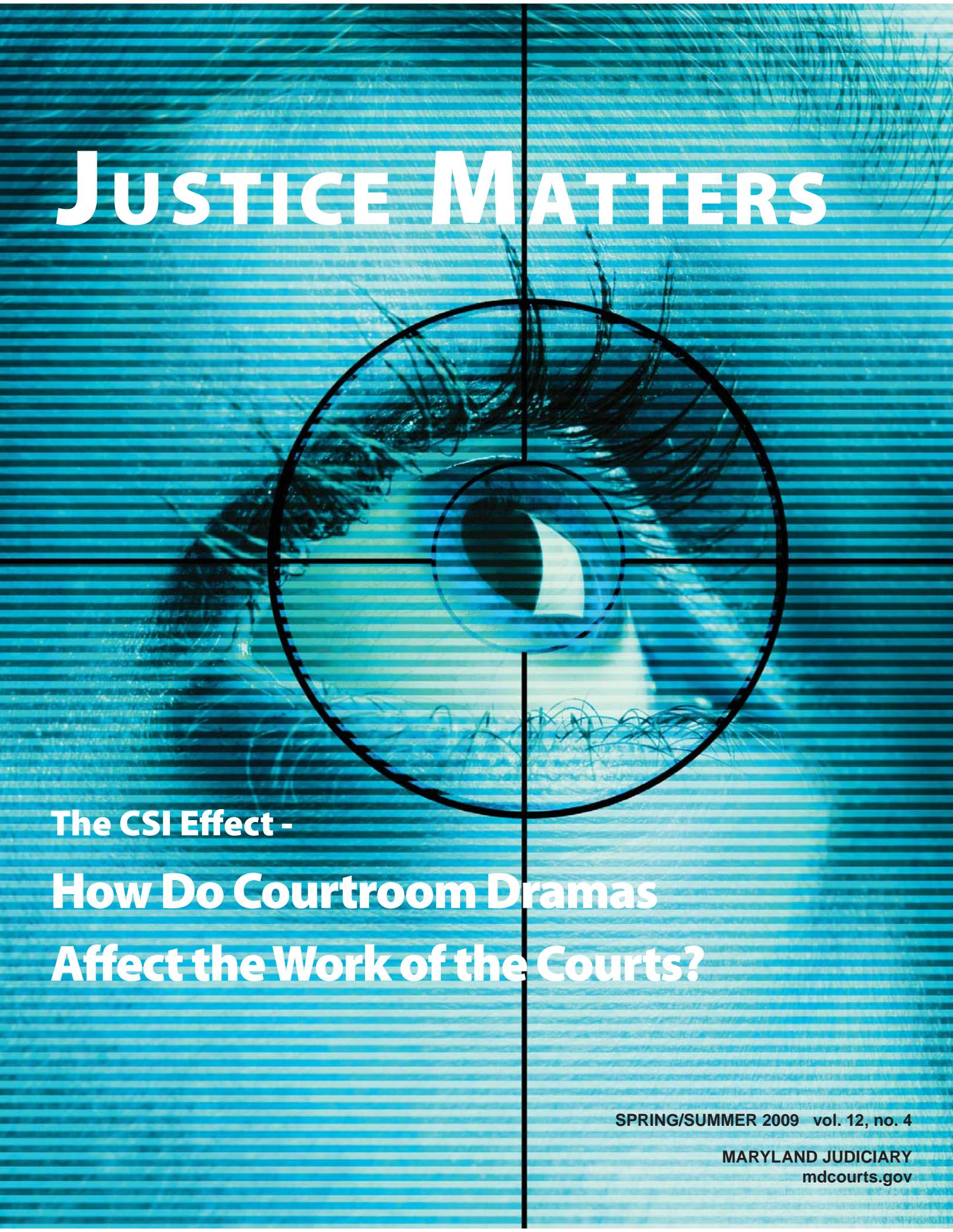


JUSTICE MATTERS



The CSI Effect -

**How Do Courtroom Dramas
Affect the Work of the Courts?**

SPRING/SUMMER 2009 vol. 12, no. 4

MARYLAND JUDICIARY
mdcourts.gov



Angelita Plemmer

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Message from the Editor-in-Chief

It is my pleasure to introduce you to the newly redesigned *Justice Matters*. The Judiciary's signature publication features a cleaner, less cluttered layout with vibrant graphic elements to create a magazine feel. I think you'll also find it makes the publication easier to navigate and more pleasant to read.

Why the makeover? Since *Justice Matters* was launched in 1997, the content of the newsletter has expanded, and we now have the ability to incorporate technology into the online edition by expanding stories that appear in the print version, adding video and photography slide shows, and creating additional tools and interactive features.

You'll notice a number of new icons (see the box on this page) that indicate when more in-depth information is available online, or when you can take advantage of multimedia offerings, like videos or podcasts.

Many of these enhancements serve as a starting point for ongoing improvements, as well as an opportunity to attract new readers—inside and outside of the Judiciary.

My talented team of writers, editors and graphic and web designers welcome your feedback and suggestions. Please send your e-mails to justicematters@mdcourts.gov. We hope you'll give our new look a try!

Angelita Plemmer, Director, Office of Communications and Public Affairs

There's more online

Look for these images—they mean that there are extra features to be found on the new online version of *Justice Matters*



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PHOTOS, VIDEO

 Read a Q&A interview with Angelita Plemmer in *Justice Matters* online at www.mdcourts.gov

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COURTS IN ACTION

Court Self-Help Programs

By Catherine McGuire

This article is part of a series that showcases different court programs available around the state that help people who represent themselves in legal issues. These people are often referred to as self-represented or pro se litigants.

The Family Law Self-Help Centers in the Circuit Courts are likely the best known of the pro se assistance efforts. All 24 jurisdictions offer some assistance, the amount and available time varying from one courthouse to another.

The Allegany County Circuit Court offers a pro se clinic for family law matters (divorce, custody, visitation, child support, name changes). The program is administered by the Allegany Law Foundation (<http://alleganylaw.net>). Allegany Law, a pro bono referral program created by the Bar Association of Allegany County in 2000, assigns interested local attorneys to clinic work. The three attorneys who staff the clinic are compensated by Allegany Law to help the self-represented fill out civil family law court forms.

The clinic operates on a first-come, first-served basis, with interested parties joining a waiting list. The program began as one day a week, morning hours only, but demand was so high that those hours were extended into the afternoon, and then extended to another location. The clinic is open at the Circuit Court on Thursdays from 9:30 a.m. to noon and 1:30 to 4 p.m., and also at the Frostburg Public Library on the first Monday of each month from 4:30 to 6:30 p.m.

Each week, on average, the Allegany County program serves eight to 10 people. Litigants range in age from 18 to over 80, and come from many different backgrounds. The service does not require income screening—it doesn't even require that the litigant be a resident of Allegany County. Administrators have found that many people who use the service choose for personal rather than financial reasons to represent themselves.

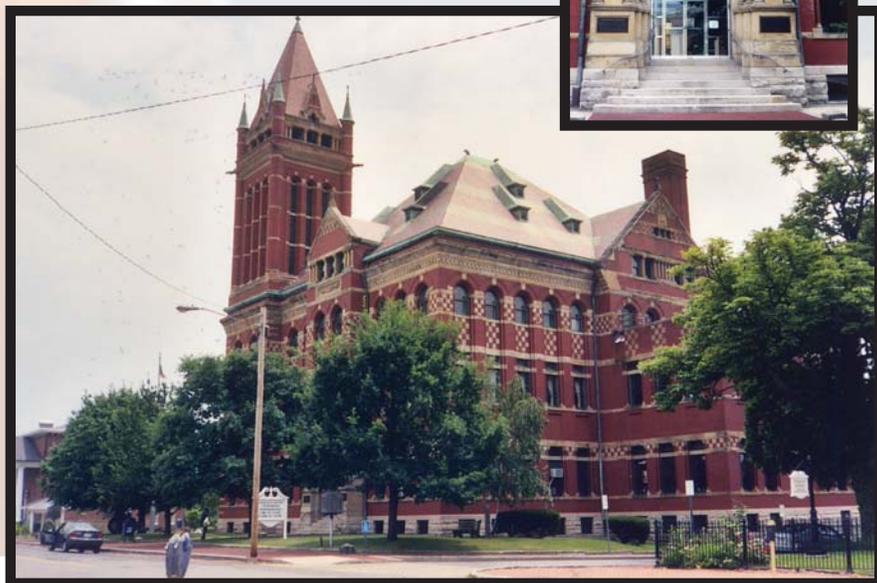
Clinic operators ask that litigants bring the following information with them: correct names and addresses of opposing parties; and financial information in case a waiver of filing fees needs to be filed. If the party wishes to use the sheriff for service of process, the party should also bring funds for that fee, as there is no waiver of the sheriff's fee.

Client litigants receive a form to rate their satisfaction with the service. Responses on the forms have been overwhelmingly “excellent” and “very satisfied.”

Parties interested in learning more about the clinic can contact the clinic administrator at (301) 733-3390.

☒ This is one example of a self-help program. If your court has a program or services for people who are representing themselves, please let us know: justicematters@mdcourts.gov

Catherine McGuire is outreach services librarian for the Maryland State Law Library.





By Hon. Dennis M. Sweeney

The “CSI Effect”

A Judge’s Viewpoint: How Do Courtroom

Detectives scour a grisly murder scene for clues, while in a courtroom across town a jury watches, spellbound, as the prosecutor wrests a confession from the defendant in the witness stand.

Gung-gung. Most Americans can easily identify the reverberating two-toned gong as the hallmark sound that begins the gritty crime drama and wildly popular television show, “Law & Order.” Likewise, fans of “CSI” expect to see lab work carried on in near-darkness by young, impossibly attractive investigators in high-fashion clothing. Scenes from these shows lend an air of glitz and glamour to the world of crime, courts and justice, where the cases are ushered in with a soundtrack and resolved within an hour.

These shows are dramatic. Exciting. Entertaining. But are these shows, and so many others like them, anything like the truth? More important, do people who watch them expect real evidence and courtroom procedures to be like them? Retired Judge Dennis M. Sweeney reflects on these issues.

There have been a slew of media reports about the so-called “CSI effect” on jurors in criminal cases. The concern is that TV entertainment shows like the highly popular CSI series have filled potential jurors with misleading and, in some cases, totally wrong notions of scientific evidence.

In the TV shows, a crime lab technician—usually a very attractive and stylish young man or woman—finds a piece of evidence, subjects it to a cutting-edge scientific process and conclusively solves the case in less than an hour.

The first reports of the CSI effect seem to have started with prosecutors who felt they were losing the kinds of cases they

historically had won. They attributed this to jurors coming to court thinking that, like in the TV series, scientific tests of hair, blood, handwriting or bullets are the way—the only way—crimes are correctly solved. If that kind of evidence wasn’t presented, it was felt juries were more likely to acquit. Prosecutors and some judges felt that jurors were expecting more than the criminal justice system could reasonably deliver.

In Maryland, many state prosecutors also believe that the CSI effect is making their job of obtaining convictions more difficult. John McCarthy, state’s attorney for Montgomery County, says there is no question that jurors expect more from prosecutors today than they did even a few years ago. McCarthy says





Dramas Affect the Work of the Courts?

that while the resources are available to do sophisticated testing, such as DNA analysis in murder and rape cases, there simply are not the resources at hand to do them in all cases.

Mary V. Murphy, deputy state's attorney for Howard County, points out that even with DNA testing limited to the most serious crimes, there is at least a six-month backlog to get results from the state lab. There is also a need to try cases more quickly under Circuit Court case-time standards, which limits the possibility of getting postponements to do more testing, even if the financial resources were present.

Both McCarthy and Murphy say that they have to consider calling witnesses at trial to explain why testing was not done. For example, if a police officer did not seek to have an item dusted for fingerprints, they may have the officer testify as to why he did not do so and then call a fingerprint expert to testify that the surface of the item would likely not have produced any readable prints.

York University, has observed that, if anything, the shows increase jurors' acceptance of forensic tests since they always work well on TV. Also, the shows' neat closure of each case within the allotted 30 or 60 minutes may lead jurors to be more likely to convict, so that the same satisfying result can be achieved in their case.

Locally, Baltimore County defense counsel Joseph Murtha does believe that jurors are more aware of the tools that are available to the police and prosecutors than they may have been years ago, but he attributes this not only to the crime shows but also to news stories and other reports in the popular media.

Murtha believes it is fair for the defense to raise questions about what was not done by the police and that the experienced prosecutor manages the greater expectations by explaining more clearly why the course taken by the police was reasonable and why certain tests were not necessary in the case before the jury. He perceives no systemic problem that requires any changes in the way courts handle jury cases.

Academics Not So Sure

While some prosecutors fervently believe that the CSI effect is having a negative effect on conviction rates, academics who study jury trials are less certain.

Cornell Law Professor Valerie P. Hans and Duke University School of Law Professor Neil Vidmar note in their book on jury trials that, at the very time these forensic shows were reaching their greatest popularity, there was a steady increase in conviction rates by juries—not a decline.

Another professor, Tom Tyler, chair of the psychology department at New



Jury Selection Issues

Jury selection questions might be one way to weed out the potential juror who is going to be unrealistic in what is expected of the prosecution, but this can be tricky. The fact that one is among the 70 million people in the country who watch these shows each week says little.

More troubling for prosecutors was a 2006 Michigan survey of 1,000 potential jurors taken before they began their service, which found that 46 percent expected to see some kind of scientific evidence in every criminal case and 22 percent expected to see DNA evidence in every criminal case.

cont. on next page

How Do Courtroom Dramas



Perhaps unsuitable jurors could be weeded out by asking if they would decline to convict in the case without forensic or scientific evidence, even if the state produces other credible evidence. For example, in Baltimore County, prosecutors occasionally include this question in their voir dire requests:

“Television shows such as “CSI” are fiction. They are not true. Many of the scientific methods used in those kinds of television shows are exaggerated or do not even exist. If you are selected as a juror in this case, you will be required to base a decision solely on the evidence presented in court. Would any potential juror be unable to ignore the “crime dramas” they have seen on television and/or in the movies?”

On the other hand, veteran Harford County State’s Attorney Joseph I. Cassilly doubts that there is a way to ask such questions without actually creating more problems for the prosecution by highlighting the issue of lack of forensic or scientific evidence in the case at hand. He prefers not to ask such pointed questions in jury selection to try to “cure” the CSI effect.

Patrick Kent, chief of the forensics division at the Office of the Public Defender, finds such proposed voir dire questions to be “ludicrous” since the so-called CSI effect has never been demonstrated to actually exist. He sees such questions as not-so-subtle attempts by the prosecution to dissuade potential jurors from critically questioning the sufficiency of the evidence presented or the police methods used in the investigation.

Instructing juries

Jury instructions are another way to deal with the perceived issue of jurors being misled into thinking that if the police failed to undertake all possible investigative techniques that proof beyond a reasonable doubt is therefore lacking. The case of *Evans v. State*, 174 Md. App. 549 (2007), cert denied 400 Md. 648 (2007), shows how trial courts are beginning to consider this approach.

In *Evans*, an undercover police officer purchased heroin on a busy corner on East North Avenue. Several men were involved in the sale: one who set up the transaction, another who gave the drugs to the police officer and a third who received payment. Immediately after the purchase, the officer alerted an “arrest team” with the description of the men involved. Evans was then

“ It is like comparing what happens in NASA space travel to what is seen on ‘Star Trek.’ ”

Harford County State’s Attorney Joseph I. Cassilly





Affect the Courts?

arrested and identified by the undercover officer as the man who gave him the drugs.

At trial, defense counsel vigorously cross-examined the officers about their failure to employ any means of recording the transaction by video or audio equipment, even though such equipment was potentially available to the team had they made a request. Counsel also noted the lack of any fingerprint evidence. He stressed to the jury the lack of state's evidence to demonstrate a "cross check of reliability."

In light of the evidence and arguments presented during the trial, the judge in the case, Baltimore City Circuit Judge Stuart R. Berger, gave the following instruction prior to closing arguments:

"During this trial, you have heard testimony of witnesses and may hear argument of counsel that the State did not utilize a specific investigative technique or scientific test. You may consider these facts in deciding whether the State has met its burden of proof. You should consider all of the evidence or lack of evidence in deciding whether a defendant is guilty. However, I instruct you that there is no legal requirement that the State utilize any specific investigative technique or scientific test to prove its case. Your responsibility as jurors is to determine whether the State has proven, based on the evidence, the defendants' guilt beyond a reasonable doubt."

On appeal, the defendant argued that this instruction altered the burden of proof in the state's favor, relieving it of its obligation.

The Court of Special Appeals rejected the contention, finding that when defense counsel argue that the state failed to present investigative or scientific evidence that could have been conducted or produced, such an instruction is appropriate as long as it is closely coupled with proper instruction on reasonable doubt.

Opening and closing

Harford County State's Attorney Cassilly says that, in opening statements or final arguments, he tries to explain to the jury that what they see in court is "real life" and that they should not put the state to an unrealistic standard. He argues to the jury that

comparing what goes on in court to what happens on TV programs is like comparing what happens in NASA space travel to what is seen on "Star Trek."

Prosecutors do have to be careful in tackling the issue in final argument. In one of the few appellate cases where the so-called CSI effect has been discussed, *Boatswain v. State*, 872 A. 2d 959 (Table), 2005 WL 1000565 (Del. Supr. 2005), the court found it an error for the prosecutor to have responded to defense arguments that no fingerprints were taken on a bank robbery note or on the money recovered by saying the following:

"In today's day and age, unfortunately, the police and the State isn't [sic] put to the same test that they wrote 200 years ago in the Constitution [in] which they said the proof must be beyond a reasonable doubt. Unfortunately, the test, of course, of criminal defendants now is, can they meet the expectation that they hope folks like you want. Can they meet CSI? If they don't have fingerprints, he can't be guilty. On TV, they would have found fingerprints. But this isn't TV, this is real life."

The court found that the trial judge erred in not taking corrective action stating that the prosecutor "confused matters by his muddled and inartful comments" and could have led the jury to think he was denigrating the reasonable doubt standard.

More shows ahead

While the legal issues presented by the so-called CSI effect continue to percolate in the courts, there is little doubt that potential jurors will continue to be exposed to the shows. Not only did all three of the "CSI" shows return this fall for yet another season but several more forensic shows have made their debut—including one about a biophysicist who is "on call" to law enforcement to solve "scientific crimes."

*This article is adapted from a column by Judge Sweeney that he wrote for the *Maryland Daily Record*.

Judge Sweeney is retired from the Howard County Circuit Court, and chairs the Judiciary's Committee on Jury Use and Management.

8 Working to Ensure Access for All Citizens

Maryland Access to

“

From this intensive examination, we hope to craft a realistic vision of access to justice in Maryland today.”

Judge Irma S. Raker
Chair

Each year, the Maryland Judiciary handles more than two million cases. For many of the individuals seeking justice in these cases, understanding how to navigate the court system is a daunting task. Before a court date is even scheduled, individuals may need assistance determining if they need legal representation in a child support or child custody case; or how to request an interpreter if they speak limited English; or obtain help reading or understanding courthouse signs and even forms due to literacy or disability barriers that may limit their ability to understand or access services.

These real-life scenarios can pose serious challenges in ensuring full access to justice for the thousands of people who interact with the courts each day. And

with decreased funding for legal services, it is increasingly difficult to meet the growing needs of the poor, indigent and disabled.

As a result, Chief Judge Robert M. Bell has created the Maryland Access to Justice Commission to oversee and ensure that all Marylanders can access the state’s justice system.



“Each day, Maryland’s courts reflect, by their actions, their commitment to provide full and fair access to justice for all citizens. This is one of the Judiciary’s guiding principles,” Chief Judge Bell said. “Even as the Judiciary continues to take on new challenges, our guiding principles remain the same and direct all that we do.”

Led by retired Judge Irma S. Raker of the Court of Appeals and



“By identifying and addressing critical barriers faced by those involved with the civil justice system, the Maryland Access to Justice Commission will strengthen public trust and confidence in the courts.”

Pamela Ortiz
Executive Director

Justice Commission



co-chaired by Chief Judge Ben C. Clyburn of the District Court of Maryland, the Commission will launch a series of listening events to garner public input. The Commission will make recommendations for change, and will pilot innovations that enhance access to the courts and legal services. The Commission will examine all aspects of the present court system and its working relationship with all of its partners.

“From this intensive examination, we hope to craft a realistic vision of access to justice in Maryland today,” said Judge Raker. “This will help us enhance the quality of justice for all.”

Pamela Cardullo Ortiz, who serves as the Commission’s executive director, is working to ensure that the Commission serves as the focal point for a number of initiatives, including self-help centers, forms and resource development to aid court users, initiatives to support the state’s

legal services delivery system, including pro bono activities, as well as innovations to help court users overcome language, literacy, and other barriers in accessing the civil justice system.

“By identifying and addressing critical barriers faced by those involved with the civil justice system, the Maryland Access to Justice Commission will strengthen public trust and confidence in the courts,” Ortiz said.

 More on Justice Matters online at www.mdcourts.gov

New Rules Give Homeowners 15 Days to Fight Foreclosure

Owning a home is the cornerstone of the American dream. However, that dream has become a nightmare for many Maryland families: in the first four months of 2009, there were 9,289 property foreclosures across the state, according to a recent housing report. In addition, many consumers desperate to keep their homes fall prey to mortgage fraud.

The Court of Appeals has approved new foreclosure procedure rules that require lenders to notify a homeowner and any guarantor when a foreclosure action has been filed. The owner and the guarantor, upon receiving notice, will have 15 days to file a motion in Circuit Court to stay or dismiss the foreclosure action. The rules took effect May 1.

The new Rules, and in particular, Rule 14-211, give the owners and guarantors “a fair opportunity” to raise a valid defense to the foreclosure while preventing them from filing “frivolous” motions to delay the process, said retired Judge Alan M. Wilner, chair of the Rules Committee, which proposed the change. The Rules Committee is formally known as the Standing Committee on Rules of Practice and Procedure.

Members of the legal community have also stepped up their efforts to help through a statewide Foreclosure Prevention Pro Bono Project, in which more than 700 lawyers have volunteered their time to help distressed homeowners in need of legal assistance.

Families and individuals facing the possibility of foreclosure should visit the Maryland Department of Housing and Community Development at <http://www.mdhousing.org> for assistance.

 More on Justice Matters online at www.mdcourts.gov



Revitalized Program Helps Improve Access to Justice in Family Court

Reviving Judicare

There are six legal services programs administering Judicare grants:

- Allegany Law Foundation
- Community Legal Services of Prince George's County
- Harford County Bar Foundation
- Maryland Volunteer Lawyers Service (for Baltimore City and Washington County)
- Mid-Shore Pro Bono, Inc. (for Caroline, Dorchester, Kent, Queen Anne's and Talbot Counties)
- Montgomery County Bar Foundation

These programs work with the local courts, bar and social services agencies to identify clients with contested family law matters and private attorneys to handle Judicare referrals. They screen the clients, recruit attorneys, document the disposition of cases and handle compensation.



A program to help pay for legal help for families in need has been resurrected to help people as shown in this recent case:

A single mother was fighting to get custody of her two children, but didn't have the funds to hire an attorney. She had never married the father, and he was subject to a protective order and incarceration for violence during the relationship. The children had witnessed the domestic violence and required therapy. The father was represented by an attorney, and filed for joint physical and legal custody or, alternatively, open and reasonable visitation. The mother was afraid of him, and although she was a good witness when she was prepared, she really needed the help of an attorney to keep her focused on the proper issues when she was on the stand. With funds from the newly revived Judicare program, a private, reduced-fee attorney was hired to help this mother get custody of her two children. The attorney was able to convince the court that joint legal or physical custody was not proper or in the best interests of the children in this case, and that supervised visitation was appropriate, given that the children had not seen their father in three years, coupled with their witnessing the domestic violence and the therapy needed as a result. The court ordered one-day-a-week supervised visitation with a review by the court in six months.

Although this is a fairly routine case for a family law attorney, a self-represented litigant would very likely get lost navigating the court process and have a lot of trouble achieving these results. Without proper representation, this complex case could also place an undue burden on members of the bench and our state's entire judicial system.

"There is a critical need to assure that low-income litigants have appropriate representation in divorce, custody, visitation and other contested family law matters," said Susan Erlichman, executive director of the Maryland Legal Services Corporation. To answer that need, the Maryland Legal Services Corporation (MLSC), in partnership with the Administrative Office of the Courts (AOC), has revived the Judicare grant program that was so successful in the 1970s and 1980s.

Judicare provides compensation for private attorneys who accept Judicare cases in contested family law matters at the rate of \$80 per hour. The cap is \$1,600 for 20 hours of work. Judicare will pay an additional

By Harriet Robinson, Maryland
Legal Services Corporation



\$80 an hour, up to an additional \$800 (\$2,400 total cap), for every hour over 25 hours that the attorney spends on the case (thus five hours must be pro bono). Judicare attorneys are guaranteed compensation, support of litigation expenses, and mentoring support if needed.

This updated Judicare program, begun in January 2008 with funding from MLSC and the AOC, “presents a wonderful opportunity for family courts, local bar associations, pro bono committees, and legal services providers to work together to help fill the gap of unrepresented low-income clients,” said Connie Kratovil Lavelle, executive director of the Department of Family Administration, AOC. The current Judicare program is in the ‘pilot’ stage. The AOC is evaluating the pilot project (through June 2009) with the help of researchers at the University of Maryland School of Social Work and Bowie State University. MLSC and the AOC hope to expand Judicare services to all jurisdictions in the future.

Since 1999, through a project initiated by MLSC and AOC, private attorneys throughout the state have provided services to and represented low-income persons in complex child custody cases at significantly reduced rates.* The Judicare Family Law Pilot Project is an extension of these services to litigants in any contested family law matter. In FY 2008, 277 private attorneys handled 538 contested custody and other family law cases throughout the state for reduced fees.

With the revival of Judicare, the family courts, local bar associations, pro bono committees, and legal services providers are partnering to make a significant contribution to access to justice for low-income family law litigants.

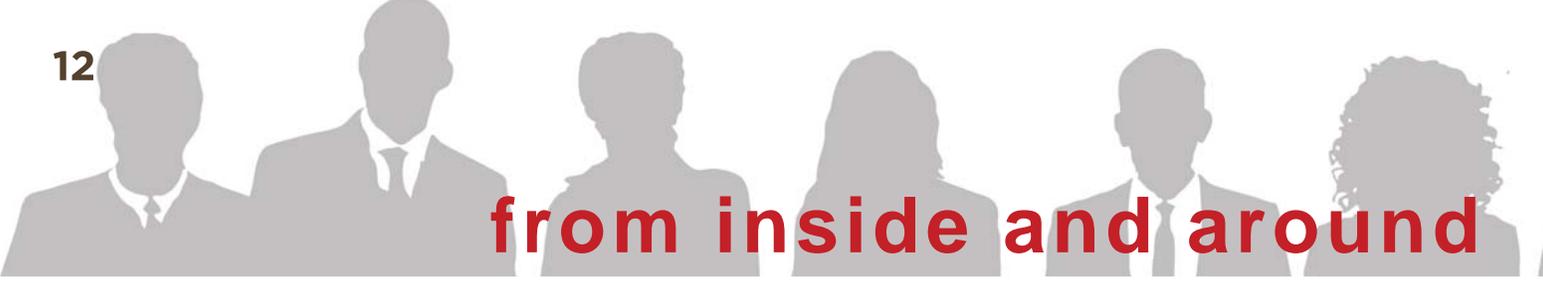
Harriet Robinson is deputy director of the Maryland Legal Services Corporation. The Corporation was established by the Maryland General Assembly in 1982 to receive and distribute funds to nonprofit organizations that provide civil legal assistance to low-income persons.

* A complementary component of the Child Custody Project is operated by the Legal Aid Bureau through staff attorneys in various county offices.

“ Access to lawyers for contested family law cases is critical for litigants to achieve just outcomes, and is equally important for the judicial system and society as a whole.

Recent reports by the Maryland State Bar Association and the Maryland Judiciary document the plight of self-represented family litigants, unmet legal needs of low-income persons in the state and the past success of efforts by lawyers paid reduced fees to serve low-income persons who otherwise would be unrepresented.”**

** *Final Report and Recommendations on the Potential Use of Private Lawyers*, Michael Millemann, University of Maryland School of Law for Maryland State Bar Association Section Council on Delivery of Legal Services and the Administrative Office of the Courts, May 2007; *Clearing a Path to Justice: A Report of the Maryland Judiciary Work Group on Self-Representation in the Maryland Courts*, Maryland Judiciary, August 2007.



from inside and around

Christopher B. Kehoe joins Maryland Court of Special Appeals

In late December 2008, Gov. Martin O'Malley appointed Christopher B. Kehoe to the Maryland Court of Special Appeals. Judge Kehoe fills a vacancy in the First Appellate Circuit (Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties) created by the elevation of Judge Sally D. Adkins to the Court of Appeals. Judge Kehoe was sworn in as the state's newest appellate judge on Jan. 21.

He may have been born in Washington, D.C., but Judge Kehoe grew up in Maryland and has been a resident of Talbot County since 1978. He attended Tufts University, where he graduated *summa cum laude* and earned entry into the Phi Beta Kappa Honor Society. He studied law at Duke University School of Law. After earning his law degree, he returned to Maryland, was admitted to the bar in 1978, and served as a law clerk to Judge Marvin H. Smith of the Court of Appeals until 1979.

Judge Kehoe has practiced law on the Eastern Shore throughout his career, and in 1983, became a partner with the Easton law firm of Ewing, Dietz, Fountain and Kehoe, P.A. In addition to serving as a local government attorney, he had been a general practice lawyer in a rural community. He has a broad range of professional experience in his career, including a wide variety of civil and criminal litigation, as well as providing legal services to individuals, small and regional businesses and local governments. Before his appointment, he practiced law in the areas of local government, land use, real estate, business, trusts and estates, and alternative dispute resolution. In addition, he served as town attorney to the Town of Easton and the Town of Trappe.

Judge Kehoe has been active in efforts to sustain and improve the quality of the legal profession in Maryland as a member of the State Board of Law Examiners and as a lecturer. He has been a member of the faculty of the Maryland State Bar Association's professionalism course for new lawyers in Maryland, and has taught numerous continuing legal education courses on local government and land use issues. He has also been a member of the Maryland Judicial Campaign Conduct Committee and the Court of Appeals' Select Committee to Study the Ethics 2000 Amendments to ABA Model Rules of Professional Conduct. From 1999 to 2001, Judge Kehoe was vice-chair of a Task Force on Regulatory Reform established by the Maryland General Assembly. He is a life member of the Maryland Bar Foundation, a member of the Maryland State Bar Association's Committee on Laws, and a past president of the Talbot County Bar Association. He has also served on the Board of Trustees of the Maryland Historical Trust.

"Mr. Kehoe has a deep commitment to public service, and exemplifies the highest standards in the legal profession, Gov. O'Malley said. "He is widely respected for his intelligence, fairness, patience, and integrity—attributes that will serve him well as an appellate judge."



See the photo of Judge Kehoe on Justice Matters online at www.mdcourts.gov



THE JUDICIARY



Judiciary employees help in their communities in a wide variety of ways. These recent efforts are examples of outreach.

- The **Circuit Court for Cecil County staff** held a very successful fund drive for the American Cancer Society through the Daffodil Days program. The drive raised \$2,089, a little more than twice last year's \$1,030 total. Adriana Brown organized the effort; William Brueckman is Clerk of the Circuit Court for Cecil County.
- The **Annapolis area Workplace Improvement Team (WIT)** organized Judiciary volunteers to help neighbors at the Lighthouse Shelter in downtown Annapolis by preparing and serving dinner on Jan. 23, and preparing bag lunches on Friday, Feb. 13.
- The **Frederick County Circuit Court**, held several events to benefit and publicize the Maryland Charities Campaign, including a Halloween costume parade, an Elvis "Hound/Hot Dog" sale, and a silent auction. These and other efforts helped make the group one of the Judiciary's top fundraisers for the campaign.
- Several courts held programs to highlight and support the Maryland Charities drive. Among the contests, competitions and celebrations were **Cecil County Circuit Court's** hot dog, chili, and fixings fundraiser, a drawing for a 'day off,' and candy sales.



Do you have outreach efforts to share?
Tell us at justicematters@mdcourts.gov

Marching in Washington



Mark L. Mumford, Clerk of the Circuit Court for Kent County, led a marching unit during the Inaugural Parade for President Barack Obama in Washington, D.C., on Jan. 20. Mumford was the drum major for the Delaware Volunteer Fireman's Association marching unit, which was invited to participate in the parade by Vice President Joseph Biden, whose home state is Delaware.

Amy Nickerson of the Kent County Circuit Court said, "It was a thrill to many in our community and beyond to see Mark march past the reviewing stand around 5:20 p.m. Our local newspaper, Kent County News, wrote a wonderful article about Mark a few weeks prior to the event. All of us have enjoyed listening to his stories about the day's events. Those of us here in Kent who were lucky enough to catch a glimpse of his live performance were filled with such pride."

Mumford, who is also the drum major for the Citizens Hose Company Band from Smyrna, Del., also marched in the 1997 Inaugural Parade for President William Clinton; but reports, "The event and energy of Jan. 20, 2009, was beyond belief and truly a once in a lifetime experience."



congratulations.

congratulations

Chief Judge Robert M. Bell of the Court of Appeals has been inducted into the Warren E. Burger Society, which honors individuals who have demonstrated an exemplary commitment to improving the administration of justice through extraordinary contributions of service and support to the National Center for State Courts. Judge Bell and other new members were inducted into the Burger Society at the NCSC Annual Recognition Luncheon in Washington, D.C. **Barbara Bowman**, lead worker and a clerk in the civil division of the Baltimore City Circuit Court, was named by the Conference of Circuit Judges to receive the first annual Distinguished Service Award for the Circuit Courts of Maryland. Bowman also celebrated her 30th anniversary with the court in February. **Ramona Buck, MACRO public policy director**, received the Chief Judge Robert M. Bell Award for outstanding contributions to the conflict resolution field from the ADR Section of the Maryland State Bar Association.

Baltimore City District Judge Charlotte Cooksey received the first annual District Court of Maryland Distinguished Service Award. Judge Cooksey was chosen by the District Court Administrative Judges Committee to receive the honor. **Howard County Circuit Judge Diane O. Leasure** was elected chair of the Maryland Conference of Circuit Judges. **Baltimore City Circuit Judge Marcella A. Holland** was elected vice-chair of the Conference. Judge Holland succeeds Judge Leasure, who, in turn, succeeds Prince George's County Circuit Judge William D. Missouri, who had served as chair of the conference since 2004. **Prince George's County Circuit Judge Cathy Hollenberg Serrette** and retired **Prince George's County Circuit Judge Stephen I. Platt** participated with other judges from the United States and South America in the Fourth Sir Richard May Seminar on International Law and International Courts in The Hague, Netherlands. Retired **Washington County Circuit Judge Frederick C. Wright, III**, was named "Person of the Year" for 2008 by the *Hagerstown Herald-Mail*. In November, the *Maryland Daily Record* honored 24 recipients of its Leadership in Law award, including: **Hon. Ellen Hollander, Court of Special Appeals; Hon. Michele Hotten, Prince George's County Circuit Court; Hon. Barbara Kerr Howe, Baltimore County Circuit Court, retired; and Hon. John Philip Miller, Baltimore City Circuit Court**. Each recipient was profiled in a special publication of the Daily Record. The *Maryland Daily Record* named **Harford County Circuit Judge Angela M. Eaves; Baltimore County Circuit Judge Judith C. Ensor; Prince George's County Circuit Court Master Althea R. Stewart Jones; and Howard County Circuit Judge Diane O. Leasure** to its 2009 list of Maryland's Top 100 Women.

BENCHMARKS

Appointments **Hon. Sherrie R. Bailey** to the Baltimore County Circuit Court, filling a vacancy created by the retirement of Hon. Dana M. Levitz. **Hon. Cynthia Callahan** to the Montgomery County Circuit Court, filling a vacancy created by the retirement of Hon. William J. Rowan, III. **Hon. Daniel P. Dwyer** to the Washington County Circuit Court, filling a vacancy created by the retirement of Judge Frederick C. Wright, III. **Hon. Helen I. Harrington** to the Charles County Circuit Court, filling a vacancy created by the retirement of Hon. Christopher C. Henderson. **Hon. Lawrence Fletcher-Hill** to the Baltimore City Circuit Court, filling a vacancy created by the retirement of Hon. Carol E. Smith. **Hon. Richard E. Jordan** to the Montgomery County Circuit Court, filling a vacancy created by the retirement of Hon. S. Michael Pincus. **Hon. John Edward Nunn, III**, to the Kent County District Court, filling a vacancy created by the retirement of Hon. Floyd L. Parks. **Hon. Paula Ann Price** to the Somerset County District Court, filling a vacancy created by the retirement of Hon. R. Patrick Hayman. **Hon. Gregory Sampson** to the Baltimore City District Court, filling a vacancy created by the retirement of Hon. Charlotte M. Cooksey. **Hon. Kenneth A. Talley** to the Charles County District Court, filling a vacancy created by the retirement of Hon. Richard A. Cooper.



Retirements **Hon. Richard A. Cooper**, Charles County District Court. **Hon. R. Patrick Hayman**, Somerset County District Court. **Hon. Christopher C. Henderson**, Charles County Circuit Court. **Hon. Dana M. Levitz**, Baltimore County Circuit Court. **Hon. S. Michael Pincus**, Montgomery County Circuit Court.

Deaths **Hon. Roger W. Brown**, Baltimore City Circuit Court, 1987-2002. **Hon. Joseph A. Ciotola, Sr.**, Baltimore County District Court, 1976-1991. **Hon. Marvin J. Land**, Magistrate, Woodlawn District, 1967-1971; Baltimore County District Court, 1971-1975, Baltimore County Circuit Court, 1975-1980. **Hon. Joseph I. Pines**, Baltimore Supreme Bench, then Baltimore City Circuit Court, 1980-1992. **Hon. Herbert L. Rollins**, Frederick County District Court, 1985-1991 (District 11 Administrative Judge, 1986-1991); Frederick County Circuit Court, 1991-1998. **Hon. Werner G. Schoeler**, Baltimore County District Court, 1971-1988. **Hon. Joseph D. Weiner**, St. Mary's County Circuit Court, 1972.

Maryland Conference of Circuit Judges

Prince George's County Circuit Judge William D. Missouri (center) was honored for his service as chair of the Maryland Conference of Circuit Judges as he handed over the reins to the conference's newly elected chair, Howard County Circuit Judge Diane O. Leasure.

Chief Judge Robert M. Bell congratulates Judge Missouri, who served as chair of the conference since 2004. Judge Missouri, who is Circuit and County Administrative Judge for, and Chief Judge of, the Seventh Judicial Circuit, and County Administrative Judge for Prince George's County, will continue to serve on the conference.



County Celebrates Re-opening of Duvall Wing

The hallowed halls of the Prince George's County Courthouse hold special memories for Judge William D. Missouri. Years before his appointment as a judge, he was an eager, young lawyer, arguing the first of many cases inside the 19th-century courthouse, appearing in front of some of the state's most prominent jurists.

"Things have changed a lot," said Judge Missouri, Circuit and County Administrative Judge for and Chief Judge of the Seventh Judicial Circuit, and County Administrative Judge for Prince George's County.

First built in 1881 in the heart of a rural tobacco community, the Prince George's County courthouse has undergone several expansions and renovations, and has risen as a phoenix from the ashes to remain a historic landmark and architectural icon for the county.

In 2004, a four-alarm blaze virtually destroyed the entire second floor of the Duvall Wing of the courthouse. What the fire did not destroy, smoke, water and mold quickly did, leading to the demolition of the entire three-story portion of the Duvall Wing, down to the bare surface of the structural walls.

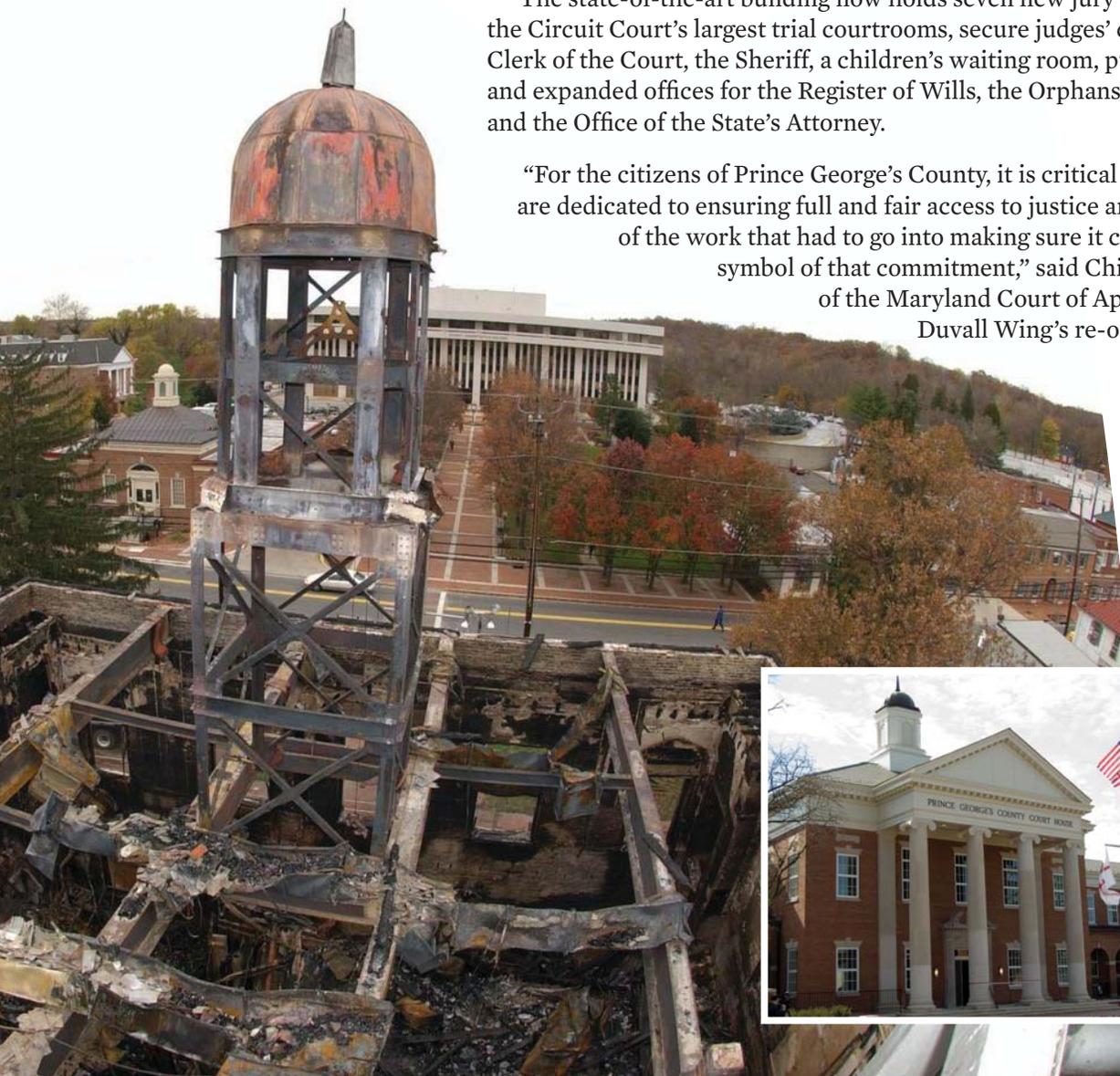
Nearly four-and-a-half years later, a new and improved courthouse opened its doors March 12 to judges, employees, politicians, community leaders, and residents to celebrate the opening of the renovated and largely rebuilt historic Duvall Wing.

The state-of-the-art building now holds seven new jury courtrooms that include the Circuit Court's largest trial courtrooms, secure judges' corridors, offices for the Clerk of the Court, the Sheriff, a children's waiting room, public access counters, and expanded offices for the Register of Wills, the Orphans' Court, the Grand Jury and the Office of the State's Attorney.

"For the citizens of Prince George's County, it is critical to understand that we are dedicated to ensuring full and fair access to justice and this building and all of the work that had to go into making sure it came into fruition is a symbol of that commitment," said Chief Judge Robert M. Bell of the Maryland Court of Appeals, who attended the Duvall Wing's re-opening.



See the video and photo gallery on Justice Matters online at www.mdcourts.gov





“It is a great day indeed, for we are witnessing the re-opening of the temple of justice here in Prince George’s County.”

Maryland Court of Appeals
Chief Judge Robert M. Bell



Changing Name, Expanding Role

Court Information becomes Office of Communications and Public Affairs



When the Court Information Office began more than ten years ago, its name reflected its role. Now, “the office is undergoing a major structural reorganization,” said Chief Judge Robert M. Bell of the Maryland Court of Appeals. “It is expanding its mission to direct and oversee a number of Judiciary public relations activities, marketing and branding initiatives, enhanced strategic internal and external communications, and expanded community outreach, designed to increase the public’s understanding of the Judiciary. The new name—the Office of Communications and Public Affairs—more accurately reflects this expanded role.”

The name change took place March 10. The administrative order is online.

 More on Justice Matters online at www.mdcourts.gov

High School Students Come to Court and Learn Life Lessons

Students from three county high schools witnessed the Anne Arundel County District Court in action on April 15. They filled the courtroom of Judge Danielle M. Mosley, who leads a program called Schools in the Court, which educates students about the legal, financial, personal, and sometimes physical consequences of making bad decisions.

“This is a normal day in court, and the students see defendants who are many times not much older than themselves,” Judge Mosley said. “We want the students to learn how the court system works but, perhaps more important, we want them to understand how making wrong choices about things such as speeding, driving under the influence of drugs or alcohol, drug use, and other crimes can deeply and adversely impact their lives.”

In addition to watching criminal cases, the students heard from victims and people who have been convicted of drinking and driving. They learned about the legal and financial consequences of being



charged with drunk driving, and met with a member of the Maryland Shock Trauma Center’s medical staff, who detailed the physical effects of bad judgment when operating a motor vehicle.

“We bring students to court for a day to try to prevent them from ever appearing before us as defendants,” said Judge Mosley.

The Anne Arundel County Partnership for Children, Youth and Families has provided a grant to the Anne Arundel County Public Schools to cover transportation costs to and from the courthouse for the program.



Link to the Anne Arundel County Schools’ video of the program on Justice Matters online at www.mdcourts.gov



This is a normal day in court, and the students see defendants who are many times not much older than themselves.”

Judge Mosley

schools in court

mock and roll

Teens “Mock Around the Clock” at State Trial Championship

On the last Friday in April, two high schools faced off in the Maryland Court of Appeals in Annapolis. One group had come from Severn School, a couple miles up the road, the other from Cumberland’s Allegany High School on the other side of the state. The courtroom was packed; extra seats were carried in from the hall to accommodate the overflow.

The students were members of mock trial teams who had excelled during months of competition against teams from their neighborhoods and throughout the state, and had, just the day before, defeated their opponents in the semifinals at the Anne Arundel County Circuit Court, a mile away. Now they were in the state’s highest courtroom, arguing their cases in one last trial before a three-member panel that included Judge Joseph F. Murphy, Jr., of the Maryland Court of Appeals.

The trial may have been moot, but the stakes were real—this showdown was for the championship of the 2009 Mock Trial Competition. Each year, high school students throughout Maryland take part in the mock trial program, which is sponsored by the Citizenship Law-Related Education Program for the Schools of Maryland (CLREP), in cooperation with the Maryland Judicial Conference and Maryland State Bar Association. Since it began in 1983, almost 40,000 students from most counties in the state have participated. Maryland’s courts host local competitions during the academic year, and, in the spring, the two finalist teams compete in the state championship held in the Court of Appeals.

Thanks to live webcasting on the Judiciary’s Web site, most of the student body at Allegany High School watched the trial in real time, and students in Cumberland cheered and applauded when, in Annapolis, Judge Murphy congratulated “the team on the left side of the courtroom” and named the Allegany team the 2009 state champions.

It was, Judge Murphy declared, a “very, very close” decision. “I’m kind of sorry at a time like this that I can’t declare both sides to be winners, but unfortunately, that can’t be done. Both sides, of course, should feel very, very proud that you are here today in this courtroom in the finals.”

After the event, Severn School’s coach put their loss into perspective. “It was, of course, a little heartbreaking to lose the championship,” said Anne Arundel County Circuit Judge J. Michael Wachs, who has volunteered as a coach for Severn’s mock trial team for several years. “But

the whole experience has been invaluable for these students. They have learned so much about a society that operates under the Rule of Law, and so much in particular about how our justice system and our courts in Maryland operate.”

Judge Wachs is one of many judges and Judiciary employees across the state who help high school students each year by volunteering

with the mock trial competition. “I want to congratulate the coaches and the faculty members who worked with you,” Judge Murphy said. “Obviously you learned from very talented, very thoughtful people and the quality of the coaching came through loud and clear in this performance.”



See the webcast of the championship on Justice Matters online at www.mdcourts.gov



The 2009 Mock Trial State Champions from Allegany High School beam as they pose with Judge Joseph Murphy of the Maryland Court of Appeals for their official portrait.

Correction

In the last issue of *Justice Matters*, eight judges were listed, incorrectly, as deceased in the print edition article of the District Court of Maryland’s original judges (“Judges of the District Court of Maryland – July 1, 1971,” page 10). The online version was corrected on December 23, 2008 and we apologize for the inadvertent error.



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Seal artwork p. 12 by Jason Clark

We are proud of this issue of *Justice Matters*.

Not only does it have a new look, but it is printed on an environmentally sound paper, and is printed and distributed at reduced cost to Maryland taxpayers.