

LAURA S. RIPKEN
CIRCUIT ADMINISTRATIVE JUDGE
FIFTH JUDICIAL CIRCUIT
CHAIR
(410) 222-1290

KEITH A. BAYNES
CIRCUIT ADMINISTRATIVE JUDGE
SECOND JUDICIAL CIRCUIT
VICE CHAIR
(410) 996-5317



FAYE D. GASKIN
SECRETARY
P: (410) 260-1257
F: (410) 974-2066

Conference of Circuit Judges
COURTS OF APPEAL BUILDING
ANNAPOLIS, MD 21401

**MINUTES OF THE MEETING OF THE
CONFERENCE OF CIRCUIT JUDGES**

A meeting of the Conference of Circuit Judges was held Monday, November 18, 2019, at the Judicial College Education and Conference Center in Annapolis, Maryland, beginning at 9:30 a.m.

Members Present

Hon. Laura S. Ripken, Chair

Hon. Brian D. Shockley
Hon. Brett W. Wilson
Hon. Keith A. Baynes, Vice Chair
Hon. Stephen H. Kehoe
Hon. Yolanda L. Curtin
Hon. Kathleen Gallogly Cox
Hon. W. Timothy Finan
Hon. Viki M. Pauler
Hon. William V. Tucker

Hon. Robert A. Greenberg
Hon. Julie S. Solt
Hon. Sheila R. Tillerson Adams
Hon. Donine M. Carrington Martin
Hon. Audrey J. S. Carrion
Hon. W. Michel Pierson
Hon. Charlene Notarcola
Matthew Barrett
Pamela Harris

Also, Present Were:

Hon. John P. Morrissey
Hon. Sean D. Wallace
Magistrate Wendy Schenker
Faye Gaskin
Keith Bageant
Richard Barton
Warren Hedges

Melinda Jensen
Nadine Maeser
Michele McDonald
Kelley O'Connor
Pamela Ortiz
Eliana Pangelinan
Suzanne Pelz

1. Approval of Minutes

Judge Ripken called for approval of the minutes of the May 20, 2019 Conference and the September 16, 2019 Joint District Administrative Judges and Conference of Circuit Judges

meetings. Judge Cox moved for approval of the minutes, which was seconded by Judge Greenberg. The motion passed.

2. Magistrates Conference Update

Magistrate Wendy Schneker reported on the Magistrates' Conference held September 24, 2019 at the Judicial College Education and Conference Center, noting that the overall response to the conference was positive. There were 59 magistrates in attendance. The work group hosted a reception the night before the conference, which provided an opportunity for magistrates from across the state to network and to discuss matters of mutual concern. Conference materials have been made available to all magistrates and a magistrates' directory has been created.

Marcus Stallworth discussed social media during the morning plenary, while Del. Kathleen Dumais provided a legislative update during the lunch plenary. In addition, workshops were held on a variety of topics, including Ethics for Magistrates, Marijuana and Court Considerations, Mental Health Evaluations, and Partner Violence and Coercive Control. The 2020 conference is scheduled for September 17. Additional information is forthcoming.

Judge Ripken thanked Magistrate Schneker and the planning committee for their hard work and congratulated them on a successful conference.

3. Sexual Harassment Prevention Online Training

Warren Hedges, Fair Practices Officer, provided a summary of the mandated sexual harassment prevention training, noting that House Bill 1423 from the 2018 session mandates that all State employees complete at least two hours of training on sexual harassment prevention. Chief Judge Barbera is requiring all Judicial Branch personnel, regardless of how their position is funded, to complete the training. As such, it is being tailored for judges and their staff and will consist of four, half-hour sessions.

Mr. Hedges added that the training has to be completed within six months after the employee's initial appointment and then every two years thereafter. When deployed, there will be a three-week window to complete the training. New employees will have a sixty-day window; the training will not be a part of their regular onboarding.

4. Work Group on Business and Technology Litigation – Recommendations

Judge Sean Wallace, Chair of the Work Group on Business and Technology Litigation presented the work group's recommendations to the Conference for its consideration and approval. He provided a brief history of how the recommendations were formulated, noting that the Business Law Section of the Maryland State Bar Association created a task force in 2014 to study how complex litigation is handled in the circuit courts. The task force developed several recommendations to enhance how business disputes are handled in Maryland and presented them to the Conference and the Judicial Council, after which Chief Judge Barbera formed a Judiciary work group comprised of administrative judges and various stakeholders to review the recommendations. Judge Wallace was appointed to chair the work group.

The work group members unanimously approved the following recommendations:

- Appointment of a statewide program coordinator (a majority of the members agreed that the coordinator should be an active or senior Business and Technology Case Management Program (BTCMP) judge)
- Creation of an advisory body within the Judiciary structure
- Elevation of the BTCMP Subcommittee to its own committee
- Establishment of more specific criteria for case assignment to the BTCMP
- Encouragement of the issuance and easy availability of written opinions on non-routine matters in BTCMP
- Increased availability of appropriate educational opportunities for all BTCMP judges

Judge Wallace stated that the work group made structural changes to the state bar's recommendations and that the recommendation for a statewide Business and Technology Court was withdrawn. He added that while the original push was for a separate court in Maryland, having a statewide coordinator and addressing concerns that result in a more efficient system to settle business issues should address any concerns and lessen support for a separate court.

Judge Cox noted that the thinking behind a separate committee to address business and technology matters was that, as currently structured, the subcommittee reports to the Specialty Courts and Dockets Committee, which primarily deals with problem-solving courts. It was the work group's opinion that the subcommittee should come from under the umbrella of the Specialty Courts and Dockets Committee and that either a new committee be created, or the subcommittee be placed where there could be a more focused discussion of the specific issues.

Discussion ensued around the specific recommendations with Judge Adams stating that a central place where someone is responsible for determining what should be assigned to a business and technology track, keeping all opinions centralized, compiling data, etc. is needed to be more effective. Judge Pierson added that a coordinator could examine what is happening in this space statewide and that it is not necessary for this individual to be a judge.

After further discussion, Judge Cox moved that a Committee on Complex Litigation under the Conference of Circuit Judges be created with a work group on Business and Technology and that the initial focus be dissemination of opinions, improved data, and annual education on business and technology. In addition, Judge Cox moved for approval of a Statewide Business and Technology Coordinator. Following a second by Judge Adams, the motion passed.

Judge Cox commended Judge Wallace on his leadership of the work group and his efforts in gaining consensus. Judge Ripken echoed Judge Cox's comments and thanked Judge Wallace for the thoughtful and diplomatic way he led the work group.

5. Event Security

Keith Bageant, Chief of Security, advised the Conference that his office will handle event security for Judiciary-sponsored statewide events outside of the courthouse, such as the Judicial Conference and the C.A.N.D.O. Conference. For all other outside events, the administrative judge should coordinate with their Sheriff's Office for security.

6. Maryland Guide and File Vetting and Implementation

Pamela Ortiz, Director of the Access to Justice department, briefed the Conference on the Maryland Guide and File project, noting that it is a collaborative effort with District Court Headquarters to provide an additional resource to self-represented litigants as they navigate the judicial system. Guide and File is a software, offered through Odyssey, the case management system for MDEC, that allows the offices to create guided interviews that will assist the user in completing court forms.

Ms. Ortiz noted that this tool will benefit the courts and the public in several ways, such as producing legible and complete pleadings, as well as assisting the filer in using the correct forms. The questions/interviews will be done in plain language. While the program will eventually support e-filing, the filer will be able to print the document and/or save it as a pdf. Ms. Ortiz stated that the interviews are being structured from a self-represented litigant's perspective, but that does not preclude attorneys from using them. Judge Curtin commented that the interviews might be useful to pro bono attorneys, particularly in those areas of the law in which they don't generally practice.

The work group currently is working on several District Court interviews, as well as the child custody interview. All interviews are vetted through the Forms Subcommittee. Prior to opening the interviews to everyone, they will be tested with users from the self-help centers. Administrative Office of the Courts and District Court Headquarters staff will work with the users and solicit feedback that will be used to tweak the interviews, where necessary. Once the pilot is completed and the necessary changes implemented, there will be an outreach effort to inform the general public about the resource.

7. Law Clerk Salaries

Judge Greenberg brought to the Conference's attention a concern regarding how the salary paid to law clerks might be impacting the number and caliber of applicants. He added that surrounding jurisdictions compensate their law clerks at a higher rate. Judge Greenberg's research indicated that the median salary exceeds \$50,000. In Maryland, law clerks are compensated approximately \$44,700 if not barred and \$50,000 if barred. Ms. Harris commented that as part of the Classification and Compensation Study that has been in various stages of implementation for more than four years, law clerks are slated to receive an increase of approximately \$2,000, effective December 4, 2019. The administrative judges will receive correspondence advising them of the salary increase. Ms. Harris added that the Judiciary Human Resources department reviewed law clerk salaries in the mid-Atlantic region and while the new salary may not equal the median salary noted by Judge Greenberg, efforts are made to bring salaries in line within reason.

8. Juvenile Restitution Orders -- Update

Judge Ripken reminded the Conference that Jeff Luoma, Legal Affairs, briefed the members on a concern raised by the Department of Juvenile Services (DJS) regarding how matters are referred to the Central Collection Unit (CCU). Each jurisdiction was surveyed to determine how referrals are handled in their respective jurisdictions. It was determined that everyone is complying with the law. DJS is interpreting the law differently and has commented

that the Department should not be required to advise the courts before referring matters to CCU. Judge Ripken stated that Legal Affairs will review a court's procedures if they request.

9. For the Good of the Order

Chief Judge Morrissey informed the Conference about an issue raised by Daniel Katz of the Maryland State Police Forensic Sciences Division concerning DNA samples from individuals sentenced to time served or probation without supervision. In those instances, the individuals are not being ordered to have their DNA samples taken as required by the Public Safety Article, § 2-504 for DNA-eligible offenses. Judge Ripken and Chief Judge Morrissey will schedule a meeting with Mr. Katz to more fully understand the issue and to formulate recommendations on how to ensure the DNA samples are ordered.

Judge Ripken brought to the Conference's attention an issue raised by the Maryland Department of Health regarding the lack of clarity of judges' signatures on mental health commitments. The lack of clarity is causing some delays because the Department is not able to determine who signed the commitment. Chief Judge Morrissey commented that he has asked the District Court judges to be sure to stamp their names next to their signatures.

Judge Cox stated that not having a commissioner office co-located with the circuit court to screen defendants for public defender eligibility will become more acute with the Towson District Court location temporarily closing. She asked if there is a way for the circuit court to verify to the commissioner that the defendant applied for eligibility to lessen the number of postponements. Chief Judge Morrissey noted that his main concern is that if the individual does not fully complete the eligibility form, the commissioner has no means by which to contact him or her other than by mail, which could add another three weeks to the process. He stated that he will take the concern under advisement and try to come to some type of resolution to which Judge Cox noted that Baltimore County will volunteer to serve as the pilot. She added that the process may have to be different for each court.

10. Resolution

Judge Ripken presented Matthew Barrett, whose term on the Conference ends at the end of the year, with a resolution of appreciation for his contribution to the Conference and judicial administration. She also acknowledged and thanked Judge Pierson, as he prepares to retire in January, for his contribution to the Conference, to the City of Baltimore, and to many committees to which he gave of his time and expertise to ensure fair, efficient, and effective justice for those who enter the courts.

11. Executive Session

Judge Baynes moved for the Conference to go into executive session to consult with counsel to obtain legal advice on a legal matter. Following a second by Judge Wilson, the motion passed. Everyone who was not a member of the Conference was asked to leave the room.

There being no further business, the meeting was adjourned at 12:36 p.m. The next meeting will be held on Monday, January 13, 2020, at the Maryland Judicial Center in Annapolis, Maryland, beginning at 9:30 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Faye Gaskin". The signature is written in black ink and is positioned directly below the typed name.

Faye D. Gaskin
Conference Secretary