



Supreme Court of Maryland

Robert C. Murphy Courts of Appeal Building
361 Rowe Boulevard
Annapolis, Maryland 21401

Matthew J. Fader
Chief Justice

(410) 260-3725

MARYLAND JUDICIARY
FISCAL YEAR 2025 OPERATING BUDGET
RESPONSE TO DEPARTMENT OF LEGISLATIVE SERVICES ANALYSIS

C00A00

SENATE BUDGET & TAXATION COMMITTEE
SENATE PUBLIC SAFETY, TRANSPORTATION, & ENVIRONMENT SUBCOMMITTEE
SENATOR SARAH K. ELFRETH
FEBRUARY 21, 2024

JUDICIAL BUDGET REVIEW AND INTRODUCTION

The Judiciary's fiscal year 2025 Budget Submission is \$788 million, which represents approximately 1.3 percent of the State's operating budget. The major components of the budget are as follows: salaries and benefits at 65 percent, contractual services at 13 percent, aid/grants to courts at 12 percent, and fixed costs at 3 percent. The General Fund submission of \$696 million represents a 4.19 percent increase at \$28.0 million over the fiscal year 2024 working appropriation. The submission includes funding for personnel-related items, such as employee merits, new positions including a judgeship and associated positions, required salary increases for judges, pension, and security initiatives, as well as operational increases.

RECOMMENDED ACTIONS

RECOMMENDATION 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.

Judiciary Response:

The Judiciary accepts the Department’s recommendation.

RECOMMENDATION 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.

Judiciary Response: The Judiciary disagrees with the Department’s recommendation. As has historically been the case, funding for merit increases is included in the Judiciary’s budget. The Judiciary consulted with DBM about this recommendation and the DBM analyst agrees that the funding for Judiciary merit increases should remain within the Judiciary budget. The Judiciary appreciates that DBM will take any necessary actions on the statewide amendment to adjust for funding included for the Judiciary.

RECOMMENDATION 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.

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

RECOMMENDATION 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 the 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.

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

RECOMMENDATION 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

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

RECOMMENDATION 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

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

RECOMMENDATION 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

Judiciary Response: The Judiciary concurs in part and disagrees in part with the Department’s recommendation.

Each year, the Judiciary undertakes a comprehensive process involving grant applications from circuit courts and budget requests from District Court programs to sustain existing and planned PSCs statewide. These processes address operational needs such as staffing, ancillary services, drug testing costs, training, and funding for non-reimbursable services. The allocation of these grants and budget requests occurs at the court location level (i.e., Anne Arundel County Circuit Court, Anne Arundel County District Court, Baltimore City Circuit Court, etc.). These courts often share resources, (within the court, county, or region), and operate in tandem with one another, making it difficult to attribute specific funding and expenditures to individual PSC court types. Attempting to disaggregate the funding and expenditures for each type of PSC could lead to misleading or incomplete reporting, complicating the task of attributing funding and expenditures to individual PSC types accurately.

For instance, in Worcester County, the adult drug court spans both district and circuit courts, with shared program coordination and costs for drug testing and transportation. Similarly, in Prince George’s County Circuit Court, multiple problem-solving courts operate with shared resources, optimizing operational efficiency and cost-effectiveness. And the Dorchester County Regional Veterans Treatment Court covers four counties (Dorchester, Somerset, Wicomico, and Worcester) where the various locations share costs from program staff, supplies, and equipment.

The Judiciary's existing practice of tracking performance metrics through the Problem-Solving Court Annual Report, submitted to the legislature each November 1st, provides a comprehensive and reliable assessment of the efficiency of Maryland's problem-solving courts. Therefore, emphasizing performance metrics over detailed financial breakdowns is deemed more appropriate and effective in showcasing the efficacy of the state's problem-solving court system.

RECOMMENDATION 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

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

RECOMMENDATION 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

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

RECOMMENDATION 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

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

RECOMMENDATION 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.

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

RECOMMENDATION 12

Amount Change

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

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

BUDGET ISSUES

ISSUE 1 – Appointed Attorney Program Continues to Provide Representation

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.

Judiciary Response: The Judiciary concurs with the Department’s recommendations.

ISSUE 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. 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.

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

Land Records Improvement Fund

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.

Judiciary Response: The Judiciary concurs with the Department’s recommendation.

COMMENTS REQUESTED

COMMENT 1

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.

Judiciary Response: As stated in our mission, the Maryland Judiciary is committed to providing fair, efficient, and effective justice for all. This involves a balance of using existing available resources to give each case the appropriate attention and resolve issues without undue delay. Case processing times, and performance relative to case time standards, vary by court and case type.

Notably, although average case processing times were within the time standard for seven of the nine circuit court case types included in the Fiscal Year 2023 caseload assessment, the median time—a more robust measurement—was within the standard for all but TPR. Particularly where the number of cases is small, as with Child in Need of Assistance (CINA) Shelter ($n=903$) and Termination of Parental Rights (TPR) ($n=307$)—as compared to approximately 10,000 each for criminal and family law—it is unsurprising that the average (39 days for CINA Shelter and 223 for TPR), being more sensitive to extreme values, would be substantially higher than, and a less useful indicator of typical case processing times than the median (29 days for CINA Shelter and

205 days for TPR). Under Maryland Rule 11-204(c)(1) courts can issue an 8-day extension for good cause. Based on the impactful nature of these cases, 64 of the over-standard CINA Shelter cases were closed within 1 week of the standard.

Both CINA Shelter and TPR matters often involve families with multiple children. Because each child has a separate case, the number of cases inflates the number of pending matters, and if there is a scheduling issue, for example with a parent's attorney, it will affect multiple cases. Additionally, under Maryland law (Md. Rule 11-207 9(a)), each party, parent and child, is entitled to their own representation. The availability of counsel for each party can be a challenge where counsel is shared across courtrooms or even across counties. Courts have also documented some instances of case postponements resulting from counsel having COVID-19.

The Administrative Office of the Courts is actively engaged with local court leadership to monitor and improve caseload. Initiatives include updating existing and developing new case management reports, continued use of innovative practices developed in response to the COVID-19 pandemic, and offering guidance to prioritize cases and reduce case processing times. Courts are diligent in scheduling child welfare matters while maintaining active management of the cases. Timeframes for resolution of CINA and TPR cases are appropriately aggressive given the issues involved. However, the aggressive schedule sometimes runs contrary to the requirements of due process and the best interests of the children involved. Balancing timeliness against the best interest of the child, the latter of which is paramount, occasionally results in delays. Although work is ongoing, the Judiciary has made substantial improvements to the pending cases and time standards reporting mechanisms used to provide more timely and visible information concerning pending cases on an ongoing basis.

COMMENT 2

The Judiciary should comment on why this funding [*\$225,000 for MLSC for a new Affordable Life, Wills and Estate Planning for Seniors Grant Program*] is not included in the fiscal 2025 allowance. Additionally, the Judiciary should work with DBM to fully fund the mandate through a supplemental budget.

Judiciary Response: SB 351 established an Affordable Life, Wills and Estate Planning for Seniors Grant Program within the Maryland Legal Services Corporation (MLSC). It further stated that the Governor shall include in the annual budget an appropriation of \$225,000 for this program. As such, the Judiciary could not have included this funding in our appropriation for the MLSC, as it was not our funding to provide to them. If this funding for MLSC from the executive branch is to flow through the Judiciary, these funds should be added.