



State of the Court Report

MONTGOMERY COUNTY CIRCUIT COURT

MONTGOMERY COUNTY CIRCUIT COURT | 50 Maryland Avenue, Rockville, Maryland 20850

Please accept Montgomery County Circuit Court's 2022 State of the Court Report. The Court understands the value in compiling and reflecting on past initiatives and those planned as we navigate together as a one, Maryland Judiciary. The report was completed at the direction of the Administrative Judge, James A. Bonifant and in coordination with the Clerk of the Court and the Court Administration's Office.

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Section I. Executive Summary & Organizational Structure

- a. Montgomery County Circuit Court
- b. Montgomery County/Rockville
- c. Most Proximate/Completed Fiscal Year (FY): 2022
- d. Report Submission Date: October 5, 2022
- e. Staffing (Court Administration/Clerk of the Court)

Judges and Magistrates: 29 (Full-Time – 28, Part-Time – 1)

Judges – 23 on the bench including Administrative Judge; 1 vacancy

Family Magistrates – 5 (Full-Time – 4, Part-Time – 1)

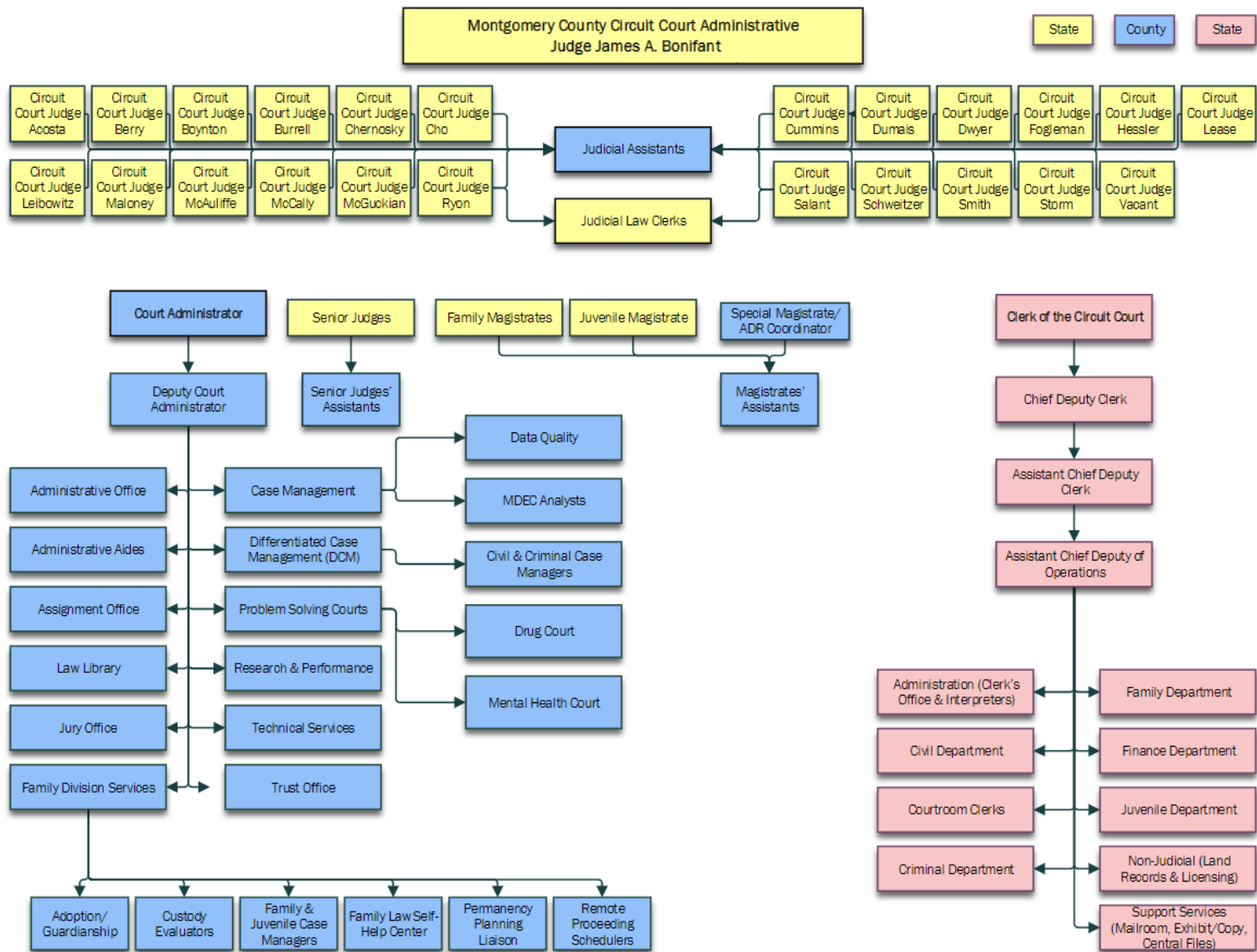
Clerk of the Court: 201 (Full-time – 197, Temporary – 3, Contractual – 1)

Department	Full-Time	Temporary	Contractual	Total
Clerk of the Court (including six (6) Staff Spanish Interpreters)	12			12
Support Services (formerly Central Files and Exhibits)	10			10
Civil Department	31		1	32
Courtroom Clerks Department	35	3		38
Criminal Department	19			19
Family Department	34			34
Finance Department	5			5
Juvenile Department	15			15
Land Records/License (non-judicial)	36			36
Total	197	3	1	201

Court Administration: 128 (Full-Time - 124, Part-Time - 4)

Division/Office	Full-Time	Part-Time	Total
Court Administration	4		4
Special Magistrates	2		2
Administrative Aides	2		2
Assignment Office	14		14
Business Data Quality & MDEC Analysts	6		6
DCM/Criminal & Civil Case Managers	3		3
Family Division Services (including 21 grant-funded)	34	1	35
Family Magistrate Staff	7		7
Judicial Assistants	24		24
Jury Office	4		4
Law Library	2	2	4
Problem Solving Courts (including 2 grant-funded)	4		4
Research & Performance (Partially grant-funded)	2		2
Senior Judges' Administrative Aide	2		2
Technical Services	12		12
Trust Office	2	1	3
Total	124	4	128

Note: Contractual employees are not included.



Section II. Background

Under the leadership of the Administrative Judge, the Honorable James A. Bonifant, the Montgomery County Circuit Court (“the Court”) holds the principles of fair, efficient, and effective justice for all. The Court strives daily to ensure accessibility to the public, as well as maintain and implement efficient and innovative court and case management practices. The Court regularly reviews its caseload, judicial resource assignments and case processing performance to identify internal and external factors that may interfere with the administration of justice. With the participation in and implementation of the Maryland Electronic Courts (MDEC) in October 2021, the Court has been in a state of adjustment. Learning a new case management system (Odyssey) and business processes, turnover in key positions and limited data access have created challenges and opportunities for the Court to rethink how best to serve court patrons and uphold the Court’s commitment to data-informed case management.

Original Filings, Terminations and Clearance Rates

During Fiscal Year 2022 (FY22), the Court processed approximately 22,300 case filings and 20,500 terminations (original and reopened cases). Compared with the FY19 (pre-COVID) levels, filings and terminations are down by 26% and 28%, respectively. Table 1 provides original filings, terminations and clearance rates over the past four fiscal years.¹ The Court’s original filings in FY22 (July 1, 2021-June 30, 2022) were lower than FY19 by 18%, ranging from 4% to 66% in family and delinquency cases, respectively. Original terminations also declined by 23% overall, ranging from 14% in family cases to 68% in delinquency cases. Since the Court processed more filings than terminations in all case types except Child-in-Need-of-Assistance (CINA) cases, the clearance rates² were below 100% in these case types.

Table 1. Original Filings, Terminations and Clearance Rates, FY2019-FY2022

Case Category	Filings					Terminations					Clearance Rates			
	FY19	FY20	FY21	FY22	FY19-22 %Change	FY19	FY20	FY21	FY22	FY19-22 %Change	FY19	FY20	FY21	FY22
Criminal	1,884	1,493	1,186	1,366	-27%	1,930	1,352	1,128	1,280	-34%	102%	91%	95%	94%
Civil	5,931	5,240	3,858	4,441	-25%	5,681	5,115	4,408	4,279	-25%	96%	98%	114%	96%
Family	8,169	6,820	6,978	7,839	-4%	8,535	6,698	7,054	7,311	-14%	98%	98%	101%	93%
Delinquency	893	556	219	305	-66%	932	515	395	296	-68%	104%	93%	180%	97%
CINA	204	165	118	104	-49%	184	154	193	123	-33%	90%	93%	164%	118%
TPR	25	22	45	38	52%	50	23	28	25	-50%	196%	105%	62%	66%
Total	17,106	14,296	12,404	14,093	-18%	17,312	13,857	13,206	13,314	-23%	98%	97%	106%	94%

* Delinquency includes juvenile delinquency and other non-child welfare juvenile cases (such as miscellaneous petitions and peace orders).

**Data reflected in Table 1 is drawn from Odyssey’s Case Statistics report (for all fiscal years). Civil liens and restitution judgments are excluded as these case types do not appear with “open” statuses when they are filed with the Court or entered in Odyssey.

¹ Terminations align with the status of a case changing from open to close rather than a case stop condition or case eligibility criteria aligned with the Maryland Judiciary’s case time standards.

² Clearance rates are a case management efficiency measure calculated by dividing filings by terminations for a particular reporting period.

Original Pending Caseload

Table 2 provides case type-specific original pending caseload and the pending caseload/filing ratios for FY19-22. In civil, delinquency, and CINA cases, the size of the pending caseloads in FY22 is smaller by at least 6% compared to FY19 whereas in criminal, family and TPR cases, the pending caseloads are higher than FY19 by 20%, 15% and 58%, respectively. In civil and delinquency cases, the reduced pending caseload appears to be driven by the reduction in filings as terminations were frequently lower than filings. In contrast, in criminal and family cases, reduced filings did not result in the lowered pending caseload as terminations remained lower due to limited, emergency operations that remained in effect in FY21 and FY22.

Table 2. Original Pending Cases, FY2019-FY2022

Case Category	Pending Caseload					Pending Caseload/Filings Ratio				
	FY19	FY20	FY21	FY22	FY19-22 %Change	FY19	FY20	FY21	FY22	FY19-22 %Change
Criminal	1,222	1,362	1,417	1,465	20%	0.65	0.91	1.19	1.07	65%
Civil	3,412	3,551	2,989	3,194	-6%	0.58	0.68	0.77	0.72	25%
Family	3,647	3,770	3,743	4,178	15%	0.45	0.55	0.54	0.53	19%
Delinquency	253	301	122	158	-38%	0.28	0.54	0.56	0.52	83%
CINA	373	384	308	284	-24%	1.83	2.33	2.61	2.73	49%
TPR	45	44	61	71	58%	1.80	2.00	1.36	1.87	4%
Total	8,952	9,412	8,640	9,350	4%	0.52	0.66	0.70	0.66	27%

*Delinquency includes juvenile delinquency and other non-child welfare juvenile cases (such as miscellaneous petitions and peace orders). Note that the pending caseload of CINA and TPR cases includes post-disposition cases as cases do not close until court jurisdiction is terminated. Accordingly, their pending caseload/filing ratio is substantially higher than that of other case types.

§ The pending caseloads were measured as of the last day of a given fiscal year and includes open-active and open-inactive cases. Open-inactive cases only exist in cases converted from the Court's legacy case management system as this case status is no longer available in Odyssey.

The right half of the table presents the size of the pending caseload in relation to *the size of filings*.³ The smaller the ratio, the more efficient the court's case processing since a smaller caseload is preferable with a given filing level. As displayed in Table 2, the size of the pending/filing ratios in FY22 is larger compared to FY19 across all case types, which suggests lower case processing levels than in the past. The FY22 increase (compared to FY19) is particularly large in criminal and delinquency cases (65% and 83% respectively). With the Court operating on its non-emergency schedule, there is an expectation that more in-

³ Pending caseload is largely a function of two variables – case filings and dispositions; while the former increases the pending caseload, the latter reduces it. A reduced pending caseload may result from declined filings, increased case dispositions, or a combination of the two. While the pending caseload per filing shows the relative size of the former over the latter, it also shows the impact of the court's efforts to dispose cases. The pending caseload/filing ratio less than 1 indicates that the pending caseload is smaller than the size of filings, suggesting an ability to manage the processing of the current caseload whereas the ratio greater than 1 indicates that the pending caseload is higher than the filings, suggesting challenges with efficiently processing the caseload volume. Courts should also pay attention to a change in the ratio since an increase suggests a decrease in case processing efficiency resulting in an increase in pending caseload.

person hearings and a renewed focus on case management will result in a return of operational efficiency to pre-COVID-19 levels.

Section III. COVID-19 Pandemic Response – Updates on Initiatives

E-mail Submissions of Filings – Clerk’s Office

With the introduction of the Maryland Electronic Courts Project (MDEC) in October 2021, the Court transitioned to reviewing more filings electronically. Maryland Title 20 rules require that once a court has implemented MDEC, all attorneys file their pleadings electronically through Odyssey File & Serve (OFS). Self-represented litigants (SRLs) also have the option to file pleadings electronically. In fact, the Court is tracking 80 cases where SRLs have submitted filings electronically, and that number is expected to grow.

As reported last year, the development of department-specific e-mail addresses dedicated for filings for the Civil, Criminal, Family, and Juvenile Departments during the COVID-19 emergency period helped attorneys and SRLs file responses and motions in existing cases. To continue efficient access to justice and keep the public and Court staff safer, the Clerk’s Office maintained those email boxes up until the transition to MDEC.

One challenge the Clerk’s Office is facing, particularly in civil and family cases, is an extraordinarily high volume of filings coming through OFS. In the first six weeks of MDEC implementation, the Clerks received more than 20,000 envelopes with as many as 850 outstanding at any given time. Although a smaller number of staff managed to keep up with incoming paper filings during the Court’s pandemic closure, the number of envelopes submitted daily is higher than anticipated and continues to require an increasing number of staff, especially during high leave times due to vacations or illness. Each of the Clerk’s Departments experienced cases of COVID this summer, which detracted from their ability to keep on top of new filings as well as orders passing to and from Chambers. Managers are cross-training more and more staff so that they may perform several functions depending on the need of each day. These cross-training efforts, combined with constant diligence over office work and the documenting of consistent business processes, allows the clerks to function successfully each day.

Access to Case Records – Clerk’s Office

Parties to the case can now access electronic records – provided they are not otherwise secured – through the Maryland Judiciary Records Search. All court patrons have access to public documents via the online Smart Search application, available in the Central Files, Criminal, and Family Departments and the Law Library. These tools obviously only provide a benefit if the case has been scanned into Odyssey. To date, the Clerk’s Office scanned 6,000 documents – each case ranging from a handful to thousands of documents. Clerks from several departments have also scanned thousands of older exhibit documents into cases.

Since the spring of 2022, Clerk staff have also been E-Serving orders, notices, and other court documents back to filers and their service contacts – more than 8,000 envelopes between July 1 and August 15 alone. The efforts by the Clerk’s Departments highlight their commitment to Maryland Title 20 Rules compliance around electronic filing and ensuring that the most efficient means is available for attorneys and parties to file their pleadings with the Court.

Charity Committee

Montgomery County Circuit Court staff donates several thousand dollars each year through its “Green for Jeans” (donate \$1 to be able to wear jeans on Fridays) and year-round charitable programs. This past year, the Charity Committee donated money to the Shepherd’s Table, Fisher House, Comfort Cases, and Gaithersburg Help—all non-profits in Montgomery County. The Charity Committee also collected 1,200 items to donate to Gaithersburg Help. However, the greatest achievement this year was the creation of a courthouse cookbook, which has been a source of culinary joy for our aspiring chefs.

Family Law-Related Services

Facilitation Program

Since January 2021, the Family Division Services’ (hereafter ‘Family Division’) facilitation program has been operating virtually. When parties are referred to facilitation, Family Division staff coordinates contact with the facilitator assigned for the day. The facilitator works with the parties, either via Zoom or telephone, to create an agreement. If an agreement is reached, the facilitator drafts an order and sends it to Family Division staff who then forwards it to the referring magistrate. The magistrate either accepts the order as is or, if there are any questions regarding its content, sets a brief hearing to *voir dire* the parties as to the order. The virtual facilitation program continues to be tremendously successful with a settlement rate of almost 70%, which exceeds the rate of the in-person facilitation service. Because of the high settlement rate, the Administrative Judge instructed magistrates and Family Division staff to refer appropriate cases to facilitation at any point during the pendency of the case. The Court plans to continue remote delivery of this service for the foreseeable future.

Custody/Access Mediation Program

The goal of the Court’s custody/access mediation program is to promote litigants’ self-determinant resolution of cases in a safe environment. With the advent of virtual mediation, which began in response to safety protocols necessitated by the COVID-19 pandemic, some litigants appear to be more comfortable expressing themselves virtually as opposed to in-person. Additionally, for those cases where one party may be residing out of state, remote mediation has proven to be a viable option saving litigants travel costs. It is anticipated that most mediation sessions will continue to be offered virtually.

Litigants continue to be referred to custody/access mediation by a Family Magistrate at the time of the Scheduling Hearing. Additionally, the Administrative Judge authorized the referral of parties to mediation at other points during the pendency of the case such as at Settlement Status Hearings and Pendente Lite Hearings. After referral to mediation, screening intakes are conducted over the phone and, if the case meets eligibility criteria, a mediator is assigned to the case. The mediator works with litigants and counsel to schedule virtual mediation on a platform of the mediator's choosing (most frequently this platform has been Zoom). Results of the mediation must be filed with the Court within five days after the mediation date. Magistrates review the agreement and determine the next steps for finalizing the agreement.

Co-Parenting Classes and Supervised Visitation Services

All services provided by the Family Division Evaluators' Office were provided remotely when court operations were restricted due to the pandemic. Since April 2022, when all restrictions were lifted, the court evaluators returned to providing all services in-person except for co-parenting classes. Since the instatement of online parenting classes, litigants have reported high levels of satisfaction with the content of classes, as well as the ease and flexibility of scheduling the classes. It was therefore decided that co-parenting classes will only be offered online.

Supervised Visitation services returned to in-person during FY22 and has been, as in years' past, well utilized. Although virtual visits are no longer the preference for the Supervised Visitation Program, there are instances where virtual visits are the best option for a parent to maintain contact with their child/ren. As such, Family Division continues to provide this service virtually (when necessary) which had, prior to the pandemic, never been contemplated.

Court Operations & Case Management

Family Enhanced Case Management Project

Due to the volume of pending family cases resulting from COVID-19 pandemic emergency operations, the Court is focused on resolving custody cases as effectively and expeditiously as possible. The Administrative Judge developed a system to review cases and assign judges two weeks prior to their hearing dates. Weekly meetings are held by the Administrative Judge with other judicial officers, Family Division staff, as well as assignment office and clerk staff. A goal of this project is to increase hearing date certainty by contacting parties and securing the timely filing of necessary documents as delay is contrary to the best interest of the child/children involved in the matter. Information obtained through the case review process is memorialized in a chart that is available to chambers court-wide, thereby assisting judicial assistants and law clerks as they prepare for trial. Family Division staff involved in compiling

case information for the prioritization chart find the resource useful to identify cases that may not be in the proper posture for the upcoming hearing or are pending settlement. The regular case management communication with counsel and/or self-represented litigants ensures cases are proceeding as expected. The Court is also communicating its position as the lead entity in managing case process and progress.

Civil/Criminal Enhanced Case Management Project

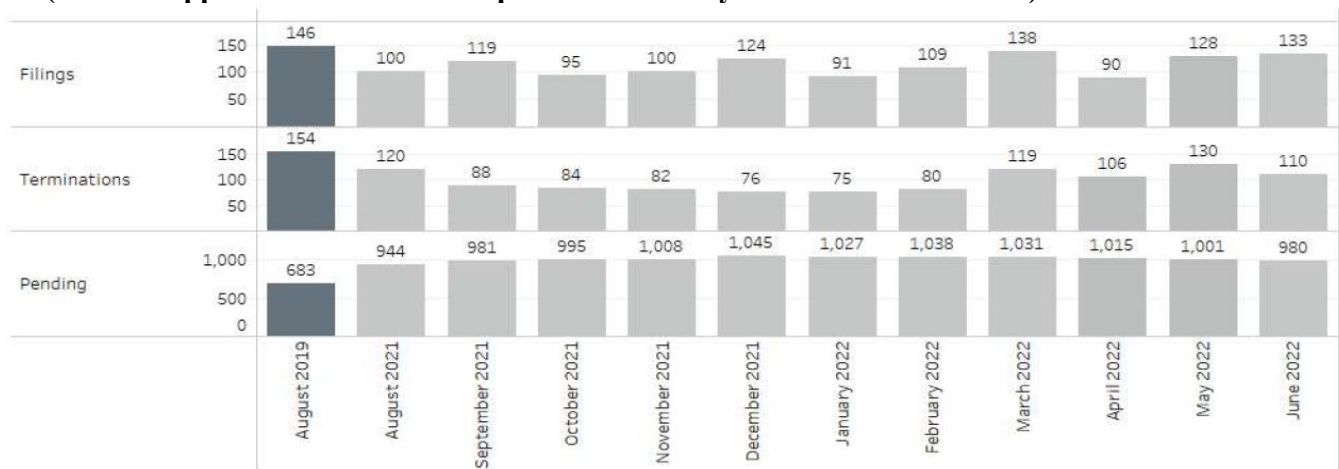
In 2021, recognizing the existence of a jury trial backlog due to emergency operations, the Court developed a process to allow for maximum trial scheduling given social distancing considerations for jurors during the jury selection process. For this purpose, the Court used a spreadsheet to manage jury scheduling and juror needs. Beginning in spring 2022, trial scheduling was largely under the Court's control and focus shifted to ensuring trial date certainty. Civil and Criminal case managers working with the Court's Technical Services Department created requirements for a data feed to automatically populate all Odyssey-related data elements (of interest) into a spreadsheet. The automation of this resource was critical for gaining efficiencies with this case management process and ensuring that the data elements being captured are as they exist in the case management system. The case managers also provide oversight of criminal/civil case status and activity, review pleadings for legal sufficiency, and supervise case file content to ensure that legally required findings are made. Routine monitoring is performed to maintain compliance with statutory deadlines and other time standards.

Similar to the weekly meetings held for the enhanced family case management project, the Administrative Judge holds a separate, weekly internal meeting with clerks, Assignment Office personnel, the Jury Commissioner, and Administrative Aides/DCM to review each case on the criminal/civil jury trial spreadsheet and determine whether cases can be held as scheduled. Prior to the weekly meetings, civil and criminal case managers review each case for trial certainty, prepare recommendations as to which trials should proceed as scheduled, and maintain a listing of priority, back-up and trailing cases. Regular contact is maintained with attorneys of record to determine if there are outstanding motions which may change the certainty of upcoming jury trials or highlight the possibility of settlements or resolution.

The focus on civil and criminal jury trial scheduling continues to support various departments such as the Assignment Office, Jury Office, Administrative Aides/DCM, Senior Judges Chambers, the Administrative Judge and Associate Judges. Chambers finds the tracking spreadsheet useful because it provides them with a sense of assurance that the cases reviewed and discussed are officially sanctioned by the Court to proceed as scheduled. The primary goals of these efforts are to maximize trial date certainty and minimize unnecessary delay. The assurance also allows the judges to effectively communicate with counsel regarding the Court's position on the status of their hearings and sends a message that the Court is prepared for

the proceeding. The enhanced case management efforts are expected to minimize requests for postponements on the day of the hearing and increase attorneys' review of scheduled cases. The Court closely monitors caseload metrics to determine if the current initiatives are impacting pending caseload volume. The enhanced case management efforts by the Court underscore a commitment to being collaborative, flexible and innovative.

Chart 1. Original Criminal Caseload Metrics, August 2019 (pre-Covid) compared to August 2021-June 2022 (see also Appendix III for an example of the monthly caseload metrics brief)



Note: Pending reflects original, active cases only.

MDEC Analysts Positions

Montgomery County Circuit Court operated its HP3000 case management system for over 30 years. The Data Processing Department maintained every aspect of the legacy system including but not limited to the algorithm for judicial rotations, programming to align scheduling of trials/hearings and deadlines with Differentiated Case Management (DCM) plans. As the statewide MDEC project evolved and with implementation, the necessity to maintain a minimal amount of local configuration became critical. In particular, the Court needed the ability to adjust the configuration of the system to ensure optimal management of local calendars. Through numerous meetings and discussions, a certain degree of local configuration was granted and, as a result, the MDEC Calendar Configuration and MDEC Configuration Analyst positions were developed. These two positions are indispensable to support the Court's transition to MDEC.

In August 2021, the MDEC Calendar Configuration Analyst was established to configure the Court's calendars and sessions in alignment with the judges' calendar rotations and the magistrates' schedules. The analyst also ensures compliance with local session rules. Since MDEC implementation, numerous rotation and business process changes have occurred resulting in routine maintenance of the

calendars and sessions. The analyst has the ability within Odyssey to build the judicial rotation schedule in advance through Odyssey's Session Builder process. This is a complicated process of creating resource groups, configuring rotation assignments and session templates (when necessary), incorporating the rotation assignments, and then finally launching the Session Builder process to apply the session templates.

In April 2022, the MDEC Configuration Analyst position was established to maintain local configuration changes associated with Odyssey's Case Plans functionality. Case Plans represent the Differentiated Case Management (DCM) plans, which ultimately guide case processing and case management decisions. The analyst monitors the assignee pools for staff assignments, such as plea judges, case managers, exception judicial officers, post-conviction judicial officers, etc., as well as ensures that judges' and magistrates' chambers are prepared to process their dockets through the effective navigation of Judge Edition and Odyssey, two MDEC applications. The analyst logs each configuration change as part of audit documentation, which captures the who, what, when and why associated with the configuration change.

Law Library's Court Process Assistance

Court patrons, including those who are self-represented, constituted a little over half of the library's patrons at 57% in FY22 (compared to 56% in FY21). During the latest resumption of Phase III (emergency operations), the Law Library assisted external inquiries remotely via email and phone only and internal inquiries (i.e., judiciary) remotely and in-person. During this time, notary, meeting room, and MDEC Business Center services were suspended. Zoom room services were available upon request from judiciary employees on behalf of the public. A new, temporary service was introduced: Zoom appointments to use SASI-CALC software with a librarian were available upon request. Another temporary service provided one-on-one video Zoom tours of the library to Montgomery College paralegal students. Prior to and after Phase III, the Law Library operated as normal, serving patrons in-person and remotely. The Law Library changed public assistance hours from 8:00am-5:30pm to 8:00am-5:00pm in January 2022 to provide better staff coverage during the lunchtime rush.

Throughout FY22, upon request, the Court's librarians customized research trainings for individuals and small groups on topics such as legal research tips and tricks, Westlaw, and Maryland legislative history. For instance, the librarians partnered with Thomson Reuters and periodically offered webinars on various Westlaw tools for chamber staff. In FY20, the Law Library added a "Zoom room" service allowing litigants to participate onsite for a remote proceeding when they inadvertently arrived at the courthouse in-person or did not have the requisite technical equipment at home. The librarians also assisted litigants with basic technical

issues, as well as coordinated with chambers' staff to provide litigants with the correct Zoom meeting credentials. Due to popular demand, in March 2022, the Law Library added a second "Zoom room."

In October 2021, the Law Library added a new service—the MDEC Business Center. This center consists of three additional public computers loaded with portals to the MDEC Kiosk and File and Serve programs. At present, The Court's Central Files Department and the Law Library are the only two MDEC Kiosk locations in the courthouse that can print documents. Librarians assist the center's users with technical troubleshooting, printing, and locating court rules regarding electronic filing requirements. While this service was originally envisioned as a convenience for attorneys, most users are public patrons. When Phase III of COVID-19 emergency operations ended in March 2022, the Law Library started gathering usage statistics. From March to June 2022, 82% of 130 total MDEC Business Center-related questions were asked by members of the public.

The Law Library also continues to maintain satellite collections of Maryland rules, codes, and treatises in judges' and magistrates' chambers, as well as the offices of several court staff. During a process that took about five months starting in late 2021, the Law Library retooled its distribution tracking system to more accurately and efficiently distribute and inventory book updates for these satellite collections. The library also has one of the largest print and microfiche collections of Maryland legislative history materials outside of the Thurgood Marshall State Law Library. This collection is popular with judiciary and bar researchers. Beginning in October 2021, librarians undertook a shifting project to give the collection room for another five years of growth. Taking about seven months, librarians shifted 1,600 linear feet of books.

Library staff regularly assist internal and external customers by providing robust legal reference services. In FY22, staff answered 7,611 research questions (ranging from basic to complex) from the public, bar, and judiciary, which was a 145% increase from FY21. Of these questions, 842 concerned family law, 1,251 civil law, and 217 criminal law. While questions regarding civil law topics increased during the advent of the pandemic, FY22 is the first year that the number of civil-related questions outpaced domestic law questions. Anecdotally, four main topic areas of inquiry included administrative appeals, consumer law, landlord tenant law, and peace orders. Additionally, 1,859 other inquiries concerned notarization requests, meeting room bookings, and non-legal research topics such as government services and apostille (i.e., authentication) requirements.

Trust Office

The Trust Office returned to normal operations in FY22 except for in-person group training classes. With the implementation of MDEC, the Office has additional responsibilities related to the scanning of paper case files, linking documents to case events, and manually updating converted case data. Below are summarized accomplishments:

- Updated Trust Office's case files timely – 11,639 docket entries and 3,003 cases.

- Attended (remotely and in-person) show cause hearings for failure to file timely reports.
- Processed new cases – 331 (as captured and monitored from a locally compiled spreadsheet).
- Assisted (remotely and in-person) guardians with required annual and fiduciary reports.
- Scanned over 600 (estimated) case files, and linked case event entries to scanned documents.
- Manually updated case data for all active, converted cases in Odyssey.
- Maintained a database to track out-of-county and -state cases and guardians' electronic mail addresses.
- Processed first-of-month letters timely and verified them against a caseload report to ensure that all the letters for the month were printed.

Routinely maintained and monitored caseload and workload figures are displayed below from FY19-FY22.

Caseload	FY19	FY20	FY21	FY22
Guardianship Petitions Filed	468	388	425	419
Guardianship Cases Terminated	360	280	367	422
Active Cases at the end of Fiscal Year	2,530	2,560	2,563	178*
Workload	FY19	FY20	FY21	FY22
Report Audits and Reviews:				
Guardian Inventory Reports Filed and Reviewed	50	233	244	221
Fiduciary Reports Filed	1,036	900	1,167	934
Fiduciary Reports Reviewed and Audited	970	858	1,097	924
Annual Reports of Person Filed and Reviewed	1,095	990	1,352	1,210
Trials and Hearings:				
Bench Trials Held	18	15	17	15
Hearings Held	528	459	541	567
Hearings Generated by Trust Clerk	108	46	93	88**
Show Cause Ordered Generated by Trust Clerk (termination, removal and appoint substitute guardian)	137	229	332	340

Source: Montgomery County Circuit Court Data Processing Department, *TRUSTATS*.

FY22 data compiled largely from the following Odyssey reports: Case Statistics, Hearing Results Report, and Case with Selected Events.

* For FY22, the number of 'Active Cases at the end of Fiscal Year' is substantially lower (178) than previous years. This is because the status of most of these cases is 'Closed/Active', which is not recognized as 'Open' according to the Case Statistics report whereas FY19-21 counts are from the Court's legacy case management system, which counted these cases as 'Open' because the 'Closed/Active' status did not exist in the legacy system.

**Manually compiled by the Trust Office.

Court Technology

Montgomery County Circuit Court's Technical Services and Data Processing Departments continued to provide 100% uptime of mission-critical applications, systems, hardware, courtroom audio/visual, and network components to ensure that court processes continue, without interruption, during court operating hours. The Technical Services Department's Information Technology Plan integrates and coordinates

technology projects to ensure critical systems are maintained and new technology is deployed to meet the growing needs of staff and patrons. During FY22, the Department undertook and completed the following initiatives:

- Upgraded CourtSmart server and audio equipment.
- Completed replacement of virtual servers as well as reduced power and cooling demands while increasing performance and capacity. These servers act as file and application servers.
- Processed and resolved 3,700 Help Desk calls.
- Processed approximately 3,800 transcripts and requests for audio.
- Continued replacing desktops with laptops throughout the courthouse.
- Upgraded Infax signage throughout the Court just before MDEC Go-Live (late October 2021).
- Supported and provided hardware and network connectivity for MDEC training sessions.
- Provided IT support throughout MDEC Go-Live.
- Decommissioned the Court's legacy case management server hardware and sold it off. Data from that system is maintained in the Court's SQL environment. Facilities and infrastructure supporting the system were also decommissioned.
- Deployed a new, more secure and robust VPN service, Zscaler.
- Hired two, full-time staff members.

State Migration efforts

In early January 2022, the Maryland Judiciary's Judicial Information Services (JIS) personnel began to coordinate migration efforts with the Court's Technical Services Department. The initial focus of the migration efforts has been on Internet connectivity and replacing older network cabling on multiple floors of the North Tower. New switches for each of these floors were ordered by JIS personnel. JIS and Montgomery County networking teams continue to work on wireless fidelity (WIFI) details as well as colocation of networking equipment in the Court's Judicial Center. JIS purchased BitTitan, which can migrate data between the Court's MCCCOURT Office365 tenant and the MDCOURTS Office365 tenant. During this fiscal year, two email accounts of staff from the Technical Services Department were migrated as a test. A November 2022 start date for widespread email migration was selected by local court leadership. This will be followed by network, pc, printer, and server migration to the MDCOURTSs domain.

Courthouse Security, Facilities and Employee Support

The Montgomery County Sheriff's Office became accredited in 1995 by the Commission on Accreditation of Law Enforcement Agencies after meeting numerous stringent standards established for law enforcement agencies nationally. The Sheriff's Office continues to maintain this accreditation through rigorous on-site evaluations. The Sheriff's Courthouse Security Team works closely with the Clerk of the Court and Court Administration to coordinate security within the courthouse. The team also ensures the safety of children and staff located at Kids Spot, prisoners in custody during transport, and all individuals present in the courtroom when an emergency evacuation occurs.

The Sheriff's Office has four explosive-detecting trained K-9 teams and three of which are now firearms detection K9 teams. The Sheriff's Office also has one Controlled Dangerous Substance (CDS) detection K-9 team that assist the Courthouse Security Team. The office also has two comfort dogs to assist court patrons, such as individuals attending the Mental Health Court. These dogs also assist the States Attorney's Office with victims such as children and the Family Justice Center with adult victims of abuse.

Screening stations are also present at all three public entrances with private security and roaming Sheriff's Office Courthouse Security Deputies. Screening of court patrons is accomplished by magnetometers, x-ray machines and handheld wands. In January 2018, Montgomery County Circuit Court Administrative Judge Robert Greenberg established the Courthouse Security Committee with the objective of providing input and guidance on issues involving the security of the courthouse building and surrounding areas. The committee, comprised of major Circuit Court stakeholders, was tasked with reviewing current screening practices, building access policies, and other courthouse-security related policies and programs. Following a study analyzing courthouse traffic volume entering public and employee entrances, the committee submitted six security-related recommendations including expanding the scope of screening at public entrances to include all individuals whose offices are not located in the courthouse and to institute two full screening days a month that include individuals whose offices are in the courthouse building. Individuals illegally parked on Truck Street and within the courthouse loading dock area are issued parking citations by Montgomery County Sheriff's Office Courthouse Security Deputies. The Administrative Judge accepted all recommendations from the committee and instituted the expanded and full screening recommendations, which have been underway since May 2018. The committee meets quarterly to actively address courthouse security concerns and remain abreast of best practices.

During **FY2021**, the following security enhancements were implemented:

- Additional Exterior rooftop cameras for total 360 view of the courthouse perimeter.
- Additional cameras for the South Tower Judges parking area.
- Access Control System Pads for North Tower elevators that have access to garage parking.

- New battery system for South Tower so no loss of power.
- Replaced 28 old analog courtroom cameras in the North Tower.

During **FY2022**, the following security upgrades are planned (or implemented):

- Ballistic partitions for Maryland Ave entrance. (Installed August 2022).
- Stairwell cameras on every floor in the North Tower.
- Door contacts for the entrance doors. Allows notice to the Sheriff's Office whenever an exterior door is not locked properly.
- Judges' cameras/monitors to allow chambers to view the entire floor (Installed July 2022).
- Control system access pads inside the courtrooms that lead into chambers.
- Security badge-activation for the elevators accessing the G-1 level to prevent unauthorized entry.

Employee Appreciation/Employee Service Awards

The Court acknowledged the contributions of courthouse staff at an employee appreciate/service awards event. Court Administration personnel were recognized for their years of service and dedication to supporting judicial administration. On Friday March 4, 2022, the Court celebrated Employee Appreciation Day with a free breakfast for employees. This event offered employees an opportunity to socialize and be recognized for all their hard work.

MDEC Go Live

MDEC Go Live Weekend began Saturday, October 23 and continued through Monday, October 25th. Court staff along with the on- and off-site support provided by the vendor, Tyler Technologies Inc., and the Maryland Judiciary performed a variety of testing and validation activities to ensure legacy data converted and new system functionality performed as expected. Tyler Technologies Inc. was available to trouble-shoot and respond to issues as they arose. By all accounts, MDEC Go Live for the Court was a success. The Court accomplished all tasks anticipated last year when preparing for MDEC Go Live and the weeks following it, including back scanning, training, configuring security access for all employees as well as task, document, and queues, and testing the new application. Currently, subject-matter experts continue to attend statewide MDEC user, code, clerk manual, and reports workgroups to inform statewide practices and policies.

Montgomery's Go Live was hailed as being one of the most successful performed to date of all the prior Maryland counties that had gone live, despite its being the largest Court in the State and despite the numerous vendor and system disruptions leading up to implementation. This was largely due to the tireless, collaborative efforts of the Clerk's Office and Court Administration staff, with constant assistance from JIS Court Business Services, to prepare courthouse staff and data for the transition. The Court documented their data conversion process in an article titled, "Developing Court Capabilities and Insights through Data

Conversion,” which was published in the *International Journal of Court Administration* (DOI: <https://doi.org/10.36745/ijca.437>). The only goal of the traditional project management schedule that was not fulfilled was a celebration following the MDEC Go Live, primarily due to the ongoing COVID pandemic. The Clerk and Court Administration did provide plenty of sweets to feed the team present during the MDEC Go Live Weekend.

Post-Implementation Conversion Efforts

A few expected and unexpected conversion issues arose after MDEC Go Live, and staff have been slowly chipping away at them. Several have been reported to JIS and subsequently Tyler Technologies, but unfortunately, solutions are sometimes slow in being addressed. Progress meetings between the Court, JIS support, and Tyler staff have gone from daily to weekly to bi-monthly as the vendor prepares for its next implementation. Nevertheless, staff continue to refine business process documentation (often resulting from conversations started pre-implementation) and to clarify any issues with legacy data in Odyssey.

Juvenile and Criminal E-Filing Development

One of the critical (‘showstopper’) issues that was expected to be addressed in the first 90 days of MDEC Go Live was Juvenile E-filing development (and subsequently Criminal E-filing Development a few months later) to relieve Clerks from having to manually initiate these filings in Odyssey. However, other priorities facing the Montgomery County Department of Technical Services delayed the roll-out, and in the summer of 2022, the State’s Attorney’s Office announced they were also updating their case management system, yielding much of the progress to date less relevant. However, the Clerk is hopeful that past partnerships between the State’s Attorney’s new vendor and the Odyssey vendor, Tyler Technologies, will lead to a successful pilot in one of the Maryland counties, and that those lessons learned can eventually be transitioned to Montgomery County.

Tie-Dye Event

In preparation for the MDEC Go Live weekend, Court Administration organized a tie-dye event for courthouse staff. This event sought to build employee morale and a sense that we are all in this together. Staff were encouraged to create “We Got This” t-shirts to wear over the extended implementation weekend. The Law Library also assisted this event by designing announcements, selecting tie-dye instructions, and assisting with shirt prep. The event also allowed Associate Judges to get involved with employees to create their own designs. It was a fun and creative event for all.

Library Week event

In April 2022, the Law Library held a week-long Library Week “email event” educating court staff about library services, staff, and collections. This event aimed to help court staff better utilize the library in their own

roles, make informed referrals to the library for the public and bar, and have some lighthearted fun. Each daily email was accompanied by a simple trivia activity and a chance to win a small prize. The average number of employees participating in the activities was 44 per day. The library staff received feedback from a court employee stating that "...The Library Week emails were helpful – I would not otherwise know to send Ms. [court visitor] there today."

Best Practices

Drug and Mental Health Courts

Montgomery County Circuit Court's Problem-Solving Courts, which include Adult Drug Court and Adult Mental Health Court, were tasked with ensuring that program participants receive services and oversight without interruption despite the obstacles created by the COVID-19 pandemic. Almost all court proceedings and service provisions were held virtually via video/teleconferencing. During FY22, all problem-solving courts' participants have been expected to appear in-person unless they are given permission to appear virtually due to illness or as a prize wheel reward. All problem-solving court sessions are still occurring via Zoom so staff can appear virtually, specifically therapists. Smaller docket sessions remain with an average size of eight cases per docket. The Adult Drug Court's docket for women is still being held and occurs in-person on the last Thursday of the month. Because there is also a men's docket on that Thursday, the local problem-solving court team worked with its court and justice partners to have an additional judge, courtroom clerk, and two more sheriffs available. It is through local coordination that the Court has been able to support both dockets on the last Thursday of the month. Outlined below are several initiatives undertaken by the Court's problem-solving courts' teams:

- **Problem-Solving Court Roundtable:** Meeting held with all Montgomery County problem solving courts and justice partners to share information (best practices) and provide updates to programming changes due to pandemic-related emergency operations.
- **Develop and implement Aftercare Phase for Drug Court Participants:** Developed and implemented an Adult Drug Court self-directed phase to prepare clients for graduation. The project goals were to determine expectations and length. The original aftercare phase was revised to increase length of time required prior to graduation. The project was fully implemented in July/August 2021.
- **Create Drug Court Alumni Advisory Board:** In early 2022, a board of graduates was developed to assist with supporting current participants and providing feedback to judges regarding programmatic changes. Meetings occur every other week with one meeting so far including the judges. The project is expected to continue with the hopes of increased enrollment to achieve the project's goals.
- **Determine Expectations for Virtual Court Appearance for Mental Health Court:** In July 2021, virtual court appearances became an option for clients in Mental Health Court for every other court appearance provided he/she is compliant with program rules. This option serves as an incentive to comply with program requirements. The Mental Health Court team met to determine expectations for this option, and it is expected to continue.

- **Increased Incentive for Problem-Solving Court Participants:** The Problem-Solving Court teams developed incentives for short periods of compliance with program expectations. For instance, the Adult Drug Court team offers a prize wheel for the participant to spin after every 90 days without a sanction. One of the new incentives is a virtual court pass. With the Mental Health Court, the first 30 days of sobriety or prosocial activity outside of treatment yields 5 days of credit and 90 days yields 10 days of credit. Exceptional behavior during Phase I provides clients the option to pick between a spin at the prize wheel or a virtual court pass. These incentives are expected to continue.

Table 4. Problem-Solving Courts’ Caseload Metrics, FY22

	Drug Court	Mental Health Court
Participants Active at Any Point	73	12
Admitted to the program	22	6
Graduated/Successfully Completed	14	4
Terminated	11	2
Neutral Removals	3	1
Hearings Held	1,116	176
Hearings Held per Client	15	15

Source: Montgomery County Circuit Court Problem Solving Court staff

Family Law Self-Help Center

The Family Law Self-Help Center (FLSHC, or ‘the Center’) provides legal assistance to self-represented litigants by utilizing a “hybrid” model, which was developed in response to emergency operations due to the COVID-19 pandemic. Attorneys at the Center provide legal assistance via telephone to litigants who call in need of guidance with non-complex, legal issues. If it becomes apparent that assistance beyond what can be accommodated during a telephone consult is needed, the litigant can schedule an appointment with the attorney or simply walk into the Center. The FLSHC has been providing walk-in service to self-represented litigants for most of FY22. The number of walk-in clients in FY22 is somewhat smaller than that of the pre-COVID years because of the continued availability of telephone assistance and appointments. The three methods of service provision (walk-ins, telephone assistance and appointments) have supported the Center’s mission to ensure that self-represented litigants have ready access to free, quality, legal assistance. Telephone assistance, which was not readily available prior to the pandemic, has allowed self-represented litigants to receive guidance without disruptions to their schedules, such as taking leave from work or establishing childcare. Appointments, which were rarely used prior to the pandemic, further minimize disruptions to litigants’ schedules in that they provide an exact time when they will receive assistance, rather than the potential long wait associated with seeking help on a first come, first serve basis. During FY22, the Center began sending out text message reminders to litigants who schedule appointments. This has served to

substantially reduce the number of persons who fail to appear for their appointments. The number of patrons served by the Center⁴, which declined by 21% from 9,822 in FY19 to 7,761 in FY20, rebounded to 8,172 in FY21 and 9,262 in FY22.

Remote Proceedings Team

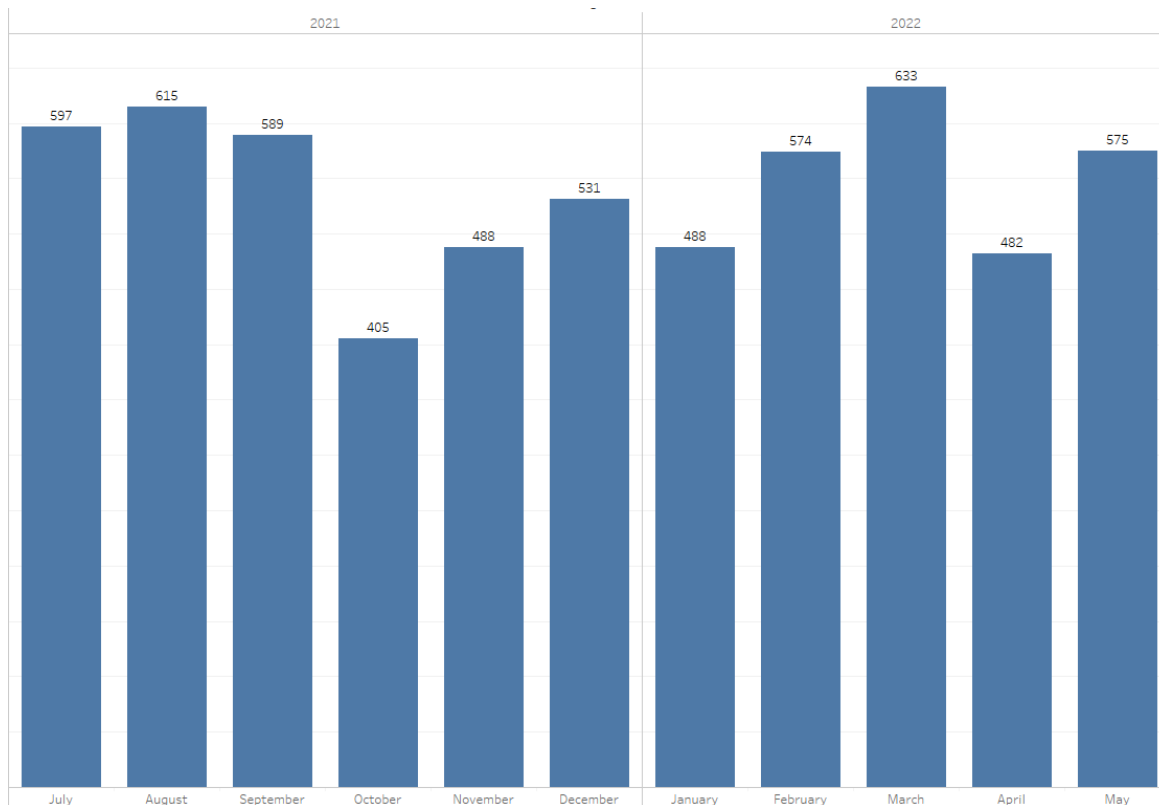
The Montgomery County Circuit Court’s Family Division Services created the “Remote Proceedings Team” to support the scheduling and facilitation of remote hearings. Team members ensure that the hearings are scheduled in a timely manner and proceed efficiently through facilitating remote access and troubleshooting technical issues (as they arise). Remote access facilitation may include collecting the necessary exhibits to support testimony for certain hearings. Prior to the hearings, team members collect and verify party contact information, provide parties and participants with a remote proceeding Zoom link, and respond to calls from the Court’s Remote Proceedings Hotline. Scheduling and facilitation support is largely offered for scheduling hearings, pendente lite hearings (when remote, although now they are mostly in person), uncontested divorce hearings, settlement conferences and pre-trial settlements conferences that are presided over by magistrates. Occasionally, the team members assist enforcement and contempt hearings and various family and civil proceedings heard by senior judges.

Chart 2 displays the number of remote hearings held/concluded between July 1, 2021 – May 31, 2022. Of the hearings supported by the Remote Proceedings Team, 543 (on average) were held/concluded over the reporting period.⁵ The lower number of held/concluded hearings in October 2021 aligns with the court’s transition to the Maryland Judiciary’s case management system (Odyssey) as the court reduced its workload, including the number of hearings. The time commitment to support remote proceedings varies. For instance, the hearings on contested matters such as enforcement and contempt hearings take much longer (up to a half- or full-day) than scheduling hearings and pre-trials conferences. In addition, for some hearings such as uncontested divorce hearings, parties file a request for remote spoken language interpretation, which requires active, extended assistance by Remote Proceeding Team members.

⁴ Strictly speaking, this is the number of visits to the Center made by patrons. As such, if a person made multiple calls and/or visits for service, the person is counted multiple times.

⁵ The number of hearings reflects the following concluded proceedings presided over by magistrates or senior judges that are supported by the Remote Proceedings Team: Contempt Hearing, Enforcement Hearing, Pendente Lite Hearing, Scheduling Conference, Settlement Pretrial Hearing, Settlement Status Hearing and Uncontested Divorce Hearing. The current analysis used the type of proceeding and the judicial officer (i.e., magistrate and senior judge) to estimate the number of hearings supported by the Remote Proceedings Team.

Chart 2. The Number of Concluded Remote Hearings Supported by the Remote Proceedings Team, July 2021-May 2022.



The COVID-19 pandemic created challenges for the judicial system. Virtual hearings, which were initially implemented to comply with social distancing requirements, have continued to operate to save counsel and litigants time and expense associated with traveling to the courthouse. The use of remote proceedings may also reduce the number of postponements as they provide greater access to court proceedings without requiring parties to appear in a courtroom. The number of remote hearings largely depends on (original) caseload volume. Since certain hearings (such as family scheduling hearings and uncontested divorces) are initially scheduled to be held remotely (unless parties request otherwise, which is very rare), it is expected that the number of remote hearings will maintain within a particular range, as shown above. We would not expect an upward or downward trend over time unless, of course, changes are made to remote proceedings policies or dramatic shifts occur in caseload volume.

Juvenile Court - Graduate Social Work Intern Program

The Court-Appointed Social Work Intern Program in the Juvenile Court was implemented in August 2021. Students enrolled in a social work master's program in select area universities are appointed by a judge or magistrate in the Juvenile Court to provide respondents with additional support. The students meet with the youth on a weekly basis and maintain regular contact with family members,

school staff, probation officers, therapists and others involved in the respondents' lives. They work one-on-one with the youth to build motivation for success in whatever areas the youth may need in terms of support and guidance. The interns also identify the need for additional services and resources for the youth, as well as indicate whether possible modifications to the current plan are needed. Students provide written reports to the Court on a regular basis to detail progress and attend court hearings. This innovative program aims to provide quality rehabilitation and ultimately reduce recidivism.

DCM/Administrative Aides Business Process Development

The role of the DCM/Administrative Aides is to assist the Administrative Judge by reviewing civil and criminal motions for compliance with Maryland Rules of Procedure. In addition, they act as liaisons for the Court and review cases at initiation to determine the proper case plans/track designations, at the discretion of the Administrative Judge, to ensure proper case adjudication. They also work collaboratively with the Civil/Criminal Case Managers to determine jury trial certainty.

Maryland Sentencing Guidelines (MAGS)

The DCM/Administrative Aides continue to be the Court's liaison for the Maryland Sentencing Commission. They are responsible for ensuring that a Maryland Sentencing Guidelines Worksheet (MAGS) is completed in all guidelines-eligible cases sentenced in Montgomery County Circuit Court. The Court receives a monthly status report from the Sentencing Commission outlining all guidelines-eligible cases and the status of the guidelines worksheets. The DCM/Administrative Aides work closely with the State's Attorney's Office (SAO) and judges' chambers to complete the sentencing information and submit the worksheets in a timely manner. The DCM/Administrative Aides monitor the completion of the worksheets by using a local database that receives data from the Maryland Judiciary and the Sentencing Commission to help support local management of this program by determining guidelines eligibility and the completion status of worksheets for guidelines-eligible cases.

Mental Health Liaisons

The DCM/Administrative Aides were recently identified as the Montgomery County's Mental Health liaisons. As such, they are responsible for monitoring all requests for competency evaluation and not criminally responsible pleas/evaluations filed by a defendant in criminal matters. Some of the duties include, but are not limited to, monitoring the timely filing of evaluations/reports, hospital locations/admissions notifications, future hearings, etc. They also interact and communicate with the Maryland Department of Health and the local detention centers as needed.

Hicks Date Monitoring

The DCM/Administrative Aides assist the Court in confirming that all trials are set within the Hicks/180-day deadline. If a trial is postponed to a date after the Hicks deadline, the Administrative Aides

review the cases to verify that the Administrative Judge found good cause to go beyond the Hicks date and/or that the defendant waived his/her right to a speedy trial pursuant to the requirements by Maryland Rules of Procedure. With the implementation of MDEC, a new way of monitoring criminal cases that are Hicks eligible was needed. Working with Research & Performance as well as Technical Services staff, the DCM/Administrative Aides developed requirements for an Odyssey data feed. The data feed populates a local database to assist the DCM/Administrative Aides in managing Hicks date compliance for all eligible criminal cases while also tracking case progress with daily updates of case information from Odyssey.

Resource Calendar Management

Since MDEC implementation, the Court's MDEC Calendar Configuration Analyst along with the Assignment Office have worked closely to figure out how best to monitor and support the Administrative Judge's scheduling prioritization efforts using available Odyssey reports. Until recently, personnel were drawing information from multiple reports and then manually re-entering the data elements of interest into a spreadsheet to inform weekly scheduling prioritization meetings. As it became clear that sustaining this level of manual data compilation was untenable, a decision was made to develop a data extract from Odyssey of pertinent hearing, judicial resource and calendar information. In coordination with the Court's Technical Services Department, requirements were developed and submitted to the Maryland Judiciary's Reports Team.

After several weeks of working through requirements and validating results, a data extract ultimately reformatted into a spreadsheet was made available to Assignment Office personnel. The spreadsheet offered a single source to view the trial availability of all twenty-four members of the bench. By eliminating the review of multiple Odyssey reports for needed scheduling information, personnel have been able to more efficiently and effectively capture information critical to inform meetings with the Administrative Judge. In addition, the data extract has helped to ensure the accuracy of trial assignments during the prioritization meetings since the data incorporates the Court's trial capacity rules that are not available from any Odyssey reports. Another benefit of the extract is that it also indicates special assignment sessions (e.g., Family Duty, Civil Duty, Civil Motions, etc.) which are hard to gather from Odyssey reports since compiling the information requires reviewing multiple calendars. Appendix II has two examples of the local resource created from this data extract. Montgomery County Circuit Court looks forward to sharing this and other, future resources with courts statewide as more technical solutions are developed to support calendar management.

Analysis of Court and Case Management

Discussions are ongoing with the Administration Judge about the caseload and workload metrics that are most useful to inform the allocation of judicial resources and case management. Currently, routine reporting is provided on filings, terminations and pending cases for select case types per the judge's request along with backlog projections using the National Center for State Courts backlog simulator and age of pending cases against various benchmarks. This monthly caseload brief is provided

to the Administrative Judge for his review/comment (see excerpt in Appendix III). These fundamental caseload metrics (filings, terminations and pending) are also available on the local intranet site. Using Tableau, visuals are compiled and displayed on the Court's intranet site with local technical support (see an excerpt in Appendix IV). Quarterly case processing performance metrics are also compiled and shared with court managers and the court leadership team.

As staff continue to learn and navigate the new case management system, it becomes critical that data quality reviews and resources are available to monitor data quality. The Court recently worked with the Maryland Judiciary's Reports Team to develop a data quality report focused on the capture of case status. Since a variety of reports rely on case status to determine open (filings and pending) and closed cases, it is important to ensure that status data is entered as intended and, when it isn't, that it is corrected. Unlike the Court's legacy case management system, which warned users when they attempted to add or update case status, Odyssey does not have this type of functionality. Therefore, a tool to identify cases with questionable case status information is needed.

Since MDEC implementation, several administrative offices have found that in order to respond and support the Administrative Judge in his case management efforts, personnel either need to manually compile information from Odyssey or draw information into an external spreadsheet through manual data entry of information that exists across multiple Odyssey reports.⁶ As a result of these data compilation efforts, little time is available to synthesize the information and provide insights to leadership, which is one of the greatest assets of having a professional and experienced administrative office/personnel. To improve this process, the Court in collaboration with the Maryland Judiciary's Reports Team created several data feeds that generate (for example) working documents of calendar and resource information as well as support local applications for managing Hicks dates in criminal cases, interpreter usage and assignment, open/reopen cases and case processing performance. The information compiled provides personnel opportunities to examine shifts and trends in the caseloads and bring forward discussion items and/or insights to meetings with Court leadership.

Circuit Court Opinions Collection Development & Remote Access Research Applications

In FY21, the Law Library resumed its collecting of written Circuit Court family and civil case opinions. The Court's Law Library is currently the only publicly available-research source for this court's trial-level opinions. In FY22, the Law Library and Criminal Department collaborated on a plan to start collecting current criminal written opinions. In FY23, the Law Library will collect older criminal opinions.

During the pandemic, both Westlaw and LexisNexis granted library patrons temporary and free remote

⁶ Odyssey reports also reflect those reports created by the Maryland Judiciary's Reports Team know as Enterprise Custom Reports (ECRs).

access to content on the Law Library's patron access plans. LexisNexis ended its remote access program in the summer of 2021 and Westlaw ended its remote access program in December 2021. The Law Library tracked requests for remote Westlaw access between August-December of 2021, which averaged 23 requests per month, mostly from local small and solo practitioners. Considering the popularity of remote access to library databases like Westlaw, the Law Library plans to incorporate new "remote seats" into its Westlaw and Lexis contracts in FY23.

Section IV. Planned Initiatives

Documents Scanning

The goal of the Court's documents scanning initiative is to catalog and eventually dispose of exhibits that have been scanned. Now that Montgomery County Circuit Court is an MDEC court, staff are taking advantage of the electronic record to organize and scan older case exhibits. Once scanned, staff attempt to return the exhibits to parties who originally submitted them (more than 300 attempts so far). A small but dedicated group of staff created a standardized process for logging and tracking all impacted cases and have scanned thousands of documents into Odyssey, ranging from a 1-page exhibit to boxes full of exhibits for one case. This initiative is expected to continue for the foreseeable future given the volume of case exhibits.

MDEC Training – New Employees & Chambers

In FY23, the Court's Business/Data Quality (BDQ) Office will be developing Odyssey training programs for new Court Administration personnel. The trainings will present Odyssey navigation skills and tips. The chambers-specific training, which will be led by the MDEC Configuration Analyst, will be tailored to judges and magistrates. The MDEC Configuration Analyst will also provide ongoing support to new judicial assistants and administrative assistants, law clerks and judicial officers. Training content and materials will be updated regularly to reflect the most current Odyssey features and functionality, as well as local business processes. The local MDEC trainings are meant to supplement not replace trainings offered by the Maryland Judiciary. The main goals of the local trainings are to familiarize users with local court-specific customized case processing practices and provide opportunities for discussions around current and future business processes.

Family Custody Backlog Mitigation

The Court continues to have a significant backlog in custody cases. As of June 30, 2022, there were 1,686 open custody matters, slightly up from May 31st and slightly lower than April 30th. Compared to August 31, 2019 (pre-pandemic), when the pending caseload totalled 1,211, the Court had an additional 475 open custody cases at the end of FY22. In response, the Administrative Judge in coordination with the Family Judge-in-Charge and members of Family Division Services developed a Custody Trial Prioritization plan. The plan leverages Maryland Rule 9-205 by reviewing and determining whether court-designed mediation should be ordered in family cases in which custody of or visitation with a minor child is at issue. In brief, the Court's Plan offers: 1) increased opportunities for settlement by offering facilitation and mediation at any stage of the case; and 2) increased case management support by the Family Division staff and case managers to ensure discovery is completed and all required statements are filed. The multi-step plan is one of the key initiatives undertaken by the Administrative Judge to reduce the Court's pending custody caseload and to ensure that, if a trial must occur, the case documents will be fully prepared to maximize trial date certainty.

Diversity, Equity, and Inclusion Issues

The Clerk of Court and Court Administration started a Diversity, Equity and Inclusion (DEI) book and movie club. The first meeting was held on September 16, 2021, when staff began watching the documentary 13th. The documentary viewing finished on October 13, 2021 and discussions were held after each meeting. MDEC Go-Live interrupted the book and movie club; however, the Clerk of Court and Court Administration have picked up discussions with Monica Kindle, Inclusion & Equity Specialist with AOC, to renew other DEI initiatives with courthouse staff to improve awareness and promote diversity and inclusion for staff. We also want to ensure that employees and the public perceive our court is inclusive of their needs.

In addition, the Law Library is committed to continuing to address DEI in its collection development and outreach activities in FY23. The Law Library will continue to add interdisciplinary legal treaties to its collection that address LGBTQIA+ and racial justice topics. In FY22, the library created a Pride Month book display. Staff will also focus on collecting resources for disability law topics. In FY22, the Law Library added 2 mental health-related titles to its medical collection and identified two sign language court interpretation titles to its language dictionary collection. The Law Library will also offer inclusive topics in the annual spring “Everyday Law” programming series for the public in spring of 2023.

Justice Partner Initiatives

License & Land Records Justice Partner Response

Although the Court reopened fully to the public in 2021, parties are permitted to file their pleadings in outside drop boxes, which are open for 24 hours daily. License staff also continue to swear in notaries outside the office by appointment, although patrons can be accommodated in the courthouse without an appointment. License staff perform seven marriage ceremonies a day (on average) with the couple and up to four guests. Starting in September 2022, the Court will perform 11 ceremonies a day (with the same number of parties). Close to 800 ceremonies were performed between January 1 and August 16, 2022. Although the public has been allowed into the courthouse for several months, Land Records staff continue to meet parties outside to receive and return documents for recording. In addition, the staff mailed over 15,000 business license applications and issued 8,164 business licenses in 2022.

Reasonable Efforts Findings Study (REFS)

The Court in coordination with the Maryland Judiciary’s Department of Juvenile and Family Services is participating in the Reasonable Efforts Findings Study (REFS). REFS is a national study conducted by external researchers, and data collection at the Court is scheduled to take place in September 2022. The external researchers will review a sample of the Court’s child welfare cases. The REFS research questions focus on judges’ findings of reasonable efforts and, in particular:

1. How are hearing quality components, information provided to the Court before the hearing, case characteristics, judicial characteristics, and timing of the initial hearing related to judges' findings of reasonable efforts to prevent removal?
2. How are the breadth and depth of information provided to the court, case characteristics, judicial characteristics, and frequency and timing of the review hearings related to the judges' findings of reasonable efforts to achieve permanency at review hearings?
3. How are judges' findings of reasonable efforts to prevent removal and the detail documented in findings related to the likelihood of reunification?
4. How are judges' findings of reasonable efforts and the detail documented in findings related to the time for cases to achieve permanency?
5. Is there evidence of bias in the language used in child welfare court cases?

Once the study is complete, the Court will receive detailed findings from the researchers' investigation, which will be used to inform the Juvenile Court's case processing efforts to ensure compliance in capturing reasonable efforts findings per statute and rules.

Legal Education and Outreach to Justice Partners

In partnership with the Maryland State Bar Association's (MSBA) Maryland Access to Justice Commission, Conference of Circuit Court Law Library Directors, and Thurgood Marshall State Law Library, the Court's Law Library virtually taught Montgomery County public librarians how to do intermediate legal reference research for various topics including family, landlord tenant, and health planning law. This educational series continues to be a vital tool for equipping public librarians with the necessary knowledge to serve as access to justice partners. The Court's law librarian presented "My School Online Research Accounts Expired. Now What?" at the MSBA's 2022 Legal Summit.

Section V. Concerns/Issues

Legislative Concerns and Recommendations

Beginning October 1, 2022, a bill (HR0208) was passed and approved to increase the juror stipend from \$15.00 to \$30.00. While the Court understands this increase, the Court would prefer a digital for jurors so our Jury Office staff would not be required to handle cash every day. This higher currency amount concerns the Court as additional resources, the sheriff's deputies, are needed to patrol the jury lounge every morning as the jury stipends are received.

Employee Turnover/Succession Planning

Loss of Institutional Knowledge due to Retirement/Staff Turnover

The Clerk of the Court noted in the last year's report that department managers were anticipating substantial staff attrition due to the implementation of MDEC and the need to learn new case management system functionality or burnout after four years of continuous efforts to support MDEC-related activities. Since October 2021, 30 staff have left the Clerk's Office, accounting for 15% of the workforce, resulting in a loss of much of its institutional knowledge.

The Support Services Department was fortunate enough to gain two new positions before Go Live to support the tremendous scanning effort that continue. Staff in that same office have been afforded the opportunity to learn Odyssey and potentially taken on more advanced duties, such as being the centralized E-Servicing hub for all the Clerk of the Court and Court Administration Departments. Finance also transferred one Judiciary Clerk to the Criminal Department to assist with the financial aspect of Criminal cases, which was a new responsibility for the departments after MDEC Go Live.

Court Administration lost several key staff members over the last year. Court Administration is currently asking every department to work on new business processes as we navigate our way through MDEC. This is providing a collaborative effort within and outside of each department to get the full scope of administrative business processes. Court Administration's hope is that this will provide new opportunities for staff members to learn about other departments in the courthouse.

State Migration

While Technical Services has complied with all migration requests by the Maryland Judiciary's JIS team, the Court has concerns about the lack of communication from AOC/JIS to the judicial officers and staff. We feel that such a large project should be discussed and updated frequently by the project sponsor, AOC/JIS. While several key areas of this migration will significantly affect the Court's daily operations, it is unclear what lessons learned from previous migration initiatives exist and can be shared with the Court to support the successful transition. Upon completing the migration, security administration, email, computer management,

and direction of Court IT resources will largely be handled by JIS, and several Technical Services employees will be left with reduced job responsibilities. While some new responsibilities will be gained with the transition such as desktop PC imaging capabilities and port level network switch management, it is not an equitable division of labor, potentially resulting in the need to repurpose positions. It would be extremely useful for the Court's Technical Services Department to know how other circuit courts reorganized their local, county technical assets as a result of their state migrations. Having documented lessons learned for this state migration as were compiled by the Maryland Judiciary with MDEC implementation would help further inform the Court's next steps and assist in this transition. Lastly, AOC's Technology Committee is largely made up of judicial officers and clerks. Only top IT representatives from JIS are included and there is no representation of IT staff from local courts. If we are to be One Judiciary, more voices need to be heard from technical subject-matters experts at the local court/county levels.

Odyssey – Statewide Data Opportunities

Montgomery County Circuit Court became part of the Maryland Judiciary's MDEC initiative in late October 2021. For the majority of FY22, the Court has been processing its cases in the new case management system, Odyssey. By all accounts from Maryland Judiciary and vendor partners, the data conversion, development, and implementation of the system was a success. With implementation, court personnel at all levels of the organization have been working to navigate the new system and regain their command of case processing efficiency. Clerk personnel leverage local and statewide Quick Reference Guides (QRGs) to inform their inside and outside courtroom processing. Weekly meetings among court personnel provide an opportunity to identify any operational issues and to discuss, create and/or modify business processes to ensure the maintenance and an accurate reflection of the court record. Local MDEC Subject Matter Experts (SMEs) regularly assist judges' and magistrates' chambers in their use of the new system. The Court's response to this massive transition has been at times challenging and rewarding.

While continuing to manage and respond to the Court's MDEC transition, there is also an interest in improving processes and practices locally as well as statewide. The Court has over 100 Court Administrative personnel who support initiatives of the Administrative Judge ranging from courthouse security to calendaring/DCM and performance management. Court Administration consists of offices including but not limited to: Jury, Family Services, Calendaring/Assignment, Case Management, Data Quality, Technical Service, and Research. With onsite programming capabilities, technical and research personnel routinely utilized data from the Court's legacy case management system to compile and analyze case information, as well as think through technical requirements to enhance the Court's case processing and management functions. The Court's data and its tables were accessible to a select set of staff to respond to questions raised by the Court's leadership team or department managers. Data quality review and assurance have also been a priority for the Court. The Court's legacy system had several built-in features to ensure that agreed upon

processes were followed in support of case management principles/practices. With Odyssey, some of that case management functionality and quality assurance is no longer available, requiring the Court to figure out how best to identify, monitor and (when necessary) resolve issues.

While the Maryland Judiciary's JIS Reports Team has been able to create data feeds/extracts and reports to meet several of the Court's needs, it is clear we are competing for limited Judiciary resources to support local projects. The Court provides a priority level to all tickets submitted to the JIS Reports Team; however, it is unclear if that practice is specific to Montgomery County Circuit Court (or all courts and Judiciary offices statewide) and how those requests are managed statewide. The JIS Reports Team needs more personnel to meet the technical and data needs of the Judiciary (including the local courts). It is recommended that strategies be explored that leverage resources from local courts to achieve a more expansive, accurate and flexible approach to data usage by the Judiciary, including the option of providing local courts access to their data. The apparent hesitancy in providing access to a select group of technical and research personnel to query Odyssey tables and/or to establish and document information-sharing protocols to support local data exchanges limits the Court's ability to establish or recommit (post-MDEC implementation) to a vision for a data-informed judiciary that includes engagement by local courts. The Court recognizes that multiple, large-scale projects are being undertaken by the Maryland Judiciary but urges the utilization of local courts to support and, potentially, lead statewide data improvement initiatives.

None of this is to say that the Maryland Judiciary hasn't undertaken efforts to support the Court's data needs, because it has. As noted above, the Court regularly receives data feeds of pending cases and cases closed in accordance with the Maryland Judiciary's time standards, etc. However, these local data feeds, which continue to grow, require a level of monitoring and maintenance to ensure that system changes such as new system configuration and/or newly created-data elements are incorporated within the data feeds and communicated beforehand. It is unclear whether discussions around monitoring and maintenance have occurred to sustain the quality of these data feeds. For instance, what automatic alerts are in place to ensure that state and local technical staff are informed when data contained in these extracts are not passed/exported as expected? The Court is not recommending, at this time, that the data extracts be stopped as they are a key resource supporting local applications and management efforts. However, it is important that conversations and agreements are established between local and state technical and research personnel on how to encourage partnerships that enhance data and technical innovation. The Maryland Judiciary funds court research personnel in several of its local courts. There are opportunities to offer research personnel access to their courts' data, as well as provide them with training to query the data/data tables. The Judiciary has a talent pool whose skills could be grown and leveraged to infuse the use of data statewide. While the JIS Data Store has been made available to select users, it is limited. Local users cannot join various views and must request

statewide technical personal to create views of interest. Given limited resources and the inability to leverage local court resources to support local and statewide technical, programming and data needs, we are limiting ourselves as a Judiciary in unnecessary ways. The Court is not suggesting solutions are simple or easy; however, we are strongly encouraging the Maryland Judiciary to leverage and partner with its local courts so that we can all rise together being a model of data and technical solutions statewide.

Section VI. Conclusion

Montgomery County Circuit Court takes great pride in its position as a member and a partner of the Maryland Judiciary. Through completing our State of the Court report, we have a clear picture of where we have been, where we are going, and the resources needed to reach our strategic goals and objectives. We also underscore our commitment to being partners with the Maryland Judiciary in a way that is mutually beneficial. While the transition to MDEC and the pandemic have challenged the Court in a variety of ways, both have also created opportunities to innovate and excel that may not have been realized or realized as quickly. The Court is committed to providing fair, efficient, and effective justice for the people of Montgomery County by improving efficiencies in operations, implementing innovated solutions, and working collaboratively with our justice partners.

Appendices

Appendix I. Court Administration Operational Statistics, FY22

Quality Control/Research & Performance

Completed audits of originally closed civil, criminal, family and juvenile cases.

Number of Case Audits Performed by Case Type, FY20 – FY22

	FY20	FY21	FY22*
Criminal	1,522	1,413	606
Family	6,262	6,654	793
Civil	4,594	3,817	383
Juvenile	1,127	1,009	231
Total	13,505	12,893	2,013

Source: Montgomery County Circuit Court, Quality Control Department.

*The volume of FY22 audits was affected by the Court's transition to MDEC as Quality Control staff were heavily involved in development and conversion activities, as well as post GO-Live implementation/follow-up efforts. The audit counts for FY22 are more reflective of the cases reviewed as part of the FY22 Case Processing Performance Analysis. The Juvenile audit figure also includes data quality checks performed on clock time/adjusted case age between the Maryland Judiciary's Assessment Application and the Court's Aequitas data feeds.

Family Division Services

	FY19	FY20	FY21	FY22
Individuals (Visits) Served by Family Law Self Help Center	9,822	7,080	8,172	9,262
Cases Ordered to Participate in Facilitation	525	399	73	278
Custody/Access Mediation				
Cases Set	239	180	280	305
Cases Held	148	89	174	199
Cases Fully or Partially Settled	99	58	100	129
Cases Ordered for Custody/Visitation Evaluations	334	118	369	276
Cases Ordered for Adoption Investigations and/or Reviews	106	24	73	48
Families Ordered to Participate in Supervised Visitation	65	53	48	77
Co-Parenting Classes				
Persons Ordered to Attend	2,197	1,497	1,867	796
Persons Completed the Class	1,571	1,003	749	444
Families Participated in Child Welfare Mediation	107	153	136	132

Source: Family Division Services, Montgomery County Circuit Court.

Assignment Office – Hearings Held Data, FY22

Case Type	Hearings Held	Trials Held
Civil*	2,545	186
Family	12,258	538
Juvenile	3,450	185
Criminal	8,578	274
Total	26,831	1,183

Notes: "Held" is defined by the following hearing result codes: Concluded/Held; Concluded/Held – Plea Taken; Held off the Record/Chambers. We used the 'Multi Day' indicator ('Day 1 of 1', ..., 'Day 1 of x', etc.) to identify and count eligible held hearings/trials to ensure that multi-day proceedings are counted only once (not by the number of 'held' days entered). Accordingly, if a hearing does not have the 'Multi Day' indicator, it is not included in the result set. There are only 11 such cases with 'held' hearings without the multi-day indicator: 107996W; 137432C; 137609C; 165844FL; 168947FL; 175573FL; 176408FL; 178363FL; C-15-FM-21-001131; C-15-JV-22-000118; W100993. Trials are defined by having one of the following codes: Trial-Court; Trial-Jury; Hearing-Adjudication; Trial-De Novo Appeal; Trial-TPR Contested; Hearing-Merits. Juvenile includes delinquency and child welfare cases.

Appendix II. Judicial Resource/Calendar Management Spreadsheet – Data Extract Informed

Judicial Resource	Trial Session	August 17 Wednesday	August 18 Thursday	August 19 Friday	August 22 Monday	August 23 Tuesday	August 24 Wednesday	August 25 Thursday	August 26 Friday	August 29 Monday	August 30 Tuesday	August 31 Wednesday	September 1 Thursday	September 2 Friday
[REDACTED]	CINA Session [REDACTED]							8h of 8h						
[REDACTED]	CV Duty [REDACTED]									0m of 6h Open				
[REDACTED]	FAM Duty [REDACTED]										0 of 75 Open	3 of 75 Open	1 of 75 Open	0 of 75 Open
[REDACTED]	FAM Trials [REDACTED]	1 of 3 Open 174427FL	0 of 3 Open		1 of 3 Closed 100422FL	1 of 3 Open 100422FL	0 of 3 Open							
[REDACTED]	Family Short Matters [REDACTED]			6h of 3h Overbooked 174344FL C-15-FM-22- 000121					3h of 3h C-15-FM-21- 000172 C-15-FM-21- 001195 C-15-FM-22- 001067					
[REDACTED]	Mental Health Court [REDACTED]			7 of 10 Open					1 of 10 Open					0 of 10 Open

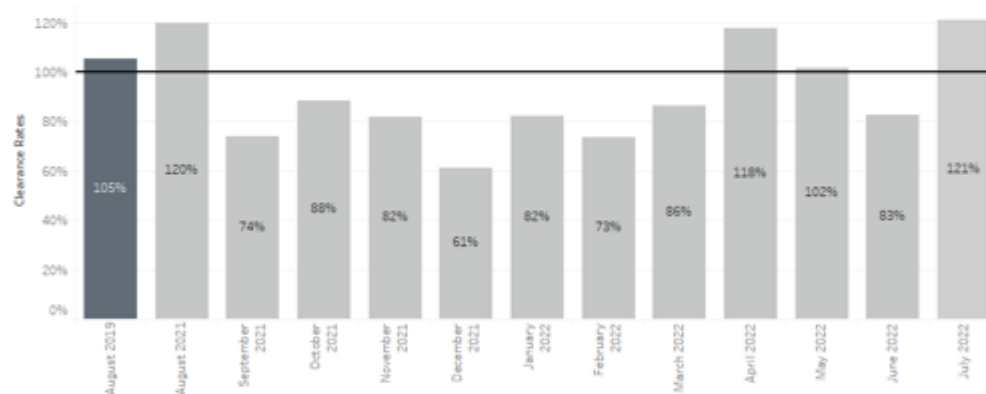
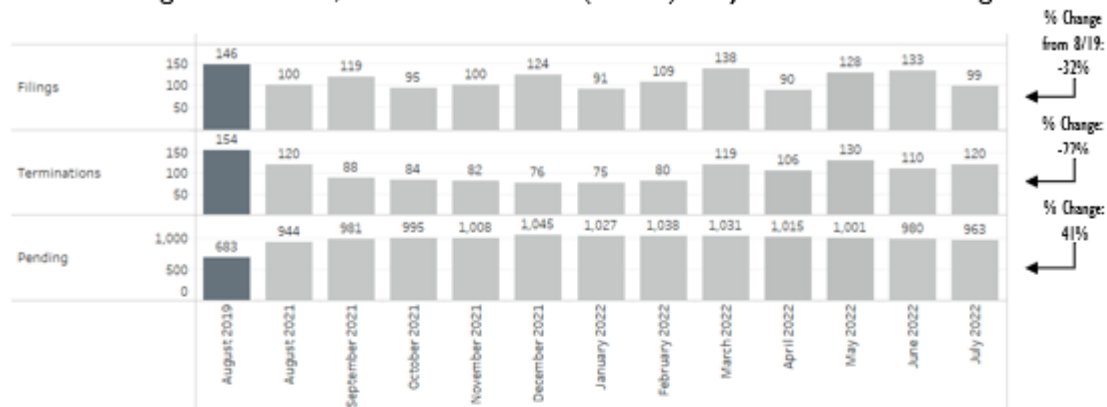
Judicial Resource	Trial Session	August 17 Wednesday	August 18 Thursday	August 19 Friday	August 22 Monday	August 23 Tuesday	August 24 Wednesday	August 25 Thursday	August 26 Friday	August 29 Monday	August 30 Tuesday	August 31 Wednesday	September 1 Thursday	September 2 Friday
[REDACTED]		0 of 2 Closed		0 of 3 Open	0 of 2 Closed Blocked	1 of 2 Open 484374V	1 of 2 Open 484374V	1 of 2 Open 484374V	0 of 2 Open	0 of 2 Open	0 of 2 Open		2 of 2 441048V 441055V	0 of 2 Open
[REDACTED]	CV Track 2-3 Trials [REDACTED]	0 of 2 Closed		0 of 2 Open	0 of 1 Closed Blocked	0 of 1 Open	0 of 1 Open	0 of 1 Open	0 of 1 Open	0 of 2 Open Blocked	0 of 2 Open		0 of 2 Open	0 of 2 Open
[REDACTED]	CV Track 4 Trials [REDACTED]													
[REDACTED]	FAM Trials [REDACTED]	1 of 1 170121FL												
[REDACTED]	Family Short Matters [REDACTED]								9h of 10h Closed C-15-FM-22- 000545 178321FL C-15-FM-22- 001220					

Appendix III. Monthly Caseload Metrics Brief, Administrative Judge

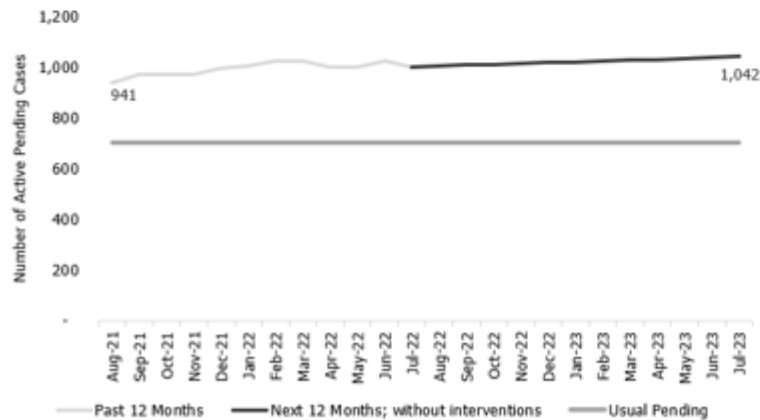
Caseload Metrics

Data Quality Level (see page 7 for details)

Criminal: Original Caseload, Clearance Rates & (Prelim) Projected Active Pending



Change in Active Pending Caseload;
Estimate with No Interventions



"Usual Pending" reflects a monthly average pre-pandemic active pending caseload measured between January 2019 and February 2020. Simulation is based on monthly filings (August 2021-July 2022) and the average clearance rate (from the same period) to calculate monthly terminations and estimate monthly pending between the end of August 2021 and end of July 2023.

Notes:

- Original filings between June- and July-22 decreased by 26% from 133 to 99. Original terminations increased by 9% from 110 to 120.
- The original, monthly pending caseload, which was at its highest in Dec-21 (1,045) has declined to 963 in July-22 but remains 41% higher than Aug-19 (683).
- A clearance rate above 100% indicates the court is reducing its pending caseload.
- Projected active pending is based on a National Center for State Courts projection calculation.
- The projected active pending increase of 11% (941, 8/1/21 to 1,042, 7/31/23) assumes no interventions implemented.

Appendix IV. Monthly Caseload Metrics, Intranet Site

