

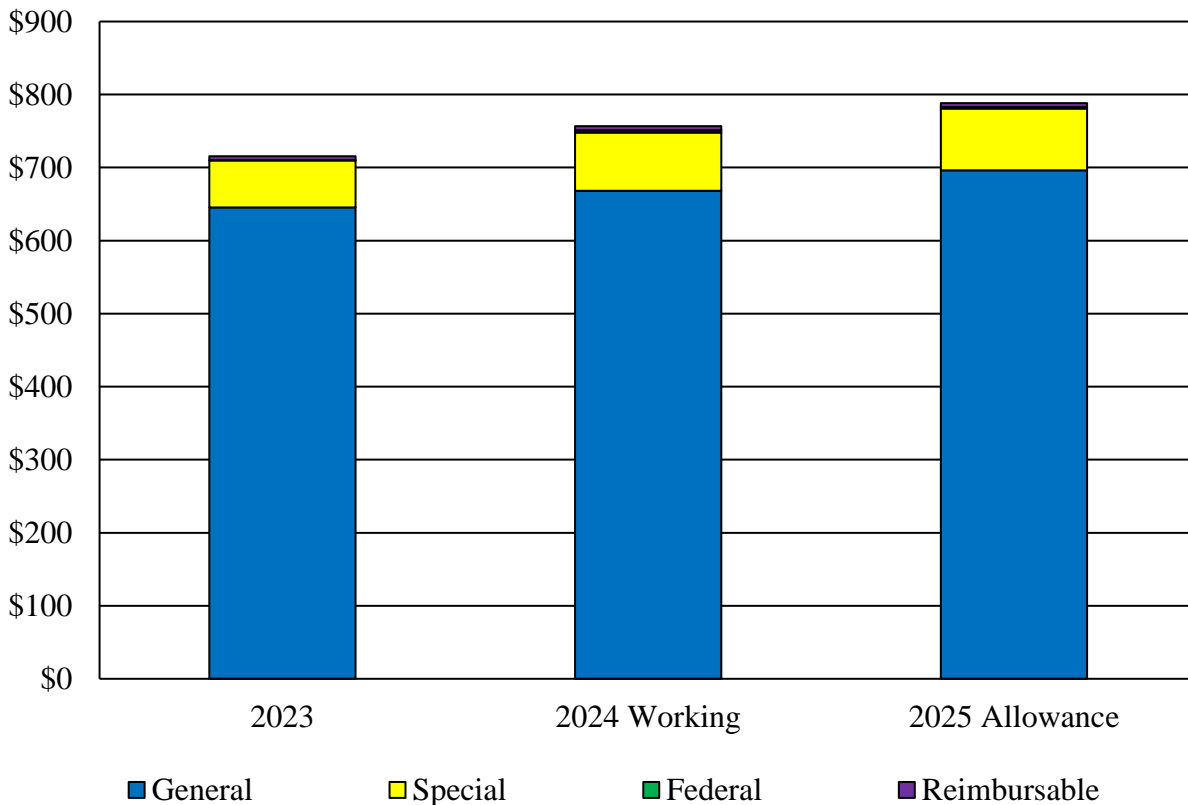
C00A00 Judiciary

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 2025 Budget Increases \$31.8 Million, or 4.2%, to \$788.5 Million
(\$ in Millions)**



Note: The fiscal 2024 impacts of the cost-of-living adjustment (COLA) appear in the Statewide Account in the Department of Budget and Management (DBM), and adjustments are not reflected in this agency’s budget. The fiscal 2025 impacts of the fiscal 2024 COLA appear in this agency’s budget. The fiscal 2025 COLA appears in the Statewide Account in DBM, while the impact of the increments currently appears in the Judiciary and the Statewide Account.

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- General funds increase by \$28.0 million, or 4.2%, in the fiscal 2025 allowance compared to the fiscal 2024 working appropriation. This increase is largely due to the creation of new positions, salary increases for judges and other employees, and contractual services including security contractors and software licensing.
- Special funds increase by \$4.7 million, or 5.9%, in the fiscal 2025 allowance mainly due to an anticipated increase in Interest on Lawyer Trust Accounts (IOLTA) revenue budgeted for the Maryland Legal Services Corporation (MLSC).

Key Observations

- ***Fiscal 2023 Court Performance Measures Report:*** The fiscal 2023 court performance measures report was submitted to the budget committees in December 2023. This report highlighted improvements in the average case processing times for multiple types of cases in trial courts as well as the continuation of certain issues with several case types that have been present for several years. In the District Court, the average processing time decreased for Criminal, Driving under the Influence (DUI), Traffic Must Appear, and both large and small civil cases. In the circuit courts, average processing times for juvenile delinquency and limited divorce cases increased for the second consecutive year.
- ***Funding Continues to Support Marylanders in Need:*** The Appointed Attorney Program, Problem-Solving Courts (PSC) and other initiatives continue to deliver justice for Marylanders in need. These programs, in addition to initiatives from MLSC, help to ensure that Marylanders lacking financial resources for legal aid are able to receive justice in court. The Appointed Attorney Program provided representation at initial appearances for more than 28,000 indigent defendants in fiscal 2023. The mental health PSCs, where many cases remain open for longer than one year, served 1,050 total clients in fiscal 2023, with 331 new entries into the program and 63 successful completions of the program. Veterans courts served 127 total clients across four jurisdictions in fiscal 2023, and drug courts served 1,680 clients in 22 total jurisdictions in fiscal 2023.

Operating Budget Recommended Actions

Funds

1. Add language to reduce fiscal 2025 funding for the Judiciary by \$5,600,000 in general funds.
 2. Add language to reduce fiscal 2025 funding for employee merit increases that are double budgeted by \$8,800,000 in general funds.
 3. Add language to reduce fiscal 2025 funding for the Appointed Attorney Program.
 4. Add language to restrict funds for the Appointed Attorney Program.
 5. Adopt committee narrative requesting an annual report on the Appointed Attorney Program.
 6. Adopt committee narrative requesting an annual report on court performance measures.
 7. Adopt committee narrative requesting a report on Problem-Solving Court funding and expenditures.
 8. Adopt committee narrative requesting a report on the Judiciary’s major information technology projects.
 9. Adopt committee narrative requesting a report on the status of the Land Records Improvement Fund.
 10. Adopt committee narrative requesting a report on the need for judgeships in fiscal 2026.
 11. Add language to implement the reduction of fiscal 2024 funding for the Appointed Attorney Program by \$500,000 in general funds shown in a separate action.
 12. Reduce funding for the Appointed Attorney Program in fiscal 2024 in order to better align the funding with fiscal 2023 expenditures. - \$ 500,000
- Total Net Change to Fiscal 2024 Deficiency Appropriation - \$ 500,000**

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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 unit manages information systems maintenance and information technology (IT) development for the Judiciary.

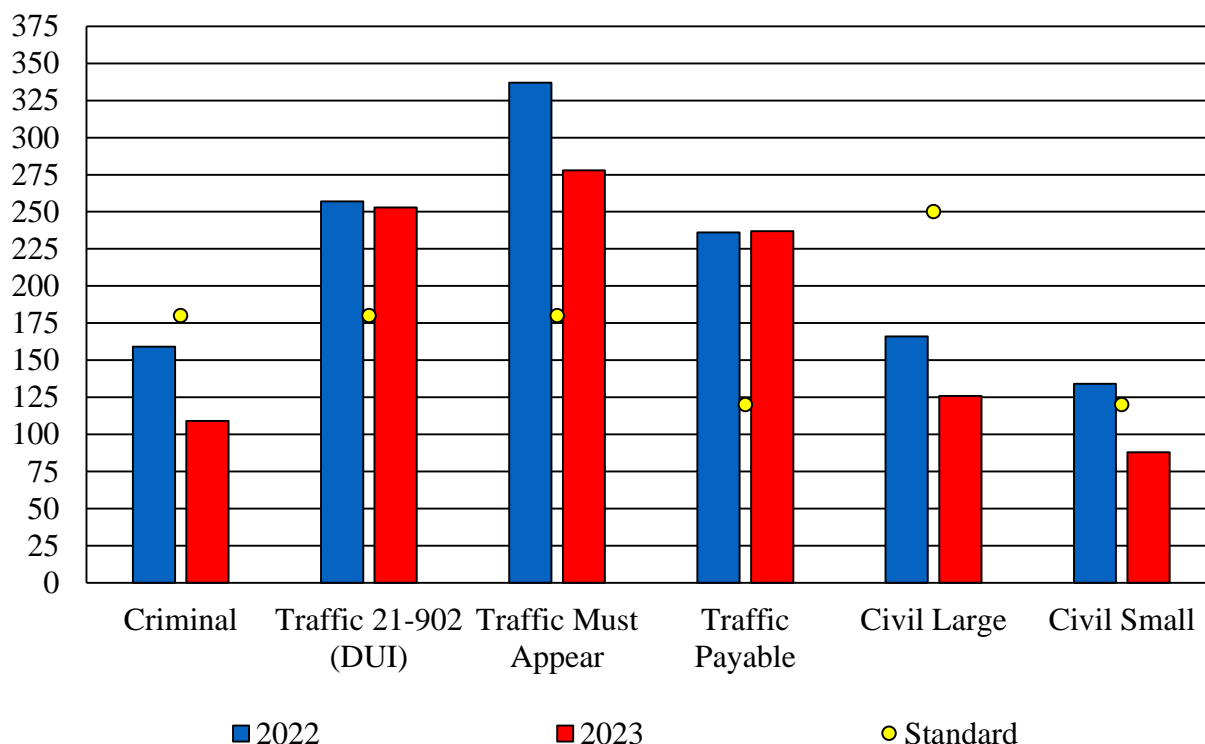
Performance Analysis: Managing for Results

1. District Court Case Clearance Rates Generally Improve

In December 2023, the Judiciary submitted its annual report on court performance measures. To measure changes in the performance of the Judiciary, data from fiscal 2023 was compared to data from fiscal 2022. The Judiciary sets a standard for the time each case should take for processing from start to finish. Criminal, DUI, and Traffic Must Appear cases are all set at 180 days. Traffic Payable and Civil Small cases are set at 120 days, and Civil Large cases are set to take 250 days. The District Court handles a variety of cases, including all landlord-tenant cases, motor vehicle violations, misdemeanors, certain felonies, and claims of \$5,000 or less, among other types of cases. This wide range of cases requires the Judiciary to be staffed appropriately and to have procedures in place to effectively process cases.

As shown in **Exhibit 1**, in fiscal 2023, performance in the District Court improved across the board as compared with fiscal 2022, with the exception of Traffic Payable cases, which experienced an average increase of one day. In fiscal 2023, the District Court processed cases below the standard time in three types of cases, an improvement of one from the prior year (Civil Small).

**Exhibit 1
Average District Court Case Processing Times
Fiscal 2022-2023**



DUI: driving under the influence

Source: Maryland Judiciary; Department of Legislative Services

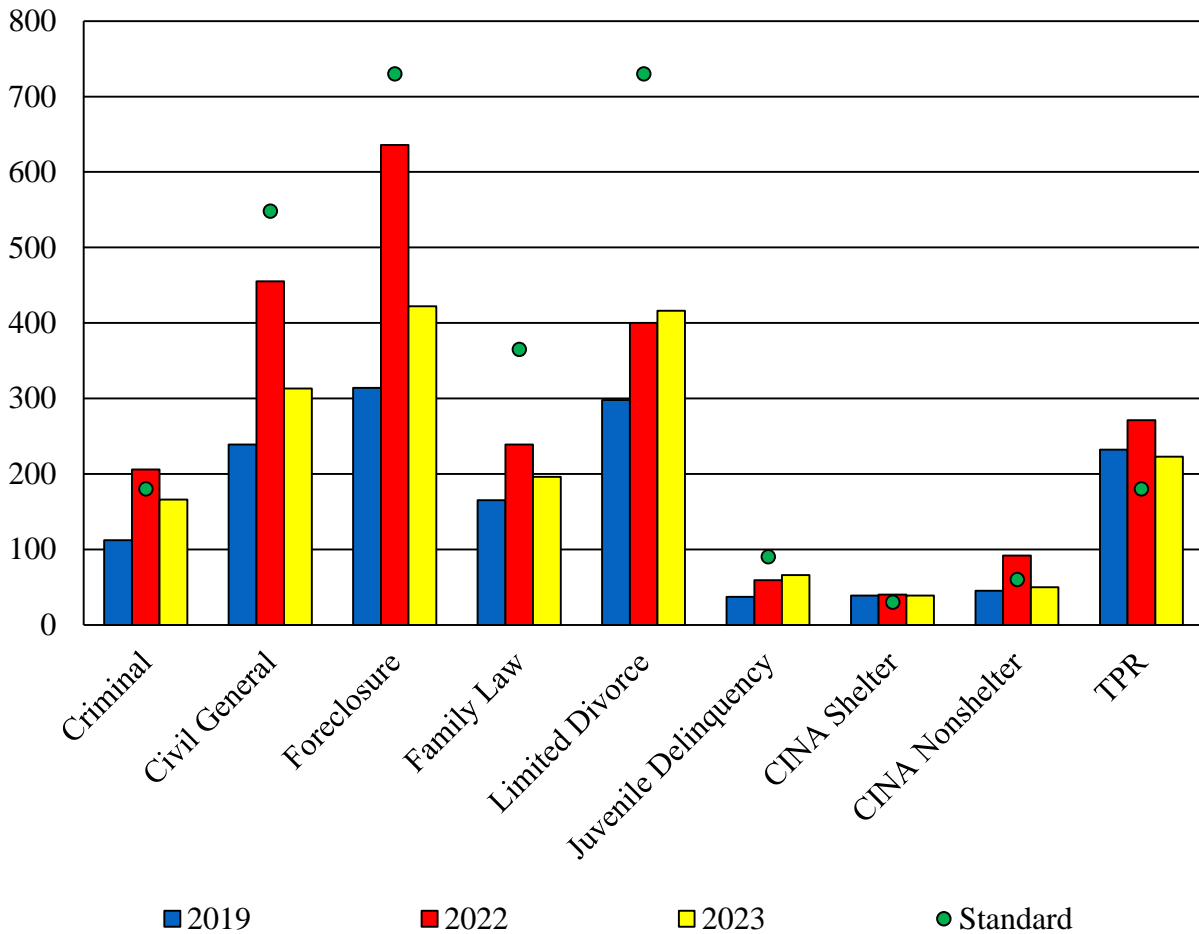
Average case processing times remain well above the standard for the remaining three types of cases. Cases in the Traffic Must Appear category experienced a significant improvement in fiscal 2023, a reduction of 59 days, but remained 98 days above the standard. The average processing time in DUI cases decreased slightly, while, as noted, Traffic Payable cases experienced a slight increase in average case processing time.

2. Average Case Processing Times Improve in Circuit Courts

The Judiciary’s annual report on court performance measures also covers the circuit courts in every county along with Baltimore City. The circuit courts hold jury trials, unlike the District Court, and deal with serious criminal cases along with major civil cases, family law cases, and many appeals from the District Court. The circuit courts are grouped into eight judicial circuits.

As shown in **Exhibit 2**, the average case processing time in the circuit courts improved in seven of the nine tracked case categories in fiscal 2023. Limited divorce and juvenile delinquency cases took, on average, 16 and 7 more days than in fiscal 2022, respectively. However, both remain below the case standards. Of the nine case types, seven had average case processing times below the Judiciary’s set standard, an increase of two compared to fiscal 2022.

Exhibit 2
Average Circuit Court Case Processing Times
Fiscal 2019-2023



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

Source: Maryland Judiciary; Department of Legislative Services

Cases involving a Child in Need of Assistance (CINA), including shelter and Termination of Parental Rights (TPR) cases, remain above the time standard. CINA shelter cases were processed in an average of 39 days in fiscal 2023, 9 days above the standard. TPR cases were processed in an average of 223 days, 53 days above the standard of 180 days. These two case types were similarly above the standard in fiscal 2019, which is the last year for which the Judiciary provided data on average case processing times prior to fiscal 2022. In fiscal 2019, CINA shelter cases were processed in an average of 39 days, and TPR cases averaged 232 days. The Judiciary should work to determine how to bring these two types of cases in line with the standard that it has set or examine if the circumstances that existed when the standard was set have changed to the point where the standard should be reevaluated. **The Judiciary should comment on specific issues that lead to extended case processing times for CINA shelter and TPR cases and what actions can be taken to improve performance for these case types.**

The Department of Legislative Services (DLS) recommends adoption of committee narrative requesting the submission of a report on court performance measures for fiscal 2024.

3. PSCs Deliver Justice and Support for Certain Defendants

The Judiciary maintains multiple types of courts referred to as PSCs, which are intended to deliver justice where defendants have certain circumstances that merit additional attention as a part of a collaborative therapeutic system. The PSCs include:

- Adult Drug Court;
- Mental Health Court;
- Veterans Treatment Court;
- Re-entry Court;
- Truancy Reduction Court;
- Family Recovery Court;
- Juvenile Drug Court; and
- Back on Track Court.

Each of these courts utilize partnerships with public and private entities to deliver positive outcomes for Marylanders in the justice system. Mental Health Courts include specialized dockets established for defendants with mental illness, where the focus is on reducing recidivism by

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arranging a treatment plan developed by court staff and mental health professionals. Veterans Treatment Courts serve defendants who were in the military and have conditions that include Posttraumatic Stress Disorder, traumatic brain injuries, and substance abuse disorders, among other conditions. Veterans Treatment Courts allow veterans to obtain treatment and services including benefits to which they are entitled while also resolving their criminal offenses. The other types of PSCs utilize similar approaches to deliver resources for their targeted populations that deliver justice to offenders while also taking steps to reduce recidivism through support of the defendants in a variety of ways.

The Judiciary has created PSCs in 23 of the 24 jurisdictions in the State and monitors outcomes from these courts and evaluates the potential for additional courts of the existing types as well as new types of PSCs. **Appendix 3** provides information on the availability of PSCs by jurisdiction. The fiscal 2025 allowance includes funding for two additional PSCs, a Truancy Reductions Court in Frederick County and a Family Recovery Court in Washington County. As the Judiciary continues to create new PSCs, the need for funding also increases.

Performance metrics for PSCs are tracked in an annual report of the Judiciary; however, the funding required for each court is not reported, and as such, it is difficult to discern whether the funding provided is being utilized fully and efficiently. In general, performance is measured by successful completion of the program. Clients who do not complete the program are classified as either an unsuccessful completion or as an administrative closure. The Judiciary reserves administrative closures for cases that are discharged due to death, expiration of probation, or when a client moves jurisdictions. The Mental Health Courts and Truancy Reduction Courts saw the most cases in fiscal 2023 behind the various drug courts. As shown in **Exhibit 3**, cases in Mental Health Courts, which may take longer than one year to resolve, included 1,050 total clients in fiscal 2023. These cases included 331 new entries into the program and 63 successful completions of the program.

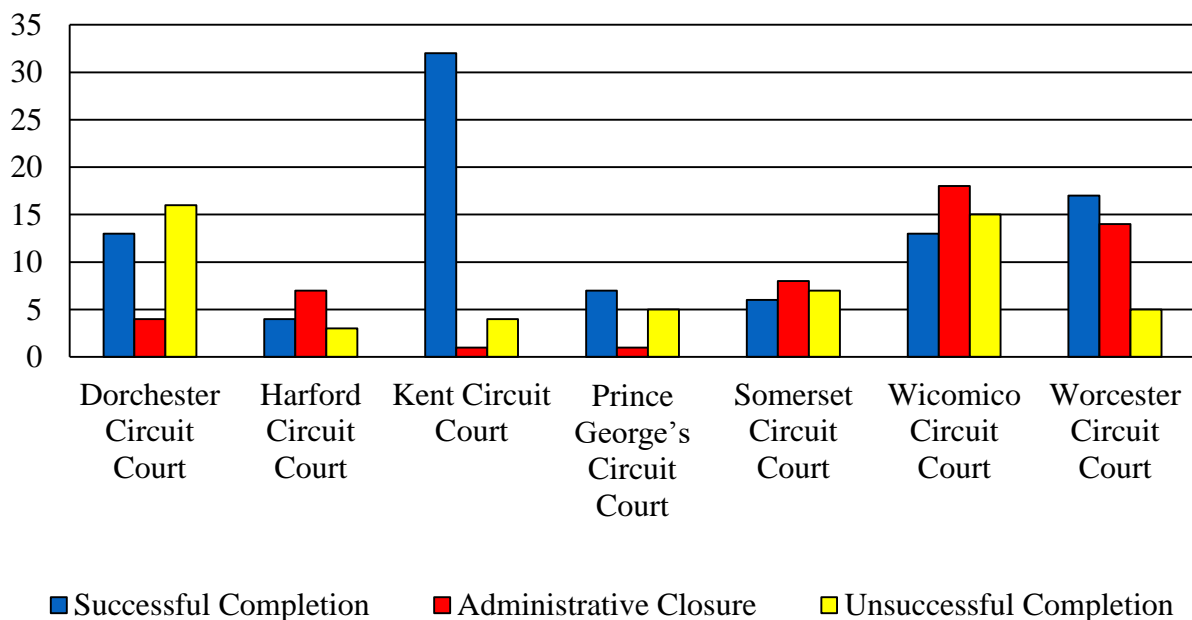
Exhibit 3
Mental Health Court Cases
Fiscal 2023

	<u>Entered Program</u>	<u>Successful Completion</u>	<u>Administrative Closure</u>	<u>Unsuccessful Completion</u>	<u>Total Active Clients</u>
Baltimore City Circuit Court	71	7	4	2	336
Baltimore City District Court	141	17	91	4	405
Baltimore County District Court	3	0	0	1	3
Frederick District Court	2	2	1	0	15
Harford District Court	16	3	0	3	22
Montgomery Circuit Court	6	1	1	1	17
Montgomery District Court	28	15	11	1	62
Prince George’s District Court	64	18	7	2	190
Total	331	63	115	14	1,050

Source: Maryland Judiciary; Department of Legislative Services

Truancy Reduction Courts are intended to improve school attendance and serve as alternative to punitive measures such as prosecution for parents or in-school consequences for the student. The program provides resources including social workers, counselors, and referrals to community-based services. The case performance metrics for the Truancy Reduction program show a high number of unsuccessful completions relative to successful completions. As shown in **Exhibit 4**, in fiscal 2023, 92 cases were reported as successful completions, while 55 were reported as unsuccessful, with an additional 53 closed administratively.

**Exhibit 4
Truancy Reduction Court Cases
Fiscal 2023**



Source: Maryland Judiciary; Department of Legislative Services

DLS recommends the adoption of committee narrative requesting a report on the total funding provided for each type of PSC for fiscal 2024 and 2025 and the expenditures by type made in fiscal 2024 for the operations of the courts as well as anticipated costs by type for fiscal 2025.

Fiscal 2024

Implementation of Legislative Priorities

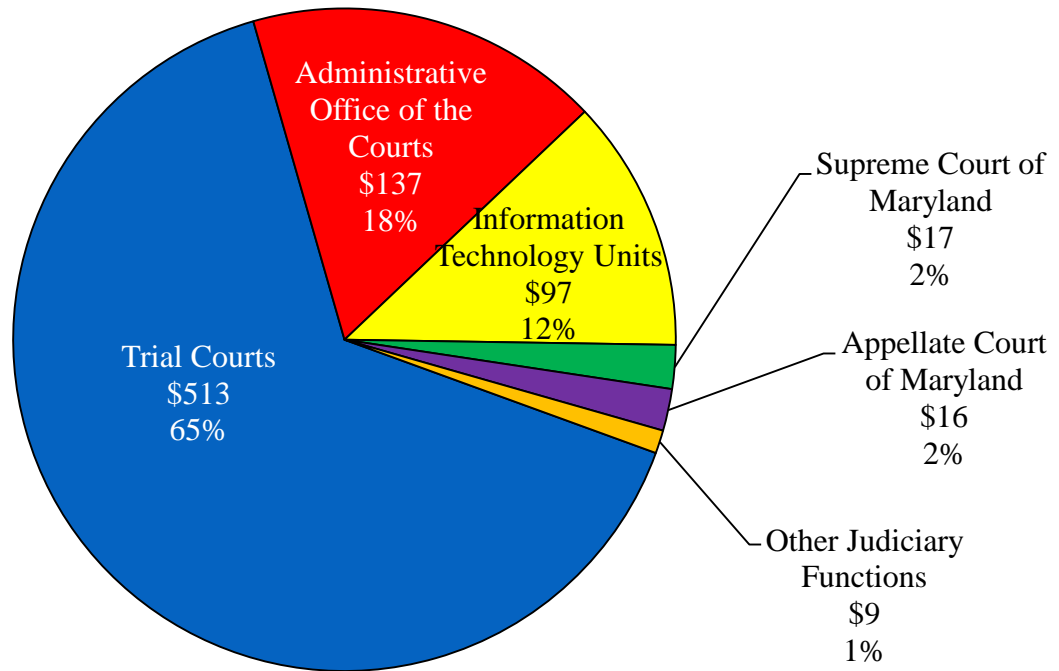
The fiscal 2024 working appropriation included an additional \$3.6 million in general funds to increase the appropriation for MLSC. This additional funding was utilized by MLSC to provide access to counsel in immigration proceedings. MLSC provides access to counsel in a number of different civil case types with this funding in courts throughout the State via grants to nonprofit legal services providers. By statute, MLSC funds may only be used to serve clients with incomes at or below 50% of the median income in Maryland. Grantees are required to comply with annual program and financial audits to ensure compliance. Currently, MLSC’s grant programs funded

through the Judiciary focus on foreclosure prevention, workforce legal services, Judicare (family law cases), and operating grants to support other legal services and fundraising efforts.

Fiscal 2025 Overview of Agency Spending

The Judiciary’s fiscal 2025 allowance totals \$788.5 million. 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 functions which support the work of the Judiciary. As shown in **Exhibit 5**, the trial courts account for 65% of the fiscal 2025 allowance, with a further 18% allocated to AOC. The remainder of the allowance is utilized for expenditures for major IT projects, the appellate courts, and other units in the Judiciary.

Exhibit 5
Overview of Agency Spending
Fiscal 2025 Allowance
(\$ in Millions)



Note: The fiscal 2025 cost of living adjustment appears in the Statewide Account in the Department of Budget and Management, while the impact of the increments currently appears in the Judiciary and the Statewide Account.

Source: Governor’s Fiscal 2025 Budget Books

Proposed Budget Change

As show in **Exhibit 6**, the fiscal 2025 allowance for the Judiciary grows by 4.2% compared to the fiscal 2024 working appropriation. This growth is mainly driven by salary and fringe benefit increases for judiciary employees and judges. Additional factors contributing to growth include \$2.3 million for improvements to physical security at courthouses and other Judiciary facilities, including the installation of bulletproof glass; protection for parking areas for judicial officers; and duress alarm systems in courtrooms, judges’ chambers, and other secure areas. The fiscal 2025 allowance also includes increased funding for software licenses (\$5.9 million) to allow for greater digital collaboration among employees, along with funding for increased network, cloud, and data security.

Exhibit 6
Proposed Budget
Judiciary
(\$ in Thousands)

How Much It Grows:	<u>General</u>	<u>Special</u>	<u>Federal</u>	<u>Reimb.</u>	<u>Total</u>
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	
Fiscal 2023 Actual	\$645,647	\$64,086	\$513	\$5,190	\$715,436
Fiscal 2024 Working Appropriation	668,369	79,663	2,791	5,893	756,716
Fiscal 2025 Allowance	<u>696,375</u>	<u>84,348</u>	<u>2,140</u>	<u>5,630</u>	<u>788,493</u>
Fiscal 2024-2025 Amount Change	\$28,006	\$4,685	-\$651	-\$263	\$31,777
Fiscal 2024-2025 Percent Change	4.2%	5.9%	-23.3%	-4.5%	4.2%

Where It Goes:

Change

Personnel Expenses

Salary and fringe benefit increases related to Judicial Compensation Commission recommendations for fiscal 2025 and salary increases and associated fringe benefits including fiscal 2025 increments and the fiscal 2024 COLA	\$22,561
Funding for 6 new positions including a circuit court judge and staff in Prince George’s County and 3 employees for Problem-Solving Courts	613
Expenses associated with anticipated reclassifications	581
Overtime earnings mainly associated with the rollout of MDEC in Baltimore City	305
Expenses associated with forecasted internal position changes and on-call pay	-297
Workers’ compensation premium assessment	-305
Funding for accrued leave payouts	-784
Turnover rate increases from 5.31% to 6.19%	-4,053
Health insurance premiums for employees and retirees	-8,448
Other fringe benefit adjustments	10

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Where It Goes:	<u>Change</u>
Facility Improvements	
Increased security at courthouses and other Judiciary facilities.....	2,312
One-time funding for supplies, equipment, and furniture for the renovated Shillman Courthouse	1,739
Funding for rollout of public internet use at Judiciary facilities	774
Access to Justice Programs	
Funding for MLSC increase due to anticipated higher earnings from Interest on Lawyer Trust Accounts	7,800
Funding for in-person and virtual Court Help Centers.....	1,093
Increased funding for Judicare providing access to counsel in family law matters	505
Funding for the creation of two new Problem-Solving Courts	234
Increased funding for grants providing in-court assistance in civil cases	103
Funding for the creation of a new grant program expanding access to justice	100
One-time additional funding for MLSC in Section 19 of the fiscal 2024 Budget Bill	-3,600
Other Changes	
Software license fees increase due to renewal of licenses for servers and expansions to network, cloud, and data security	5,875
Rent expenses	1,717
Increased salaries for contractual personnel.....	1,416
Interpreters services cost increase due to a higher hourly pay rate and longer guaranteed payments to ensure interpreters are available as needed.....	1,357
Increased costs for e-Filing services	355
Funding for out-of-state conferences and travel.....	175
Elimination of one county magistrate position.....	-204
Reduction in postage expenses due to widespread adoption of MDEC.....	-376
Other adjustments.....	219
Total	\$31,777

COLA: cost-of-living adjustment
MDEC: Maryland Electronic Court
MLSC: Maryland Legal Services Corporation

Note: Numbers may not sum to total due to rounding. The fiscal 2024 impacts of the COLA appear in the Statewide Account in the Department of Budget and Management (DBM), and adjustments are not reflected in this agency’s budget. The fiscal 2025 impacts of the fiscal 2024 COLA appear in this agency’s budget. The fiscal 2025 COLA appears in the Statewide Account in DBM, while the impact of the increments currently appears in the Judiciary and the Statewide Account.

Compensation for Judges and Other Judiciary Staff

In December 2021, the Judicial Compensation Commission recommended that judicial compensation increase by \$10,000 per year from fiscal 2023 to 2026. The fiscal 2025 budget reflects the continued implementation of these judicial compensation increases.

The fiscal 2025 allowance includes the impacts of the fiscal 2024 cost-of-living adjustment, which is centrally budgeted in the Department of Budget and Management (DBM) and not yet reflected in the fiscal 2024 working appropriation. In addition, the fiscal 2025 allowance also includes \$8.8 million for merit increases for nonjudge employees at the Judiciary. Funding for this purpose is also budgeted within the Statewide Account in DBM. **DLS recommends the deletion of \$8.8 million in general funds made for the purpose of merit increases for Judiciary employees, as funds are already budgeted for that purpose within DBM.**

MLSC

Increase in IOLTA Revenue

The majority of MLSC’s State-appropriated funds are housed in the budget for the Judiciary and are transferred to MLSC as needed. MLSC has \$35.0 million in special funds budgeted in Judiciary’s fiscal 2025 allowance. The fiscal 2025 allowance includes an increase of \$7.8 million in higher anticipated funding from IOLTA revenue, which is designated by law to be used by MLSC. These funds are anticipated and have not yet been realized, which may result in actual available funding being lower than the amount budgeted. MLSC is only eligible to receive this funding when it is actually received in IOLTA revenue. If revenues exceed the amount budgeted, an amendment to the budget may be processed to transfer the funds for MLSC’s usage.

Mandated Funding for New Program Not Included

Chapter 776 of 2023 requires the Governor to include \$225,000 for MLSC for a new Affordable Life, Wills, and Estate Planning for Seniors Grant Program. The fiscal 2025 allowance for the Judiciary includes other funding for MLSC, but does not include funding for this purpose. **The Judiciary should comment on why this funding is not included in the fiscal 2025 allowance. Additionally, the Judiciary should work with DBM to fully fund the mandate through a supplemental budget.**

Personnel Data

	<u>FY 23</u> <u>Actual</u>	<u>FY 24</u> <u>Working</u>	<u>FY 25</u> <u>Allowance</u>	<u>FY 24-25</u> <u>Change</u>
Regular Positions	4,143.75	4,159.00	4,165.00	6.00
Contractual FTEs	<u>363.00</u>	<u>363.00</u>	<u>363.00</u>	<u>0.00</u>
Total Personnel	4,506.75	4,522.00	4,528.00	6.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	257.32	6.19%
Positions and Percentage Vacant as of 1/31/24	231.80	5.57%
Vacancies Below Turnover	25.52	

- The fiscal 2025 allowance for the Judiciary includes 6 new positions; of these, 1 is for a circuit court judge for Prince George’s County, along with 2 support staff. The request for a new judge has been made as part of the submission of the Judiciary’s annual report on the need for judgeships. The report for fiscal 2025 certified a need for 6 judgeships; however, the Judiciary included only 1 new 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 2026.**
- The 3 additional new positions include a PSC case manager and 2 PSC coordinators. The case manager is designated for the Baltimore City Re-entry Court, while 1 coordinator is for a DUI court in Montgomery County and the other is for a new Mental Health Court in Allegany County.
- The Judiciary’s vacancy rate (5.57%) is below the level that would be needed to meet its fiscal 2025 turnover expectancy by 25.5 positions. The percentage of positions vacant is below the 7.34% rate reported in December 2022. The Judiciary currently has approximately 1.74 positions that have been vacant for longer than 12 months.

Issues

1. Appointed Attorney Program Continues to Provide Representation

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*. The program supplies attorneys to represent indigent defendants at initial appearances before District Court commissioners. The 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. Data from fiscal 2023 shows that the full appropriation of \$9.25 million was not used, with \$628,846 remaining unspent. **Exhibit 7** shows a breakdown of spending by county, including a comparison with the amounts the Judiciary originally budgeted for each jurisdiction.

Exhibit 7
Appointed Attorney Program Costs
Fiscal 2023
(\$ in Thousands)

<u>County</u>	<u>Original Appropriation</u>	<u>Net Expenditures</u>	<u>Available Balance</u>
Allegany	\$0	\$0	\$0
Anne Arundel	925	1,050	-125
Baltimore County	1,050	1,038	12
Calvert	0	1	-1
Caroline	0	0	0
Carroll	0	0	0
Cecil	400	348	52
Charles	600	416	184
Dorchester	0	0	0
Frederick	0	2	-2
Garrett	0	0	0
Harford	400	340	60
Howard	400	348	52
Kent	0	0	0
Montgomery	1,200	1,042	158
Prince George’s	1,500	1,229	271
Queen Anne’s	0	0	0
St. Mary’s	0	0	0
Somerset	0	0	0
Talbot	0	0	0
Washington	425	522	-97

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<u>County</u>	<u>Original Appropriation</u>	<u>Net Expenditures</u>	<u>Available Balance</u>
Wicomico	500	521	-21
Worcester	0	0	0
Baltimore City	1,850	1,764	86
Total	\$9,250	\$8,621	\$629

Source: Maryland Judiciary; Department of Legislative Services

Each year, the full appropriation for this program has been restricted within the Judiciary’s appropriation in order to ensure that the program is fully funded. This is done to ensure that the State properly provides all indigent defendants with the legally mandated counsel. In both fiscal 2022 and 2023, the full appropriation for the program was unused, with approximately \$939,000 unspent in fiscal 2022. The Judiciary’s annual report for the program’s fiscal 2023 data included the requested metrics on case numbers and outcomes, which indicate that the program served more than 28,000 defendants that year. However, the report does not specify the outcomes of initial appearances where defendants were represented by appointed attorneys as the budget committees requested.

DLS recommends that the fiscal 2024 appropriation for the Appointed Attorney Program within the Judiciary be reduced by \$500,000 to align the amount budgeted for the program with fiscal 2023 expenditures. Additionally, DLS recommends that the funding for the Appointed Attorney Program in the fiscal 2025 allowance be reduced by \$500,000 to align with recent expenditures.

DLS recommends adoption of budget bill language restricting \$8.75 million of general funds to be used for the implementation of the Appointed Attorney Program in accordance with *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. Progress Continues on Major IT Projects

In December 2023, the Judiciary submitted a report on its Major Information Technology Development Projects (MITDP) as requested in committee narrative in the 2023 *Joint Chairmen’s Report* (JCR). This report provides information on the Judiciary’s MITDPs, which are in various stages of development from planning to nearing completion. **Exhibit 8** provides information included in the report on planned spending by project through fiscal 2028. The total spending on MITDPs in fiscal 2025 is expected to be approximately \$19.7 million.

Exhibit 8
Major Information Technology Project Expenditure Forecast
Fiscal 2024-2028 Estimated
(\$ in Thousands)

	<u>2024 Est.</u>	<u>2025 Est.</u>	<u>2026 Est.</u>	<u>2027 Est.</u>	<u>2028 Est.</u>
MDEC Optimization	\$0	\$4,145	\$4,170	\$4,100	\$4,200
Infrastructure Modernization	0	3,523	3,000	3,000	3,000
Enterprise Content/Records Management	500	2,549	1,700	1,700	1,737
Court Revenue Assessment	651	1,279	0	0	0
e-BAR	750	1,250	0	0	0
Mobile Information	1,000	1,000	1,000	1,387	0
Data Analytics	750	1,000	1,000	1,000	2,000
Network Redesign	1,000	1,000	1,000	2,000	2,000
Information Security	1,000	1,000	1,000	1,000	1,000
Guardianship	0	750	750	500	0
VoIP Enterprise Deployment	650	500	2,000	1,686	1,500
Enterprise Financial/HR System	0	500	1,500	2,000	3,500
AIS Enhancements	397	400	0	0	0
Digital Evidence	1,200	400	1,400	1,800	1,800
Case Notification	900	200	976	0	0
SMART System Replacement	0	200	300	200	300
MDEC	5,226	0	0	0	0
Courthouse eReadiness	5,579	0	0	0	0
Case Search Rewrite Version 2.0	289	0	0	0	0
Jury System	500	0	0	0	0
Total	\$20,392	\$19,695	\$19,796	\$20,374	\$21,037

AIS: Attorney Information System

HR: human resources

MDEC: Maryland Electronic Courts

SMART: State of Maryland Automated Record Tracking

VoIP: Voice over Internet Protocols

Source: Maryland Judiciary; Department of Legislative Services

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The report indicated that four projects are due to be completed in fiscal 2024 and are not receiving additional funding in fiscal 2025 and that five new projects are commencing in fiscal 2025 with initial funding appearing in the Judiciary’s fiscal 2025 allowance. A description of all active MITDPs that the Judiciary is currently facilitating can be found in **Appendix 2**. Among the projects concluding in fiscal 2024 is the Maryland Electronic Courts (MDEC) project. This project has been delayed several times and will roll out in Baltimore City, the last jurisdiction pending, in May 2024. However, funding for MDEC is not ceasing entirely with the completion of the rollout. The Judiciary has created a new MITDP that is funded for the first time in fiscal 2025 entitled “MDEC Optimization.” This project is intended to incorporate additional functions and features that have been requested during the initial rollout of MDEC. The Judiciary states that the goal of this new project is to improve the integration of MDEC as well as its effectiveness. MDEC has received significant funding during the rollout process, with the final total of expenditures estimated to be \$77.3 million. **DLS recommends the adoption of committee narrative requesting a report on the Judiciary’s MITDPs, including the anticipated costs of MIDTPs through fiscal 2029.**

Land Records Improvement Fund

The Judiciary’s MITDPs are funded by the Circuit Court Real Property Records Improvement Fund, more commonly known as the Land Records Improvement Fund (LRIF). The LRIF statutorily receives revenues from surcharge and copying fees, and the expenditures it funds in addition to the Judiciary’s MITDPs include circuit court offices, eFiling operations and maintenance, MDLandRec, and Electronic Land Records Online Imagery operations and maintenance.

MITDP spending is higher in fiscal 2024 and 2025 compared to recent years and is projected to remain at a high level through at least fiscal 2028. Additionally, MITDP spending was forecasted in the fiscal 2022 report to be \$17.7 million in fiscal 2023, and the actual figure reported was \$10.5 million. Even with increases in MITDP spending and circuit court expenditures, the balance in the LRIF at the conclusion of fiscal 2028 is projected to be above \$35 million.

In recent years, the Judiciary has forecasted a structural shortfall in the LRIF. Chapter 719 of 2021, Chapter 522 of 2022, and Chapter 762 of 2023 authorized the Judiciary to transfer up to \$12.0 million in general funds to the LRIF in fiscal 2021 through 2023. As shown in **Exhibit 9**, the full amount authorized was transferred in fiscal 2021 and 2022, while \$5.6 million was transferred in 2023. Additionally, data from fiscal 2021 and 2022 shows that the transfers of \$12 million in general funds were not needed in order to avert a structural shortfall and that the LRIF would not have been depleted before fiscal 2028 had the funds been reverted to the General Fund rather than being transferred to the LRIF. **DLS recommends the adoption of committee narrative requesting a report on the revenues and expenditures of the LRIF, including details on expenditures for circuit court offices.**

Exhibit 9
Land Records Improvement Fund Balance Forecast
Fiscal 2020-2028 Estimated
(\$ in Thousands)

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024 Est.</u>	<u>2025 Est.</u>	<u>2026 Est.</u>	<u>2027 Est.</u>	<u>2028 Est.</u>
Starting Balance	\$32,595	\$39,160	\$70,345	\$88,533	\$87,149	\$75,949	\$67,057	\$57,566	\$46,987
Revenues									
Transfer from General Fund		\$12,000	\$12,000	\$5,587					
Surcharge/Copying Fees	\$32,299	45,747	40,367	24,211	\$33,857	\$33,857	\$33,857	\$33,857	\$33,857
eFiling Service Fees	4,756	3,894	4,029	4,580	4,600	4,600	4,600	4,600	4,600
Total Revenues	\$37,055	\$61,641	\$56,396	\$34,378	\$38,457	\$38,457	\$38,457	\$38,457	\$38,457
Operations									
ELROI Operations/Maintenance	\$1,388	\$1,447	\$1,491	\$1,464	\$2,426	\$2,226	\$2,226	\$2,226	\$2,226
e-Filing Operations/Maintenance	3,840	3,950	4,200	4,320	4,645	5,000	5,000	5,000	5,000
Archives – MDLandRec	500	500	500	500	500	500	500	500	500
Circuit Court Offices*	17,944	17,946	19,121	18,967	19,441	19,928	20,426	20,936	21,460
Major IT Projects*	6,818	6,613	12,896	10,511	22,645	19,695	19,796	20,374	21,037
Total Expenses	\$30,490	\$30,456	\$38,208	\$35,762	\$49,657	\$47,349	\$47,948	\$49,036	\$50,223
Structural Surplus/Shortfall	\$6,565	\$19,185	\$6,188	-\$6,970	-\$11,200	-\$8,892	-\$9,491	-\$10,579	-\$11,766
Total Fund Balance (Accrual Basis)	\$39,160	\$70,345	\$88,533	\$87,149	\$75,949	\$67,057	\$57,566	\$46,987	\$35,221

ELROI: Electronic Land Records Online Imagery
IT: information technology

Source: Maryland Judiciary; Department of Legislative Services

Operating Budget Recommended Actions

1. Add the following language:

Provided that \$5,600,000 in general funds made for the purpose of operating expenses is reduced. The Chief Justice is authorized to allocate this reduction across programs within the Judiciary.

Explanation: This action reduces the fiscal 2025 general fund appropriation for operating expenses to more closely align with actual spending. The Chief Justice is authorized to allocate this reduction across the Judiciary.

2. Add the following language:

Provided that \$8,800,000 in general funds made for the purpose of employee merit increases is reduced. The Chief Justice is authorized to allocate this reduction across the Judiciary.

Explanation: This action deletes the fiscal 2025 general fund appropriation for employee merit increases to \$0. Funding for employee merit increases in the Judiciary is budgeted in the Statewide Program in the Department of Budget and Management.

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

Provided that \$500,000 in general funds made for the purpose of providing attorneys for required representation at initial appearances before District Court commissioners is reduced.

Explanation: This reduction is made in order to fund the implementation of DeWolfe v. Richmond consistent with actual expenditures seen in fiscal 2023. In fiscal 2023, \$8,621,155 was utilized for this purpose and \$628,845 was unused.

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

Further provided that \$8,750,000 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 \$8.75 million of the Judiciary's general fund appropriation for the implementation of DeWolfe v. Richmond to that purpose only.

5. 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, 2024, detailing the fiscal 2024 costs and utilization of the Appointed Attorney Program. This report should include the number of appearances before District Court commissioners where attorneys were appointed to represent indigent defendants and the outcomes of those appearances.

Information Request	Author	Due Date
Appointed Attorney Program costs and utilization	Judiciary	October 1, 2024

6. Adopt the following narrative:

Annual Court Performance Measures: The committees remain interested in evaluating the performance of the circuit and District courts. The committees request a report, to be submitted by December 15, 2024, with annual court performance measures data for the circuit and District courts.

Information Request	Author	Due Date
Annual court performance measures report	Judiciary	December 15, 2024

7. Adopt the following narrative:

Problem-Solving Court (PSC) Performance and Funding: The committees are interested in the work of the Judiciary’s PSCs. The committees request a report, to be submitted by December 15, 2024, showing the funding allocated for fiscal 2024 and 2025 and actual expenditures for the operation of each type of PSC in fiscal 2024 and anticipated for fiscal 2025.

Information Request	Author	Due Date
PSC funding and expenditures report	Judiciary	December 15, 2024

C00A00 – Judiciary

8. Adopt the following narrative:

Major Information Technology Development Project (MITDP) Status Report: The committees remain interested in the Judiciary’s MITDPs. The committees request a report, to be submitted by December 15, 2024, detailing the MITDPs being undertaken by the Judiciary.

Information Request	Author	Due Date
MITDP status report	Judiciary	December 15, 2024

9. Adopt the following narrative:

Land Records Improvement Fund (LRIF) Balance Report: The committees are interested in the status of the LRIF. The committees request a report, to be submitted by December 15, 2024, showing the fiscal 2024 revenues and expenditures for the fund, along with forecasted revenues and expenditures for fiscal 2025 through 2029. The report should also include a breakdown of the expenditures for circuit court offices.

Information Request	Author	Due Date
LRIF balance report	Judiciary	December 15, 2024

10. Adopt the following narrative:

Judgeship Need for Fiscal 2026: The committees remain interested in the judgeship needs at the Judiciary. The committees request a report, to be submitted by December 15, 2024, detailing the fiscal 2026 judgeship needs.

Information Request	Author	Due Date
Judgeship needs for fiscal 2026	Judiciary	December 15, 2024

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

JUDICIARY
FY 2024 Deficiency Appropriation
C00A00.04 District Court

To become available immediately upon passage of this budget to reduce the appropriation for fiscal 2024 for the implementation of DeWolfe v. Richmond.

General Fund Appropriation... –\$500,000

Explanation: This language is a technical action to implement the fiscal 2024 reduction for the implementation of DeWolfe v. Richmond.

C00A00 – Judiciary

	<u>Amount Change</u>	
12. Reduce funding for the Appointed Attorney Program in fiscal 2024 in order to better align the funding with fiscal 2023 expenditures of \$8.6 million. With this action, \$8.75 million remains available.	-\$ 500,000	GF
Total Net Change to Fiscal 2024 Deficiency	-\$ 500,000	

Appendix 1
2023 Joint Chairmen’s Report Responses from Agency

The 2023 JCR requested that the Judiciary prepare four 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 2023. The report detailed the expenditures incurred by the program, along with the number of defendants represented by appointed attorneys but did not provide the requested data on the outcomes of those specific cases. Further discussion of this report can be found in Issue 1 of this analysis.
- ***Judgeship Need for Fiscal 2025:*** The Judiciary submitted the requested report certifying its need for additional judgeships in December 2023. The report certified the need for 6 additional judgeships. The report also noted that the Judiciary is only requesting funding for 1 of those judgeships, in light of financial considerations and space within courthouses where the need for additional judgeships was identified.
- ***Judiciary Status Report on MITDPs:*** The Judiciary submitted the requested report on its MITDPs in December 2023. The report provided data showing four projects are nearing completion and five projects are due to begin in fiscal 2025. Further discussion of this report can be found in Issue 2 of this analysis.
- ***Annual Court Performance Measures:*** The Judiciary submitted the annual report on court performance measures in December 2023. This report showed that progress was made in multiple case types to bring average processing times below the standard set by the Judiciary. Further discussion of this report may be found in Key Observations 1 and 2 of this analysis.

Appendix 2
Major Information Technology Development Projects
Maryland 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 Rewrite 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.
- **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.
- **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.
- **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:** 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.

C00A00 – Judiciary

- ***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.
- ***State of Maryland Automated Record Tracking (SMART) System Replacement:*** The SMART information system supports the work of the Office of PSCs in Maryland. This initiative aims to modernize or replace the current SMART system, which has reached the end of its useful life.
- ***Mobile Information:*** This project will support MDEC by providing newer mobile technologies to provide personalized remote interactions with the Judiciary.
- ***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.
- ***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 of electronic devices in courtrooms will be considered.
- ***Network Redesign:*** 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 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.
- ***Enterprise Financial/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.

C00A00 – Judiciary

- ***Information Security Enhancements:*** This project encompasses multiple projects that are being initiated to expand the Judiciary’s relationships with the U.S. Department of Homeland Security and the Center for Internet Security. These initiatives are being undertaken to help protect the Judiciary’s information systems resources and data.
- ***MDEC Enhancements:*** This project is intended to implement multiple enhancements to the MDEC system that were not planned during the original implementation of the system. Additions include integration with systems used by other agencies, automation tools, and artificial intelligence.
- ***Infrastructure Modernization:*** This program is designed to continually analyze various parts of the Judiciary’s digital infrastructure including data centers, network equipment, data storage, and servers to identify and resolve deficiencies.

Appendix 3 Problem-Solving Court Types and Locations

<u>County</u>	<u>Adult District Drug Court</u>	<u>Adult Circuit Drug Court</u>	<u>Juvenile Drug Court</u>	<u>Family/Dependency Drug Court</u>	<u>DUI/Drug Court</u>	<u>Circuit Court Mental Health</u>	<u>District Court Mental Health</u>	<u>Truancy Reduction Court</u>	<u>Re-entry Court</u>	<u>Veterans Court</u>	<u>Back on Track</u>	<u>Total</u>
Allegany		•										1
Anne Arundel	•	•			•					•		4
Baltimore City	•	•		•		•	•			•		6
Baltimore County	•	•		•			•					4
Calvert		•										1
Caroline		•										1
Carroll		•										1
Cecil		•										1
Charles		•		•								2
Dorchester	•							•		•		3
Frederick		•					•					2
Garrett												0
Harford	•	•		•			•	•				5
Howard	•				•							2
Kent								•				1
Montgomery		•				•	•					3
Prince George's	•	•	•				•	•	•	•	•	8
Queen Anne's		•										1
Somerset		•						•		•		3
St. Mary's		•		•	•							3
Talbot		•							•			2
Washington		•										1
Wicomico		•						•		•		3
Worcester	•	•						•		•		4
Total:	8	20	1	5	3	2	6	7	2	7	1	62

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

<u>Object/Fund</u>	<u>FY 23 Actual</u>	<u>FY 24 Working Appropriation</u>	<u>FY 25 Allowance</u>	<u>FY 24 - FY 25 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	4,143.75	4,159.00	4,165.00	6.00	0.1%
Total Positions	4,143.75	4,159.00	4,165.00	6.00	0.1%
Objects					
01 Salaries and Wages	\$ 465,022,214	\$ 504,068,686	\$ 514,251,673	\$ 10,182,987	2.0%
02 Technical and Special Fees	24,871,703	23,750,017	25,166,252	1,416,235	6.0%
03 Communication	9,118,133	9,375,542	9,965,466	589,924	6.3%
04 Travel	1,976,830	1,929,787	2,212,730	282,943	14.7%
06 Fuel and Utilities	915,905	985,701	939,636	-46,065	-4.7%
07 Motor Vehicles	391,050	229,194	255,772	26,578	11.6%
08 Contractual Services	84,354,504	94,861,896	99,055,737	4,193,841	4.4%
09 Supplies and Materials	9,151,420	5,639,298	7,482,439	1,843,141	32.7%
10 Equipment – Replacement	5,942,706	7,012,391	9,433,557	2,421,166	34.5%
11 Equipment – Additional	7,849,368	4,702,708	5,139,920	437,212	9.3%
12 Grants, Subsidies, and Contributions	87,246,790	83,274,997	91,165,714	7,890,717	9.5%
13 Fixed Charges	18,595,740	20,335,730	22,624,522	2,288,792	11.3%
14 Land and Structures	0	550,000	800,000	250,000	45.5%
Total Objects	\$ 715,436,363	\$ 756,715,947	\$ 788,493,418	\$ 31,777,471	4.2%
Funds					
01 General Fund	\$ 645,647,417	\$ 668,369,072	\$ 696,375,275	\$ 28,006,203	4.2%
03 Special Fund	64,086,397	79,662,863	84,348,225	4,685,362	5.9%
05 Federal Fund	512,985	2,791,229	2,140,174	-651,055	-23.3%
09 Reimbursable Fund	5,189,564	5,892,783	5,629,744	-263,039	-4.5%
Total Funds	\$ 715,436,363	\$ 756,715,947	\$ 788,493,418	\$ 31,777,471	4.2%

Note: The fiscal 2025 allowance does not include statewide salary adjustments that are budgeted in DBM.

**Appendix 5
Fiscal Summary
Judiciary**

<u>Program/Unit</u>	<u>FY 23 Actual</u>	<u>FY 24 Wrk Approp</u>	<u>FY 25 Allowance</u>	<u>Change</u>	<u>FY 24 - FY 25 % Change</u>
01 The Supreme Court of Maryland	\$ 15,060,072	\$ 15,740,768	\$ 16,834,570	\$ 1,093,802	6.9%
02 Appellate Court of Maryland	15,199,732	15,752,865	16,091,679	338,814	2.2%
03 Circuit Court Judges	84,292,453	90,898,601	93,970,910	3,072,309	3.4%
04 District Court	235,418,809	247,892,810	257,660,807	9,767,997	3.9%
06 Administrative Office of the Courts	129,267,767	123,008,393	136,843,318	13,834,925	11.2%
07 Judiciary Units	3,858,272	4,310,150	4,411,321	101,171	2.3%
08 State Law Library	4,058,832	4,343,338	4,490,620	147,282	3.4%
09 Judicial Information Systems	73,947,620	72,372,862	77,566,772	5,193,910	7.2%
10 Clerks of the Circuit Court	140,962,087	159,751,520	160,928,088	1,176,568	0.7%
12 Major IT Development Projects	13,370,719	22,644,640	19,695,333	-2,949,307	-13.0%
Total Expenditures	\$ 715,436,363	\$ 756,715,947	\$ 788,493,418	\$ 31,777,471	4.2%
General Fund	\$ 645,647,417	\$ 668,369,072	\$ 696,375,275	\$ 28,006,203	4.2%
Special Fund	64,086,397	79,662,863	84,348,225	4,685,362	5.9%
Federal Fund	512,985	2,791,229	2,140,174	-651,055	-23.3%
Total Appropriations	\$ 710,246,799	\$ 750,823,164	\$ 782,863,674	\$ 32,040,510	4.3%
Reimbursable Fund	\$ 5,189,564	\$ 5,892,783	\$ 5,629,744	-\$ 263,039	-4.5%
Total Funds	\$ 715,436,363	\$ 756,715,947	\$ 788,493,418	\$ 31,777,471	4.2%

Note: The fiscal 2025 allowance does not include statewide salary adjustments that are budgeted in DBM.