

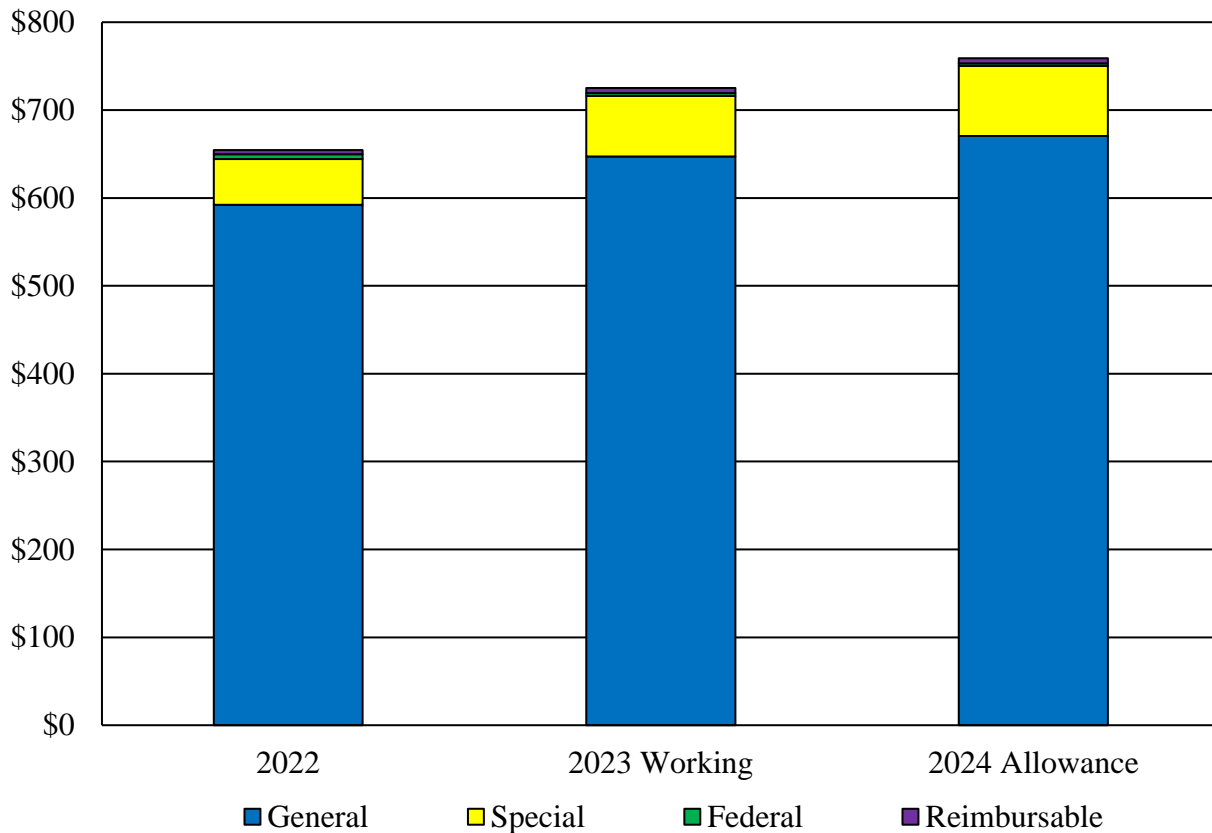
C00A00 Judiciary

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 is submitted as part of the Governor’s budget, it is developed without Executive Branch oversight.

Operating Budget Summary

**Fiscal 2024 Budget Increases \$34.0 Million, or 4.7%, to \$759.0 Million
(\$ in Millions)**



Note: Numbers may not sum due to rounding. The fiscal 2023 working appropriation includes deficiency appropriations including the Judiciary’s share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). Fiscal 2024 funding for the cost-of-living adjustment is budgeted in the Statewide Account within DBM; all other personnel related increases are reflected in the Judiciary allowance.

For further information contact: Jacob L. Pollicove

Jacob.Pollicove@mlis.state.md.us

Key Observations

- ***Fiscal 2022 Court Performance Measures Report:*** The fiscal 2022 court performance measures report was submitted to the budget committees in December 2022. This report highlighted a number of trends in various types of cases heard by trial courts throughout the State. Notably, average case times have risen across the nine categories of cases tracked by the Judiciary in circuit courts since fiscal 2019. Civil general, foreclosure, and limited divorces have all experienced average case time increases of more than 100 days in the fiscal 2022 report.
- ***Progression of Maryland Electronic Courts (MDEC) Rollout Continues:*** With the Judiciary’s new case management system having launched in Prince George’s County in October 2022, 23 of the 24 circuit courts have now completed their MDEC integration. The last circuit court to implement MDEC is Baltimore City, which is currently scheduled to complete the implementation process sometime in fiscal 2024.
- ***Judiciary Programs Continue to Provide Increased Access to Justice:*** Programs administered by the Judiciary have continued to provide a positive impact for Marylanders. In fiscal 2022, the Judiciary’s help centers, which offer legal aid, provided services to litigants 187,267 times, an increase from fiscal 2021 where support was provided 147,332 times. Separately, the Access to Counsel in Evictions program provided assistance in eviction proceedings to renters in 1,508 cases spread across 11 counties during the first half of fiscal 2023.

Operating Budget Recommended Actions

1. Adopt narrative requesting Appointed Attorney Program costs and utilization.
2. Adopt narrative requesting judgeship need for fiscal 2025.
3. Adopt narrative requesting a status report on major information technology development.
4. Adopt narrative requesting the submission of the annual court performance measures report.
5. Add language restricting funds for the Appointed Attorney Program.

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Operating Budget Analysis

Program Description

The Judiciary is composed of four courts and five other programs that support the administrative, personnel, technological, and regulatory functions of the Judicial branch of the State government. The courts consist of the Supreme Court of Maryland, the Appellate Court of Maryland, the circuit courts, and the District court. The Chief Justice of the Supreme Court of Maryland is the administrative head of the State's judicial system. The Chief Justice appoints the State Court Administrator as head of the Administrative Office of the Courts (AOC) to carry out administrative duties including data analysis, personnel management, education, and training for judicial personnel.

Other units are also included under the administrative and budgetary purview of the Judiciary. These units include the Rules Committee, the Commission on Judicial Disabilities, and the Maryland State Board of Law Examiners. Additionally, the Thurgood Marshall State Law Library serves the legal information needs of the State. The Judicial Information Systems (JIS) manages information systems maintenance and information technology (IT) development for the Judiciary.

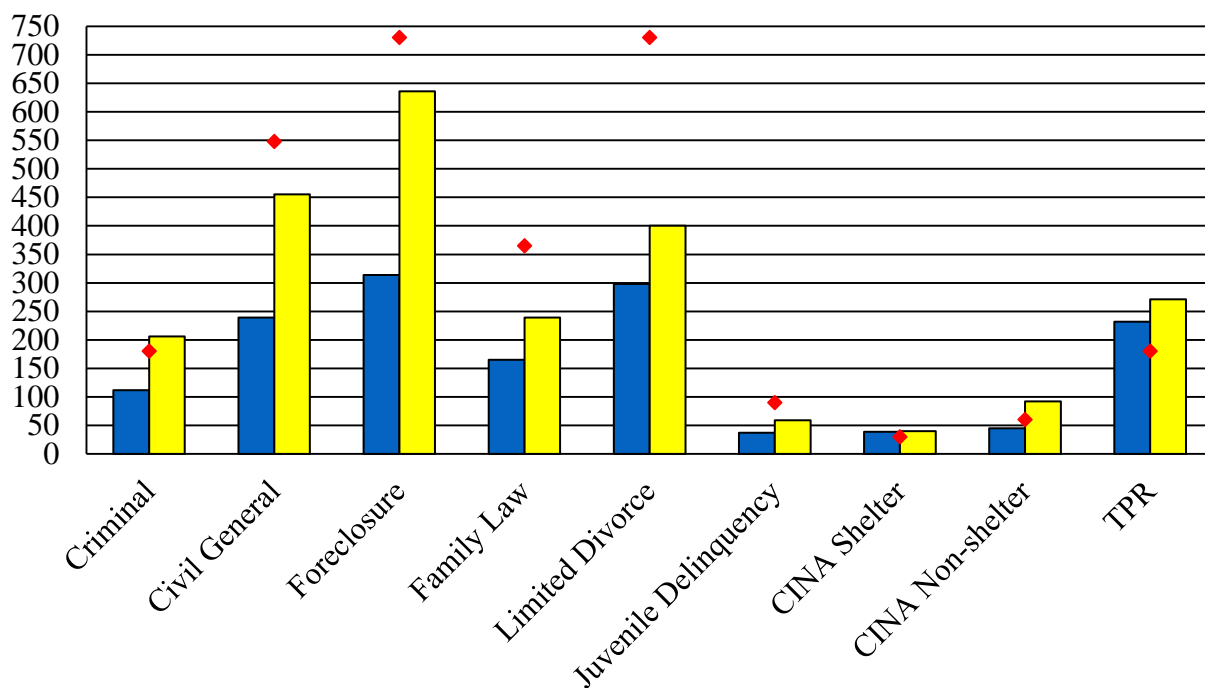
Performance Analysis: Managing for Results

1. Court Case Clearance Rates Remain Above Time Standard

In December 2022, the Judiciary submitted its annual report on court performance measures. The report used data from 2019 owing to the Judiciary's stated inability to submit this report in calendar 2021, as the Judiciary claimed the report could not be completed due to the suspension of time standards in the courts during the COVID-19 pandemic. This report expounded on the fact that the Judiciary faced a number of challenges in hearing cases during the COVID-19 pandemic and that the courts continue to contend with backlogs.

One notable example of this is that the average case processing time increased in fiscal 2022 in all nine case categories for which circuit court data was submitted. For example, foreclosure cases had an average case time of 636 days in fiscal 2022, which is more than double the 314 days those cases took in fiscal 2019. Additionally, in fiscal 2022, four of the nine types of tracked cases had average case times above the time standard established for that particular type of case. In fiscal 2019, only two types of cases were above the time standard. **Exhibit 1** shows a breakdown of average case processing times as compared to the time standard established for that case type.

Exhibit 1
Average Case Processing Time in Circuit Courts by Case Type
Fiscal 2019 vs 2022



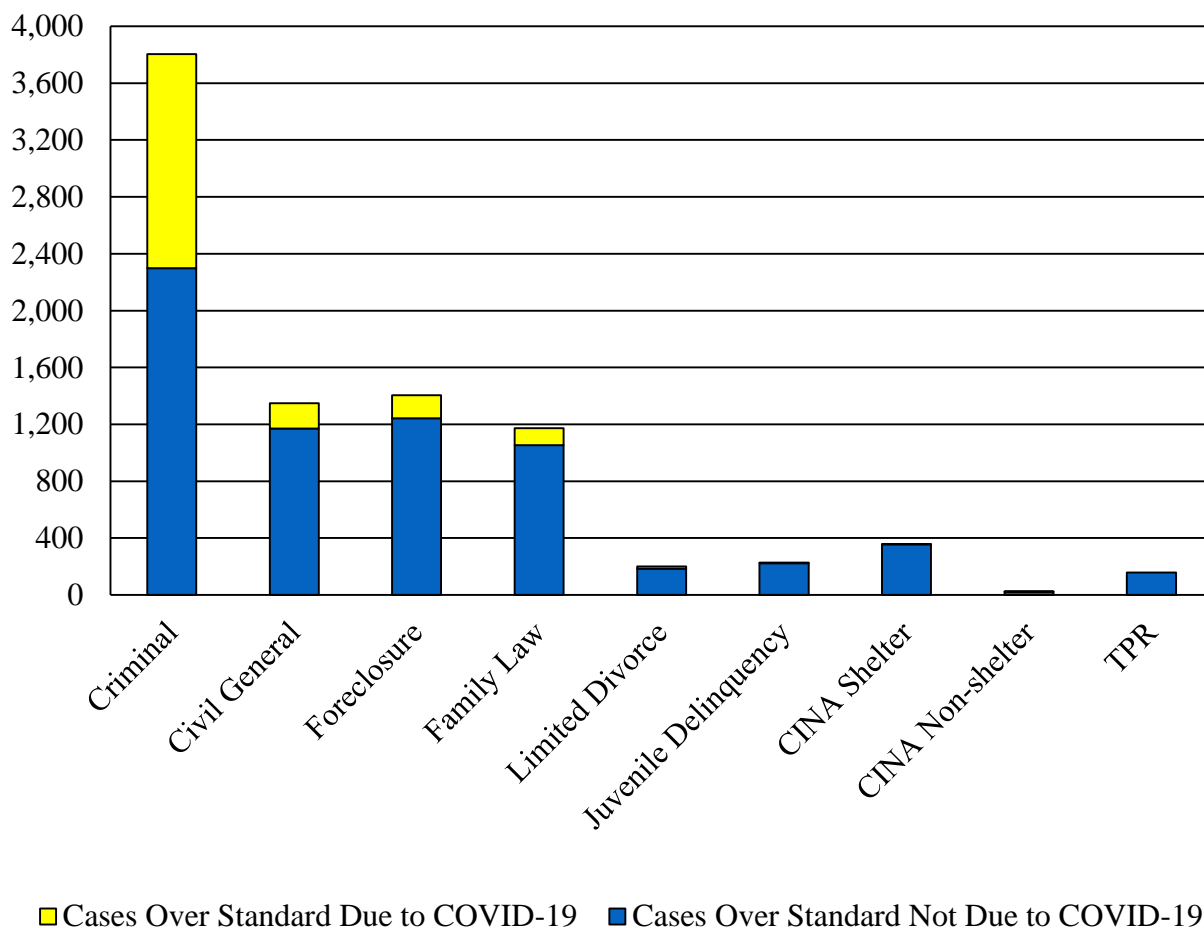
■ 2019 Overall Average Case Time (in Days) ■ 2022 Overall Average Case Time (in Days)
 ◆ Time Standard (in Days)

CINA: Child in Need of Assistance
 TPR: Termination of Parental Rights

Source: Department of Legislative Services

In fiscal 2022, the Judiciary tracked the number of cases that surpassed the proscribed time standard, along with whether the reason for the case running over the time standard related to the COVID-19 emergency. Criminal cases experienced the most cases over standard due to COVID-19 in fiscal 2022. Additionally, the data shows that few cases going over the time standard in the areas of limited divorce, juvenile delinquency, Child in Need of Assistance (CINA) shelter, and CINA non-shelter went over due to COVID-19. Data on the number of cases over standard and the number of over standard cases due to the COVID-19 emergency can be found in **Exhibit 2**.

Exhibit 2
Circuit Court Cases Over Standard Due to COVID-19 vs Other Reasons
Fiscal 2022

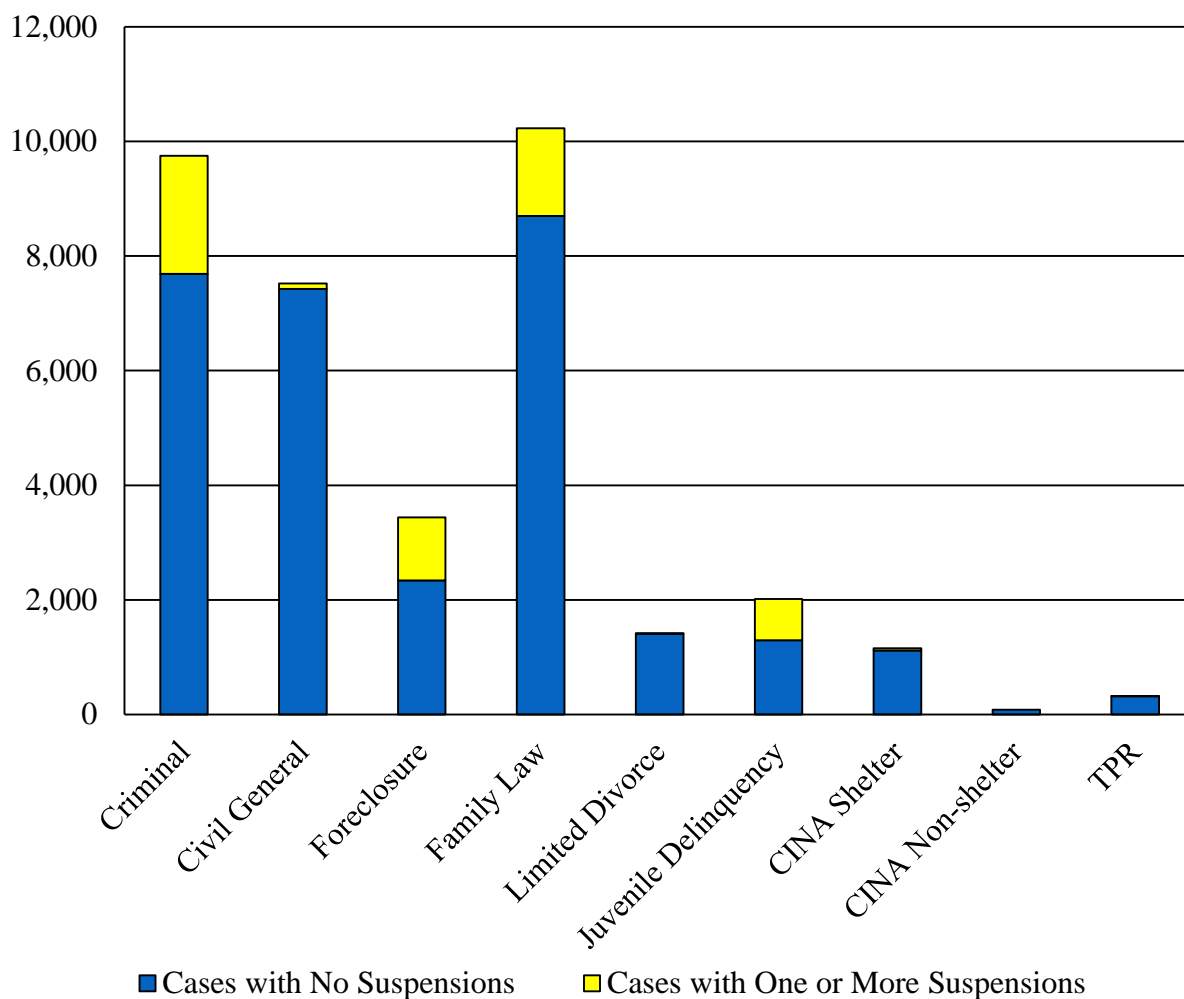


CINA: Child in Need of Assistance
 TPR: Termination of Parental Rights

Source: Maryland Judiciary

The Judiciary’s case time standards allow for the suspension of case time if certain events occur that halt the court’s ability to advance the case forward. The suspension data submitted as part of the court performance measures report showed that across the nine types of cases tracked by the Judiciary, eight categories had at least one suspension in fiscal 2022, and foreclosures had the highest rate of cases suspended at 32%. Data for suspensions across all tracked case types is shown in **Exhibit 3**.

**Exhibit 3
Circuit Court Cases with and without Valid Suspensions
Fiscal 2022**



CINA: Child in Need of Assistance
TPR: Termination of Parental Rights

Source: Maryland Judiciary

The Judiciary should comment on what the expected timeline is for average case processing times to return to 2019 levels and what is being done operationally to accomplish this timeline goal. Additionally, the Department of Legislative Services (DLS) recommends the adoption of committee narrative requesting the submission of the report on court performance measures for fiscal 2023.

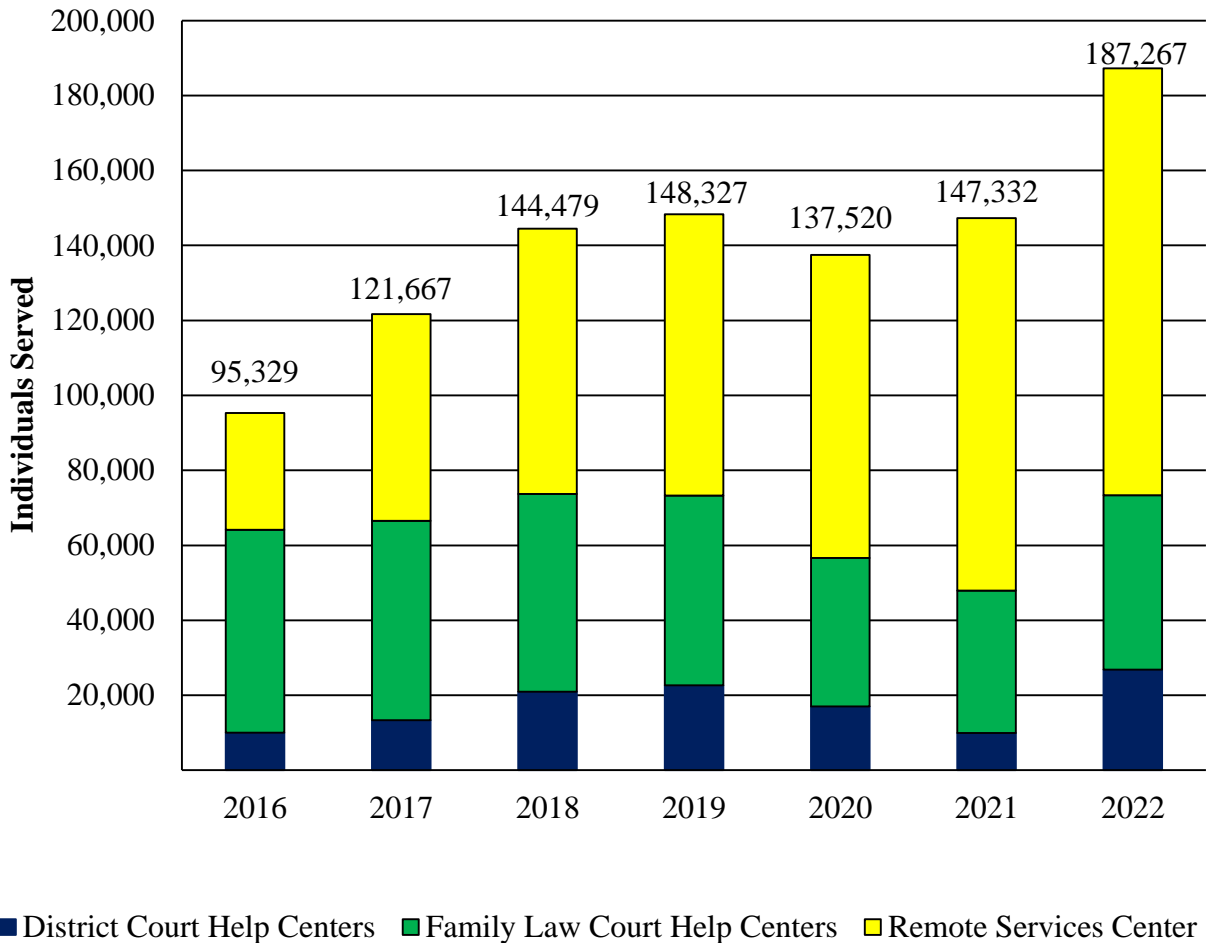
2. Help Centers Continue to Support Marylanders’ Legal Needs

In recent years, legal assistance programs from the Judiciary and pro bono legal service providers have continued to expand their offerings to individuals involved in noncriminal cases in the State. The Judiciary has established and continues to grow several programs designed to assist litigants in court matters. These programs provide attorneys for short duration, limited representation, or for facilitating effective self-representation. These services, rather than full representation, allow legal aid to be provided to a higher number of litigants. This method of delivering legal aid allows for broader offerings of legal assistance and improves access to justice. As of fiscal 2022, the most recent year for which data is available, the Judiciary offered three separate types of help centers to deliver legal aid to litigants.

- **Maryland Court Help Center:** a remote call and contact center that provides assistance via phone, live chat, or email, staffed by the Maryland Center for Legal Assistance (MCLA);
- **Family Law Help Centers:** walk-in centers providing support to litigants in family law cases across the State. These centers are supported by grants provided by the AOC; and
- **District Court Help Centers:** the Judiciary contracts with MCLA to staff these walk-in centers.

Each year, the Judiciary reports on the number of individuals served by these programs. The Maryland Court Help Center (MCHC) was able to operate at full capacity during the COVID-19 pandemic due to its remote operations. Usage of MCHC has increased in every fiscal year since 2016. As the service has become more popular, it has increased from providing support 31,181 times in fiscal 2016 to 113,890 instances in fiscal 2022. The Family Law and District Court centers, being walk-in centers, were impacted by COVID-19 closures in fiscal 2020 through 2022. Usage of the District Court centers rebounded in fiscal 2022, the year in which the Judiciary returned to normal operations following the pandemic, surpassing the usage levels from fiscal 2019. In fiscal 2022, the District Court centers delivered support 26,841 times, while in fiscal 2019, that figure stood at 22,681. Information on the total number of Marylanders served by these programs each year is shown in **Exhibit 4**.

**Exhibit 4
Utilization of Judicial Help Centers
Fiscal 2016-2022**

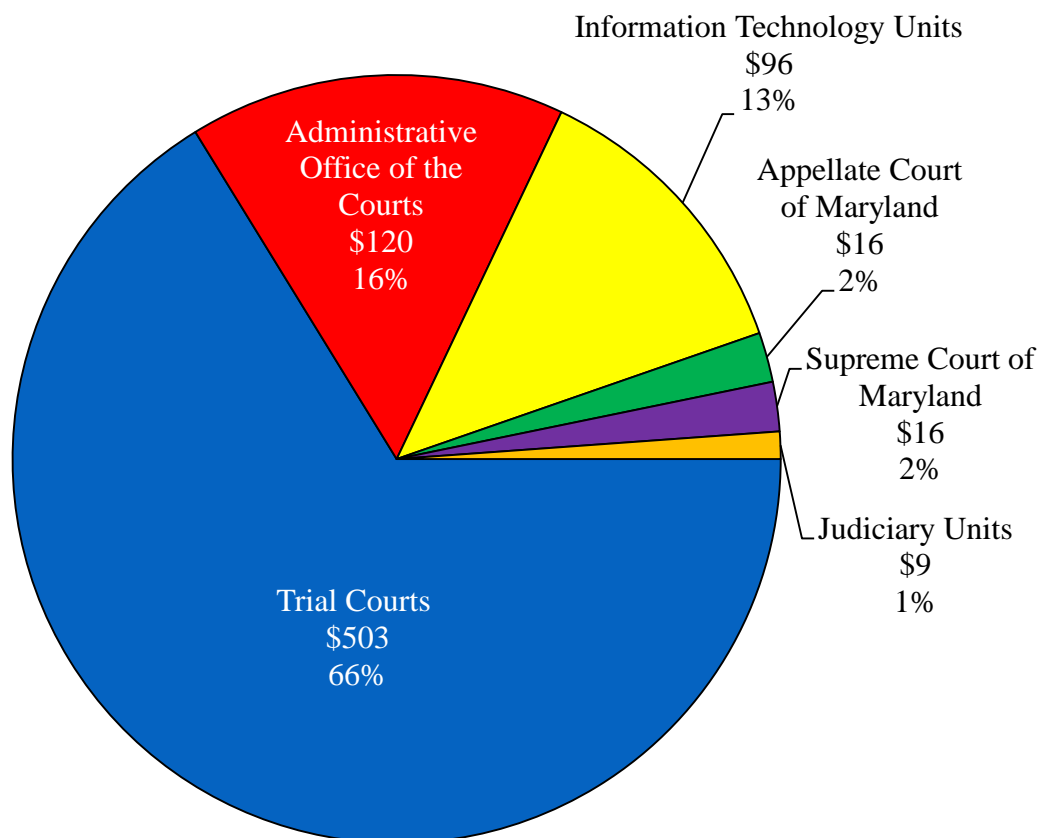


Source: Department of Legislative Services

Fiscal 2024 Overview of Agency Spending

The Judiciary’s budget provides funding for 10 programs. These programs include the trial courts (District and circuit courts), the appellate courts (the Appellate Court of Maryland and the Supreme Court of Maryland), AOC, and various other support functions. **Exhibit 5** identifies how those funds are allocated across the major functions of the Judiciary.

Exhibit 5
Overview of Agency Spending
Fiscal 2024 Allowance
(\$ in Millions)



Source: Department of Legislative Services

Proposed Budget Change

In fiscal 2024, the Judiciary’s budget request increases by \$34.0 million, or 4.7%, as shown in **Exhibit 6**. This growth is driven by changes in personnel expenses, namely merit increases, as well as statutory salary increases for judges. This also includes funding for 15.25 new positions.

Exhibit 6
Proposed Budget
Judiciary
(\$ in Thousands)

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reim. Fund</u>	<u>Total</u>
Fiscal 2022 Actual	\$592,141	\$52,269	\$5,262	\$4,975	\$654,647
Fiscal 2023 Working Appropriation	647,050	69,099	3,203	5,632	724,984
Fiscal 2024 Allowance	<u>670,612</u>	<u>79,704</u>	<u>2,791</u>	<u>5,893</u>	<u>759,000</u>
Fiscal 2023-2024 Amount Change	\$23,562	\$10,605	-\$412	\$261	\$34,015
Fiscal 2023-2024 Percent Change	3.6%	15.3%	-12.9%	4.6%	4.7%
Where It Goes:					<u>Change</u>
Personnel Expenses					
Employee and retiree health insurance					\$10,756
Merit increases					\$8,475
Annualization of November 2022 4.5% COLA.....					4,916
Employees’ retirement system					2,684
Judges’ pension system.....					1,635
Social security contributions					1,299
15.25 new positions.....					\$1,081
Accrued leave payout.....					602
Workers’ compensation premium assessment					148
Unemployment compensation.....					18
Overtime earnings					-42
Other fringe benefit adjustments.....					-50
Turnover adjustments.....					-8,532
Other Changes					
Courthouse eReadiness infrastructure upgrades to support operations and implementation of MDEC					5,242
Increase in per diem for jury service from \$15 per day to \$30 per day, as enacted in Chapter 546 of 2022					4,300
Information security software licenses, software for ongoing JIS projects					2,437
Security equipment for circuit courts and grants to courts to support circuit court operations.....					2,150
Contractual project management and implementation for major IT projects including MDEC, jury systems, and information security					1,855
Consulting fees for development of a statewide facilities master plan, drug testing, and other consulting activities serving the courts.....					1,147

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Where It Goes:	<u>Change</u>
Non-DGS rent expenses	1,108
Interpretation services in circuit and district courthouses	903
Contractual personnel.....	851
Other adjustments.....	416
Operational expenses for the Maryland Court Help Center and District Court Help Centers	309
Electricity expenses.....	227
Telephone expenses.....	169
Out-of-state operations.....	59
In-state tolls, parking fees, and mileage reimbursement.....	26
Agency allocation for statewide cost allocations	11
Subscriptions to LexisNexis and other information services	-75
Motor vehicle purchases and leasing costs.....	-110
MLSC funding to support Access to Counsel in Eviction Services shifted to Office of the Attorney General allowance	-10,000
Total	\$34,015

COLA: cost-of-living adjustment
DGS: Department of General Services
IT: information technology
JIS: Judicial Information Systems
MDEC: Maryland Electronic Courts
MLSC: Maryland Legal Services Corporation

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

2021 Judicial Compensation Commission Recommendation

In December 2021, the Judicial Compensation Commission recommended that judicial compensation increase by \$10,000 per year from fiscal 2023 to 2026. This year’s budget reflects the continued implementation of these judicial compensation increases.

Increase in Juror Fees

Chapter 546 of 2022 increased the State per diem paid to jurors from \$15 per day to \$30 per day for the first five days of jury service. This change applies to any individual who is required to be in attendance at or in proximity to a circuit court for a county for jury service for the first five days of that service. The per diem of \$50 per day given after the first five days was not altered. The impact is an additional \$4.3 million in fiscal 2024.

Major IT Project Costs

Major IT project costs are projected to be approximately \$22.7 million in fiscal 2024. This represents an estimated increase of \$5 million from fiscal 2023 estimated spending on these projects. This increase is driven by increased costs for the rollout of MDEC, along with the associated Courthouse eReadiness project, which is designed to ensure that electrical and network infrastructure in courthouses will be able to support MDEC along with other planned major IT projects.

Access to Counsel in Evictions Funding

The Maryland Legal Services Commission (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. Chapter 746 of 2021 also assigned responsibility for administering the Access to Counsel in Evictions special fund and associated program. The fiscal 2024 allowance for the Judiciary reflects a \$10 million decrease in funds to support the Access to Counsel in Evictions program, as the appropriation has been relocated within the Office of the Attorney General (OAG) budget. A more detailed discussion of the Access to Counsel in Evictions program and funding can be found in budget analysis for OAG – C81C.

Personnel Data

	<u>FY 22</u> <u>Actual</u>	<u>FY 23</u> <u>Working</u>	<u>FY 24</u> <u>Allowance</u>	<u>FY 23-24</u> <u>Change</u>
Regular Positions	4,068.00	4,143.75	4,159.00	15.25
Contractual FTEs	<u>356.00</u>	<u>363.00</u>	<u>363.00</u>	<u>0.00</u>
Total Personnel	4,424.00	4,506.75	4,522.00	15.25

Vacancy Data: Regular

Turnover and Necessary Vacancies, Excluding New Positions	196.00	4.73%
Positions and Percentage Vacant as of 12/31/22	304.05	7.34%
Vacancies Above Turnover	108.05	

- The new positions in the Judiciary’s fiscal 2024 allowance include 1 circuit court judge and 1 magistrate for Baltimore County, as well as support staff. This request for new judges has been made after the submission of the Judiciary’s annual report on the need for

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judgeships. The report for fiscal 2024 certified a need for 7 judgeships, but the Judiciary is only requesting 1 judge position and 1 magistrate position in light of its recognition of budgetary considerations and space constraints within the courthouses where additional need was certified. **DLS recommends adoption of committee narrative requesting a report on judgeship needs for fiscal 2025.**

- The District Courts will gain a problem solving courts case manager along with clerks as part of the request for new positions.
- The remaining requests for new positions will support the Judicial College, Rules Committee, the Thurgood Marshall State Law Library, and Judicial Disabilities.
- The Judiciary is currently experiencing a comparatively high vacancy rate, at 7.34%. **The Judiciary should comment on what has led to this increase in vacancies along with what is being done to bring the vacancy rate down to the budgeted turnover rate.**

Issues

1. Judiciary Programs Increase Access to Justice Resources

A critical part of the Judiciary’s mission is not only trying cases in courts but ensuring that all cases administered provide a fair and equitable right to representation and trial. As such, the Judiciary maintains a number of direct- and grant-funded programs supported by AOC, which promote access to attorneys and other forms of legal assistance.

Appointed Attorney Program

The Appointed Attorney Program was created by the General Assembly in 2014 to ensure State compliance with the decision issued by the Supreme Court of Maryland in *DeWolfe v. Richmond*. Under the Appointed Attorney Program, the Judiciary supplies attorneys to represent indigent defendants at initial appearances before District Court commissioners. These attorneys are private attorneys who are compensated by the State at a rate of \$60 per hour. In each year since the program’s inception, the budget committees have required the Judiciary to report on the cost of the program. The data shows that the program stayed within its appropriation overall, but that certain counties exceeded their allocation of funds while others had funding left over. Data regarding the cost of the Appointed Attorney Program by county may be found in **Exhibit 7**.

Exhibit 7

Appointed Attorney Program Appropriation and Expenditures by County

Fiscal 2022

(\$ in Thousands)

<u>County</u>	<u>Original Appropriation</u>	<u>Net Expenditures</u>	<u>Available Balance</u>
Allegany	\$105	\$147	-42
Anne Arundel	875	916	-41
Baltimore County	1,350	1,045	305
Calvert	0	1	-1
Caroline	0	0	0
Carroll	0	1	-1
Cecil	355	390	-35
Charles	535	581	-46
Dorchester	0	0	0
Frederick	0	0	0
Garrett	0	0	0
Harford	125	241	-116
Howard	200	347	-147
Kent	0	0	0

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<u>County</u>	<u>Original Appropriation</u>	<u>Net Expenditures</u>	<u>Available Balance</u>
Montgomery	1,200	929	271
Prince George’s	1,700	1,156	544
Queen Anne’s	0	1	-1
St. Mary’s	0	0	0
Somerset	0	0	0
Talbot	0	0	0
Washington	420	375	45
Wicomico	410	457	-47
Worcester	0	3	-3
Baltimore City	1,975	1,722	253
Total	\$9,250	\$8,311	\$939

Source: Department of Legislative Services

In fiscal 2022, \$8.25 million of the Judiciary’s general fund appropriation was restricted for the purpose of appointing attorneys for the purpose of required representation at initial appearances before District Court commissioners. However, in fiscal 2022, several jurisdictions exceeded the amount of funding allocated for them in this program. In order for the State to ensure that all indigent defendants have access to counsel at their initial appearances before District Court commissioners, it is critical that this program have the monetary resources available to provide counsel. Additionally, the Judiciary submitted a report last year on the costs of the Appointed Attorney Program, as requested in the 2022 *Joint Chairmen’s Report* (JCR). However, the report also requested statistics on the utilization of the program, which were not provided in great detail in the report. **DLS recommends adopting budget bill language restricting \$8.25 million of general funds 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, including the results of initial appearances before District Court commissioners when attorneys were appointed to represent indigent defendants as part of the Appointed Attorney Program.**

2. Rollout of MDEC in Baltimore City

Baltimore City is the last jurisdiction of the 24 jurisdictions that needs to implement the MDEC program. The rollout of MDEC in Baltimore City is more complex than in other jurisdictions for several reasons, including different software that has previously been used to support court functions and challenges presented by physical infrastructure in the seven court locations. The Baltimore City circuit court and District Court currently utilize six different systems for various court functions. This represents a significant difference from other jurisdictions, which have each only had one system that needed to be converted to MDEC. Three of the systems used by Baltimore City courts are managed by external vendors, and these vendors will need to work

with the Judiciary to convert their systems over to MDEC. Additionally, aging building infrastructure has presented challenges in ensuring that the computer networks are ready to support the technological needs of MDEC. Network and electrical wiring, along with reliable wireless access, all present potential challenges to MDEC implementation, and they are currently being evaluated. MDEC is projected to go online in Baltimore City in fiscal 2024. The estimated remaining cost of the rollout of MDEC in Baltimore City as of December 2022 is displayed in **Exhibit 8**.

Exhibit 8
Remaining MDEC Rollout Costs in Baltimore City

<u>Rollout of MDEC in Baltimore City</u>	<u>Cost</u>
Gap analysis of business processes, software development and configuration, data conversion, training, project management, and justice partner integrations	\$7,467,477
Infrastructure upgrades including network closet electrical, cabling and wiring, outside plant fiber builds, and data drops at each Baltimore City location	6,088,386
Desktop equipment for seven circuit court and District Court locations	4,150,000
Total	\$17,705,863

MDEC: Maryland Electronic Courts

Source: Maryland Judiciary

While these costs are accounted for in the fiscal 2024 allowance, the operational challenges of implementing MDEC in Baltimore City still present significant issues. **DLS recommends adopting committee narrative requesting that the Judiciary submit quarterly reports on the status of the implementation of MDEC in Baltimore City.**

3. Projected Shortfall in the Circuit Court Real Property Records Improvement Fund

The Circuit Court Real Property Records Improvement Fund is used for a variety of purposes including major IT projects in the Judiciary, circuit court office operations, and the State Archives' MDLandRec program. This fund receives revenues from surcharge and copy fees as well as e-Filing service fees. Additionally, Chapter 522 of 2022 allowed the Judiciary to make a transfer of \$12 million to this fund. The fund is currently projected to have a structural shortfall in fiscal 2023 through 2027. Data on the fund's projected balances may be found in **Exhibit 9**.

Exhibit 9
Circuit Court Real Property Records Improvement Fund Estimated Balances
Fiscal 2022-2027 Est.
(\$ in Thousands)

	<u>2022</u>	<u>Est.</u> <u>2023</u>	<u>Est.</u> <u>2024</u>	<u>Est.</u> <u>2025</u>	<u>Est.</u> <u>2026</u>	<u>Est.</u> <u>2027</u>
Revenues						
Transfer from General Fund	\$12,000					
Surcharge/Copying Fees	40,367	\$34,377	\$34,377	\$34,377	\$34,377	\$34,377
eFiling Service Fees	4,029	4,946	4,946	4,946	4,946	4,946
Total	\$56,396	\$39,323	\$39,323	\$39,323	\$39,323	\$39,323
Operations						
ELROI Operations/Maintenance	\$1,491	\$2,362	\$2,426	\$2,226	\$2,226	\$2,226
e-Filing Operations/Maintenance	4,200	4,320	4,645	5,000	5,000	5,000
Archives — MDLandRec	500	500	500	500	500	500
Circuit Court Offices*	19,134	19,613	20,103	20,606	21,121	21,649
Major IT Projects*	7,843	17,683	22,645	17,139	17,753	17,200
Total	\$33,169	\$44,478	\$50,319	\$45,471	\$46,600	\$46,575
Projected Structural						
Surplus/Shortfall	\$23,227	-\$5,155	-\$10,996	-\$6,148	-\$7,277	-\$7,252
Less Prior Year Encumbrances Spent	\$5,990					
Less Open Prior Year Encumbrances		\$5,873				
Total Fund Balance (Accrual Basis)	\$87,582	\$76,554	\$65,559	\$59,411	\$52,134	\$44,882

ELROI: Electronic Land Record Optical Imagery

*Includes Fiscal 2022 encumbrances

Source: Maryland Judiciary

While the fund is not projected to run out of money in the time period covered by the projection, the total fund balance is projected to decline by more than \$40 million. This could lead to operational struggles in future years if the fund's revenue sources and amounts are not changed and the same level of spending is maintained. Because these funds are used to support major IT projects, the decrease in the projected fund balance over the next several years represents a potential challenge in funding future major IT projects. **DLS recommends the adoption of committee narrative requesting a report on the Judiciary's major IT projects, including the anticipated costs of major IT projects through fiscal 2028.**

Operating Budget Recommended Actions

1. 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, 2023, detailing the fiscal 2023 costs and utilization of the Appointed Attorney Program. This report should include the results of appearances before District Court commissioners where attorneys were appointed to represent indigent defendants.

Information Request	Author	Due Date
Appointed Attorney Program costs and utilization	Judiciary	October 1, 2023

2. Adopt the following narrative:

Judgeship Need for Fiscal 2025: The committees remain interested in the judgeship needs at the Judiciary. The committees request a report, to be submitted by December 1, 2023, detailing the fiscal 2025 judgeship needs.

Information Request	Author	Due Date
Judgeship need for fiscal 2025	Judiciary	December 1, 2023

3. Adopt the following narrative:

Judiciary Status Report on Major Information Technology Development Projects (MITDP): The committees remain interested in the Judiciary’s MITDPs. The committees request a report, to be submitted by December 15, 2023, detailing MITDPs being undertaken by the Judiciary.

Information Request	Author	Due Date
Judiciary status report on MITDPs	Judiciary	December 15, 2023

4. Adopt the following narrative:

Annual Court Performance Measures: The committees remain interested in evaluating the performance of the circuit and District courts, with a particular attention given to the courts’ progress in responding to COVID-19 backlogs. The committees request that the

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Judiciary submit a report to the budget committees with annual court performance measures data for the circuit and District courts no later than November 1, 2023.

Information Request	Author	Due Date
Annual court performance measures	Judiciary	November 1, 2023

5. Add the following language:

, 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 Supreme Court of Maryland 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 back 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.

Appendix 1 2022 Joint Chairmen’s Report Responses from Agency

The 2022 JCR requested that Judiciary prepare nine reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***Appointed Attorney Program Costs and Utilization:*** The requested report on the costs of the Appointed Attorney Program was submitted by the Judiciary in August 2022. Notably, this report detailed the expenditures incurred by the program but did not cover the utilization of the program in great detail, beyond providing the costs of the program in each jurisdiction. Further discussion of this report can be found in Issue 2 of this analysis.
- ***Judgeship Need for Fiscal 2024:*** The Judiciary submitted its annual report certifying its need for judgeships in fiscal 2024 on December 1, 2022. This report certified the need for 7 additional judgeships for fiscal 2024. However, in this report, the Judiciary noted that they are only requesting 1 trial court judgeship and 1 magistrate position. The report says that this reduced request is due to the Judiciary’s recognition of budget constraints as well as limited existing space within the other courthouses where the need for additional judgeships was identified.
- ***Judiciary Report on Court Performance Measures:*** The Judiciary’s annual report on court performance measures was submitted in December 2022 and detailed various metrics used to track case progression in the circuit and District courts. Further discussion of this report can be found in Performance Analysis 1 and Issue 1 of this analysis.
- ***Access to Counsel in Evictions Quarterly Reports:*** MLSC provided reports detailing the status of the implementation of the Access to Counsel in Evictions program. The reports discussed the usage of funding that had been appropriated for the purpose of providing legal assistance as well as the results of the assistance provided by grantees. Further discussion of this data can be found in Issue 1 of this analysis.
- ***Pretrial Home Detention Monitoring:*** The Maryland Judiciary and the Department of Public Safety and Correctional Services (DPSCS) submitted a report detailing agency processes and procedures relating to home detention monitoring in Baltimore City and around the State. This report detailed the procedures a private agency must follow to be licensed to conduct home detention monitoring for the State. Three of the four private home detention monitoring agencies (PHDMA) have supplied documentation showing that they are in compliance with federal regulations regarding the receipt of federal funds available through the American Rescue Plan Act. A fourth agency has not yet responded to requests for proof of compliance as of the time the report was submitted to the budget committees. Additionally, this report detailed the invoices that had been received and validated from PHDMAs as of December 1, 2022. Using the average daily monitoring rate of \$15, the invoices received to date represent 135,001 total days of monitoring.

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- ***Vacant Properties Circuit Court Report:*** The Circuit Court for Baltimore City submitted a report detailing the feasibility of creating a specific expedited track for Tax Lien Foreclosure cases brought by the Mayor and City Council of Baltimore City. This report details the requirements for initiating *in rem* tax foreclosure processes for properties that are deemed to be a “vacant lot” or an “improved property cited as vacant and unsafe for habitation or other authorized use on a housing or building violation notice.” The report notes that the circuit court handles a relatively small number of nuisance and receivership cases and instead focuses more on *in rem* cases. In July 2022, the Mayor and City Council filed six initial cases. The report also stated that 30 more cases were expected to be filed in August 2022 and that approximately 30 cases per month would be submitted thereafter.
- ***Major IT Development Projects:*** As requested, the Judiciary submitted a report in December 2022 detailing the status of its various major IT projects. This report detailed all major IT projects that are currently in process. Notably, the report included updates on MDEC and Courthouse eReadiness, which is a project being undertaken to support MDEC.
- ***MDEC Baltimore City Rollout:*** The Judiciary submitted a report detailing the status of MDEC implementation in the Baltimore City courts in December 2022. This report provided data on the remaining costs to implement MDEC in Baltimore City, the last jurisdiction where MDEC has yet to be brought into service. Further discussion of this report can be found in Issue 3 of this analysis.
- ***Status Report on Organization Charts and Vacant Positions:*** In December 2022, the Judiciary submitted a report as requested that detailed its organizational charts in each of the courts as well as AOC. The Judiciary also submitted vacancy data as requested; however, it should be noted that this vacancy data was not reported in line with the way Executive Branch agencies report vacancies, as the Judiciary removed PINs from the vacancy counts for county and city magistrates as well as PINs with identified candidates. The Judiciary has since begun counting and reporting vacancies in the same way as Executive Branch agencies.

Appendix 3 Major Information Technology Projects Judiciary

- **MDEC:** Judiciary’s central IT program. This project unifies operational and management processes and replaces the Judiciary’s legacy case management systems with a new unified solution for all courts.
- **Courthouse eReadiness:** This project will improve the State’s courthouse infrastructure by preparing systems, particularly telecommunications and networking, to bear the load required by MDEC. Additionally, some courtrooms will gain audio-visual equipment to create an interactive courtroom environment.
- **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, DPSCS, and the State’s Attorney’s and Attorney General’s offices.
- **Attorney Information System (AIS) Enhancements:** Following the release of Phase IV of AIS in 2019, which aligned compliance cycle requirements for pro bono and IOLTA reporting with fiscal year assessment payment requirements, new initiatives are in progress and under consideration. Improvements in progress include a new online payment system and a modernized login process. Future capabilities may include integration with MDEC and a proposed upgraded e-Bar system for storing and displaying bar documents.
- **Court Revenue Assessment:** This project will replace the current revenue collection system, which is reaching the end-of-life expectancy. The project was reevaluated and modified after a comprehensive review of all court revenue systems. The project will now incorporate new capabilities designed to support remote courthouse functions.
- **Voice Over Internet Protocol (VoIP) – Enterprise Deployment:** Phase I of the VoIP project has been completed, and planning for the Enterprise implementation of VoIP is now underway. This phase will expand VoIP deployment throughout the Judiciary.
- **Data Analytics:** This project will support the Judiciary’s ability to consolidate data from multiple source databases to allow internal users to access, analyze, and report on specific data sets. The project will also examine ways to eliminate the need for individualized data compilations by creating a mechanism for satisfying judicial records bulk data requests.
- **Case Notification:** This project extends the ability to send text notifications regarding case hearings. Initially, the project was piloted with defendants in criminal cases originating in the District Court. This project’s progress has slowed in the wake of questions regarding scope and target notification recipients. These questions are to be discussed with the Text Notification workgroup and the Major Project Committee.

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- ***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, paperless system for applicants to the Maryland Bar.
- ***Guardianship System:*** This project will create a centralized, statewide online accounting system for guardianship of property cases. This will replace the current manual process, eliminating errors and inconsistencies.
- ***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 project will ensure that the Judiciary’s financial and human resources systems will be capable of providing flexible, reliable, and sustainable solutions for the future. It is being designed to replace the current system, which is almost 10 years old.
- ***Jury System:*** This project will improve the functionality for identifying, contacting, and managing potential and empaneled jurors. This 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 or replace the current SMART system, which has reached the end of its useful life.
- ***Information Security Enhancements:*** This project encompasses multiple projects that are being initiated to expand the Judiciary’s relationships with the Department of Homeland

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Security and the Center for Internet Security. These initiatives are being undertaken to help protect the Judiciary’s information systems resources and data.

**Major Information Technology Spending Estimates
Judiciary
Fiscal 2023-2027
(\$ in Millions)**

<u>Major IT Projects</u>	<u>2023 Est.</u>	<u>2024 Est.</u>	<u>2025 Est.</u>	<u>2026 Est.</u>	<u>2027 Est.</u>
Court Management Build-out (MDEC)	\$4,278	\$5,226			
Courthouse eReadiness	4,395	5,579			
Case Search Rewrite Version 2.0	500	289			
AIS – Enhancements	750	750	\$639		
Infrastructure Initiative	1,215				
Court Revenue Assessment	679	651	600		
Voice over Internet Protocol – Phase I	1,063				
Voice over Internet Protocol – Enterprise Deployment	200	1,300	2,000	\$2,000	\$1,500
Data Analytics	747	750	1,250	2,000	2,000
Case Notification	600	900	950	553	
Mobile Information	1,056	1,000	1,000	1,000	1,000
Digital Evidence	200	1,200	1,200	1,200	1,200
Enterprise Content/Records Management	500	500	1,500	2,000	2,000
E-Bar	750	750	500		
Guardianship	750	750	500		
Enterprise Financial/HR System		500	3,000	4,000	6,000
Network Redesign		1,000	1,000	1,000	2,000
SMART System Replacement			1,000	2,000	
Jury System		500	1,000	1,000	500
Information Security		1,000	1,000	1,000	1,000
Total	\$17,683	\$22,645	\$17,139	\$17,753	\$17,200
				Total	\$92,420

AIS: Attorney Information System

HR: Human Resources

SMART: State of Maryland Automated Record Tracking

**Appendix 4
Object/Fund Difference Report
Judiciary**

<u>Object/Fund</u>	<u>FY 22 Actual</u>	<u>FY 23 Working Appropriation</u>	<u>FY 24 Allowance</u>	<u>FY 23 - FY 24 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	4,068.00	4,143.75	4,159.00	15.25	0.4%
Total Positions	4,068.00	4,143.75	4,159.00	15.25	0.4%
Objects					
01 Salaries and Wages	\$ 433,541,850	\$ 474,594,540	\$ 507,416,262	\$ 32,821,722	6.9%
02 Technical and Special Fees	23,068,779	22,908,449	23,750,017	841,568	3.7%
03 Communication	8,093,636	9,631,336	9,675,542	44,206	0.5%
04 Travel	983,973	1,838,501	1,929,787	91,286	5.0%
06 Fuel and Utilities	976,500	852,338	985,701	133,363	15.6%
07 Motor Vehicles	216,968	328,319	229,194	-99,125	-30.2%
08 Contractual Services	83,401,389	81,128,735	95,515,396	14,386,661	17.7%
09 Supplies and Materials	6,369,244	6,212,552	5,955,798	-256,754	-4.1%
10 Equipment – Replacement	6,679,819	4,948,813	7,637,391	2,688,578	54.3%
11 Equipment – Additional	4,733,594	7,684,155	4,838,708	-2,845,447	-37.0%
12 Grants, Subsidies, and Contributions	66,728,710	83,570,313	80,179,997	-3,390,316	-4.1%
13 Fixed Charges	19,852,214	19,164,165	20,335,730	1,171,565	6.1%
14 Land and Structures	0	2,290,000	550,000	-1,740,000	-76.0%
Total Objects	\$ 654,646,676	\$ 715,152,216	\$ 758,999,523	\$ 43,847,307	6.1%
Funds					
01 General Fund	\$ 592,140,664	\$ 637,697,533	\$ 670,611,944	\$ 32,914,411	5.2%
03 Special Fund	52,269,324	68,619,557	79,703,567	11,084,010	16.2%
05 Federal Fund	5,261,693	3,203,434	2,791,229	-412,205	-12.9%
09 Reimbursable Fund	4,974,995	5,631,692	5,892,783	261,091	4.6%
Total Funds	\$ 654,646,676	\$ 715,152,216	\$ 758,999,523	\$ 43,847,307	6.1%

Note: The fiscal 2023 appropriation does not include deficiencies. The fiscal 2024 allowance does not include contingent reductions or cost-of-living adjustments.

**Appendix 5
Fiscal Summary
Judiciary**

<u>Program/Unit</u>	<u>FY 22 Actual</u>	<u>FY 23 Wrk Approp</u>	<u>FY 24 Allowance</u>	<u>Change</u>	<u>FY 23 - FY 24 % Change</u>
01 The Supreme Court of Maryland	\$14,242,940	\$14,596,523	\$15,795,283	\$1,198,760	8.2%
02 Appellate Court of Maryland	14,130,487	14,921,798	15,882,736	960,938	6.4%
03 Circuit Court Judges	74,439,346	83,256,118	91,558,465	8,302,347	10.0%
04 District Court	223,620,129	235,608,304	250,168,315	14,560,011	6.2%
06 Administrative Office of the Courts	106,739,884	124,102,305	120,199,031	-3,903,274	-3.1%
07 Judiciary Units	3,548,627	3,956,650	4,337,674	381,024	9.6%
08 State Law Library	3,792,568	4,042,362	4,364,715	322,353	8.0%
09 JIS	67,355,489	68,654,677	73,165,830	4,511,153	6.6%
10 Clerks of the Circuit Court	133,934,372	150,828,660	160,882,834	10,054,174	6.7%
12 Major IT Development Projects	7,842,834	15,184,819	22,644,640	7,459,821	49.1%
13 American Home Detention	5,000,000	0	0	0	0%
Total Expenditures	\$654,646,676	\$715,152,216	\$758,999,523	\$43,847,307	6.1%
General Fund	\$592,140,664	\$637,697,533	\$670,611,944	\$32,914,411	5.2%
Special Fund	52,269,324	68,619,557	79,703,567	11,084,010	16.2%
Federal Fund	5,261,693	3,203,434	2,791,229	-412,205	-12.9%
Total Appropriations	\$649,671,681	\$ 709,520,524	\$753,106,740	\$43,586,216	6.1%
Reimbursable Fund	\$4,974,995	\$5,631,692	\$5,892,783	\$261,091	4.6%
Total Funds	\$654,646,676	\$715,152,216	\$758,999,523	\$43,847,307	6.1%

Note: The fiscal 2023 appropriation does not include deficiencies. The fiscal 2024 allowance does not include contingent reductions or cost-of-living adjustments.