



**Hon. Matthew J. Fader, Chair**  
Chief Judge, Court of Appeals

**Hon. Keith A. Baynes**  
Chair, Conference of Circuit Judges

**Hon. Pamela J. Brown**  
District Court in Howard County

**Hon. Audrey J. S. Carrión**  
Vice-Chair, Conference of Circuit Judges

**Hon. Karen Christy Holt Chesser**  
District Court in St. Mary's County

**Hon. Kathleen Duvall**  
Vice-Chair, Conference of Circuit Court Clerks

**Hon. Jeffrey S. Getty**  
Circuit Court for Allegany County

**Markisha Gross, Administrative Clerk**  
District Court in Montgomery County

**Kristin Grossnickle,**  
Vice-Chair, Conference of Circuit Court  
Administrators

**Pamela Harris**  
State Court Administrator

**Hon. Fred S. Hecker**  
Circuit Court for Carroll County

**Hon. James A. Kenney III**  
Chair, Senior Judges Committee

**Hon. Donine Carrington Martin**  
Circuit Court for Charles County

**Hon. John P. McKenna**  
District Court for Anne Arundel County

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

**Hon. Bonnie G. Schneider**  
District Court in Cecil County

**Hon. Kathy P. Smith**  
Chair, Conference of Circuit Court Clerks

**Lara Stone, Administrative Clerk**  
District Court in Harford County

**Roberta Warnken, Chief Clerk**  
District Court of Maryland

**Hon. E. Greg Wells, Chief Judge**  
Court of Special Appeals

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

**Burgess Wood**  
Chair, Conference of Circuit Court  
Administrators

# Maryland Judicial Council

## MARYLAND JUDICIAL COUNCIL

Minutes  
May 25, 2022

### Judicial Council Members Present:

Hon. Matthew J. Fader, Chair	Hon. Bonnie G. Schneider
Hon. Keith Baynes	Hon. E. Greg Wells
Hon. Pamela J. Brown	Hon. Alan M. Wilner
Hon. Audrey J.S. Carrión	Hon. Kathleen Duvall
Hon. Karen Holt Chesser	Markisha Gross
Hon. Jeffrey S. Getty	Kristin Grossnickle
Hon. Fred S. Hecker	Pamela Harris
Hon. James A. Kenney, III	Hon. Kathy P. Smith
Hon. Donine Carrington Martin	Lara Stone
Hon. John P. McKenna	Roberta L. Warnken
Hon. John P. Morrissey	Burgess Wood

### Others Present:

Hon. Michael J. Stamm	Melinda Jensen
Richard Abbott	Sarah Kaplan
Robert Bruchalski	Pamela Ortiz
Carole Burkhart	Eliana Pangelinan
Lou Gieszl	Valerie Pompey
Abigail Hill	Gillian Tonkin

A meeting of the Judicial Council was held Wednesday, May 25, 2022, at the Maryland Judicial Center. The meeting began at 9:30 a.m. with Chief Judge Fader advising everyone that the meeting was being live streamed on the Judiciary's website pursuant to the Open Meetings Act. He then introduced two new members of the Judicial Council, Chief Judge Wells the newly appointed Chief Judge of the Court of Special Appeals, and Judge Hecker who will now serve as the circuit court judge representative. He thanked Chief Judge Joseph Getty for his recently completed tenure as Chief Judge.

Chief Judge Fader remarked that the Judiciary's mission to provide fair, efficient, and effective justice is an aspirational one. Fair, efficient, and effective justice is not something that is achieved and then left in the closet, nor is it set in motion and admired from afar. Providing justice is a mission that demands attention that is constant, close, sometimes nuanced, sometimes blunt, and always purposeful. The Judicial Council is important in ensuring that the

Judiciary can purposefully work towards its mission. While there may be imperfections, the Council is here because of its dedication to achieving the Judiciary's mission. It is this purpose that achieves the Judiciary's goals as a whole. He thanked each member of the Council for being here and their dedication to the Judiciary's mission ending with, "Let's get to work."

Judge Brown moved for approval of the minutes for the March 23, 2022, meeting. Following a second by Judge McKenna, the minutes were adopted.

## 1. Committee/ Strategic Initiative Updates

- a. **Juvenile Law Committee.** Judge Michael Stamm briefed the Council on the work of the Juvenile Law Committee. The committee is made up of judges with a representative from each judicial circuit and a dedicated magistrate. The committee is comprised of two subcommittees: the Foster Care Court Improvement Program (FCCIP) Subcommittee and the Juvenile Justice Subcommittee. The FCCIP Subcommittee is responsible for all matters related to juveniles and young adults involved in Child in Need of Assistance (CINA), termination of parental rights, and adoption cases. It also provides oversight of the Federal Court Improvement Program grant. The Juvenile Justice Subcommittee is responsible for all matters related to juveniles in delinquency, child in need of supervision, juvenile protective order, and related cases whether in the juvenile or adult courts.

Over the last few years, the committee, in collaboration with the Rules Committee, has worked hard to modernize juvenile law. Judge Stamm noted that prior to this revision, the most recent iteration of the rules was in place since the 1970s, nearly 45 years ago. Many of the rules were antiquated or failed to fulfill federal or state requirements. In its 208<sup>th</sup> Report, submitted to the Court of Appeals in July 2021, the Rules Committee did a complete overhaul of the juvenile rules. The Court of Appeals approved this revision in November 2021 with an effective date of January 1, 2022.

During the 2022 legislative session, the General Assembly passed the Juvenile Justice Reform Act (HB 459/Ch 42 and SB 691/Ch 41) which made numerous changes to the State's juvenile justice process effective June 1, 2022. Among these provisions, the Act: (1) limits the circumstances under which a child younger than age 13 is subject to the jurisdiction of the juvenile court; (2) expands the use of informal adjustments; (3) establishes limitations on terms of probation imposed by a juvenile court, the use of detention, and out-of-home placements; (4) creates a Commission on Juvenile Justice Reform and Emerging and Best Practices; and (5) establishes numerous reporting requirements. Together with the Child Interrogation Protection Act of 2022 (SB 53/Ch 50), these bills have made a major impact on the juvenile justice process. As a result, revisions were needed to the newly promulgated juvenile rules. Committee representatives and staff worked with Judge Wilner and the Rules Committee to implement those changes. Judge Stamm stated that the committee has been working hard on needed rules changes, forms, education materials, and other activities to assist the bench in implementing the statutes. Judge Stamm provided an

example of one such change that the committee has had to consider. Under the new law, if a juvenile is arrested for a misdemeanor and found delinquent, they can be placed on probation for six months, renewable only once for an additional six months, for a total of one year maximum. This change may result in prosecutors refusing to make plea deals so that juveniles can remain under court supervision.

Judge Stamm informed the Council that the annual Child Abuse, Neglect and Dependency Options conference (C.A.N.D.O.), originally scheduled for October of this year, has been cancelled to allow courts to address case backlogs as a result of the pandemic. The committee intends to resume the conference next year.

The Juvenile Justice Subcommittee has developed a recommendation for a two-day Juvenile Justice University. Particularly in light of the changes the State's Juvenile Justice Reform Act has made to juvenile court and Department of Social Services procedures, the subcommittee believes it is important that the juvenile court judges and magistrates have a dedicated training program. The university would address topics such as juvenile brain development, basic delinquency law and procedure, criminal law relevant to charges brought against juveniles, juvenile transfer and waiver, competency, specialty court and programs, and juvenile rehabilitation. Judge Stamm noted that the recent statutory changes have also caused some dissention between the courts and the Department of Juvenile Services (DJS) with respect to interpreting the application of the new changes. In some instances, DJS has interpreted the statute in a way that appears to be more restrictive than the committee believes it should be read. The university will help facilitate a broader discussion on the impact Juvenile Justice Reform act and hopefully allow for consensus moving forward.

Judge Stamm acknowledged the hard work of the Juvenile and Family Services department of the AOC and the support they have given the committee, specifically, Richard Abbott, Hope Gary, Sarah Kaplan, and Abigail Hill. He indicated what a pleasure it has been to work with them and noted their dedication.

Chief Judge Fader thanked Judge Stamm for his presentation and extended his thanks to the rest of the committee for the work that they have done and continue to do.

- b. *Equal Justice Committee.*** Chief Judge Wells briefed the Council on the work of the Equal Justice Committee. He noted that today is the second anniversary of the death of George Floyd. It was largely his passing and the events surrounding it that prompted the forming of the Equal Justice Committee in the summer of 2020. The committee is comprised of six subcommittees: Access & Fairness, Community Outreach, Diversity and Inclusion Education, Operations, Rules Review, and Sentencing. Chief Judge Wells provided an overview of the work that each subcommittee has done to date.

The Access & Fairness Subcommittee, chaired by Judge Carlos Acosta, has five main focus areas. Chief Judge Wells provided the following updates for each area:

- Access to counsel
  - The General Assembly has allocated \$20.4 million for FY23 and FY24 to fund a program for access to counsel in eviction proceedings.
  - The subcommittee is working on different ways to find space for self-represented litigants and attorneys to work together.
- Accessibility
  - Judge Michael Siri and Judge Pamela White met several times with the Governor's Office of the Deaf and Hard of Hearing, and deaf advocates regarding legislation to create licensing for American Sign Language (ASL) interpreters.
  - Access to Justice worked with Government Relations & Public Affairs to record videos in ASL with a deaf (CDI) interpreter on camera. The videos, which are in the final stages of production, focus on *How to Request an ASL Interpreter* and *How to Work with Your ASL Interpreter*.
- Problem-solving courts
  - The subcommittee met with Gray Barton, the Director of the Office of Problem-Solving Courts, to explore ways to advance the Judiciary's awareness of information about problem-solving court models, mental health courts, and child support employment programs/dockets. Recommendations regarding this topic are forthcoming.
- Youth
  - The subcommittee has discussed two new laws of note:
    - Juvenile Justice Reform Act: provides that children under 13 are not subject to juvenile court jurisdiction, unless they are at least 10 years old and committed the most serious crimes. Also, a child under 13 cannot be charged with a crime.
    - Child Interrogation Protection Act: requires actual notices to parents when a child is taken into custody and prohibits interrogation until a child has consulted an attorney and notice has been provided. (Veto override).
- Accountability
  - The Legislature has expressed interest in tracking case data by race, ethnicity, and gender. The subcommittee has noted that to do so would require additional work within the Judiciary, particularly taking into account the variety of tracking practices currently in existence.

The Community Outreach Subcommittee, chaired by Judge Vicki Ballou-Watts, has continued to work on a series of community outreach forums across the state. There are four upcoming forums:

- June 7: Baltimore City
  - *Sentencing Alternatives for Defendants with Substance Abuse Disorders*.
  - Moderated by former Mayor and University of Baltimore President

Kurt Schmoke.

- July 12: Howard County
  - Judge Wayne Brooks and Judge William Tucker are planning a forum on *Domestic Violence or the Prevention of Intimate Partner Violence*.
- September: Frederick County
  - The county is planning a forum on domestic relations issues.
- Allegany County
  - Judge Jeffrey Getty, chair of the Western Maryland Workgroup, is working on a forum to address the region's concerns. The region's minority community is concerned about bias in prosecutions including charging decisions, plea negotiations, and sentencing. The workgroup believes this needs to be addressed in a public way and is partnering with the local NAACP to hold a forum to address the Judiciary's role.
- Southern Maryland
  - The Southern Maryland Workgroup is working with Judge Stamm and Judge Donine Carrington Martin on a sentencing forum to take place sometime in the summer.

After each forum, participants are asked to complete surveys. Thus far there has not been a high level of responses. Based on the feedback that has been received, there is a consistent theme of concern over racial disparities and inequalities in sentences, access to special programs and services, or awareness about diversion and community-based opportunities. Chief Judge Wells discussed the feedback from four previous forums:

- Baltimore County forum on *Sentencing Alternatives for Defendants with Significant Drug and/or Alcohol Disorders*
  - 154 attendees
  - 100% of individuals who completed the survey agreed or strongly agreed that “the forum increased their understanding of the courts and services offered there.”
  - 97% of the individuals who completed the survey agreed or strongly agreed that “forums like this can help promote the interests of justice.”
  - Some attendees indicated that they wanted more information on programs and services for those battling substance abuse or mental health issues.
- Anne Arundel County forum on *Criminal Sentencing*
  - 68 attendees
  - 84% of individuals who completed the survey agreed or strongly agreed that “forums like this can help promote the interests of justice.”
- Prince George's County forum on *Guardianship, Youth in Care, and Services for People in Need*
  - 179 attendees

- 100% of individuals who completed the survey agreed or strongly agreed that “forums like this can help promote the interests of justice.”
- One unique aspect of this forum was that it included video presentations, including a domestic violence survivor who spoke about their experience, and a video on youth in the foster care program.
- Attendees seemed pleased to learn that the local court and Justice Center had so many programs and services to help youth, domestic violence victims, and other vulnerable populations.
- Montgomery County forum on *Juvenile Justice*
  - 99 attendees
  - 96% of individuals who completed the survey agreed or strongly agreed that “forums like this can help promote the interests of justice.”

The Diversity and Inclusion Education Subcommittee, chaired by Judge Yolanda Curtin, was tasked with creating two continuing education areas for the Judiciary: implicit bias training and identifying educational strategies for diversity and inclusion education. At its meeting on July 21, 2021, the Council approved the subcommittee’s recommendation to develop and implement a mandatory course for all Judiciary employees and judges regarding diversity and inclusion, including a pre-implicit bias testing educational segment. Chief Judge Wells and Judge Curtin appeared before the Council at its November 17, 2021, meeting with a proposed outline for integrating diversity and inclusion in Judiciary education and training programs. Specifically, the subcommittee recommended that diversity and inclusion training be included in New Trial Judge Orientation (NTJO), and three hours of mandatory diversity and inclusion focused training for judges and magistrates be included in addition to the 12 hours mandatory educational training requirement. For all other employees, the subcommittee recommended that a module be added to the New Employee Orientation (NEO) that addresses diversity and inclusion. In addition, all Judiciary employees would be required to complete a minimum of 90 minutes of training annually on diversity and inclusion topics. At that time, the Council requested that the subcommittee add more definition to the proposal and to come back to the Council with a series of more specific recommendations. Further, the Council asked that the subcommittee work with the Conference of Circuit Judges, the District Administrative Judges, the Conference of Circuit Court Clerks, and the Conference of Circuit Court Administrators to get their feedback on the proposal. As requested, Judge Curtin attended the respective conference meetings and garnered feedback. Based on stakeholder input the subcommittee has devised the following recommendations:

- Recommendation 1: Implicit Bias Training Implementation
  - The implicit bias training would be implemented through a continuing education rollout approach.
    - The subcommittee recommends a rollout approach for training measures. The rollout would be staggered into four groups:
      - Rollout Group #1: Judicial officers, magistrates, and

- executive leadership
- Rollout Group #2: Mid-level management
- Rollout Group #3: Specific classifications
  - Judiciary clerks, courtroom clerks, lead workers, etc.
- Rollout Group #4: Judiciary staff
- Teaching and follow-up sessions will be conducted regionally by respective peer groups. The proposed regions are:
  - Northern Maryland
  - Southern Maryland
  - Western Maryland
  - Eastern Shore Maryland
  - Central Maryland
- The rollout approach would allow the subcommittee to collaborate with the Judiciary in staging the rollout of continuing education. Staggering the rollout will allow for piloting and testing of curricula with the various Judiciary stakeholders.
- The implicit bias training would be conducted as follows:
  - Participants will view a short introductory video course to introduce the concept of implicit bias.
  - Participants will then take approved implicit bias tests on race and gender.
  - Afterward, the participant would engage in an interactive follow-up activity that would help them understand the test results and how they might modify future behavior.
- Recommendation 2: Educational strategies
  - The subcommittee recommends that the Judicial Council approve the introduction of diversity and inclusion topics in continuing education for all members of the Judiciary.
  - For judges, as a part of the NTJO, diversity and inclusion topics in the three courses to be offered: *On Being a Judge: Justice, Equality and Fairness*, *Implicit Bias*, and *The Art of Judging: The Role of a Judge*. Additionally, the subcommittee recommends three hours of diversity and inclusion education be required of judges and magistrates as a part of the administrative order on continuing judicial education allowing up to five days of education beyond the required 12 hours. The course may be virtual or in-person in one-to-three-hour increments.
  - For judicial personnel, a new module would be included in NEO. Additionally, each employee would have 90 minutes of required training on diversity and inclusion topics annually.

The Operations Subcommittee, chaired by Judge Robert A. Greenberg, discussed the feedback received from the May 2021 Employee Experiences Survey. This survey was the first of its kind distributed to all Judiciary employees with a 44% response

rate. The results were reviewed and obfuscated to maintain anonymity then disseminated to all employees, and then to administrative judges. Chief Judge Wells expressed his regret over the discomfort and misunderstandings that occurred as a result of the survey. He noted that the subcommittee could have more clearly articulated what it was trying to do with the results. He also indicated that more thought could have been put into how to communicate the results to administrative heads in a way that would facilitate a constructive dialogue on how to address the contents therein. In consultation with Judiciary leadership, Chief Judge Wells met with the subcommittee to discuss how to clarify the results of the survey and use the results to create a positive solution.

Chief Judge Wells noted that the subcommittee's intent in distributing the survey to leadership was to create a follow up dialogue with the circuit courts only. To help the administrative heads within the circuit courts better understand the results of the surveys, the subcommittee recommends that the Judicial Council (or a select group chosen by the Council) select no more than two facilitators to meet with administrative leadership of the jurisdictions surveyed. The facilitator will be required to maintain certain competencies such as: familiarity with group dynamics; knowledge of processes with the circuit courts; familiarity with HR "fundamentals;" knowledge of issues related to diversity, equity, and inclusion; and effective listening, organization, and time management. In addition, the facilitator must have the ability to create a collaborative environment; embrace diversity and ensure inclusiveness; guide discussion towards consensus; foster difficult conversations around sensitive topics such as race and gender; and manage group conflict. The purpose of the facilitators is to create an environment to gather information and explore resources and means to address any issues. The subcommittee put forth a three-part process to implement this recommendation:

- Step One:
  - Identify up to two facilitators
  - Facilitators review executive summary of survey results
  - Facilitators design a group process for the court
  - Facilitators meet with Judicial Council leadership to identify and contact circuit court administrative heads to learn expectations and determine strategy
- Step Two:
  - Facilitators review strategy (possibly determine length of facilitation)
  - Judicial Council leadership initiates contact with circuit court administration
  - Facilitators contact court administration and schedule session
  - At session, facilitators review survey results with administrative leadership
- Step Three:
  - Facilitators report back to Judicial Council Leadership the results of the session
  - Facilitators update Operations Subcommittee who will then update the

Equal Justice Committee

- Facilitators and Judicial Council Leadership will evaluate effectiveness of approach
- Suggest alternatives for different jurisdictions as necessary

Additionally, the Operations Subcommittee is working on a public relations survey modeled after the National Center for State Court's CourTools measure on Access and Fairness. The survey is five minutes long. Posters have been mailed to courts and business cards with plexiglass display stands will be mailed in the next two weeks. The next phase will be to push the survey out on court webpages, court notices, media releases, and to bar associations. The survey has been translated into Spanish and Access to Justice is working on French, Russian, Korean, and Chinese translations.

The Rules Review Subcommittee, chaired by Judge Dan Friedman, was tasked with working with members of the public and Judiciary stakeholders to identify any rules that may have an implicit bias component. The subcommittee continues to work on its report. Once finalized, it will be sent to the Equal Justice Subcommittee for approval before going to the Rules Committee. The subcommittee anticipates completion of the report this summer.

The Sentencing Subcommittee, chaired by Judge Sheila Tillerson Adams, has worked in tandem with the Community Outreach Subcommittee to gather data on community perceptions about sentencing. The overarching concern is the need for fair treatment of everyone in the criminal justice system. A second concern is for alternatives to incarceration as well as the use of re-entry programs. An interim report will be published at the end of May with recommendations. Audio recordings of the report will be available as well.

Chief Judge Fader thanked Chief Judge Wells for his presentation and asked that the Council first discuss any questions regarding the recommendations before addressing each recommendation separately.

Judge Brown wanted to commend the individuals working on the subcommittees. She noted that the Maryland Judiciary was one of the first in the country to tackle racial concerns in this manner. She recalled that when the Council last discussed the Diversity and Inclusion Education Subcommittee's implicit bias testing proposal, there were concerns as to how to address the education piece. The subcommittee was adamant that educating test takers after they complete the test is crucial to their understanding. Many think that diversity and inclusion is front and center but in reality, it is not always there. The goal of the Diversity and Inclusion Education Subcommittee was to try to develop strategies that would move the Judiciary in the right direction. She again commended the subcommittee for expanding its reach and trying to be as inclusive as possible. She expressed her belief that the training strategy proposed by the subcommittee will be a success.

Judge Carrión extended her thanks to Chief Judge Wells as well for taking the helm

as the chair of the Equal Justice Committee. She praised his ability to take the numerous recommendations from the various subcommittees and narrow them down for the Council's consideration. She briefly discussed the employee experiences survey noting that most of the comments in Baltimore City were from clerk employees. Thus, she forwarded the survey to the Clerk of Court and together they met with the employees to discuss their concerns. She stated that part of the confusion for the administrative heads is what to do with the survey results and noted that some guidance would be beneficial. Chief Judge Wells acknowledged this stating that the goal of the subcommittee is to help facilitate a conversation between administrative heads and their employees.

Chief Judge Morrissey too commented upon the survey results. He is planning a leadership summit with his administrative judges, administrative clerks, and administrative commissioners to devise a strategy to address the results. The group consensus was that it is important to have inclusive training for leadership which includes a course on diversity, employee development, and mentoring and coaching. The summit will occur in October. He noted that he has not yet informed the Operations Subcommittee of the District Court's plans and expressed his intent to do so. Chief Judge Wells acknowledged the miscommunication between administrative heads and the subcommittee upon distribution of the survey. The strategy of the subcommittee could have been communicated more effectively. He indicated that he intends to hold a meeting with leadership and the subcommittee so that all parties can have full understanding of the steps moving forward. Chief Judge Wells stated that the Operations Subcommittee plans to send out a follow up survey on employee experiences. Chief Judge Morrissey requested that the survey be delayed until after training is completed to give leadership the chance to implement changes. This would allow for time to gauge the success of the training. Chief Judge Wells was amenable to this request.

Chief Judge Wells discussed the recommendation areas put forth by the Diversity and Inclusion Education Subcommittee, of which there were two: 1) strategy for implicit bias training implementation; and 2) the introduction of diversity and inclusion topics in NTJO, NEO, and continuing education for all members of the Judiciary.

As to Recommendation No. 1, Chief Judge Wells noted that the subcommittee is unsure as to how the engagement with the learner and the test results will occur, however they agree that it is important that this takes place in order to set the stage for the learner to glean the purpose of the test and how to interpret their results. Ms. Harris stated that the Equal Justice Committee participated in the Harvard University implicit bias test but thought that it may not be the best test. The subcommittee was asked to research other possible tests. She asked whether the subcommittee was able to determine if there are other tests available. Judge Brown stated that the subcommittee did a nationwide review of available tests and determined that test by Harvard is the superior one. The Judiciary has utilized this test during NTJO since 2015. However, because this test does not include a follow up activity, the subcommittee is still working to devise a plan to implement this. Research shows that

just taking the test and having no discussion is ineffective. To leave people with the results and no ability to discuss them is not beneficial to overcoming any biases and would therefore be a disservice.

Judge Carrión echoed Judge Brown's sentiments stating that she has taught this topic at NTJO for many years. She opined that it is imperative to have the support of the Judicial College to facilitate this activity as they have the requisite training on how best to provide valuable instruction. Chief Judge Morrissey questioned whether the Judicial College has been engaged at this stage. He pointed out that a one-on-one discussion of results would be a significant allocation of resources and asked whether any thought has been given as to the correct group size for discussion. Judge Brown suggested 15 may be optimal but stated that the subcommittee would need to discuss this further. She noted that the Interim Assistant State Court Administrator of the Judicial College, Shamika Dent-Williams, is on the subcommittee thus her input on this matter will be solicited. Judge Carrión suggested that training on a local level may be beneficial and have less of an impact on Judicial College resources. Each jurisdiction could identify a local facilitator to be trained by the Judicial College then go back to their jurisdiction to facilitate the interactive component.

Judge Schneider suggested a facilitated group discussion where the individual results are not displayed. Rather, the results are discussed generally and anonymously so that test takers can get some basic understanding of what their results may reveal. Chief Judge Fader expressed his support of this proposal stating that something similar was done at the Judicial Conference which seemed effective. A general discussion may be more conducive to understanding rather than confronting test takers on an individualized basis. Judge McKenna also voiced his support of the inclusion of a follow up activity to discuss the results noting that the follow up will happen anyway on an informal basis amongst the test takers. Judge McKenna questioned whether commissioners and bailiffs will be included as participants in this test. Chief Judge Wells answered in the affirmative.

Judge Carrión asked whether the additional 90 minutes of testing is inclusive within this recommendation. Chief Judge Wells clarified that the 90 minutes is only for the diversity and inclusion training under Recommendation No. 2, it is not inclusive of the implicit bias testing. Rather the implicit bias testing is a separate endeavor that the learner would engage in.

Chief Judge Fader questioned whether those who have already taken the implicit bias test will be required to re-take the test. Chief Judge Wells stated that in the event an individual has already taken the test, there is no harm in them taking it again to include the interactive component to provide an understanding of the results. Judge Brown opined that the test may not need to be taken every single year but to require everyone to take the test around the same time to jump start a discussion on equal footing is important.

As to Recommendation No. 2 of the Diversity and Inclusion Education

Subcommittee, Chief Judge Wells indicated that this recommendation should be considered in two parts with Part A to include the educational strategies for judges and magistrates and Part B to include the educational strategies for the rest of the Judiciary.

As to Part A of Recommendation No. 2, Chief Judge Fader questioned what was done to resolve the concerns over the additional hours to be required for judges and magistrates. Chief Judge Wells stated that, as requested by the Council, Judge Curtin spoke at the Conference of Circuit Judge and the District Administrative Judges meetings to see if this would be objectional. She indicated that she received no push back on this proposition to integrate this training into what the judges and magistrates are already required to do. Everyone seemed amenable to absorb this training throughout the year via one-to-three-hour segments. Judge Carrión questioned whether the Judicial College has the requisite diversity and inclusion programs for judges and magistrates to attend. Chief Judge Fader stated that there are several related courses that may have the ability to be utilized. Chief Judge Wells stated that if not, additional courses will need to be developed. Chief Judge Fader asked Chief Judge Morrissey and Judge Baynes whether they have any concerns about this requirement. Both agreed that this is doable.

As to Part B of Recommendation No. 2, Clerk Smith remarked that the clerks were concerned about training being required during NEO. The Diversity and Inclusion Education Subcommittee recommended that an additional module on diversity and inclusion be included as a part of NEO. The addition of the module would expand the orientation to 9 weeks. Specifically, the clerks were concerned that this additional module would be required to be completed prior to the conclusion of the six-month probationary period. The clerks felt that this time was critical in determining whether the employee was a good fit for the position. Thus, they requested that any additional training be required once the employee successfully completes their probationary period. Chief Judge Wells was amenable to this request. Chief Judge Fader questioned the timeframe for implementation of the diversity and inclusion module for new employees and the yearly, 90-minute mandatory training for all other employees. Chief Judge Wells indicated that the subcommittee would coordinate with the Judicial College to create a timeline.

Chief Judge Fader requested clarification on the recommendation of the Operations Subcommittee (Recommendation No. 3). Based on his understanding there are three steps. While the first two steps seem to be clear, he stated that the final step in the process is a little less defined. Specifically, he asked whether the intent is to use the comments gathered via the survey to create general recommendations for the Judiciary as a whole or whether they will be used as a scorecard for each jurisdiction to be critiqued on an individualized basis. Chief Judge Wells explained that the goal is to have the facilitators engage in a meaningful discussion with the administrative heads of each jurisdiction. This would then be reported back the Operations Subcommittee and the Equal Justice Committee for further discussion and strategizing.

Diversity and Inclusion Education Subcommittee Recommendation No. 1 – Chief Judge Morrissey moved that the Council recommend to Chief Judge Fader approval of the recommendation to implement the framework of implicit bias training with the instruction to come back before the Council to provide specifics on how the interactive follow up activity will be facilitated. Following a second by Judge Getty, the motion passed.

Diversity and Inclusion Education Subcommittee Recommendation No. 2 – Judge McKenna moved that the Council recommend to Chief Judge Fader approval of the recommendation. Judge Schneider seconded the motion. Clerk Smith offered a friendly amendment with respect to the new module on diversity and inclusion during NEO, namely that the training would not be mandatory until the conclusion of the employee’s six-month probationary period. The amendment was accepted. Following the amendment, the motion passed.

Operations Subcommittee Recommendation – Judge Brown moved that the Council recommend to Chief Judge Fader approval to adopt the subcommittee’s recommendation to use facilitators to work with the administrative heads in the circuit courts with respect to the survey results and to assist with setting up facilitated meetings with leadership. Judge Hecker seconded the motion. Chief Judge Fader stated that he would take the Council’s recommendation under consideration indicating that while the first two steps of the recommendation are straightforward, there are some implementation questions that need to be answered before moving forward.

- c. ***Senior Judges Committee.*** Judge Kenney briefed the Council on the work of the Senior Judges Committee. The general mission of the committee is to fully integrate senior judges as seamlessly as possible into the Judiciary operations, with particular interest in technology and other changes in the way the courts do business. Presently, there are 11 members representing each of the trial and appellate courts. There is also a District Court administrator. Judge Kenney noted that the committee is in need of a circuit court administrator. Currently there are 169 senior judges approved for recall with 155 actively sitting. Many are cross designated to other courts but in totality there are 47 senior district court judges, 90 senior circuit court judges, and 18 senior appellate court judges. Senior judges have accounted for 3,844 services hours for 380 service dates. Judge Kenney remarked that 2021 provided an opportunity for more senior judges to go to the courtroom and provide assistance in many areas, including clearing backlog. Senior judges serve on 12 of the 13 Judicial Council committees.

The committee handles issues for individual senior judges on topics such as education, training, and prescription coverage. Over the past year, the committee assisted other Judiciary units in notifying senior judges of required trainings, worked with the Judicial College in the development of a Self-Guided Learning Aid for administrative judges regarding trial court utilization of senior judges, and periodically sent its *Hot Topics* newsletters which are posted on the senior judge

webpage on MDCourts.gov. The newsletter is distributed three times per year. The committee also tracked legislation of particular interest to senior judges including HB 741 on Judges Retirement System – Purchase of Service Credit – Repeal and SB 578 / HB 892 – State Prescription Drug Benefits – Retirees. Looking ahead, Judge Kenney stated that the committee will be working with the Operations Committee on best practices for use of senior judges. They will address issues such as computer access and clerk support.

Judge Hecker extended his thanks to the senior judges for their invaluable support throughout the pandemic. He remarked that his court in particular increased its utilization of senior judges over the last few years. He noted that while they maintain a roster of where senior judges can sit, they tend to only reach out to those that they know want to come to Carroll County. Thus, senior judges who may be willing to serve but are not known to the court may not be utilized to their full potential. To address this, Judge Hecker proposed the creation of a centralized calendar whereby senior judges can sign up and note their ability and jurisdictions to which they are willing to travel. Judge Kenney was agreeable to creating something of this nature. Chief Judge Fader indicated his support of this idea stating that this would be very helpful.

Judge Carrión offered her thanks as well to the senior judges for their assistance with remote proceedings in Baltimore City.

Chief Judge Morrissey also thanked the senior judges noting that the District Court has used about 3,000 senior judge days since the pandemic.

Chief Judge Fader too extended his thanks and appreciation to the senior judges.

Judge Kenney took a moment to provide his thanks to Carole Burkhart who assists with the scheduling of senior judges and to Eliana Pangelinan who staffs the committee.

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

There being no further business, the meeting adjourned at 11:15 a.m. The next meeting is scheduled for September 28, 2022, beginning at 9:30 a.m.

Respectfully submitted,  
Valerie Pompey