



## Conference of Circuit Court Clerks

Susan Braniecki, Clerk  
Circuit Court for Worcester County  
Chair  
(410) 632-5500

Maryland Judicial Center  
580 Taylor Ave.  
Annapolis, Maryland 21401

Amy J. Craig, Clerk  
Circuit Court for Dorchester County  
Vice-Chair  
(410) 228-0481

### MINUTES

A meeting of the Conference of Circuit Court Clerks was held September 19, 2017, at the Judicial College Education and Conference Center in Annapolis, Maryland beginning 12:18 p.m.

### Members Present

Hon. Susan Braniecki, Chair  
Circuit Court for Worcester County

Tracy Cantrell, Acting Clerk of Court, Circuit Court for St. Mary's County  
Hon. Amy J. Craig, Vice-Chair, Clerk of Court, Circuit Court for Dorchester County  
Hon. Robert Duckworth, Clerk of Court, Circuit Court for Anne Arundel County  
Hon. Julie Ensor, Clerk of Court, Circuit Court for Baltimore County  
Markisha Gross, Administrative Clerk, District Court for Montgomery County  
Hon. Sharon Hancock, Clerk of Court, Circuit Court for Charles County  
Douglas Hofstedt, Court Administrator, Circuit Court for Anne Arundel County  
Hon. Charles Horner, Clerk of Court, Circuit Court for Somerset County  
Hon. Scott MacGlashan, Clerk of Court, Circuit Court for Queen Anne's County  
Hon. Barbara Meiklejohn, Clerk of Court, Circuit Court for Montgomery County  
Hon. Timothy Miller, Clerk of Court, Circuit Court for Garrett County  
Hon. Mark Mumford, Clerk of Court, Circuit Court for Kent County  
Hon. Charlene Notarcola, Clerk of Court, Circuit Court for Cecil County  
Hon. Donald Sealing, Clerk of Court, Circuit Court for Carroll County  
Hon. Mary Ann Shortall, Clerk of Court, Circuit Court for Talbot County  
Hon. Kathy Smith, Clerk of Court, Circuit Court for Calvert County  
Hon. Dennis Weaver, Clerk of Court, Circuit Court for Washington County

### Also Present:

Penny Custis  
Kerry Gibson  
Katherine Hager  
John Hammel  
Sherry Harrington  
Jacqueline Hawkins  
Diana Liebno  
Joyce Marshall  
Ruth Martin

Denise McCready  
Carol Miller  
Theresa Mozzano  
Pamela Ortiz  
Eliana Pangelinan  
Lisa Preston  
Joyce Tippet  
Susanne Wells

Susan Braniecki moved for approval of the minutes of the May 16, 2017 meeting. There being no opposition, the motion was approved.

## **1. REMOTE ASL SERVICES**

Pamela Ortiz discussed the new Remote ASL Interpreting Services. The service is available 24 hours a day through an application that uses a web camera to connect to a sign language interpreter in real time. It is for in-person use at the counter on a JIS provided secure laptop located in a designated area of the courthouse. Ms. Ortiz distributed signs to the Clerks to post near the designated area. She also demonstrated how the service operates by accessing the Polycom Real Presence desktop icon and typing the IP address into the dial field to initiate the call. An interpreter appeared live on the screen and used sign language to interpret the conversation with Ms. Ortiz.

The application will work with County data lines if they are compatible with the State lines. It will also work best using a data line, although it is functional over WiFi. Ms. Ortiz asked the Conference to contact her if interested in the service or if additional information is needed.

## **2. RESOURCES FOR SELF-REPRESENTED LITIGANTS**

Ms. Ortiz discussed the Access to Justice Department's initiative to enhance the public's ability to participate in the courts. She highlighted a number of tools that are available for use by self-represented litigants (SRL), including:

- the Maryland Law Help App, which is available for download on Apple and Android smartphones and tablets;
- the People's Law Library of Maryland;
- Maryland Court Legal Help web page;
- My Laws, My Courts, My Maryland which offers a series of videos for the SRL;
- Webinars that are offered a few times a year;
- Forms and Form Finders that assists the SRL to locate the correct forms to be filed;
- Courts and Court-Based Services to assist the SRL in finding court locations, a mediator, and requesting special needs accommodations;
- Self-Help Centers - Maryland Courts Self-Help Center, District Court Self-Help Center, and Family Law Self-Help Centers - are available via telephone, chat, or in person; and
- Maryland Public Law Libraries offer free access to Westlaw and Lexis.

Ms. Ortiz stated that the Access to Justice Department would like to provide as many webinars as possible to assist the public as it navigates the legal system. She asked the Conference to contact her with webinar topics, mentioning that family law and landlord/tenant issues tend to be in higher demand by the public. It was suggested to prepare a webinar regarding the difference between limited and absolute divorce and how to file.

### **3. STUDY ON TELECOMMUNICATION SYSTEMS IN COURTROOMS**

Ms. Ortiz discussed the results of a telecommunications study conducted in November 2016 and a recently completed telephone inventory. She commented that improvements to customer service can begin with connectivity between the courts. Misdirected phone calls interrupt workflow and is frustrating for patrons. Having to look up the correct court's or department's phone number, making sure the caller has something to write with, and having the caller hang up to dial the correct phone number is time consuming for the clerk and the caller.

The telephone system inventory shows that a majority of the courts use the NEC telephone system. If more jurisdictions utilize the NEC telephone system, then each jurisdiction will be better connected with each other and can operate as efficiently as possible as a state system. Ms. Ortiz stated that a future project will be focused on enabling calls to be transferred between courts.

### **4. JRA - CLERKS RESPONSIBILITIES**

Lisa Preston updated the Conference on the impact of the Justice Reinvestment Act (JRA) on the Clerks' offices. A number of forms, which are available on line, have been updated and created in order to comply with the legislation. Under the provisions of JRA, the Division of Parole and Probation (DPP) will apply sanctions to individuals in violation of a condition of probation before violating them with the court. The DPP will advise the court of the sanctions imposed. Once all graduated sanctions are exhausted, DPP will file a Notice of Alleged Technical Violation to request a hearing on any technical violation brought against the defendant. The notice must state whether it is a Technical Violation 1, 2, or 3 and include the individual's demographic data. The technical violation number determines the maximum amount of jail time a judge can impose: 15 days for violation 1, 30 days for violation 2, and 45 days for violation 3. Once DPP selects the event code in File and Serve, a flag will automatically be added to the electronic file in Odyssey that will display the violation number. In non-MDEC courts, DPP will file the paper form with the same information, which the clerk will enter along with the sentence, in the JRA Technical Violations Web Application (JRA application). In order to move on the next violation number, an individual must be found guilty of the lower violation number. For example, the defendant can stay at a technical violation 1 until the court finds the individual guilty of the violation, then he or she will advance to technical violation 2 where that flag will be added to the case at the next filing of a Notice of Alleged Technical Violation. If an individual is not found guilty of a technical violation, he or she will stay at the violation number until there is a guilty disposition; an individual will not move down to the lower violation number in instances of a not guilty disposition.

If a judge imposes a sentence greater than that allowed for each technical violation number, it must be stated on the record why the cap is exceeded. When considering whether to impose a sentence that exceeds the cap, the judge must take into consideration a number of factors including, but not limited to, determining if the defendant is a threat to the public, a victim, or a witness. The clerk must add an event in MDEC to input the reason for exceeding the cap. The appropriate reason also must be indicated in the JRA application. To further comply

with the JRA changes, AOC will run a statewide report through Odyssey that will contain information on technical violation hearings, including instances when the cap was exceeded and the reasons for doing so. The report will include case information from Odyssey and the JRA application and will be submitted semi-annually to the Justice Reinvestment Oversight Board. Ms. Preston recommended that those jurisdictions using Odyssey run an error report at least every two weeks to identify cases in which the cap was exceeded and an event was not added by the clerk. In addition to technical violation reports, AOC will also track orders pursuant to Md. Health General Code Ann. §§ 8-505 and 8-507. These reports will be used for internal purposes only.

The JRA changes will also affect restitution and expungements. DPP will track orders of restitution by withholding 25% of an inmate's earnings if there is an unsatisfied judgment. Because of this, the clerk's office will need to forward orders of restitution along with a Record of Commitment to DPP. Moreover, at the expiration of a minimum of 10 years after an individual has served all sentences, a defendant may file an expungement for specified misdemeanor convictions. The fee to file expungements will be determined by a guilty or not guilty disposition of each charge or offense.

## **5. For the Good of the Order**

*Subject Matter Experts (SME).* MDEC SMEs are staff who gain the skills and knowledge in MDEC during the implementation period that place them in a position to be the go to people in the court. They are considered the MDEC experts and serve as the first point of contact for issues and concerns. If the SMEs are not able to address the issues, they contact the appropriate individuals or submit a ticket in ServiceNow. The SME's job is not over at go-live; they are expected to continue to serve in that capacity.

*Document Security.* The MDEC Security Summit was held July 18, 2017 at the JCECC. The Clerk's control as the custodian of documents is somewhat limited now that the entire state – county and State employees - has access to confidential documents. Chief Judge John Morrissey and Judge Gary Everngam will look into this matter.

### **Committee Updates:**

- ❖ Judicial Council
  - The next meeting is scheduled for September 26, 2017.
- ❖ Court Access and Community Relations Committee
  - Sharon Hancock emailed the minutes of the May 22, 2017 meeting.
- ❖ Court Operations Committee
  - The next meeting is scheduled for October 16, 2017. Topics of discussion include the Record Retention Schedule and the Jury Manual.
- ❖ Education Committee
  - The Court Professional Certificate Program is accepting applications for the 2018 class. It was noted that if a court has more than one applicant, the Clerk should state the name

of the person who is the better candidate.

- ❖ Court Technology Committee:
  - The next meeting is scheduled for September 21, 2017. CaseSearch access is one of the topics that will be discussed, including a requirement for recertification of those individuals with access.
- ❖ Conference of Circuit Court Administrators
  - There was no report.
- ❖ Conference of Circuit Court Judges
  - Legislation transferring responsibility for determining eligibility for Office of Public Defender (OPD) representation from the OPD to District Court Commissioners was discussed at the last meeting of the Conference. The District Court worked with the OPD on the process. Individuals who come to the circuit court seeking OPD representation should be referred to the commissioner's office.
  - A resource card with information on resources for self-represented litigants was distributed to judges.
  - A revised Notice of Post-Trial Rights form was approved and forwarded the Forms Subcommittee.
- ❖ Rules Committee
  - The 194<sup>th</sup> Report is scheduled to be heard in the Court of Appeals in October. The report includes a revised process for handling liens and unpaid wages.
  - Dennis Weaver also noted that Chief Judge Morrissey issued a directive eliminating the fee for filing an expungement in the District Court except for guilty dispositions. The AOC was moving to be consistent with the District Court, but concern was expressed regarding doing so without going to the Board of Public Works. Mr. Weaver made a motion to request a formal directive from the State Court Administrator waiving the expungement filing fee in non-guilty dispositions. The motion was seconded by Mark Mumford, and unanimously approved.

There being no further business before the Conference, Ms. Braniecki adjourned the meeting at 2:52 p.m. The next meeting will be held November 14, 2017.

Respectfully Submitted,

Eliana Pangelinan, Staff