



Hon. Matthew J. Fader, Chair
Chief Justice, Supreme Court of Maryland

Hon. Donine Carrington Martin
Circuit Court for Charles County

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

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

Hon. Heather S. DeWees
Vice-Chair, Conference of Circuit Court Clerks

Nancy Faulkner
Secretary, Deputy State Court Administrator

Hon. Jeffrey S. Getty
Circuit Court for Allegany County

Hon. Fred S. Hecker
Vice-Chair, Conference of Circuit Judges

Kathy Hefner
*Administrative Clerk
District Court in Montgomery County*

Hon. Geoffrey G. Hengerer
District Court in Baltimore City

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

Rebecca Kimball
*Administrative Clerk
District Court in Cecil County*

Hon. Stacy A. Mayer
Circuit Court for Baltimore County

Stephanie Medina
Chair, Conference of Circuit Court Administrators

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

Amanda Purnell
Vice-Chair, Conference of Circuit Court Administrators

Judy Rupp
State Court Administrator

Hon. Shaèm C. P. Spencer
District Court in Anne Arundel County

Hon. Kevin Tucker
Chair, Conference of Circuit Court Clerks

Roberta Warnken
Chief Clerk, District Court of Maryland

Hon. E. Greg Wells
Chief Judge, Appellate Court of Maryland

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

MARYLAND JUDICIAL COUNCIL

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Meeting Minutes
May 15, 2024

Judicial Council Members Present:

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|---------------------------------|--------------------------|
| Hon. Matthew J. Fader, Chair | Rebecca Kimball |
| Hon. Donine Carrington Martin | Hon. Stacy A. Mayer |
| Hon. Audrey J.S. Carrión | Stephanie Medina |
| Hon. Karen Christy Holt Chesser | Hon. John P. Morrissey |
| Hon. Heather S. DeWees | Amanda Purnell |
| Nancy Faulkner | Judy Rupp |
| Hon. Jeffrey S. Getty | Hon. Shaèm C. P. Spencer |
| Hon. Fred S. Hecker | Hon. Kevin Tucker |
| Kathy Hefner | Roberta L. Warnken |
| Hon. Geoffrey G. Hengerer | Hon. E. Greg Wells |
| Hon. James A. Kenney, III | Hon. Alan M. Wilner |

Others Present:

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|-------------------------|------------------------|
| Hon. Vicki Ballou-Watts | Amanda Miller |
| Robert Bruchalski | Yanesia Norris |
| Hon. Sharon V. Burrell | Kelley O'Connor |
| Melissa Canada | Pamela Ortiz |
| Shamika Dent-Williams | Suzanne Pelz |
| Lou Gieszl | Sharon Reed |
| Warren Hedges | Chris Sharpes |
| Abigail Hill | Hon. William V. Tucker |
| Sarah Kaplan | Jamie Walter |

A meeting of the Judicial Council was held on Wednesday, May 15, 2024, at the Maryland Judicial Center, beginning at 9:35 a.m. Chief Justice Matthew J. Fader welcomed attendees and announced that the meeting was being livestreamed on mdcourts.gov. Justice Fader then asked for approval of the minutes from the previous meeting. Judge Jeffrey S. Getty made a motion with a second from Judge Fred S. Hecker. After hearing no objections, the minutes were approved.

Justice Fader praised those involved in the successful rollout of MDEC in Baltimore City. It has taken 10 years, but now each jurisdiction has the ability to serve the people of Maryland electronically.

In addition, Governor Moore signed off on the Judge Andrew F. Wilkinson Judicial Security Act that will help ensure staff and judicial facilities are safer. A taskforce has also been created to examine courthouse security issues and to explore sources of funding for improvements.

1. **Committee/Strategic Initiative Updates**

a. Equal Justice Committee – Hon. Vicki Ballou-Watts

The Equal Justice Committee (EJC) was established by Chief Judge Barbera in 2020 with the goal of building the knowledge of judges and staff in order to strengthen the Judiciary's commitment to equal justice under law for all. The committee strives to fulfill its purpose through the work of three subcommittees.

The Community Outreach Subcommittee is chaired by Judge Audrey J.S. Carrión and provides opportunities for the public to interact with the Judiciary about community concerns and enables the Judiciary to better understand the community it serves. The outreach increases public awareness of court programs and services and, in turn, promotes trust and confidence in the judicial system. The subcommittee plans to hold a forum in each jurisdiction, facilitated by community partners, to provide a platform for open dialogue regarding needs and ways the courts can better serve the community. The public is made aware of these forums through social media, flyers, and community partner websites. A Spanish translator is also available during the meetings, which are recorded and viewable on the EJC page of the Judiciary's website.

Last week, Justice Angela M. Eaves moderated a forum via Zoom for Harford County and the upper shore. The discussion focused on the bail review processes, covering the commissioner, District Court bail review, and circuit court habeas corpus. Several judges and community partners sat on the panel where over 90 registrants engaged in a robust discussion. The public was very interested and provided positive feedback in a follow-up survey.

Other forum topics that have been covered throughout the state include intimate partner violence, guardianship, juvenile justice, and sentencing alternatives. An upcoming forum is planned in Montgomery County regarding domestic law. Judge Amy D. Lorenzini is partnering with the NAACP and the local sheriff to host a forum in southern Maryland to discuss criminal law or juvenile justice. Baltimore City will also host a forum in the near future.

The Community Liaison Workgroup is chaired by Stephanie Medina, the Court Administrator for the Circuit Court for Baltimore County. The workgroup addresses the feasibility of developing an advisory board in each jurisdiction and establishing an advisory officer to serve as a liaison for the community. The Access to Justice Department funded a Diversity, Equity, and Inclusion (DEI) Coordinator position in both Baltimore and Montgomery counties. The coordinator in Baltimore County is a founding member of the Office of Equity and Inclusion at the University of Maryland, as well as an adjunct professor. The workgroup surveyed all trial courts regarding their interest in a similar DEI position and preliminary results indicate that courts want more information about the position, as well as feedback from those currently utilizing someone in the position.

The Sentencing Subcommittee is chaired by Judge Joseph M. Stanalonis and focuses on making sentencing recommendations to ensure equal justice during sentencing. Members view and consider a number of information points such as the Maryland Rules, compile data to better understand trends and potential bias, and explore matters such as pleas. Under the leadership of Judge Sheila R. Tillerson-Adams, the subcommittee prepared the original report based on the data, sentencing guidelines, and lack of proportionality (for both race and gender) and submitted the report to the Judicial Council. The current subcommittee members are finalizing a second report to be presented to the Judicial Council later this year. The report will include the positive steps the Judiciary has taken on issues identified in the first report, such as implicit bias.

The Operations Subcommittee is chaired by Judge Sharon V. Burrell. Its purpose is to make recommendations regarding policies and procedures to ensure the fair and equitable treatment of all who work within, utilize the services of, or do business with the Judiciary. The subcommittee examines internal and external relationships to identify implicit bias, develops platforms that allow individuals to comment without fear of retaliation, and reviews hiring, retention, and disciplinary practices. One important tool utilized by the subcommittee is the public perception survey which provides a poster in each court location with a QR code inviting feedback from the public. The information that is gathered is shared with the individual administrative leaders, as appropriate. The Research & Analysis Department is reviewing responses and will provide a report at a later time.

The work of several former EJC subcommittees continues throughout the Judiciary. The Rules Review Subcommittee presented a report that was approved by the Judicial Council and subsequently forwarded to the Standing Committee on Rules of Practice and Procedure (Rules Committee). Several recommendations within the report have been approved by the Rules Committee, although only two have been adopted by the Supreme Court of Maryland. Those rules will take effect on July 1, 2024, and include adding gender neutral pronouns and waiving certain costs for unrepresented incarcerated or institutionalized petitioners.

The Diversity and Inclusion Education Subcommittee developed recommendations on judicial education before merging last year with the Education Committee. A new course on implicit bias will be soft launched by committee members in June. DEI focused trainings on inclusive management and inclusive workplaces are also available. The work of the former Access and Fairness Subcommittee was adopted by the Court Access Committee. In 2023, members reviewed the National Center for State Court's (NCSC) Racial Justice Organizational Assessment Tool for Courts. Judge Ballou-Watts and Lou Gieszl, the Assistant State Court Administrator for Programs, published an article titled "Engaging Communities for Equal Justice" in the NCSC's *2023 Trends* publication. The article highlights the importance of equal justice work and concludes that effective community outreach should be part of every state's equal justice strategy. Other states interested in replicating Maryland's approach were encouraged to reach out.

The EJC sponsored a movie night during this year's Judicial Conference. Approximately 50 attendees watched *Get on the Bus!*, a documentary of a group of individuals traveling to various sites significant to the civil rights movement. The documentary received great feedback.

Employee Experience Survey – Jamie Walter, Research & Analysis Program Director

The Employee Experiences Survey was initially conducted by the Operations Subcommittee in May 2021 with a follow-up survey in October 2023. The survey is based on the NCSC's Employee Satisfaction CourTools Performance Measures and allows employees to assess the quality of work environment and relations between staff and management. It provides valuable feedback in order to address issues related to employee retention. Over 40% of Judiciary employees completed the survey, which included 41 workplace questions. Those who strongly disagreed with a statement were given the opportunity to provide written comments for further details. All responses are anonymous.

To highlight a few of the findings, over 94% agreed that they understood how their job contributes to the overall mission of the Judiciary. Only 50% agreed there are equal opportunities for advancement. Approximately 10% of employees felt they are treated differently from their co-workers while over 78% disagreed they experienced workplace discrimination in the past 12 months. The most common categories discussed in open-ended responses involved "leadership", "resources" such as workspace, and "performance/development" such as training and career growth. It was noted that a large number of comments were submitted about not feeling safe at work, and that the Judiciary's Security Task Force might be interested in reviewing those comments.

Judge Burrell requested approval of the Judicial Council to disseminate the employee survey results, first to leadership to give them the opportunity to discuss further, then to the employees. The Operations Subcommittee, with the assistance of Research and Analysis, will then schedule meetings with administrative leaders to discuss the results and recommendations. Chief Judge John P. Morrissey made a motion to disseminate the report to administrative leadership within the courts and at the Administrative Office of the Courts (AOC) at least one week prior to distribution to employees, and then follow up with the individual court leadership. Judge E. Greg Wells seconded the motion. After hearing no objections, the motion was approved.

b. Juvenile Law Committee – Hon. William V. Tucker

The Juvenile Law Committee continues to provide guidance and direction regarding policies, rules, and legislation impacting juvenile law, including juvenile justice and child welfare. The JLC oversees two subcommittees, the Foster Care Court Improvement Program Subcommittee, and the Juvenile Justice Subcommittee. Most of the 2023 updates fall under the leadership of former committee chair, Judge Michael J. Stamm.

In 2023, members of the committee met with the new leadership at the Department of Juvenile Services (DJS) and continue to meet regularly with agency counterparts to discuss questions or concerns. Programs are being developed to address issues and practices such as available services, competency, and cases involving children in need of supervision (CINS). The Judicial College helped committee members develop several juvenile justice education programs. Judge Matthew A. Maciarello, with the assistance of staff from DJS, taught a program on juvenile transfers and waivers. Another program involved education on unique issues that are encountered in juvenile justice, such as immigration status.

During the 2024 legislative session, committee members continued to review juvenile justice and child welfare related bills and provide position papers for the Judiciary's consideration. The legislature was especially interested in juvenile justice issues this year, which increased the workload during weekly meetings. A total of 18 position papers were submitted.

The Truancy Court Workgroup continues to support the Juvenile Law Committee and Specialty Courts and Dockets Committee, advising both on various court-related programs that address truancy and advising on changes to statutes, rules, or policies to support truancy reduction efforts. The workgroup focuses on supporting the passage of legislation that would facilitate establishment and rehabilitative efficacy of truancy courts. A bill establishing a truancy court in Frederick County passed this year. The workgroup plans to invite members of the legislature to observe truancy court to better understand how it works.

The Foster Care Court Improvement Program (FCCIP) Subcommittee focuses on child welfare matters such as children in need of assistance (CINA) and termination of parental rights or involuntary guardianship. The subcommittee worked with the Department of Human Services and Department of Social Services to meet the goals established following the most recent federal Child and Family Services Review. Highlights include promoting agreements with neighboring states, collaborating with permanency planning liaisons to expand the data collected in order to better inform court practices in child welfare cases, and increasing permanency outcomes statewide.

The Child Abuse, Neglect, and Delinquency Options Conference (CANDO) was held in person for the first time since the pandemic. Over 120 judges and magistrates attended the conference, which was themed "Rethink What We Know, Strengthen What We CAN DO". Presentations covered a number of areas such as delinquency, child welfare, domestic violence, youth placement, and included legislative and case law updates. The first day focused on matters related to the bench and the second day was geared towards educating stakeholders, attorneys, and agency representatives. The next conference will be held October 7 – 8, 2024.

The Child Welfare Education Workgroup falls under the FCCIP subcommittee. Members worked with the Judicial College to develop a course on navigating CINA cases with an emphasis on the findings that are required for federal funding. The course was facilitated by Judge Yolanda A. Tanner and highlighted best practices for the successful management of CINA hearings. Participants had the opportunity to discuss strategies with other judges and magistrates.

The Juvenile Justice Subcommittee focuses on matters related to CINS and juvenile delinquency, especially mental health issues. Following the enactment of the Juvenile Justice Reform Act, the subcommittee plans to host lunch and learn sessions to educate judges and magistrates on the new law, the continuing provisions of the old law, and other topics of particular concern. In addition, a program for touring juvenile justice facilities was developed by the subcommittee. As a result, members had the opportunity to tour the Victor Cullen Center, a locked behavior modification facility.

Looking ahead, committee members are discussing the best way to implement the educational goals of the Juvenile Law Committee. For example, considering whether certain courses should be mandatory, whether the sessions should be recorded, and which programs are important to include in the CANDO conference. The FCCIP Subcommittee is also working with the Department of Juvenile and Family Services to host the next child welfare symposium. The committee will continue to monitor potential changes to forms related to juvenile justice proceedings. In addition, members are prepared to undertake any work necessary to support the bills enacted in this year's legislative session.

c. Legislative Committee – Hon. Stacy A. Mayer

The Legislative Committee reviewed significantly more bills this year compared to last year. Approximately 2,700 bills were analyzed (500 more than 2023) with a focus on 685 bills, of which 589 fiscal worksheets were completed. A majority of topics included judicial security, juvenile justice, home detention, mental health, and landlord/tenant matters. Significant bills include:

HB592/SB688: Alters the number of resident judges of the circuit court by adding one additional judgeship in Prince George's County. The bill takes effect July 1, 2024.

HB664/SB575 (Judge Andrew F. Wilkinson Judicial Security Act): Establishes the Office of Information Privacy (OIP) in the AOC. A protected individual is authorized to request that a person or government entity remove or not publish personal information of that individual. The bill also establishes remedies for noncompliance. The OIP must also establish a Judicial Address Confidentiality Program for the purpose of protecting the address of a program participant with respect to public records or inspection, including the shielding of real property records, as specified. Finally, the bill creates the Task Force to Ensure the Safety of Judicial Facilities, staffed by AOC, which takes effect June 1, 2024. The task force must report its findings and recommendations to the Chief Justice and the General Assembly by January 1, 2025. The task force will terminate June 30, 2026.

SB1039: Authorizes the Circuit Administrative Judge of the Sixth Circuit to establish a Truancy Reduction Pilot Program in the juvenile court in Frederick County.

SB687: Repeals provisions relating to bail bonds following a request to update statutory language that was inconsistent with current practices. Specifically, the bill exempts the Seventh Judicial Circuit from certain requirements for property bondspersons.

HB432: Replaces the term “mental retardation” with “intellectual disability” in the Court and Judicial Proceedings and Criminal Procedure Articles.

HB576/SB453: The bill establishes an Assisted Outpatient Treatment Program in every county. Any individual who is at least age 18 and has a legitimate interest in the welfare of the respondent may petition a circuit court for assisted outpatient treatment of the respondent. The Judiciary had concerns with the original language involving emergency evaluations, however, that language was removed.

SB468: Requires private home detention monitoring agencies to make specific notifications to the court, law enforcement agencies, and the Division of Parole and Probation within a certain amount of time.

SB1095: Re-establishes the Workgroup on Home Detention Monitoring, staffed by the Department of Public Safety and Correctional Services (DPSCS), to study and make recommendations regarding the costs and availability of both publicly and privately provided pretrial home detention monitoring systems. The workgroup includes representation from the Judiciary and takes effect July 1, 2024.

SB11: Requires the DPSCS to include system upgrades necessary to allow for the automated expungement of charges and partial expungement of charges in any vendor contracts being negotiated at the time of the bill's effective date, October 1, 2024. The original language included the Judiciary in the requirement, which would have significantly limited the procurement ability. The language was later removed.

HB105: Provides a person may file a petition for expungement based on a probation before judgment for a first offense violation of Transportation Article §21-902(a) or (b) 15 years after the date the petitioner is discharged from probation.

HB372/SB354: Establishes the Rent Court Workforce Solutions Pilot Program in Montgomery and Prince George's counties to provide individuals in failure to pay rent cases with workforce resources and information on workforce development, registered apprenticeships, and other employment opportunities.

HB1117 (Tenant Safety Act of 2024): Establishes that a landlord who offers a dwelling for rent must warrant the dwelling to be fit for human habitation, establishes remedies if a landlord breaches the warranty of habitability, and additional remedies if a landlord fails to repair serious and dangerous defects, as required under existing statute.

HB435: Alters statutory provisions that determine the calculation and modification of child support for incarcerated obligors.

HB814: Makes numerous changes to the juvenile justice process, including expansion of jurisdiction to 10 - 12 year olds, modifying intake procedures, altering provisions to include the Judiciary, and revising certain reporting requirements.

HB496: Repeals force or threat of force as an element of crime for Second Degree Rape under Criminal Law Article §3-304, defines consent, and requires the Judiciary to report certain data by October 1, 2024. This will require modifications be made to jury instructions.

The following bills did *not* pass:

HB1079/SB827: The bill would have statutorily changed the nature of the jury examination process and establish a Workgroup to Study the Voir Dire Process to make findings and recommendations of change. The bill did not pass and has been referred to the Rules Committee.

HB405/SB365: In specified child custody or visitation proceedings that involve allegations of abuse, the bill would have required professionals to meet certain requirements in order for their expert evidence to be admitted.

HB698/SB759: The bill would have required the court to hear and rule on a petition for guardianship of the person of a disabled person within 10 calendar days under certain circumstances. The sponsors withdrew the bill.

HB658/SB602 (Clean Slate Act of 2024): The bill would have established procedures and requirements for automated expungement of “clean slate eligible” offenses and modified the waiting period for filing of specified petitions for expungement.

HB1346: This bill would have impacted the way competency examinations and proceedings occur, including changes to where examinations can take place and with unrealistic timetables.

d. Strategic Initiatives and Core Values Workgroup – Hon. Matthew J. Fader

The purpose of the workgroup is to create a strategic vision that engages members of the Judiciary, its justice partners, and the public to identify initiatives aligned with the Judiciary’s mission. The workgroup’s goal with the new strategic plan is for the Judiciary to remain forward-looking, innovative, and responsive. The Judiciary should maintain its collaborative relationships, continue to operate as data-driven and user-centered, and to cultivate a professional workforce with the training and support needed to thrive in a safe environment.

In its draft, the workgroup recommends that the Judiciary obtain feedback from staff, partners, and the public. In addition, the Judiciary should identify critical success factors and potential risks to achieving these goals, and to coordinate with internal advisory panels. The previous plan functioned more as a high-level guide with specific goals. The new strategic plan, following immense effort by workgroup members and consultation with the NCSC, proposes a phased-in approach.

Phase I: Develop Core Values and Strategic Initiatives

As part of the planning process, the NCSC facilitated 18 listening sessions in January 2024 to solicit input on external trends and issues currently impacting or may impact the Maryland Judiciary in the foreseeable future. A total of 158 individuals participated in these sessions, including a variety of court staff and external stakeholders such as members of Public Safety, Legal Aid, Behavioral Healthcare, and the Maryland Bar Association. Attendees were asked to weigh in on what the Judiciary is doing well, what could be improved, and feedback on proposed priorities for the Judiciary to focus on over the next five (5) years. As a result, the workgroup developed a list of core value statements and strategic initiatives for the Judicial Council to consider on behalf of the Maryland Judiciary.

The workgroup proposed seven (7) core value to guide the Judiciary are: the Rule of Law; Impartial and Independent; Equal Justice; Diversity and Respect; Excellence; Service; and Collaborative. The five (5) proposed strategic initiatives are: Promote Accountability and Public Trust; Improve Access to Justice; Foster a Healthy, Diverse, and Productive Workforce; Encourage a Service-Oriented Approach to Court Operations; and Use Technology Effectively and Responsibly.

Phase II: Operational Plan

Once the recommendations from Phase I are approved, the workgroup will develop an operational plan. The operational plan will outline specific tasks in order to successfully implement and maintain alignment with each strategic initiative. The plan will be updated annually.

Phase III: Assessment

A consultant with the NCSC will conduct an organizational government assessment to review the structure within the Judiciary, such as at AOC and Judicial Council committees, to identify changes that support the future readiness of the operational plan. An annual assessment of the effectiveness of these initiatives is essential to the strategic plan's success.

Judge Jeffrey S. Getty made a motion to adopt the proposed core value and strategic initiative statements. The motion was seconded by Judge Audrey J.S. Carrión. After hearing no objections to the motion, the proposed statements were unanimously approved.

Justice Fader encouraged attendees to provide diverse and thoughtful input throughout the planning process.

2. For the Good of the Order

Justice Fader thanked everyone for attending. There being no further business, the meeting adjourned at 11:23 a.m. The next meeting is scheduled for September 25, 2024, beginning 9:30 a.m.