



Hon. Mary Ellen Barbera, Chair
Chief Judge
Court of Appeals

Melissa Batie

Chair, Conference of Circuit Court Administrators

Hon. Keith A. Baynes

Vice-Chair, Conference of Circuit Judges

Hon. Pamela J. Brown

District Court in Howard County

Hon. Angela M. Eaves

Circuit Court for Harford County

Hon. Matthew J. Fader, Chief Judge

Court of Special Appeals

Marina Fevola

Vice-Chair, Conference of Court Administrators

Markisha Gross, Administrative Clerk

District Court in Montgomery County

Hon. Katherine Hager

Vice-Chair, Conference of Circuit Court Clerks

Pamela Harris

State Court Administrator

Hon. James A. Kenney III

Chair, Senior Judges Committee

Hon. Karen H. Mason

Circuit Court for Prince George's County

Hon. Patricia L. Mitchell

District Court in Montgomery County

Hon. John P. Morrissey, Chief Judge

District Court of Maryland

Hon. Charlene M. Notarcola

Chair, Conference of Circuit Court Clerks

Hon. Laura S. Ripken

Chair, Conference of Circuit Judges

Hon. Bonnie G. Schneider

District Court in Cecil County

Mary K. Smith, Administrative Clerk

District Court

Roberta Warnken, Chief Clerk

District Court

Hon. Alan M. Wilner

Chair, Standing Committee on Rules of Practice and Procedure

Hon. Brett W. Wilson

Circuit Court for Dorchester County

Hon. Dorothy J. Wilson

Baltimore County District Court

Faye Gaskin, Secretary

(410) 260-1257

MARYLAND JUDICIAL COUNCIL

Meeting Location:
Zoom for Government

Minutes
November 18, 2020

Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair
Hon. Keith Baynes
Hon. Pamela J. Brown
Hon. Angela M. Eaves
Hon. Matthew J. Fader
Hon. James Kenney, III
Hon. Karen H. Mason
Hon. Patricia L. Mitchell
Hon. John P. Morrissey
Hon. Laura S. Ripken
Hon. Bonnie G. Schneider

Hon. Alan M. Wilner
Hon. Brett W. Wilson
Hon. Dorothy J. Wilson
Melissa Batie
Marina Fevola
Markisha Gross
Hon. Katherine Hager
Pamela Harris
Hon. Charlene Notarcola
Mary Kay Smith
Roberta L. Warnken

Others Present:

Hon. Mimi Cooper
Hon. Nicholas Rattal
Hon. Pamela White
Faye Gaskin
Gray Barton
Carole Burkhart
Maureen Denihan
Lou Gieszl
Melinda Jensen

Cynthia Jurrius
Jay Knight
Kelley O'Connor
Pamela Ortiz
Eliana Pangelinan
Stacey Saunders
Charles Sydnor
Gillian Tonkin

There also were three unidentified individuals on the conference call (443-....057, 443-....128 and 410-....504).

A meeting of the Judicial Council was held Wednesday, November 18, 2020, remotely, via Zoom for Government. The meeting began at 9:30 a.m. Chief Judge Barbera welcomed everyone and moved for approval of the minutes of the September 23, 2020 meeting which were adopted by general consent.

1. Committee/ Strategic Initiative Updates

- a. **Specialty Courts and Dockets Committee.** Judge Rattal and Gray Barton updated the Council on the work of the Specialty Courts and Dockets, its subcommittees, and work groups.

The former Business and Technology Case Management

Subcommittee, now the Committee on Complex Litigation, was moved from under the auspices of the Specialty Courts and Dockets Committee to the Conference of Circuit Judges.

The Behavioral Health Subcommittee is addressing competency hearings, primarily in the District Court.

The Problem-Solving Court Subcommittee screens applications for new problem-solving treatment courts and provides recommendations regarding the same to the Chief Judge of the Court of Appeals. Since the Committee last reported to the Council, an adult drug court has been approved in Baltimore County and a mental health court in Frederick County. In addition, there are several problem-solving courts in various stages of planning, including adult drug courts, mental health courts, and a truancy court.

It was noted that all counties and Baltimore City, except Garrett and Queen Anne's counties, have at least one problem-solving court; however, the growth in veteran's courts has not been as expansive as expected. Mr. Barton remarked that the number of problem-solving courts in a particular jurisdiction may be impacted by the size of the jurisdiction and the ability of all stakeholders to sustain the programs. While there may not be a formal problem-solving court in a jurisdiction or court, the Office of Problem-Solving Courts work with the courts to develop strategies to address substance abuse and other issues.

Shortly after the administrative orders were issued restricting court operations because of the pandemic, the Problem-Solving Court Subcommittee convened a teleconference of problem-solving courts stakeholders to discuss strategies on how to move forward, fully cognizant of the impact the pandemic and the reduction in operations would have on their work. One of the fundamental tools of problem-solving courts is frequent in-person interaction which was no longer an option. The teams developed strategies in several areas that allowed for the sustainability of the programs and offered the greatest opportunity for success. Among the areas were enhanced communication, case management and treatment, targeted populations, and population vulnerability mitigation strategies. The strategies were quickly implemented and adapted to the virtual environment.

It was noted that while the number of participants decreased during the time court operations were restricted, there was a marked increase in case management activities, such as the number of contacts made with participants and the number of referrals in areas including employment, housing, education, and mental health. It is expected that the number of problem-solving court participants will start to increase as operations across all stakeholder groups start to normalize with respect to the pandemic.

During the initial phases of the reduction in operation plan, there was an increase in positive drug tests, as well as in the number of deaths of participants. The aforementioned can be attributed to the extreme vulnerability of the drug and mental health treatment

courts population, which was exacerbated by the stress of the pandemic.

- b. ***Court Access and Community Relations Committee.*** Judge Pamela White and Pamela Ortiz updated the Council on the activities of the Court Access and Community Relations Committee and its subcommittees, highlighting some of their accomplishments.

The Accessibility and Accommodations Subcommittee presented a judicial education course, both in-person and via webinar, for judges and magistrates on creating an accessible courtroom, including responding to the needs of persons with disabilities. The course will be presented again in 2022.

The Community Relations Subcommittee continued to welcome new judges, providing information on the Speakers' Bureau. The subcommittee also furthered efforts to revamp its webpage, making it more user-friendly and encouraged judges to engage in socially distanced celebrations of Constitution Day.

The Self-Represented Litigants Subcommittee reviewed and approved scripts for several video series on a number of topics, including divorce, service of process, mediation, domestic violence, interpreter need. The videos are added to the Judiciary's self-help library, where they are available to the general public, when finalized. The Access to Justice Impact Dashboard, which provides monthly data on programs that provide or enhance access to justice, was launched.

The Language Access Subcommittee finalized its revision of the Language Access Plan and presented it to the Committee for approval. The Plan provides a framework for the provision of access for individuals who are Limited English Proficient (LEP), deaf or hard of hearing. It conforms to the requirements of Title VI of the Civil Rights Act, the enforcement requirements of the Department of Justice, Americans with Disabilities Act, and Maryland Rules. The subcommittee conducted a comprehensive review of pertinent data and solicited stakeholder input. The Plan contains several goals and action items that will enhance language access in the courts. The Committee sought approval of the revised plan.

A question was raised regarding the inclusion of "speech" in the definition for deaf or hard of hearing because an individual can have a speech impediment, but not have a hearing impairment. It was agreed that "speech" should be removed from the definition as courts can respond to persons with speech impediments through the accommodation process.

Following additional discussion, Judge Mason moved that the Council recommend to Chief Judge Barbera approval of the Language Access Plan with the edit to remove "speech" from the definition of Deaf or Hard of Hearing. Following a second by Judge Kenney, the motion passed. Chief Judge accepted the Council's recommendation.

In its response to the coronavirus pandemic, the Committee and its various

subcommittees engaged in a number of activities, among them were: developed a Remote Hearings Toolkit for the public, provided extensive training to registry interpreters on providing services for remote hearings, and published materials to support courts in responding to the needs of persons with disabilities during remote proceedings. In addition, Access to Justice staff created and kept current a COVID-19 Public Information Page to assist the public in understanding the orders affecting court operations during the pandemic.

A moment of silence was held in memory of Judge Alexandra Williams, who served as a member of the Court Accessibility Subcommittee prior to her passing.

- c. ***Alternative Dispute Resolution Committee.*** Judge Mimi Cooper, Maureen Denihan, Cynthia Jurrius, and Jay Knight briefed the Council on the activities of the Alternative Dispute Resolution Committee, its subcommittees, and work groups. The ADR in the Maryland Rules Subcommittee reviewed and drafted revisions to the Rules related to alternative dispute resolution, identifying the priority areas to be reviewed. The recommendations included a provision to create a statewide central roster and application for ADR practitioners in the circuit courts and reconciliation of the ADR Rules with other Rules and the annotated Code.

The Work Group on Mediation Quality Assurance for Programs and Practitioners developed best practices for court ADR programs and practitioners. The Research and Grants Subcommittee collected data from the circuit courts to establish a baseline for ADR information. The District Court ADR Subcommittee began revising the ADR volunteer application but had to pivot during the pandemic to provide support to other areas.

To address COVID-19 challenges, resources and training were provided to ADR practitioners to support remote mediation and connected individuals who called the self-help centers to mediation resources. MACRO provided best practices to assist the ADR programs, developed resources and expertise to assist people in the use of remote mediation including videos and webinars, and encouraged training for online mediation. A remote ADR pretrial program was developed for the District Court to address and meet the needs if community partners are not be able to handle the volume. The program was piloted in several jurisdictions and continues to be rolled out. In the Court of Special Appeals, delivery of ADR was shifted to online and senior judges are being trained in the online platform.

The Committee requested approval to sunset the Research and Grants Subcommittee, noting that data collection and research will continue to be provided, but it is no longer necessary to have a separate subcommittee for this purpose. Ms. Harris moved that the Council recommend to Chief Judge Barbera approval of the Committee's request to sunset the Research and Grants Subcommittee. Following a second by Judge Brown, the motion passed. Chief Judge Barbera adopted the Council's recommendation.

Chief Judge Barbera applauded the committees, subcommittees, work groups, and staff for their efforts to develop and implement strategies to ensure the programs and services were sustained and the needs of court users were addressed during these challenging times.

4. **Resolutions**

Chief Judge Barbera thanked Ms. Batie, Judge Mason, Judge Mitchell, Clerk Notarcola, and Judge Wilson for their contribution to the administration of justice and for their service on the Council. She expressed her appreciation for their commitment to service, particularly with the challenge of the pandemic. She noted that plaques acknowledging their service will be mailed. Judge Mitchell was also thanked for service as judge as she retires after serving for 24 years.

There being no further business, the meeting adjourned at 12:14 p.m. The next meeting is scheduled for November 18, 2020, beginning 9:30 a.m.

Respectfully submitted,



Faye Gaskin
