

Protocol for Maryland Court Committees

In 2013, the National Center for State Courts (NCSC) conducted an organizational assessment of the Maryland Judiciary and recommended that the Judicial Council examine its existing committee structure. In 2014, the Judicial Council formed a workgroup to examine the recommendations of NCSC, and to recommend organizational changes to the Maryland Judiciary committee structure to increase transparency and communication within the Judiciary. This Protocol defines the structures and responsibilities of the committees within the Maryland Judiciary adopted by the Judicial Council as a result of that process.

I. Structure

a. Chief Justice of the Supreme Court of Maryland

The Chief Justice of the Supreme Court of Maryland is the chief administrative officer of the judicial branch of government. The Chief Justice sets the direction for the Judiciary, with the advice and counsel of the Judicial Council and input from other committees or organizations within the Judiciary.

b. Maryland Judicial Conference (Maryland Rule 16-109)

The Maryland Judicial Conference is comprised of the judges of the Supreme Court of Maryland, the Appellate Court of Maryland, the circuit courts of the counties and Baltimore City, and the District Court of Maryland. The Maryland Judicial Conference considers the status of judicial business in the various courts, appropriate legislation, and changes in rules, and it exchanges ideas with respect to the improvement of the administration of justice in Maryland and the judicial system in Maryland. The Chief Justice of the Supreme Court of Maryland is the Chair of the Maryland Judicial Conference.

c. Judicial Council (Maryland Rule 16-110)

The Judicial Council serves as the principal advisory body to the Chief Justice of the Supreme Court of Maryland with respect to the exercise of the Chief Justice's authority as the administrative head of the State judicial system.

The Chief Justice, as Chair of the Judicial Council, may create committees, subcommittees, and workgroups:

- i.** To consider matters relevant to the functioning and improvement of the Maryland Judiciary and the administration of justice in the State; and
- ii.** To make appropriate recommendations to the Judicial Council.

d. Membership

The Judicial Council consists of twenty-two members, namely, the Chief Justice of the

Supreme Court of Maryland, the Chief Judge of the Appellate Court of Maryland, the Chair and the Vice Chair of the Conference of Circuit Judges, the Chief Judge of the District Court, the State Court Administrator, the Chair and Vice Chair of the Conference of Circuit Court Clerks, the Chair and Vice Chair of the Conference of Circuit Court Administrators, the Chair of the Supreme Court of Maryland Standing Committee on Rules of Practice and Procedure, the Chief Clerk of the District Court, the Chair of the Senior Judges Committee, three Circuit Court Judges, four District Court Judges, and two District Administrative Clerks, appointed by the Chief Justice of the Supreme Court of Maryland.

e. Judicial Council Executive Committee

The Executive Committee of the Judicial Council consists of the Chief Justice of the Supreme Court of Maryland, the Chief Judge of the Appellate Court of Maryland, the Chair of the Conference of Circuit Judges, the Chief Judge of the District Court, and the State Court Administrator. The Judicial Council Executive Committee shall meet at the request and direction of the Chief Justice to provide input to the Chief Justice on matters that arise between sessions of the Judicial Council.

f. Terms

The term of each appointed member of the Judicial Council is two years, subject to reappointment for one additional term of two years. Any subsequent renewal is at the discretion of the Chief Justice of the Supreme Court of Maryland. The terms of members shall be staggered.

g. Vacancies

If a vacancy occurs on the Judicial Council because an appointed member resigns from the Council, leaves judicial office, or is appointed or elected to a judicial office other than the office held when appointed to the Council, the Chief Justice of the Supreme Court of Maryland may appoint a successor to serve for the balance of the unexpired term.

h. Secretary

The Chief Justice of the Supreme Court of Maryland shall designate an individual to serve as Secretary to the Judicial Council. The Secretary shall prepare minutes of all meetings of the Judicial Council, to be distributed to all Council members and posted on the Judiciary's website once approved by the Council.

i. Meetings

The Judicial Council shall meet on the call of the Chief Justice of the Supreme Court of Maryland. Unless impracticable due to exigent circumstances, the Secretary to the Judicial Council shall cause the notice of all meetings of the Council to be posted on the Judiciary's website, and subject to reasonable space limitations, all such meetings shall be open to the public. Meetings of the Judicial Council are conducted in accordance with

the form determined by the Chief Justice of the Supreme Court of Maryland.

j. Conferences

Conferences address operational and policy matters within divisions and levels of the court. The membership of Conferences includes both judicial officers and court personnel. The following Conferences exist:

- i.** Conference of Circuit Judges (Maryland Rule 16-702)
- ii.** Conference of Circuit Court Administrators
- iii.** Conference of Circuit Court Clerks
- iv.** Conference of Maryland Court Law Library Directors
- v.** Conference of Orphans' Court Judges

No conference is established for the District Court, as it is a unified court operating under the direction of the Chief Judge of the District Court who can convene district court judicial officers and court personnel as and when necessary to address operational and policy matters affecting that court.

The areas of authority and responsibility for each conference are set forth by Rule or Administrative Order. Unless otherwise provided by Rule or Administrative Order, the Chief Justice shall appoint the members of each conference and shall designate the Chair and Vice Chair.

Each conference shall establish operational guidelines, terms, meeting schedule, goals and objectives. The schedule for conference meetings shall be set at the beginning of each calendar year and posted on CourtNet and the Maryland Judiciary website. The proposed agenda for each meeting shall be published to members at least thirty (30) days, or as soon as practicable, in advance of the meeting and posted on CourtNet and the Maryland Judiciary website. Meeting minutes shall be prepared following conference meetings and posted on CourtNet.

k. Commissions

Commissions are entities that develop consensus for policies or practices of the Judiciary in matters that require input from individuals or agencies outside the Judiciary. Therefore, Commissions are comprised of both Judiciary and non-Judiciary members. The Commissions created by the Maryland Constitution, statute, rule, or Administrative Order, regardless of nomenclature, are:

- i.** Commission on Judicial Disabilities (Maryland Constitution, Art. IV, Sections 4A and 4B)
- ii.** Maryland Rules Committee (Maryland Courts Article, §13-301)
- iii.** State Law Library Commission (Maryland Courts Article, §13-501 et. seq.)
- iv.** Judicial Compensation Commission (Maryland Courts Article, §1-708)
- v.** Standing Committee and Local Committees on Pro Bono (Maryland Rule 19-501 et. seq.)

- vi. Attorney Grievance Commission (Maryland Rule 19-702)
- vii. Judicial Ethics Committee (Maryland Rule 18-300)

I. Committees

Committees are the structure used to develop consensus on internal policies and practices of the Judiciary. Committees are also employed to develop and recommend to the Judicial Council and the Chief Justice various positions advanced by the Judiciary to outside agencies or groups on matters affecting the administration of justice. Committees are comprised of Judiciary members, assisted by staff from the Administrative Office of the Courts.

The following Committees exist:

- i. Alternative Dispute Resolution
- ii. Court Access
- iii. Court Operations
- iv. Court Technology
- v. District Court Chief Judge's
- vi. Domestic Law
- vii. Education
- viii. Equal Justice
- ix. Juvenile Law
- x. Legislative
- xi. Major Projects
- xii. Senior Judges
- xiii. Special Projects
- xiv. Specialty Courts and Dockets

New committees may not be established without the Chief Justice's approval. Any request to form a committee should include a statement of purpose of the committee, areas of responsibility and authority, the proposed membership, the anticipated work product, and should also state why the establishment of a new committee structure is necessary or appropriate.

Committees are a flexible structure and will function in different manners depending upon the objective of the committee. However, committees should generally adhere to the following guidelines:

i. Governance

The Chief Justice will appoint the Chair who will direct the activities of the committee during their tenure. The term in each role is typically two years, which can be renewed as appropriate by the Chief Justice, depending upon the nature of the committee and its work product and the need for continuity in the leadership roles on that committee. The Chair is responsible to call meetings, establish the agenda, preside over meetings, and direct work assignments. The Chair is also

responsible to ensure the accountability of any subcommittees formed in accordance with this protocol. The Chair works closely with staff to establish a meeting schedule, develop meeting agendas and materials, and submit an end of term report to the Chief Justice and the Judicial Council. During meetings, the Chair facilitates discussion in an effort to develop consensus on committee recommendations.

ii. Members

Committee members shall be appointed annually by the Chief Justice, based upon the needs of the committee and the expressed interest of judges and other Judiciary personnel. With the exception of the Legislative Committee and the Major Projects Committee, each subcommittee chair shall be an ex-officio member of the overseeing committee. The Administrative Office of the Courts will conduct an annual survey to assess interest in service on committees to assist the Chief Justice in making appointments. Committee appointments will be made in a manner designed to ensure knowledgeable, balanced, and diverse representation from within the Judiciary. Administrative heads may recommend a staff member whom they feel is a subject matter expert, with approval of the Chief Justice, for membership on a committee. Committee members are expected to take an active part in the meetings and work assignments of the committee. If a committee member becomes unable to fulfill their commitment to the committee, they are expected to resign so that a replacement member can be appointed by the Chief Justice to serve out the unexpired portion of the membership term.

iii. Terms of Membership

Committee members are appointed to a two-year term, subject to renewal if deemed appropriate by the Chief Justice. The term of membership is generally limited to create opportunities for broad participation in Committee work within the Judiciary; however, flexibility exists to accommodate the need for continuity in certain committees with highly technical or specialized focus. The membership terms shall be staggered to ensure continuity within the committee. Subcommittee chairs serving in an ex-officio capacity shall remain members of the committee for the duration of their term as chair.

iv. Operating Procedures

The committee Chair establishes the protocol for meetings. While many committees elect to work through consensus building, others find it useful to establish formal voting procedures. The committee Chair should establish the work method to be used at the outset of their term as Chair.

In order to ensure efficient operation, Committees are encouraged to employ the following practices:

1. A **Schedule** for meetings is set at the beginning of each year. Committees are encouraged to utilize available resources for remote access and video conference to facilitate participation by committee members from across the State.
2. An **Agenda** is issued in advance of meetings to outline important business to be covered, with attached materials to be reviewed in advance of meetings.
3. **Meeting minutes** are prepared that record the date of the meeting, the participants, a summary of the business discussed, and the outcome of the vote on any formal motion or recommendation at the meeting. Meeting notes should be circulated for review and comment and presented back to the Committee at the next Committee meeting.
4. A **Report** should be submitted to the Judicial Council to advise when a new project or initiative is being considered, or if a new subcommittee or workgroup is formed. At a minimum, an **Annual Report** shall be prepared by each committee to submit to the Chief Justice and the Judicial Council. The Annual Report outlines the work of the committee over the past year, recommended proposals or actions to be approved through the Judicial Council and summarizes any proposed alteration to the committee structure. The Annual Report shall also summarize or attach an Annual Report for any subcommittee or workgroup.
5. One or more **Subcommittees** may be formed to assist with the efficient management of the work of the Committee. A Subcommittee is most typically utilized to subdivide tasks that the Committee anticipates will be of indefinite duration but would benefit from more specialized focus. The creation of a Subcommittee must be approved by the Chief Justice. Any submission to propose the creation of a Subcommittee should include a description of the nature and purpose of the Subcommittee, its expected duration, its proposed membership, and the expected work product. The Committee should include any recommendations regarding membership and staffing. Once approved, a Subcommittee operates under the guidelines that apply to Committees, except that the Subcommittee meeting notes and reports are submitted to the Committee Chair. If for any reason, a subcommittee Chair determines that a member's term should be terminated early or if there are concerns with the member's contribution to the subcommittee's mission, the Chair should refer the matter to the committee Chair.
6. A **Workgroup** may be formed by a committee to assist with a

project that is expected to be of limited duration. The creation of a workgroup is within the prerogative of the committee. The committee meeting minutes should reflect the creation of any workgroup, and include its purpose, expected duration, membership, and anticipated work product. Workgroups are ad hoc groups appointed for a specific period of time to address a discrete issue or topic. Workgroups often conduct studies, prepare reports, and take other appropriate action as directed by the Chief Justice or the Judicial Council. Workgroups may also be formed by committees or subcommittees to assist with specialized tasks. Workgroups are comprised of Judiciary members, assisted by staff from the Administrative Office of the Courts, but may also include or consult with outside members. If for any reason, a workgroup Chair determines that a member's term should be terminated early or if there are concerns with the member's contribution to the workgroup's mission, the Chair should refer the matter to the committee Chair.

7. A **Liaison to the Legislative Committee** shall be designated by any committee that proposes to engage in any legislative activity, to include drafting or commenting on proposed legislation, communicating, or consulting with members of the legislature concerning draft or potential draft legislation, or testifying or appearing before the legislature, a legislative workgroup, or any policy or advocacy group concerning draft or potential legislative initiatives. The liaison shall consult with the Legislative Committee before engaging in any legislative activity and may proceed only with the approval of the Legislative Committee.