mary's          | 3   | 0   | 2  | 0  |
| Somerset            | 1   | 0   | 1  | 0  |
| Talbot              | 1   | 0   | 1  | 0  |
| Washington          | 5   | 0   | 2  | 1  |
| Wicomico            | 3   | 0   | 2  | 1  |
| Worcester           | 3   | 0   | 2  | 0  |
| <b>Statewide</b>    | <b>153</b>  | <b>7</b>  | <b>111</b>   | <b>16</b>  |

Source: Judiciary Judgeship Needs for Fiscal 2007 Administrative Office of the Courts, November 1, 2005

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### **Baltimore City**

While Baltimore City has experienced a decline in population since the 2000 census, it has continued to record the greatest number of case filings statewide. During fiscal 2005, there were 25,790, 9,800, and 17,952 criminal, juvenile, and civil cases filed, respectively. More than 55% of Baltimore City's criminal caseload comprised indictment and information case filings while approximately 41.9% comprised jury trial requests from the District Court. Domestic case filings have risen over 3% during the past three years and comprise 12.3% of Baltimore City's domestic caseload in fiscal 2005.

### **Montgomery County**

Montgomery County, the most populous jurisdiction in Maryland, has approximately 922,000 residents. During fiscal 2005, the number of cases filed in the county decreased by 163. Approximately 48.5% of the cases filed in Montgomery County during the year involved family-related matters, of which more than 27% of the cases comprised juvenile matters. Criminal appeals within the jurisdiction remained fairly constant while indictment and information case filings decreased by approximately 12.1%.

### **Other Highlights**

#### **Baltimore County**

Baltimore County is the third most populous jurisdiction in the State and has a population of nearly 800,000 residents. In fiscal 2005 there were 28,707 case filings, of which 47% comprised family matters. Over the past five years, Baltimore County's other domestic filings have increased

52.4% and contract filings 44.9%. While no additional judgeships were requested this legislative session, the Judiciary's quantitative data suggests the need for 2 additional circuit court and 4 additional District Court judges.

### **Anne Arundel County**

Over the past five years, Anne Arundel County has experienced an influx of over 17,000 additional residents and has continuously recorded a steady rise in filings. In fiscal 2005, 23,853 cases were filed, of which 10,103 were family-related cases and 6,744 were criminal filings. Over the past five years, Anne Arundel County has seen an increase in criminal jury trial demands and indictment and information (felony) case filings. While no additional judgeships were requested this legislative session, the Judiciary's quantitative data suggests the need for two additional circuit court judges and one additional District Court judge.

### **Prince George's County**

Prince George's County is the second most populous jurisdiction with a population of nearly 850,000 residents. Over the past three years, there has been a decline of approximately 8% in overall filings which were reported as 39,866 filings in fiscal 2003 to 36,686 filings in fiscal 2005. Over the last three years, Prince George's County has experienced a 14% increase in criminal filings due to a rise in indictment and information case filings. In 2005, approximately 44.2% of Prince George's County's civil caseload comprised divorce cases, while 18.5% of the caseload comprised tort filings. While no additional judgeships were requested this legislative session, the Judiciary's quantitative data suggests the need for four additional District Court judges.

**It is recommended that \$459,273 of the appropriation for circuit court judges be contingent upon enactment of legislation to authorize new circuit court judges and the related law clerk and courtroom clerk positions.**

## **2. New Positions Requested by the Judiciary**

The Maryland Judiciary has requested 121 new positions, including 86 new regular positions and 35 contractual conversions in fiscal 2007. **Exhibit 14** provides a summary of DLS' personnel recommendation by program. **DLS recommends that 25 of the 86 new positions requested by the Judiciary be denied and that 32 of the 35 contractual conversions requested by the Judiciary be denied. This action will provide full funding for the new land records and courtroom clerks positions requested by the Judiciary which will enable the Judiciary to move its courtroom docket in both the District and circuit courts in a timely fashion and provide adequate personnel for the Judiciary's land records function now that ELROI has now been implemented in all 23 jurisdictions and Baltimore City.**

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**Exhibit 14**  
**DLS Recommendation by Program for New Position Request**

| <u>Program Name</u>                 | <u>Accept<br/>New<br/>Positions</u> | <u>Deny<br/>New<br/>Positions</u> | <u>Accept<br/>Contractual<br/>Conversions</u> | <u>Deny<br/>Contractual<br/>Conversions</u> |
|-------------------------------------|-------------------------------------|-----------------------------------|---|---|
| Court of Appeals                    | 1                                   | 1                                 | 0   | 0   |
| Circuit Court Judges                | 6                                   | 0                                 | 0   | 0   |
| District Court                      | 18                                  | 0                                 | 0   | 21  |
| Administrative Office of the Courts | 1                                   | 4                                 | 1   | 3   |
| Court-related Agencies              | 0                                   | 1                                 | 1   | 0   |
| Maryland Library                    | 1                                   | 0                                 | 0   | 0   |
| Judicial Information Systems        | 5                                   | 0                                 | 0   | 0   |
| Circuit Court Clerks                | 29                                  | 19                                | 0   | 8   |
| Family Services                     | 0                                   | 0                                 | 1   | 0   |
| <b>Total</b>                        | <b>61</b>                           | <b>25</b>                         | <b>3</b>                                      | <b>32</b>                                   |
| <b>Total Positions Accepted</b>     |                                     |                                   |   | <b>64</b>                                   |
| <b>Total Positions Denied</b>       |                                     |                                   |   | <b>57</b>                                   |

Source: Maryland Judiciary

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### 3. Restoration of Law Clerk Salaries and Benefits

Pursuant to §2-512 of the Courts and Judicial Proceedings Article, *Annotated Code of Maryland*, each circuit court judge shall have one law clerk to be employed by the State. The General Assembly included a provision in the Budget Reconciliation and Financing Act (BRFA) of 2003 to require local jurisdictions to make a 25% contribution for the salaries of circuit court law clerks with the remaining 75% to be paid from State funds.

In the 2006 session, the Judiciary has introduced SB 692/HB 728 which would reinstate the remaining 25% funding for judicial law clerks. As shown in **Exhibit 15**, there are currently 153 law clerks throughout the various jurisdictions. The fiscal impact of the proposed bill is an additional \$1,945, 929 in State spending.

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**Exhibit 15**  
**Fiscal Impact of the Restoration of Judicial Law Clerk**  
**Spending by Jurisdiction**

| <u>Jurisdiction</u>                                  | <u>Number of Law Clerks</u> | <u>Salary Expense</u> |
|--|-----------------------------|-----------------------|
| Allegany   | 2                           | \$70,160              |
| Anne Arundel   | 11                          | 438,580               |
| Baltimore City*                                      | 33                          | 1,263,040             |
| Baltimore County                                     | 17                          | 649,060               |
| Calvert  | 2                           | 75,430                |
| Caroline   | 1                           | 40,350                |
| Carroll  | 3                           | 121,050               |
| Cecil  | 3                           | 110,510               |
| Charles  | 4                           | 156,130               |
| Dorchester   | 1                           | 40,350                |
| Frederick  | 4                           | 161,400               |
| Garret   | 1                           | 40,350                |
| Harford  | 5                           | 196,480               |
| Howard   | 5                           | 191,210               |
| Kent   | 1                           | 35,080                |
| Montgomery*  | 22                          | 856,080               |
| Price George's                                       | 23                          | 870,080               |
| Queen Anne's   | 1                           | 40,350                |
| St. Mary's   | 3                           | 121,050               |
| Somerset   | 1                           | 40,350                |
| Talbot   | 1                           | 35,080                |
| Washington   | 5                           | 191,210               |
| Wicomico   | 3                           | 115,780               |
| Worcester  | 3                           | 121,050               |
| <b>Total Salary Expense</b>                          | <b>155</b>                  | <b>\$5,980,210</b>    |
| <b>Other Health and Fringe Benefits</b>              |                             | <b>\$1,803,504</b>    |
| <b>Total Salary and Benefits</b>                     |                             | <b>\$7,783,714</b>    |
| <b>State Assumption of Law Clerk Salaries at 25%</b> |                             | <b>\$1,945,929</b>    |

\*Includes an additional position contingent upon legislation authorizing a new circuit court judge.

Source: Maryland Judiciary

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**It is recommended that \$1,945,929 of the appropriation for judicial law clerk salaries be contingent upon enactment of legislation restoring the remaining 25% funding for these positions.**

#### **4. Circuit Court Clerks Leased Space**

Chapter 453, Acts of 2002 required the State to pay rent directly to the counties for space occupied in county facilities (the courthouse) by clerks of the court. Pursuant to §1-504(B) of the Act, rent was to be calculated based on square footage not to exceed the following rates: \$2.50 in fiscal 2004; \$5.00 in fiscal 2005; and \$10.00 in fiscal 2006 and every year thereafter. The Act further provided that general fund expenditures used to carry out this provision of the Act be limited to no more than \$250,000 in fiscal 2004 and \$500,000 in fiscal 2005. However, the Budget Reconciliation and Financing Act of 2003 (Chapter 203, Acts of 2003) delayed the implementation of the State assumption of rent payments until fiscal 2007.

The Judiciary's fiscal 2007 allowance includes \$1,333,105 as part of a multi-year phase-in to lease clerk of court space at an initial \$2.50 per square foot and in succeeding annual increments, raising the rate to the statutory ceiling of \$10 per square foot.

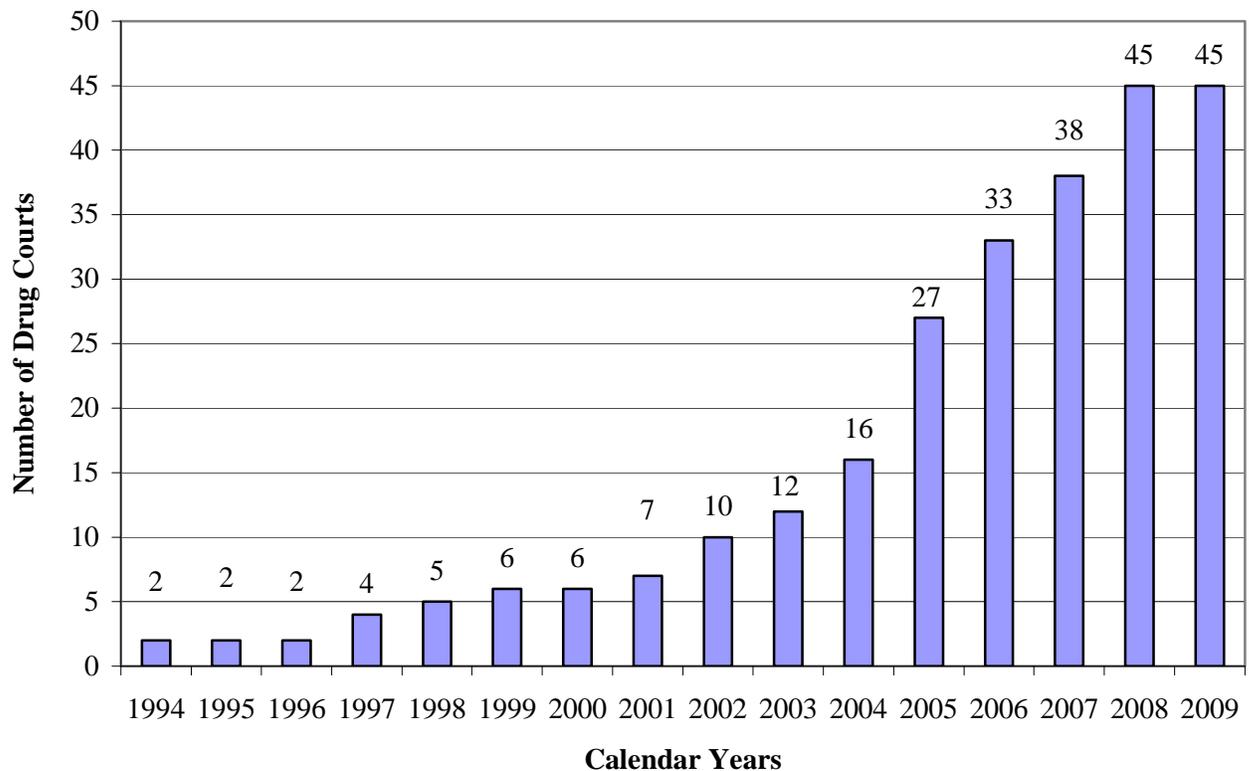
**The Department of Legislative Services (DLS) recommends a general fund reduction of \$1,083,105. This reduction will limit general fund spending to \$250,000 as directed by the General Assembly for the first year of the phase-in for courthouse leasing as originally contemplated for fiscal 2005.**

#### **5. Drug Courts**

Currently, there are 27 operational drug courts at various District and circuit court locations throughout the State. As shown in **Exhibit 16**, the Judiciary plans to expand the number of drug courts throughout the State to 38 by the end of calendar 2007. The fiscal allowance includes \$8,127,500, of which \$7.2 million is for the expansion of Maryland's drug courts. The Judiciary's Drug Court Action Plan outlines a collective fiscal strategy where State budget requests for drug court funding for the various stakeholders such as ADAA, DPP, DJS, the State's Attorney's Office, and OPD are consolidated into the Judiciary's fiscal 2007 budget request. These funds are to be distributed to local and State government partners via the Drug Treatment Court Commission, a unit within the Judiciary. Under the Action Plan, approximately \$4.4 million in grant funding will be used to fund the authorization of up to 72 positions within DJS, DPP, and OPD via BPW.

DLS asked the Office of the Attorney General for advice regarding the Judiciary's proposed use of drug court funds within its operating budget to fund Executive Branch agency functions. DLS has been advised that this action raises serious questions about the proper roles of each branch of government with respect to the budget amendment Article III Section 52 which confers sole responsibility on the Governor for presenting a complete plan of proposed expenditures and estimated

**Exhibit 16**  
**Operation Drug Court Programs in Maryland**  
**Calendar 1994 – 2009**



Source: Maryland Judiciary

revenues. Furthermore, the budget amendment authorizes each of the three branches of government to determine its own needs and submit its budget accordingly for inclusion in the annual budget bill. Funding non-judicial functions (Executive Branch functions) within the Judiciary’s budget may be seen as interfering with the Governor’s preeminent role in the budgetary process.

**DLS recommends that the funding for Maryland’s drug courts be reduced by \$7,201,500 as the proposed action may be regarded as interfering with the Governor’s preeminent role in the budgetary process. This reduction will leave \$926,000 in drug court funding to sustain the Judiciary’s current level of drug court operations.**

## 6. Catonsville District Court

In fiscal 2007 the Judiciary has re-submitted its request for \$720,000 in rent and \$1.1 million in fit-up costs for a new Catonsville facility. The new building would have space for five courtrooms and chambers (the current facility has three), domestic violence, public records, alternate dispute resolution, a law clerk, adequate space for the clerks and commissioners, and would house the Public Defender and State's Attorney, driving while intoxicated Intake, Alternative Sentencing, advocate services, and an adequate sallyport and detention area.

The existing Catonsville District Court, located in a Department of General Services (DGS) building built in 1982, is deemed inadequate. The current 9,423 square foot facility has no space for a public records room, records/file storage, a law clerk, a judge's library/conference room, advocate service groups, or the State's Attorney. The office space for the clerks and the commissioner is inadequate. The sallyport cannot be used by local law enforcement because it is not large enough to accommodate the vehicles. There is no room for expansion, and there is inadequate parking for the public and staff.

Within the past year, the District Court, along with its master planner, have reviewed the following options: (1) a private lease arrangement on Route 40; (2) the acquisition of property owned by the Department of Natural Resources on Rolling Road; (3) the development of a new building at Spring Grove, provided that the property can be obtained from the Department of Health and Mental Hygiene (DHMH); and (4) the renovation and expansion of its existing facility.

For various reasons, the District Court has indicated that the most desirable option would be to build a new facility at Spring Grove. The property is currently owned by DHMH, which is in the process of developing its Master Plan. The District Court has expressed an interest in constructing a new facility through the use of Maryland Economic Development Corporation (MEDCO). Established in 1984, MEDCO develops property for economic purposes which serves the public interest. Originally, MEDCO was limited to developing vacant or unused industrial sites and facilities and other economic resources in economically distressed areas of Maryland. However, Chapter 338, Acts of 2001 authorized the corporation to develop property throughout the State as long as the private sector has shown no significant interest or development capability. MEDCO borrows money and issues bonds for the purpose of purchasing and developing property which is then leased to tenants. While the use of MEDCO will not reduce the State's debt affordability, the Judiciary has shown an interest in using MEDCO in an effort to expedite the length of time it would take to construct a facility through the State's *Capital Improvement Program*. The Judiciary's fiscal 2007 allowance includes approximately \$1.9 million for rent and fit-up costs for a new Catonsville facility. The Judiciary has expressed an interest in using the \$1.9 million in its budget allowance to provide seed money to MEDCO to initiate the financing of the new facility or in the alternative, lease property on Route 40.

While the need for an alternative modern court facility is evident, funding for the Catonsville District Court should be deleted for the following reasons:

- ***Lack of Inclusion in the State’s Capital Improvement Program:*** Section 3-601 of the State Finance and Procurement Article requires the Department of Budget and Management (DBM) to “coordinate the capital plans and capital programs of all units of the State government.” [emphasis added]. All agencies are further required to prepare program plans and detailed design programs which the unit of the State government requesting the appropriation shall submit to DBM and DGS for approval. These program plans describe in detail the scope and purpose of the project. The Catonsville District Court project is not included in the CIP, nor is it apparent that one particular option has been selected for which a capital program has been prepared or submitted for approval;
- ***Financing Issues:*** Projects funded through the State capital program are generally financed by 15-year general obligation (GO) debt, which due to Maryland’s AAA bond rating, is the least costly method of funding capital projects. The Judiciary has proposed use of MEDCO to finance the project, partly because of its failure to secure inclusion in the capital program and partly to expedite the project since MEDCO is exempt from State procurement requirements. However, because higher interest rates and typically higher maturities are involved, use of MEDCO will cost the State more than GO financing;
- ***Use of Existing Surplus State Buildings or Property:*** It is not apparent that a full review of existing surplus State property has been performed to determine if an existing parcel of land and/or accompanying structure is available for use by the Judiciary. It is also not clear that the Judiciary will be able to obtain a part of the Spring Grove Hospital site from DHMH; and
- ***Tenuous Plans:*** The Judiciary has suggested many alternatives including possibly renovating existing buildings, acquiring property from DHMH or DNR, or leasing property possibly in conjunction with MEDCO financing. Given the lack of a primary option, no program plans, and tenuous financing plans, it is apparent that this project, while apparently needed, is not ready to move forward.

**DLS recommends that the funding for the Catonsville District Court be deleted as there are too many unknown variables at this time. The Judiciary should work with DBM and DGS to explore and select a single alternative and to develop capital program plans and cost estimates. Budget bill language is recommended stating that it is the intent of the General Assembly to begin funding the design of a new Catonsville facility in fiscal 2008. A status report should be submitted to the budget committees by November 1, 2006, by DBM, DGS, and the Judiciary, outlining a single option for the Catonsville facility as well as the status of a capital program plan for the selected option.**

## ***Recommended Actions***

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1. Add the following language:

, provided that \$459,273 included in the appropriation for two judges, two judicial law clerks and two courtroom clerks is contingent upon enactment of legislation to authorize two additional circuit court judges.

**Explanation:** New circuit court judges are created by enactment of legislation. The Clerks of the Circuit Court appropriation includes \$459,273 for two new judicial law clerks and courtroom clerks for the two new judges.

2. Add the following language:

Further provided that \$1,945,929 included in the appropriation for the funding of judicial law clerks is contingent upon SB 556/HB 985 or SB 692/HB 728 authorizing 100 percent funding by the State.

**Explanation:** The enactment of legislation is required for State assumption of 100% judicial law clerk funding.

3. Add the following language:

, provided that \$2,617,275 of the appropriation for case management modernization (subprogram T001) may not be expended until the Judiciary submits a final requirements analysis report to the budget committees for review and comment. The budget committees shall have 45 days from the date of receipt of the report to review and comment.

**Explanation:** This action restricts funds pending the final submission of a requirements analysis outlining the strategic direction of the Judiciary's case management system.

4. Add the following language:

Provided that it is the intent of the General Assembly to begin funding the design of a new Catonsville facility in fiscal 2008. A status report shall be submitted to the budget committees by November 1, 2006, by the Department of Budget and Management, the Department of General Services, and the Judiciary, outlining a single option for the Catonsville facility as well as the status of a capital program plan for the selected option. The budget committees shall have 45 days to review and comment on the reports from the date of its receipt.

**Explanation:** This language requires the submission of a joint status report by the Judiciary, Department of General Services (DGS), and the Department of Budget and Management (DBM) regarding the development of a new Catonsville District Court facility.

*C00A00 – Judiciary*

| <b>Information Request</b>                                     | <b>Authors</b>          | <b>Due Date</b>  |
|--|-------------------------|------------------|
| Status Report on the development of a new Catonsville facility | Judiciary<br>DGS<br>DBM | November 1, 2006 |

|     |  | <b><u>Amount<br/>Reduction</u></b> |    | <b><u>Position<br/>Reduction</u></b> |
|-----|--|------------------------------------|----|--------------------------------------|
| 5.  | Delete new Public Affairs assistant position. The action will fund the new ombudsman position.   | \$ 32,597                          | GF | 1.0                                  |
| 6.  | Delete funding for jury staff as SB 92/HB 450 has been withdrawn.  | 1,380,207                          | GF |                                      |
| 7.  | Delete funding for Catonsville District Court as there are too many unknown variables at this time.  | 1,862,000                          | GF |                                      |
| 8.  | Reduce allowance for telephone expense based on fiscal 2005 actual expenditures. Telephone expenditures were \$1,841,291 in fiscal 2005. This reduction will appropriate \$1,931,198. This reduction shall be allocated among the general funds divisions. | 298,000                            | GF |                                      |
| 9.  | Reduce general funds for turnover expectancy to better reflect historical turnover rate of approximately 4%. This increases the turnover rate to 3%. The general fund reduction shall be allocated among the divisions.                                    | 1,089,319                          | GF |                                      |
| 10. | Delete 21 contractual conversions for the District Court. This action will mitigate growth in statewide spending while funding the 18 full-time positions requested, including 11 positions for the 6 District Court judges appointed in fiscal 2006.      | 283,353                            | GF | 21.0                                 |
| 11. | Reduce travel expenses based on fiscal 2005 actual expenditures. Expenditures were \$728,443. This reduction will appropriate \$1,512,919 in fiscal 2007. This reduction shall be allocated among the divisions.   | 100,000                            | GF |                                      |

*C00A00 – Judiciary*

|     |   |           |    |      |
|-----|---|-----------|----|------|
| 12. | Delete four new positions and three contractual conversions in the Administrative Office of the Courts. This action will fund a new accounting associate and court interpreter administrator.   | 196,371   | GF | 7.0  |
| 13. | Reduce drug court funding by \$7,201,500. This reduction will leave \$926,000 in drug court funding to sustain the Judiciary’s current level of drug court operations   | 7,201,500 | GF |      |
| 14. | Delete new Alternative Dispute Resolution Program Evaluations director. This action will fund a contractual conversion for the Maryland Mediation and Conflict Resolution Office.   | 47,666    | GF | 1.0  |
| 15. | Reduce circuit court lease funding by \$1,083,105 to reflect the first year phase-in cap for courthouse leasing as originally contemplated in fiscal 2002. This leaves \$250,000 consistent with the first year funding level contemplated in the enabling legislation.   | 1,083,105 | GF |      |
| 16. | Delete 19 new positions and 8 contractual conversions for circuit court clerk of the court. This action will mitigate growth in statewide position growth while funding all of the land records and courtroom positions requested.  | 653,461   | GF | 27.0 |
|     |   | 34,196    | SF |      |
|     |   | 40,063    | FF |      |
|     | <ul style="list-style-type: none"> <li>• Anne Arundel County – 1 criminal clerk and 1 civil clerk;</li> <li>• Calvert County – 1 child support clerk and 1 jury clerk;</li> <li>• Carroll County – 2 file clerks;</li> <li>• Charles County – 1 civil clerk and 1 juvenile clerk;</li> <li>• Kent County – 1 civil clerk;</li> <li>• Montgomery County – 1 family law clerk;</li> </ul> |           |    |      |

*C00A00 – Judiciary*

- Prince George’s County – 2 criminal clerks and 1 accounting associate;
- Wicomico County – 1 juvenile/truancy clerk;
- Worcester County – 1 receptionist/cashier;
- Baltimore City – 2 file clerks and 2 criminal assistants; and
- Contractual conversions – 2 civil clerks, 1 juvenile/criminal clerk, 3 recordation clerks, 1 courtroom/civil clerk, and 1 child support clerk.

17. Reduce funds for Major Information Technology Project development – Administrative Office of the Courts Back Office Systems. Fund \$500,000 in requirements analysis and defer other expenditures of \$1,725,000 pending review of a final requirements analysis. 1,725,000 GF

|                                      |                      |             |
|--------------------------------------|----------------------|-------------|
| <b>Total Reductions</b>              | <b>\$ 16,026,838</b> | <b>57.0</b> |
| <b>Total General Fund Reductions</b> | <b>\$ 15,952,579</b> |             |
| <b>Total Special Fund Reductions</b> | <b>\$ 34,196</b>     |             |
| <b>Total Federal Fund Reductions</b> | <b>\$ 40,063</b>     |             |

## **Updates**

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### **1. Case Management Modernization**

In fiscal 2006 the Judiciary refined its modernization strategy and developed new processing requirements for its case management project. In fiscal 2007 the Judiciary plans to replace hardware and associated software for the aging servers currently used to support the Circuit Courts' Uniform Court System (UCS). This procurement will provide needed processing power and capacity for the unified system while continuing to support the use of the UCS until full system replacement is completed in fiscal 2010.

### **2. IT Framework Modernization**

In fiscal 2006 the Judiciary continues to rollout its IT framework project with available funds. The Judiciary's network circuits to its circuit courts have been upgraded to technology compatible with Network Maryland and most of the hardware infrastructure has been replaced with newer technology. The Judiciary reports that additional funding will be required to complete the IT Framework Modernization Project to upgrade District Court circuits.

### **3. Land Records**

Land Record operations are supported by monies from special funds. The fund is scheduled to sunset on June 30, 2009. The Electronic-On-line Imagery (ELROI) system is a digital imaging system designed to improve processing of recordable Land Record instruments in the Circuit Court Clerks' offices and provide title abstractors and the general public with the ability to view imaged land record documents. Since partnering with the Maryland State Archives, ELROI has become the input system, and the retrieval of document images is now done from Mdlandrec which is an archival and preservations system housed at the Maryland State Archives in Annapolis. The ELROI system will continue to input documents to create digital images. Newer installations of ELROI utilize a central server and as upgrades are completed regarding earlier ELROI installations, other counties will be migrated to the central server. ELROI is now installed in all 23 counties and Baltimore City and Mdlandrec is installed and in operation in all counties throughout the State with the exception of Anne Arundel, Montgomery, Prince George's, Harford, Carroll, and St. Mary's counties. Installation in the remaining six counties is scheduled to be completed by September 2006.

### **4. e-Licensing**

In fiscal 2006 the Judiciary plans to implement public Internet capability to provide public research and access of business license information. Requirements and design for new license application and renewal processing over the Internet are projected to be completed in fiscal 2006.

## *Current and Prior Year Budgets*

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### Current and Prior Year Budgets Judiciary (\$ in Thousands)

|                                  | <u>General<br/>Fund</u> | <u>Special<br/>Fund</u> | <u>Federal<br/>Fund</u> | <u>Reimb.<br/>Fund</u> | <u>Total</u>     |
|----------------------------------|-------------------------|-------------------------|-------------------------|------------------------|------------------|
| <b>Fiscal 2005</b>               |                         |                         |                         |                        |                  |
| Legislative<br>Appropriation     | \$277,920               | \$33,705                | \$2,691                 | \$0                    | \$314,316        |
| Deficiency<br>Appropriation      | 0                       | 0                       | 0                       | 0                      | 0                |
| Budget<br>Amendments             | 2,508                   | 4,027                   | 0                       | 0                      | 6,535            |
| Reversions and<br>Cancellations  | -2,314                  | -7,075                  | -178                    | 0                      | -9,567           |
| <b>Actual<br/>Expenditures</b>   | <b>\$278,114</b>        | <b>\$30,657</b>         | <b>\$2,513</b>          | <b>\$0</b>             | <b>\$311,284</b> |
| <b>Fiscal 2006</b>               |                         |                         |                         |                        |                  |
| Legislative<br>Appropriation     | \$291,359               | \$43,245                | \$2,749                 | \$0                    | \$337,353        |
| Budget<br>Amendments             | 2,957                   | 21                      | 0                       | 0                      | 2,978            |
| <b>Working<br/>Appropriation</b> | <b>\$294,316</b>        | <b>\$43,266</b>         | <b>\$2,749</b>          | <b>\$0</b>             | <b>\$340,331</b> |

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

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## **Fiscal 2005**

In fiscal 2005, the total budget for the Judiciary decreased by \$3 million. This decrease was the net result of a \$6.6 million increase in budget amendments in the Judiciary's general and special fund accounts and a \$9.6 million decrease in the Judiciary's general, special, and federal fund accounts due to reversions and cancellations.

The general fund appropriation increased by \$2.5 million. This increase was the net result of a \$2.6 million cost-of-living adjustment (COLA) increase and a \$75,840 general fund decrease. The general fund decrease was attributed to an agency realignment between the Judiciary and OPD for telecommunications expenses. The Judiciary also had a general fund reversion of \$2.3 million. The reversion was part of the Judiciary's voluntary participation in the State's cost containment program.

The special fund appropriation increased by \$4 million. This increase was the result of a statutory change increasing certain fines and fees in civil cases. Additionally, there was a \$7 million special fund cancellation. The cancellation was attributed to a lack of timely invoicing by the Maryland State Archives regarding Maryland's ELROI and additional cost savings resulting from renegotiated ELROI vendor maintenance and support contracts. Finally, there was a federal fund cancellation of \$178,337 due to unspent salaries and operating expenses for Child Support Enforcement Units.

## **Fiscal 2006**

In fiscal 2006, the total budget for the Judiciary increased by approximately \$3 million. This increase is due largely to a general fund increase of approximately \$2.9 million. Most of this increase is associated with the \$1.8 million for the 1.5% COLA increase throughout the Judiciary's various programs and a \$1.1 million general fund appropriation to reflect a four-year phase-in of salary increases for judges pursuant to 2005 House Joint Resolution 3. Finally, there was a \$20,662 special fund COLA increase for law clerks.

## ***Audit Findings***

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|                              |                               |
|------------------------------|-------------------------------|
| Audit Period for Last Audit: | July 20, 2000 – July 31, 2003 |
| Issue Date:                  | April 2004                    |
| Number of Findings:          | 8                             |
| Number of Repeat Findings:   | 5                             |
| % of Repeat Findings:        | 62.5 %                        |
| Rating: (if applicable)      | n/a                           |

- Finding 1:*** **Appropriate procurement practices were not always used.**
- Finding 2:*** Database software may not have been obtained in the most cost-effective manner and price negotiations were not documented.
- Finding 3:*** **The Judiciary was not adequately administering the implementation of the electronic land records system.**
- Finding 4:*** **Total systems costs for the uniform court system had not been determined and related project information had not been submitted to the General Assembly.**
- Finding 5:*** **The District Court did not establish adequate internal control over collections.**
- Finding 6:*** The District Court fund had not been reconciled in a timely manner at one District Court.
- Finding 7:*** (Policy Issue). A policy regarding the investigation of possible criminal or unethical activity had not been established.
- Finding 8:*** **Adequate control and accountability was not maintained over equipment.**

\*Bold denotes item repeated in full or part from preceding audit report.

**Object/Fund Difference Report  
Judiciary**

| <u>Object/Fund</u>                     | <u>FY05<br/>Actual</u> | <u>FY06<br/>Working<br/>Appropriation</u> | <u>FY07<br/>Allowance</u> | <u>FY06 - FY07<br/>Amount Change</u> | <u>Percent<br/>Change</u> |
|--|------------------------|---|---------------------------|--------------------------------------|---------------------------|
| <b>Positions</b>                       |                        |   |                           |                                      |                           |
| 01Regular                              | 3223.75                | 3291.25                                   | 3412.25                   | 121.00                               | 3.7%                      |
| 02Contractual                          | 391.00                 | 371.00                                    | 367.50                    | -3.50                                | -0.9%                     |
| <b>Total Positions</b>                 | <b>3614.75</b>         | <b>3662.25</b>                            | <b>3779.75</b>            | <b>117.50</b>                        | <b>3.2%</b>               |
| <b>Objects</b>                         |                        |   |                           |                                      |                           |
| 01Salaries and Wages                   | \$ 196,401,185         | \$ 212,501,292                            | \$ 233,161,045            | \$ 20,659,753                        | 9.7%                      |
| 02Technical & Spec Fees                | 10,189,510             | 10,742,479                                | 11,279,249                | 536,770                              | 5.0%                      |
| 03Communication                        | 9,807,169              | 9,545,753                                 | 10,759,665                | 1,213,912                            | 12.7%                     |
| 04Travel                               | 728,443                | 1,412,505                                 | 1,512,919                 | 100,414                              | 7.1%                      |
| 06Fuel & Utilities                     | 458,126                | 514,686                                   | 522,848                   | 8,162                                | 1.6%                      |
| 07Motor Vehicles                       | 214,695                | 198,817                                   | 233,340                   | 34,523                               | 17.4%                     |
| 08Contractual Services                 | 31,624,922             | 42,980,946                                | 46,277,758                | 3,296,812                            | 7.7%                      |
| 09Supplies & Materials                 | 4,373,298              | 5,399,687                                 | 6,822,268                 | 1,422,581                            | 26.3%                     |
| 10Equip - Replacement                  | 5,633,799              | 5,080,158                                 | 7,329,663                 | 2,249,505                            | 44.3%                     |
| 11Equip - Additional                   | 2,372,120              | 3,196,230                                 | 3,559,035                 | 362,805                              | 11.4%                     |
| 12Grants, Subsidies, and Contributions | 35,357,949             | 33,822,889                                | 44,363,446                | 10,540,557                           | 31.2%                     |
| 13Fixed Charges                        | 11,869,610             | 12,672,648                                | 15,477,117                | 2,804,469                            | 22.1%                     |
| 14Land & Structures                    | 2,253,770              | 2,263,196                                 | 2,734,200                 | 471,004                              | 20.8%                     |
| <b>Total Objects</b>                   | <b>\$ 311,284,596</b>  | <b>\$ 340,331,286</b>                     | <b>\$ 384,032,553</b>     | <b>\$ 43,701,267</b>                 | <b>12.8%</b>              |
| <b>Funds</b>                           |                        |   |                           |                                      |                           |
| 01General Fund                         | \$ 278,113,751         | \$ 294,316,367                            | \$ 337,310,938            | \$ 42,994,571                        | 14.6%                     |
| 03Special Fund                         | 30,658,017             | 43,266,102                                | 43,309,257                | 43,155                               | 0.1%                      |
| 05Federal Fund                         | 2,512,828              | 2,748,817                                 | 3,412,358                 | 663,541                              | 24.1%                     |
| <b>Total Funds</b>                     | <b>\$ 311,284,596</b>  | <b>\$ 340,331,286</b>                     | <b>\$ 384,032,553</b>     | <b>\$ 43,701,267</b>                 | <b>12.8%</b>              |

Note: The fiscal 2006 appropriation does not include deficiencies, and the fiscal 2007 allowance does not reflect contingent reductions.

**Fiscal Summary  
Judiciary**

| <u>Program/Unit</u>                    | <u>FY05<br/>Actual</u> | <u>FY06<br/>Wrk Approp</u> | <u>FY07<br/>Allowance</u> | <u>Change</u>        | <u>FY06 - FY07<br/>% Change</u> |
|--|------------------------|----------------------------|---------------------------|----------------------|---------------------------------|
| 01 Court of Appeals                    | \$ 6,068,687           | \$ 7,262,944               | \$ 7,831,125              | \$ 568,181           | 7.8%                            |
| 02 Court of Special Appeals            | 6,674,969              | 7,216,355                  | 7,645,503                 | 429,148              | 5.9%                            |
| 03 Circuit Court Judges                | 42,857,485             | 48,884,310                 | 53,324,796                | 4,440,486            | 9.1%                            |
| 04 District Court                      | 108,066,294            | 114,801,363                | 127,311,775               | 12,510,412           | 10.9%                           |
| 05 Maryland Judicial Conference        | 5,327                  | 225,000                    | 250,000                   | 25,000               | 11.1%                           |
| 06 Administrative Office of the Courts | 28,951,859             | 33,003,980                 | 31,615,745                | -1,388,235           | -4.2%                           |
| 07 Court-related Agencies              | 4,904,358              | 4,737,069                  | 5,267,378                 | 530,309              | 11.2%                           |
| 08 State Law Library                   | 2,614,046              | 2,006,702                  | 2,413,174                 | 406,472              | 20.3%                           |
| 09 Judicial Data Processing            | 20,902,326             | 20,541,537                 | 37,633,201                | 17,091,664           | 83.2%                           |
| 10 Clerks of the Circuit Court         | 68,917,535             | 76,965,201                 | 85,293,462                | 8,328,261            | 10.8%                           |
| 11 Family Law Division                 | 10,481,000             | 12,592,851                 | 14,816,406                | 2,223,555            | 17.7%                           |
| 12 Major IT Projects                   | 10,840,710             | 12,093,974                 | 10,629,988                | -1,463,986           | -12.1%                          |
| <b>Total Expenditures</b>              | <b>\$ 311,284,596</b>  | <b>\$ 340,331,286</b>      | <b>\$ 384,032,553</b>     | <b>\$ 43,701,267</b> | <b>12.8%</b>                    |
| General Fund                           | \$ 278,113,751         | \$ 294,316,367             | \$ 337,310,938            | \$ 42,994,571        | 14.6%                           |
| Special Fund                           | 30,658,017             | 43,266,102                 | 43,309,257                | 43,155               | 0.1%                            |
| Federal Fund                           | 2,512,828              | 2,748,817                  | 3,412,358                 | 663,541              | 24.1%                           |
| <b>Total Appropriations</b>            | <b>\$ 311,284,596</b>  | <b>\$ 340,331,286</b>      | <b>\$ 384,032,553</b>     | <b>\$ 43,701,267</b> | <b>12.8%</b>                    |

Note: The fiscal 2006 appropriation does not include deficiencies, and the fiscal 2007 allowance does not reflect contingent reductions.