

Justice Matters

A publication from the Maryland Judiciary

Vol. 9, Issue 3 November 2005

Dorchester Courthouse Recognized for Role in Underground Railroad

By Judge Brett W. Wilson, Dorchester County Circuit Court



photo by Hubert H. Wright, IV

The National Park Service has recognized the Dorchester County Circuit Courthouse as a site on the Park Service's Network to Freedom route which highlights the history of the Underground Railroad. The Park Service will provide a \$25,000 grant to create signage and provide other information at the courthouse explaining the history of the Underground Railroad.

Research revealed that several significant incidents related to the Railroad occurred in and around the site of the Dorchester County Circuit Courthouse. A brochure titled "Finding a Way to Freedom" notes that the Cambridge area regularly held slave auctions.

In 1850, relatives of Harriet Tubman were destined to be sold at the auction, but were able to escape. Tubman's niece, Kessiah, and her two younger children escaped to join Kessiah's husband, a free black ship carpenter named John Bowley. They used a small sailboat to make their way to Baltimore, where Tubman met them and led them to safety in Philadelphia.

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Garrett County Juvenile Clerk Helps Biloxi Residents

Brian Schlossnagle didn't have any friends or family members impacted by the destruction caused by Hurricane Katrina.

Still, after viewing the horrific scenes of the Gulf Coast region on television and in newspapers, the juvenile clerk for the Circuit Court in Garrett County felt he had to do something to help those in their time of need.

That led the 32-year-old Western Maryland resident to head down to Biloxi, Miss., where he recently spent 10 days helping clean up the storm-ravaged region. He was one of many within the Maryland judicial system who offered support to the hurricane victims.

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District Court's New Weapons Detection System User-friendly

by Ken Brown, Customer Information Services, District Court

A computer serves as the backbone of the new metal detector recently installed in the District Court on Patapsco Avenue in Baltimore City. Additional units will be installed in other District Court buildings throughout the state—21 in all, including 10 that never had one before.

Unlike the electro-magnetic units, which have been the standard system used throughout the state, the new concealed weapons detection system uses specially designed software to screen objects on a person.

“The Court took a very forward looking approach with this system,” said District Court Chief Judge Ben C. Clyburn. “We selected a system that not only provides citizens and staff with the latest technology, but a system upon which we can build, ensuring a high degree of security today and into the future.”

More than 2.5 million people visit District Court buildings every year and almost every visitor is processed through a security system. The security systems need to be both effective in detecting unwanted items and efficient in processing people.

The detection systems currently in place in most District Court buildings—as well as most airports—use electro-magnetic fields to detect metal objects. While the technology is effective (it does detect most metal objects), it does not discriminate (a metal hair barrette is detected in the same way as a knife). Electro-magnetic systems also place a burden on the operator who has to make a judgment as to the nature of the object detected.

For most people, the security system helps form a person's first impression of the court. Unfortunately, many older detection systems antagonized visitors by sounding alarms when they detected any type of metal—resulting in delays as well as complaints.

With the increased attention to security during the past few years, manufacturers have looked for ways to make systems more efficient and effective. In the past, many security devices were stand-alone units, which did one thing well. By adding a computer to the model, however, the stand-alone unit becomes a part of a multi-faceted system which can grow as the needs of the court grow.

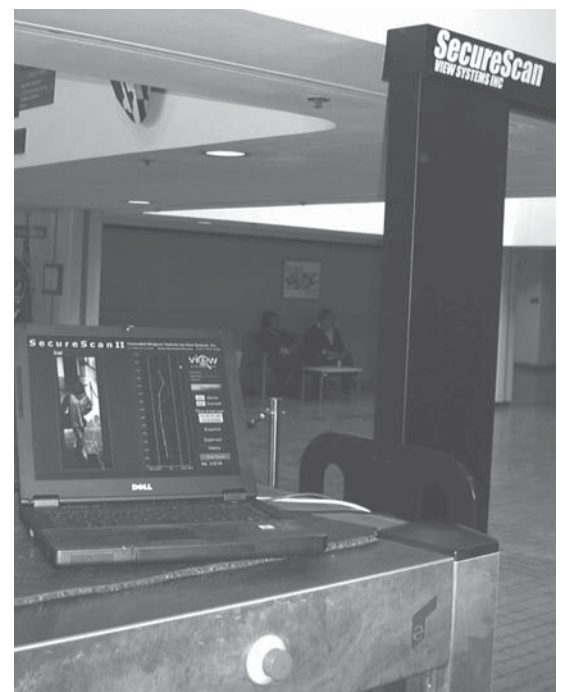


photo by Ken Brown

Spanish Students see District Court in Action

A group of 19 students from Spain visited the Howard County District Court on August 26. The students, who stayed with families in Carroll County during the month of August, visited many historical and cultural places.

Retired Chief Judge of the District Court James Vaughan met with the students and explained the state and federal court system. The group was also able to observe separate sessions of traffic court and televised bond hearings.



photo courtesy of Howard County District Court Judge Gail Clark



News from the Bench

- **Hon. Robert Edward Cahill, Jr., Hon. Judith Claiborne Ensor, and Hon. Timothy Joseph Martin** were appointed to the Circuit Court for Baltimore County, replacing Judge Robert E. Cadigan, who retired; Judge J. Norris Byrnes, who retired; and filling one new vacancy created as a result of the enactment of Chapter 199 of the 2005 General Assembly Legislative Session.
- **Hon. Stephanie L. Royster** and **Hon. Barry G. Williams** were appointed to the Circuit Court for Baltimore City, filling two new vacancies created as a result of the enactment of Chapter 199.
- **Hon. Philip Nicholas Tirabassi** was appointed to the District Court for Baltimore County, replacing **Judge Robert E. Cahill, Jr.**, who was elevated to the Circuit Court for Baltimore County.
- The following judges have announced their retirement from the bench. No additional appointments have been made as of press time:
 - Hon. J. Norris Byrnes**, Circuit Court for Baltimore County
 - Hon. D. Warren Donohue**, Circuit Court for Montgomery County
 - Hon. Christian M. Kahl**, Circuit Court for Baltimore County

In Memoriam

Hon. Leonard S. Jacobson, retired, Baltimore County Circuit Court judge from 1983 to 1994.

Judiciary to Ask Legislature to Address Jury Service, Judicial Elections

By Suzanne Delaney, Esq., Government Relations Specialist

The Maryland Judiciary is preparing to present the General Assembly with its 2006 legislative package. This year the Judiciary's requests include asking the legislature to alter the election process for circuit court judges and revise laws affecting jury service.

"The Judiciary did really well last session, and we are looking forward to equal or greater success this year in 2006," said Prince George's County Circuit Judge William D. Missouri, who serves as chair of the Maryland Judicial Conference's Legislative Committee and chair of the Conference of Circuit Judges. "Among our legislative initiatives is a Violation of Probation bill that will provide for V.O.P. appeals from the District Court to be on the record rather than de novo. This idea has faced resistance in the past, but we are trusting that the legislators will be more receptive this year."

"Among the significant pieces of legislation for the '06 session is the jury service bill, which is a rewrite of the jury service section of the code. The Judiciary will also have an interest in several bills that will reform the judicial election process," Judge Missouri said. "We look forward

to continuing our successful, cooperative relationship with the members of the General Assembly."

With regard to the Judiciary's budget, drug courts will be a priority this year. As federal funding starts to dry up, the Judiciary will make an effort to institutionalize funding by securing all Maryland drug court money in the Judiciary's budget, and issuing grants to the stakeholders.

This year's legislative package asks the legislature to address the following issues:

Judicial Elections

The Judiciary is submitting two bills this session to change the way circuit court judges are elected. The first bill would allow for a circuit court judge to be elected in the general election for his or her first term of 15 years. After the initial term, circuit court judges could be retained in office by a retention election where voters vote yes or no on their continuation in office. The second term would be for 10 years. The second bill would mirror the circuit court election with that of the school board election process. Elections would truly be nonpartisan and any judge who receives more than 50 percent of the vote in the primary election would run unopposed in the general election.

Violation of Probation

Two bills are being submitted regarding violation of probation. The first bill would just eliminate confusion by allowing the District Court to issue notice of a violation of probation in a reasonable time frame rather than during the period of probation. This would be consistent with circuit court law. The second bill would make an appeal of a District Court finding of violation of probation to the circuit court on the record rather than a de novo trial.

cont. next page





Tax Property

The Judiciary is submitting legislation to require that home buyers submit a first time home buyer statement if applicable when they submit the deed. This would bring this affidavit into compliance with similar affidavits filed with the clerks' offices currently.

Circuit Court Action Plan

Legislation is being introduced to comply with requirements of the Circuit Court Action Plan. These deal with funding for law clerks, courtroom security, and jury staff.

Jury Service

A comprehensive bill is being submitted regarding jury service. For crimes related to jury service, the proposed legislation would confer exclusive, original jurisdiction on circuit courts, and alter authorized penalties—generally increasing the penalties. The legislation would also alter charges and convictions disqualifying jury service. As provided in each circuit court's jury plan, the legislation would expand the jury commissioners' authority, authorize the acting jury commissioners, provide for the service of summonses, narrow the exemption for organized militia members, and alter the record-keeping requirements for information on jurors. The legislation would also address disclosure of information about jurors, revise most grand jury provisions from public local laws, and expressly authorize donation programs.

Managing the High-Profile Case



A practical blueprint

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Revised High-Profile Guide Available

The Judiciary's guide to handling high-profile cases, "Managing the High-Profile Case: a Practical Blueprint," has been updated to include additional, more current information.

The revised guide, which includes details on how judges have used technology to communicate effectively with the media and the public, may be helpful to judges as they prepare for cases which are expected to attract an extraordinary amount of attention.

To request a copy of "Managing the High-Profile Case: a Practical Blueprint," call the Court Information Office at 410-260-1488.

Two District Court commissioners offer a glimpse into the 24-7 operation of Maryland's Court System, how their roles have evolved in recent years, and the effort and consideration they put into their jobs—often while most of the state is sleeping. Talbot County District Court Judge William H. Adkins, III, was instrumental in bringing this piece together.

A Day/Night in the Life of a District Court Commissioner



Issuing Civil Orders after Court Hours in Prince George's County

By Gilbert Carr, District Court Commissioner, Prince George's County

My career as a District Court commissioner began more than 18 years ago. Throughout the years of my career, citizens would come to the Commissioners' Office after court hours seeking a restraining order. However, as a District Court commissioner, I did not have the authority to issue civil orders after court hours no matter how physically or mentally abused the citizen appeared.

As a commissioner, I would explain to the citizen that only a judge could issue a civil order during court hours. Citizens would then become extremely irritated and exclaim, "You mean to tell me that you cannot do anything to keep this person from hurting me?" I would explain how to file criminal charges and provide citizens with an application for statement of charges, but only a few citizens would want to file criminal charges.

In many cases, especially domestic violence cases, the victim does not want to give the alleged abuser a criminal record or get them arrested. Usually the victim just wants the abuse to stop. A criminal record can have serious ramifications on someone's ability to get a good job, receive promotions, and earn a living to provide for their family.

The decision whether to file criminal charges places a great deal of pressure on a victim of domestic violence.

Before we had the authority to issue civil orders, vic-

tims would be reluctant to come to us for help because of the negative impact criminal charges may have on an individual.

When the Legislature was deliberating whether to give District Court commissioners the ability to issue civil orders, I was approached by my legislator, and he asked, "Do you want the added responsibilities of issuing civil orders? Do you want the added pressures of deciding whether to remove a person from their home, and determining child custody?"

I said, "Absolutely! I do that now! It is very similar to pretrial release restrictions on a defendant." If someone is under arrest for assault, and I feel there is any danger to the victim in the case, I order the defendant to stay away from the victim and not return to that address.

Granting commissioners civil powers made it possible for us to utilize our authority to protect victims in a criminal matter and apply those same protections in civil orders. In 2004, a total of 3,022 civil orders were filed after court hours with the District Court Commissioners' Office in Prince George's County. Giving our citizens protection through the court system 24 hours a day, seven days a week, was definitely the right thing to do.

Commissioners are judicial officers authorized by statute to perform duties that include, but are not limited to, conducting initial appearance hearings to determine pre-trial release conditions, issuing charging documents based on applications by citizens and by police, processing bond documents, and conducting hearings based on petitions filed for peace orders and for relief from domestic violence.

A commissioner provides access for citizens and arrested persons 24 hours a day, 365 days a year. The initial processing of the majority of criminal filings brought before the District Court is done by a commissioner working out of 40 stations statewide.



Working the Night Shift in Cecil County with a Growing Workload

By Stephen Quinter, District Court Commissioner, Cecil County

I work a permanent night shift by myself, and the majority of protective orders and peace orders in District Three for Cecil County are issued at night on my shift when the courts are closed. My Administrative Commissioner has told me that I handle more protective orders and peace orders in District Three than other commissioners in the district.

Sometimes it gets a little hectic being by yourself. You sometimes get backed up while processing the orders. In the front lobby and hallway in the multi-service building, I may have citizens waiting to file charges and/or filling out applications for charges, bail bondsmen posting bonds, police officers with prisoners for initial appearances, and the detention center on the way, transporting a prisoner to sign a bond.

In my 13 years as a court commissioner in Cecil County, I saw my highest workload percentage during the years 2003 and 2004. After the constitutional amendment was implemented to expand the authority of District Court commissioners to include the issuance of interim orders for protection pending hearings or domestic violence and peace order petitions, my workload increased by about 15 percent in 2003 and 2004.

I'm not solely basing the work increase on the interim orders for protection and peace order petitions issued or denied, but I'm sure it plays a part in the numerical data collected. The workload percentage doesn't take into account the time spent listening to individuals applying for an order, asking basic or general questions, and explaining the date and time of the next court session.

I've learned to manage my time more efficiently in each instance while processing the cases and I do the best that I can in a professional manner. During this time, I may have three to four things going on at once. Most people are very understanding and accept the fact that they must wait. They know I'm busy, but you still have some who leave because of the wait, only to return later and tell me that they were here earlier, but I was busy.

I consider the issuance of interim orders very serious because of the restriction being placed on individuals, but it's part of my job, and I do the best that I can.

Garrett County Juvenile Clerk, from p. 1

The Judiciary's Workplace Improvement Team collected \$2,734 toward the relief efforts, including \$350 from the Circuit Court for Baltimore County, \$314 from the Circuit Court for Frederick County and \$130 from the Circuit Court for Allegany County. Additionally, several individuals and offices donated directly to various relief efforts.

As for Schlossnagle, he traveled to Mississippi with seven other individuals from his community before joining up with Samaritan's Purse, an international relief charitable organization, to receive their assignments.

"It was just something I needed to do," Schlossnagle said.

Despite viewing the damage done by Katrina before traveling to the region, nothing could prepare Schlossnagle for the sites he saw on his trip.

"I was in shock more than anything," he said. "I thought I'd be prepared for what was down there by watching the news. But it was much worse than I anticipated. There was total devastation."

Schlossnagle said his primary responsibilities centered on assisting with "mud outs" of several area homes. This involved going into each home and helping the owners clean up any salvageable furniture, tearing up carpets, cutting out mold-covered drywall and performing other general clean-up duties. Unfortunately for those residents, Schlossnagle said only half of the nearly two dozen homes he went into could be saved.

"We tried to save all the homes that we could, but after two weeks, the mold was just growing everywhere," he said.

Schlossnagle said he never ran into problems with residents he encountered and many of them worked alongside of him in the clean-up efforts.

"They were all very appreciative of us being down there," he said.

Schlossnagle said he left Mississippi with a different outlook on life than before he arrived there.

"It was definitely a life-changing experience," he said. "It makes you thankful for what you have."



Brian Schlossnagle stands next to a tree in Mississippi where its stripped bark shows how high the water reached after Hurricane Katrina.



Gulf Coast Courts Face Challenges in Trying to Provide Access to Justice

The devastating aftermath of Hurricanes Katrina and Rita impacted every aspect of daily living in the Gulf Coast Region.

One area hit particularly hard is the Judiciary, where courts in Louisiana and Mississippi are working out how to best start hearing cases. Every part of the due process is dealing with the unparalleled destruction brought on by these two historic storms.

Floodwaters took out everything in its path, from evidence rooms to police crime laboratories to the courthouses themselves. In addition, charging documents need to be reconstructed for the more than 6,000 Louisiana inmates who were evacuated in small boats and scattered across 39 state prisons, according to the *New York Times*.

Bail hearings recently started up again at "Camp Amtrak," a makeshift courthouse at a train and bus station in New Orleans. But, it could be weeks before the city's police stations and courthouses are repaired at a time when the city laid off dozens of workers with no tax dollars to pay them.

Additionally finding witnesses and holding jury trials could prove even more difficult with citizens scattered all over the country, many of whom may never return. Louisiana's Supreme Court also suspended speedy-trial rules and delayed everything but essential proceedings until at least October 25.

Like Louisiana, Mississippi is dealing with a number of barriers in its attempt to get its court system operational, including damaged court records and buildings, the lack of a suitable jury pool and dealing with judges, lawyers and litigants who all are personally feeling the impact of the storms.

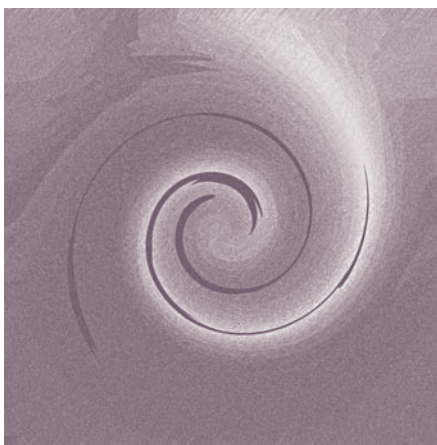
"Judges here have ruled that jury trials are just not possible right now," said Mississippi's Director of Administrative Office of the Courts Kevin Lackey. "We have too many people without permanent addresses now. Even if we could get a jury pool together, I don't think too many

of them would willingly serve when they are trying to get their lives, homes and businesses back together again."

In Mississippi, a number of circuit court judges have cancelled trials and hearings and extended filing deadlines due to the impact of the hurricanes. This recently extended to statute of limitation cases after legislation was passed in a special session of the legislature. Also, its Supreme Court authorized lawyers licensed in other states to practice there if they are providing pro bono assistance to victims of Hurricane Katrina.

Still, both states are working hard to get their courts fully operational again. Mississippi Supreme Court Chief Justice James W. Smith, Jr., is also working on pushing the state legislature to pass a number of bills he feels will minimize storm impacts in the future, including adopting a comprehensive case management and electronic system for court records; finding a way to meet the need for jurors in areas where jury service would be a hardship to people displaced by a hurricane or are unable to fulfill their civic duties; and authorizing funding for special judges if they are needed to assist courts hard hit by a hurricane.

"We have several judges, court reporters, and others who have lost their homes," Lackey said. "We will recover, but it will take some time. "Most of the records that were damaged can be restored, but they need to be scanned into an electronic system because they will decay over time because of mold. That is going to take a lot of manpower and cost a lot of money."



"Judges here have ruled that jury trials are just not possible right now . . ."

Kevin Lackey, Mississippi's Director of Administrative Office of the Courts

ASTAR Judges Make Better Cell Mates

As one of the first ASTAR Resource Judges, Wicomico County Circuit Judge W. Newton Jackson, III, attended a conference with other judges from Ohio and Maryland, including Court of Appeals Chief Judge Robert M. Bell, Court of Appeals Judges Alan Wilner and Glenn Harrell, and Court of Special Appeals Judge Ellen Hollander. Here is his first-person account of his experience at the conference.

For some 25 judges from Maryland and 30 others from Ohio, the weekend of October 7-9 constituted a “boot camp” in Warrenton, Va., of the Advanced Science and Technology Adjudication Resource Center Program, more affectionately known as ASTAR. The stated purpose of this organization is to raise the judicial consciousness of something called the human genome project. (A genome is all the genetic material in the chromosomes of an organism.) ASTAR was spawned by another entity with still another clumsy acronym known as EINSCHAC, which stands for the Einstein Institute for Science, Health and the Courts.

Originally, the Maryland and Ohio participants were to convene in La Jolla at the Salk Institute, along with 45 California judges, but that plan fell through when either Governor Arnold Scharzenegger or the Minutemen Border Patrol prevented the influx of another 55 judges into the State of California. In any event, we settled for the Airlie Center in Warrenton.

As part of our ASTAR training, we were thrown together with physicians, scientists, young “post-docs,” and other cerebral types from various medical schools, universities, private laboratories and governmental agencies. In addition to our own Bob Bell, Alan Wilner, Glenn Harrell, and Ellen Hollander, the chief judges of the Ohio Supreme Court and the Utah Supreme Court participated, as did Pauline Newman of the U.S. Circuit Court of Appeals for the Federal Circuit.

Clearing away the cobwebs in our minds, we sat down to three days of lectures from various “gene jocks” and delved into such subjects as genetics, molecular biology, embryonic stem cells, cloning, microbial remediation of

toxic waste, nanotechnology, and bioterrorism, just to name a few. For those of us who wrestled with Biology-101 decades ago, this indeed was a daunting task. In fact, the work had begun earlier, because we were supposed to have read two books before arriving at Warrenton.

So, you ask, what is the point of all this? Besides reinforcing our inadequacies and injecting some humility into our psyches, successful completion of the ASTAR “platforms” will enable us to be a “resource” for other members of our respective benches. Just as technological advances in warfare have caused military planners to adjust their tactics, essentially forcing them to play catch-up, the same is true with genetics and the courts. Judges cannot be specialists but, at a minimum, we must know the lingua franca of the life sciences.

The curriculum at Warrenton included not only the rigorous lectures which ran like clockwork but also smaller seminars dealing with various factual scenarios. Three hypothetical situations were addressed by us in “adjudication clinics.” All participants were divided into six teams comprised of judges and scientists. These teams were the Buckeyes, Terrapins, Indians, Orioles, Saints, and Spartans. (Where did those last two names come from?) One involved a pregnant 15-year old in foster care whose fetus might have carried the gene for Huntington’s Disease. Another presented us with a prisoner in the well of the courtroom claiming that he was a terrorist infected with Asian Bird Influenza. The third dealt with a dead 12-month-old baby, either beaten to death by his father or dead as the result of a bone disease known as



photo by Fred Williams



"Judges cannot be specialists but, at a minimum, we must know the lingua franca of the life sciences."

Judge W. Newton Jackson, III,
Wicomico County Circuit Court

Osteogenesis Imperfecta. This format not only broke up the monotony of the lectures but also facilitated an open and free-wheeling discussion, something we trial judges, as opposed to appellate judges, do not enjoy in the austere, on-the-record setting of the courtroom.

The people planning this program obviously knew that judges' attention spans are limited, so one afternoon we were given the opportunity to extract our own DNA. The young post-docs fanned out across the room, handing us Gatorade in little plastic cups and telling us to swash it around in our mouths while scraping our tongues around the inside. We spat this admixture into a test tube, while they added a solution, which, for all I know, was Love Potion No. 9 of Coasters fame. This caused a white, crystalline substance to rise from the brew. Each of us was then given a small plastic vial, with a cord attached, into which went the DNA via a syringe. Seeing 50 judges wearing vials of DNA around their necks made me silently hum the lyrics of "If you're going to San Francisco, be sure to wear some flowers in your hair."

As Questions Arise

Is any of this really necessary? For better or worse, this question has already been answered for us. Advances in genetic technology with such buzz-word concepts as "brain fingerprinting" and "cognitive profiling" implicate privacy rights. Will genetic screening for predisposition to serious illnesses be required for life insurance policies? Does genetic, as opposed to physical, impairment trigger protection under the Americans with Disabilities Act? Whither affirmative action if genetic sequence rather than skin color becomes the new racial paradigm? Will race matter at all? Will "hate crimes" be re-defined? How will tort recovery for personal injury or wrongful death be affected? What effect will there be on "marital property" in the domestic relations context?

It gets even more complicated. Embryonic stem cells derived from in vitro fertilization allow the creation of dif-

ferentiated or specialized cells, which may in turn repair a diseased organ or an amputated limb. Extraction of the stem cells, however, destroys the embryo, raising fundamental right-to-life questions. Somatic cell nuclear transfer (cloning) raises a different set of issues. Because specialized cells derived from embryonic stem cell lines are often rejected by the body's autoimmune system, scientists envision the cloning of the patient's own genes to avoid this.

Therapeutic cloning avoids the rejection problem, but raises the spectre of reproductive cloning. Some may argue that, because cloning



photo by Fred Williams

Judge W. Newton Jackson, III does not result from true conception, i.e., the union of a sperm cell and an egg cell, there is no "right-to-life" issue. Obviously, it raises a host of other moral and ethical problems. We are all familiar with Dolly the sheep, but did you know that a human embryo was cloned in 2004? Because the scientific community is overwhelmingly opposed to human reproductive cloning, the embryo was destroyed after seven days. But will this always be the case?

The Congress of the United States and the various state legislatures will eventually enact legislation reflecting our societal goals, but the courts, as always, will be left to resolve the disputes. In the meantime, the ASTAR foot soldiers will continue slogging away. In 2006, we go to John Hopkins Hospital and the University of North Carolina Medical School in Chapel Hill. Post-Warrenton, however, I'm still trying to figure out what the Saints and the Spartans had to do with any of it.

Bailiff Makes Court's Young Visitors Feel Welcome

by Judge Charlotte M. Cooksey, Baltimore City District Court
with Sherri O'Donnell, Assistant Public Defender

Sam Ritch was one of the first bailiffs to work for the District Court of Baltimore City, and he has been working with us since 1991. He was retired from the Baltimore City Police Department where he worked primarily in the Southern District. As a bailiff, Sam was assigned to the court located in the Southern District Police Station, where I met him. We have been working together ever since.

Whenever new attorneys or judges came to work at Southern, they were warmly greeted by Sam Ritch who gave them a tour of the building, introduced them to the other employees and made them feel welcome.

As a bailiff, Ritch helps the judges by supervising prisoners, keeping order in the courtroom, and making sure the courtroom is secure. But Ritch goes above and beyond those critical job responsibilities.

Employee morale is at an all-time high when Ritch is working. He hands out candies to all court personnel, brightening everyone's day. Whenever one of the attorneys or court staff has a birthday, Ritch gets the card and collects money to purchase a cake. Ritch fosters community spirit by his thoughtfulness, energy, and ability to make everyone feel that they are part of these festive occasions.

Ritch is unique in so many ways, but perhaps most remarkable is the compassion he shows for the people in the courtroom, especially the children. With his own money, he collects toys and stuffed animals to give to each child he encounters in the court.

Over the years, he has given these gifts to hundreds of children. Before every docket, Ritch looks into each courtroom and provides a toy, a stuffed animal, or a piece of candy to each child. This kindness never fails to bring a smile.

Since its inception several years ago, Ritch has worked in the Mental Health Court. His calm, pleasant manner, and ability to relate to others makes him an invaluable member of the team. Everyone who knows Sam Ritch feels extremely fortunate to work with such a caring, special individual.



photo by Bailiff Jim Wagner

Bailiff Sam Ritch (right) presents a toy to a child visiting the District Court for Baltimore City.

Building on Strengths, New Finance Director Focuses on Communication

by Catherine McGuire, State Law Library



photo by Dan Clark
Allen Clark

Communication and customer service are the keystones of the Department of Budget and Finance. As the leader in what is already a quality work environment, new Executive Director Allen Clark wants to continue to encourage all members of the department to consider and propose ways to enhance their current methods and procedures in those areas.

Clark, who was promoted in July 2005 when former Executive Director Vince Marsiglia left, aims to provide quality customer service to the Judiciary community through good work and open communication.

Keeping Communication Open

As part of continuing efforts to keep communication lines open, this year's Annual Accounting Day on November 10 will bring together accounting staff. After a morning spent with speakers addressing the full group, attendees will be split into smaller focus groups to discuss specific topics of concern. Feedback from Accounting Day will help Clark keep his goals refined and relevant to the Judiciary's population.

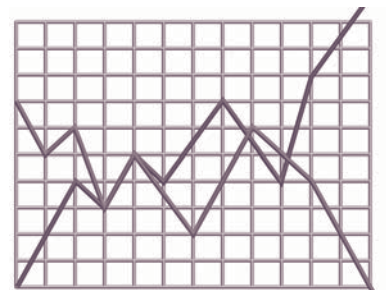
Clark came to the Judiciary four years ago from the U.S. Fish and Wildlife Service and the headquarters of the Department of the Interior. There, he served as senior budget analyst with responsibility for four program areas. As an analyst, about a quarter of his job revolved around numbers; the rest dealt with program issues including assisting programs in presenting justification for their budgets and providing research and backup for the agency's presentation of their budgets and programs at Congressional hearings.

Although Clark says he really enjoyed his job, he didn't love so much the long commute from Annapolis to the District of Columbia. When he saw an ad for a budget manager position with the Maryland Judiciary, he decided to look into it. The advertised position was a new one, and Clark was able to help construct the job, a challenge he says was satisfying. After two years, he moved up to the deputy director position.

Clark has a B.A. in Environmental Sciences from the University of Virginia; an M.B.A. from the University of Baltimore; and a Master of Science in Finance from Loyola College in Baltimore.

A Fisherman

When not crunching numbers, developing policies or otherwise work-engaged, Clark spends his time on and in the water. Salt or fresh water activities of just about any kind are his avocation. He is an avid surfer, journeying annually to Costa Rica for the waves. In between trips, he makes do with Assateague and Maine. He also likes to spend time fishing—offshore or fly—and enjoys outings on his 20-foot skiff. Once upon a time, he and his brother took a year off, outfitted a Downeast boat (a traditional lobster boat), and sailed to the Bahamas for 10 months.



Baltimore City Juvenile Court Establishes Family Recovery Program

by Baltimore City Circuit Court Judge Martin P. Welch

Baltimore City Juvenile Court has introduced a new drug court initiative to accelerate reunification between children and substance abusing parents. Established August 15, the City's Family Recovery Program (FRP) implements a substance abuse case management system for parents and assists the court in establishing other permanency options for the child. The goals of the Family Recovery Program are to reduce the length of stay in foster care for FRP participant children, reduce substance abuse among FRP participants, engage in inter-agency collaboration and coordination between the program partners to assist with maintaining healthy families and providing safe and permanent placements for children.

The program is the result of 16 months of collaboration between the various child welfare partners in the Baltimore City Juvenile Court, The Safe and Sound Program, and major philanthropic foundations. The Judge in Charge of the Baltimore City Juvenile Court Martin P.

Welch, the former Special Secretary of the Governor's Office of Children, Youth, and Families Teresa Garland, and other influential city and state agencies and organizations led the planning of this initiative.

In addition to instituting a unique method of providing drug treatment services to the parents of Child in Need of Assistance (CINA) children, funding for the project was the first initiative to be developed and implemented as part of the Maryland Opportunity Compact. The goals of the Compact are to:

- a. improve the well-being of vulnerable populations;
- b. save scarce public resources by avoiding long-term state expenditures; and
- c. re-direct a negotiated share of the savings to ongoing efforts to improve the lives and futures of vulnerable children and families.

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Baltimore Judge Was Instrumental in Developing Family Recovery Program

Judge Martin P. Welch views himself as much more than just a judge.

As head of the Family/Juvenile Division for the Circuit Court of Baltimore City the last decade, Judge Welch said along with being a full-time judge, he also became an administrator, along with being part social scientist and part public policy maker in working toward dealing with problems related to juvenile delinquency and child welfare in the state's largest city.

All of that is just part of a job that Judge Welch takes pride in as he prepares to step down from the post March 6. Judge Edward R. K. Hargadon will succeed him in the position at that time.

Judge Welch said his proudest accomplishments during his tenure are improving the overall system of the

Family/Juvenile Division while developing educational programs for judges and masters to best understand the cases in front of them.

"I tried to give judges and masters the tool needed to elevate the juvenile court from being considered the 'step-child' of the Circuit Court," Judge Welch said.

During his decade as judge in charge, Judge Welch fostered the collaboration of city and state agencies involved in the development and construction of the Baltimore City Juvenile Justice Center, in which the court is located. He served as a member of the Governor's Systems Reform Initiative, chairman of the Maryland Department of Juvenile Justice Advisory Board, and chairman of the Juvenile Law Committee of the Maryland Judicial Conference.

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Congratulations to:

- **Court of Appeals Chief Judge Robert M. Bell**, who received a 2005 Special Recognition Award from the Maryland Network Against Domestic Violence and who will receive the Second Baltimore Peace Maker Award from the Community Mediation Program.
- **Prince George's County Circuit Court Administrative Judge William D. Missouri**, who was elected President of the Maryland Bar Foundation. Judge Missouri is Chair of the Maryland Conference of Circuit Judges.
- **Judge Robert M. Bell, Court of Special Appeals Judge Deborah Sweet Eyler, Caroline County Circuit Court Judge Karen Murphy Jensen, Judge William D. Missouri, Washington County Circuit Court Judge Daniel W. Moylan, and Prince George's County Circuit Court Judge Cathy Hollenberg Serrette**, who were honored at the Pro Bono Resource Center of Maryland's 15th Anniversary Gala at the Reginald F. Lewis Museum of Maryland African American History and Culture in Baltimore.
- **Former Court of Appeals Chief Judge Robert C. Murphy** was honored posthumously.
- **Baltimore City District Court Judge Jeannie J. Hong and Montgomery County District Court Judge Brian G. Kim**, who received the Trailblazer Award from the National Asian Pacific American Bar Association (NAPABA) for 2005. This award recognizes outstanding achievements, commitment, and leadership of NAPABA lawyers who have paved the way for the advancement of other Asian Pacific American attorneys. Judge Hong and Judge Kim were the sole recipients for the Southeast Region of the United States.
- **Anne Arundel County Circuit Court Judge Nancy Davis-Loomis**, who received a Fannie Lou Hamer Award from Anne Arundel County's Dr. Martin Luther King, Jr., Awards Dinner Committee. The awards are named for a woman considered inspirational in pursuit of voting rights and women's rights.
- **Retired Baltimore City Circuit Court Judge Kathleen O'Ferrall Friedman**, who was elected chair to the College of Notre Dame's Board of Trustees.
- **Retired Baltimore County Circuit Court Judge Barbara Kerr Howe**, who was reappointed as chair of the Standing Committee on Professionalism of the American Bar Association. Judge Howe has also been appointed to the board of trustees for the Community Colleges of Baltimore County.

Dorchester Court and Underground Railroad, from p. 1

In 1857, Samuel Green, a free black farmer and Methodist minister suspected of assisting runaway slaves, was found guilty of possessing a copy of the anti-slavery novel, *Uncle Tom's Cabin*, and was sentenced to 10 years in prison.

One year later, an Irish laborer, Hugh Hazlett, was imprisoned upon suspicion of being a conductor on the Underground Railroad. Hazlett escaped, but was subsequently recaptured and convicted of assisting fugitive slaves.

In accepting a plaque to commemorate the designation of the courthouse by the National Park Service, Judge Brett W. Wilson noted how appropriate it was to link the courthouse with the Underground Railroad, as each stands for the untiring pursuit of social justice.

Family Recovery Program, from p. 14

The Family Recovery Program is the second of its kind in the state. Harford County's Family Recovery Court, which was founded in May of 2004, celebrated the graduation of its second participant at a ceremony in October.

Baltimore City's Family Recovery Program addresses a social problem that is devastating the nation—substance abuse. Across the country, cities and rural areas alike are feeling the detrimental impact of drug abuse in their communities. Baltimore is no exception. According to 2002 data presented by the Baltimore City government, Baltimore leads the nation in heroine use and ranks fifth in cocaine use.

The Baltimore City government further states that 60,000 city residents are acknowledged substance abusers, and according to Baltimore Substance Abuse Systems, there are only a total of 7,506 treatment slots in the city of Baltimore.¹ These statistics have contributed to increased incarceration rates, poor school performance, and psychological, emotional, and spiritual damage on families. Children are entering the child welfare system primarily as a result of parental drug abuse. They are vulnerable victims suffering both direct and indirect ills of substance abuse, and young Baltimore City children are particularly affected.

Substance Abuse

More than 70 percent of the young Baltimore City children who enter foster care do so for reasons related to the substance use of one or both

parents. The Department of Human Resources' data from the Maryland Citizens Review Board for Children analyzed by the Safe and Sound Campaign and the Family League of Baltimore City indicates that during the period 1995-2004, 76.7 percent of Baltimore City children ages 0-5 entering foster care for the first time had mothers with substance abuse as a factor at the time of the child's admission into care. Data also indicates that there are a disproportionate number of Baltimore City children in foster care. Many enter early and stay too long.

- In 2002, Baltimore City children comprised 64 percent of the state's foster care caseload.
- The rate of out of home placements for Baltimore City children is three times greater than it is for the rest of the state.²

Documents from the Department of Health and Human Services show that the preferred placement for most children in foster care is with the child's biological family for several reasons. First, it is believed that a continuous care-taking relationship is critical for the child's well being and that this relationship most often involves the biological parent(s). Second, it is possible that separation and lack of stability—inherent in a temporary placement—may psychologically harm the child. Third, adoptive placements can be difficult to find. Therefore, early decision making to achieve permanency for a foster care child is critical.

The Baltimore Family Recovery Program is modeled after the San Diego Substance Abuse Recovery Management System (SARMS), but was modified to adapt to local challenges and opportunities. The court system in San Diego developed an avenue to meet the challenge of substance abusing parents of children in

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foster care. San Diego increased the speed of reunification with parents by 56 percent, placed 8 percent of the children of SARMS participants under custody and guardianship orders and 24 percent of the children were adopted who could not be reunified.³ Only 12 percent remained in foster care.⁴ Prior to the implementation of SARMS, a child would be in care an average of 45.7 months before any permanent placement would commence. After the implementation of SARMS, the average time spent for a child in care was 8.8 months for reunification and 16.2 months for other permanent options.

The Family Recovery Program supports the recovery of parents involved in Child in Need of Assistance (CINA) cases, beginning with 250 custodial parents with at least one child age 0-5 who enters foster care for the first time. Parents receive a case manager from Mental Health Systems, Inc. (MHS) who assesses their treatment needs, recommends and refers them to appropriate treatment and monitor their progress.

The MHS case manager performs twice-weekly random drug tests of the parent and provides the court with twice-monthly reports of the parent's progress in substance abuse treatment. These reports serve as a factual basis for compliant parents to accelerate reunification with their children, barring any other outstanding issues that threaten the safety and well being of the child, or assist the court in establishing other permanency options for the child.

Interagency Collaboration

Interagency collaboration with the Baltimore City Health Department and Baltimore Substance Abuse Systems is occurring to ensure that participants in the Family Recovery Program will have immediate access to substance abuse treatment made possible through existing publicly funded treatment slots and/or through direct purchase of additional treatment slots. The Department of Social Services (DSS) case manager continues to be the primary case manager for the CINA case, while the MHS case manager focuses on the participants'

treatment issues. Coordination and collaboration between DSS, MHS, and the FRP occurs to ensure communication and support for the FRP participant.

FRP participants receive assistance and follow-up from their MHS case managers to see that treatment is appropriate and that they are compliant. The Juvenile Court assigns incentives and consequences to FRP parents based on their compliance with their recovery service plan. The incentives and consequences utilized by the FRP were guided by a focus group of mothers in recovery that was convened by the Family League of Baltimore City and facilitated by the Rebecca Project for Human Rights of Washington, D.C.

It is projected that with supportive case management, incentives for compliance and consequences for non-compliance, with the oversight and authority of the Juvenile Court, in addition to collaboration and coordination by other partners, the Baltimore Family Recovery Program will shorten FRP participants children's length of stay in foster care and reduce substance abuse among FRP participants, which will assist greatly in creating permanent placements for children and maintaining healthy families.

Notes

1. Baltimore Substance Abuse Systems, 2005.
2. Governor's Office of Children, Youth and Families, Out of Home Placements in Maryland.
3. Milliken, James R. and Gina Rippel. "Judicial Management of Dependency Reunification Plans to Improve Outcomes." December 10, 2002.
4. Ibid.



Judge Welch and the Family Recovery Program, from p. 14

Judge Welch also oversaw the expansion of the Juvenile Court when termination of parental rights cases and adoption cases were transferred from the domestic court to juvenile. Finally, he undertook creating the process for the application of the Adoption and Safe Families Act (ASFA) and permanency planning for children in foster care.

“Half the cases before us deal with delinquency, but half of the docket is child welfare cases,” Judge Welch said. “I tried to provide children with the services they need along with the judicial structure where a parent can redeem themselves.

“If that doesn’t happen, then we took the steps necessary to terminate parental rights and create a new, safe family for the child.”

Essential Collaboration

Judge Welch, who in March will become an associate judge, said any progress made in Baltimore City was not possible without the level of collaboration in place with all of those associated with the Family/Juvenile Division, including police, the State’s Attorney’s Office, the Office of the Public Defender and the Department of Social Services. This is especially true in a city like Baltimore, where there are 74,000 such cases heard annually between three full-time judges and nine full-time masters.

“There’s not much finger pointing at this court,” Judge Welch said. “All of the parties com-

municate to address any problems and point out any faults in order to correct them.”

One such collaboration came in the form of the city’s new Family Recovery Program (FRP). The primary goal of this program is to develop a system for substance abusing parents that gets them the treatment they need, reduce a child’s stay in foster care and reunite a family as soon as possible.

“We don’t have good tools to provide treatment for parents that abuse drugs,” said Judge Welch, who added that 70 percent of the foster care cases involve parents with substance abuse problems. “This program is a collaboration that uses the best tool available to get those parents help and decrease the time a child needs to spend in foster care.”

Baltimore City Circuit Court Administrative Judge Marcella A. Holland said Judge Welch laid a solid foundation for Judge Hargadon

to build upon and his contributions will be felt for a long time to come.

“Judge Welch always looks at the whole picture and involves everyone in the process to make the system work,” Judge Holland said. “From the beginning, Judge Welch stayed abreast of all the leading trends in juvenile justice to look at the least restrictive modes of detention possible.”

Judge Welch said he’s grown a great deal personally over the last decade and has a keener appreciation of life through his experiences.

“I’ve dealt with everything from terminating parental rights to creating new families to having to sign off on removing a child from life support so they could die with dignity,” he said. “I’ve also seen a child that suffered some of the worst kinds of abuse possible navigate the child welfare system well enough that she’s going to graduate from an Ivy league school.”



photo by Dan Clark

Judge Martin P. Welch

Governor Delivers Drug Funding to Wicomico



Gov. Robert Ehrlich presents an oversized check to Wicomico County Circuit Court Judge Kathleen L. Beckstead and the Wicomico County Adult Drug Court Team, while Alan Woods, III, (right) executive director of the Governor's Office of Crime Control and Prevention, watches. Wicomico County launched its adult drug court Sept. 23. The funding is an Edward J. Byrne Justice Assistance Grant from the Governor's Office of Crime Control and Prevention.

photo by
Jennifer
Moore

Courts Open Doors for Judicial Ride-Along



Courts throughout the state invited legislators, local government and community leaders, and the media to visit their courthouses, sit in on court proceedings, and interact with their local judges during a statewide Judicial Ride-Along on Wednesday, Oct. 26.

Anne Arundel County, Baltimore City, Baltimore County, Calvert County, Harford County, Montgomery County, and Prince George's County all participated in the day.

The Judicial Ride-Along is held in an effort to strengthen the understanding and cooperation between the legislative and judicial branches of state government.

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