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November 1, 2007

Honorable Ulysses Currie, Chair
Senate Budget and Taxation Committee
3 West Miller Senate Building
110 College Avenue
Annapolis, Maryland 21401-1991

Honorable Norman H. Conway, Chair
House Appropriations Committee
121 House Office Building
6 Bladen Street
Annapolis, Maryland 21401-1991

Re: Legislatively Mandated Reports

Dear Senator Currie and Delegate Conway:

The *2007 Joint Chairmen's Report* directed the Administrative Office of the Courts to provide the following reports by November 1 and November 15, 2007, respectively:

- A report "outlining the statistical methodology for determining fiscal 2009 magisterial needs . . ." (November 1).
- A report "evaluating the feasibility of adoption and/or incorporation of the court performance measures developed by the National Center for State Courts . . ." (November 1).
- A "submission of an Annual Report on Problem-Solving Courts in Maryland . . ." (November 1).
- A follow-up report addressing "the Department of Legislative Services' observations and recommendations regarding the evaluations of the Harford County Juvenile program and the Anne Arundel County and Baltimore City drug court programs." (November 15).

The enclosed reports seek to respond to your directive.

Honorable Ulysses Currie
Honorable Norman H. Conway
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With respect to the report on the development of a statistical means for establishing the need for additional Judicial Masters, additional time and resources will be required to establish a reliable methodology that complements the present certification of judgeship needs in the Circuit Courts.

As to the feasibility of incorporating the performance measures (*CourTools*) proposed by the National Center for State Courts, the Judiciary has adopted in one form or another many of the suggested measures. Fuller consideration and implementation is dependent upon the acquisition of a new statewide case management system and other related business support systems.

While the report on the Department of Legislative Services' issues vis-a-vis drug courts seeks to address their concerns, the Administrative Office of the Courts supports two specific DLS recommendations that will require additional budgetary support: (1) a comparative study between drug courts and other drug treatment interventions; and (2) the acquisition and analysis of more longitudinal recidivism data to provide a fuller empirical assessment as to whether drug courts improve criminal justice outcomes for drug-involved adult and juvenile offenders.

As you know, the Administrative Office of the Courts assists the Chief Judge of the Court of Appeals in complying with his duties as the constitutional head of the Judicial Branch. As such, the Chief Judge establishes our administrative, research and programmatic agenda and the allocation of the limited resources available to the Judiciary for that purpose. Within that context, the Administrative Office of the Courts will seek the approval of the Chief Judge with respect to the following:

1. Increase the investment of resources necessary to complete a reliable methodology for determining Judicial Master needs in relation to judgeship certification;
2. Support budget requests to replace the Judiciary's extant case management systems and business-related automation to measure trial court performance more effectively; and
3. Include in the Judiciary's FY 2009 budget request funding for a comparative analysis of drug courts and other treatment alternatives as recommended by the Department of Legislative Services.

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Honorable Norman H. Conway
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If you have any questions, please contact me at your convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Frank Broccolina", followed by a horizontal line extending to the right.

Frank Broccolina

cc: Honorable Robert M. Bell
Judicial Cabinet
Faye D. Gaskin
Kelley O'Connor
Chantelle Green, DLS

**Response to *Joint Chairmen's Report*
Statistical Methodology for
Determining Judicial Masters**



Administrative Office of the Courts
November 1, 2007

In May 2000, the Chief Judge of the Court of Appeals, through the Administrative Office of the Courts retained the consulting services of the National Center for State Courts to conduct separate, but coordinated workload assessment studies for the Circuit and District Courts to provide quantitative documentation of the judicial resource needs of the State's trial courts. Those coordinated studies were completed in July 2001 and produced separate workload models for determining judgeship need in the Circuit and District Courts. Since the completion of that original study, the Judiciary has used the weighted caseload methodology to determine judgeship needs; however, a methodology did not exist to determine the need for Judicial Masters in the Circuit Courts.

Since the completion of that study, changes in case processing practices and legislative mandates necessitated the need to update the original model. Specifically, major changes in the areas of child welfare cases (Child in Need of Assistance, Termination of Parental Rights and Adoption cases) as well as the need to understand workload demands more fully and to develop a comparable weighted workload model for Judicial Masters prompted the Judiciary to seek assistance in updating the model. The National Center for State Courts was once again retained to conduct this updated study.

The primary goal of a workload assessment study is to provide an accurate picture of the amount of time Judges and Masters need to resolve different types of cases in a manner that is both timely and responsive to the needs of litigants. The model is a quantitative representation of the inter-related variables that work together to determine judicial resource needs. The core of the workload assessment model is a time study wherein Judges and Masters keep track of the amount of time they spend on the various case type categories and on non-case-specific responsibilities such as administration and work-related travel time. When the time study data are joined with case filing data for the same time period, it is possible to construct a "case weight." The case weights represent the average total in-court and in-chambers time (in minutes) for each case type category.

The utility of a case weight is that it summarizes the variation in judicial time by providing an average amount of time per case. Some cases take more time than the case weight and some take less time, but on average, the case weight accurately reflects the typical amount of time needed to dispose of specific case types. By applying the case weights to current--or projected--case filings, one can obtain a measure of case-specific workload which, when divided by the amount of time available per Judge or Master provides an estimate of judicial resources required to process cases. This approach is sufficiently rigorous to provide a model for measuring resource demands and evaluating resource allocations.

A time study measures case complexity in terms of the average amount of judicial time actually spent processing different types of cases, from case initiation to final resolution, including any post-judgment activity that may occur. The essential element in a time study is collecting time data on all judicial activities, including time spent on and off the bench processing cases, case-related work, non-case related work and travel time. Non-case related

activity includes activities that cannot be attributed to a specific case, such as legal research, staff meetings, general administrative tasks, and community speaking engagements.

The time study data are validated through the use of the Delphi technique, in which a panel of experts comprising a representative sample of Judges and Masters review the time study findings and make quality adjustments to case weights to more accurately reflect the way in which work is conducted in the courts across the State.

Determining case weights for Judicial Masters proved to be more difficult than for Judges for two primary reasons. First, this study marked the first attempt to generate case weights for Masters' work. Second, and more important, there is no consistency across the State regarding the use of Masters in the Circuit Courts. Some Masters are specialized and handle only juvenile, domestic or civil cases; others are generalized, handling a wide range of cases. Additionally, Judges and Masters often touch the same cases and there currently is no manner by which to accurately delineate that time. For these reasons, determining an "average" case weight proved difficult. As such, further analysis and development of the methodology are needed to balance the need of judgeships against the need for Masters. This first attempt at developing case weight for Masters, however, will prove valuable and serve as the foundation in the establishment of a sound and reliable methodology by which to determine the need for Masters in the Circuit Courts.

While a workload assessment model provides a baseline from which to establish the need for Judges and Masters, no set of statistical criteria will be so complete that it encompasses all contingencies. In addition to the statistical information, individual characteristics of the courts must be examined before any changes to a court's judicial complement are recommended. Those qualitative factors may range from variations in the local legal culture such as the practice styles of attorneys impacting case processing time to economy of scale effects that are reflected in faster case processing in larger courts.

While the framework for establishing a methodology to determine Judicial Master need in the Circuit Courts has been established, a closer systematic review is necessary to ensure that the need for additional resources in this area is complementary with the need for judges. Such a review and analysis will require additional time and resources to complete until a reliable methodology can be finalized.