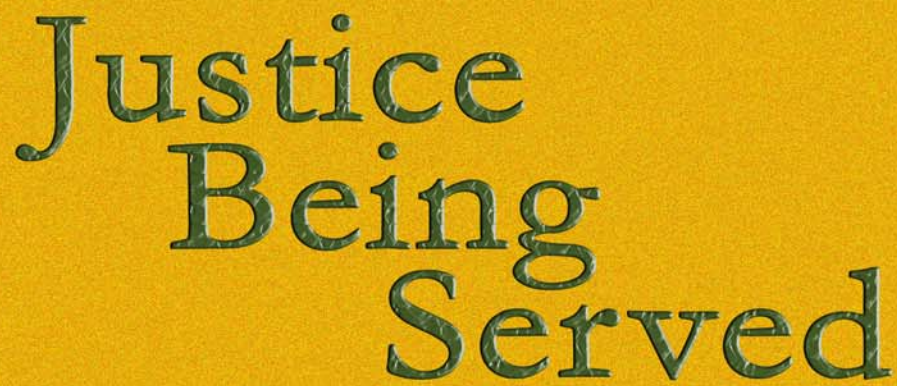


MARYLAND JUDICIARY



Justice
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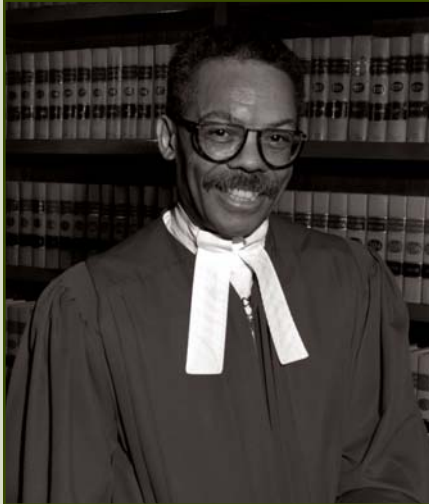
Annual Report
2003 - 2004



Table of Contents

<i>Message from the Chief Judge.....</i>	<i>3</i>
<i>Judicial Cabinet, Judicial Council.....</i>	<i>4</i>
<i>Case Time Standards.....</i>	<i>5</i>
<i>Fairness Report.....</i>	<i>6</i>
<i>Professionalism Commission.....</i>	<i>6</i>
<i>Access to Court Records.....</i>	<i>7</i>
<i>Brown v. Board of Education.....</i>	<i>8-9</i>

<i>Pro Bono Services.....</i>	<i>10</i>
<i>Drug Treatment Courts.....</i>	<i>11</i>
<i>Conflict Resolution.....</i>	<i>12</i>
<i>Family Services and Programs.....</i>	<i>13</i>
<i>Emerging Initiatives.....</i>	<i>14</i>
<i>Looking Ahead to 2005.....</i>	<i>15</i>



A Message From Robert M. Bell Chief Judge of Maryland

The Maryland Judiciary has long been a visionary branch of government. Maryland established the country's first Court of Appeals in 1776. We were one of the nation's leaders of juvenile reform—setting policy in 1830 to separate juveniles from adult criminals and establishing an authority and facilities to provide guidance and rehabilitative services for troubled youth. More recently, our court was the first to operate a case management program for business and technology cases, and we are guiding the nation in the promotion and expansion of mediation services.

This past year, the courts pursued valuable endeavors as we strive to better serve the citizens of Maryland. We continued to improve the speed and management of processing case files. We identified areas to enhance professionalism in the legal field. We emphasized the growth of *pro bono* services and programs. We promoted the evolution of drug treatment court programs. The courts also released a comprehensive study on racial and ethnic fairness in the courts.

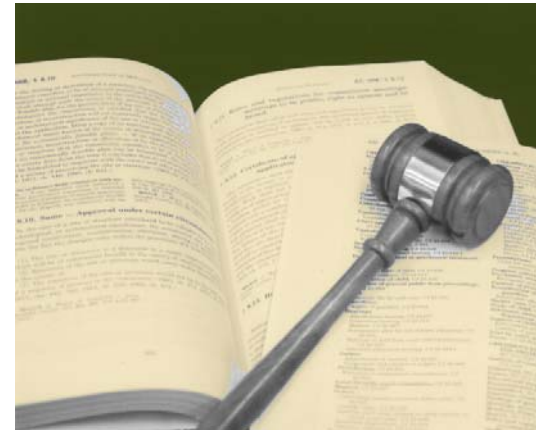
To meet the growing challenges that the court system faces each and every day, we must be heavily reliant on our many dedicated and hard working employees. They have made us the judicial leaders of today, and they will guide Maryland to a prosperous future.

THE JUDICIAL CABINET

THE JUDICIAL COUNCIL

Formed in 1999, the Judicial Cabinet and Judicial Council were established to provide an effective governance structure for the administration of the Judicial Branch. Consisting of the Chief Judges of the Court of Appeals, Court of Special Appeals, District Court, as well as the chair of the Conference of Circuit Judges and the State Court Administrator, the Cabinet addressed important policy matters this past year relating to the continuing state fiscal crisis; recommendations of the Ad Hoc Committee on Jury Trial Prayers; implementation of a statewide probation order; initiation of a statewide case data standards project; guidelines for an expedited response to unfair media criticism of judges; formation of a study commission on the bail bond process; and support for federal legislation to provide funding to state courts for enhanced interpreter services.

The Judicial Council acts as a high level policy advisory body to the Chief Judge and superintends the Maryland Judicial Conference and its constituent subject matter committees. Composed of representative judges, administrators and clerks, the Council considered many important issues during the year including the continuation of the statewide case time standards assessment; jury trial prayer demands; the audit of bail bond procedures relating especially to property and corporate bonds; the quality of representation in delinquency proceedings; *pro bono* reporting; drug treatment courts; and Judiciary budget and legislative matters.



CASE TIME STANDARDS

As the new millennium began, the Maryland court system placed a greater emphasis on improving case time standards. Now judges, court officials and employees continue to collect data on the progress and best practices of case time management from across the state. Already the court system has benefited from the sharing of this information and implementation of new programs and ideas.

“The projects we’re seeing across the state are very useful because they permit the courts to examine their practices and strive to improve the courts in terms of efficiency and access by the public,” said Joseph F. Murphy, Jr., Chief Judge of the Court of Special Appeals. “This project will contribute to the idea that the justice system works most effectively when it works most efficiently.”

The three years of research and analysis on the expedition and timeliness of case processing has enabled the courts to study one another’s successful programs and locate the programs or ideas that work best for that court. With the Maryland Judiciary doing its part to relieve the state’s budget shortfalls through program cutbacks and hiring freezes, the courts have become even more reliant upon exchanging ideas and sharing resources.

“Everyone agrees that this kind of analysis from both the macro and micro point of view is very worthwhile,” said Chief Judge Murphy. “It has allowed the courts to identify the amount of labor that goes into various kinds of cases.”

CIRCUIT COURTS

At the October 2003 Judicial Council meeting it was reported that nearly all circuit courts statewide have submitted case management improvement plans based on the outcomes of case time assessments conducted in 2001 and 2002. As individual jurisdictions progressed on meeting case time standards, the Judicial Council’s Circuit Court subcommittee on case time standards recommended new case types to be studied as part of the 2005 assessment. Specifically, Child in Need of Assistance (CINA) shelter, CINA non-shelter and Termination of Parental Rights cases would be included in future assessments.

“These cases are time sensitive and should be completed within a certain period of time,” said Diane O. Leasure,

administrative judge for Howard County Circuit Court and subcommittee chair. “The assessment will provide reliable data on whether these cases are being handled in an expeditious manner.”

The subcommittee also recommended additional measurements, such as the time between an arrest and filing of the case. These recommendations by the subcommittee were approved by the Judicial Council.

DISTRICT COURT

The case-flow management initiative that began approximately three years ago remains a chief priority of the District Court. The busiest court level in Maryland, generating more than 2.5 million cases per year, has made positive strides in improving the flow of cases over this time period, although there were significant challenges to continued improvement during this past year. The gradual increase in the number of cases, coupled with fewer staff due to the hiring freeze, had a significant impact on efforts to further progress on case-flow management. Such intervening factors created a challenge to discerning the impact that process reengineering efforts would have made, had all things remained equal.

Since 2001, the District Court has conducted two intensive case studies which have yielded productive results. Presently, a third intensive case study is in progress. The findings are expected to help identify areas that can be targeted for further improvement. For example, previous assessments have shown that a major factor contributing to increased time from case filing to disposition is the number of requests for postponements. The current study will take a closer look at the reasons for postponements to help determine how and when delays can be avoided.

“While we may be able to still achieve some amount of efficiency by fine-tuning processes, significant changes will only occur with an updated and improved case management system and an increased number of judges and full staffing of the court,” said James N. Vaughan, Chief Judge of the District Court.

Maryland judges and court officials have long been advocates for ensuring equality in the courts. In 2001, the Judiciary and Maryland State Bar Association released a 10-year retrospective report on gender equality in the justice system. One of the recommendations in the report was to form a commission to study racial and ethnic fairness in the judicial process. Chief Judge Bell created such a commission in 2002, and the commission spent the next two years surveying litigants through public forums and mailed questionnaires to determine their experiences and the perception of the public at large regarding racial and/or ethnic bias in the courts.

In the summer of 2004, the commission released its report on racial/ethnic fairness in the courts. Overall, the report found that most citizens of Maryland viewed the court system as fair, and that judges, lawyers and court personnel were respectful of litigants and witnesses regardless of their race, ethnicity or economic status. While the overall process of administering justice was viewed as fair and unbiased, the degree of fairness received during the process was called into question by minorities and the less affluent.

“What we found was that minorities, mainly African-Americans, and the less affluent shared the same concerns and echoed the same issues,” said Court of Appeals Judge Dale R. Cathell, commission chair. “What this tells us is that the perception of bias or unfairness in the courts goes beyond race and ethnicity, and includes a person’s level of income as well.”

Another interesting finding was that nearly 60 percent of the survey respondents believed that police departments, state’s attorney’s offices and public defender’s offices were part of the judicial system. Consequently, perceptions of fairness in the courts are, at least in part, a result of entities that the courts have little or no control over, according to the report.

Other interesting findings from the report:

- Over 40 percent of respondents said they did not believe they could receive a fair court hearing unless an attorney represented them.
- Four out of 10 respondents said they could not afford to hire an attorney.
- The majority of respondents believed that judges and masters involved in their cases were courteous and respectful.
- Slightly over 10 percent of respondents indicated that their case at some point in time was referred to mediation.

In its report, the Commission issued 19 general recommendations for improving the perception of racial, ethnic and economic fairness in the judicial system. The main recommendation was to establish a formal complaint procedure for court users. Other recommendations included informing and educating the public that certain departments such as the police, prosecutors and defense attorneys are not primarily controlled by the courts; developing and holding public workshops to explain and discuss court procedures, services and programs; hiring and retaining multilingual employees in the courts; requiring new members of the bar to participate in at least one training session on racial, ethnic and economic fairness, and establishing a court ombudsman.

“I think what our recommendations say is that we all have a role to play in making sure that our legal system operates without bias of any kind,” said Judge Cathell, “and that the public perception is one of the court system dispensing justice fairly and equitably.”

PROFESSIONALISM

The Maryland Court of Appeals recently created a Court Commission on Professionalism. The goals of the commission are to exhibit the highest levels of professionalism, to support and encourage lawyers to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts and the public, and to fulfill lawyer obligations to improve the law and the legal system.

Establishment of the commission was the main recommendation of a court-appointed task force on professionalism—created in 2002 to study the varying levels of professionalism among judges and lawyers across the state. The task force held a series of “town hall” meetings statewide with lawyers to discuss professionalism in the legal field. At the conclusion of the meetings, the task force compiled a report on its findings and made recommendations.



Since 2000, the Maryland Judiciary has appointed a number of committees to address the highly charged issue of providing access to paper and electronic court records. The resources spent on this issue are clearly indicative of its importance to the general public, legislators and government officials, privacy advocates, members of the media and businesses that use court-related information.

In March of 2004, the Court of Appeals adopted new rules on access to court records (Rules 16-1001 to 16-1011). The new rules, which went into effect in October, divide court records into four categories: administrative records, business license records, notice records and case records. Notice records are completely open to the public. Business license records and administrative records are similar in nature and purpose to those kept by executive branch agencies and access is governed by the Maryland Public Information Act.



New Rules on Case Records

Case records, which are records of one or more specific judicial actions or proceedings, including marriage license records, are open to the public except when closed by law, court rule or judge's order. Unless specifically ordered by a court in an individual case, once a case record is admitted into evidence or accepted as evidence in deciding a motion, it is open to the public even if it was previously closed under these rules.

The new rules prohibit public inspection of certain categories of case records, as well as specific information in case records. In addition, the rules create new procedures for determining whether case records fall within the inspection prohibition, and for providing access to case records that are not otherwise subject to inspection.

There are many categories of case records that are closed to the public, such as records in adoption and guardianship cases. Also, certain specific information in case records—part of a social security number or Federal Identification Number for example—may not be disclosed to the public.

Electronic Records

A court record in electronic form is open to the public to the same extent as a court record in paper form. The new rules allow, but do not require, paper records to be converted into electronic records. The conversion to electronic records, however, is largely dependent on the availability of resources to create and maintain these records electronically.

Current technology permits the public to have immediate and automatic access to electronic records that are maintained by a court or other judicial agency and that are open to inspection under these rules, via computer terminals at courthouse locations and by dial-up modem and website access. A person seeking access to electronic records to which immediate and automatic access is not available may file a written request with the Court Information Office.

SM COMMISSION

The Professionalism Commission is comprised of eight subcommittees which address the following topics: judge's role in the bar and in communities; standards of professional conduct; professionalism guidelines and sanctions for use by judges; discovery abuse; development of a professionalism course for lawyers who exhibit unprofessional behavior; updating the existing professionalism course for new admittees; defining the unauthorized practice of law; and mentoring. These subcommittees are currently researching the viability and efficacy of the task force's recommendations.

"Interestingly, what we have experienced in Maryland is that by just raising the issues, civility and professionalism have more fully entered into the consciousness of attorneys and judges," said Court of Appeals Judge Lynne A. Battaglia, who chaired the task force and currently chairs the commission. "Our aim is to set the tone for the next generation of lawyers by maintaining that all lawyers, even those who have held the utmost civility, can take greater responsibility for their profession."



Online Viewing:

New rules on access to court records at www.courts.state.md.us/access/index.html
The Racial/Ethnic Fairness Report and the Task Force on Professionalism Report at www.courts.state.md.us/publications.html

John Hargrove, Jr. may have followed in the footsteps of his father, but their paths were quite different. John Hargrove, Jr., graduated from the University of Maryland School of Law in 1987 and became a District Court judge in Baltimore City in 1998. His father, John Hargrove, Sr., also graduated from the University of Maryland School of Law, but in 1950 he couldn't enroll in a bar review course because he was African-American. His persistence and dedication, however, earned him a place on the Baltimore City bench.

Both father and son faced a number of challenges on their way to the bench, but the road taken by the younger was smoothed by the decision in *Brown v. Board of Education*.

"His road was difficult for reasons he had absolutely no control over," Judge Hargrove said of his father, who later became the first African-American in the country to serve as Deputy U.S. Attorney. "He helped pave the way for people like me."

The case, *Brown v. Board of Education*, in which the U.S. Supreme Court ruled that providing separate schools for black and white students was unconstitutional, ended segregation in schools and helped spark the Civil Rights Movement of the 1960's. Judge Hargrove, Jr. is a testament to the influence *Brown*—decided a half-century ago—has had not only on education, but also on the court system and society. By offering all children an equal, integrated education, *Brown* enabled people of all races to fill occupations formerly closed to them. As a result, many have become attorneys and judges.

"All the people on the legal team who argued *Brown* became icons for minorities who were in school at that time," said Seventh Circuit Administrative Judge William Missouri. "A lot of those individuals said, 'I could go to law school. I could be a lawyer.'"

Change in the courtroom came gradually, however, according to District Court Chief Judge James Vaughan. And as people of different races took influential positions in the courtroom, women started stepping into those roles too. "When I started to practice, all the judges were white males," said Chief Judge Vaughan. "What *Brown* did was get people to start asking why, not only in integration, but in gender bias."

Today, the Maryland bench is a racially diverse group of male and female judges. Such diversity is vital to the public's confidence in the justice system, said Judge Hargrove, Jr. "When you are in a city like Baltimore that is very diverse, the bench has to reflect that diversity," he said.

Judge Missouri added that *Brown* sensitized the judiciary to the plight of the non-majority population. "I think prior to



Brown most judges would never have thought about what happened in the non-majority community because they had no contact with the non-majority community to any extent," he said. "Change probably began in venues outside of the justice system before it really impacted the justice system because educating people involved with the law is like turning a battleship, it takes a long time."

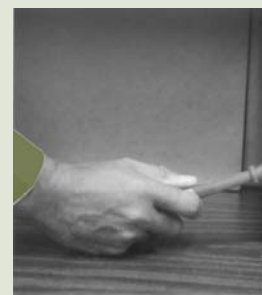
Still, the battleship turned as the "separate but equal" precedent set under *Plessy v. Ferguson* was overturned in the historic court ruling of 1954. That ruling was historic not just for its impact on schools but also for the court's approach to the decision.

"For the Supreme Court to say in one opinion that 'separate but equal' as far as education is concerned would not stand, and to have a unanimous opinion overruling a long-standing precedent, that is unusual," said Judge Missouri. "It was a bold stroke."

The ruling, which rejected the precedent set by another court and created a new precedent, still influences how courts approach decisions today, he added. "I think it makes the judges who are charged with considering those type of policy issues less timid in taking a viewpoint that maybe just because it's a long-standing precedent doesn't mean it's right."

Especially as courts today handle decisions involving education and the management of school systems, they may turn to the now 50-year-old precedent set by *Brown*, said Court of Appeals Chief Judge Robert Bell. "Every case has its precedential value, and you refer to it from time to time," said Chief Judge Bell. "I think courts are looking at *Brown* now and drawing some lessons from it."

In making the *Brown* decision, the Supreme Court showed that former precedent was not unchangeable. At the same time, *Brown* offered hope and a new tactic to people who feel they are disadvantaged and not given their equal rights under the law. "I believe that the strategy



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used in *Brown* laid the foundation for every group that has attempted to get equal opportunity and equal access to justice,” said Baltimore City Circuit Administrative Judge Marcella Holland. “Women used it a lot to get gender rights. Even as a student in law school during the 1980’s we discussed how it was probably going to be used by other classes and other groups.”

Because *Brown* was such a high profile case with such a far-reaching ruling, it helped mold the public’s perception of the court system. “I think it enhanced everyone’s view of the third branch of government and kept it where Justice John Marshall tried to place it,” said Judge Missouri. “I think most people probably had never thought one way or another about the court and what powers the court had.”

The African-American community may not have realized that their interests could receive equal consideration in the court system. “In *Brown*, the decision itself showed that African-Americans can get into court and get relief if they have a viable argument,” said Judge Hargrove.

The ruling, and subsequent outcome of *Brown*, gave the African-American community a deeper appreciation for the court system overall. “The community affected by *Brown* was so excited about the decision because they felt somebody was finally on their side,” said Judge Holland. “I feel that—like in *Brown*—people should always feel that they can come to the court, be heard and get a fair decision.”

Reflecting on the time before the *Brown* ruling is troubling, said Chief Judge Vaughan. Under ‘separate but equal’ you could take this benign neglect for most people in the country, he said. “It’s embarrassing to look back on the way we were. It’s not just blacks that benefited from *Brown*, but the whole public attitude,” he said.

“That type of decision, that type of bright line opinion, the far-reaching impact of *Brown* goes beyond just what schools you can attend,” said Judge Missouri. “It goes to the heart of equality within a society.”

It’s a decision that many generations, including that of both Judge Hargrove, Jr., and his late father, attribute to a much improved and enhanced legal system.

Murray v. University of Maryland Law School

Even before the U.S. Supreme Court announced its decision in *Brown v. Board*, erosion of the nearly 60-year-old “separate but equal” ruling of *Plessy v. Ferguson* had begun.

As the United States moved into the 20th century and the NAACP was formed, cases challenging that precedent moved into the courts. In 1935, a Maryland case took a significant step toward school integration when the Maryland Court of Appeals upheld a Baltimore judge’s decision on behalf of a prospective law school student.

In *Murray v. University of Maryland Law School*, Donald Gaines Murray filed a lawsuit against the school after he was refused admission because he was African-American. Financed by the Baltimore branch of the NAACP, and represented by a team of lawyers including Thurgood Marshall – who later argued *Brown* as well – Murray won his case and admission to the law school.



Murray was among those leading up to the five NAACP-sponsored cases which were united under the name *Brown v. The Board of Education of Topeka, Kansas*. In *Brown*, the Supreme Court decided that separate schools were not offering equal opportunities to students and denounced segregation. The Court’s decision in *Brown*, followed by *Brown II*, explained in more detail how desegregation of the schools should occur.

“It was a very important case for its time period, leading toward cases in the rest of the country,” said James Adomanis, executive director of the Maryland Center for Civic Education. “The NAACP wanted to break down *Plessy*, and they decided the best way of doing it was to attack the colleges first, where they had a better chance of winning.”

PRO BONO REPORTING

The Maryland Judiciary completed the first full cycle of collecting data from attorneys who are now required to report annually on their *pro bono* activities. Data for calendar year 2002 was compiled and analyzed in a report released in October 2003. The report, *Current Status of Pro Bono Service Among Maryland Lawyers, Year 2002*, provides an excellent benchmark that will permit the Judiciary to evaluate its efforts to promote *pro bono* activity among the bar over time.

The report documented that Maryland attorneys donated over one million hours in volunteer *pro bono publico* (free) legal services to help the state's indigent population with its legal needs in 2002. It is estimated that attorneys donated over \$150 million worth of legal services to help people with limited means. In addition, attorneys in Maryland personally contributed over \$2.2 million to support legal services.

While the report proves that attorneys actively volunteer for, and financially support, legal services in their local communities, it also highlights the challenges that the courts and *pro bono* organizations such as the *Pro Bono* Resource Center face in targeting areas of need, enhancing services for the poor and expanding attorney *pro bono* opportunities.

One of the biggest challenges lies in Maryland attorneys' preference to volunteer in their own practice area. A recent judicial report summarizing *pro bono* activity indicates the greatest need for civil legal services for Maryland's poor falls in family law, an area of practice which lacks a sufficient number of attorneys to handle the need.

PROMOTING PRO BONO ACTIVITY

New rules that took effect in 2002 have required each county in Maryland to create a local *pro bono* committee. Each local committee is charged with conducting a local legal needs assessment and developing an action plan to address those needs. The judiciary's Standing Committee on Local *Pro Bono* Legal Service has provided support and technical assistance to the local committees in these efforts.

To date, seven local committees have completed and submitted their local plans to the standing committee. Each specifies steps to increase access to legal services for those in need. Building on local plans, the standing committee will be preparing and submitting a state *pro bono* plan to Chief Judge Bell by July 1, 2005.

NEW PRO BONO FUNDING

During the 2004 General Assembly session, Governor Robert Ehrlich signed Senate Bill 316, which elevated the level of legal services provided to citizens with limited means to conduct court matters. The bill increases the current surcharge assessed on civil cases in both the circuit courts and the District Court, and uses that new funding to support the work of the Maryland Legal Services Corporation (MLSC).



MLSC was established by the General Assembly in 1982 to raise funds and make grants to nonprofit organizations for the provision of civil legal assistance to low-income persons in Maryland. In fiscal year 2003, MLSC made grants totaling over \$6 million to 28 Maryland nonprofit organizations that provide civil legal assistance to over 100,000 persons annually.

Passage of the bill is critical at a time when fewer than 30 percent of low- to middle-income residents with legal needs gain access to the civil justice system.

"All Maryland citizens, regardless of their income, where they reside, or where they're from, should have full and fair access to the Maryland legal system," said Chief Judge Bell. "Passage of this bill is a big step toward meeting this goal."

**Online Viewing:**

The Court's *pro bono* webpage at
www.courts.state.md.us/probono/index.html
 The Current Status of *Pro Bono* Service
 Among Maryland Lawyers report at
www.courts.state.md.us/probono/index.html

On June 18, 2004, John P. Walters, Director of the Office of National Drug Control Policy, visited the Baltimore City District Courthouse on Wabash Avenue to discuss the persistent drug problem in Baltimore. The visit by Walters, also known as President Bush’s “Drug Czar,” underscores the growing drug epidemic seen throughout the nation—not just in large cities, but also increasing in suburbs and small towns.

Drug use and abuse has plagued communities, overburdened police agencies and crowded criminal case dockets and jails. Across the nation, drug treatment courts have emerged as practical, cost-effective alternatives to incarceration of these offenders. Baltimore City established the first drug treatment court in Maryland 10 years ago, and since then 16 more have become operational. Over the next two years, another 12 or more drug treatment courts will become operational in Maryland, including juvenile, adult, family dependency and DUI (driving under the influence) programs.

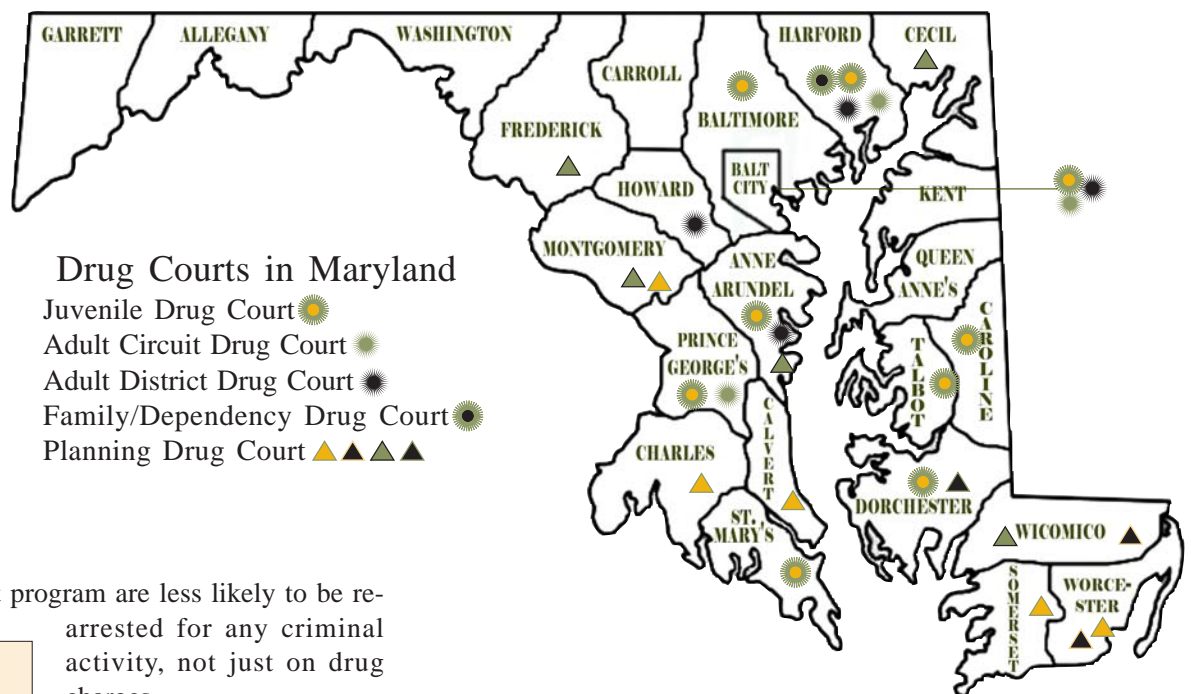
“I think the impact of drug courts on our society was best described by Retired General Barry McCaffrey, [former White House Drug Czar] who said, ‘The establishment of drug courts, coupled with [their] judicial leadership, constitutes one of the most monumental changes in social justice in this country since World War II,’ ” said Gray Barton, executive director of the Drug Treatment Court Commission of Maryland (DTCC). “Drug treatment courts have not only affected drug users, but are also making contributions toward safer communities.”

Governor Ehrlich proclaimed May 2004 to be ‘Maryland Drug Court Month’, thus emphasizing the major significance of these programs and the necessity for their success. National and state studies have documented the remarkable achievements made by drug court programs to reduce the levels of drug abuse, incarceration and criminal recidivism among drug-using offenders. Study after study has shown that drug offenders who graduate from a drug court program are less likely to be re-

Two studies published in early 2004 by DTCC illustrated the valuable benefits of drug treatment court programs. The studies, which focused on drug treatment programs in Anne Arundel County and Baltimore City, found that program participants were less likely to be re-arrested compared to drug offenders who went through the normal judicial process. In addition, the studies documented significant cost savings when drug treatment court programs were utilized.

In 2002, the Crime and Justice Research Institute released a report that detailed the perspectives of participants from six different drug courts, who were asked about their views on the drug court program they were currently enrolled in, and on various aspects of their drug court experiences. The participants named three factors that led to their success in drug court programs: close supervision and encouragement by judges, intensive treatment, and ongoing monitoring. The report verified the notions that 1) drug offenders are employing drug court programs to change their pattern of behavior, and 2) coercion is key to admitting addicts into treatment and keeping them there long enough to make a difference.

“The overall success of drug court programs can be directly attributed to the individual and collaborative efforts of all the stakeholders,” said Barton. “Individually, the judges, parole and probation officers, treatment providers, social services workers, drug court team members and enrollees must take responsibility for their actions. Collectively, they must be responsive, critical and reliant upon each other in an effort to keep drug offenders clean and rehabilitated.”



arrested for any criminal activity, not just on drug charges.

Online Viewing:
The DTCC website at
www.courts.state.md.us/dtcc/index.html

MACRO

The Maryland Judiciary's award-winning Mediation and Conflict Resolution Office (MACRO) has played a major role in stimulating dramatic increases in the number and quality of Alternative Dispute Resolution (ADR) programs in Maryland courts and has been nationally recognized as a model state dispute resolution office.

This past fiscal year, the circuit courts have witnessed tremendous growth in child welfare mediation programs for Child in Need of Assistance (CINA) and Termination of Parental Rights (TPR) cases. MACRO helped create child welfare mediation programs in eight circuit court jurisdictions, which have been replicated in other jurisdictions. The use of mediation has become routine statewide in contested custody and visitation cases (except those in which there are allegations of domestic violence).

In other civil (non-domestic) cases, the utilization of mediation continues to expand rapidly. New mediation programs for malpractice cases, business and technology track cases and Orphans' Court probate dispute cases are currently up and running.

MACRO has also continued its collaboration with the District Court ADR Office to support its work to create and operate mediation and settlement conference facilitation programs in District Court jurisdictions across Maryland. ADR has grown exponentially in the District Court, with all ADR services in the District Court provided by trained volunteers, free of charge, to litigants. Services include day-of-trial mediation, pre-trial mediation and settlement facilitation.

Recognizing the importance of evaluating court ADR programs, MACRO has begun two major evaluation projects. The first is a collaborative effort with trial court ADR program coordinators to create a statewide evaluation system. Taking a self-assessment approach, the system will use web-based technology to help coordinators compile data and receive a variety of analytical reports, which will be used to improve and capture the benefits of court ADR programs. The second project is a joint effort with Salisbury University to



conduct longitudinal, quantitative and qualitative research on Maryland's court ADR programs. In addition, MACRO is leading two major statewide projects designed to (1) promote high quality practice among mediators in the courts, and (2) increase public knowledge of non-litigious dispute resolution processes.

To safeguard public trust and confidence in mediation, MACRO has developed the *Maryland Program for Mediator Excellence (MPME)* to help Maryland mediators, at every level of experience and in every practice area, improve the quality of their mediation practice. In addition, in an effort to keep the public apprised of the growth of mediation programs statewide, MACRO has released a "*Consumers' Guide to Mediation Services in Maryland*," which identifies and describes specific mediation programs operating in each county, both within and outside of the courts.

To help prevent conflict and resolve disputes before court action, MACRO has supported and encouraged a number of dispute resolution endeavors in communities, schools, criminal and juvenile justice, state and local government and businesses statewide. For more information or for conflict resolution assistance, please call MACRO at 410/841-2260.



Online Viewing:

The MACRO website at
www.courts.state.md.us/macro/index.html



The Maryland Judiciary has continued its efforts to improve the experiences of families and children who come before the court by promoting an efficient, effective system of family justice.

EVALUATION EFFORTS

With a grant from the State Justice Institute, the Judiciary developed four survey instruments to gather input from court users including litigants, attorneys, self-represented persons and mediation clients. The surveys were developed to permit the Judiciary to evaluate its performance in serving families in light of the *Performance Standards and Measures for Maryland's Family Divisions*. Over the coming year, the tools will be used on a sampling basis. The first data collected will serve as a benchmark, permitting the court to measure improvements in customer satisfaction over time, and to identify areas needing improvement.

In other evaluation efforts, the Foster Care Court Improvement Project (FCCIP), with the help of consultants from the American Bar Association, recently conducted a review of its efforts over the past seven years to improve the court's role in child protection cases. The FCCIP has also been actively involved, with other state partners, in a federal assessment of the state's child welfare system.

ACCESS FOR SELF-REPRESENTED

The Judiciary participated in a nationwide, grant-funded study of programs designed to assist the self-represented. Maryland was the lead state in the study, and coordinated the evaluation of programs in 11 different courts in six states. Five Maryland self-help programs were evaluated using an assessment tool developed by the Trial Court Research and Improvement Consortium. Court staff conducted surveys and courtroom observations, gathering input from judges, masters, attorneys, self-help program staff and litigants on how well court programs serve the self-represented. Outside evaluators then spent a total of four weeks visiting the five Maryland sites, and produced a detailed assessment report of each. The assessments will be posted on the National

Center for State Courts' website, www.ncsconline.org, to serve as a national benchmark for other court-based self-help programs. The evaluators' recommendations will be used by the Judiciary to make improvements in how Maryland responds to the needs of self-represented litigants.

ADDRESSING UNDERLYING ISSUES

Many families involved in the child protection system have underlying substance abuse problems. By addressing the substance abuse problems of parents, courts and agency partners can often get to the root cause of child abuse and neglect. By addressing the needs of parents, these courts can protect children from further harm and increase the likelihood that children will remain in permanent, stable homes. The FCCIP has joined forces with Maryland's Drug Treatment Court Commission to create a Statewide Dependency Drug Court Team. The team, which includes representatives from a broad range of state agencies serving families, has participated over the past year in a series of federally-funded trainings to assist them in planning and developing "dependency drug courts." They will be working with Maryland jurisdictions to create and implement these specialty courts to address substance issues in child protection cases.

NEW DOMESTIC VIOLENCE VIDEO, WEBSITE

The Judiciary recently released a new video explaining the process for obtaining a domestic violence protective order from the courts. The video can be used as a guide through the court process, and includes a listing of domestic violence prevention centers across the state. The video is produced by the Court Information Office. Copies are available by calling 410/260-1488.

The courts will soon be unveiling a domestic violence website which will provide information on court procedures, court forms and resources. The website will be designed to assist people in emergency situations, help those who need long-term solutions to family violence, and provide background and resource information to the general public and service providers. It will also provide county resource profiles and links for further information.

I **Online Viewing:**
The Court's Family Administration website at
www.courts.state.md.us/family/index.html
The Court's domestic violence website at
www.courts.state.md.us/domesticviolence/index.html

PARENTING PLAN

The Family Division of the Circuit Court for Baltimore City is piloting a project that makes submission of parenting plans mandatory in divorce cases with contested custody/visitation issues.

The goal of the project is two-fold. First, the court hopes to persuade parents to communicate and think long-term about the best interest of their children. The court believes that creation of a written “plan” will facilitate communication between parents, thus, creating a better atmosphere for their children. Better communication is introduced as a concept to parents at co-parenting education seminars and continues as a theme during the process of mediation.

Ideally, communication skills learned or remembered will result in an agreement that is workable long-term for all members of a family. A reduction in the number of times that parties return to court for adjudication of a dispute regarding parenting would be a welcomed by-product of a successful parenting plan.

The second goal of the project is to find out whether creation of parenting plans has a significant effect on the amount of time to final adjudication. Since the mission of the Family Division is to effectively and efficiently manage family issues and the dockets are always very busy in Baltimore City, it is important to make sure that cases are being resolved in a timely fashion.

MENTAL HEALTH PROGRAMS

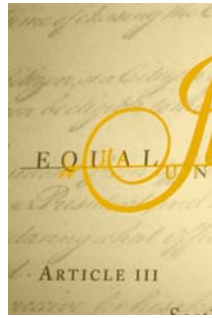
Increasingly, large numbers of mentally ill people are entering the criminal justice system each year—a trend that poses a growing social problem that burdens both the criminal justice system and the public mental health system. The traditional approach to processing criminal cases often creates a barrier that prevents the court from identifying and responding to the unique needs of the mentally ill offender.

“These offenders frequently spend unnecessary time in jail, and lacking access to mental health treatment services on release, tend to be re-arrested and recycled through the system,” said Baltimore City District Court Judge Charlotte M. Cooksey. “The needs of the community are not addressed, the costs to the taxpayer escalates, and the defendant continues to have the same problems and associated risks.”

In response to the growing mentally ill offender population, two District Court jurisdictions have created mental health programs. The Baltimore City Mental Health Court pilot program began with the consolidation of all cases in which a competency evaluation was ordered—approximately 250 each year. Consolidating cases onto a single docket allows for case processing by a dedicated team of individuals, trained in mental health law, who follow each case throughout the process.

In Harford County, a Mental Health Diversion Program became functional in early 2004. The program strives to reduce the recidivism rate of offenders who commit street crimes due to mental illness and substance abuse.

“By stopping the revolving door that causes mentally ill people to spin in and out of the criminal justice system, our program diverts the defendant from the criminal justice system into a treatment program, replete with evaluations, medications and a network of community supports to help the defendant lead a sustainable life,” said District Court Judge Mimi Cooper. “The success of the defendants’ treatments, we hope, will be reflected by the improved public safety, well-being of the defendants, access to public mental health treatment services and faster case processing time.”



BUSINESS/TECHNOLOGY CASE MANAGEMENT PROGRAM

The Maryland Business and Technology Case Management Program has been up and running for nearly 18 months. During this time, complex and often lengthy business and technology cases that normally tied up civil dockets have been moved to a separate track, where they are heard by judges who have specialized training in economics as well as business law and technology issues.

“What we’ve seen the past 18 months is these cases are being heard more expeditiously, which in turn, has given the courts more time to work on other cases,” said Steven I. Platt, Circuit Court Judge for Prince George’s County and chair of the Business and Technology Case Management Program and Implementation Committee. “The program is being recognized as a model for the rest of the country.”

As the Business and Technology Case Management Program grows, the implementation committee plans on pursuing new endeavors, such as placing greater emphasis on mediation to resolve differences before a case is brought before the court, and creating an e-filing network to ease the large volume of paperwork that is typical in these cases.



AUTOMATED TRAFFIC TICKETS

The District Court has begun a cooperative effort with the Maryland State Police, the Motor Vehicle Administration (MVA), the Maryland Highway Safety Office and the Chesapeake Regional Safety Council to automate traffic citations. This e-filing initiative will allow for the electronic processing of traffic tickets from the initial writing of the citation, to processing by the courts, to final disposition by the MVA on traffic license records.

Ticket automation will make it easier for citizens to pay for their tickets, while reducing the amount of paper filing for clerks offices, police departments and the MVA.

BAIL BOND TASK FORCE

In November of 2003, a Bail Bond Task Force was created to review the laws, practices and procedures governing bondsmen and bail bonds and make recommendations for improvement. Task force membership reflected the diverse parties involved in the bail system, including judges and clerks from both trial courts, District Court commissioners, representatives of the Attorney General of Maryland, Maryland Bar, Maryland Association of Counties, Maryland Bail Bond Association, Maryland Insurance Administration, Maryland Public Defender, and Maryland State's Attorneys' Association.

The bail system is a critical factor of the judicial process, enabling the release of defendants who otherwise might remain in detention due to ineligibility for release on personal recognizance or release on other conditions. The bail system is also complex and involves many parties within and outside the courts. The task force was formed amidst concerns that the Judiciary's practices and procedures may not be effective in implementing the current laws governing the bail system in Maryland.

For nearly a year, the task force has been analyzing the current bail bond system, from bond acceptance to satisfaction or forfeiture, recommending policy, and drafting procedures to ensure compliance with applicable statutes, rules, and regulations and to facilitate monitoring. The task force has drafted a set of recommendations and plans on finalizing a report to present to the Court of Appeals by the end of 2004.

FORMS TRANSLATION

In 2002, the courts created a Committee on Court Interpretation and Translation Services to research the court-related needs of non-English speaking residents and provide recommendations for improving access to the justice system. The committee determined that the greatest area of need was civil family law. One of the committee's main recommendations was to translate family and domestic relations forms into several languages—beginning with Spanish. These recommendations were approved by the Chief Judge and will be implemented as resources become available.

During the next year, more than 100 family and domestic relations forms will be translated into Spanish. Those include forms for divorce, child custody, child support, name change, petitions for protective orders, and general information brochures. All forms will be placed on the court's website at www.courts.state.md.us. In addition, the Family Administration will soon be converting many of its pages into Spanish. The District Court website, www.courts.state.md.us/district/index.html, already has a webpage dedicated to Spanish-speaking residents, as well as a number of brochures and/or forms available in Spanish and Korean.



Online Viewing:

The Maryland Judiciary website at www.courts.state.md.us
 The Court's Bail Bond Task Force website at www.courts.state.md.us/bailbond/index.html



Court Information Office
361 Rowe Blvd. Annapolis, MD 21401
410/260-1488

please visit our website at
www.courts.state.md.us

