

Maryland Judiciary

Judicial Council

Annual Report

2017

Maryland Judicial Council

An Overview

The Judicial Council serves as the principal policy advisory body to the Chief Judge of the Court of Appeals. In 2013, Chief Judge Mary Ellen Barbera, the administrative head of the Maryland Judiciary, pursuant to the Maryland Constitution, commissioned a comprehensive review of the governance and operational structure of the Maryland Judiciary, which led to the reconstitution of the Judicial Council, as well as the restructuring of the Judiciary's myriad committees, subcommittees, and work groups. The reconstituted Council and the new committee structure became effective January 1, 2015.

Since that time, the Council and the committees have worked to assist the Chief Judge in advancing the Judiciary's mission to provide fair, efficient, and effective justice for all, using eight key goals of the strategic plan as their guide.

As the governance body of the Judiciary, the Council is the central hub for vetting of Judiciary-wide policy changes, judicial reforms, legislative issues, and other internal and external developments that impact the administration of justice. To that end, the committees develop recommendations for policies, programs, and initiatives that help to ensure the effective and efficient administration of justice in Maryland for the Council's consideration and the Chief Judge's approval.

The Council and its committees, subcommittees, and work groups include judges, magistrates, trial court clerks and administrators, and commissioners from throughout Maryland. It is through their collective work that the Maryland Judiciary is fulfilling its mission and achieving its goals in order to serve the people of Maryland.

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MARY ELLEN BARBERA // CHIEF JUDGE

I am pleased to share the Maryland Judicial Council Annual Report for 2017. This report focuses on some key accomplishments of the past year. Although a comprehensive list of efforts, initiatives, and achievements is presented in the Judiciary's Strategic Plan Update, this report delves into the background and details of highlighted efforts. These accomplishments are possible only through the hard work and dedication of the members of the Judicial Council committees, judges, Judiciary staff, and justice partners throughout the state.



The Judicial Council brings together a rich diversity of perspectives, insights, experience, and expertise from specialized areas of the Judiciary, including the subject matter committees, the various conferences, representatives of the District Court of Maryland, the Standing Committee on Rules of Practice and Procedure, the Administrative Office of the Courts, and others. The committee structure helps us share our experience, develop a common perspective, and focus our resources on growing essential services and discovering better ways to help Marylanders obtain fair, efficient, and effective justice. Through the Judicial Council and its committees, the Maryland Judiciary is well-equipped to provide the best possible service to all who rely on our courts and services.

On behalf of the Council, I hope you will find the report useful for learning about the highlighted projects. I invite you to review the Maryland Judiciary's Strategic Plan Update to learn more.

Sincerely,

A handwritten signature in blue ink that reads "Mary Ellen Barbera". The signature is fluid and cursive, with a long horizontal flourish at the end.

Mary Ellen Barbera
Chief Judge, Court of Appeals



Mission

The Maryland Judiciary provides fair, efficient, and effective justice for all.

Vision

The Maryland Judiciary advances justice for all who come to Maryland's courts.

We are an efficient, innovative, and accessible court system that works collaboratively with justice partners to serve the people with integrity and transparency.

Goals

1. Provide access to justice
2. Be responsive and adaptable to changing community needs
3. Communicate effectively with stakeholders
4. Improve systems and processes
5. Be accountable
6. Assure the highest level of service
7. Build partnerships
8. Use resources wisely

2017 Judicial Council

Honorable Mary Ellen Barbera, Chair *
Chief Judge, Court of Appeals

Honorable Patrick L. Woodward *
Chief Judge, Court of Special Appeals

Honorable Kathleen Gallogly Cox *
Chair, Conference of Circuit Judges
Circuit Court for Baltimore County

Honorable Laura S. Kiessling
Vice-Chair, Conference of Circuit Judges
Circuit Court for Anne Arundel County

Honorable James A. Kenney III
Chair, Senior Judges Committee

Honorable Karen H. Mason
Circuit Court for Prince George's County

Honorable W. Michel Pierson
Circuit Court for Baltimore City

Honorable Brett W. Wilson
Circuit Court for Dorchester County

Pamela Q. Harris *
State Court Administrator
Administrative Office of the Courts

Honorable Susan Braniecki
Chair, Conference of Circuit Court Clerks
Clerk, Circuit Court for Worcester County

Honorable Amy J. Craig
Vice-Chair, Conference of Circuit Court
Clerks
Clerk, Circuit Court for Dorchester County

Timothy H. Sheridan
Chair, Conference of Circuit Court
Administrators
Court Administrator, Circuit Court for
Baltimore County

Faye D. Gaskin, Secretary
Deputy State Court Administrator
Administrative Office of the Courts

Honorable John P. Morrissey *
Chief Judge, District Court of Maryland

Honorable Pamila J. Brown
District Court, Howard County

Honorable Susan H. Hazlett
District Court, Harford County

Honorable Patricia L. Mitchell
District Court, Montgomery County

Honorable Gerald V. Purnell
District Court, Worcester County

Honorable Alan M. Wilner
Chair, Standing Committee on Rules of
Practice and Procedure

Roberta Warnken
Chief Clerk, District Court of Maryland

Tamera Chester
Administrative Clerk, District Court,
Anne Arundel County

Robert Prender
Administrative Clerk, District Court,
Prince George's County

Douglas Hofstedt
Vice-Chair, Conference of Circuit Court
Administrators
Court Administrator, Circuit Court for
Anne Arundel County

* Member of Executive Committee

** Honorable Peter B. Krauser was a member until his retirement on May 5, 2017. Honorable JoAnn Ellinghaus-Jones and Honorable Eugene Wolfe were members until their retirement on June 30, 2017.

2017 Committees

Alternative Dispute Resolution Committee

Honorable Thomas G. Ross, Chair

Promote the use of appropriate dispute resolution processes throughout the courts. Provide an avenue for courts to vet changes to their ADR rules and standards of conduct.

Court Access and Community Relations Committee

Honorable Larnzell Martin, Jr., Senior Judge, Chair

Honorable Pamela J. White, Vice-Chair

Address barriers to access to the courts and legal services in Maryland, strengthen public awareness of the Judiciary's programs, projects, services, and initiatives, and promote knowledge and understanding of the Judiciary.

Court Operations Committee

Honorable E. Gregory Wells, Chair

Address matters related to the efficient operations of the courts and assist in the development of consistent statewide operations policies and best practices.

Court Technology Committee

Honorable Gary G. Everngam, Senior Judge, Chair

Honorable Margaret Schweitzer, Vice-Chair

Ensure the technology operations of the Judiciary are efficient and effective. Provide advice and guidance regarding the implementation of technology and its effect on judicial operations/functions.

District Court Chief Judge's Committee

Honorable John P. Morrissey, Chief Judge, District Court of Maryland, Chair

Advise the Chief Judge of the Court of Appeals on the operation of the District Court in all its locations and aid the Chief Judge in the administration, operation, and maintenance of the District Court statewide.

Domestic Law Committee

Honorable Cynthia Callahan, Chair

Honorable Cathy H. Serrette, Vice-Chair

Provide guidance and direction regarding policies, rules, and legislation surrounding family domestic law, including domestic violence. Recommend policies, rules, and legislation that improve the effective administration of domestic law.

Education Committee

Honorable Susan H. Hazlett, Chair

Guide, promote, and encourage the education, training, and professional development of all Judiciary employees.

Juvenile Law Committee

Honorable Michael J. Stamm, Chair

Provide guidance and direction regarding policies, rules, and legislation surrounding juvenile law, including juvenile justice and child welfare. Recommend policies, rules, and legislation that improve the effective administration of juvenile law.

Legislative Committee

Honorable W. Timothy Finan, Chair

Honorable Stacey Mayer, Vice-Chair

Protect and promote the Judiciary's interests regarding new laws and initiatives.

Senior Judges Committee

Honorable James A. Kenney III, Senior Judge, Chair

Honorable Deborah S. Eyster, Vice-Chair

Advise the Chief Judge of the Court of Appeals and the Judicial Council on matters relevant to retired/recalled judges.

Specialty Courts and Dockets Committee

Honorable Nicholas E. Rattal, Chair

Honorable George Lipman, Vice-Chair

Promote and oversee the development, implementation, and evaluation of specialty courts and dockets in the courts.

Addressing Human Trafficking



Chief Judge Mary Ellen Barbera appointed the Judicial Council's Joint Work Group on Human Trafficking in March 2016 and charged it with identifying and developing resources, best practices, and education programs for judges and magistrates. In the fall of 2016, a state collaborative effort, which includes the Judiciary, other state agencies, and service provider organizations, was awarded a \$1.8 million three-year grant from the U.S. Department of Justice. This grant-funded project, now known as the Maryland Human Trafficking Initiative (MHTI), completed its administrative framework in the spring of 2017.

Throughout the year, the Judiciary has continued its efforts as a core team member of the MHTI. The work group is currently planning the curriculum for a three-hour web-based education program for all judges and magistrates, as well as written materials and in-person programs. In May and June 2017, the work group presented two successful programs: one through the Judicial College and the other at the 2017 Judicial Conference. The Judiciary, through the MHTI, also participated in the Maryland Human Trafficking Awareness Conference, a statewide program held in December 2017.

The work group also submitted a proposal for representatives of the Maryland Judiciary to present a program at

the National Center for Court Management Conference in early 2018; this proposal was accepted. The program, which will be conducted in partnership with representatives of the California bench, will highlight the need for innovative collaboration and coordination in human trafficking cases and the court practices that support those efforts.

Work group members gathered essential information from state and national experts in human trafficking. As the work group learned about risk factors and warning signals, a significant part of its inquiry focused upon the Judiciary's role when engaging potential victims of human trafficking who may be in court for unrelated reasons. The work group outlined several possible scenarios in a formal request for guidance from the Judicial Ethics Committee. The Ethics Committee is formulating its guidance, which will inform judicial education programs going forward.

The work group also continued its engagement with other state agencies and workgroups, such as the Safe Harbor Work Group. The work group will sunset in December 2017, but its work will continue through the Judicial Council's committees on Juvenile Law and Education, helping the Judiciary and other stakeholders to ensure a coordinated, and thus more effective, effort to address human trafficking in Maryland.

Court Costs, Fines, and Fees on Juveniles

Because of a resolution approved by the Judicial Council and accepted by Chief Judge Barbera on May 31, 2017, juveniles, their parents, and counsel will know the specific standards that will guide a decision to impose a cost or fee.

The Resolution Regarding Imposition of Court Costs, Fines and Fees on Juveniles in Juvenile Justice Proceedings, which was put forth by the Juvenile Law Committee and its Juvenile Justice Subcommittee, sets out the Judiciary's policy that court costs and fines be imposed on juveniles in juvenile proceedings, i.e., proceedings under Courts Article, Subtitle 3-8A, only after determining that the child has the ability to pay and after considering the totality of the circumstances and appropriate factors such as the particular offense and the child and family's financial status. It further expresses the Judiciary's conclusion that a child's entry into a diversionary program should not be conditioned on payment of a fee that a child or family is unable to pay. The resolution is supported by advisories issued by the U.S. Depart-

ment of Justice (DOJ) addressing the levying of fines and fees by recipients of DOJ financial assistance.

In addition to knowing the specific standards, juveniles, their parents, and counsel will know that a child will not be assessed a cost or fee that the child or family cannot pay, and that the child's time before the juvenile court will not be extended because the child or family cannot pay a fee or cost. And, they will know that a child will not be excluded from a program or detention alternative merely because the child or family cannot pay a fee for the program. The public, too, will benefit through added assurance that court penalties and processes are consistent with public policy in general and the goals of juvenile court involvement in particular.

The committee and subcommittee will provide copies of the resolution and a bench card to each juvenile court. Follow-up activities include surveying the courts about their experiences and determining if revisions or implementation actions need to be recommended.

Improving Processes

Statewide Parenting Plan Process

On September 26, 2017, the Judicial Council unanimously approved and Chief Judge Barbera accepted recommendations developed by the Domestic Law Committee's Court Process Work Group to establish a statewide parenting plan process. A parenting plan is a written agreement between parents for how they will work together to care for their children after divorce or separation. The plan serves as an agreement for how the parents will handle child-related issues including when children will be with each parent and how they will make important decisions about their children, as well as resolve conflicts that may arise.

Over the course of almost two years, the work group reviewed best practice standards and parenting plan statutes, rules, and tools from thirty-seven states and the District of Columbia. Members identified the key provisions of effective parenting plans and crafted a tool and process that fits within Maryland's custody framework. The work group developed a comprehensive tool that parents can use to develop their own parenting plan and decide how they will handle issues that could become areas of dispute in the future. Members also developed instructions

to accompany the tool that explain what a parenting plan is, things parents should consider when developing their own plan, and factors courts consider when making custody and access decisions. This will help parents make better-informed decisions about their family and know what to expect in court. The work group also defined a court process for the presentation and use of parenting plans and a mechanism to help courts to identify and focus on areas of dispute between parties.

Parenting plans empower parents to decide what custody structure is best for their family. The plans are child-focused and help courts make more uniform and equitable custody orders. They also help reduce conflict by fostering collaborative co-parenting and giving parents a roadmap for making decisions about children without court intervention. The Council's adoption of the work group's recommendation is a significant step toward aligning Maryland with national best practices in child custody cases. Next steps include working with the Standing Committee on Rules of Practice and Procedure to implement a uniform parenting plan process that will assist families and Maryland courts handling family law matters.

Guardianship Court Processes



The Judicial Council approved and Chief Judge Barbera accepted 25 recommendations presented by the Domestic Law Committee's Guardianship Work Group for improving guardianship court processes in May 2016. Shortly thereafter, the work group undertook steps to begin implementing the recommendations. The work group consulted with the Rules Committee to propose amendments to Title 10 of the Maryland

Rules that address the recommendations regarding the training and eligibility of court-appointed attorneys in guardianship proceedings; training and eligibility of persons appointed as guardians of the person and property; bond; and disqualifying offenses. The committee also considered suggestions to clarify rules regarding certificates of competency, attorney's fees, and the use of investigators.

On October 10, 2017, the Court of Appeals unanimously adopted amendments to Title 10 of the Maryland Rules proposed in the Rules Committee's 194th report. The amendments improve the content and quality of certificates of competency and clarify how courts are to assess attorney's fees in guardianships. The amendments also implement the work group's recommendations regarding the training and eligibility of court-appointed guardianship attorneys and guardians, bond, and disqualifying offenses. These amended rules become effective on January 1, 2018.

In anticipation of the rules changes, several subgroups were formed to tackle specific projects, allowing for significant progress in 2017. The court-appointed attorney subgroup worked with external partners to host a training that meets proposed training requirements and developed a plan to ensure the required training will be available to attorneys and help courts screen attorneys eligible for appointment. The Education Committee approved the use of Judiciary resources to adapt this training into an interactive online course. The guardians of the person and guardians of the property subgroups developed post-appointment trainings for persons appointed as guardians and distributed the curricula to several courts to use and provide feedback. The work group will develop videos

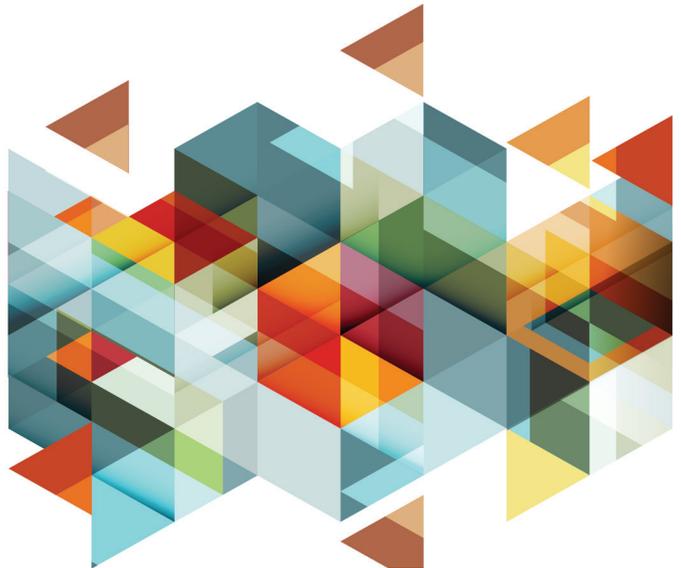
of these trainings to be posted on the Judiciary's website and later adapt them into interactive online courses. The guardians of minors subgroup developed trainings that address the distinct issues that arise concerning minors and worked with an Orphans' Court judge and the Registers of Wills to be sure that the curricula applies to guardianships in both the Circuit and Orphans' Courts. The forms subgroup reviewed and made recommendations to improve existing guardianship forms and is developing new forms to assist parties to guardianships. In partnership with staff from the Maryland Mediation and Conflict Resolution Office (MACRO), the ADR subgroup is identifying ways to expand the use of mediation and other forms of alternative dispute resolution in guardianship cases.

Mindful of the impact that the implementation of the recommendations will have on various stakeholder groups, the work group developed a communications plan about the changes and the support that is available. In addition, the work group will provide support where necessary. The work group is confident that these changes will improve the safety and well-being of people under guardianship and will help courts manage these cases more effectively. The next focus area will be those recommendations to enhance training and resources for guardianship judges and monitoring emerging guardianship issues.

Guardianship Process for Hospitalized Adults

The Judicial Council's Domestic Law Committee created the Hospitalized Adults Work Group to assist the Rules Committee in developing a process to facilitate the discharge of patients who lack the capacity to participate in the discharge process, and for whom there are no persons authorized to make decisions or apply for benefits on their behalf. The work group, which was created following a request from the Maryland Hospital Association (MHA) to the Rules Committee, includes judges, court staff, an MHA representative, executive branch agency representatives, and a member of the private bar. Its primary objective is to help the Rules Committee devise a process that balances any intrusion on the rights of these vulnerable patients against the need to intervene to protect their personal and financial interests.

Although guardianship is a court process, it is interdependent on a number of external agencies and practitioners. Representatives from these entities agree that there needs to be a faster and more consistent process to address the needs of these patients, as well as sufficient time to perform necessary investigations and meet other requirements in these types of cases. Procedural protections for patients must also be maintained so that any infringement on their rights is proper and the least restrictive option. The work group's collaborative approach to addressing this matter will help to lead to effective implementation of any resultant rules, as well as the sustainability of any new processes and procedures adopted.





Attorney Information System

The Judicial Council supported the development of and continued enhancements to the Attorney Information System (AIS), which represents a major investment by the Judiciary to improve the internal management of attorney records. This comprehensive database brings together information about Maryland attorneys maintained by the court-related agencies that support the Court of Appeals in its role regulating the legal profession in Maryland. AIS provides a single portal for lawyers to update personal information, obtain disciplinary history and status, and file mandatory reports annually. AIS benefits attorneys and the agencies that support the profession by ensuring that there is a single, consistent set of data about attorneys, including contact information, bar status, and disciplinary and administrative history.

AIS is used by several Judiciary departments and related agencies to maintain and verify information about any attorney who has been admitted

to the bar in Maryland. Judiciary users include the Court of Appeals, the State Board of Law Examiners, the Client Protection Fund, the Attorney Grievance Commission, and the Access to Justice Department of the Administrative Office of the Courts.

AIS includes a history of attorney names and addresses, as well as other contact information including phone and email addresses. The system can distinguish between primary and additional addresses and whether an attorney has requested that an address remain confidential. AIS further includes administrative and disciplinary activity. In developing AIS, several separate databases were migrated to a single data set so that all agencies now share a single, consistent set of data about all attorneys.

Attorneys may use AIS to update their information with the Court of Appeals, the Client Protection Fund, and the Administrative Office of the Courts. Attorneys are required to identify a primary address and may

designate any address as confidential. Attorneys may obtain information about their status, including past administrative and disciplinary actions, whether those actions have been cured, relevant court orders, and whether they have been restored to good standing. The most recent enhancement to AIS permits attorneys to pay their annual Client Protection Fund assessments online through the system. Attorneys using AIS can view in-depth data only about themselves. It is possible to search for information on other attorneys, but the display is limited to the information otherwise available to the public.

The public can access up-to-date information about Maryland attorneys from the Attorney Listing page on the Judiciary’s website, mdcourts.gov/lawyers/attylist.html. The infor-

mation in the Maryland Attorney Listing is drawn from AIS and includes the attorney’s name, current status, and, if active, business address and phone number.

Future enhancements include the ability for Maryland attorneys to submit their annual Pro Bono Legal Service Report and Interest on Lawyers Trust Account (IOLTA) report through the system.

The implementation of AIS is one way the Judiciary is addressing its goal to improve systems and processes by developing a single system to collect and maintain information needed by multiple entities within the Judiciary that had been contained in several non-integrated systems. The efficiencies gained through the development of the centralized system is invaluable to the Judiciary, as well as attorneys.



American Bar Association

Louis M. Brown Award for Legal Access

With the support of the Judicial Council and its Court Access and Community Relations Committee, initiatives intended to help self-represented litigants navigate through the Maryland judicial system continue to increase. Those efforts were celebrated this year when the Judiciary's network of programs for self-represented litigants was selected by the American Bar Association (ABA) to receive the 2017 Louis M. Brown Meritorious Recognition. The ABA's Louis M. Brown Award for Legal Access recognizes programs and projects that enable affordable access to legal services for those of moderate income in ways that are exemplary and replicable. Three out of 36 award nominees received meritorious recognition at the ABA's Midyear Meeting in February 2017.

The Judiciary's three major categories of self-help centers are:

- The Maryland Courts Self-Help Center provides free, limited legal help in civil cases for people who do not have a lawyer. Operated under a contract with the Maryland Center for Legal Assistance, a subsidiary of Maryland Legal Aid, attorneys are available from 8:30 a.m. to 8 p.m., Monday through Friday, to answer questions via telephone, email, and live chat on a wide range of civil case types handled by Circuit Courts and the District Court, including:

- » Landlord and tenant matters
- » Family law matters such as divorce, custody, child support, and guardianship
- » Small claims (\$5,000 or less) and large claims (more than \$5,000)
- » Expungement and shielding of records
- » Consumer matters such as car repossession, debt collection, and credit card cases
- » Return of property
- » Domestic violence/peace orders
- » Foreclosure
- Four District Court Walk-In Centers are open during regular courthouse hours to provide free limited legal services to people with civil cases in the District Court who are not represented by a lawyer.
- A network of Family Law Self-Help Centers are available in most Circuit Courts in the state. Those self-help centers provide litigants in family law cases walk-in and telephone assistance with completing the appropriate family law forms, providing legal advice, preparing for mediation, reviewing parenting plans, and preparing for trial.

During fiscal year 2017, the self-help centers served more than 121,000 litigants via phone, live chat, email, and walk-in visits.

Using Technology to Expand Access

As communities become more and more technologically mobile, court systems have to explore other means to provide access to justice, removing barriers that may inhibit fair, effective, and efficient justice for all. To that end, a number of initiatives were implemented to provide the requisite tools to individuals who interact with the Maryland Judiciary. Two of those efforts, providing tools and resources for adult guardianship and providing interpreting services by video, are highlighted below.

Adult Guardianship Tools and Resources

In May 2016, the Adult Guardianship Work Group of the Domestic Law Committee made a number of recommendations to the Judicial Council to “ensure best practices are employed in guardianship matters to ensure the safety and well-being of those subject to guardianship, and the effective management and accounting for guardianship assets.” The work group included recommendations that the Maryland Judiciary develop a guardianship webpage that includes resources for individuals serving as guardians. To support this initiative, the Circuit Court for Montgomery County, with funding from the Access to Justice Department of the Administrative Office of the Courts, developed a three-part video series. The

series provides introductory information for potential guardians and helps them understand the responsibilities they undertake when they become a guardian for a vulnerable adult. The series includes videos on:

- Introduction to Adult Guardianship
- Guardian of the Person
- Guardian of the Property

Each video is available as a part of the Maryland Courts Self-Help Video Library, which also provides supporting information including tip sheets for each video, transcripts in English and Spanish, and links to related forms, handbooks, brochures, and web content.

Video Remote Interpreting

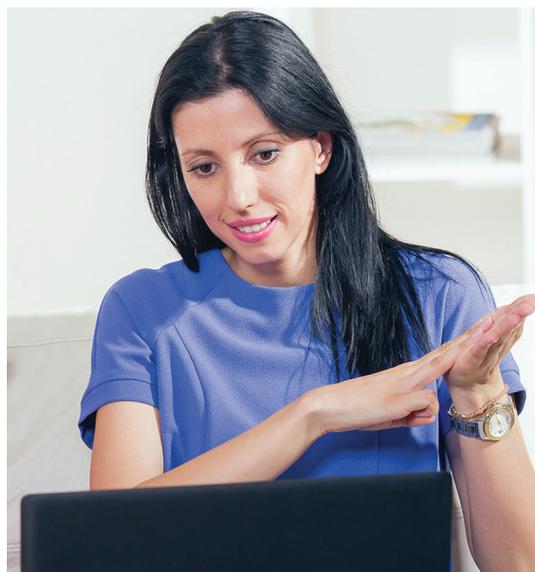
The Video Remote Interpreting Work Group of the Judicial Council's Court Access and Community Relations Committee has been overseeing the implementation of a pilot project to use video-remote interpreting (VRI) in the Maryland courts. The Access to Justice Department of the Administrative Office of the Courts directed a contractor to develop technology that can be used with equipment already installed in Maryland courtrooms to provide video-remote interpreting. The challenge: VRI requires that the remote interpreter be able to switch between broadcasting interpreted exchanges into the courtroom and having private conversations. Private conversations are needed between the interpreter and the person with limited English when the interpreter is performing simultaneous interpretation, when it is necessary to interpret a private

conversation between the person with limited English and his or her attorney, or when interpreting a bench conference involving a person using an interpreter. The work group continues to oversee implementation of the pilot.

In addition to these efforts, the Access to Justice Department, which staffs the Court Access and Community Relations Committee, continues to work with Judicial Information Systems to provide laptop computers configured for use with remote American Sign Language (ASL) services. The laptops are being provided upon request to clerk's offices, commissioners, and self-help centers to aid court staff in responding to the needs of deaf individuals who require assistance outside the courtroom. An application on the laptops can be used to connect the court to an ASL interpreter within minutes via videoconferencing.

The Maryland Court Interpreter Registry includes interpreters in 76 languages. In fiscal year 2017 the Court Interpreter Program provided in-person interpreters for 14,778 proceedings or events.

Approximately 50% of all expenditures for in-person interpreters were for Spanish; another 15% of expenditures were for American Sign Language (ASL) interpreters.



Improving Maryland's Problem-Solving Courts

The Judicial Council and its Specialty Courts and Dockets Committee are committed to the effective performance of Maryland's problem-solving courts and support their ongoing analysis and improvement. Described below are three ongoing projects that will help maximize the effectiveness of drug courts and their impact on those served.

Performance Measures for Maryland's Adult Drug Courts

The Specialty Courts and Dockets Committee is working with the Office of Problem-Solving Courts (OPSC) as it implements the objectives set forth in the three-year grant that was awarded to the Judiciary in 2015 by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Through the grant, the OPSC is working with the National Center for State Courts (NCSC) to develop and implement performance measures for Maryland's Adult Drug Courts. The project's four objectives are:

1. Identify evidence-based performance measures that are appropriate for Maryland.
2. Document performance measures in a reference document.
3. Identify performance targets or "benchmarks" for each measure.
4. Provide training to drug court personnel that will enable them to use the performance measures for managing the performance of their courts.

The first objective was completed during fiscal year 2017. OPSC identified and convened a select group of drug court professionals and stakeholders for a two-day meeting to consider recommendations made by NCSC and to modify them as needed for the context of Maryland's adult drug courts. The remaining objectives include producing a manual that will describe each measure in detail, justify its selection, identify required data, and clearly delineate any required calculations in the draft form. After these objectives are met, NCSC will work with input from the OPSC to design a training program based on realistic scenarios that describe performance issues or challenges frequently encountered by adult drug courts and demonstrate how performance measures can be used to address them.



Maryland opioid-related deaths increased **249.2%** from 2007 to 2016:

< 25 years old	208.6%
25-35 years old	487.7%
35-45 years old	131.3%
45-55 years old	220.8%
> 55 years old	314.2%

2007 deaths	787
2016 deaths	2,748

Responding to the Opioid Crisis

On May 25, 2017, the Governor of Maryland signed the HOPE Act into law. This multi-agency emergency bill consolidates several provisions intended to respond to the opioid addiction crisis, including the expansion and enhancement of Maryland drug treatment courts. Specifically, the HOPE Act instructs the State Court Administrator to “assess drug court programs in Circuit Courts, including juvenile courts, and the District Court to determine how to increase these programs in a manner sufficient to meet each county’s needs,” and to “disburse grants authorized by the \$2 million appropriation in the fiscal

2019 budget based on the population of each county.” The Specialty Courts and Dockets Committee is supporting the OPSC as it assesses the various drug court programs.

In addition to expanding and enhancing drug courts, the HOPE Act establishes additional directives intended to expand access to opioid addiction treatment within Maryland communities and institutions, including the Maryland Department of Health, the Behavioral Health Administration, the Department of Public Safety and Correctional Services, and hospitals.

DUI Court Cost-Benefit Evaluation

Four District Court locations (Anne Arundel, Harford, Howard, and St. Mary's counties) have specialty courts designed for individuals repeatedly charged with driving under the influence. As with most DUI courts around the country, three of these courts are hybrid drug and DUI courts. The first of these courts was established in 1997 as a drug court and began accepting DUI participants in 2005. The length of DUI court programs range from 12-18 months, with some courts accepting only high-risk participants. The Judiciary has contracted with a research company to evaluate these four courts and their adherence to a set of national benchmarks and best practices, and produce an outcome and cost analysis of these courts.

The "10 Key Components of Drug Courts," established by the National Association of Drug Court Professionals, and the "Guiding Principles of DWI Courts" outline national benchmarks and best practices for drug and DUI courts. Using these national benchmarks and other evidence based research, the OPSC completed a best practices assessment that showed that the

majority of DUI courts are following best practices, which include: having written policy and procedure manuals; having core team members attend staff meetings and court sessions; protecting due process; accepting participants with serious mental health issues; providing a continuum of care; conducting frequent drug and alcohol testing; using sanctions as appropriate; providing clear graduation requirements; and having ongoing judicial interaction with participants.

For the second phase of the evaluation, OPSC has identified and obtained court, detention, and program service data such as social indicators, referrals, treatment, and recidivism. The outcome and cost analysis will include a comparison between program participants and a matched sample of people within the Maryland Department of Public Safety and Correctional Services who have been incarcerated for alcohol/substance-related offenses. These evaluations will be provided to court and program leadership to help them improve and better align their programs with best practices, as well as determine program effectiveness.

Standards of Conduct for Mediators

There are currently two separate and sometimes divergent sets of standards of conduct for Maryland mediators. The Maryland Judicial Council's Alternative Dispute Resolution (ADR) Committee has formed the Work Group on Standards of Conduct for Mediators to develop a single, revised, and uniform set of standards.

At present, mediators who apply to serve on Maryland court rosters and mediators designated by a Maryland court are required to follow the "Maryland Standards of Conduct for Mediators, Arbitrators, and Other ADR Practitioners" approved by the Court of Appeals on October 31, 2001. Mediators who belong to the Maryland Program for Mediator Excellence (MPME) agree to follow the "MPME Standards of Conduct for Mediators" approved by the Mediator Excellence Council on April 20, 2006. The overlap in the applicability of these sets of standards, together with the continued growth and development in the field of mediation and the infusion of mediation in court processes, were the impetuses for this initiative.

The work group has broad representation from a wide variety of stakeholders, including active and senior judges, the four statewide ADR practitioner organizations (Community Mediation Maryland, the Maryland Chapter of the Association for Conflict Resolution, the Maryland Council for Dispute Resolution, and the Maryland State Bar Association ADR Section), and each of the three Judiciary ADR offices (the Court of Special Appeals ADR Division, the District Court ADR Office, and MACRO).

The work group developed a preliminary draft of the revised Standards of Conduct for Mediators, then held five regional forums around the state and a webinar forum to solicit feedback from interested persons and organizations. More than 200 people participated in an online survey and submitted comments on the draft standards.

The work group is compiling the comments and will present a revised draft report to the ADR Committee. The Committee will propose the final recommended standards of conduct to the Judicial Council for approval and next steps.

ADR Research Implementation

The Judicial Council supports the effective use of ADR in the courts and understands the importance of using research to help inform decision-making and future direction. To that end, MACRO and the District Court ADR Office have been working collaboratively to develop curricula to enable courts and ADR practitioners on their rosters to improve their respective ADR programs and practices. With the completion of a five-year research study on the landscape of ADR in Maryland and the resultant findings, the ADR Committee moved to apply the findings to implement effective practices.

Focused on District Court day-of-trial ADR programs and Circuit Court child access mediation, the research findings indicate that good outcomes occur when mediators use techniques to reflect the feelings and values mentioned or referenced by the mediation participants, and when mediators use techniques to elicit solutions from the mediation participants. Staff of the two offices have created several continuing education workshops to help practitioners understand the research findings, hone their reflecting and eliciting skills, and then practice the refined techniques. The training has

already been used for one Circuit Court-sponsored continuing education program, and more will be scheduled going forward.

MACRO continues to work with Circuit Courts to improve their ADR program data collection in order to continue measuring research variables related to customer satisfaction, attitudes toward conflict, and feelings about being better able to work in the future with the children's other parent in child access cases.

MACRO also is working with the Circuit Court for Baltimore City on a pilot criminal misdemeanor mediation program for cases in which the defendant has prayed a jury trial from the District Court. With the agreement of the defendant and the victim and the approval of the state's attorney, cases are directed to community mediation. Cases that are resolved are removed from the trial docket, helping to ensure the effective use of time reserved for trials. Research has shown that defendants in criminal misdemeanor cases that go to mediation are five times less likely to return to court in the next 12 months than defendants whose cases did not go to mediation.



Enhancing Judicial Education

The Judicial Council is committed to ensuring that those who enter the courtrooms across the state receive fair, efficient, and effective justice. The initiatives highlighted below were proposed by the Education Committee and approved by the Judicial Council in 2017 to enhance judicial education and readiness, helping to ensure that judges are prepared to meet new challenges in the administration of justice.

Mentor Program

The New Trial Judges Mentor program, an initiative from the Judicial Council's Education Committee, is grounded in the belief that the Judiciary is responsible for assisting its judges in being their best professional selves in service to Maryland citizens who interact with the judicial system. In its first year in 2017, the pilot program provides a mentor to each new judge for a 12-month period. The mentor, who is a judge with more than three years of judicial service, provides guidance on the "art of judging." During the 12-month period, a number of activities take place including monthly check-ins with the mentee, docket observations, and one-on-one meetings. Preliminary qualitative data indicate strong support for the program by both the mentors and mentees.

New Trial Judges' Orientation

In 2017, for the first time in more than two decades, the orientation of new trial judges was redesigned. The new program involves a series of interlocking strategies aimed at providing new trial judges a variety of developmental and supportive opportunities in their first 18 months on the bench. In addition to the mentor program described above, an in-service, a week-long residential program is one of these strategies. The redesigned residential program also emphasizes the “art of judging” while providing

court-specific sessions to prepare new trial judges for the rigors of the bench. In keeping with the Judicial College’s focus on integrating adult learning principles and strategies, program sessions integrate a variety of teaching strategies to maximize learning and transfer of learning from the classroom to the bench. Lecture, small group work, videos, and webinars are integrated into the program to address the needs of different learning styles while allowing for skill practice and development.

Online Courses for Judges and Magistrates

For the first time in the history of the Maryland Judiciary, judges and magistrates are taking mandatory courses online. In 2017, two such classes were offered: Ethics for New Trial Judges, and Workplace Laws, Regulations, and Policies Affecting Judges and Courts (Fair Practice). The two required courses provide judges and magistrates with consistent, standardized education on areas that directly affect their ability to provide fair and equal treatment and to support access to justice. The Fair Practice course was developed in collaboration with the Division of Internal Affairs, Department of Fair Practice. All judges appointed in 2017 will participate in the Judicial Ethics course pilot.

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