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MARYLAND JUDICIARY

FISCAL YEAR 2027 OPERATING BUDGET

RESPONSE TO DEPARTMENT OF LEGISLATIVE SERVICES ANALYSIS

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SENATE BUDGET AND TAXATION COMMITTEE
PUBLIC SAFETY, TRANSPORTATION, AND ENVIRONMENT SUBCOMMITTEE
SENATOR SHELLY HETTLEMAN, CHAIR
FEBRUARY 27, 2026

JUDICIAL BUDGET REVIEW AND INTRODUCTION

The Maryland Judiciary continues to be a national leader in providing access to justice, effective service to the public, and innovative approaches to court operations.

The Judiciary's Fiscal Year 2027 request includes funding related to security. Specifically, \$5.6 million in general funds is included in the budget of the Administrative Office of the Courts as funding to be granted to local jurisdictions. These funds will support circuit courts in working toward the goal of having at least two court security officers present in courtrooms for all criminal proceedings involving incarcerated defendants, and at least one court security officer present for all other proceedings. An additional \$2.9 million in general funds is requested for District Court of Maryland building improvements and equipment that support security enhancements. These new funding requests are in addition to \$2.9 million in ongoing funding for security needs in circuit courts.

The budget has a direct impact on local court functions and the Judiciary's ability to adjudicate cases without undue delay. The funding builds on the Judiciary's achievements to strengthen problem-solving courts and access to justice services such as court help centers, court interpretation, family-related services, and online dispute resolution.

The general fund submission of \$771.4 million represents a 9.0% increase, or \$63.4 million, over the Fiscal Year 2026 working appropriation. It is notable that \$19.2 million of the general fund

increase is due to retiree health insurance, which is a statewide cost controlled by the Department of Budget and Management. Prior to the change in retiree health insurance and other controlled accounts, the Judiciary's general fund request was a 5.9% increase, or \$41.6 million, over the Fiscal Year 2026 level.

The Judiciary's Fiscal Year 2027 budget submission is \$865.3 million in total funds. The major components of the budget are salaries and benefits for regular and contractual positions at 69%, contractual services at 13%, aid/grants to courts at 11%, and fixed costs such as rent and subscriptions at 3%. Personnel-related increases include an employee merit increase; new positions, including two judgeships; conversion of 38 bailiff contractual positions into regular positions, and direct service positions; a placeholder for salary increases for judges, including a stipend for administrative judges in the trial courts and for the Chief Judge of the Appellate Court of Maryland; a placeholder for a salary increase for the Clerks of the Circuit Court; and pensions. The submission also includes funding for priority physical security initiatives and operational increases. The Judiciary represents 1.3% of the overall Fiscal Year 2026 State appropriation.

The Judiciary respectfully requests that, as in years past, the Chief Justice is authorized to allocate any reductions across the Judiciary.

RECOMMENDED ACTIONS

RECOMMENDATION 1

Reduce \$250,000 in general funds for postage to align with fiscal 2025 actual expenses. The Chief Justice is authorized to allocate this reduction across the Judiciary.	Amount Change	GF
	-\$250,000	

Judiciary Response: The Judiciary accepts the Department's recommendation.

RECOMMENDATION 2

Reduce \$2,500,000 in general funds made for the purpose of District Court contractual employee salary increases to align with fiscal 2025 actual expenses.	Amount Change	GF
	-\$2,500,000	

Judiciary Response: The Judiciary respectfully disagrees with this recommended reduction. The Judiciary is concerned that this proposed cut will make it even more difficult to provide adequate security in our District Court courthouses. All of the contractual positions in the District Court are for bailiffs. The bailiffs provide the physical security for the 33 courthouses in the District Court system and they safeguard the judges, clerks and the more than 2.4 million visitors that come to the District Court annually seeking justice. They are all special police officers, carry firearms, are recertified annually, and undergo bailiff specific training.

Over the last five years, security incidents have significantly increased in both numbers and severity. Just some of the incidents include the murder of Judge Andrew Wilkinson, an individual that fired more than 25 rounds of ammunition into the front of the Essex courthouse, an individual who threw a Molotov cocktail at the Catonsville courthouse and an individual that committed suicide after brandishing a firearm in the presence of more than 30 individuals, including members of the public, in the vestibule of the Eastside courthouse in Baltimore City.

Since the inception of the District Court in 1971 and for reasons that are unclear, District Court bailiffs have always been designated as contractual positions despite the essential, full time, and permanent nature of their employment with the court. These are not temporary positions and dozens of bailiffs have been employed by the District Court for 10 years or more.

Last year, the Governor gave a cost-of-living increase to state employees. The Judiciary followed suit and gave a cost-of-living increase to its employees. When the budget amendment was received from the Department of Budget and Management (DBM), it did not include any cost-of-living adjustments for the bailiffs. As a result, the District Court requested a meeting with the then-Secretary of DBM. The unique, permanent nature of the bailiffs was discussed. The Secretary indicated that DBM does not allocate cost-of living increases for contractual employees as a general rule. It was suggested that a cost-of living increase for bailiffs be included in the Judiciary's operating budget.

The issue of converting some of the more than 300 bailiffs to full time equivalent employees rather than contractual employees was also discussed at the meeting with DBM. As a result of that discussion, the District Court has requested that 38 bailiff contractual positions be converted to full time equivalent status. This represents the senior leadership of the bailiffs.

Recruitment and retention of bailiffs has been an ongoing concern for the District Court. The Judiciary actively recruits through job fairs, internet job listings and awareness campaigns to Fraternal Order of Police groups and has expanded the applicant pool to now include former military police and correctional staff. Despite these efforts, in the several larger jurisdictions, the District Court must supplement the bailiff staff with a contractual security staffing company.

The bailiffs are an integral part of the District Court mission for without them court could not be conducted. In all practical respects, they are not contractual employees, but rather valued and essential team members of the District Court. They are willing to risk their lives for the safety of all those who enter the Judiciary's courthouses as demonstrated by the incident at the Eastside courthouse. It would be equitably unfair as well as devastating to bailiff morale if all other employees of the Judiciary were to receive a cost-of-living adjustment, but the bailiffs were denied the same. It would also negatively impact recruitment and retention for these critical positions. For the safety of all the individuals who work at, or the millions of citizens that come to the District Court annually, the Judiciary respectfully requests that the subcommittee reject this reduction.

The Judiciary has been providing annual salary increases to bailiffs, but the appropriation level has not been sufficient to cover the cost and a shortfall in funding for bailiffs has had to be covered with other funds. The Judiciary proposes a \$2.7 million increase in the budget for bailiffs to solve this recurring issue. The \$2.7 million represents an estimate for salary increases

to match increases for regular employees, and an increase needed to re-set the budget baseline to actual salary levels as of August 2025. Prior budget request levels level had been based on the current year appropriation, which did not account for a COLA increase.

If this reduction is adopted, the Judiciary requests that the Chief Justice be authorized to allocate this reduction across the Judiciary.

RECOMMENDATION 3

Reduce \$200,000 in general funds made for the purpose of telephone expenses to align with fiscal 2025 actual expenses. The Chief Justice is authorized to allocate this reduction across the Judiciary.	Amount Change	GF
	-\$200,000	

Judiciary Response: The Judiciary accepts the Department’s recommendation.

RECOMMENDATION 4

Reduce \$150,000 in general funds made for the purpose of District Court in-state and out-of-state travel to align with fiscal 2025 actual expenses.	Amount Change	GF
	-\$150,000	

Judiciary Response: The Judiciary respectfully disagrees in part with this recommendation. The actual expenditures in this object in Fiscal Year 2025 were \$716,751, and the current request for Fiscal Year 2027 is only \$736,821, resulting in a net difference of \$20,070. The Judiciary would concur to a reduction in this amount.

RECOMMENDATION 5

Reduce \$750,000 in general funds made for the purpose of printing expenses to align with fiscal 2025 actual expenses. The Chief Justice is authorized to allocate this reduction across the Judiciary.	Amount Change	GF
	-\$750,000	

Judiciary Response: The Judiciary accepts the Department’s recommendation.

RECOMMENDATION 6

Reduce \$400,000 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 to align with fiscal 2025 actual expenses.	Amount Change	GF
	-\$400,000	

Judiciary Response: The Judiciary respectfully disagrees in part with this recommendation. The Appointed Attorney Program is required to fulfill a constitutional right of indigent defendants to have the opportunity for counsel at the initial appearance. The Judiciary has leveraged technology to improve efficiencies and reduce costs for this program, but the number of appointed attorneys is directly related to the number of arrests that are made each fiscal year. This number can fluctuate based on police practices and other factors which are outside of the control of the Judiciary, and a reduction of funding to actual expenditures on the front end does not leave room for expansion or additional coverage if needed. In addition, this budget item already requires the Judiciary to return any unused funds so there is no risk if the program comes in under budget. The Judiciary would concur to a reduction of \$200,000 for this program.

RECOMMENDATION 7

Reduce \$7,000,000 in special funds made for the Judiciary's Major Information Technology Development Projects to align with fiscal 2025 actual expenses. The Chief Justice is authorized to allocate this reduction across the Judiciary.	Amount Change	GF
	-\$7,000,000	

Judiciary Response: The Judiciary respectfully disagrees with the Department's recommendation. Effective July 1, 2015, legislation authorized the use of the Circuit Court Real Property Records Improvement Fund to support major information technology initiatives within the Judiciary. These funds specifically support the Maryland Electronic Courts (MDEC) electronic filing system and other significant IT operations related to land records and circuit court functions. In line with past practices, the Judiciary has budgeted conservatively for these technology initiatives, ensuring that resources are allocated carefully while maintaining robust support for court users and operations. Reductions to this fund continues to directly impact IT projects essential to circuit court and land records functions.

Impacted Projects

1. Guardianship System: A centralized, statewide online accounting system for guardianship of property cases protecting vulnerable wards and disabled persons. This will replace the current manual process.

Project Impact: Project will be deferred, and future work will be incorporated into future projects. Implementation delay of at least one fiscal year.

- 2. State of Maryland Automated Record Tracking (SMART) System Replacement:** The SMART information system supports the work of Maryland’s Office of Problem-Solving Courts, and this initiative seeks to upgrade the system, which has reached the end of its useful life.
Project Impact: The remaining work on this project would be deferred one fiscal year.
- 3. Enterprise Financial/HR System:** This project will replace the aging system and ensure the Judiciary’s financial and human resources operations remain reliable and sustainable for the future.
Project Impact: The Learning Management System will be delayed by at least one fiscal year. Work on other modules pushed to out-years.
- 4. Case Notification:** This project expands text notifications for case hearings, building on a pilot for District Court criminal defendants, with future enhancements such as a public registration portal under consideration.
Project Impact: Change in scope of the project in Fiscal Year 2027 will result in an overall delay.
- 5. Data Analytics:** This project will consolidate data from multiple sources to enhance internal access, analysis, and reporting, while creating a streamlined solution for fulfilling bulk judicial records requests.
Project Impact: Reduced scope and support for Fiscal Year 2027, push functionality to future years.
- 6. Digital Evidence:** This project will integrate digital evidence into standard court processes and establish guidelines for its submission, custody, and use of electronic devices in courtrooms.
Project Impact: Reduce the scope of the delivery of evidence in the courtroom in Fiscal Year 2027.
- 7. Enterprise Content/Records Management:** This project will assess current records management practices, establish a statewide strategy and policies, and implement key recommendations, including enhanced records management software.
Project Impact: Delayed implementation of a system for archiving digital case records. Cancellation of statewide enterprise digital recording system.
- 8. Mobile Information:** This project will support MDEC by providing newer mobile technologies to provide personalized remote interactions with the Judiciary.
Project Impact: Reduce the scope and deliverables for Fiscal Year 2027 to extend into future years.
- 9. Network Redesign:** The network redesign initiative will modernize the Judiciary’s wide area network to improve service availability and strengthen network security.
Project Impact: Reduce equipment and services resulting in pushing scope into future years.

10. Infrastructure Modernization: This program proactively monitors the Judiciary’s digital infrastructure to identify and address improvements across data centers, networks, storage, and servers.

Project Impact: Significant reduction in scope and equipment acquisition which will be moved to future years.

RECOMMENDATION 8

Reduce \$509,671 in general funds to abolish 3.0 new positions (N27049, N27050, and N27051) in the St. Mary’s County Circuit Court.	Amount Change -\$509,671	GF	Position Change -3.0
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Judiciary Response: The Judiciary respectfully disagrees with the Department’s recommendation.

The Judiciary strongly supports the need for a new judgeship in the Circuit Court for St. Mary’s County. Although the methodology used in the judicial needs assessment model shows the court is adequately resourced, the model does not account for factors that have led to significant increases in the work of that court and resulting significant delays in scheduling and case processing. Whereas the model uses a weighted caseload model based on average amount of judge work per filing across the state, it does not account for circumstances when those averages may not apply. This is the case in the Circuit Court for St. Mary’s County, where policies of the state’s attorney have resulted in significantly more serious criminal cases going to trial than in other jurisdictions. In Fiscal Year 2025, there was a 322% increase in criminal jury trials as compared to Fiscal Year 2018. Specifically, the court conducted an average of 10 criminal jury trials per year in 2018 and 2019; since 2022, that figure has risen sharply to an average of 33 criminal jury trials annually. Because the model looks only at the number of filings, and not resulting trials, it does not account for these changes. Jury trials are among the most time-intensive activities for courts. The result of the increase in jury trials, along with other factors not accounted for in the current judicial needs assessment, has been significant delays in processing cases. Because there are constitutional requirements to provide speedy disposition of criminal cases, those processing delays are most significant in civil cases, including family law cases, where it can now take a year to get a hearing on many issues. In consideration of this, and other qualitative factors, the Judiciary supports the new circuit court judge position, law clerk, and courtroom clerk.

RECOMMENDATION 9

Add the following language to the general fund appropriation:

Provided that \$2,172,300 in general funds made for the purpose of providing judicial compensation enhancements are reduced to bring available funds in line with the

recommendations of the Judicial Compensation Commission. The Chief Justice is authorized to allocate this reduction across programs within the Judiciary.

Explanation: This action reduces funds in the fiscal 2027 budget to bring judicial compensation enhancements in line with the Judicial Compensation Commission’s recommendations. This includes a \$5,900 salary increase in fiscal 2027 for all judges and a \$7,500 stipend for the Chief Judge of the Appellate Court of Maryland and administrative judges in the trial courts.

Judiciary Response: The Judiciary’s calculation of the reduction needed to bring the request in line with recommendations from the Judicial Compensation Commission is \$2,045,824, a difference of \$126,476. However, the Judiciary agrees with the Department’s recommendation.

RECOMMENDATION 10

Add the following language:

Further provided that \$3,176,185 in general funds, \$164,842 in special funds, and \$37,319 in reimbursable funds of this appropriation made for the purpose of merit increases for personnel are reduced. The Chief Judge is authorized to allocate this reduction across programs within the Judiciary.

Explanation: This reduces the fiscal 2027 budget to remove the 1% merit increase for personnel.

Judiciary Response:

The Judiciary accepts the Department’s recommendation.

RECOMMENDATION 11

Add the following language to the general fund appropriation:

, provided that \$8,200,000 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 \$8.2 million of the Judiciary’s general fund appropriation for the implementation of DeWolfe v. Richmond to that purpose only.

Judiciary Response:

Although the program would benefit from a more flexible approach to funding, the Judiciary accepts the Department’s recommendation for the restriction of funds.

RECOMMENDATION 12

Adopt the following narrative:

Appointed Attorney Program Costs and Utilization Report: The committees request that the Judiciary submit a report, by December 15, 2026, on the Appointed Attorney Program for fiscal 2026 and 2027 year to date. The report should contain the number of initial appearances by district and county, the number of attorney shifts in the program by district and county, the waiver rate of defendants waiving their right to counsel at their initial appearance, the total annual appointed attorney shifts and hours scheduled by district, the total number of attorneys enrolled in the program, the total annual costs of the program by district, and the total number of initial appearances with an appointed attorney, private attorney, or public defender representing the defendant by district and county.

Information Request	Author	Due Date
Appointed Attorney Program costs and utilization	Judiciary	December 15, 2026

Judiciary Response: The Judiciary accepts the Department’s recommendation to provide a report on the Appointed Attorney Program.

RECOMMENDATION 13

Adopt the following narrative:

Annual Court Performance Measures: The committees request a report on the performance of the circuit and District courts, to be submitted by December 15, 2026, 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, 2026

Judiciary Response: The Judiciary accepts the Department’s recommendation to provide a report on annual court performance measures.

RECOMMENDATION 14

Adopt the following narrative:

Problem-Solving Court (PSC) Performance and Funding: The committees request a report on the work of the Judiciary’s PSCs, to be submitted by December 15, 2026. The report should show the funding allocated and performance data for all PSC types in fiscal 2026, including the

average length of time that a defendant's case is active in each type of court, the reasons defendants fail to successfully complete a program, and the average cost per defendant in each type of PSC. The report should also include the anticipated costs by PSC type and location for fiscal 2027 and 2028.

Information Request	Author	Due Date
PSC funding and performance report	Judiciary	December 15, 2026

Judiciary Response: The Judiciary accepts the Department's recommendation to provide a report on Problem-Solving Courts.

RECOMMENDATION 15

Adopt the following narrative:

Judgeship Need for Fiscal 2028: The committees request a report on judgeship needs at the Judiciary to be submitted by December 15, 2026. The report should include a detailed analysis of the Judiciary's fiscal 2028 judgeship needs.

Information Request	Author	Due Date
Judgeship need for fiscal 2028	Judiciary	December 15, 2026

Judiciary Response: The Judiciary accepts the Department's recommendation to provide a report on judgeship needs for Fiscal Year 2028.

RECOMMENDATION 16

Adopt the following narrative:

Major Information Technology Development Project (MITDP) Status Report: The committees request a report on the Judiciary's MITDPs to be submitted by December 15, 2026. The report should include actual costs for all projects in fiscal 2026 and anticipated costs for all projects through fiscal 2030, along with status updates for all projects.

Information Request	Author	Due Date
MITDP status report	Judiciary	December 15, 2026

Judiciary Response: The Judiciary accepts the Department's recommendation to provide a status report on major IT development projects.

RECOMMENDATION 17

Adopt the following narrative:

Land Records Improvement Fund (LRIF) Balance Report: The committees request a report on the status of the LRIF to be submitted by December 15, 2026. The report should include the fiscal 2026 revenues and expenditures for the fund along with forecasted revenues and expenditures for fiscal 2027 through 2030. 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, 2026

Judiciary Response: The Judiciary accepts the Department’s recommendation to provide a report on the Land Records Improvement Fund.

RECOMMENDATION 18

Adopt the following narrative:

Private Home Detention Monitoring Report: The committees request a report providing data on private home detention funded by the Judiciary to be submitted by December 15, 2026. The report should contain the number of defendants enrolled in private home detention monitoring, total funds spent in fiscal 2026, and anticipated costs for the remainder of fiscal 2027.

Information Request	Author	Due Date
Private home detention monitoring report	Judiciary	December 15, 2026

Judiciary Response: The Judiciary accepts the Department’s recommendation to provide a report on private home detention monitoring.

RECOMMENDATION 19

Adopt the following narrative:

Efforts to Fill Long-term Vacant Positions: As of December 31, 2025, the Judiciary reported 246.3 vacancies, with 40.3 positions being vacant for more than one year. The committees request that the Judiciary submit a report regarding the 40.3 long-term vacant positions by July 1, 2026, including:

- information on the positions, including job title and identification number;

- the status of the positions, indicating if the positions have been filled as of the submission of the report;
- if applicable, candidates’ actual or anticipated start dates; and
- recruitment strategies used to fill the positions.

Information Request	Author	Due Date
Efforts to fill long-term vacant positions	Judiciary	December 15, 2026

Judiciary Response: The Judiciary accepts the Department’s recommendation to provide a report on long-term vacant positions.

BUDGET ISSUES

ISSUE 1 – Funding for Private Home Detention Increases

Chapter 597 of 2021 established the private home detention monitoring program, which allows an indigent defendant to remain in a private home as a condition of pretrial release. Defendants are not required to pay a monitoring fee, with the State providing payments to private home detention monitoring agencies (PHDMA). The program first went into operation in fiscal 2022 when \$5.0 million in federal funds from the American Rescue Plan Act (ARPA) was provided to the Judiciary for the program. Exhibit 12 shows that despite the \$5.0 million becoming available in fiscal 2022, only \$25,000 was expended that fiscal year. The ARPA funds were used primarily in fiscal 2023 and 2024. The program was not fully funded by the State until fiscal 2025, when the program received \$3.6 million in general funds. The fiscal 2025 closeout revealed that \$175,787 of the program’s appropriation remained unspent. Currently, the fiscal 2026 working appropriation includes \$3.2 million, and the Judiciary expects this amount to be adequate to cover program expenditures.

As the program no longer relies on federal funds, the 2025 JCR requested that quarterly reports be submitted tracking the number of defendants enrolled in the program, total program costs, and anticipated costs for the remainder of the fiscal year. Exhibit 13 shows the program’s participation has remained between 607 and 706 participants. Despite the consistent number of participants, program expenditures have varied greatly between months ranging from \$479,239 in September 2024 to \$7,197 in July 2025. This is largely due to the Judiciary’s internal processes to verify the invoices received from PHDMAs as the AOC must verify the defendant’s information with the Office of the Public Defender. Additionally, the timing of when PHDMAs submit their invoices impacts the timing of when expenses are paid by the Judiciary.

The Judiciary has found the management of the program to be challenging as the duties and responsibilities associated with the program are not typically managed by the Judiciary. For example, the 7 PHDMAs under the program were selected by the Department of Public Safety and Correctional Services and are monitored by the department rather than the Judiciary. Some stability has been achieved as the Judiciary implemented funding guidelines requiring PHDMAs to submit invoices within 60 days of the first monitoring, but invoices are still being provided months after the service was provided. The Judiciary cites the continued inconsistent nature of invoice delivery as a reason why it is difficult to accurately make projections for program expenditures.

The Judiciary should comment on what actions are being taken to improve the operations of the private home detention monitoring program.

DLS recommends adopting committee narrative requesting the Judiciary to submit a report regarding the status of the program. The report should include the number of defendants in the program and funding information.

Judiciary Response: The Judiciary is diligent and thorough in carrying out its current responsibilities for managing the payments for the home detention program. Judiciary staff maintain a dashboard and other tracking methods to ensure payments are made as quickly as possible. We have regular verbal and written communication with home detention agencies to ensure they receive accurate information and have the opportunity to ask questions and receive timely clarification. Still, the nature of the home detention monitoring program diverges from the Judiciary's regular responsibilities, which makes it difficult for the Judiciary to administer. Time spent by court staff researching case files in order for third-party vendors to be paid for services diverts them from the core court management functions. As a result, the Judiciary continues to raise concerns about administration of the program. The Judiciary supports the current efforts to assess the best state or local entity for these responsibilities. There are two statewide workgroups which are evaluating these issues: the Justice Reinvestment Act Workgroup and the Home Detention Monitoring Workgroup established by HB 1125 of 2025. The Judiciary supports consolidating these efforts into a single workgroup.

The Judiciary accepts the Department's recommendation to submit a report on the status of the program.

ISSUE 2 – Major IT Projects Continue to Be Overfunded

The Judiciary's MITDPs are funded by the Circuit Court Real Property Records Improvement Fund, which is commonly known as LRIF. This fund also provides funding for circuit court offices, eFiling operations and maintenance, MDLandRec, and Electronic Land Records Online Imagery Operations and Maintenance.

The 2025 JCR requested a report regarding the Judiciary's MITDPs, which was submitted by AOC in December 2025. The report provides information on the status of the Judiciary's MITDPs in various stages of development from planning to nearing completion. Exhibit 14 provides information included in the report on planned spending through fiscal 2030. The total spending on MITDPs in fiscal 2027 is expected to be approximately \$18.4 million, a decrease from the \$21.4 million that was projected in the previous forecast submitted in December 2024. This decrease is due to lower than expected expenditures for projects such as Case Management Optimization, Infrastructure Modernization, and Enterprise Financial/Human Resources (HR) System. However, the amount of the decrease is somewhat offset by increases to the Information Security Enhancements and Enterprise Content/Records Management projects.

Just as the estimate in the forecast submitted in December 2024 overestimated the fiscal 2027 spending, the Judiciary's MITDPs have had a history of overestimating required appropriations. As shown in Exhibit 15, the fiscal 2025 actual expenditures were \$9.9 million lower than the \$19.7 million working appropriation. The Judiciary has cited factors such as project timing, resource availability, and sequencing dependencies as reasons for the difference between the fiscal 2025 working appropriation and actual expenditures. Specific factors in fiscal 2025 included the deferral of contract awards, adjustments to professional services, vendor supported technology challenges, and technical and operational requirements. The impacts of these factors in fiscal 2025 are also credited for creating conditions that continued into the future, helping to explain the difference between the estimate and the allowance for fiscal 2027. However, despite the factors that occurred in fiscal 2025, between fiscal 2016 and 2025, the Judiciary's MITDPs have spent on average \$7.3 million less than the working appropriation.

The Judiciary should discuss the factors that have resulted in MITDP overfunding since fiscal 2016 and efforts being made to better project anticipated funding.

Chapter 2 of 2007 expanded the use of the LRIF to include the Judiciary's MITDPs in both fiscal 2009 and 2010. Chapter 484 of 2010, the Budget Reconciliation and Financing Act (BRFA), required that the LRIF be the permanent fund for all of the Judiciary's MITDPs. At the beginning of fiscal 2025, the LRIF contained \$73.9 million. The BRFA of 2025 (Chapter 604) included a \$20 million transfer from the LRIF to the General Fund in fiscal 2026. As shown in Exhibit 16, the fund is projected to have a balance of \$28.3 million at the end of fiscal 2026, after accounting for the transfer. According to the Judiciary, the fund balance is expected to decrease to a negative balance of \$4.3 million by the end of fiscal 2028. Revenues are not projected to exceed \$35.3 million between fiscal 2027 and 2030, while expenditures are projected to vary between \$50.4 million and \$53.3 million during the same period.

The Judiciary has no MITDPs that are anticipated to be started or completed in fiscal 2026. A description of all active MITDPs that the Judiciary is currently facilitating can be found in Appendix 2.

DLS recommends adopting committee narrative requesting a report on the Judiciary’s MITDPs, including the actual costs for fiscal 2026 and anticipated costs of MITDPs through fiscal 2031. Also, DLS recommends reducing the fiscal 2027 allowance for the Judiciary’s MITDPs by \$7.0 million. Additionally, DLS recommends adopting committee narrative requesting a report on the LRIF balance for fiscal 2026 through 2030.

Judiciary Response: The term “overfunding” does not describe the fiscal trend since Fiscal Year 2016. Major IT Development Projects (MITDP) have generally underspent projected budgets; however, these funds were not wasted or lost since they are not drawn out from the Land Records Improvement Fund (LRIF). Conservative budgeting reduces risk and supports the structural stability of the LRIF. This approach has enabled the LRIF to absorb a \$20 million reduction made by the General Assembly in Fiscal Year 2026.

Variations between projected and actual expenditures are common in large, enterprise-level IT initiatives due to their complexity and multi-year duration. Differences are influenced by evolving project scope, procurement timelines, staffing adjustments, implementation sequencing and broader operational conditions. In addition, the budget cycle requiring five-year projections inherently involve uncertainty. Because the special fund balance carries forward between fiscal years, estimates are developed to mitigate the risk of funding shortfalls over the life of a project.

Forecasting practices are routinely reviewed and refined to support accuracy and transparency in long-term planning. Given the inherent uncertainty associated with projecting costs several years in advance for complex IT investments, the cost assumptions, timelines and implementation factors are regularly evaluated. This ongoing review includes assessment of project requirements, alignment with milestone delivery, coordination between project and financial teams and periodic reforecasting throughout the project lifecycle.

As mentioned in the Judiciary’s response to Recommendation #7 above, any such a reduction to the Fiscal Year 2027 allowance would negatively impact the timelines for mission critical projects such as guardianship oversight, problem-solving court tracking, case notification, data analytics, digital evidence, records management, mobile information, and IT and network infrastructure projects. Importantly, the recordation fees would need to increase in Fiscal Year 2028 and future years to ensure adequate funding of major IT initiatives. A \$7 million reduction in authorized expenditures in Fiscal Year 2028 would not eliminate the projected structural deficit in the Land Records Fund and will adversely impact the implementation schedule for critical technology initiatives. The Judiciary requests maintaining planned spending levels for Fiscal Year 2028 and for stakeholders to engage and develop a plan to address future spending levels or discuss increasing funding sources based on projected revenues.

The reports for the MITDPs and the LRIF will continue to be provided annually.

ISSUE 3 – Appointed Attorney Program Expenditures Decrease

In calendar 2014, the Appointed Attorney Program began to ensure compliance with the Supreme Court of Maryland’s decision in DeWolfe v. Richmond. The program provides attorneys to represent indigent defendants at initial appearances before District Court commissioners. Private attorneys are used for this program and are compensated by the State at a rate of \$60 per hour. Since the program’s creation, the budget committees have required the Judiciary to report on the cost of the program. Data from fiscal 2025 shows that the full appropriation of \$8.8 million was not fully expended, with \$552,068 remaining unspent. Exhibit 17 shows a breakdown of the spending by judicial district, including a comparison with the amounts that the Judiciary originally budgeted for each district.

As shown in Exhibit 18, with the decrease in program spending, program participation has also decreased from 17,429 in fiscal 2024 to 16,881 in fiscal 2025.

The Judiciary should comment on the factors impacting program participation.

Judiciary Response: The decrease in invoices from Fiscal Year 2024 to Fiscal Year 2025 occurred for several reasons. Fiscal Year 2024 was a leap year so an extra full day of attorneys’ appointments were included in this data. Districts 9 and 10 were combined in December 2023 so there were more attorneys/shifts for the first half of Fiscal Year 2024 in these 2 locations. Additionally, attorneys were not submitting invoices timely in Fiscal Year 2023 and these invoices were included in the number of invoices processed in Fiscal Year 2024. Finally, attorneys were submitting multiple shifts on one invoice which has been corrected in Fiscal Year 2025 to more accurately reflect the number of shifts scheduled with invoice submissions.

Prior to fiscal 2024, the Judiciary only provided data that contained the number of cases in which representation was provided by the program. Additional data regarding the results of appearances by defendants was previously requested twice but was never provided. The fiscal 2026 Budget Bill included language restricting funds pending the submission of a report on the costs and utilization of the Appointed Attorney Program.

DLS determined the report to be in compliance with the language and recommends the release of \$250,000 in withheld general funds. DLS will process a letter to this effect if no objections are raised by the committees.

DLS recommends adopting committee narrative requesting a report on the costs and utilization of the Appointed Attorney Program, including the results of initial appearances and the total number of defendants provided with representation by the program. Also, DLS recommends reducing funding for the program by \$400,000 to align with fiscal 2025 actual expenditures. Additionally, DLS recommends restricting \$8.2 million in general

funds to be used for the implementation of the Appointed Attorney Program in accordance with *DeWolfe v. Richmond*.

Judiciary Response: The Judiciary agrees with the Department’s recommendation for a report on the Appointed Attorney Program. The Judiciary respectfully disagrees in part with the recommended reduction, as discussed in Recommended Action #2 above.

COMMENTS REQUESTED

COMMENT 1 - Total PSC Initiatives Continue to Increase

The Judiciary should discuss its annual goals regarding PSC outcomes and efforts being made to achieve them. DLS recommends adopting committee narrative requesting a report on PSC funding and performance in fiscal 2026, as well as anticipated costs by PSC type for fiscal 2027 and 2028.

Judiciary Response:

The Judiciary’s annual goals for improving problem-solving court participant outcomes focus on continuous program monitoring to strengthen adherence to nationally recognized, evidence-based best practices. These practices were developed specifically to help treatment court programs increase program completion rates and reduce recidivism.

Continuous program monitoring enables the Judiciary to identify specific areas of improvement for each program followed by targeted technical assistance, guidance and corrective strategies. Through this systematic measurement of fidelity to evidence-based standards, such as appropriate participant screening, treatment engagement, supervision, and judicial interaction, the Judiciary strengthens program effectiveness which in turn supports improved participant outcomes, including higher completion rates.

The National Treatment Court Resource Center’s 2025 report, *Painting the Current Picture: A National Report on Treatment Courts in the United States*¹, presents national successful completion rates by treatment court type, including drug, mental health and veterans’ treatment courts. When compared to these national benchmarks, Maryland’s treatment courts exceed the national average successful completion rates across all problem-solving court program types, as shown below in Table 1.

¹ Baker, L., DeVall, K., & Lanier, C. (2025). *Painting the Current Picture: A National Report on Treatment Courts in the United States*. National Treatment Court Resource Center.
https://issuu.com/ndcrc/docs/painting_the_current_picture_by_the_numbers_2025

Table 1. – Completion Rates:

Completion Type	Fiscal Year 2025 Drug Courts Successful Completion Rate	National Average - Drug Courts	Fiscal Year 2025 Maryland VTC Successful Completion Rate	National Average - Veterans Treatment Courts	Fiscal Year 2025 Maryland MHC Successful Completion Rate	National Average - Mental Health Courts
Unsuccessful Completions	169	11,850	7	726	23	2,337
Successful Completions	406	16,341	53	2,559	89	3,118
Total Unsuccessful + Successful Completions	575	28,191	60	3,285	112	5,455
% Successful Completion	71%	58%	88%	78%	79%	57%

All of Maryland’s adult drug courts and veterans’ treatment courts follow [Maryland Adult Drug Court Performance Measures](#) and [All Rise Best Practices Standards](#) for identifying and admitting individuals. These best practices emphasize targeting high-risk/high-need individuals² for admission using a validated risk and need screening tool. This approach ensures that the most appropriate participants are accepted, maximizing the potential for success in these programs.³

To further strengthen this effort, in Fiscal Year 2022, the Office of Problem-Solving Courts implemented the statewide use of the Risk and Needs Triage Tool (RANT) through a grant from the Bureau of Justice Assistance (BJA). This standardized tool is now used in all of Maryland’s adult drug courts and veterans’ treatment courts to improve participant identification and enhance program outcomes.

Since Fiscal Year 2022, Maryland’s adult drug courts have been assessed and monitored for adherence to national best practice standards using the treatment court [Best-Practices Self-Assessment Tool](#) (BeST). Regular reassessments have been conducted to ensure continued alignment with these standards, resulting in a significant statewide adherence increase from 76% in Fiscal Year 2022 to 89% as of the most recent evaluations. Adherence to these national standards is designed to increase program completion rates and reduce recidivism.

Maryland’s family treatment courts also completed a best practices adherence assessment in Fiscal Year 2024. These standards, similar to those for adult drug courts, are designed to improve

² Andrews and Bonta, 2010 Lowenkamp Latessa and Holsinger, 2006 Marlowe, 2009; 2012b NADCP, 2015

³ “Research has shown that drug courts targeting High Risk, High Needs participants have produced improved outcomes in terms of cost savings and reduction in recidivism, compared to drug courts that target offenders with Low Risk” *Maryland Adult Drug Court Performance Measures*. Sept. 2017

participant success rates and produce more favorable outcomes for families and children involved in the program.

For mental health courts and truancy courts, the Judiciary, through its Office of Problem-Solving Courts, continues to collaborate with state and federal partners to develop and deliver targeted training programs and to pursue ongoing research initiatives. These efforts are aimed at enhancing the effectiveness of these specialized courts, improving participant outcomes and addressing challenges that may lead to unsuccessful program completions.

Overall, the Judiciary's adherence to national best practices, the adoption of validated risk and need screening tools, and ongoing assessments and training are key measures in improving outcomes.

COMMENT 2 – Personnel Data

The Judiciary should discuss which positions have been vacant for over a year and efforts made to fill these positions. DLS recommends adoption of committee narrative requesting a report explaining the status of long-term vacant positions.

Judiciary Response: The Judiciary appreciates the recommendation to review the positions that have been vacant for over a year and to align strategic initiatives to make efforts to have the positions filled. For clarity, judgeships are appointed by the Governor and the Judiciary does not have control over those vacancies. As of December 31, 2025, the Judiciary only had 32 positions above the necessary vacancies to meet budgeted turnover in fiscal 2026. Of those positions, 43% are judgeships. Since this time, two circuit court judges and one District Court judge have been appointed.

Accordingly, while certain positions may appear to be long-term vacant, they reflect strategic staffing and funding decisions rather than active recruitment gaps, and do not materially impact the Judiciary's overall vacancy rate, which remains aligned with state objectives. Currently, the Judiciary's vacancy rate has decreased to 5.72%, with 238.90 vacancies. This is now 24.47 vacancies above turnover and necessary vacancies, which includes 11 District Court judgeships. However, the Judiciary will develop a report by July 1, 2026, to provide the requested information on the positions, including job title and identification number; the status of the positions, indicating if the positions have been filled as of the submission of the report; candidates' actual or anticipated start dates, if applicable; and recruitment strategies used to fill the positions.