C00A00
Judiciary

Operating Budget Data

($ in Thousands)

	FY 09 Actual	FY 10 Working	FY 11 Allowance	FY 10-11 Change	% Change Prior Year
General Fund	$367,354	$375,063	$393,534	$18,471	4.9%
Adjusted General Fund	**$367,354**	**$375,063**	**$393,534**	**$18,471**	**4.9%**
Special Fund	41,860	52,975	36,689	-16,287	-30.7%
Adjusted Special Fund	**$41,860**	**$52,975**	**$36,689**	**-$16,287**	**-30.7%**
Federal Fund	3,819	4,200	4,045	-156	-3.7%
Adjusted Federal Fund	**$3,819**	**$4,200**	**$4,045**	**-$156**	**-3.7%**
Reimbursable Fund	104	268	168	-100	-37.3%
Adjusted Reimbursable Fund	**$104**	**$268**	**$168**	**-$100**	**-37.3%**
Adjusted Grand Total	**$413,137**	**$432,507**	**$434,435**	**$1,929**	**0.4%**

- The Maryland Judiciary's budget increases by $1.9 million, or 0.4%, above the fiscal 2010 working appropriation. This is the net effect of an $18.5 million increase in general funds and a $16.3 million decrease in special funds. The primary driver of this shift in funds is the sunset of a provision that funded major information technology (IT) development projects from the Land Records Improvement Fund in fiscal 2009 and 2010, which is responsible for an $11.9 million general fund increase and a $9.9 million special fund decrease.

- Other general fund increases are attributed to personnel expenditures such as retirement for regular employees and judges ($6.1 million) and health insurance ($1.5 million).

- Other special fund decreases are attributed to anticipated decreases in interest on lawyers trust accounts revenues collected by the Maryland Legal Services Corporation ($5.4 million) and a decrease in maintenance fees for the Electronic Land Records On-line Imagery system ($1.2 million).

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

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Personnel Data

	FY 09 Actual	FY 10 Working	FY 11 Allowance	FY 10-11 Change
Regular Positions	3,569.25	3,581.25	3,581.25	0.00
Contractual FTEs	373.50	384.00	384.00	0.00
Total Personnel	**3,942.75**	**3,965.25**	**3,965.25**	**0.00**

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	144.32	4.03%
Positions and Percentage Vacant as of 12/31/09	158.50	4.43%

- The fiscal 2011 budget does not include any new regular positions, contractual positions, or contractual conversions.
- As of December 31, 2009, the vacancy rate for regular employees was 4.43%.
- The turnover rate of 4.0% requires an average of 144.32 vacant positions throughout fiscal 2011 to achieve the savings required.

Analysis in Brief

Major Trends

Average Case Processing Time: In both the District and circuit courts, the statewide case flow assessments highlighted disparities between the timeliness of those cases that are terminated within the time standard as compared with those cases that are terminated beyond the time standard.

Issues

Judicial Compensation: The Judicial Compensation Commission has resubmitted its proposal for a four-year phased-in salary increase for all Maryland judges. A corresponding resolution may be introduced in January 2010. The plan varies significantly as compared with the proposals of the Governor's and General Assembly's compensation commissions. **Given the State's fiscal condition, the Department of Legislative Services (DLS) recommends the General Assembly deny the requested salary increase as incompatible with the State's present financial position. Similar to 2009, the General Assembly may wish to consider legislation to authorize the commission to propose recommendations in 2013.**

Land Records Improvement Fund for Major Information Technology Development to Sunset: During the 2007 special session, legislation was adopted to fund the Judiciary's major IT development projects with special funds from the Land Records Improvement Fund (LRIF) for two fiscal years. That provision will sunset at the end of fiscal 2010, and funding for major IT will shift back to general funds in fiscal 2011. **DLS recommends a general fund reduction of $11.9 million contingent upon the enactment of SB 141 or SB 220 increasing the surcharge fee for land record transactions from $20 to $40.**

Recommended Actions

		Funds
1.	Add language to reduce funds for operating expenses.	
2.	Delete additional funds for retired judge use.	$ 374,000
3.	Delete additional funds for temporary staff attorneys.	580,000
4.	Delete funds for a pilot interpreter program.	335,000
5.	Add language to delete general funds for major information technology contingent upon legislation.	
	Total Reductions	**$ 1,289,000**

Updates

Organizational Charts and Vacant Positions: Fiscal 2010 budget bill language requested a report on the Judiciary's organizational charts and a detailed listing of all vacant positions. The organizational charts provided a governing structure for every level of court; the vacancy report included additional detail on those positions.

Bail Debtors in Maryland: Fiscal 2010 budget bill language restricted $500,000 in general funds for general operations of the District Court pending a report on the status of all bail debtors in the State. The Judiciary submitted the report to the committees on August 3, 2009, which included a comprehensive list of bail debtors, outstanding debts, and issued warrants.

Maryland Disability Law Center: Fiscal 2010 budget bill language requested a report from the Maryland Disability Law Center (MDLC) on its revenues and expenditures over the last seven fiscal years. The report noted that MDLC does not provide financial assistance to private, nonprofit, or government organizations, only technical assistance.

Judgeship Needs and Space Constraints: The 2009 *Joint Chairmen's Report* required that the annual certification of judgeships include an evaluation of the use and cost of recalling retired judges to the bench, as well as a plan to address space constraints. The report submitted by the Judiciary indicated the extent to which retired judges play a role in each jurisdiction and noted ongoing challenges with regard to chamber and courtroom space.

Interoperable Case Management System: Fiscal 2010 budget bill language directed the Judiciary to submit an interoperability plan in response to concerns over the ability of the system to share real-time data with other systems. The report was submitted to the committees on November 1, 2009, and provided a model for the Judiciary's envisioned framework, summarized efforts to exchanging data on domestic violence orders and warrants, and reviewed future plans.

C00A00
Judiciary

Operating Budget Analysis

Program Description

The Judiciary is composed of four courts and seven programs 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 Commission on Judicial Disabilities, Maryland Conflict Resolution Office, and the Maryland State Board of Law Examiners (Board of Law Examiners). The State Law Library serves the legal information needs of the State. The Department of Family Administration manages and administers programs in the Maryland Family Law Courts including policy and program development. 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

Fiscal 2009 budget bill language directed the Judiciary to incorporate case flow standards adopted by the Maryland Judicial Council into its annual Managing for Results data in order to evaluate access to justice; expedition and timeliness; equality, fairness and integrity; independence and accountability; and public trust and confidence.

The Judiciary utilized standards set by the American Bar Association that determine the amount of time it should take to process a particular type of case. Those standards were modified due to existing statutes and rules that impact the way in which Maryland courts are required to process certain cases as compared with other states. The statewide case flow assessment submitted by the Judiciary analyzes in depth cases that come through the District and circuit courts and, in particular, the timeliness with which those cases are terminated or otherwise disposed. The time standards for District Court cases are set according to the following case types:

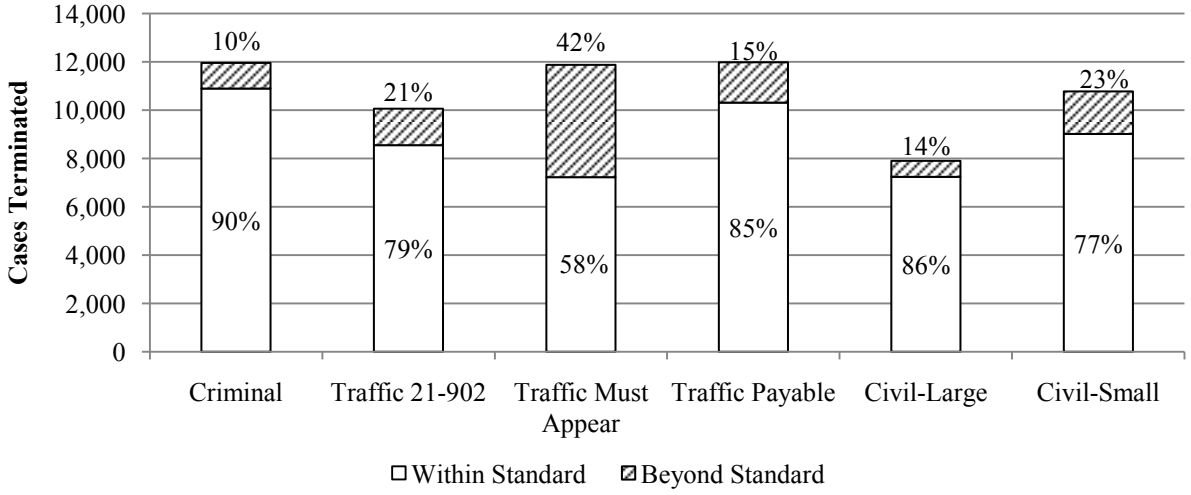
- ***Criminal:*** 180 days;

- ***Traffic 21-902 (Includes Driving Under the Influence or Driving While Intoxicated):*** 180 days;
- ***Traffic Must Appear:*** 120 days;
- ***Traffic Payable:*** 120 days;
- ***Civil Large:*** 250 days; and
- ***Civil Small:*** 90 days.

For each case type, the performance standard is to terminate 98% of cases within the time standard.

Exhibit 1 illustrates the number of District Court cases terminated within the time standard. The majority of cases for each case type are disposed of within the established timeframe. However, in all categories, the District Court failed to meet the performance standard of 98%. For example, the Judiciary was only able to terminate 90% of all criminal cases within the time standard 180 days, and 58% of Traffic Must Appear cases within the time standard of 120 days. However, there is dramatic difference in the timeliness of those cases that are terminated within the time standard as compared with those cases that are terminated beyond the time standard.

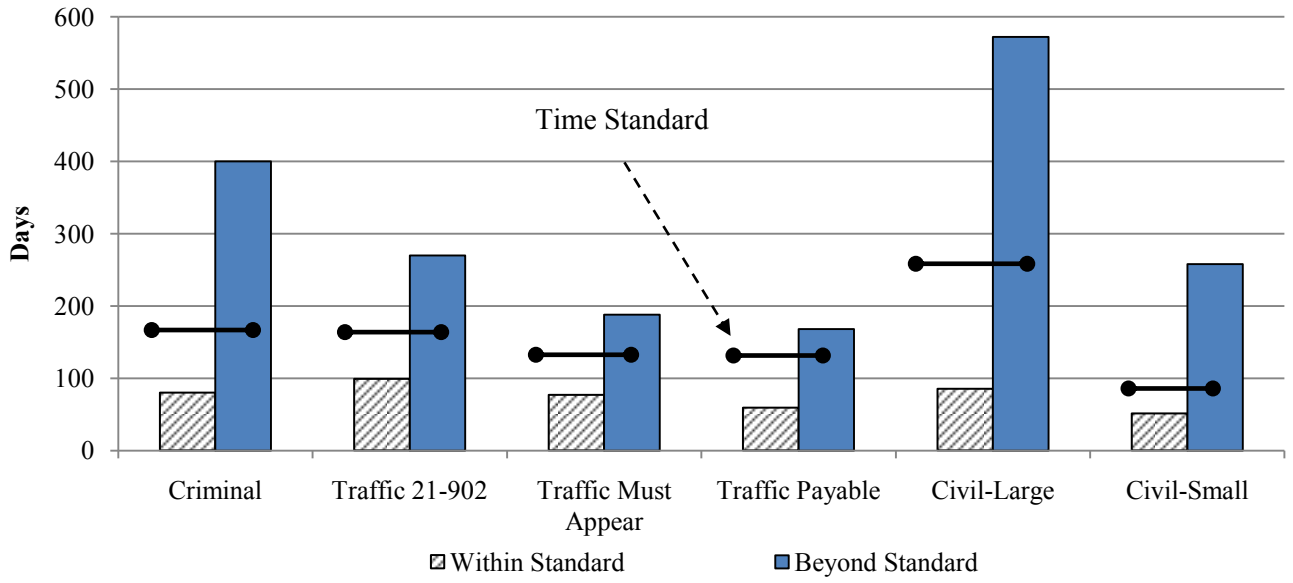
Exhibit 1
Maryland District Court
Cases Terminated Within and Beyond Time Standard
Fiscal 2008



Source: Maryland Judiciary

Exhibit 2 displays the average case processing time for cases terminated within or beyond the time standard. In the example of Traffic Must Appear, cases terminated within the time standard were done so expediently – 77 days on average. However, Traffic Must Appear cases terminated beyond the time standard took 188 days on average to process. For criminal cases, only 10% of all cases were terminated above the standard of 180 days. Still, those cases were significant, as they took 400 days on average to terminate. These disparities suggest those cases terminated beyond the time standard have characteristics or complications that may make them more difficult to process timely.

Exhibit 2
Maryland District Court
Average Case Processing Time for Cases Within and Beyond Time Standard
Fiscal 2008



Source: Maryland Judiciary

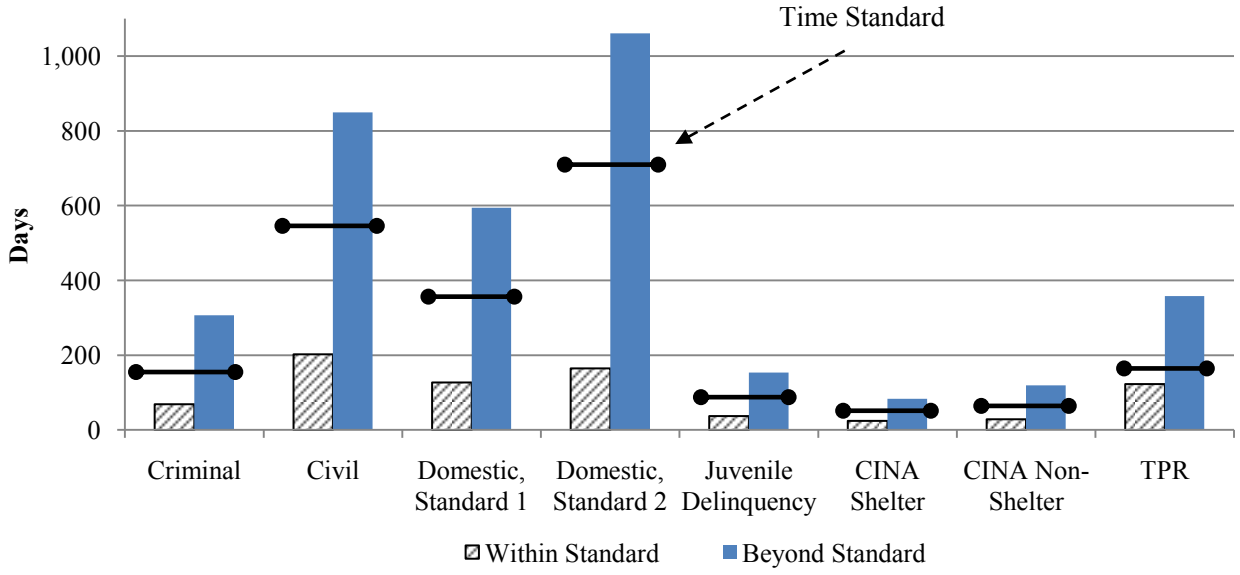
The time and performance standards for circuit court cases are set according to the following case types:

- ***Criminal:*** 180 days, 98%;
- ***Civil:*** 548 days, 98%;
- ***Domestic Relations, Standard 1:*** 365 days, 90%;

- ***Domestic Relations, Standard 2:*** 730 days, 98%;
- ***Juvenile Delinquency:*** 90 days, 98%;
- ***Children In Need of Assistance (CINA) Shelter:*** 30 days, 100%;
- ***CINA Non-Shelter:*** 60 days, 100%; and
- ***Termination of Parental Rights (TPR):*** 180 days, 100%.

The disparities noted in the District Court exist in the circuit courts as well. **Exhibit 3** analyzes the average case processing time for circuit court cases. Again, there is dramatic difference in the timeliness of those cases that are terminated within the time standard as compared with those cases that are terminated beyond the time standard. For example, domestic relations (standard 2) cases terminated beyond the standard of 730 days took 1,061 days on average to process. That is 4.7 times longer than the average time to process for cases terminated within the time standard, which was only 165 days.

Exhibit 3
Maryland Circuit Court
Average Case Processing Time for Cases Within and Beyond Time Standard
Fiscal 2008



TPR: Termination of Parental Rights

Source: Maryland Judiciary

Fiscal 2010 Actions

Impact of Cost Containment

In July, August, and November 2009, the Governor proposed and the Board of Public Works (BPW) adopted reductions to the fiscal 2010 appropriation. Included in its actions were assumptions that at the close of fiscal 2010, the Judiciary would revert a total of $8.5 million in general funds. The BPW actions also made revenue assumptions that included a $25.0 million transfer from the fund balance of the Land Records Improvement Fund (LRIF) in the Clerks of the Circuit Court. The Judiciary is participating in the statewide furlough and estimates it may save $3.6 million as part of the anticipated reversion.

Proposed Budget

As shown in **Exhibit 4**, the Judiciary's fiscal 2011 budget increases by $1.9 million, or 0.4%, above the fiscal 2010 working appropriation. The majority of this increase is due to changes in funding sources for major IT development projects, increases in personnel costs, and other expenditures in the District Court and Clerks of the Circuit Court.

Major Information Technology

During the 2007 special session, legislation was adopted to fund the Judiciary's major IT development projects with special funds from the LRIF for two fiscal years. That provision will sunset at the end of fiscal 2010, and funding for major IT will shift back to general funds in the fiscal 2011 allowance. The allowance reflects an $11.9 million general fund increase and $9.9 million special fund decrease to accomplish this shift. The total budget for all major IT development programs includes $11.9 million in general funds and $1.5 million in special funds.

Personnel

The fiscal 2011 allowance does not include any new regular or contractual positions. However, it does reflect a $1.1 million general fund increase to restore funding for contractual positions that was reduced in the fiscal 2010 appropriation and $428,000 to fully fund four circuit court judgeships that were created through legislation during the 2009 session but only partially funded. In addition, major increases reflect changes in fringe benefits such as $4.1 million for increases to the judges' pension system, $2.1 million for the employee retirement system, and $1.6 million for employee and retiree health insurance. Lastly, $1.3 million is added to reflect an increase in additional assistance from retired judges, staff attorneys, and interpreters.

Exhibit 4
Proposed Budget
Judiciary
($ in Thousands)

How Much It Grows:	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
2010 Working Appropriation	$375,063	$52,975	$4,200	$268	$432,507
2011 Allowance	393,534	36,689	4,045	168	434,435
Amount Change	$18,471	-$16,287	-$156	-$100	$1,929
Percent Change	4.9%	-30.7%	-3.7%	-37.3%	0.4%
Contingent Reduction	$0	$0	$0	$0	$0
Adjusted Change	$18,471	-$16,287	-$156	-$100	$1,929
Adjusted Percent Change	4.9%	-30.7%	-3.7%	-37.3%	0.4%

Where It Goes:

Personnel Expenses	
Judges pension	$4,085
Employee retirement	2,117
Employee and retiree health insurance	1,595
Additional assistance from retired judges, staff attorneys, and interpreter pilot	1,289
Restoration of base funding for contractual full-time equivalents	1,110
Salaries for full-funding of circuit court judgeships created during 2009 session	428
Unemployment compensation	266
Other fringe benefit adjustments	-214
Information Technology	
Major information technology (IT)	1,954
Maintenance on Electronic Land Records On-line Imagery system	-1,200
Scanners for land records, central server upgrade	559
Equipment	-575
Computer and system software maintenance	-703
District Court	
Remove one-time funds to outfit La Plata and Cumberland courthouses	-3,441
Contractual services	-749
Courtsmart servers	675
Postage and telephone maintenance	278

Where It Goes:	
Clerks of the Circuit Court	
Contractual services	359
Office supplies and computer software	-150
Rent	-188
Other Changes	
Maryland Legal Services Corporation grants	-5,400
Fuel and utilities	-172
Other	6
Total	**$1,929**

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

Other Expenses

The Judiciary's operational expenses change for a variety of other factors. The allowance for the District Court returns $3.4 million in one-time general funds to outfit the new La Plata and Cumberland courthouses. In addition, a $5.4 million special fund decrease reflects revenue challenges for the Maryland Legal Services Corporation (MLSC) which relies on Interest on Lawyers Trust Accounts (IOLTA) earnings to fund its operation. IOLTA earnings may decrease due to declining interest rates. Other changes include expenditures for routine operations such as contractual services, fuel and utilities, and rent.

Issues

1. Judicial Compensation

The Judicial Compensation Commission, established in 1980, consists of seven members and is charged with studying and making recommendations regarding all aspects of judicial compensation in order to ensure that highly qualified persons will be attracted to the bench and will continue to serve without undue economic hardship. Section 1-708 of the Courts and Judicial Proceedings Article requires that the commission review judicial salaries and pensions and make recommendations to the Governor and the General Assembly once every four years.

The 2008 commission concluded that the existing salary structure was not sufficient to recruit and retain the most qualified individuals to the bench. The commission recommended that the salaries of all Maryland judges be increased over a four-year period. Although its proposal was rejected by the General Assembly during the 2009 session, the legislature adopted emergency legislation allowing the commission to meet again in 2009 and resubmit a proposal. The 2009 commission has resubmitted the same salary recommendations as proposed by the 2008 commission.

Fiscal Impact of Salary Recommendations

Under the commission's current recommendation, judges at all levels would receive salary increases of equal amount in accordance with **Exhibit 5**. Based on 6% of the average salary structure in the preceding year, each judge would receive increases of $9,111 in fiscal 2011, $9,658 in fiscal 2012, $10,237 in fiscal 2013, and $10,851 in fiscal 2014, for an overall increase of $39,858 per judge over a four-year period. However, since the 2008 commission originally submitted its proposal, four new circuit court judgeships have been created and pension costs for both judges and regular employees have increased. These factors have increased the estimated fiscal impact, and the total cost to the State of the 2009 recommendations would be $19.0 million. This amount includes:

- $12.0 million for salary increases, assuming that no new judgeships are granted over the four-year period;
- increases for the Public Defender, State Prosecutor, and members of the Workers' Compensation Commission, whose salaries are tied to the judicial salary structure;
- incremental pension costs totaling $6.9 million over the four-year period. This is based on the contribution rate determined by the State's actuary, which is estimated to be 59.07% for judges and 11.69% for other State employees in fiscal 2010; and
- $174,046 in increases to the State for Social Security costs.

Exhibit 5
Judicial Compensation Commission Salary Recommendations
Fiscal 2011-2014

Total Judgeships		Current Salary	Proposed Fiscal 2011	Proposed Fiscal 2012	Proposed Fiscal 2013	Proposed Fiscal 2014	Phase-In
	Court of Appeals						
1	Chief Judge	$181,352	$190,463	$200,121	$210,358	$221,210	$39,858
6	Judge	162,352	171,463	181,121	191,358	202,210	39,858
	Court of Special Appeals						
1	Chief Judge	152,552	161,663	171,321	181,558	192,410	39,858
12	Judge	149,552	158,663	168,321	178,558	189,410	39,858
157	**Circuit Court**	140,352	149,463	159,121	169,358	180,210	39,858
	District Court						
1	Chief Judge	149,552	158,663	168,321	178,558	189,410	39,858
111	Judge	127,252	136,363	146,021	156,258	167,110	39,858
	Average Salary	$151,852	$160,963	$170,621	$180,858	$191,710	
	Increase at 6%[1]		$9,111	$9,658	$10,237	$10,851	$39,858
	Incremental Salaries[2]		$2,743,947	$2,908,494	$3,082,914	$3,267,798	$12,003,153
	Incremental Social Security (@ 1.45%)		39,787	42,173	44,702	47,383	174,046
	Incremental Pensions[3]		1,568,337	1,664,105	1,765,680	1,873,676	6,871,798
	Incremental Fiscal Impact		**$4,352,071**	**$4,614,772**	**$4,893,296**	**$5,188,858**	**$19,048,997**

[1] Increase per judge; based on average salary of prior year's judicial salary structure.
[2] Includes salary increases for Public Defender, State Prosecutor, and members of Workers' Compensation Commission, whose salaries are tied to judicial salaries does not include incremental costs for State's attorneys, whose salaries are also tied to judicial salaries but are funded locally.
[3] 59.07% pension rate for judges. 11.69%, 13.12%, 14.52%, and 16.09% pension rates in fiscal 2011-2014, respectively, for all other State employees.

Note: Average Salary is based on the current salary structure for each level of court, not the weighted average of all judges.

Sources: Cheiron – Actuary to State Retirement Pension System; Social Security Administration

Not included are incremental salary costs for State's attorneys, whose salaries are also tied to judicial salaries. Those expenses are funded locally.

A joint resolution incorporating the salary recommendations may be introduced in each house of the General Assembly in January 2010. Failure by both houses of the General Assembly to adopt or amend a joint resolution within 50 calendar days after its introduction will result in the adoption of the salary recommendations. If the General Assembly rejects the recommendations, judicial salaries will remain at their current level unless modified under other provisions of law.

Given the State's fiscal condition, the Department of Legislative Services (DLS) recommends the General Assembly deny the requested salary increase as incompatible with the State's present financial position. Similar to 2009, the General Assembly may wish to consider legislation to authorize the commission to propose recommendations in 2013.

2. Land Records Improvement Fund for Major Information Technology Development to Sunset

The Circuit Court Real Property Records Improvement Fund, also known as the LRIF, is a non-lapsing fund that supports all personnel and operating costs within the land records offices of the Clerks of the Circuit Court. It further supports the maintenance costs of the Electronic Land Records On-line Imagery system and its web site for making images accessible to the public. Revenues for the LRIF are generated primarily through a $20 recordation surcharge fee on all real estate transactions. Accordingly, revenues to the fund are driven by home sales. As the housing climate has deteriorated, revenues to the fund have declined similarly.

During the 2007 special session, legislation was adopted to fund the Judiciary's major IT development projects with special funds from the LRIF for two fiscal years. That provision will sunset at the end of fiscal 2010, and funding for major IT will shift back to general funds in fiscal 2011. The Judiciary's overall budget request includes an increase of $12.7 million in general funds primarily to accommodate this shift. The fiscal 2011 request for all major IT development programs includes $11.9 million in general funds and $1.5 million in special funds.

As shown in **Exhibit 6**, the LRIF had an ending balance of $58.0 million at the close of fiscal 2009. Although projections for the fund depend on home sales, the Judiciary estimates that the fund balance will decrease to $12.8 million at the close of fiscal 2010. If the General Assembly adopts legislation to extend the funding of major IT from the LRIF and home sales do not improve, the fund balance may be depleted as early as fiscal 2011. This is due to expenses that exceed revenues, which has caused a structural deficit in the fund. A $20 increase to the land records surcharge would provide sufficient funds for major IT development projects for two more years. The Budget Reconciliation and Financing Act of 2010 would transfer $25.0 million of the fund balance to the general fund in fiscal 2010.

DLS recommends a general fund reduction of $11.9 million contingent upon the enactment of SB 141 or SB 220 increasing the surcharge fee for land record transactions from $20 to $40.

Exhibit 6
Land Records Improvement Fund
Fiscal 2009-2012
($ in Thousands)

	Allow Major IT Provision to Sunset				Continue Major IT		Continue Major IT with $20 Surcharge Increase	
	Actual FY 2009	Estimated FY 2010	Allowance FY 2011	FY 2012	FY 2011	FY 2012	FY 2011	FY 2012
Starting Balance	$66,695	$58,023	$12,757	$3,378	$12,757	-$8,521	$12,757	$8,679
Total Revenue	$19,758	$17,200	$17,200	$17,200	$17,200	$17,200	$34,400	$34,400
Expenses								
Land Records Offices	$13,428	$16,834	$16,876	$16,876	$16,876	$16,876	$16,876	$16,876
mdlandrec.net	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
ELROI	2,926	4,139	4,703	4,754	4,703	4,754	4,703	4,754
Major IT	7,077	11,493			11,899	10,222	11,899	10,222
BRFA of 2010		25,000						
Total Expenses	**$28,431**	**$62,466**	**$26,579**	**$26,630**	**$38,478**	**$36,852**	**$38,478**	**$36,852**
Ending Balance	**$58,023**	**$12,757**	**$3,378**	**-$6,052**	**-$8,521**	**-$28,173**	**$8,679**	**$6,227**
Structural Imbalance	-$8,672	-$20,266	-$9,379	-$9,430	-$21,278	-$19,652	-$4,078	-$2,452

BRFA: Budget Reconciliation and Financing Act
ELROI: Electronic Land Records On-line Imagery
IT: information technology

Note: Revenue projection is based on a six-month average of July through December 2009.

Source: Maryland Judiciary; Department of Legislative Services

Recommended Actions

1. Add the following language:

   Provided that a $5,000,000 reduction is made for operating expenditures. This reduction shall be allocated among the divisions according to the following fund types:

Fund	Amount
General	$5,000,000

   Explanation: This action reduces the Judiciary's fiscal 2011 allowance to reflect an anticipated general fund reversion. The total reduction should be applied as indicated above to general funds.

		Amount Reduction	
2.	Delete additional funds for retired judge use. This action will fund the use of retired judges at the fiscal 2009 actual levels.	$ 374,000	GF
3.	Delete additional funds for temporary staff attorneys. This action would level-fund additional assistance in the Court of Special Appeals.	580,000	GF
4.	Delete funds for a pilot interpreter program in Prince George's County. This action will help address the State's budgetary shortfall.	335,000	GF

5. Add the following language to the general fund appropriation:

   , provided that a reduction of $11,899,400 is made for major information technology development (IT) projects contingent upon the enactment of SB 141 or SB 220 increasing the surcharge on recordable instruments in the Land Records Improvement Fund (LRIF) to $40 and removing the sunset of funding major IT from the LRIF.

Explanation: This action reduces the Judiciary's allowance for major IT development projects. The reduction is contingent upon legislation that would amend Sections 13-604 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland to increase the surcharge on real estate transactions from $20 to $40 and to remove the sunset on funding major IT from the LRIF. The additional revenue would provide sufficient special funds to support the development of the Judiciary's major IT projects.

Total General Fund Reductions **$ 1,289,000**

Updates

1. Organizational Charts and Vacant Positions

Fiscal 2010 budget bill language directed the Judiciary to submit a report on its organizational charts and a detailed listing of all vacant positions. The report was submitted to the committees on November 1, 2009. The organizational charts provided a governing structure for every level of court, as well as Court Related Agencies, the State Law Library, and the Administrative Office of the Courts. Although the Judiciary does provide information on the number of vacant positions, the vacancy report included additional detail such as job title, status of filling the position, subprogram, personnel identification number, and the numbers of days the position has been vacant.

2. Bail Debtors in Maryland

Fiscal 2010 budget bill language restricted $500,000 in general funds for general operations of the District Court pending a report on the status of all bail debtors in the State. The language required that the report include the following:

- a listing of defendants continuing to owe bail debts;
- the issuance and service of bench warrants for failure to appear;
- the total of any forfeitures of bail bonds issued; and
- the date of satisfaction of any forfeitures.

The Judiciary submitted the report to the committees on August 3, 2009. The study covered fiscal 2005 through 2009 and included a comprehensive list of bail debtors, outstanding debts, and issued warrants. When adjusted for cases that are still active, the average collection rate during fiscal 2005 through 2007 is estimated at 89%. Outstanding bail debts from fiscal 1980 through 2009 total $13,359,621, though 90% of that amount represents fiscal 2008 and 2009 only.

3. Maryland Disability Law Center

Fiscal 2010 budget bill language requested a report from the Maryland Disability Law Center (MDLC) on its revenues and expenditures over the last seven fiscal years. The report was required to provide a comprehensive summary of the following:

- a detailed history of MDLC's actual revenue sources for State fiscal 2004 through 2008 and budgeted revenue sources for State fiscal 2009 and 2010;

- a detailed history of MDLC's actual expenditures for State fiscal 2004 through 2008 and budgeted expenditures for State fiscal 2009 and 2010;

- a listing of private, nonprofit, and government organizations that received financial or technical assistance from MDLC in State fiscal 2004 through 2008;

- a summary of services provided by MDLC in Maryland by jurisdiction; and

- audited financial statements for fiscal 2004 through 2008.

MDLC submitted the report on October 30, 2009, satisfying the above requirements. In addition to detailed revenues and expenses and audited financial statements, MDLC noted that it does not provide financial assistance to private, nonprofit, or government organizations. It only provides technical assistance, and the report included a brief description of the nature of the technical assistance provided to each listed organization.

4. Judgeship Needs and Space Constraints

Since 1979, the Chief Judge of the Court of Appeals has annually certified to the General Assembly the need for additional judges in the State's District and circuit courts. The 2009 *Joint Chairmen's Report* required that the certification also include an evaluation of the use and cost of recalling retired judges to the bench, as well as a plan to address space constraints. On November 1, 2009, the certification of judgeships for fiscal 2011 was submitted. Citing the economic climate, no new judgeships were requested despite having certified a need for 20 circuit court and 21 District Court judges. Legislation was adopted during the 2009 session creating four new circuit court judgeships, which slightly alleviated circuit court needs.

The fiscal 2011 allowance includes $4.4 million for the purpose of recalling retired judges to the bench; $374,000 more than in fiscal 2010. Retired judges regularly supplement the work of full-time judges and help address increases in caseloads. The report submitted by the Judiciary indicated the extent to which retired judges play a role in each jurisdiction. The report further noted ongoing issues related to courtroom and chamber space. In addition, circuit court space is further complicated by the fact that local jurisdictions are responsible for building and outfitting those courthouses.

5. Interoperable Case Management System

The Judiciary has undertaken the development of a new IT system to unify the five legacy case management systems throughout the courts and bring them under one cohesive system. It is anticipated to be an 11-year initiative that began in 2003 and may exceed $42.0 million by its completion in fiscal 2013. The Department of Public Safety and Correctional Services' (DPSCS) implementation of the Offender Case Management System is well underway and impacts the direction in which the Judiciary may proceed. Fiscal 2010 budget bill language directed the Judiciary to submit an interoperability plan in response to concerns over the ability of the two systems to share real-time data and establish a unique identifier to facilitate the process.

The report was submitted to the committees on November 1, 2009. The five-page report provided a model for the Judiciary's envisioned framework, summarized efforts to exchanging data on domestic violence orders and warrants with DPSCS, and reviewed future plans to roll out the system in a manner that allows for adaptability as the environment changes. The report also outlined a few of the challenges with regards to interoperability. However, the Judiciary notes it is working on addressing those challenges.

Appendix 1

Current and Prior Year Budgets

Current and Prior Year Budgets
Judiciary
($ in Thousands)

	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
Fiscal 2009					
Legislative Appropriation	$371,672	$53,581	$4,232	$208	$429,693
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	2,995	200	131	0	3,326
Cost Containment	0	0	0	0	0
Reversions and Cancellations	-7,313	-11,922	-543	-104	-19,882
Actual Expenditures	**$367,354**	**$41,859**	**$3,820**	**$104**	**$413,137**
Fiscal 2010					
Legislative Appropriation	$375,063	$52,975	$4,200	$268	$432,506
Cost Containment	0	0	0	0	0
Budget Amendments	0	0	0	0	0
Working Appropriation	**$375,063**	**$52,975**	**$4,200**	**$268**	**$432,506**

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

Fiscal 2009

The Judiciary completed fiscal 2009 $16.6 million below its legislative appropriation. This was primarily driven by a $19.9 million decrease due to reversions and cancellations and a $3.3 million increase in budget amendments in the Judiciary's general, special, and federal fund accounts.

General Funds: Actual fiscal 2009 general fund expenditures were $4.3 million below the legislative appropriation. The appropriation increased by $3.0 million due to a cost-of-living adjustment (COLA) that was budgeted in DBM. However, the Judiciary reverted $7.3 million which included $3.0 million that was reverted at the request of the Governor to help address the State's fiscal crisis, $2.5 million in furlough savings, and $1.0 million for District Court rent due to changes in operating costs.

Special Funds: Actual fiscal 2009 special fund expenditures were $11.7 million below the legislative appropriation. Although $200,839 was added for a COLA that was budgeted in DBM, the decrease is due to $11.9 million in special fund cancellations for the following programs: (1) MLSC, which collected $2.1 million less than expected in Interest on Lawyers Trust Accounts; (2) Judicial Information Systems, which achieved $2.6 million in savings as a result of contract negotiations; (3) the Clerks of the Circuit Court which cancelled $2.3 million in salary and fringes and $2.2 million in operating efficiencies due to the housing market decline which has slowed activities in land records operations; and (4) the delayed implementation of major IT programs, resulting in roughly $2.5 million in funds that could not be expended in a timely manner.

Federal Funds: Actual fiscal 2009 federal fund expenditures were $412,000 lower than the legislative appropriation. This was primarily driven by $414,679 in unspent federal funds in the Circuit Court Clerks – Federal Child Support Program due to foster grants that are spent over several years. However, that was slightly offset by a $130,672 increase for two federal awards from the State Justice Institute.

Reimbursable Funds: The reimbursable fund appropriation decreased by $104,000 due to anticipated funds that were not received.

Fiscal 2010

The Judiciary's fiscal 2010 working appropriation remains unchanged as compared to the legislative appropriation.

Appendix 2

Audit Findings

Audit Period for Last Audit:	April 3, 2006 – January 20, 2009
Issue Date:	June 2009
Number of Findings:	1
Number of Repeat Findings:	0
% of Repeat Findings:	0%
Rating: (if applicable)	

Office of the Clerk of Circuit Court for Kent County, Maryland

Finding 1: The office did not always refer the disposition of motor vehicle cases to the State's Motor Vehicle Administration in a timely manner.

Audit Period for Last Audit:	February 13, 2006 – March 15, 2009
Issue Date:	July 2009
Number of Findings:	3
Number of Repeat Findings:	0
% of Repeat Findings:	0%
Rating: (if applicable)	

Maryland Legal Services Corporation

Finding 1: MLSC did not obtain a formal understanding with the Administrative Office of the Courts as to the disposition of unspent funds.

Finding 2: MLSC lacked sufficient policies and procedures to ensure that grant funds were being used in accordance with the related grant agreements, and did not take appropriate follow-up action when deficiencies were identified.

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

Object/Fund Difference Report
Judiciary

Object/Fund	FY09 Actual	FY10 Working Appropriation	FY11 Allowance	FY10 - FY11 Amount Change	Percent Change
Positions					
01 Regular	3,569.25	3,581.25	3,581.25	0	0%
02 Contractual	373.50	384.00	384.00	0	0%
Total Positions	**3,942.75**	**3,965.25**	**3,965.25**	**0**	**0%**
Objects					
01 Salaries and Wages	$ 271,486,007	$ 276,277,618	$ 286,152,091	$ 9,874,473	3.6%
02 Technical and Spec. Fees	12,081,487	12,156,539	12,978,266	821,727	6.8%
03 Communication	10,633,458	10,867,671	11,391,167	523,496	4.8%
04 Travel	1,482,176	1,828,000	1,765,106	-62,894	-3.4%
06 Fuel and Utilities	791,015	964,430	790,821	-173,609	-18.0%
07 Motor Vehicles	213,326	215,208	125,331	-89,877	-41.8%
08 Contractual Services	43,500,434	50,697,920	50,679,342	-18,578	0%
09 Supplies and Materials	5,671,070	6,298,795	6,672,300	373,505	5.9%
10 Equipment – Replacement	4,849,317	4,813,309	6,099,967	1,286,658	26.7%
11 Equipment – Additional	2,430,721	3,204,518	2,411,655	-792,863	-24.7%
12 Grants, Subsidies, and Contributions	44,071,359	47,797,555	41,016,928	-6,780,627	-14.2%
13 Fixed Charges	14,459,936	15,016,954	14,111,039	-905,915	-6.0%
14 Land and Structures	1,466,259	2,368,000	241,400	-2,126,600	-89.8%
Total Objects	**$ 413,136,565**	**$ 432,506,517**	**$ 434,435,413**	**$ 1,928,896**	**0.4%**
Funds					
01 General Fund	$ 367,353,728	$ 375,062,623	$ 393,534,010	$ 18,471,387	4.9%
03 Special Fund	41,859,559	52,975,307	36,688,501	-16,286,806	-30.7%
05 Federal Fund	3,819,208	4,200,387	4,044,702	-155,685	-3.7%
09 Reimbursable Fund	104,070	268,200	168,200	-100,000	-37.3%
Total Funds	**$ 413,136,565**	**$ 432,506,517**	**$ 434,435,413**	**$ 1,928,896**	**0.4%**

Note: The fiscal 2010 appropriation does not include deficiencies.

Fiscal Summary
Judiciary

Program/Unit	FY09 Actual	FY10 Wrk Approp	FY11 Allowance	Change	FY10 - FY11 % Change
01 Court of Appeals	$ 13,111,521	$ 13,457,276	$ 13,480,900	$ 23,624	0.2%
02 Court of Special Appeals	8,528,184	8,600,379	9,212,206	611,827	7.1%
03 Circuit Court Judges	54,961,001	57,499,087	59,736,423	2,237,336	3.9%
04 District Court	140,199,449	143,845,086	145,228,238	1,383,152	1.0%
05 Maryland Judicial Conference	6,355	172,629	164,300	-8,329	-4.8%
06 Administrative Office of the Courts	43,103,678	39,135,557	34,257,950	-4,877,607	-12.5%
07 Court Related Agencies	6,169,108	6,143,999	6,253,536	109,537	1.8%
08 State Law Library	2,643,967	2,723,478	2,633,060	-90,418	-3.3%
09 Judicial Information Systems	34,174,981	36,656,930	35,849,637	-807,293	-2.2%
10 Clerks of the Circuit Court	85,667,159	94,620,712	96,059,881	1,439,169	1.5%
11 Family Law Division	17,493,777	18,158,084	18,111,882	-46,202	-0.3%
12 Major Information Technology Development Projects	7,077,385	11,493,300	13,447,400	1,954,100	17.0%
Total Expenditures	**$ 413,136,565**	**$ 432,506,517**	**$ 434,435,413**	**$ 1,928,896**	**0.4%**
General Fund	$ 367,353,728	$ 375,062,623	$ 393,534,010	$ 18,471,387	4.9%
Special Fund	41,859,559	52,975,307	36,688,501	-16,286,806	-30.7%
Federal Fund	3,819,208	4,200,387	4,044,702	-155,685	-3.7%
Total Appropriations	**$ 413,032,495**	**$ 432,238,317**	**$ 434,267,213**	**$ 2,028,896**	**0.5%**
Reimbursable Fund	$ 104,070	$ 268,200	$ 168,200	-$ 100,000	-37.3%
Total Funds	**$ 413,136,565**	**$ 432,506,517**	**$ 434,435,413**	**$ 1,928,896**	**0.4%**

Note: The fiscal 2010 appropriation does not include deficiencies.