

Court of Appeals of Maryland
Robert C. Murphy Courts of Appeal Building
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Annapolis, Maryland 21401-1699



MARY ELLEN BARBERA
Chief Judge

BUDGET ALLOWANCE

FISCAL YEAR 2018

JUDICIAL BUDGET OVERVIEW AND INTRODUCTION

The Judiciary's Fiscal Year 2018 Budget Submission is \$576 million, which represents approximately 1.2 percent of the State's operating budget. The major components of the budget are as follows: salaries and benefits at 68 percent, contractual services at 14 percent, aid to courts/grants at 9 percent, and fixed costs at 3 percent. The general fund submission of \$505 million represents a 4.9 percent increase or \$23.5 million over the Fiscal Year 2017 appropriation. This submission includes funding for personnel related items such as new positions, fringe benefits, and employee increments, as well as operational increases.

BUDGET ISSUES

Issue 1 – Circuit Court Clerks Seek Large Increase in General Fund Appropriation:

Between fiscal 2012 and 2016, actual expenditures for the Clerks of the Circuit Court were between 3.4% and 8.9% below the legislative appropriations and almost all of these unspent funds were reallocated within the Judiciary for other purposes. The growth rate for these appropriations has also significantly exceeded the overall general fund growth rate. For fiscal 2018, the Judiciary's request includes an increase of \$7.8 million, or 8.5%, above the fiscal 2017 legislative appropriation for the Clerks of the Circuit Court. Such overbudgeting and growth are not justifiable, especially in light of the current fiscal condition of the State.

The Department of Legislative Services (DLS) recommends that the general fund appropriation for the Clerks of the Circuit Court be level funded for fiscal 2018. DLS further recommends that the Judiciary comment on its utilization of budget amendments to reallocate money from the clerks' budgets to fund operating expenses in other parts of the Judiciary and to explain the apparent pattern of overbudgeting for the clerks' offices. Finally, DLS recommends that committee narrative be adopted requesting a report from the Judiciary detailing the current budget review process for the Clerks of the Circuit Court, including recommendations to ensure that future budget requests better reflect anticipated expenditures.

JUDICIARY RESPONSE:

The Judiciary disagrees with the Department's recommendation to level fund the appropriation for the Clerks of the Circuit Courts. While the Department correctly stated that the Judiciary reallocated unspent funds from the budgets of the Clerks of the Circuit Courts over the last several years to fund operations within the Judiciary, it is important to note that many of the budget amendments were necessitated to address unexpected critical needs that would otherwise have hindered the effective and efficient operation of the courts.

As illustrated in the Department's analysis, the trend reflects a decrease in the amount and percent of unspent appropriation in each year since Fiscal Year 2013. Through the budget process, the Clerks of the Circuit Courts request funding for those items they deem necessary to effectively run their offices. Occasionally, competing priorities, external as well as internal, impact their ability to move forward with planned initiatives, resulting in unspent budgeted monies. In spite of this, the need for the initiative remains.

Additionally, the twenty-four elected Clerks of the Circuit Courts face unique challenges in the operation of their respective offices. For instance, the standard State practice of applying the turnover rate across the board penalizes smaller jurisdictions where, historically, turnover is low or non-existent. Because of that practice, those jurisdictions typically have begun the budget cycle effectively in arrears and need to be supplemented by savings in other circuit courts.

During the referenced periods, reallocated funds were centralized to the Administrative Office of the Courts, and used to enhance and maintain the physical security and safety of court visitors and courthouse staff statewide. Items acquired ranged from access control systems to security camera monitoring systems and bullet resistant barriers. To address unanticipated, emergent issues with the Judiciary's computer and network systems, funds were reallocated to correct the failure of major power distribution components in the data center.

In addition to the expenditures referenced above, unspent funds have been used to provide funding for the Judicare initiative. Judicare provides cost-effective legal representation in complex family law cases while assisting the growing number of self-represented litigants protect their fundamental rights. Since 2008, the Judiciary has used unspent funds to sustain this initiative which has assisted thousands of Marylanders over the years.

The Judiciary respectfully requests that \$2 million of the recommended cut be restored and reallocated to the Administrative Office of the Courts to centrally fund these continuing security needs, as well as and the vital, core components of the Judicare initiative.

In response to the Department's concerns, the Judiciary will work with the Clerks of Court to ensure more effective budgeting and to develop recommendations to address the same.

Issue 2 – Appointed Attorney Program Stays under Budget in Third Year:

The Court of Appeal's ruling in DeWolfe v. Richmond went into effect on July 1, 2014, establishing a right to counsel for indigent defendants at initial appearances before District Court commissioners. During each of the last three legislative sessions, the General Assembly restricted \$10.0 million within the Judiciary's budget to provide counsel at initial appearances through the Appointed Attorney Program. In both fiscal 2015 and 2016, the program cost a total of \$8.1 million, \$1.9 million less than was restricted for this purpose.

DLS recommends that the appropriation for appointed attorneys be reduced to \$8.5 million in fiscal 2018 based on actual expenditures for the program. DLS further recommends adoption of committee narrative requesting a report on program costs and utilization.

JUDICIARY RESPONSE:

The Judiciary concurs with the Department's recommendation.

Issue 3 – Land Records Improvement Fund Spending Drifts Further from Intended Purpose:

The Land Records Improvement Fund (LRIF) was created in 1991 to support land records operations in the State. Since 2007, the Judiciary has also used the LRIF to fund its major IT expenditures, including the \$71 million Maryland Electronic Courts (MDEC) project. The additional spending has led to increased surcharges for recordation of land instruments and created structural imbalance in the fund. The addition of a case filing fee to support MDEC maintenance in 2015 has pulled the LRIF even further from its intended purpose. Most of these expenditures are unrelated to land records and should be supported by general funds.

DLS recommends that the General Assembly pass legislation creating a new fund in the Judiciary for the purpose of funding future MDEC maintenance and operations costs and redirecting the \$11 MDEC filing fee to that account. DLS recommends legislation also be passed that eliminates major IT project development as an authorized use of the LRIF. Finally, DLS recommends that in the future, the Judiciary only use the LRIF for land records- related purposes.

JUDICIARY RESPONSE:

In 1991, the General Assembly enacted legislation creating the Circuit Court Real Property Records Improvement Fund (the Fund) in response to the deteriorating conditions and operations within the land records offices in Clerks of the Circuit Court offices throughout the State. The Fund was, and continues to be, funded through a surcharge on recordable instruments. In 2005, the General Assembly mandated that all general fund expenditures related to land records operations and support (including salaries) were to be appropriated from the Fund. In 2007, the General Assembly again expanded the scope of the Fund to include all of the Judiciary's major information technology development projects. In 2010, the General Assembly made the appropriation permanent. It should be noted that the Judiciary opposed each expansion of the scope of the Fund, but the Judiciary was sympathetic to the fiscal realities. The Judiciary has made its information technology plans in accordance with the funding mechanism the General Assembly has mandated from 2007 to present. To that end, in 2011, the surcharge was increased by an additional \$20 to support all Major IT projects in the Judiciary. In 2015, the surcharge sunset was further extended to 2020.

Given the current fiscal condition of the State, the Department's recommendation to return Major IT expenditures to the general fund would put an untenable strain on the State's finances. If any migration were to occur, it should start with the transfer of 255 employees in the circuit courts land records offices back to the general fund, which is equally unrealistic at this time.

The revenues generated from the increase in filing fees associated with 2015 legislation were intended to be used to cover the costs of e-filing hosting services provided by the MDEC vendor, system modifications to enhance electronic filing capabilities, and other expenses specific to the jurisdictional roll out of the electronic capabilities of MDEC statewide. Upon agreement with the General Assembly, the Judiciary modified its accounting system to segregate the revenue and expenses associated with e-filing, resulting in greater transparency, further negating the necessity of another special fund.

Barring the use of the Fund for Major IT expenditures would bring about an unnecessary burden on the General Fund of \$48 million over the next four fiscal years when funding statutorily exists for this purpose. There is no benefit to shifting these expenses to the general fund at this time or in the foreseeable future.

RECOMMENDED ACTIONS

Recommendation 1

Add the following language:

Provided that \$6,257,414 in general funds for employee merit salary increases is reduced. The Chief Judge is authorized to allocate the reduction across the Judiciary.

Explanation: This action eliminates funding for merit salary increases for Judiciary employees. There is no general merit increase for State employees in the Governor's budget.

JUDICIARY RESPONSE:

The Judiciary concurs with the Department's recommendation.

Recommendation 2

Add the following language:

Further provided that \$3,913,974 in general funds is reduced. The Chief Judge shall allocate this reduction across the Judiciary.

Explanation: This action eliminates \$3.9 million to cancel general funds encumbered prior to fiscal 2016. As of January 13, 2017, Judiciary has outstanding encumbrances from fiscal 2012 to 2015 totaling \$3,913,974. This action reduces the fiscal 2018 appropriation with the intent that the reduction is backfilled by canceling these encumbrances.

JUDICIARY RESPONSE:

The Judiciary disagrees with the Department's recommendation. A \$3.9 million cut, coupled with other recommended reductions, would prove harmful to proven, successful court operations statewide including: family services; drug, mental health and veterans courts; access to justice and self-help centers; and, alternative dispute resolution initiatives. In addition, a current funding shortfall in District Court facility leases would remain unresolved. Funding cuts also would need to be spread across systems that support interactions with the public, as well as human resources, payroll, and accounting systems that provide the internal framework for Judiciary operations. Cuts to these programs and systems would be disruptive to ongoing operations and key services to the public.

The Judiciary recognizes the flexibility offered by permitting the use of cancelled encumbered funds to "backfill" generic cuts. Cancelling existing contracts, however, would be detrimental to Maryland businesses under contract, as well as statewide Judicial operations, and, as important, reflect poorly on all three branches of government. The prior encumbrances represent ongoing negotiated contracts providing many of the services and systems mentioned above.

Recommendation 3

| | <u>Amount Reduction</u> | | <u>Position Reduction</u> |
|---|------------------------------------|----|--------------------------------------|
| Eliminate funding for a 0.5 new position in the Court of Appeals. This position is being denied due to the fiscal condition of the State and the Spending Affordability Committee's recommendation that total State employment not be increased in fiscal 2018. | \$ 36,053 | GF | 0.5 |

JUDICIARY RESPONSE:

The Judiciary concurs with the Department's recommendation.

Recommendation 4

| | <u>Amount Reduction</u> | | <u>Position Reduction</u> |
|---|------------------------------------|----|--------------------------------------|
| Eliminate funding for 2.0 new positions in the Court of Special Appeals. These positions are being denied due to the fiscal condition of the State and the Spending Affordability Committee's recommendation that total State employment not be increased in fiscal 2018. | 268,888 | GF | 2.0 |

JUDICIARY RESPONSE:

The Judiciary concurs with the Department's recommendation.

Recommendation 5

Add the following language to the general fund appropriation:

, provided that \$8,500,000 of the general fund appropriation may only be expended for the purpose of providing attorneys for required representation at initial appearances before District Court Commissioners consistent with the holding of the Court of Appeals in DeWolfe v. Richmond. Any funds not expended for this purpose shall revert to the General Fund. Further provided that contingent upon a provision in HB 152, any State funds to provide attorneys for required representation at initial appearances before District Court Commissioners shall be done so on the basis of the calendar 2016 distribution of initial appearances within each county. If the

allotment for a specific county is expended before the end of the fiscal year, then any further costs shall be addressed first by reallocating any unspent amounts remaining from other county allotments at the end of the fiscal year, and any final unresolved amounts to be paid by that county.

Explanation: This language restricts the use of \$8.5 million of the Judiciary’s general fund appropriation for the implementation of *DeWolfe v. Richmond*. It also provides, contingent on a provision in the Budget Reconciliation and Financing Act of 2017, that counties shall pay any costs in excess of the restricted amount.

JUDICIARY RESPONSE:

The Judiciary concurs with the Department’s recommendation.

Recommendation 6

| | <u>Amount Reduction</u> | | <u>Position Reduction</u> |
|---|------------------------------------|----|--------------------------------------|
| Eliminate funding for 8.5 new positions in the District Court. These positions are being denied due to the fiscal condition of the State and the Spending Affordability Committee’s recommendation that total State employment not be increased in fiscal 2018. | 396,436 | GF | 8.5 |

JUDICIARY RESPONSE:

The Judiciary concurs in part with the Department’s recommendation. The Judiciary requests the restoration of seven shielding and expungement clerk positions. In the last two legislative sessions, statutes were enacted that greatly expanded the number of cases eligible to be expunged and the types of cases that are eligible for shielding. As reported by the news media, there have been numerous clinics held by law schools, state and local bar associations, and advocacy groups that have resulted in an increase in petitions and orders to expunge and shield cases.

The processing of these new and increasing filings is more complicated than under the prior statutory framework and requires additional clerk and judge involvement. For example, in the Second Chance Act, not only is a very broad group of individuals provided with the opportunity to shield multiple criminal cases, the statute sets forth a broad range of individuals that may seek to review these shielded cases. In addition, the Justice Reinvestment Act, which will take effect on October 1, 2017, has a broad

expungement provision that is anticipated to greatly increase the number of filings that the clerks must process.

Expungements have risen more than 17.5% in the past year, adding more than 7,000 cases to the work processed by the clerks. In addition, there were more than 1,600 new shielding requests filed in the past year. While the fiscal note on the Second Chance Act legislation alone recognized the need for twenty-six additional clerks between the District and Circuit courts, mindful of the State’s fiscal condition, the Judiciary is requesting just seven clerks in an effort to begin addressing this clerical shortfall. The lack of appropriate shielding and expungement staff presently is causing processing delays which adversely impacts those citizens that expungements are designed to assist.

Recommendation 7

| | <u>Amount Reduction</u> | <u>Position Reduction</u> |
|--|------------------------------------|--------------------------------------|
| Reduce the appropriation for the Appointed Attorney Program from \$10.0 million to \$8.5 million. Actual expenditures in fiscal 2015 and 2016 were \$8.1 million, and are on a similar trajectory through the first half of fiscal 2017. | 1,500,000 | GF |

JUDICIARY RESPONSE:

The Judiciary concurs with the Department’s recommendation.

Recommendation 8

| | <u>Amount Reduction</u> | <u>Position Reduction</u> |
|--|------------------------------------|--------------------------------------|
| Eliminate funding for 13.0 new full-time equivalents for District Court bailiffs. These funds are being denied due to the fiscal condition of the State. | 392,447 | GF |

JUDICIARY RESPONSE:

The Judiciary disagrees with the Department’s recommendation. The District Court has asked for thirteen additional bailiffs, as part of a continuing program to provide a complement of two bailiffs per courtroom for each court session. In 2010, the National Center for State Courts (the Center) conducted a building security assessment for the

District Court in which the Center recommended, as a best practice, assigning two bailiffs to a courtroom during all court proceedings. The need for additional bailiff staffing also is indicated by the increasing safety threats to which judges, staff, and the public are exposed every day in our courthouses. In the first quarter of Fiscal Year 2017, over 962,881 individuals visited District Court locations. In this period alone, 5,580 contraband items were confiscated by bailiffs.

At this time, 52 additional bailiffs are needed to meet the recommended minimum staffing level; however, due to the fiscal condition of the State, the Judiciary is limiting its Fiscal Year 2018 request to 13 bailiffs.

Recommendation 9

| | <u>Amount Reduction</u> | <u>Position Reduction</u> |
|---|------------------------------------|--------------------------------------|
| Reduce funding for travel to half the requested increase. This reduction is intended to be spread across the Judiciary with the exception of the Clerks of the Circuit Court. | 225,000 | GF |

JUDICIARY RESPONSE:

The Judiciary concurs with the Department’s recommendation.

Recommendation 10

| | <u>Amount Reduction</u> | <u>Position Reduction</u> |
|--|------------------------------------|--------------------------------------|
| Reduce funding for supplies to eliminate the requested increase. This reduction is intended to be spread across the Judiciary with the exception of the Clerks of the Circuit Court. This action is to eliminate an unjustified 11.1% increase for this class of expenditures. | 453,757 | GF |

JUDICIARY RESPONSE:

The Judiciary concurs in part with the Department’s recommendation. The Judiciary requests the restoration of \$142,000 for two critical items: bulletproof vests for bailiffs and remote interpreting services. Bailiffs provide security in District courthouses for

judges, staff, and citizens in the buildings. In light of ongoing and escalating security concerns, \$60,000 is requested to provide bulletproof vests for these first responders.

Additionally, \$82,000 is requested to purchase specialized video conferencing units to facilitate simultaneous remote interpreting services for citizens who visit Judiciary facilities. These services will ensure that thousands of individuals with limited English proficiency have equal access to justice.

Recommendation 11

| | <u>Amount Reduction</u> | <u>Position Reduction</u> |
|--|------------------------------------|--------------------------------------|
| Reduce funding for new and replacement office furniture to eliminate the requested increase. This reduction is intended to be spread across the Judiciary with the exception of the Clerks of the Circuit Court. This action is to eliminate a 29% increase in these expenditures across the Judiciary due to the fiscal condition of the State. | 571,600 | GF |

JUDICIARY RESPONSE:

The Judiciary concurs in part with the Department’s recommendation. The Judiciary requests the preservation of \$150,000 in this line item to replace aging x-ray machines in District courthouses across the State. Each year, over four million individuals visit the District Court of Maryland statewide. It is incumbent upon the Judiciary to provide a safe environment for citizens, justice partners, and courthouse staff. In this first quarter of Fiscal Year 2017 alone, 5,580 contraband items were confiscated by the bailiffs. The risks are ever-present and growing.

Recommendation 12

| | <u>Amount Reduction</u> | <u>Position Reduction</u> |
|---|------------------------------------|--------------------------------------|
| Reduce the appropriations for select comptroller subobjects within the District Court program for which an 8.0% inflation rate over the most recent actual expenditure has been applied without justification. This action reduces these appropriations to the same level as fiscal 2017. | 454,102 | GF |

JUDICIARY RESPONSE:

Judiciary concurs with the Department’s recommendation.

Recommendation 13

Adopt the following narrative:

Appointed Attorney Program Costs and Utilization: The committees remain interested in the costs and operations of the Appointed Attorney Program and the State’s efforts to comply with the *DeWolfe v. Richmond* decision. The committees request a report detailing the fiscal 2017 costs and utilization of the Appointed Attorney Program.

| Information Request | Author | Due Date |
|--|---------------|-----------------|
| Appointed Attorney Program costs and utilization | Judiciary | October 1, 2017 |

JUDICIARY RESPONSE:

The Judiciary concurs with the Department’s recommendation.

Recommendation 14

| | <u>Amount Reduction</u> | <u>Position Reduction</u> |
|---|--------------------------------|----------------------------------|
| Eliminate 1.35 new positions in the Administrative Office of the Courts. These positions are being denied due to the fiscal condition of the State and the Spending Affordability Committee’s recommendation that total State employment not be increased in fiscal 2018. | 69,475 GF | 1.4 |

JUDICIARY RESPONSE:

The Judiciary concurs with the Department’s recommendation.

Recommendation 15

Adopt the following narrative:

Budget Practices in the Clerks of the Circuit Court: The committees are concerned that the budget process between the Clerks of the Circuit Court and the Administrative Office of the Court leads to inflated budget requests for the clerks. The committees request a report detailing the current budget review process for the Clerks of the Circuit Court and recommendations to ensure that future budget requests reflect actual needs.

| Information Request | Author | Due Date |
|---|---------------|------------------|
| Budget Practices in the Clerks of the Circuit Court | Judiciary | November 1, 2017 |

JUDICIARY RESPONSE:

The Judiciary concurs with the Department’s recommendation to submit a report on Budget Practices for the Clerks of the Circuit Court.

Recommendation 16

| | <u>Amount Reduction</u> | <u>Position Reduction</u> |
|--|--------------------------------|----------------------------------|
| Eliminate funding for a 0.25 new position in the Court Related Agencies program. This position is being denied due to the fiscal condition of the State and the Spending Affordability Committee’s recommendation that total State employment not be increased in fiscal 2018. | 18,026 GF | 0.3 |

JUDICIARY RESPONSE:

The Judiciary concurs with the Department’s recommendation.

Recommendation 17

| | <u>Amount Reduction</u> | | <u>Position Reduction</u> |
|--|------------------------------------|----|--------------------------------------|
| Eliminate a 0.4 new position in the State Law Library. This position is being denied due to the fiscal condition of the State and the Spending Affordability Committee’s recommendation that total State employment not be increased in fiscal 2018. | 17,711 | GF | 0.4 |

JUDICIARY RESPONSE:

The Judiciary concurs with the Department’s recommendation.

Recommendation 18

| | <u>Amount Reduction</u> | | <u>Position Reduction</u> |
|---|------------------------------------|----|--------------------------------------|
| Eliminate 5.5 new positions in Judicial Information Systems. These positions are being denied due to the fiscal condition of the State and the Spending Affordability Committee’s recommendation that total State employment not be increased in fiscal 2018. | 400,024 | GF | 5.5 |

JUDICIARY RESPONSE:

The Judiciary concurs in part with the Department’s recommendation. The continued rise in cyber security concerns has strained the ability of the Judiciary to implement and maintain advanced network and intrusion controls. Issues such as unauthorized access to systems (hacking), access to data (breaches), and access to personal information (phishing) confront organizations every day and require constant vigilance to monitor activities and update capabilities to protect vital information assets.

The Judiciary requests the restoration of five critical positions to support efforts included in a new cyber security project, and related network operations. These positions are critical to preventing unauthorized access to critical systems, to enhancing and supporting the existing cyber security program, and to ameliorate findings identified in the Office of Legislative Audit’s 2016 audit report.

Recommendation 19

Adopt the following narrative:

Development of Statewide Cybersecurity Policy: The committees are concerned about cybersecurity and recognize the need for all units of State government to implement and follow robust cybersecurity policies and appreciate the Judiciary’s plan to develop and invest in such a policy and believe that the Judicial Information Systems (JIS) and the Department of Information Technology (DoIT) should consider working together to develop a unified cybersecurity policy. The committees request a joint report on the current status of the State’s cybersecurity policies and the feasibility of creating and adopting a unified cybersecurity policy for the Executive and Judicial branches.

| Information Request | Authors | Due Date |
|--|----------------|---------------------|
| Report on statewide cybersecurity policy | JIS DoIT | November 1, 2017 |

JUDICIARY RESPONSE:

The Judiciary concurs in part with the Department’s recommendation. The Judiciary currently includes cybersecurity considerations in its overarching security policy entitled “Judiciary Information Security Policy,” which is reviewed and updated annually. The development of a joint statewide policy is unnecessary. The Judiciary’s cybersecurity policy is consistent with the model used by the Department of Information Technology (DoIT). Annual updates of the policy include reviews of policy changes and additions made by DoIT for Executive branch agencies. An effective relationship exists between the Judiciary and DoIT for sharing security related bulletins and matters of common interest.

While efforts are made to align core components with the State policy, the Judiciary’s policy must remain separate to reflect constitutionally mandated governance related to the access, storage, and usage of data unique and specific to the Judiciary. Because of the nature of the Judiciary’s data requirements, operational efficiencies would not be enhanced by a joint cybersecurity policy. Consistent with our position in 2008, 2010, 2013, and 2014, the Judiciary opposes being required to participate in a program intended for the Executive branch. The Judiciary, however, is willing to report on the state of cybersecurity within the Judicial branch and in areas where it intersects with Executive branch agencies. The Judiciary is committed to maintaining an effective, ongoing relationship with DoIT.

Recommendation 20

Add the following language to the general fund appropriation:

. provided that this appropriation is reduced by \$5,056,251. The Chief Judge shall allocate all reductions to the Clerks of the Circuit Court program such that each jurisdiction receives the same general fund appropriation it received in fiscal 2017.

Explanation: This action reduces the total general fund appropriation for the Clerks of the Circuit Court to the same level as the fiscal 2017 appropriation. The Judiciary is required to allocate these reductions such that the appropriation for each jurisdiction is also at the fiscal 2017 level.

JUDICIARY RESPONSE:

The Judiciary concurs in part with the Department's recommendation and requests the restoration of \$2 million as noted in Issue 1.

Recommendation 21

| | <u>Amount Reduction</u> | | <u>Position Reduction</u> |
|---|------------------------------------|----|--------------------------------------|
| Eliminate 20.0 new positions in the Clerks of the Circuit Court. These positions are being denied due to the fiscal condition of the State and the Spending Affordability Committee’s recommendation that total State employment not be increased in fiscal 2018. | 921,869 | GF | 20.0 |
| | 49,571 | SF | |
| Total Reductions | \$ 21,002,606 | | 38.5 |
| Total General Fund Reductions | \$ 20,953,035 | | |
| Total Special Fund Reductions | \$ 49,571 | | |

JUDICIARY RESPONSE:

The Judiciary disagrees with the Department’s recommendation. Clerks’ office staff play a vital role in the effective and efficient administration of justice. Some Clerks’ offices are unable to ensure timely service due to staffing shortages and the inability to process cases in a timely fashion. Eliminating twenty positions, as recommended by the Department, will further strain clerk resources that have either already reached, or are approaching, workload saturation due to case complexities and unfunded legislative mandates. For example, implementation of the Second Chance Act and the Justice Reinvestment Act have increased, or will increase, clerk processing time. Additionally,

expanding problem-solving courts and the implementation of a number of new technological applications, require additional clerk time and attention.

The Judiciary requests the restoration of the twenty positions, which include courtroom and back office clerks. Restoration of those positions will ensure the quality of service that the citizens of Maryland deserve.

CONCLUSION

As provided for in prior years, the Judiciary requests the flexibility to allocate any reductions.