

Justice Matters

A publication from the Maryland Judiciary

Vol. 8, Issue 3 December 2004

Judge Clyburn Named Next Chief Judge of District Court

As an attorney for the state's Department of Transportation in the mid-1980s, Judge Ben C. Clyburn helped the state acquire a fleet of technically advanced Medivac helicopters.

"I think about the impact of that decision," Judge Clyburn said. "Every time I hear one of those helicopters, I think about what it means to provide those services, and the difference it makes in our citizens' lives."

Serving as an associate judge on the District Court in Baltimore City, Judge Clyburn has continued to weigh decisions that affect citizens' lives. Now, he is shifting his focus from Baltimore City's residents to citizens across the state, as he prepares to begin his appointment as the next Chief Judge of the District Court of Maryland. "The mission of the District Court is to deliver fair and impartial justice to all. We are the front line trial court. The District Court serves an extremely important function in this regard because we are the court of first impression, and as such what we do really makes a difference in the course of someone's life," Judge Clyburn said. "I look forward to working with all jurisdictions."

Chief Judge of the Court of Appeals Robert M. Bell announced Judge Clyburn's appointment to the chief judge position Nov. 16. Judge Clyburn will begin serving in that role when current Chief Judge of the District Court James N. Vaughan retires Dec. 29.

photo by Ron White



Judge Ben C. Clyburn

cont. on p. 11

Courthouse Burns

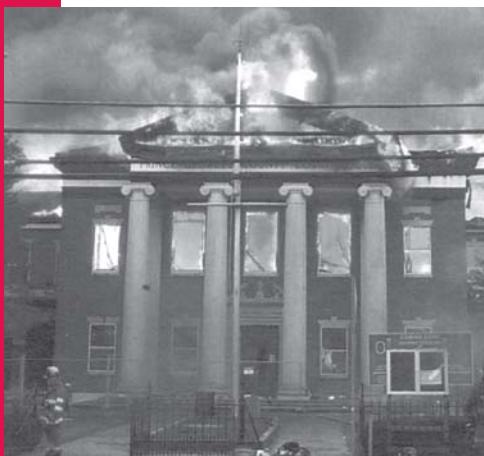


photo by Cpl. Rick Lanning, Prince George's County Police Department Evidence Unit

Flames and smoke ripped through the historic Prince George's County courthouse Nov. 3. The fire caused millions of dollars worth of damage to the building, which has stood in Upper Marlboro since 1880.

The courthouse was under renovation, and temporary lighting was named as the cause. The modern structure was not damaged, no one was injured, and the courthouse reopened Nov. 8. (Additional photo, p. 20)

inside

Court Records -----	2
Traffic E-citations -----	4
News from the Bench -----	5
Translating Web sites -----	7
Jobs for Non-custodial Parents -----	8
Courthouse Ghost -----	15
Courthouse Opens -----	18

editorial board

Judge Dennis M. Sweeney
 Chairman, Howard County
 Circuit Court

Judge William H. Adkins, III
 Talbot County District Court

Judge Jean Szekeres Baron
 Prince George's County District
 Court

Judge Ralph M. Burnett
 Garrett County District Court

Judge William O. Carr
 Harford County Circuit Court

Sandra Dalton, Clerk
 Frederick County Circuit Court

Valerie Dawson, Court Reporter
 Wicomico County Circuit Court

Judge James R. Eyler
 Court of Special Appeals

Judge Marcella A. Holland
 Baltimore City Circuit Court

Michael Miller, Director
 Maryland State Law Library

Diane Pawlowicz, Asst. Chief Clerk,
 District Court

Judge Emory A. Plitt
 Harford County Circuit Court

Sally W. Rankin
 Court Information Officer

Judge Russell Sadler, Howard County
 District Court, Retired

Judge Gail J. Schaffer
 Anne Arundel County
 Orphan's Court

Staff

Mary Brighthaupt, designer
 Rita Buettner, editor

Justice Matters is published quarterly.
 We welcome your comments or ideas.
 Contact us at:

Court Information Office
 361 Rowe Boulevard
 Annapolis, Maryland 21401
 Tel: 410.260.1488
 info@courts.state.md.us

New Rules on Access to Court Records Now Effective

The new rules on access to court records became effective Oct. 1. The committee appointed to prepare the Judiciary for the implementation of the rules considered the impact on judges and clerks and anticipated issues that might arise.

The committee prepared guidance in question and answer format as well as charts that summarize access to the four types of records defined in the new rules. This educational material is posted on the Judiciary's intranet site, CourtNet, and will be updated periodically.

Although the new rules did not change access significantly, their implementation offered the committee an opportunity to examine and improve existing practices. The committee continues to consider issues, questions, and concerns. Questions and comments should be directed to committee members. Their contact information is listed with educational material on CourtNet.

Business and Technology Case Management Program Offers Mediation Training

About 20 people participated in the first training program geared toward mediating cases in the Business and Technology Case Management Program.

The eight-hour program in "Advanced Mediation Skills: Business & Technology Disputes" was offered Sept. 10 through the Maryland Institute for Continuing Professional Education of Lawyers, Inc.

Baltimore City Circuit Court Judge Albert J. Matricciani and Prince George's County Circuit Court Judge Steven I. Platt led the training with Alternative Dispute Resolution skills trainer Roger C. Wolf, Esq., a professor at the University of Maryland School of Law, and Theodore Bayer, Chief Executive Officer of SYSCOM, Inc.

The seminar meets the provision of Rule 17-104 (a) (3), which requires court-designated mediators to complete eight hours of continuing mediation-related education every two years. "A lot of these people were very experienced mediators. But under the new rules they are trying to comply with the additional training," said Judge Matricciani, who was pleased with the interest in the program. "Although a lot of them do commercial mediation, they want to do court-ordered mediation. We'll see whether they complete the applications now and become certified as mediators."

The day-long program involved lectures, demonstrations, and two simulation exercises. Participants gained a better understanding of business and technology law, while also learning specifically how to use mediation to resolve disputed issues in the field. Future training programs will be planned, Judge Matricciani said.

Circuit Court Judges Gather for Educational Conference



photo by Ron White

Gov. Robert Ehrlich, Jr., addressed judges who gathered for the conference of circuit court judges Oct. 29 in Annapolis. The conference included sessions on recent appellate decisions, criminal and civil contempt, drug/alcohol commitments, and access to court records. Pictured here are Baltimore County Circuit Court Judges Patrick Cavanaugh; John G. Turnbull, II; Thomas J. Bollinger, Sr.; Robert N. Dugan; Governor Ehrlich; Baltimore County Circuit Court Judges John O. Hennegan and Dana M. Levitz; retired Court of Special Appeals Judge Charles E. Moylan, Jr.; and Court of Appeals Judge Glenn T. Harrell, Jr.

MARYLAND
JUDICIARY

Justice
Being
Served

Annual Report
2003 - 2004

2003-2004 Annual Report Published

The Maryland Judiciary recently released its 2003-2004 Annual Report, which highlights positive accomplishments, initiatives, and activities that were undertaken during the past year. The report highlights the expansion of mediation services and drug treatment court programs, an increased focus on case time standards, a growing emphasis on *pro bono* services, and the results of the study on racial and ethnic fairness in the courts.

The Annual Report also gives a glimpse into some of the Judiciary's priorities and projects for the next fiscal year. The accompaniment to the Annual Report, the Statistical Abstract, will be published in early 2005.



A ticket to efficiency

District Court Works to Streamline Traffic E-citations

Diane Pawlowicz, Assistant Chief Clerk, Administrative Services, District Court

Drivers are never happy to receive tickets, and the challenge of reading a ticket only makes the experience more frustrating. Because of the citation's size, the information must be written in small print, which can make it difficult for defendants to understand the procedures and options. Then there is the difficulty in reading various styles of handwriting, written on multi-page carbonless paper.

The data entry clerks at the District Court must enter what they see written. What goes into the computer is what comes out—on dockets for the judges, on statistical reports, and on notices to the defendants.

The District Court, the Court's Judicial Information Systems Division, and the Maryland State Police are taking steps to resolve these and other issues by issuing electronic citations.

The Judicial Information Systems, working with the District Court, recently received a National Highway Traffic Safety Administration grant from the State Highway Administration (SHA) to develop and test a database for processing the information and an all-new electronic traffic citation.

The redesigned citation will allow more space for instructions in a larger font so citizens will know their options, such as paying the ticket or requesting a trial date. Additional information—such as Global Positioning System coordinates—can be added using other technology at the police officer's fingertips.

The long-term goal is to design a system where citation information is entered into a laptop computer in the police officer's car and then transmitted directly to the District Court traffic system database. This process will include the ability to "swipe" the driver's license and the car registration into the computer. An easy-to-read full-page copy will be printed and given to the defendant. The citizen and the judge will have the benefit of seeing the whole charge rather than the abbreviated version now used in the interest of space.

Enhanced data provided to the Motor Vehicle Administration on dispositions will contain information that will be helpful to the SHA and other agencies focused on making the state's highways safer.

This project builds upon a project begun by the Maryland State Police. During the past two years, state police have developed a pilot program in Frederick County. With the help of SHA



Each laptop computer is installed in the passenger seat where the officer has easy access to issue an e-citation.



photos by Jack Fino

Judge Vaughan listens as Sergeant Julio Valcarcel, Supervisor, Mobile Data Computer Unit for the Maryland State Police, explains the new computerized system being installed in police cars at the Waterloo Barracks in Jessup.



News from the Bench

- **Hon. Gale E. Rasin** was appointed to the Circuit Court for Baltimore City. Formerly serving on the Baltimore City District Court, Judge Rasin replaced the Hon. Thomas Waxter, Jr., who retired.

The following judges recently retired from the bench. No additional appointments had been made as of press time.

- **Hon. Gary S. Gasparovic**, District Court for Charles County
- **Hon. Paul J. Stakem**, District Court for Allegany County

In Memoriam

Hon. Robert I. H. Hammerman, retired judge who sat on the old Municipal Court for Baltimore City from 1961 to 1966, the Supreme Bench for Baltimore City from 1967 to 1982, and then the Circuit Court for Baltimore City from 1983 to 1998.

E-citations, cont. from p. 4

funds, the State Police have placed printers and laptop computers loaded with state-of-the-art software called Traffic and Criminal Software (TraCS) in the cars of state police as well as local law enforcement agents. TraCS is now being used in at least 18 states.

Though the citation information cannot be transmitted electronically yet, police in Frederick County are now sending paper copies of the printed citation to Data Entry, making the process more efficient for District Court staff, and providing a much easier-to-read copy to the defendant.

A similar project to create computer-printed citations was approved by Judge Vaughan for the Berwyn Heights Police in Prince George's County last year, so the District Court's Data Entry department has already received some of the computer-printed citations and can attest to their legibility.

If sufficient funds can be found to continue this project, the second phase will include linking the new database to

the District Court mainframe, and accepting electronic transmission of the citation information from all counties included in the Maryland State Police pilot program. In Phase III, enhanced citation information from the new database will be made available to the MVA and other state agencies where it can be used to analyze ways to make Maryland's highways safer. The District Court Traffic System can make the information available to the judge on the bench, while continuing to accept more electronic citations as other counties move to the TraCS system as well.

"I am appreciative of the efforts that Judicial Information Systems is making to move toward e-citations, and grateful for the grant made available by the State Highway Administration which, by removing some of the cost barriers, will allow this project to move forward," Judge Vaughan said. "I hope to be one of the first judges to see the enhanced information on the bench during Phase III of the project, when I am sitting as a retired judge."

Judiciary Employees Serve as Leaders for Regional Association

Ken Brown, Coordinator, Customer Information Services, District Court, and Diane Pawlowicz contributed to this story



photo courtesy of Ken Brown

L-R: Cynthia Tensley, Rose Day, Polly Harding, Diane Pawlowicz, Lisa Ritter, and Ken Brown

a plenary session on core competencies for court management. The National Association of Court Managers (NACM) committee which developed the NACM's Core Competency Curriculum Guidelines. In his presentation, Broccolina explained how courts may use these standards for professional development and assessment of court managers.

Harris and Broccolina joined Jude del Preore, the out-going president of MAACM, to present a workshop on the association's strategic plan. Harris also facilitated a focus group to plan for training programs that may be possible through a State Justice Institute grant. District Court staff members Diane Pawlowicz, Polly Harding, Rose Day, Cynthia Tensley, Ken Brown, and Lisa Ritter presented a workshop on the District Court's "Excellence in Public Service Initiative." This initiative, which received the MAACM's John Neufeld Award for Court Achievement in 2003, emphasized various aspects of customer service.

Pamela Harris, court administrator for Circuit Court for Montgomery County, was sworn in as the new president of The Mid-Atlantic Association for Court Management during the organization's annual conference, held in Dover, Del., Oct. 3-6.

During 2005, Harris will serve as president of MAACM, an association devoted to effective administration and management of courts in the region. "I believe the state of MAACM remains sound. I believe the state of our individual courts remains sound," Harris said in her acceptance speech. "However, we are not—and cannot afford—to remain static or comfortable about the way we do business."

At the conference, State Court Administrator Frank Broccolina presented



Pam Harris

Wheaton High Hosts "Justice for All"

A skit followed a domestic violence case through the criminal justice system during the JUSTICE FOR ALL Public Forum at Wheaton High School in Montgomery County Oct. 27. Montgomery County District Court Judge Cornelius J. Vaughney (left) speaks to John P. Kudel, Esq., portraying the abusive husband. To his right are (l-r) Audrey Creighton, Esq., in the public defender role, Kathy Knight, Esq., in the assistant state's attorney role, and Rebecca Nitkin, Esq., playing the abused wife. Chief Judge Bell served as the moderator for the public forum, which was co-sponsored by the Maryland Judiciary's Public Trust and Confidence Committee along with the Montgomery Public School System.



photo by Ron White

www.courts.state.md.us/family/spanish/index.html

Family Law Forms and Web Site Now Available in Spanish

Pamela Cardullo Ortiz knows the Judiciary needs to continue to improve access to the courts for non-English speakers. But the executive director of the Department of Family Administration says understanding how great that need is may be difficult until the resources have been put in place. "It's very difficult to navigate the legal system when you're an English speaker," Ortiz said. "It's even more difficult when you are not a native English speaker, so they don't even come to the courts."

Family Administration has taken a significant step by translating its Web site into Spanish and creating bilingual versions of family law forms. A Spanish speaker can fill in the forms following Spanish instructions, but a court clerk can file the forms without needing a translator.

Eleven percent of the people who use the court's family law self help centers are non-English speakers, and 7 percent report that Spanish is their primary language, Ortiz said. "But that number does not necessarily reflect the true need," she said. "Non-English speakers are less likely to use the legal sys-

tem to solve disputes and resolve problems if services are available only in English. These new resources are an effort to enhance access to the family justice system for many of those individuals."

The forms are available for cases involving issues including divorce, child custody, visitation, child support, protection from domestic violence, and name change. The new bilingual forms can be completed online, then printed for filing. The forms, which can be printed and completed by hand as well, will also be available through circuit court family law self-help centers and clerks' offices.

At the request of the Administrative Office of the Courts, the Women's Law Center is providing Spanish-speaking attorneys to offer free assistance with the forms on Mondays from 9 a.m. to 12:30 p.m. Recognizing that many Spanish speakers do not have access to the Internet, the Judiciary hopes to expand access to the service by providing information to organizations serving the Hispanic community. An orientation session on the new Spanish-language resources will be offered to representa-

tives from Hispanic organizations from 1 to 5 p.m. on December 2 in Annapolis.

A few of the Judiciary's family law self-help programs offer assistance for self-represented individuals in Spanish. These include the programs operated by the circuit courts in Montgomery and Prince George's counties. Most programs make referrals to Spanish-speaking attorneys and programs; others provide assistance to self-represented Spanish speakers by appointment. The Maryland Judiciary also provides a grant to the Law Foundation of Prince George's County to operate the Latino Legal Access Project in that county.

The Judiciary offers other resources for non-English speakers, including some brochures and forms in Spanish and Korean available through the District Court Web site. Many of the new resources have been developed as a result of suggestions made by the Judiciary's Committee on Interpretation and Translation chaired by Baltimore City Circuit Court Judge Audrey Carrion, and the recent Report of the Commission on Racial and Ethnic Fairness in the Judicial Process.

See related story, p. 12

Building Business Relationships



photo by Ron White

Katie Knowlin, Minority Business Enterprise (MBE) director of the Maryland Department of Transportation Certification Unit, speaks to conference participants at the Judiciary's MBE and Small Business Outreach Oct. 5 at Frostburg State University. The Judiciary's MBE Program helps ensure equal access to contracting opportunities for certified minority businesses seeking to do business with the Judiciary.

Baltimore County Court Creates Program to Help Non-custodial Parents Find Jobs

Long before Judge John O. Hennegan was named the head judge for Baltimore County Circuit Court's family division, he had seen the need for a program to help non-custodial parents find jobs and pay child support.

Now, with a \$150,815 grant from the Department of Health and Human Services' Administration for Children and Families, the Circuit Court is launching a new program to identify and provide employment opportunities and job training to non-custodial parents who are delinquent in child support payments.

"I'm hoping that it does exactly what it's designed to do, and that is to assist people in getting employment and paying child support," said Baltimore County Circuit Court Judge John O. Hennegan, a member of the three-person steering committee overseeing the program. "The idea is to be proactive and not punitive."

Development of the court's new Family Employment and Support Program began this fall and the program's first court employment coordinator began Dec. 1 to work with the program.

Most recently program manager for Genesis Jobs, a division of Goodwill Industries in Baltimore, Janet Glover-Kerkvliet will bring with her experience as a job coach at the Allegany Intermediate Unit in Pittsburgh and her work writing grant applications for Mount Calvary AME Church.

Judge Hennegan said he was particularly impressed by Glover-Kerkvliet's "background with job recruitment, developing job banks, her enthusiasm, and experience in

training volunteers, working with businesses in a partnership type manner." "We have a great belief in her ability to go out and solicit employers to participate in the program," he said. "We can access her experience in developing databases to help develop our contacts."

A second court employment coordinator will be hired in January. The federal grant made it possible to hire the two coordinators who will work with the parents, monitoring their progress, helping them find jobs, working with them on resume writing, and when necessary referring them to resources such as the Baltimore County Office of Employment and Training, specialized training at local community colleges, and the Baltimore County Office of Substance Abuse.

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

"Many people come in and say that they're unemployed and they can't find a job," Judge Hennegan said. "And another master or judge will send them out, and there's no way of proving whether they're trying to get a job."



photo by Dan Clark

L-R: Baltimore County Circuit Court Judge Hennegan and Peter J. Lally, Court Administrator, discuss the creation of job databases as part of the new Family Employment and Support Program.

Somerset County Court Offers Child Support Offenders Two Choices: Job or Jail

Lynn Cain, Circuit Court Administrator, First Judicial Circuit
Dorchester, Somerset, Wicomico, and Worcester Counties

Somerset County Circuit Court Judge Daniel M. Long is taking an innovative approach to punishing parents who fail to pay their child support. Instead of sending them to jail, Judge Long gives them the alternative of agreeing to find a job. Once they accept this “sentence,” they must report to the local job service center within 72 hours.

The idea was conceived several years ago as a result of a meeting that included officials from the Somerset County State’s Attorney’s Office, the local Department of Social Services, and Judge Long. The meeting was called to explore alternatives to sending parents who are

chronically delinquent in child support payments to jail. Although sometimes unavoidable, incarcerating parents who fail to pay child support benefits neither their children nor taxpayers. “If you put a father or mother in jail, there’s no ability for them to pay child support,” Judge Long told the *Salisbury Daily Times* in September. “We were looking for something a little more creative . . . we’d rather have them working.”

Conveniently located in the Somerset County Social Services complex is a job service center that is operated by the Lower Shore Workforce Alliance. The center has access to a statewide job bank and the program manager can almost guarantee a job to anyone who walks through the door.

Child support offenders are given two choices, pay a monetary purge amount or agree to get a job. Parents agreeing to find a job must report to the job service center within 72 hours after sentencing and must secure a job within 30 days. Parents who fail to report to the job center and find a job within the 30-day time frame are returned to court and typically sentenced to a jail term at the local detention center.

Judge Long’s philosophy toward child support offenders is that if fathers or mothers are incarcerated, they have no ability to support their children financially. Judge Long also believes it is important to encourage parents to go into the work force.

“Clearly there are some who are not going to pay child support and the only alternative for them may be incarceration,” Judge Long told WBOC-TV. “But we would rather see those individuals paying child support than sitting in a jail doing nothing.”

Although the “Job or Jail” approach is not successful in every case, the effort results in more children being supported by working parents.



Chief Judge Vaughan retires after 22 years on District Court

With camcorder running and camera in hand, District Court Chief Judge James Vaughan and his wife have visited—and visually captured—sites in all 48 of the contiguous states. So it's no wonder that in September 2001, while standing on top of the highest mountain summit in Massachusetts, Mrs. Vaughan was busy photographing the dark sloping green hill and blue sky. Her husband, meanwhile, was on his cell phone with Chief Judge Robert M. Bell, discussing a vacant position—chief judge of the District Court.

Three years later, that photo taken from the peak of Mount Greylock stands on a ledge in Judge Vaughan's office. Until that day on the mountain, he had never considered serving as that court's chief judge. "I probably would have retired within the next year," Judge Vaughan says now. "I was sort of dumbfounded. But I am glad Judge Bell asked me."

Growing Caseload

Now, as he prepares to retire Dec. 29 from more than 22 years as a judge, Judge Vaughan is reflecting on the changes he has seen in his time in the courts. Since he became a judge July 9, 1982, the District Court caseload has grown. In 2003, the District Court was handling more than 2.25 million cases a year.

"What has happened is that the amount of time the judges are spending in the courtroom has had to increase," Judge Vaughan said. "There is a loss of efficiency when they sit in the courtroom too long."

The District Court staff has not had to increase to reflect the growing caseload, however, thanks mainly to the same developments in computers and technology that have allowed Judge Vaughan to check his email in Arizona, Mexico, and Canada—and get a clear cell phone signal from a Massachusetts mountaintop. "The technology that we use has enabled us to handle the rising caseload without increasing the number of employees as much," Judge Vaughan says.

Looking for ways to expedite cases has always been one of Judge Vaughan's strengths, says Judge Louis A. Becker, III, District Court Judge in Howard County. "He really has the ability to streamline things and get to the issue without a lot of clutter and complexity. Of course, the District Court's geared to that, to be user-friendly, to be streamlined," says Judge Becker, who worked as Judge Vaughan's partner for nine years when they were practicing attorneys—and then together as judges on the District Court in Howard County. "He has been very instrumental in creating case time standards and making sure folks adhere to those standards."

Increasing Efficiency

Judge Vaughan has worked to try to save both court users and staff time. "The biggest thing that we've got to accomplish now is e-filing," he says. In particular, he would like to see landlord-tenant cases filed electronically—a project that is already underway. And Judge Vaughan is also an advocate for giving police officers the technology they need to file tickets electronically.

During Judge Vaughan's time as chief judge, mediation has grown as a way of resolving cases, especially as the caseload has continued to grow. "There has been a good acceptance by the judges, the public and the lawyers," Judge Vaughan says. "What I like about it is there aren't essentially any winners or losers."

As a District Court judge, Judge Vaughan never considered being chief judge. But, looking around his office, full of photos of past travels—travels he and his wife plan to continue after his retirement—Judge Vaughan says he is grateful for the opportunity to serve in the position. "I came to this job reluctantly, but I leave it with more reluctance," he says.



photo by Dan Clark

During his three years in office, Judge Vaughan has refused to hang his photo next to the two previous chief judges of the District Court. On his last day, however, Judge Vaughan plans to hang the photo before he leaves.

Judge Clyburn, cont. from p. 1

"I am delighted that Judge Clyburn agreed to serve the District Court as its Chief Judge," said Chief Judge Bell. "His commitment to the District Court and vision for the future are ideal qualities for this leadership role." He added, "The decision was a difficult one because all who expressed interest were excellent candidates with distinguished credentials and the utmost commitment to the Judicial Branch, especially the District Court. I appreciated their willingness to meet the challenges that the greater responsibilities, and headaches, of serving as the chief judge necessarily entail."

Judge Clyburn was appointed to the court in 1995 by then-Gov. William Donald Schaefer. Designated the judge-in-charge of the Eastside District Court, Judge Clyburn has been responsible for that facility's daily operation. He has been involved in enhancing both the First-Time Offenders Diversion Program and the Early Resolution program in Baltimore City. Judge Clyburn, who has served as chairman to the Early Resolution Court Committee, hopes to see programs like those initiated across the state.

"By developing innovative programs such as early resolution and the diversion program, it positively impacts the docket at the District Court and circuit courts," Judge Clyburn said. "We must continue to work collaboratively with all interested agencies, which is something I was able to do here in the city, working on the Early Resolution Court."

Judge Clyburn also wants to increase efficiency and automation in the District Court processes, including continuing to develop electronic filing in landlord-tenant cases. "That takes us closer to our mission, which is to deliver services to the citizens," he said.

As Chief Judge of the District Court, Judge Clyburn hopes to see the use of mediation continue to increase, along with the creation of drug courts. "We need to continue our expansion of drug courts and other innovative approaches to address the drug problem," he said.

Judge Clyburn is a member of the Domestic Violence Docket Oversight Committee at the Eastside Facility and

serves as a member of the Lieutenant Governor and Attorney General's Domestic Violence Council.



"I am delighted that Judge Clyburn agreed to serve the District Court as its Chief Judge ... His commitment to the District Court and vision for the future are ideal qualities for this leadership role."

Chief Judge Bell

Before his appointment to the court, Judge Clyburn was appointed by then-Attorney General Stephen Sachs to serve as assistant attorney general to the Motor Vehicle Administration from 1981 to 1983. From 1983 to 1991, he was assistant attorney general to the Office of General Counsel to the Maryland Department of Transportation. While there, he worked on various procurement matters including the Medivac Helicopter Procurement and vehicle emissions. In addition, he served as counsel to the

Department of Transportation Minority Business Certification Council, and he received the Outstanding Assistant Attorney General Award for Exceptional Service in 1985.

In 1991, Judge Clyburn was appointed as assistant attorney general to the Criminal Investigation Division of the Office of the Attorney General, where he specialized in the investigation and prosecution of economic crimes.

In 1993, Judge Clyburn was promoted by Attorney General J. Joseph Curran, Jr., to the position of Chief Counsel to the Department of Transportation.

Judge Clyburn is married to Alethea "Lisa" Clyburn. His son Benjamin is a senior fashion design major at the Parsons School of Design in New York.



Baltimore City Circuit Court Offers Web Site in Four Languages

By Neil Moores,
Court Information
Technology Director,
Balto. City Circuit Court

The Baltimore City Circuit Court is updating its Web site (<http://www.baltocts.state.md.us>) to make it more accessible for non-English speaking visitors. Administrative Judge Marcella Holland directed the Web Page Committee, chaired by Judge Wanda Heard, to investigate various translation services to ensure that the non-English speaking community receives valuable court information.

Its first step was to translate one page into Spanish, French, and Russian. The translated page explains that so far the Court has not translated every page into those languages; however, the Court wants to direct visitors to free online translation services that can give a rough translation. These free translation services typically give a literal translation but are often better than not being able to read and understand the information at all.

To further enhance the online translation of the Court's page, many web buttons were replaced with translation-friendly hyperlinks. This allows a visitor to use one of the free online translation services to translate the hyperlinks and continue to navigate through the Web site.

The Court hopes to seek out in-house translators and other free translation resources to continue to expand to more languages and translate more pages, especially those languages that are prevalent in Baltimore City. Judge Audrey Carrion, judge-in-charge of the Family Division, translated the Spanish section of the Web site. Other in-house staff helped with the Russian and French translations.

If you are interested in helping the Baltimore City Circuit Court continue their effort to improve accessibility of its online resources and translate additional pages, please contact Neil Moores at 410/361-9889.



photos by Dan Clark

Iraqi Delegation Visits Court of Appeals

A suicide bomber killed Khanzad Ahmad's brother last December in Iraq. But nothing stops the Kurdistan native from working to learn about the United States and its government, including its justice system. Ahmad visited the Maryland Court of Appeals in August as part of a delegation of the Kurdistan Regional Government.

"Kurdistan would like to be like other countries which are very demanding in education and practice democracy in their society," said Ahmad, who was wearing black while mourning her brother. "We like to follow the modern way for education. If we want to change, it's better you start from children."

The delegation met Chief Judge Robert M. Bell and participated in a mock trial in the Court of Appeals courtroom, playing the roles of the attorneys and judges. Ahmad, who has a B.A. in law, works in human rights in the civic education department for Kurdistan's Ministry of Education.

Dr. Mohammed Ihsan, minister of the Ministry of Human Rights for the Kurdistan Regional Government, was among those visiting the Court of Appeals. They also visited the U.S. House and Senate. Ihsan, who is planning a holocaust museum for Kurdistan, designed the department's symbol, incorporating the country's colors, symbols for a man, woman, and child, and a yellow sun. "That is the sun for the bright future we are all hoping for," he said.

Khanzad Ahmad argues her case during a mock trial held in the Court of Appeals courtroom. The visit was arranged by the Maryland Center for Civic Education.

"Don't Just Paint It Pink": Baltimore City Task Force Looks at Special Needs of Girls

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

"The task force has spent the past two years exploring ways to develop valuable programs that will assess and provide the resources necessary to meet the needs of this population," said Judge Carrion, who heads the Baltimore City Circuit Court's Family Division. "Our goal is to encourage those individuals who are involved with girls to be more receptive to the fact that girls are different from boys, and that they have different needs."

Meanwhile, the task force hopes to emphasize the importance of reaching out to girls even before they reach their adolescent years. By then, some human services providers say, it may be too late to help.

"Do we wait until 17 when a young woman is already involved in a number of crimes or the House of Ruth, or can we actually start at 13 or 12?" said Cynthia Jones of Baltimore City's Department of Social Services, a member of the task force.

Task force members have worked to identify the specific needs of girls and young women who are served by the providers in the city, while also pinpointing issues that affect them such as health concerns, mental health issues, and substance abuse problems. They are also considering home situations and how those shape young girls as they become adolescents and adults.

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

To share some of their insights and discussions, the task force sponsored a daylong conference titled "'Don't Just Paint it Pink': Responding to the Needs of Girls in Baltimore City." The daylong conference, held at Loyola College's graduate center in Timonium, attracted more than 150 local and regional service providers.

International Partners in Justice



photo by Dan Clark

Chief Judge Bell discusses the Court of Appeals courtroom with a delegation of judges from Taiwan.

A group of Taiwanese judges visited the Court of Appeals and Court of Special Appeals Sept. 3, speaking with Chief Judge Bell and Clerk of the Court of Special Appeals Leslie Gradet about the court system in Maryland.

The visitors were judges sitting on the Taiwan High Court and district courts in Taiwan. The Taiwan High Court and the Maryland Judiciary are sister courts, and judges from Maryland and Taiwan have exchanged visits.

State Law Library Lecture Considers Neighbor Disputes, Community Mediation

Catherine McGuire, Law Librarian



Former Principal Counsel of the Department of Natural Resources Thomas Deming and his wife Linda Rowan Deming, executive director of the Anne Arundel Conflict Resolution Center, discussed ways of resolving disputes between neighbors at the State Law Library.

The State Law Library hosted the fifth in its Anniversary Lecture Series Sept. 23 with a look at resolving “Neighbor Disputes.” The presentation by solo practitioner and former Principal Counsel of the Department of Natural Resources Thomas Deming and his wife Linda Rowan Deming, executive director of the Anne Arundel Conflict Resolution Center, illustrated how and why conflicts with neighbors can be resolved with mediation rather than litigation.

Mr. Deming described possible alternatives to resolving problems between neighbors, from suing in court to calling on county police or involving county regulatory authorities. Mr. Deming explained that litigation can be both a costly and lengthy process; county regulatory agencies follow the letter of the regulation and cannot take sides in a dispute; and the county police will only be of assistance in criminal, not civil, situations.

Mrs. Deming recommended mediation because, in her view, “dispute resolution” addresses purely the facts of a case, while “conflict resolution” addresses the emotions behind the facts.

Both presenters recommend mediation because a person needs to live next to a neighbor even after the dispute is over, and mediation allows the possibility of resolving the emotions behind the conflict as well as the conflict itself.

<http://www.lawlib.state.md.us/>

Maryland State Law Library Hosts Seventh Law Libraries Conference

Catherine McGuire, Law Librarian

The Maryland State Law Library hosted the Seventh Annual Maryland County Law Libraries Conference Oct. 14 in Annapolis. The day-long conference was designed to give personnel in charge of the 26 county and city law libraries across the state a chance to meet, chat, share information, and learn about topics of interest in the running of their libraries.

This year’s agenda included an overview of the American Association of Law Libraries (AALL) Annual Conference (held in Boston during July); a session on how to handle strange and bizarre reference questions; a practicum on the repair and preservation of library books; and a tutorial on the contents and use of the Judiciary’s Web site. In between sessions participants had a chance to tour the library.



Librarian Catherine McGuire (R) speaks with two people who attended the lecture.

photos by Ron White

Kent County Courthouse's Ghostly Orb Captures Attention of Global Media

The media ain't afraid of no ghosts. In fact, they're absolutely ravenous for a ghost story, especially when the alleged ghost is an orb caught on film by the Kent County Courthouse's security system.

Soon after the sighting in early July, the report of an orb spirited itself into newsprint, over the airwaves, and across the Internet world – all because of what the courthouse's new \$75,000 security system showed on video.

People watching the new camera saw a white orb moving up a courthouse staircase. More and more people gathered around to watch as a security officer climbed the steps to investigate.

The story might have ended there. But the editor of the Kent County News, who is writing a history book on Chestertown and Kent County, just happened to be doing research in the land records room, and he heard the commotion.

That one story by a local newspaper editor hit the Associated Press wires. Suddenly everyone else's lens was focused on the smallest county in Maryland. News of the courthouse ghost traveled around the world, hitting the pages not just of the *Washington Times* but the *Pakistan Daily Times* and television news as far away as BBC News in Great Britain.

Enthusiasts of the supernatural debated the orb's origin on Web sites. The story hit online physics forums, and sites such as "Paranormal Australia," "Ghosts-UK," "The Supernova Juice Journal," and "Coast to Coast AM."

"Things got crazy. We were getting phone calls from every newspaper, every TV station you could imagine," said Mark Mumford, Clerk of the Circuit Court for Kent County. Mumford was repeatedly asked questions by reporters calling from what he estimates were at least six national media companies and radio stations from as far away as England.

"It kind of got to be an annoyance," said Mumford, who wouldn't comment on the ghost's authenticity. "The only comment I made was that if it is a ghost, it's a friendly ghost, and it's not bothering me."

The story attracted a member of the Maryland Ghost Society to the historic courthouse, which dates to 1860. The courthouse is the successor to two earlier courthouses, the oldest of which dated back to at least 1697.

As for the ghost? The company that installed the security camera said the "orb" was created by an insect on the camera lens.

Mumford isn't offering his own explanation. He's just relieved that the phone has stopped ringing. And without crediting any haunting specters, he says there are those in the courthouse who are still wondering.

"We have seen a bug on the camera lens since then and it doesn't appear anywhere similar," he said.

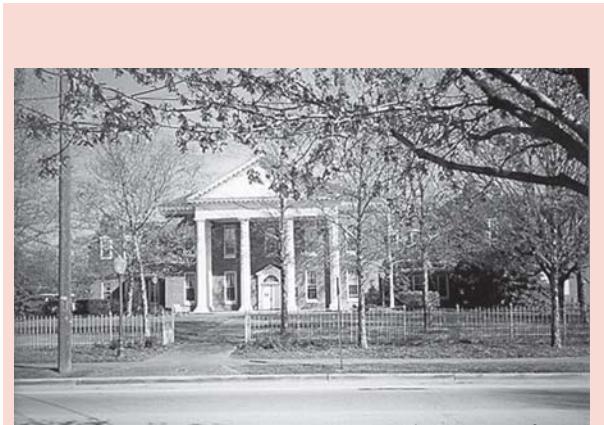


photo by Diane P. Frese

Kent County Courthouse

Correction: The last issue of *Justice Matters* should have identified Judge Maurice Baldwin as a recipient of the Anselm Sodaro Award.

Congratulations to...



photo by Ron White

L-R: Judge Leasure and Judge Missouri accepted their designations as vice chair and chair of the Maryland Conference of Circuit Judges.



photo by Ron White

L-R: Judge Bell acknowledges the service of Somerset County Circuit Court Judge Daniel Long who is completing his two-year term as chair of the Maryland Conference of Circuit Judges.

- Congratulations to **Chief Judge of the Court of Appeals Robert M. Bell**, who was the first recipient of an award established in his honor, the Maryland Legal Services Corporation's Robert M. Bell Medal for Access to Justice. The award, the highest given by the corporation, was created to honor members of the bench and bar who have furthered access to justice for the poor. Chief Judge Bell received the award Dec. 6 at a ceremony at Baltimore's Radisson Plaza Hotel.
- Congratulations to **Court of Appeals Judge Lynne A. Battaglia** who received the Advancement of Professional Competence Award from the Maryland Bar Foundation Sept. 28.
- Congratulations to **Court of Appeals Judge Dale R. Cathell** who received the Access to Justice Award from the Women's Law Center of Maryland. Judge Cathell was chosen for the award because of his leadership role as chair of the Judiciary's Commission on Racial and Ethnic Fairness in the Judicial Process. He was honored during a ceremony Oct. 26 at the Hyatt Regency on the Inner Harbor in Baltimore.
- Congratulations to **Court of Special Appeals Judge Arrie W. Davis**, who was honored as the University of Baltimore School of Law's 2004 Alumnus of the Year Nov. 19 at The Baltimore Marriott Waterfront.
- Congratulations to **Court of Special Appeals Judge Joseph F. Murphy, Jr.**, for winning the Man of All Seasons Award, given by the St. Thomas More Society of Maryland.
- Congratulations to **Prince George's County Circuit Court Judge Toni E. Clarke, Montgomery County Circuit Court Judge John W. Debelius, III, Howard County Circuit Court Judge Diane O. Leasure, and Baltimore City Circuit Court Judge Albert J. Matricciani, Jr.**, who were recognized as winners of the 2004 Maryland Leadership in Law Award by *The Daily Record*.
- Congratulations to **Prince George's County Circuit Court Judge William D. Missouri** who was elected vice-chair of the National Conference of State Trial Judges Aug. 14 at its annual meeting in Atlanta. Judge Missouri was also named chair of the Maryland Conference of Circuit Judges at their meeting Nov. 15.
- Congratulations to **Anne Arundel Circuit County Court Judge Michele D. Jaklitsch** who received a Fannie Lou Hamer Award Oct. 6. The award is given each year to women who have made a difference in their communities through their professional and social contributions to Anne Arundel County.
- Congratulations to **Baltimore City Circuit Court Judge Marcella A. Holland**, who received the Margaret Brent-Juanita Jackson Mitchell Award from The Bar Association of Baltimore City at the association's 10th Annual Past Presidents' Luncheon Nov. 23 at Baltimore's Renaissance Harborplace Hotel.
- Congratulations to **Harford County District Court Judge Mimi Cooper** who received the Mary Guisewhite Award at the Harford County Mental Health Forum for Elected Officials in Bel Air Dec. 6.
- Congratulations to **Howard County Circuit Judge Diane O. Leasure** who was named vice-chair of the Maryland Conference of Circuit Judges.



courtesy Women's Law Center

L-R: Judge Bell and Judge Cathell at the Women's Law Center Event

Bringing It All Together

Judiciary to Introduce Integrated Performance Evaluation Program

By Linda Love McCormick
Executive Director, Human Resources

By the end of the calendar year, the Judiciary will have a single, unified performance evaluation program for all regular staff. The unified evaluation program will cover exempt and non-exempt staff, including supervisory, managerial, and security personnel (but excluding judges, commissioners, and executive staff). Development of a separate performance evaluation program for executive staff is also underway.

The Human Resources Policy Committee developed the new unified evaluation program with representation from the circuit courts and District Court, the Administrative Office of the Courts, District Headquarters, and Court-Related Agencies. The new tool is a comprehensive system designed to address the general and specific factors of all jobs within the Judiciary. It includes new rating factors, geared toward an improved method of assessing performance. The performance appraisal evaluation will be conducted at least annually, on a calendar year basis.

Training will be provided prior to the introduction of the new evaluation program. In addition, a detailed instruction manual and associated evaluation forms will be available on the Human Resources Department's intranet site and in hard copy. Specific dates will be announced.

Justice by Flashlight

By Judge Richard O. Motsay
District Court of Maryland (retired)

The afternoon session was just about to begin Aug. 9 in Worcester County's District Court in Snow Hill when the electrical power went out. Except for the emergency lights, the building was left in darkness. Judge Richard O. Motsay quickly convened a meeting of Terri Corbin, court clerk; Bailiff Jim Kinhardt; Amy Ward, the cash register operator; and several Maryland State Police troopers who had cases on the docket that day.

Because the emergency lighting system was not bright enough to try the cases, the troopers offered their flashlights, which provided ample lighting. The group also agreed that if a fine were imposed, the payment would be deferred since the register could not operate without electricity.

Finally, Judge Motsay announced to the defendants who had cases that day that, due to the circumstances, they had two options. They could either request a postponement and their case would be promptly reset or they could sign a waiver, waiving their right to have a recording made of their case, and they would not have to return to court. The waiver forms were handled by the bailiff.

All of the defendants signed the waiver, no cases were postponed, and the court disposed of the entire afternoon's docket using flashlights.



Governor, Judges Lead Silver Spring Courthouse Dedication

A beautiful afternoon provided the perfect setting for an outdoor ribbon-cutting ceremony for the new District Court Building in Silver Spring Sept. 22. Gov. Robert L. Ehrlich, Jr., joined Chief Judge Bell, District Court Chief Judge James N. Vaughan, Administrative Judge Cornelius J. Vaughney, and county and Department of General Services officials in dedicating the new \$27 million structure.

"This facility allows us to serve the citizens of Silver Spring and Montgomery County with better access to their Court," Judge Vaughan said. "The new courthouse will help ease an

ever-increasing and changing caseload, and will assist us in providing the quality service our citizens expect and deserve."

The four-story, 71,392 square-foot building was built on a 1.3-acre parcel of land at Second and Apple avenues. The contemporary style with glass front, light maple interior, and chrome accents fits into its uptown setting in the center of Silver Spring. In addition to four new courtrooms, the new building includes offices for the District Six court operations, Commissioners, State's Attorney, Public Defender, Parole and Probation, and the Drunk Driver Monitoring Program.

State Senator Ida Ruben and former Chief Judge of the District Court Martha Rasin received accolades for their perseverance in finding the property and getting the building on the drawing board.

"This courthouse is a major ingredient in the revitalization of this vibrant Silver Spring community," Governor Ehrlich said. "We anticipate this facility will bring jobs to this area and will attract additional investment. It has already been a major economic shot in the arm for Silver Spring, as well as a catalyst for neighborhood revitalization."

The general contractor for the new courthouse was Hess Construction of Gaithersburg. The architect for the project was HLM Design, Inc, of Bethesda. Construction of the building, administered by the Maryland Department of General Services (DGS), created more than 400 jobs during the construction process, and came in under budget. Because the building was completed on time and under budget, DGS will return almost \$500,000 to the state's general fund.



photo by Mark Odell, Office of the Governor

Chief Judge Bell cuts the ribbon at the opening of the new District Court building in Silver Spring.



Nominations Open for Second Annual Dwight D. Opperman Award

Nominations for the Second Annual Dwight D. Opperman Award for Judicial Excellence are now open. The award is presented annually to a state judge of a trial or appellate court who has had a career of distinguished judicial service. For more information on the award, or to find out how to make a nomination, visit the American Judicature Society's Web site at www.ajs.org.

New Grants Help Expand Drug Courts

Two recently awarded grants will help the Drug Treatment Court Commission enhance services statewide and create the state's first DUI/Drug Court pilot projects.

Through a \$199,920 grant from the Office of Justice Programs, Bureau of Justice Assistance, the commission will enhance a statewide management information system for drug courts. As part of the statewide drug court enhancement initiative, the funding will also help train drug courts to use the information system—and to use the data to monitor and improve client and program outcomes.

An additional grant of \$166,700 from the Maryland Highway Safety Office will enable the state to implement a DUI/Drug Court pilot in the District Court in Anne Arundel, Harford, and Howard counties. This pilot project will establish three DUI/Drug Courts for repeat offenders for drug or alcohol-related traffic offenses.

The courts will collaborate with each jurisdiction's State's Attorney's Office, Office of Public Defender, Department of Parole and Probation (Drunk Driving Monitoring Program), local health departments, private substance abuse providers, and community organizations to expand their current programs to deal with the hardcore DUI offenders in their jurisdictions.

The DUI/Drug Court population eligibility will consist of alcohol/drug-involved individuals charged with a DUI/DWI or a violation of probation on those charges. They must also have a history of prior alcohol/drug abuse or convictions.

O, Say, Can You Sing?



photo courtesy of Dave Martin

L-R: Tim Miller, Dave Martin, Carl Fike, Jeff Fike

If you've ever been to a funeral, wedding, or sporting event in Garrett County, you've probably heard David Martin's voice. When he isn't working as the Clerk of the Circuit Court for Garrett County, Martin is often singing.

And if you happened to be one of the 41,833 people at the Orioles-Twins game July 18 at Oriole Park at Camden Yards, you heard Martin again—singing the Star-Spangled Banner. Martin and Tim Miller, supervisor and deputy clerk for the court's criminal department, and the other two members of their barbershop quartet opened the O's game with the national anthem. Then, during the seventh inning stretch, they sang "God Bless America." "We had never sung that before, so we had to learn it in two days," Martin says.

Now the quartet is looking forward to next season, when the O's staff says they want them to return. And they're hoping to nail an appearance at a Steelers game in Pittsburgh this winter.

"We sing everywhere," Martin says, "But not in front of 41,833. It was quite a crowd—about 41,000 more than usual."

Court Information Office

**Robert C. Murphy Courts of Appeal Building
361 Rowe Blvd.
Annapolis, Maryland 21401**

www.courts.state.md.us

Prince George's County
Courthouse on Nov. 3



photo by Del. Doyle Niemann of the State's
Attorney's Office in Prince George's County.

upcoming

Conference of Circuit Judges
Monday, January 24, 2005
Monday, March 21, 2005

Conference of Circuit Court Clerks
Tuesday, January 25
Tuesday, March 22