



Hon. Mary Ellen Barbera, Chair
Chief Judge
Court of Appeals

Hon. Nathan Braverman
Baltimore City District Court

Hon. Kathleen Gallogly Cox, Vice-Chair
Conference of Circuit Judges

Hon. John W. Debelius III, Chair
Conference of Circuit Judges

Hon. Thomas C. Groton III
Circuit Court for Worcester County

Hon. Susan H. Hazlett
Harford County District Court

Hon. James A. Kenney III, Chair
Retired and Recalled Judges
Committee

Hon. Laura S. Kiessling
Circuit Court for Anne
Arundel County

Hon. Peter B. Krauser,
Chief Judge
Court of Special Appeals

Hon. Karen H. Mason
Circuit Court for Prince George's
County

Hon. John P. Morrissey,
Chief Judge
Chief Judge, District Court

Hon. Gerald V. Purnell
Worcester County District Court

Hon. Alan M. Wilner, Chair
Standing Committee on Rules of
Practice and Procedure

Hon. Eugene Wolfe
Montgomery County District Court

Hon. Susan Braniecki, Vice-Chair
Conference of Circuit Court Clerks

Pamela Harris
State Court Administrator

Jennifer Keiser, Chair
Conference of Court Administrators

Carol Llewellyn-Jones,
Administrative Clerk
District Court

**Robert Prender, Administrative
Clerk**
District Court

Hon. Wayne A. Robey, Chair
Conference of Circuit Court Clerks

Timothy H. Sheridan,
Vice-Chair
Conference of Circuit Court
Administrators

Roberta Warnken, Chief Clerk
District Court

Faye Matthews, Secretary
(410) 260-1257

MARYLAND JUDICIAL COUNCIL

MARYLAND JUDICIAL CENTER

580 Taylor Ave
Annapolis, MD 21401

MARYLAND JUDICIAL COUNCIL

Minutes
July 20, 2016

Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair
Hon. Nathan Braverman
Hon. John W. Debelius III
Hon. Susan H. Hazlett
Hon. James A. Kenney III
Hon. Laura S. Kiessling
Hon. Peter B. Krauser
Hon. Karen H. Mason
Hon. John P. Morrissey
Hon. Gerald V. Purnell

Hon. Alan M. Wilner
Hon. Eugene Wolfe
Hon. Susan R. Braniecki
Pamela Harris
M. Carol Llewellyn-Jones
Jennifer Keiser
Robert Prender
Hon. Wayne A. Robey
Timothy Sheridan
Roberta L. Warnken

Others Present:

Faye Matthews
Mark Bittner
Terri Charles
Lou Gieszl
Gregory Hilton
Melinda Jensen
Lauren Kitzmiller

Mala Ortiz
Eliana Pangelinan
Jonathan Rosenthal
Stacey Saunders
Andrew Tress
Alan Wiener

A meeting of the Judicial Council was held Wednesday, July 20, 2016, at the Judicial College Education and Conference Center, beginning 9:35 a.m. Chief Judge Barbera began the meeting by welcoming everyone and then called for approval of the minutes of the previous meeting.

Judge Kenney moved for approval of the minutes of the May 18, 2016 meeting, followed by a second to the motion by Chief Judge Morrissey. The motion passed.

1. **Social Media Policy**

Lou Gieszl presented the proposed Social Media Policy to the Council, noting that it had been vetted with the Technology Committee and the Court Access and Community Relations Committee, as well as with Judicial Information Systems, Legal Affairs, and the Judiciary Human Resources department. He stated that, according to the National Center for State Courts, 27 states and the federal court system are using some form of social media with the most prevalent form being Twitter. Mr. Gieszl added that a number of courts in Maryland have, on their own initiative, instituted the use of social media to relay information.

Mr. Gieszl stated that the policy, as proposed, applies to all employees, volunteers, interns, and users of Judiciary systems, with the exception of judges. He added that courts that do not use Judiciary-provided systems would be required to develop a similar written policy, which would be reviewed by the Office of Communications and Public Affairs. The proposed policy defines social media and includes provisions for the authorized use of social media for Judiciary business. In addition, the proposed policy addresses ethical restrictions regarding the use of social media for Judiciary business. The proposed policy also sets forth parameters regarding employees' personal use of social media with respect to comments about or association with the Judiciary.

The proposed policy outlines three categories of authorized use of social media for Judiciary business, including dissemination of public information such as court closings and delays, docket changes, and available court services; posting public information regarding areas such as public health and safety notifications, special events, and case-specific information; and issuing information such as media advisories and statements on behalf of the Judiciary. Each category has a different approval process.

Mr. Gieszl noted that there would be a Judiciary page, as well as individual pages for each court. The pages would be interconnected. He added that the idea is to decentralize down to the court level with the ability to share information.

Discussion ensued regarding the exclusion of judges, but not Clerks of Court, from the proposed policy. It was noted that although judges have ethical rules with sanctions for violation of the same, there should be something in place to provide guidance regarding their use of social media. To that end, Chief Judge Barbera asked that the Conference of Circuit Judges and the District Administrative Judges to review the proposed policy and formulate recommendations for the Council's review. She also requested the Conference of Circuit Court Clerks to do the same.

In response to questions regarding the potential for security risks to the Judiciary's network with the introduction of social media, Mark Bittner commented the use of social media does not present any greater risk to the network than already exists. He added that because of their widespread use, sites such as Facebook and Twitter employ greater security mechanisms to protect their sites. Further, all information would be outward-based, so there is no risk of individuals penetrating the network because the Judiciary would not allow inward-looking traffic.

Following the discussion, Chief Judge Barbera tabled resolution of the matter until the next meeting to permit the Conference of Circuit Judges, the District Administrative Judges, and the Conference of Circuit Court Clerks an opportunity to provide feedback. She commended Terri Charles and the staff of the Office of Communications and Public Affairs for their work on the policy.

2. MDEC Update

Chief Judge Morrissey provided an update on MDEC, noting that the case management system launched in the Upper Eastern Shore counties on July 18. He commented that the implementation team, led by JIS, worked hard to ensure a successful implementation, adding that doing so requires multiple layers of expertise and sophistication. The team, along with experts from the vendor, Tyler Technologies, will remain on site for two weeks to provide support as the judges and clerks navigate the new system. In addition, there are status conference calls twice a day to review issues and address any outstanding concerns. Representatives from each circuit and district court on the Upper Eastern Shore participate on the calls.

Chief Judge Morrissey stated that since implementing the pilot in Anne Arundel County less than two years ago, there have been more than 400,000 electronic filings recorded. That number will continue to grow as more and more courts are implemented. MDEC will launch in the counties on the Lower Eastern Shore in December 2016, followed by Southern Maryland (except Prince George's County) in June 2017. The remaining schedule has Western Maryland launching in October 2017, Baltimore and Harford Counties in March 2018, Montgomery County in June 2019, Prince George's County in October 2019, and Baltimore City in January 2021.

Chief Judge Morrissey commended everyone on the implementation team on a job well done. Mr. Bittner commended the courts in Anne Arundel County for serving as the pilot, noting that they faced many more issues, and for a longer period of time because everyone was learning the system. Because of their hard work and patience, there are fewer issues with the Upper Eastern Shore's implementation and problems are resolved at a quicker rate.

3. Education Committee

Judge Hazlett informed the Council that the Education Committee adopted the Education and Training Policy. The Policy clarifies the Committee's role in reviewing and/or approving education and training programs and provides guidance with respect to when information has to be submitted for approval versus notification. The policy, along with the training request form, will be placed on the Judicial College's webpage.

4. State of the Court Report Workgroup Final Report

The Council discussed the State of the Court Report Workgroup's report in light of concerns with respect to the recommendation to transition locally-funded employees to the

Judiciary's personnel system. Judge Debelius commented on the impact on the courts' ability to attract and retain employees if the recommendation was adopted. He noted the variations in the cost-of-living across the State and stated that while adoption would benefit some courts, it would prove detrimental to others. Judge Wilner stated that the workgroup had a robust discussion around Judge Debelius' concern. He added that there is precedent for transitioning employees as it occurred with both social services employees and assessors. In both instances, similar concerns were raised and the legislature addressed the concerns by grandfathering in existing employees at their salaries and determining an appropriate State salary for all new employees. Judge Wilner stated that the sentiment expressed during the workgroup's discussion was that the same process could be implemented if the locally-funded court employees are transitioned.

Ms. Harris commented that State PINs (positions) are difficult to obtain and that clerks' offices and the administrative offices typically request anywhere from 200-300 positions each year. Prior to submitting the budget request to the legislature, many of the requests are eliminated after an internal review during which the fiscal climate of the State and the competing budget priorities are considered. Transitioning the positions would increase the request.

Tim Sheridan stated that bridging the gap between two systems can be confusing. He added that there are clear differences across the State, particularly in terms of the level of support provided by the local government.

After additional discussion, Judge Debelius moved for adoption of the report, with the exception of the recommendation to transition locally-funded employees. Following a second by Judge Braverman, the motion passed with a vote of twelve for and five against. The paragraph will be removed and the report finalized and forwarded to the Council.

Judge Wilner commented that the Council should look strategically on a statewide basis, at developing standards for courthouses, particularly in light of the recent issues with the facilities in Baltimore City. He noted that issues with facilities were discussed throughout the court-specific reports. Judge Wilner added that the Council should not leave it to the local jurisdictions to determine the standards for courthouses.

5. Strategic Initiatives

Mr. Gieszl presented the new format for the Strategic Initiatives Checklist, noting that committee staff and chairs will be able to update the items assigned to their respective committees, as well as to add new initiatives. The plan is to place the document in a SharePoint environment where it will be easily accessible. In the meantime, all committee chairs and staff will receive a version of the Excel spreadsheet that contains the items relevant to their committee with instructions on how to edit and forward their changes to the appropriate individual. Each committee will be requested to provide a status on its initiative to the Council on a regular basis.

6. For the Good of the Order

Judge Wolfe noted that he had received correspondence from Chief Judge Barbera regarding the number of meetings, the number of judges attending those meetings, and the time

and location of those meetings. He asked the Council to place an emphasis on the matter as the number of absences for judges attending meetings has increased exponentially, which is affecting the courts and increasing the need for recalled judges.

Chief Judge Barbera commented that she has tried to be inclusive and bring different voices to the committees, but she is cognizant of the impact day meetings have on the courts. She stated that the message was intended to encourage evening or telephonic meetings whenever possible. She asked for the assistance of the administrative judges to ensure that the same people are not shouldering all of the responsibility, serving on committees. Chief Judge Barbera asked that administrative judges limit the amount of administrative leave for committees and other commitments.

Action Items

- The Conference of Circuit Judges, the District Administrative Judges, and the Conference of Circuit Court Clerks should review the proposed Social Media Policy and be prepared to comment and to make recommendations regarding the policy, as well as how to ensure there is a mechanism through which they receive guidance regarding the use of social media.

There being no further business, the meeting adjourned at 11:25 a.m. The next meeting is scheduled for September 21, 2016, beginning 9:30 a.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Faye Matthews', with a long horizontal flourish extending to the right.

Faye Matthews