

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER ON ORIENTATION
AND MENTORING FOR NEW TRIAL JUDGES

WHEREAS, The Judiciary is committed to providing robust support to judges, which is especially vital at the beginning of a judge's tenure on the bench;

WHEREAS, New trial judge orientation procedures are the primary method of support at the beginning of a judge's time in office, with orientation procedures for new trial judges having been last modified by Administrative Order on August 10, 1998, with now-outdated references to facilities, materials, and procedures;

WHEREAS, To provide relevant and rigorous support for new trial judges, it is appropriate to promulgate new procedures to ensure the highest level of service;

WHEREAS, It is appropriate to establish a New Trial Judge Mentoring Program further to assist new trial judges,

NOW THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do this 25th day of August 2016, order as follows:

(a) Definitions.

- (1) Judge Designate, for purposes of this Order, means an individual who:
 - (A) is newly appointed or elected to the Circuit Court for a county or Baltimore City or newly appointed to the District Court of Maryland; and
 - (B) has not previously served as a judge of one of those courts.
- (2) New Trial Judge means a Judge Designate who has received a commission and has been sworn.

- (3) Orientation Judge means a judge designated by the Administrative Judge to assist during orientation.
- (b) Applicability and Compliance. These procedures apply to all Judge Designates, whether appointed or elected. Each County and District Administrative Judge, or his/her designee, shall ensure compliance with these procedures in the orientation and mentoring of each Judge Designate in that Administrative Judge's Circuit or District. In the absence of a County Administrative Judge, the Circuit Administrative Judge shall ensure compliance. Said Administrative Judge may designate an Orientation Judge or Judges to assist with the orientation procedures for the Judge Designate.
- (c) Orientation of New Trial Judges shall proceed in three phases. Phase One occurs in the period after appointment or election and prior to swearing in. Phase Two occurs during the first ten working days after a New Trial Judge is sworn in and has taken the bench. Phase Three occurs during the first eighteen months that a New Trial Judge is on the bench.
- (1) Phase One: First Thirty Days After Appointment or Election.
- (A) Immediately following the appointment or election of a New Trial Judge, the Administrative Office of the Courts (AOC) shall contact the Administrative Judge where the Judge Designate will sit and provide that Administrative Judge with the Judge Designate's contact information.
- (B) Before the investiture of the Judge Designate, the State Court Administrator, in the case of a Circuit Court Judge, or the Chief Judge of the District Court, in the case of a District Court Judge, shall send a welcome letter to the Judge Designate and arrange for the Judge Designate to attend a one-day onboarding session and orientation in Annapolis.

- (C) During the meeting, the staff of the AOC and/or District Court Headquarters (DCHQ) shall:
- (i) Describe the administrative services available to judges through the AOC or DCHQ.
 - (ii) Provide information on health plans and options, the Judicial Retirement System, payroll deductions, and other personnel-related matters.
 - (iii) Provide information on financial disclosure and notice as to the requirements of § 1-203 of the Courts and Judicial Proceedings Article.
 - (iv) Provide information about political activity, including constraints, as well as information about elections, where applicable.
 - (v) Provide information on the Maryland Code of Judicial Conduct as its provisions apply immediately.
 - (vi) Provide information on closing a private practice or separating from a law firm per § 1-203 of the Courts and Judicial Proceedings Article.
 - (vii) Provide the most current copy of the Strategic Plan for the Maryland Judiciary.
 - (viii) Provide information on the governance structure of the Maryland Judiciary and provide materials on the Maryland Judicial Council, including its committees.
 - (ix) Provide information on Judiciary Information Systems access.
 - (x) Provide District Court Judge Designates with information regarding the District Court manuals, policies, procedures, and directives.

- (D) During a meeting with the staff of the Judicial College of Maryland, the staff shall:
- (i) Provide a list of books and electronically stored information supplied by the Judiciary to each judge, including secondary reference materials and books, e.g., the most recent version of the Maryland Trial Judges' Benchbook, the Judges' Manual on Domestic Violence, the Judicial Ethics Handbook, and a compilation of administrative materials pertinent to judges, as well as any other relevant publications.
 - (ii) Provide the Judge Designate with a username and password to access any and all of the Judiciary's digital libraries, including the Judicial College's Digital Library.
 - (iii) Provide the Judge Designate with a Self-Assessment on judicial education needs that the Judge Designate shall complete to assist the Administrative, Orientation, and Mentor Judges in arranging meetings and observations pertinent to those needs and in supporting the Judge Designate during his or her first year on the bench.
 - (iv) Provide the Judge Designate with an overview of continuing judicial education opportunities and inquire as to whether the Judge Designate has ever taught any courses before, and if so, what topics.
 - (v) Provide a copy of the Administrative Order on Continuing Education of Judges, Magistrates, and Commissioners.

- (vi) Provide the Judge Designate with information on the required online courses for New Trial Judges, including the Judicial Ethics Course, Fair Practices Course, and any subsequent required courses. Although the required online courses must be completed within thirty days of the New Trial Judge's swearing in, it is recommended that the Judge Designate complete the courses prior to being sworn.
 - (vii) Provide information regarding the New Trial Judges' Judicial Education Program, Trial Judges' Educational Refresher Program, and Mentoring Program.
- (2) Phase Two: First Ten Working Days.
 - (A) The Orientation Judge should consider information from the Self-Assessment on judicial education needs in coordinating the first two weeks of orientation and in ensuring the educational needs of the New Trial Judge are addressed as part of providing ongoing support.
 - (B) The initial orientation should include a variety of strategies that introduce the New Trial Judge to the court and key judicial and court staff, including but not limited to: a tour of the court facilities; introductions to the corresponding Administrative Judge, the court administrative staff, Magistrate(s), the Clerk(s) of the Court(s), and chief administrators, including Administrative Commissioners.
 - (C) The Orientation Judge should arrange programmatic briefings by key personnel who work with or provide input to judges on the court, with extra attention given to areas highlighted on the New Trial Judge's Self-Assessment.

- (D) At a minimum, one week of the orientation period shall be dedicated to the New Trial Judge sitting in on court proceedings, including an initial appearance, or in chambers with other judges.
 - (i) This period shall include both observation of other judges, and the New Trial Judge handling proceedings with feedback or assistance from other judges, as appropriate.
 - (ii) These court observations shall include the range of cases that will come before the court, but with emphasis given to areas highlighted on the New Trial Judge's Self-Assessment.
 - (E) New circuit court judges shall spend at least one day in the District Court observing proceedings in that Court, as well as initial appearances and bail proceedings before a Commissioner.
 - (F) New circuit court judges shall observe relevant magistrate proceedings.
 - (G) New District Court judges shall meet the regional ADR Director and be informed of the Self-Help Centers and encouraged to visit.
- (3) Phase Three: First Eighteen Months.
- (A) A New Trial Judge shall attend the next scheduled New Judge's Judicial Education Program presented through the Judicial College of Maryland.
 - (B) The Administrative Judge should encourage the New Trial Judge to undertake educational opportunities available within the Judiciary in anticipation of a pending docket assignment or rotation to orient any New Trial Judge to his or her

responsibilities. This would include family law, juvenile law, criminal law, and civil litigation, as well as other matters.

- (d) New Trial Judge Mentoring Program. The purpose of the New Trial Judge Mentoring Program (hereinafter Program) is to assist New Trial Judges in the transition from attorney to judge and provide support to the New Trial Judges prior to and following the mandatory New Trial Judges' Judicial Education Program.

(1) Administration.

- (A) The Mentoring Program for New Trial Judges shall be administered by the Mentor Subcommittee of the Judicial Council's Education Committee.

(i) The Mentor Subcommittee shall consist of a Chairperson and at least four additional judges.

(ii) It shall be the responsibility of the Mentor Subcommittee to develop, refine, evaluate, and maintain a rigorous one-year mentoring program, including:

- (I) developing criteria for the matching of mentors with each New Trial Judge;
- (II) reviewing the mentors' contact reports;
- (III) making modifications to the Program requirements as needed; and
- (IV) providing an annual report to the Education Committee describing the operation of the Program.

(iii) The Mentor Subcommittee shall be assisted by the staff of the Judicial College.

- (B) The Administrative Judges. The Administrative Judge of each District Court and Circuit Court jurisdiction shall ensure

that each New Trial Judge in his or her jurisdiction participates in the Program and that the assigned mentor provides an opportunity for the appropriate guidance and support contemplated by the Program.

- (2) Qualifications. Each judge nominated by his or her Administrative Judge to serve as a mentor shall possess the following minimum qualifications:
- (A) Be a sitting judge or a senior judge who is approved for recall and is not actively engaged in the practice of law.
 - (B) Has served at least three (3) years as a judge with the Maryland Judiciary.
 - (C) Be a consummate professional who demonstrates judicial excellence and as a mentor will:
 - (i) demonstrate a commitment to judicial education and enhancing judicial skills;
 - (ii) interact positively with a New Trial Judge by offering advice and guidance, promoting competence, modeling appropriate judicial temperament and demeanor, and encouraging professional growth and development;
 - (iii) exhibit the highest ethical standards and integrity;
 - (iv) build trust and maintain the confidence of the relationship to the extent allowed by the Maryland Code of Judicial Conduct;
 - (v) commit to being accessible and available to the New Trial Judge, understanding that the frequency of interactions may depend upon the needs of the New Trial Judge; and
 - (vi) be attentive, perceptive, unbiased, and diplomatic.

(D) Has completed Mentor Judge Education in addition to any other required education.

(3) Operation and Selection.

(A) The Administrative Judge shall encourage and solicit volunteers from the judges of that or a nearby jurisdiction who possess the qualifications set forth herein to act as mentors.

(i) Any interested judge possessing the qualifications set forth in subsection (2) may forward his or her name along with a completed Mentor Judge Application to the Mentor Subcommittee for consideration.

(ii) The Administrative Judge may forward the names of potential mentors within their respective jurisdiction to the Mentor Subcommittee.

(iii) Any judge may recommend the names of judges possessing the qualifications set forth herein to his or her Administrative Judge.

(B) The Mentor Subcommittee.

(i) The Subcommittee shall monitor the availability of mentors throughout the State; and

(ii) The Subcommittee shall select and designate the mentors for each jurisdiction annually from the names submitted to the Mentor Subcommittee.

(iii) Once designated by the Mentor Subcommittee, the mentors shall be available for assignment by the Chairperson of the Mentor Subcommittee as a mentor to a New Trial Judge.

- (iv) Any mentor who is alleged to have committed any serious traffic, civil, or any criminal offense must so inform the Mentor Subcommittee without delay.
 - (v) The Clerk of the Court of Appeals shall notify the Mentor Subcommittee of any mentor who is no longer eligible to sit as a retired/recalled judge.
- (4) Education. The Mentor Subcommittee shall develop an education program and mentoring materials for each mentor. The Mentor Subcommittee shall be responsible for ensuring that mentors participate in ongoing education as necessary.
- (5) Assignment.
 - (A) The Mentor Subcommittee shall assign a designated mentor to each Judge Designate and inform the appropriate Administrative Judge of the name of the mentor assigned to a Judge Designate. Once formed, the formal mentorship relationship shall continue for a period of one (1) year.
 - (B) Upon the request of the Administrative Judge, the mentorship relationship may be extended for a longer period.
 - (C) No mentor may be assigned to more than one Judge Designate/New Trial Judge at a time, except with the approval of the Chief Judge of the Court of Appeals for a Circuit Court judge, or the Chief Judge of the District Court for a District Court judge.
- (6) Duties. As soon as a mentor is assigned to a Judge Designate/New Trial Judge, the mentor shall arrange an initial conference with the New Trial Judge.
 - (A) At the initial conference, the mentor shall explain the role of the mentor and the Program and address any questions or concerns raised by the New Trial Judge. The initial

conference between the mentor and the New Trial Judge shall take place as soon as practicable after appointment or election of the New Trial Judge to the bench.

- (B) Within the first weeks following appointment or election to office but before taking the oath of office, the mentor shall continue to initiate contact with the New Trial Judge, emphasizing a willingness to provide assistance at any time. Thereafter, interaction between the mentor and the New Trial Judge shall be at a frequency as determined by the needs of the New Trial Judge but shall not be fewer than the minimum requirements as outlined by the Program. The interactions shall familiarize the New Trial Judge with the policies and procedures of the jurisdiction with an emphasis on professionalism, temperament, and demeanor and address any other concerns of the New Trial Judge.
- (C) Once the New Trial Judge begins to hear cases, the mentor should be available to meet with the New Trial Judge as necessary and should be available to answer any questions that the New Trial Judge might have, to offer guidance and advice, and to listen attentively, diplomatically, and without bias. Under no circumstances, however, should the duties of a mentor include substituting the mentor's judgment for that of the New Trial Judge in the decision making process.
- (D) If possible, each mentor may observe the New Trial Judge in court and provide feedback or commentary on the New Trial Judge's strengths and areas for further development.
- (E) Each mentor shall complete a contact report in the form prescribed by the Mentor Subcommittee.

- (i) At a minimum, the contact report shall be submitted at the end of the first, third, and sixth month of the mentoring relationship and at the conclusion of the relationship.
 - (ii) The contact reports should also be sent to the State Court Administrator for a Circuit Court judge, or the Chief Judge of the District Court for a District Court judge.
- (F) As determined by the Mentor Subcommittee, each New Trial Judge and mentor shall complete and submit an evaluation regarding the Program. Except as otherwise required, the evaluation shall be confidential and used for the overall evaluation and improvement of the Program.
- (7) Confidentiality. Except as otherwise required by the Court of Appeals, the Judicial Code of Conduct, or other law, information pertaining to the New Trial Judge's performance which is obtained by the mentor in the course of the formal mentoring relationship shall be held in confidence by the mentor.
- (8) This Order applies to all Judge Designates appointed or elected after the date of this Order and, to the extent practicable, for any other New Trial Judge.
- (e) The Administrative Order Amending the Orientation Procedures for New Trial Judges, signed on August 7, 1998, shall be and hereby is rescinded effective immediately.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: August 25, 2016

/s/ Bessie M. Decker

Bessie M. Decker

Clerk

Court of Appeals of Maryland

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