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**BUDGET ALLOWANCE**

**FISCAL YEAR 2020**

**JUDICIAL BUDGET REVIEW AND INTRODUCTION**

The Judiciary's Fiscal Year 2020 Budget Submission is \$619 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 13 percent, aid to courts/grants at 10 percent, and fixed costs at 3 percent. The General Fund submission of \$549 million represents a 7.98 percent increase or \$40.6 million over the Fiscal Year 2019 appropriation. The submission includes funding for personnel related items such as new judgeship and magistrate positions, employee merits, required salary increases for judges, health insurance, and pension as well as operational increases.

**BUDGET ISSUES**

**Issue 1 – Judgeship Request**

*In December 2018, the Judiciary submitted its annual certification of judicial need for fiscal 2020 and, for the first time since fiscal 2017, requested new trial court judges for the District and circuit courts. In total, the Judiciary's request is for 1 new circuit court judge (Washington County) and 6 new District Court judges (2 each in Baltimore and Prince George's counties and 1 each in Anne Arundel and St. Mary's counties).*

*The Judiciary has also certified a need for 5 further circuit court judgeships (3 in Baltimore County and 1 each in Allegany and Prince George's counties) and 2 District Court judgeships (1 each in Washington and Wicomico counties). A chart summarizing the certified need for positions is included below as Exhibit 14. There are a number of factors, including the availability of local funding and courtroom space, which determine whether the Judiciary will request the creation of particular judgeships in addition to the certification of need based on caseloads.*

**DLS recommends that the General Assembly approve two new District Court judgeships in Baltimore County. DLS further recommends that the other requested judgeships and the associated staff and funding not be approved.**

## **JUDICIARY RESPONSE:**

The Maryland Judiciary currently employs a model recommended by the National Center for State Courts to certify the need for judgeships. Under the model, there is a demonstrated need for 14 additional judgeships across the State; however, the Judiciary is only requesting seven judgeships. A request for a judgeship is not made unless the local government can support the additional resource demands, including courtroom and chamber space, as well as a judicial assistant in the circuit court. The need for these judges, in many instances, is not new and has been certified for many years.

### **A. Anne Arundel County District Court**

With respect to a new judgeship for the Anne Arundel County District Court, the Department, on page 8 of the Budget Analysis, correctly points out that the court is having difficulty meeting established time standards for case completion because the court has a demonstrated need for an additional judgeship. Currently, each of the nine judges in Anne Arundel County handles the equivalent of 120 percent of the workload of a full-time judge. Even with the addition of a tenth judge, the workload of each judge would be the equivalent of a judge working 108 percent of the time. The need for an additional judge in Anne Arundel County has existed at least since 2013. As of 2017, the population in Anne Arundel County had increased approximately 7 percent over the 2010 census. There is space for a temporary courtroom in the Glen Burnie courthouse while a permanent courtroom is built out in the Annapolis courthouse.

### **B. Baltimore County District Court (Catonsville)**

The Judiciary concurs with the Department's recommendation.

### **C. Circuit Court for Washington County**

The Circuit Court for Washington County currently has a complement of five judges, but has demonstrated a need for an additional judgeship as far back as 2009. The workload requires each of the five judges to work the equivalent of 117 percent of a full-time judge. This judicial workload has the potential to impact access to justice for those who come before the court in Washington County.

In making this request, the Judiciary consulted with local court leadership. The County Administrative Judge for Washington County indicated that the addition of a sixth judge would enable the court to promptly hear civil, criminal, and juvenile matters. The court noted that it has become more difficult for judges to address the caseload in a timely manner. Logistically, there is space available in the courthouse to support a sixth judge as the Orphans' Court and Register of Wills are being moved from the courthouse to another location.

### **D. Prince George's County District Court**

With respect to Prince George's County, there is a demonstrated need for two additional judgeships. There are existing courtrooms in both the Hyattsville and the Upper Marlboro courthouses to accommodate the judges. Prince George's County has experienced an increase in population since 2010 (6 percent through 2017) as well as an increase in civil, domestic violence,

and landlord and tenant filings. Since Fiscal Year 2015, there has been a certified need for 20 judges in Prince George's County to handle its workload. The current complement of judges is 17, each of whom is working at 118 percent capacity. Even with the two additional judgeships requested by the Judiciary, each judge will be working at 105 percent capacity.

#### **E. St. Mary's County District Court**

There is a demonstrated need for an additional judgeship in St. Mary's County for which there currently is an existing courtroom to support. Both population (7 percent increase since 2010) and case filings (21 percent increase since Fiscal Year 2015) continue to increase in St. Mary's County. This county has the highest per judge workload in the State (the current judge has the equivalent workload of two full-time judges) and the fewest judges per resident. Currently, St. Mary's County has one full-time judge who receives assistance from a judge that travels from Calvert County two times a week. By adding a second judge, each county will have the correct number of judges for the assigned work.

#### **Issue 2 – Evaluation of Adult Drug Courts**

*OPSC appears to be moving in the appropriate direction. The office produces regular reports that provide output statistics on its dockets, and the Judiciary had the foresight to commission the performance evaluation report discussed above. Nonetheless, given the importance of this issue and the value that this evaluation data is likely to have beyond OPSC, this is the time to ensure that this data will be collected, to understand how it will be used, and to make it available to other stakeholders.*

**DLS recommends the adoption of committee narrative requesting a report from OPSC addressing the following:**

- **The status of the implementation of a performance management system for adult drug courts;**
- **Whether and to what extent the Judiciary has adopted the objectives and benchmarks recommended by NCSC;**
- **A plan for the evaluation of outcomes for each adult drug court program at regular intervals;**
- **How OPSC will ensure that service providers and drug court managers are providing all data necessary for evaluation; and**
- **An estimate of the variable correctional, court, and other savings associated with adult drug courts.**

#### **JUDICIARY RESPONSE:**

The Judiciary concurs with the Department's recommendation.

### **Issue 3 – MDEC Enters Final Phase of Implementation**

*MDEC is a massive system that will be expensive to maintain and operate. The General Assembly was advised of this issue by the Judiciary and prepared for this cost by implementing an \$11 surcharge on civil cases filed in the State. This revenue is deposited in the LRIF.*

*While the surcharge has been projected to cover most of MDEC's operating and maintenance costs in the near term, there has been significant revenue underattainment due to the recent downward trend in case filings. To date, the multi-year phase-in of MDEC has kept the contract cost relatively low, but once the system is deployed in all jurisdictions, the Judiciary projects a revenue gap of \$2.4 million per year. Such a large structural deficit would put significant strain on the LRIF's already strained balance sheet (see Issue 4) and will necessitate the allocation of general funds, cuts to other LRIF expenditures, or an increase to the surcharge.*

### **Operations and Maintenance of MDEC**

- (1) Given the likelihood that a surcharge increase will be necessary in the near future, DLS recommends that the Judiciary comment on how it intends to manage the cost of MDEC maintenance.**
- (2) DLS further recommends that, if the General Assembly chooses to amend the statute to increase the surcharge, it also create a special fund solely for this purpose rather than allowing land records revenue to subsidize these costs.**

### **JUDICIARY RESPONSE:**

- (1) The Judiciary has maintained a conservative position with respect to projected revenue estimates. Total revenues in the Land Records Improvement Fund are generated from a surcharge on the recordation of land instruments as well as surcharges on civil case filings. While an increase to either surcharge may be required, the Judiciary is considering other alternatives to manage the cost of MDEC e-filing maintenance. Research is being conducted regarding e-filing fees paid by other courts throughout the country to determine strategies to structurally balance these fees against revenues.
- (2) 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 rollout of the electronic capabilities of MDEC statewide. Upon agreement with the General Assembly in 2017, 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. The Judiciary is already required to submit the Circuit Court Real Property Records Improvement Fund report delineating all revenues and expenditures by line item. It would be unnecessary and redundant to require, yet again, another special fund for this purpose.

## **Rent Court Module**

*It has proven difficult to create a successful bulk filing system in MDEC to match the old system and, as a result, all rent court cases in the state are currently handled outside of MDEC.*

*However, the Judiciary has reported that testing of a solution began late in calendar 2018 and, if all goes well, the system will be piloted in Baltimore County in the second half of this year. If it is successful, all major case types will be processed electronically.*

**DLS recommends that the committee adopt narrative requesting a status update on progress toward the development of the rent court bulk filing module and the results of the Baltimore County pilot.**

### **JUDICIARY RESPONSE:**

The Judiciary agrees to a status update as requested by the Department.

## **Issue 4 – The LRIF Has a Significant Structural Deficit**

*The revenue and spending program for the LRIF is not sustainable, even in the near term. The position of the fund has been weakening for several years, but a substantial fund balance, strong revenue attainment for land records transactions, and conservative spending have allowed the Judiciary to manage increasing demands on the fund. It appears, though, that these components are now unmanageable. Specifically:*

- *Revenue, which is tied to the number of court filings in the state, has been on the decline, including an 8.8% decrease in fiscal 2018;*
- *Maintenance costs for MDEC are increasing as discussed in Issue 3; and*
- *The major IT project portfolio remains large, even as MDEC development ends.*

*These near-term trends are undermining the core purpose of the LRIF, which is to support land record activities in the State, and threaten the revenue stream that support local land records offices and 2020 State employees.*

**DLS recommends that, in order to protect the original purpose of the LRIF and ensure appropriate funding for land records activities, the General Assembly pass legislation to remove funding of major IT projects from the LRIF and return these expenditures to the Judiciary's general fund budget.**

### **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 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.

The Fund, as directed by the General Assembly, has become the vital funding source for critical technology modernization initiatives. Barring the use of the Fund for Major IT expenditures would bring about an unnecessary burden on the General Fund of \$59 million over the next four fiscal years even though funding statutorily exists for this purpose. There is no benefit to shifting these expenses to the General Fund now or in the foreseeable future.

If any return of expenditures to the Judiciary's General Fund budget were to occur, it should start with the transfer of 222 land record employee positions back to the General Fund which is equally unrealistic.

## **RECOMMENDED ACTIONS**

### **Recommendation 1**

Add the following language:

Further provided that 4 positions and \$614,911 in general funds are contingent upon the enactment of HB 159 or SB 205.

**Explanation:** This action makes the funding for new positions for the Baltimore County District Court contingent upon the enactment of legislation creating the new judgeships associated with this request.

### **JUDICIARY RESPONSE:**

The Judiciary concurs in part with the Department's recommendation.

The Department acknowledges the need for judges, particularly in the Anne Arundel District Court, but only recommends funding for the two judgeships in the Baltimore County District Court. Each of the requested judgeships is essential to maintaining fairness and accessibility in the courts.

In line with the National Center for State Courts' nationally regarded best practices, additional resources are justified when each judge in that court has a workload that is greater than 1.10 FTE (the equivalent of 110 percent of the workload of a full-time judge). Each judgeship request is based on a demonstrated need of the local court's workload significantly exceeding resources, a need that has been certified for some requested judgeships since the 2009 budget year. These additional resources will help to guarantee that people who come before the courts receive justice without undue delay. It has been determined, from the National Center for State Courts judgeship model, that in Fiscal Year 2020 there is a need for 14 additional judges. The Judiciary has

prioritized its request to include only seven judges: one Circuit Court judge in Washington County, six District Court judges (Anne Arundel County (1), Baltimore County (2), Prince George's County (2), and St. Mary's County (1)), and two magistrates (Baltimore County and Prince George's County).

### **Recommendation 2**

Add the following language:

Further provided that no funds in this appropriation may be used to procure or otherwise develop a design for a new Courts of Appeal building.

**Explanation:** This action prohibits the Judiciary from funding the design step of the capital development process for a new Courts of Appeal building from its operating appropriation in fiscal 2020. The Judiciary's allowance included \$3.4 million for this purpose. Building construction is a function of the Executive Branch, not the Judiciary.

### **JUDICIARY RESPONSE:**

The Judiciary finds the Department's proposed language unnecessary.

The numerous, pervasive, and significant structural and operating issues confronting the Courts of Appeal building, are reflections of the many ongoing issues emanating from the initial poor construction, followed by decades of neglect. The need for a new Courts of Appeal building has been established indisputably for more than 15 years, yet planning and design have been repeatedly pushed out for years at a time. In the meantime, the existing facility, long past its intended useful life, has deteriorated, so much so that the many issues may now present health and safety concerns on multiple fronts. Decades of neglect have, unfortunately, placed the appellate courts in the position of needing to relocate with due speed, but with no place to go. Capital funds have yet again been moved to the out years. Due to the urgency of the situation, and the repeated removal of Capital funds, the Judiciary placed design money, not construction money, in its operating budget to begin the planning of the much-needed new Courts of Appeal building. If the General Assembly removes the funding for this project as proposed in Recommendation 10, the Judiciary would not move forward with any planning initiative from its operating budget.

The Judiciary is requesting that the General Assembly adjust the Capital Budget and make funding for this critical need available in 2020.

### **Recommendation 3**

Add the following language:

Provided that \$4,236,094 in general funds for new positions is reduced and 51.0 regular positions are eliminated.

**Explanation:** This action eliminates 51.0 of the 55.0 new general funded positions in the Judiciary's fiscal 2020 budget. This expansion of services is unaffordable in light of the Judiciary's overall budget request. This reduction includes 5 out of 7 new judgeships requested

by the Judiciary but leaves 4 new positions and add 2 new judges to the Baltimore County District Court.

**JUDICIARY RESPONSE:**

The Judiciary concurs in part with the Department's recommendations.

See the responses to Issue 1 and Recommendation 1 requesting the restoration of judgeships, magistrates, and associated staff which will necessitate an additional 15 PINS.

**Recommendation 4**

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.

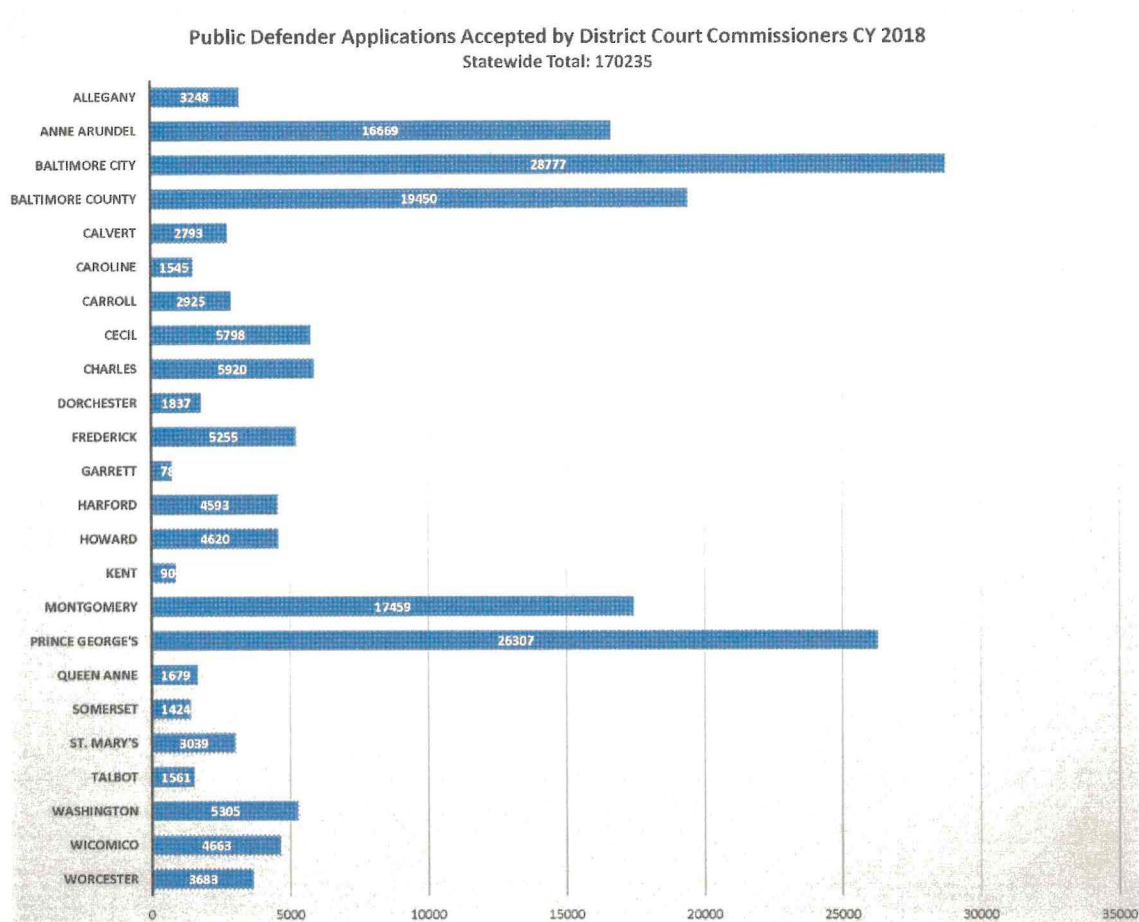
**Explanation:** This language restricts the use of \$8.5 million of the Judiciary's general fund appropriation for the implementation of DeWolfe v. Richmond.

**JUDICIARY RESPONSE:**

The Judiciary disagrees with the Department's recommendation.

In 2017, the General Assembly removed the responsibility for qualifying individuals seeking representation by the Office of the Public Defender from that Office and transferred the responsibility to the District Court commissioners. Since the effective date of October 1, 2017, District Court commissioners have processed more than 215,000 applications for representation by the Office of the Public Defender. In calendar year 2018, the commissioners processed more than 170,000 applications. The significant increase in work resulting from this added responsibility required 19 new commissioners. In Fiscal Year 2018, the \$1.5 million in unspent funds from the originally segregated *Richmond* funding of \$10 million was appropriated to fund these 19 commissioner positions required by the Public Defender Eligibility program. These positions were filled during various time frames throughout Fiscal Year 2018 and the associated expenses transferred at year end. It typically takes six months to fill a commissioner position. Any remaining funds from the *Richmond* \$10 million that were not used in the operation of the Appointed Attorney Program or in funding the commissioners for the indigency determinations were reverted to the General Fund. It is anticipated that expenditures for commissioners will increase in Fiscal Year 2020 relative to Fiscal Year 2018 because all commissioner positions are now filled.





### **Recommendation 5**

#### **Amount Reduction**

Reduce the appropriation for the Appointed Attorney Program. \$1,500,000 GF  
This action leaves \$8.5 million for the program, which should be sufficient to meet demand based on historic utilization.

### **JUDICIARY RESPONSE:**

The Judiciary disagrees with the Department's recommendation. See the response to Recommendation 4.

### **Recommendation 6**

#### **Amount Reduction**

Reduce the appropriation for self-help centers to the fiscal 2018 actual expenditure. These funds are being reduced because of the growth in the overall Judiciary's fiscal 2020 allowance. \$1,329,886 GF

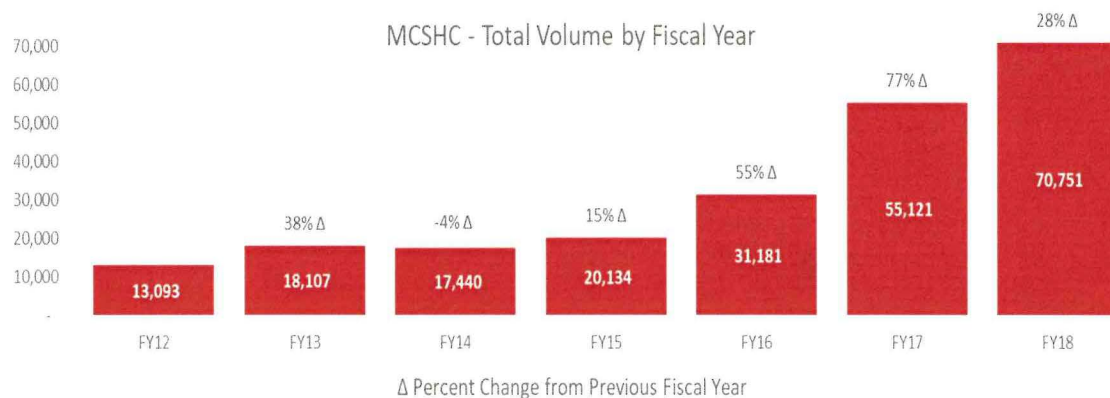
## JUDICIARY RESPONSE:

The Judiciary disagrees with the Department's recommendation.

Self-help centers are a key part of the Judiciary's network of resources to assist the increasing number of litigants who come to court without the benefit of legal counsel. These resources help fulfill the fundamental mission of the Judiciary to provide fair, efficient, and effective justice for all. Self-help centers increase access to justice by providing unrepresented litigants with free legal advice and information in civil matters, including divorce, child custody, landlord and tenant, foreclosure, and expungement. Self-help centers benefit courts by helping unrepresented litigants correctly fill out forms, understand court documents, prepare for hearings and mediation, and understand next steps.

The Maryland Courts Self-Help Center (MCSHC) provides self-help center services remotely via phone, live chat, and email. Remote services have proven to be an effective and efficient way to eliminate barriers to accessing civil legal help by making it available at no cost regardless of location or ability to travel to a walk-in center.

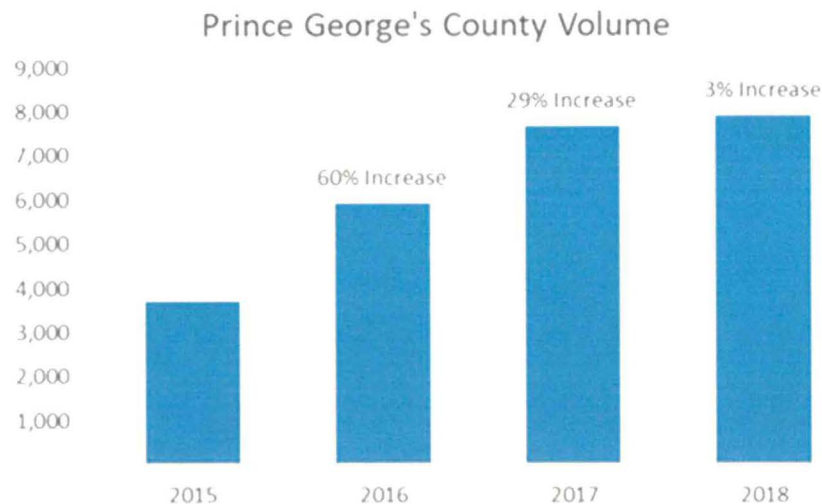
The number of litigants assisted at the MCSHC continues to climb. Demand in the first half of Fiscal Year 2019 has outpaced demand in the first half of Fiscal Year 2018. Adequate funding is essential to maintaining the staffing levels needed to continue to meet the demand for this service.



District Court Self-Help Resource Centers (DCSHRCs or Centers) provide walk-in assistance for civil District Court matters, including landlord and tenant, small claims, replevin (return of property), expungement, and domestic violence. In Fiscal Year 2018, DCSHRCs assisted more than 20,900 self-represented litigants at four centers in Glen Burnie, Upper Marlboro, Salisbury, and Baltimore City. In Fiscal Year 2019, new Centers opened in Frederick and Cambridge. The locations of these Centers are regionally based to serve the highest populations as well as regional needs throughout the State.

The Upper Marlboro DCSHRC has the highest demand for service of all Centers. In calendar year 2018, the Upper Marlboro DCSHRC assisted 25 percent more litigants than Baltimore City, the next-highest volume center. As the chart below demonstrates, demand has increased each

year since the Center opened in 2015. It is currently staffed by three attorneys. This is the same number of staff as in the Glen Burnie Center, yet it assisted 80 percent more litigants. It has become increasingly clear that the demand at the Upper Marlboro walk-in center has outpaced the current staffing resources. This has resulted in increasing wait times for litigants in Upper Marlboro, particularly those seeking assistance with expungement of criminal records. Funding is requested for one additional attorney so that the DCSHC in Upper Marlboro can meet its program demand.



The Frederick location opened in July 2018 and serves litigants with all civil matters in the circuit courts and the District Court. In the first six months of operation, the Frederick Center assisted 2,360 walk-in litigants. These case types include family law, foreclosure, expungement, domestic violence, landlord and tenant, and small claims. The staffing model employed for Frederick was minimal, as funding was limited to properly staff the new center. In the first six months of operation, demand has been brisk and a significant increase is anticipated as more people become aware of the Center. Based on the regional approach, it is anticipated that litigants will visit the Frederick Center from neighboring counties to the west. Finally, the Frederick Center assists with additional case types, including domestic filings, which will result in a higher demand. Accordingly, the funding is requested for one additional staff member to appropriately staff the Frederick Center.

Additional funding is requested to open a new Baltimore County Walk-In Self-Help Center. This Center, timed with the opening of the new Catonsville courthouse in the fall of 2019, will help to fulfill the long-term goal of providing self-help centers in key regions of the State. This Center will serve the third most populous county in Maryland. In Fiscal Year 2017, there were more than 168,000 landlord and tenant actions filed in Baltimore County and nearly 6,000 peace and protective order filings. The litigants were unrepresented in the overwhelming number of these cases. The Judiciary plans to open the Center with conservative levels of staffing and assess demand thereafter.



### **Recommendation 7**

	<b><u>Amount Reduction</u></b>	
Eliminate funding for 10 new contractual bailiffs due to the unaffordable growth rate of the Judiciary's budget allowance. Eight of the eliminated positions are associated with a request, for new judges, which is also proposed for reduction.	\$309,260	GF

### **JUDICIARY RESPONSE:**

The Judiciary concurs in part with the Department's recommendation.

Eight bailiff positions are associated with the new judgeship requests. See the responses to Issue 1 and Recommendation 1.

### **Recommendation 8**

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 detailing the fiscal 2019 costs and utilization of the Appointed Attorney Program.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Appointed Attorney Program costs and utilization	Judiciary	October 1, 2019

### **JUDICIARY RESPONSE:**

The Judiciary concurs with the Department's recommendation. The Judiciary already prepares this report and will continue to do so.

### **Recommendation 9**

Adopt the following narrative:

**Pretrial Release Statistics:** The committees remain interested in the impact of recent changes to the Maryland Rules regarding pretrial release and the use of the cash bail across the State. Therefore, the committees request a report on the implementation of the new rule from July 1, 2018, to September 30, 2019. The report should provide an update on pretrial release practices including any guidance on the new rule issued by the Judiciary and should include the following data:

- A statewide accounting, by month and jurisdiction, of all pretrial dispositions from October 2018 to September 2019, including the number of defendants held on cash bail, released without conditions or on recognizance, released with nonmonetary conditions, and held without bail;

- Failure to appear rates from July 2018 to June 2019 by jurisdiction and pretrial disposition; and
- The number and percentage of defendants held in custody more than five days after a bail is set from October 2018 to September 2019.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Impact of changes to pretrial release rules	Judiciary	November 1, 2019

#### **JUDICIARY RESPONSE:**

The Judiciary concurs with the Department's recommendation. The Judiciary already prepares this report and will continue to do so.

#### **Recommendation 10**

	<b><u>Amount Reduction</u></b>
Eliminate funding for the design of a new Courts of Appeal building. The construction of State buildings is an executive function, and this project should not be funded in the Judiciary's operating budget. The project is programmed for funding in the Capital Improvement Plan beginning in fiscal 2022.	\$3,427,000    GF

#### **JUDICIARY RESPONSE:**

The Judiciary concurs with the Department's recommendation.

See the response to Recommendation 3. While the Judiciary is pleased that the Department of Budget and Management included capital improvement funds in the five-year CIP, planning money has once again been delayed and is not available until 2022. The Judiciary is requesting that the General Assembly adjust the Capital Budget and make funding for this critical need available in 2020.

#### **Recommendation 11**

	<b><u>Amount Reduction</u></b>
Reduce the appropriation for all general fund grants except those for county magistrate compensation and problem solving courts to the same level as the fiscal 2019 working appropriation. This action is due to the 7.7% total growth rate for these expenditures in the fiscal 2020 budget and still provides an increase of \$3.2 million over fiscal 2018 actual expenditures.	\$1,641,821    GF

## **JUDICIARY RESPONSE:**

The Judiciary concurs in part with the Department's recommendation.

The Judiciary appreciates the Department's recommendation to allow the requested increase for problem-solving court grants; however, other requested grant budget increases also are vitally important to the Judiciary's mission to provide fair, effective, and efficient justice for all. Judiciary grants in other areas provide representation and support to victims of intimate partner violence and human trafficking; support restorative justice processes in juvenile matters; assist families to resolve contested child custody and visitation disputes; support co-parenting education programs and supervised visitation centers; provide mediation to settle civil matters; assist families in guardianship cases; fund limited scope legal representation and advice for unrepresented low income litigants; offer desperately needed services in foster care and termination of parental rights cases; and support community-based mediation centers, which use trained volunteer mediators to provide no-cost mediation services for all kinds of interpersonal disputes. The Judiciary's grant programs are essential for meeting the needs of Maryland's most vulnerable populations: children, the elderly, and low-income families.

The Judiciary's innovative and effective grant-funded programs are essential for meeting the needs of all Marylanders and maintaining the State's position as a national access to justice leader, ranking fourth in the nation for overall performance according to the Justice Index, an online resource that scores states based on the adoption of best practices furthering civil access to justice.

The Judiciary is requesting restoration of \$750,000 and the flexibility to allocate the funding among the grant programs.

### **Recommendation 12**

	<b><u>Amount Reduction</u></b>
This action reduces funds in order to increase the turnover expectancy for the Judiciary to 3.25% for fiscal 2020. On January 1, 2019, the Judiciary's vacancy rate was 3.4%. This adjustment is intended to be applied across the Judiciary.	\$1,925,303    GF

## **JUDICIARY RESPONSE:**

The Judiciary disagrees with the Department's recommendation.

Over the past two fiscal years, the Judiciary has been diligently working to improve the efficiency of its recruitment practices. The success of this has been reflected in lower turnover rates as acknowledged on page 3 of the Department's analysis. Rather than use the Department's one-day snapshot on December 31<sup>st</sup>, the Judiciary measures turnover utilizing a cumulative monthly average, which is already reflected in the Judiciary's budget submission.

### **Recommendation 13**

#### **Amount Reduction**

Reduce funding for subobjects related to equipment, building maintenance, supplies, postage, travel, freight hauling, and publications due to large increases over recent actual expenditures and otherwise unjustifiable spending.

\$8,715,011      GF

### **JUDICIARY RESPONSE:**

The Judiciary concurs, in part, with the Department's recommendation, but disagrees with the Department's specific reductions to the Judiciary's operating budget and urges that \$4.1 million be restored.

The methods used by the Department to calculate the reductions do not accurately reflect the reasons for the requested increases. The Department recommends funding at the Fiscal Year 2018 level, failing to take into account the Fiscal Year 2019 budget appropriation or operational needs in Fiscal Year 2020. To level fund the operating categories of postage; travel; advertising; equipment repair and maintenance; building repair and maintenance; freight and delivery; supplies; and, building improvements at the Fiscal Year 2018 actual expenditures level is arbitrary and will detrimentally impact long-range plans that were approved by the General Assembly in prior years. For instance, the over \$600,000 recommended reduction to postage in the District Court would prevent mailing notices of case outcomes to litigants in landlord and tenant cases.

In addition, the Department is recommending a 50 percent reduction to the Judiciary's Fiscal Year 2020 equipment request, without basis. For example, in Fiscal Year 2020, Judicial Information Systems (JIS) requested an increase of \$81,000 over Fiscal Year 2019 appropriation. The reduction recommended by the Department would cut approximately \$1.2 million from the Fiscal Year 2020 request. This category of expense includes equipment necessary for an entire branch of government, including all four levels of court, the Administrative Office of the Courts, and JIS. Additionally, the equipment supports 59 individual courthouses and over 4,300 employees. The Judiciary's technology infrastructure supports interoperability with justice partners as well as public access to court records. Case Search alone receives more than 2 million hits a day. Technology is at the very core of modern court operations and should not be reduced.

The reductions recommended by the Department to the building improvements category again return funding to Fiscal Year 2018 levels, completely ignoring the Fiscal Year 2019 appropriation, thereby reducing the District Court's Fiscal Year 2020 request by more than \$1.6 million. If part of this funding is not restored, the District Court will not be able to implement necessary building repair and maintenance projects in courthouses across the State. These include necessary safety-related improvements such as reconfiguring courtroom security hallways for detainee access to courtrooms, and other ongoing facility concerns. The District

Court has over 4 million visitors to its courthouses annually and its facilities are subjected to tremendous wear and tear. Keeping up with maintenance projects ensures that courthouses do not fall into disrepair and reduces future expenses.

The Judiciary has a long history of aiding the elected Clerks of the Circuit Courts to ensure operational efficiencies. The clerks' offices were transferred to the Judiciary's budget from the State Comptroller's budget in 1986, by constitutional amendment. Prior to the constitutional amendment, the clerks sustained all personnel and operational costs through fee revenues. For those offices that carried a deficiency, a General Fund appropriation was established. Since this transfer, the clerks have been dependent on the Judiciary for all their operational costs. It is, therefore, wholly appropriate for the Judiciary to fund minor renovations, maintenance, and repairs to the clerks' offices.

In the interest of compromise and responsible stewardship, the Judiciary requests the restoration of \$4.1 million and the flexibility to allocate the reductions, as provided for in prior years.

#### **Recommendation 14**

Adopt the following narrative:

**Adult Drug Court Evaluations and Transparency:** The committees are concerned about the ongoing impact of drug addiction in the State and the role that adult drug courts can play in the State's response to this crisis. The committees request that the Office of Problem Solving Courts (OPSC) prepare a status report on how it intended to use performance evaluation benchmarks developed by the National Center for State Courts (NCSC). Specifically the status report should address the following issues:

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

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Adult drug court evaluations and transparency	Judiciary	July 1, 2019



**JUDICIARY RESPONSE:**

The Judiciary concurs with the Department's recommendation.

**Recommendation 15**

Adopt the following narrative:

**Status of the Maryland Electronic Courts (MDEC) Rent Court Module Development:** The committees remain interested in the implementation of MDEC and the ability of the system to process rent court filings. Given the progress that is currently being made by the Judiciary and the pending pilot in Baltimore County, the committees request that the Judiciary provide a status update on this project, including the result of the pilot, before the 2020 legislative session.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Status of MDEC rent court module development	Judiciary	October 1, 2019

**JUDICIARY RESPONSE:**

The Judiciary concurs with the Department's recommendation.

**CONCLUSION**

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