



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

**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

**Vacant**  
District Court Judge

**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 CENTER

580 Taylor Ave  
Annapolis, MD 21401

## MARYLAND JUDICIAL COUNCIL

Minutes

October 19, 2016

### Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair	Hon. Eugene Wolfe
Hon. Kathleen Gallogly Cox	Hon. Susan R. Braniecki
Hon. John W. Debelius III	Pamela Harris
Hon. Thomas C. Groton, III	M. Carol Llewellyn-Jones
Hon. Susan H. Hazlett	Jennifer Keiser
Hon. James A. Kenney, III	Robert Prender
Hon. Laura S. Kiessling	Hon. Wayne A. Robey
Hon. John P. Morrissey	Timothy Sheridan
Hon. Gerald V. Purnell	Roberta L. Warnken
Hon. Alan M. Wilner	

### Others Present:

Hon. Nathan Braverman	Pamela Ortiz
Hon. Larnzell Martin, Jr.	Eliana Pangelinan
Hon. William V. Tucker	Suzanne Pelz
Faye Matthews	Jonathan S. Rosenthal
Lou Gieszl	Stacey Saunders
Gregory Hilton	Suzanne Schneider
Kevin Kane	Dionne Smith
Sarah Kaplan	JaCina Stanton
Kelley O'Connor	Lauren Troxell
Mala Ortiz	

A meeting of the Judicial Council was held Wednesday, October 19, 2016, at the Judicial College 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 Kenney moved for approval of the minutes of the September 21, 2016 meeting, followed by a second to the motion by Judge Purnell. The motion passed.

## **1. Attorney Information System**

Pamela Ortiz, Access to Justice Department of the Administrative Office of the Courts, and Dionne Smith, consultant with the Judicial Information Systems, briefed the Judicial Council on the Attorney Information System. The system is a secure, web-enabled database that will integrate and coordinate the seven agencies (Court of Appeals, Client Protection Fund, Attorney Grievance Commission, State Board of Law Examiners, Administrative Office of the Courts, Access to Justice Department, and Judiciary Human Resources) that play a role in administering the profession of law in Maryland. The information currently is housed in separate databases within these agencies. The new centralized database will contain attorney status and contact information, administrative actions, and disciplinary actions. Ultimately, attorneys will be able to make online payments for transactions such as their Client Protection Fund assessments. In addition, the database will serve as a one-stop portal for attorneys to interact remotely with the various agencies. Ms. Ortiz noted that other planned functionality includes integration with Maryland Electronic Courts (MDEC), as well as facilitating email notification, alleviating the need for paper mailings.

The first phase of the system was rolled out on October 3, 2016, and included information from the Court of Appeals and the Client Protection Fund. Phase two, which will include the attorney portal, as well as additional functionality, is planned to be released in March 2017.

Ms. Smith provided a demonstration of the system, noting that users will be able to search either by name or Client Protection Fund number. She emphasized that while the database will contain information from the various agencies, access will be limited by roles, so not every user will be able to access all of the information. Additionally, only identified staff in the Court of Appeals' Clerk's Office will have the authority to change an attorney's status in the system. The database does not limit the number of addresses, telephone numbers, or email addresses. In addition, it includes all names used by attorneys in the seven agencies. When the second phase is rolled out in March 2017, attorneys will be able to update their contact information through the attorney portal. Presently, attorneys have to communicate with several agencies; the Attorney Information System will streamline processes.

In addition to the above, the agencies will be able to generate statistics through the system. Also, sanctions from other jurisdictions, if available, will be included in database. Ms. Ortiz cautioned that the Judiciary does not always have complete information for those sanctions and, as such, the information should be treated as incomplete.

Judge Wilner asked if the system will contain information from the Commission on Judicial Disabilities. Ms. Smith commented that information from the Commission is not included; however, inasmuch as judges are attorneys, there may be historical information. She stressed that the system contains built-in confidentiality, so that information to which only the agency is privy, cannot be viewed by others. Additionally, there are varying levels of access within the agencies. She added that the Attorney Grievance Commission has its own confidential database and that the information will not be transmitted to the Attorney Information System

until an action takes place. Ms. Ortiz noted that she will meet with the agencies to ensure any concerns regarding confidentiality are addressed, adding that only core information deemed to be public was imported into the database. If it is determined that greater restrictions should be placed on the information, it will be addressed through security and access levels.

The database will be updated real-time as the various agencies or the attorneys input information. The system is housed at JIS, but the agencies are the owners and, as such, are responsible for the information.

Ms. Ortiz stated that she is drafting a communications plan to inform attorneys about the system. Attorneys will be required to register to access the system using their email addresses. Ms. Ortiz is working on a number of suggested rules changes that became apparent with the development of the Attorney Information System and that will help to facilitate the efficient transition to the centralized system. Among those will be a request to the Rules Committee to consider permitting notification via email for assessments. Other requested rules changes will address pro hoc vice, out-of-state attorneys, spouses, and law students.

Chief Judge Barbera commended Ms. Ortiz and Ms. Smith for their work, noting that she has experienced some of the difficulties inherent in trying to operate out of multiple systems that will be addressed by the centralized system. Ms. Ortiz echoed her sentiments, adding that Ms. Smith has done a great job, particularly given the complexity of the attorney regulatory system in Maryland. Chief Judge Barbera asked that Ms. Ortiz and Ms. Smith provide an update to the Council once the second phase is implemented.

## **2. Juvenile Expungement Legislation**

Judge William Tucker, Chair of the Juvenile Justice Subcommittee, appeared before the Judicial Council on behalf of the Juvenile Law Committee to brief the members on proposed legislation – *Courts – Juveniles – Expungement of Records – Victim and Victim’s Representative* – that will amend Courts and Judicial Proceedings, Section 3-8A-27.1. The proposed legislation defines *victim’s representative* and amends the service provision to require the court to serve a copy of the petition for expungement on the victim’s representative as opposed to serving it on all family members who attended the adjudication. Further, the proposed legislation deletes the provision permitting the aforementioned family members to file an objection to the petition and grants that right to the victim’s representative.

Judge Tucker stated that the Expungement Workgroup, which included judges, magistrates, clerks, representatives from the Office of the Public Defender, representatives from the State’s Attorneys offices, private defense bar, the Department of Juvenile Services, JIS, and other consultants, met weekly for seven to eight months to discuss the existing statute and to draft the proposed amendments. He noted that there was extensive discussion regarding the family member provision. During those discussions, it was stressed that the courts do not collect and retain the names of victims and their family members, especially those present during the proceedings. The workgroup reviewed a number of statutes, including those that address victims’ rights and criminal procedure to determine how to most efficiently comply with the notification

provision of the statute and determined that the proposed amendments are necessary.

The proposed legislation was vetted by the Juvenile Law Committee, but still has to be vetted by the Conference of Circuit Judges.

Judge Hazlett moved to approve the recommendation of the Juvenile Law Committee to include the proposed legislation in the Judiciary's legislative package contingent upon the approval of the Conference of Circuit Judges. Following a second by Judge Kenney, the motion passed.

### 3. **Strategic Initiative Updates**

Court Access and Community Relations Committee. Judge Martin provided an update on the work of the Court Access and Community Relations Committee. He acknowledged the committee members and staff for their hard work, adding that they were critical in advancing the strategic initiatives. Judge Martin highlighted a number of accomplishments, including the launching of multilingual portals that provide information on obtaining interpreters and self-help services, as well as forms. The portals include short videos in the five most requested languages (Spanish, French, Russian, Korean, and Chinese). Judge Martin also discussed the newest self-help centers in the district courts in Upper Marlboro and Salisbury.

Judge Martin noted that the committee worked with the Administrative Office of the Courts to facilitate the collection of more extensive data on the interpreter program through GEARS. Other accomplishments include the distribution of posters to the courts with information advising court users on their right to request interpreters, ongoing work regarding video remote interpreting to allow private simultaneous interpreting, development of the referral pads for judges to provide information to litigants to assist them when they leave the courtroom, and the creation of videos to promote public awareness of available resources.

Judge Martin stated that a thirty-second video was created to play on MVA monitors that provide information on the self-help centers and the Maryland Law App. The committee continues to be responsive to the Judicial Council's review of the Social Media Policy. The Access to Justice Department awarded a grant to the Conference of Law Librarians to develop a brochure for self-represented litigants. The committee also launched a series of transit ads featuring the self-help centers and the Maryland Law App. The first issue of the Judges' Gazette recently was published. The committee has begun to identify persons to serve on a workgroup to create a journalist guide and for the editorial board for the Judges' Gazette. The committee is planning to examine summonses and notices, in collaboration with the Court Operations Committee, and District Court Headquarters to determine ways to make them more useful and navigating the system easier.

Chief Judge Barbera thanked Judge Martin and the committee for the great work they are doing.

Retired and Recalled Judges Committee. Judge Kenney acknowledged the committee and

staff for their work, and thanked the Administrative Office of the Courts for its assistance. He also thanked Chief Judge Barbera for the designation of “Senior Judge,” noting that “recalled judge” sometimes has a negative connotation and often requires explanation. Judge Kenney stated that the primary goal of the committee is to highlight that retired and recalled judges are an integral part of the system, working efficiently and effectively. He added that the committee reacts to issues and brings them to the attention of Chief Judge Barbera and the Administrative Office of the Courts. The committee is reviewing how retirements are processed and addressing any issues with the Administrative Office of the Courts. In addition, the committee worked with the Court of Appeals to generate an annual update of recalled judge assignments and to update system addresses. Judge Kenney noted that the committee publishes a newsletter containing information that is relevant to retired judges. He stated that two workgroups were created, the Bench Conference 2017 Workgroup to work on the program for the retired judges’ seminar and the Senior Judges Award Workgroup to evaluate the MSBA’s recommendation to create an award for a Maryland senior judge.

Judge Kenney asked that committee chairs consider senior judges when determining memberships for the various subcommittees as a lot of what is done to advance the Judiciary’s strategic initiatives happens through other committees and the input of these judges would be valuable.

Judge Kenney requested approval to create a number of subcommittees, namely Legislative, Newsletter, Retirement Process and Procedures, and Senior Judges MDEC Access Issues. Judge Debelius moved for approval of the subcommittees. Following a second by Judge Kiessling, the motion carried.

#### **4. Resolution**

Chief Judge Barbera thanked Judge Braverman for his contributions to work of the Judicial Council and presented him with a plaque.

#### **5. For the Good of the Order**

Judge Debelius reported that the workgroup appointed to draft guidelines for the use of social media by judges and magistrates has completed its draft policy. He thanked the workgroup members and Lou Gieszl and his staff for their exceptional support and organization. Judge Debelius noted that the workgroup included examiners and auditors in the policy since they are governed by ethical standards similar to magistrates. He also noted that because of the prevalence of social media, the draft policy includes a provision to incorporate training into the Baby Judges School program, as well as ongoing training as part of judicial education.

Chief Judge Morrissey stated that commissioners were included in the draft policy as well.

Lou Gieszl distributed copies of both the judge/magistrate and employee policies for discussion at the November meeting. Judge Martin noted that the Court Access and Community

Relations Committee reviewed the changes to the employee policy and the only comment was the appropriateness of the footnote indicating that a policy was being drafted for judges and magistrates.

Chief Judge Barbera asked the Judicial Council members to review the policies and forward all comments to Mr. Gieszl so that they can be incorporated prior to the next meeting.

Chief Judge Barbera discussed the request from five delegates to the Attorney General for a letter of advice regarding the constitutionality of the bail system in certain circumstances. The Attorney General opted to have the Counsel to the General Assembly respond. She acknowledged the importance of the matter and noted that it is imperative that the Judiciary provide guidance to judges and those who support judges regarding decision-making. Chief Judge Barbera stated that she held a conference call with the administrative judges to brief them on the matter and asked that they make their benches aware as well.

### **Action Items**

- The Judicial Council will discuss the social media draft policies at the November meeting. The members should review the policies and forward any comments to Lou Gieszl.

There being no further business, the meeting adjourned at 11:20 a.m. The next meeting is scheduled for November 16, 2016, beginning 9:30 a.m.

Respectfully submitted,

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

Faye Matthews