

Justice Matters

A publication from the Maryland Judiciary

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June 2006

U.S. Chief Justice Highlights Conference

Judges gather for statewide meeting of the Maryland Judicial Conference

The last time Chief Justice John G. Roberts, Jr., visited the Maryland Judiciary in 2000, he drove through a blizzard to argue a case before the Court of Appeals, only to have the Court rule against him.

In contrast, when the Chief Justice of the United States arrived in Cambridge on May 18, Maryland's judges welcomed him to the statewide meeting of the Maryland Judicial Conference with a prolonged standing ovation. They laughed and applauded throughout his remarks. And they didn't let him leave without another ovation—and a Maryland flag bow tie.

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U.S. Chief Justice John G. Roberts, Jr., smiles as he displays the Maryland flag bow tie given to him by Maryland Chief Judge Robert M. Bell.

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Gaskin Appointed as Deputy State Court Administrator

New research and development department created

When Faye D. Gaskin started her first job with the Administrative Office of the Courts, she was working in an entry-level position as a research analyst. More than 21 years later, after serving most recently as manager of the Management Analysis and Research Unit, Gaskin was appointed Deputy State Court Administrator effective April 19.

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Faye D. Gaskin

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New Case Search Internet Site Gives Access to Court Records

By Mary Hutchins, Security Administrator,
Judicial Information Systems

Robert Bruchalski, Deputy Director, Judicial
Information Systems, contributed to this story

The Judiciary has successfully launched the Maryland Judiciary Case Search (MDJCS), an Internet-based system that provides access to court case information. As of January 3, users can access summary case information for all District Court and circuit courts, with the exception of the circuit courts for Montgomery and Prince George's counties.

Subsequent phases will provide detailed case information, bulk compilations, and the inclusion of data from the circuit courts for Montgomery and Prince George's counties, ultimately replacing the Judiciary's dial-up public access system. MDJCS is averaging 88,000 hits per day.

The site will reach its next milestone on July 1, when Maryland Rule 16-1008 (a) (3) (B) (i) restricting remote electronic access to victim and witness information in criminal cases becomes effective. To comply with this rule amendment, criminal detailed case information for cases in the District Court and Circuit Court for Baltimore City will be transferred from the dial-up system and made available through MDJCS.

This information will be current as of close of business the previous day (one day old), although it is expected to be available on a near real-time basis by the end of 2006.

Access to summary information related to domestic violence cases will also be transferred from the dial-up system to MDJCS, effective July 1.

The Judiciary provides a link to the public for informational announcements regarding past and future changes to our public access systems. Please feel free to provide this link to customers inquiring or to keep yourself informed: mdcourts.gov/dialannouncements.html





News from the Bench

Appointments

Hon. Albert Willis Northrop was appointed to the Circuit Court for Prince George's County, filling a vacancy created by the retirement of Hon. James J. Lombardi.

Hon. John Michael Conroy, Hon. Gary Lewis Crawford, Hon. Cheryl A. McCally, and Hon. William Graves Simmons were appointed to the District Court for Montgomery County, filling vacancies created by the retirements of Hon. Cornelius J. Vaughey and Hon. Louis D. Harrington and the elevation of Hon. Thomas L. Craven and Hon. Michael J. Algeo.

Hon. Jonas Daniel Legum was appointed the District Court for Anne Arundel County, filling a vacancy created by the retirement of Hon. Essom V. Ricks, Jr.

Hon. Mark Duvall Thomas was appointed to the District Court for Washington County, filling a vacancy created by the elevation of the Hon. M. Kenneth Long, Jr.

Retirements

Hon. James J. Lombardi, Circuit Court for Prince George's County

Hon. Thomas E. Noel, Circuit Court for Baltimore City

Hon. Louis D. Harrington, District Court for Montgomery County

Hon. Essom V. Ricks, Jr., District Court for Anne Arundel County

In Memoriam

Hon. James L. Bundy, retired, Baltimore City District Court judge from 1974 to 1985

Hon. William B. Evans, retired, Cecil County Circuit Court judge from 1979 to 1980

Hon. Stephanie L. Royster, Baltimore City Circuit Court judge from December 5, 2005, to April 25, 2006.

Chinese Visitors Explore District Court



Left: Chief Judge Clyburn greets Hongkou District People's Court President Li Kangmin.



Right: A member of the delegation photographs the visit.

A delegation from Hongkou District People's Court visited Annapolis May 24 to meet with Chief Judge Ben C. Clyburn of the District Court of Maryland and District Court staff. The delegation learned about budget and program planning, development of policies and procedures, facilities management, and information technology.

Judicial Commission on Professionalism Issues Final Report

Working to create a higher awareness of professionalism within the legal community, the Maryland Judicial Commission on Professionalism has issued its final report. Court of Appeals Judge Lynne A. Battaglia, chair of the commission, presented the report to the Court of Appeals on May 31.



After studying all aspects of professional conduct, the commission developed methods to raise professionalism standards in the legal community. Various recommendations for adoption by the Court of Appeals were contained in the report to include greater sanctions for unprofessional conduct, counseling for errant attorneys, and a judicial mentoring program for law students. The recommendations will be discussed in a series of statewide programs that will occur in the fall; after the completion of these meetings, the Court of Appeals will address the efficacy of the recommendations.

The Court of Appeals created the Commission on Professionalism in February of 2004. The mission of the 36-member commission was to support and encourage members of the Judiciary to exhibit the highest levels of professionalism; to support and encourage lawyers to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts, and the public; and to fulfill lawyer obligations to improve the law and the legal system. The report is available online at <http://mdcourts.gov/professionalism>.

ADR Volunteers Honored at Appreciation Dinner

By Maureen Denihan, ADR Manager

The District Court of Maryland's Alternative Dispute Resolution (ADR) Office honored 62 ADR volunteers at an annual appreciation event April 26 in Silver Spring.

The Outstanding ADR Volunteer Appreciation Dinner honored volunteers who collectively provided more than 1,500 hours of pro bono service in 2005. These volunteers have not only actively maintained their practitioner status by attending optional professional development and ADR training courses, but also mentored new apprentice volunteers and promoted ADR processes in the community.

Chief Judge Ben C. Clyburn of the District Court of Maryland personally thanked the volunteers and presented two distinguished awards. Keith Seat, Esq., a full-time mediator and arbitrator in Silver Spring, was honored as the volunteer with the most pro bono hours (106), and Richard Melnick, Esq., an associate attorney for Montgomery County, was designated Volunteer of the Year. Judge Clyburn recognized each of the outstanding volunteers with a certificate of appreciation.

Because all of the ADR Office's mediators serve on a volunteer basis, litigants who file cases in District Court have the opportunity to resolve disputes free of charge without going to trial. The volunteer pool is a culturally diverse group of about 450 talented ADR professionals.



Photo by Marylyn Leet

Chief Judge Clyburn (left) congratulates Volunteer of the Year Richard Melnick.

Practitioners Gather for ADR Conference

By Joanne Adams, Regional ADR Coordinator

District Court volunteers were among the 216 attendees at the 2006 ADR Conference: Enhancing Skills and Awareness in Negotiation, Mediation, Arbitration, and Settlement Conferencing.

The Conference was held January 10 at the newly renovated Judiciary Training Center in Annapolis, and was sponsored by the District Court of Maryland's Alternative Dispute Resolution (ADR) Office, the Maryland Mediation and Conflict Resolution Office, and Anne Arundel Community College's Institute of Criminal Justice, Legal Studies, and Public Service.

Also in attendance were circuit court mediators and facilitators, as well as a broad array of ADR practitioners from private practice, local community mediation centers, federal and local government agencies, and private industry.



Chief Judge Robert M. Bell of the Court of Appeals addresses volunteers, mediators, facilitators, and practitioners at the 2006 ADR Conference.

Drug treatment courts get strong support from legislative session

Programs to Benefit from



Among the Judiciary's successes during the 2006 legislative session was a significant budget increase for Maryland's drug treatment courts. The nearly \$7 million increase in funds for Fiscal Year 2007 will allow the Judiciary to sustain and expand drug court programs at a critical time when the federal start-up funding was fading.

"In the 12 years since drug courts began in Maryland, this year's appropriation begins the institutionalization of drug courts in our justice system and treatment community," said Baltimore City District Judge Jamey H. Weitzman, chair of the Drug Treatment Court Commission. "We were fortunate that the General Assembly made this a priority."

The funds will go toward dedicated drug court coordinators, substance abuse treatment, drug/alcohol testing, fiscal support to staff local state's attorney's offices, and for further studies of the benefits of drug courts.

"This year's drug court funding truly brings to light the collaboration among various criminal justice agencies and the treatment communities, as they come together to provide better services for our drug and alcohol dependent residents," said Baltimore County Circuit Judge Kathleen G. Cox, vice chair of the Drug Treatment Court Commission.

In addition to \$4,939,900 approved in the Judiciary's budget, the legislature also approved a supplemental to the executive branch's budget which included \$1,726,517 toward providing services to individuals under the supervision of drug courts. In the 12 years since Maryland's first drug court was established in 1994, the Judiciary has launched 31 operational drug courts with five others in planning.

Overall, this year's budget allocated to the Judiciary \$372,571,911 toward salaries, grants, and contractual services. This is an increase of \$32,240,628 from last year.

The following is the status of the Judiciary's legislative package for 2006 and other bills of interest:



Nearly \$7 Million Boost

By Suzanne Delaney, Esq., Deputy Director, Office of Government Relations

Court-Related Bills that Were Passed by the General Assembly

SB 556/HB 985 - State Budget - Funding for Crime Laboratory and for Circuit Court Law Clerks (Chapter 366)

This legislation repeals the 25 percent contribution that counties currently make for law clerk salaries. Therefore, this bill restores full State funding for circuit court law clerks.

SB 664/HB 700 - Family Law - Court-Appointed Lawyer for Child (Chapter 467)

This bill provides that in a contested custody, visitation, or support action, the court may appoint a lawyer who shall serve as a child advocate attorney or best interest attorney to represent the minor child. The appointed attorney must exercise ordinary care and diligence in the representation of the minor child.

SB 795/HB 978 - Permanency for Families and Children Act of 2005 - Revisions (Chapter 365)

This Judicial Conference legislation made corrections and revisions to the Permanency for Families and Children Act of 2005 which substantively revised provisions last year for the termination of parental rights proceedings, guardianship, and adoption.

SB 796/HB 1024 - Jury Selection and Service (Chapter 372)

For several years, the Judiciary's Council on Jury Use and Management has studied the need to update, clarify, and add to the provisions of Title 8. This Judicial Conference legislation was the result of that council's longstanding

effort and dedication. Highlights of the bill include preparing jury records for the electronic age, specifying the qualifications of a juror, conforming Title 8 with the Americans with Disabilities Act, clarifying exemptions for military service and disqualifications for criminal convictions, establishing public access rules for information on prospective jurors, explaining the roles of jury judge and commissioner, establishing penalties for jury noncompliance, and providing guidelines for donation of juror pay.

SB 807/HB 795 - Criminal Procedure - Criminal Defendants - Incompetency and Criminal Responsibility (Chapter 353)

This legislation makes several changes to the law regarding the incompetency of defendants to stand trial. The bill addresses major areas, including defendants who are incompetent to stand trial and are a danger to themselves or society, defendants who are incompetent to stand trial but are not a danger to themselves or society as well as the dismissal of charges for these defendants.

SB 808/HB 1257 - Juvenile Law - Competency - Services (Chapter 387)

This bill makes several changes to the juvenile competency statutes. Although Chapter 580 of 2005 instituted procedural measures for courts to handle children incompetent to face trial, this bill would address what services are available to those children deemed incompetent.

HB 1668 - State Police Helicopter Replacement Fund and Volunteer Company Assistance Fund - Moving Violations - Surcharges (Chapter 416)

This bill creates a State Police Helicopter Replacement Fund which is funded by a \$7.50 surcharge to be assessed

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for every motor vehicle conviction for which points may be assessed. The District Court will be reimbursed for all its first year start-up costs.

Court-Related Bills that Failed or Were Withdrawn

SB 91/HB 449 - Circuit Courts - Courtroom Security (withdrawn for summer study)

This Judicial Conference legislation would have required county sheriffs to provide security for each courtroom in the circuit court for family law and juvenile law. The bill would have also required the State to reimburse counties for expenditures relating to these security services. This bill will be the subject of summer study.

SB 92/HB 450 - Circuit Courts - Jury Staff (withdrawn for summer study)

This Judicial Conference legislation would have provided that a county administrative judge could appoint a jury commissioner and employ staff. The State would have reimbursed the counties for personnel expenses. This bill will be the subject of summer study.

SB 141/HB 238 - District Court - Violation of Probation - Notice or Warrant (Unfavorable)

This Judicial Conference legislation would have repealed a requirement that the District Court must issue a warrant or give notice of a hearing on a violation of probation during the period of probation only. This would have been consistent with the Rules for the circuit courts.

SB 143/HB 237 - Right of Appeal - Violation of Probation - On the Record (Unfavorable)

This Judicial Conference legislation would have provided that an appeal to a circuit court of a District Court finding of violation of probation be heard on the record rather than *de novo*.

SB 145/HB 385 - Election of Circuit Court Judges - Nonpartisan Elections (Unfavorable)

This Judicial Conference legislation would have provided for nonpartisan elections of circuit court judges. Any registered voter regardless of party affiliation would have been able to vote for circuit court judge in the primary election. The bill also prohibited an individual from qualifying as a circuit court judge by filing a petition.

SB 147/ HB 207 - State Transfer Tax - Residential Property - Affidavit of First-Time Ownership (Recommitted to Senate Budget and Taxation Committee)

This Judicial Conference legislation would have required a statement verifying a buyer's status for the first-time home buyers State transfer tax reduction be included in the acknowledgment of the deed or submitted with the deed.

SB 206/HB 385 - Circuit Court Judges - Election and Tenure (Unfavorable)

This Judicial conference legislation was a constitutional amendment that provided that after a circuit court judge completed an initial 15-year elected term of office, he or she would be confirmed in an uncontested retention election.

SB 1058/HB 1557 - Judgeships - Circuit Courts (Passed the House but was not acted upon in the Senate)

This Judicial Conference legislation would have altered the number of resident circuit court judges from 21 to 22 in Montgomery County and from 32 to 33 in Baltimore City.

SB 676 - Commission to Study Electronic Filing of Documents in Court (Unfavorable)

This bill would have established the Commission to Study Electronic Filing of Documents in Court, with the Administrative Office of the Courts providing staff support. The Judiciary opposed this bill as pilot projects to study the electronic filing of documents are already established in the Circuit Court for Baltimore City and the District Court for Prince George's County.

Judiciary Launches Redesigned Site

mdcourts.gov domain name introduced



With a colorful banner and a more comprehensive introduction to the Maryland court system, the Judiciary's new home page went online May 12. The redesigned, enhanced site offers many more options than the previous design, providing immediate access to information within one or two clicks.

Designed based on feedback from consultants and test users, the home page layout was modeled after similar government Web sites featuring a variety of information for a wide range of users.

The launch of the new home page coincided with the announcement of the Judiciary's new, simpler domain name: mdcourts.gov. As the new name is phased in, the former domain name, www.courts.state.md.us, will still continue to function.

Grants Coordinator Helps Find Funding

By Catherine McGuire, Maryland State Law Library

Within the Maryland Judiciary, grant money makes our world go round. Grant funds flow in both directions, both into and out from judicial entities. In the past several years, access to grant funds have enabled new and extended programs, provided extra resources, and augmented staff in areas such as family services, drug courts, mediation programs, and law libraries.

The process can be very complicated because of the amount of money moving back and forth, searching for grant funds, writing up applications, developing guidelines, reviewing reports and generally administering grants funds. Last year the Administrative Office of the Courts hired a grants coordinator to provide consulting assistance both for Judiciary grants programs and for divisions within the Judiciary seeking financial support externally. Kathy Schwartz, who arrived at the Judiciary in October 2005, facilitates all aspects of the grant process for the various Judiciary departments with grants involvement.

Possible Funding Sources

“While federal funding for domestic programs is not as generous as it has been in the past, foundations are another possible source for grants,” Schwartz said. Schwartz can point grant-seekers in the right direction, or research possible sources herself. A recent successful example of her research is the Schools in Courts program, run through the District Court in Anne Arundel County. Schwartz contacted the Anne Arundel County Local Management Board for Children, Youth, and Families, who were more than happy to supply the needed cost of school buses to transport the students to the court building for the program.

In addition to researching for funds for interested judicial entities, Schwartz can assist in the development of grant programs within the Judiciary. Over the last several years, the Maryland State Law Library has been offering

grant money to county circuit court law libraries to assist in bringing the collection, maintenance, and overall management of the library up to state and national standards.

Streamlining Grants Programs

Last year, the State Law Library decided to develop guidelines and an application and reporting system to streamline and organize this grants program. With nobody on the library staff experienced in grants development and administration, the program was guided in part by the already well-established Family Services Administration grants program. But there were some specific concepts and needs that were purely related to the function of a library. Schwartz met with the Director of the Library and the Outreach Services Librarian to help frame out and clarify the guidelines to make them program specific. When the first set of reports rolls in, Schwartz stands by to assist in assessing the outcomes.

Even if grant programs are already established, Schwartz can assist in the administrative end, helping to process all the necessary reports, budgets, paperwork, and myriad details involved in having a grant, and leaving the staff free to do the field work. She assists regularly with the administration of the drug treatment courts’ grant funds, helping to develop regular grant applications, fill out quarterly financial reports, and oversee compliance requirements.

In January 2006, Schwartz reviewed, commented upon, and submitted an application for grant funds from the U.S. Department of Justice’s Violence Against Women program.

The application, a collaborative effort involving the Family Administration, Judicial Information Systems (JIS),



Kathy Schwartz

New Committee Promotes Impartiality, Dignity in Judicial Elections

Rebecca Saybolt Bainum, Esq., staff associate,
Maryland Judicial Campaign Conduct Committee, contributor

Standing beside the statue of Thurgood Marshall on Lawyers Mall, poised beneath the words “Equal Justice Under Law,” the Maryland Judicial Campaign Conduct Committee announced itself to the public on Law Day, May 1.

“I really do believe in this project,” Chief Judge Robert M. Bell of the Court of Appeals said, during brief remarks in which he called on the committee “to return the dignity that once was with these elections.”

In his 2005 State of the Judiciary Address, Judge Bell announced the inception of the committee. He recruited George Beall and Steve Sachs, both former United States Attorneys, as co-chairs, and Sherrilyn Ifill, a University of Maryland law professor and member of the National Ad Hoc Advisory Committee on Judicial Campaign Conduct, as the committee’s vice-chair.

The diverse bi-partisan citizens group, which is aimed at promoting impartiality and dignity in Maryland’s contested judicial elections, includes members of Maryland’s civic and legal communities.

“We believe we have assembled a diverse and representative group of volunteers to serve on the committee,” Sachs said. “They are savvy about politics and dedicated to the goal—promoting dignity and impartiality in these elections.”

In addition to launching a campaign to educate voters about how and why judicial elections are different from other contested elections, the committee will announce standards for campaign conduct that judicial candidates

for the circuit court—incumbents and challengers alike—will be asked to abide by during their campaigns.

Joined by committee members at the Annapolis press conference, Beall, Sachs, and Ifill introduced the committee to the media and passersby, afterward answering questions from reporters.

“Judicial elections are different. That’s our credo—and we will attempt to inform the public about how and why these elections are different from other contested elections,” Beall said. He emphasized that the committee takes no position on the wisdom of contested judicial elections. “Members of the committee have differing views on that

question. What we agree upon unanimously, however, is a necessity to promote the impartiality and dignity that should mark judicial office.”

The committee was created in response to the 2002 U.S. Supreme Court decision in *Republican Party of Minnesota v. White*, in which the court struck down restrictions on speech that prevent judicial candidates from announcing their views on legal and political issues. As recent judicial contests throughout the nation have been increasingly marked by incivility and partisanship, 23 states have adopted forms of judicial campaign oversight.

“Maryland has not experienced the worst extremes of judicial campaign conduct as have been seen in other states and that appear to be on the rise,” Ifill said. “We’re hoping to stay ahead of that curve.”

More information about the committee is available at its Web site at www.mdjccc.org.



photo by Rita Buettner

Media listen as the Maryland Judicial Campaign Conduct Committee vice-chair Sherilyn Ifill speaks. At the podium, Ifill is flanked by Steve Sachs, left, and George Beall, right.

Preparing Maryland's Newest Judges

Orientation introduces judges to the bench

Every spring, Maryland's newest judges for courts throughout the state gather for New Trial Judge Orientation. They bring with them questions about their new career and varying levels of experience on the bench—from none at all to almost a full year.

At the annual "Baby Judges School," the judges immerse themselves in a mandatory, five-and-a-half-day, intensive series of courses and discussions, learning from their more experienced colleagues, members of the bar, and each other.

By the time many of the judges come to the orientation, they have already received on-the-job training specific to the jurisdictions they will be serving. During the orientation, however, they receive a stimulating and comprehensive look at the roles and responsibilities of judges, as they delve into discussion topics on a variety of subjects.

This year, a particularly large class of 31 judges—17 circuit court and 14 District Court judges—assembled from April 24-28 for the residential program at the Mt. Washington Conference Center in Baltimore City. The creation of judgeships throughout the state in the 2005 legislative session, combined with retirements, resulted in the size of the class.

With the exception of six of the judges who had been elevated to the circuit courts, the judges had never attended an orientation. The 2006 class included the first African-American judge appointed to the Judicial Conference on the Eastern Shore, Worcester County District Judge Gerald V. Purnell, and the first female African-American judge appointed in Anne Arundel County, District Judge Danielle M. Mosley.

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The 25 new judges gather for a group photo outside the Mt. Washington Conference Center during the New Trial Judges Orientation. The six judges who had been elevated from the District Court to the circuit courts were not present for the photo.

Rewarding Week for District Court Judge

by Worcester County District Judge Gerald V. Purnell



Judge Purnell

Between April 23 and April 28, approximately 30 new District Court and circuit court judges participated in the New Trial Judge Orientation at the Mount Washington Conference Center in Baltimore. As a first-year judge, one of the things that stood out to me was the diversity of the new judges. They included women, men, African Americans, and people of diverse religious backgrounds—a true reflection of Maryland's diverse population.

The orientation provided us with six days of interactive learning in sessions taught by some of the most talented minds I have ever observed. One of the most impressive aspects of the orientation was the constant exchange of ideas about the practical aspects of being a judge.

Another impressive aspect was the fact that so many of the speakers had been teaching sessions at the New Trial Judge Orientation for many years, and the camaraderie that they displayed.

One of the highlights of the orientation was the presentation made by a legend of the Bar, the Hon. Charles E. Moylan Jr., who retired from the Court of Special Appeals after 30 years of service. Judge Moylan provided a captivating presentation on the trial issues that can arise from the Fifth and Sixth Amendments to the Constitution. He was incredibly versed in his subject, in addition to being a phenomenally dynamic speaker. I now understand why my colleagues in the Judiciary so strongly recommended that I keep as a ready reference Judge Moylan's *Criminal Law, Practice and Procedure in Maryland* (1983). If only Judge Moylan had been my constitutional law professor in law school!

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New Circuit Court Judge Finds His Way

by St. Mary's County Circuit Judge Michael J. Stamm

On Sunday April 23, I drove from rural St. Mary's County to urban Baltimore City to attend New Trial Judge Orientation, otherwise known as "baby judge school." To be honest, I really did not know what to expect. Another judge had told me that it would be very busy but fun and that I would meet the other "baby judges."

After checking into my room, my first challenge was finding the meeting room. Those of you who have been to the Mt. Washington Conference Center will attest that it is a real maze. I had to go down two floors from my room, across an enclosed glass walkway, and then back up a floor to get to the meeting room. Throughout the week, I noticed many of my fellow baby judges got off on the wrong floors when going to our sessions.

Once the orientation began it was obvious that there was not going to be much free time. The schedule had sessions starting at 8:30 a.m. and going through the entire day with sessions lasting approximately 50 minutes broken up by 10-minute breaks.

Each session was concerned with a particular topic and was taught by a judge, or other professional with expertise in the selected topic. Classes were a combination of lecture, interaction with media, and discussion. We even went on two field trips. The first was to the United States Holocaust Memorial Museum in Washington, D.C., and the second to the Reginald F. Lewis Museum of Maryland African American History in Baltimore.

These trips were excellent and certainly gave me insight into the responsibilities that judges have with their societies. I probably shouldn't mention that I was so engrossed in the Holocaust Museum's exhibits that I almost missed the bus back to Baltimore. Our sponsors had to send out a search party to find their missing baby



Judge Stamm

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Orientation, from 13

“I hope that they learn that even the most seasoned judge was once a “baby judge.” They should learn that there are no stupid questions,” said Baltimore City Circuit Judge Martin P. Welch, who serves as one of the orientation’s three deans with Court of Special Appeals Chief Judge Joseph F. Murphy, Jr., and Prince George’s County District Judge Patrice E. Lewis. “Each new judge has an opportunity to listen and learn and consciously decide what type of judge they wish to become at the start of their judicial careers.”

The District Court and circuit court judges attend separate sessions during parts of the orientation, as the District Court judges focus on landlord/tenant and traffic court issues, while circuit court judges learn the “care and feeding of a jury.”

Together, the judges explore a range of topics, including ethics and the Commission on Judicial Disabilities, domestic violence, fair and equal treatment, judicial procedures to initiate the civil commitment, sentencing procedures, business law, nuts and bolts of trial issues, evidence, managing a criminal trial, contracts and business torts, and search warrants.

“We cannot teach every aspect of the law in just one full week,” Judge Welch said. “We do attempt to provide the basic framework of the law and how to apply the facts to the law. We also try to interject the more subtle aspects of decision-making.”

Judge Lewis agreed. “I don’t expect them to learn anything, but I expect it to be an opportunity to discuss applications of the law,” she said. With her confidence in the judicial appointment process, she trusts that all the new judges know the law. The orientation, however, provides a unique opportunity for them to interact with other judges.

“It’s important that there’s a time when there is candid conversation. If you sit and listen to experienced judges, what you hear are situations where they were absolutely confident about what they did, but upon reflection, they realize they could have handled it differently,” Judge Lewis said. The new judges benefit from hearing from more experienced judges who “share with them that they are still striving to be a good judge. We say that a lawyer practices law. I think you practice to be a judge. When you become

a judge, it’s an ongoing daily responsibility that I think many judges treat with complete awe. “

In addition to discussions of the Fourth, Fifth, and Sixth amendments, the judges also participate in a health fair and undergo a health screening to test their cholesterol, heart rate, and blood pressure. The judges also tour the Holocaust Museum in the District of Columbia and—for the first time this year—the Reginald F. Lewis Museum of Maryland African-American History in Baltimore.

The visits to the museums are included to help the new judges realize that a strong independent judiciary could possibly have made a difference in Germany and the United States, Judge Welch said. “Visiting the museums provides a much broader perspective of our state, nation, and the world,” he said.

“It also causes judges to reflect upon their responsibilities to the community, and that’s a difficult thing—making sure they have the personal courage and moral fiber to do the right thing, and recognizing that that someday could be their responsibility,” Judge Lewis said.

Organized by the Judicial Institute and developed under the direction of the deans, the orientation has evolved over the years. Since orientation procedures for new trial judges were first delineated in a 1975 Administrative Order, they have been revised and expanded in Administrative Orders in 1979, 1981, 1985, and, most recently, in 1998 by Chief Judge Robert M. Bell of the Court of Appeals.

This year’s program marked the last under the leadership of Court of Appeals Judge Alan M. Wilner, who shared the responsibility with Court of Appeals Judge Glenn T. Harrell, Jr., as the incoming chair of the Judicial Institute.

“Over the last 10 years, we have added more topics. Consequently, the program has expanded in length,” said Judge Welch, noting that each day lasts almost 12 hours. “It is a challenge and requires a delicate balancing of interests. If we add a new course, what do we drop? We must be cognizant of different learning styles, the need



Rewarding Week, from 13

Another highlight of the conference was the presentation by Harford County District Judge Angela M. Eaves on domestic violence issues. Like Judge Moylan, Judge Eaves has an amazing command of her subject and an uncanny ability to present it in a concise and understandable manner.

Other topics covered by the conference included judicial ethics, sentencing procedures, evidence, managing the criminal trial, contracts, search warrants, landlord-tenant laws, and traffic court.

In addition to these and other substantive presentations, we took two field trips that afforded us the opportunity to reflect on the significant societal responsibilities we have as judges. The first was to the United States Holocaust Memorial Museum. The second was to the Reginald F. Lewis Museum of Maryland African American History. After a long, rewarding, and arduous week, I came away with a couple of significant realizations:

1. This was a true new judges' orientation that helped us understand what we know and what we don't know—and knowing what you don't know can be just as important as knowing what you do know;
2. When you find that you don't know something that you need to know, there are caring, considerate, and knowledgeable people who are eager to help.

I think all of the new judges gained an enormous amount of knowledge and insight from the orientation, and our heartfelt appreciation goes out to all who worked so hard to provide it.

New Circuit Court Judge, from 12

judge. I guess that is one of the reasons they call it Baby Judge School.

I hate to admit it but, for me, one of the many high points of each day concerned meals. They say that there are two types of people in the world. Those who live to eat and those who eat to live. I know which type I am, and the meals that we had certainly fulfilled my expectations of good food. We had wonderful meals at the Center and at other locations in the City.

By Friday afternoon, the orientation was finished and we all returned home. I met, and I believe I made a number of new friends that I am looking forward to seeing at future judicial conferences. I began by commenting that I did not know what to expect. I am still not sure I can explain what the week meant to me other than to comment that enjoyed it and found it to be a very valuable experience. Now, on to becoming a toddler!



Orientation, from 14

for substantive nuts and bolts classes and providing examples of the subtle nuances of 'judging,' both on the bench and off."

Each year the deans solicit feedback from the participants, asking them which programs should be repeated, adapted, or eliminated. "Our greatest request is to have a five-year refresher," Judge Lewis said. "I think you need to keep re-calibrating yourself."

Jury Commissioners and Clerks Train with NCSC

By Leslie Walters, Research Analyst

The Administrative Office of the Courts partnered with the National Center for State Court's Institute for Court Management on April 5-7 to bring a Jury Management training course to the state's jury clerks and commissioners. The training course was designed to provide Maryland jury clerks and commissioners with a systematic view of the many components of jury management and a means for assessing the effectiveness of those components.



photo by Sandra Dalton

Jury clerks and commissioners joined clerks of court and court administrators from throughout the state for a training with the National Center for State Court's Institute for Court Management.

Jury clerks and commissioners as well as clerks of court and court administrators from most of the state's jurisdictions attended the training course, which was held in Annapolis at the Judiciary Training Center. The course was taught by the legendary Tom Munsterman, director of the Center for Jury Studies at NCSC, and his more-than-capable successor, Paula Hannaford-Agor, principal court research consultant for NCSC.

The informative and productive training session generated discussions about how to take Maryland's jury management systems to the next level of technology and professional development. Many attendees commented that it was nice to spend so much time with colleagues from across the state, as it allowed for networking and information sharing, and expressed the hope that this would not be the last training session of its kind.

Congratulations to:

Chief Judge Robert M. Bell of the Court of Appeals, who received the Freedom Fighter Award from the Frederick County branch of the National Association for the Advancement of Colored People April 8. Judge Bell also received the first Chief Judge Robert M. Bell Award for Outstanding Contribution to Alternative Dispute Resolution in Maryland at the Maryland State Bar Association ADR Section's annual dinner April 27. Judge Bell received the award because of his support of greater use of negotiation, mediation, and arbitration.

Howard County District Judge Pamela J. Brown, who received the Bar Association of Baltimore City's Margaret Brent/Juanita Jackson Mitchell Award, which recognizes women who have achieved a high degree of success in the field of law and paved the way for other women in law.

Retired Baltimore City Circuit Judge Ellen Heller, who received a Distinguished Women's Award from the Girl Scouts of Central Maryland on April 6.



Film Stressing Dangers of Underage Drinking and Driving Now Available

With real-life teens' stories, "Branded D.U.I." is targeted toward high school students

Just in time for prom season, the Office of Administrative Hearings and the Maryland State Bar Association Administrative Law Section hosted an invitation-only premiere viewing of "Branded D.U.I."—a film exploring the consequences of underage drinking and driving—April 9, at the National Aquarium in Baltimore.

The 32-minute film delves into the real-life experiences of 11 Maryland teens who had alcohol-related driving offenses.

"I hope teens will watch this film, see someone who reminds them of themselves, learn from the experiences of their peers, and make better choices," said Administrative Law Judge Yvette N. Diamond, who interviewed the subjects of the film over a six-month period last year.

Judge Diamond produced "Branded D.U.I." with assistance from the Maryland Judiciary's Media Department and Maryland Public Television. The film includes the stories of two young drivers who caused fatalities. It also explores other consequences of alcohol-related accidents such as going to jail, losing your driver's license, being required to attend alcohol education classes, being barred from high school activities, dealing with higher car insurance rates and attorneys' fees, and losing college scholarships.

The film, funded through grants from the Maryland State Department of Education and Maryland Department of Transportation, will be distributed to all Maryland high schools. Schools may also request that a District Court or administrative law judge visit to discuss the film with students as part of a related outreach program. Judges who would like to do community outreach with "Branded D.U.I." may contact the Court Information Office at (410) 260-1488 for a copy.

Administrative Law Judge Yvette N. Diamond welcomes a crowd of invited guests to the April 9 premiere of the film, "Branded D.U.I."



cont. from 1

Justice Roberts Highlights

To address the group of judges, court employees, and invited guests at the Judiciary’s first conference since 2002, the Chief Justice traveled from the District of Columbia, where the Supreme Court had heard its last oral arguments of the 2005 term—the Chief Justice’s first term.

“I do feel at this point a bit like the fellow who jumped off the Empire State Building, passed the 50th floor, and said, “So far, so good,” Justice Roberts said. “The hard part’s coming up.”

Although Chief Justice Roberts said he no longer tells lawyer jokes—“I found the lawyers in the audience didn’t think they were funny, and the others didn’t think they were jokes”—he kept his listeners entertained with relevant anecdotes and humor.

In describing the explosion of a light bulb during arguments in the Supreme Court on Halloween, Justice Roberts recalled the shower of glass on the clerk of court—and the realization that he was in charge of the courtroom. Shortly afterward, while the Court was on the bench, one of the other justices sent him a note. Certain that the note would address a matter of great importance,



Reporters, photographers, and cameramen representing local and national media congregated at the side of the stage, recording the Chief Justice’s remarks.

he opened it and read: “Have you checked out the other light bulbs yet?”

The judges from every court level who gathered from throughout the state for the three-day conference listened intently and laughed at length as Justice Roberts shared anecdotes from his first days on the Court—and briefly compared it to Maryland’s supreme court.

Not a Crimson Court

“It’s not as grand as the Maryland Court of Appeals. We don’t show up in those magenta robes. I didn’t even keep the stripes on the sleeves,” said Justice Roberts, referring to the crimson robes worn by the Court of Appeals, and the stripes the late Chief Justice William Rehnquist wore on his robe. “It’ll certainly be a long time before we reintroduce those to the Supreme Court.”

Reporters, photographers, and cameramen from local, regional, and national media outlets photographed and recorded the remarks from one side of the stage. Before the Chief Justice arrived, the room at the Hyatt Regency Chesapeake Bay Resort, Spa, and Marina in Cambridge had been swept by bomb detection dogs.

Justice Roberts described how, at his first Supreme Court conference, he noticed a tray of pastries. When Justice Antonin Scalia told him that Chief Justice Rehnquist had always sponsored the breakfast for the justices, Justice Roberts “made a mental note” that he needed to continue the tradition.

But minutes later, then-Justice Sandra Day O’Connor explained that the justices had split the cost. “I don’t know if you’ve ever seen Justice Scalia scowl,” Justice Roberts said. But, he told the audience, Justice O’Connor has.

On a more serious topic, the Chief Justice spoke of the importance of state courts in the nation’s justice system. With the exception of bankruptcies, 400,000 cases are filed in the federal courts each year, while 38 million are filed in state courts, he said.

“I am committed to do what I can, working with state and federal judges to promote the strength and

cont. on next

Conference

independence of the judiciary,” he said. “We value judicial independence here in the federal courts and in the state courts.”

In thanking the Chief Justice for attending, Chief Judge Robert M. Bell of the Court of Appeals emphasized his commitment to the same cause.

“We look forward to being with you in the fight for judicial independence,” Judge Bell said.

After concluding his remarks and accepting the bow tie from Judge Bell, Justice Roberts greeted judges and other members of the audience at a private reception, shaking hands and posing for photographs for a line of people that stretched across the room.



Chief Judge Bell smiles as Chief Justice Roberts addresses Maryland judges at the conference.

Grants Coordinator, from 10

and the Maryland Network Against Domestic Violence, asks for money to hire consulting staff and obtain other resources to develop a domestic violence protection order database. The database has been a dream for some time, but JIS had not previously had the staff or time to develop such a product. With the able assistance of the AOC’s grants coordinator, the application was completed. An answer is expected in the summer of 2006. If the application is successful, Schwartz will assist in the administrative duties required for the grant funds to be disbursed, used, and reported back to the Department of Justice.



There are far too many examples of grant funds flowing in and out of the Judiciary to list. The Department of Family Services, drug courts, and the Mediation and Conflict Resolution Office (MACRO) are just a few of the Maryland judicial entities that benefit from and administer grants. Chief Judge Robert M. Bell of the Court of Appeals, State Court Administrator Frank Broccolina, and others propose ideas for service funding, and Schwartz manages those grants as well. The arrival of Schwartz is intended to streamline and coordinate grants

programs within the Judiciary. Any division or department with grant questions should feel free to contact her at (410) 260-1587 or email her at Kathy.Schwartz@mdcourts.gov.

E-filing Project to Handle Asbestos Cases Attracts International Delegations

By Marilyn Bentley, Associate Administrator,
Civil Division, Circuit Court for Baltimore City

Since a pilot e-filing project was implemented in June 2001 to handle asbestos cases in the Circuit Court for Baltimore City, the project has received visits from local, national, and international delegations.

During a visit in July 2005, a Japanese delegation expressed interest in a variety of issues related to e-filing, including the certification process of potential users and service and security concerns.

An Egyptian delegation visited in September 2005 and also expressed interest in both security and how the system handles *pro se* litigants and non-participants.

At the beginning of each visit, Baltimore City Circuit Administrative Judge Marcella A. Holland, Baltimore City Circuit Judge Evelyn Omega Cannon, judge in charge of the civil docket, and staff provided an orientation session as well as materials explaining the important components of the system, followed by a tour and demonstration of the system.

E-filing has created a partnership among its users with remarkable improvement in the collection of court fees and costs, significant reduction in the number of clerks required to process pleadings and to update the docket, and a significant decrease in the space required for file storage.

Civil processing for other case types continues in a paper-based environment, providing an ongoing opportunity to compare and contrast the benefit of Web-based technology. Visitors have noted the timeliness of error correction and the noticeable reduction in misfiling.



by John Eckard

Judge Evelyn Omega Cannon (right), judge in charge of the civil division, and Marilyn Bentley respond to questions from Japanese officials during their visit to the court.



by Neil Moores

Visitors from Egypt attend an orientation provided by the Circuit Court for Baltimore City.

Courthouse Treasures

Namesake's Portrait Graces Wall of Queen Anne's County Courthouse

By Judge John W. Sause, Jr., Retired Chief Judge of the Second Judicial Circuit of Maryland

The full-length portrait of Queen Anne which hangs in the courtroom of the Queen Anne's County Courthouse is a contemporary copy of one of many portraits of her by Sir Godfrey Kneller.

The portrait came into the possession of Chief Judge Clayton C. Carter, now retired, and hung in the courtroom for many years, when he presented it to Queen Anne's County, in memory of his late wife, Carol.

Queen Anne was born on February 6, 1665, the daughter of the Duke of York (later King James II) and Anne Hyde. In 1683, she married Prince George of Denmark. Of 18 pregnancies, only five children were born, and only one of them survived infancy, but died in 1700. In the "Glorious Revolution," she took the side of her sister, Mary, and William of Orange. After the deaths of the latter, she became Queen in 1701. During her reign, aside from continuing sickness, she was constantly harassed with claims of her half-brother, James, "The Old Pretender." She died July 31, 1714, the last of the Stuart dynasty.

It has been said that the most significant events of the period were the establishment of the "United Kingdom" or "Great Britain" by the Act of Union, which united England and Scotland and the great victory of John Churchill, later Duke of Marlborough, at the battle of Blenheim. However, Queen Anne's Countians tend to think that lending her name to their county in 1706

far outranks those events, a distinction also claimed by the citizens of Maryland's capital city, named in 1695 for then-Princess Anne who, upon ascending the throne, granted it a charter in 1706.

The original portrait of Queen Anne was executed by Sir Godfrey Kneller (1648-1723). Kneller was born in Lubeck, Germany, and studied in Amsterdam. After coming to England in the 1670s, he became the leading portraitist there in the late 17th and early 18th centuries. In 1709, he built an elaborate estate, originally called *Whitten Hall*, which was converted to the Royal Military School of Music during the reign of Queen Victoria.

The portrait in the Queen Anne's County Courthouse is believed to be a copy of the original by one of the large team of specialized assistants in Kneller's London workshop-studio. Many of these assistants were foreign and had been organized for the mass-production of fashionable portraits. Sitters were required to pose only for a drawing of the face and efficient formulas were worked out for the accessories. Kneller is said to have sometimes accommodated as many as 14 sitters in a day.

In the square in front of the courthouse is a bronze statue of Queen Anne, presented to the county by the late Arthur A. Houghton, Jr., and unveiled by Princess Anne, daughter of the current queen, Elizabeth II, on June 18, 1977. The subject is seated, in full regalia and scepter, with a small King Charles spaniel nestled under the back of her chair.



photo by Austin Walmsley

Recommendations for Recall of Retired Judges

After a series of meetings in 2005, the Study Group on Recall of Retired Judges published its recommendations in an interim report issued in December. The study group decided to give the interim report to Chief Judge Robert M. Bell of the Court of Appeals to allow for prompt implementation of the recommendations, if Judge Bell concurred and the budget allowed.

Chaired by Retired Court of Appeals Judge John C. Eldridge, the study group sent each judge currently eligible for recall a survey as to current practices and wishes. The study group then made six recommendations to be proposed to the Court of Appeals:

1. Recalled judges who are willing to work as a judge at least 50 percent of the 246 days to be used for computation of a per diem under Code, Courts, and Judicial Proceedings Article §1-302, shall be subject to all provisions of the Maryland Code of Judicial Conduct and the financial disclosure requirement.
2. A per diem should be paid for each day that a recalled judge works, without being predicated on an eight-hour workday, and shall be counted toward the maximum based on date payment is earned.
3. The statutory maximum on earnings of a recalled judge shall be computed on the basis of the date earned.
4. A recalled judge shall be deemed an employee and not an independent contractor.
5. A standard procedure should ensure that recalled judges receive information about educational materials and programs available to active judges and be provided with appropriate resources.
6. Recalled judges should have the option of listing personal electronic mail addresses in addition to governmental addresses, if any.

Other members of the study group are Retired Court of Special Appeals Judge Theodore G. Bloom, Worcester County Circuit Judge Richard R. Bloxom, Court of Special Appeals Judge Arrie W. Davis, Retired Baltimore County Circuit Judge Barbara Kerr Howe, Prince George's District Administrative Judge Thurman H. Rhodes, Retired Baltimore City Circuit Judge Richard T. Rombro, Baltimore County District Judge I. Marshall Seidler, Frederick County Circuit Judge Mary Ann Stepler, and Retired Montgomery County Circuit Judge Paul H. Weinstein.



Breathing New Life into Employee Training

Khalima Jacobs, Internal Audit, contributor

Internal Audit auditors Andy Gilliam and Linda Williams practice cardio pulmonary resuscitation (CPR) during a training session for the Internal Audit department and Workplace Improvement Team.

Participating employees, who learned basic CPR from Captain Dale Crutchley of Annapolis Emergency Medical Services, are now certified by the American Heart Association.

Worcester Takes Novel Approach

During National Drug Court Month in May, the Drug Treatment Court Commission of Maryland designated the Worcester County Drug Court the state's Most Innovative Drug Court Campaign. Worcester County Circuit Judge Thomas Clay Groton, III, and Tracy Hansford, drug court coordinator, were among those who spoke at the ceremony recognizing the drug treatment court on May 23 in Snow Hill.

The drug court offers an unusual, collaborative effort between the District Court and the Circuit Court for Worcester County, offering drug treatment court programs for adult and juvenile offenders. Since the courts were started in December, the planners have launched a six-month awareness campaign to introduce the drug courts to the community. In addition to distributing water at a marathon in Ocean City in April, court planners and participants will participate in a series of public events.



Judge Thomas Clay Groton, III

Gaskin, from 1

A graduate of the National Center for State Courts' Executive Development Program and a Fellow of the Institute for Court Management, Gaskin will serve as deputy to State Court Administrator Frank Broccolina.

"I feel honored to have been appointed to this position and I am looking forward to the challenges and opportunities it will present," Gaskin said. "Frank and I will work together as a team to advance the mission and goals of the Maryland Judiciary. I also will assume more of the administrative functions within the Administrative Office of the Courts."

The Deputy State Court Administrator position has been vacant since Broccolina left the position to become State Court Administrator in 1999. "The position of deputy state court administrator is not a new concept in Maryland," Gaskin said. "The plan was to eventually appoint someone. It just so happened that the decision was made to bring someone on board at this time."

In announcing Gaskin's appointment to the Judiciary, Broccolina praised her experience. "Faye has been with the Administrative Office of the Courts for over 21 years and most recently has been instrumental in the implementation of judiciary-wide initiatives including case management

expedition and timeliness, the weighted caseload methodology for judgeship certification, and the establishment of uniform data definitions for all trial courts," he said. "Faye is a consummate professional with whom I have worked closely for many years and she has my utmost trust and confidence as she assumes her new duties."

An Annapolis native who graduated from Bowie State University with a degree in business administration, Gaskin has a daughter who graduated from Howard University this spring.

Gaskin will be responsible for the implementation of the new Court Research and Development Department which will be "more encompassing than the Management Analysis and Research unit." The department, which will be led by an executive director whose position is being advertised, will be responsible for building a research, evaluation, and planning capacity within the Judiciary.

"We're always looking for ways to improve and to move the Judiciary forward and I am certain that this position will present opportunities to further the initiatives set forth by Chief Judge Bell, including greater access to justice for all citizens, expeditious and timely disposition of cases, and fairness in the judicial process," she said.

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"I am committed to do what I can,
working with state and federal
judges to promote the strength and
independence of the judiciary."

--Chief Justice John G. Roberts, Jr.



The Maryland judges sharing the stage with Chief Justice John G. Roberts, Jr., applaud after he completes his remarks.