

MARYLAND JUDICIAL COUNCIL

Minutes
March 23, 2022

Judicial Council Members Present:

Hon. Joseph M. Getty, Chair
Hon. Keith Baynes
Hon. Pamela J. Brown
Hon. Audrey J.S. Carrion
Hon. Karen Holt Chesser
Hon. Angela M. Eaves
Hon. Matthew J. Fader
Hon. Jeffrey Getty
Hon. James Kenney, III
Hon. Donine Carrington Martin
Hon. John P. McKenna

Hon. John P. Morrissey
Hon. Bonnie G. Schneider
Hon. Kathleen Duvall
Markisha Gross
Kristin Grossnickle
Pamela Harris
Hon. Kathy Smith
Lara Stone
Roberta L. Warnken
Burgess Wood

Others Present:

Hon. Larnzell Martin
Hon. Laura Ripken
Hon. Cathy Serrette
Hon. Brett Wilson
Faye Gaskin
Richard Abbott
Robert Bruchalski

Carole Burkhart
Pamela Ortiz
Valerie Pompey
Stacey Saunders
Nisa Subasinghe
Gillian Tonkin

A meeting of the Judicial Council was held Wednesday, March 23, 2022 at the Maryland Judicial Center. The meeting began at 9:30 a.m. with Chief Judge Getty advising everyone that the meeting was being live streamed on the Judiciary's website pursuant to the Open Meetings Act. He then remarked that it was a very exciting day for the Judicial Council as two of its members had been appointed, and confirmed, to sit on the seven-member Court of Appeals, namely Judge Eaves and Chief Judge Fader. Chief Judge Getty added that it would be Judge Eaves' last meeting as she was serving on the Council as a circuit court judge representative. He thanked her for her service on the Council as well as her other volunteer roles in the Judiciary and congratulated her on her appointment. Chief Judge Getty then congratulated Chief Judge Fader on his appointment, noting that he would be the junior member of the Court, having to wait until Chief Judge Getty's retirement before taking his seat. He then thanked him for the many roles he has served in the Judiciary, including as chair of the Joint Subcommittee on Post-COVID Judicial Operations. Chief Judge Getty noted that both he and Ms. Gaskin would be retiring soon and, as such, this would be their last Council meeting.

Chief Judge Getty remarked that promotions and retirements offer a time to reflect on the role of the Judiciary in the communities, counties, state, and society. He then offered a few observations, drawing on the expertise and experience of his predecessors who served as Chief

Judge of the Court of Appeals, citing several of their quotations. He recounted Chief Judge Robert Bell's quote from a Judges Journal in 2013 where he said, "*A critical component of the judiciary's efforts to communicate and advance its objectives is fostering cohesive internal leadership.*" Chief Judge Getty remarked that the Council's work is emblematic of that internal leadership team and thanked everyone for their efforts, noting that the work that goes on behind the scenes to support the Council and other functions within the Judiciary is instrumental.

Chief Judge Getty noted that in an interview with WJZ – Channel 13, Chief Judge Bell stated that, "*There need to be opportunities for new people, younger people, newer ideas. And you have to have some cutoff point where that can occur.*" Expounding on that quote, Chief Judge Getty stated that all well-run organizations need a rebirth with younger leaders and that the Judiciary is seeing a generational change in leadership. He added that it is exciting to have the new leaders engaged in the challenges the State is facing.

In remarking that the Council members, as well as the incoming generation of leaders, understand the Judiciary's mission, Chief Judge Getty drew upon a quote from Chief Judge Robert Murphy in his State of the Judiciary address to the General Assembly in 1975 where he expressed that mission. Chief Judge Murphy said, "*We of the Judiciary are, of course, ever cognizant of the fact that we [serve] the people [of Maryland], even as we judge them; that courts exist, not for the convenience of judges, nor to provide livelihood for lawyers, but solely for the administration of justice for all the people of Maryland, be they litigants, victims of crimes, advocates of freedom, or parents concerned with the state and country [that] their children will inherit.*" Chief Judge Getty stated that those comments ring true today as viewed through the prism of current events.

Chief Judge Getty concluded his opening observations by lifting a quote from the history of the Court of Appeals written by Chief Judge Carroll Bond in 1924, which stated, "*Whatever the future of the court may be, whether being adapted to changes which must occur in the needs for [the Maryland Judiciary], it is to endure in usefulness for a long time to come, or whether it is soon to be superseded by some different tribunal or tribunals, it has already had a long career as an institution of prime importance in the life of its community, an institution to which many of the best [people] of the state in many generations, as judges and attorneys, have devoted anxious labors, and one which by means of those labors has been successful in its purpose.*" He noted that since Chief Judge Bond wrote those words, there have been several commissions to reorganize the Maryland Judiciary, starting with the creation of the Court of Special Appeals in 1966 and the District Court in 1971. Further, with the ratification by the voters in the fall, the Court of Appeals will be named the Supreme Court of Maryland. Chief Judge Getty remarked that the Maryland Judiciary has a rich history of astute and visionary leaders.

Judge Jeffrey Getty moved for approval of the minutes of the January 26, 2022 meeting. Following a second by Judge Brown, the motion carried.

1. Joint Subcommittee on Post-COVID Judicial Operations

Chief Judge Fader presented the report and recommendations of the Joint Subcommittee on Post-COVID (the subcommittee) Judicial Operations, noting that at the last Council meeting he provided the background and process for the subcommittee's work as well as reported on the preliminary findings. Since then, the preliminary report was reviewed by the Major Projects and Court Technology committees for feedback. Their feedback was incorporated, and the draft report was then distributed to all administrative judges, clerks of court, district administrative clerks, court administrators, and other Judiciary stakeholders for comment. Where appropriate, their feedback was incorporated, and the report and recommendations finalized.

Chief Judge Fader stated that the subcommittee was charged with examining the innovations and adaptations deployed during the pandemic and recommending which should move forward post-pandemic, as well as the best practices that will improve the usefulness and efficiency of those adaptations. He thanked the members of the subcommittee who were tasked with assessing a wide range of issues in a short period of time and expressed his appreciation for their support. He added that the subcommittee was impressed by how patient and flexible the courts and administrative offices as determinations were made regarding the continuation throughout the pandemic.

Chief Judge Fader noted that the report and recommendations comprise eight categories – technology, remote proceedings and events, courthouse security and safety, alternative work arrangements, courthouse scheduling and docket management, Judicial College of Maryland, meetings, and non-judicial functions. He highlighted the existing systems that were critical to the Judiciary's transition to remote operations, including, but not limited to MDEC, eWarrant, Virtual Desktop Infrastructure (VDI), and courtroom audio/video units. Chief Judge Fader stated that the restrictions imposed on judicial operations compelled Judicial Information Systems (JIS) to focus on or accelerate projects that enabled the Judiciary to continue to function efficiently and effectively. Among the technology innovations and adaptations implemented during the pandemic were Zoom for Government, audio only livestreaming, expansion of equipment for remote proceedings to all courtrooms, multi-factor authentication, and the transition from Skype to Microsoft Teams for internal collaboration. Chief Judge Fader noted that the Remote Hearings Workgroup, under the Court Technology Committee, was formed in May 2020, and developed a bench book and toolkit that were critical to the effective facilitation of remote proceedings.

The subcommittee recommended discontinuation of eWarrants with the Adobe Sign technology that was upgraded with DocuSign which has proven to be easier and faster to use, and Skype for Business which has been replaced with Microsoft Teams and Zoom for Government. The subcommittee recommended that several pandemic technology innovations or adaptations be continued post-pandemic, including:

- Zoom for Government – this is critical to judicial operations. The subcommittee recommended that JIS assess the adequacy of the number and distribution of licenses.
- MDEC enhancements for remote hearings. The subcommittee recommended that JIS assess the possibilities for integration between Odyssey and virtual conferencing platforms so that remote proceedings are at least as efficient as in-person proceedings. The subcommittee also recommended that JIS work with the Remote Hearings Workgroup regarding implementation of best practices. Chief Judge Fader remarked that the internal survey shed light on some of the inefficiencies experienced regarding scheduling remote hearings as court personnel were tasked with doing things that they had not done before.
- Microsoft Office 365
- Virtual Desktop Infrastructure
- Share File. The subcommittee recommended that JIS investigate the expansion of Share File or other software with the capacity to upload digital evidence.
- Court Recordings
- COA/COSA live broadcasts
- eWarrants with DocuSign
- Microsoft Teams
- Courtroom Audio/Video. The Judiciary had started equipping courtrooms with this technology prior to the pandemic and had outfitted approximately 25 percent of the courtrooms. Currently, more than 80 percent of the courtrooms have been equipped with this technology.
- Audio-only livestreaming. This technology was implemented in 2020 to comply with the constitutional requirement for public access. The subcommittee recommended that audio-livestreaming be continued for remote proceedings that would otherwise occur in the open courtroom. The subcommittee further recommends that the Court Technology Committee’s Audio Livestream Workgroup consider whether and under what circumstances audio livestreaming should be used for in-court proceedings. Chief Judge Fader noted that some concerns were raised through the internal survey regarding certain types of proceedings being livestreamed.

The subcommittee supports the following technology enhancements:

- Text notification enhancements. These enhancements include a public-facing portal to allow court users to register for court services, allow the court to send remote hearing notices, etc.
 - e-Payment for court fees and fine. The Judiciary has the architecture and JIS is working on expanding the platform to allow for the payment of court fees and fines. Doing so would permit full automation of processes such as business licenses which currently is automated except for payment.
 - Video remote interpretation. The Access to Justice department supports this technology
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although comments from the internal survey noted that some court personnel do not think that the technology works well in courtrooms. The Access to Justice department indicated that there may have been a lack of proper training. As such, the subcommittee recommended that the training and educational materials be widely distributed.

- Installation of Zoom for Government-capable tablets in courtrooms
- Voice over Internet Protocol
- Long-term network enhancements
- Online dispute resolution, beginning with small claims, traffic, and child support enforcement
- Enhanced workforce mobility
- Digital evidence submission and presentation

Chief Judge Fader then discussed critical innovations and adaptations that assisted judicial operations with respect to remote proceedings and events, including new technology, Rules changes, education, livestreaming, and remote interpretation. He noted that through September 2021, approximately 164,018 remote meetings have been held with 1,214,299 participants occupying more than 55 million minutes. The subcommittee considered several factors in determining the extent to which remote proceedings should continue, as well as challenges posed for litigants of limited means. Some of the benefits accrued from remote proceedings include the ability for litigants and attorneys to participate from any location, a reduced burden on corrections and law enforcement and associated safety concerns, and an increased willingness of attorneys to serve as panel counsel in criminal and CINA/TPR cases. Among the challenges are difficulty in assessing credibility, exacerbation of the digital divide, increased burdens on court staff with respect to notices and monitoring, and the lack of a controlled environment around witnesses and parties. Chief Judge Fader stated that while there are competing concerns, there is a clear desire to continue remote proceedings in at least some types of proceedings.

The subcommittee recommended:

- The Remote Hearings Workgroup should undertake a study of best practices in scheduling and conduct of remote hearings to identify ways to improve efficiency and effectiveness.
- The Judiciary should task the Remote Hearings Workgroup to assess the technological barriers to the fair, efficient, and effective conduct of remote proceedings across the State and to assess the feasibility of options to overcome those barriers.
- Update and publicize the Remote Hearings Toolkit. This will help people understand how to participate.

Chief Judge Fader noted that a lot of the barriers with respect to remote proceedings are external. Some considerations to address those barriers including examining the possibility of public/private partnerships or programs for individuals without access to technology and

exploring ways to make electronic devices available for public use.

The subcommittee set forth several principles to guide the recommendations with respect to application of remote proceedings. One principle is that remote technology is not recommended when the factfinder needs to assess witness credibility unless the parties consent or there is a need to hear something on an emergency basis. Another principle is that remote technology is less appropriate for longer and more involved proceedings. The technology is generally appropriate for procedural matters or where the participant is incarcerated and his or her presence is not required. The subcommittee notes that hybrid hearings are more challenging and that it is more efficient if everyone is remote or if everyone is in person.

The subcommittee recommended that remote proceedings are:

- Presumptively inappropriate under normal operating conditions for jury trials. The virtual platform makes it more difficult for jurors to assess the credibility of witnesses.
- Presumptively inappropriate under normal operation conditions subject to case-by-case exceptions for:
 - Criminal non-jury evidentiary proceedings. The subcommittee recommends that the Rules Committee consider rules for certain of these proceedings to be conducted remotely upon knowing and voluntary consent by the defendant.
 - Final protective order and peace order hearings
- Presumptively appropriate at the discretion of the presiding judicial officer for:
 - Criminal sentencing, three-judge panel reviews, certain plea agreements, discharge of counsel hearings
 - Minor traffic matters
 - Civil non-jury contested evidentiary proceedings
 - Mediation, settlement, and other ADR events
- Presumptively appropriate by default or on request for:
 - Other criminal non-evidentiary proceedings
 - Civil non-jury uncontested evidentiary proceedings
 - Civil non-evidentiary proceedings
 - Guardianship proceedings
 - Scheduling, status, and pretrial conferences
- Further exploration of holding interim and temporary protective order hearings remotely. Chief Judge Fader noted that most of the feedback received had opposing viewpoints. Some stakeholders noted value in the petitioner not having to be in the same courtroom with the respondent, while other comments centered around difficulty in assessing credibility and logistical concerns.

Chief Judge Fader remarked that there was a significant focus on courthouse security and safety during the pandemic. The subcommittee did not recommend continuation of the

protocols post-pandemic, but did recommend the following should they become necessary:

- Entry protocols should reflect local health conditions and any constraints of court facilities.
- The Judiciary should adopt standard procedures to assist courts in fashioning entry protocols and assist in resolving issues of control.
- Examine ways to ensure all courts and units update COOP plans.
- Convene a workgroup to identify best practices for facilities.

Chief Judge Fader then discussed the subcommittee's considerations regarding alternative work arrangements. He noted that the internal survey's focus was largely about technology and remote proceedings. Other concerns dealt with alternative work arrangements, including telework, and the responses indicated support for greater flexibility. Some of the themes that arose during the discussions were that the pre-pandemic policy is somewhat restrictive, and that the flexibility provided during different periods of the pandemic provided opportunities to experiment with the efficacy of alternative arrangements. Among the considerations when deciding the way forward include benefits and challenges. The benefits include things such as increased flexibility for staff, reductions in commute times, and reduced burdens on physical plants. The challenges include less operational flexibility to address in-office issues, a greater burden on and need for technology resources, and a potential for decreased productivity. Chief Judge Fader noted that resolution of the issues is beyond the subcommittee's capacity and time. As such, the subcommittee recommended that a new workgroup, the Alternative Work Arrangements Feasibility Workgroup, be created within the Judicial Council's structure to formulate recommendations concerning expansion of the use of alternative work arrangements. The subcommittee provided several principles to guide the workgroup such as balancing the benefits against potential detrimental impacts, addressing the minimum standards and requirements regarding supervision and productivity, and creating a policy that is fair and treats similarly situated personnel equitably but that also makes allowances for differences in the amenability of different positions to telework and differing operational priorities of administrative heads.

Recommendations regarding courthouse scheduling and docket management include:

- Encourage the use of staggered dockets where appropriate. Chief Judge Fader noted that courts addressed the use of staggered dockets differently across the State based on varying logistical challenges. The subcommittee is not recommending lessening the number of cases or reducing the pace of the proceedings, as both would be a barrier to the fair administration of justice.
 - The Court Operations Committee should authorize the creation of a workgroup to explore and disseminate the best information about best practices
 - Tools to reduce the time parties and attorneys spend waiting for proceedings
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- Ways to prioritize jury trials to improve operational efficiency, “right size” jury pools, facilitate earlier resolution, increase transparency
- Possible use of remote technology in jury selection. Chief Judge Fader noted that there were mixed reviews and that further exploration in this area is needed.

Chief Judge Fader then discussed recommendations for the Judicial College, noting that the College pivoted quickly to move from mostly in-person training to virtual training. The subcommittee’s recommendations include:

- Encourage the Judicial College to deliver courses using all methods currently available (remote and in-person)
- Ensure that Judiciary personnel have all the necessary equipment (microphones, headsets, space) to effectively participate
- Encourage the exploration of hybrid learning if the technology allows
- Encourage the Technology Education department within the Judicial College to work with the JIS to develop appropriate general and targeted (specific to job functions) training
- Continue to require in-person courses (for at least ½ of the required class load)
- Task the Technology Education Subcommittee with developing guidelines to ensure available technology options are advertised, training is made available to all personnel, and all personnel are made aware of available training. Chief Judge Fader stated that responses from the internal survey indicated that some personnel did not think that training was available for the tasks they are required to perform.

With respect to the recommendations regarding meetings, the subcommittee recommended that the Judiciary foster the ability of committees to have a wide range of geographic participation by encouraging the committees to hold some of their regular meetings virtually and to provide an option for members to participate virtual when in-person meetings are held. Chief Judge Fader remarked that a concern was that individuals in locations further away from Annapolis may not volunteer to participate because of traveling considerations for in-person meetings.

The final category discussed by the subcommittee was non-judicial functions. The recommendations are:

- Marriage licenses
 - Support a legislative change to permit clerks to take oaths in support of marriage applications by affidavit or by videoconference
 - Extend the ability to accept online payments to marriage licenses
 - Develop an online marriage application form for electronic submission
 - Business licenses
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- Develop capacity for receiving online payment for business licenses so that the entire process of applying for a new or renewed business license can be completed online
- Encourage the collection of email addresses from applicants for licenses and distribution of renewal applications by email or online program

Chief Judge Getty thanked Chief Judge Fader for the comprehensive report and presentation, noting that the full report is available in the meeting materials for review. He stated that the subcommittee's membership was a diverse representation of the Judiciary and included a clerk of court and court administrator. Chief Judge Getty remarked that a lot of hours went into gathering the information and drafting the report, adding the subcommittee did an excellent job considering the various impacts of COVID on judicial operations.

Chief Judge Morrissey and Ms. Harris thanked Chief Judge Fader for doing a yeoman's job leading the subcommittee and drafting a huge portion of the report himself.

Judge Eaves moved that the Council recommend to Chief Judge Getty that he adopt the report and recommendations of the Joint Subcommittee on Post-COVID Judicial Operations. Following a second by Judge Kenney, the motion carried. Chief Judge Getty accepted the Council's recommendation and remarked that the report is a blueprint for the Judiciary in the future. He stated that Chief Judge Fader added brilliant leadership to the effort and the outreach beyond the subcommittee members to obtain input was evident in the recommendations.

Judge Eaves inquired as to the mechanism for distributing the report and recommendations to the wider Judiciary and those judges and court leaders who have to consider and implement the recommendations. Chief Judge Getty responded that he will work with the State Court Administrator to ensure that there is a special announcement.

2. Bilingual Staff Workgroup Report and Recommendations

Judge Brett Wilson and Judge Larnzell Martin presented the recommendations of the Bilingual Staff Workgroup, which is a workgroup of the Court Access and Community Relations Committee's Language Access Subcommittee. Judge Wilson stated that Judge Martin, who chaired the workgroup did a yeoman's job. He added that the goal was to utilize the skillset already present within the Judiciary to help further access to the Judiciary. The workgroup's charge was to study the use of bilingual staff and draft recommendations to facilitate hiring, testing, and training of the same; to develop guidelines for bilingual court staff to follow when assisting court users in their native language; and develop guidelines for the public and non-bilingual court staff on the use of bilingual employees. The workgroup consulted with Judiciary Human Resources, the New Mexico Center for Language Access, the Maryland State Police Department, and the District of Columbia's Court Language Access Program.

Judge Martin noted that there was an acknowledgement of the willing employees who are being called upon to provide service, informally, and are being pulled away from their regular duties. He stated that the employees should be compensated beyond their regular salary, adding that there needs to be a discussion regarding limitations to performing services, how they should be determined, and the role of the AOC in establishing the parameters.

Judge Martin remarked that while the workgroup developed recommendations, the recommendations are not intended to be mandates but rather to assist the courts in meeting the challenge. He then presented the following recommendations for consideration by the Council:

- Adopt a policy to allow court managers to create new or have existing positions reclassified as “Qualified Bilingual.” Qualified Bilingual employees may not be utilized as official court interpreters.
 - The AOC HR and locally funded jurisdictions should establish a process for courts to follow when creating new or reclassifying existing positions as “Qualified Bilingual.” Judge Martin clarified that this recommendation is not to create standalone positions or to have staff go into the courtroom to perform interpretation, but rather to utilize their skills to assist court users who come to the counter and to direct them to the appropriate service.
 - Assess the need for bilingual employees in the service areas of the courthouse and designate a number of bilingual employees that is consistent with ongoing needs. Judge Martin noted that courts should rely upon the data compiled by the Access to Justice department regarding language interpreter services to determine the language(s) needed.
 - Rely on the most current court data to support their request to reclassify regular positions as “Qualified Bilingual.”
 - Use a list of recommended skills and abilities as provided in the report.
 - The Court Interpreter Program will assist by providing language proficiency testing. Judge Martin stated that the test is for spoken language and not only assesses the individual’s ability to speak and understand the language, but also the individual’s interpretation techniques and cultural understanding. The American Sign Language skills are assessed by a credentialed organization.
 - Add key language to the job description as provided in the report.
 - Require a minimum score of 10 (ALTA) or 3+ (ILR) scale to qualify as a bilingual employee.
 - Permit staff who need to boost their scores to use the current tuition reimbursement program to take courses to improve their language skills.
 - Mandatory 1-day training for qualified bilingual staff conducted by the AOC.
 - Provide a salary differential for qualified bilingual staff in designated positions.
 - Court to designate eligible positions at its discretion, based on the court’s needs.
 - The Court Interpreter Program will oversee testing and training for bilingual staff;
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provide ongoing support and resources for bilingual employees; and create guidelines for judges, staff, and the public on how to work with bilingual employees. Judge Martin stated that the Access to Justice department will help to establish best practices.

- Access to Justice will cover the costs of language proficiency tests for bilingual employees (State and locally funded).
- Pilot the program for six months in one District Court and one circuit court location.

Judge McKenna moved that the Council recommend that Chief Judge Getty approve the recommendations of the Bilingual Staff Workgroup. Following a second by Chief Judge Morrissey, the motion carried. Chief Judge Getty accepted the Council's recommendation.

Chief Judge Morrissey asked if there was any discussion with respect to similar programs for judges, absent the compensation. He added that it would be helpful for judges to be able to participate in educational courses for different languages to assist in helping non or limited-English speaking court users with basic instructions, not to serve in an interpreter role. Judge Martin stated that the workgroup did not discuss judges as the focus was on traffic outside the courtroom, but he will take the suggestion to the subcommittee. Chief Judge Getty remarked that he thinks it is important for judges to get some training if they are interested.

3. Committee/ Strategic Initiative Updates

- a. ***Domestic Law Committee.*** Judge Cathy Serrette briefed the Council on the work of the Domestic Law Committee, noting that the Committee only has one subcommittee, the Domestic Violence/Peace Order Subcommittee. The subcommittee keeps the bench book and bench cards current with all the legislation passed each session regarding domestic violence and peace orders. In addition, the members also ensures that the domestic violence and peace order forms align with the legislation. The subcommittee has a domestic violence video series on the Judiciary's website and works with the Judicial College on domestic violence training.

The Child Support Workgroup was established in 2019 in part in response to an Abell Foundation report, *Reforming Child Support to Improve Outcomes for Families and Children*. The workgroup plans to examine practices and policies to determine if there are any issues, including concerns passed through the Equal Justice Committee, and then move to resolve them. The workgroup will examine child access, education, and legal and administrative issues. Judge Serrette stated that the Child Support Enforcement Administration frequently brings the child support cases, but federal regulations prohibit them from including other issues such as child access in court filings. That prohibition is problematic as the court attempts to holistically address family issues. The Department of Juvenile and Family services, in collaboration with the Committee, is looking at this issue

along with tools to assist families. The workgroup is planning a one-day symposium in 2023 and will address several legislative changes. Another issue the workgroup will examine centers around not being able to retroactively modify child support. Modifications are retroactive only to the date of the filing of the petition. Additionally, there are lots of service issues, so the workgroup is examining how to facilitate the process to shorten the time.

Judge Serrette then discussed the work of the Custody Evaluator Training and Standards Workgroup. The workgroup is working to implement the 2020 recommendations to make assessments more effective and to ensure they are done properly. The recommended amendments to Maryland Rule 9-205.3 – Custody and Visitation-Related Assessments – were adopted and are effective April 1, 2022. The Department of Juvenile and Family Services is working with the University of Maryland School of Social Work on training for the evaluations.

The Family Mediation and Abuse Screening Workgroup reviewed Maryland Rule 9-205 – Mediation of Child Custody and Visitation Disputes – to determine if any amendments were warranted. The workgroup wants to ensure that it sufficiently guides courts in screening cases to determine which are appropriate for mediation and is looking for best practices across the country. The amendments to the Rule, which included a definition for *coercive* which was added for the court’s consideration when determining whether to refer cases to mediation, were adopted in March. In researching assessment tools, the workgroup found the Mediators’ Assessment of Safety Issues and Concerns (MAISIC) to be one of the best tools for screening for domestic violence. The tool will be piloted in the Baltimore County Circuit Court to ensure it utilizes the best practices for domestic violence screening.

The Guardianship and Vulnerable Adults Workgroup has done an enormous amount of work to expand awareness of guardianship, including alternatives to guardianship. The workgroup created an eight-part video series on topics such as alternatives to guardianship, assistance with personal needs, and powers of attorney. The videos are posted on the Judiciary’s website. A guardianship monitoring program, including a forensic accountant and social workers to perform evaluations, was implemented. The Guardianship eManagement System (GeMS) was developed. The system permits guardians to submit their reports electronically and helps to identify cases the need closer scrutiny. Maryland Rule 19-301.14 – Client with Diminished Capacity – was adopted to ensure it aligns with diminished capacity laws. Maryland is one of seven states to receive grant funding to implement guardianship improvements.

The Legislative Workgroup holds weekly conference call meetings during the session to review legislation that involves family law issues and to draft position papers. The workgroup works with Government Relations and Public Affairs, the bar, legislators, and other stakeholder groups in considering legislative impacts.

The LGBTQ+ Family Law Workgroup has reviewed the family rules to determine if there is any disparate impact to this community. One change that came out of that effort was a change to the name change rule and how courts handle the declaration of gender identity, petitions, and adoptions. In addition, an amendment was adopted to eliminate the publication requirement when there is a name change. A new Rule was adopted on gender identification to ensure consistency with the statute. Maryland Rule 9-103 – Petition – was amended to add an exception to the required exhibits and a new section was added to provide for what is required for an adoption in cases where conception was done by means of assisted reproduction. Judge Serrette noted that the process is primarily used by same sex couples.

Judge Serrette highlighted other initiatives with which the Committee is engaged including monitoring parenting plans, finalizing the overhaul of all the domestic forms, updating the trial judge family law bench book, and working on changes affecting special juvenile status processes.

Judge Serrette noted that a new workgroup is being formed to review the issue of who can file on behalf of a juvenile in a peace order matter. There is nothing in the statute that addresses this with respect to peace orders, only domestic violence petitions. The Committee also is addressing a question about adding email addresses and telephone numbers to the petition form. It was noted that, currently, there is no provision to shield telephone numbers or email addresses which could be problematic. Finally, the Committee is working with several agencies to develop guardianship tools.

Chief Judge Getty remarked that there is a lot of volunteerism coming out of Prince George's County; he expressed his appreciation for their efforts to improve the Judiciary. He thanked Judge Serrette for her presentation and all the work that is being done. Judge Serrette acknowledged the work done by the committee, subcommittee, and workgroup members, as well as the staff, namely Richard Abbott and Nisa Subasinghe.

- b. ***Education Committee.*** Judge Laura Ripken briefed the Council on the work of the Education Committee, noting that she is only the second chair since the Committee was reconstituted in 2015. She added that the previous chair, Judge Susan Hazlett, did an excellent job shepherding the Committee's work. She then acknowledged the work of Stacey Saunders and the entire Judicial College. Judge Ripken provided some statistics on education and training activity from October 2020 through November 2021, stating that during that period 50 face-to-face courses were conducted with 915 attendees amounting to 9,062 seat hours. There were 144 webinars with 5,055 attendees and 5,701 seat hours. There were 106 instructor led distance learning courses with 1,305 participants and 10,580 seat hours. There were 37 self-pace courses taken by 272 participants.
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Judge Ripken stated that the Education Committee worked with the Judicial College to further educational opportunities for the entire Judiciary. During 2021, the Judicial College increased the number of webinar offerings, ramped up virtual learning offerings after having to pivot due to the pandemic; increased the number of on-demand videos in response to the need for just-in-time learning opportunities (short-focused videos on topics such as social media and the law, performance evaluations, Service Now, etc.). The College rolled out an 8-part Judicial Ethics video series for judges and magistrates.

The Education Committee and the College are in the process of developing Criminal Law University. Family Law University is already set-up and is very well done; it has been extremely popular so much so that the demand exceeds the available space. Judge Ripken stated that the 2022 Judicial Conference was cancelled; the 2023 Conference is scheduled for April 26-28, 2023 at the Cambridge Hyatt. The workgroup will reconvene in October to continue planning.

Judicial education courses were moved to the virtual platform during the pandemic, but those courses previously scheduled to be conducted in-person will resume in May. The course slate and instructors for 2023 have been identified. The planning retreat for the 2024 courses is scheduled for August 2023.

The Mentor Subcommittee is reviewing processes and ensuring that the programming is beneficial. The recruiting drive for new mentors is starting. Judge Ripken stated that all new judges have been assigned a mentor.

The Commissioner Subcommittee maintains the academy for new commissioners. The subcommittee also created an educational conference for commissioners that is held four times a year, providing opportunities for all commissioners to attend. In addition, the subcommittee is working to expand the number of commissioner-based webinars.

The Magistrate Subcommittee is working on developing classes for 2024, as well as on a bench book for magistrates. The members are updating the *phone a friend* resource that is given to magistrates so that they will have a resource to call for questions or concerns. The subcommittee is planning the next annual conference for magistrates.

The Technology Education department within the Judicial College is working with JIS to develop training for the implementation of VoIP and with the Access to Justice department to develop a quick reference card and webinar series on Zoom for remote hearings. The department also is conducting training on the Microsoft suite for Prince George's County in preparation for the transition to MDEC.

The Judicial College's Professional Development department initiated and continues to work on proficiency-based education for clerks and courtroom clerks. Other initiatives underway include finalization of the 5-Star Customer Service training program, diversity and inclusion training, new law clerk online training for the circuit court, and development of new law clerk training for District Court law clerks.

Judge Ripken remarked that the report from the Joint Subcommittee on Post-COVID Judicial Operations includes a section on the work done by the Judicial College in response to the pandemic. During the pandemic, the Committee transitioned to Zoom for Government for all of its meetings and continues to meet using that format. In addition, the certificate programs and other courses provided by the College also transitioned to the virtual platform during the pandemic.

Judge Ripken stated that the Committee is looking forward to implementing the recommendations of the Joint Subcommittee on Post-COVID Judicial Operations.

Judge Carrion stated that Family Law University was held during the pandemic. She thanked Ms. Saunders and the staff of the Judicial College for their assistance. Chief Judge Getty thanked the College as well, stating that it took a lot of adaptation to be able to continue providing quality educational programs, adding that they did a fantastic job.

Chief Judge Getty thanked everyone for their presentations and for the hard work of the committees, subcommittees, and work groups.

4. For the Good of the Order

Chief Judge Getty recognized the new members, namely Clerk Kathleen Duvall, Kristin Grossnickle, and Lara Stone. He once again congratulated Judge Eaves on her appointment and noted that her plaque had not come in prior the meeting because of the swiftness of her appointment and confirmation, but that she would be invited to the next meeting to have her service on the Council properly acknowledged. Ms. Harris then presented Ms. Gaskin with a plaque and words of acknowledgement for her service upon her retirement. The Executive Committee of the Council then presented Chief Judge Getty with a plaque commemorating his service to the Council on the occasion of his pending retirement. They thanked him for his leadership and guidance.

Chief Judge Getty offered final words to close the meeting, recounting a quotation from Chief Judge Barbera in her last State of the Judiciary Address to the Maryland General Assembly on February 15, 2019 in which she said, *“Creating, enforcing, and interpreting the law in the future will surely require a new way of thinking, as we confront new issues. None of us knows what the future will hold. What we do know is that for our democracy to endure, we must honor the promise that every one of us will be governed according to the rule of law. In doing so, the future*

of our great state and its people is secure.” He noted that the aforementioned comments were delivered 13 months before experiencing the pandemic, and that in hindsight are fitting for concluding the meeting.

There being no further business, the meeting adjourned at 12:37 p.m. The next meeting is scheduled for May 25, 2022, beginning 9:30 a.m.

Respectfully submitted,

Faye Gaskin
