

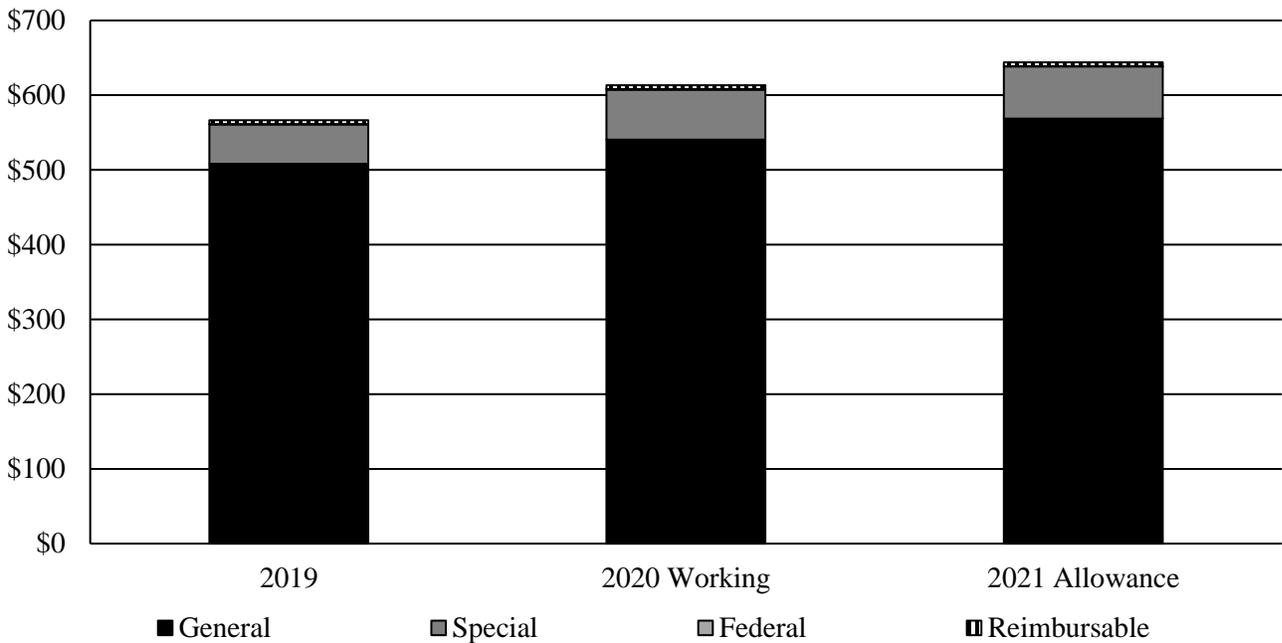
C00A00 Judiciary

Executive Summary

The Judiciary is the branch of State government tasked with adjudicating legal disputes and interpreting and applying the laws of the State. While the Judiciary's budget request is submitted as part of the Governor's budget, it is developed without Executive Branch oversight.

Operating Budget Summary

Budget Increases by \$30.6 Million or 5.0% to \$644.0 Million in Fiscal 2021 (\$ in Millions)



Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

- Judiciary's fiscal 2021 allowance increases by \$30.6 million, which largely consists of \$20.4 million in personnel growth and \$6.3 million in additional information technology (IT) spending.
- A \$6.8 million general and special fund deficiency appropriation provides funding for a fiscal 2020 3% cost-of-living salary enhancement for employees.

Key Observations

Judiciary’s General Fund Growth Is Higher Than the State’s Recommended Limit: In recent years, the Judiciary has grown by an average of 4.5%, while the State increased by 3.7%, and in fiscal 2021, its general fund allocation grows by 5.1%, which is 1.4 times higher than the State recommendation.

Land Records Improvement Fund (LRIF) May Become Insolvent: The LRIF surcharge was increased from \$20 to \$40 by the Budget Reconciliation and Financing Act of 2011; the surcharge will revert to \$20 at the end of fiscal 2020. The Judiciary estimates that reverting to a \$20 surcharge would reduce the fund’s balance to \$3.4 million in fiscal 2021, and the fund would be depleted by fiscal 2022.

After Several Years of Declines, District and Circuit Court Cases Stabilize: In terms of overall case filings, both District and circuit courts have seen decreases since fiscal 2012 of 5.4% and 18.9%, respectively. However, this long-term decline has diminished in recent years. Since fiscal 2018, District Court cases have declined 1.2%, while circuit court cases were lower by 1.9%.

Judiciary Programs Expand Citizen Access to Justice: In Baltimore City, 75% of individuals at initial appearance hearings were assigned an appointed attorney, the highest rate in the State.

Bail Reform Results in Significant Reductions in the Use of Cash Bail: In February 2017, the Court of Appeals adopted a new rule that reduced the utilization of cash bail in the State’s criminal justice system. Since then, the use of cash bail has continued to decline. The percentage of those released without bail has increased from 49% to 58%; the number of individuals assigned cash bail has declined significantly, from 43% to just 16%. However, the number of individuals held without bail has more than tripled, from 7% to 24%.

Self-help Centers Serve Nearly 800,000 Since Fiscal 2011: During the last decade, the Judiciary and *pro bono* legal service providers in the State have continued to expand the self-help legal assistance in noncriminal cases with nearly 800,000 served.

Expungement Petitions More Than Double Since Fiscal 2014: Due in part to the decriminalization of marijuana, more citizens are petitioning for expungement. Since fiscal 2014, the number of expungement petitions have increased by 153%, adding to Judiciary employee workloads.

Maryland Electronic Courts (MDEC) Deployment Remains on Schedule; Judiciary’s Major IT Projects Move Forward: MDEC has been implemented statewide with just three jurisdictions awaiting deployment in fiscal 2021: Montgomery and Prince George’s counties; and Baltimore City.

Operating Budget Recommended Actions

	<u>Funds</u>	<u>Positions</u>
1. Eliminate 57.0 new positions and associated funding.	\$ 3,554,879	57.0
2. Add budget bill language to delete funds for merit salary increases for regular employees in fiscal 2021.	6,175,054	
3. Add budget bill language increasing the Judiciary’s operating budget to provide a 2% general salary increase for fiscal 2021.		
4. Add budget bill language to restrict the use of \$8.25 million in general funds for the implementation of DeWolfe v. Richmond.		
5. Reduce funding for the Appointed Attorney Program by \$250,000.	250,000	
6. Reduce the appropriations for select operating expenditures to the actual fiscal 2019 expenditure level.	3,541,327	
7. Reduce funding for contractual employees, travel, and renovation projects in line with historical levels of spending.	1,500,000	
8. Reduce the appropriation for general fund grants to the same level as fiscal 2019 actual expenditures.	1,309,751	
9. Adopt annual committee narrative requesting a report on cost and utilization for the Appointed Attorney Program.		
10. Adopt narrative requesting a status report on adult drug court evaluations.		
11. Adopt committee narrative requesting a report on judge transfers to alleviate judicial workloads.		
12. Adopt committee narrative requesting a report on expungements in State courts.		
13. Reduce fiscal 2020 deficiency funding for a 3% cost-of-living adjustment for regular employees.	5,985,849	
Total Reductions to Fiscal 2020 Deficiency Appropriation	\$ 5,985,849	
Total Reductions to Allowance	\$ 16,331,011	

Budget Reconciliation and Financing Act Recommended Actions

1. Amend statute to permanently extend the \$40 surcharge for the Circuit Court’s Real Property Records Improvement Fund.

C00A00
Judiciary

Operating Budget Analysis

Program Description

The Judiciary is composed of four courts and five programs that support the administrative, personnel, technological, and regulatory functions of the Judicial Branch of the State government. Courts consist of the Court of Appeals, the Court of Special Appeals, circuit courts, and the 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 administrative duties that include data analysis, personnel management, education, and training for judicial personnel.

Other agencies are included in the administrative and budgetary purview of the Judiciary. Judicial units include the Commission on Judicial Disabilities and the Maryland State Board of Law Examiners. The State Law Library serves the legal information needs of the State. Judicial Information Systems (JIS) manages information systems maintenance and information technology (IT) development for the Judiciary.

Performance Analysis: Managing for Results

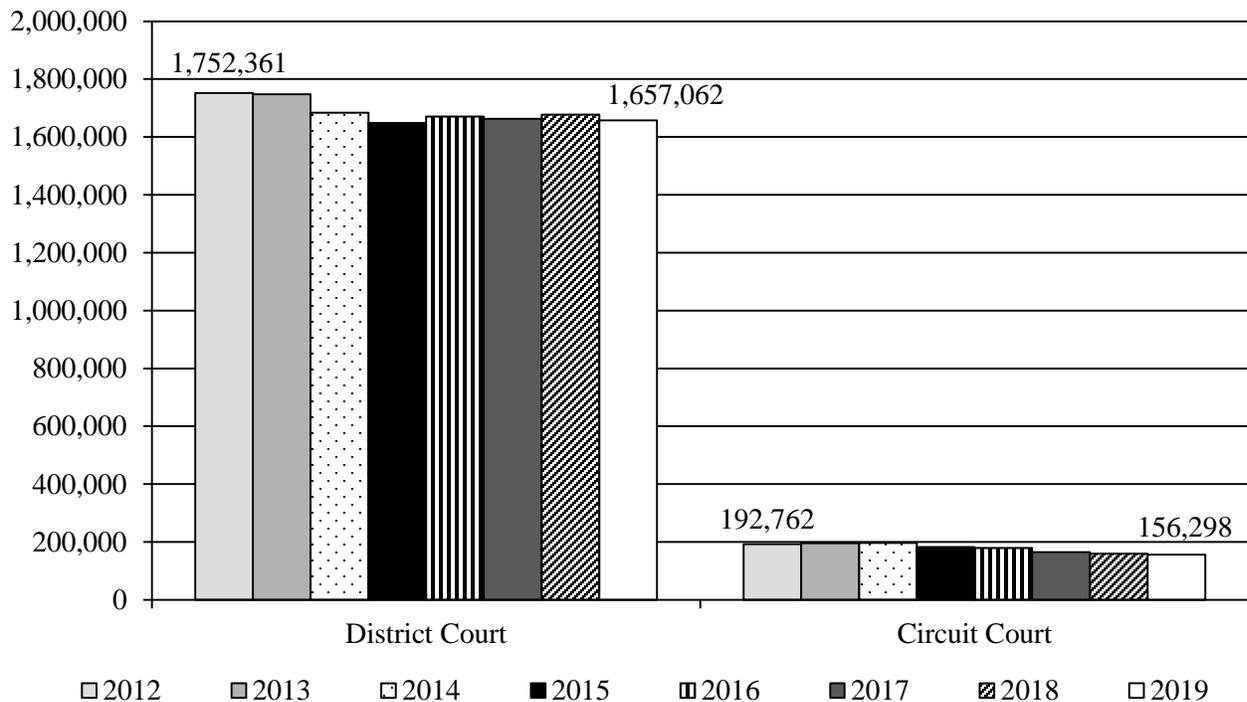
1. District and Circuit Courts: Case Totals and Case Types

After Several Years of Declines, District and Circuit Court Cases Stabilize

In order to study the performance of the trial court system in the State, it is essential to collect the total number of cases and case types filed. Since fiscal 2019, the Judiciary has endeavored to use the most current workload methodology as developed by the National Center for State Courts. In addition, the agency uses the data acquired via this methodology to inform an assessment of its need for judicial resources such as judges, court staff, and courtroom space. While previous models used an average of 10 years of historical data for future projections, the newest model uses the most recent 3 years of data to allow the Judiciary to project its needs 1 year into the future. Because caseloads in state courts are declining nationwide, this relatively shorter timeframe allows more flexibility to increase resources in case trends change quickly.

In terms of overall case filings, both District and circuit courts have seen decreases since fiscal 2012 of 5.4% and 18.9%, respectively. However, this long-term decline has diminished in recent years. Since fiscal 2018, District Court cases have declined 1.2%, while circuit court cases were lower by 1.9%, as shown in **Exhibit 1**.

**Exhibit 1
District and Circuit Court Case Filings
Fiscal 2012-2019**



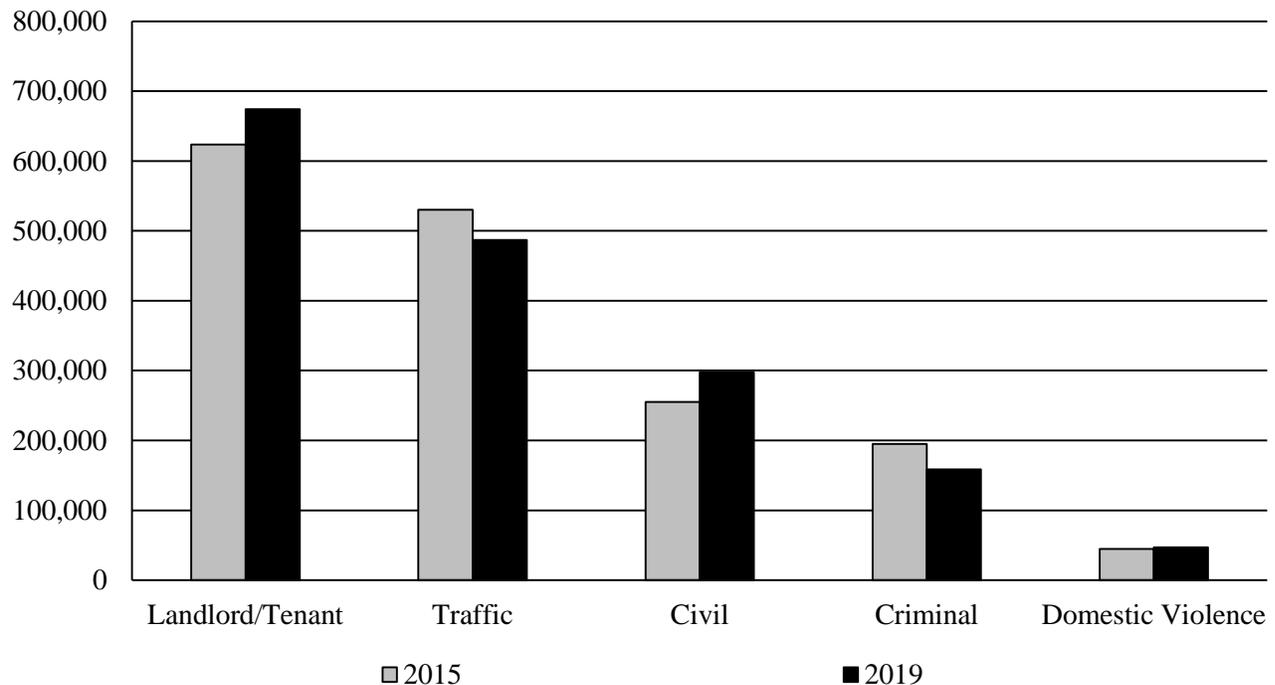
Source: Maryland Judiciary

Since 2015, Criminal Cases Decline 19%; Civil Cases Rise 17%

More recent trends in District Court case data reveal that the relative stabilization of the caseload since fiscal 2015 is attributable to a 19% decline in criminal cases offset by growth in civil cases. More specifically, civil cases and civil infractions have grown by a collective 17%, and domestic violence and landlord/tenant-related cases have increased 5% and 8%, respectively, as illustrated in **Exhibit 2**.

- Baltimore City Criminal Cases Remain Low:** Due to lower arrest and case closure rates, particularly since the mid to late 2000s, the total number of criminal filings has decreased significantly in Baltimore City. As this number continues to decline, Judiciary has more options in terms of redeploying judges to other areas of need in the State. However, a small change in the unusually low number of arrests could increase caseloads dramatically in a short time. Additionally, case declines do not reflect the large number of expungements being pursued in Baltimore area courts, which are adding to judge and staff workloads at an increasing rate.

Exhibit 2
Case Types – District Court
Fiscal 2015 vs. 2019

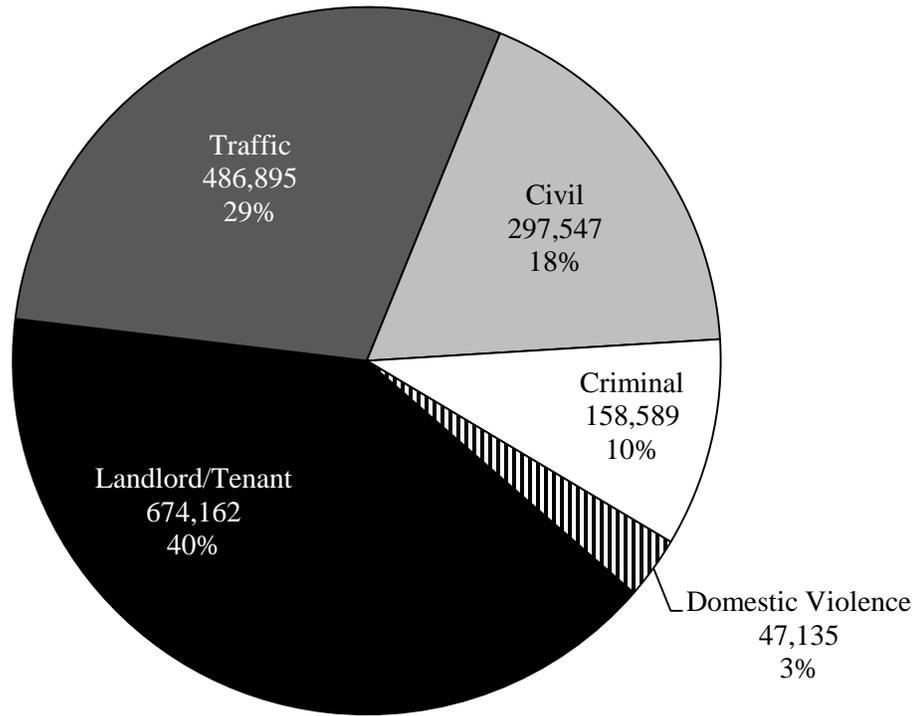


Source: Maryland Judiciary

- Marijuana Decriminalization Contributes to Fewer Criminal Cases and More Civil Cases:*** The decriminalization of marijuana in recent years has contributed to this significant decline in criminal cases. Under current State law, possession of 10 grams of marijuana or less is no longer a criminal offense. However, this type of possession can result in a civil citation; as a result, the number of civil infractions (not civil cases) has increased. Because of this major change in policy, marijuana decriminalization will continue to have downstream effects within the judicial system, with significant implications for courts in terms of case adjudication and increased workloads in terms of both civil infractions and additional case expungements, as State residents may opt to have marijuana-related offenses expunged from their record. This topic is discussed further in the Issues section of this analysis.

Overall, while criminal cases are declining, it is important to note that in District Court, strictly criminal cases are a small percentage of total cases. Landlord/tenant and traffic cases make up 69% of all cases, as shown in **Exhibit 3**.

Exhibit 3
Cases by Percentage – District Court
Fiscal 2019

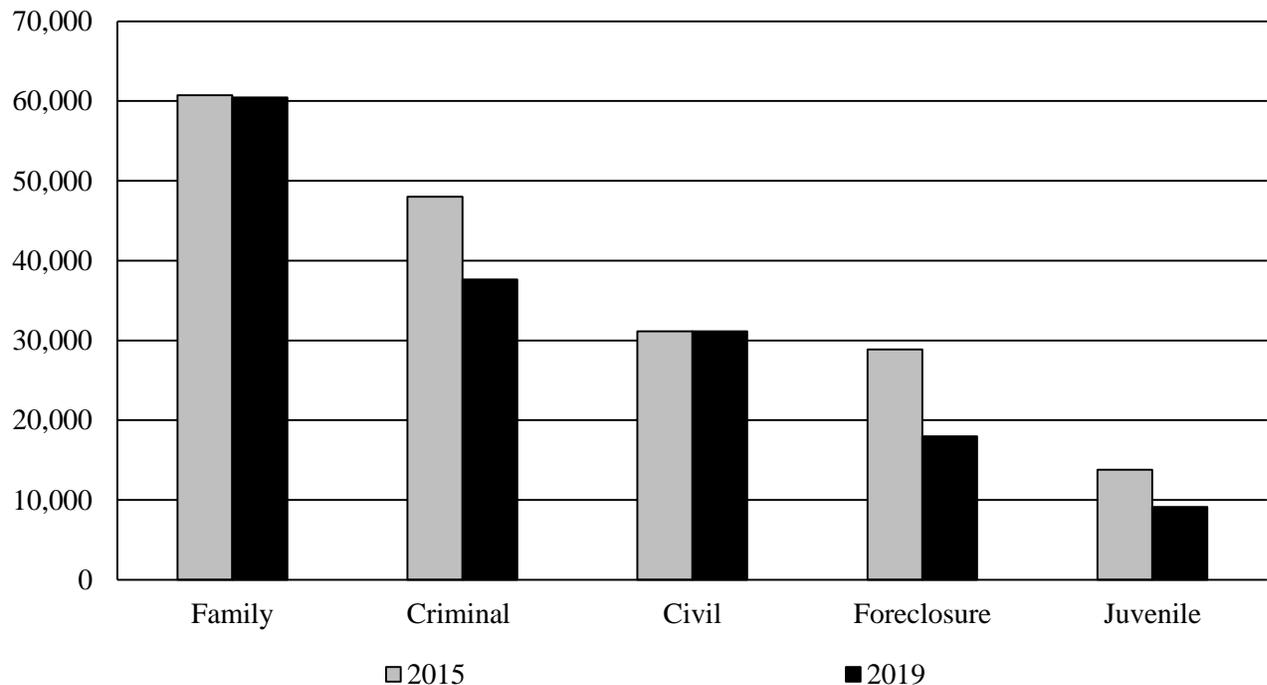


Source: Maryland Judiciary

Circuit Court Criminal Cases Decline Nearly 22% Since Fiscal 2015

While the largest case category for circuit courts is family-related cases, the most substantial area of change since fiscal 2015 was criminal cases, which declined nearly 22%, and foreclosure filings that had a significant 38% decrease. The number of foreclosure cases tends to be lower in better economic times. Statewide and nationwide, criminal cases have continued to decline in nearly all categories as crime, arrest, and incarceration rates have been lower. In tandem with this trend is the decrease in juvenile case filings, which declined by 34%. Circuit court case filing trends can be seen in **Exhibit 4**.

Exhibit 4
Case Types – Circuit Court
Fiscal 2015 vs. 2019



Source: Maryland Judiciary

2. Judiciary Programs Expand Citizen Access to Justice

One of the major components of the Judiciary’s mission is not just the adjudication of cases but the administration of cases that provide a fair and equitable right to representation and trial, as set forth in the law. The Judiciary has a wide variety of direct and grant-funded programs as well as adherence to new rules that have resulted in more citizens having access to attorneys, more assistance in legal matters, and more alternatives to incarceration and detainment.

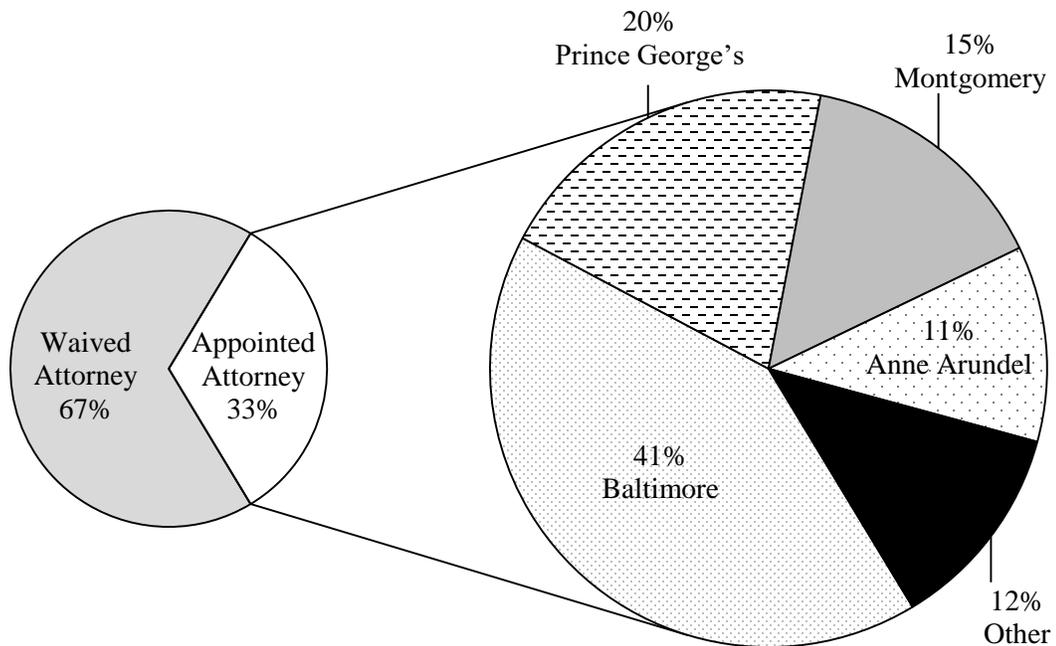
Appointed Attorneys

The Appointed Attorney Program was created by the General Assembly during the 2014 session to ensure State compliance with the Court of Appeals decision in *DeWolfe v. Richmond*. Under the program, the Judiciary provides private attorneys to represent indigent defendants at initial appearances before District Court commissioners and compensates them at a rate of \$50 per hour. Each year since the creation of the program, the budget committees have required the Judiciary to report on the costs

and utilization of the program. Total fiscal 2019 expenditures for the program were \$8.5 million, an 11.8% increase over the previous fiscal year’s \$7.6 million. Other items of note are as follows.

- In fiscal 2021, the estimated number of cases taken by appointed attorneys is projected to be 43,136, a 1.5% increase over fiscal 2020.
- In Baltimore City, 75% of individuals at initial appearance hearings were assigned an appointed attorney, the highest rate in the State. In every other jurisdiction except for the major metropolitan counties (Prince George’s, Montgomery, and Anne Arundel), at least 82% waived their right to attorney. Because more serious crimes tend to take place in the large, metropolitan counties, those residents had significantly higher rates of opting for an appointed attorney as illustrated in **Exhibit 5**.

Exhibit 5
Appointed Attorney Cases by County
Fiscal 2019

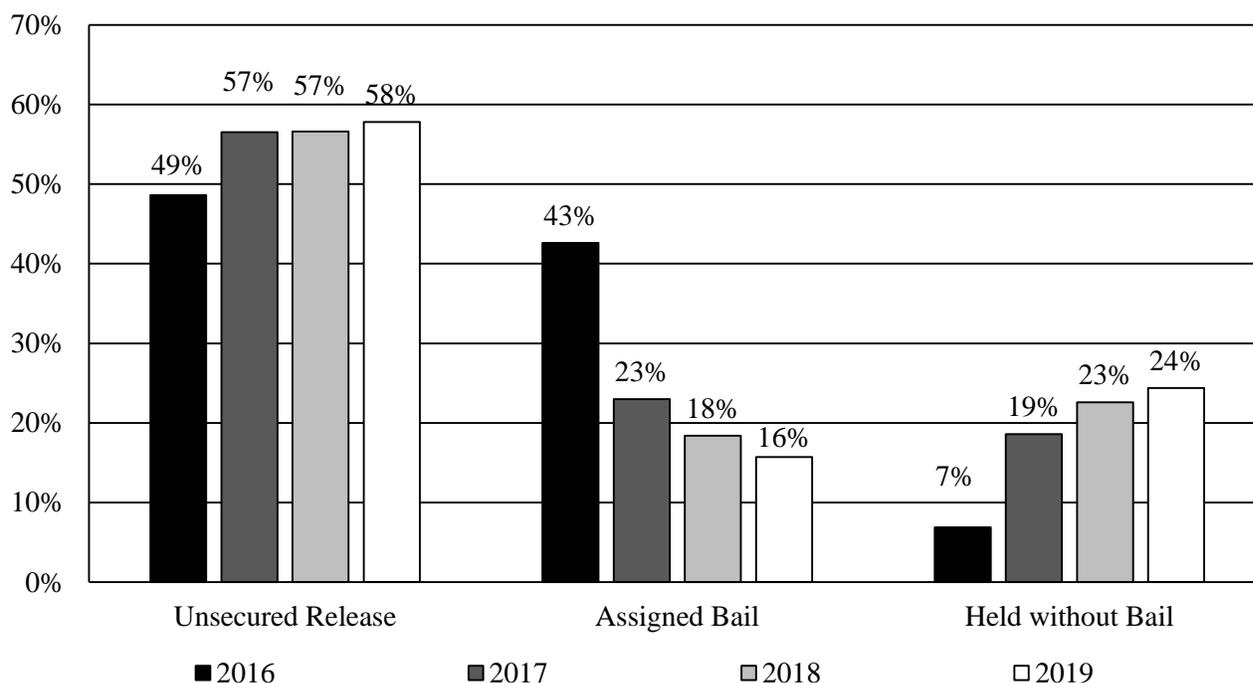


Source: Maryland Judiciary

Bail Reform Results in Significant Reduction in the Use of Cash Bail

In February 2017, the Court of Appeals adopted a new rule that reduced the utilization of cash bail in the State’s criminal justice system and directs judges and commissioners to (1) release arrestees with conditions other than cash bail or (2) order that they be held without bond if they pose a threat to public safety. The rule went into effect on July 1, 2017. Since then, the percentage of individuals released without bail (unsecured release) has increased from 49% to 58%, while the proportion of individuals assigned cash bail declined significantly, from 43% to just 16%. However, those held without bail (and deemed a threat to public safety) have more than tripled, from 7% to 24%, as shown in **Exhibit 6**.

Exhibit 6
Bail Reform: Pretrial Dispositions
Fiscal 2016-2019



Source: Maryland Judiciary

The Judiciary reports that this increase is due to judges electing to hold arrestees who they believe are a threat to public safety without bail. Prior to the rule change, a large portion of this population would have been assigned a very high bail that they may or may not have been able to post.

Self-help Centers Serve Nearly 800,000 Since Fiscal 2011

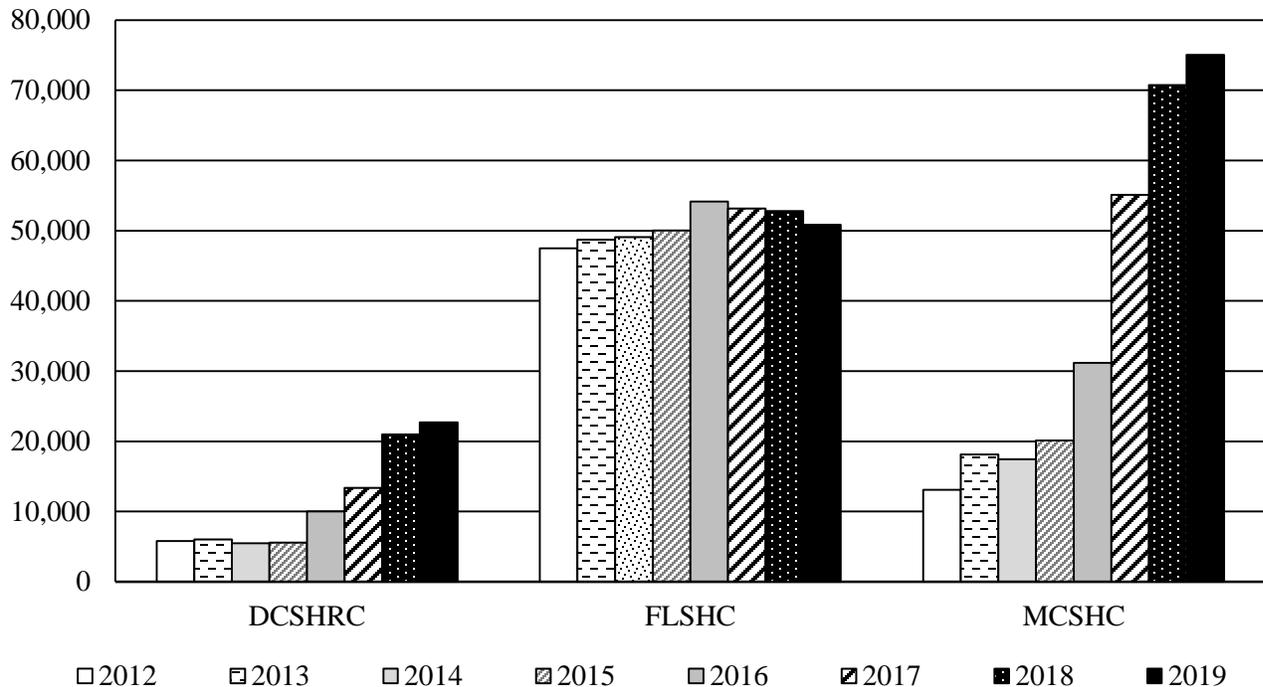
During the last decade, the Judiciary and *pro bono* legal service providers in the State have continued to expand the self-help legal assistance offerings available to individuals involved in noncriminal cases in the State. For certain types of cases and clients, organizations such as the Office of the Public Defender and Maryland Legal Aid have offered free legal representation for decades. More recently, the Judiciary and others have also established programs to assist litigants in dealing with court matters by providing attorneys for short duration, limited representation, or resources to facilitate effective self-representation. These services allow legal aid to be spread more broadly across State courts, and when properly staffed and operated, should improve access to justice. As of fiscal 2019, the Judiciary offered three principal classes of help centers:

- ***The Maryland Courts Self-help Center:*** a remote call and contact center that provides assistance via phone, live chat, and email and is staffed by the Maryland Center for Legal Assistance (MCLA);
- ***Family Law Self-help Centers:*** These centers support litigants in family law cases statewide and are supported by grants provided by AOC. Litigants were 60% female, and 77% had a household income of less than \$50,000 per year. The most common requests for help were for child custody, divorce, and child support.
- ***District Court Self-help Resource Centers:*** The Judiciary contracts with MCLA to staff these centers that reported the following areas of greatest need by location:
 - ***Baltimore City:*** housing matters (rent nonpayment, remaining in a property after lease expiration, breach of lease, and eviction issues);
 - ***Cambridge (part-time hours only):*** expungement of criminal records and large/small claims;
 - ***Frederick (District and circuit courts):*** family law and housing matters;
 - ***Glen Burnie:*** multiple issues reported;
 - ***Salisbury:*** expungement of criminal records;
 - ***Upper Marlboro:*** small and large claims; and
 - ***Catonsville:*** a new self-help center opens in March 2020 at the new courthouse.

The Judiciary reports on the number of individuals served by these self-help programs each year, as shown in **Exhibit 7**. Since fiscal 2012, the number of individuals served annually by these programs has more than doubled, reflecting both the expansion of services offered, locations, and hours

of operation as well as a general increase in utilization. As the Judiciary has increased these services, the costs have also increased. The fiscal 2021 budget request includes \$5.5 million for self-help centers.

**Exhibit 7
Utilization of Judicial Self-help Programs
Fiscal 2012-2019**



DCSHRC: District Court Self-help Resource Centers
 FLSHC: Family Law Self-help Centers
 MCSHC: Maryland Courts Self-help Center

Source: Maryland Judiciary; Department of Legislative Services

3. Judiciary Court Clearance Rates

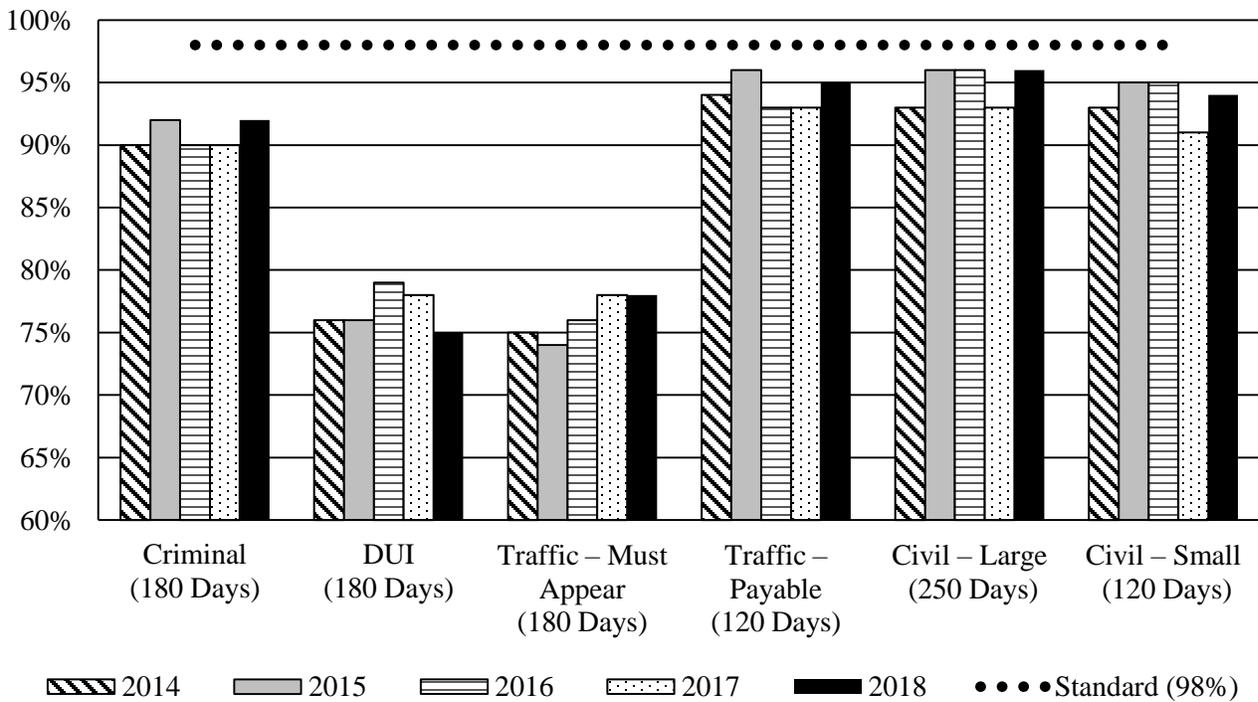
District Court Clearance Rates

The Judiciary incorporates 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; equity, fairness, and integrity; independence and accountability; and public trust and confidence. The Judiciary utilizes standards set by the American Bar Association that determine the amount of time that

it should take to process a particular type of case. These standards were modified to account for statutes and rules that impact the way in which Maryland courts can process certain cases.

The Judiciary analyzes and reports case time standards and rates for each court based on a random sample of cases from each district and applies a weight based on the total number of cases in the district. **Exhibit 8** shows the percentage of cases disposed within the time standard each year since fiscal 2014 for the District Court. While the average time to disposition was well within the time standard for each case type, the District Court has failed to meet the performance standard of 98% of cases within the standard for all case types. This is not unusual for these types of cases, and overall performance is consistent with previous years. In terms of volume, the largest case types are criminal, traffic (payable), and all civil cases; together these cases have an average clearance rate of 94.3%.

Exhibit 8
Maryland District Court
Percentage of Cases Terminated within Time Standard
Fiscal 2014-2018



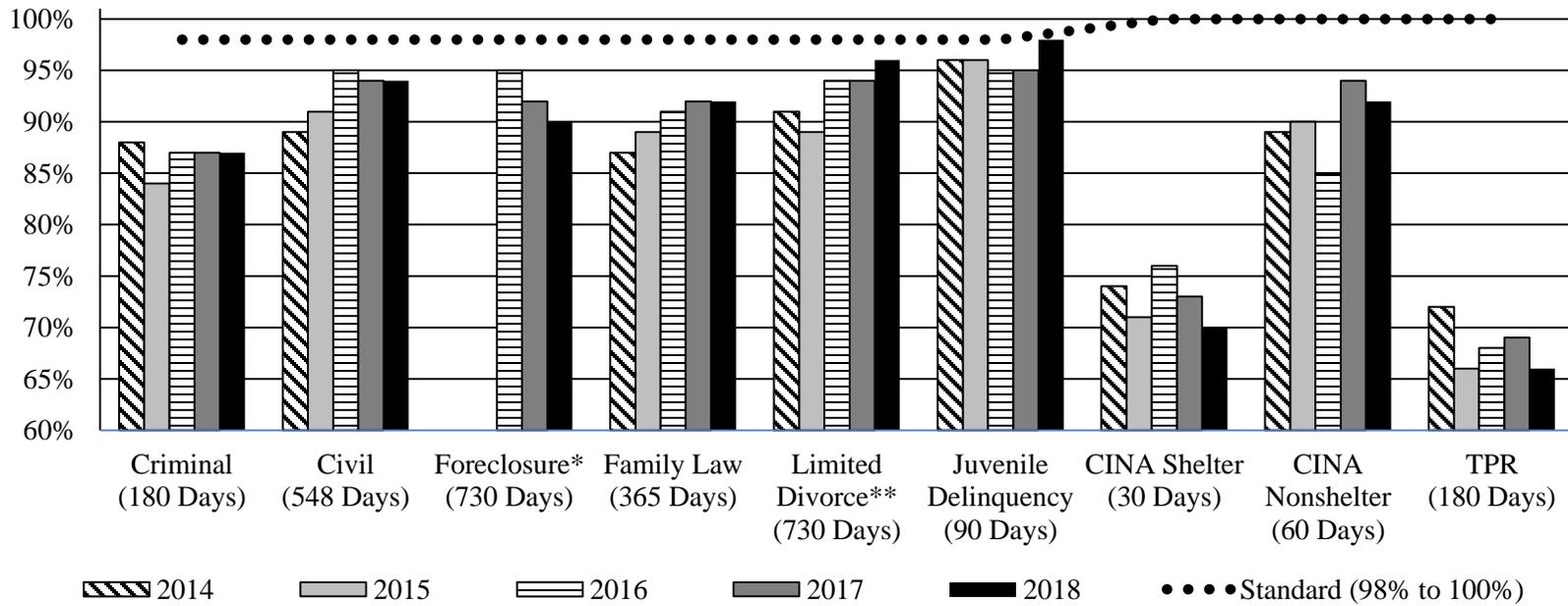
DUI: driving under the influence

Source: Maryland Judiciary; Department of Legislative Services

Circuit Court Clearance Rates

Exhibit 9 illustrates the percentage of circuit court cases terminated within the time standard. Similar to the District Court, while the fiscal 2018 average processing time is within the standard for the majority of case types, the circuit courts did not meet the established target for the percentage of cases resolved within the time standard for all categories (100% of cases within standard for child in need of assistance (CINA) and termination of parental rights (TPR) cases, 98% within standard for all other types). Refinements to the case types in the family law and civil categories have brought higher clearance rates based on more appropriate expectations, but overall results are mixed. CINA and TPR cases continue to pose a special challenge because of their complexity and the particular need for expedited resolution.

Exhibit 9
Maryland Circuit Courts
Percentage of Cases Terminated within Time Standard
Fiscal 2014-2018



CINA: child in need of assistance
 TPR: termination of parental rights

*The foreclosure category was introduced in fiscal 2016. Foreclosure cases were previously included in the civil category.

**The limited divorce category was introduced in fiscal 2014. Limited divorce cases were previously included in the family law category.

Source: Maryland Judiciary; Department of Legislative Services

Fiscal 2020

Proposed Deficiency and General Salary Increase

The Judiciary budget request includes a nearly \$6.9 million fiscal 2020 deficiency appropriation to provide its employees with a 3% cost-of-living adjustment (COLA), retroactive to July 1, 2019, resulting from confusion regarding the budgeting of compensation enhancements in the fiscal 2020 legislative appropriation. The deficiency will add \$6,472,250 in general funds and \$383,111 in special funds to the fiscal 2020 appropriation. This is the first deficiency request in Judiciary history.

All State employees received a 3% COLA for fiscal 2020, budgeted centrally in the Department of Budget and Management's (DBM) statewide program and distributed to agencies during the fiscal year. Historically, COLA funding for the Judiciary was also provided in this manner; however, in fiscal 2020, the Judiciary was not included. The Judiciary did provide \$6.1 million in its own budget to award merit increases to employees, which Executive Branch employees did not receive. The proposed fiscal 2020 deficiency appropriation, combined with the merit funding, would provide Judiciary employees with a 6.4% salary increase compared to 3% for Executive Branch employees. These salary enhancements are in addition to a 0.5% increase effective April 1, 2019, a \$500 bonus that all State employees received (including Judiciary) in fiscal 2019, and a 1.0% general salary increase effective January 1, 2020.

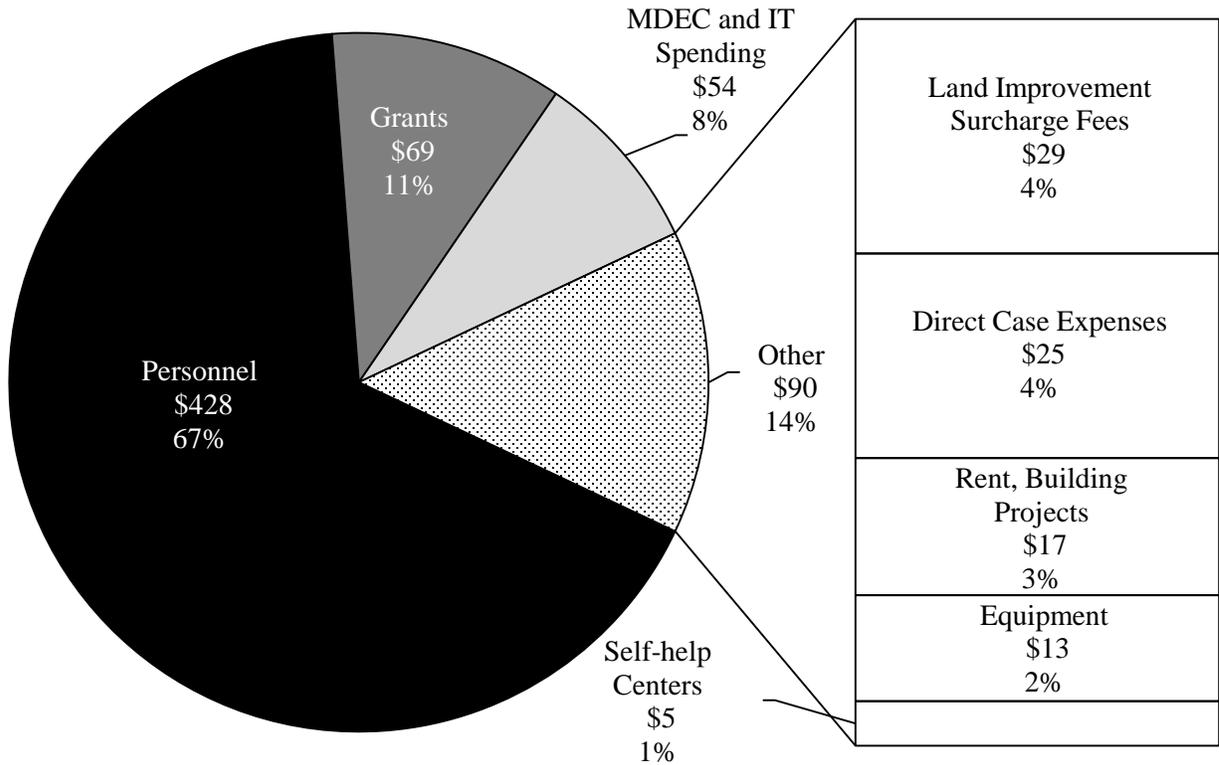
The Department of Legislative Services (DLS) recommends that the Judiciary's fiscal 2020 deficiency be adjusted in order to provide Judiciary employees with compensation enhancements in line with the increase given to other State employees.

In order to ensure that Judiciary employees receive their share of the COLA, the fiscal 2020 deficiency should be reduced to \$869,512. This would result in a net reduction of \$5,985,849 – a total equal to the amount of salary increments that Judiciary provided to its employees.

Fiscal 2021 Overview of Agency Spending

Exhibit 10 depicts the Judiciary's budget request by major spending category. Consistent with recent years, the majority (67%) is for personnel expenses to support a total of 4,470 regular and contractual staff. Outside of its normal, cyclical grant funding and IT spending, the Judiciary has approximately 14%, or \$90 million, allocated for direct case expenditures; special projects related to its courts, rent, buildings, and equipment; and funding from special items such as land improvement surcharge fees.

Exhibit 10
Overview of Judiciary Spending
Fiscal 2021 Allowance
(\$ in Millions)

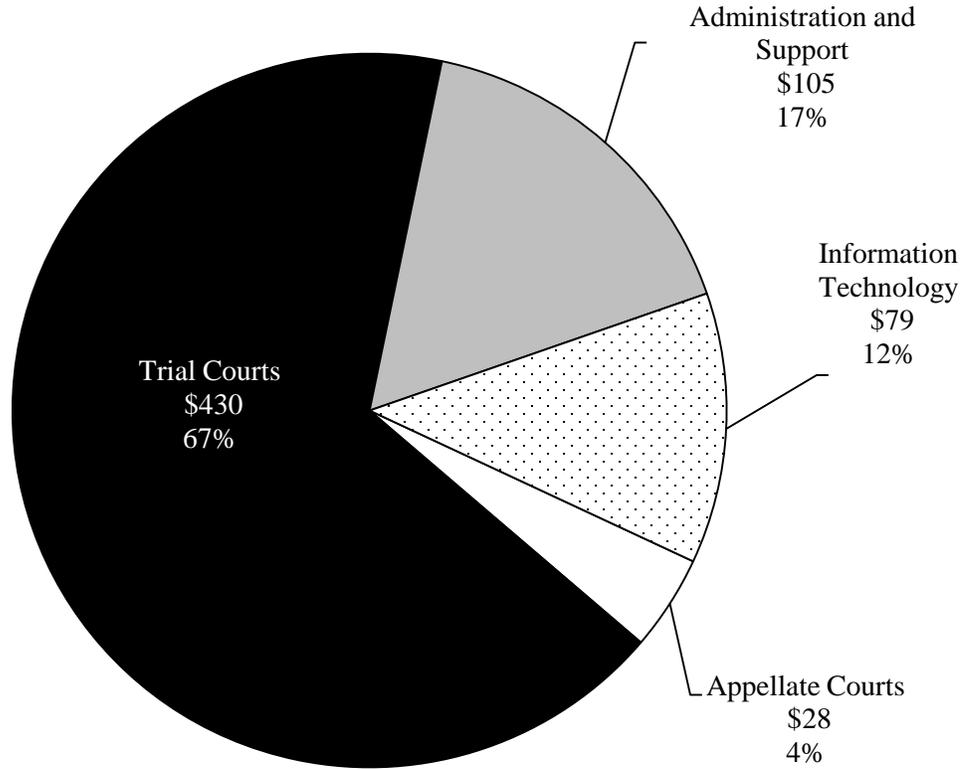


IT: information technology
MDEC: Maryland Electronic Courts

Source: Department of Legislative Services

As the Judiciary has 10 main programs, ranging from its court functions to JIS and the State Law Library, **Exhibit 11** shows these programs delineated by four key functions: Appellate Courts; Trial Courts; Administration and Support; and Information Technology.

Exhibit 11
Spending by Judiciary Program
Fiscal 2021
(\$ in Millions)



Note: Totals do not include fiscal 2020 or 2021 salary enhancements.

Source: Department of Legislative Services

Proposed Budget Change

In fiscal 2021, the Judiciary’s budget request increases by \$30.6 million, or 5.0%, as seen in **Exhibit 12**. Over two-thirds of this change is attributable to compensation-related increases with the remainder in IT spending and various lease, equipment, and program costs.

Exhibit 12
Proposed Budget
Judiciary
(\$ in Thousands)

How Much It Grows:	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Fund</u>	<u>Federal</u> <u>Fund</u>	<u>Reimb.</u> <u>Fund</u>	<u>Total</u>
Fiscal 2019 Actual	\$508,038	\$53,001	\$545	\$5,091	\$566,675
Fiscal 2020 Working Appropriation	540,675	66,730	1,003	5,075	613,484
Fiscal 2021 Allowance	<u>568,797</u>	<u>69,827</u>	<u>269</u>	<u>5,145</u>	<u>644,038</u>
Fiscal 2020-2021 Amount Change	\$28,122	\$3,097	-\$734	\$70	\$30,554
Fiscal 2020-2021 Percent Change	5.2%	4.6%	-73.2%	1.4%	5.0%
Where It Goes:					<u>Change</u>
Personnel Expenses					
3.5% salary increase for employees not covered by the judicial compensation plan					\$6,175
Employee and retiree health insurance					5,688
Employer retirement system costs					4,774
55 new regular positions (includes salaries and fringe benefits)					3,813
Judicial compensation plan impact					2,174
Net annualization of fiscal 2020 1% cost-of-living adjustment (COLA)					1,254
Social Security contributions					1,053
11 new contractual bailiff positions					364
Accrued leave payouts					237
Abolished positions.....					-58
Net salary-related adjustments (includes deficiency funding for a fiscal 2020 3% COLA)....					-87
Position reclassifications.....					-116
Funding for additional, emergency, and Maryland Electronic Courts (MDEC) employees....					-298
Overtime and other salary adjustments.....					-805
Judges' pension system.....					-1,496
Turnover expectancy.....					-2,240
Information Technology Spending					
Data repository.....					1,500
MDEC and related hardware/software expenses					2,638
Voice over Internet Protocol.....					687
Case notification					500
Mobile information					500

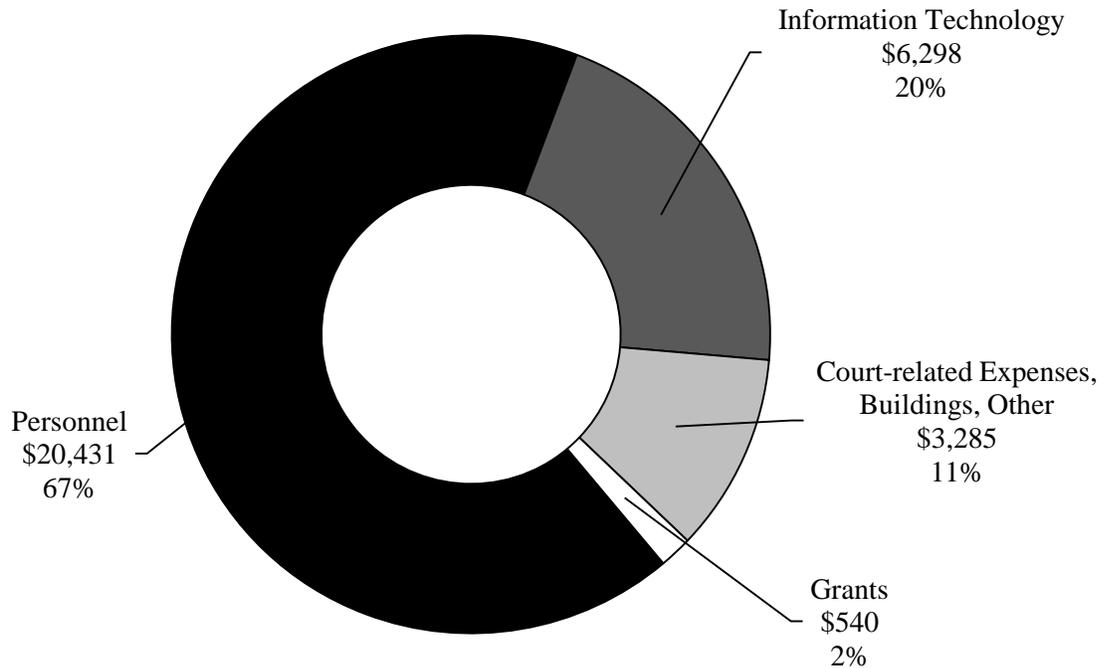
C00A00 – Judiciary

Where It Goes:	<u>Change</u>
Infrastructure initiative	495
Case Search 2.0.....	245
Courthouse eReadiness.....	109
Attorney Information System	-376
Grants	
Juvenile and Family Services grant programs	564
Child Support Enforcement Unit grants	390
Problem-solving courts.....	105
Mediation and conflict resolution	168
Other grant adjustments	-686
Other Spending	
Contractual payments for armored car, messenger, and computer network services	1,421
Miscellaneous costs	950
Administrative Office of the Courts building lease renewals and insurance	945
Appointed Attorney Program.....	750
Equipment repairs and maintenance	281
Minor building repair renovation projects for District Court	138
Statutory payment to the State Archives.....	-500
District Court lease costs	-701
Total	\$30,554

Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

As illustrated in **Exhibit 13**, the majority of the budget change is for personnel with growth twice as large as all other spending increases combined, providing a net increase of \$20.4 million. Spending for major IT projects increases by approximately \$6.3 million in fiscal 2021, accounting for 20% of the total change. The additional spending is primarily associated with a number of new projects that begin in fiscal 2021, including case notification, data repository, and mobile information projects. Major IT projects are discussed in more detail in the Issues section of this analysis.

Exhibit 13
Budget Request Changes
Fiscal 2021
(\$ in Thousands)



Source: Department of Legislative Services

Statewide Salary Enhancements

The fiscal 2021 budget request for the Judiciary creates a similar situation to the previously discussed issue that occurred for fiscal 2020. The Judiciary’s budget request provides a 3.5% merit increase (\$6.2 million) for its employees while statewide, a fiscal 2021 COLA provides a 2% salary increase to Executive Branch employees. Because the Judiciary provided \$6.2 million in its budget to its employees, DBM did not include funding for the fiscal 2021 2% COLA for the Judiciary in the statewide account. Budgeting general salary increases and merit increases in separate places creates confusion and makes it difficult to evaluate the full compensation picture for judicial employees compared to other State employees.

As the Judiciary is a separate branch of government, and therefore a separate employer, the branch is fully sanctioned by law to offer increased compensation to its employees over and above what

the State offers other employees. However, it must fund that extra compensation from within the legislatively approved appropriation. **Therefore, DLS recommends the following:**

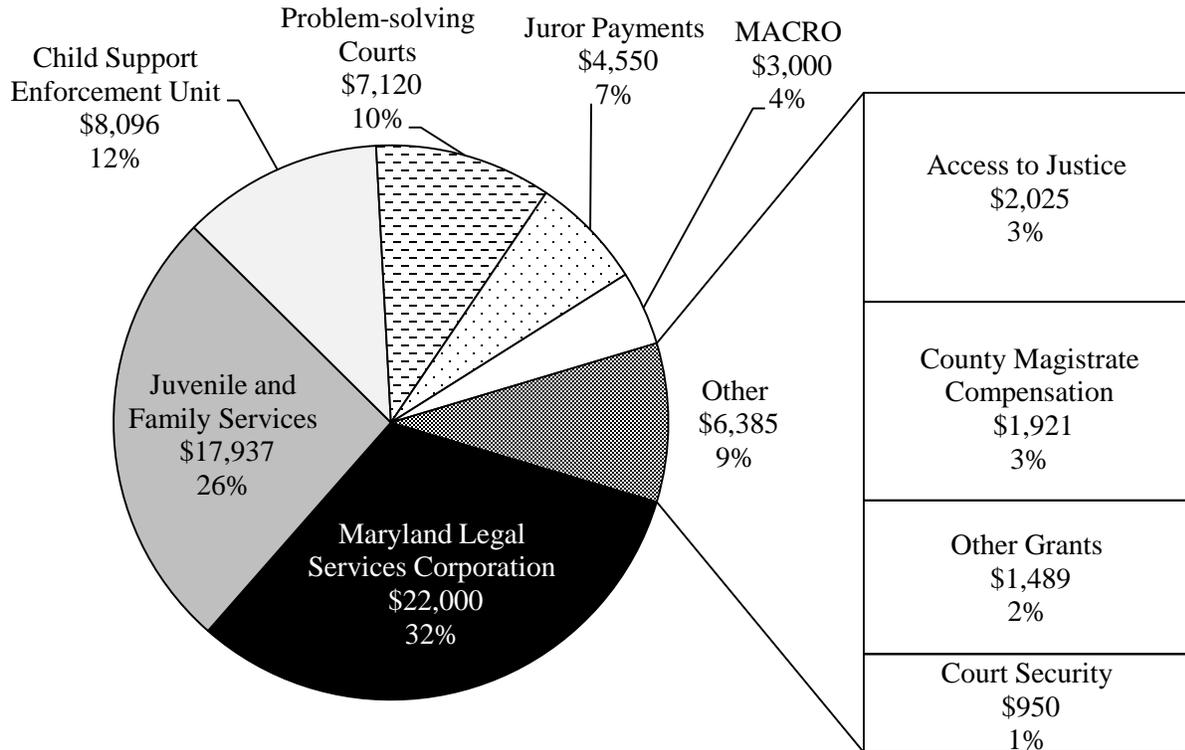
- **delete the Judiciary 3.5% merit salary increase in fiscal 2021 (to equalize Judiciary salary increases with other State agencies); and**
- **restore the fiscal 2021 2% COLA of \$4,820,016 to the Judiciary consistent with employees in Executive Branch agencies.**

In the interest of consistency and avoiding any future misunderstanding on this issue, DLS recommends that the Judiciary and DBM coordinate the budgeting of future employee compensation enhancements prior to the submission of the budget.

Grant Programs Total \$69 Million; \$40.6 Million in General Funds

As shown in **Exhibit 14**, agency grants total \$69 million, or 11% of the Judiciary’s total budget request. Approximately one-third of Judiciary’s total grant funding is \$22 million in special funds for the Maryland Legal Services Corporation to make grants to nonprofit organizations with the goal of providing civil legal assistance to low-income State residents. In addition, there is \$17.9 million for juvenile and family-related grants, and over \$8 million for child support enforcement grant initiatives. These types of grant funds generally provide for court-appointed special advocates, family self-help centers, and programs for victims of family violence and justice-involved juveniles. In total, grant funding provided by the Judiciary increases by approximately 2% compared to the fiscal 2020 working appropriation.

**Exhibit 14
General Fund Grant Program
Fiscal 2021
(\$ in Thousands)**



MACRO: Mediation and Conflict Resolution Office

Source: Department of Legislative Services

DLS recommends the total grant allocation for fiscal 2021 be reduced by \$1.3 million in general funds. This will keep all special, federal, and reimbursable fund grants as well as adult drug court and required compensation increases for county magistrates at the requested levels.

Judiciary General Fund Growth Is Higher Than Statewide Growth

Over the past two decades, the Judiciary operating expenses have grown by an average of 4.5% compared to State general fund growth of 3.7%. In fiscal 2021, excluding the appropriation to the Rainy Day Fund, general fund growth for the Executive Branch is 3.3%, which is 1.8 percentage points below Judiciary’s 5.1% growth rate, as shown in **Exhibit 15**. If the Judiciary budget request were to be brought in line with the State spending increase, the Judiciary 2021 allowance would be \$9.9 million less. As one of the three branches of government, there is no question that the Judiciary has an extensive set of unique needs; however, it has been able to expand far more rapidly than most executive agencies in recent years, particularly in terms of salary enhancements for employees and in terms of its IT portfolio.

Exhibit 15 Actual Statewide and Judiciary Operating Expenditures Fiscal 2001-2021 Allowance (\$ in Millions)

<u>Year</u>	<u>All State General Fund Operating Expenditures</u>	<u>Growth %</u>	<u>Judiciary General Fund Expenditures</u>	<u>Growth %</u>	<u>% of Total Expenditures</u>
2001	\$9,281		\$229		2.46%
2002	10,029	8.1%	258	12.9%	2.57%
2003	10,152	1.2%	264	2.2%	2.60%
2004	10,251	1.0%	270	2.2%	2.63%
2005	11,159	8.9%	278	3.2%	2.49%
2006	11,981	7.4%	295	6.2%	2.46%
2007	13,349	11.4%	325	10.2%	2.44%
2008	14,283	7.0%	344	5.6%	2.41%
2009	14,118	-1.2%	367	6.9%	2.60%
2010	13,322	-5.6%	365	-0.5%	2.74%
2011	13,255	-0.5%	370	1.3%	2.79%
2012	14,881	12.3%	374	1.1%	2.52%
2013	14,656	-1.5%	384	2.6%	2.62%
2014	15,505	5.8%	400	4.2%	2.58%
2015	15,913	2.6%	426	6.3%	2.68%
2016	16,140	1.4%	451	5.9%	2.79%
2017	16,885	4.6%	480	6.4%	2.84%
2018	17,169	1.7%	484	0.9%	2.82%
2019	17,869	4.1%	508	4.9%	2.84%
Average		3.71%		4.54%	2.63%
2020 Working	\$19,035 *	6.5%	\$541	6.5%	2.84%
2021 Allowance	\$19,668 *	3.3%	\$569	5.1%	2.89%

*Excludes appropriation to the Rainy Day Fund.

Source: Department of Legislative Services

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While there are certainly situations where the Judiciary needs would justify a budgetary expansion of more than 3.3%, ensuring that its growth remains reasonable from a long-term perspective will enable the Judiciary (and other areas of State government) to have more flexibility to grow when the economy is not as strong. As a result, DLS continues to recommend reduced spending and, to that point, there are multiple items in the Judiciary’s budget that can be calibrated to match fiscal 2019 actual spending, resulting in savings for the State. Together, these items would allow for a total reduction of \$3.5 million and are as follows:

- \$1,161,705 for computer maintenance;
- \$773,431 for building repairs and maintenance;
- \$525,770 for repairs and maintenance;
- \$420,856 for miscellaneous communications;
- \$259,477 for microfilm transfers;
- \$143,363 for advertising and printing services;
- \$112,195 for janitorial services;
- \$76,530 for advertising and publications; and
- \$68,000 for Clerks of the Circuit Court.

Personnel Data

	<u>FY 19 Actual</u>	<u>FY 20 Working</u>	<u>FY 21 Allowance</u>	<u>FY 20-21 Change</u>
Regular Positions	4,028.50	4,048.00	4,103.00	55.00
Contractual FTEs	<u>344.00</u>	<u>356.00</u>	<u>367.00</u>	<u>11.00</u>
Total Personnel	4,372.50	4,404.00	4,470.00	66.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	121.81	3.01%
Positions and Percentage Vacant as of 12/31/19	113.92	2.81%
Vacancies Below Turnover	7.89	

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The fiscal 2021 allowance for the Judiciary includes a total of 55 new regular positions and 11 contractual full-time equivalents. Together, these positions add \$4.1 million to the budget and are as follows:

- 13 District Court clerks and 12 circuit court clerks;
- 5.25 IT specialists in JIS;
- 6 language interpreters;
- 4 problem-solving court managers;
- 4 AOC staff positions;
- 3 constables;
- 2 court supervisors;
- 1 staff attorney in the Rules Committee;
- 1 security trainer;
- 3.75 part-time positions; and
- 11 contractual bailiff positions.

Overall, the Judiciary's spending and personnel growth continue to outpace the State as a whole. As shown in **Exhibit 16**, the Judiciary request is not dissimilar to previous requests. Additionally, the State has authorized 70% of all requested positions from fiscal 2015 to 2020. Since fiscal 2015, the Judiciary has added 322.5 positions (full-time and contractual) and grew its staff by 5.8%. During the same period, all State government agency staff increased by 1.2%.

Exhibit 16
Personnel Requests and Authorizations
Regular Positions and Contractual Full-time Equivalents
Fiscal 2015-2020

<u>Year</u>	<u>New Positions Requested</u>	<u>New Positions Authorized</u>	<u>Actual Positions</u>
2015	100.00	79.00	4,163.50
2016	136.00	80.00	4,243.50
2017	38.00	41.00	4,284.50
2018	51.50	51.50	4,336.00
2019	59.75	39.50	4,372.50
2020	69.50	31.50	4,404.00
Total	454.75	322.50	

Note: The reported fiscal 2020 position count is the working appropriation.

Source: Department of Legislative Services

Judicial Branch Vacancies Remain Low; No Judgeship Requests in 2021

Similar to other states in recent years, Maryland has seen an improved economic outlook with higher overall wages and employment but continued relative lower wages in State government. Additionally, the State’s Executive Branch faces continued difficulty in hiring and retaining employees. The Judiciary is unique in that, as an independent branch of government, it is very large in size but, its vacancy rate is extremely low. In fiscal 2014, the Judiciary studied its personnel complement and compensation issues in conjunction with a consulting firm to address complaints from employees about insufficient salaries and related issues. The study identified various issues regarding inconsistent job titles, descriptions, and pay as well as deficiencies regarding the pay structure and improperly graded positions. Over the years, the Judiciary has continued to address these issues by solidifying its compensation structure; raising pay in an equitable fashion; and introducing consistent, incremental increases in salary.

The Judiciary’s proactive approach to personnel has also extended to its judgeships. While the branch requested multiple judgeships in fiscal 2020, it has no requests for fiscal 2021, and no immediate plans for the upcoming fiscal year. Requests for judgeships are impacted by expressed demand driven by workload and the availability of adequate courtroom space and resources. Dramatic case declines, such as those seen in Baltimore City, offer an opportunity for the Judiciary to move existing judges and staff to other jurisdictions. Currently, the Judiciary reports that even though it requested no judges in fiscal 2021, it does need three District Court and three circuit court judges. One of the districts with the least amount of need (Baltimore City) has a nine judge surplus. In keeping with both prudence and the need for flexibility, if the branch were able to transfer judges as it would any other employee, it could

reduce the need for new, expensive, and time-consuming judgeship requests. Judges could conceivably be deployed immediately to a district in need. **As a result, DLS recommends that the Judiciary report on the possibility of introducing judgeship changes that would allow the branch to transfer judges where they are needed and to update the committees on what type of statutory requirements this might entail.**

Personnel Spending Grows by \$21 Million; Adjustments Would Be Prudent

In fiscal 2021, the Judiciary's personnel expenses grow by \$20.4 million and account for over \$400 million in total personnel spending, of which \$4.1 million consists of new positions. As was illustrated previously in this analysis, the Judiciary's general fund growth rate was 5.1%. Likewise, its personnel budget grows by 6.6%. If the Judiciary's personnel funding alone were held to 3.3% growth, its budget would actually need to be reduced by \$13.4 million. The entirety of this \$13.4 million increase consists of new positions and salary enhancements (merit increases to employees plus the 1% fiscal 2020 COLA). **As a result, DLS recommends that all new positions except for problem-solving court case managers/coordinators and Baltimore County clerks be deleted, which would result in a budget reduction of \$3.6 million.**

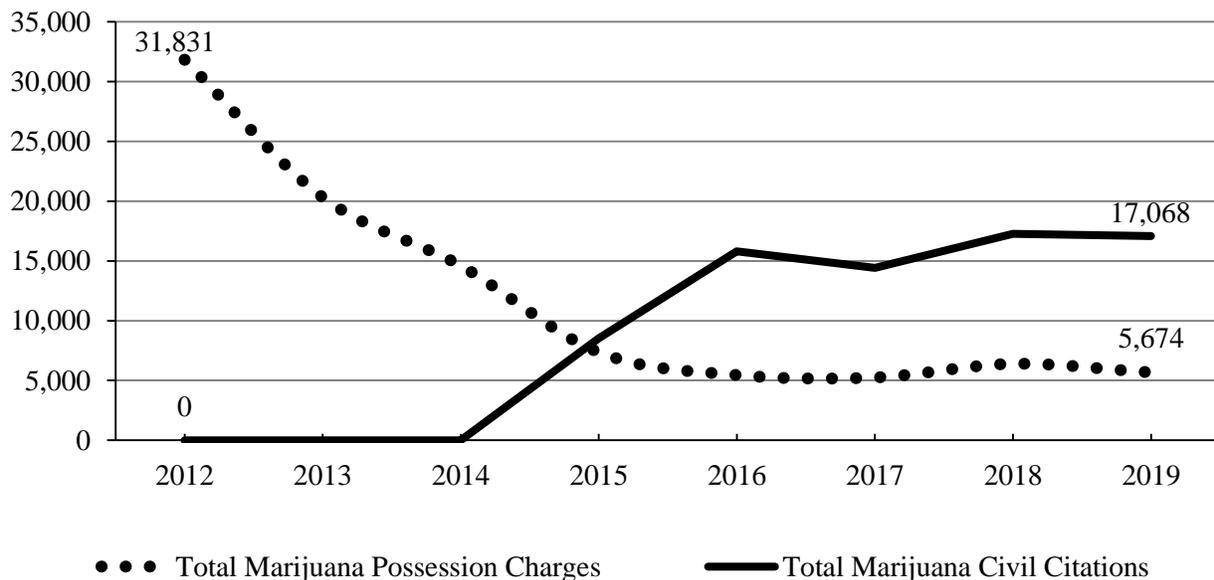
Other adjustments can be made based on historically consistent areas of year-end reversions. In fiscal 2019, the Judiciary returned over \$2.6 million in unneeded contractual employee salaries, travel expenses, and for renovation projects that did not take place. Another \$9.1 million was reverted as the Judiciary had lower than anticipated IT expenditures, for a total of \$11.7 million in reversions. In fiscal 2018, the Judiciary reverted just over \$10 million for similar items. **Therefore, DLS recommends that funding be reduced by \$1.5 million.**

Issues

1. Expungements Increase Significantly in State Courts

Pursuant to Sections 10-101 to 10-110 of the Criminal Procedure Article, Maryland citizens can have certain criminal records expunged and removed from public inspection. While there are a variety of eligible crimes, misdemeanors, and documents that can qualify for expungement, the most common are (1) Motor Vehicle Administration driving-related offenses; (2) police files created during a detainment without charges; and (3) court/police records related to crimes, civil offenses, and infractions. In addition, an individual can have court records expunged upon being found not guilty or criminally responsible for certain crimes, or if the charges were dismissed in court. Previously, expungements were relatively rare or at least not common; for example, a gubernatorial pardon or a *nolle prosequi* (where the State declines to prosecute a case) would qualify for an expungement. In recent years, the State has seen numerous statutory changes that have increased the various case types that qualify for expungement. In fiscal 2015, possession of marijuana for personal use was decriminalized in the State. As shown in **Exhibit 17**, marijuana possession charges have decreased significantly, while marijuana civil citations have increased.

Exhibit 17
Marijuana Criminal Charges vs. Civil Citations
District Court
Fiscal 2012-2019



Source: Maryland Judiciary

Expungement Petitions More Than Double Since Fiscal 2014

In fiscal 2014, there were 33,800 expungement petitions in the State. That total has increased to 85,459 in fiscal 2019, a 153% increase. While expungements are not criminal cases, they are taking up a larger percentage of State court duties and can add more than 90 minutes to processing times per case. **Exhibit 18** depicts statewide expungements by jurisdiction.

Exhibit 18 Expungement Petitions by Jurisdiction Fiscal 2019

<u>County</u>	<u>District Court</u>	<u>Circuit Court</u>
Allegany	935	174
Anne Arundel	7,203	648
Baltimore City	21,101	3,789
Baltimore County	8,386	1,745
Calvert	1,213	55
Caroline	268	41
Carroll	848	196
Cecil	1,165	238
Charles	1,954	253
Dorchester	566	86
Frederick	1,368	236
Garrett	184	11
Harford	1,753	364
Howard	2,575	253
Kent	151	36
Montgomery	6,596	580
Prince George's	12,094	1,478
Queen Anne's	522	62
Somerset	413	58
St. Mary's	1,016	109
Talbot	372	35
Washington	842	187
Wicomico	1,608	185
Worcester	1,375	132
Total Expungements	74,508	10,951

Source: Maryland Judiciary

Because expungements continue to increase statewide, DLS recommends committee narrative requesting a report on select expungement data including an analysis of the effect that these petitions are having on the Maryland Judiciary, its courts, and employee workloads.

2. Maryland Electronic Courts Deployment Remains on Schedule; Judiciary’s Major IT Projects Move Forward

For fiscal 2021, the Judiciary continues to provide a master planning document that gives a detailed review of its current IT projects that are funded by the Land Records Improvement Fund (LRIF). First among these is the Maryland Electronic Courts (MDEC) initiative. Started in fiscal 2012, MDEC has been the central IT project for the Judiciary and is a large, complex project endeavor designed to move the Maryland court system online. After its initial deployment in Anne Arundel County in fiscal 2015, MDEC has been implemented nearly statewide with just three jurisdictions remaining: Montgomery and Prince George’s counties; and Baltimore City. The Montgomery County deployment, while scheduled for February 2020, has been delayed to October due to integration issues with the county’s older, legacy case management system. Prince George’s County and Baltimore City are still on schedule for deployment in fiscal 2021.

In terms of its budget, the MDEC project previously had total costs of \$74.6 million. In fiscal 2021, total estimated costs for the project decrease by just over \$1 million due to reduced spending that includes IT employee compensation. Because MDEC has a wide variety of options and will continue to change as the Judiciary expands, there are some areas of the project that may have had unforeseen consequences. One example of this is MDEC’s ability to allow users to shield certain case records from other users in the system. Because of this option, some attorneys – not judges – are able to designate certain filings as confidential. **Judiciary should comment on this issue and what steps are being taken to close this loophole.**

Exhibit 19 provides more detail on the Judiciary’s entire slate of IT projects. A description of each project can be found in **Appendix 1**.

Exhibit 19
Judiciary IT Master Plan
Fiscal 2021

Project	<u>Pre-2020 Expenditures</u>	<u>2020 Request</u>	<u>2021 Request</u>	<u>2022-2025 Planned Expenditures</u>	<u>Previous Estimate</u>	<u>Updated Estimate</u>	<u>Cost Increase/Decrease</u>
MDEC	\$63,634,694	\$8,715,351	\$8,835,617	\$1,100,000	\$74,645,948	\$73,570,311	-\$1,075,637
Courthouse eReadiness	9,717,560	3,958,930	3,308,946	1,250,000	14,253,224	14,276,506	23,282
Cyber Security	2,533,197	400,000	400,000	0	3,360,420	2,933,197	-427,223
Attorney Information System	2,043,702	675,842	300,000	0	2,117,783	2,343,702	225,919
CaseSearch Version 2.0	1,041,048	369,240	614,688	0	1,063,866	1,655,736	591,870
Infrastructure Initiative	1,864,581	955,000	1,450,000	1,215,000	3,685,000	4,529,581	844,581
VoIP Phase I	264,000	264,000	950,750	950,750	2,165,500	2,165,500	0
Case Notification*	0	0	500,000	2,700,000	3,200,000	3,200,000	0
Mobile Information*	0	0	500,000	8,750,000	9,250,000	9,250,000	0
Data Repository*	0	0	1,500,000	7,000,000	8,500,000	8,500,000	0
Digital Evidence	0	0	0	6,600,000	6,600,000	6,600,000	0
Cashiering Upgrade	0	0	0	2,150,000	2,150,000	2,150,000	0
AIS Enhancements	0	0	0	2,750,000	2,750,000	2,750,000	0
Records Management	0	0	0	9,500,000	7,500,000	9,500,000	2,000,000
VoIP – Enterprise Deployment	0	0	0	7,000,000	6,000,000	7,000,000	1,000,000
Total	\$81,098,782	\$15,338,363	\$18,360,001	\$50,965,750	\$147,241,741	\$150,424,533	\$3,182,792

AIS: Attorney Information System
IT: information technology
MDEC: Maryland Electronic Courts
VoIP: Voice over Internet Protocol

* Denotes projects with new funding in fiscal 2021.

Source: Maryland Judiciary

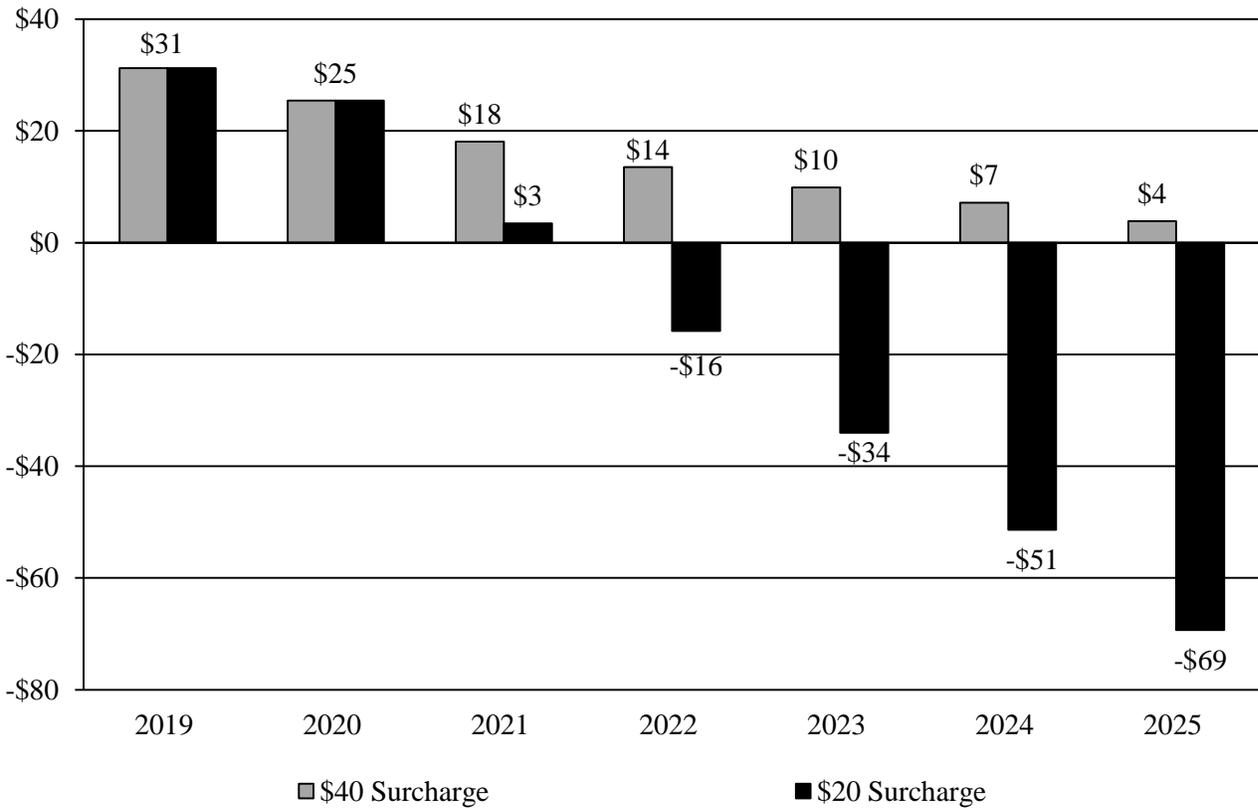
As the Judiciary continues to grow its IT portfolio, overall expenditures are measured; as completed projects are removed from the master plan and new projects are added, the branch has been responsible in controlling spending. As seen in Exhibit 19, while cost estimates between fiscal 2020 and 2021 have varied, total IT project increases are nearly \$3.2 million. This is a reasonable 2.1% increase, but one that is still subject to change. In addition, the Judiciary has been a good steward in terms of returning unused IT allocations to the general fund. However, despite the slight decrease in MDEC's overall project costs, MDEC and the Judiciary's entire IT portfolio continue to be large-scale items that will be affected by a significant deficit in the LRIF that funds them.

3. LRIF May Become Insolvent

The LRIF, or Circuit Court Real Property Records Improvement Fund, was created to stabilize and modernize operations in the land records offices of the circuit court. The LRIF remains funded by a surcharge on recordable land instruments that are items related to property matters such as deeds, mortgages, leases, and grants. These items, when filed or recorded, are then assessed a charge. In calendar 2011, the LRIF surcharge was increased from \$20 to \$40 by Chapter 397, the Budget Reconciliation and Financing Act (BRFA) of 2011, and this increase will sunset at the end of fiscal 2020. The Judiciary estimates that reverting to a \$20 surcharge would reduce the fund's balance to \$3.4 million in fiscal 2021, and the LRIF would run substantial deficits thereafter. Even with the current surcharge of \$40, the fund balance will continue to decrease through fiscal 2025.

Currently, the LRIF is projected to have a structural deficit through fiscal 2025 as IT costs continue to increase. However, these IT costs are largely maintenance costs related to land records and e-filing operations. Overall, the Major IT Project Development portion of the LRIF declines in the coming years as MDEC costs decrease upon the project's deployment. As a result, the structural deficit is predicted to decline from \$7.3 million in fiscal 2021 to \$3.3 million by fiscal 2025. This leaves the Judiciary with enough funding in the current scenario to pay for LRIF-funded operations. In any case, if the surcharge reverts back to \$20, these same, relatively set costs in the LRIF will no longer be supplemented by nearly \$30 million a year in surcharge fees. This will put considerable pressure on the LRIF's fund balance, moving the structural deficit to nearly \$18 million by fiscal 2025, by which time the fund's total balance will decrease from an estimated \$3.4 million to a negative \$70 million, as depicted in **Exhibit 20**.

Exhibit 20
LRIF Estimated Balance
Fiscal 2019-2025
(\$ in Millions)



LRIF: Land Records Improvement Fund

Source: Maryland Judiciary; Department of Legislative Services

The Judiciary should comment on the financial position of the LRIF and its plans to stabilize the fund, even with the \$40 surcharge intact. In addition, DLS recommends that the General Assembly permanently extend the \$40 surcharge as part of the BRFA of 2020.

Operating Budget Recommended Actions

1. Add the following language:

Provided that \$3,554,879 in general funds for new positions is reduced and 57.0 new positions (46 regular employees and 11 full-time equivalent contractual bailiffs) are eliminated.

Explanation: This action eliminates 57.0 general funded positions (46 regular employees and 11 contractual bailiffs) in the Judiciary’s fiscal 2021 budget. This expansion of services is unaffordable in light of the Judiciary’s overall budget request. This reduction does not include the problem-solving court case managers/coordinators and Baltimore County clerk positions.

2. Add the following language:

Provided that \$5,713,700 in general funds, \$377,991 in special funds, and \$83,363 in reimbursable funds for employee merit increases in fiscal 2021 is reduced. The Chief Judge is authorized to allocate this reduction across the Judiciary.

Explanation: This action eliminates funding for fiscal 2021 merit salary increases for Judiciary employees. A separate action provides funding for a cost-of-living adjustment, keeping salary enhancements for Judiciary employees consistent with the Executive Branch.

3. Add the following language:

Provided that the Judiciary’s budget is increased by \$4,537,198 in general funds and \$282,818 in special funds to provide employees with a 2% general salary increase. The Chief Judge is authorized to allocate these funds across the Judiciary.

Explanation: This action provides funding to the Judiciary to provide its employees with a 2% general salary increase in fiscal 2021, the same salary enhancements given to other State employees.

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

, provided that \$8,250,000 of the general fund appropriation may be expended only for the purpose of providing attorneys for required representation at initial appearances before District Court Commissioners consistent with the holding of the Court of Appeals in *DeWolfe v. Richmond*. Any funds not expended for this purpose shall revert to the General Fund.

Explanation: This language restricts the use of \$8.25 million of the Judiciary’s general fund appropriation for the implementation of *DeWolfe v. Richmond*.

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	<u>Amount Reduction</u>	
5. Reduce funding for the Appointed Attorney Program by \$250,000. This action leaves \$8.25 million for the program, which should be sufficient to meet demand based on historic utilization.	250,000	GF
6. Reduce funding for subobjects related to building repair and computer maintenance, supplies and equipment, communications, advertising and printing, microfilm, and the Clerks of the Circuit Court. The Chief Judge is authorized to allocate this reduction across the Judiciary.	3,541,327	GF
7. Reduce operating expenses in line with historical levels of spending.	1,500,000	GF
8. Reduce the appropriation for general fund grants to the same level as fiscal 2019 actual expenditures. This will keep all special, federal, and reimbursable fund grants as well as adult drug court and required compensation increases for county magistrates at the requested levels.	1,309,751	GF
9. Adopt the following narrative:		

Appointed Attorney Program Costs and Utilization: The committees remain interested in the costs and operations of the Appointed Attorney Program. The committees request a report, to be submitted by October 1, 2020, detailing the fiscal 2020 costs and utilization of the Appointed Attorney Program.

Information Request	Author	Due Date
Appointed Attorney Program costs and utilization	Judiciary	October 1, 2020

10. Adopt the following narrative:

Adult Drug Court Evaluations and Transparency: The committees are concerned about the ongoing impact of drug addiction in the State and the role that adult drug courts can play in the State’s response to this crisis. The committees request that the Office of Problem Solving Courts

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(OPSC) prepare a status report on how it intends to use performance evaluation benchmarks developed by the National Center for State Courts (NCSC). Specifically, the status report should address the following issues:

- the status of the implementation of a performance management system for adult drug courts in the State;
- whether and to what extent OPSC has adopted the objectives and benchmarks for adult drug courts developed by NCSC;
- whether OPSC has a plan for the evaluation of outcomes for each adult drug court at regular intervals;
- how OPSC will ensure that service providers and drug court managers are providing all data necessary for evaluation;
- whether the Judiciary intends to make results of performance evaluations available to the public; and
- an estimate of the variable correctional, court, and other savings associated with adult drug courts.

Information Request	Author	Due Date
Adult drug court evaluations and transparency	Judiciary	July 1, 2020

11. Adopt the following narrative:

Judicial Transfers Report: While cases filed in State courts have declined (but have begun to level off) the Judiciary has not always seen judicial or employee workloads decrease at the same rate. At the same time, dramatic case declines such as those seen in Baltimore City offer an opportunity for the Judiciary to move judges and staff to other jurisdictions. Currently, the Judiciary has the ability to recall senior judges in extenuating circumstances to fill a need. In addition, pursuant to Section 1-605(c) of the Courts and Judicial Proceedings Article, the Judiciary can also assign a judge to sit temporarily in a county other than the judge’s county of residence to assist in reducing workloads in that county. However, these are temporary, short-term solutions. In keeping with both prudence and the need for flexibility, if the Judiciary were able to transfer judges as it would any other employee, it could reduce the need for new, expensive, and time-consuming judgeship requests and save funding for the State.

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As a result, the Judiciary should report to the committees on its current abilities under the law to provide workload relief to the State courts; details on the type of statutory changes that would be required to assign judges as needed; consultation with the National Center for State Courts or other legal authorities that support this type of adjustment; and any other pertinent information that would allow the budget committees to understand if judicial transfers could be a viable option for both the Judiciary and the State to reduce workloads and unnecessary expenses.

Information Request	Author	Due Date
Judicial transfers report	Judiciary	November 1, 2020

12. Adopt the following narrative:

Statewide Expungement Report: Pursuant to Sections 10-101 to 10-110 of the Criminal Procedure Article, Maryland citizens can have certain criminal records expunged and removed from public inspection. While there are already a variety of eligible crimes, misdemeanors, and records that can be expunged, numerous statutory changes have increased the various case types that qualify for expungement. Currently, the number of expungements is 44% as high as the number of criminal cases statewide. As this trend continues, the Judiciary’s expungement workload has increased significantly. The committees are interested in this topic and request that the Judiciary submit a report which includes the following:

- data on the type of crimes or citations expunged;
- the number of expungements per jurisdiction in the last three fiscal years;
- the ratio of expungements to criminal cases in District and circuit courts for the last three fiscal years;
- the current expungement caseload for Judiciary employees; i.e. the amount of time taken to process expungement petitions on average in each jurisdiction or court district;
- to the extent possible, an accounting of the additional hours that expungements have added to the court workload and the number of employees required to absorb the added expungement processing time; and
- information on the expungement process in State courts from petition application to approval or rejection, and any Judiciary efforts to educate the public on the expungement process.

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Information Request	Author	Due Date
Statewide expungement report	Judiciary	November 1, 2020

	<u>Amount Reduction</u>	
13. Reduce fiscal 2020 deficiency funding for a 3% cost-of-living adjustment. The Chief Judge is authorized to allocate this reduction across the Judiciary. This action equalizes enhancements to Judiciary employee salaries with those of State employees.	5,629,947	GF
	355,902	SF
Total Reductions to Fiscal 2020 Deficiency	\$ 5,985,849	
Total General Fund Reductions to Allowance	\$ 16,331,011	

Budget Reconciliation and Financing Act Recommended Actions

1. Amend statute to permanently extend the \$40 surcharge for the Circuit Court's Real Property Records Improvement Fund.

Appendix 1 2019 Joint Chairmen’s Report Responses from Agency

The 2019 *Joint Chairmen’s Report* (JCR) requested that the Judiciary prepare six reports. Electronic copies of the full JCR responses can be found on the Department of Legislative Services Library website.

- ***Adult Drug Court Evaluations and Transparency:*** This report provided information regarding the Judiciary’s diversionary adult drug court along with data on court participants, recidivism, and cost data. Recidivism rates varied greatly in fiscal 2019, but reductions to recidivism ranged from 18% to 83% for drug court participants. The report indicated that savings were generated from the combination of a reduction in recidivism, lower costs associated with diversion to drug court participation rather than incarceration, and reductions in substance-abuse-related criminal activity. Drug court savings ranged from \$2,767 to \$4,896 per drug court participant for the two years after exiting the program. The daily cost to the State per drug court participant was \$15.67 a day; meanwhile the cost of incarceration in jail and prison were over \$117 and \$85 per person per day, respectively.
- ***Appointed Attorney Program Costs and Utilization:*** This report provided detail and data on the Appointed Attorney Program that provides representation to indigent defendants during initial appearances, including the number of attorney cases and funding per jurisdiction. Further discussion of this data can be found in the Managing for Results (MFR) section of this analysis.
- ***Baltimore City Asbestos Docket:*** This report presented information about the asbestos litigation and associated court docket in Baltimore City, including a summary of case disposition, Judiciary resources assigned to this docket, and information about how these cases have been managed.
- ***Impact of Changes to Pretrial Release Rules:*** This report provides information on pretrial release and select bail data, including the number of individuals released on bail and those held without bail. Further discussion of this data can be found in the MFR section of this analysis.
- ***Status of the Maryland Electronic Courts (MDEC) Rent Court Module Development:*** This report provides information on the Judiciary’s MDEC project and its technical issues regarding rent court filings within the system.
- ***Workloads and Balancing of Judicial Resources:*** This report presented data on Judiciary employee workloads, the number of cases, and information from the courts about strategies to address and balance workloads in State courts. More information on this topic is discussed in the Personnel section of this analysis.

Appendix 2 Judiciary Major Information Technology Projects

There are 10 projects with a total of \$18.4 million in the Judiciary’s fiscal 2021 budget request.

- **Attorney Information System (AIS):** AIS is a centralized, web-based focused platform that allows attorneys to store key information about their practice, including certifications and bar admissions, and has an electronic payment portal so that they can pay required fees. As of November 2019, over 40,000 attorneys were registered in the system, and 80% used the payment portal.
- **Case Notification:** The pilot project for this initiative enables the Judiciary to send text notifications to criminal defendants, notifying them of their hearings. The next phase is designed to expand the branch’s capability in terms of notifying and reminding litigants when and where their hearings will take place and increase the likelihood that individuals will be present in court.
- **Case Search 2.0:** This project creates a public web interface for accessing District and circuit court case information. Stakeholders with access will also include law enforcement agencies, the Department of Public Safety and Correctional Services, and the State’s Attorney’s and Attorney General’s offices.
- **Courthouse eReadiness:** This project will improve the State’s courthouse infrastructure by preparing systems, particularly telecommunications, to bear the load required by the Maryland Electronic Courts (MDEC). Additionally, audiovisual equipment will be installed in the courthouses to facilitate interactive technology capability, including Court TV, that will offer streaming video and live updates about court proceedings.
- **Cybersecurity:** This project is designed to enhance the Judiciary’s information technology (IT) security and now includes disaster management capabilities in case of a natural disaster or other emergency event that may compromise the Judiciary’s computer networks.
- **Data Repository:** A Request for Proposal (RFP) will be placed in fiscal 2020 with the goal of moving forward on a project that will consolidate branch data and allow for a flexible database that can create and report on specialized data sets and improve Judiciary business and data processes.
- **Infrastructure Initiative:** The Judiciary has implemented a new virtual server system with various cloud-computer solutions to assist with its database and large image archive.
- **MDEC:** The central component of Judiciary’s IT program. Full deployment occurs in fiscal 2021.
- **Mobile Information:** With the presence of MDEC in nearly all of the State, this project will allow the Judiciary to create and deploy mobile applications connected with MDEC that can retrieve key case information as well as other technologies to ease remote connection to Judiciary data.

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- ***Voice over Internet Protocol (VoIP) Phase I:*** The Judiciary is replacing its legacy phone networks with VoIP systems that will enhance and expand its communications abilities. The current phase of this project will provide a pilot program in Annapolis to test the capabilities of this new system, and an RFP for implementation is scheduled for completion in calendar 2020.

**Appendix 3
Object/Fund Difference Report
Judiciary**

<u>Object/Fund</u>	<u>FY 19 Actual</u>	<u>FY 20 Working Appropriation</u>	<u>FY 21 Allowance</u>	<u>FY 20 - FY 21 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	4,028.50	4,048.00	4,103.00	55.00	1.4%
Total Positions	4,028.50	4,048.00	4,103.00	55.00	1.4%
Objects					
01 Salaries and Wages	\$ 366,731,031	\$ 398,995,695	\$ 425,028,100	\$ 26,032,405	6.5%
02 Technical and Spec. Fees	20,422,715	23,309,179	24,320,097	1,010,918	4.3%
03 Communication	11,500,238	11,042,414	11,235,511	193,097	1.7%
04 Travel	2,174,259	2,032,310	2,027,122	-5,188	-0.3%
06 Fuel and Utilities	854,813	881,752	877,158	-4,594	-0.5%
07 Motor Vehicles	162,333	123,310	179,357	56,047	45.5%
08 Contractual Services	70,189,687	76,418,934	83,438,489	7,019,555	9.2%
09 Supplies and Materials	6,210,402	5,418,764	5,518,717	99,953	1.8%
10 Equipment – Replacement	5,101,855	3,672,460	3,874,176	201,716	5.5%
11 Equipment – Additional	11,474,866	2,725,925	3,742,815	1,016,890	37.3%
12 Grants, Subsidies, and Contributions	54,757,663	61,106,386	61,282,474	176,088	0.3%
13 Fixed Charges	15,785,678	18,607,596	18,828,758	221,162	1.2%
14 Land and Structures	1,309,489	1,137,300	1,275,000	137,700	12.1%
Total Objects	\$ 566,675,029	\$ 605,472,025	\$ 641,627,774	\$ 36,155,749	6.0%
Funds					
01 General Fund	\$ 508,038,448	\$ 533,114,348	\$ 566,528,048	\$ 33,413,700	6.3%
03 Special Fund	53,001,173	66,279,578	69,685,515	3,405,937	5.1%
05 Federal Fund	544,637	1,002,752	268,822	-733,930	-73.2%
09 Reimbursable Fund	5,090,771	5,075,347	5,145,389	70,042	1.4%
Total Funds	\$ 566,675,029	\$ 605,472,025	\$ 641,627,774	\$ 36,155,749	6.0%

Note: The fiscal 2020 appropriation does not include deficiencies, planned reversions, or general salary increases. The fiscal 2021 allowance does not include contingent reductions or general salary increases.

**Appendix 4
Fiscal Summary
Judiciary**

<u>Program/Unit</u>	<u>FY 19 Actual</u>	<u>FY 20 Wrk Approp</u>	<u>FY 21 Allowance</u>	<u>Change</u>	<u>FY 20 - FY 21 % Change</u>
01 Court of Appeals	\$ 12,696,230	\$ 13,994,370	\$ 13,892,374	-\$ 101,996	-0.7%
02 Court of Special Appeals	11,978,550	12,976,400	13,819,003	842,603	6.5%
03 Circuit Court Judges	70,631,264	74,658,247	76,750,404	2,092,157	2.8%
04 District Court	189,701,041	201,741,899	218,114,834	16,372,935	8.1%
06 Administrative Office of the Courts	92,288,017	95,050,612	97,965,755	2,915,143	3.1%
07 Court Related Agencies	2,692,972	3,388,351	3,554,118	165,767	4.9%
08 State Law Library	3,347,562	3,698,998	3,896,542	197,544	5.3%
09 Judicial Information Systems	58,079,598	57,852,039	60,339,826	2,487,787	4.3%
10 Clerks of the Circuit Court	114,959,051	126,772,746	134,934,917	8,162,171	6.4%
11 Family Law Division	5,508	0	0	0	0%
12 Major IT Development Projects	10,295,236	15,338,363	18,360,001	3,021,638	19.7%
Total Expenditures	\$ 566,675,029	\$ 605,472,025	\$ 641,627,774	\$ 36,155,749	6.0%
General Fund	\$ 508,038,448	\$ 533,114,348	\$ 566,528,048	\$ 33,413,700	6.3%
Special Fund	53,001,173	66,279,578	69,685,515	3,405,937	5.1%
Federal Fund	544,637	1,002,752	268,822	-733,930	-73.2%
Total Appropriations	\$ 561,584,258	\$ 600,396,678	\$ 636,482,385	\$ 36,085,707	6.0%
Reimbursable Fund	\$ 5,090,771	\$ 5,075,347	\$ 5,145,389	\$ 70,042	1.4%
Total Funds	\$ 566,675,029	\$ 605,472,025	\$ 641,627,774	\$ 36,155,749	6.0%

IT: information technology

Note: The fiscal 2020 appropriation does not include deficiencies, planned reversions, or general salary increases. The fiscal 2021 allowance does not include contingent reductions or general salary increases.