



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

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

Hon. Laura S. Kiessling
Circuit Court for Anne
Arundel County

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

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

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

Hon. Gerald V. Purnell
Worcester County District Court

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

Hon. Eugene Wolfe
Montgomery County District Court

Hon. Susan Braniecki, Vice-Chair
Conference of Circuit Court Clerks

Pamela Harris
State Court Administrator

Jennifer Keiser, Chair
Conference of Court Administrators

Carol Llewellyn-Jones,
Administrative Clerk
District Court

**Robert Prender, Administrative
Clerk**
District Court

Hon. Wayne A. Robey, Chair
Conference of Circuit Court Clerks

Timothy H. Sheridan,
Vice-Chair
Conference of Circuit Court
Administrators

Roberta Warnken, Chief Clerk
District Court

Faye Matthews, Secretary
(410) 260-1257

MARYLAND JUDICIAL COUNCIL

MARYLAND JUDICIAL CENTER

580 Taylor Ave
Annapolis, MD 21401

Meeting Minutes

April 20, 2016

Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair
Hon. Nathan Braverman
Hon. Kathleen Gallogly Cox
Hon. John W. Debelius III
Hon. Susan H. Hazlett
Hon. James A. Kenney, III
Hon. Laura S. Kiessling
Hon. Karen H. Mason
Hon. John P. Morrissey
Hon. Gerald V. Purnell

Hon. Alan Wilner
Hon. Eugene Wolfe
Hon. Susan R. Braniecki
Pamela Q. Harris
Carol Llewellyn-Jones
Jennifer Keiser
Robert Prender
Hon. Wayne A. Robey
Timothy Sheridan
Roberta L. Warnken

Others Present:

Hon. Brett W. Wilson
Hon. Alexandra N. Williams
Faye Matthews
Lou Gieszl
Melinda Jensen
Dominique Johnigan
Lauren Kitzmiller
Stephane Latour
Kelley O'Connor
Mala Ortiz

Suzanne Pelz
Jonathan Rosenthal
Stacey Saunders
Suzanne Schneider
Andrew Tresses
Jamie Walter
Alan Wiener
Angelita Plemmer Williams
Eliana Pangelinan
Timothy Dibble

A meeting of the Judicial Council was held Wednesday, April 20, 2016, at the Judiciary Education and Conference Center, beginning 9:35 a.m. Chief Judge Barbera began the meeting by welcoming everyone and then called for approval of the minutes of the previous meeting.

Judge Kenney moved for approval of the minutes of the February 17, 2016 meeting, followed by a second to the motion by Judge Hazlett. The motion passed.

Chief Judge Barbera acknowledged the Council's special guests and expressed her appreciation to them for their presence and for choosing to spend the day with the Maryland Judiciary. She noted that they were going to spend time following the meeting with the MACRO staff to discuss alternative dispute resolution initiatives in Maryland. The guests were Judges Makifete Saliuka and Milena Djeric from Kosovo and Lily Heli Peng, Post-doc of Chinese Applied Jurisprudence, Supreme People's Court of China and Lecturer of Law, Xi'an Jiaotong University, China.

Chief Judge Barbera welcomed Judge Gerald Purnell to the Council. He replaced Judge Karen Mason as a District Court representative following Judge Mason's elevation to the Circuit Court.

1. DCM/Case Management Planning Guides

Judge Brett Wilson, Jamie Walter, and Tim Dibble reported on the DCM/Case Management planning guides that were developed to assist the trial courts in the development of their DCM and case management plans. Judge Wilson noted that the Court Operations Committee worked with Tim Dibble and the Justice Management Institute (JMI) to develop the guidelines, as well as the templates for the various case types. The project team solicited input on the guide and the various templates from judges, clerks, and court administrators. Judge Wilson stated that JMI is providing technical assistance to four pilot courts – the Circuit and District Courts in Baltimore City and Charles County – in the development of their DCM and case management plans. He emphasized that the templates are meant to serve as a guide for the courts and that the DCM and case management plans developed should not be static, but that the courts should implement and evaluate them, making changes as necessary.

Mr. Dibble stated that creating the guides required a collaborative effort involving a lot of people within the Judiciary. He added that the guides were intentionally left without cover pages and encouraged the Council to attach cover pages and to include the names of the committee members and others who participated in their creation. He reiterated that the templates are iterative and that the pilot courts are informing the changes and modifications thereto. Mr. Dibble strongly recommended an annual review of the templates, similar to what is done with the case time standards.

Mr. Dibble highlighted a number of policy issues that need to be addressed, including whether existing DCM plans in the Circuit Courts should align with the statewide consensus tracks, as well as when and how to determine a track. With respect to the District Court, the policy issues involved statewide consensus tracks, as well as developing plans by district or local court.

Mr. Dibble recommended all trial courts follow the same process for developing their plans, emphasizing that understanding the why and how is more important than the resultant document. He also recommended that each court form teams, including judge representation, to review the plans. He stressed the importance of judges taking a strong leadership role and including staff in discussions concerning policy issues.

With respect to casetype policy issues, Mr. Dibble stressed that casetype performance should align with the expectations of the court, which should transfer to justice partners.

Mr. Dibble and Ms. Walters presented the proposed schedules for courts to develop their DCM and case management plans, categorized by non-MDEC and MDEC courts. They proposed a seven-month schedule, noting that the pilot sites took approximately five months with technical assistance. They suggested courts submit pre-determined milestone deliverables to the AOC project manager to help them stay on track, as well as to help the project team determine where assistance is needed. The schedules call for the non-MDEC courts to begin the process on May 1, 2016, and the MDEC courts to begin on November 1, 2016. Chief Judge Morrissey suggested that the Upper Eastern Shore courts be labeled as MDEC courts.

Chief Judge Barbera thanked Mr. Dibble, the committee members, the project team, and others who worked on the project, noting that it was a collaborative effort. She also expressed her appreciation to the pilot sites for their hard work.

Judge Hazlett moved for adoption of the DCM and case management plans guides and templates. Judge Debelius seconded the motion. Chief Judge Barbera then called for the question, resulting in additional discussion. Judge Cox asked if the motion included adoption of the schedule to which the answer was that it did. She expressed concern that some courts have not developed any plans and would be starting from scratch. Given summer schedules, completion within the proposed time frames may be problematic. Chief Judge Morrissey inquired as to whether there is a communication plan to inform everyone about the initiative, especially since the start of the seven month schedule is quickly approaching. Judge Kiessling noted concern with the short turn-around time for MDEC courts to begin the process. Jennifer Keiser expressed concern with the timing because courts also have to complete their Case Assessment and State of the Court reports.

Mr. Dibble commented that Baltimore City utilized the structure from the template for its criminal DCM plan, which was extremely helpful to the court. He added that because of the templates, courts have a framework from which to build their plans. Chief Judge Morrissey noted that the District Court currently does a lot of what is included in the templates, but the templates define the business processes, and provide uniform definitions and tools for monitoring against the plans.

Chief Judge Barbera called for a vote on the motion to approve the guides and the templates. The motion passed. She then called for a motion on the implementation schedule. Ms. Harris moved to modify the schedule to have three starting points – July 1, September 1, and November 1 – with the completion being seven months from the respective start. Her motion included a provision that administrative judges choose the starting point that works best for their court. Judge Hazlett seconded the motion after which Judge Kiessling offered a friendly amendment to extend the third start date to January 1, 2017. The amendment was accepted and the motion passed.

2. **Strategic Initiatives Update**

Lou Gieszl provided an update on the Judiciary's strategic initiatives. He noted that the

strategic plan was published a little over a year ago and since then the AOC has attempted to capture the progress that has and continues to be made in the strategic initiatives checklist. The most up-to-date checklist includes ongoing operational initiatives that help to support the strategic direction of the Judiciary. Mr. Gieszl stated that the strategic initiatives document is available on CourtNet, making it accessible to everyone within the Judiciary who wants to track progress. He noted that he should be contacted regarding changes or additions to the checklist, as well as for questions and/or concerns.

Chief Judge Barbera commended the committees and others who are working on the various initiatives. She commented that these types of reminders are needed to help keep everyone on target and advancing the Judiciary's strategic initiatives. She noted that she received a call from someone in the federal judiciary complimenting her on the progress report.

3. Workgroup on Human Trafficking

Chief Judge Barbera informed the Council that she appointed a special workgroup to examine the types of programs, services, and initiatives in place in Maryland regarding human trafficking, and to review what is in place in other state courts, as well as national models. The workgroup will report directly to the Council and will liaise with Judicial Council committees. The workgroup will make recommendations regarding polices and judicial education, as well as services for human trafficking victims. The recommendations will be submitted to the Council by the end of this calendar year, with updates provided before then.

The membership of the workgroup includes Judge Barbara Waxman, Chair; Judge Tiffany Anderson, Judge Susan Hazlett, Judge Patricia Mitchell, Judge Fred Hecker, Magistrate Richard Sandy, Judge Michael Stamm, Judge Robert Kershaw, Judge Mark Chandlee, Judge Broughton Earnest, Pamela Harris or designee Rebecca Riemer, Lou Gieszl, and Tracy Watkins.

Ms. Keiser commented that it would helpful to have representation from local court administration on the workgroup because of their relationships with the local government, as well as their knowledge regarding how policies, services, and other initiatives can be implemented. Judge Wilner inquired about the inclusion of someone from the Attorney General's office on the workgroup, adding that the office has a unit specifically dedicated to human trafficking. Chief Judge Barbera noted that she will act on both of the aforementioned suggestions.

Judge Mason thanked Chief Judge Barbera for creating the workgroup to address this very important issue. She added that the public is looking for some help and want to make sure it's not just a discussion, but that something substantive will happen.

4. Judicial Council Committee, Subcommittee, and Workgroup Meetings

Chief Judge Barbera expressed her appreciation for the hard work and commitment of all those who serve on the various committees, subcommittees, and workgroups. She noted the time commitment, as well as the travel involved in coming to Annapolis for the meetings, which require judges and magistrates to be off the bench. She asked that, to the extent reasonably

possible, the members have evening or conference call meetings to limit the disruption to court and administrative activities.

5. Joint Bench Bar Conference – Committee Updates

Chief Judge Barbera informed the Council that each committee chair will be asked to provide a (no more than) ten minute presentation on the committee's work during the business meeting of the conference. She noted that the conference presents the perfect opportunity for colleagues to learn about what is going on in the various committees.

6. New Process for Enrolling in Judicial Education Courses for the 2017 Year

Judge Hazlett discussed the new enrollment process for registering for judicial education courses, beginning with the 2017 courses. She noted that enrollment will be incorporated into CONNECT. The course catalog will be posted on the Judicial Education's website beginning late June 2016; there will be no paper brochures available. The approval process will remain the same. The administrative judge will be responsible for entering the information into CONNECT to avoid double approval prompts if each judge or magistrate enters the information individually.

7. Onboarding Process for New Judges and Magistrates

Judge Hazlett noted that she reached out to administrative judges reiterating the need for new judges and magistrates to participate in the onboarding process.

8. Legislative Update

Judge Alexandra Williams reported on the 2016 legislative session, noting that it was complex, complicated and full of last minute changes. She acknowledged the staff of the Government Relations Office for their hard work and professionalism. Judge Williams also commended Judge Long and the committee members, along with Chief Judge Barbera and Ms. Harris for their hard work leading up to and during the session.

Judge Williams stated that both of the bills in the Judiciary's package passed, including a bill to create 13 new judgeships and a bill that addresses requirements for a court to order APPLA (Another Planned Permanent Living Arrangement).

She discussed the Justice Reinvestment Act legislation that passed after a number of amendments. The legislation implements several of the recommendations of the Justice Reinvestment Coordinating Council, which are intended to emphasize treatment and rehabilitation over incarceration. It limits the period of incarceration a court may impose for the first three technical violations of probation (15 days for the first violation, 30 days for the second, and 45 days for the third). With the fourth and subsequent violations, the court can impose the remainder of any sentence originally ordered. There is a rebuttable presumption that sentencing limits should be imposed unless the court finds the defendant poses a risk to public safety. The bill also enables individuals serving terms that include mandatory minimum sentences for certain crimes to apply to the court for reconsideration, retroactively. The bill also

authorizes the court to order the Department of Health and Mental Hygiene to conduct an assessment of a defendant for a substance use disorder to determine if the defendant is in need of and would benefit from drug treatment before imposing a sentence for certain possession offenses. The bill authorizes individuals to file for a petition for expungement if he or she is convicted of certain misdemeanors.

Judge Williams then discussed the structured settlements legislation, which made procedural changes to filing and approving applications to transfer structured settlement payment rights. Among the changes is the establishment of a registration program for transferees under the Office of the Attorney General (OAG) and the authorization for the OAG to adopt regulations to comport with the Maryland's Structured Settlement Protection Act. The Rules Committee promulgated rules that were effective January 1, to address the problems associated with the courts' approval of structured settlements. Chief Judge Barbera noted that Judge Wilner worked with the legislature on the bills.

Judge Williams also discussed HB 314/SB 346, which added certain offenses to the list of offenses that qualify for relief under a peace order.

Judge Williams noted that 20 expungement bills introduced did not pass during the session. Judge Wilner commented that the Rules Committee made a commitment to the legislature to review the access rules adopted in 2004 to determine what changes need to be made, and to develop CaseSearch rules that will address how long cases remain on the database, who has access, expungements, and other areas of interest and concern. The workgroup will include legislators and stakeholders.

Chief Judge Barbera commented that there was powerful testimony given on the election bills, but they did not pass. Judge Debelius stated that Chief Judge Barbera has been committed to the issue and has testified each year.

Chief Judge Barbera thanked the Legislative Committee and its subcommittees, as well as Judge Wilner, Judge Debelius, Chief Judge Morrissey, and Ms. Harris for their efforts during the session. She noted that the budget passed with minimal cuts. She thanked Judge Williams for the presentation.

9. For the Good of the Order

Ms. Harris informed the Council that Judiciary identification badges will be redone and will include the Judiciary's logo. Everyone will be required to have the same badge. The state's Department of General Services will come to the courthouses to take the pictures. Once the schedule is finalized, everyone will be notified. Judge Wolfe commented that the Judiciary's identification badges are not accepted by all courthouses. Ms. Harris responded that security in the circuit courts is handled by the Sheriff's office, so the procedures vary.

Judge Hazlett raised a concern that came up during a meeting of the Education Committee's meeting regarding the implementation of new technology in the Judiciary that isn't adaptable on all platforms. Chief Judge Morrissey explained that the Judiciary's system is

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Microsoft-based, which isn't always compatible with other platforms.

There being no further business, the meeting adjourned at noon. The next meeting is scheduled for May 18, 2016, beginning 9:30 a.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Faye Matthews', with a long, sweeping horizontal stroke extending to the right.

Faye Matthews