State of the Judiciary, 2002

Accomplishments, Legislative Agenda Highlight Chief Judge’s Speech

“I am pleased once again to be able to report that the state of the Judiciary is sound and that it has made significant progress on important initiatives on which I have reported in the past, as well as new ones to which we look with anticipation,” Court of Appeals Chief Judge Robert M. Bell said during his fifth annual State of the Judiciary address, held on January 23 before a joint session of the General Assembly in Annapolis. The video and text of the speech can be viewed at www.courts.state.md.us.

For a summary of speech, see page 7.

Court of Special Appeals Welcomes New Judges

On January 4, a judicial triple-play took place, as recently-appointed Court of Special Appeals Judges Clayton Greene, Jr., J. Frederick Sharer, and Mary Ellen Barbera were sworn in to their new positions. Chief Judge Bell was “absolutely delighted” with the Governor’s choice of appointments, stating that “these outstanding individuals each bring a unique combination of public service and legal expertise that will enrich the Court of Special

continued on p. 8
Access to Court Records Committee Releases Recommendations

On February 5, the Access to Court Records Committee issued its recommendations on how the Judiciary should handle access to paper and electronic records. The policy recommendations, intended to provide a comprehensive and balanced policy on public access to court records, were drawn up after extensive discussion and consideration by the full committee, comprised of a broad representation of relevant organizations and interests. Overall, the Committee supported the continuation of the current policy, grounded in law and tradition, that court records are generally open to the public.

The Committee’s recommendations covered all the key issues relating to public access, including how requests for electronic records should be handled; whether certain information (in addition to that already restricted by statutes and rules) should be exempt from public scrutiny; procedures for ensuring that records are accurate; the need to develop uniform practices throughout the state; and plans to computerize court records in the future. The Committee also recommended the formation of a working group to continue studying and making recommendations to the Court concerning the implementation of these policies.

The recommendations report was sent out for public comment on February 6. After 30 days, the Committee Chair Judge Paul Alpert will review the responses and decide whether to reconvene the full Committee—if public feedback is substantially inconsistent with the views already expressed in the report—or submit the report as written with the public’s comments to the Court of Appeals. The full report can be viewed and downloaded from the Maryland Judiciary website at www.courts.state.md.us.


This narrative report highlights the Judiciary’s achievements from July 1-June 30, 2001.

A separate publication, containing the statistical abstracts for that fiscal year, will be released soon.
Drug Court Commission Appointed

The Maryland Judiciary’s commitment to its highly-successful drug courts will receive a boost from a new Commission which has been established by Judiciary leadership to standardize and advance these programs statewide.

“The Judiciary, through the leadership of Chief Judge Bell, is interested in making sure the development and operation of drug courts in Maryland is standardized and functioning at the highest levels,” said Baltimore City District Court Judge Jamey H. Weitzman, Commission chair. “We will work to develop ‘best practices’ and coordinate efforts across the state to proceed in a more efficient manner.”

The Commission’s goals include:

- Encouraging a comprehensive systems approach to the development and implementation of Drug Treatment Courts within Maryland;
- Assisting interested local jurisdictions in the development of Drug Treatment Courts by drawing upon accepted national policies and practices relevant to Drug Treatment Court programs and by providing technical assistance, training and other support;
- Providing coordination and support for local Drug Treatment Court activities within the State; and
- Providing guidance and systems support for the implementation, management and evaluation of Drug Treatment Court programs.

Several counties and Baltimore City presently have drug courts. These programs, geared to nonviolent drug addicts, combine extensive supervision of participants with comprehensive drug treatment, thus addressing all aspects of addiction. The programs also reintroduce graduates into society by providing life skills services such as job placement, assisting with housing, and helping them reunite with their families. Although the Drug Court Commission is a Judiciary initiative, it also includes representatives from state criminal justice organizations and the executive and legislative branches.

Harford County Awarded Federal Grant

Harford County Circuit Court and the county’s government are pleased to announce that they have received a three-year, $497,000 grant from the U.S. Department of Justice (DOJ) to operate a Juvenile Drug Court, beginning October 1, 2001.

Since December 2000, this circuit court, in conjunction with the Department of Juvenile Justice and the Harford County Health Department, has operated a pilot Juvenile Drug Court program, which has had over 35 participants, including 6 graduates so far. The program involves extensive supervision and counseling, and regular urinalysis tests by participants to detect lapses. The additional grant monies will allow the program to continue, and will expand services to include family therapy, individualized mental health and vocational services, and transportation to court and counseling for participants who need it. The funds were also used to hire a full-time executive director, David Mitchell, for the program.

Harford County was selected as one of 89 grant recipients from across the nation. To receive the grant, the county was required to put together a Drug Court Team with representatives from local drug treatment agencies, the school board, the Judiciary, and other parties involved in juvenile justice and rehabilitation. They participated in 11 days of training sponsored by DOJ. All parties involved have executed a Memorandum of Understanding to insure the program’s continued success.
“Make Their Day!” is one of the many concepts presented in the “Excellence in Public Service” training, which was rolled out in the District Court in January. The training is part of a three-pronged approach to “E-Service”–an initiative that encompasses the work of committees aimed at making the District Court more user-friendly.

The day-long program opens with a welcome video featuring District Court Chief Judge James Vaughan and District Court Chief Clerk Patricia Platt, who emphasize that District Court employees have a strong tradition of providing excellent service to the public, and that the team building and communication skills presented here will help build on that strong foundation.

“The day-long program was designed with input from clerks, commissioners, bailiffs, supervisors, and support staff, using a peer training model. The AOC Human Resources department was instrumental in writing the curriculum, and is facilitating the program. The first several sessions have received high marks from participants who enjoy the interaction, fun activities, and feel they learn new skills for communicating better with each other and with citizens. Training for District’s 5, 7, and 10, (Prince George’s, Anne Arundel, Howard and Carroll County), will be completed by the end of February. Then the training will go on the road to Harford County in the Spring, and other parts of the state in the summer.

Diane Pawlowicz
NEWS FROM THE BENCH

The Montgomery County Circuit Court welcomes Judge Katherine D. Savage, Judge Dennis M. McHugh, Judge Mariesa Bernard and Judge Joseph A. Dugan, Jr. Judge DeLawrence Beard was reappointed to that bench as well. Three of these vacancies were created by legislation transferring Juvenile Court to Circuit Court, and the fourth, by the death of Judge James Chapin.

Each of these judges bring unique qualities to the bench. Judge Savage has served on Montgomery County District Court since 1997, and before that, spent nine years as a prosecutor with the Montgomery County State's Attorney's Office.

Judge McHugh, who has served with County's District Court since 1991, was named Judge-in-Charge of its Juvenile Division in 1991. Previously, he practiced law as both a solo practitioner and with two area law firms.

Judge Bernard was appointed to the District Court in 1998, and prior to that, she was a partner at the firm of Keiffer, Johnson, Reinstein, Bernard and Heffron. She is frequently recognized for her work in the Hispanic Community.

Judge Dugan has been in joint practice for over 20 years in the firm Dugan & McGann, and since 1980, has also served as Assistance Special Counsel for the Office of Child Support Enforcement in Prince George's County.

Judge Beard was appointed to the Circuit Court for Montgomery County in 1984 after serving two years on the District Court. Prior to this, he spent five years as a Montgomery County Assistant State's Attorney.

Chief Judge Bell, Judge Raker
Meet with Retirees

In December, a terrific group of retirees who call themselves “In the Same Boat” visited the Court of Appeals, where they lunched with Chief Judge Bell and Judge Irma Raker, and discussed some cases that have been heard by the Court.

Pilot Project Launched in Charles, Washington Counties

This spring, the Clerk's Offices for Charles and Washington County Circuit Courts will pioneer a new project which will ease the burden of filing for a business license in Maryland. This pilot program should reduce about 75 percent of the paperwork and filing needed to obtain approval for a business license application.

“This is one of the projects that’s a win-win for the public and the Judiciary,” said Rick Hemphill, Washington County Chief Deputy Clerk, and chair of the E-license Pilot Project Committee. “Not only does this project reduce the red tape that the public has to go through to obtain a business license, but it also reduces the administrative support necessary to effectively manage the issuing process.”

Typically, someone seeking a business license in Maryland must first fill out an application at the Circuit Court Clerk's Office in the county where the license will be used, and then, visit several agencies and organizations (e.g. State Department of Assessment and Taxation, County Treasurers Office and additional County and Incorporated Town Offices) to obtain approval. The E-license project eliminates the legwork by enabling the Clerk's Office to send the completed application to these agencies and organizations electronically. Thus, while the manual process could take hours or days, the E-license project completes the approval process in minutes.

“This is a great collaborative effort made by the participating agencies and organizations,” said Kathy Ruge, Senior Manager of Special Projects for Judicial Information Systems, and the E-license project’s lead technical manager. “By bringing different agencies and organizations together to streamline the business license issuing process, we can reduce the process to ‘one stop shopping’ in the Clerk’s office.”

The pilot project will run through the business license renewal season, which ends in June. During this period, the project team will evaluate the pilot system, begin incorporating any required enhancements, and initiate planning for statewide implementation.
Judiciary Assesses Case Processing Standards to Promote Expedition and Timeliness

Preliminary results from the assessment phase of the Judiciary’s case processing time standards for the circuit courts and the District Court are now available. These standards set time guidelines in specific case categories for purposes of improving case management in the Maryland trial courts.

Proceeding from a preliminary set of time guidelines established by the Maryland Judicial Council, a case processing assessment was conducted in each circuit court and district court in the state through summer and fall of 2001. Based upon the findings of these individual assessments, each jurisdiction prepared a plan on how best to improve case management within the court. At its December meeting, the Judicial Council considered recommendations from the trial courts and moved formally to adopt the case time standards, as well as determining its next steps, to include case management training for judges, administrators and clerks, the transfer of best practices to and from courts across the state, and a follow-up assessment in late 2002 to measure trial court progress.

The Judiciary developed the guidelines using the ABA’s uniform case management standards as a reference point. Geoff Gallas, one of the nation’s leading authorities on court management, assisted the Judiciary in creating the guidelines. According to Dr. Gallas, Maryland’s standards are more comprehensive than those promulgated by the ABA. Chief Judge Bell agreed that setting these guidelines was crucial to determine how the Judiciary currently rates in its case processing efforts.

The Chair of the Conference of Circuit Judges, Judge Paul H. Weinstein, said “Overall, I believe time standards are infinitely helpful in establishing accountability measurements. We embraced this concept in 1993 with the implementation of Differentiated Case Management, and I believe the study supports this effort.”

Chief Judge James N. Vaughan, Chief Judge of the District Court of Maryland

COSA’s Caseflow Management Profiled in National Report

A recent report issued by the Justice Management Institute profiled Maryland’s Court of Special Appeals as part of its report, Managing Caseflow in State Intermediate Appellate Courts. Maryland’s COSA was one of six courts chosen for this study, and fared extremely well in terms of expediency and caseflow management. For example, average time for resolution of cases was 322 days, the best of any court profiled. A key case management procedure was cited for its effectiveness in keeping COSA’s voluminous docket on track, involving the use of a scheduling order. After the clerk’s office reviews the record, such an order is issued setting the month of argument. Cases are then assigned to panels at least a month before the argument month.

State Law Librarian Mike Miller contributed to this article
In addition to discussing the Judiciary’s legislative agenda, Chief Judge Bell focused on the Judiciary’s accomplishments. This year’s highlights included:

- the formation of a commission to address issues of racial and ethnic bias in the court system;
- increased assistance to families in need;
- the implementation of guidelines for attorneys representing children in need of assistance;
- the development of statewide case time processing standards;
- the creation of a statewide Drug Court Commission to develop ‘best practices’ for these highly successful programs;
- the evolution of the former ADR Commission into MACRO, the Maryland Mediation and Conflict Resolution Office, which has brought alternative dispute resolution into schools, businesses, communities, and government agencies;
- further study of the Judiciary’s policy on access to court records.

The District Court’s Caseflow Management Conference on November 30, 2001 brought more than 100 stakeholders to Annapolis to discuss improving expedition and timeliness in the Court. Conference attendees included the Court’s leadership, as well as state’s attorneys, public defenders, representatives of parole and probation and the Motor Vehicle Administration, private attorneys, and administrators of local, county and state law enforcement agencies.

The Conference was the natural next step for the District Court. Analysis of over 15,000 cases clearly pointed to the need to involve other organizations and state agencies in the planning process for improving compliance with the targeted standards, which established by the Judiciary in March, 2000.

District Court Chief Judge James N. Vaughan set the stage for this combined effort by reviewing the findings of the 1998 “Lazarus Report,” which identified expedition and timeliness as a top public concern. In his presentation, Judge Vaughan stated that “time destroys the purposes of courts. The purpose underlying Caseflow Management is not faster and faster and more and more; it is justice.” The conference’s success can be measured in its outcomes. Not only did participants leave with a better understanding of the issues and how their own actions contribute to timely justice, but also with a commitment to work collaboratively to address those issues.

Diane Pawlowicz and Christine Scheef

The 2002 Judicial Conference will be held on April 25 and 26 at the Baltimore Marriott Waterfront Hotel. This year’s conference theme will be dispositions in criminal cases.
Appeals, and consequently, the entire Judiciary.” He noted that Judges Greene and Sharer are “respected leaders within the justice system,” and that he has had the pleasure of working with Judge Barbera on numerous occasions. “She brings personal and professional traits that make her particularly suited for the Court of Special Appeals,” said Judge Bell.

Judge Greene, formerly of the Anne Arundel Circuit Court, has served as Fifth Circuit Administrative and County Administrative Judge since 1996. Judge Sharer served as an Alleghany County Circuit judge since 1980. And Judge Barbera was formerly Legal Counsel to Governor Parris Glendening. They replaced retired Judges William W. Wenner, Raymond G. Thieme, and Charles E. Moylan, Jr.

On February 4, the Court of Appeals voted to revise Rule 6.1 of the Maryland Rules of Professional Conduct (MRPC) governing pro bono service by attorneys. The revised rule encourages (but does not require) all members of the Maryland State Bar to render 50 hours pro bono service per year, with a substantial portion of those hours devoted to helping the poor. A financial contribution may be made in lieu of service.

Two related rules were also adopted—one calling for a State Action Plan for pro bono service and creating a Standing Committee on Pro Bono Service; and the other, establishing local pro bono committees for each county.

“This is a wonderful step taken by the Bench and Bar, one which promotes, and hopefully will move us closer to, access to justice for all,” said Court of Appeals Chief Judge Robert M. Bell.

Under the State Action Plan rule, Maryland lawyers must submit an annual report to the AOC describing their pro bono service. These reports, which are confidential under the Maryland Public Information Act, contain non-identifying information to be used by the Standing Committee to learn about the amount of pro bono service being performed by lawyers and the success of pro bono projects.

The MRPC 6.1 revisions and new rules were patterned after recommendations made by the Commission on Pro Bono in March 2000. That Commission, which included ten attorneys from across Maryland and five judges from each level of state court, was established by Chief Judge Bell and chaired by Court of Special Appeals Judge Deborah S. Eyler. Its mission was to examine the role of the courts in increasing pro bono service, thereby promoting access to justice for those in need.
On February 1, 2002, Chief Judge Robert M. Bell created the Commission on Racial and Ethnic Equality in the Courts, with the primary focus of examining court-related equality issues of court users, clients, and other parts of the African-American, Hispanic, Asian, and other minority communities. The Committee has been charged with:

- developing a methodology to reduce or eliminate unequal access and treatment;
- increasing public confidence in the equal application of the law in Maryland for all citizens;
- identifying initiatives to raise both public and professional awareness of the impact of race and ethnic origin on the fair delivery of justice in Maryland courts; and
- recommending the development of educational program for the bench and bar to eliminate any existing racial and ethnic bias in the state court system.

Members

Hon. Dale R. Cathell, Court of Appeals, Chair
Hon. Charles B. Day, U.S. Magistrate, Co-Chair
Deputy Attorney General Carmen M. Shepard, Co-Chair
Assistant Attorney General Kimberly Smith-Ward
W. Newton Jackson, III, Esq.
Joseph A. Trevino, Esq.
Hon. Marielsa A. Bernard, Montgomery County Circuit Court
Johnathan Ilsong Ahn, Esq.
Michelle Livojevic-Davis
Elizabeth M. Hewlett, Esq.
Donna Burch, Court Administrator, Charles County
Charlene Cole-Newkirk
George Fauth
Gustava E. Taler, Esq.
Spyros J. Sarbanes, Esq.
William B. Dulany, Esq.
Hon. Michele D. Hotten, Prince George's County Circuit Court
Rev. Nathaniel Johnson
Bernard Wynder
Alice Chong, Esq.
Judges, Employees Let Their Hair Down and Celebrate the Season

On December 18, the Annapolis Sheraton Barcelo was filled with the sounds of laughter and music, as the AOC, District Court, Appeals Courts and court-related agencies joined together to celebrate the holiday season.

A Christmas Story

On December 14, 2001, The Circuit Court for Queen Anne’s County and the Queen Anne’s County Department of Social Services jointly sponsored their annual Christmas party for the benefit of children in foster care. Each year the children share Christmas dinner and all the trimmings with their foster families and the social workers and court personnel who work with them throughout the year. While a clown provided entertainment, and craft activities were available, the highlight of the evening was the appearance of Santa (Judge John W. Sause, Jr.’s Law Clerk, Dan Rosendale) and his elf (Clerk of Court, Scott MacGlashan) in their horse-drawn carriage bringing gifts for all the children. Everyone enjoyed a wonderful evening which was made especially memorable this year by the attendance of Chief Judge Robert M. Bell.

Sandra Smith

L-R: Judge Sause, Chief Judge Bell, Scott MacGlashan. Seated: Dan Rosendale as Santa.

photo courtesy of Scott MacGlashan

photos by Lynne Sadler, COSA
AOC
Welcome Bret Paris and Tracy Watkins-Tribbitt.

Court of Special Appeals
Welcome Gerald Benoit, Jr., Jonathan Cusson, Sean Gallagher, and Clarence Sharp.

Circuit Court
Baltimore City
Welcome Octavia Dinkins and Wencai Zheng. Best wishes on your retirement George Ackerman and Theresa Tutman.

Carroll County
Best wishes on your retirement Donald Sealing.

Cecil County
Welcome Kelly Clofety.

Charles County
Best wishes on your retirement James Radcliff.

Frederick County
Best wishes on your retirement James Green.

Harford County
Welcome Patricia Bankert and Connie Riggie.

Howard County
Welcome Ginnie Soriano and Laurel Smith.

Prince George’s County
Welcome Jacqueline Walton-Mitchener and Tanika Ellis.

Queen Anne’s County
Welcome Joann Powell.

Employees on the Move

District Court
Headquarters
Welcome Nancy Harris and Chuck Laur. Best wishes on your retirement Anna Clingerman.

Anne Arundel County

Baltimore City
Welcome Theresa Ayers, Patricia Bishop, Deborah Burrell, Thomas Dewey, Michele Gilbert-Chase, Maria Greene, Elizabeth Gregor, Kiniecia Savage, Zelda Smith, Marie Sumner, Kendra West, and Shamai Wilder. Best wishes on your retirement John Sapp and Mattie Spencer.

Employee Extra

Circuit Court

Sept. 11 Fund...Every year, Maryland State Employees are asked to participate in the MD Charities Campaign. This past year, the Clerk of Court for Cecil County office employees decided to raise money for the September 11th Disaster Fund. In addition to raising nearly $1,300 for specific charities of their own designation, the employees also raised $2,000 for the September 11 Fund by holding a variety of fund-raising events.

In Memoriam...The District Court lost one of its cherished employees when Mildred Thomas passed away in December. Ms. Thomas began working for the District Court in 1993, serving as administrative assistant to the Asst. Chief Clerk of Finance. She was known by her coworkers as a lovely, kind and caring person. Our thoughts go out to her family.

District Court

Let’s Hear From You
Submit your events, happenings, and articles to F Todd Silver at 410/260-1488 or email to todd.silver@courts.state.md.us.
March
21 Criminal Cases Pre-Trial Matters*
   Evidence Issues in Criminal Cases*
   Guardianships*
22 Basic Evidence*
   Contract Law*

April
11 Pediatric Psycho-Pharmacology*
11 Juvenile Delinquency*
11 Business Entities*
12 Search and Seizure*
12 Computer-Assisted Legal Research*
12 Maryland Declaration of Rights*

12 Courtroom Management*
* Judicial Institute Courses open to judges and masters.
25-26 Judicial Conference. This year’s conference will be held at the Baltimore Marriott Waterfront Hotel and its theme will be dispositions in criminal cases.

May
20 Conference of Circuit Judges Meeting, Judiciary Training Center, Annapolis
21 Conference of Circuit Court Clerks Meeting, Judiciary Training Center, Annapolis

Upcoming
November 15-16 District Court Judicial Education Conference, Hyatt Regency Chesapeake Bay Golf Resort, Spa and Marina, Cambridge