



Wayne Robey, Clerk
Circuit Court for Howard County
Chair
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Conference of Circuit Court Clerks

Maryland Judicial Center 580 Taylor Ave.
Annapolis, Maryland 21401

Susan Braniecki, Clerk
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MINUTES

A meeting of the Conference of Circuit Court Clerks was held November 15, 2016, at the Judicial College Education and Conference Center in Annapolis, Maryland beginning 12:00 pm. The following individuals were in attendance:

Members Present

Hon. Wayne Robey, Chair
Circuit Court for Howard County

Hon. Marilyn Bentley, Acting Clerk of Court, Circuit Court for Baltimore City
Hon. Mark Bowen, Clerk of Court, Circuit Court for Wicomico County
Hon. Susan Braniecki, Clerk of Court, Circuit Court for Worcester County
Hon. Amy J. Craig, Clerk of Court, Circuit Court for Dorchester County
Hon. Robert Duckworth, Clerk of Court, Circuit Court for Anne Arundel County
Hon. Julie Ensor, Clerk of Court, Circuit Court for Baltimore County
Hon. Sharon Hancock, Clerk of Court, Circuit Court for Charles County
Hon. Charles Horner, Clerk of Court, Circuit Court for Somerset County
Hon. Barbara Meiklejohn, Clerk of Court, Circuit Court for Montgomery County
Hon. Timothy Miller, Clerk of Court, Circuit Court for Garrett County
Hon. Mark Mumford, Clerk of Court, Circuit Court for Kent County
Hon. Charlene Notarcola, Clerk of Court, Circuit Court for Cecil County
Hon. Donald Sealing, Clerk of Court, Circuit Court for Carroll County
Hon. Mary Ann Shortall, Clerk of Court, Circuit Court for Talbot County
Hon. Dennis J. Weaver, Clerk of Court, Circuit Court for Washington County
Timothy Sheridan, Court Administrator, Circuit Court for Baltimore County
Roberta Warnken, Chief Clerk, District Court

Also Present:

Hon. Gary Everngam
Karen Bushell
John Douglas
Pete Fenton
Andrew Ginder
Sherry Harrington
Joyce Marshall
Faye Matthews
Theresa Mozzano
Dionne Smith
Joyce Tippett

Penny Custis
Susanne Wells
Kerry Gibson
Katherine Hager
Diana Liebno
Ruth Martin
Carol Miller
Pamela Ortiz
Susan Tallarico
Jamie Walter
Eliana Pangelinan

Wayne Robey, Chair, made a motion for approval of the minutes from the September 20, 2016 meeting. The motion was seconded by Dennis Weaver and unanimously approved.

1. Circuit Court Clerks Workload Study

Andrew Ginder introduced Susan Tallarico and John Douglas from the Court Consulting Division of the National Center for State Courts to the Conference. Ms. Tallarico updated the Conference on the upcoming statewide clerks' workload study. The goal of the workload study is to take a snapshot of the work, per case type, and calculate the average time it takes to process. An advisory workgroup has been formed and held its first meeting in August 2016, where timelines and data collection elements were discussed. The workload study will commence in two four-week periods: the first will take place January 9, 2017 to February 3, 2017, and the second will take place from February 22, 2017 to March 17, 2017. Staff may be split between the two periods for convenience. During this time, staff will record the time spent on various functions for submission to the Center.

The study will include primary participants, which include administrative jobs such as clerks and data entry, and ancillary participants, which include jobs such as bailiffs and those who do not work in the clerk's office. Staff will be asked to participate in a 60 minute online training session to be done as a group or individually. The training sessions will show participants how to use the internet-based site. Participants will be provided with a unique user name and password and asked to record portions of their day to include non-case related items. Data entry into the site will require 10-15 minutes daily. The daily time log tracks what people are doing per case type, and will include all case types and licensing. The participation rate will be tracked weekly by jurisdiction and all participants will be listed in the system by name with either a rating of one or zero; one indicating that data was entered into the system, and zero indicating that no data was entered. A zero rating could mean that a participant was out of the office.

A week prior to the end of the study, an *Adequacy of Time* survey will be distributed in order to learn about the activities staff feel they do not have adequate time to address. Focus groups and interviews will be conducted among line staff participants to learn about representation during the data collection period, qualitative issues regarding individual clerk's offices/courts/jurisdictions, case processing, work that is not getting done, and availability of time to attend to all expected duties. Also, interviews will be conducted among supervisory staff to learn about office organization and issues related to case processing. An issue was raised regarding customer service time reporting in rural areas where self-represented litigants represent a majority of the demographic. The time tracked and reported will include explaining to self-represented litigants how to use MDEC. Another issue was raised and noted that some jurisdictions' land records departments collect state transfer and county transfer taxes in addition to recordation taxes as opposed to a finance office.

2. Court Statistics Project

Jamie Walter and Andrew Ginder discussed the Court Statistics Project that is under the

National Center for State Courts. They discussed a nationwide report, dated September 29, 2016, that compared incoming caseload for Fiscal Year 2014 and Fiscal Year 2015, noting that in some areas no data was recorded. Mr. Ginder explained that if data is not recordable, it may mean that jurisdictions are not performing the same tasks. He added that according to Rule 2-111 and Rule 3-323, case information reports must accompany the complaint and answer when presented for filing. Information from the reports are not entered into UCS, but is utilized by Assignment offices to help determine how to schedule the case. It was commented that self-represented litigants do not know how to complete the form and clerks are unable to assist with form completion. It was further commented that attorneys do not complete the form, paralegals do. In the MDEC environment, more detail as to case type will be received. Mr. Ginder commented that the case information report will be revised to a more user friendly format and that a workgroup will be making the revisions based on a national frame work. It is hoped that information from the report, if entered into MDEC, will help Maryland to be more in compliance with the Court Statistics Project reporting requirements.

3. Sovereign Citizens

Judge Gary Everngam discussed the targeting of the Judiciary by sovereign citizens, stating that from a clerk's perspective, it is difficult to provide service to a sovereign citizen whose purpose is to be disruptive. Judge Everngam commented that Md. Code Ann., Criminal Law § 3-808 addresses instances when a Clerk of Court or employee is a victim of a malicious filing from a sovereign citizen. The statute states that

“(a) A person may not file a lien or an encumbrance in a public or private record against the real or personal property of another if the person knows that the lien or encumbrance is (1) false; or (2) contains or is based on a materially false, fictitious, or fraudulent statement or representation.”

A person found in violation of this law will be punished by jail time or a fine.

A focus group was formed in which two pieces of legislation were drafted. With oppositions from a bankers association, Judge Everngam and Chief Judge Morrissey were charged with working with the Maryland Bankers Association and drafted § 9-501.1 which states that if a filing is believed to be fictitious or violates the law, a notice will be sent to the filer and the person identified in the document stating that the filer has 45 days to prove that the filing is not false. If an affidavit is not filed by the filer, the filing will be stricken from the record. If an affidavit is filed, the losing party will pay all court costs. False and fictitious filings have to be resolved through litigation; there is no defined process for filing false documents. When the matter leads to harassment, the presiding judge can choose to assign costs. Judge Everngam suggested that a Clerk of Court consider asking the Legislative Committee to sponsor a bill in the same nature as § 9-501.1 to address an administrative process to get false filings off the record.

4. Attorney Information System

Pamela Ortiz and Dionne Smith discussed the first phase of the Attorney Information

System (AIS), noting that there are seven agencies that regulate the law profession in Maryland, but there is no central automated system to tie the attorneys' information together. The AIS will be the central location to house all information pertaining to attorneys and their interactions with the seven agencies. AIS will contain information such as contact information, disciplinary and administrative sanctions, and IOLTA reporting to name a few. Also, there will be an attorney portal that will allow for payments and document submission. AIS will also include email notifications. Ms. Smith demonstrated how to use the system. The AIS adopted the Client Protections Fund's identification numbers because the identification numbers are unique to each attorney. Attorney information can be searched by name, if the identification number is not known. Information can be designated as confidential and the system will display who is entering and modifying information. Reports can be generated with information for a certain time period ranging from admittance year, number of disbarred attorneys, disciplinary actions, etc. The system went live October 3, 2016, and attorneys will have access to the system in March 2017. The responsibility to update information in the system will be put on the attorney.

5. Confidential Document Access in MDEC

Katherine Hager led a discussion on access levels in MDEC, noting that if an individual in a court has access to MDEC, then he or she has access to all documents, including those file in District Court. Because of concerns that have been expressed, Chief Judge Morrissey is leading a workgroup to discuss who should have access and to which documents Ms. Hager stated that there is a sealed category in MDEC and that only designated individuals, have access to sealed documents. However, when dealing with hard copies of sealed documents, the presiding judge can open the sealed document and then order the clerk to re-seal it.

Ms. Hager stated that pursuant to Rule 16-901, the Clerk of the Court is the custodian of documents. Judge Everngam noted that access rules do not apply to judges or courthouse staff. Ms. Braniecki asked if there should be a motion to seek advice from the Attorney General as to who is the custodian of records and who should have access. Mr. Mumford suggested that before seeking advice from the Attorney General that the Conference wait on the workgroup to complete its discussions.

A document containing the MDEC document security types outlining the document type categories in MDEC was distributed. They include Public, Confidential, Access Only by Court Order (Sealed Documents), Judge's Chambers Work Product, Confidential Access by Judges and Courthouse Personnel – No Access by Counsel and Parties Except by Court Order (Judge/Courthouse Personnel Only) and ADA Requests. Clerks determine who has access to sealed documents and can deny inspection of documents in matters such as Guardianship. A question was raised as to whether or not to reject filings if a certificate of compliance is not received. In response, Judge Everngam stated that the administrative judge should make the decision for his or her county until the rule is clarified.

6. Social Media Guidelines

Wayne Robey led the discussion on the clerks' social media guidelines. After some

discussion, the Conference agreed to the following:

1. On any personal or campaign social media page, site, etc. where the clerk identifies him or herself as being a Clerk of the Circuit Court, the following language should be prominently displayed

“The views and opinions that I express on this page are my own and not those of the Maryland Judiciary or the Court”

2. Do not post content that violates confidentiality rules.
3. Do not post content that may compromise court security.
4. Do not post content that may detract from the dignity of the Court or bring the Judiciary into disrepute.
5. Do not use Judiciary technology resources when using social media for personal reasons.

Susan Braniecki moved for the approval of the guidelines, consisting of the five items. Sharon Hancock seconded the motion, which was approved.

7. For the Good of the Order

Mr. Robey mentioned an email received regarding a proposal to reform Maryland Traders Licenses. The State of Maryland requires many retail businesses to maintain traders' licenses, renewable annually for each retail location. The license fee, which ranges in amount, has not changed in over 100 years. The bill would change the fee structure to a \$15 annual fee, eliminate the additional chain store license and fee requirement, and raise the personal property tax rate to 2.6 times the real property tax rate. It was discussed that the trader's license falls into the same category as the intake sheet – clerks do what the statute tells them to do. Mark Mumford moved that the Conference not take a position. The motion was unanimously approved.

Committee Updates:

- ❖ Judicial Council
 - The next meeting is scheduled for November 16, 2016.
- ❖ Court Access and Community Relations Committee
 - No update
- ❖ Court Operations Committee
 - The next meeting is scheduled for December 5, 2016.
- ❖ Education Committee
 - No update
- ❖ Court Technology Committee:

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- The next meeting is scheduled for November 17, 2016.
- ❖ Specialty Courts and Dockets Committee:
 - No update
- ❖ Conference of Circuit Court Administrators
 - The next meeting is scheduled for November 29, 2016.
- ❖ Conference of Circuit Court Judges
 - The next meeting is scheduled for November 21, 2016.
- ❖ Land Record Oversight Committee
 - No update
- ❖ Rules Committee
 - The next meeting is scheduled for November 18, 2016 and the Committee will be considering proposed changes to bail bond procedures.

There being no further business before the Conference, Mr. Robey adjourned the meeting at 2:32 p.m. The next meeting will be held January 24, 2017.

Respectfully Submitted,

Eliana Pangelinan, Staff