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Warning issued on court reforms; Legislators propose budget cuts to force change in Baltimore

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Maryland's top judges received stern warnings from the General Assembly yesterday that lawmakers will use their budget-cutting power to force reforms in Baltimore's crippled Circuit Court.

The threats from powerful legislators came as legislative analysts delivered a stinging report in which they recommended more than \$10 million in cuts from the judiciary's proposed operating budget.

Del. Peter Franchot, chairman of the House Appropriations subcommittee on the courts, said the "unprecedented" cuts suggested by analysts reflect the frustration of the General Assembly with the problems in Baltimore's courts.

"They're pretty dramatic recommendations and most of them seem appropriate and none of them violate the independence of the judiciary," said the Montgomery County Democrat.

Among the proposed reductions is the deletion of all funds for Baltimore's planned "community court" -- an innovation that had been hailed as a means to reduce the backlog in the city's court dockets. Analysts said the judiciary's plans for the proposed court had strayed from its mission, threatening to duplicate the District Court system.

The report's harsh commentary and tough budget recommendations surprised and shook Maryland Chief Judge Robert M. Bell and other top judges who appeared before a Senate subcommittee yesterday. Telling lawmakers they have made significant progress in reducing the Circuit Court backlog over the past two months, the judges promised to consider policy changes they have resisted.

"I'm not the arrogant obstructionist I've been painted to be in the editorials," Bell told senators.

The proposed budget cuts and controversy over Baltimore's beleaguered courts occur after serious criminal charges, including murder, were dismissed because of repeated trial delays and other miscues. Gov. Parris N. Glendening and other top officials have called the crisis in the courthouse a threat to public safety and offered more than \$2 million to rescue the system.

The analysts did not tie any of their proposed cuts to the backlog of cases in the Baltimore court, but the report was unusually explicit in urging legislators to use their budget "hammer" on the sometimes balky judges.

"To ensure that case management reforms are implemented in the Baltimore City Circuit Court the General Assembly could provide an economic stimulus by withholding certain appropriations until such time as the judiciary verifies that criminal case management strategies are producing the desired results," the report said.

Sen. Barbara A. Hofman, chairwoman of the Budget and Taxation Committee, agreed.

"I am frustrated because some of the solutions are so clear that we don't understand what's holding up progress," said Hoffman, a Baltimore Democrat.

Yesterday, a subcommittee of Hoffman's panel met with judges well past 10:30 p.m. and demanded action to cut the backlog, including night court and Saturday court.

At the meeting, Hoffman demanded that Bell get a system in place under which prosecutors -- not police -- decide what charges to bring against a defendant. "If you don't, sir, we will," she said.

Court administrators estimate that 50 percent of the arrests made by police are thrown out by prosecutors.

Bell said the judiciary's Rules Committee is meeting tomorrow on the subject.

Hoffman suggested that Bell should make sure the committee acts this week. "The respect of citizens for the rule of law is breaking down in the city of Baltimore," she said.

Franchot has threatened to withhold funds unless a judge is placed in a courtroom at the Baltimore City Detention Center. Bell and District Chief Judge Martha F. Rasin have resisted the move, but a report released last week calculated potential savings of \$21 million if the mostly empty courtroom was put to use.

Yesterday, Baltimore Circuit Judge David B. Mitchell, in charge of the criminal docket, told the senators that recently enacted reforms are showing results. In the past two months, the number of defendants awaiting trial has been reduced by more than 400, he said. That is more than 15 times the number of cases disposed of in the same period last year, according to Mitchell.

Yesterday, the courts returned to a system of centralized arraignments -- where two judges handle all such hearings -- to free more trial time for other judges.

What remains unclear is the status of a proposal to create three emergency courtrooms at a state office building to hear backlogged cases ready for trial. At a meeting two weeks ago, court officials aimed to have the courts ready by yesterday. But

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yesterday none was.

One attempt to open a criminal court by moving a civil judge to another room was scuttled when the judge, retired Circuit Judge Robert I. H. Hammerman, was called for jury duty.

Sun staff writer Gady Epstein contributed to this article.

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