

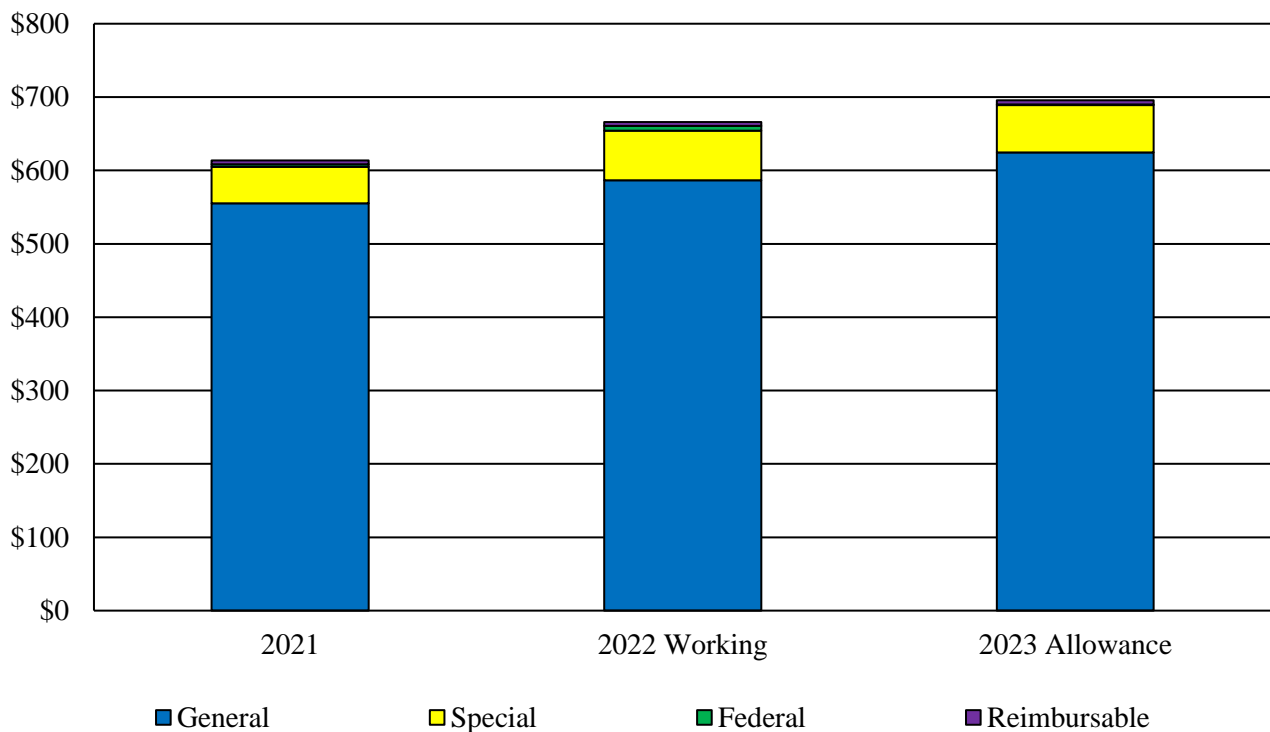
C00A00 Judiciary

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

Fiscal 2023 Budget Increases \$29.4 Million, or 4.4%, to \$695.5 Million (\$ in Millions)



Note: The fiscal 2022 working appropriation and the fiscal 2023 allowance do not reflect funding for all statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments and bonuses.

- The fiscal 2023 allowance includes \$32.0 million in new personnel spending, including \$18.4 million for judicial compensation enhancements and \$2.5 million for 34.75 new regular positions.

Key Observations

- ***2021 Judicial Compensation Commission (JCC) Recommendations:*** The fiscal 2023 allowance includes salary enhancements for judges. The recommendations of the 2021 JCC are to provide a \$10,000 salary increase for all judges in each year from fiscal 2023 to 2026.
- ***Access to Counsel in Evictions Program Rollout Begins:*** The Maryland Legal Services Corporation (MLSC) plans to begin implementing the Access to Counsel in Evictions program. However, funding for this program in fiscal 2023 remains incomplete, and an additional \$6.4 million is needed in order to fully fund the first phase of this program.
- ***Racial Equity Impact Notes Program:*** Data availability concerns within the Maryland Judiciary emerge with the rollout of the Racial Equity Impact Notes program. The nonstandardized data systems used by the courts make it difficult to track the demographic information of defendants.
- ***Fiscal 2021 Court Performance Measures Report:*** The fiscal 2021 Court Performance Measures Report, required by the 2021 *Joint Chairmen’s Report* (JCR), was not submitted. The Judiciary indicated that due to the suspension of case processing standards during the ongoing COVID-19 pandemic, it was not possible to submit this report.

Operating Budget Recommended Actions

1. Add language reducing judicial compensation in line with Judicial Compensation Commission recommendations.
2. Adopt narrative requesting Appointed Attorney Program costs and utilization report.
3. Adopt narrative requesting judgeship need for fiscal 2024 report.
4. Add language restricting funds for the implementation of *DeWolfe v. Richmond*.
5. Add language restricting funds pending submission of Judiciary report on court performance measures.
6. Add language increasing funds for Access to Counsel in Evictions program.
7. Adopt narrative requesting Access to Counsel in Evictions quarterly reports.
8. Add language reducing funds for circuit court clerk salary increases in line with fiscal note estimates.
9. Add language making funding for circuit court clerk salary increases contingent on legislation.

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10. Adopt narrative requesting Judiciary status report on major information technology development.

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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 Rules Committee, the Commission on Judicial Disabilities, and the Maryland State Board of Law Examiners. The Thurgood Marshall 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.

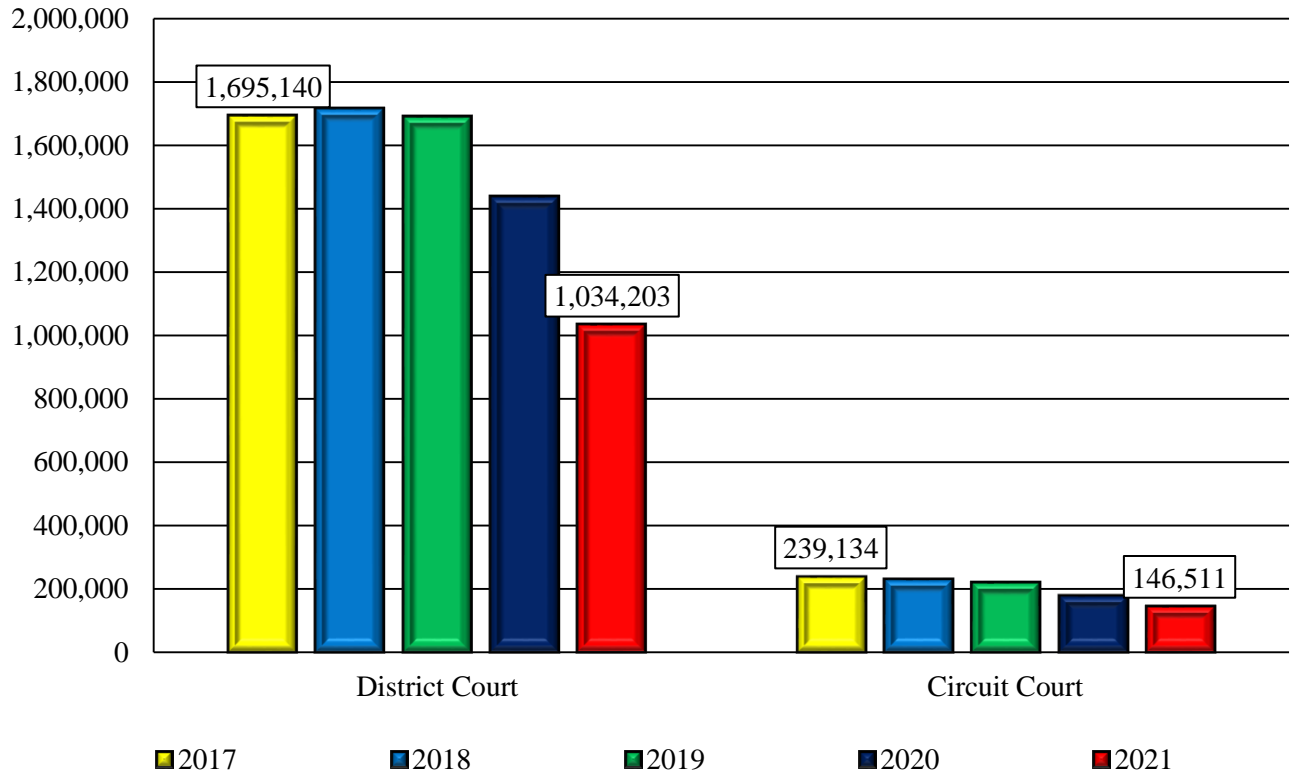
Performance Analysis: Managing for Results

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

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 in the future. Because caseloads in State courts are declining nationwide, this relatively shorter timeframe allows more flexibility to adjust resources if trends change quickly.

In terms of overall case filings, District and circuit courts have seen decreases since fiscal 2017 of 39.0% and 38.9%, respectively. Since fiscal 2020, District Court cases have declined 28.1%, while circuit court cases decreased by 18.9%, as shown in **Exhibit 1**. The sharp decline coincides with the COVID-19 pandemic and limited court operations due to public health measures.

**Exhibit 1
District and Circuit Court Case Filings
Fiscal 2017-2021**

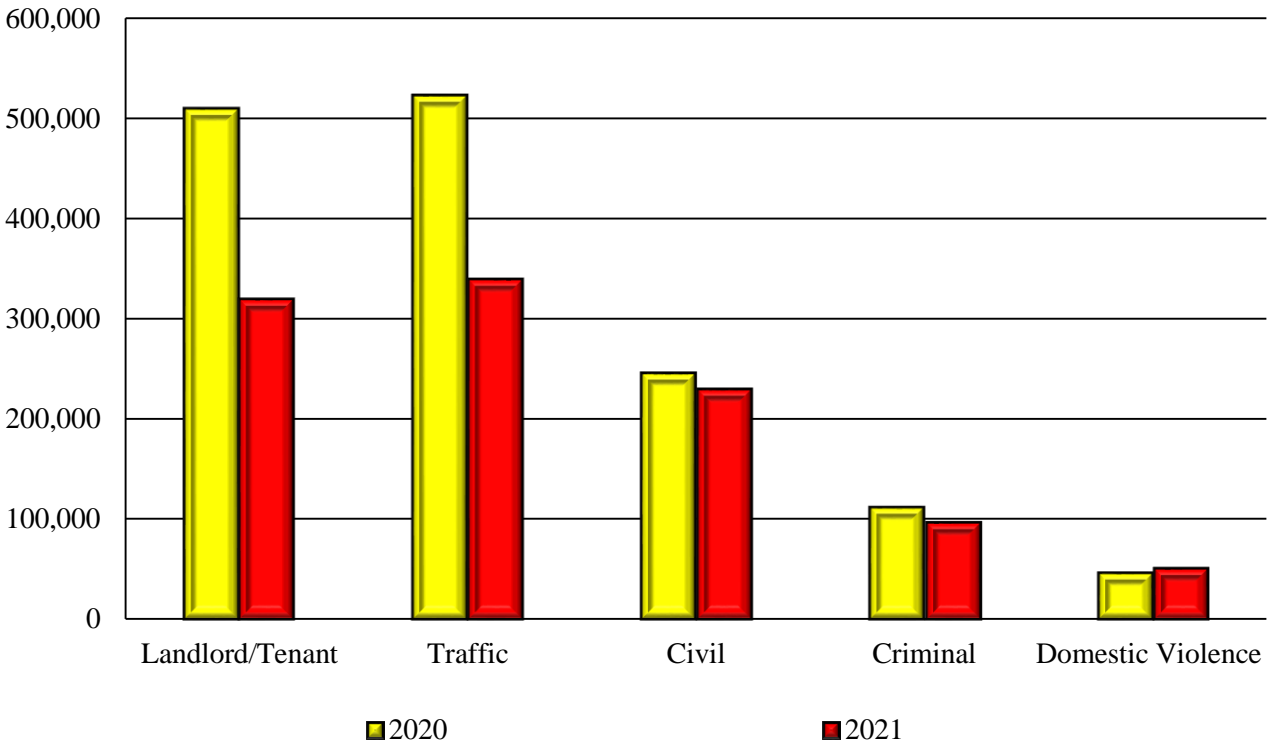


Source: Maryland Judiciary

District Court

All types of cases filed in the District Court declined in fiscal 2021 versus the prior year, as seen in **Exhibit 2**. The most notable decrease was among landlord/tenant cases, which dropped 37.4%, followed by traffic cases falling 35.2%. Criminal cases declined by 14.2%, while domestic violence cases increased by 8.4%.

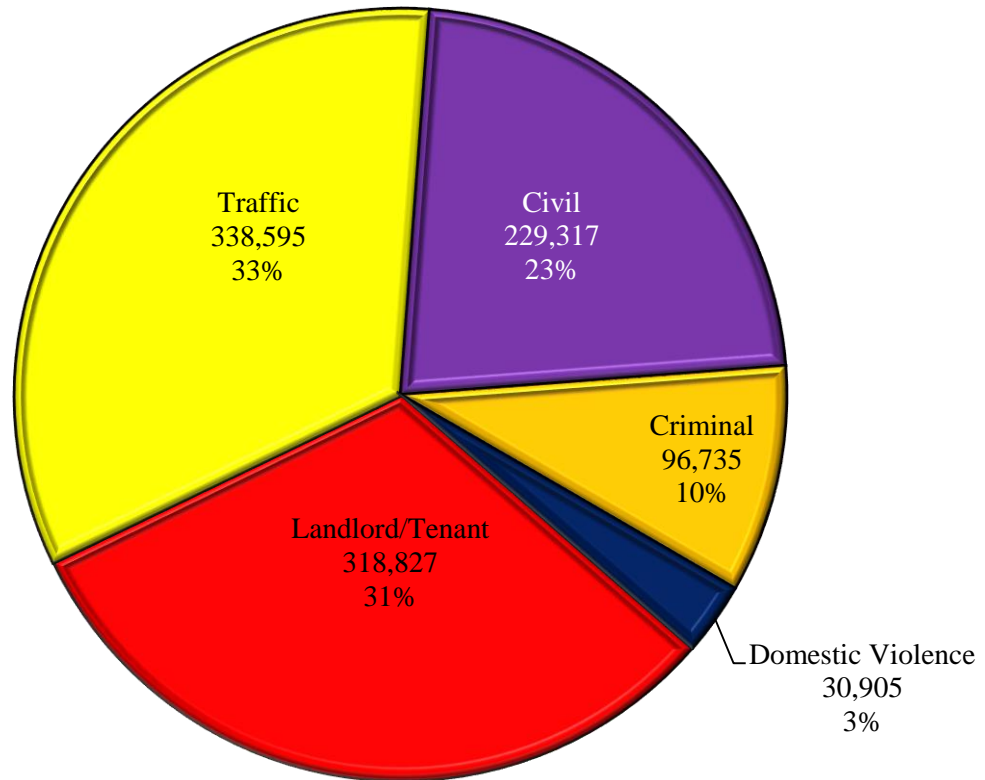
Exhibit 2
Case Type – District Court
Fiscal 2020–2021



Source: Maryland Judiciary

Similar to prior years, landlord/tenant cases and traffic cases make up the two largest case types in the District Courts, as shown in **Exhibit 3**. In fiscal 2021, landlord/tenant cases made up 31% of District Court cases compared to 37% the prior year. Alternatively, traffic cases accounted for 33% of cases in fiscal 2021 versus just 28% in fiscal 2020. **The Judiciary should comment on the extent to which the COVID-19 pandemic is the cause of the decline across all District Court case types or whether other factors are influencing this decline. Specifically, the Judiciary should address the decline in landlord/tenant cases and whether an increase in these cases is expected in fiscal 2022.**

Exhibit 3
Case Types by Percentage – District Court
Fiscal 2021

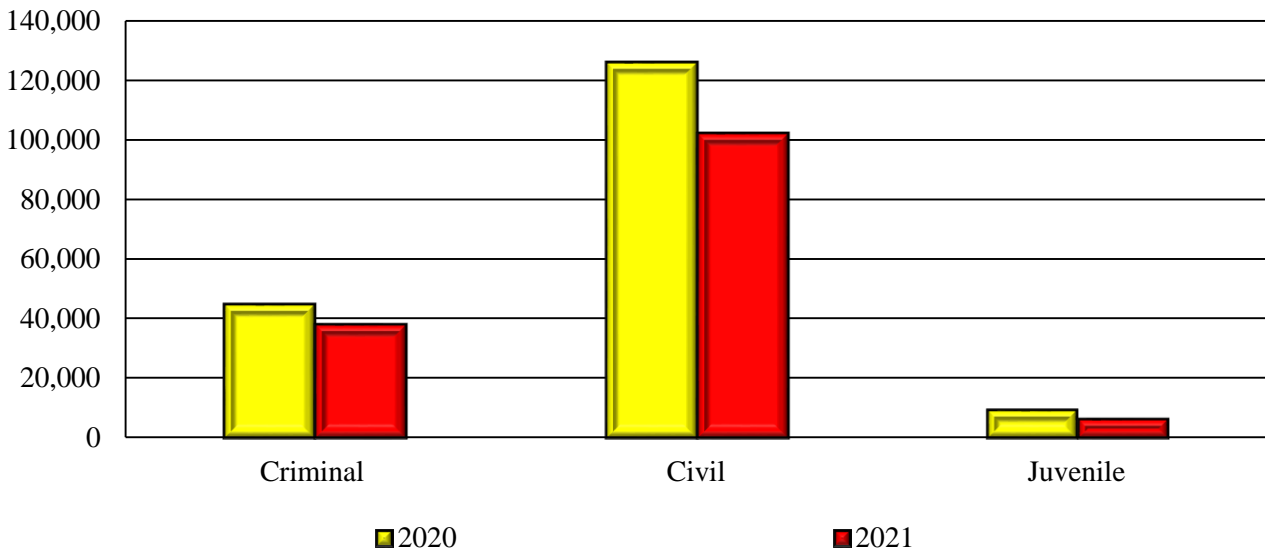


Source: Maryland Judiciary

Circuit Court

Civil cases remained the largest category of circuit court cases in fiscal 2021, as shown in **Exhibit 4**. All three categories – criminal, civil, and juvenile cases – saw decreases from fiscal 2020.

Exhibit 4
Case Types – Circuit Court
Fiscal 2020–2021



Source: Maryland Judiciary

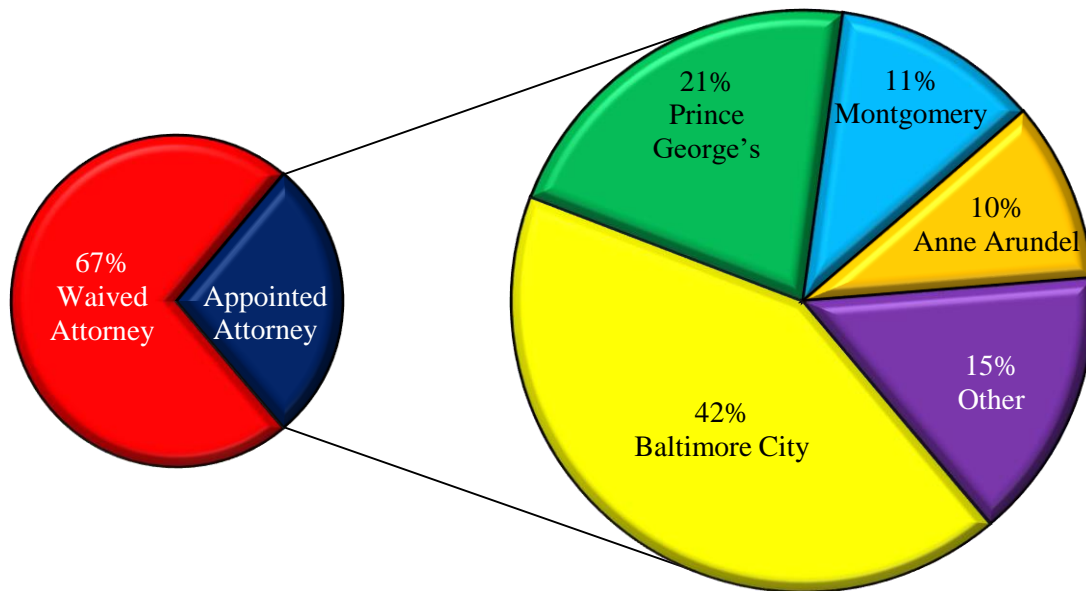
2. Judiciary Programs Expand Citizen Access to Justice

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 \$60 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. In fiscal 2021, \$8.25 million was restricted for this purpose, but only \$6.8 million was used. **Exhibit 5** shows the utilization of the Appointed Attorney Program in different jurisdictions in the State.

Exhibit 5
Appointed Attorney Cases by County
Fiscal 2021



Source: Maryland Judiciary

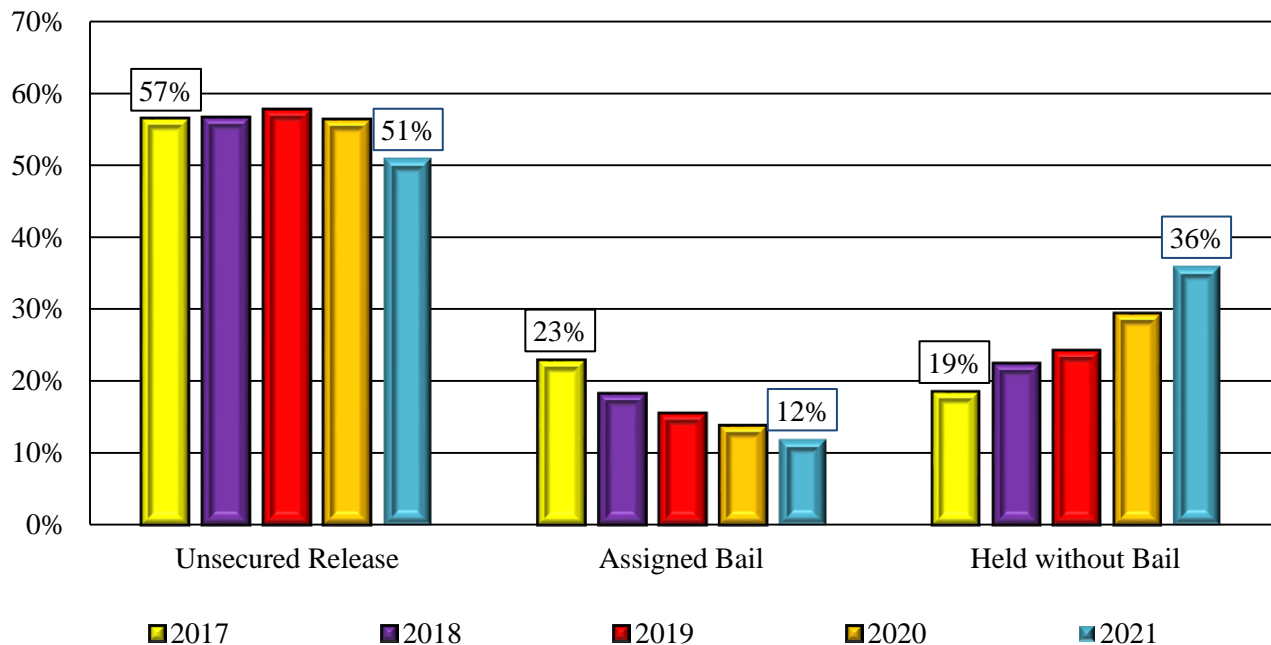
The Department of Legislative Services (DLS) recommends restricting \$8.25 million of the Judiciary's general fund appropriation to be used for the implementation of *DeWolfe v. Richmond*. DLS also recommends adoption of committee narrative requesting a report on the costs and utilization of the Appointed Attorney Program.

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. **Exhibit 6** shows that the number of unsecured releases has decreased since 2017, from 57% to 51%. During the same period, the number assigned bail declined from 23% to 12%, and the number held without bail has risen dramatically from 19% to 36%. The Judiciary states that it has maintained operations throughout the ongoing COVID-19 pandemic. Additionally, the Judiciary has increased the use of video remote hearings to resolve cases

and continues to promote the early resolution of cases using settlement conferences and acceptance of pleas. Judicial administrative orders during the COVID-19 pandemic encouraged pretrial release when it was consistent with victim and public safety. These actions were taken to protect the health of at-risk incarcerated persons and correctional staff. Absent these actions, the number of individuals held without bail would have been higher.

Exhibit 6
Bail Reform: Pretrial Dispositions
Fiscal 2017-2021



Source: Maryland Judiciary

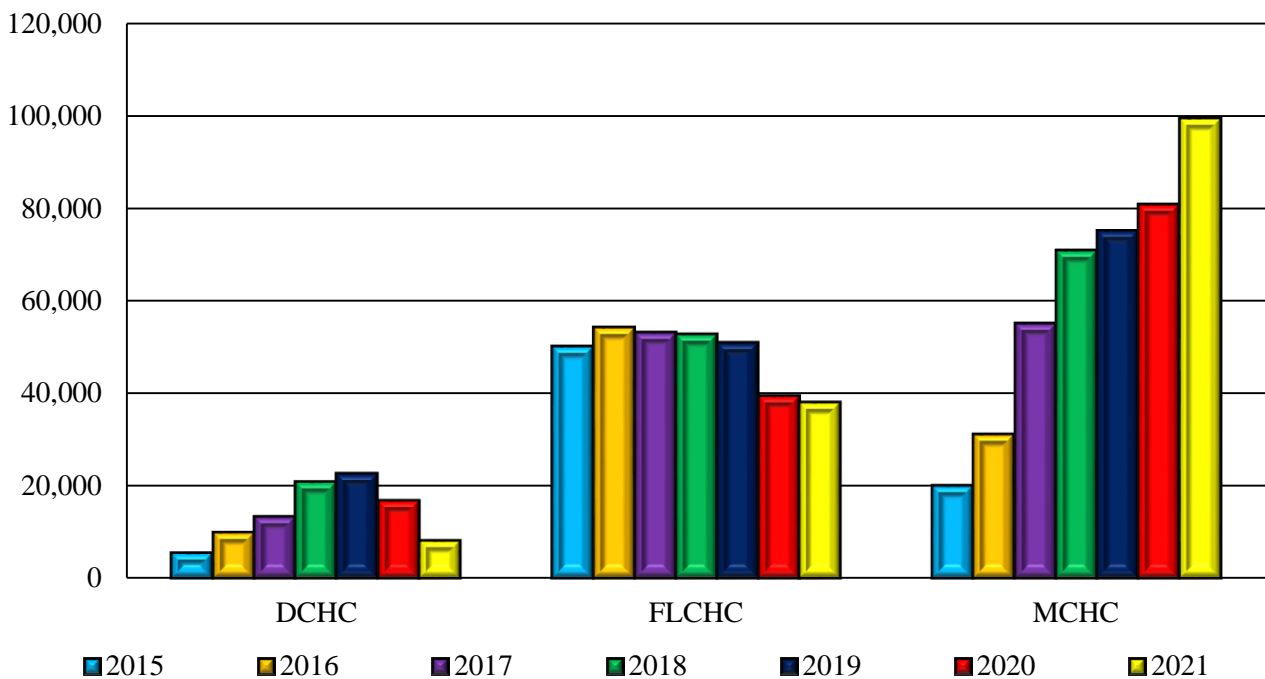
Help Centers Serve Marylanders’ Legal Needs

During the last decade, the Judiciary and pro bono legal service providers in the State have continued to expand the 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 (OPD) 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 2021, the Judiciary offered three principal classes of help centers.

- **Maryland Court Help Centers:** A remote call and contact center that provides assistance via phone, live chat, or email and is staffed by the Maryland Center for Legal Assistance (MCLA).
- **Family Law Help Centers:** These walk-in centers support litigants in family law cases statewide and are supported by grants provided by AOC.
- **District Court Help Centers:** The Judiciary contracts with MCLA to staff these walk-in centers. New locations opened in Hagerstown and Catonsville, bringing the total number to eight.

The Judiciary reports on the number of individuals served by these programs each year, as shown in **Exhibit 7**. The Maryland Court Help Center has remained fully functional throughout the COVID-19 pandemic due to operating remotely. The District Court and Family Law Help Centers are walk in and, therefore, were impacted by COVID-19 closures in both fiscal 2020 and 2021.

Exhibit 7
Utilization of Judicial Self-help Programs
Fiscal 2015-2021



DCHC: District Court Help Centers
 FLCHC: Family Law Court Help Centers
 MCHC: Maryland Court Help Centers

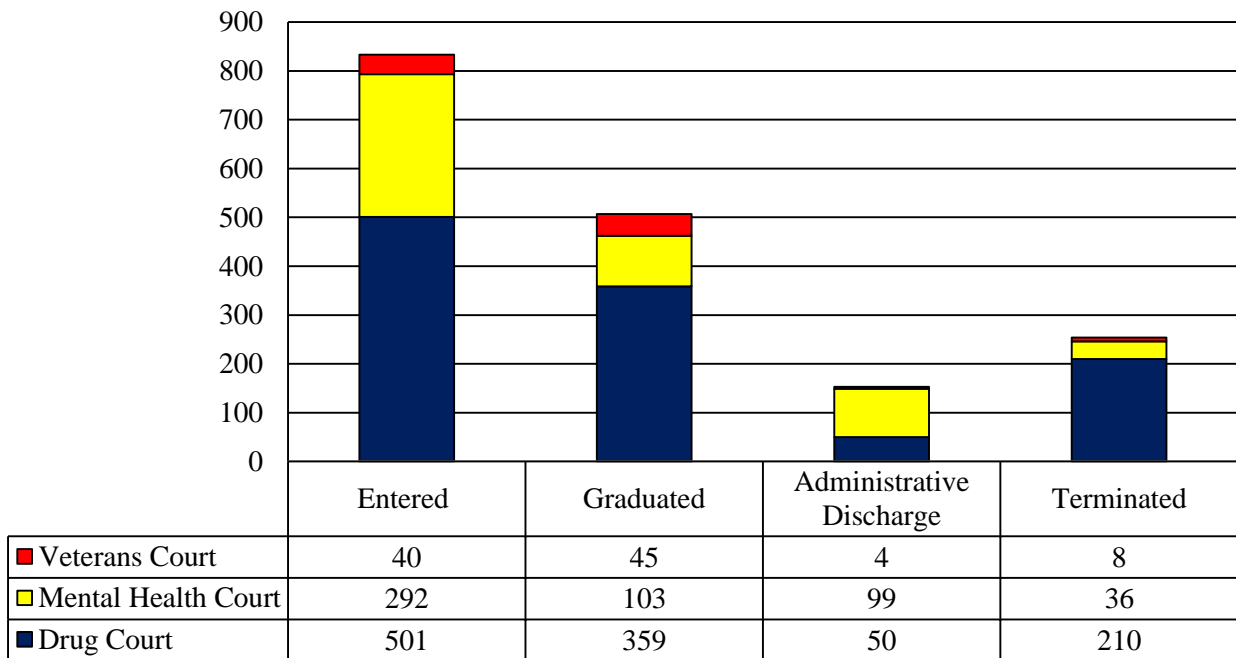
Source: Maryland Judiciary; Department of Legislative Services

3. Problem-solving Courts and Cost Benefit Analysis

The Problem-Solving Courts (PSC) program within AOC is responsible for aiding Maryland’s PSC. PSC have been created in 22 of the 24 jurisdictions in Maryland. This includes drug courts, mental health courts, and veterans court. PSC are nonadversarial, and the court teams work together to achieve the best outcomes for the defendants. Sanctions are used gradually in response to noncompliance with the PSC program.

Exhibit 8 shows the number of individuals who participated in a PSC by court type, along with the respective outcomes. Drug court participants make up the largest proportion of individuals who entered the PSC programs, graduated, and were terminated from the programs in fiscal 2021. However, mental health court participants made up the largest number of individuals subject to administrative discharge in fiscal 2021.

Exhibit 8
Maryland Judiciary – Problem-solving Courts
Fiscal 2021

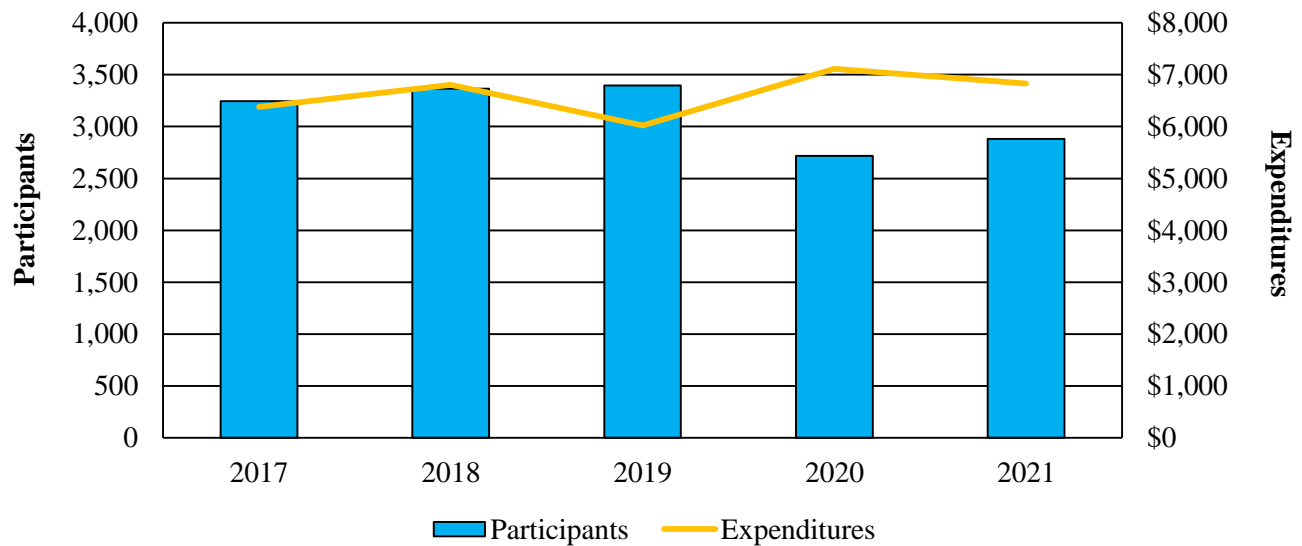


Note: Outcomes may not sum to the number of individuals entering as participation in a problem-solving court can occur over multiple years.

Source: Department of Legislative Services

In fiscal 2021, the number of individuals who participated in a PSC increased by 6.0% over the prior year, as shown in **Exhibit 9**. At the same time, the expenditures for PSC in the State decreased by 4.0%.

Exhibit 9
Problem-solving Courts – Total Participants and Expenditures
Fiscal 2017-2021
(\$ in Thousands)



Source: Department of Legislative Services

Fiscal 2022

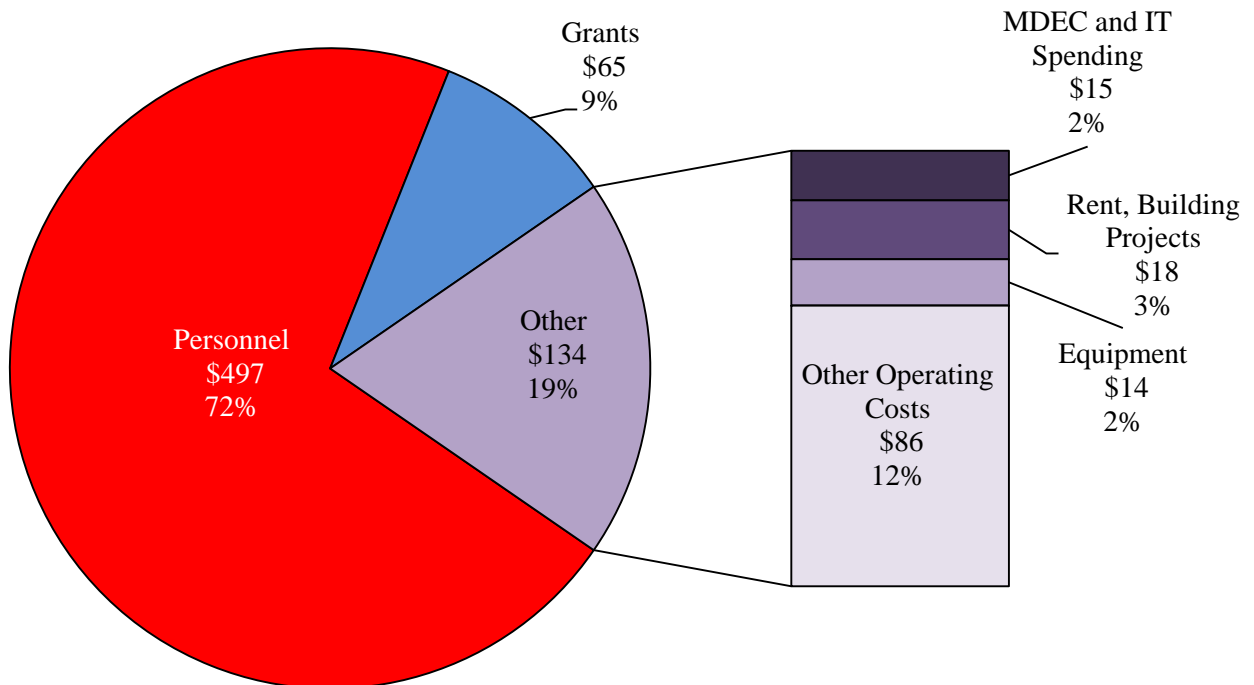
Pretrial Home Detention Spending

The fiscal 2022 working appropriation includes \$5.0 million in federal American Rescue Plan Act funds for pretrial home detention. These funds are for the implementation of Chapter 597 of 2021, which exempted certain defendants placed in private home detention for pretrial release from paying the monitoring fee if the defendant qualifies as indigent. The Judiciary has received invoices totaling \$375,000 for this program. These invoices have either been paid or are currently being processed for payment. Based on the existing use of the program, the Judiciary estimates that the full fiscal 2022 cost of the program will be \$750,000. **Judiciary should comment on the implementation of the pretrial home detention program, including the outreach efforts and collaboration with executive agencies to ensure that available funds are utilized to the greatest extent possible.**

Fiscal 2023 Overview of Agency Spending

Exhibit 10 depicts the Judiciary’s fiscal 2023 budget request by major spending category. Consistent with recent years, the majority (71%) is for personnel expenses to support the Judiciary’s 4,102.75 regular and 363 contractual employees. The second largest portion (9%) is for grants.

Exhibit 10
Overview of Agency Spending
Fiscal 2023 Allowance
(\$ in Millions)

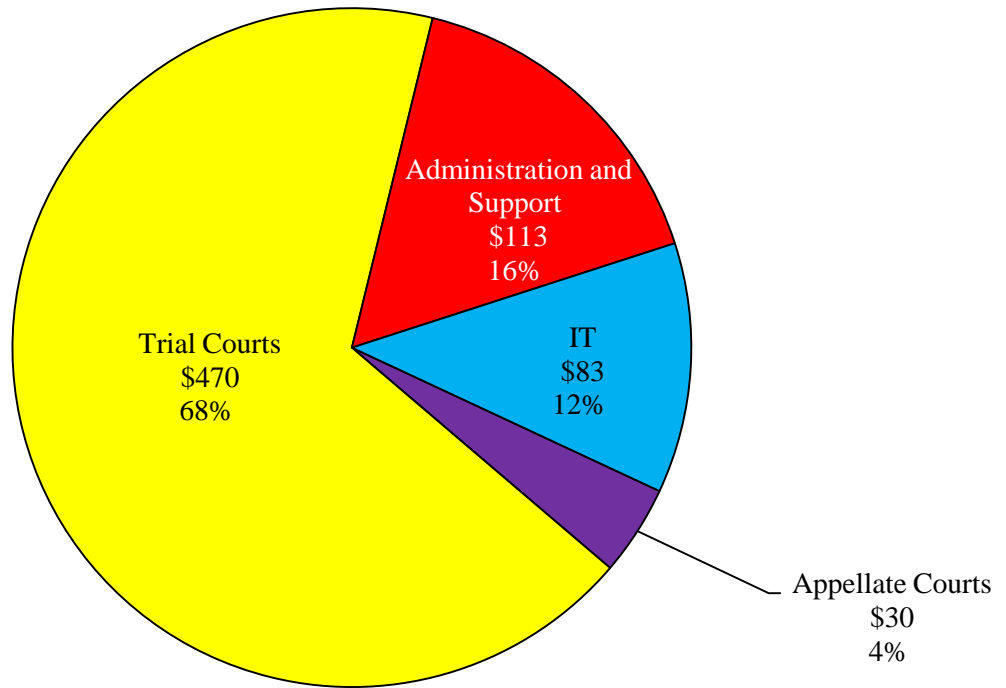


IT: information technology
MDEC: Maryland Electronic Courts

Source: Department of Legislative Services

As the Judiciary has 11 main programs, ranging from IT 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 IT.

Exhibit 11
Spending by Program
Fiscal 2023
(\$ in Millions)



IT: information technology

Source: Department of Legislative Services

Proposed Budget Change

In fiscal 2023, the Judiciary’s budget request increases by \$29.4 million, or 4.4%, as seen in **Exhibit 12**. This increase is almost entirely due to growth in personnel expenditures related to judicial compensation enhancements, other personnel compensation increases, and 34.75 new regular positions.

Exhibit 12
Proposed Budget
Judiciary
(\$ in Thousands)

| How Much It Grows: | <u>General</u> | <u>Special</u> | <u>Federal</u> | <u>Reimb.</u> | <u>Total</u> |
|--|-----------------------|-----------------------|-----------------------|----------------------|----------------------|
| | Fund | Fund | Fund | Fund | |
| Fiscal 2021 Actual | \$555,291 | \$49,732 | \$3,264 | \$5,461 | \$613,748 |
| Fiscal 2022 Working Appropriation | 586,496 | 67,614 | 6,568 | 5,483 | 666,161 |
| Fiscal 2023 Allowance | <u>624,723</u> | <u>64,501</u> | <u>798</u> | <u>5,516</u> | <u>695,538</u> |
| Fiscal 2022-2023 Amount Change | \$38,226 | -\$3,113 | -\$5,770 | \$33 | \$29,377 |
| Fiscal 2022-2023 Percent Change | 6.5% | -4.6% | -87.8% | 0.6% | 4.4% |
| Where It Goes: | | | | | <u>Change</u> |
| Personnel Expenses | | | | | |
| Judicial Compensation Commission placeholder adjustment..... | | | | | \$18,393 |
| 3.5% merit increase..... | | | | | 8,346 |
| 34.75 new positions | | | | | 2,549 |
| Retirees health insurance premiums | | | | | 2,762 |
| Health insurance | | | | | 2,354 |
| Circuit court clerk salary increase (SB 74/HB 519 of 2022) | | | | | 1,339 |
| Other fringe benefits | | | | | 53 |
| Regular earnings | | | | | -257 |
| Overtime earnings..... | | | | | -298 |
| Judges' pension system..... | | | | | -1,036 |
| Turnover expectancy | | | | | -2,231 |
| Other Changes | | | | | |
| Assistance to local courts for Family Jurisdictional Grants..... | | | | | 1,539 |
| Judicial Information Systems licenses for cloud Storage, Servicenow, Zoom, and Google ReCaptcha | | | | | 1,197 |
| Grants to other state government programs and nongovernment organizations..... | | | | | 965 |
| Increase in equipment repairs and maintenance contracts | | | | | 610 |
| New Cecil County hearing room, carpet for facilities, and security equipment | | | | | 509 |
| Office equipment and supplies | | | | | 750 |
| Rent, subscriptions, and other fixed charges | | | | | 460 |
| Circuit Clerk Court Office and District Court facility repairs | | | | | 367 |
| Travel expenses | | | | | 214 |
| Increase in Judicial College expenses in Administrative Office of the Courts | | | | | 164 |
| Motor vehicle expenses | | | | | 142 |
| Subscription database services including e-filing services | | | | | 138 |
| Utilities | | | | | 7 |
| Communications expenses | | | | | -18 |
| Decrease in District Court interpreters expenses | | | | | -315 |

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| Where It Goes: | <u>Change</u> |
|--|----------------------|
| Decrease in consult costs for the Office of Problem Solving Courts and Mediation and Conflict Resolution Office due to U.S. Bureau of Justice Assistance Grant | -441 |
| Decrease contractual personnel expenses due to turnover of experienced employees | -806 |
| Decrease in spending from one-time fiscal 2022 spending on processing and storage capability to support remote operations | -1,049 |
| One-time fiscal 2022 pretrial home detention spending | -5,000 |
| Other adjustments | 172 |
| Information Technology Changes | |
| Computer network and IT security equipment | 367 |
| Reduction in spending on onsite IT desk contractual support | -129 |
| Decrease in data analytics major IT spending | -163 |
| Decrease in VoIP Phase I major IT spending | -566 |
| Decrease in infrastructure initiative major IT spending | -675 |
| Major IT project spending | -1,036 |
| Total | \$29,377 |

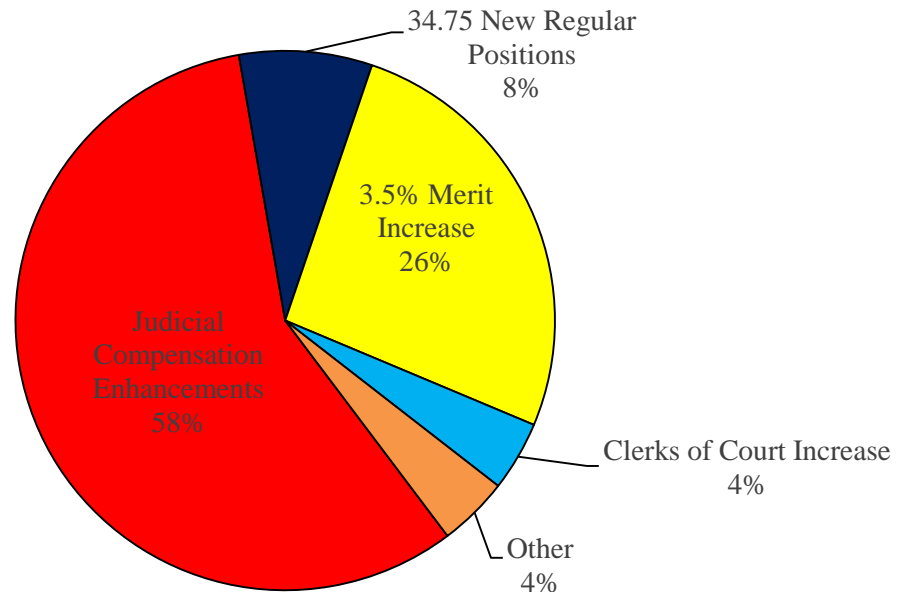
IT: information technology
 VoIP: voice over internet protocol

Note: Numbers may not sum to total due to rounding. The fiscal 2022 working appropriation and the fiscal 2023 allowance do not reflect funding for all statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments and bonuses.

Fiscal 2023 Allowance Includes \$32 Million in New Personnel Spending

The fiscal 2023 allowance includes \$32 million in new personnel spending. This includes \$18.4 million in placeholder funds for judicial compensation enhancements in anticipation of recommendations from the 2021 JCC. Additionally, there is \$2.5 million for 34.75 new regular positions, \$8.3 million for a 3.5% merit increase, and \$1.3 million in new spending for clerks of the court compensation. **Exhibit 13** shows the categories of new spending as a percentage of the total increase in personnel spending.

Exhibit 13
New Personnel Spending by Type
Fiscal 2023



Source: Department of Legislative Services

2021 JCC Recommendations Impact Fiscal 2023 Budget

JCC makes recommendations for potential increases to judicial compensation in the State every four years. The mission of the commission is to set the judicial compensation level to be adequate to assure that highly qualified individuals will be attracted to being a State judge and will continue to serve without unreasonable economic hardship.

Once the commission has reached its decision about salary recommendations, these recommendations must be introduced as a joint resolution in each house of the General Assembly by no later than the fifteenth day of the legislative session. Additionally, the General Assembly must act upon these recommendations within 50 days of its introduction. Under statute, the General Assembly is allowed to amend the joint resolution to decrease the salary recommendations; however, the salary recommendations may not be increased above the joint resolution level. The General Assembly also may not decrease the salaries below the current levels. If the General Assembly fails to adopt or amend the joint resolution within 50 days of it being introduced, the recommendations of the JCC are applied. Additionally, during any fiscal year in which judicial salaries are increased in accordance with the JCC joint resolution, judges in the State may not receive any general salary increases that are awarded to State employees.

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The 2021 JCC held two meetings in December 2021. At its second meeting on December 22, 2021, the JCC adopted a recommendation to increase judicial compensation by \$10,000 per year from fiscal 2023 to 2026.

The Judiciary fiscal 2023 allowance includes \$18.4 million in new spending for judicial compensation, which would have provided judges with a \$35,000 salary increase. Implementation of the JCC recommendations requires only \$5.9 million in new spending in fiscal 2023, which includes the \$10,000 salary increase and the associated fringe benefits. **As such, DLS recommends reducing \$12.5 million in excess general funds that are not needed to fund the recommendations of JCC.**

3.5% Employee Merit Increase

The fiscal 2023 allowance includes \$8.3 million in new funding for a 3.5% merit increase for Judiciary employees, similar to the increase Judiciary employees received in fiscal 2022. The Judiciary is a separate branch of government and therefore a separate employer; the branch is fully sanctioned by law to offer compensation above what is offered to other State employees. However, these merit increases are more than the merit increases budgeted for other State employees, which equate to an average increase of approximately 2.4%.

Circuit Court Clerks Salary Increase

SB 74/HB 519 of 2022 would increase the maximum annual salary that the Board of Public Works may set for the clerk of each circuit court from \$124,500 to \$146,500. This salary increase, if the legislation becomes law, would take effect at the beginning of the next term of office for a given clerk. The fiscal note for the bills estimates that the Judiciary's general fund expenditures would increase by \$719,389 in fiscal 2023. The fiscal 2023 budget allowance includes \$1.3 million in new personnel spending to fund the impact of this legislation, which leaves \$619,341 in excess funding. **DLS recommends adopting budget bill language reducing the Judiciary's budget by \$619,341 to delete the excess funds. DLS also recommends restricting the remaining \$719,389 in funds pending the passage of SB 74/HB 519.**

Statewide Salary Actions

Included in the fiscal 2023 budget for the Judiciary are funds for salary actions in the Department of Budget and Management (DBM) statewide account. In fiscal 2023, the Judiciary is receiving a 3% cost-of-living adjustment (COLA) totaling \$8.6 million. Additionally, the Judiciary will also receive \$2.8 million in funds for the annualization of the 1% fiscal 2022 COLA and \$535,035 in funds for a fiscal 2023 general salary increment for contractual employees.

In fiscal 2022, the Judiciary also receives funds from the DBM statewide account for a 1% COLA, a \$500 bonus, and a \$1,000 bonus. The 1% COLA totaled \$1.4 million in funds, while the \$500 and \$1,000 bonuses totaled \$1.9 million and \$3.6 million, respectively.

Family Jurisdictional, State Program, and Nongovernmental Organization Grants

The fiscal 2023 allowance includes an increase of \$1.5 million in spending for Family Jurisdictional Grants. These grants support the fair and efficient resolution of domestic and juvenile matters in the State courts. This includes a 3.5% merit salary increase for eligible grant-funded positions, an additional 9 new grant-funded positions, and additional nonpersonnel grant expenditures. There is also an increase in funding for the Court Appointed Special Advocates program.

The fiscal 2023 allowance also includes an increase of \$754,279 in funding for grants to other State government programs within AOC. This includes funding to support the Office of the Problem Solving Courts with a 3.5% increase for eligible grant-funded employees, the addition of two new adult drug courts in Charles County and Queen Anne’s County circuit courts, and an increase in nonpersonnel expenditures. This increase also includes funds to support the Mediation and Conflict Resolution Office (MACRO) with a 3.5% merit increase for eligible grant-funded employees, expansion of services in the courts, and other expenses for MACRO. The fiscal 2023 allowance also includes an increase in funding for grants to Maryland Access to Justice and Juvenile and Family Services.

Personnel Data

| | FY 21 <u>Actual</u> | FY 22 <u>Working</u> | FY 23 <u>Allowance</u> | FY 22-23 <u>Change</u> |
|------------------------|--------------------------------|---------------------------------|-----------------------------------|-----------------------------------|
| Regular Positions | 4,068.00 | 4,068.00 | 4,102.75 | 34.75 |
| Contractual FTEs | <u>356.00</u> | <u>356.00</u> | <u>363.00</u> | <u>7.00</u> |
| Total Personnel | 4,424.00 | 4,424.00 | 4,465.75 | 41.75 |

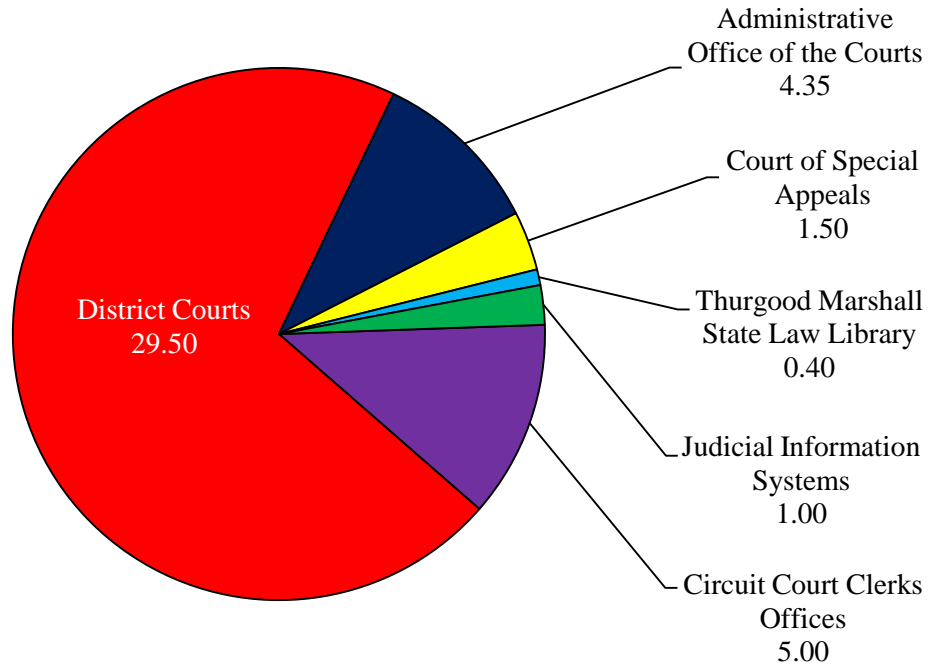
Vacancy Data: Regular Positions

| | | |
|---|--------|-------|
| Turnover and Necessary Vacancies, Excluding New Positions | 105.77 | 2.61% |
| Positions and Percentage Vacant as of 12/31/21 | 123.40 | 3.03% |
| Vacancies Above Turnover | 17.63 | |

Personnel Changes

The fiscal 2023 allowance includes a net increase of 34.75 regular positions and 7 new contractual bailiffs within the Judiciary. **Exhibit 14** shows the distribution of the new regular positions across the subdivisions of the Judiciary, including the circuit court clerk offices, District Courts, AOC, the Court of Special Appeals, the Thurgood Marshall State Law Library, and JIS.

Exhibit 14
New Positions by Judiciary Subdivision



Source: Department of Legislative Services

The new regular positions include 17 clerk positions, 7 interpreter positions, 6 administrative positions, and 2 PSC case manager positions. There are also 6 part-time positions being converted into full-time positions, which adds 2.75 positions. In total, the 34.75 regular positions account for \$2.5 million in new personnel spending in fiscal 2023. The Judiciary has indicated that these new regular positions are needed for the following reasons:

- 17 clerk positions in various counties to manage increased workload pertaining to expungements, domestic violence, landlord/tenant, civil matters, warrant processing and data reporting, and motor vehicle cases;
- 7 new interpreter positions to provide Spanish interpreter services in the Anne Arundel County, Baltimore City and Prince George’s County courts;
- 2 case manager positions for PSC, one in Montgomery County for the Mental Health Court and the other in Harford County, to support growing participation in those jurisdictions;

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- 1 administrative assistant is allocated to the Court of Special Appeals;
- 1 human resources program manager to implement financial wellbeing and employee retirement seminars;
- 1 forensic auditor to assist circuit courts in monitoring guardianship of property cases;
- 1 IT project manager to administer the Appellate Court IT systems;
- 1 program manager for the Access to Justice program to help oversee court help centers; and
- 1 program support coordinator to manage the Online Dispute Resolution Program for the District Courts and expand the remote Alternative Dispute Resolution Pilot Program started during COVID-19.

Issues

1. Access to Counsel in Evictions Funding

Chapter 746 of 2021 established a right to counsel in cases of eviction for qualifying individuals. It also established the Access to Counsel in Evictions Task Force, which is led by the Office of the Attorney General. The task force is responsible for studying potential funding sources, making recommendations to improve the implementation of the access to counsel in evictions program, and evaluating the provision of services provided because of the program. Chapter 746 also established the Access to Counsel in Evictions Special Fund (the Fund), to be administered by MLSC.

Maryland Legal Services Corporation

MLSC is a nonprofit corporation that provides civil legal services to low-income Marylanders. The mission of MLSC is to provide stable, efficient, and effective civil legal assistance through the distribution of funds to nonprofit legal service organizations. MLSC traditionally receives funding from the Interest on Lawyer Trust Accounts (IOLTA) program, surcharges from court filing fees, and a distribution from the Abandoned Property Fund. Funding for MLSC is statutorily capped at \$22 million. Two of these three funding sources, IOLTA and surcharges from court filing fees, saw declines due to the impacts of COVID-19. In response to this revenue shortfall, Chapter 806 of 2021 increased MLSC’s distribution from the Abandoned Property Fund to \$8.0 million beginning in fiscal 2022. MLSC also received funds from the RELIEF Act of 2021. Additionally, the Administration provided MLSC \$8.6 million in fiscal 2021 from Deutsche Bank settlement funds and discretionary consumer protection funds available from a settlement in response to the mortgage financial crisis in 2008. **Exhibit 15** details MLSC funding by source since fiscal 2019.

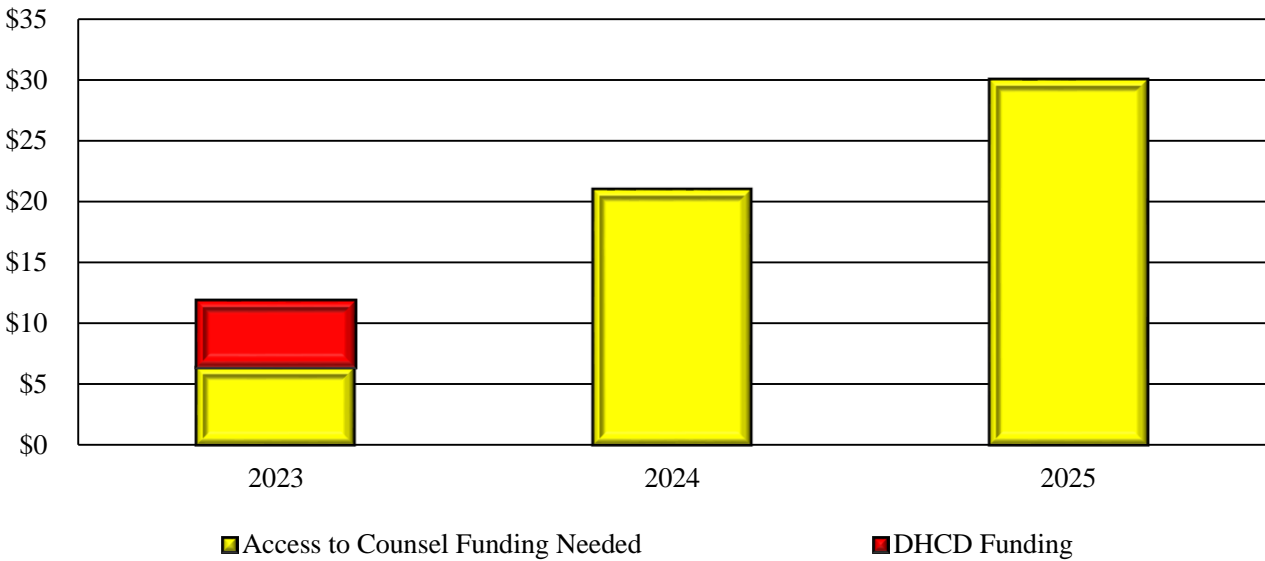
Exhibit 15
Maryland Legal Services Corporation Funding
Fiscal 2019-2023 Est.

| | <u>2019</u> | <u>2020</u> | <u>2021</u> | <u>2022</u> | <u>2023 Est.</u> |
|-----------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Interest on Lawyer Trust Accounts | \$5,695,715 | \$6,295,918 | \$2,298,532 | \$1,800,000 | \$2,500,000 |
| Filing Fee Surcharge | 12,976,562 | 10,654,369 | 8,492,506 | 8,500,000 | 9,500,000 |
| Abandoned Property Fund | 2,000,000 | 2,000,000 | 2,000,000 | 8,000,000 | 8,000,000 |
| Deutsche Bank Settlement Funds | 0 | 0 | 6,580,000 | 140,000 | 1,023,855 |
| RELIEF Act Funds | 0 | 0 | 0 | 2,083,403 | 916,597 |
| Prior Year Carryover | 1,070,340 | 2,249,116 | 0 | 0 | 0 |
| Total | \$21,742,617 | \$21,199,403 | \$19,371,038 | \$20,523,403 | \$21,940,452 |

Source: Department of Legislative Services

MLSC estimates that \$11.8 million is needed to begin implementation of the Access to Counsel in Evictions program in fiscal 2023, which would provide legal assistance to approximately 17,686 qualifying individuals. Chapter 746 stipulates the phase-in of the program with the goal of final implementation by October 1, 2025. As part of the phase-in, funding priority is to be given to jurisdictions where the local government has also committed significant legal aid to effectuate access to counsel in eviction proceedings. Even if the full \$11.8 million in funds is allocated to the program in fiscal 2023, this is not likely to address the entire need, as full implementation anticipates needing to provide services to 49,500 cases each year for a total annual cost of approximately \$30 million. The exact number of qualifying individuals that may need services under Chapter 746 is not currently known. **Exhibit 16** shows the funding MLSC estimates is needed to implement a phased in approach to the program.

Exhibit 16
Access to Counsel in Evictions Funding
Fiscal 2023-2025
(\$ in Millions)



DHCD: Department of Housing and Community Development

Source: Maryland Legal Services Corporation; Department of Legislative Services

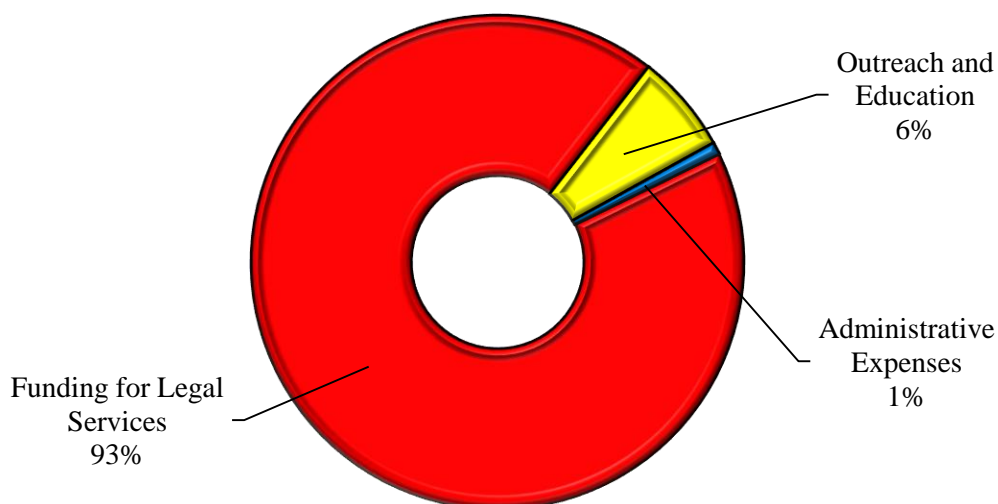
MLSC currently provides some eviction prevention legal service funding through its existing grant program. However, qualifications to receive funding through these grants are different than those established through the Access to Counsel in Evictions program. For example, a low-bono service model is currently used by some of the grantees in which the nonprofit provider pays a private attorney a dramatically reduced rate for legal assistance rather than either free legal aid or market rate services.

The grantees who operate on this business model might not be eligible to receive funding through the Access to Counsel in Evictions program. MLSC plans to use its \$3 million in RELIEF Act funding for existing eviction prevention grants in fiscal 2022 and 2023. In addition to providing grants for services that would not be covered in the Access to Counsel in Evictions program, MLSC states that it plans to use RELIEF Act funds to provide eviction legal aid in jurisdictions within the State that will not be prioritized in the implementation of Chapter 746. **MLSC should comment on its planned use of RELIEF Act funds and how the services funded will differ from services provided by the Access to Counsel in Evictions program.**

The Department of Housing and Community Development has indicated that it will provide the fund with \$5.4 million in fiscal 2023. In addition to those funds, MLSC retains \$2.2 million in Deutsche Bank settlement funds that it plans to use in fiscal 2022 to 2024 to support Access to Counsel in Evictions program infrastructure. A total of \$6.4 million in additional funds would be needed to fully fund Year 1 of the program. **DLS recommends adding \$6.4 million in general funds to the Judiciary appropriation for MLSC to fully fund the Access to Counsel in Evictions program.**

The full implementation, according to MLSC, will require roughly \$30.0 million annually. **Exhibit 17** shows the breakdown between the different categories of funding for full implementation, with 93% of the funding going to legal services. **DLS recommends adopting committee narrative requesting MLSC submit quarterly reports on the status of the Access to Counsel in Evictions program.**

Exhibit 17
Access to Counsel Funding in Evictions by Category



Source: Maryland Legal Services Corporation; Department of Legislative Services

2. Judiciary Data Availability and Reliability Concerns Emerge Amid Implementation of Racial Equity Impact Notes Program

The Maryland General Assembly’s presiding officers asked DLS to conduct a pilot program during the 2021 legislative session to assess the impact of certain criminal justice bills on various racial groups. This pilot program resulted in the publication of 12 racial equity impact notes that discussed potential racial disparities that may be impacted by those pieces of legislation. The pilot program resulted in the establishment of the Racial Equity Impact Note function within the DLS Office of Policy Analysis to continue this work. Racial equity impact notes are published on the Maryland General Assembly website as part of a bill’s legislative history. Data availability, particularly demographic data, has been highlighted as a pressing concern as DLS continues to implement the program.

The Schaefer Center for Public Policy at the University of Baltimore released a report titled *Recommendations for Legislation Regarding Data Collection* outlining recommendations for the implementation of the Racial Equity Impact Notes program. The first recommendation in this report is to collect demographic data at point of entry into the criminal justice system and all points after. The report states that the major point at which data is lacking with respect to race and the criminal justice system in Maryland is the Judiciary. The Schaefer Center report recommends that, when a case is entered in the Maryland Electronic Courts (MDEC) system, demographic information on the defendant including race and ethnicity should be included.

The Judiciary has indicated that it is not able to provide raw deidentified data that includes demographic information for the defendant in each court case. The Judiciary states that demographic data relating to cases originates from the documents that are submitted to the court in criminal, juvenile delinquency, and domestic violence matters. This data comes from law enforcement or complainants who provide information that is based upon the understanding of the defendant. The Judiciary does not always verify the data that is collected by law enforcement or complainants. This is particularly true for demographic data. This introduces the significant possibility for error into the data collection process for these cases. Additionally, demographic data is not captured for cases involving civil matters. The Judiciary systems and procedures for data collection are complex and not unified which makes it difficult to produce standardized data sets for analysis. **The Judiciary should comment on steps that can be taken to verify and track demographic data for defendants in the courts necessary to implement the Racial Equity Impact Notes program.**

3. 2021 Court Performance Measures Report

In the 2021 JCR, the Judiciary was asked to submit an annual report on court performance measures. This report includes the following data: cases terminated within standard percentages; average case processing times; median case processing times; distribution of over standard cases; postponements; and suspensions. This included data on each of the categories of cases heard in the Circuit Courts: criminal; general civil cases; foreclosure; family law; divorce; juvenile delinquency; Child in Need of Assistance (CINA) shelter; CINA non-shelter; and Termination of Parental Rights. The report also includes data on the distribution total and over standard case processing times in days by jurisdiction within the State.

C00A00 – Judiciary

This data is essential to understanding if all Marylanders can have access to justice within a reasonable timeframe and evaluating the impact of the recent pandemic on court operations. For its response, the Judiciary submitted a letter instead of a report. Due to the ongoing COVID-19 pandemic, former Chief Judge Mary Ellen Barbera issued administrative orders suspending case time standards in trial courts. The Judiciary indicates that due to the suspension of the case time standards, there are no standards against which to measure trial court performance for fiscal 2020. As such, the Judiciary cited the suspension of the standards as the reason that it could not submit the requested report. However, this report is essential for the General Assembly to understand the work of the courts and evaluate if Marylanders are receiving their right to access justice within a reasonable timeframe. When asked for more basic case processing time data not compared to standards, the Judiciary was still unable or unwilling to provide that data. **DLS recommends adopting budget bill language restricting \$500,000 in general funds pending the submission of the fiscal 2022 annual Court Performance Measures report.**

Operating Budget Recommended Actions

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

Provided that \$12,502,610 in general funds made for the purpose of providing judicial compensation enhancements are reduced to bring available funds in line with the recommendations of the Judicial Compensation Commission. The Chief Judge is authorized to allocate this reduction across programs within the Judiciary.

Explanation: This action reduces funds in the fiscal 2023 budget to bring judicial compensation enhancements in line with the Judicial Compensation Commission’s recommendations. This includes a \$10,000 salary increase in fiscal 2023 for all judges.

2. 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, 2022, detailing the fiscal 2022 costs and utilization of the Appointed Attorney Program.

| Information Request | Author | Due Date |
|--|---------------|-----------------|
| Appointed Attorney Program costs and utilization | Judiciary | October 1, 2022 |

3. Adopt the following narrative:

Judgeship Need for Fiscal 2024: The committees remain interested in the judgeship needs at the Judiciary. The committees request a report, to be submitted by December 1, 2022, detailing the fiscal 2024 judgeship needs.

| Information Request | Author | Due Date |
|--------------------------------|---------------|------------------|
| Judgeship need for fiscal 2024 | Judiciary | December 1, 2022 |

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

, provided that \$8,250,000 of this appropriation made 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 may be expended only for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

C00A00 – Judiciary

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

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

Further provided that \$500,000 of this appropriation made for the purposes of administrative expenses may not be expended until the Judiciary submits a report on annual court performance measures. The report shall be submitted by November 1, 2022, and the budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: This language restricts funds pending the submission of the annual report on Judiciary court performance measures.

| Information Request | Author | Due Date |
|--|---------------|------------------|
| Judiciary report on court performance measures | Judiciary | November 1, 2022 |

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

Further provided that \$6,400,000 in general funds are added to the appropriation for the Maryland Legal Services Corporation within the Administrative Office of the Courts. These funds are to be transferred to the Access to Counsel in Evictions Special Fund for the purpose of funding the Access to Counsel in Evictions program.

Explanation: This action adds funds to the fiscal 2023 Judiciary appropriation for the purpose of funding the Access to Counsel in Evictions program in accordance with Chapter 746 of 2021. These funds are added to the Administrative Office of the Courts budget and should be transferred to the Access to Counsel in Evictions Special Fund, which is administrated by the Maryland Legal Services Corporation.

7. Adopt the following narrative:

Access to Counsel in Evictions Quarterly Reports: The committees are interested in the operations of the Access to Counsel in Evictions program administered by the Maryland Legal Services Corporation (MLSC). The committees request quarterly reports, the first to be submitted October 15, 2022, detailing the planned fiscal 2023 budget for the Access to Counsel in Evictions program. Subsequent reports should include an update on the implementation of the program.

C00A00 – Judiciary

The first quarterly report should include:

- the fiscal 2023 budget for the Access to Counsel in Evictions program; and
- the pay structure for attorneys participating in the program.

The subsequent quarterly reports should include:

- the number of cases represented by attorneys in the program;
- the amount of funds paid to attorneys per case; and
- the geographic distribution of cases.

| Information Request | Author | Due Date |
|--|---------------|---|
| Access to Counsel in Evictions quarterly reports | MLSC | October 15, 2022 January 15, 2023 April 15, 2023 July 15, 2023 |

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

, provided that \$619,341 in general funds are reduced to eliminate excess funds for circuit court clerk salary increases. The Chief Judge is authorized to allocate this reduction across the Judiciary.

Explanation: This action reduces funds in the fiscal 2023 budget to bring circuit court clerk salary increases in line with the fiscal note for SB 74 or HB 519 of 2022.

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

Further provided that \$719,389 of this appropriation made for the purpose of circuit court clerks salary increases is contingent on enactment of SB Bill 74 or HB 519 of 2022, which provides an increase in the maximum salaries for circuit court clerks.

Explanation: This action makes \$719,389 in funding for circuit court clerk salary increases contingent on the passage of SB 74 or HB 519.

10. Adopt the following narrative:

Judiciary Status Report on Major Information Technology Development: The committees remain interested in the Judiciary’s Major Information Technology Development Projects (MITDP). The committees request a report, to be submitted by December 15, 2022, detailing MITDPs being undertaken by the Judiciary.

| Information Request | Author | Due Date |
|-----------------------------------|---------------|-------------------|
| Judiciary status report on MITDPs | Judiciary | December 15, 2022 |

Updates

1. Maryland Electronic Courts Goes Live in Montgomery County

For fiscal 2023, 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. First among these is the MDEC initiative. Starting in fiscal 2012, MDEC has been the central IT project for the Judiciary and is a large, complex project designed to move the Maryland court system online. Twenty-two counties in the State have fully implemented MDEC, with Montgomery County going live on October 25, 2021. Prince George’s County and Baltimore City are the two jurisdictions where MDEC has yet to be implemented. The cost of the MDEC project has again increased, growing by \$2.2 million in fiscal 2023, from \$76.5 million to \$78.7 million.

Appendix 1
2021 Joint Chairmen’s Report Responses from Agency

The 2021 JCR requested that Judiciary prepare eight reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***Appointed Attorney Program Costs and Utilization:*** This JCR response details the utilization of the Appointed Attorney Program and the costs of this program in fiscal 2021. Performance measures related to the Appointed Attorney Program appear in Exhibit 5.
- ***Judiciary Status Report on Major IT Development:*** This JCR response details the IT program for fiscal 2023. Additional information on the Judiciary IT program appears in **Appendix 3**.
- ***Judgeship Need for Fiscal 2023:*** This JCR response indicates that the Judiciary is not currently seeking additional judgeships for fiscal 2023.
- ***Judiciary Report on Court Performance Measures:*** This JCR response from the Judiciary explains that it is not able to provide the requested data due to the impacts of COVID-19 and the closure of the courts.
- ***Continuing Legal Education (CLE) Requirements and Pro Bono Requirements for Barred Attorneys:*** This JCR response details current CLE and pro bono requirements in the State. It also includes the impact of increasing CLE requirements and a comparison of both CLE and pro bono requirements with Virginia and Delaware. The report included information on a plan for tiered contributions to the Client Protection Fund.
- ***Specialty Treatment Court Recidivism:*** This JCR response details a list of specialty treatment court programs in Maryland, the total number of individuals served by these court programs, the three-year recidivism rates for these populations, and a comparison between recidivism rates between specialty treatment courts and a control group.
- ***Foreclosure Auctioneer Licensing and Affidavits:*** This JCR response covers an analysis of any proposed rule and if it would have anti-competitive effects on the foreclosure auctioneering business. Additionally, it covers the potential harm to borrowers in Maryland if foreclosure auctions are not marketed and designed to generate competitive bids.
- ***Impact of Daubert v. Merrell Dow Pharmaceuticals:*** This JCR response includes a letter in which the Judiciary declines to provide the report citing that the standard has been adopted and it is not appropriate for the Judiciary to commission a study of the impact of what is considered law.

Appendix 2
Judiciary Information Technology Master Plan
Fiscal 2023

| Project | Pre-2021 Expenditures | 2021 Cost | 2022 Projected Cost | 2023 Request | 2024-2027 Planned Expenditures | Total Projected Funding | Previous Estimate | Cost Increase/ Decrease |
|--|----------------------------------|----------------------|--------------------------------|-------------------------|---|--|------------------------------|------------------------------------|
| MDEC | \$61,534,645 | \$6,711,320 | \$2,243,464 | \$4,015,110 | \$4,225,577 | \$78,730,116 | \$76,480,114 | \$2,250,002 |
| Courthouse eReadiness | 7,664,474 | 1,505,640 | 2,130,562 | 1,725,830 | 1,250,000 | 14,276,506 | 14,276,506 | 0 |
| CaseSearch Version 2.0 | 1,052,640 | 617,242 | 485,854 | 500,000 | 0 | 2,655,736 | 2,655,736 | 0 |
| AIS Enhancements | 0 | 197,500 | 552,500 | 750,000 | 1,250,000 | 2,750,000 | 2,750,000 | 0 |
| Court Revenue Assessment | 0 | 149,200 | 250,000 | 500,000 | 1,250,800 | 2,150,000 | 0 | 2,150,000 |
| Infrastructure Initiative | 1,937,988 | 915,204 | 1,215,000 | 0 | 0 | 4,068,192 | 4,529,581 | -461,389 |
| VoIP Phase I | 0 | 1,137,247 | 1,415,500 | 0 | 0 | 2,552,747 | 2,165,500 | 387,247 |
| VoIP – Enterprise Deployment | 0 | 0 | 0 | 500,000 | 6,500,000 | 7,000,000 | 7,000,000 | 0 |
| Data Analytics | 0 | 3,230 | 1,000,000 | 1,246,770 | 6,750,000 | 9,000,000 | 10,500,000 | -1,500,000 |
| Case Notification | 0 | 0 | 750,000 | 800,000 | 1,650,000 | 3,200,000 | 0 | 3,200,000 |
| Mobile Information | 0 | 1,087,891 | 3,015,000 | 1,147,109 | 4,000,000 | 9,250,000 | 9,250,000 | 0 |
| Digital Evidence | 0 | 0 | 200,000 | 1,000,000 | 5,400,000 | 6,600,000 | 6,600,000 | 0 |
| Enterprise Content/ Records Management | 0 | 0 | 500,000 | 1,500,000 | 7,500,000 | 9,500,000 | 9,500,000 | 0 |
| e-Bar Modernization | 0 | 0 | 0 | 1,000,000 | 2,000,000 | 3,000,000 | 0 | New Project |
| Guardianship System | 0 | 0 | 0 | 1,000,000 | 1,750,000 | 2,750,000 | 0 | New Project |
| Network Redesign and Modernization | 0 | 0 | 0 | 0 | 7,000,000 | 7,000,000 | 0 | New Project |
| Enterprise Finance/Human Resources System | 0 | 0 | 0 | 0 | 20,000,000 | 20,000,000 | 0 | New Project |
| Jury System | 0 | 0 | 0 | 0 | 3,000,000 | 3,000,000 | 0 | New Project |
| Total | \$72,189,747 | \$12,324,474 | \$13,757,880 | \$15,684,819 | \$73,526,377 | \$187,483,297 | \$145,707,437 | \$41,775,860 |

AIS: Attorney Information System
VoIP: Voice over Internet Protocol

Source: Maryland Judiciary

**Appendix 3
Audit Findings**

| | |
|------------------------------|----------------------------------|
| Audit Period for Last Audit: | December 21, 2015 – June 9, 2019 |
| Issue Date: | April 2021 |
| Number of Findings: | 7 |
| Number of Repeat Findings: | 3 |
| % of Repeat Findings: | 43% |
| Rating: (if applicable) | |

Finding 1: The Judiciary did not adequately secure and/or retain critical procurement documents and did not publish certain contracts on eMaryland Marketplace as required by its policies.

Finding 2: The Judiciary did not consider the use of available statewide contracts resulting in reduced competition and increased costs for consumers.

Finding 3: The Judiciary did not maintain accurate and comprehensive records of project awards and costs and did not properly award task orders and change orders, certain of which appeared questionable.

Finding 4: The Judiciary did not take all appropriate recommended corrective action to address allegations that it received about its cable and wiring master contract.

Finding 5: The Judiciary had not established effective controls over the processing of traffic citations.

Finding 6: The Judiciary did not perform sufficient reviews to ensure the accuracy of eligibility determinations for legal representation by OPD.

Finding 7: The Judiciary did not establish effective controls over equipment.

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

Appendix 4 Major Information Technology Projects Judiciary

- **MDEC:** The central component of Judiciary’s IT program.
- **Courthouse eReadiness:** This project will improve the State’s courthouse infrastructure by preparing systems, particularly telecommunications, to bear the load required by MDEC. Additionally, audiovisual equipment will be installed in the courthouses to facilitate interactive technology capability, including Court TV, which will offer streaming video and live updates about court proceedings.
- **CaseSearch Version 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.
- **AIS Enhancements:** Future AIS enhancements under consideration will allow for online payments to be accepted for fees required by the Court of Appeals, integrate with the State Board of Law Examiners to display bar documents, simplify the user login and registration experience, store documents required for the validation of attorney status, and provide for the integration of attorney data with MDEC.
- **Court Revenue Assessment:** This project will replace the current revenue collection system, which is reaching the end-of-life expectancy. However, it was determined at the start of the project that a comprehensive review of all court revenue systems is necessary.
- **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.
- **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.
- **VoIP – Enterprise Deployment:** The last portion of the VoIP project is to pilot the use of VoIP in the Annapolis offices of the Maryland Judiciary. Assuming the success of the project, an enterprisewide deployment of the technology is planned to extend the functions and features of VoIP communications to the entire Judiciary.
- **Data Analytics:** This project will help the Judiciary’s ability to better consolidate data from multiple source databases to allow internal users to access, analyze, and report on specific data sets.

C00A00 – Judiciary

- ***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.
- ***Mobile Information:*** This project will support MDEC by providing newer mobile technologies to provide personalized remote interactions with the Judiciary.
- ***Digital Evidence:*** This project will help the Judiciary integrate digital evidence into the normal flow of court proceedings. In addition, guidelines, policies, and rules governing the submission and chain of custody of digital evidence and the use electronic devices in courtrooms will be considered.
- ***Enterprise Content/Records Management:*** This project will examine and assess the current records management systems and processes in place across all Judiciary locations; establish a statewide records management strategy and policies; and implement key recommendations, including records management software capabilities.
- ***E-BAR Modernization:*** This project will modernize the current system that was originally deployed in 2010 to provide an integrated, web-based application that enables an electronic and near paperless system for applicants to the Maryland Bar.
- ***Guardianship System:*** The current process for the management of guardianship cases is manual, which allows for inconsistencies and errors. The goal of this project is to centralize a statewide, online accounting system for guardianship of property cases.
- ***Network Redesign and Modernization:*** The network redesign initiative is focused on modernizing the Judiciary’s wide area network. This project has two goals: increase service availability; and enhance inbound and outbound network security.
- ***Enterprise Finance/Human Resources System:*** This multi-year initiative will ensure that the Judiciary’s financial and human resources systems will be capable of providing flexible, reliable, and sustainable solutions for the future.
- ***Jury System:*** This project will improve the functionality for identifying, contracting, and managing potential and empaneled juror which is necessary for effective and efficient continuity of operation.
- ***State of Maryland Automated Record Tracking (SMART) System Replacement:*** The SMART information system supports the work of the Office of the Problem Solving Courts in Maryland. This initiative aims to modernize, and possibly replace, the SMART system.

**Appendix 5
Object/Fund Difference Report
Judiciary**

| <u>Object/Fund</u> | <u>FY 21 Actual</u> | <u>FY 22 Working Appropriation</u> | <u>FY 23 Allowance</u> | <u>FY 22 - FY 23 Amount Change</u> | <u>Percent Change</u> |
|---|-------------------------|--|----------------------------|--|---------------------------|
| Positions | | | | | |
| 01 Regular | 4,068.00 | 4,068.00 | 4,102.75 | 34.75 | 0.9% |
| Total Positions | 4,068.00 | 4,068.00 | 4,102.75 | 34.75 | 0.9% |
| Objects | | | | | |
| 01 Salaries and Wages | \$ 410,068,075 | \$ 442,611,594 | \$ 474,585,925 | \$ 31,974,331 | 7.2% |
| 02 Technical and Special Fees | 20,679,580 | 23,123,408 | 22,317,380 | -806,028 | -3.5% |
| 03 Communication | 9,116,412 | 9,649,096 | 9,631,336 | -17,760 | -0.2% |
| 04 Travel | 438,773 | 1,624,223 | 1,838,501 | 214,278 | 13.2% |
| 06 Fuel and Utilities | 941,074 | 845,765 | 852,338 | 6,573 | 0.8% |
| 07 Motor Vehicles | 162,732 | 186,162 | 328,319 | 142,157 | 76.4% |
| 08 Contractual Services | 73,883,659 | 79,914,447 | 80,888,735 | 974,288 | 1.2% |
| 09 Supplies and Materials | 5,836,623 | 5,930,695 | 6,212,552 | 281,857 | 4.8% |
| 10 Equipment – Replacement | 9,048,211 | 4,811,445 | 4,948,813 | 137,368 | 2.9% |
| 11 Equipment – Additional | 6,220,931 | 9,434,264 | 7,430,045 | -2,004,219 | -21.2% |
| 12 Grants, Subsidies, and Contributions | 60,139,086 | 67,544,963 | 65,049,914 | -2,495,049 | -3.7% |
| 13 Fixed Charges | 17,212,706 | 18,704,184 | 19,164,165 | 459,981 | 2.5% |
| 14 Land and Structures | 0 | 1,781,000 | 2,290,000 | 509,000 | 28.6% |
| Total Objects | \$ 613,747,862 | \$ 666,161,246 | \$ 695,538,023 | \$ 29,376,777 | 4.4% |
| Funds | | | | | |
| 01 General Fund | \$ 555,290,789 | \$ 586,496,172 | \$ 624,722,526 | \$ 38,226,354 | 6.5% |
| 03 Special Fund | 49,732,111 | 67,613,914 | 64,500,770 | -3,113,144 | -4.6% |
| 05 Federal Fund | 3,264,032 | 6,568,050 | 798,275 | -5,769,775 | -87.8% |
| 09 Reimbursable Fund | 5,460,930 | 5,483,110 | 5,516,452 | 33,342 | 0.6% |
| Total Funds | \$ 613,747,862 | \$ 666,161,246 | \$ 695,538,023 | \$ 29,376,777 | 4.4% |

Note: The fiscal 2022 working appropriation and the fiscal 2023 allowance do not reflect funding for all statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments and bonuses.