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**MINUTES OF THE MEETING OF THE
CONFERENCE OF CIRCUIT JUDGES**

A meeting of the Conference of Circuit Judges was held Monday, May 21, 2018, at the Judicial College Education and Conference Center in Annapolis, Maryland, beginning at 9:30 a.m.

Members Present

Hon. Kathleen Gallogly Cox, Chair

Hon. Brett W. Wilson
Hon. Keith A. Baynes
Hon. Stephen H. Kehoe
Hon. Mickey J. Norman
Hon. W. Timothy Finan
Hon. Viki M. Pauler
Hon. J. Barry Hughes

Hon. Laura S. Kiessling, Vice Chair
Hon. Sheila R. Tillerson Adams
Hon. Marjorie L. Clagett
Hon. W. Michel Pierson
Hon. Audrey J. S. Carrion
Hon. Amy Craig
Pamela Harris
Douglas Hofstedt

Also, Present Were:

Hon. Mary Ellen Barbera
Hon. John P. Morrissey
Faye Gaskin
Karen Fary
Melinda Jensen

Kelley O'Connor
Eliana Pangelinan
Amy Reed
Lee Robinson
Chanessa Znamirovski

1. Approval of Minutes

Judge Cox called for approval of the minutes of the March 19, 2018, meeting. Judge Wilson moved for approval of the minutes, which was seconded by Judge Hughes. The motion passed.

2. Judiciary Human Resources Department Update

Amy Reed and Karen Fary, Judiciary Human Resources, provided an overview of the interview process, from the pre-interview phase through post interview activities. They discussed various interviewing tips that will help to ensure an effective recruitment, as well as minimize the potential for litigation. In addition, they offered to provide customized interviewing training for the courts, and to review any prepared interview questions the hiring managers plan to use during the interview.

Chanessa Znamirovski, also with Judiciary Human Resources, recently was appointed to serve as the Law Clerk Coordinator. She reviewed a number of updates to law clerk processes, from the forms that have to be completed to onboarding and separations to the updated webpage. Ms. Znamirovski stressed the importance of completing the form needed for the background check, which all employees are required to complete. She stated that the background check has to be completed prior to the law clerk's first day of work. Law Clerks should be schedule to start on the first day of a pay period. Failure to do so could put the law clerk in jeopardy of not receiving his or her pay check for up to six weeks. In addition, if the law clerk has signed up for benefits, he or she will receive an invoice from the Department of Budget and Management for payment of those benefits. Ms. Znamirovski noted that instructions regarding law clerk separations will be sent to each judge in July; outgoing and incoming law clerks can overlap for 10 business days. Ms. Znamirovski should be advised in writing if the law clerk's term is going to be extended.

3. Cost Waivers

Chief Judge Morrissey brought to the Conference's attention Maryland Rule 1-325 (e)(2) regarding factors to be considered by the Court in determining waiver of prepaid costs. He was contacted by a legislator who wanted to be sure the courts are in compliance with the Rule.

4. Post Convictions and Representation by the Office of the Public Defender

Judge Sheila Adams queried the Conference to determine if any of the courts had experienced problems with attorneys from the Office of the Public Defender (OPD) not entering their appearance in post-conviction cases. She stated that her court was advised by the OPD that the Office lacked the necessary resources. Based on the discussion, it appeared that no other courts had experienced any difficulty in getting the OPD to enter into the cases. Judge Pierson commented that while it takes some time to hold the hearing, he has not been told that there is a lack of resources. Judge Adams will set the cases in for hearings and make a determination on where to go from there if the problem persists.

5. MDEC and Maryland Department of Health Liaison Judge

Judge Hughes, following up from the previous meeting, confirmed that functionality exists within MDEC to develop a queue for mental health orders. The court would be responsible for completing the form to request that the queue be added. He noted that, if approved, each jurisdiction would have a judge designated to serve as the liaison to the Maryland Department of Health (MDH). Judge Hughes discussed the proposed business process, which involves the clerk docketing the judge's signed order for service, as well as sending a copy to the MDH liaison for review and tracking.

Chief Judge Morrissey noted that he has asked each court in the District Court to designate an MDH judge coordinator to ensure that all issues and concerns are addressed. He added that MDH has developed a central repository to receive all requests.

Judge Sheila Adams stated that all orders in the Circuit Court for Prince George's County are processed through her office and that the process is coordinated by a paralegal. Judge Hughes noted that through MDEC, distribution of the orders would be automated, with copies to MDH and the court-designated MDH liaison. Judge Kiessling expressed concern with removing responsibility for coordination from the judge responsible for the case and placing it with someone else. Judge Pierson echoed her concerns, stating that he doesn't think the proposal is workable in large courts. Judge Cox commented that MDH is most concerned with having a single point of contact for problems/issues/questions and, as such, suggested that each court appoint a liaison judge. She added that the suggestion is for all courts; however, if the suggestion is adopted, the process can be automated within MDEC. Also, each court can determine what works best, a single point of contact or a point of contact for each case type.

Judge Hughes moved that the Conference recommend that each county administrative judge appoint a MDH liaison judge. Judge Cox requested a friendly amendment that each county administrative judge designate a liaison judge or judges to serve as the point(s) of contact for Health General, Competency, and Criminal Responsibility matters. Judge Claggett seconded the motion. Judge Sheila Adams requested that motion be further amended to indicate that the liaison could be a judge or other individual. Judge Claggett seconded the motion, which, in its final form reads as follows: *Each county administrative judge will be asked to designate a liaison judge(s) or other individual(s) to serve as the point(s) of contact with the Maryland Department of Health for Health General, Competency, and Criminal Responsibility matters.* The motion passed.

Judge Cox will request that the names of the liaisons be sent to her. She will compile the list and ensure that it is updated with any changes.

6. For the Good of the Order

Judge Cox informed the Conference that the Rules Committee is discussing possible changes to Rule 4-347 regarding bail reviews for violations of probation. The proposal is that if an individual judge requires the defendant to be returned to him or her that, in the judge's absence, the administrative judge designate a substitute judge for bail review. Judge Cox solicited feedback from the Conference, which she will take to the Rules Committee for

consideration. She noted that Judge Wilner removed the proposal that there be different rules to address technical versus non-technical violations.

Judge Sheila Adams inquired about the Clerks of Court discussion regarding true test copies that was raised during the last meeting of the Conference. Ms. Craig stated the Conference of Circuit Court Clerks discussed the matter and determined that if the filing is made by a sovereign citizen, then the decision to true test the document should be at the judge's discretion. She added that if other documents are received for the file, then the clerk will have to true test the documents.

Judge Pierson stated that there should be an order indicating that the clerk should not true test anything that is stricken. Discussion ensued about the clerks potentially true testing documents that should not be true tested, such as filings where there is no certificate of service. Judge Sheila Adams noted that true testing copies gives some legitimacy to things that are bogus. Judge Cox suggested that a rules change may be in order, which would indicate that certain documents do not require a true test, such as sovereign citizen documents and letters from inmates. She will discuss the matter with Judge Wilner.

Chief Judge Morrissey distributed a form he created for judges to request approval for out-of-state travel, which was created to help improve the process. He thought the circuit courts might find the form helpful as well. Judge Wilson suggested adding a line to indicate the source of funding and Judge Hughes suggested that the requestor be required to attach documents in support of the request. Chief Judge Morrissey asked that all suggestions be sent to him.

Judge Cox asked the Conference to remind their judges and magistrates to complete the child custody survey as requested by the Family Law Committee.

Judge Wilson shared that he had received a number of complaints regarding negative experiences from individuals committed to MDH for evaluations or treatment. He commented that the foundation of JRA is treatment, but there appears to be a greater concentration on quantity rather than quality. He has received complaints about things such as cameras being turned off at night and sex parties between staff and patients. Judge Wilson stated that he shared the complaints with his liaison who met with MDH representatives to discuss the matter. He added that there appears to be no accountability with treatment center staff and that the courts have to ensure that their intent is carried out. Judge Wilson suggested soliciting judges to determine if they have received similar complaints.

Chief Judge Morrissey noted that similar concerns have been expressed across the State and that MDH is aware of them. Judge Carrion inquired as to the Judiciary's responsibility and whether the providers should be brought together annually to discuss issues and concerns. Judge Claggett stated that her court stopped sending defendants to certain places until they were satisfied that the issues were resolved. Judge Cox suggested that the MDH Secretary attend the CCJ meeting to discuss the safety and treatment concerns.

Action Items

- Judge Cox will contact the county administrative judges regarding the designation of a liaison judge or other point of contact. She will ask that the names be forwarded to her.

- Judge Cox will discuss with Judge Wilner a possible rules change to exclude certain items from the requirement to true test.
- Conference members should send suggestions for changes to the out-of-state travel request form to Chief Judge Morrissey.
- Conference members should remind their benches to complete the child custody survey.
- The Secretary of MDH will be invited to the next Conference meeting to discuss safety and treatment concerns.

There being no further business, the meeting was adjourned at 11:00 a.m. The next meeting will be held on Monday, September 17, 2018, at the Judicial College Education and Conference Center in Annapolis, Maryland. The meeting will begin at 9:30 a.m.

Respectfully submitted,



Faye D. Gaskin
Conference Secretary