

MEMORANDUM

April 28, 2022

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst

SUBJECT: FY23 Operating Budget: Circuit Court

PURPOSE: To review and vote on recommendations for Council consideration

Today the Committee will review the County Executive Recommended FY23 Operating Budget. Those expected to attend include:

The Honorable James Bonifant, Administrative Judge, Circuit Court
Kara Hawkins, Acting Court Administrator
Derrick Harrigan, Office of Management and Budget (OMB)

Budget Summary

The FY23 Recommended Operating Budget is a same-services budget.

The Court continues to address caseloads post-COVID, providing a mix of in-person and remote hearings.

The Court may need additional MDEC staff.

Overview

For FY23, the County Executive recommends total expenditures of \$16,525,872, an increase of 4.2%.

	<i>FY21 Actual</i>	<i>FY22 Approved</i>	<i>FY23 Recommended</i>	<i>% Change FY22-FY23</i>
<i>Expenditures by fund</i>				
General Fund	\$12,064,376	\$12,721,852	\$13,683,237	7.6%
Grant Fund	\$2,824,207	\$3,134,067	\$2,842,635	-9.3%
<i>Total Expenditures</i>	\$14,888,583	\$15,855,919	\$16,525,872	4.2%
<i>Positions</i>				
Full-Time	119	123	123	0.0%
Part-Time	5	5	5	
<i>FTEs</i>	121.5	125.5	125.5	0.0%

The \$669,953 net increase stems from the following identified same service adjustments:

<i>FY 23 Identified Same Service Adjustments</i>	
Shift: Remote Proceedings Positions - from ARPA to the General Fund	\$291,432
Increase Cost: Annualization of FY22 Compensation Increases	\$238,258
Increase Cost: FY23 Compensation Adjustment	\$208,683
Increase Cost: Replace/Upgrade Courtroom AV Equipment	\$150,000
Increase Cost: Ransomware Data Protection	\$102,133
Increase Cost: Printing and Mail Adjustment	\$4,756
Increase Cost: Motor Pool Adjustment	\$1,259
Decrease Cost: Retirement Adjustment	(\$35,136)
Shift: Remote Proceedings Positions - ARPA to the General Fund	(\$291,432)
<i>Net Same Services Adjustment Total:</i>	\$669,953

FY23 Expenditure Issues

COVID-Related Operational Impacts

Like other governmental functions, Court proceedings and operations were significantly impacted by COVID-related closures and shifting to remote hearings. While the Court was able to shift to a variety of different types of remote hearings, it understandably developed a case backlog. Some types of cases are time-sensitive, and the Court is prioritizing criminal cases and custody cases, and in particular, the Court has been prioritizing criminal cases that involve an incarcerated defendant. While the Court continues to hold several dockets remotely, most contested matters are being held in person.

The Court has provided detailed charts illustrating caseloads (see ©11-18). It had a total of 23,628 filings in FY21, the fiscal year most impacted by COVID. That presents a reduction of almost 23% from the year before. The Court also closed total of 24,578 cases (original and reopen. The Court had a higher, total clearance rate in FY2021 compared to FY2019 (104.0% compared to 98.6%). The Court advises that an over-100% clearance rate in FY2021 suggests that the Court was able to address a portion of its pending caseload. It is also important to note that the increase in clearance rate was likely influenced by a decrease in filings over the past three fiscal years.

Fund Shift from ARPA to General Fund (\$291,432 and Four FTEs)

In FY22, the Court was able to access almost \$300,000 in American Rescue Plan Act (ARPA) funding, which funded five positions (four FTEs) that conducted remote hearing work. Those include a Remote Scheduling Supervisor, Two Scheduling Specialists, and two Remote Proceeding Facilitators.

Replace/Upgrade Courtroom AV Equipment (\$150,000)

The Circuit Court opened its South Tower Annex in April 2014. This annex contains 10 courtrooms (six jury & four non-jury) and eight family hearing rooms. The Court advises that all of these rooms contain complex, multi-vendor, Audio/Visual (AV) infrastructure that was state of the art during the design phase of this project. Unfortunately, with the extended build time and now eight years of building occupancy, all components have reached their end of life (EOL) and are no longer supported. While these components continue to function daily, an ongoing solution for component level repairs, if available, and complete system replacement need to be planned so that the Circuit Court's daily proceedings continue to run smoothly and without interruption. COVID has added a crucial need for these systems to be up-to-date and supported. Failure to maintain and ideally replace the AV equipment could result in courtroom closures, which could cause additional case delays. The Court prefers a one manufacturer solution to make system support, future component level repairs, and future system modifications.

Ransomware Data Protection (\$102,133)

The Court currently uses on premise VMWare-hosted Windows servers for file, data, and application servers. With ransomware attacks being high profile news-worthy events and to protect Court data and continuity of operations, the Court identified a Dell CyberSense data protection solution as a possible defense to this threat. This solution creates constant backups of data which cannot be accessed or compromised through any network connection. The Court requests funding in the amount of \$102,133.22 to implement this solution. The Dell CyberSense solution costs includes licensing, installation, and hardware. While annual support costs are anticipated, they can be paid for out of the Court's operating budget. MCATS or MCG IT Commodities vendors will be used for this purchase.

Maryland Electronic Court (MDEC) Case Management Update

The Court continues to struggle with the new State-wide case management system, MDEC. MDEC's automated scheduling capacity is limited, and it makes it more difficult to rotate judicial calendars every 12 months. Daily schedules can only be viewed by five judicial officers at a time, but the Court has 24 judges. The Court therefore must produce queries and ancillary reports to help schedule judicial resources and manage dockets.

The Court is specifically struggling with the limitations with automated scheduling and the ability to easily rotate judicial calendars every 12 months. Daily schedules can only be viewed by 5 judicial officers at a time, yet we have 24 judges causing the need to produce queries and ancillary reports to efficiently schedule judicial resources and manage fluid dockets. The Court advises that

under this current process, it anticipates the need for at least three more MDEC specialist positions over the new two years.

Council Staff Recommendation

Council staff recommends approval as submitted by the Executive but stresses the Committee should understand the Court's immediate staffing needs to support scheduling. The Committee may wish to follow up on this issue in the fall.

This staff report contains

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Circuit Court FY23 Recommended Operating Budget

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Circuit Court Responses

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Circuit Court

RECOMMENDED FY23 BUDGET

\$16,525,872

FULL TIME EQUIVALENTS

125.50

 JAMES A. BONIFANT, ADMINISTRATIVE JUDGE

MISSION STATEMENT




The mission of the Circuit Court is to serve Sixth Judicial Circuit residents in the determination of litigation in serious criminal matters, substantive civil cases, domestic cases, and child support cases in accordance with the United States and Maryland Constitutions while administering justice in an honest, fair, and efficient manner.

BUDGET OVERVIEW


The total recommended FY23 Operating Budget for the Circuit Court is \$16,525,872, an increase of \$669,953 or 4.23 percent from the FY22 Approved Budget of \$15,855,919. Personnel Costs comprise 82.46 percent of the budget for 123 full-time position(s) and five part-time position(s), and a total of 125.50 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 17.54 percent of the FY23 budget.

COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following are emphasized:

-  **Effective, Sustainable Government**
-  **Thriving Youth and Families**
-  **Safe Neighborhoods**

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

-  Transitioned to the Maryland Electronic Courts (MDEC) system, creating a single Judiciary-wide integrated case management system that is used by all courts within the State Court system.

PROGRAM CONTACTS

Contact Kara Hawkins of the Circuit Court at 240.777.9103 or Derrick Harrigan of the Office of Management and Budget at 240.777.2759 for more information regarding this department's operating budget.

PROGRAM PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable), with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY22 estimates reflect funding based on the FY22 Approved Budget. The FY23 and FY24 figures are performance targets based on the FY23 Recommended Budget and funding for comparable service levels in FY24.

PROGRAM DESCRIPTIONS

☀️ Adjudication

Adjudication encompasses support staff for the Judiciary, Differentiated Case Management (DCM), and Quality Control. Conceptually, this division monitors case assignments (criminal, civil, and family cases), provides expedited case disposition for incarcerated offenders, and provides supervision consistent with the complexity of each case filed. Adjudication and DCM improve the efficiency of case processing and reduce the demand for judicial intervention at various stages of litigation. To minimize case delay, each case is assigned to an appropriate track that allows for the performance of pre-trial tasks and allocates the appropriate level of judicial intervention. Tracks are monitored for performance and are evaluated based on established performance measures. Quality Control maintains the integrity of the information the Court generates and improves the quality of the data the Court collects.

FY23 Recommended Changes	Expenditures	FTEs
FY22 Approved	3,670,386	33.50
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	286,789	0.00
FY23 Recommended	3,957,175	33.50

☀️ Administration

The Administrative Office of the Circuit Court serves as a conduit for many operations of the Court. The Court Administrator's role is to facilitate the administrative functions of the Court and to develop policies to enhance systems performance, while maintaining the independence of the Judiciary. Basic functions performed by the Court Administrator and staff include the following: fiscal administration of the budget, human resources, case flow management and statistics, technology management, information management, jury management, space management, intergovernmental liaison, and public information.

The Trial Court Researchers, funded in part by the Trial Court Research Partnership Grant, provide research and statistical support for judiciary-wide research projects; prepare reports based on statistics and other data collected from the Montgomery County Circuit Court; establish links to national research/statistical sources relative to courts; and analyze court-wide programs, functions, and organizations to determine whether current management systems accomplish objectives efficiently.

Program Performance Measures	Actual FY20	Actual FY21	Estimated FY22	Target FY23	Target FY24
Case Clearance Rate (includes re-opened cases) - Civil	96.46%	98.78%	104.31%	104.89%	105.49%
Case Filings (includes re-opened cases) - Civil	10,052	10,007	10,340	10,095	9,851
Case Terminations (includes re-opened cases) - Civil (including Registrar of Wills, District Court appeals)	10,421	9,885	10,786	10,589	10,392
Case Clearance Rate (includes re-opened cases) - Criminal	94.54%	100.26%	98.26%	98.09%	97.93%

Program Performance Measures	Actual FY20	Actual FY21	Estimated FY22	Target FY23	Target FY24
Case Filings (includes re-opened cases) - Criminal	5,226	4,566	5,876	5,822	5,768
Case Terminations (includes re-opened cases) - Criminal (including District Court appeals)	5,528	4,578	5,773	5,711	5,648
Case Clearance Rate (includes re-opened cases) - Domestic Relations	98.78%	103.14%	100.56%	100.63%	100.69%
Case Filings (includes re-opened cases) - Domestic Relations	11,414	11,354	13,081	12,957	12,833
Case Terminations (includes re-opened cases) - Domestic Relations	11,275	11,710	13,155	13,038	12,922
Case Clearance Rate (includes re-opened cases) - Juvenile	93.87%	112.66%	103.68%	104.52%	105.52%
Case Filings (includes re-opened cases) - Juvenile	2,159	1,895	2,050	1,892	1,733
Case Terminations (includes re-opened cases) - Juvenile (including Delinquency, CINA, and TPR)	2,300	2,135	2,126	1,977	1,829
OVERALL Case Clearance Rate	96.79%	101.75%	101.57%	101.78%	102.01%
TOTAL Case Filings	29,663	27,822	31,347	30,766	30,185
TOTAL Case Terminations	28,712	28,308	31,839	31,315	30,791
Total Trials	1,197	922	1,312	1,298	1,283

FY23 Recommended Changes	Expenditures	FTEs
FY22 Approved	3,261,607	10.29
Decrease Cost: FTE Adjustment	0	(0.06)
Technical Adj: FTE Adjustment	0	0.06
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	6,722	(0.06)
FY23 Recommended	3,268,329	10.23

Case Assignment

The Assignment Office schedules and maintains all hearings, trials, and motion dates as well as special event dates for Judges and Family Magistrates of the Court, and ensures that these events are scheduled in accordance with the Court's DCM plans. The Assignment Office maintains all scheduling information related to criminal indictments and information; criminal jury demands and appeals; civil, juvenile, and family trial assignments; civil, family, and juvenile motions; and bench warrants. The Assignment Office also manages all courtroom information sheets, locates all files for assigned calendars, reviews each file, and delivers files.

FY23 Recommended Changes	Expenditures	FTEs
FY22 Approved	1,301,888	15.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	136,931	0.00
FY23 Recommended	1,438,819	15.00

Family Division Services

This program provides a variety of services for children and families, most of them funded by the Family Law Grant. Services include case managers that provide day-to-day management of cases supported by Family Magistrates, Judges, counsel, and litigants; custody mediation involving litigants in an effort to obtain a settlement of custody issues prior to litigation; the Family Law Self Help Center staffed by attorneys to help individuals representing themselves in uncomplicated family law cases involving divorce, custody and child support; psychological evaluations when psychological testing is necessary as an adjunct to arriving at a decision in the best interest of the children; best interest attorney appointments to specifically represent the interests of children; and operating expenses associated with managing the division.

Family Division Services also handles adoption investigations, as well as child custody and visitation evaluations. After the establishment of a Court Order, independent evaluations for child custody and visitation and adoption investigations are conducted by Court staff possessing substantial experience in social science or suitable credentials in the field of social work. The evaluator meets with the litigants and children and interviews professionals and collateral references to ascertain the appropriate custodial situation for the children.

The Juvenile Division is also a part of Family Division Services and is responsible for oversight of delinquency petitions, Child in Need of Assistance (CINA) petitions, Termination of Parental Rights (TPR) petitions, Voluntary Placement petitions, and Petitions for Peace Orders. These matters, which are governed by strict statutory timeframes, require a high degree of judicial oversight by the Court on a long term basis.

FY23 Recommended Changes	Expenditures	FTEs
FY22 Approved	1,031,491	10.00
Shift: Remote Hearings, Court Trials, and Judicial Proceedings Positions - Grant Fund (ARPA) to the General Fund	291,432	4.00
Shift: Remote Hearings, Court Trials, and Judicial Proceedings Positions - Grant Fund (ARPA) to the General Fund	(291,432)	(4.00)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	471,997	5.00
FY23 Recommended	1,503,488	15.00

Family Magistrates

Family Magistrates are qualified individuals appointed by the Judges of the Circuit Court to hear family matters and make reports and recommendations based on testimony and analysis of the testimony received at hearings. Family Division Judges continue to review the recommendations, make rulings, and issue orders based on the recommendations of the Family Magistrates and any exceptions filed. The Special Juvenile Magistrate is an officer of the Court assigned to conduct proceedings on matters within the Juvenile Court of the Circuit Court for Montgomery County, pursuant to the Annotated Code of Maryland and the Maryland Rules, and in accordance with the Juvenile Differentiated Case Management plan, procedures and policies. Juvenile Judges continue to review the recommendations and hear immediate reviews and exceptions in addition to other juvenile and CINA matters.

FY23 Recommended Changes	Expenditures	FTEs
FY22 Approved	581,239	6.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	45,908	0.00
FY23 Recommended	627,147	6.00

Grants

The Family Law Grant is funded by the State and provides services to families to reduce conflict and introduce the parties involved in litigation to problem-solving techniques to help reduce future litigation. See the Family Division Services Program for a description of the services supported by this grant.

The Trial Court Research Partnership Grant supports one Trial Court Researcher assigned to the Administration Program. This individual provides research, analysis, statistical support, and related reports on County and judiciary-wide research projects.

The Montgomery County Adult Drug Court is funded by the State through a grant from the Office of Problem Solving Courts. The mission of the Adult Drug Court is to eliminate drug abuse, crime, and their consequences by forging continuing partnerships with the Court, health treatment providers, concerned community organizations, and law enforcement. By leveraging its partnerships and its authority, the Court directs substance-abusing offenders into evaluation and treatment to achieve personal responsibility and productive citizenship.

FY23 Recommended Changes	Expenditures	FTEs
FY22 Approved	3,152,191	28.21
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(424,206)	(4.94)
FY23 Recommended	2,727,985	23.27

Jury

The Jury Office manages prospective and active jurors for civil and criminal proceedings. In accordance with Maryland Courts and Judicial Proceedings, Title 8, every citizen may serve as a juror and must serve when summoned. The Jury Commissioner and staff dispatch questionnaires to prospective jurors using information gathered from voter registration and Motor Vehicle Administration listings. The Jury Commissioner maintains a qualified jury pool from the individuals who are determined to be qualified as jurors under Maryland Courts and Judicial Proceedings § 8-207.

FY23 Recommended Changes	Expenditures	FTEs
FY22 Approved	696,438	4.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	30,463	0.00
FY23 Recommended	726,901	4.00

Law Library

The Law Library supports the research activities of the Court, the Bar, and the public, and is the only law library open to the public in Montgomery County. The Library has a comprehensive collection of law, including U.S. statutes and the codes of Maryland, Washington D.C., Virginia, and local ordinances. It has a complete collection of judicial opinions and a variety of subject treatises and reference materials. The Law Library also offers free access to the major online legal databases. Library staff are available to answer questions regarding the library and its collection but cannot give legal opinions or advice. The staff will provide limited assistance over the telephone and by e-mail.

FY23 Recommended Changes	Expenditures	FTEs
FY22 Approved	454,379	3.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	13,574	0.00
FY23 Recommended	467,953	3.00

Technical Services

Technical Services is responsible for every aspect of the Court's information systems. The duties of, and services performed, range from installing and maintaining server/PC hardware and software applications to designing and troubleshooting complex computer networks and information databases. The department manages the electronic recording of all courtroom and hearing room proceedings. All video conferencing between the Circuit Court, District Court, Montgomery County Detention Center, and Montgomery County Correctional Facility is handled through this division. This equipment is used on a daily basis in order to conduct bond hearings via a video connection. Copies of court transcripts are purchased through this division. The Court's website and internal servers for the Court and Clerk's Office are administered by Technical Services.

FY23 Recommended Changes	Expenditures	FTEs
FY22 Approved	1,454,112	13.00
Increase Cost: Replace/Upgrade Courtroom AV Equipment	150,000	0.00
Increase Cost: Ransomware Data Protection	102,133	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(167,213)	0.00
FY23 Recommended	1,539,032	13.00

Trust and Guardianships

The Trust Office administers the case files for fiduciary entities (primarily guardianships) who are required to comply with the reporting requirements set forth in the Maryland Court Rules, Title 10, Guardians and Other Fiduciaries. The reports required to be filed include the Inventory and Information Report and Annual Fiduciary Report for guardianships of the property of a minor or disabled person and the Annual Report of the guardianship of the person. The Trust Clerk examines the Annual Fiduciary Reports filed and prepares the Report of Trust Clerk for the Court.

FY23 Recommended Changes	Expenditures	FTEs
FY22 Approved	252,188	2.50
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	16,855	0.00
FY23 Recommended	269,043	2.50

BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Recommended FY23	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	7,602,505	7,925,104	7,848,691	8,494,116	7.2 %
Employee Benefits	2,528,838	2,452,931	2,434,469	2,587,156	5.5 %
County General Fund Personnel Costs	10,131,343	10,378,035	10,283,160	11,081,272	6.8 %
Operating Expenses	1,933,033	2,343,817	2,384,766	2,601,965	11.0 %
County General Fund Expenditures	12,064,376	12,721,852	12,667,926	13,683,237	7.6 %
PERSONNEL					
Full-Time	95	95	95	99	4.2 %

BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Recommended FY23	%Chg Bud/Rec
Part-Time	4	4	4	4	—
FTEs	99.38	97.29	97.29	101.23	4.1 %
REVENUES					
Miscellaneous Revenues	55,235	55,230	55,230	55,230	—
State Jury Fee Reimbursement	23,205	482,785	225,000	482,785	—
County General Fund Revenues	78,440	538,015	280,230	538,015	—

GRANT FUND - MCG

EXPENDITURES

Salaries and Wages	1,941,351	2,128,658	2,128,658	1,884,882	-11.5 %
Employee Benefits	663,807	708,350	708,350	660,694	-6.7 %
Grant Fund - MCG Personnel Costs	2,605,158	2,837,008	2,837,008	2,545,576	-10.3 %
Operating Expenses	219,049	297,059	297,059	297,059	—
Grant Fund - MCG Expenditures	2,824,207	3,134,067	3,134,067	2,842,635	-9.3 %

PERSONNEL

Full-Time	24	28	28	24	-14.3 %
Part-Time	1	1	1	1	—
FTEs	22.12	28.21	28.21	24.27	-14.0 %

REVENUES

American Rescue Plan Act	0	273,308	273,308	0	-100.0 %
Federal Grants	30,031	0	0	0	—
State Grants	2,790,157	2,860,759	2,860,759	2,842,635	-0.6 %
Grant Fund - MCG Revenues	2,820,188	3,134,067	3,134,067	2,842,635	-9.3 %

DEPARTMENT TOTALS

Total Expenditures	14,888,583	15,855,919	15,801,993	16,525,872	4.2 %
Total Full-Time Positions	119	123	123	123	—
Total Part-Time Positions	5	5	5	5	—
Total FTEs	121.50	125.50	125.50	125.50	—
Total Revenues	2,898,628	3,672,082	3,414,297	3,380,650	-7.9 %

FY23 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
	FY22 ORIGINAL APPROPRIATION	12,721,852 97.29
<u>Other Adjustments (with no service impacts)</u>		
Shift: Remote Hearings, Court Trials, and Judicial Proceedings Positions - Grant Fund (ARPA) to the General Fund [Family Division Services]	291,432	4.00

FY23 RECOMMENDED CHANGES

	Expenditures	FTEs
Increase Cost: Annualization of FY22 Compensation Increases	238,258	0.00
Increase Cost: FY23 Compensation Adjustment	208,683	0.00
Increase Cost: Replace/Upgrade Courtroom AV Equipment [Technical Services]	150,000	0.00
Increase Cost: Ransomware Data Protection [Technical Services]	102,133	0.00
Increase Cost: Printing and Mail Adjustment	4,756	0.00
Increase Cost: Motor Pool Adjustment	1,259	0.00
Decrease Cost: FTE Adjustment [Administration]	0	(0.06)
Decrease Cost: Retirement Adjustment	(35,136)	0.00
FY23 RECOMMENDED	13,683,237	101.23

GRANT FUND - MCG

FY22 ORIGINAL APPROPRIATION	3,134,067	28.21
Other Adjustments (with no service impacts)		
Technical Adj: FTE Adjustment [Administration]	0	0.06
Shift: Remote Hearings, Court Trials, and Judicial Proceedings Positions - Grant Fund (ARPA) to the General Fund [Family Division Services]	(291,432)	(4.00)
FY23 RECOMMENDED	2,842,635	24.27

PROGRAM SUMMARY

Program Name	FY22 APPR Expenditures	FY22 APPR FTEs	FY23 REC Expenditures	FY23 REC FTEs
Adjudication	3,670,386	33.50	3,957,175	33.50
Administration	3,261,607	10.29	3,268,329	10.23
Case Assignment	1,301,888	15.00	1,438,819	15.00
Family Division Services	1,031,491	10.00	1,503,488	15.00
Family Magistrates	581,239	6.00	627,147	6.00
Grants	3,152,191	28.21	2,727,985	23.27
Jury	696,438	4.00	726,901	4.00
Law Library	454,379	3.00	467,953	3.00
Technical Services	1,454,112	13.00	1,539,032	13.00
Trust and Guardianships	252,188	2.50	269,043	2.50
Total	15,855,919	125.50	16,525,872	125.50

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY23	FY24	FY25	FY26	FY27	FY28
COUNTY GENERAL FUND						

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY23	FY24	FY25	FY26	FY27	FY28
EXPENDITURES						
FY23 Recommended	13,683	13,683	13,683	13,683	13,683	13,683
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Items Recommended in FY23	0	(252)	(252)	(252)	(252)	(252)
Items recommended for one-time funding in FY23, including Ransomware Data Protection and replace/upgrade Courtroom AV Equipment, will be eliminated from the base in the outyears.						
Labor Contracts	0	566	566	566	566	566
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	13,683	13,997	13,997	13,997	13,997	13,997

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Circuit Court Operating Budget Questions FY23

**The Circuit Court is scheduled before the Public Safety Committee on
Monday May 2nd at 11am – 3CHR**

May 2 FY23 Operating Budget

- Sheriff
 - Circuit Court
 - State Attorney
 - Correction and Rehabilitation
 - NDA: Prisoner Services
 - Police
1. **You are shifting ARPA funding to the general fund to continue remote hearings, court trials, and judicial proceedings positions. Could you list what those positions are, and how much you originally received in ARP funding?**
 - a. The Circuit Court received \$291,432.00 in funding from the ARP grant.
 - b. The Circuit Court has five positions: Remote Scheduling Supervisor, Two Scheduling Specialist and two Remote Proceeding Facilitators.
 2. **Could I get an overview of how many cases you've done in the past year (2021), what your backlog is (How many and how long delayed?), what your plan is moving forward (both in person and remote? Prioritizing criminal cases where the defendant is incarcerated? Etc.).**
 - a. The Circuit Court is prioritizing criminal cases and custody cases each week in a weekly meeting held with the Administrative Judge to prioritize all cases that are over time standards and criminal matters with defendants whom are incarcerated.
 - b. The Circuit Court will continue to hold several dockets remotely, however, most contested matters will be held in person.

Filings, Terminations and Clearance Rates

As shown in Table 1, according to information from the court's legacy case management system, a total of 24,578 cases (original and reopen) were closed in FY2021, which is a decrease of approximately 18% from FY2019. Total filings also decreased between FY2019 and FY2021 by 23% from 30,542 to 23,628. The court had a higher, total clearance rate in FY2021 compared to FY2019 (104.0% compared to 98.6%). An over-100% clearance rate in FY2021 suggests that the court was able to address a portion of its pending caseload. It is also important to note that the increase in clearance rate was likely influenced by a decrease in filings over the past three fiscal years.

Across case types, the decrease in original terminations and filings between FY2019 and FY2021 follows the pattern found for total terminations and filings (see Appendix A). The criminal caseload has experienced the most dramatic declines in original terminations and filings largely due to the halting of jury trials in response to emergency operations from the pandemic. This finding is further demonstrated by the original criminal clearance rate (see Appendix B), which decreased from 100.6% in FY2019 to 93.9% in FY2021.

Table 1. Filings, Terminations and Clearance Rates (Original and Reopen), FY2019-FY2021

Measure Name	FY2019 (July 1, 2018- June 30, 2019)	FY2020 (July 1, 2019- June 30, 2020)	FY2021 (July 1, 2020- June 30, 2021)	% Change (FY2019- FY2021)
Total Filings				
Civil	7,805	6,967	5,813	-25.5%
Criminal	6,294	5,528	4,566	-27.5%
Family	13,795	11,414	11,354	-17.7%
Juvenile	2,648	2,300	1,895	-28.4%
Total	30,542	26,209	23,628	-22.6%
Total Terminations				
Civil	7,493	6,756	6,155	-17.9%
Criminal	6,220	5,226	4,578	-26.4%
Family	13,753	11,275	11,710	-14.9%
Juvenile	2,639	2,159	2,135	-19.1%
Total	30,105	25,416	24,578	-18.4%

Table 1. Filings, Terminations and Clearance Rates (Original and Reopen), FY2019-FY2021, Continued

Measure Name	FY2019 (July 1, 2018- June 30, 2019)	FY2020 (July 1, 2019- June 30, 2020)	FY2021 (July 1, 2020- June 30, 2021)	Difference (FY2021- FY2019)
Total - Clearance Rates				
Civil	96.0%	97.0%	105.9%	9.9%
Criminal	98.8%	94.5%	100.3%	1.4%
Family	99.7%	98.8%	103.1%	3.4%
Juvenile	99.7%	93.9%	112.7%	13.0%
Total	98.6%	97.0%	104.0%	5.5%

Original, Active Pending

As shown in Table 2, according to information from the court's legacy case management system, the court experienced the greatest increase in its original, active pending caseload in criminal and family-custody cases (a 34% and 12% increase, respectively) between FY2019 and FY2021. Specifically, the criminal pending caseload increased by 34% from 696 in FY2019 to 931 in FY2021. The family-custody pending caseload increased by 12% from 3,557 to 3,689 between the two periods. There was a decrease in the family-custody pending caseload between FY2020 and FY2021 (by 6%), which was likely related to the greater increase in original family terminations during that period (5%) when compared to original filings (2%).

Case age has, on average, increased for all case categories between FY2019 and FY2021 as would be expected given decreases in terminations and increases in pending cases. Criminal and juvenile delinquency cases had the greatest increase in average, case age by 69% and 132%, respectively.

Table 2. Original, Active Pending Caseload and Age, FY2019-FY2021

Case Categories	Open, Active Pending						% Change, Count (FY2019-FY2021)
	June 30, 2019 (FY2019)		June 30, 2020 (FY2020)		June 30, 2021 (FY2021)		
	Count	Age*, in days (Average)	Count	Age*, in days (Average)	Count	Age*, in days (Average)	
Criminal	696	196.5	871	229.3	931	331.3	33.8%
Civil	2,933	211.2	3,107	250.4	2,596	335.0	-11.5%
Family (including probate)	3,557	145.3	3,706	195.3	3,689	168.8	3.7%
Family-Custody	841	126.5	996	194	939	171.7	11.7%
Juvenile – All	588		684		462		-21.4%
Juvenile Delinquency	161	97.5	241	203.1	87	226.1	-46.0%
CINA	369	691.6	376	746.9	308	804.1	-16.5%
TPR	43	760.1	44	811.6	61	509.3	41.9%

* Age reflects time from filing until date of the reporting (June 30). If a case was in a warrant status (for example) during a portion of its processing time but currently active at the time of reporting, those “on warrant” days remain in the average age calculation.

Conclusion

The need to institute emergency operations because of the pandemic impacted the court’s ability to process its caseload, resulting in increased pending caseloads. That said, various efforts have been underway to process our pending caseloads. For instance, meetings occur weekly focused on reviewing and prioritizing pending criminal and family-custody cases. Open cases are reviewed daily to determine current case status and assess whether prioritization needs to be recalibrated. Further, the court has increased its communication with attorneys in pending criminal and family-custody cases to ensure alignment in the understanding of cases’ progress.

Furthermore, monthly review of the prioritized caseloads has been instituted with a particular focus on filing, termination and pending counts as the court is committed to using data to inform case management decisions. While the pandemic along with the transition to the new statewide case management system has challenged us, we are committed to ensuring that cases are processed efficiently without sacrificing the quality of justice.

Appendix A. Filings and Terminations by Status (Original, Reopen, Total)

Measure Name	FY2019 (July 1, 2018- June 30, 2019)	FY2020 (July 1, 2019- June 30, 2020)	FY2021 (July 1, 2020- June 30, 2021)	% Change (FY2019- FY2021)
Original Filings				
Civil	5,799	5,130	3,777	-34.9%
Criminal	1,884	1,493	1,186	-37.0%
Family	8,309	6,947	7,118	-14.3%
Juvenile	1,159	757	403	-65.2%
Original Terminations				
Civil	5,540	4,946	4,255	-23.2%
Criminal	1,895	1,365	1,114	-41.2%
Family	8,172	6,801	7,128	-12.8%
Juvenile	1,194	706	587	-50.8%
Reopen Filings				
Civil	2,006	1,837	2,036	1.5%
Criminal	4,410	4,035	3,380	-23.4%
Family	5,486	4,467	4,236	-22.8%
Juvenile	1,489	1,543	1,492	0.2%
Reopen Terminations				
Civil	1,953	1,810	1,900	-2.7%
Criminal	4,325	3,861	3,464	-19.9%
Family	5,581	4,474	4,582	-17.9%
Juvenile	1,445	1,453	1,548	7.1%
Total Filings				
Civil	7,805	6,967	5,813	-25.5%
Criminal	6,294	5,528	4,566	-27.5%
Family	13,795	11,414	11,354	-17.7%
Juvenile	2,648	2,300	1,895	-28.4%
Total	30,542	26,209	23,628	-22.6%
Total Terminations				
Civil	7,493	6,756	6,155	-17.9%
Criminal	6,220	5,226	4,578	-26.4%
Family	13,753	11,275	11,710	-14.9%
Juvenile	2,639	2,159	2,135	-19.1%
Total	30,105	25,416	24,578	-18.4%

Appendix B. Clearance Rates by Status (Original, Reopen, Total)

Measure Name	FY2019 (July 1, 2018- June 30, 2019)	FY2020 (July 1, 2019- June 30, 2020)	FY2021 (July 1, 2020- June 30, 2021)	Difference (FY2021- FY2019)
Original Clearance Rates				
Civil	95.5%	96.4%	112.7%	17.1%
Criminal	100.6%	91.4%	93.9%	-6.7%
Family	98.4%	97.9%	100.1%	1.8%
Juvenile	103.0%	93.3%	145.7%	42.6%
Reopen Clearance Rates				
Civil	97.4%	98.5%	93.3%	-4.0%
Criminal	98.1%	95.7%	102.5%	4.4%
Family	101.7%	100.2%	108.2%	6.4%
Juvenile	97.0%	94.2%	103.8%	6.7%
Total - Clearance Rates				
Civil	96.0%	97.0%	105.9%	9.9%
Criminal	98.8%	94.5%	100.3%	1.4%
Family	99.7%	98.8%	103.1%	3.4%
Juvenile	99.7%	93.9%	112.7%	13.0%
Total	98.6%	97.0%	104.0%	5.5%

3. What AV equipment are you replacing and upgrading?

Statement of Need:

The Montgomery County Circuit Court opened the south tower annex in April 2014. This annex contains 10 courtrooms (6 jury & 4 non-jury) and 8 family hearing rooms. All of these rooms contain complex, multi-vendor, Audio/Visual (AV) infrastructure that was state of the art during the design phase of this project. Unfortunately, with the extended build time and now eight years of building occupancy, all components have reached their end of life (EOL) and are no longer supported. While these components continue to function daily, an ongoing solution for component level repairs, if available, and complete system replacement need to be planned so that the Circuit Court's daily proceedings continue to run smoothly and without interruption. COVID has added a crucial need for these systems to be up-to-date and supported.

Desired Outcome/Result:

Replacement of the existing system can provide long term savings if we focus on a single manufacturer solution. We will be able to reduce the amount of spare inventory that currently consists of hardware from 15 different manufacturers. A single manufacturer solution would reduce the training time and cost currently needed to support multiple manufacturers. Additionally, a single manufacturer solution would also reduce costs associated with obtaining a long-term service contract. A phased approach for this project would result in a mix of hardware in different rooms; using systems that are difficult to support.

Project Impacts:

If this project is not funded, the possibility of system outages continues to rise due to age of equipment and ongoing component level manufacturer support ending. This in turn could cause some courtrooms to become unavailable for daily proceedings.

Project impacts if system replacement is funded would be limited to individual courtrooms being unavailable during system upgrades/replacements. A schedule would be coordinated to limit disruption to the Court's daily schedule.

Considerations:

Replacement of the existing system can provide long term savings if we focus on a single manufacturer solution. We will be able to reduce the amount of spare inventory that currently consists of hardware from 15 different manufacturers. A single manufacturer solution would reduce the training time and cost currently needed to support multiple manufacturers. Additionally, a single manufacturer solution would also reduce costs associated with obtaining a long-term service contract. A phased approach for this project would results in a mix of hardware in different rooms. This would result in systems that are difficult to use and support.

Project Description:

The goal of this project is to redesign and upgrade the Circuit Court's south tower AV system (10 courtrooms & 8 hearing rooms) with the most current software and hardware

available. It is required to guarantee continued uninterrupted court proceedings. Preference would be to focus on a one manufacturer solution to make system support, future component level repairs, and future system.

4. Please explain a bit about the ransomware protection.

Statement of Need:

Montgomery County Circuit Court currently utilizes on premise VMWare hosted Windows servers for file, data, and application servers. With Ransomware attacks being high profile news-worthy events and to protect Circuit Court data and continuity of operations, a Dell CyberSense data protection solution was identified as a possible defense to this threat. This solution creates constant backups of data which cannot be accessed or compromised through any network connection. The Circuit Court requests funding in the amount of \$102,133.22 to implement this solution.

Desired Outcome/Result:

If funded, Circuit Court data and operations would quickly be restored should a Ransomware attack occur. This would allow the Court to fulfill its mission without crippling downtime.

Project Impacts:

If a Ransomware attack occurs, County and law enforcement officials would be brought in to investigate. Once given approval, the Court would start rebuilding systems from scratch, which could take a week of Court downtime to see systems start to come back online. With the current COVID case backlog, additional downtime is not acceptable or advantageous for Court patrons.

This solution is not expected to cause any downtime or interruption to Court operations during installation.

Considerations:

Ransomware attacks are considered by many to be a “when, not if” proposition. The Circuit Court believes in mitigating this risk as much as possible, to safeguard the rule of law in Montgomery County. Money invested in protection is more wisely spent than money used for recovery with no assurance an attack would not happen again.

Project Description:

The goal of this project is to install a Dell engineered storage server which sits on its own network. This device uses software to copy backup data from our virtual infrastructure throughout each day, scan it for malware, and if the data is clean, it is stored for up to 14 days. Install is estimated to take three business days.

Project Costs:

The Dell CyberSense solution costs \$102,132.22 which includes licensing, installation, and hardware. While annual support costs are anticipated, they can be paid for out of the Court’s Operating budget. MCATS or MCG IT Commodities vendors will be used for this purchase.

5. You have a motor pool charge. Who gets fleet vehicles? Do you know if the increase is due to fuel only? Or have you upgraded to hybrid/electric vehicles?

The Clerk of the Court uses the vehicle to deliver and receive mail. This is a normal adjustment based on annual re-allocation of fleet costs for maintenance, fuel, and other services

6. How many judge and magistrate vacancies do you have (if any)? Where are they located? And do you expect the Governor to make judicial appointments this year?

- a. Currently, we anticipate having one Judge vacancy at the end of December 2022. We will not anticipate an appointment from the Governor for at six to nine months.

7. Violence has increased in the community, and that has unfortunately crept into some public institutions. Are you experiencing increased incidents of violence in the courtrooms? Are sheriff and security staff sufficient?

- a. The Circuit Court is experiencing an uptick in search warrants and indictments which is leading to higher rates of criminal trials going forward. We anticipate that we will request funding from the State for additional Judges over the next five years if an increase in crime continues.
- b. The Circuit Court is not experiencing increased incidents of violence in the courtroom.

8. Could you provide a brief update on MDEC implementation and current operations? Are there any additional support or resource needs?

- a. MDEC has been challenging for the Circuit Court. The court is specifically struggling with the limitations with automated scheduling and the ability to easily rotate judicial calendars every 12 months. Daily schedules can only be viewed by 5 judicial officers at a time, yet we have 24 judges causing the need to produce queries and ancillary reports to efficiently schedule judicial resources and manage fluid dockets. Additional staffing needs will need to be assessed over the next six months; we anticipate asking for at least 3 more FTE's specifically, MDEC specialists over the next 2 years.

9. Are there any other COVID-related challenges that you continue to struggle with?

- a. The court is struggling with the capacity to handle jury trials in the North Tower with the public safety concerns of COVID. We struggle specifically with the need to socially distance the public and the ability to hear and try as many cases as possible. We anticipate asking for funding over the next 3 years to ask for public safety improves for the Circuit Court North Tower.