



Hon. Mary Ellen Barbera, Chair
Chief Judge
Court of Appeals

Hon. Sheila R. Tillerson Adams
Circuit Court for Prince George's
County

Hon. Nathan Braverman
Baltimore City District Court

**Hon. Kathleen Gallogly Cox Vice-
Chair**
Conference of Circuit Judges

Hon. John W. Debelius, III, Chair
Conference of Circuit Judges

Hon. Thomas C. Groton, III
Circuit Court for Worcester County

Hon. Susan H. Hazlett
Harford County District Court

Hon. Karen A. Murphy Jensen
Circuit Court for Caroline County

Hon. James A. Kenney, III, Chair
Retired and Recalled Judges
Committee

Hon. Peter B. Krauser,
Chief Judge
Court of Special Appeals

Hon. Karen H. Mason
Prince George's County District Court

Hon. John P. Morrissey,
Chief Judge
Chief Judge, District Court

Hon. Barbara Waxman
Baltimore City District Court

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

Hon. Eugene Wolfe
Montgomery County District Court

Hon. Sharon L. Hancock, Chair
Conference of Circuit Court Clerks

Pamela Harris
State Court Administrator

Jennifer Keiser, Vice-Chair
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Administrative Clerk
District Court

Judy Lohman, Administrative Clerk
District Court

Sally Rankin, Chair
Conference of Circuit Court
Administrators

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Roberta Warnken, Chief Clerk
District Court

Faye Matthews, Secretary
(410) 260-1257

MARYLAND JUDICIAL COUNCIL

Maryland Judicial Center
580 Taylor Avenue
Annapolis, MD 21401

Meeting Minutes August 19, 2015

Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair
Hon. Sheila R. Tillerson Adams
Hon. Nathan Braverman
Hon. Kathleen Gallogly Cox
Hon. Thomas C. Groton, III
Hon. Susan H. Hazlett
Hon. James A. Kenney, III
Hon. Karen H. Mason
Hon. John P. Morrissey
Hon. Barbara B. Waxman

Hon. Alan M. Wilner
Hon. Eugene Wolfe
Pamela Harris
Carol Llewellyn-Jones
Jennifer Keiser
Judy Lohman
Sally W. Rankin
Hon. Wayne Robey
Roberta Warnken

Others Present:

Hon. Larnzell Martin, Jr.
Hon. Gary G. Everngam
Faye Matthews
Lou Gieszl
Melinda Jensen
Stacey Saunders

Pamela Cardullo Ortiz
Connie Kratovil-Lavelle
Gregory Hilton
Alan Wiener
Lynne Wheeler

A meeting of the Judicial Council was held Wednesday, August 19, 2015, at the Judiciary Education and Conference Center, beginning 9:30 a.m. Chief Judge Barbera began the meeting by welcoming everyone and then called for approval of the minutes of the previous meeting.

Judge Adams moved for approval of the minutes of the June 24, 2015 meeting, followed by a second to the motion by Judge Cox. The motion passed.

1. Court Technology Committee

Judge Everngam briefed the Council regarding the work of the Court Technology Committee.

- Approval of new Subcommittee – Judge Everngam informed the Council that prior to committee restructuring, there was a Clerks’ Automation Committee that operated under the auspices of the Conference of Circuit Court Clerks. The committee addressed automation concerns and issues related to all non-case records. Judge Everngam stated that membership will comprise the clerks of court and the chief deputies. He noted that Donald Sealing previously served as the Chair and that he would continue in that role if the subcommittee is approved. In addition, he requested that Mr. Sealing be appointed to the Court Technology Committee.

Wayne Robey moved for approval of the subcommittee, as well as appointment of Mr. Sealing to the Court Technology Committee. Following a second by Judge Waxman, the motion passed.

- e-Sign Demonstration – Judge Everngam provided an overview of the e-warrant process, explaining how judges will receive, approve, and issue warrants electronically. He noted that the software tracks changes to the documents, as well as the time a document is transmitted. Judge Everngam further commented that while there is no record of any conversations between the judge and the officer, all changes made by the officer have to be made on the application or affidavit. The revised documents have to be resubmitted. In addition, judges can make changes to the warrant because it is a proposed order, but they cannot make changes to the application or affidavit. Judges will be advised to hold all documents until the return comes back, at which time, the entire file should be forwarded to the clerk’s office.

Discussion ensued regarding the accessibility of the e-warrant data. Judge Wilner noted that there is a provision in statute and rule that permits the affidavit to be sealed for 30 days with another 30-day extension.

Judge Everngam offered to attend meetings with judges and law enforcement to assist with implementation of e-warrants.

2. MDEC Update

Chief Judge Morrissey briefed the Council on the MDEC project, noting that the criminal and traffic components were launched on August 3, 2015, in Anne Arundel County. The final component to be implemented is landlord/tenant, which will occur once the bulk-filing solution

is cemented, completing the rollout of the entire system.

Chief Judge Morrissey acknowledged that there have been a few issues along the way, many associated with converting data from a number of legacy systems, some more than 30 years old, into one statewide system. He added that there are no major issues outstanding. Where necessary, the project team has been able to implement a number of temporary solutions to enable the courts to continue to operate until permanent solutions can be applied. Chief Judge Morrissey commented that the clerks are still getting acclimated to MDEC and, as such, it is taking a little longer to complete some processes which can be expected with the implementation of any new major information technology system. He added that the courts should start to experience some efficiencies within four-five months of implementation. Chief Judge Morrissey noted that the issues that have been encountered during the pilot will not be repeated in subsequent implementations.

The next MDEC implementation, which is scheduled for February 2016, will be the upper Eastern Shore counties – Caroline, Cecil, Kent, Queen Anne’s and Talbot. A number of training sessions will take place for judges, staff, and attorneys. Implementation in the lower Eastern Shore counties – Dorchester, Somerset, Wicomico, and Worcester, is scheduled for the summer of 2016. The remaining implementation schedule will be solidified once the landlord/tenant component is in place.

Chief Judge Morrissey acknowledged all of the individuals who have worked tirelessly on this project, namely Judge Kiessler, Judge McKenna, Robert Duckworth, Mark Bittner, Bessie Decker, Gregory Hilton, Carla Jones, Robin Cummings, Tamera Chester, Nancy Faulkner, Rose Day, Robert Hogan, Tyler Technologies, and the many back office and courtroom clerks. Chief Judge Barbera added that the project team has done a remarkable job.

3. District Court Chief Judge’s Committee Update

Chief Judge Morrissey updated the Council on the work of the District Court Chief Judge’s Committee. He noted that the committee meets quarterly to discuss operational issues within the District Court. Chief Judge Morrissey stated that training for commissioners and bailiffs is being revamped to include topics such as professionalism. Other highlights included the Veteran’s Court that is being developed in Baltimore City and a pilot program in five MVA locations to permit the collection of traffic payments. The payments will be transmitted to the Judiciary electronically. Efforts also are underway to address the backlog in MTA toll violations.

4. Court Access and Community Relations Committee Update

Judge Martin provided an overview of the work of the Court Access and Community

Relations Committee. He noted that Judge Pamela Brown and Angelita Plemmer-Williams, on behalf of the Court Relations Subcommittee, met with David Almacy, former White House Internet director and digital public relations strategist, to discuss the use of social media in communications. Mr. Almacy is scheduled to present to the full committee during its September 14 meeting. Members of the Court Technology Committee will be invited. Judge Martin also informed the Council that Ms. Plemmer-Williams is working on the initiative to form a statewide lawyers' committee. He asked the Council to forward any suggestions or ideas on specific tasks for that committee. With respect to the initiative regarding promoting partnerships with the business community, Judge Martin stated that the Court Access and Community Relations Committee is collaborating with the Specialty Courts and Dockets Committee to help build the framework for moving forward.

- Notice re: Availability of Interpreters – The committee recommended a notice be included with all summonses, subpoenas, and other appropriate court records regarding the availability of interpreters. Further, the committee recommended that the notice be provided in the five most frequently used languages. Pamela Ortiz clarified that while the proposed notice is translated in only five languages, interpreters are provided for any language upon request.

Following discussion around the logistics of implementing the notice, as well as at what point in the judicial process, assistance should be provided, Pamela Harris moved to have the notice posted on the Judiciary's website while the committee continues its discussion on how best to implement the notice, with the modification in the first paragraph to change "many" to "all." Judge Adams seconded the motion. With the acceptance of Judge Hazlett's amendment to delete the second paragraph of the proposed notice, which directed users to a second link to obtain interpreter request forms, and Judge Cox's amendment to post the notice in clerks' offices and courthouses as practicable, the motion passed.

- Continuing Education Requirements for Court Interpreters – The committee recommended a continuing education requirement for eligible and qualified interpreters to maintain, and improve, skills. The proposal offered by the committee would require interpreters to complete at least 16 hours of continuing education every two years, of which at least 8 hours would have to be on ethics and court interpreter protocol. Further, as proposed, interpreters would be required to obtain the continuing education hours through programs either offered or approved by the Administrative Office of the Courts. If an interpreter does not comply, he or she would be removed from the registry until the interpreter is in full compliance. It was suggested that the continuing education requirement be extended to staff interpreters as well.
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Ms. Harris inquired about the continuing education requirement for American Sign Language (ASL) interpreters, which was found to be 8 hours per certification cycle. She stressed the importance of ensuring that the requirement for spoken language interpreters be at least equivalent to the ASL requirements.

Judge Hazlett moved for approval of the committee's proposal to require continuing education hours for interpreters. Following a second by Judge Adams, the motion passed.

- Video Remote Interpreting – The committee recommended the creation of a subcommittee or workgroup to create a plan for the use of video remote interpreting, noting that the recommendation does not include trials or complex proceedings. Chief Judge Barbera noted that the Council's approval is not required for committees to create workgroups.

Pamela Ortiz commented that the current video technology in use throughout the Judiciary does not allow for simultaneous interpreting or for communications between attorneys and clients. Ms. Harris stated that the National Center for State Courts has been working on an initiative to issue an RFP for technology equipment on a national basis, adding that it might be worthwhile pursuing a seat on the workgroup.

- Judicial App – Ms. Ortiz demonstrated an app she created titled *Maryland Law Help App*, which is available on any mobile platform. The app pulls together in one location all Judiciary resources geared toward self-represented litigants. Although the app is not designed for attorneys, there is no prohibition against their use of it. The app contains a link to the People's Law Library and includes tip sheets on various topics such as self-help resources, mediation, and requesting interpreters. The app will be available in the Apple Store and in Google Play. Chief Judge Barbera noted that she wants to wait until mid-September to release the app when the remote self-help center is expanded to include the circuit court and all case types.

Judge Adams moved for approval of the app. Following a second by Judge Cox, the motion passed.

5. **Elder Justice Initiative Update**

Judge Cox provided a status on the Elder Justice initiative. She stated that the Adult Guardianship Workgroup of the Domestic Law Committee surveyed the twenty-four jurisdictions to ascertain information regarding how guardianship cases are processed. There was a 100 percent response rate. Judge Cox noted that the survey responses revealed that there are no standard processes and that staffing to process these matters is inconsistent from jurisdiction to

jurisdiction.

Judge Cox commented that the long term objective is for the Judiciary to budget for resources that can be pooled in some jurisdictions and dedicated in larger jurisdictions with greater need. Additionally, there has to be consistency in how individuals are appointed to serve as guardians because currently there is no consistency in terms of training or expectations individuals serving in that capacity. Judge Cox stated further that the workgroup is looking at developing standards and training programs.

The workgroup formed three sub-workgroups:

- Guardian of the Person – This sub-workgroup will make recommendations regarding eligibility requirements for appointment, components of the training programs for attorneys and lay persons and the Judiciary’s role therein, and a strategy for implementation of the recommendations.
- Court-Appointed Counsel for Alleged Disabled Persons – This sub-workgroup will make recommendations regarding eligibility requirements for appointment of attorneys to serve in this capacity, components of the training program and the Judiciary’s role therein, and a strategy for implementation of the recommendations.
- Guardian of the Property – This sub-workgroup will make recommendations regarding eligibility requirements for appointment of attorneys to serve in this capacity, components of the training program and the Judiciary’s role therein, and a strategy for implementing the recommendations.

The committee expects to come before the Council in the fall to present its recommendations.

Chief Judge Barbera commended the workgroup on its work and noted that it should look toward establishing some degree of uniformity.

6. Judicial Absences

Judge Wolfe advised the Council that he had reviewed the draft revised Policy on Leave from the Administrative Office of the Courts into which the Administrative Order Pertaining to Judicial Absences had been incorporated. He noted that the language had not been changed in over twenty years and, as such, the policy has not kept pace with how the Judiciary has evolved on a number of fronts including the demographics of the judges, the number of judges, and the establishment of case time standards.

Judge Wolfe, speaking primarily from the District Court perspective, pointed out that administrative judges are experiencing difficulty approving leave which impacts the operation of the courts, based on the policy outlined in the administrative order. He highlighted a number of provisions that are problematic such as only being able to utilize recalled judges to cover vacancies and not to allow an additional docket and limiting the number of visiting judges in a district to two and to one on certain days. Judge Wolfe recommended that the aforementioned provisions be eliminated from the policy and that administrative judges be given the authority to schedule the number of recalled judges he or she determines is necessary for efficient operation of their respective courts.

Sally Rankin echoed Judge Wolfe's concerns on behalf of the circuit court judges, particularly as they relate to how recalled judges are utilized. Chief Judge Morrissey noted that he is sensitive to Judge Wolfe's concerns; however, he stressed the importance of balancing the needs of the entire court, noting that it is very complicated from a scheduling and continuity of service perspective.

Chief Judge Barbera reminded the Council that an *ad hoc* committee, chaired by Judge Harrell, reviewed all administrative orders issued by the Court or the Chief Judge and made recommendations whether to keep, rescind, archive, or to include the substance of the orders under the State Court Administrator's policies. She thanked Judge Wolfe for his comments and asked for leave of the Council to let her complete the review of the administrative orders and policies.

7. Strategic Plan Update

Ms. Harris distributed an updated copy of the strategic plan checklist, which provided a status of the various strategic initiatives. She noted that staff of the various committees should provide ongoing updates to the initiatives to Lou Gieszl so that the checklist can be as current as possible. The checklist will be provided at each Council meetings with discussions on the various initiatives as necessary. Ms. Harris stated that a comprehensive report on the strategic plan will be developed and distributed at the end of the year.

8. For the Good of the Order

Chief Judge Barbera commented that the Judiciary is establishing positive ongoing relationships with the other branches of the government, noting that judges sometimes are called upon to serve on inter-branch committees and that a number of judges have stepped up to do so. Judge Lipman and Judge Stephan Moylan are representing the Judiciary on the Mental Health and Behavioral Advisory Council, for example.

Action Items

- Pamela Harris, through the Court Access and Community Relations Committee, will ensure that the notice regarding the availability of interpreters will be placed on the Judiciary's website, as well as posted in the clerks' offices.
- The Court Access and Community Relations Committee will determine how best to implement distribution of the notice regarding availability of interpreters.
- The Domestic Law Committee will present recommendations regarding eligibility requirements and training for individuals appointed to serve as guardians in the fall.
- An updated copy of the strategic checklist will be presented at every Council meeting.

There being no further business, the meeting adjourned at 12:50 p.m. The next meeting is scheduled for September 16, 2015, beginning 9:30 a.m.

Respectfully submitted,

Faye Matthews
