

MARYLAND
JUDICIARY

ANNUAL REPORT
2001 - 2002

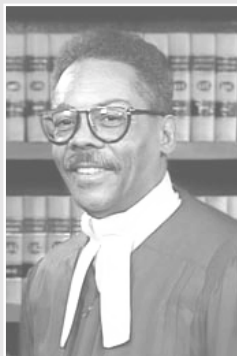
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**EQUAL
JUSTICE
FOR ALL**



A Message From Chief Judge Robert M. Bell



“Equal Justice For All” is the theme for this year’s *Annual Report*. It is the driving force in the work of the judges who preside over Maryland’s courts, and the many hardworking and able men and women who support our judicial system.

In the pages that follow, we report on the accomplishments and efforts made during the past fiscal year to provide equal justice for every citizen—from setting and meeting case time standards to ensuring racial and ethnic fairness in the courts. In every undertaking, the Judiciary emphasizes governance through statewide conferences of judges, clerks, administrators and court officials. It is through this collaboration that effectively we can pursue and track progress in our endeavors.

As in recent years, the *2001-2002 Annual Report of the Maryland Judiciary* is in two volumes. One is a narrative description of accomplishments, and the other a statistical compilation of our work. With gratitude to our dedicated staff, I present this year’s *Annual Report*.

THE JUDICIAL CABINET AND THE MARYLAND JUDICIAL COUNCIL

The Judicial Cabinet is chaired by Chief Judge Bell and consists of Judicial Branch leaders, including Chief Judge Joseph F. Murphy, Jr., Court of Special Appeals; Judge Paul H. Weinstein, Chair of the Conference of Circuit Judges; Chief Judge James N. Vaughan, District Court; and Frank Broccolina, State Court Administrator. Established in the latter part of 1999, the Cabinet serves as the principal advisory body to the Chief Judge of the Court of Appeals on all matters related to or affecting the governance and administration of the Maryland Judiciary.

Meeting on a monthly basis, the Cabinet discusses and recommends to the Chief Judge policies and legislation with statewide judicial system impact. In 2002, policy matters included: sentencing guidelines; a uniform order of probation; drug courts; funding for the Public Defender; the Interstate Compact; a uniform judicial leave policy; release of prisoners from court facilities; infamous crime reporting; jury trial prayers; court security; sex offender registration; translation of court information; as well as legislation affecting Children in Need of Assistance and Children in Need of Supervision; sentencing revisory authority of judges; and the constitutional amendment expanding court commissioner authority in domestic violence.

The Judicial Council, also established in 1999 in conjunction with the Judicial Cabinet, was created to provide a more effective and representative governance structure within the judiciary. Formed to oversee the Maryland Judicial



Conference and to act as a high level policy advisory body to the Chief Judge of the Court of Appeals, the Council is composed of representative judges, administrators and clerks from each court level in the state.

In 2002, the Council continued to oversee the case time standards initiative conducting an initial statewide assessment of all trial courts and preparing for a subsequent follow-on assessment in the last part of the year and early 2003; plan the 2002 annual Judicial Conference; consolidation of family and children committees into a single Family Law Committee; new *pro bono* rules; and the review of substantive legislation affecting the Judicial Branch.

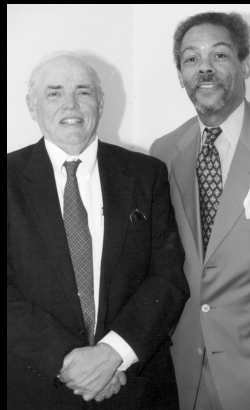
CASE TIME STANDARDS INITIATIVE

Over the past two years, the Maryland Judiciary has undertaken a critically important and ambitious initiative to reduce time to disposition all trial courts. In 2001, the circuit courts and the District Court of Maryland, under the leadership of the Maryland Judicial Council, engaged in a comprehensive assessment and examination of how expeditiously trial courts process cases. This was done to measure actual performance against the Judiciary's self-imposed case time standards for trial courts.

Three initial steps were completed including: the determination of standards by which Maryland would assess current performance and guide improvements; design of data collection methodology and network for gathering the information; and conduct the initial assessment using the standards and data collections system.

The assessment results confirmed that there is room for improvement statewide and in every Maryland trial court. Using the assessment results as the foundation, each court was asked to develop a plan for improving expedition and timeliness, and to submit those plans to the Judicial Council. The time standards were re-evaluated and some modifications to the standards were approved.

In the District Court, assessment results indicated that the most common cause of delay in all cases were postponements. While there is a need to allow for postponements that are justifiable and necessary, the District Court has focused on methods to reduce the other postponements, including those due to police scheduling practices and delays in submitting traffic citations, delayed drug test results in criminal cases, shortage of courtrooms in some locations, and



*Robert M. Bell, Chief Judge, Court of Appeals (R)
James N. Vaughan, Chief Judge, District Court (L)*

The Maryland Judiciary committed to ensuring the citizens of Maryland receive expeditious, but disposition of matters brought before the court continues to hold expedition and timeliness as one of the most important issues facing the courts.

trials set excessively early—requiring postponement for proper preparation of the case.

District Court Administrative Judges and Administrative Clerks attended training in caseload management offered by the National Association of State Courts. In addition to the many internal meetings held by District Court judges and clerks to discuss the time standards and barriers to expeditious movement of cases, the District Court has focused on discussion of the issues with stakeholders in the process. This collaborative effort began at the state level last November when District Court Chief Judge Vaughan held a statewide conference. The conference was attended by more than 100 individuals, including public defenders, State's Attorneys, and agencies such as the Motor Vehicle Administration and Parole and Probation. Administrative Judges



Expedition & Timeliness

have followed up in their Districts with continuing meetings to develop improvement plans; outlining changes to procedures that will increase timeliness.

The circuit court executive teams, which include the administrative judge, court administrator and clerk of court for each jurisdiction, have worked tirelessly to analyze the assessment results and develop plans to improve expedition and timeliness in each functional area. One recommendation emerging from this process was the need for caseflow management education for the court executive teams. Educational programs were presented over the summer of 2002.

These educational programs afforded courts the opportunity to gain invaluable knowledge about basic case flow principles, and to exchange best practices with their counterparts in other jurisdictions. The teams worked together to refine their improvement plans, utilizing the knowledge gained during the sessions. Additionally, technical assistance was offered to each of the courts. That assistance will continue to be offered throughout the next year.



What's Next:

Preliminary tracking of caseflow measures indicate that already some of the measures taken by the District Court, in collaboration with other stakeholders, is making a difference. This will be further studied during the next few months to determine best practices, and additional policy and practice issues that may further reduce the time for cases to be brought to closure.

The Administrative Office of the Courts will facilitate a follow-up assessment of each of the trial courts. The assessment will not only measure performance against the case time standards, but will afford each court an opportunity to analyze the effectiveness of its improvement plan, and to determine areas possibly requiring adjustment. Expedition and timeliness in the trial courts will continue to be measured and formal assessments conducted periodically. The Judicial Council will also examine case time standards for those areas not initially included, such as Child in Need of Assistance and Termination of Parental Rights and Adoption cases.



EQUALITY

COURT INTERPRETATION & TRANSLATION SERVICES

Many Maryland State agencies are reacting to recent legislation promoting equal access to public services for persons with limited English proficiency, but the Maryland Judiciary is taking a proactive approach. The courts already have a plethora of services for non-English speaking residents, including provision of interpreters for all criminal cases and many civil cases brought before the court, the translation of popular forms and brochures (some available on the court's website), and marriage ceremonies conducted in other languages. Anecdotal research shows, however, that some court services for non-English speaking residents are fragmented, and that more services are needed.

Although the legislation does not include the courts, the Judicial Cabinet agreed that it is in the public's best interest for the Judiciary to develop a plan to help non-English speaking residents utilize the many services that the courts have to offer. In June, the Judicial Cabinet formed the Committee on Court Interpretation and Translation Services.

"We'll be looking to create a judicial access roadmap for the diverse communities in Maryland," said Baltimore City Circuit Court Judge Audrey J.S. Carrion, Committee Chair. "With so many services and programs, it's imperative that the courts become more accessible to all its citizens."

Some of the issues being discussed by the Committee include current practices and procedures for assigning interpreters, the need for standard operating procedures for both the circuit courts and the District Court, and the translation of court forms into certain languages.

What's Next:

The Committee plans on making recommendations to the Judicial Council by the end of the year.



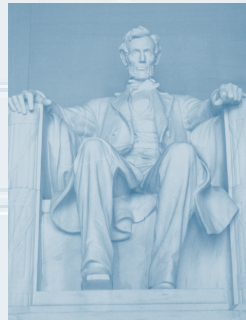
RACIAL AND ETHNIC EQUALITY IN THE

Concerns over racial and ethnic equality in the court system prompted the Commission on Racial and Ethnic Equality. The Commission's primary focus is on racial and ethnic related equality issues from the perspective of judges and attorney clients from non-English speaking communities. The Commission, chaired by Chief Judge Catherine E. Cathell and comprised of judges, lawyers, court officials, religious leaders, and the community, is charged with the following:

- ❖ Develop a methodology to measure equal access and treatment;
- ❖ Increase public confidence in the court system and law in Maryland for all citizens;
- ❖ Identify initiatives to raise public awareness of the impact of racial and ethnic diversity on the delivery of justice in Maryland;
- ❖ Recommend the development of policies and procedures and bar to eliminate any barriers to the court system.

The Commission formed two subcommittees, one with the civil law subcommittee separate from the criminal law subcommittee. The 20-member Commission will hold public hearings to gain a diverse perspective on racial and ethnic issues.

"We know what some of the perceptions are, but we're not sure that, from the time anyone enters the system to the time they leave, that the system is fair."



What's Next:

The public meeting will be held through next summer. The Commission will then compile and analyze the findings gathered from the public meeting and their findings, and make recommendations for ensuring fairness.

FOR ALL

ETHNIC EQUALITY E COURTS

ethnic bias in the Maryland Court of Appeals to create the Ethnic Equality in the Courts. This will be on examining court users perspectives of court users minority communities. The Court of Appeals Judge Dale R. Edges, county administrators, leaders, and members of the following:

reduce or eliminate unequal

in the equal application of the laws;

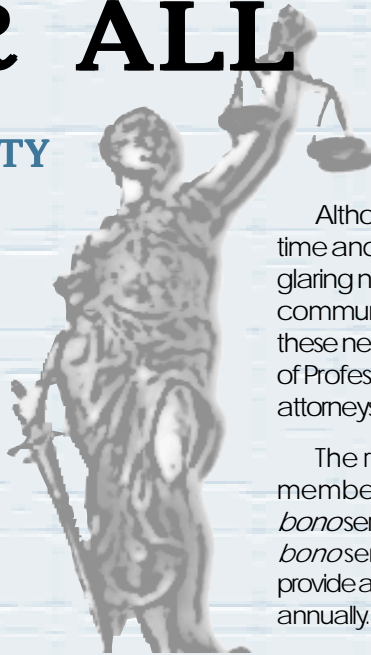
both public and professional practice and ethnic origin on the fair and courts; and

ment of educational programs for the bench existing racial and ethnic bias in the state

committees on criminal law and civil law— separating into family law and other civil laws. and public meetings statewide to gain a better understanding as they relate to the court system.

perceptions are, and we want to test the waters," said Judge Cathell. "Our goal is to make sure everyone enters the front door of the courthouse to the court system is fair."

ings are expected to continue in the summer. The Commission will continue to assess the information gathered from the meetings, draft a report on the findings and provide recommendations for the next steps for all court users.



NEW PRO BONO RULES

Although lawyers across the state generously donate their time and services to people of limited means, there remains a glaring need for legal services to this economically challenged community. The Maryland Court of Appeals sought to address these needs by voting to amend Rule 6.1 of the Maryland Rules of Professional Conduct—which governs *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 annually. All lawyers are now required to report *pro bono* services they render to the Court of Appeals, which will provide accurate, reliable data on the amount of *pro bono* provided annually.

In addition, two new rules were adopted to bring structure and organization to this vital court service provided by attorneys practicing in Maryland. The new rules call for establishment of local *pro bono* committees in each county and in Baltimore City, for creation of a Standing Committee on *Pro Bono* Service, and for implementation of a State Action Plan for *pro bono* services. Both the new and revised rules were patterned after recommendations from the now defunct Commission on *Pro Bono* Services. Its mission was to examine the role of the courts in increasing *pro bono* service, thereby promoting access to justice for those in need.

"The underlying purpose of the rules is to boost *pro bono* participation by lawyers," said Court of Special Appeals Judge Deborah S. Eyler, Commission Chair. "This will certainly help the citizens because *pro bono* representation is for the most part lawyers representing people who otherwise can't afford a lawyer."



The new and revised rules are available on the Judiciary's website, at www.courts.state.md.us.

What's Next:

The Standing Committee on *Pro Bono* Service is expected to develop a State Action Plan within three years that will assess local and statewide progress.

DIGITAL COURT RECORDING IN THE DISTRICT COURT OF MARYLAND

The recording of trials and proceedings in the District Court is a vital court system function. As a court of record, such recordings are used to produce transcripts, which are often necessary when a case has been appealed.

For the past decade, the District Court has recorded its proceedings on DAT (Digital Audio Tapes) machines, those similar to a cassette player. The need for a more efficient and better quality recording system led the District Court to move toward digital technology. During the past year, an integrated digital courtroom recording system has been implemented in several District Court courthouses statewide. The installation for most locations in the metropolitan Baltimore and Washington areas was accomplished between October 2001 and June 2002.

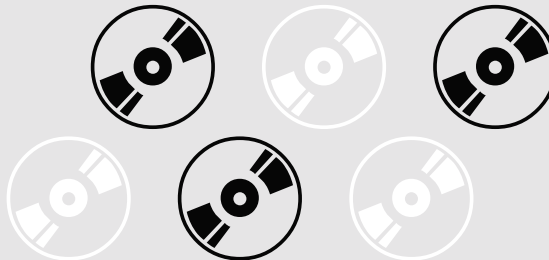
“The District Court has taken great strides in implementing technology that improves not only the quality of its recordings, but also the ease and

efficiency of producing transcripts,” said District Court Chief Judge Vaughan. “The integrated digital recording system has already produced positive results, and we expect better efficiency statewide once the system has been installed in all District courthouses.”

The integrated digital courtroom recording system converts analog audio into digital audio files. The digital files, similar to music CDs (compact discs), will substantially improve the process of finding and playing back particular parts of a recording, while increasing the efficiency of the transcribing process. Court records of any proceeding can also be duplicated on a data CD that can be played back on a Windows-based PC.

What's Next:

The integrated digital courtroom recording system is scheduled for installation in the remaining locations by December 2002.



Methods of Alternative Dispute Resolution

MEDIATION SAVES TIME AND MONEY

Results from a new report should boost the already high number of cases that Maryland courts are referring to mediation. For the first time, the Maryland Judiciary has evidence that effective court-based mediation programs help conserve court resources while saving litigants time and money.






The Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO) recently released their study of 400 workers' compensation appeals filed in the Circuit Court for Baltimore City from April 2000 through June 2001. The study shows that the cases referred to mediation spent less time in the judicial system overall, and that fewer notices of discovery (court filings indicating activity taken by lawyers) were filed in the mediated cases. On average, the mediated cases spent less time on court dockets and involved fewer hours of lawyers' time, which should translate into lower legal fees.

"Findings from this study clearly show that mediation referrals in workers' compensation cases offer cost saving opportunities and help the parties resolve their dispute much earlier in the process," said Baltimore City Administrative Judge Ellen M. Heller, who initiated the study.

The study was conducted by a research team at the University of Maryland, Baltimore County, Maryland Institute for Policy Analysis and Research, headed by Professor Marvin B. Mandell. In this rigorous, scientific evaluation, workers' compensation appeals were randomly assigned to a control group or to mediation.

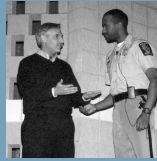


Significant Findings from the Report

-  Nearly one-quarter of the cases in the mediation group were disposed of prior to the discovery deadline, compared with only 11 percent in the control group.
-  Forty-three percent of the cases in the mediation group were disposed of prior to their scheduled settlement conference, compared to only 28 percent in the control group.
-  More than 80 percent of the cases in the mediation group were disposed of prior to their scheduled trial date, compared to only 70 percent in the control group.
-  Only 37 percent of cases in the mediation group had two or more notices of discovery, compared with 56 percent in the control group.
-  Of the 200 cases referred to mediation, only 17 opted out of the process.

"While cost and time savings are very important, it is important to note that the Judiciary supports the use of mediation because of the less tangible benefits that arise in appropriate cases when people are empowered to resolve their own disputes productively and creatively," said Chief Judge Bell. "Mediation is one of the tools that can help transform our society from a culture of conflict to a culture of conflict resolution."

Protecting Citizens



Domestic Violence

The Maryland Judiciary partnered with State Legislators to pass an important bill that would give District Court Commissioners constitutional authority to pass limited civil protection orders when courts are closed. The bill, **CH 587 and CH 235 Interim Domestic Violence Orders & Interim Peace Orders-Issuance by District Court Commissioners**, establishes a process by which a citizen can file a petition with the District Court at any hour of the day, for protection from domestic violence or danger.

Judges would still rule on petitions during regular court hours, but when court is not in session, the bill allows commissioners to issue limited, short-term protective orders and peace orders until a judge has the opportunity to rule.

The main goal of the commissioner bill is to reduce the chance of violence. By allowing commissioners to issue civil protective orders, defendants who are released after arrest can no longer continue to threaten a victim without recourse until court reopens. Instead, a defendant who continues to threaten can be arrested immediately.

It's important to note that the bill does not replace judges with commissioners. Judges will continue to conduct first and second hearings in civil protection order cases. The bill allows a

commissioner to pass a limited order *before* the first hearing and *until* a judge can rule.

What's Next:

Maryland residents will vote on a constitutional amendment to permit the enactment of the commissioner bill in the upcoming November election. If passed, the bill could become effective before the end of the year.

MOUs

The Maryland Judiciary has entered into two memorandums of understanding (MOUs) with Executive Branch agencies to ensure full access to and improved processing of domestic violence civil orders.

Working in conjunction with the Department of Public Safety and Correctional Services and the Department of State Police, the courts have begun designs for the administration and operation of a statewide warrant system. The new system will provide issuing authorities and law enforcement agencies with 24/7 access to all warrant and domestic violence order information. A second MOU will improve the manner and timeliness in which domestic violence civil orders are processed.

Promoting Professionalism



Professionalism Task Force Created

In an effort to raise the standard of professionalism in Maryland's legal community, Chief Judge Bell has established a Professionalism Task Force consisting of attorneys from across the State.

The primary function of the Task Force, chaired by Court of Appeals Judge Lynne A. Battaglia, is to conduct a "self-study" of the concept of professionalism through the convening of town hall meetings of lawyers in all 23 counties and Baltimore City.

"Our goal is to identify the qualities of professionalism and to develop a consensus about the meaning of professionalism," said Judge Battaglia. "The information we gather from these meetings will be used to develop what, if any, efforts should be undertaken to improve legal professionalism, including whether a professionalism course should be required for experienced attorneys."

Professionalism in the legal community is an issue being addressed throughout the country. In 1999, the Conference of Chief Justices unveiled a National Action Plan to assist state courts in determining the effect lawyer professionalism has on public confidence in the legal system.

The National Action Plan provided recommendations for evaluating the contemporary needs of the legal community with respect to lawyer professionalism, and coordinating activities of the bench, bar, and law schools in meeting those needs.

What's Next:

The town hall meetings are expected to run through the fall of 2003, with the first meetings held in September in Howard and Garrett Counties. At the conclusion of the town hall meetings, the Task Force will offer a summary of the collations from each meeting for distribution, exploration, and discussion at convocation of judges and lawyers.

ACCESS TO COURT RECORDS

Historically, court files have generally been open to any member of the public who visits the courthouse and requests them. In recent years, technological innovations have promoted the availability of data from court records in electronic form. Electronic court records allow for easier and broader public access, but also raise concerns about, among other things, privacy and protection against risk of harm.

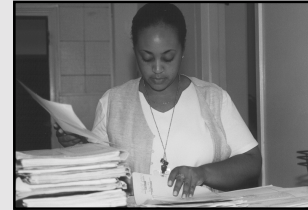


The past two years, a court-appointed task force, chaired by retired Court of Special Appeals Judge Paul Alpert, and comprised of lawyers, legislators, state officials, members of various businesses, the media, and privacy and freedom of speech advocates, studied the issues concerning access to paper and electronic court records. The Access to Court Records Committee completed a final report



that provides recommendations to the Maryland Court of Appeals for a comprehensive and balanced policy on public access to court records in Maryland.

Overall, the report supported the continuation of the Maryland Judiciary's current policy, grounded in law and tradition, that court records are generally open to the public. The recommendations covered 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 provide further counsel to the Court concerning the implementation of these policies.



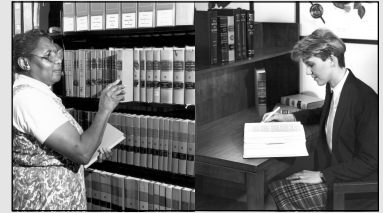
The full report is on the Maryland Judiciary website at www.courts.state.md.us/access/index.html.

***What's Next:**
The Court of Appeals plans to review the recommendations this fall.*

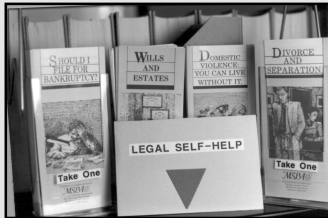
COUNTY PUBLIC LAW LIBRARIES

After reviewing a groundbreaking report on the condition and future of county law libraries, the Judicial Council approved a resolution calling for much-needed financial support.

"I applaud the Judicial Council for recognizing our county public law libraries as legitimate stakeholders in assisting the courts as conduits to justice," said Maryland State Law Library Director Mike Miller. "Law libraries are tremendous legal resources for citizens as well as attorneys and the courts."



Results from the Maryland Circuit Court Libraries Study Committee painted a cloudy picture of many of the State's 23 public law libraries. Nearly 70 percent of the county law libraries are unstaffed, close to 60 percent lack the financial support to maintain even a core minimum legal collection, and some of the libraries find themselves in debt.



Meanwhile, the cost of legal publications continues to rise, libraries are finding it more difficult to provide access to resources in print and digital formats, and as the number of *pro se* cases increase, most law libraries are unable to meet the growing demand for resources and informational assistance for the non-lawyer.

Approved funding, earmarked for this fall, will be used to help struggling county public law libraries where they need it most, whether getting out of debt, updating publications, hiring part-time staff, or adding computer hardware for library customers.



The full Committee report can be accessed on the Maryland State Law Library website at www.lawlib.state.md.us/screens/clscprt.html.

Maryland County Public Law Libraries

- ◆ Serve over 1,300 customers daily and over 320,000 users annually
- ◆ Provide adequate and timely legal information to the Judiciary, government, members of the bar, and citizens of each county
- ◆ Are used almost equally by lawyers and non-lawyers
- ◆ Mostly (80 percent) exist on total operating budgets under \$100,000 per year



“Since September 11, we have been required to be concerned about, and grapple with, the important issues spawned by the terrorist attacks, and its aftermath, heightened security being the most critical and the most pursued.

Because this Nation is built on principles of personal freedom, of guaranteed liberties, as to it, the challenge will be to balance appropriately the rights of the individual against the public safety. Striving to achieve this balance will put our system of justice to the test.

Resolution of many of the issues critical to achieving the balance will be made by state and federal judiciaries and their decisions will determine what rights and freedoms our children will—or will not—enjoy. How our Nation emerges from this difficult chapter in its history is dependent in part on the freedom of the Judiciary to make independent decisions and thus help to shape future policy.”

*Chief Judge Robert M. Bell
State of the Judiciary Address
January 23, 2002*

Please visit our website at www.courts.state.md.us

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