

# Justice Matters

A publication from the Maryland Judiciary

Vol. 9, Issue 1 June 2005

## Employers with Juror-friendly Policies Honored as First “Partners in Justice”

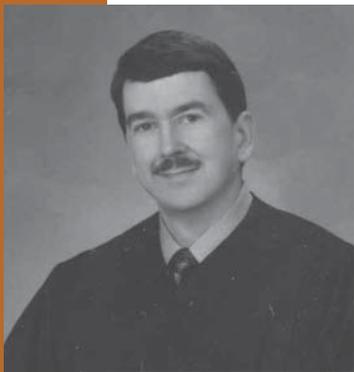
Twenty employers—along with their employees who have fulfilled their civic duty as jurors—were recognized May 11 for their juror-friendly policies at an awards ceremony in the Court of Appeals courtroom. The employers were designated as “Partners in Justice” at the ceremony, which launched a statewide program to recognize employers who support employees when they are called for jury service.

The Partners in Justice program was developed to recognize employers of all sizes who

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The Hon. Benson Everett Legg (left) joins Court of Appeals Chief Judge Robert M. Bell (second from right) and Prince George’s County Circuit Court Judge William Missouri (far right) to acknowledge former juror Lucille Rowley and Linda Elben, both of the Pleasant Day Medical Adult Day Care Center in Cambridge.



Judge Woodward

## Woodward Appointed to Court of Special Appeals

by Mike Miller, Director,  
Maryland State Law Library

Montgomery County Circuit Court Judge Patrick L. Woodward was appointed to the Court of Special Appeals (CSA) on April 15 by Governor Robert L. Ehrlich, Jr. Judge Woodward fills a vacancy on the 7th appellate circuit [Montgomery County] created by the recent retirement of Judge Andrew L. Sonner.

A resident of Rockville, Woodward will be joining the CSA in late spring or early summer and will then stand for election in November 2006 to continue in office for a 10-year term.

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## NOTICE

# Assistance to Judges Offered

The Maryland Judiciary has initiated many activities designed to improve the public's trust and confidence in the justice system. In furtherance of that trust and confidence, the Judicial Conference's Committee on Public Awareness has established a subcommittee to assist any judge who seeks assistance in disseminating complete and accurate information to the public when appropriate to do so.

Judges who wish to avail themselves of this assistance should contact Judge Jean S. Baron (Chair, Committee on Public Awareness) at 301/952-4021 or Sally W. Rankin (Court Information Officer) at 410/260-1488.



# 2006 Judicial Conference Plans Announced

Court of Appeals Chief Judge Robert M. Bell has announced there will be a 2006 Maryland Judicial Conference. The conference is scheduled for May 17, 18, and 19 at the Hyatt Regency Chesapeake Bay Golf Resort, Spa and Marina in Cambridge.

The 2006 Conference will feature an extended number of days. There will also be a change in format as well. It will begin with the annual meetings of judges of the circuit courts and the District Court of Maryland and conclude with business meetings of the Maryland Judicial Conference and general educational offerings. Details and registration materials will be mailed beginning next year. For questions and additional information, please contact Roxanne McKagan at 410/260-1407.

# Best Practices Document Enhances Access for Self-Represented

Pamela Ortiz, Executive Director, Family Administration

What does a good program for self-represented litigants look like? Maryland courts have a new tool to help them operate self-help programs. *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 ethical and effective.

The *Best Practices* guide identifies key issues that many self-help programs face, and recommends the ways those issues would be addressed by good programs. Issues discussed include ensuring access to appropriate levels of service; service delivery; program outreach; access, language, and literacy; program staff; and quality assurance.

For example, 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.”

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. The document was developed over a two-year span by a broad range of court personnel, self-help providers, and members of the legal services community who serve the self-represented.

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.

The Department of Family Administration is in the process of having the *Best Practices* guide printed. Copies will be distributed to judges, masters, and court personnel. Copies will also be available at the department’s web site at [www.courts.state.md.us/family/otherpublications.html](http://www.courts.state.md.us/family/otherpublications.html) or by contacting Chris Richards at 410/260-1580.

## E-Citation Vision Becomes Reality



Shown left to right are: Sunil Kumar, CEO, ASSYST, Inc. (working under contract to Judicial Information Systems to deliver the system); Captain Terry Custer, Director, IT Division of Maryland State Police; Vernon Betkey, Chief, Maryland Highway Safety Office, State Highway Administration; and District Court Chief Judge Ben C. Clyburn.

Judge Clyburn symbolically cuts through the paper citation, signifying the movement toward electronic transmission of citation data.

# State Law Library Director Mike Miller to Retire after 28 Years

by Catherine McGuire, Outreach Services Law Librarian

About 55-odd years ago, a busload of Catholic grade school students from Pennsylvania, bound for an Orioles game at Memorial Stadium, was diverted, due to rain, to “Plan B”: Annapolis and the U.S. Naval Academy. Little did one of those sorely-disappointed little boys know, he had just seen his future home and the geographic site for the bulk of his distinguished career as a public law librarian.

In June, Michael S. Miller, Director of the Maryland State Law Library and member of the editorial board of this publication, will retire after 28 years at the helm of the library. Mike is uncomfortable with acclaim, but his career has made a significant impact on the State Law Library, the Maryland Judiciary, and the State of Maryland population as a whole.



courtesy MD State Law Library

Mike’s career has been centered on a strong philosophy of access to information and service to the public. A list of a few of his many involvements includes a major role in the drafting and passage of new legislation establishing a State Publications Depository and Distribution Program in 1982; an active part in the development and implementation of SAILOR, Maryland’s online public information network; advocacy and involvement on the Strategic Planning Committee of the Maryland Legal Assistance Network, springboard of the online People’s Law Library; and constant delegate, proponent, and advocate for the Maryland Circuit Court Law Libraries, from the State Bar Association’s Circuit Court Library Standards Subcommittee in 1978 through the Circuit Court Libraries Study Committee in 2001.

Mike’s contributions have extended beyond the state boundaries. This year he was selected to receive the Marian Gould Gallagher Distinguished Service Award by the American Association of Law Libraries. The award recognizes extended and sustained service to law librarianship, for the exemplary service to the association, or for contributions to the professional literature.

A self-proclaimed early “farmer wannabe,” Mike moved

from cherry-picking and pea vine harvesting to become an apprentice law librarian in Harrisburg, Pa. He graduated from Duquesne University with a B.A. in History in 1966, and from the University of Pittsburgh with a Master’s in Library Science in 1967. With his brand-new degree, Mike became the Assistant Librarian at the Allegheny County Law Library, then Director for almost 10 years, before arriving as Director at the Maryland State Law Library in February 1977.

A year after Mike’s arrival, a bill was introduced in the General Assembly to rename the then-Maryland State Library as the Maryland State Law Library, and placing the law library under the Judiciary, formalizing a life-long relationship that library had with the appellate courts. In the 27 years since the title formalized the relationship, Mike has tirelessly served the Judiciary with bloodhound-class research skills, authored multiple research guides and articles on use of Maryland legal resources, and became the go-to guy for Maryland legislative history research. He has led the library from card catalogs and manual typewriters into the ever-changing world of the Internet, keyboards, Google, and networking capabilities.

At heart an educator, Mike has been a member of the adjunct faculty at Anne Arundel Community College, teaching legal research and writing to untold numbers since 1989. He has also imparted his extensive knowledge of myriad law-related topics to hundreds of people from the courts, libraries, and the public through workshops and classes sponsored by the library, the Law Library Association of Maryland, the American Association of Law Libraries, and many others.

Florida now beckons with its siren call of warm weather. Mike and his wife Connie are looking forward to throwing away all snow shovels, gloves, and tire chains, and looking forward as well to visits from their two sons, daughters-in-law, and grandchildren.



# Congratulations to...

Recognized by *The Daily Record* as Maryland's Top 100 Women of 2005:

**Judge Marielsa A. Bernard**, Circuit Court for Montgomery County

**Grace G. Connolly**, Baltimore County Register of Wills

**Judge Ann S. Harrington**, Circuit Court for Montgomery County

**Judge Michele Dane Jaklitsch**, Circuit Court for Anne Arundel County

**Lynn Loughlin Skerpon**, Prince George's County Register of Wills

**Judge Lynn Kellene Stewart**, Circuit Court for Baltimore City

Other accomplishments:

**Bill Allen**, Chief Deputy Clerk of the Baltimore County Circuit Court, for 50 years of service

**Judge J. Norris Byrnes**, Baltimore County Circuit Court, for receiving the Law Day Award from the Baltimore County Bar Association

**Grace G. Connolly**, Baltimore County Register of Wills, for being elected president of the National College of Probate Judges

**Judge Marvin H. Smith**, retired from the Court of Appeals, for being honored at the Distinguished Citizen Award Dinner for his contributions to the Delmarva Council of the Boy Scouts

## Congressional Delegation Visits PG Commissioners

by Markisha Jones, Commissioner, Prince George's County

A U.S. Congressional Delegation visited the Upper Marlboro Regional Booking Commissioner's Office on April 27. Representatives from the offices of Sen. Barbara A. Mikulski, Sen. Paul S. Sarbanes, Rep. Steny Hoyer, and Rep. Albert R. Wynn got a firsthand look at how commissioners handle domestic violence cases.

Prince George's County Administrative Commissioner Derrick K. Wooten welcomed the delegation and commissioners from his office provided the group with insightful information on the history of the commissioner's office and a demonstration on how protective and peace orders are issued. The representatives also observed actual domestic violence hearings.



courtesy Prince George's County Commissioners Office

# “Partners in Justice” from p. 1

support their employees by instituting juror-friendly policies. The 20 charter Honor Roll members all fully compensate their employees during jury service.

“We believe we’re a part of the community,” said Charlene Wright, controller for Catonsville-based Zentech Manufacturing, a charter Partner who attended the ceremony. “To make things work well, we have to do our part and help our employees to do their part.”

“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, which has branches in Caroline, Kent, and Queen Anne’s counties. “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.”

Howard County Circuit Court Judge Dennis M. Sweeney, the chair of the Council on Jury Use and Management, said it is important for employers to be recognized for their service as well as jurors.

“For many companies, particularly small businesses, losing an employee for even a day or two for jury service can be a strain on productivity,” Judge Sweeney said. “We must honor companies for the sacrifices they make and for being an example to the rest of the business community.”

The ceremony was presided over by Chief Judge Robert M. Bell, Judge Benson Everett Legg, Chief Judge of the United States District Court for the District of Maryland, and Prince George’s Circuit Court Judge William D. Missouri. Among the guests were Maryland State Bar Association President Cornelius Helfrich and attorney Benjamin R. Civiletti, who serves as a member of the American Bar Association’s Commission on the American Jury.

A listing of the Partners in Justice charter Honor Roll members can be found on the Judiciary’s web site at [www.courts.state.md.us/juryservice/](http://www.courts.state.md.us/juryservice/) where employers are encouraged to apply to become Partners in Justice.

The Partners in Justice ceremony continued the theme of Juror Appreciation Week, designated for May 2-6 in an administrative order by Chief Judge Bell. Juror Appreciation Week was celebrated this year in keeping with the national theme for Law Day 2005, “The American Jury: We the People in Action.”

Juror Appreciation Week was marked with efforts across the state. Howard County provided refreshments and distributed magnets saying, “Thank You for serving as a JUROR.” Montgomery County also provided refreshments for jurors and distributed gift certificates donated by local vendors.

Cecil County 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 another for reading. The court sponsored a drawing for movie tickets and gift certificates from local restaurants, and provided refreshments for jurors throughout the week.

The Somerset Herald published a letter to the editor by Somerset County Circuit Judge Daniel Long on the importance of jury service. “Our judicial system, and thus our country, could not function a day, not an hour, not even a minute without jurors,” Judge Long wrote.

Aircraft Owners and Pilots Association  
 Amerix Corporation  
 Bozzuto & Associates  
 Centreville National Bank  
 Ciena Corporation  
 Citizens National Bank  
 Gensler Company  
 Henggeler Computer Consultants  
 House of Printing  
 JohnsonDiversey  
 Lockheed Martin Corporation  
 Maryland Science Center  
 Maryland State Bar Association  
 Northrop Grumman Corporation  
 Pleasant Day Medical Adult Day Care  
 RCM&D, Inc.  
 TeleCommunication Systems, Inc.  
 The Johns Hopkins University  
 Way Station, Inc.  
 Zentech Manufacturing



“Our judicial system, and thus our country, could not function a day, not an hour, not even a minute without jurors,”

Judge Daniel Long

## Friends of the Court

On any given day, the District Court handles thousands of cases. Fortunately, for the court and the litigants, alternatives to trial are available. Many of the District Court staff and litigants receive help from Alternative Dispute Resolution (ADR) volunteers.

One “friend of the court” is Evelyn Pisegna-Cook, the 2004 ADR Volunteer of the Year. Chosen for her outstanding work and commitment to alternative dispute resolution, Cook is a three-year veteran of the ADR program. Working as a mediator in the Anne Arundel District Court, Cook has a considerable amount of experience and expertise as a mediator, settlement conference facilitator, and arbitrator.

As a mediator, Cook comes to the court and assists the judges by working with parties who have appeared for civil trials that day. She helps litigants resolve their cases amicably so they will not have to appear before the judge. “Litigation is harsh on both parties, even the party that prevails,” Cook said.



Evelyn Pisegna-Cook

by Alice R. Gonlin, Director of ADR Programs,  
District Court of Maryland

“When people walk out of mediation they are satisfied. They worked on it together and feel good about the results.”

Cook is invaluable to the District Court ADR program. In addition to mediating cases herself, Cook also assists new ADR volunteers by working with them one on one. She lets them observe her conducting a mediation session. Then, in turn, she observes them and provides valuable feedback.

Cook finds the mediation work rewarding, especially when conducting peace order cases involving neighbors. She is an advocate for alternative dispute resolution, particularly in the area of family law. One of Cook’s goals is to look at the courts and help mediators and lawyers make mediation part of their professions.

A practicing family law attorney in Severna Park, Cook is a member of the Maryland State Bar Association, the Anne Arundel Bar Association, and serves on the Peer Review Committee for the Attorney Grievance Commission. Currently, Cook is working toward her mediator certification from the Maryland Council on Dispute Resolution (MCDR). She is also an avid bicyclist and recently completed a cross-country bicycle trip.

## Civil Jury Symposium Takes Closer Look at Juries

Jury commissioners and Clerks of Court from around the State gathered for the Civil Jury Symposium held in March at the University of Maryland School of Law.

Sponsored by the Council on Jury Use and Management, the Maryland Defense Counsel and the Maryland Trial Lawyers Association—attendees heard presentations on improving the jury experience, jury service and selection, and the future of the jury system in Maryland.



courtesy Maryland Defense Counsel

# New TPR and Adoption Statute Slated to become Law

by Althea R. Stewart Jones, Esq.  
Foster Care Court Improvement Project Director

Over the past five years, the Foster Care Court Improvement Project (FCCIP) has undertaken the task of rewriting the Termination of Parental Rights (TPR) and Adoption statute, §§5-301 *et. seq.*, of the Family Law Article.

In an effort to reorganize and revise this statute, the Child in Need of Assistance (CINA) Subcommittee of the FCCIP, under the leadership of Anne Arundel Circuit Court Judge Pamela L. North, has been meeting monthly with key child welfare stakeholders such as the Maryland Social Services Administration, Legal Aid Bureau, Inc., and Adoptions Together, Inc.

Through its close working relationship with organizations statewide, the FCCIP received hundreds of comments and suggestions from judges, masters, and other practitioners throughout the state, and incorporated what it believed to be the best practice regarding TPRs, guardianships, and adoptions.

As with the current Child in Need of Assistance (CINA) statute, the TPR statute currently comprises provisions relating to different substantive areas that require different procedures. The new statute is separated into three distinct subtitles: DSS-Related Guardianship and Adoption Proceedings, Private Agency Guardianships and Adoption Proceedings, and Independent Adoptions. This separation will afford judges, masters, practitioners, and others the

ability to look in one section and chronologically follow the legal process for the type of proceeding in which they are involved.

Key innovations in the new statute include:

**Agreement for Postadoption Contact:** Agreement for Postadoption Contact: These provisions were added to encourage and codify the practice in many jurisdictions permitting written agreements between birth parents and adoptive parents that would be enforceable under contract law.

**Authority to Grant Guardianship (Conditional Consents):** Provisions were added codifying what is currently the practice in some jurisdictions, permitting parties to consent to a guardianship with the condition that the child is being adopted into a specific family.

**Adoption without Prior Termination of Parental Rights:** This is a new part of the statute that gives the court authority to enter an order for adoption of a child in need of assistance prior to the termination of parental rights. The new procedure reinforces the emphasis on alternative dispute resolution.

After being submitted to the General Assembly for a third time, the TPR/adoption legislation is slated to become law. The statute becomes effective Jan. 1, 2006, and will be one of the featured training topics at the FCCIP's annual child abuse and neglect judicial conference in October.



## Judicial Training Center Expands

The sign outside the Judiciary Training Centers (JTC) says, "JTC is Expanding." By the end of the summer, the JTC will more than double from its current 14,000 square feet to 34,000 square feet of office and meeting space.

Construction began last summer to add rooms to accommodate large groups for meetings and training programs and a larger dining area. The District Court is moving its Conference Center, which includes the teleconference and computer rooms, to the JTC. The Board of Law Examiners, Client Protection Fund, and Rules Committee will be moving to the east side of the JTC. The AOC Human Resources' Professional Development Educational Assistance Unit, AOC Drug Treatment Court Commission, Judicial Institute and Media Department staff will still be housed at the JTC.

Roxanne P. McKagan contributed to this story

# Russian Lawyers Learn about Mediation

by Lou Gieszl, Deputy Executive Director, MACRO

A 13-member delegation of Russian lawyers visiting Maryland in March returned home with a new perspective on the use of mediation in their courts and law practices. The delegation met with Rachel Wohl, Executive Director of the Maryland Judiciary's Mediation and Conflict Resolution (MACRO), and Roger Wolf, Executive Director of the Center for Dispute Resolution at University of Maryland (C-DRUM) March 14 for a briefing on mediation in Maryland and a five-hour mediation awareness training conducted by MACRO and C-DRUM staff.

MACRO enlisted the help of Kristina Foehrkolb, a former staff member and certified court interpreter, who was able to conduct a highly interactive mediation role-playing training exercise entirely in Russian.

The delegation was organized by the Center for Citizen Initiatives, a non-governmental organization that helps Russian citizens secure economic and political reforms and fosters cooperative partnerships and relations between the U.S. and Russia.

MACRO also played host to a group of Russian educators on April 1. In addition to speaking with MACRO staff, the visitors also toured the Circuit Court for Anne Arundel County and the Court of Appeals, meeting with several Court of Appeals judges, including Chief Judge Robert Bell and Judge Alan Wilner.



Courtesy Rich Downs

MACRO staff met with this delegation of Russian lawyers.



## Woodward, from p. 1

Judge Woodward has served a total of 14 years on the bench, seven on the Circuit Court and seven on the District Court in Montgomery County. A graduate of Princeton and Vanderbilt University School of Law, the judge has been active in legal and judicial education circles, both as a frequent lecturer and member of the Maryland Judicial Institute's Board of Directors. He also serves as adjunct faculty at the American University School of Law since 2000. Judge Woodward has also served as the Chair of the Foster Care Court Improvement Project since its inception in 1993.

Judge Woodward's career as a jurist continues a long-standing family tradition. His father, Charles W. Woodward, Jr., served in the Maryland House of Delegates from 1955-1963 and later served for over 13 years on the District Court in Montgomery County. His paternal grandfather, Charles W. Woodward, Sr., at 37 was appointed to the Circuit Court for Montgomery County in 1932. The Woodward family's first appellate judge and his wife Patricia live in Rockville where their daughter, Carlotta, practices law.

# Judiciary Fares Well in Legislative Session

by Suzanne Delaney, Esq.,  
Governmental Relations Specialist

According to the Department of Legislative Services' 90 day report on the 2005 Session of the General Assembly, "(this) was a good year for the Maryland Judiciary." The following is the status of the Judiciary's Legislative package and other bills of interest.

## Court Related Bills that Have Become Enacted or Vetoed

### **SJ 3/HJ 1—Judicial Compensation Commission Report: (Judicial Conference Legislation)**

The General Assembly's Judicial Compensation Commission recommended that judges' salaries for fiscal 2006 through 2009 be increased by (1) \$30,000 for judges on the Court of Appeals; (2) \$25,000 for judges on the Court of Special Appeals and the Chief Judge of the District Court; (3) \$20,000 for circuit court judges; and (4) \$15,000 for District Court judges. The increases were proposed to be phased in from 2006 to 2009. Both the House and the Senate did amend the resolutions to lower the amount of the increases but failed to come to an agreement by the 50<sup>th</sup> day and therefore the full recommendations by the Commission rather than the amended proposals became law. Resolutions take a different path than bills. For more explanation on the process see the accompanying article, "How a Resolution Becomes Law."

### **SB 598/HB 334 (Chapter 323)—Circuit Court Clerks -Salary**

Clerks of Court are elected officials whose salaries are set by the Board of Public Works. The board determines the annual salary of each clerk based on the relative volume of business and receipts in the clerk's office. House Bill 334, which passed, will increase the maximum salary that the Board of Public Works may set for a circuit court clerk from \$85,000 to \$98,500.

### **SB 204/HB 236 (Chapter 199)—Judgeships-Circuit Courts and District Courts: (Judicial Conference Legislation)**

The Chief Judge of the Court of Appeals requested 13 new judgeships for fiscal 2006, seven new circuit court judgeships, and six new District Court judgeships. The new judgeships for circuit courts will be two in Baltimore City and one each in Anne Arundel, Baltimore, Montgomery, Washington, and Worcester counties. The District Court judgeships will be two in District 5 (Prince George's County) and one each in District 1 (Baltimore City), District 2 (Dorchester, Wicomico, Somerset, and Worcester counties), District 4 (Charles, St. Mary's, and Calvert counties), and District 7 (Anne Arundel County). The new judges in District 2 and District 4 are to be appointed from Worcester and Calvert County, respectively.

### **SB 348/HB 640 (Chapter 225)—Circuit Court Real Property Records Improvement Fund-Duration: (Judicial Conference Legislation)**

This 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 offices of the clerks of the circuit court for each county. These bills extend the termination date of this fund from June 30, 2006, to June 30, 2009.

### **SB 350/HB 855 (Chapter 21)—Crimes-Theft Under \$100- (Judicial Conference Legislation)**

This bill will allow police officers to issue a citation for the misdemeanor of theft under \$100. Bill originally recommended to help relieve the high number of jury trial prayers.

### **SB 710 (Chapter 464)—Permanency for Families and Children Act of 2005: (Judicial Conference Legislation)**

The Maryland Foster Care Court Improvement Project (FCCIP), a federal grant-based program, determined in

cont. on next page

See related article on p. 13:

"How a Resolution Becomes Law"

# Legislative Session, from 11

1997 that Maryland statutes addressing the termination of parental rights as well as adoption needed substantial revision. This bill divides the statutes into three distinct areas (guardianship and adoption through local departments of social services; private agency guardianship and adoption; and independent adoption) and will implement the FCCIP's recommendations.

## **HB 443 - Montgomery County—Vehicle Laws-Speed Monitoring Systems MC513-05 (VETOED)**

This bill establishes a 4-year pilot program authorizing speed monitoring systems in Montgomery County to identify and issue citations to persons who are recorded exceeding the posted speed limit by at least 10 miles per hour. The Chief Judge of the District Court must adopt procedures for the citations, civil trials, and the collection of civil penalties under this legislation. Although this bill was passed by the General Assembly, it was vetoed by the Governor.

## **SB 616/HB 802 (Chapter 580)—Juvenile Law-Competency**

This bill establishes court procedures for determining the competency of a child alleged to have committed a delinquent act. On its own motion, or a motion by a child's counsel, or the State's Attorney, a juvenile court must stay all proceedings and order an evaluation of a child's mental condition. If a child is found to be competent by a "qualified expert" the proceedings continue. If the "qualified expert" determines the child incapable of attaining competency in the foreseeable future, the court may order that proceedings for involuntary admission be instituted or the petition dismissed. Further appropriate treatment will be ordered for such child.

## **SB 916/HB 1448 (Chapter 516)—Baltimore City Sheriff-Employees-Salaries**

This bill increases the minimum salary rate for deputy sheriffs in Baltimore City. The bill will require the Chief Judge of the District Court to assess a surcharge for summary ejection cases filed in Baltimore City for two years which will fund the salary increases for the Baltimore City deputy sheriffs.



## **HB 1185 (Chapter 596)—Courts-Trial Juries-Juror Payment**

This 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. The bill also prohibits an employer from requiring that an employee use annual, vacation, or sick leave to respond to a jury summons. It does not require the employer to pay the employee for such service.

## **Court Related Bills that Failed or Were Withdrawn**

### **SB 349/HB 809—Criminal Law-Offensive Contact: (Judicial Conference Legislation)**

This legislation would have created a new misdemeanor for intentionally causing offensive contact, engaging in conduct tending to put another in fear of offensive contact, or attempting to cause offensive contact. It gave the District Court exclusive jurisdiction as well as excluding domestic violence and sexual assault. SB 349/HB 809 was introduced to help alleviate the high number of jury trial prayers in the courts.

### **SB 550/HB 1070—Criminal Procedure-Media Coverage of Criminal Proceedings:**

This bill would have repealed the prohibition against recording or broadcasting a criminal matter held in trial court or before a grand jury. It would have also set forth procedures for a trial judge to utilize when determining whether to grant a request to record or broadcast proceedings.

There were also several bills (SB 539, SB 730, HB 271, HB 276, HB 700) introduced again this year addressing the issue of contested judicial elections. Changes ranged from identifying incumbent judges and their nominating party to an additional primary for registered voters unaffiliated with any political party. All of these bills failed to become law.

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## News from the Bench

### New Appointments

**Hon. Patrick L. Woodward** of the Circuit Court for Montgomery County was appointed to the Court of Special Appeals, replacing Judge Andrew L. Sonner, who retired last year.

**Hon. W. Louis Hennessy** was appointed to the District Court for Charles County to replace Judge Gary S. Gasparovic, who retired last year.

**Hon. James L. Mann, Jr.**, was appointed to the District Court for Baltimore City to replace Judge Ben C. Clyburn, who was named Chief Judge of the District Court.

### Retirements

**Hon. Frederick J. Bower**, District Court for Frederick County

**Hon. Josef B. Brown**, District Court for Prince George's County

**Hon. Raymond J. Kane, Jr.**, Circuit Court for Howard County

### In Memoriam

**Dulany Foster**, retired judge who served as chief judge of the old Supreme Bench of Baltimore City and administrative judge of the 8th Judicial Circuit.

**Walter R. Haile**, retired judge who served on the Baltimore County Circuit Court.

## How a Resolution Becomes Law

The General Assembly's Judicial Compensation Commission makes a written recommendation to the Governor and General Assembly at least every four years. The Commission consists of seven members appointed by the Governor. No more than three members may be individuals admitted to practice law in this state and no judges can be on the Commission. The salary recommendations made by the Commission must be introduced as a joint resolution in each House of the General Assembly no later than the fifteenth day of the session. The General Assembly may amend the joint resolution to decrease any of the recommendations but not enough that doing so would diminish any judge's salary during his/her continuance in office. The General Assembly may not increase the recommendations by the Commission and may not move funding between court levels.

The General Assembly either rejects, adopts, amends, or does not act on the resolution proposed by the Judicial Compensation Commission. If the recommendation is adopted or amended within 50 days after its introduction by the General Assembly, these changes will become law. If the General Assembly does not act on the resolutions within 50 days after its introduction, then the Commission's recommendations will become law, which was the case this year. If the General Assembly rejects the resolutions and does not adopt or amend them, then the current salary of judges remains the law. Both Houses amended the resolutions this year but failed to come to an agreement on the amended resolutions and the Commission's recommendations were enacted. Judges traditionally have not received cost of living adjustments in the same year as raises and that is the case with this year's 1.5 percent cost-of-living adjustment.

# ASTAR Program to Make Judges

When Judge Glenn T. Harrell, Jr., recently read an article on a company patenting the genome for beef cattle, he didn't just think about how that research might result in juicier beef or savings for cattle farmers. Instead, the Court of Appeals judge considered how cases related to that advance in biotechnology could end up in the courts.

"How that finds its way into litigation, God only knows," Judge Harrell said. "Science and medicine are racing ahead. Then disputes catch up with that, and disputes find their way into litigation."

Rather than waiting until cases involving advanced science and technology issues and evidence start appearing on court dockets, the Maryland Judiciary is laying the groundwork to prepare judges to handle those cases. Maryland has joined California and Ohio to form a consortium called the Advanced Science and Technology Adjudication Resource Center (ASTAR).

In ASTAR, judges will be identified and recruited for training to become "resource judges"—judges who will receive advanced bioscience and biotechnology training and related adjudication skills to serve their jurisdictions in a variety of roles.

"The premise of this is not that these cases are necessarily being tried right now in Maryland's courts, but to get ahead of that," said Judge Harrell, who serves as an ASTAR Leadership Director.

By 2010, ASTAR hopes to certify at least 700 resource judges available in the United States and in jurisdictions internationally.

Maryland will serve as a resource judge preparation center for jurisdictions in the Eastern United States.

The idea behind ASTAR isn't to turn resource judges into authorities or experts on scientific issues. "You can't make them experts. The object of this is to create a group of judges distributed around the state who know more about these things than most other judges," Judge Harrell said. "In a complex case, each side's going to bring their experts in, and they're going to ask them questions they want to ask them. But that doesn't mean that all of the information that the fact finder actually wants to have gets teased out. So we want these judges to be able to ask

what's missing, and to ask the right questions, and to be more discerning about what's called 'junk science.'"

At the same time, the resource judges won't necessarily be designated as the only judges who should hear complex scientific or medical cases, or employ alternative dispute resolution methods to expedite them. Resource judges will 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.

## Ten Years of Getting Ready

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. Between 1995 and 2004, more than 4,000 jurists and court-related personnel attended 48 judicial science education conferences conducted by the federally supported EINSHAC program.

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

Now Chair of the 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 & 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 resource judges. Because the judges will receive specialized training, the Judiciary wanted to ensure that the judges chosen will likely remain on the bench for at least seven years, Judge Harrell said. "We're going to spend some money training these folks, and we want to get a return on the investment." Because not all of the B&T judges can meet that service requirement—and others elected not to



Chief Judge Bell attends 2004 ASTAR Conference.

meet that service requirement—and others elected not to

# Resources on Scientific Issues

become ASTAR resource judges—some slots opened up. Circuit administrative judges in the pertinent areas consulted with Judge Bell to designate additional ASTAR resource judges.

## Specialized Training

The resource judges will attend two national conferences, in addition to two three-day blocks of state-based training developed by the Judicial Institute. The organizers have already spoken with the Johns Hopkins University School of Medicine, the Howard Hughes Medical Institute, the National Institutes of Health, and the U.S. Department of Agriculture to supply instructors on some of the topics.

After the first resource judge “class,” ASTAR will adopt a plan for preparing foreign resource judges in the United

States. Maryland will serve jurisdictions in Western and Eastern Europe, the Middle East, and Central Asia. ASTAR states will also be able to make arrangements with their federal court jurisdictions to prepare federal jurists as resource judges. Now that most of the initial planning has been completed during the past year by the ASTAR Board of Directors, the organizers are ready to start spreading the word about ASTAR among the bar and the public.

“We want the practicing bar to understand it, we want the bench to understand it, and ultimately we want the public to understand it,” Judge Harrell said. “This is just to make us better prepared to deal with things in the future.”

Judge Glenn T. Harrell, Jr.  
contributed to this story

## Alert Bailiff Saves Jury Trial

Howard County Jury Bailiff Robert Depp has been taking care of juries for five years. Ordinarily his duties as an occasional bailiff consist of shepherding the jury from the jury room to the courtroom and back, and seeing to the jury’s needs during breaks.

While the cases are often of interest, he has had his share of mind-numbing civil matters. Still, Depp, known around the Ellicott City courthouse for his ever-present smile and polite manner, tries to pay attention and listen to what is going on.

In a civil auto accident case tried in April, Depp—a retired federal employee and Columbia resident—was sitting next to the jury during jury instructions. He thought he heard inconsistencies in the judge’s directions about steps that should be taken by the jury in answering the verdict sheet questions concerning the doctrines of contributory negligence and assumption of risk.

When the jury retired to deliberate, Depp took his seat to guard the door of the deliberation room, ate his Italian cold cut sandwich, and looked closely at a copy of the verdict sheet that an alternate juror

by Judge Dennis M. Sweeney, Howard County Circuit Judge

had given him when he had been dismissed. Reading it closely, Depp became convinced that the verdict sheet was not consistent with the judge’s instructions. He immediately called the judge’s law clerk, who alerted the judge.

“I couldn’t believe it,” said presiding Judge Dennis M. Sweeney. “We had four veteran lawyers in the case, and all of us had pored over the verdict sheet, revised it, and edited it as the two-day trial went along. None of us caught the obvious mistakes. We blew it. We were so into it, we couldn’t see the forest for the trees.”

After consulting with the lawyers—who all then realized the errors on the verdict sheet—Judge Sweeney told the jurors to stop deliberations. They were given corrected verdict sheets, re-instructed, and told to begin deliberations anew. They then quickly reached a verdict. “Without Bob’s attention and quick action, the jury would have been hopelessly misled by the first verdict sheet, and we probably would have ended in a hung jury, or worse, a miscarriage of justice,” Judge Sweeney said. “Bob gets all the credit.”



Bob Depp, Howard  
County Bailiff

photo courtesy Andy Timmons

# Court Information Office

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Annapolis, Maryland 21401

[www.courts.state.md.us](http://www.courts.state.md.us)