

**Court of Appeals of Maryland  
Robert C. Murphy Courts of Appeal Building  
361 Rowe Boulevard  
Annapolis, Maryland 21401-1699**



MARY ELLEN BARBERA  
Chief Judge

**CAPITAL BUDGET REQUEST**

**FISCAL YEAR 2017**

**CAPITAL BUDGET RECOMMENDATIONS RESPONSE**

**DE02011**

**Summary of Recommended GO Bond Actions**

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1. New Catonsville District Court

Approve \$28,501,000 in general obligation bonds for the Catonsville District Court.

**JUDICIARY RESPONSE:** The Judiciary concurs with the analysis.

2. Salisbury District Court Multi-Service Center

Approve \$400,000 in general obligation bonds for the purchase of leased property at the Salisbury District Court site.

**JUDICIARY RESPONSE:** The Judiciary concurs with the analysis.

3. SECTION 12 – Judiciary – New Catonsville District Court

Approve the pre-authorization of general obligation bond funds for fiscal 2018 totaling \$40,853,000. This pre-authorization is necessary to fully fund construction of the new Catonsville District Court.

**JUDICIARY RESPONSE:** The Judiciary concurs with the analysis.

**Summary of Other Projects in the Capital Improvement Program**

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**New Court of Appeals Building**

**The Department of Legislative Services (DLS) is asking that the Judiciary and DGS comment on the status of planning for the new Court of Appeals building, including the**

**relocation of DNR offices in the Tawes Complex and the exploration of alternative locations. DLS recommends that Judiciary and DGS comment on alternatives to new construction and whether the Judiciary's needs could be addressed by renovating the current facility.**

**JUDICIARY RESPONSE:**

In January 2005, the Judiciary submitted a comprehensive Facility Master Plan that evaluated the ten year requirements of 33 offices within the Judiciary. This planning initiative was exclusive of any Circuit or District trial court operation. At that time, considerable deficiencies were identified in the Courts of Appeal building and other existing facilities leased by the Judiciary. The Judiciary was, and remains, highly dispersed in multiple leased locations throughout the Annapolis area.

The Facility Master Plan review included the evaluation of eight sites in the Annapolis area to maximize court and staff efficiencies (copy attached). However, many of these scenarios were not found feasible as they did not provide the necessary footprint for the entire space needs of the Judiciary, building height restrictions were a complicating issue, facility leasing still existed in certain scenarios, and/or zoning requirements needed addressing. Since that time, some of the proposed scenarios are no longer available.

Following the analysis of the advantages and disadvantages of all eight scenarios, it was determined that the Tawes site option was the most advantageous option providing, among other things, improved operational efficiencies, consolidation of numerous leased sites, elimination of approximately \$4 million dollars in leasing costs, excellent implementation feasibility, and the site provided accessibility for constituents and to state government.

Unfortunately, when the Judiciary undertook its Facility Master Plan there was no corresponding Master Plan for DNR and at that time DNR was unwilling to consider relocation. Although the Judiciary is not in a position to determine when or where DNR will be relocated, Chief Judge Barbera and Secretary Mark Belton met to discuss the feasibility of relocating DNR to another location(s). Secretary Belton indicated that he was amenable to moving DNR operations to another location subject to the Governor's approval.

As far as alternatives to new construction and whether the Judiciary's needs could be addressed by renovating the current facility, the building's design and footprint are functionally inadequate. The current building does not meet the operational or efficiency needs of the judges and staff, nor does it have the infrastructure needed to serve the public adequately. The amount of renovations needed in the current building, as well as constructing an addition to accommodate the space needs for an additional courtroom, extended law library, additional judges' chambers and staffing space, together with current building constraints, unfortunately cannot be accomplished without closing the

facility for an inordinate period of time. The appellate courts cannot stop their operations.

Excluding the lack of appropriate space, the current building deficiencies include:

- No fireproof storage for records/case files, exhibits, and other documents;
- No ADA restrooms on second or third floors;
- Library stack aisles do not meet ADA requirements;
- Major mechanical systems require updating;
- Due to the dysfunction of the HVAC system, room temperatures cannot be controlled;
- Condensation from HVAC ducts leak through ceilings onto desks, carpets, people in summer;
- Water leaks seep into the building from under the concrete decks on first and second floors;
- Roof and skylight leaks and requires replacement;
- All water piping is nearing the end of a 50-year life expectancy and requires replacement;
- Building is 42 years old as are the windows, which are energy inefficient, leak air and water and waste heating and air conditioning electrical costs;
- Wall and ceiling insulation needs replacing throughout building

HVAC system breakdowns, structural leaks, and other system failures have adversely affected court operations, caused damage to irreplaceable documents, and have negatively impacted the working environment of the building occupants.

There are no Judiciary plans to upgrade the building infrastructure other than the current ADA renovation project where a parking deck, a ramp and entrance renovations will bring those areas into ADA compliance. The Judiciary continues to work with DGS on a daily basis to address deficiencies in the existing Courts of Appeal building.

The ideal answer to this decade old dilemma is for a new Courts of Appeal building to be built on the corner of Rowe Boulevard and Taylor Avenue and the current building would be repurposed to serve as office space that is currently housed in leased space.

And last, but certainly not least, the Judiciary is hopeful that reconsideration will be given to the current CIP timeline and that the project planning funds be moved back to Fiscal Year 2019.

## **Shillman Building Conversation**

**DLS is asking that the Judiciary and DGS comment on the status of the Shillman Building conversion and relocation plans for the agencies currently occupying the building. DLS further recommends that the Judiciary and DGS discuss the deficiencies of the current civil District Court facility for Baltimore City and whether the building will remain habitable until the Shillman Building project is complete and whether any contingency plans have been prepared in the event that the current facility becomes unusable before a new courthouse is complete.**

### **JUDICIARY RESPONSE:**

DGS has had conversations with both the Department of Health and Mental Hygiene and the Department of Labor, Licensing and Regulation regarding relocation of both agencies from the Shillman Building. The Department of Health and Mental Hygiene has submitted the necessary paperwork to DGS to begin this process. While the Department of Labor, Licensing and Regulation has not submitted their paperwork, the Chief Judge of the District Court has spoken with the Secretary of the Department of Labor, Licensing and Regulation and she is amenable to meeting to discuss options for relocation.

The current Civil District Court Building would remain habitable while the Shillman design and renovation work occurs. Despite serious issues with building infrastructure including electrical, heating, air conditioning, data connectivity, Americans with Disability Act compliance, maintenance, elevators and water infiltration, the Court works with the City on a daily basis to remain barely functional. The lack of secured hallways, detainee areas, separation of travel paths and inadequate parking cannot be addressed but are managed the best way possible until a more operationally efficient, secure and adequate facility is completed.

## C. PROPOSED PLANNING SCENARIOS AND OPTIMIZATION CRITERIA

### 1. PROPOSED PLANNING SCENARIOS

Eight mutually exclusive options have been identified that address the Judiciary's long-term operational requirements. These range from maximum reuse of existing State owned facilities to development of an entirely new campus. All of the options assume that AOC and District Court warehousing/records storage will be located in offsite facilities, as is Judicial Disabilities. Additionally, all options will require construction of a multiple level parking structure over the entire area of K lot.

In summary, the options include:

1. Do nothing through continuing currently prevailing management policies.
2. Adaptive reuse of existing Courts of Appeal Building (COAB) and four pods of the Tawes Complex (Tawes). This alternative will require development of a new link between the Courts of Appeal Building and Tawes to house the Law Library and various elements of the Judiciary. This option will require construction of multiple level parking structure over the entire area of K lot.
3. Construction of a new Law Library or Courts building adjacent to the existing Courts of Appeal Building, construction of a new link between the COAB and Tawes, adaptive reuse of the COAB, and reuse of two pods of Tawes. This option will require construction of multiple level parking structure over the entire area of K lot.
4. Construct a new Law Library/administrative functions building, adaptive reuse of the Courts of Appeal Building, and reuse of up to three pods of Tawes. This option will require construction of multiple level parking structure over the entire area of K lot.
5. Construct a new administrative functions or Courts building on State owned land adjacent to the Sweeney District Court, construct an addition to the Courts of Appeal Building, and adaptive reuse of the COAB. This option will require construction of multiple level parking structure over the entire area of K lot.
6. Construct an entirely new Courts and administrative building on State owned land adjacent to the Sweeney District Court. The Courts of Appeal Building and Tawes would be vacated in their entirety. This option will require construction of multiple level parking structure over the entire area of K lot.
7. Construct a new administrative functions or Courts building on State owned land adjacent to the Sweeney District Court, construct a new administrative functions or Courts building adjacent to the existing Courts of Appeal Building, adaptive reuse of up to five pods of the Tawes Complex, and demolish the COAB to create a plaza. This option will require construction of multiple level parking structure over the entire area of K lot.
8. Demolish the existing Tawes complex and develop an entirely new Judiciary campus in its place. This would involve constructing a new Courts building at the corner of Rowe Boulevard and Taylor Avenue, a new administrative functions building, and the potential adaptive reuse of the existing COAB. This option will require construction of multiple level parking structure over the entire area of K lot.

### 2. OPTIMIZATION CRITERIA

Based on discussions with the Judiciary's senior leadership, major criteria were identified against which options would be evaluated. These include:

- Improved Operational Efficiency.
- Enhanced Dignity and Quality of Environment.
- Access / User Convenience.

- Efficient Capital Allocation.
- Implementation Feasibility.

Improved operational efficiency addresses the need to enhance collaboration and communications between all elements of the Judiciary. Enhanced dignity and quality of environment addresses quality of facilities in terms of appropriateness for Maryland's highest Courts, and physical working environment for employees and visitors. Access and user convenience is self-explanatory. Efficient capital allocation pertains to spending scarce capital funds as effectively as possible. Implementation feasibility addresses issues relating to the broader government environment, potential barriers, and similar material issues.

#### D. OPTION 1 – DO NOTHING

Under this alternative, the Judiciary would continue current management policies of utilizing the core complex of Courts of Appeal Building and Maryland Judicial Center, utilizing other State space as it becomes available, and leasing space on the open market. Improvements to State facilities would be limited to maintaining current levels of building function. This alternative would address current shortfalls and future growth principally through leasing and opportunistic use of available State space.

**Table V-3: Advantages and Disadvantages for Option 1**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Minimal capital investment.</li> <li>• Easily implemented.</li> </ul>	<ul style="list-style-type: none"> <li>• Organization remains dispersed severely inhibiting operational efficiency.</li> <li>• Existing inherent physical and functional inefficiencies remain in existing Courts of Appeal, Tawes complex, and other State owned buildings.</li> <li>• No improvement in quality of environment and dignity of Courts.</li> <li>• 2014 rent potentially up to \$4.4 million annually based on current trends.</li> </ul>

#### E. OPTION 2 – MAXIMUM REUSE OF COA AND TAWES COMPLEX

Under this alternative, the existing Courts of Appeal Building and four pods of the Tawes Complex would be reused. Approximately 134,900 NUSF of Judiciary operations would reside in Tawes. A new 78,700 NUSF link would be developed between the COAB and Tawes to house the Law Library and various elements of the Judiciary. All leases for units relocating into this complex would be terminated. Improvements would be necessary to the COAB to improve its efficiency and provide additional area for certain units being relocated into the facility. Improvements would also be required for Tawes. Existing building systems would be modernized as necessary. Future growth would be accommodated within this complex. Conceptual space allocations are presented in appendix G.

**Figure V-1: Potential Site Master Plan – Option 2**



**Table V-4: Advantages and Disadvantages for Option 2**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Most units consolidated at one site providing opportunity for improving operational efficiency.</li> <li>• Capital investment limited relative to other alternatives.</li> </ul>	<ul style="list-style-type: none"> <li>• Existing inherent physical and functional inefficiencies remain in existing Courts of Appeal Building and Tawes complex.</li> <li>• Little improvement in quality of environment and dignity of Courts.</li> <li>• Substantial portions of DNR would need to be relocated from Tawes. A concurrent plan and necessary funding would be required to house DNR operations.</li> </ul>

**F. OPTION 3 – NEW LIBRARY OR COURTS BUILDING, NEW LINK, AND LIMITED REUSE OF TAWES**

This option involves construction of a new Law Library or Courts building, construction of a new link between Courts of Appeal Building and Tawes complex, and adaptive reuse of the COAB and approximately 2-1/2 pods of the Tawes complex. Approximately 80,300 NUSF of Judiciary operations would reside in Tawes. A new 83,000 NUSF link would be developed between the COAB and Tawes to house various elements of the Judiciary. A new structure for the Law Library or a new Courts of Appeal Building would be developed and linked to the existing COAB. All leases for those units relocating into this complex would be terminated. Improvements would be necessary to the COAB to provide additional area in the facility. Existing building systems would be modernized as necessary. Future growth would be accommodated within this complex.

Several variations on this option were identified and the Judiciary indicated a plaza/new facility would be preferable. All further discussion will proceed based on this preference. Conceptual space allocations are presented in appendix G.

**Figure V-2: Potential Site Master Plan – Option 3**



**Table V-5: Advantages and Disadvantages for Option 3**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Most units consolidated at one site providing opportunity for improving operational efficiency.</li> <li>• Limited capital investment relative to most options.</li> </ul>	<ul style="list-style-type: none"> <li>• Existing inherent physical and functional inefficiencies remain in existing Courts of Appeal and Tawes.</li> <li>• Potentially limited improvement in quality of environment and dignity of Courts.</li> <li>• Elements of DNR would need to be relocated from Tawes. A concurrent plan and necessary funding would be required to house DNR operations.</li> </ul>

**G. OPTION 4 – NEW LIBRARY/COURTS OR ADMINISTRATION BUILDING, REUSE COAB, AND LIMITED REUSE OF TAWES**

This option involves construction of a new combination Law Library, Courts, and/or Administration building, adaptive reuse of the Courts of Appeal Building, and up to three pods of the Tawes complex. Under this alternative, the existing Courts of Appeal Building would be reused in its entirety. Improvements would be necessary to the COAB to provide additional area for certain units being relocated into the facility. Contingent upon the physical master plan option, up to three pods of the Tawes Complex would be reused to house up to approximately 108,600 NUSF of the Judiciary. A new structure would also be developed ranging from 105,100 to 213,650 NUSF to house various combinations of the Law Library, Courts of Appeal, and Administration. This new facility would either be physically attached to the existing COAB or located across a plaza. All leases for those elements relocating into this complex would be terminated. Existing building systems in the COAB and Tawes would be modernized as necessary. Future growth would be accommodated within this complex.

The Judiciary has indicated that an option involving a plaza/new facility would be the most desirable variation, and further discussion will proceed based on this. Conceptual space allocations are presented in appendix G.

**Figure V-3: Potential Site Master Plan – Option 4**



**Table V-6: Advantages and Disadvantages for Option 4**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Most elements of organization consolidated at one site providing opportunity for improving operational efficiency.</li> <li>• Limited capital investment relative to other alternatives.</li> </ul>	<ul style="list-style-type: none"> <li>• Existing inherent physical and functional inefficiencies remain in existing Courts of Appeal and Tawes complex.</li> <li>• Potentially little improvement in quality of environment and dignity of Courts.</li> <li>• Contingent upon the option, Elements of DNR would need to be relocated from Tawes complex. A concurrent plan and necessary funding would be required house to DNR operations.</li> </ul>

**H. OPTION 5 – NEW ADMINISTRATION OR COURTS BUILDING ADJACENT TO SWEENEY DISTRICT COURT, ADDITION TO COAB, AND ADAPTIVE REUSE OF COAB**

This option involves construction of a new combination Law Library or Courts and/or Administration building, and adaptive reuse of the Courts of Appeal Building. All Judiciary operations would vacate the Tawes complex. Under the variation studied by the Planning Team, all administrative operations totaling 163,200 NUSF would be located in the new building at the Sweeney District Court site. The existing Courts of Appeal Building would be reused in its entirety. A new 50,500 NUSF Law Library would be constructed and linked to the COAB. All leases for those elements relocating into this complex would be terminated. Existing building systems in the COAB would be modernized as necessary. Future growth would be accommodated within this complex. Conceptual space allocations are presented in appendix G.

**Figure V-4: Potential Site Master Plan – Option 5**



**Table V-7: Advantages and Disadvantages for Option 5**

Advantages	Disadvantages
<ul style="list-style-type: none"><li>• Most units consolidated at one site providing opportunity for improving operational efficiency.</li><li>• Limited capital investment relative to most options.</li></ul>	<ul style="list-style-type: none"><li>• Existing inherent physical and functional inefficiencies remain in existing Courts of Appeal.</li><li>• Potentially limited improvement in quality of environment and dignity of Courts.</li></ul>

**I. OPTION 6 – NEW COURTS, LAW LIBRARY AND ADMINISTRATION BUILDING ADJACENT TO SWEENEY DISTRICT COURT**

This option involves construction of a new combination Courts, Law Library, Administration building located at the Sweeney District Court site. The new facility would house a total of 274,100 NUSF. The existing Courts of Appeal Building and Tawes complex would be vacated. All leases for those elements relocating into this complex would be terminated. Future growth would be accommodated within this complex. Conceptual space allocations are presented in appendix G.

**Figure V-5: Potential Site Master Plan – Option 6**



**Table V-8: Advantages and Disadvantages for Option 6**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• All elements of organization consolidated at one site providing maximum opportunity for improving operational efficiency.</li> <li>• Planning and coordination efforts completely independent of DNR.</li> <li>• Judiciary operations removed from Tawes.</li> </ul>	<ul style="list-style-type: none"> <li>• Substantial capital investment.</li> <li>• Proposed structure is significantly taller than allowed by local planning and zoning.</li> <li>• Significant walking distance between new facility and new parking structure.</li> </ul>

**J. OPTION 7 – NEW ADMINISTRATION OR COURTS BUILDING ADJACENT TO SWEENEY DISTRICT COURT, NEW LAW LIBRARY / COURTS BUILDING, AND POTENTIAL ADAPTIVE REUSE OF TAWES**

This option involves abandoning the existing COAB and constructing a new administrative functions or Courts building on State owned land adjacent to the Sweeney District Court, constructing a new administrative functions or Courts building adjacent to the existing COAB site, and demolishing the existing COAB to create a plaza. A second variation of this option would involve a new facility to replace the COAB and utilizing 154,300 NUSF of the Tawes complex. All leases for those elements relocating into this complex would be terminated. Future growth would be accommodated within this complex. Conceptual space allocations are presented in appendix G.

**Figure V-6: Potential Site Master Plan – Option 7A**



**Figure V-7: Potential Site Master Plan – Option 7B**



**Table V-9: Advantages and Disadvantages for Option 7**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Portions of organization consolidated at one of two locations providing opportunity for improving operational efficiency.</li> <li>• Limited capital investment relative to most other options (Option 7B only).</li> <li>• Planning and coordination efforts potentially independent of DNR (Option 7A only).</li> <li>• Judiciary operations potentially removed from Tawes (Option 7 A only).</li> </ul>	<ul style="list-style-type: none"> <li>• Significant walking distance between COA/Law Library and Sweeney site.</li> <li>• Potential inefficiencies associated with existing Tawes complex (Option 7B only).</li> <li>• Potential requirement to coordinate with DNR to relocate from Tawes complex (Option 7B only).</li> </ul>

**K. OPTION 8 – DEVELOP A NEW JUDICIAL CAMPUS AT THE TAWES SITE**

This option involves demolishing the entire Tawes complex and developing a new Judicial campus in its place. Anchoring this campus would be a new courthouse on the corner of Rowe Boulevard and Taylor Avenue. This would be keynote structure representative of Maryland’s highest Courts and consistent with Annapolis’s historic architecture. Because of its proximity to Rowe Boulevard, this would be a gateway structure into the historic part of Annapolis. All leases for those elements relocating into this complex would be terminated. Future growth would be accommodated within this complex. Conceptual space allocations are presented in appendix G.

**Figure V-8: Potential Site Master Plan – Option 8**



**Table V-10: Advantages and Disadvantages for Option 8**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Most elements of organization consolidated at one site providing opportunity for improving operational efficiency.</li> <li>• Substantial improvement in quality of environment and dignity of Courts.</li> <li>• Judiciary operations removed from Tawes and Courts of Appeal Building.</li> </ul>	<ul style="list-style-type: none"> <li>• DNR would need to be relocated from Tawes. A concurrent plan and necessary funding would be required house DNR operations.</li> <li>• Potential opposition to demolishing functioning State government building.</li> <li>• Significant capital investment.</li> </ul>

## L. SUMMARY QUALITATIVE ANALYSIS OF EACH SCENARIO

Eight different scenarios have been identified, and it is useful to compare how each addresses the optimization criteria identified at the beginning of this chapter. Table V-11 presents each of these criteria and how each scenario represents an improvement, no change, or a decrease relative to the current existing situation.

**Table V-11: Summary of Optimization Criteria**

Optimization Criteria	Option							
	1	2	3	4	5	6	7	8
Improved Operational Efficiency.	-	-	+	+	+	++	++	++
Enhanced Dignity / Quality of Environment.	-	-	+	+	+	++	+	++
Access / User Convenience.	-	+	+	+	+	++	+	++
Efficient Capital Allocation.	++	+	+	+	-	--	-	++
Implementation Feasibility.	++	-	-	-	++	-	++	++

N/A = Not applicable; No change = N/C; Substantial Disadvantage = --; Disadvantage = -; Advantage = +; Substantial Advantage = ++.