



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

Melissa Batie
Chair, Conference of Circuit Court Administrators

Hon. Keith A. Baynes
Vice-Chair, Conference of Circuit Judges

Hon. Pamila J. Brown
District Court in Howard County

Hon. Angela M. Eaves
Circuit Court for Harford County

Hon. Matthew J. Fader, Chief Judge
Court of Special Appeals

Marina Fevola
Vice-Chair, Conference of Court Administrators

Markisha Gross, Administrative Clerk
District Court in Montgomery County

Hon. Katherine Hager
Vice-Chair, Conference of Circuit Court Clerks

Pamela Harris
State Court Administrator

Hon. James A. Kenney III
Chair, Senior Judges Committee

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

Hon. Patricia L. Mitchell
District Court in Montgomery County

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

Hon. Charlene M. Notarcola
Chair, Conference of Circuit Court Clerks

Hon. Laura S. Ripken
Chair, Conference of Circuit Judges

Hon. Bonnie G. Schneider
District Court in Cecil County

Mary K. Smith, Administrative Clerk
District Court

Roberta Warnken, Chief Clerk
District Court

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

Hon. Brett W. Wilson
Circuit Court for Dorchester County

Hon. Dorothy J. Wilson
Baltimore County District Court

Faye Gaskin, Secretary
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MARYLAND JUDICIAL COUNCIL

Meeting Location:
Maryland Judicial Center
Judicial Council Meeting Room 121, First Floor

MARYLAND JUDICIAL COUNCIL Minutes January 15, 2020

Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair	Hon. Brett W. Wilson
Hon. Keith A. Baynes	Hon. Dorothy J. Wilson
Hon. Pamila J. Brown	Melissa Batie
Hon. Angela M. Eaves	Marina Fevola
Hon. Matthew J. Fader	Markisha Gross
Hon. James Kenney, III	Hon. Katherine Hager
Hon. Karen H. Mason	Pamela Harris
Hon. Patricia L. Mitchell	Hon. Charlene Notarcola
Hon. John P. Morrissey	Mary Kay Smith
Hon. Laura S. Ripken	Roberta L. Warnken
Hon. Bonnie G. Schneider	

Others Present:

Hon. Cynthia Callahan	Jeff Huddleston
Hon. Susan Hazlett	Melinda Jensen
Hon. Nicholas Rattal	Crystal McCoy
Hon. Sean Wallace	Robin Nhare
Faye Gaskin	Kelley O'Connor
Richard Abbott	Eliana Pangelinan
Gray Barton	Suzanne Schneider
Carole Burkhart	Nisa Subasinghe
Terri Charles	Gillian Tonkin
Lynn Emerson	Terri Vukovich
Lou Gieszl	

A meeting of the Judicial Council was held Wednesday, January 15, 2020, at the Maryland Judicial Center, beginning at 9:30 a.m. Chief Judge Barbera welcomed everyone, acknowledging the new members: Judge Angela Eaves, Judge Bonnie Schneider, Clerk Katherine Hager, Marina Fevola, and Mary Kay Smith. She then called for approval of the minutes of the September 25, 2019, meeting, which were approved by common consent.

1. Business and Technology Work Group Recommendations

Judge Ripken acknowledged the presence of Judge Rattal, Chair of the Specialty Courts and Dockets Committee, and Judge Wallace, Chair of the Business and Technology Work Group. She thanked Judge Wallace for his tact and diplomacy in leading the work group, which was comprised of a diverse membership, including judges, attorneys, and business leaders. The work group formulated six recommendations about which Judge Rattal and Judge Wallace briefed the Conference of Circuit Judges. The recommendations included:

- Appointment of a statewide program coordinator (a majority of the members agreed that the coordinator should be an active or senior Business and Technology Case Management Program (BTCMP) judge)
- Creation of an advisory body within the Judiciary structure
- Elevation of the BTCMP Subcommittee to its own committee
- Establishment of more specific criteria for case assignment to the BTCMP
- Encouragement of the issuance and easy availability of written opinions on non-routine matters in BTCMP
- Increased availability of appropriate educational opportunities for all BTCMP judges

Judge Ripken noted that following a discussion of the recommendations, the Conference agreed to recommend to the Council the creation of a Committee on Complex Litigation under the Conference of Circuit Judges with a work group on Business and Technology. The Conference also agreed to recommend that the initial focus be dissemination of opinions, improved data, and annual education on business and technology under the umbrella of the Judicial College. In addition, the Conference agreed to recommend the creation of a Statewide Business and Technology Coordinator position. Judge Ripken offered the aforementioned recommendations to the Council for its consideration.

Chief Judge Morrissey moved to recommend adoption of the Conference's proposal. Following a second by Judge Mitchell, the motion passed. Chief Judge Barbera accepted the Council's recommendation.

2. Committee Updates

a. *District Court Chief Judge's Committee.*

Chief Judge Morrissey briefed the Council on the work of the District Court Chief Judge's Committee. He noted that the Committee had held two meetings since last reporting to the Council, including a joint meeting with the Conference of Circuit Judges where matters of mutual concerns to both trial courts were discussed. The joint meetings will be held at least once a year.

Chief Judge Morrissey highlighted some of the topics discussed during the two meetings such as an update on the Justice Reinvestment Act where he reported that there was an 8 percent increase in the release rate, as well as a decrease in cash bail. Also discussed was the definition of absconding in light of the decision in *Brendoff v. State* in which the Court opined that the trial

court must find that the probationer willfully evaded Department of Parole and Probation supervision, not just that he or she left the treatment facility, to conclude that the probationer absconded.

Other items discussed during the two meetings included cashless tolls, appropriate use of computer access, best practices regarding funding issues in problem-solving courts, and the new Catonsville courthouse.

b. *Domestic Law Committee*

Judge Cynthia Callahan provided an update on the work of the Domestic Law Committee. The Domestic Violence/Peace Order Subcommittee is working on several initiatives, including a best practices document for rescission requests; a possible Rule change to clarify the process for transferring motions for contempt and modification from the District Court to the circuit court in domestic violence cases; and, a Judicial College course dealing with enhancing judicial skills in domestic violence proceedings.

The work groups' initiatives include reviewing the variation in how custody evaluations are handled across the state and formulating recommendations for possible Rule changes; working to remove some of the domestic forms out of the Rules and recommending Rule changes to bring about clarity in process; and, addressing inconsistencies in the handling of U&T Visa certifications and Special Immigrant Juvenile Status matters from court-to-court. Judge Callahan also discussed the parenting plan Rules that were effective January 1, 2020, noting that it was an eight-year effort that will have a significant impact on how parties' approach what they request, and how the children are impacted. Judge Callahan noted that the new guardianship Rules that were effective January 1, 2020 provide for confidentiality around information in guardianship cases.

The Committee continues to update the family law bench book and provide child counsel training. The Committee is in the early stages of discussing abuse screening and how to address instances when the abuse is determined in a mediation setting. Judge Callahan will ensure that packets of the documents are provided to the District Court locations.

c. *Education Committee*

Judge Hazlett briefed the Council on the activities of the Education Committee. She stated that the Committee held its first joint meeting with another committee, the Specialty Courts and Dockets Committee, to discuss training initiatives around staff dealing with customers who have substance abuse issues, as well as providing space to advertise to judges and other court staff interested in starting a problem-solving treatment court. Judge Hazlett highlighted some of the education and training initiatives underway within the Judicial College, among which are new employee technology training for judges, MDEC user proficiency training for clerks, and webinar training for judges allowing them to fulfill six of their required annual judicial education hours through web-based training.

Proficiency-based education successfully launched for commissioners with Supervisor/Manager and Judicial Assistant CORE set to launch in January and March, respectively. The Judicial College also is developing access to learning modules that will be

available to commissioners 24/7, allowing them to review the modules as necessary. Lynn Emerson, Judicial College, showed an abbreviated lesson from each of the Supervisor/Manager and Judicial Assistant CORE programs. Judge Hazlett commented that every scenario in the training modules was done to reflect situations relevant to the Maryland Judiciary. She added that the programs are mandatory. The goal is to launch the programs for administrative judges, judiciary clerks, and courtroom clerks sometime in 2020.

Chief Judge Barbera thanked the Committee and the College for their forward-thinking and acknowledged the work group members for their work on the CORE programs. Judge Hazlett echoed her sentiment, noting that the work could not have been completed without everyone's efforts.

d. *Senior Judges Committee*

Judge Kenney updated the Council on the work of the Senior Judges Committee, the role of which is to make recall service efficient and effective. The Committee meets three times a year and, if necessary, will meet via conference call to address issues between meetings. The Legislative Subcommittee reviews legislation that directly impacts senior judges; the most pressing legislative issue has been prescription drug coverage. Through the Newsletter Subcommittee, the Committee seeks to apprise senior judges of matters of particular relevance to them.

Chief Judge Barbera thanked the committee members and staff from all the reporting committees for their efforts in moving forward the mission and vision of the Judiciary.

3. Resolutions and Proclamations

Chief Judge Barbera acknowledged Cheryl Miller for her work on the Judicial Council as her term came to end. She expressed her appreciation for Ms. Miller's service and contributions to the administration of justice through the Council. Chief Judge Barbera and Ms. Harris then recognized Terri Vukovich for the exemplary leadership she demonstrated in the planning and implementation of several major projects, including, but not limited to, designing and building out office space in the new Maryland Judicial Center and overseeing the mold abatement in the Courts of Appeal building. They also recognized Ms. Vukovich's staff, Robin Nhare and Crystal McCoy, for their contributions to the aforementioned-projects.

There being no further business, the meeting adjourned at noon. The next meeting is scheduled for March 11, 2020, beginning 9:30 a.m.

Respectfully submitted,



Faye Gaskin