



**Conference of Circuit Court
Clerks**

Susan Braniecki, Clerk
Circuit Court for Worcester County
Chair
(410) 632-5500

Maryland Judicial Center 580 Taylor Ave.
Annapolis, Maryland 21401

Amy J. Craig, Clerk
Circuit Court for Dorchester County
Vice-Chair
(410) 228-0481

MINUTES

A meeting of the Conference of Circuit Court Clerks was held January 24, 2017, at the Judicial College Education and Conference Center in Annapolis, Maryland beginning 12:00 pm. The following individuals were in attendance:

Members Present

Hon. Susan Braniecki, Chair
Circuit Court for Worcester County

Hon. Marilyn Bentley, Clerk of Court, Circuit Court for Baltimore City
Hon. Mark Bowen, Clerk of Court, Circuit Court for Wicomico County
Hon. Amy J. Craig, Vice-Chair, Clerk of Court, Circuit Court for Dorchester County
Hon. Sandra Dalton, Clerk of Court, Circuit Court for Charles County
Hon. Robert Duckworth, Clerk of Court, Circuit Court for Anne Arundel County
Markisha Gross, Administrative Clerk, District Court for Montgomery County
Douglas Hofstedt, Court Administrator, Circuit Court for Anne Arundel County
Hon. Charles Horner, Clerk of Court, Circuit Court for Somerset County
Hon. Dawne Lindsey, Clerk of Court, Circuit Court for Allegany County
Hon. Barbara Meiklejohn, Clerk of Court, Circuit Court for Montgomery County
Hon. Timothy Miller, Clerk of Court, Circuit Court for Garrett County
Hon. Mark Mumford, Clerk of Court, Circuit Court for Kent County
Hon. Charlene Notarcola, Clerk of Court, Circuit Court for Cecil County
Hon. Wayne Robey, Clerk of Court, Circuit Court for Howard County
Hon. Donald Sealing, Clerk of Court, Circuit Court for Carroll County
Hon. Mary Ann Shortall, Clerk of Court, Circuit Court for Talbot County
Hon. Joan Williams, Clerk of Court, Circuit Court for St. Mary's County

Also Present:

Patricia Allen
Solomon Ayele
Karen Bushell
Penny Custis
Pete Fenton
Kerry Gibson
Katherine Hager
Sherry Harrington
James Kennedy

Diana Liebno
Joyce Marshall
Ruth Martin
Theresa Mozzano
Eliana Pangelinan
Lonni Summer
Susanne Wells
Jamila Williams

Susan Braniecki, Chair, moved for approval of the minutes of the November 15, 2016 meeting. The motion was seconded by Amy Craig and unanimously approved. Ms. Braniecki

then introduced Doug Hofstedt and Markisha Gross who will represent the Conference of Circuit Court Administrators and the District Administrative Clerks, respectively. She then extended words of welcome to both of them.

1. SELF-HELP CHAT BUTTON

Lonni Summers discussed the self-help chat, which is a remote service that provides services similar to those provided by the self-help centers, but through remote chat. She noted that more than 41,000 people statewide, including 35 percent in the family law area and 20 percent in the housing area to include landlord and tenant matters, have been assisted through self-help services.

Ms. Summers demonstrated how to use the chat button to initiate communication with an attorney. Once clicked, a dialog box appears and the user receives a message asking to accept the service so that the chat session can commence. Ms. Summers circulated forms to be completed and returned to her if anyone is interested in having the chat button added to the court's website.

The Access to Justice Department prepared self-help instructional videos that can be accessed through its MDCourts.gov page. Also, webinars are provided on the last Wednesday of each month. Currently in development is a webinar on rent court, as well as an effort to archive past webinars. In addition to these services, included in the Maryland Law Help application is a self-help section; this application is available through the Apple App store.

2. AUDIT FINDINGS, INTERNAL CONTROL AND MDEC AUDIT PLAN

Solomon Ayele, Jamila Williams and James Kennedy were present to discuss the Internal Audit Department's (IAD) annual report and long-term audit plan.

Mr. Kennedy discussed risk assessment and the long-term plan. Risk assessments utilizes the following steps:

- Step 1 – Identification of Judiciary auditable entities which consists of court locations, departments in Annapolis, units of the Judiciary, and nonprofit organizations that receive Judiciary grant funds
- Step 2 – Identification of Risk Factors. This includes:
 - Regulatory and compliance issue risks
 - Information technology systems risks
 - Transaction risks
 - Prior Legislative Audit and/or Internal Audit findings
 - Time elapsed since last audit was performed
 - Overall inherent risk
 - Size and Complexity of the entity
 - Fraud risk
- Step 3 – Prioritization Using Scoring Matrix. The scoring matrix measures auditable entities' probability and impact with scores ranging from one, low probability and low

impact, to five, high probability and high impact. For example, a low probability and low impact score (one) is assigned to circuit court law libraries, a medium probability and medium impact score (three) is assigned to Circuit Court Clerk's Offices, and a high probability and high impact score (five) is assigned to JIS.

- Step 4 – Develop the audit plan. The plan will take into consideration risk assessment results, IAD resources, audit cycle timelines and other factors.

High risk entities are approached based on location – priority is given to high volume locations. Ms. Williams discussed the long term audit plan for JIS which includes MDEC and CONNECT. All electronic records must be encrypted at the data base level. The long-term audit plan is from the result of the analyzation of over 200 risks. Any high risk issues encountered are addressed and other risk issues are addressed in the IAD report. The IAD makes recommendations; auditors do not have control over how or when recommendations are addressed. The MDEC application audit will focus on looking at certain controls. In spring 2017, the IAD will work with JIS to test how the system behaves; as data is put into a field, how is it being processed and what is the output?

Mr. Kennedy discussed the Judiciary's long-term audit plan. The District Court, commissioners, circuit court clerk's offices, family services grants, jury office and county law libraries, to name a few, will be placed on a three and half year audit cycle. The plan is a very ambitious plan for the current staff. Major test areas for both court locations and information technology include items such as cash receipts, bank accounts, bail bond forfeitures, deposit and revenue verifications, interfaces, contingency planning, and third-party service providers.

Mr. Kennedy also summed up audit findings by both the IAD and the Office of Legislative Audits (OLA) over the past three years, noting that some may not be applicable now. The current findings reported by the IAD for circuit courts include seven instances of motor vehicle dispositions not be reported with the ten day reporting period, six instances of cash registers-incompatible duties, and three instances each of jury fund propriety of disbursements and deposit verification- not independent of the cash receipts functions. Some of the current findings reported by the OLA for circuit courts include three instances of lack of adequate controls over collections and deposits, two instances of insufficient internal control over trust fund disbursements, and one instance of the office not ensuring the propriety of disbursements to jurors. Of the findings reported, 18 circuit court locations had no OLA findings, representing strong internal control systems.

Because of the lack of written Judiciary-wide accounting policies, procedures or internal control systems, many courts use the State of Maryland manual as a reference; however, MDEC is not included. A workgroup will be formed to produce a statewide accounting manual within six to nine months. In the meantime, the Conference was referred to the IAD website for recommendations.

3. For the Good of the Order

Amy Craig will send an email to the conference regarding true test stamp. A concern has been raised that no court has the authority to stamp “true test” on a document from another court.

Barbara Meiklejohn inquired as to how judges in other jurisdictions are able to find un-tabbed documents in files scanned into MDEC. Suggestions include placing a blank sheet of green colored paper between documents when scanning and tabbing the bottom of documents.

Maryann Shortall expressed concern over a recent write-up for having one shared cash register for civil and criminal; the write-up recommended having another cash drawer. Other issues raised include:

- Not leaving the receipt book on the counter;
- Checking rights and roles - if a person is a check signer, that person cannot do the reconciling;
- The person who writes the deposit slip cannot take it to the bank;
- Reviewing accounting records once a month to determine what bail bonds need to be returned;
- Documenting every transaction;
- Auditors believe that the ten day rule applies to every situation, which is not always the case; and
- Each RCS cash register must have a separate key

Committee Updates:

- ❖ Judicial Council
 - The Conference of Circuit Judges representative presented the proposed minimum qualifications for circuit court judges, along with suggested legislative changes to the election law for contested judicial elections. The Council referred the matters back to the Conference for further discussion and clarification regarding the minimum qualifications.
- ❖ Court Access and Community Relations Committee
 - No update
- ❖ Court Operations Committee
 - Circuit court representation is needed on the Forms Subcommittee. Also, the chair of the subcommittee is to give feedback as to why restricted form information is not included on revised forms.
- ❖ Education Committee
 - The Committee met January 17, 2017, to discuss new programs for judges, as well as a day and a half orientation program for new Judiciary employees. Also, a new ICM class begins January 11, 2017, and other new classes begin January 26, February 8 and 9, 2017.
- ❖ Court Technology Committee:
 - No update.
- ❖ Specialty Courts and Dockets Committee:
 - No update
- ❖ Conference of Circuit Court Administrators

- Information regarding the self-help chat button was presented.
- ❖ Conference of Circuit Court Judges
 - Qualifications for circuit court judges and changes to the election law were discussed. The changes would require a constitutional amendment. The Conference also discussed the Justice Reinvestment Act with respect to language to the defendant regarding rights on expungements. The trial court summary that is signed by defendants in District Court was reviewed for use by the circuit courts in light of the requirement to advise defendants regarding possessing and owning firearms. The Conference is reviewing post-trial notices given to defendants in the circuit courts to determine if one form can be created for use by all courts or if adding uniform language will suffice.
- ❖ Land Record Oversight Committee
 - No update
- ❖ Rules Committee
 - No update.

There being no further business before the Conference, Ms. Braniecki adjourned the meeting at 1:38 p.m. The next meeting will be held March 21, 2017.

Respectfully Submitted,

Eliana Pangelinan, Staff