Moving Justice Forward

The implementation of Maryland Electronic Courts (MDEC) will change the way courts will conduct business in the future. This quarterly bulletin provides information about these changes and the work that lies ahead.

In this issue

Chief Judge Ben C. Clyburn Talks About MDEC and other Technologies in the Courts

Chief Judge Ben C. Clyburn of the District Court of Maryland has been a leader in developing and preparing to launch Maryland Electronic Courts (MDEC). He has served as the chair of the MDEC Advisory Committee since it was created in 2009, and has been a dynamic advocate for the new system. He, along with Joan Nairn, MDEC Project Manager, have made more than 85 presentations to law enforcement agencies, bar associations, legislators, and other stakeholders to prepare them for MDEC and how it will change the way they interact with the courts. As he prepares to retire May 31, 2014, we wanted to get his thoughts on MDEC and the future of the courts.

"We are on the verge of something very big," Judge Clyburn said. "MDEC will change the way we administer justice. We are currently doing business in a paper world, while all of society works in a digital world. It is vital that the Judiciary take this opportunity to move courts to the digital age."

While there are many reasons to implement new technology, it is the increased safety and access to justice afforded by the technology that Judge Clyburn is most passionate about. "Through MDEC and other technologies used by law enforcement agencies, judges will have more and better information at the time they are considering a case. Better information means judges can fashion better orders and a better remedy."

Judge Clyburn hopes that in the future, the availability of real-time information throughout Maryland will help improve public safety, and cited the example of providing police and judges immediate access to information about protective orders that are issued in another court. "MDEC will help to eliminate the delay in putting DV orders in the system," he said.

Maryland Judiciary

Chief Judge Ben C. Clyburn Talks About MDEC and other Technologies in the Courts (cont.)

Chief Judge Clyburn has promoted the migration to the digital world throughout his tenure as Chief Judge on such projects as MDEC, e-citations, self-help centers, video bail reviews, and technologies used by law enforcement agencies.

At the same time he cautions that we must never let technology take the place of human interaction in all circumstances . When judges are making far-reaching decisions that will shape someone's life. we need to make such decisions face to face. "

Technology also brings efficiency and cost savings. Instead of trying to cope with piles of paper, judges and clerks will manage information electronically when MDEC is in place. Judge Clyburn foresees this as an opportunity for the courts to provide more services for citizens. He cites the example of the District Court Self-Help Center, which includes a walk-in center in Glen Burnie and statewide telephone and online legal assistance. Like the self-help center and other services the District Court has implemented in recent years, Judge Clyburn predicts MDEC will be welcomed by citizens and provide them with a better experience with the courts, thereby shaping a better overall impression of the justice system.

Judge Clyburn suggests that everyone who will be using MDEC be open-minded and patient. Change is always difficult, he said, but added, "It's not going to be as bad as some may think. It is more like how we do everything in life: we read, we shop, we socialize and conduct business digitally. This will just be another aspect of that." Judge Clyburn noted that young people who graduate from high school after 2006 will have known nothing but a digital world.

He recalled that when e-citations (electronic traffic tickets) were implemented, there was resistance and trepidation. Yet after only six years, the District Court now receives at least 80 percent of traffic citations in electronic form sent from the police officers' cars. He anticipates that a similar shift will occur in the way sheriffs handle serving notices. Now, deputies make multiple trips to the courthouse to pick up and deliver paperwork; in the future, they could print paperwork in their car, thus saving time and transportation costs.

Judge Clyburn has promoted the migration to the digital world throughout his tenure as chief judge on such projects as e-citations, self-help centers, video bail reviews, and technologies used by law enforcement agencies. At the same time he cautioned that we must never let technology take the place of human interaction. "When far-reaching decisions are made that will shape someone's life, we need to make such decisions face to face."
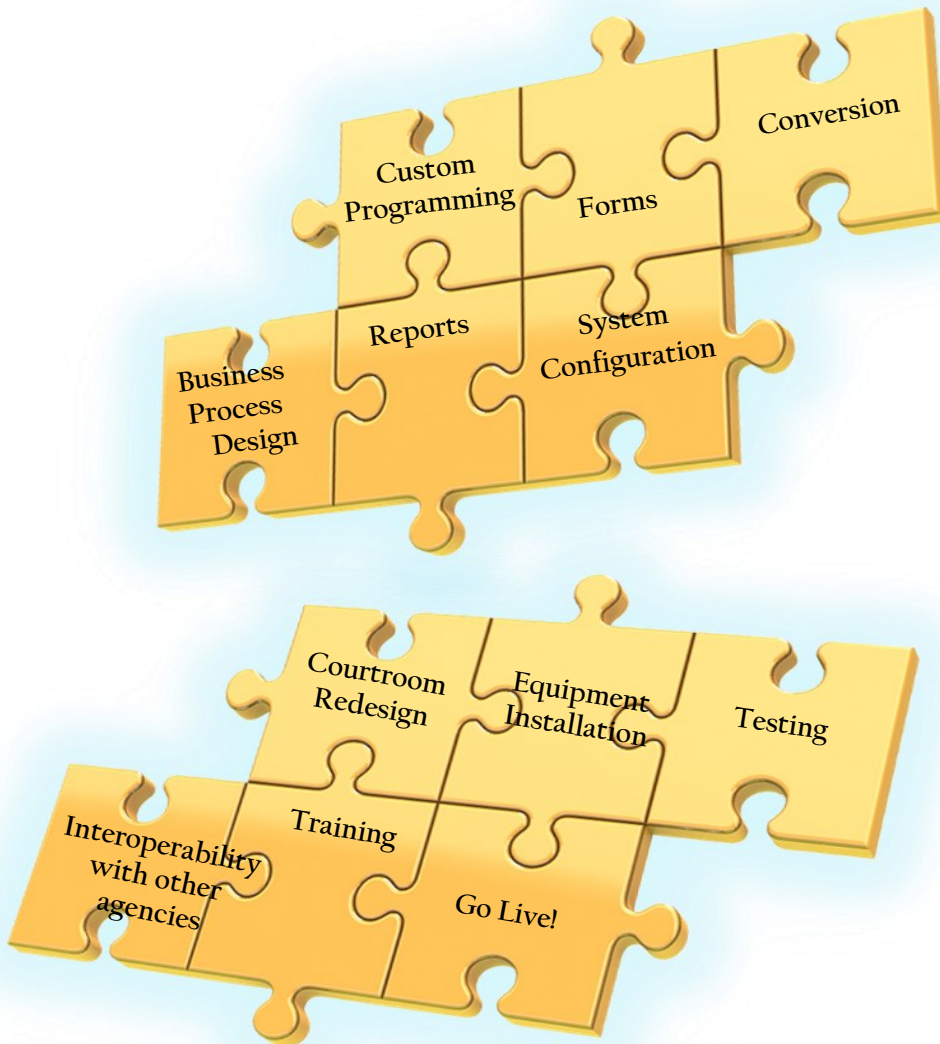
As for his own future, Judge Clyburn plans to sit as a recalled judge, and will take early training on the Odyssey software so he can sit in Anne Arundel County and other jurisdictions as they come onto the MDEC system. (Related article: *Recalled Judges Uniquely Positioned to Smooth the Way to MDEC, page 7.*)

A Visual Update on Preparation for the MDEC Pilot

It's all coming together -

Custom Programming

Forms

Conversion

Reports

System Configuration

Business Process Design

Courtroom Redesign

Equipment Installation

Testing

Interoperability with other agencies

Training

Go Live!

Progress lies not in enhancing what is, but in advancing toward what will be.

Kahlil Gibran
Author, Poet

The work being done on MDEC may seem like "more of the same" - more reports are ready, more forms are ready, more business process sprints have been completed, more preparations for equipment and furniture are done. But it's nice to step back and see that progress is being made. Though a lot of work remains to be done before Anne Arundel County begins using the new system in the fall, the checklist is getting shorter, and we can see that it is all coming together.

A Guide to E-filing

Tara Glover, MDEC E-filing Manager, contributed to this article

Once a court is brought onto MDEC, electronic filing of cases in the system will be mandatory for attorneys. Self-represented individuals may also file electronically if they choose.

The MDEC team is developing a policy and procedures manual for e-filers to help attorneys and court staff get ready for the MDEC launch. When the pilot starts in Anne Arundel County, electronic filing will begin at the same time the system goes live.

There are many benefits to e-filing both for filers and for the courts, and those have been covered in detail in an earlier editions of *Moving Justice Forward.*, which can be found on the Judiciary website, www.mdcourts.gov/mdec/.

Working with retired Court of Appeals Judge Alan M. Wilner, chair of the Standing Committee on Rules and Procedure, Glover is taking the lead in developing a "Policy and Procedures Manual for E-filing." The primary audience for this manual will be attorneys, but the manual will also be helpful to self-represented litigants, as well as court staff.

Retired Judge Alan M. Wilner, Court of Appeals, and Tara Glover.

A Guide to E-filing (cont.)

Here is a preview of the topics to be covered in the manual:

⇒ Introduction to the MDEC System

⇒ Who Must e-file?

⇒ What Must be e-filed?

⇒ The Registration Process

⇒ E-filing – General Requirements & Procedure

⇒ The e-filing Process with New Case Initiation and Subsequent Filing

⇒ E-service – General Requirements & Procedure

⇒ The Electronic Service Process

⇒ Attaching Documents

⇒ The Redaction Checkbox

⇒ Index of Electronic Filing Categories, Case Types and Codes

⇒ Proposed Orders

The policy and procedures manual will serve as a guide for e-filers and as a training and resource manual for court staff.

"The policy and procedures manual will serve as a guide, and will ensure all filers are getting the best possible experience with us," Glover said. It will also serve as a training and resource manual for court staff, who will be able to use it to answer questions they may receive from electronic filers.

Glover looks forward to working with the staff and attorneys in each jurisdiction to prepare for the implementation of MDEC.

Musings on the MDEC Project

An Interview with Judge Paul A. Hackner, Administrative Judge, Circuit Court for Anne Arundel County

Anne Arundel County will be the site of the pilot of MDEC this fall, and judges and staff have been getting ready for the new case management system for two or more years. Judge Paul A. Hackner, as the newly appointed administrative judge for the Fifth Judicial Circuit (Anne Arundel, Carroll, and Howard Counties), is participating in additional forums, including the Executive Steering Committee and the MDEC design sessions.

The design sessions focus on developing new programming to meet gaps that have been identified as having highest priority. "When attending these sessions, the enormity of this project really sinks in," Judge Hackner said. "I realize that the routine details we deal with automatically all day long must be translated into an electronic model. We must go down to the very atom of logic that goes into what judges now do with the stroke of a pen in order to have that decision captured in the system."

Judge Hackner gave the example of sentencing. "Say I give a sentence of 'five years, suspend all but 90 days.' To put that into an electronic system, it has to be broken down into its various basic parts and then put back together again in programming language. Everything we do has to be thought through at that level of complexity," he explained. "Though I spend hours in front a computer every week, I now find myself contemplating all the programming that must be done so that when I click a box on the screen it sets in place a whole series of actions that automatically stem from that. It is truly awesome, and gives me a new appreciation for what my two sons, who are computer software designers, must do to create new programs."

When asked if he has any suggestions for the jurisdictions that will be implementing the next phases of MDEC, he said, "My suggestion would be that as courts consider making changes to forms or to business processes, they should do so in light of MDEC. For example, the forms to be used in MDEC have undergone a thorough review by several groups including judges, clerks, and attorneys. It may save you a lot of time, and better prepare you for MDEC if you looked at the forms that will be used in the new system before making changes to your current forms."

Judge Hackner has a vested interest in taking time to serve on the implementation team. He notes that his present concern is to make MDEC ready for prime time, "because when we launch this system in Anne Arundel County, we pull the plug on our existing system. That is great motivation to get it right the first time."

Recalled Judges – Uniquely Positioned to Smooth the Transition to MDEC

By Judge Nancy B. Shuger, Retired

Retired Judge Nancy B. Shuger served on the Baltimore City District Court and is the representative of the Committee of Retired Judges on the MDEC Advisory Committee.

Every day throughout Maryland scores of retired judges are recalled to the bench to supplement the judicial workforce. We sit in multiple jurisdictions, and are familiar with "business processes" used around the state. Business processes are the operational procedures for moving a case through every step of the process from filing to disposition and on to post-judgment. Business processes define what is done, by whom, and when. Once all court locations and court levels shift to using MDEC, business processes will be more uniform across courts. This consistency will make sitting as a recalled judge in various locations easier.

Judges recalled to the bench are uniquely positioned to take an active role in addressing some of the challenges courts will face as we make the transition from a paper to an electronic environment. As MDEC comes to each new jurisdiction, judges will be learning to use new computer software at the bench and in chambers. Training will be key in preparing judges to feel confident about being able to find exhibits in the electronic case file quickly and easily so they can move through cases as efficiently as they now do with paper files. One way that recalled judges can assist early on in the conversion process is to cover dockets so sitting judges can attend training and become proficient with the new 'Odyssey' software. Also, some recalled judges who sit more frequently in Anne Arundel County, the pilot jurisdiction, will need to participate in the first wave of training on the new system so they can handle dockets using it.

The recalled judges who help to pilot the software will become even more valuable during future phases of implementation. In addition to covering dockets to allow judges to attend training, they also can serve as mentors to their active and recalled colleagues and assist them during the first few days of "go-live" when a new jurisdiction transfers into the system.

Recalled judges are stakeholders in this momentous change. As a group, we are prepared to learn the new system so we can continue to be an asset to the Judiciary.

> "Anyone who stops learning is old, whether at 20 or 80. Anyone who keeps learning stays young. The greatest thing in life is to keep your mind young."
>
> **Henry Ford**
> Founder, Ford Motor Co.

Managing Organizational Stress

The only person who likes change is a wet baby.

David Carr, Kelvin Hard and William Trahant

In their book "Managing the Change Process" published by McGraw-Hill in 1996.

Stress is often a by-product of change, and Judiciary employees have been experiencing many changes recently. MDEC, Windows 7, new business software, the new Revenue Collection System (RCS) , and GEARS are just a few examples. Other changes include the introduction of new Judiciary leadership and a significant number of new judges. On top of these system-wide modifications come the "normal" changes that may be happening to your court or workplace, such as renovations, etc. And that's just at work; you may be dealing with a number of changes outside of work and at home. Whether positive or negative, change can be stressful.

Such change is prevalent everywhere today. It is not unique to the Judiciary. The fact that so much has been written about change, and so many methods are being promoted to deal with it serves to remind us we are not alone. Take the following as an example.

In the handbook *A Survival Guide to the Stress of Organizational Change*, authors Price Pritchett and Ron Pound offer advice on how to avoid 15 basic mistakes of coping with change. They label "Avoiding New Assignments" as "Basic Mistake #13".

"Some of us try to minimize stress by shying away from new, unfamiliar duties. Sticking with the work we know just sounds easier," the authors explain in the handbook. They point out, however, that this is a short-sighted strategy, and that not dealing with stress may lead to bigger problems.

"If we shy away from new assignments, we treat organizational change like it's a spectator sport. Sure, we'll learn something about this "game" just by watching it. ... Only by plunging in – readily accepting new assignments – do we pick up the all-important experience we need.

"One of the best ways to reduce stress," Pritchett and Pound conclude, is to "get better ... quicker."

Managing Organizational Stress (cont.)

Survival

Guide:

Stretch yourself today

so you'll be in better shape tomorrow.

Reach for new assignments

that broaden your experience base.

Remember that one of the

best techniques for stress prevention

is to keep updating

your skills

"Worrying is like a rocking chair. It gives you something to do, but it doesn't get you anywhere."
Anonymous

Price Pritchett and Ron Pound, "A Survival Guide to the Stress of Organizational Change, Pritchett LP. Reprinted with permission.