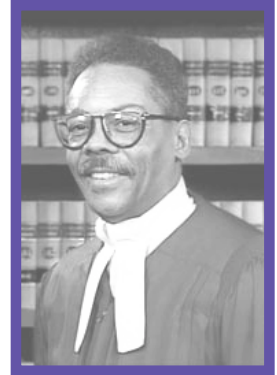


Investing in the Future

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A Message from Chief Judge Robert M. Bell



The Annual Report of the Maryland Judiciary provides for the Judicial Branch of Government a picture of its operations and, thus, identifies trends, provides an historical perspective, and permits the assessment of the present state of its affairs, as well as its prognosis for the future. The picture the information and statistical data paints is of a dedicated and committed group of men and women working together in their respective spheres, where as judge, clerk, administrator, member of a court-related agency, administrative support or technical personnel, to achieve excellence in service.

This year, for the first time, the *Annual Report* is being presented in a new format; although having the same overall purpose, rather than one report as in the past, this year there are two. One report contains an overview of the Judiciary and the various projects and initiatives undertaken in the preceding year. The other is a compilation of statistical material, which outlines and explains the workload of the four levels of Maryland courts. I hope the reader will find this new format helpful and informative.

It is, as always, with gratitude to the Judiciary team that I present this *Annual Report*.



JUDICIAL GOVERNANCE

In an effort to establish a more effective and representative means of governance, the Chief Judge of the Court of Appeals, as the constitutional leader of the Maryland Judiciary, in collaboration with other judicial leaders, established the Judicial Cabinet and the Maryland Judicial Council.

The Cabinet is chaired by the Chief Judge of the Court of Appeals and is composed of the Chief Judge of the Court of Special Appeals, the Chair of the Conference of Circuit Judges, the Chief Judge of the District Court, and the State Court Administrator. Assisting the Chief Judge in the superintendence of the Judiciary, the Cabinet considers policies affecting the judicial system.

The Maryland Judicial Council was formed to oversee the Judicial Conference and serve as a principal policy advisory body to the Chief Judge of the Court of Appeals. Composed of judges from each court level, administrators and clerks, the Council makes programmatic and policy recommendations affecting the entire court system.

As its first official act, the Council recognized the critical importance associated with the fair and expeditious disposition of cases within the trial courts.

As such, it engaged in the development and implementation of case-time standards to measure court performance and identify case management best practices within the courts. The Council concluded that by assessing individual court performance against a self-imposed standard, courts will be better able to define their level of accountability for case processing.

Under the oversight of the newly formed Judicial Council, the expedition and timeliness initiative has engaged the entire Maryland Judiciary in:

- Adoption of acceptable time standards for all major case types;
- Performance assessments of all trial courts against these standards;
- Identification and validation of case management best practices, as well as concentrate planning and resources on areas needing improvement;
- Adoption of best practices;
- Implementation of changes court by court and case type by case type; and
- Evaluation, recognition of successes, and improvement planning.

CIRCUIT COURT ACTION PLAN

In 1999, a Circuit Court Action Plan was developed to determine ways to establish and maintain substantive partnerships between all stakeholders through fiscal and operational cooperation and investment.

The plan advocates collaborative governance through the leadership and superintendence of the Conference of Circuit Judges, supported by a strong state/local government funding relationship.

Neither the State or local government should be relieved of its responsibilities for the administration of justice, according to the plan. Rather, the basis and framework for an effective partnership should concentrate on collective energies and resources.

“We do not believe that the structural consolidation or unification has any bearing on performance,” asserted State Court Administrator Frank Broccolina. “We believe that we should be measuring performance and setting performance standards.”

The action plan proposes a mutually invested and shared relationship based upon performance rather than structure. The Judiciary seeks to implement a set of principles and performance goals to build an organizational framework of internal evaluation, self-assessment, and self-improvement.

The Circuit Court Action Plan provides the Maryland Judiciary with a philosophy to move forward, to build upon partnerships with State and local government, and to provide accountability through the establishment of performance standards.

ALTERNATIVE DISPUTE RESOLUTION

The Maryland ADR Commission has evolved into an ongoing dispute resolution office within the Judiciary called the Maryland Mediation And Conflict Resolution Office (MACRO). MACRO will continue the Commission's work to advance the appropriate use of ADR in the courts as well as in communities, schools, state and local government agencies, criminal and juvenile justice programs, and businesses.

As a court-related agency, MACRO looks to generate significant advancements in dispute resolution, creating a "culture of conflict resolution" for the new millennium. The office's work will help increase public access to justice, promote more peaceful and civil communities, empower people to control the outcome of their disputes, make the courts more efficient and user-friendly, and substantially improve how we as a society manage conflict.

ADR processes give the participants a more active role in resolving their own conflicts than typically occurs in a courtroom setting. ADR processes also tend to be faster, more private, and less costly than resolving disputes through litigation.

Although Maryland is one of many states to have created alternative dispute resolution programs or offices, MACRO is unique in several respects. First, MACRO takes a very broad scope by working to advance the use of ADR in a comprehensive manner both inside and outside the courts.

Second, MACRO's work reflects the Maryland Judiciary's belief that courts should encourage ADR use as a way of preventing disputes from reaching a stage at which court intervention is necessary.

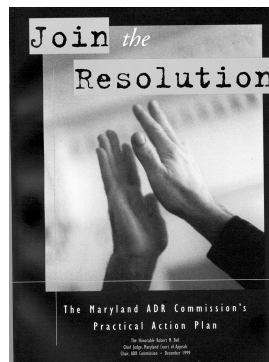
Accordingly, MACRO has a long list of initiatives (see table) to advance the use of ADR in the community, in schools, in prisons, in state and local governments, and in the business community, as well as in the courts at

every level. Finally, MACRO is known for using ADR processes, such as collaboration and consensus building, as new projects and policies are developed.

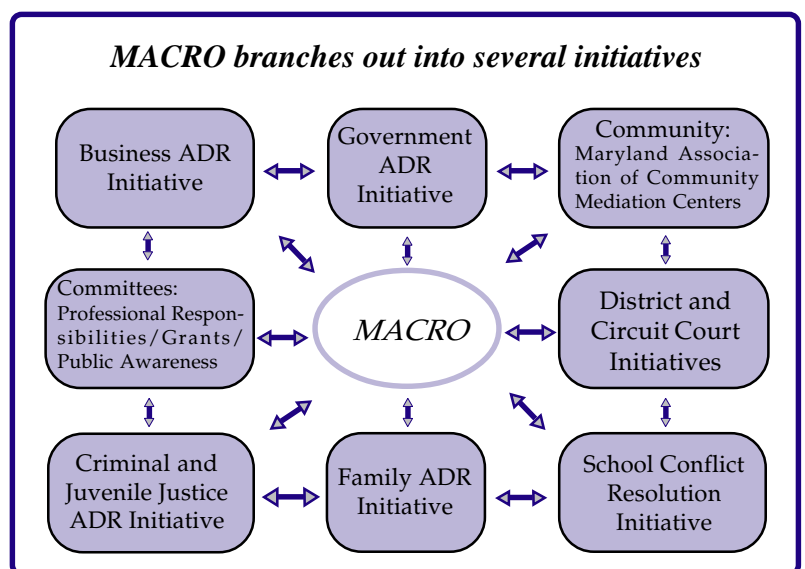
Unlike other state ADR commissions that are advisory in nature, Maryland's efforts are action-oriented, as outlined in Maryland's practical ADR action plan, 'Join the Resolution,' which was published by the Judiciary in December, 1999. A primary goal outlined in this plan is to support development of community mediation centers in every jurisdiction, and to provide funding support under a single, performance-based program. Maryland's 10 current community mediation centers,

which offer low-cost mediation services to residents, have formed their own nonprofit community mediation association.

MACRO's groundbreaking work has made Maryland a national ADR model that other states can follow. As MACRO's efforts continue, ADR will move forward as a growing, significant priority for the Judiciary.



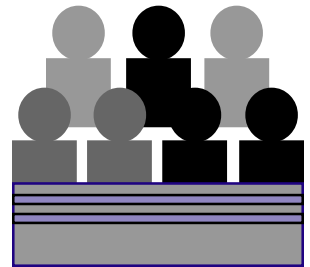
MACRO branches out into several initiatives



DISTRICT COURT PILOT PROGRAMS

The District Court is piloting several key initiatives designed to serve the public and enhance access to the court:

- In Montgomery County, a pilot study is being conducted on the effectiveness of digital recording systems designed to improve and enhance the recording quality and accuracy of court proceedings. This program will also study the ability of digitized recordings to be transferred across a network, thereby alleviating the need to physically mail or deliver final products by courier.
- In Prince George's County, a pilot program is assessing the impact of electronic filing of landlord and tenant cases. Electronic payment and movement of very large amounts of data will instantly impact the overall process by reducing the staggering amounts of paper and significant human resources needed to perform this function.
- In Howard County, a project is examining the impact and benefit of a new docketing system designed to put an end to the "cattle-call docket." The initiative was developed to spread the caseload over a series of daily time slots; thereby reducing crowded courtrooms, hallways, parking lots, and the amount of time a litigant or witness must spend at the courthouse. The new system is also being piloted in Carroll, Frederick, Washington, and Baltimore counties.



ACCESS TO JUSTICE

District Court Commissioners are at the forefront of access to the courts and the justice system. In 1994, it became obvious that a large number of citizens both applying for a charging document and appearing before a commissioner could not communicate in English, or had only a marginal understanding of the English language.

To address this situation in the District Court's 24/7 operations, the Commissioners began using a telephone-based interpreter system with access to 144 languages. Currently, interpreters are employed between 150-250 times per month, with Spanish the most frequently-used language. The system is also available at certain clerk counters in the District Court to augment other means of interpreter access.

As indicated above, the District Court Commissioner system operates statewide 365 days per year on a 24-hour basis to issue charging documents and conduct bail hearings as soon as possible after a person is arrested.

In continuing efforts to ensure that the service provided meets statutory and rule requirements, the District Court monitors how their stations impact users, including signage, lighting, security, and Americans with Disabilities Act access, as well as customer relations education. This commitment to service helps make visits less traumatic, and enables the citizen to focus on understanding the importance of the process.

Before the latest census was released acknowledging that Hispanics are now even with African-Americans as the nation's largest minority, the District Court concluded efforts to have its informational self-help brochures translated into Spanish. The District Court also converted its web pages and various online brochures to Spanish, and is currently working on a project to assist the Hispanic population by providing traffic citation information in

Spanish via the Interactive Voice Response system and a Spanish-speaking operator.



FAMILY DIVISIONS

With the creation of the family divisions and family services programs, Maryland has taken its place at the forefront of a national movement toward family court reform. Because family law cases represent nearly half of the total circuit court caseload in Maryland, the Judiciary has sought new methods for improving how such cases are handled.

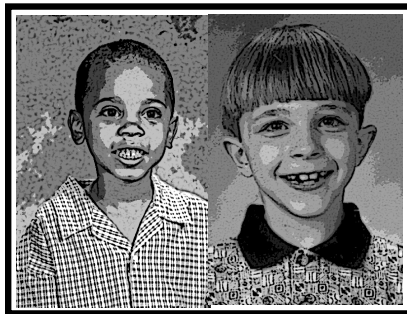
The Maryland Judiciary has developed family case management strategies within each jurisdiction to improve the experiences of families coming before the court. In addition, a variety of services have been employed to complement these strategies, including alternative dispute resolution; evaluative, educational and therapeutic resources; safety and protection services; and access to legal assistance.

Although caseloads vary from jurisdiction to jurisdiction, each circuit court has developed a remarkably similar spectrum of resources to assist families and children through the judicial process. These services ensure that the courts have adequate information to make holistic decisions for children and families, who, in

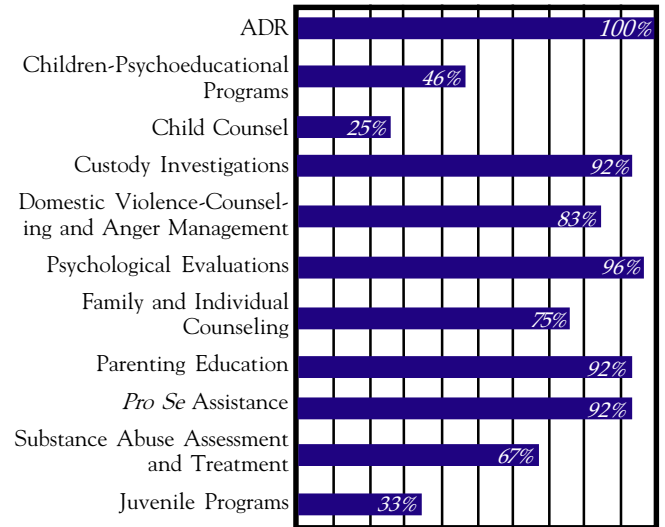
FOSTER CARE COURT IMPROVEMENT

The well-being of children has been a prominent concern emphasized in each of Chief Judge Bell's "State of the Judiciary" addresses to the General Assembly. "Nothing has a greater significance to a society than the safety and care of its children," Judge Bell observed in his 2001 report.

The Foster Care Court Improvement Project (FCCIP) strives to enhance the Judiciary's ability to handle such cases more effectively and efficiently. Several improvements are mapped out in the Judiciary's recommendations to revise the current Child In Need of Assistance (CINA) system. Among those recommendations, presented before the General Assembly for a third straight year, is a bill that promotes safety and permanence for children, timely



Percentage of Maryland Jurisdictions Offering Specific Family Support Services in Fiscal 2000



turn, have access to the support they need to reorient themselves for a new future.

decision-making by the courts, and development of a "best practice" guide for litigants, attorneys, and the court.

The recently adopted *Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoption Cases* will improve the representation of children in abuse and neglect cases by establishing a uniform, consistent practice on behalf of children throughout the State. Another major accomplishment in the foster care system has been the establishment of training programs for judges and masters who hear foster care cases. These sessions include training on the new information case management system, the Maryland Automated Judicial Information for Children (MAJIC), which will enable the Judiciary to more effectively track CINA and related cases, and assist the courts in analyzing the processing of these cases and determine timeliness and legal compliance.

PUBLIC ACCESS AND PRIVACY

Public access versus individual privacy has long been a sensitive issue with regard to court records, and has intensified with the explosion of information available via the Internet. The increase in electronic use has presented a significant rise in the number of requests for aggregate court records, generally in electronic format, and in requests to create electronic records.

With the sharp rise in requests for electronic records, the Maryland Judiciary sought the advice of the Attorney General's office to improve access to court records, while securing information that should remain private.

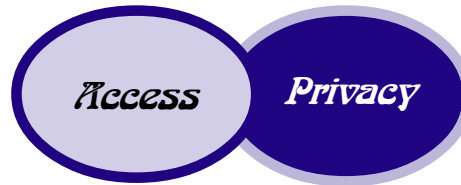
This past year, an *ad hoc* committee was formed to develop additional guidance for the application of the

relevant statutes covering access to court records.

The committee developed a draft interim policy consistent with the Maryland Public Information Act and relevant statutes, and presented the policy for public comment. A public hearing provided valuable insight into the weight of this sensitive issue, and Chief Judge

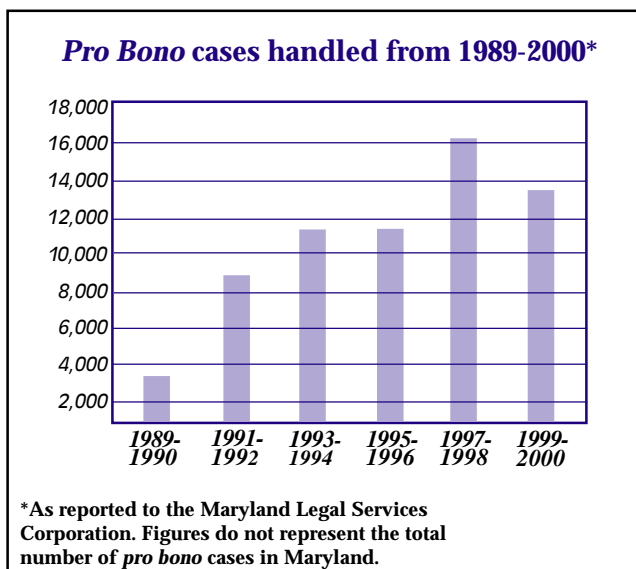
Bell expanded the committee's membership to take a more comprehensive look at the issue.

In 2001, this expanded committee will be asked to recommend to Judge Bell how the Judiciary can handle access to electronic records, while complying with existing statutes on access, without adversely affecting judicial operations and activities, or unwarranted invasion of privacy.



REDUCED OR NO COST SERVICES

The number of *pro bono* cases handled in Maryland has grown substantially over the past decade (see graph). The Maryland Judicial Commission on Pro Bono was established in 1998 to evaluate the court's ability to improve the opportunities for state residents who cannot afford legal access to the civil justice system to receive legal representation *pro bono*, or at a reduced or no cost.



In March 2000, the Commission issued a report urging the Maryland Judiciary to play a prominent role in encouraging lawyers to donate their services to those in need. Commission Chair, Court of Special Appeals Judge Deborah S. Eyler, related that the Judiciary can have an enormous effect on the amount of *pro bono* donated by lawyers.

"Lawyers listen to judges, and they will take their lead from what the judges have to say," Judge Eyler stated. "If the Judiciary provides a framework that makes doing *pro bono* easier, lawyers are apt to do more *pro bono* work."

The Commission also recommended that:

- Each Maryland court adopt a local *pro bono* plan designed with that court's needs and resources in mind.
- A statewide oversight committee be established to, among other things, assist local *pro bono* committees in formulating their plans, and oversee local *pro bono* programs once in place.
- Judges, both individually and in groups, encourage lawyers to render *pro bono* services through education, recruitment, training, and positive recognition.
- Courts provide accommodations, such as flexible scheduling, docket preferences, and "piggybacking" (allowing lawyers to schedule their *pro bono* case at the same time as another case they are handling).

DRUG TREATMENT COURTS

The Maryland Judiciary's Drug Treatment Courts have been highly successful in giving even the most hardened addicts a chance for new life, while simultaneously saving tax dollars and cutting crime rates.

The Drug Treatment Court in Baltimore City graduated close to 800 rehabilitated addicts since its inception in 1994. During this time, the 600 slots open for the program have largely been filled (Last year, the General Assembly earmarked funding to expand program capacity to 900).

Drug Treatment Court coordinator and Baltimore City District Judge Hon. Jamey H. Weitzman related that a recent study determined a six

percent recidivism rate among graduates. Success of the program can be attributed to the coming together of criminal justice partners in a non-adversarial setting to provide a systemic and very strenuous approach to the persons' criminality and addiction. Drug courts provide immediate treatment, constant monitoring, and immediate consequences. Judge Weitzman called it a holistic approach.



"In the drug court setting, not only do we address the addiction issue, but the underlying problems contributing to the addiction," she said. "We provide many support services to lift them out of the drug addiction mode."

Anne Arundel County's District Drug Court program has graduated 350 people since its inception in 1997. There are currently around 125 enrollees in the program, which posts a 17 percent recidivism rate, on average.

The Harford County District Court program began in 1997, and has graduated more than 150 defendants. The program success rate varies between 80 and 88 percent. Although smaller than the Baltimore City program, roughly 40 open slots at a time, the program provides total "wrap-around services."

Defendants report twice monthly, and home visits are conducted by an agent from the Office of Parole and Probation, assigned to the Drug Court. With perfect attendance at all counseling sessions, drug education classes, probation appointments, and "in court sessions," along with successful urinalysis testing, defendants may be awarded a not guilty verdict.

Program coordinator Mary Carol DeVilbiss pointed out that defendants that do not make it through the program are likely to be sentenced by the Drug Court judge. The consequences of non-compliance are fully explained at the initial evaluation and intake session.

Nationally, surveys of drug treatment courts have found that by treating drug offenders instead of incarcerating them, courts ultimately save tax dollars and reduce crime rates.

The 1999-2000 Maryland Judiciary Annual Report is a synopsis of the State court system's advancements and improvements made during this time. The report, created by the Court Information Office, can be found on the Maryland Judiciary web site at www.courts.state.md.us.

The report serves as an accompaniment to The Annual Report of the Maryland Judiciary Statistical Abstract 1999-2000, prepared by Circuit Court Management Services, Administrative Office of the Courts. Both reports can be obtained through the Court Information Office.

*Court Information Office
361 Rowe Boulevard
Annapolis, Maryland 21401
410/260-1488*

*Administrative Office
of the Courts
Maryland Judicial Center
580 Taylor Avenue
Annapolis, Maryland 21401
410/260-1290*

JURY USE AND MANAGEMENT

In light of the importance of the right to trial by jury, the Council on Jury Use and Management was created in 1998 to find ways to evaluate and strengthen the institution of jury trial in Maryland, to support citizens in their role as jurors, and to improve the effective administration of justice through the jury system.

Last year, the Council proposed several recommendations, including:

- Have employers compensate employees called for jury service by paying the difference between the daily jury pay provided by the court and the employee's average daily rate of compensation.
 - Permit jurors to discuss the evidence and testimony during the course of the trial, provided that all jurors are present for the discussion and the jurors are instructed to keep an open mind and to not form final opinions before the deliberation stage.
 - Allow jurors to ask witnesses questions under the close supervision of the judge.
- Reduce the large number of preemptory challenges (40) for election law criminal offenses, and make them consistent with the number of challenges for other criminal cases.
 - Encourage judges to provide post verdict counseling by qualified mental health professionals in appropriate cases for jurors who wish such service.



BUSINESS AND TECHNOLOGY TASK FORCE

In 2000, the Business and Technology Task Force was formed to review the court system's ability to handle business and technology matters in the most coordinated, efficient, and responsive manner. After researching experiences of other states, and conversing with Maryland business and legal communities, the Task Force concluded that implementation of a Business and Technology Case Management Program would provide the state with a more efficient and effective court system.

Of the handful of states that have already implemented some type of business-specific court program, Maryland would become the first to create a program specific in the administration of disputes involving complex technology issues.

Prince George's County Circuit Court Judge Steven I. Platt, Task Force Vice-Chair, related that the transition to such a program would likely be relatively smooth, thanks to Maryland's unique Differentiated Case Management (DCM) system.

"Even the witnesses who testified before the Task

Force from other states which have created business courts acknowledged the significance of Maryland's DCM system," said Judge Platt, "in which complex cases, including business and technology cases, already are given increased attention."

The Task Force recommended that judges interested in participating in the program receive specialized training and education. Judges who are better trained, educated, and more comfortable in handling technology cases could provide more timely, rational, legally correct, and perhaps predictable rulings—which could equate to a higher rate of settlement of business and technology cases, and consequently, free up time for disposition of other cases.

Baltimore City Circuit Court recently created an Advisory Council to assist in the establishment of a new business and technology case management program. The Council, chaired by Baltimore City Circuit Court Judge Albert J. Matricciani, Jr., is a fair representation of the courts, including Administrative Judge Ellen M. Heller, and the business and technology community.