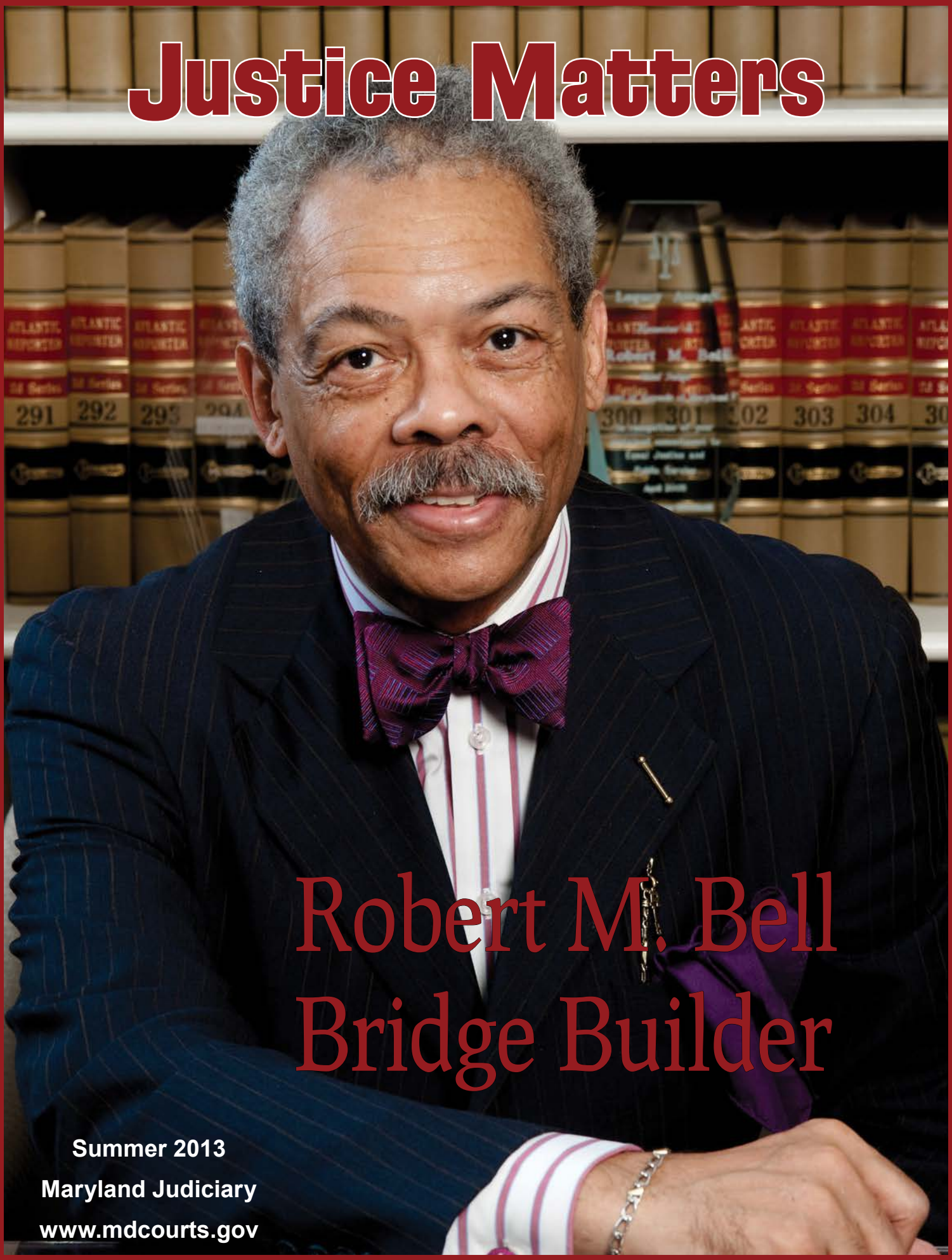
Justice Matters



Robert M. Bell
Bridge Builder

Summer 2013
Maryland Judiciary
www.mdcourts.gov

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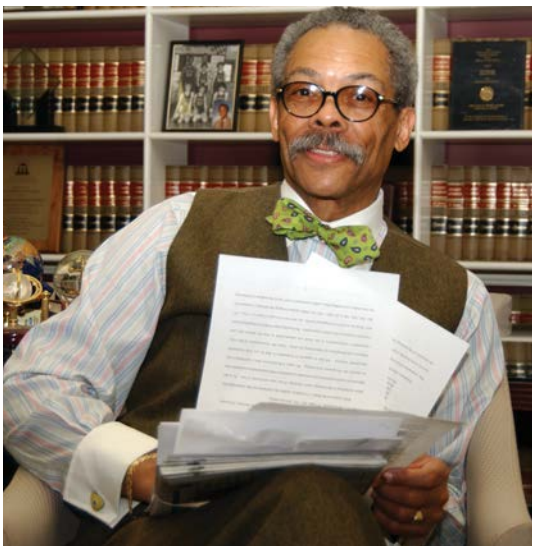
The Chief Retires

After more than 38 years of public service in the Maryland Judiciary, Court of Appeals Chief Judge Robert M. Bell announced in April that he would retire July 6, 2013, his 70th birthday. Under Maryland law, state judges must retire at age 70.

"It has been an honor and a privilege to have been permitted to serve the State and its citizens," Judge Bell wrote in his letter to Gov. Martin O'Malley. "To them, and to my judicial colleagues, without whose assistance and cooperation nothing of worth could have been accomplished, I offer my sincere thanks and deepest appreciation for the opportunity."



Judge Bell has served at all four levels of Maryland's courts. He began his career with the Judiciary in January 1975, when he was appointed judge, by then-Governor Marvin Mandel, for the District Court for Baltimore City. At the age of 31, he was the youngest judge in the state. He was elevated to the Circuit Court for Baltimore City (formerly the Supreme Bench) in 1980 and, in 1984, he was appointed to the Court of Special Appeals, Maryland's intermediate appellate court. In 1991, Judge Bell joined Maryland's highest court, the Court of Appeals, and five years later, in 1996, then-Governor Parris Glendening named him chief judge. With this appointment, Judge Bell became the first African-American to lead the Maryland Judiciary, which handles more than two million cases each year.

Judge Bell has served as the 23rd chief judge of the Court of Appeals, a court which was formally established by the Maryland Constitution in 1776, but whose history as a Colonial court stretches back to the middle of the 17th century. The Court reviews more than 600 petitions for writ of certiorari each year, along with attorney discipline matters, certified questions of law, and bar matters.

As part of his many duties as chief judge, Judge Bell has managed a workforce of more than 4,000 employees and an annual budget of more than $450 million.

The Bridge Builder

An old man, going a lone highway,
Came, at the evening, cold and gray,
To a chasm, vast, and deep, and wide,
Through which was flowing a sullen tide.

The old man crossed in the twilight dim;
The sullen stream had no fear for him;
But he turned, when safe on the other side,
And built a bridge to span the tide.

"Old man," said a fellow pilgrim, near,
"You are wasting strength with building here;
Your journey will end with the ending day;
You never again will pass this way;
You've crossed the chasm, deep and wide-
Why build you this bridge at the evening tide?"

The builder lifted his old gray head:
"Good friend, in the path I have come," he said,
"There followeth after me today,
A youth, whose feet must pass this way.

This chasm, that has been naught to me,
To that fair-haired youth may a pitfall be.
He, too, must cross in the twilight dim;
Good friend, I am building this bridge for him."

Will Allen Dromgoole

"The Bridge Builder" is one of Chief Judge Bell's favorite poems, and was the theme of a statewide, two-day event in his honor, which was held in April and hosted by the Maryland State Bar Association (MSBA) and the Friends of the Honorable Robert M. Bell Committee.

ROBERT M. BELL
BRIDGE BUILDER

In pursuit of justice

By Chief Judge Robert M. Bell

(The following is an excerpt of an article published this spring in *The Judges' Journal,* a publication of the American Bar Association.)

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Maryland judges must retire at age 70, and, as I near the predetermined end of my judicial tenure, I have been asked to provide personal reflections about my time as chief judge and chronicle some of "my" achievements.

This is difficult for me — while there have indeed been strides taken and goals achieved, they are the accomplishments of many, many dedicated professionals in the third branch of government, serving the public, rather than of any one individual. The initiatives and programs presented in this article reflect a set of fundamental guiding principles that I adopted as I began my service as chief judge in 1996. They, which continue to guide the work of the Maryland Judiciary, include fuller access to justice; improved case expedition and timeliness; equality, fairness, and integrity in the judicial process; branch independence and accountability; and restored public trust and confidence.

I think that if I offer some personal history, it may provide some insight into a professional life dedicated, hopefully, to these principles.

Like most of us, the first major influence in my life was my mother. My mother grew up on a farm in North Carolina and had been a share-cropper before she moved to Baltimore with my brothers and me. She had little formal education, perhaps third grade, but she had a strong work ethic and an iron determination that her children were going to make something of themselves. She never faltered in insisting that we get the education that she was denied.

My choice of career was made early — I decided I wanted to be a lawyer from the time I, as a young boy, started reading Erle Stanley Gardner's "Perry Mason" stories. I was attracted to the idea of helping people and to fighting for the law and for "right" versus "wrong."

When I was growing up, Baltimore was a city divided by race. I grew up in East Baltimore, and my mother tried to protect us from the negative aspects of segregation by keeping us secure in our own close-knit community of black stores, barbers, teachers, and other community resources. In 1960, when I was in the 11th grade and student government president at Dunbar High School, I was approached by Morgan State College students, who were recruiting participants for a planned antidiscrimination demonstration to be held on the last day of school in downtown Baltimore. I and a number of my fellow students agreed. After picketing several establishments, about a dozen of us "sat in" at one of the restaurants. When we refused to leave when advised by police to do so, we were arrested. We were charged, tried, and convicted of trespassing.

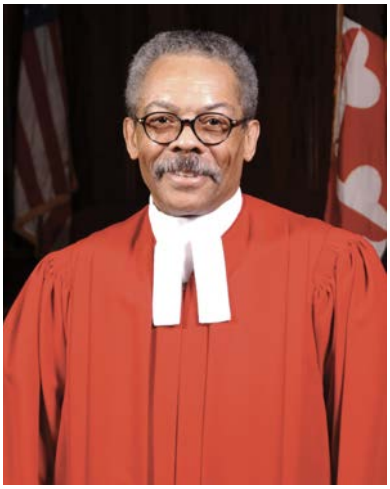
The case eventually was heard by the U.S. Supreme Court but not decided on the merits. Because of

changes in the law after the convictions, the Court remanded the case to the Maryland Court of Appeals to review its prior ruling upholding the convictions. Although the Court of Appeals initially affirmed its prior ruling, it ultimately reversed itself, thus vacating the judgments of conviction, sparing me the burden of being a convicted misdemeanant.

As a 16-year-old defendant in a civil disobedience case, I was privileged to be — symbolically, at least — a part of a legal battle between extraordinary lawyers, including future U.S. Supreme Court Justice Thurgood Marshall on my side and future Chief Judge of the Court of Appeals Robert Murphy on the other. No one would have guessed that Judge Murphy and I would go on to sit on the Maryland Court of Appeals together, or that I would one day replace him as chief judge.

After graduating from high school, I went on to Morgan State College, now University, for my undergraduate education, and from there to Harvard Law School, receiving my J.D. in 1969.

When I began my legal career, there were very few black judges and few black lawyers deemed qualified to become judges. I did not want to be a judge initially, but because I had the background to get on the list of approved candidates for the District Court, I was urged to do so in the interest of the African-American community. I found that judging was good work and valuable work.



In those days, I had long hair, which was the fashion, and a goatee, both of which some people found outlandish, but, for the most part, no one found my rulings outlandish. While I believed, and still believe, that it is very important for judges to approach problems with sensitivity and an open mind, I also believe that every ruling must be entirely supportable under the law.

I enjoyed being on the District Court. I still think it's the most important court in terms of affecting people's everyday lives — from landlord/tenant disputes, to domestic violence cases, to traffic violations and many other civil and criminal matters. I was not anxious to be, did not clamor to be, elevated to the Circuit Court, but, again, I was asked to do so for sake of making progress in the diversification of the Baltimore City Circuit Court bench and, for that reason, I did.

My journey as a jurist has been, dare I say it, extraordinary. While the pressure to advance and much of my own sense of responsibility are connected to the African-American community, I have always done my best to serve all the people of Maryland, and to apply the law fairly and universally.

There exists a distorted view of the American justice system, one that substitutes cynicism for trust and that questions the integrity of men and women who are sworn to uphold the law. Judges are constitutional officers and, as such, take an oath of office promising to uphold the laws, state and federal, to the best of their ability, not to substitute their personal views and beliefs for the laws as promulgated through the legislative process.

Judges are bound by their oath to apply the laws as written. To intentionally and willfully disregard the will of the legislature in favor of one's own world view is, and should be, considered judicial activism.

Judges make difficult decisions, and making a ruling requires careful thought and consideration. Judges must approach problems with sensitivity and an open mind, and every ruling must be entirely supportable under the law. This is essential to a strong and independent judiciary. A fair and impartial judiciary fosters a respect for law, ensures the continuance of the Rule of Law, and is a cornerstone in the foundation of our democratic form of government.

The complete article, including an examination of major undertakings and programs from Chief Judge Bell's tenure, is included in Justice Matters Online. The link is on the Judiciary's website, www.mdcourts.gov.

Guiding principles have led to major accomplishments

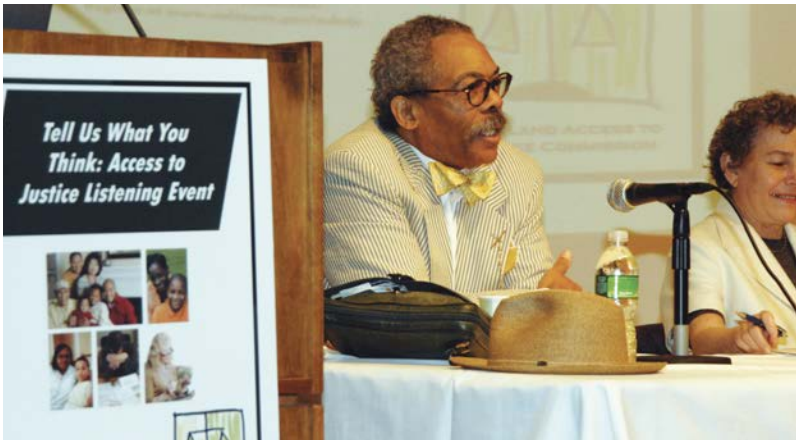
Chief Judge Robert M. Bell has led the Maryland Judiciary according to guiding principles that he outlined early in his tenure as the head of the state court system: fuller access to justice; improved case expedition and timeliness; equality, fairness and integrity in the judicial process; judicial branch independence and accountability; and restored public trust and confidence in the court system. Guided by these principles, here are some of the highlights of his tenure.

In 2008, Judge Bell created the Maryland Access to Justice Commission to develop, coordinate and implement policy initiatives to expand access to the State's civil justice system. A coalition of representatives from Maryland courts, executive branch agencies, legislators, attorneys, social services and faith groups, and legal service providers, the commission recommends changes to improve the ability of all Marylanders to use the courts effectively and to obtain legal help when they need it. It primarily focuses on expanding access to the state's civil justice system, which includes landlord-tenant cases, divorce, child custody issues, small claims and debt collection, domestic violence, and other non-criminal matters.

Judge Bell's access to justice strategy has also included creating a Commission on Racial and Ethnic Fairness in the Judicial Process; establishing a Standing Committee on Court Interpretation and Translation and working with immigrant groups on language barriers; increasing emphasis on pro bono legal services expectations statewide, encouraging all members of the bar to provide 50 hours of pro bono service annually, and requiring them to report on their pro bono activities and services.

Judge Bell created the national award-winning Maryland Mediation and Conflict Resolution Office (MACRO). Under his leadership, MACRO serves as an alternative dispute resolution (ADR) resource for the state and promotes the use of high-quality ADR services as an effective and time- and cost-saving alternative to pursing legal issues through the courts.

Under Chief Judge Bell's leadership, Maryland responded quickly and effectively to the devastating decline in interest rates in 2008 that resulted from the economic downturn which, in turn, caused a



"Chief Judge Bell championed many initiatives benefiting our court system, and laid an integral foundation of justice for generations to come. His service truly affirms that we progress as a people, not on the weakness, but on the strength of our neighbors."

Governor Martin O'Malley

precipitous decline in funding for civil legal services. The Judiciary sought and was granted an increase in filing fee surcharges to generate an additional $6 million in funding for civil legal services programs per year. This helped stabilize funding for the state's civil legal services providers, ensuring access to counsel for thousands of low-income residents of the state.

When Maryland was facing a crisis in foreclosures, Judge Bell sent a letter in July 2008 to each attorney in Maryland asking for volunteers to help homeowners at risk. More than 200 attorneys immediately volunteered and signed up for the first in what has become an ongoing series of training programs. As part of this effort, the Maryland Judiciary, partnering with the Governor, Attorney General, Maryland State Bar Association, the Maryland State Department of Labor Licensing and Regulation (DLLR), and legal services groups, launched the Foreclosure Prevention Pro Bono Project (FPPBP).

Throughout the nation, there has been a recent history of judicial contests marked by incivility and partisanship. In 2005, Chief Judge Bell, with the support of the Judicial Ethics and Public Trust and Confidence committees, called for the formation of a citizens' group to study and monitor the conduct of Maryland's contested judicial elections. The result was the Maryland Judicial Campaign Conduct Committee (MDJCCC), a diverse, representative and bi-partisan group of Marylanders committed to maintaining respect for the uniqueness of the judicial office, and to promoting civility in the conduct of contested elections for Maryland's circuit court judgeships. The MDJCC is independent, volunteer, and unofficial. Its commitment is to promote public education about the role of judges, and to improve the level of public discourse in judicial campaigns. The MDJCC remains neutral on the issue of contested judicial elections, and focuses its efforts to ensure that those elections are conducted in a manner that promotes respect for the integrity and legitimacy of the bench.

Major accomplishments

Under his leadership, Maryland courts now provide statewide forms in most civil practice areas, as well as family law self-help centers in nearly every circuit court, and a statewide District Court Self-Help Center that now serves over 20,000 persons per year on a walk-in basis, over the phone and via live chat.

The State Law Library assumed responsibility for managing the state's legal content website, the People's Law Library, www.peoples-law.org.

The Judiciary continues to be a nationwide leader in service to the self-represented, producing multimedia materials, technical assistance documents, courses and public materials to support court staff in aiding the public, and to provide the public access to accurate, but understandable information.

Chief Judge Bell has undertaken several steps to advance diversity in the Maryland Judiciary. He appointed the first female administrative judge and the first female African-American administrative judge in the State, as well as the first African-American chief judge of the District Court of Maryland. Under his tenure, there are currently 11 women administrative judges. His diversity goal extends to the staff of the administrative office, as well.

Judge Bell has also been an outspoken advocate for increased diversity in legal education. Over the years, he has had countless law clerks and interns, and not only assists them in their knowledge of the law and career development, but also mentors them for years after their clerkships have ended.

Soon after he became chief, Chief Judge Bell oversaw, via the statewide Department of Family Administration, the creation of the family divisions and family services programs in Maryland's Circuit Courts to provide a comprehensive approach for families whose legal issues often involve non-legal issues, such as housing, substance abuse and mental health. Addressing these underlying challenges in a holistic way will more likely lead to better outcomes for families. Under Chief Judge Bell's direction, the focus has increased on out-of-court processes in order to provide better outcomes for families.

The Maryland Judiciary's Foster Care Court Improvement Project's (FCCIP) was started shortly before Chief Judge Bell was appointed to lead the Judiciary, and, under his direction, has become institutionalized and has continued to drive law reform in the area of child welfare. The FCCIP endeavors to improve courts' performance in the handling of child abuse and neglect cases and to ensure the safety, permanency and the well-being of children in foster care. The primary focus of the FCCIP is child in need of assistance (CINA) and related guardianship and adoption cases. The FCCIP is comprised

> **"Without question, Chief Judge Bell has provided a clear model of excellence on being a lawyer, judge, and chief judge."**
>
> **National Bar Association President John Page**

of juvenile judges, masters, court personnel, child welfare attorneys, representatives from the state child welfare agency, and other relevant child welfare stakeholders.

Chief Judge Bell has laid the groundwork for a ground-breaking overhaul of the Judiciary's multiple case management systems. Under his direction, the Judiciary has been working with members of the bar and advocacy groups to update and upgrade all court management systems, including integrating new technology, business processes and management practices. The project, Maryland Electronic Courts (MDEC), is creating a single statewide integrated case management system for all levels of Maryland's courts. MDEC's features include the 24/7 ability to send documents to and obtain information from the court from anywhere at any time; e-filing options; and the ability to view, track and archive electronic case records.

Chief Judge Bell has completely restructured the Judiciary's governance system to provide increased opportunities for collaboration and coordinated policy making. Structural improvements under Chief Judge Bell's leadership have included: creating a Conference of Circuit Judges, Conference of Circuit Clerks, Conference of Court Administrators, and Conference of Orphans Court Judges; and reorganizing of Maryland Judicial Conference committee structure. Together, these actions have improved overall judicial management, as well as management at the local level, preserving the appropriate realm of local decision-making for individual courts.

In January 2006, Case Search was introduced to meet the public's need for timely, accurate information, and satisfy requests received in the court clerks' offices. Case Search, the searchable online database of state court records, includes detailed case information for all Maryland Circuit and District Court cases. Case Search provides free online access to public information from Maryland case records.

These are some of the achievements made during Judge Bell's tenure as chief judge. He has been on the bench since 1975, and has served as a judge on all four levels of the Maryland Judiciary, an almost unique accomplishment. Chief Judge Bell's astonishing 40-year law career has earned him, quite literally, a place in Maryland and United States history.

Conference of Chief Justices
New Orleans 2007

milestones

Dunbar High School, Graduated 1961

Morgan State College, Graduated 1966

Harvard Law School, Graduated 1969

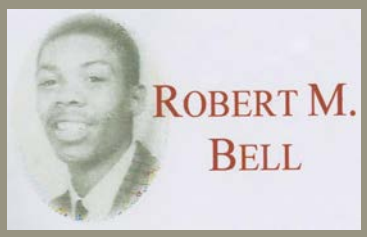
District Court of Maryland, 1975 – 1980

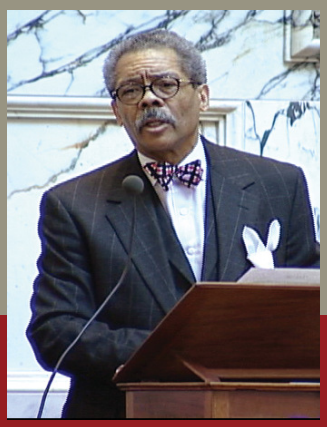
Circuit Court of Baltimore City,
(formerly Supreme Bench), 1980 – 1984

Court of Special Appeals, 1984 – 1991

Court of Appeals, 1991 – 2013

Chief Judge, 1996 – 2013





"The ABA commends Judge Bell for his many outstanding achievements and for his unstinting efforts on behalf of the legal profession, particularly the development of young lawyers, as a starting place for many of the profession's future leaders. Judge Bell's work in promoting civil rights and diversity is legendary, along with developing, consolidating, coordinating and implementing policy initiatives to expand access to and enhance the quality of justice in civil legal matters."

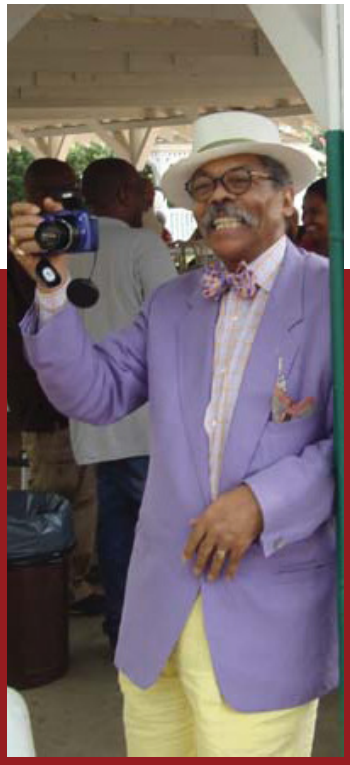
American Bar Association President Laurel G. Bellows

Awards and Honors

Some of Judge Bell's awards include:

- John Marshall Award from the American Bar Association Justice Center, for making "extraordinary improvements in the administration of justice in the categories of judicial independence, justice system reform, and public awareness about the justice system," 2013
- Marvin E. Johnson Diversity and Equity Award, the Association for Conflict Resolution's award for "dedicated leadership and passionate contribution to bridging the divides between people of different cultures and backgrounds," 2012
- Inducted into the National Bar Association's Hall of Fame in 2011
- Judge William H. Hastie Award, the National Bar Association Judicial Council's highest award for excellence in legal and judicial scholarship and demonstrated commitment to justice under law, 2011
- Morgan State University renamed its Center for Civil Rights in Education the Robert M. Bell Center for Civil Rights in Education in 2010
- Maryland State Bar Association 2006 ADR Section Chair's Award (for pioneering work in promoting alternative dispute resolution processes within the Maryland judiciary, legal community, businesses, schools, government agencies and neighborhoods)
- University of Maryland System Frederick Douglass Award, 2006
- Freedom Fighters Award (Frederick County NAACP), 2006
- Maryland Network Against Domestic Violence Special Recognition Award, 2005
- University of Baltimore School of Law Students for Public Interest's first annual Robert M. Bell Award for Leadership in Public Service, 2004
- Maryland Legal Services Corporation, Medal for Access to Justice, 2004
- D'Alemberte/Raven Award, ABA Dispute Resolution Conference, 2003
- Access to Justice Tribute Award, Pro Bono Resource Center, 2001
- Louis M. Brown Award for Legal Access, Standing Committee on the Delivery of Legal Services, American Bar Association, 2000
- Legal Excellence Award for Advancement of Public Service Responsibility, Maryland Bar Foundation, 1999
- Rosalyn B. Bell Award, Women's Law Center of Maryland, 1999

COURTESY OF THE OFFICE OF THE GOVERNOR



There's more online

Justice Matters Online has more photos and tributes to Chief Judge Bell, as well as:

- The history of the Court of Appeals in Maryland
- A list of all the Court of Appeals chief judges since 1776
- A recording of Judge Bell reciting "The Bridge Builder," a favorite poem that was the theme of the event celebrating his career.

Go to the Judiciary's website, www.mdcourts.gov, and click on the link for *Justice Matters* to see these online exclusives.

MDEC Update

With the Maryland Electronic Courts (MDEC) pilot in Anne Arundel County set to start next year, planning has begun for the next phase. The question: where will MDEC launch next? The answer: the Eastern Shore and Baltimore County courts, which will receive MDEC following the completion of the pilot program in Anne Arundel County.

The MDEC Advisory Committee, which oversees the implementation of the state's new electronic case management system, announced the roll-out plan earlier this spring. The committee made the decision to move next to the Eastern Shore, then to Baltimore County, based on a Judicial Information Systems (JIS) recommendation to establish a "reliable repeatable process." The goal is to migrate from the pilot to a larger set of installations in a short period of time in order to test and refine the methodologies used in the pilot. That requires smaller jurisdictions with Judicial Circuits and Districts logistically comparable and in sufficient number to facilitate the necessary validation. The nine counties of the Eastern Shore represent the best sites for this purpose.

After the Eastern Shore sites, Baltimore County will be the next large jurisdiction to receive the MDEC system. It was selected because it has the largest number of District Court locations and because it has the only large Circuit Court fully subscribed to the present UCS case management system, making data conversion and interoperability easier.

Based on the experience gained in implementing the system in larger and smaller courts, JIS will propose an implementation schedule for the remaining jurisdictions.

MDEC pilot will include all four levels of court in Anne Arundel County

Maryland's appellate courts are among the forerunners in adopting the state's new electronic case management system. That's because when the MDEC pilot begins next year in Anne Arundel County, all four levels of Maryland's courts will get the MDEC case management system at the same time: Anne Arundel District Court, Anne Arundel Circuit Court, the Court of Special Appeals and the Court of Appeals.

When the pilot launches, the appellate courts will begin offering e-filing of appellate cases, including briefs. Until all trial courts have MDEC in place, the appellate courts will use two methods for transferring case information: electronically for trial courts once MDEC has been implemented in those jurisdictions; and by paper, as is currently done, for those trial courts not yet on MDEC.

Why start in Anne Arundel County?

The courts in Anne Arundel County were chosen to pilot the new system for several reasons. First, because of their proximity to the Administrative Office of the Courts and District Court Headquarters, the communication between the courts and the implementation team is enhanced. The proximity means that preparing for and testing the transfer of cases from the lower courts to the appellate courts will also be easier. Second, because the Circuit Court for Anne Arundel County uses the UCS case management system used by 22 other jurisdictions, the Circuit Court pilot experience will be more easily replicable to the next phase of the implementation. Third, Anne Arundel County presents an optimal size for a pilot program because it is a larger jurisdiction, but not too large. Added to those reasons, the Circuit Court for Anne Arundel County had been considering implementing its own electronic filing program even before plans for the MDEC system developed. The initiative and enthusiasm on the part of judges and staff in both the Circuit and District Courts for ushering in an electronic court environment makes them an ideal site for the pilot program.

Planning for next phase of MDEC roll-out begins

New rules about MDEC adopted

On May 1, the Court of Appeals adopted several rules that address core issues about MDEC. The changes, proposed by the Rules Committee after asking for input from the public, deal with electronic filing and case management. Under the new rules:

- **electronic filing will be mandatory for attorneys and judicial personnel;**
- **the electronic version of electronically filed documents will be considered the official record;**
- **electronic signatures will be accepted; and**
- **access to electronic records will remain the same as it has with paper records, that is, non-parties will have access to unshielded records at the courthouse (from there, they can view unshielded records from public access terminals).**

The complete rules order, including Title 20 (Electronic Filing and Case Management), is available online on the Judiciary's website, www.mdcourts.gov/rules/rodocs/ro176.pdf.

What is MDEC?

Maryland Electronic Courts (MDEC) is a single Judiciary-wide integrated electronic case management system that will be used by the courts in the state court system. Courts will collect, store and process records electronically, and will be able to instantly access complete records as cases travel from District Court to Circuit Court and on to the appellate courts. The new system will ultimately become "paper-on-demand," that is, paper records will be available when specifically asked for. The system will be installed county-by-county or in groups of counties starting in Anne Arundel County in 2014.

Want to learn more?

Visit MDEC on the Judiciary's website: www.mdcourts.gov/mdec.

www.mdcourts.gov/mdec

State task force to study civil right to counsel for Marylanders

Over the next year, a special task force will study the feasibility of providing a right to legal counsel for Marylanders engaged in certain types of civil disputes. The legislation that set up the task force was passed during the 2013 General Assembly and signed into law by Gov. Martin O'Malley April 9.

The task force will study whether low-income Marylanders should have the right to counsel at public expense in basic human needs civil cases, such as those involving shelter, sustenance, safety, health, or child custody. The task force will compare reported need versus current legal aid resources, and study how a right to civil counsel might be implemented and how it might be funded. The issues to be considered include what burdens might be placed on the court system and other public resources if a civil right to counsel was implemented in the state, and what benefits and cost-savings to the court system and public resources might result from the implementation.

The task force has been approved for one year, Oct. 1, 2013-Sept. 30, 2014. By the end of its year-long assignment, the task force will report its findings and recommendations to the Governor, Chief Judge, President of the Senate, Speaker of the House, Senate Budget and Taxation Committee, Senate Judicial Proceedings Committee, House Appropriations Committee and House Judiciary Committee.

"A guiding principle of the Maryland Judiciary is to provide fuller access to justice for all," Maryland Court of Appeals Chief Judge Robert M. Bell said. "Therefore, it is vitally important to thoroughly and impartially investigate both the concept and the practical implications of a civil right to counsel as part of that access."

The task force will have 12 members – three each appointed from the Senate of Maryland, House of Delegates, and Maryland Judiciary, and by the Governor. Members will not be paid for their participation. The chief judge will designate the chair, and the task force will be staffed by the Maryland Access to Justice Commission.

"We are very grateful to the legislature and the governor for continuing the dialogue about civil right to counsel in Maryland," said retired Court of Appeals Judge Irma S. Raker, who chairs the Maryland Access to Justice Commission. In 2011, the commission issued a report, "Implementing a Civil Right to Counsel in Maryland," which was the first in the country to envision how the state could administer such a right, and how much that plan could cost. As part of its investigation, the task force will study and analyze that report.

The Maryland Access to Justice Commission was created in 2008 by Chief Judge Robert M. Bell to improve and expand all people's access to the state's civil justice system, which includes landlord-tenant cases, divorce, child custody issues, small claims and debt collection, domestic violence, and other non-criminal matters.

The link to the legislation creating the task force: mgaleg.maryland.gov/2013RS/Chapters_noln/CH_35_sb0262t.pdf.

New law adds 11 judgeships across state

Court of Special Appeals gains two judgeships — first since 1977

For the first time in more than 35 years, the Maryland Court of Special Appeals has gained new judgeships to meet increased need, thanks to legislation passed during the 2013 General Assembly and signed into law by Gov. Martin O'Malley in April.

The law, Senate Bill 239, will go into effect July 1. The two additional Court of Special Appeals judges, who will be appointed by the governor, will hold at-large seats.

The Court of Special Appeals, created in 1966, is Maryland's intermediate appellate court. Judges generally hear and decide cases in panels of three. In some instances, however, all judges sit en banc to hear the case.

When the law takes effect July 1, the Court of Special Appeals will have 15 judgeships. The last time the court added new judgeships was 1977, when it grew from 12 to 13 judges.

"Not only has the Court of Special Appeals' caseload increased significantly over the last three and a half decades, the nature of the cases has shifted significantly," Court of Special Appeals Chief Judge Peter B. Krauser said. "The majority of cases filed in our court now are civil, and these cases have, over the years, increased in complexity."

He added, "We are extremely grateful to the governor and the legislature for helping us continue to improve access to our court. Our judges have been doing an outstanding job in the face of an overwhelming caseload, and these new judges will help alleviate that burden and improve court efficiency. We consider the additional judges as a key part of our efforts to increase access for Marylanders who need our services. We have also started a highly effective mediation program to bring alternative dispute resolution to the appellate level, and produced a guide for people who are representing themselves in the Court of Special Appeals. There's been a significant increase of self-representing litigants during my tenure as chief judge, and today more than one in four cases in the Court of Special Appeals involves at least one pro se litigant," Judge Krauser said.

Under the new law, nine new judgeships have also been added to meet demonstrated need at the trial court level. The Circuit Courts for Calvert, Carroll, Cecil, Frederick and Wicomico counties will each gain one judgeship. The District Court in Baltimore City and in Charles, Montgomery and Prince George's counties will each gain one judgeship.

"The majority of cases filed in our court now are civil, and these cases have, over the years, increased in complexity."

Chief Judge Peter B. Krauser

CONFERENCE OF CIRCUIT JUDGES ELECTS NEW LEADERS

Queen Anne's County Circuit Judge Thomas G. Ross has begun a two-year term as chair of the Maryland Conference of Circuit Judges (CCJ). The Conference of Circuit Judges serves as a policy advisory body to the chief judge of the Maryland Court of Appeals.

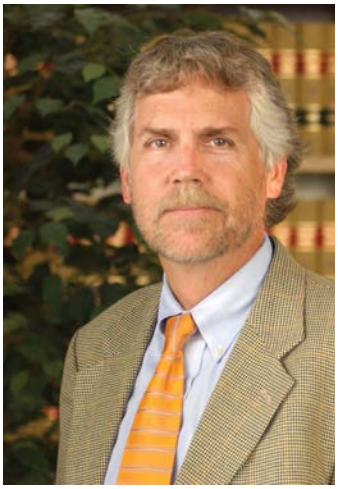
The conference works collaboratively and in consultation with the chief judge in developing policies affecting the administration of the circuit courts. Its 16 members include the circuit administrative judge from each of the eight judicial circuits and one circuit judge elected from each judicial circuit.

Montgomery County Circuit Judge John W. Debelius III was elected vice-chair of the conference, succeeding Judge Ross, who had served as vice-chair since 2010. Judge Ross and Judge Debelius were both elected at a conference meeting in November 2012, and presided at the CCJ's first meeting of 2013 in March.

Judge Ross succeeds Baltimore City Circuit Judge Marcella A. Holland, who had served as chair and vice-chair. Judge Holland, the circuit administrative judge for the 8th Judicial Circuit (Baltimore City), will continue to serve on the conference.

Judge Ross has been circuit administrative judge for the 2nd Judicial Circuit (Caroline, Cecil, Kent, Queen Anne's and Talbot counties) since April 2009. He was appointed to the bench and named administrative judge for Queen Anne's County in January 2004. Before his appointment, Judge Ross was in private practice and was a partner in the law firm of Ross and Powell from 1982-2003. After graduating from Florida State University, Judge Ross studied at the University of Baltimore School of Law and received his law degree in 1978.

Judge Thomas G. Ross



Judge John W. Debelius III

Judge Debelius was appointed circuit administrative judge for the 6th Judicial Circuit (Frederick and Montgomery counties) and county administrative judge for Montgomery County in September 2009. He was appointed to the Circuit Court in July 2001. He is a designated judge for the Judiciary's Advanced Science and Technology Adjudication Resource (ASTAR) Center Program. Before joining the bench, Judge Debelius practiced law with Debelius, Clifford, Debelius, Crawford, & Bonifant from 1979-2001. He received his J.D. from the University of Baltimore School of Law in 1978.

"I am honored to follow Judge Holland, who, with her predecessors, has laid a solid foundation for us to build upon," Judge Ross said. "Our continued goal is to improve the administration of and access to justice in our state courts. For example, we are actively planning for the future as we build toward the implementation of the Maryland Electronic Courts project, a single Judiciary-wide integrated case management system which will be used by all the courts in the state court system."

Third Annual ACCESS TO

The recipients of the third annual Maryland Access to Justice Awards were honored at the Maryland Judicial Conference in May 2013.

"The Access to Justice awards recognize individuals, programs and entities that improve the ability of all Marylanders to access the courts or to get legal help in civil legal matters so they can benefit from the rights, protections, services and opportunities that the law provides," said retired Maryland Court of Appeals Judge Irma S. Raker, chair of the Maryland Access to Justice Commission.

Judge of the Year

The commission has announced Maryland Court of Appeals Chief Judge Robert M. Bell has been named Judge of the Year. In fact, the award has been renamed in his honor, the Robert M. Bell Judge of the Year, "to emphasize our appreciation for the incalculable ways in which he has furthered our mission," Judge Raker explained.

Judge Bell, who will step down in July when he reaches the mandatory retirement age of 70, is among few judges to have served on every level of Maryland's state courts. "His extensive and diverse judicial experiences have informed his approach and strengthened his commitment to access to justice," Judge Raker said. "During his seventeen-year tenure as chief judge, he has implemented countless justice-based programs and organizations within the Maryland Judiciary. These include the Maryland Access to Justice Commission itself, the Office of Problem Solving Courts, the Court of Appeals Standing Committee on Pro Bono, and the Mediation and Conflict Resolution Office. With Chief Judge Bell at the helm of the judicial branch, Maryland has become a national leader in access to justice."

Judicial Branch Excellence

Clerk of the Court of Special Appeals Leslie Gradet and the staff of the Office of the Clerk, Court of Special Appeals, have received the Judicial Branch Excellence Award. Under Gradet's leadership, the office last year created "A Guide for Self Representation," a step-by-step booklet detailing how to appeal a case. It includes common forms, a sample brief, and a sample record extract. The Office of the Clerk provides the Guide for free and has distributed it statewide, including to libraries and prisons.

Outstanding Program of the Year

Community Mediation Maryland and Maryland's seventeen Community Mediation Centers (CMM) received the Outstanding Program of the Year Award. Community Mediation Maryland is a private non-profit organization that provides support to community mediation programs statewide. Created in 2000, Community Mediation Maryland works to make citizens aware of, and provide them access to, affordable, high quality, community mediation services. CMM works side by side with organizations including MACRO, the District Court Alternative Dispute Resolution program, the Department of Family Administration, state's attorneys' offices, and correctional facilities. An asset to the courts, CMM and the Community Mediation Centers provide reliable day-of-trial and pre-trial mediation. Because of CMM, Maryland has programs that benefit vulnerable individuals including veterans, truant youths, drug users, and prisoners. They have refined the "inclusive mediation" approach, an easy to use

JUSTICE AWARDS

THE RECIPIENTS OF THE 2013 MARYLAND ACCESS TO JUSTICE AWARDS were honored at the annual Maryland Judicial Conference in May'

method which is optimal for community volunteer mediators. By allowing individuals to participate in their own solution, CMM and the centers it supports provide justice in the eyes of litigants, where it counts most, and encourages trust in the legal system.

Executive Branch Award

The Homeowners Preserving Equity (HOPE) Initiative of the Maryland Department of Housing and Community Development (DHCD) has received the Executive Branch Award for 2013. Established in 2007 by Gov. Martin O'Malley to address Maryland's foreclosure and housing problems, the HOPE Initiative targets four areas: counseling, mediation, the Attorneys General Mortgage Servicing Settlement, and fraud avoidance. Through HOPE, the DHCD funds and trains a statewide network of nonprofits that provide foreclosure prevention assistance to Marylanders. Since the initiative began in 2007, counselors have helped more than 44,960 distressed homeowners, of which 13,405 avoided foreclosure. DHCD manages the Maryland HOPE website and the Maryland HOPE Hotline, which provide ongoing housing counseling and resources to homeowners facing foreclosure.

The Maryland Access to Justice Commission was created in 2008 by Chief Judge Robert M. Bell to improve and expand all people's access to the state's civil justice system. A coalition of representatives from Maryland courts, executive branch agencies, legislators, attorneys, social services and faith groups, and legal service providers, the commission recommends changes to improve the ability of all Marylanders to use the courts effectively and to obtain legal help when they need it. It primarily focuses on expanding access to the state's civil justice system, which includes landlord-tenant cases, divorce, child custody issues, small claims and debt collection, domestic violence, and other non-criminal matters.

2013 New Trial Judge Orientation

THE 2013 NEW TRIAL JUDGE ORIENTATION was held April 21-26 at the Mt. Washington Conference Center in Baltimore. Attending were (left to right): Judge Michael T. Pate, Baltimore County District Court; Judge Julie R. Rubin, Baltimore City Circuit Court; Judge John Phillip Rue II, Wicomico County District Court; Judge Jerome R. Spencer, Charles County Circuit Court; Judge Kimberly M. Thomas, Baltimore County District Court; Judge Karla N. Smith, Montgomery County District Court; Judge Christopher L. Panos, Baltimore City Circuit Court; Judge Dana Moylan Wright, Washington County Circuit Court; Judge E. Gregory Wells, Calvert County Circuit Court; Judge Jeannie E. Cho, Montgomery County District Court; Judge Brian D. Green, Carroll County District Court; Judge Melissa M. Phinn, Baltimore City Circuit Court; Judge John C. Moffett, Montgomery County District Court; Judge Jeffrey M. Geller, Baltimore City Circuit Court; and Judge Philip S. Jackson, Baltimore City Circuit Court.

Judiciary launches center to focus on professionalism in legal community and courts

The Maryland Judiciary has established the Maryland Professionalism Center to serve as the hub for legal professionalism efforts in the state. The Maryland Professionalism Center is a court-related agency that replaces the Judiciary's Commission on Professionalism.

The center creates and manages programs that promote civility, collegiality and respect among legal professionals, and that encourage judges and lawyers to support and enhance the public's trust in the legal community.

"The center builds on the significant progress made by the Judiciary's Commission on Professionalism," Chief Judge Robert M. Bell said. "Under the excellent leadership of Court of Appeals Judge Lynne A. Battaglia, the commission laid the groundwork by exhaustively examining the issues, then implementing programs such as a mentoring program and professionalism course for new attorneys."

Court of Appeals Judge Lynne Battaglia chairs the board of directors of the Maryland Professionalism Center

Maryland Rule 16-407, which the Court of Appeals recently adopted, establishes that each Maryland lawyer will contribute $5 per year towards the Maryland Professionalism Center from the assessment collected through the Client Protection Fund. The funding will be used to provide resources for attorneys in the area of professionalism, including course development for judges, lawyers, and courthouse personnel. Next spring, the center will host a symposium on issues that affect the legal community, and attorneys will be invited to weigh in on issues such as mandatory continuing legal education and the civil right to counsel. Through the center's website, attorneys will be able to access updated materials and articles on professional development, and be linked to national programs through the American Bar Association and other professionalism centers across the nation.

"Law requires an immensely high level of commitment, and professionalism is a cornerstone of that commitment. It has been a privilege to move the effort forward," Judge Battaglia said. "As an independent, self-sustaining organization, the Maryland Professionalism Center can focus on training opportunities and long-term goals to promote ongoing, improved professionalism within the Maryland bench and bar."

The center will continue to conduct the professionalism course for new attorneys as well as the state-wide mentoring program. The most recent professionalism course was held May 22-23 in Annapolis.

Recently, Judge Bell appointed a board of directors to oversee the Maryland Professionalism Center and serve as chairs for subcommittees. The board includes: Judge Lynne Battaglia, Court of Appeals, chair; Judge Angela Eaves, Circuit Court for Harford County; Judge Kathryn Graeff, Court of Special Appeals; Dean Phoebe Haddon, Esq., University of Maryland Francis King Carey School of Law; Ronald Jarashow, Esq., Baldwin, Kagan & Gormley; Judge Frank Kratovil, District Court for Queen Anne's County; Thomas Lynch, III, Esq., Miles & Stockbridge; Leigh Melton, Esq., Parker, Counts, Melton & Goodman; Thomas Murphy, Esq., Murphy & Wood; Paul Mark Sandler, Esq., Shapiro, Sher, Guinot & Sandler; Norman Smith Esq., Fisher & Winner; Dean Ronald Weich, Esq., University of Baltimore School of Law; and Alexander Williams, III, Esq., Timothy S. Smith & Associates.

For more information about the professionalism course or mentoring program, contact Monise Brown, Maryland Professionalism Center executive director, 410-260-3762, MDProfessionalism@mdcourts.gov.

ACCESS TO JUSTICE COMMISSION releases guide to help attorneys direct funds to civil legal services

The Maryland Access to Justice Commission wants attorneys to take a novel approach to help poor and low-income Marylanders who need civil legal services. The commission is asking litigators to consider directing undistributed class action lawsuit funds to legal services organizations that serve low-income individuals.

The proposal is outlined in a new publication, "Class Action Residual Funds – Enhancing Access to Justice: A Toolkit for Maryland Attorneys."

At the end of a class action lawsuit, there are often unclaimed funds that cannot be distributed for many reasons: for example, class members cannot be located or may decline to submit a claim; or the amount due to each individual may be so small that the costs of notifying class members and disbursing the fund would cost as much or more than the fund itself. In these cases, the court may order that the funds be redirected rather than distributed to individual class members. These undisbursed monies become a "class action residual fund." In some cases, the unclaimed funds can be significant.

Class action residual funds can often be redirected under a doctrine called "cy pres," from a French phrase, "cy pres comme possible," which means "as near as possible." Under the *cy pres* doctrine, a court can redirect class action residual funds to fulfill, as nearly as possible, the interest of the class. Many times, the funds are given to a charity.

"Using the *cy pres* doctrine could go a long way toward helping Maryland meet the need for legal services," said retired Court of Appeals Judge Irma S. Raker, who chairs the Maryland Access to Justice Commission. "We believe directing these funds to nonprofit legal aid programs or to the nonprofit Maryland Legal Services Corporation, which funds civil legal aid, is absolutely appropriate."

The "Toolkit for Maryland Attorneys" examines the *cy pres* doctrine, details the reasoning behind directing class action residual funds to nonprofit legal services, and provides examples from cases in Maryland and across the United States. It also provides a step-by-step checklist for litigators to consider, tips and samples of legal documents, and a list of nonprofit legal service providers in Maryland.

"We are asking litigators to read this document, look for opportunities to apply the *cy pres* doctrine in class action cases, and help us spread the word about this option in their local and specialty bar associations." Judge Raker said.

"Class Action Residual Funds – Enhancing Access to Justice: A Toolkit for Maryland Attorneys" is available on the Maryland Access to Justice website at www.mdcourts.gov/mdatjc/pdfs/classactionresidualsmarylandtoolkit20121127.pdf.

The Maryland Access to Justice Commission was created in 2008 by Chief Judge Robert M. Bell to improve and expand all people's access to the state's civil justice system. A coalition of representatives from Maryland courts, executive branch agencies, legislators, attorneys, social services and faith groups, and legal service providers, the commission recommends changes to improve the ability of all Marylanders to use the courts effectively and to obtain legal help when they need it.

Retired Court of Appeals Judge Irma S. Raker chairs the Maryland Access to Justice Commission

What are the Maryland Rules?

By James Durham, Deputy Director, Maryland State Law Library

The Maryland State Law Library fields thousands of legal information questions each year from Maryland citizens. Here are a few frequently asked questions from the information desk with brief answers.

WHAT ARE THE MARYLAND RULES?

The Maryland Rules (or rules of procedure) describe how state courts handle the details of a case. Many court rules apply to cases in particular courts (such as the Circuit Court) or in special kinds of cases (such as settlement of an estate).

WHERE CAN I FIND A MARYLAND RULE?

The Maryland Rules are accessible online for free on the Library's website at www.lawlib.state.md.us/researchtools/sourcesmdlaw.html. Just click on "Current Code and Rules from Lexis-Nexis" or "Current Code and Rules from Westlaw." Both versions have a "search" function. You can view a print version of the Maryland Rules and index at your local Maryland Circuit Court Law Library (www.lawlib.state.md.us/researchtools/otherlibraries.html) or the Maryland State Law Library (www.lawlib.state.md.us/aboutus/directions.html).

HOW DO I KNOW THAT I'M READING THE MOST CURRENT VERSION OF A RULE?

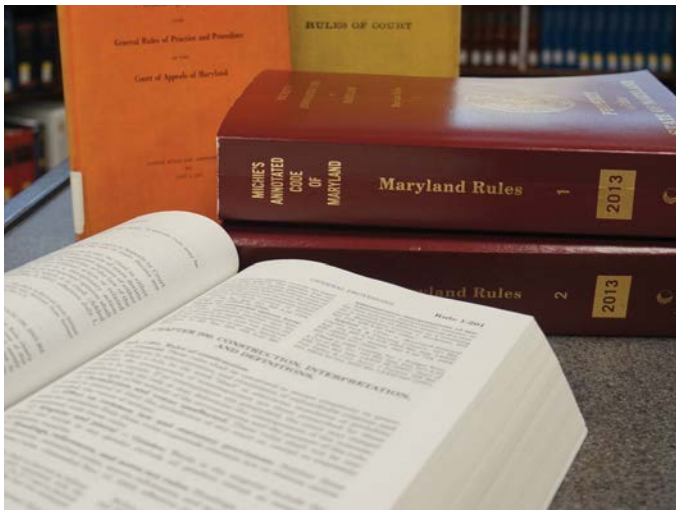
The free online versions of the Maryland Rules are updated regularly by Lexis-Nexis and by Westlaw.

CAN A LAW LIBRARIAN HELP ME LOCATE A RULE?

Staff at the Maryland State Law Library and at your local Circuit Court Library may be able to help you find court rules on particular topics. You can contact the library by telephone or e-mail to ask about staff availability and hours.

HOW DO I KNOW IF A RULE APPLIES TO MY CASE?

If you have located Maryland Rules but aren't sure if they apply to your particular case, you may want legal advice. The Maryland State Law Library maintains a website called the People's Law Library (PLL), which provides legal information to the general public. The website provides links to low-cost and no-cost legal services (www.peoples-law.org/node/758), self-help programs and hotlines operated by courts and organizations (www.peoples-law.org/node/760), and attorney referral services (www.peoples-law.org/node/759).



Caroline County drug treatment court celebrates first two graduations

Caroline County Circuit Judge Karen Murphy Jensen

Caroline County Circuit Court marked a milestone this spring when the first two graduates completed its adult drug treatment court. Caroline County's program is the newest drug court in Maryland, and began in November 2011. To graduate, participants must be in the program at least 270 days. The first two graduates had each been taking part for 11 months.

"This program is difficult, and it is not taken on lightly," said Caroline County Circuit Judge Karen A. Murphy, who presides over the adult drug treatment court. "The participants are getting jobs, paying their debt to society, being productive and reuniting with their families, all the while not using drugs," she said. "Participants are being successful. That's very exciting."

Drug treatment court programs combine judicial oversight with intensive treatment and supervision. Maryland's first drug treatment court began in Baltimore in 1994; there are now 42 drug treatment courts throughout the state.

Gray Barton, executive director of the Judiciary's Office of Problem-Solving Courts, spoke at the first graduation in February 2013. The second graduation was held in April 2013 with Sara Visintainer, chief of staff for Caroline County, as the guest speaker.

Law students visit appellate courts

THE UNIVERSITY OF MARYLAND SCHOOL OF LAW was well represented in the Court of Appeals this spring. On three successive days in April, classes of first-year law students from the school came to sit in on arguments before the Court of Appeals. During the visits, students also toured the Maryland State Law Library and met with Chief Judge Robert Bell of the Court of Appeals and Chief Judge Peter B. Krauser of the Court of Special Appeals.

Maryland Judicial Conference

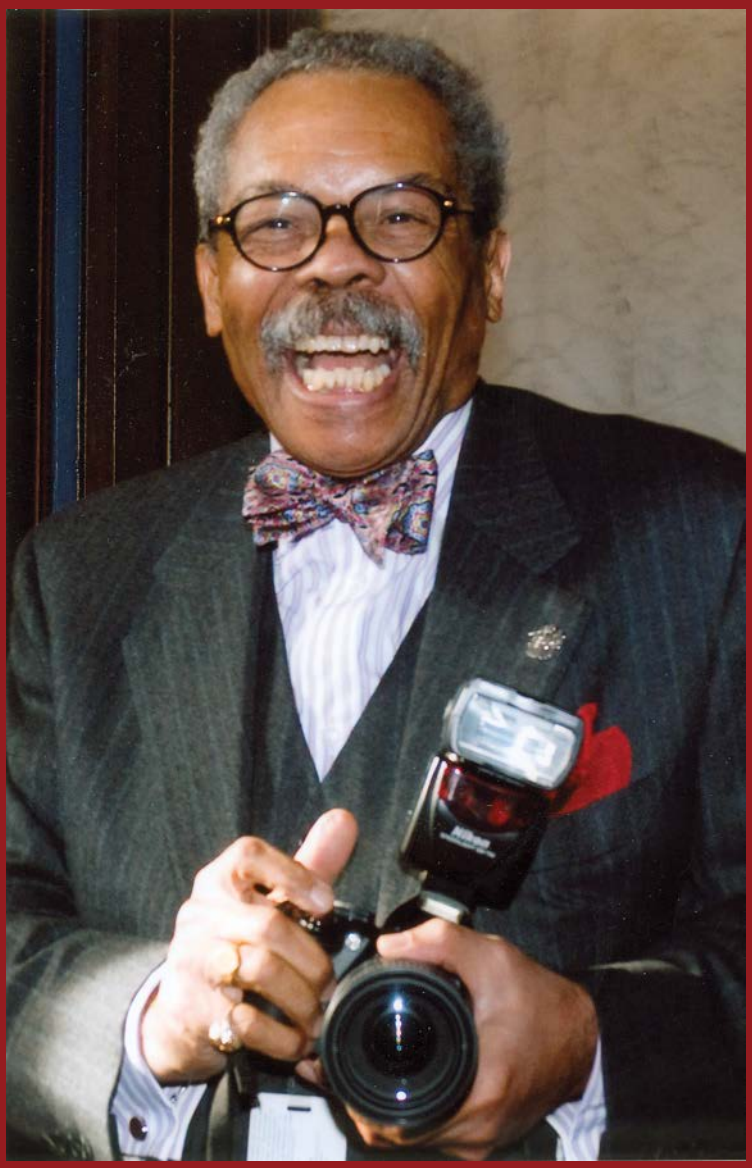
Judges from around the state gathered for the annual Maryland Judicial Conference, which was held May 9-10 in Cambridge. The one-and-a-half-day program included exploratory sessions on a range of civil and criminal issues, as well as an update on MDEC (Maryland Electronic Courts), the project that is creating a single Judiciary-wide integrated electronic case management system to be used by all the courts in the state court system.

2013

There's more online

As of *Justice Matters'* press time, the governor had not named a new chief judge. Look for updates in *Justice Matters Online*, which will post news as soon as Gov. Martin O'Malley announces his appointments for Court of Appeals judge for the 6th Appellate Circuit (Baltimore City) and for the new chief judge.

Justice Matters Online also has more information, links and exclusive features, including:

- A video interview with Baltimore City District Administrative Judge John R. Hargrove Jr. Judge Hargrove talks about following in the footsteps of his father John R. Hargrove Sr., who, in 1971, became Baltimore City District Court's first administrative judge. In 1974, Judge Hargrove Sr. was appointed to the Supreme Bench of Baltimore City (now the Circuit Court for Baltimore City), and served until 1984, when he was appointed by President Ronald Reagan as Judge of the United States District Court for the District of Maryland, a position he held until his death in 1997.
- Baltimore County Circuit Court's Law Day celebration
- Anne Arundel District Court's unique program for high school students
- The champions of the 2013 Maryland High School Mock Trial Competition

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