

CIRCUIT COURT IMPROVEMENT PLAN REPORT
(Circuit Court for Queen Anne’s County)
December, 2014

I. Introduction

Percent of Cases Within Standard										
Case Type	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Criminal Standard - 98% within 180 days	98%	98%	98%	97%	100%	99.6%	99.4%	99.7%	100%	99.2%
Civil General Standard - 98% within 548 days	97%	99%	99%	99%	100%	99.4%	99.3%	99.2%	99.3%	97%
Limited Divorce (730 days) Standard - 98% within 730 days	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Family Law (365 days) Standard - 98% within 365 days	93%	96%	–	97%	99%	98.8%	98.3%	98.2%	97.2%	98.4%
Juvenile Standard - 98% within 90 days	97%	96%	99%	92%	100%	100%	99%	98.5%	100%	90.9%
CINA Shelter Standard - 100% within 30 days	75%	83%	25%	100%	67%	16.7%	0%	0%	0%	100%
CINA Non-Shelter Standard - 100% within 60 days	100%	100%	–	100%	100%	100%	0%	0%	100%	0%
Termination of Parental Rights Standard - 100% within 180 days	100%	100%	100%	–	43%	NA	100%	60%	0%	0%

Queen Anne’s County is located just east of the Chesapeake Bay Bridge in the mid-portion of Maryland’s Eastern Shore. It is part suburban (Kent Island), with the rest of the county being rural. The county seat is located in Centreville. Queen Anne’s County is one of five counties in the Second Judicial Circuit and has an estimated population of 48,517 (U.S. Census) as of 2013 and population increase rate from 2010-2013 of 1.5%, and continues to be by far the largest one-judge county in the State.

Fiscal Year 2014 is the tenth full fiscal year (July 1, 2013 - June 30, 2014) in which Judge Ross has served as administrative judge for Queen Anne’s County. Essential information has been timely provided primarily by the Clerk’s Office. There was a meeting of the Chief Deputy Clerk and Court Administrator to discuss the FY14 results and options for improvement.

The Court’s “executive team,” continues to draft a new proposed case management plan. The use of status conferences remains a significant case management tool, both before the Master and Circuit Court Judge, and they are being utilized to assure that scheduling requirements are met and that orders are filed in a timely manner. There are virtually no cases that do not have a future calendar event to assure compliance with time standards. Same day initial appearances in jury trial prayers [in criminal cases] have continued, which has been a good method for securing timely trial dates and dispositions,

although jury trial prayers have significantly increased over the past three years. Trial dates in those cases are set between 30-45 days after the initial appearance. The issue of increasing jury trial prayers continues to be addressed. It would appear that the standards are being met in each category, although there were no CINA Shelter or TPR matters.

Great efforts continue to be made to assure that all cases are accounted for, addressed and/or concluded. As previously noted, all open case files are to have a future court date scheduled. Changes and modifications are being made on a regular basis to assure compliance with case management criteria. The Clerk and Chief Deputy Clerk and their staff have worked well with the Court, Master, Court Administrator and Assignment/Jury/ADR Commissioner to identify the “time” concerns and to address each in an appropriate manner. The Administrative Judge, Court Administrator, Clerk and Chief Deputy regularly discuss court issues, including case management. In addition, the Administrative Judge, Court Administrator, Master, ADR/Assignment/Jury Commissioner and Family Services Coordinator meet weekly to address issues which include case management goals and objectives. In particular, the Chief Deputy reviews all “open case” reports from AOC and the related files and advises the Court on matters that do not appear to be proceeding in an expeditious and timely manner, usually at the end of each month. The notice packages that are distributed to litigants and/or attorneys to provide information relating to filing requirements for proof of service and/or default situations continue to be effective in keeping cases moving especially when parties are self-represented. The Court Administrator reviews all cases that the Master hears regularly (and all cases on a monthly basis) to ensure that all matters are being timely concluded.

II. Criminal Cases

A. What the data shows about the Court’s performance.

Based upon the information compiled by the Clerk’s Office as of November, 2014, the FY 2014 assessment shows that of the 363 cases reviewed 358 were within the standard – **99.2%**. The total cases in the assessment this year was the same as in 2013. While the time standard was met, 3 cases were over standard and the Court’s performance in this category dropped by .8% from last year.

B. What is being done to address problems.

Procedures were put in place long ago in 2004-05 to address the problem areas, particularly the ever increasing volume of jury trial prayer cases from District Court. Additionally, there are many situations where the scheduling of cases for trial within 75-90 days of initial appearance is *increasingly* difficult. Constantly, forms and procedures are being modified to address this concern. Despite the increase in jury trial prayers and appeals from District Court, the Court’s practice of setting firm trial dates as early as possible and denying non-emergency postponements continues to be the most effective tool in managing the increasingly heavy criminal docket. In two of the three over standard cases, the defendant’s failure to appear caused significant delay, particularly when a warrant was not issued that would give a suspension. A review of all the criminal cases in the study reflected that postponements and failures to appear were recurring experiences in many cases, even when these issues did not push the case over the time standard. It is clear that the trends

show that the court needs to continue to schedule calendar events as early as possible in the time line and to hold a consistent and firm policy on postponements. This will encourage action by the litigants that will bring early resolution or give the Court the opportunity to assess the case earlier in the schedule in order to meet the time standards.

C. What is the Court doing that may warrant attention by other courts.

A very close look at the timeliness of the filing of mandatory motions and the setting of motions hearing is in place. For any hearing on motions, the Court is requiring the filing of a supplemental memorandum [to an omnibus motion] specifically addressing the issues to be presented. The Court has dispensed with pretrial conferences, having found such proceedings often to be useless due to counsel's lack of preparedness. Instead, the Court is setting matters for motions hearing and trial, and requiring plea offers to be accepted by the motions hearing date. The Court implemented a policy with District Court in 2004, requiring the appearance of all *pro se* jury trial prayers at either 10:30 a.m. or 2:30 p.m. on the day of the jury trial prayer so that early advice of rights to counsel and jury trial date can be addressed by the Court. Implementation of procedures regarding the timing and/or acceptance [by the court] of plea offers is in place. Postponements must be granted only upon showing of emergency circumstances and not for reasons of lack of preparation or deliberate delay.

III. Civil Cases

A. What the data shows about the Court's performance.

The assessment shows that **97%** of cases were within the standard, with fifteen (15) cases of 497 total cases outside the standard, a 2.3% decrease from 2013. In FY 2013, 3 cases were over standard out of 408 in the study. Even with the inclusion of foreclosure cases in the assessment, the Court performed well. However, as anticipated, foreclosure cases were the primary case type that was not within standard. The most frequent cause of delay in foreclosure cases was inactivity usually based on the mediation process or stay for bankruptcy. While these circumstances are not within the Court's control, it is believed that it is in the best interest of all stakeholders for the court to monitor the cases, confirm the reason for long periods of inactivity and direct appropriate action when necessary. One of the over standard cases was a complex declaratory judgment action that involved numerous parties and several service issues causing lengthy periods of delay before a two-day trial was completed. The other case was a complicated tort matter that involved multiple parties and numerous service issues and a deferral under Rule 2-507. Service was obtained after 7 months, and the matter went through mediation before it was resolved.

B. What is being done to address problems.

The Court Administrator and Chief Deputy Clerk, as well as periodically the Judge and Master, review all of the monthly reports (and docket entries) to see which cases remain open and set status conferences when necessary. The Court and Master continue to maintain a limited time permitted for discovery; however, scheduling in a timely fashion is continues to be difficult, even with the addition of the Master. Furthermore, the Court does have a mediation/ADR program that requires virtually all civil and domestic cases to conduct

some form of alternative dispute resolution, that process having begun in July, 2009. The mediation program provides great assistance in identifying and narrowing issues and, in a significant number of cases, impacts on settlement earlier in the process. However, the Court must continue to be diligent in controlling the pace of the process by scheduling deadlines and calendar events as early in the time line as possible and avoiding unnecessary delays, including mediation, in order to stay within the time standards which are more than adequate for most civil cases. Postponements must be granted only upon showing of emergency circumstances and not for reasons of lack of preparation or deliberate delay.

C. What is the Court doing that may warrant attention by other courts.

Multiple avenues to follow up cases are being undertaken. This includes setting scheduling conferences within 45-60 days of the case being at issue; issuing a scheduling order if the attorneys cannot be present for a conference in a timely fashion; limiting discovery and extensions; scheduling a trial date within 75 days of settlement conference, all to the extent possible. Status Conferences are an effective tool to ensure that orders and other required documentation is filed within the time standard. When the required papers are filed, the status conference is vacated. The use of Rule 2-507 is a good management tool for keeping cases moving when there is an extended period of inactivity. All of these procedures continue, but the number of cases excepted simply because of the respective trial calendars of the court and counsel must be kept to a minimum. The Court continues to work on a revised case management plan, and, with the extensive assistance of the “executive team,” fully believes that the plan will be drafted during the current fiscal year.

IV. Family Law

A. What the data shows about the Court’s performance.

The assessment shows that the standard was met in a total of 358 cases, **98.4%** (an increase of 1.2% from the 2013 total of 97.2%) being closed within 365 days. Six (6) cases were over standard in 365-day cases, a decrease of 5 cases from FY 2013. The mean time to disposition in this category was 127 days. Status conferences have addressed many of the reasons cases remained open. The Clerk’s Office has addressed the issue of the lack of default motions/notices, particularly in cases involving unrepresented parties by providing information packets for the litigants, and this has had a positive impact on these situations. Incorporating the Master and her procedures has continued to assist significantly in these figures; although some changes regarding the timing of orders has been addressed recently to make the process more seamless. Additionally, in FY 2009, the Court implemented a weekly meeting with the Master, Court Administrator, Family Services Coordinator, and, in 2010, the ADR/Jury/Assignment Commissioner, to address these cases, *inter alia*. The Court Administrator provides feedback on cases where Master’s reports and recommendations are outstanding. The ADR/Jury/Assignment Commissioner provides weekly lists of the progress of all mediation cases. This includes the courthouse mediation program. Most of the delayed cases are those in which requests for judgment for limited divorce. Other cases involved petitions for name change that were contested or experienced delay for lack of service. In some cases, there were multiple instances of failures to appear by self-represented litigants, and postponements and multiple settlement conferences.

Several cases involved continuances of hearings to allow time for service or settlement discussions. In addition to attempting to obtain timely decisions, the case management plan will address limited divorce situations.

B. What is being done to address problems.

The Court and Master are reviewing these cases from the monthly printout of open cases, and the Family Services Coordinator reviews many such cases, including *pro se* cases. Also, the weekly meeting approach has assisted. There have been additional hours, including evening hours, added to the *pro se* clinic, and the Mid-Shore *Pro Bono* program began on November 21, 2005. It is hoped that unrepresented parties – who unintentionally hold up the system – can be assisted to as not to delay case management. The Court meets weekly with the Family Services Coordinator, Court Administrator and Master to discuss upcoming cases, *sub curia* cases, and other issues to assure that all court-ordered requirements are met, i.e. mediation, parenting program, home study, psychological evaluation, substance abuse assessment, etc. While it is always preferred that litigants work to resolve issues independently and outside of the courtroom, the court must be diligent in keeping the focus on timely disposition even if that means setting a trial date when a settlement seems imminent. The pending trial date is the best method to maintain momentum in settlement discussions, and it can easily be vacated when a resolution is reached.

C. What is the Court doing that may warrant attention by other courts.

Cases will continue to have status conferences set where any order is outstanding. The appointment of a Master has reduced the time cases take to complete. While the Master is based in Queen Anne’s County, she hears cases essentially on Tuesdays, Thursdays and Fridays in Queen Anne’s County. She sits in Kent County three Wednesdays of each month. Looking at these cases weekly, and making sure that *sub curia* or written recommendations are addressed, has helped as well. Additionally, the Court and Master must closely monitor the timeline of the case with respect to unnecessary delay and continue to schedule deadlines and calendar events early in the process to promote forward movement and early resolution. Postponements must be granted only upon showing of emergency circumstances and not for reasons of lack of preparation or deliberate delay.

V. Limited Divorce

A. What the data shows about the Court’s performance.

For the first time, this year limited divorce cases have been separated from the Family Law category in the assessment. There were 26 cases in the review and all were closed within the standard of 730 days for a **100%** performance. The mean time to disposition was 182 days.

B. What is being done to address problems.

The Court’s “executive team” focused on addressing the [mechanisms for the] conclusion of limited divorce actions in a timely manner, and has been consistent in

taking action on the limited divorce complaint and not leaving the matter open for conversion to absolute divorce at a later time.

C. What is the Court doing that may warrant attention by other Courts.

The cases are monitored closely, and limited divorce issues are resolved timely instead of permitting later filing of complaint for absolute divorce. The Court strives to eliminate unnecessary delay simply for convenience issues.

VI. Juvenile Cases

A. What the data shows about the Court's performance.

The Court dropped below the standard in this year, with **90.9%** of cases – 9.1% less than FY 2013 meeting the 90-day standard. The total number of cases in the assessment was 33, down from last year's total of 43. Three (3) cases were over standard.

B. What is being done to address problems.

The Court or Master must strive to avoid postponements deferring disposition because this causes delays that were identified in prior annual assessments, unless there is no other way to accomplish appropriate goals for the respondent(s). The cases reviewed in this assessment all reflected similar circumstances that caused delays, i.e. postponements. While there was some necessity for the postponements (hearing multiple cases on the same date, time to hire attorney, counseling, incomplete pre-disposition investigation, disability accommodation), and the three over standard cases were co-defendants, the result is that a pattern is established where lack of prior advance preparation by attorneys and parties is validated by repeated postponement of a case.

C. What is the Court doing that may warrant attention by other courts.

Some concerns remain, given that such cases are heard only twice monthly. The Master continues to hear these cases. With the time standards so short, all of those involved in the system must help prevent needless and unwarranted delay. Thus far, almost no exceptions have been filed, a credit to our Master. Additionally, the weekly meeting with the Court Administrator, and weekly follow up on the conclusion of cases, has greatly assisted this result. It is the goal of the Court or Master to give each case enough time to resolve as many issues as possible. However, extended delay can exacerbate the issues. The time standards provide a baseline for the Court and Master to monitor the progress of the case and to keep all participants focused on the end goal and to continue to schedule deadlines and calendar events early in the process to promote forward movement and early resolution. Postponements must be granted only upon showing of emergency circumstances and not for reasons of lack of preparation or unnecessary delay.

VII. CINA (Shelter), Non-Shelter and TPR

A. What the data shows about the Court's performance.

There were no CINA Non Shelter or TPR cases in the assessment this year. The assessment shows the standard was met **100%** of the time in CINA Shelter cases, as there was only one case in the assessment and it was closed within the standard.

B. What is being done to address problems.

The Master is involved in CINA proceedings, and her background as a practitioner provides a great deal of experience in this area, which continues to be of assistance. The cases can be problematic, primarily due to scheduling only one CINA hearing date per month. The efforts taken by the court executive team – Clerk, Chief Deputy, Court Administrator and Administrative Judge – based on results from prior years’ review have been helpful in keeping these case types on target. The Administrative Judge also has discussed with the Master the need to reduce requests for postponement and shelter care orders in these cases. TPR cases required an immediate appearance by parents who file objections to assure that they have counsel for the proceedings.

C. What is the Court doing that may warrant attention by other courts.

Nothing at this time, other than as indicated.

VIII. Priorities and Conclusions

All cases can be difficult to manage within the given time limits. The utilization of the Master does assist in the domestic, juvenile and CINA areas. This has freed up some time for the county administrative judge in criminal and civil cases, which remain a strong focus, but the caseload continues to grow. The Master handles scheduling conferences. The Clerk’s Office and Assignment Commissioner have also been monitoring cases that need to have matters prosecuted or closed. In those cases, the Clerk asks for a status conference. The Court Administrator provides a weekly list of *sub curia* cases awaiting the Master’s Report and Recommendation. A new case management plan is being developed, and we expect to include appropriate requirements for prompt scheduling of deadlines and calendar events and consistent case monitoring to encourage early resolution of cases and timely disposition.

A. Criminal Cases

Pro se litigants are required to appear in Circuit Court on the day of a jury trial prayer for advice of rights and setting of a jury trial. [Omnibus] Motions are required to be supplemented before a motions hearing, although set, will be held. Pretrial conferences have been abolished as having little utility. Guilty pleas are required to be accepted on the scheduled motions hearing date in all indictment and criminal information cases. Setting multiple jury trials is necessary, as is denying most postponements. The Court also has utilized an order regarding jury trial scheduling in jury prayer/appeal cases that requires counsel to advise the Court no later than two (2) days before trial if a jury is not going to be necessary. Failure to do so results in the Court’s refusal to accept a guilty plea. This has worked well in scheduling the cases. However, it is necessary to develop options to encourage more consistent early pleas in cases of jury trial prayers and appeals from District Court.

B. Civil Cases

The Court has continued the policy of having a court date (status conference) in all cases where documents are due to be filed. Scheduling conference is usually set within 45 days of the case being at issue, and trials within 75 days of settlement conference. A review of the monthly reports of open cases continues to prove important. Meeting the 60-day time limit for issuing orders in those cases held *sub curia* is, likewise important, but has, on occasion, proven difficult. The Master has done a good and improved job in promptly providing her report and recommendations. The Master is also assisting with settlement conferences – in addition to our settlement judge – on Friday afternoons at the present time. The Court will continue to use mediation as a case management tool but will discourage unnecessary delays by maintaining a consistent policy regarding postponements.

C. Family Law Cases

The regular use of a Master remains of primary importance in clearing these cases. Utilization of monthly reports and status conferences helps to keep these cases on track and within standards. The system has improved since the Master is primarily in Queen Anne's County on the optimal schedule of no less than four days per week, with three Wednesdays per month in Kent County. Lastly, it may be better for purposes of timeliness to keep retired judges out of this assignment. The Court and Clerk's Office will continue active monitoring of cases involving self-represented litigants and to provide informational materials when appropriate. The Court will continue to use mediation as a case management tool but will discourage unnecessary delays by maintaining a consistent policy regarding postponements.

D. Juvenile

This court's performance in this area has declined at least in part due to fewer cases and a co-defendant situation, but it continues to monitor these cases to stay within standard. Further, in order to comply with standards, disposition will not be deferred because delay does not serve the parties or justice. The Master has been utilized in these cases. The Master will recommend that the court order disposition reports in cases where they are to be filed.

E. CINA (Shelter) and TPR

There were no CINA Non Shelter or TPR cases in the assessment this year. The CINA (Shelter) cases were problematic previously, but performance improved in this assessment in part due to the changes made by the Court and Master by having two available dates per month (rather than one) to handle the adjudication and disposition of these matters within the 30-day standard limitation. However, the complication of having multiple siblings and counsel involved in the cases makes it challenging to meet the standard. The Administrative Judge and Master also have discussed the need to minimize significantly the approval of postponements, and continued shelter care requests.

F. Conclusion

The case assessment process for this year went smoothly with good communication and cooperation among our court's participants. Each year the process of evaluating our case load and case management practices provides valuable insight into areas that are going well and highlights procedures that may need adjustment. Additionally, the assessment reinforces the need to fulfill one of the primary purposes of the judiciary – hearing cases in a timely manner. In all case types, continued effective practices will be utilized, including early scheduling conferences and adherence to deadlines, status conferences to encourage compliance with required filings/pleadings, and limited postponements in cases not involving truly extraordinary circumstances, including scheduling and settlement conferences. In domestic cases, it may be appropriate to schedule the matters on dates when retired judges are not involved. No amendments to any scheduling order will be permitted without approval by the Administrative Judge. Consistent scheduling practices and communication between the Court and assignment staff are essential to case management. Changes are being made to the scheduling of criminal cases, and one date per month has been set aside for jury trial prayers to encourage early disposition of these matter and to reduce requests for postponements for lengthy plea negotiations. These changes are intended to improve performance and to educate attorneys and parties about the importance of scheduling and trying all case types in compliance with judiciary time standards.

DATA REPORTS REVIEWED and
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