



2005

The Maryland Judiciary

2004-2005

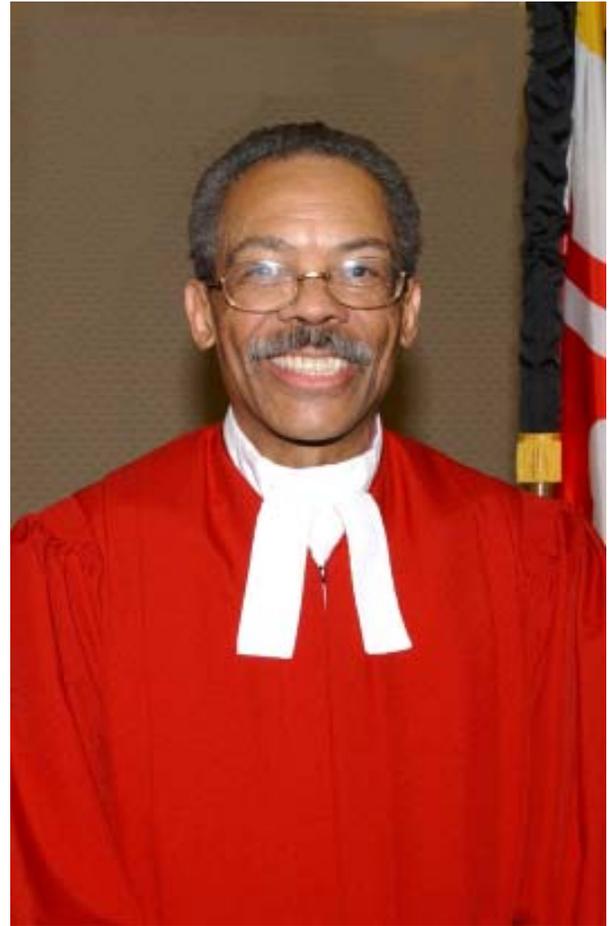
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A Message from Robert M. Bell, Chief Judge of Maryland

The Maryland Judiciary is continuing to develop innovative approaches to ensure fair treatment and equal access to justice for all. We recognize that such an approach must balance a respect for the constitutional principles developed in this country more than 200 years ago, with, however, the understanding that the world is changing at an unprecedented pace. We strive always to increase the public's trust and confidence in our justice system as each person has contact with our courts.

Recognizing a future where cases involving complex scientific and technological issues will enter our courtrooms in ever-increasing numbers, the Judiciary entered into a consortium with Ohio to launch the Advanced Science and Technology Adjudication Resource program (ASTAR). Thus, we are now training a cadre of our appellate and Circuit Court judges in advanced bioscience, biomedical, and biotechnology issues. Those judges will be resource judges to Maryland courts, to other courts throughout the country, and eventually, to the world. Understanding the burden Maryland citizens can face while performing their civic duty as jurors, we joined with the federal judiciary to establish the "Partners in Justice" program to recognize employers with juror-friendly policies.



Chief Judge Robert M. Bell of the Court of Appeals

Expanding Our Successes

At the same time, we continue to look for ways to build upon and expand our past successes. Our drug treatment courts, which are a source both of pride and of a wealth of individual success stories, continue to expand and offer men, women, and teenagers an alternative to incarceration and the chance to lead productive lives.

Bridging the communication gap with an ever-growing non-English speaking population, the Judiciary is offering new services—in person and online—that will allow for greater participation in the justice system by that population. The Maryland Judiciary also continues to expand ways for people to settle cases before they even come to trial, by resolving the disputes through mediation and alternative methods of dispute resolution.

For these programs to be successful, and for all Maryland citizens to feel that they are ensured full and fair justice, the Judiciary depends on the continued dedication and the hard work of its many necessary and committed partners, judges, clerks, administrators and staff.

How Citizens Benefit

Maryland citizens often may not realize how much of the money collected through the courts serves them and their communities, providing funding for local services and programs.



Old Treasury Building, Annapolis

All of the money collected through the appellate courts—\$198,184 in 2004-2005—goes directly to the state’s General Fund. The state’s General Fund also benefitted from \$838,383 collected by the Board of Law Examiners, \$5,132 from the Maryland Law Library, \$85,610 from the Judicial Information Systems, \$87,610,254 from the District Court, and \$54,167,105 from the circuit courts. Among the programs that benefitted directly from funds collected through the courts in 2004-2005 were:

| | |
|--|---------------|
| Land Records Fund | \$33,486,409 |
| Department of Corrections: | \$156,992 |
| Department of Natural Resources’ Program Open Space: | \$236,603,352 |
| Criminal Injuries Compensation Fund | \$2,613,200 |
| with an additional | \$866,384 |
| Victims of Crime Fund | \$1,087,408 |
| Maryland State Police (for law enforcement training) | \$4,651,344 |

About 95 percent of the funds collected by Maryland’s circuit courts (more than \$368 million) goes directly back to the county collecting the funds for the county’s use:

| | | | |
|------------------------|--------------|---------------------|---------------|
| Allegany County | \$2,104,500 | Anne Arundel County | \$118,184,910 |
| Baltimore City | \$38,465,195 | Baltimore County | \$2,051,919 |
| Calvert County | \$13,744,622 | Caroline County | \$3,804,224 |
| Carroll County | \$316,884 | Cecil County | \$7,794,445 |
| Charles County | \$418,273 | Dorchester County | \$6,084,109 |
| Frederick County | \$916,044 | Garrett County | \$6,742,993 |
| Harford County | \$20,841,295 | Howard County | \$59,544,940 |
| Kent County | \$2,871,898 | Montgomery County | \$2,001,842 |
| Prince George’s County | \$2,170,646 | Queen Anne’s County | \$8,702,587 |
| St. Mary’s County | \$19,022,842 | Somerset County | \$1,369,907 |
| Talbot County | \$12,966,704 | Washington County | \$16,665,185 |
| Wicomico County | \$6,226,446 | Worcester County | \$15,320,794 |



Thurgood Marshall Memorial Statue, Annapolis

Legislative Success

Judiciary Gains Judgeships, New Foster Care Law

When the Department of Legislative Services' 90-day report declared the 2005 Session of the General Assembly "a good year for the Maryland Judiciary," the designation was appropriate and well-earned.

As a result of the session, the Judiciary gained 13 new judgeships for Fiscal Year 2006—all seven circuit court judgeships and six District Court judgeships that Judge Bell had requested.

The newly created judgeships will help the Judiciary meet the increasing number of case filings, especially in areas with significant population growth, and will "enable it to meet the mandates given the trial courts to deliver justice to the citizens of Maryland promptly and fully," Judge Bell said.

Growing Needs

Two new circuit court judgeships were created in Baltimore City and one each in Anne Arundel, Baltimore, Montgomery, Washington, and Worcester counties. The District Court judgeships include two in Prince George's County, and one each in Anne Arundel County, Baltimore City, District 2 (Dorchester, Wicomico, Somerset, and Worcester counties), and District 4 (Charles, St. Mary's, and Calvert counties). The new judges in District 2 and District 4 will be appointed from Worcester County and Calvert County, respectively.

The Judiciary, which had certified a need for

33 judgeships but requested only 13, had not received additional judgeships since 1998.

Judges' Salaries

In addition, the General Assembly approved salary increases for judges at the four court levels. The General Assembly's Judicial Compensation Commission had recommended that judges' annual salaries be increased by

\$30,000 for Court of Appeals judges;
\$25,000 for Court of Special Appeals judges and the Chief Judge of the District Court;
\$20,000 for judges of the circuit courts; and
\$15,000 for District Court judges.

The proposal called for the increases to be phased in from 2006 to 2009. Although the House and the Senate amended the

resolutions to lower the amount of the increases, they failed to come to an agreement by the 50th day. Therefore, the full recommendations by the Commission rather than the amended proposals became law.

Between 1992 and 2003, Maryland judges had received two salary increases. When compared to judicial salaries in the region, Maryland's judges were among the lowest in earnings.



State House, Annapolis

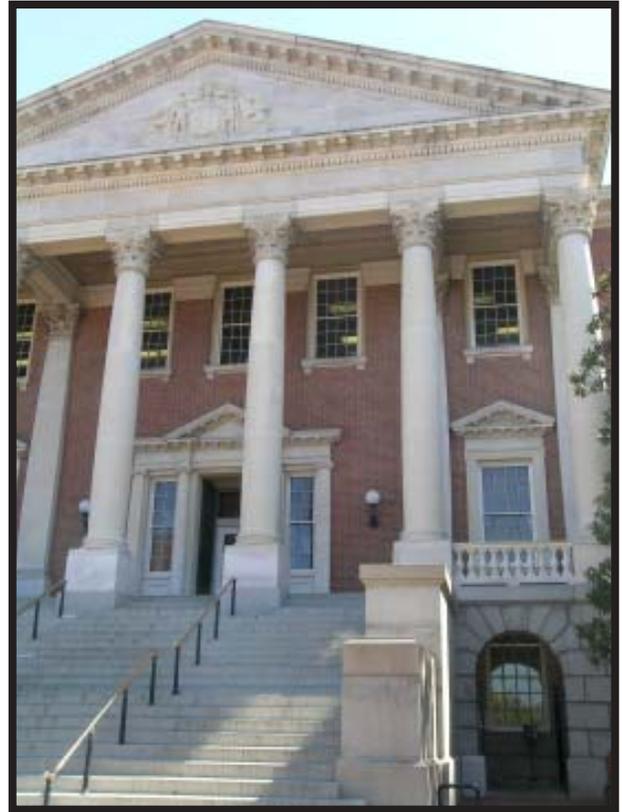
Adoption and TPR Statutes

A particularly noteworthy accomplishment this session was the substantial revision of Maryland statutes addressing adoption and the termination of parental rights. Since 1997, the Maryland Foster Care Court Improvement Project (FCCIP)—a federal grant-based program—has been working to divide the statutes into three distinct areas (guardianship and adoption through local departments of social services; private agency guardianship and adoption; and independent adoption). As a result of the legislative session, the newly enacted Permanency for Families and Children Act of 2005 will implement the FCCIP’s recommendations.

Among other bills passed during the 2005 session was one permitting police officers to issue a citation for the misdemeanor of theft under \$100.

Another bill was enacted to increase the maximum salary that the Board of Public Works may set for a circuit court clerk from \$85,000 to \$98,500. The board determines the annual salary of each clerk based on the relative volume of business and receipts in the clerk’s office.

New legislation was also adopted to extend the termination date of the Circuit Court Real Property Records Improvement Fund from June 30, 2006, to June 30, 2009. The fund is managed and supervised by the State Court Administrator with advice from a five-member oversight committee. It consists of surcharges and



revenues and is used to repair, replace, improve, and update office equipment and equipment-related services in the land records office of the clerk of the circuit court for each county.

Cooperative Relationships

“The Judiciary did really well last session, and we are looking forward to equal or greater success next legislative session,” said Prince George’s County Circuit Administrative Judge William D. Missouri, who serves as chair of the Maryland Judicial Conference’s Legislative Committee and chair of the Conference of Circuit Judges. “We look forward to continuing our successful, cooperative relationship with the members of the General Assembly.”

“... a good year for the Maryland Judiciary”

— Dept. of Legislative Services

Courts Offer Services for Non-English Speakers

Navigating through the legal system is difficult enough when you can read and speak English. That task is exponentially more taxing when one speaks and reads another language.

The Department of Family Administration understands this, especially at a time when there are more and more non-English speaking people living in Maryland—a state with residents speaking 117 different languages. To combat this issue, the Family Administration created a Spanish version of its Web site and bilingual versions of family law forms.

Need for Services

Eleven percent of those who use the court's family law self help centers don't speak English, with 7 percent reporting that Spanish is their primary language.

"But that number does not necessarily reflect the true need," said Pamela Cardullo Ortiz,

executive director of the Department of Family Administration. "Non-English speakers are less likely to use the legal system to solve disputes and resolve problems if services are available only in English."

The bilingual forms currently available are for cases involving divorce, child custody, visitation, child support, protection from domestic violence, and name changes. Also, the Women's Law Center offers free assistance with forms once a week from Spanish-speaking attorneys.

Available Resources

There are also other self-help programs throughout the Judiciary that offer assistance in Spanish, including circuit court programs in Montgomery and Prince George's counties. Most of these programs make referrals to Spanish-speaking attorneys, while others provide assistance to self-represented Spanish

speakers by appointment.

Other resources for non-English speakers include some brochures and forms available in Spanish and Korean through the District Court Web site. The Baltimore City Circuit Court is working toward making its Web site available in Spanish, French, and Russian.



Court Interpreters

Inside the courtroom, Maryland is one of just a few states offering court interpretation services for both criminal and civil cases. Most states only offer such services for criminal cases.

The Maryland Judiciary has 125 certified translators—100 of whom speak Spanish—at its disposal, along with about 800 other eligible translators representing dozens of languages. Certified translators have passed a written exam, attended a legal terminology workshop, and passed an oral exam. Eligible translators, called to work when a certified translator is not available, have passed only the written exam, attended the workshop, and passed a background check.

While the Judiciary works to find a translator for any language, including searching through the national Consortium for State Court Interpretation Certification or contacting a private interpreter agency, there can be a number of challenges as well, said assistant program services manager Linda Etzold.



Expanding Interpreter Program

Etzold said it is very difficult to certify translators in languages other than Spanish as court interpretation is the most difficult field in that profession because of the nature of courtroom discussions and the complex terminology involved in the legal process.

“A court interpreter has to be able to translate each word verbatim for the court record and they have to have a huge vocabulary to do that,” she said.

Work is being done to expand the court interpretation program to include more translators who speak languages other than Spanish, including Indian, Korean, Arabic, Chinese, and a number of lesser-spoken languages, Etzold said. Also, there are plans to have more court forms translated into other languages while offering more continuing education for court interpreters.

Innovative Program Prepares Judges

Taking a proactive approach toward preparing judges for handling cases involving advanced science and medical issues, the Maryland Judiciary has taken a leading role with the formation of the Advanced Science and Technology Adjudication and Resource Center (ASTAR).

Twenty-two circuit court and one appellate judge from each Maryland appellate court have been recruited to become “resource judges”—judges who will receive advanced bioscience, biomedical, and biotechnology training and related adjudication skills to serve their jurisdictions in a variety of roles.

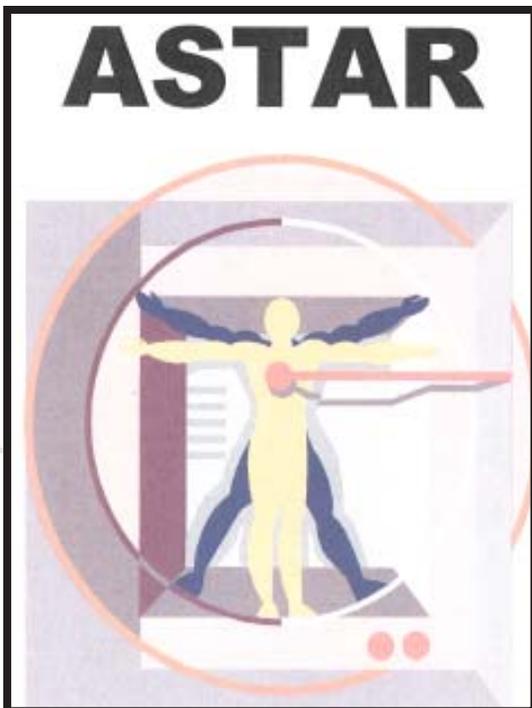
“This training will not make judges experts in these fields, but will allow judges to be more sensitive to the nuances of complex issues,” said Court of Appeals Judge Glenn T. Harrell, Jr., who serves as an ASTAR Leadership Director. “This training makes the judges able to

recognize when someone hasn’t asked the right question so they can then step in and ask the right one.”

Judges as Resources

Although ASTAR won’t make resource judges experts, the program provides the Judiciary with assistance in two crucial areas. First, resource judges are optimally prepared to try such cases. Second, resource judges can assist their jurisdictions with bench/bar and educational leadership activities and serve as resources to their colleagues when adjudication issues are raised by novel and complex scientific evidence.

The ASTAR program grew out of a decade-long effort by the Einstein Institute for Science, Health and the Courts (EINSHAC) to raise judicial consciousness about the impact on the dispute-resolution process of the human genome project through scientific education conferences.



“This training makes the judges able to recognize when someone hasn’t asked the right question so they can then step in and ask the right one.”

— Court of Appeals
Judge Glenn T. Harrell, Jr.

History of ASTAR

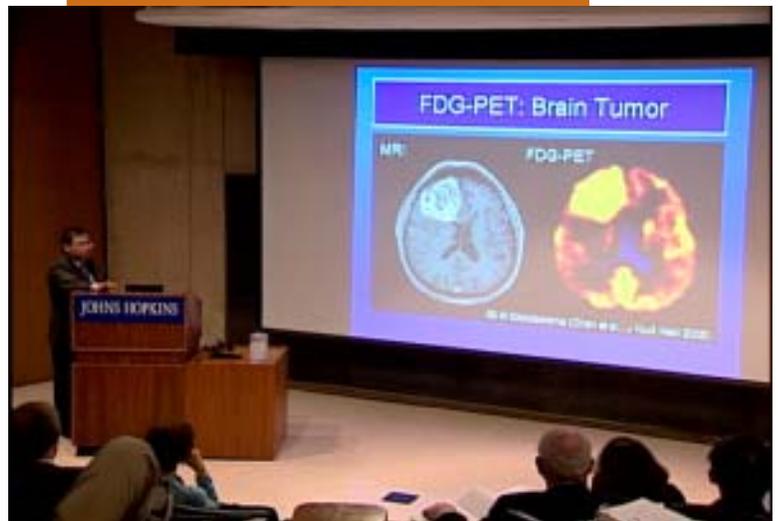
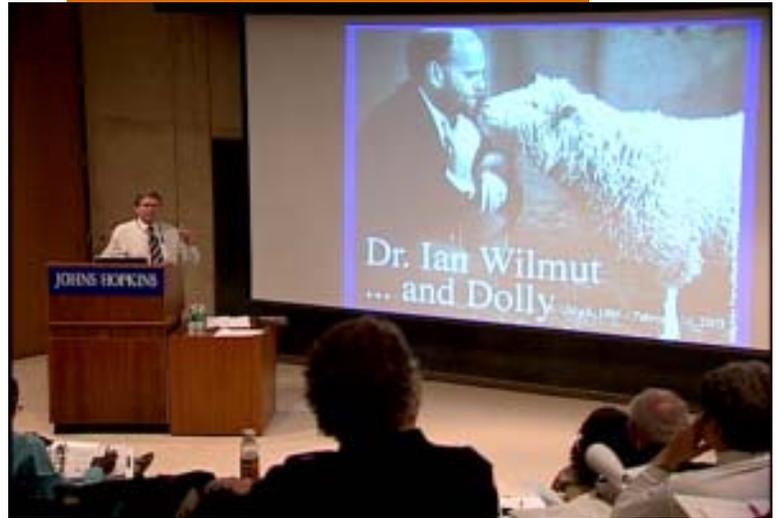
Chief Judge Robert Bell was integrally involved in the EINSHAC conferences, which included a program titled, “Genetics in the Courtroom,” held in October 1998 in Ocean City for the Maryland and Delaware judiciaries.

Now chair of the ASTAR Board of Directors, Judge Bell decided that the Maryland Judiciary’s involvement in ASTAR would build on the existing network created for the Business and Technology (B&T) Case Management Program. B&T judges who are expected to continue as judges for at least seven years were given the first opportunity to express interest in becoming ASTAR judges.

“This is a great program to build on training for business and technology cases, which has been going on for years,” Judge Harrell said. “Now, we can do the same for science and technology.”

International Impact

The first 25 ASTAR judges should complete their initial training by December 2006 with the option of moving on to an even more advanced curriculum. By 2010, ASTAR hopes to certify at least 700 resource judges across the United States and across the globe. Maryland will serve as a resource judge preparation center for the East Coast, and ultimately for Europe, the Middle East, and Central Asia.



Maryland’s ASTAR Resource Judges are engaging in workshops on a range of science and technology topics, learning from regional experts such as scientists at The Johns Hopkins University School of Medicine.

District Court

In First Year, Chief Judge Sets Goals

Improving courthouse security, overall efficiency through technology, enhancing services to domestic violence victims, increasing community outreach among at-risk youths, and moving forward with capital construction and renovation projects are all goals for the upcoming year for Chief Judge Ben C. Clyburn of the District Court of Maryland.

Judge Clyburn, entering his second year on the job after taking over last December for the retiring Judge James N. Vaughan, seeks to improve efficiency in the District Court through the expansion of electronic traffic citations (e-citations) and alternative dispute resolution (ADR) and instituting electronic filing for landlord and tenant cases. He also hopes to add more specialized dockets and other collaborative efforts that deal with substance abuse, mental health, and early resolution.

transition that allows traffic citations to be processed electronically, from the time a law enforcement agent writes it, through processing in the courts, to filing with the Motor Vehicle Administration.

Pilot Programs

The initiative, in conjunction with the Maryland State Highway Administration's Highway Safety Office and The Judicial Information Systems department, is expected to be fully implemented by 2008. At that time, not only will citations be written and filed electronically, but citizens will be able to pay fines online. There are also plans for a pilot program to have 10 Prince George's County law firms start filing landlord-tenant cases electronically by next spring, with the rest of the state to follow eventually.

Understanding Issues

"I've spent the last 10 months going through a learning process and meeting with those throughout the District Court to understand the issues that each court faces," Judge Clyburn said. "Now we are in a position to refine our vision for the future of the District Court."

Judge Clyburn's goal is to eventually develop an electronic case management system and scan in citations rather than manually filing them for the District Court. Also, the District Court is in the initial phase of a



Judge Clyburn addresses Anne Arundel County high schoolers at the Schools in the Courts program.

Domestic Violence Cases

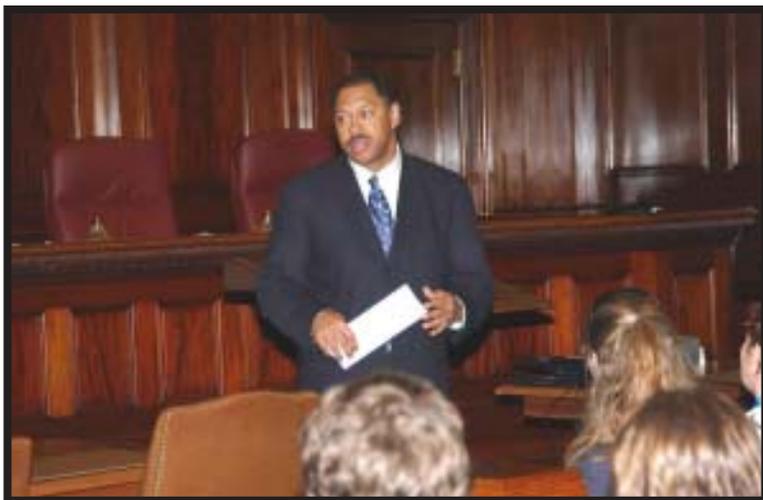
Also, Judge Clyburn expects to examine ways judges can improve their docket management, while also improving the efficiency of dealing with domestic violence cases. This includes a pilot program in Baltimore City where petitioners can obtain all civil and criminal protective orders and receive any other legal and/or social services assistance at the Eastside District Court. This new one-stop center for domestic violence cases integrates services from the House of Ruth and other court-related agencies, making it easier for victims to receive the help they need.

Another pilot program in Harford County will allow paperwork for domestic violence and peace orders to be typed directly into a computer database resulting in fewer errors and fewer delays for petitioners.

Delivering Outcomes

The District Court also has a number of other specialty dockets and collaborative opportunities with other agencies in order to deliver effective judicial outcomes in the most efficient manner. This includes a new drug court in Prince George's County, new DUI (Driving Under the Influence) courts in Anne Arundel, Howard, and Harford counties and new mental health-related courts in Prince George's and Harford counties and Baltimore City.

"We've seen a growth since the early 1980s in both the number of cases and a change in the nature of cases within the system," Judge Clyburn said. "Because of that, it's important to both be efficient and use technology to help better utilize the space that we have."



Judge Clyburn speaks to students from the Severn School at an educational program in April 2005.

ADR in the District Court of Maryland also continues to grow, allowing a win-win solution for litigants, and reducing the number of cases that must come to court. There are 39 programs across the state with more than 400 volunteers. Volunteers trained in mediation and settlement conference facilitation come from all walks of life, including attorneys, retirees, and other social-minded people. For calendar year 2004, these professionals contributed 4,724 hours in handling 1,363 cases. For the first six months of 2005, the volunteer hours totaled 3,048, handling 999 cases.

Partnering with Others

The District Court of Maryland continues to partner with outside agencies, colleges, universities, and mediation centers to provide ADR services free of charge to the public. This year, a bilingual pilot program was developed with the assistance of a local mediation center. A quality assurance program began and additional advanced skills classes were offered to volunteers. In addition, ADR internships are available to students in higher education institutions.

District Court

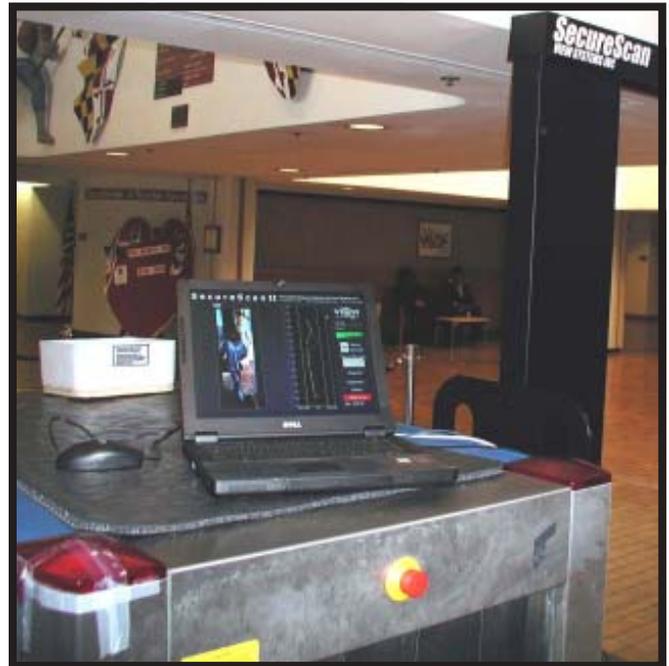
Coordinator of Commissioner Activities David Weissert said his office has also taken steps toward improving efficiency in the District Court through better oversight of bail bondsmen and with 55 percent of the commissioners being better prepared as graduates of the commissioners' academy. This comes at a time when the volume of peace and protective order cases is on the rise.

Increasing Security

To improve security, Judge Clyburn has had 21 new metal detectors installed in District Court buildings across the state, including 10 in buildings that previously did not have detectors. In addition, Judge Clyburn also plans to make physical improvements, develop a single weapons and prisoner transport protocol for all law enforcement agencies in the District Court, and find ways to recruit more bailiffs while relying less on contractual guard services.

“The whole idea behind a program like this is to teach young people about making the right choices in life and understanding the consequences of their actions.”

— Judge Clyburn



Baltimore City's District Court building on Patapsco Avenue features a new weapons detection system.

The District Court also has a number of capital projects on the drawing board, including the design and construction of a new courthouse in Rockville, renovations in Centreville, an addition in LaPlata, plans to purchase land for a courthouse in Cumberland, and the possibility of leasing space or purchasing land in Catonsville.

Reaching At-Risk Youths

Outside the courtroom, Judge Clyburn wants to reach out to more at-risk youths between the ages of 12-16 in hopes of steering them toward the right path in life. This includes helping educate students about the Judiciary, along with engaging in discussions with the youths to gain further perspective on their outlook on life in order to understand their needs and to help them make the best decisions possible.

Program to Help Parents Find Jobs Boosts Payments

Thanks to a \$150,815 grant from the Department of Health and Human Services' Administration for Children and Families, the Circuit Court for Baltimore County launched a new program that identifies and provides employment opportunities and job training to non-custodial parents who are delinquent in child support payments.

The Family Employment and Support Program (FESP), which began in Fall 2004, has made a difference in helping non-custodial parents find work while helping collect delinquent child support payments for the other parent.

"This program has been working," said Baltimore County Circuit Judge John O. Hennegan, of the FESP, which has received a grant extension through July 2007.

From December 2004 through August 2005, the approximately 120 FESP participants have made \$59,486.80 in child support payments. To date, 59 people have been employed; 75 hires have occurred (including people who have been hired twice for part-time jobs); 32 individuals are currently working; 32 hires resulted in resignation, termination, or lay off; and 28 employers are in the FESP job bank.



"There are some people who need more help than others, like those with criminal records looking for a job," Judge Hennegan said. "There are also those who need help getting IDs. You don't realize all that some people need to go through to find a job. There's so much more than just calling up an employer."

Additionally, the program includes two court employment coordinators who work with the parents, monitor their progress, and help them find jobs, work on resume writing, refer them to job training programs, and help them find any rehabilitation program they need.

How the Program Works

Participating parents are under the supervision of the court for one year and are required to appear before the court to give regular reports. The program's aim is to work to increase accountability and employment of non-custodial parents as they are referred to the program through criminal non-support cases, civil contempt cases, mediation, the bar association or enroll voluntarily.

Some Success Stories

"V. K." came to the program in April 2005 after several years of unemployment. She had a 20-year work history in security, spent mostly with the Baltimore City Department of Corrections. But she also had a severe drinking problem. She was one of the program's most diligent clients, making her appointment every week and following up on all job leads. In September she got a job with Silver Star

Child Support

Security at Johns Hopkins and is making child support payments via wage lien.

“A. P.” came to the program in December 2004, two years after being laid off from his position as a maintenance mechanic for a major Baltimore company—a position he had held for 22 years. Because he had been an excellent worker for so long, he did not know the new rules of the “job search game.” He was working part-time doing commercial housekeeping, which was less than half the salary he enjoyed at his former position.

At FESP, he learned how to make follow-up phone calls, write thank you notes, and improved his already strong interview and presentation skills. In February 2005, he was offered a comparable position at another major manufacturing company.

In June 2005, he was given his original position and seniority back at his former company, which had been bought by another firm and reorganized. He left on very good terms with the second company and has been paying the original amount of his child support.

“J. W.” is a young man who recently went through a difficult divorce and has no visitation rights with his toddler son. Despite this, he is determined to work and make his child support payments. He loves to cook, and most of his

working experience has been in restaurants and catering halls, where it is hard to find steady employment.

He worked a long-term temporary assignment at a local college, but the management was unable to hire him on a permanent basis because of his criminal background (he is currently on probation). He worked a number of odd jobs and temporary assignments until he was offered a position at a food manufacturing company in August 2005. He is still working and making child support payments via wage lien.

“G. P.” came to the program with a nearly 20-year work history as a computer network specialist, which included nine years with the Maryland Department of Public Safety and Correctional Services in the information technology division. When he came to the FESP program in April 2005, he

had a 2003 drug possession charge and a recent four-month stay in a recovery program. FESP was able to find a technical customer support company that was willing to give him a chance. He has been working since May 2005 and making child support payments via wage lien.

“J. T.,” an intelligent young man and former



Judge John O. Hennegan and Baltimore County Court Administrator Pete Lally worked closely to design the court's program.

Ivy League college student, was sidetracked. He came to FESP with experience as a customer service representative and barber. With five children to support, he was very active in his job search and had many interviews, but his criminal background seemed to get in the way. FESP was able to get him on a contract position at a technical customer support company. When that ended, he obtained a position with a lifeguard-staffing agency, and has been working at indoor pools in the Baltimore area since July 2005.

Indirect Results

The FESP offers a lot of indirect job assistance such as helping participants receive proper forms of identification. On top of that, the program has many indirect results; the threat of joining the program prompted one father to pay his owed child support so he would not have to enroll and find a job.

Somerset Judge Sentences Delinquent Parents to Job Search

Somerset County Circuit Judge Daniel M. Long's philosophy for child support cases is that he wants to see delinquent parents pay what they owe rather than send them to jail.

Judge Long's belief is that incarcerating parents who fail to pay child support benefits neither the children nor the taxpayers. His solution to this problem gives delinquent parents the alternative of finding a job. Once they accept this "sentence," they must report to a local job center within 72 hours.

"It's frustrating to me when a defendant comes in and says they can't pay their child support because they can't find a job," Judge Long said. "I'd rather see someone like this working than sitting in a jail cell."

Two Choices: Job or Jail

Child support offenders are given two choices under Judge Long's program: pay a monetary purge amount or get a job. Parents agreeing to find a job must report to a job center within the three-day span after sentencing and must secure a job within 30 days. Parents who fail to do this are returned to court and typically sentenced to a jail term at the local detention facility.

Previously those entering the program went to a job service center operated by the Lower Shore Workforce Alliance. However, budget cuts forced the closure of that satellite office and one in Ocean City, as the offices were consolidated into a single Salisbury office. Thankfully, funding was made available through the Federal Workforce Investment Act for a mobile center to come to the court when child support cases are heard. This center, like the other offices, has a counselor—with access to a statewide job bank—who can help people find employment.

"Sometimes jailing a defendant is unavoidable, but if we can help six, eight, or 10 people every court date find a job, then we are helping everyone involved," Judge Long said.



The Maryland Job Service brings the "One-Stop Job Market" mobile unit to court on days child support cases are heard.

Drug Treatment Courts

Investment in Programs Pays for Itself

Many studies show that drug offenders who enter a drug court program are less likely to abuse drugs again and get rearrested for criminal activity—not just narcotics-related activities—than those who simply go through the normal judicial process.

In addition, drug court programs are extremely cost-effective, with the average treatment costs ranging from \$900 to \$1,600 per participant, compared to an average of \$5,000 per defendant for a minimum jail sentence.

Understanding that, the Maryland Judiciary established the first drug treatment court in

Baltimore City 11 years ago. Since then, 23 similar courts have become operational in Maryland, with juvenile, adult, family dependency, and DUI programs.

Coordinated Effort

“Just placing non-violent drug offenders in prison does not work,” said Gray Barton, executive director of the Drug Treatment Court Commission, which was established in 2002 by the Maryland Judiciary. “There has to be a coordinated effort in helping those who need it get into the right program.”

To ensure that drug courts are effective, the Drug Treatment Court Commission partners with organizations including the Alcohol and Drug Abuse Administration, Division of Parole and Probation, the Department of Juvenile Services, the Department of General Services, the State’s Attorney’s Office, the Office of the Public Defender, and the Governor’s Office of Crime Control and Prevention.

“Drug offenders can impact people in many ways, including an increase in everything from shoplifting to assaults,” Barton said.

Grants Enhance Programs

This year Maryland’s drug courts received two grants: \$199,920 from the Office of Justice Programs, Bureau of Justice Assistance, and \$166,700 from the Maryland Highway Safety Office. The former will enhance a statewide drug courts management information system to monitor and improve client and program outcomes. The latter establishes DUI/Drug Court pilots for repeat drug and/or alcohol traffic offenders in the District Court in Anne Arundel, Harford, and Howard counties.



The Circuit Court for Dorchester County partners with the Richardson Maritime Museum & Boatworks to offer the Youth Build-A-Boat Program to the court’s juvenile drug court participants.

Innovative Juvenile Programs

When the teen participants in Anne Arundel’s juvenile drug treatment court first hear that they will be learning more about photography and writing, they don’t respond with open enthusiasm.

“They are such typical teenagers,” said John Fullmer, drug treatment court program administrator for Anne Arundel County. At that point, he can almost read their minds. “‘I refuse to have fun’ and ‘This is stupid.’”

By the spring, however, when the participants’ photographs and essays are on display in the courthouse, their attitudes—and often their lives—have changed. “I’m 17 years old and am now clean,” wrote “JR.” “I’d like to keep it that way ’cause there are many good things goin’ on in my life.”

Identify Projects

As participants in the court’s program, “Insights: The Identity Project,” the teenagers have the opportunity to learn both photography and writing. They develop film in darkrooms, emerging with artistic expressions of



A Dorchester juvenile drug court participant took this photo titled “Choose” while participating in a photography workshop, “Art of Prevention.”



Teens from the Anne Arundel County Circuit Drug Treatment Court had their photographs on display at the Maryland Hall for Creative Arts in Annapolis.

themselves, and learn to write, reflecting on their past experiences, present frustrations, accomplishments, and future goals.

It is a novel approach, and it builds on the purpose of drug treatment court programs. Designed to help people make the best choices for themselves, through education and jobs, while becoming drug-free, drug courts offer a consistent monitoring system. Accomplishments are rewarded, while negative choices are corrected.

Using Expressive Therapy

With 10 adult drug courts, 9 juvenile courts, and one family court established in Maryland by July 1, 2005, the concept is the same, whether for adults or teenagers. But in working with young people, innovative approaches—such as expressive therapy through photography and writing—can be particularly valuable.

“Adolescence is a tough time, and a big part of it is we’re trying to have a better sense of self,” Fullmer said. “By telling your story, you define a better sense of self.”

“It gives the kids a lot of confidence because they see their work up there, and they can look at each other’s work and see that people their

Drug Treatment Courts

age are dealing with similar issues. It's also a great vehicle for parents to see the unspoken feelings that they didn't know about," said Anne Arundel Circuit Judge Pamela North.

National Attention

This year, the teens' successes captured national attention. Anne Arundel's juvenile drug treatment court won five awards from the National Association of Drug Court Professionals for its program giving participants a creative outlet through writing and photography.

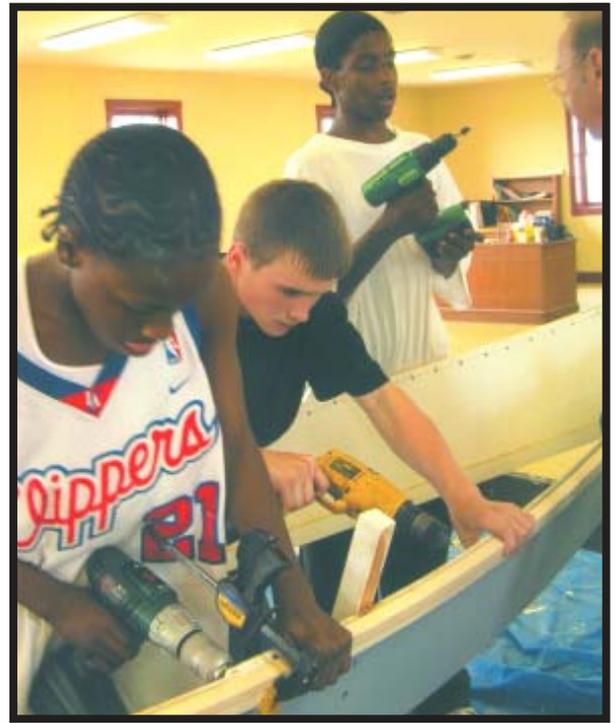
Dorchester County's juvenile drug court offers its participants a similar photography program, while also engaging the young people in a creative boat building program.

Building Boats, Lives

Through a partnership with the Richardson Maritime Museum & Boatworks, the Youth Build-A-Boat Program teaches young people about ship building as they create a 19th-century-style traditional skiff. Overseen by the museum craftsmen, the teens build a real, functioning wooden boat, while learning about carpentry, art design, history, mathematics, and themselves.

This year, the program was declared the state's most innovative by the Drug Treatment Court Commission.

"These young men and women work hard in the program, and, as they near their graduation, the changes they have undergone, the pride,



Dorchester County juvenile drug court participants learn to use power tools while building a traditional 19th century-style boat.

self-esteem, and dedication, are evident on their beaming faces," said Gray Barton, executive director of the Drug Treatment Court Commission. "It is hard to imagine that a short time ago, they were known as troubled teens with drug and alcohol problems."

Art of Prevention

While participating in a photography workshop, "Art of Prevention," the Dorchester teens create exhibits demonstrating the dangers of drug and alcohol abuse. One photograph showed two feet, the one on the left, well-manicured with painted nails and a silver anklet, the other, bare except a GPS locator device; the picture was titled simply, "Choose."

I'm 17 years old and am now clean, I'd like to keep it that way 'cause there are many good things goin' on in my life.

— "JR"

Judge Reflects on Decade Since Starting State's First Program

Baltimore City District Court Judge Jamey H. Weitzman is not the founder of drug treatment court programs. That credit goes to former U.S. Attorney General Janet Reno who launched the first such program in 1989 as District Attorney of Dade County, Florida.

However, Judge Weitzman comes close since she started the first drug treatment court in Maryland, applying the approach in 1994 to help with the runaway substance abuse problems of Baltimore City.

Relief for Burdened System

Drug treatment court programs, the judge feels, are a new, innovative way of tackling an old problem while also offering relief to an overburdened court system and overcrowded prisons. They offer drug treatment rather than prison for non-violent drug offenders who qualify for the program.

“Baltimore City has a very difficult population where many people suffer from long-term, chronic, serious conditions,” Judge Weitzman said. “This is a new approach to tackling substance abuse, because the old way of doing things was not effective.”

Success Stories

Judge Weitzman's push to make drug treatment courts successful did not end at the city borders. Three years ago, she was chosen to chair Maryland's Drug Treatment Court Commission. The judge has since overseen the creation of two dozen similar courts throughout Maryland, including programs specializing in



Baltimore City District Judge Jamey H. Weitzman,
Chair of the Drug Treatment Court Commission

juvenile, adult, family dependency, mental health, and DUI cases.

“In the early days, I was working hard to get my program off the ground,” Judge Weitzman said. “Now, I’m hopeful that other programs like the ones in Maryland will continue to take off nationwide. I also am optimistic with Maryland’s programs improving now that we have the Drug Court Treatment Commission that can act as the engine to drive the train.”

Judge Weitzman is pleased with how drug treatment courts have expanded since she started the first one 11 years ago. She is especially pleased when she sees someone who enters the court with a severe substance abuse problem and is then able to clean up his or her life and become a productive member of society.

“It’s real rewarding when someone comes to you with a chronic condition and is then able to get themselves off drugs,” Judge Weitzman said. “It’s also great to see the drug treatment court model being used to develop other problem-solving courts, like for DUI, domestic violence, and mental health, all of which we have in Maryland now.”

Courts Offer Outreach to Community

Courts welcome students and other visitors from around the globe. Educating the general public—from students to those from other countries—about the court system is a constant undertaking throughout the Judiciary.

In the last year alone, the Judiciary has played host to representatives from Nigeria, China, Israel, the Philippines, Cape Verde, Egypt, Russia, and Iraq, looking to learn about courts in the United States. They arrive with a variety of questions—from detailed inquiries into court technology and procedure to “what is a jury?”

The Judiciary also does a great deal locally to educate those about due process and the consequences people face when they break the law. Throughout the year, school groups visit the state’s appellate and trial courts, watching court cases and meeting judges.



Judge Vincent Mulieri developed the Schools in the Courts Program in 2001.

Schools in the Courts

Anne Arundel County District Judge Vincent A. Mulieri accomplishes that in a special way through his Schools in the Courts program.

Designed for high school juniors and seniors, Judge Mulieri’s program outlines how the judicial process works while showing them exactly what happens when a defendant breaks the law.

The Anne Arundel County high school students who visit Judge Mulieri’s courtroom view actual cases where a defendant is expected to plead guilty in cases ranging from theft to

drinking and driving to violation of probation. The defendants and their attorneys are told that the students will be watching, and they consent to being a part of the program ahead of time.

“We don’t do anything different when the students are there than we do on any other day in the courtroom,” said Judge Mulieri, who organized the first program in Spring of 2001. “Each defendant is sentenced based on the facts

and the students see the consequences of their actions, including getting handcuffed and sent to jail in the appropriate cases. The courtroom gets real quiet when that happens.”

After viewing a number of cases, the students spend the rest of the day listening to various parties involved in the criminal justice system, including a probation officer, a representative from Mothers Against Drunk

Driving (MADD), police officers, and even former defendants.

Speakers Encourage Students

In November of 2004, Maryland’s First Lady Kendel Ehrlich addressed the students, encouraging them not to experiment with drug use, including marijuana. “You know how they say it’s not a gateway drug? That’s a lie,” she told the group of students. “Anybody here been inside a jail cell? It’s not very much fun having your freedom taken away, is it?”

While Judge Mulieri admits much of the

program is designed as a deterrent to keep youngsters from going down the wrong path, the program is also meant to serve as an educational tool to show the students how the court system works.

After learning of the experience Judge Mulieri offers through the Schools in the Courts program, the Severn School contacted the Court Information Office about designing a similar program for all of the school's juniors and seniors—a total of 180 students.

“We’ve always felt that drinking as a larger issue—but particularly drinking and driving—is a major issue for teenagers,” said Highley Thompson, head of the upper school for the Severn School. “Luckily we haven’t had a major incident in which one of our students has been drinking and driving, but we always want to make sure that we’re out in the forefront on issues.”

The students sat through serious traffic cases in the District Court for Anne Arundel County, where Judge Mulieri and Judge Robert C. Wilcox



First Lady Kendel Ehrlich answers questions from Anne Arundel high schoolers at the Schools in the Courts program.

welcomed the students and spoke with them about the court system. The students also heard from Judge Bell; Judge Clyburn; Administrative Law Judge Yvette Diamond; Harold Rohrback, Jr., of the Drinking Driving Monitor Program; Leslie Thomas of MADD; and a former drunk driver who was involved in a fatal hit-and-run accident.

Responses from teachers and students were “overwhelmingly positive,” Thompson said. “They really enjoyed the day. I think they liked best the court case part of it, and also the young man who shared his personal experience.”

When students filled out feedback forms after the program, they said they learned from watching the court cases, and that they were particularly interested in hearing the speakers’ personal stories.

“I liked the ‘real’ stories part, especially from the view of victims and culprit,” wrote one student. “It was very informative (and) opened my eyes.”

“I had thought that because I don’t drink I couldn’t get hurt, but I realized that even the innocent can be the victim,” wrote another.

Another student wrote, “I learned how easy it is to turn a mistake into a tragedy.”



Harold Rohrback, Jr., of the Drinking Driving Monitor Program discusses the financial impact of drinking and driving with Severn School students.

Task Force Says, "Don't Just Paint It Pink"

Led by Baltimore City Circuit Court Judge Audrey J.S. Carrion, the Baltimore City Task Force on the Needs of Girls is working to promote gender-responsive programming to meet girls' unique needs.

The task force hopes to emphasize the importance of reaching out to girls even before they reach their adolescent years when it may be too late to help them.

"Our goal is to encourage those individuals who are involved with girls to be more receptive to the fact that girls are different from boys, and that they have different needs," Judge Carrion said. "We hope to make them aware of why programs and services should be tailored to meet the needs of girls, and also to make them more knowledgeable of the adolescent development of females."

Collaborative Effort



The task force is comprised of representatives from the Office of the Public Defender, the Office of the State's Attorney, Baltimore City public schools, the City's Department of Juvenile Services and Department of Social Services, Baltimore Mental Health Systems, and court staff, including Master Claudette Brown and Rosemary Anderson, the social services coordinator for the juvenile docket.

Task force members work toward identifying the specific needs of girls and young women who are served by city providers, while also pinpointing issues that affect them such as health concerns, mental health issues, and substance abuse problems. They also take into consideration how varying home situations impact the growth of these teens as they approach adulthood.



Responding to Needs

Task force members delved into these topics and more in a daylong conference on November 16, 2004, which was attended by more than 150 people at Loyola College. The conference was titled, "Don't Just Paint It Pink: Responding to the Needs of Girls in Baltimore City."



Courts Offer New Assistance to Mentally Ill Defendants

Mentally ill defendants who enter the criminal justice system place a growing burden on both the justice system and the public mental health system.

A traditional due process approach to such defendants often does not allow the court to identify those who are mentally ill and get them the proper treatment they require. With an estimated 16 percent of the prison population suffering from a serious mental illness, and 75 percent also battling

substance abuse, the courts are putting new measures in place to work toward getting help to those who need it, while reducing the recidivism rate of offenders who commit crimes due to mental illness and substance abuse.



New Programs in Baltimore City

Baltimore City's mental health court pilot program, led by District Court Judge Charlotte Cooksey, began in 2002. The program began with the consolidation of all of the approximately 250 cases in which a competency evaluation was ordered.

In the program, police, public defenders, prosecutors, family members, probation officers, mental health professionals, and others work together as a team to identify defendants who could benefit more from receiving psychiatric care and/or drug treatment than from being incarcerated. "Early identification is the key, as well as being able to provide a plan of assistance for this special population," Judge Cooksey said. "This requires a collaboration of resources along with the proper training."

Effort in Harford County

Harford County District Judge Mimi Cooper spearheaded a similar effort with the establishment of the county's mental health diversion program in early 2004.

There, prior to the start of the first hearing, the team—similar to that in Baltimore City—reviews the information gathered about the candidate to gauge whether they are eligible for the program.

The programs in Baltimore City and Harford County are voluntary for the defendants and exclude those accused of violent offenses. Defendants who opt into the program waive their right to a trial and enter into a mental health program.

Improving Best Practices

The Department of Family Administration published two documents this year designed to better serve those going through the state court system for family-related matters.

The Maryland Circuit Court Family Divisions and Family Services Programs created the first document, *Family Court ADR Program Best Practices*, for use in developing and administering court-based family alternative dispute resolution (ADR) programs.

Offering Direction

This document offers guidance to court staff members as they manage ADR programs to address the needs of families in transition—for example, those dealing with issues such as child access and marital property mediation. The document also offers direction for volunteer attorney settlement panels, child dependency mediation, parent-teen mediation, and facilitator programs.

The other document, *Best Practices for Programs to Assist Self-Represented Litigants in Family Law Matters*, paints a picture of how courts can address key policy issues to ensure their programs are serving the self-represented in a manner that is both ethical and effective.

The *Best Practices* guide delves into issues including ensuring access to appropriate levels of service; service delivery; program outreach; access, language and literacy; program staff; and quality assurance.

Improving Accessibility

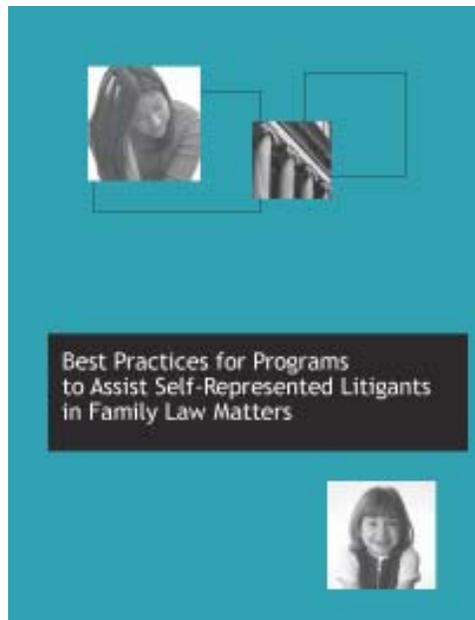
In the areas of access, language, and literacy, the *Best Practices* guide suggests that good programs avoid using Latin terms or legal terminology, employ program staff who are fluent in those languages spoken by significant numbers of lower-income residents living within that jurisdiction, and provide assistance for self-represented litigants in facilities that are ADA-accessible.

Input from Several Parties

The project grew out of a joint meeting of family support services coordinators, Family Division administrators, and self-help providers. Self-help providers include individuals and organizations that serve the self-represented through court-based Family Law Self-Help Centers.

These centers, formerly known as *pro se* assistance projects, provide forms and assistance to individuals who are involved in family litigation but may not have an attorney. A broad range of court personnel, self-help providers, and members of the legal services community who serve the self-represented developed the document over a two-year span.

The Administrative Office of the Courts partnered with the Maryland Legal Assistance Network to convene the working group that eventually developed the draft. The document was reviewed, modified, and eventually adopted by the Maryland Conference of Circuit Judges.



Promoting Alternative Dispute Resolution

The Maryland Judiciary's award-winning Mediation and Conflict Resolution Office (MACRO) continues to advance the appropriate use of alternative dispute resolution (ADR) in the state's courts, while promoting excellence and raising public awareness of mediation throughout the state.

ADR services are expanding throughout both the circuit courts and the District Court in Maryland as people work on ways of resolving their disputes without going to trial. In circuit courts, ADR plays an especially important role in family cases. Mediation has become routine in contested child custody and visitation cases, except those dealing with allegations of domestic violence. Services also include dependency mediation programs for Child in Need of Assistance (CINA) and Termination of Parental Rights (TPR) cases.

Use of Mediation Expands

In other civil (non-domestic) cases, the use of mediation continues to expand. New mediation programs are being set up to handle professional liability, medical malpractice, and business-technology track cases, as well as probate disputes in some Orphans' Courts.

MACRO continues its collaboration with the District Court ADR Office to support its work to create and operate mediation and settlement conference facilitation programs in District Court jurisdictions across Maryland. ADR is a vital service in the District Court, with mediation and settlement facilitation services provided, both pre-trial and day-of-trial, by trained volunteers at no cost to litigants.

ADR processes resolve conflicts peacefully and promote creative problem-solving. A variety of ADR processes such as mediation, early neutral

case evaluation, arbitration, settlement conferences, and consensus building are increasingly being used by courts, communities, schools, government agencies, criminal and juvenile justice programs, businesses, and other organizations across the country. Successful ADR programs in different fields have many benefits, including:

- enhancing the public's access to justice
- making courts more user-friendly
- reducing congested court dockets
- empowering people to resolve their own disputes
- promoting more reasonable and peaceful behavior in the community
- involving more people in government decision-making
- cutting business costs
- healing rifts between people and restoring relationships

Training for Mediation

MACRO has taken a number of steps in the past year to inform the public about ADR options along with offering ways of making the mediation process better. Working collaboratively with mediators across the state, MACRO has developed the Maryland Program for Mediator Excellence (MPME) to provide mediators with an array of options to continue developing and enhancing their skills.

Set up as a "tree with many branches," when fully operational MPME will feature mentoring, training, case and ethics discussions, consumer education, regional networks, observation, evaluation, certification, and an ombuds program.

Jury Service

Employer Policy Lets Juror Fulfill Her Duty with Ease

When Deborah Hope Thomas was chosen to serve on a jury in Queen Anne's County, she had to change her routine for three days, driving to the county's historic courthouse to take on unfamiliar responsibilities with her fellow jurors.

One adjustment the Stevensville resident didn't have to make, however, was struggling to make ends meet without her usual salary. As an employee of Centreville National Bank, Thomas received the same pay she would have received if she had reported for work.

"As an employer we care about our employees. We don't want them to lose pay because of serving their civic duty," said P. J. Satchell, vice president of Centreville National Bank. "We respect their rights to fulfill their civic duties. We want to be fair with them and this is the only fair thing to do. They are part of this community. We expect them to be volunteers in the community—and we expect them to fulfill their civic duty."

First Partners in Justice

Centreville National Bank was one of the 20 employers the Maryland Judiciary recognized at the first "Partners in Justice" ceremony on May 11, 2005, in the Court of Appeals courtroom, when the jurors and their supportive employers received public thanks from judges from the state and federal courts. Twenty jurors and their employers gathered for the stirring ceremony, where some of Maryland's top judges commended them on their contributions.

"One major barrier to jury service is the level

of compensation," said Judge Bell, who presided over the ceremony with the Hon. Benson Everett Legg, chief judge of the United States District Court for the District of Maryland, and Prince George's Circuit Court Administrative Judge William D. Missouri, representing the Conference of Circuit Judges. "Some jurors are provided full pay and benefits by their employers while they serve on jury duty. These employers, big and small, should be recognized and commended. Those who do not should be encouraged to do so."

Juror Appreciation

The Judiciary also celebrated Juror Appreciation Week from May 2-6, in keeping with the national theme for Law Day 2005, "The American Jury: We the People in Action."



Pausing for a photograph at the first Partners in Justice ceremony are Judge Legg (left), Deborah Hope Thomas, Queen Anne's County Clerk of Court Scott MacGlashan, P.J. Satchell, Judge Bell, and Judge Missouri.

Partners in Justice: Judiciary, Employers Work Together

Jury service is a vital civic duty. Being asked to serve is not only a legal obligation, but a privilege.

Unfortunately, many citizens find jury service an inconvenient experience that sometimes places a financial burden upon them. This is an even harsher reality when their workplace does not support juror-friendly policies.

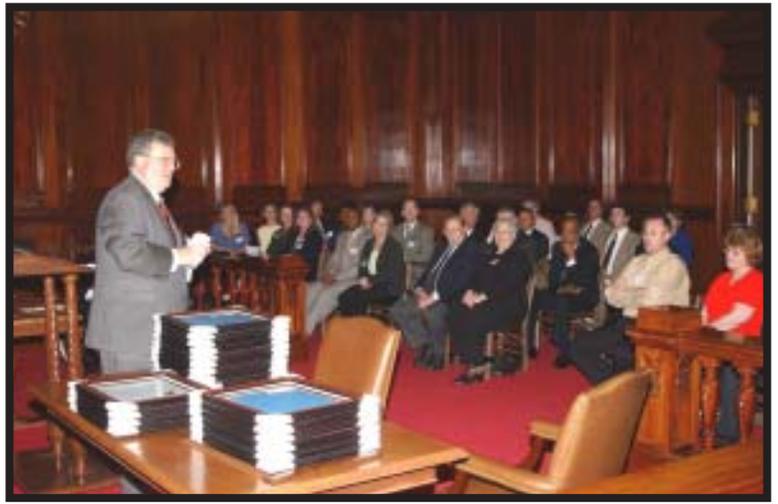
In hopes of remedying this situation, the Maryland Judiciary developed its “Partners In Justice” program—a voluntary program that encourages the promotion of juror-friendly workplace policies and practices in businesses of all types and sizes across Maryland.

Juror-Friendly Policies

A juror-friendly policy is one where an employee is fully compensated by an employer during their service on a jury. This policy gives employers an opportunity to offer a public service to the community by allowing jurors to focus completely on their service duties without concern about financial hardship.

“Establishing juror-friendly policies allows an employer to provide an extra benefit to their employee and do a public service at the same time,” said Howard County Circuit Court Judge Dennis M. Sweeney, the chair of the Council on Jury Use and Management.

The Partners in Justice program was launched when the first group of 20 businesses on the Partners in Justice Honor Roll was recognized in May for their support of their employees during their jury service. The Judiciary plans



Judge Dennis M. Sweeney welcomes a group of jurors and their employers to the first Partners in Justice event in May 2005.

to recognize its Partners in Justice at an annual ceremony.

Community Outreach

Meanwhile, judges will start reaching out to the community to invite more employers to take part in the program.

“We need to honor employers that have policies that make sure employees can serve on a jury without worrying what will happen to them financially,” Judge Sweeney said. “Right now, we need to do more outreach to get other businesses on board to develop jury duty policies even if it’s not 100 percent of what we want. Then, at least employees know what to expect when they serve on a jury.”

“At the same time, it’s a two-way street. We need to listen to employer concerns to make sure we are friendly to their needs as well.”

Improving Juror Experience

The Partners in Justice program comes at the same time that the Maryland Judiciary is looking into other ways of improving the overall jury duty experience.

In the 2005 General Assembly session, a bill was passed that prohibits an employer from requiring an employee to use annual, vacation, or sick leave to respond to a jury summons—

Jury Service

although the bill does not require the employer to pay the employee for jury service. Also, the same bill increases the state juror per diem from \$15 per day to \$50 per day for each day after the fifth day of jury service.

In addition, many courts are looking for ways to make jurors more comfortable, including Cecil County, where the courthouse opened a new juror assembly room featuring two televisions with cable access and kitchen facilities in addition to two smaller rooms—one for watching television and one for reading.

Satisfying Jurors

The jury experience can be improved in ways that cost little or no money at all, including offering comfortable seating and refreshments, a place to work while waiting and looking for ways to use potential jurors as quickly as possible, Judge Sweeney said.

“We are trying to encourage judges and jury commissioners not to have jurors just sitting around. This is a case management issue that is easier to deal with in some jurisdictions over others that have a much larger caseload to juggle,” he said.

“One of the things we find is that the further along in the process jurors get, the more satisfied they are. The longer a case goes, the more impressed a juror is with the system because they feel a part of it. If a juror sits around all day and is never used, they wonder what the point of it is and whether they just wasted their time.”

Partners in Justice

Awards Ceremony

Maryland Court of Appeals
Annapolis, Maryland

May 11, 2005



Courtesy Maryland Defense Counsel, Inc.

What is a Partner in Justice?

To be designated a Partner in Justice, employers must meet certain criteria. Larger businesses with more than 100 employees are placed on the Honor Roll by adopting policies that compensate employees for jury trials regardless of length. Smaller businesses with fewer than 100 employees are eligible if their jury duty policies compensate employees for service on jury trials lasting up to four days.

Each Partner in Justice is presented with a certificate recognizing ongoing service to the community. The Honor Roll is a permanent part of the Maryland Judiciary Web site.

More information on the Partners in Justice program is available at: <http://mdcourts.gov/index.html>.



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