

Justice Matters

A publication from the Maryland Judiciary

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Staff Sgt. Martin Richburg

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District Court supply clerk nominated for Bronze Star

Staff Sgt. Martin Richburg saves 17 lives in Iraq

By Ken Brown, Coordinator,
Customer Information Services,
District Court Headquarters

Staff Sgt. Martin Richburg was talking on his cell phone, waiting his turn to use a computer in an Internet café in Al Kisik, Iraq, when he noticed a man nervously pacing outside. That day—March 27—every computer in the popular gathering place on the combined Iraqi and American base was occupied.

In the middle of a phone conversation with his wife Olethia in Baltimore City, where he works for the District Court, Richburg saw the man place a blue plastic shopping bag on the café's air conditioning unit and run off.

Richburg threw down his cell phone, ran after the man, and tackled him. With the help of an Iraqi citizen, Richburg quickly interrogated the man and

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Bell takes helm as president of Conference of Chief Justices

As the new president of the Conference of Chief Justices, Chief Judge Robert M. Bell of the Court of Appeals will lead the prominent national organization for a one-year term. Judge Bell, who had served as president-elect of the conference since the organization's annual meeting in August 2005, assumed his new responsibilities at the close of the August 2006 conference.

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Judges and journalists to gather for workshop

The National Center for Courts and Media in the National Judicial College has received a grant from the Donald W. Reynolds Foundation to bring judges and journalists together to foster better relations. When judges and journalists recognize that they have common goals to serve the public, they will better understand each other's perspective.

The District of Columbia and Maryland are co-sponsoring this one-day judges/journalists workshop on Saturday, October 14, in Annapolis. This program was originally scheduled for last October.

A group of 70 judges and 70 journalists will participate in an interactive workshop that gives everyone an opportunity to voice their opinions on any issues they have with each other. The workshop will focus on topics regarding access and news coverage issues created by First and Sixth Amendment conflicts in previous trials. More details about enrollment will be sent to judges shortly.

News from the Bench

Appointments

- **Hon. Yvette M. Bryant** was appointed to the Circuit Court for Baltimore City, filling a vacancy created by the retirement of Hon. Bonita J. Dancy.
- **Hon. Timothy J. Doory** was appointed to the Circuit Court for Baltimore City, filling a vacancy created by the retirement of Hon. Thomas E. Noel.
- **Hon. John Addison Howard** was appointed to the Circuit Court for Baltimore City, filling a vacancy created by the death of Hon. Stephanie L. Royster.
- **Hon. DaNeeka LaVarner Cotton** and **Hon. Patrick Ridgeway Duley** were appointed to the District Court for Prince George's County, filling vacancies created by the elevation of Hon. Albert Northrop and the retirement of Hon. Richard Palumbo.
- **Hon. Christopher L. Panos** was appointed to the District Court for Baltimore City, filling a vacancy created by the elevation of Hon. Timothy J. Doory.
- **Hon. Robert Banks** was appointed to the Orphans' Court for Baltimore County, filling a vacancy created by the resignation of Hon. Julie Ensor.

Retirement

- **Hon. Richard Angelo Palumbo**, District Court for Prince George's County.

In Memoriam

- **Hon. Robert D. Horsey**, retired, Somerset County District judge from 1976 to 1998.

Maryland chosen as pilot site for judicial independence campaign

By Lorri Montgomery,
Director of Communications/Public Relations,
National Center for State Courts

The National Center for State Courts (NCSC) has selected the Maryland Judiciary as one of five pilot sites for a public awareness campaign to promote and increase understanding of judicial independence and accountability.

The purpose of this campaign is to provide the nation's state court systems with a set of tools that can increase public awareness and understanding of how courts work, and to help judges and other court employees respond to public criticism of the judiciary. The campaign was developed after the Public Affairs Committee of the NCSC Board of Directors identified judicial independence/accountability and how to help the public understand its importance as one of its objectives.

To educate the public, materials are being developed—speeches, brochures, illustrated novels, and posters—to create a positive image of the judiciary and emphasize the value of strong and impartial courts to society. In Maryland, the distribution of materials will be coordinated with the Court Information Office.

In addition to the Maryland Judiciary, the NCSC selected four other pilot sites: State Courts of Georgia; State Courts of Utah; Maricopa County, Arizona; and 8th Judicial District Court in Nevada.

“We already had a working relationship with these courts,” Montgomery said. “We know its going to involve more work, even though we’re providing materials, so we wanted to be able to give it to courts where they had people who already understood the issue.”

The Maryland Judiciary was chosen partly because of its established Court Information Office and because of Chief Judge Robert M. Bell's support of judges speaking on judicial independence, she said.

“Chief Judge Bell is so eloquent and wonderful on this issue, and we know that with him being out front it might encourage other judges to get out front,” Montgomery said. “Judges will know that they have his support, and then if

we provide the materials maybe it will help other Maryland judges feel like they can get out there on that speaker circuit.”

The NCSC project will include the following elements, which will be available soon and free of charge to the courts.

Speakers Bureau

The NCSC will provide judges with tools such as speeches, talking points, etc., with which to address community groups. The speeches, which will address topics including “The Role of Courts in Society,” “How Courts Make Decisions,” and “How Judges are Accountable to the Law,” will be available to courts through a password-protected site on the NCSC Web site.

The NCSC has also developed a brochure to promote the Speakers Bureau, leaving space for each court's contact information. These materials can be incorporated into the Maryland Judiciary's existing Speakers Bureau.

Poster Series

The NCSC is designing a series of posters to enhance the image of state judiciaries, conveying a subtle message about how the courts are designed to protect individual rights. The posters, which will be printed by the NCSC, will include space for personalization. The posters can be hung in courthouses, state buildings, and public places.

Illustrated Novel

The NCSC is working with a “graphic novel” company to develop a book with a story line that explains how judges make decisions. This illustrated novel is being developed on a secondary education level. Copies of the book will be available in jury selection rooms, and as material for judges to distribute during speaking engagements.

Alternative Dispute Resolution in the First Judicial Circuit

Lower Eastern Shore courts

In recent years, alternative dispute resolution (ADR) has become an important resource for Maryland litigants in resolving conflicts. The Judiciary, through the guidance of Chief Judge Robert M. Bell and Maryland's Mediation and Conflict Resolution Office (MACRO), has promoted the initiation of ADR programs throughout Maryland.

As part of a statewide effort led by the Maryland State Bar Association's Judicial Administration Section, the Circuit Court for Wicomico County, under the direction of Judge Kathleen L. Beckstead, hosted a seminar April 20 to present an overview of ADR programs available in each county in the First Circuit of Maryland. Members of local Bars and ADR service providers attended.

The seminar featured a panel of judges and masters, with Judge Beckstead as moderator who provided information relative to each county's program. The judges and masters were assisted by family support services coordinators and ADR service providers.

During opening remarks, Somerset County and First Circuit Administrative Judge Daniel M. Long quoted from Judge Bell's 2000 State of the Judiciary address reiterating the Judiciary's commitment to ADR: "In addition to promoting civility and empowering citizens to control the outcome of their disputes in peaceful ways, the Judiciary believes that the success of the ADR initiatives also will increase public access to justice and allow our courts to be more efficient and productive." Judge Long explained that ADR has had a significant impact on how our courts handle cases. Litigants are encouraged to seek their own

solutions to conflict, often resulting in the settlement of cases in a more timely manner. Judge Long further commented that the use of ADR began to take root on the Lower Eastern Shore with the appointment of masters in the First Circuit. Judge Sally D. Adkins, now serving on Maryland's Court of Special Appeals and former judge of the Circuit Court for Wicomico County, was a great proponent of using ADR in domestic cases and encouraged its use while on the bench in Wicomico. The use of retired judges to conduct settlement conferences was one of the first forms of ADR in the First Circuit. A circuit-wide schedule for settlement conferences continues to be developed annually.

Providing ADR resources

Karen R. Brimer, family support services coordinator for Somerset County, in conjunction with Judge Long and Master Robert E. Laird, Jr., provided a synopsis of ADR programs available in Somerset. Although Somerset has the smallest population of the four counties on the Lower Eastern Shore, the court provides its residents with ADR resources that include child custody/visitation mediation, property/alimony mediation, scheduling conferences, and an ADR facilitator program. This year, Brimer has planned for Somerset to host a five-day training session for mediation in child in need of assistance and termination of parental rights cases with funds provided by MACRO.

Wicomico County Circuit Judge Donald C. Davis discussed status conferences that are used to motivate activity in cases that have been stagnant for a period of time. Judge Beckstead discussed Wicomico's procedure for scheduling pre-trial settlement conferences in non-domestic cases.

Dorchester County Circuit Administrative Judge Brett W. Wilson presented an overview of Dorchester County's ADR programs. "How far we have come in 10 years," he said, explaining his pride in the number of ADR programs



reflect on changes in use of ADR

By Lynn Cain, court administrator, First Judicial Circuit

developed in a rural jurisdiction with limited resources. In addition to regularly scheduled settlement conferences, other ADR programs include child custody/visitation mediation, property/financial mediation, scheduling conferences, and informal referrals for mediation from the family support services coordinator. Judge Wilson works with the court's one master, Master Maurice S. Nelson, and Family Support Services Coordinator Amy Craig. Both Nelson and Craig have completed the 60-hour general and family law mediation training offered through the Administrative Office of the Courts.

Worcester County Circuit Judge Richard R. Bloxom and Master Mary Margaret Kent provided information on the numerous ADR programs available in Worcester County. Judge Bloxom spoke of the retired judges used for settlement conferences and the Volunteer Attorney Settlement Panel, which includes experienced family law practitioners from the Worcester County Bar Association who give their time to facilitate both domestic and non-domestic settlement conferences.

Cases that subsequently go to mediation show a 50 percent settlement rate. In addition to settlement conferences, Worcester County's programs include child custody/visitation mediation, marital property mediation, pro se family mediation, and civil (non-domestic) mediation. Master Kent credited Worcester County Family Support Services Coordinator Anne Turner with "fine-tuning" the programs in Worcester.



photo by Lynn Cain

Participating in the seminar were (front row, left to right) Worcester County Circuit Judge Richard R. Bloxom, First Circuit family law judge; Diane K. Beauchamp, Esq.; Karen R. Brimer, Somerset family support services coordinator; Wicomico County Circuit Judge Kathleen L. Beckstead; Dorchester County Circuit Judge Brett W. Wilson; Worcester County Circuit Master Mary Margaret Kent; Wicomico County Circuit Master Leah J. Seaton; (back row, left to right) Wicomico County Circuit Administrative Judge Donald C. Davis; Dr. Margaret E. Matlack; Amy Craig, Dorchester County family support services coordinator; Somerset County Circuit Judge Daniel M. Long, First Circuit administrative judge; John Williams, Esq.; and Brian Polkinghorn, director of the Center for Conflict Resolution at Salisbury University. Not pictured is Dorchester County Circuit Master Maurice S. Nelson.

What do masters do?

Two masters describe the daily responsibilities of these less-understood roles

By Master James Casey, Juvenile Division,
Circuit Court for Baltimore City

“Andrew suffers from diabetes. Because he didn’t take his medication, his blood sugar levels went so high that he had to be hospitalized for several days. Andrew’s father, Mr. Harris, is either unable or unwilling to require Andrew to take his medication. The department of social services has concluded that it would be unsafe to leave Andrew in Mr. Harris’ care. We ask the court to place Andrew under an order of shelter care to the department for relative placement. We intend to place Andrew with his maternal grandmother, Mrs. Jones.”

Our court doesn’t hear many medical neglect cases. There must be something else going on within this family.

For more than 18 years, I have been one of nine masters who hears cases in the Juvenile Division of the Circuit Court for Baltimore City. Masters are experienced lawyers hired to assist judges by hearing cases and performing related duties. There are masters in every jurisdiction in Maryland. In some circuits, masters are shared by courts in more than one county. Larger jurisdictions have multiple masters. Most masters are generalists who handle juvenile court cases, child support cases, divorce cases (within limits), and “other duties as required.” In my jurisdiction, we specialize. Unless I am specially assigned, I hear only juvenile court cases.

A shelter care hearing is usually the first hearing in a case. These are emergency hearings held on the first court day after a child is removed from his or her home. In Baltimore, and in most of Maryland’s jurisdictions, a child in need of assistance (CINA) petition is filed prior to the shelter care hearing. The merits of the petition, however, will be considered at the adjudicatory hearing held about 30 days after the shelter care hearing. The purpose of the shelter care hearing is to decide whether the child can safely return home while awaiting the adjudicatory hearing. If not, the court will determine where the child will stay during that time.

Because the hearing is held emergently, shelter decisions are often made with less information available to the court than is available at other hearings. The attorneys are also less prepared for the same reason. And yet research has shown that shelter hearings may have the most impact on families of any hearings we hold. If a child returns home after a shelter care hearing, it is likely the child will remain in the care of his or her family until becoming an adult. If a child is removed at the shelter hearing, it is significantly less likely that the child will grow up in the care of his or her family.

“Andrew is my client. He is 12 years old and is able to decide for himself what he wants. Andrew wants to live with his mother, but he understands that she may be unable to care for him because of her medical problems. His second



photo by Neil Moores

Note: The names and some of the facts in “Andrew’s” case were changed to protect confidentiality.

Masters in Chancery are responsible for conducting hearings and review of Juvenile, CINA, TPR, domestic, and child support matters in accordance with the applicable Maryland Law and Rules of Procedure. Masters, who have backgrounds as practicing attorneys, are not judges. They have varying responsibilities depending on their jurisdiction. These first-person essays offer a glimpse into the duties of two masters', as they share their experiences in jurisdictions with different geography and caseloads.

By Master Jo Ann D. Asparagus, Circuit Court for
Caroline County and Circuit Court for Talbot County

People are always asking me, "What does a master do?" and "Why do they call you Master?" I do not know the answer to the second part of the query, although I have several pat answers, none of which is appropriate for this article. Therefore, I will stick to the first part of the question. As a domestic relations master, I hear non-criminal matters related to the family and children in need of assistance (CINA) cases. Ten years ago when I began this job, I sat in Talbot, Kent, and Caroline Counties. Along the way, I picked up Queen Anne's County for a year. Currently I am assigned to Talbot and Caroline counties only. I have to tell you that while I enjoy only having to work in two counties, I really miss all the wonderful people I worked with in Kent and Queen Anne's Counties.

I begin each week in Caroline County's beautiful county seat, Denton, at 8:45 or so. The very first things on my docket every Monday are scheduling conferences. Typically, we will have anywhere from four to six conferences where the litigants and their attorneys, if they are represented, must appear. Here we set discovery deadlines, order mediation in appropriate cases, determine whether a "best interest" lawyer is needed, entertain requests for home studies, psychological examinations, paternity tests, etc. If necessary, *pendente lite* hearings are set, generally before me unless a conflict prevents me from hearing the case. Typically, *pendente lite* hearings are held where the parties have not resolved temporary custody, child support, spousal



courtesy of Master Jo Ann Asparagus

support, and or use and possession issues. In Talbot County we have initiated an attorney facilitation program where a volunteer attorney meets with pro se litigants at the time of the settlement conferences to determine if they have a dispute and to assist them with resolving any minor issue that may exist.

Contested divorce cases with property issues are almost always set for a settlement conference. In original custody, child support, and visitation cases, the litigants have an option. They can elect to have a hearing with me or with the judge. If they wish to have a hearing with me, the hearing date is set at the scheduling conference. If they wish to have a hearing with the judge, the file is sent to the judge's administrative assistant who sets the trial date. Any request for modification of child support, custody, visitation, or alimony is automatically set before me at the scheduling conference. I also determine if cases are contested or uncontested. Any uncontested matter can be concluded at the settlement conference.

Once the settlement conferences are completed, we begin our regular docket, which can include uncontested divorces, contempt proceedings, protective order hearings, modification hearings, etc. Some mornings we finish at 10:30 a.m.; other mornings we complete the docket at noon or later. The afternoon docket begins at 1:30 p.m. and is a continuation of the morning. We finish when the docket

Rosenthal seeks to increase mediation's profile

District Court creates executive position to oversee statewide ADR Office

When Jonathan S. Rosenthal graduated from law school, he was interested in family law, but he never considered mediation. One day in 1997, after what he calls a “particularly nasty” family law case, he left court and returned to his office.

“My head was spinning,” he said. He started leafing through the *ABA Journal* and saw an ad for a mediation course—a course he decided to take. “It changed my life. It changed my perspective.”

After volunteering as a mediator and adding mediation to his law practice, Rosenthal took a position with the Mediation and Conflict Resolution Office (MACRO). “I couldn’t say ‘no’ to the opportunity.”

Now Rosenthal has said yes to another opportunity. He was recently named the executive director of alternative dispute resolution (ADR) programs in the District Court of Maryland. Chief Judge of the District Court of Maryland Ben C. Clyburn created the executive level position to oversee the District Court’s ADR programs throughout the state.

“I’m looking for Jonathan to really take the program to a new level,” Judge Clyburn said. “I expect him to increase the publicity for the programs and enhance the education of the public because there is still a basic lack of understanding of what ADR is.”

As the new position gives the ADR Office a higher profile, Judge Clyburn expects that office to increase volunteer mediator hours and training for mediators, while also educating court staff to find ways to use ADR before

cases come to trial. “We’re going to look and see where we can use ADR early on in the process,” he said.

Judge Clyburn praised Rosenthal for his “wealth of expertise,” calling him “uniquely qualified for this position because of his prior experience.”

A graduate of the University of Maryland School of Law with bachelor degrees in political science and public relations from Syracuse University, Rosenthal practiced law with Rosenthal, Kaufman & Ries in Baltimore from 1991 to 1994 and in his own law office in Baltimore from 1994 to 2002. He joined MACRO—a court-related agency serving as an ADR resource for the state—in March 2002 and was Director of Court ADR Resources.

Now, after starting his new position August 16, Rosenthal looks forward to increasing the awareness, accessibility, and quality of ADR in the District Court, while fostering a closer relationship with MACRO other mediation resources, and appropriate partners.

“One priority is to build bridges between the District Court ADR Office and community mediation centers,” he said, referring to community mediation programs, partly funded through MACRO and handling similar issues to the District Court’s ADR programs which offer mediation at no cost. “Another challenge is to make the service we provide in the District Court highly visible and of a high quality.”

To increase the profile of the District Court’s ADR programs, Rosenthal plans to launch a public awareness campaign—using MACRO posters advocating mediation; speaking to community and civic groups, colleges and universities, and other government agencies; and working to spread stories of successes about the District Court programs.

“People are beginning to get what mediation is, but not always when to use it or where to find it. There are still some misconceptions about it,” Rosenthal said.



photo by Rita Buettner

“It’s not just taking cases off the docket. Mediation can help people get to the underlying cause of a conflict, and to find meaningful solutions that might go beyond what they seek in court.”

- Jonathan S. Rosenthal

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Eastern Shore master relates duties, from 7

is finished. One of the things that makes this job interesting is that you really never know what is going to happen.

Now that you have had a glance at my Mondays, let me tell you about the rest of the days. I am also in Caroline County every Tuesday. On the first and third Tuesday of the month, I hear child support contempt cases in the morning, and paternity and child support establishment and modification matters in the afternoon. On the second and fourth Tuesday of the month, I hear CINA cases. The second and fourth Wednesday I hear CINA cases in Talbot County.

Finally, I am in Easton every Thursday and Friday and I do the same things there that I described above. The first and third Wednesdays are my chambers days. I use this time as well as the time I have when cases settle, etc., to prepare orders and write reports and recommendations when they are needed.

While I think I always make it clear what I do as a master, I am certain that many of the people who appear before me do not hear me when I say that I only make recommendations and I know that they are genuinely confused when I explain to them their right to file exceptions. Somehow, we all muddle through, and I believe that by the time most people

leave, they understand a little bit more than they did when they arrived. I hope they leave feeling that, if nothing else happened, somebody heard what they had to say. It is clear to me, as I watch all of us associated with the family court experience people's suffering and joys, that we grow more tolerant and understanding of the impact domestic issues can have on an individual's life. As a result, our team works hard to make people as comfortable as we can to help them through some difficult and tense times.

I consider myself a lucky person because I get to work with the people who appear before me to try to solve some of life's everyday problems in conjunction with all of the people who work in the family court. They include the Clerk of the Court's staff, the judges and their staff, the family services coordinator, the Department of Social Services, sheriff's department, the Department of Juvenile Services, and all other agencies connected to the court. Everywhere I have worked I have had the privilege of working with super-competent, efficient people who make going to work a joy. I could not have survived without the support they have provided and continue to provide for me.



Maryland state flower
Rudbeckia hirta, "Black-eyed Susan"

Mediation, from 8

"Sometimes people think it's a compromise, and it's really much more. Mediation can be an opportunity to resolve the dispute and find solutions that meet everyone's needs."

ADR will never put the courts out of business, especially since mediation is not appropriate for every case, he said.

"It's not just taking cases off the docket. Mediation can help people get to the underlying cause of a conflict, and to find meaningful solutions that might go beyond what they seek in court," Rosenthal said. Instead, the cases that need to go to court can be handled in more depth, and "judges will be able to utilize their resources in a more useful way to them, and to the people that come before them."

Baltimore City master

choice is to live with his maternal grandmother, Mrs. Jones. He enjoys the company of the other children in her home. Although he is not asking to return to his father's care, Andrew wants to make it clear that it wasn't his father's fault that Andrew didn't take his medication. His father tried to make him take the medicine, but Andrew refused."

There still seems to be something missing. If Andrew doesn't want to return to his father's care, why did Andrew want to take the blame for missing the medication? If Mr. Harris wanted to make Andrew take his medicine, why wasn't he able to succeed?

■ Making recommendations

With limited exceptions, masters have no independent authority. They make recommendations to judges who may or may not accept those recommendations. An order recommended by a master is not valid unless it is also signed by a judge. Lawyers who feel a master has erred can file an exception and request that the judge not approve the order. In theory, this system is problematic. Is an announced decision an order or just a recommendation? In practice, it works better than might be expected. Lawyers understand that the announced decision is only a recommendation. Nonetheless, the recommendation is usually treated as if it were an order until a judge either issues an order consistent with the recommendation or refuses to issue such an order.

"Andrew's mother, Ms. Jackson, wishes that he could stay with her, but he can't. She has bleeding ulcers and she never knows when she will need emergency hospitalization. Ms. Jackson wants Andrew to stay with his father, Mr. Harris. She and Mr. Harris haven't been together for a long time now, but they still get along. She has a much easier time seeing Andrew when he is in Mr. Harris' care than she does when Andrew is in her mother's care. Ms. Jackson denies the department of social services allegation that she has a drug problem. She is proud of the fact that she has five years clean."



This case still hasn't come into focus for me. If all these adults get along so well, why can't they get Andrew to take his medication? And why does the department need shelter care? Couldn't they just monitor the situation to ensure that Andrew doesn't need to be hospitalized again? I am glad that Ms. Jackson isn't seeking custody. She looks like she has all she can handle taking care of her own medical needs.

■ Listening to people

In this hearing, both parents are present and both are represented by counsel. The child and the department are also represented, but those parties are always represented in CINA cases. Most often, only one parent appears at shelter hearings. Sometimes neither parent appears. Parents who are eligible for representation are usually represented, but some choose to represent themselves. The court will reset the hearing if a parent wishes to hire an attorney, but most parents who are not eligible for government-supported representation choose to represent themselves at shelter hearings. They will often hire an attorney before the adjudicatory hearing. The life of a master is always easier when all parties are represented. At Andrew's hearing, the maternal grandmother is present in addition to both parents. She is not a party, but it is apparent that she may play a role in caring for Andrew.

"Mr. Harris is the best caretaker for Andrew. He has diabetes himself. He understands the disease and the importance of taking medication and maintaining a proper diet. He and Mrs. Jones get along fine. Andrew is always going to her house anyway. No matter what happens, Mr. Harris and Mrs. Jones will work together in raising Andrew. Mr. Harris regrets that Andrew had to be hospitalized and he will make sure it doesn't happen again."

I'm relieved. All parties want Andrew cared for by either Mr. Harris or Mrs. Jones. They intend to work together anyway. Mrs. Jones confirmed what the attorney for Mr. Harris said. The question remains, why does this case require a shelter care order?

"The department acknowledges that Mr. Harris takes care of Andrew when Andrew is in Mr. Harris' home. The problem is that Mr. Harris allows Andrew to stay with his

considers a case, from 6



mother. Andrew's medical emergencies occur when he is in his mother's care or right after he returns from staying with her. Because we can't trust Mr. Harris to forbid Andrew to stay at Ms. Jackson's house, we need the shelter care order."

Suddenly I understand. Mr. Harris is responsible and nice, but he isn't tough. He feels sorry for Ms. Jackson so he allows Andrew to stay with her frequently. Mrs. Jones is tougher. This is why Ms. Jackson said it was easier to visit Andrew when he is in Mr. Harris' care than when he is in Mrs. Jones' care. It is also why she wants Andrew to stay with Mr. Harris. I also suspect that there is a role reversal here. When Andrew stays with his mother, he is caring for her, not vice versa.

■ Using discretion

Each attorney speaks again, but little new is said. In Baltimore, the attorneys proffer testimony at shelter care hearings. Such proffers are permitted but not required under the Rules. Other jurisdictions will not allow proffers. All testimony comes from sworn witnesses. Still other jurisdictions will have witnesses called in some cases but not in others. Shelter care hearings are exempt from the usual evidentiary rules. Judges and masters conducting shelter care hearings have considerable discretion in deciding what testimony, or proffered testimony, will be considered. Adjudicatory hearings do follow the usual rules of evidence.

I recommend that Andrew remain in the care of his father pending the adjudicatory hearing and that the court issue an order controlling conduct. Andrew may not visit his mother where she lives. Ms. Jackson may visit with Andrew at the home of Mrs. Jones or at the home of Mr. Harris, but only when those visits are supervised by Mrs. Jones or Mr. Harris. This order will expire on the day of the adjudicatory hearing. Mr. Harris and Mrs. Jones seem satisfied with this order. The department doesn't react one way or the other. Andrew seems OK with it at first, but that changes. Ms. Jackson is angry and upset. She pleads and she cries. Andrew reacts visibly to his mother. With each passing moment he becomes more and more anguished. He gives me a hateful look.

I realize that my hunch was correct. Andrew has been caring for his mother. She has grown dependent on him. He feels responsible for her. It tears him up when she cries and pleads.

An outsider might feel my recommendation was cruel. In fact, the recommendation was needed to protect Andrew. His father and grandmother can care for him. The court order is needed to ensure that Ms. Jackson doesn't interfere. It also allows Mr. Harris to refuse her requests. He can blame it on the court order. Andrew is upset, but he needs to be relieved of the burden of caring for his mother.

The first priority for shelter care hearings, and for child in need of assistance cases in general, is that the child remain safe. The next priority is permanency. Where possible, children should remain with one or both parents. If that isn't possible, children should be placed with relatives. If that isn't possible, the department of social services should plan for adoption. The least favored option is long-term foster care. Congress and the General Assembly have both determined that every child needs a permanent family. Children who end up in long-term foster care tend not to have a permanent family when they become adults.

■ Working for efficiency

There is a gap between the policy articulated in the statutes covering permanency planning and the day to day implementation of permanency planning. I have put a lot of time and effort into trying to close that gap. I have worked to make the juvenile court more efficient, more accountable, and more considerate of the public. I have worked on creating alternatives to detention in delinquency cases. I sit on committees that try to improve case processing in both delinquency cases and in CINA cases. When I think about what a master does, however, I don't think of all those systemic efforts. I think about hearing cases, one case at a time. Each case is different from the others. Each family is struggling to make things work. Cases like Andrew's make the job of being a master worthwhile.

Congratulations to:

- **Prince George's County Circuit Administrative Judge William D. Missouri**, who has been elected chair of the National Conference of State Trial Judges. Judge Missouri also serves as chair of the Maryland Conference of Circuit Judges.
- **Prince George's County Circuit Judge C. Philip Nichols, Jr.**, who received his master's degree, with highest distinction, in national and strategic studies from the U.S. Naval War College in Newport, R.I., in June. Judge Nichols is a captain in the U.S. Navy Reserve and is assigned to the U.S. Navy-Marine Court of Criminal Appeals.
- **Prince George's County Circuit Judge Richard H. Sothoron, Jr.**, who received the Judge Anselm Sodaro Judicial Civility Award from the Maryland State Bar Association. The award is presented to a judge who demonstrates judicial temperament, civility, and courtesy to attorneys and litigants.
- **Montgomery County Circuit Judge Ann N. Sundt**, who received the Beverly A. Groner Family Law Award from the Maryland State Bar Association's Family & Juvenile Law Section at their conference in June.



photo by W. Patrick Tandy, MSBA

- **Retired Baltimore City Circuit Judge Kathleen O'Ferrall Friedman**, who recently received the Edna G. Parker award from the National Association of Women Judges, District 4.
- **Bessie Decker**, chief deputy clerk of the Court of Appeals, who has been elected secretary of the National Conference of Appellate Court Clerks.

Hughie D. Hunt, (left) chair of the Young Lawyer's Section of the Maryland State Bar Association, presents the Judge Anselm Sodaro Judicial Civility Award to Prince George's County Circuit Judge Richard H. Sothoron, Jr.

Bell takes helm as president of Conference of Chief Justices, from 1

“As a leader in the legal community, Chief Judge Bell has made a significant and positive impact on the Maryland court system and his knowledge and experience are invaluable to the National Center. He cares deeply about the importance of the work of America’s state courts and the mission of the National Center as the preeminent national court reform organization.”

**- Mary C. McQueen,
NCSC president**

During his term, Judge Bell will also serve as the chair of the Board of Directors of the National Center for State Courts. Judge Bell served as First Vice-President of the Conference of Chief Justices during 2005.

“I am honored to have been chosen for this leadership position at a time when we are striving to make the courts more accessible, particularly to those who are unable to afford lawyers or lengthy proceedings,” Bell said. “Access to justice is imperative if we hope to inspire the public’s trust and confidence. At the same time, we need to continue our efforts to educate the public and to emphasize, in meaningful terms, the concept of judicial independence and accountability.”

As president of the conference, Judge Bell will assign members to the conference’s various committees. He may also be called on to represent the conference on Capitol Hill regarding federal matters affecting state courts.

Speaking on national issues

Working to promote legal reforms, the Conference of Chief Justices serves as the primary voice for state courts before federal legislative and executive branches. The conference focuses on issues affecting procedures, rules, and operations of the courts, such as professionalism and competence of the bar, access to and fairness in the courts, public trust and confidence in the judiciary, children and family courts, mass torts, and security and emergency preparedness.

“Chief Judge Bell has worked closely with the National Center for years, and we are honored that he has moved into a leadership position,” said Mary C. McQueen, NCSC president. “As a leader in the legal community, Chief Judge Bell has made a significant and positive impact on the Maryland court system and his knowledge and experience

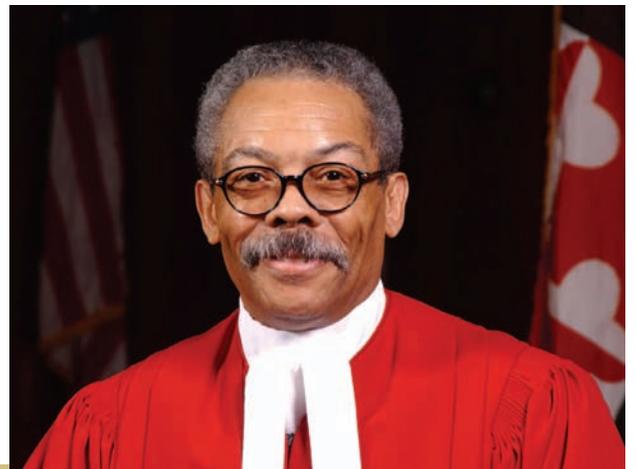
are invaluable to the National Center. He cares deeply about the importance of the work of America’s state courts and the mission of the National Center as the preeminent national court reform organization.”

The members of the conference include the highest judicial officer of each state of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands.

In his 31 years as a judge, Judge Bell has served on every court level of the Maryland Judiciary, starting as a judge on the District Court bench in Baltimore City in 1975. After serving as a judge on the Circuit Court for Baltimore City, and a Court of Special Appeals judge, Judge Bell was appointed to the Court of Appeals in 1991. In 1996, he was designated the chief judge of the Court of Appeals.

A native of Rocky Mount, N.C., Judge Bell graduated from Dunbar High School in Baltimore. After earning bachelor’s degrees in history and political science from Morgan State College, he graduated from Harvard University Law School.

Former Chief Judge Robert C. Murphy of the Court of Appeals served as president of the Conference of Chief Justices in 1986-87.





In Freedom's Shadow

A traveling exhibit depicting the journey of African-Americans from slavery to freedom to political representation in the U.S. Capitol was on display during June in the lobby of the Robert C. Murphy Courts of Appeal Building in Annapolis. On loan from the U.S. Capitol Historical Society, "From Freedom's Shadow: African Americans and the United States Capitol" featured a series of informative, illustrated banners.

The exhibit was made available through the efforts of the Maryland Judiciary's Human Resources Department, with assistance from the Maryland State Law Library.

After opening February 2006 in the Reginald F. Lewis Museum of Maryland African American History and Culture and traveling to Georgia, the exhibit continued on to locations in the District of Columbia, Virginia, and Maryland.

District Court clerk, from 1

learned that the package contained a bomb timed to detonate in a few minutes.

"Dragging the insurgent in one hand and waving his pistol in the other, the burly mechanic rushed to the café entrance and began shouting at everyone to get out. Shocked by the sight of Richburg waving a pistol and swearing at the top of his lungs, a dozen soldiers and five civilians piled out," reported the military publication *Stars and Stripes*. Minutes later the bomb exploded. No one was hurt in the blast and 17 lives were saved by Richburg's heroic actions—earning him the Army Commendation Medal with the "V" device for valor and a nomination for a Bronze Star. "I was just trying to get my fellow soldiers out of harm's way in the quickest amount of time," Richburg said.

Known locally as an easy-going supply clerk in the Eastside District Court Building on North Avenue, Richburg is assigned to the 298th Maintenance Company 142nd Combat Support Brigade which has been deployed to Iraq. Chief Judge of the District Court of Maryland Ben C. Clyburn, who worked with Richburg in the Baltimore

Court, also commended him for his "alertness and valor." In a letter he sent to Richburg, Judge Clyburn wrote, "It's good to know a 'real hero.'"

Richburg, a graduate of Southern High School in Baltimore, has been in Iraq, serving in the Army Reserve since August 2005. His unit is expected to return from Iraq sometime this summer. A District Court employee for 11 years, Richburg lives with his wife and three children in Baltimore City.

"Ironically, the only reason he was not in the Internet café that night is because all of the computers were occupied—as God would have it, somebody had to see that insurgent put that bomb there—so he called me while he was waiting his turn," Olethia Richburg said. Her husband used a new Internet café with round-the-clock security, built for military personnel, to email *Justice Matters*.

"This has been a very long journey for my family and I," he said. "Hopefully it will be a once in a lifetime experience and I want to truly thank all my friends in the court for their prayers, thoughts, and support."

Law Day Events

Students, jurors, and new citizens join 7th Circuit in celebrating the law

Prince George's Circuit Judge Sherrie Krauser contributed to this story

In Prince George's County, May 1st can't pass without a Law Day celebration. On that day, Prince George's Circuit Judge C. Philip Nichols, Jr., and his colleagues welcome new citizens at a special naturalization ceremony, and judges join the Prince George's County Bar Association to honor the top competitors in the 7th Circuit high school mock trial competition.

More than 300 high school students from Calvert, Charles, Prince George's, and St. Mary's counties participate in the 7th Circuit competition. Competing teams hope to make the final round, held in the ceremonial courtroom in Prince George's County.

"For the final round, Judge Missouri always allows the students, teachers, and parents to come in and take pictures," said Prince George's County Circuit Judge Sherrie Krauser. Judge Krauser has chaired the mock trial program in the 7th circuit for the Prince George's County Bar Association for more than 20 years, and just received her third special recognition award from the bar for her efforts. This year, she joined Court of Special Appeals Judge James P. Salmon and Prince George's County Circuit Judge Cathy H. Serrette on the three-judge panel for the final competition.

Law Day in Prince George's County begins with Juror Appreciation in the Jury Assembly Room, and a special naturalization ceremony in the ceremonial courtroom. At Judge Nichols' invitation, a military band and color guard enrich the naturalization ceremony. This year, jurors and new citizens also received red, white, and blue "Good Citizenship Award" pencils from the Circuit Court.

Although the Law Day theme changes each year, the 2005 theme, "The American People: We the Jury in Action," struck a particularly responsive chord with the courts and local schools. So, in April 2005, Prince George's public school teachers joined Judge Krauser and Prince George's Clerk of Court Rosalyn Pugh to create a Jury Awareness Program for more than 200 seniors from eight high schools.

Judge Krauser, Pugh, and teacher Susan Strickland organized a one-day program, sending students in selected classes mock summonses for jury service. When the students arrived, Judge Krauser, Pugh, and the jury staff welcomed them, showed them the introductory film all jurors watch, and led them through a mock *voir dire*. Judge Krauser qualified all of the student jurors and divided them into panels. Volunteer lawyers and teachers escorted the panels to courtrooms, where they decided a case tried by students from that year's mock trial competition.

"The program really exceeded our expectations. The students loved it, and their evaluations were just through the roof," Judge Krauser said. "As jury judge, I hoped we could present a positive view of jury service. We just hope that the students who participated will not only serve as jurors in the future, but encourage their friends and families as well."

Because the program was so well received, the schools—and Judge Krauser—hope to repeat it this fall, with more students participating.



Courtesy of Judge Sherrie Krauser

Participants in the Jury Duty Awareness Symposium in Prince George's County on April 22, 2005, pose with Suitland High School teacher Susan Strickland (right).

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Diversity in action



While temperatures outside soared close to 100 degrees, the crowd at the Judiciary Training Center enjoyed the international atmosphere of the third annual Diversity Fair Friday, August 7. More than 200 Judiciary employees from Baltimore City and Anne Arundel, Baltimore, Prince George's, Montgomery, and Dorchester counties sampled foods, music, crafts, and cultural displays.

Fair-goers were treated to demonstrations of dance, yoga, origami, and magic, while musical performances included violin selections from Montgomery County District Judge Brian G. Kim and bagpipe music from Anne Arundel County Circuit

Court Administrator Robert G. Wallace. "This fair is a reflection of who we are, and who we are, because of our diversity, is a strong, diverse community," said Chief Judge Robert M. Bell of the Court of Appeals when he opened the fair. The committee members who organized this year's fair were: Larry Jones, Faye Gaskin, Jennifer Moore, Jeri Kavanaugh, Estella B. Gambrill, Ann Green, Tracy Watkin-Tribbit, Nancy Harris, and Gary Cranford.

