



## Conference of Circuit Court Clerks

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

Maryland Judicial Center  
580 Taylor Ave.  
Annapolis, Maryland 21401

Timothy W. Miller, Clerk  
Circuit Court for Garrett County  
Vice-Chair  
(301) 334-1937

### MINUTES

A meeting of the Conference of Circuit Court Clerks was held January 16, 2018, at the Judicial College Education and Conference Center in Annapolis, Maryland beginning at 11:59 a.m.

### Members Present

Hon. Amy J. Craig, Chair  
Clerk of Court, Circuit Court for Dorchester County

Matthew Barrett, Court Administrator, Circuit Court for Cecil County  
Marilyn Bentley, Acting Clerk of Court, Circuit Court for Baltimore City  
Hon. Mark Bowen, Clerk of Court, Circuit Court for Wicomico County  
Tracy Cantrell, Acting Clerk of Court, Circuit Court for St. Mary's County  
Hon. Robert Duckworth, Clerk of Court, Circuit Court for Anne Arundel County  
Hon. Julie Ensor, Clerk of Court, Circuit Court for Baltimore County  
Markisha Gross, Administrative Clerk, District Court in Montgomery County  
Hon. Sharon Hancock, Clerk of Court, Circuit Court for Charles County  
Hon. Sydney Harrison, Clerk of Court, Circuit Court for Prince George's County  
Hon. Charles Horner, Clerk of Court, Circuit Court for Somerset County  
Hon. Scott MacGlashan, Clerk of Court, Circuit Court for Queen Anne's County  
Hon. Barbara Meiklejohn, Clerk of Court, Circuit Court for Montgomery County  
Hon. Timothy Miller, Clerk of Court, Circuit Court for Garrett County  
Hon. Mark Mumford, Clerk of Court, Circuit Court for Kent County  
Hon. Charlene Notarcola, Clerk of Court, Circuit Court for Cecil County  
Hon. Wayne Robey, Clerk of Court, Circuit Court for Howard County  
Hon. Donald Sealing, Clerk of Court, Circuit Court for Carroll County  
Hon. Mary Ann Shortall, Clerk of Court, Circuit Court for Talbot County  
Hon. Kathy Smith, Clerk of Court, Circuit Court for Calvert County  
Hon. Dennis Weaver, Clerk of Court, Circuit Court for Washington County

### Also Present:

Kathryn Baringer  
Linda Byrd  
Jennifer Boswell  
Karen Bushell  
Penny Custis  
Laurie Dominguez  
Hon. Gary Everngam

Terry Lord  
Joyce Marshall  
Ruth Martin  
Carol Miller  
Theresa Mozzano  
Eliana Pangelinan  
Joyce Phelps

Pete Fenton  
Kerry Gibson  
Katherine Hager  
Sherry Harrington  
Jacqueline Hawkins  
Melinda Jensen  
Dominique Johnigan  
Carla Jones  
Diana Liebno

Amy Reed  
Wendy Restein  
Lee Robinson  
Kevin Swanson  
Joyce Tippett  
Kevin Tucker  
Jamie Walter  
Susanne Wells

Susan Braniecki moved for approval of the minutes of the November 14, 2017 meeting. The motion was seconded by Mark Mumford and unanimously approved.

**1. SIGNATURES AND DEFICIENCIES**

Judge Gary Everngam discussed acceptable forms of signatures in MDEC. He stated that there are two types of signatures: facsimile and typographical. A facsimile signature is a visual representation of a handwritten signature along with the signer's typed name. A typographical signature is represented by the symbol "/s/" affixed to the signature line along with the signer's typed name, address, e-mail address, and telephone number. Md. Rule 20-107 defines the types of signatures and Md. Rule 20-203 references signature rejection by a clerk when the signature does not contain all of the required elements. If a signature is not subject to rejection and does not comply with Title 20 of the Maryland Rules, or a policy or procedure established by the State Court Administrator, a deficiency notice shall be sent to the filer describing the nature of the violation. Judge Everngam went over examples of rejectable, deficient, and acceptable signatures.

**2. UPDATES TO ARCHIVES TRANSFER PROCEDURES**

Joyce Phelps, Kathryn Baringer, and Kevin Swanson updated the Conference on the Archives' transfer procedures, focusing the discussion on MDEC and how it relates to paper records and the timing of transfers. Chief Judge Barbera appointed the State Court Administrator as the Records Officer for the Judiciary, as required by statute, in order to field questions, make decisions, and enforce standardization. Archives will work with the Records Officer regarding what is scanned into MDEC and how to know when scanning is completed, if paper files contain the complete and accurate record, and if there is an assumption that files returned to Archives are scanned into the case management system. Also, Archives would like a determination as to when the file should be transferred to its office.

The new transfer process is as follows. Archives requests that an email from the Records Officer be sent to their office with the series name, date span, and retention schedule citation of the records being transferred for confirmation of transfer eligibility. Agencies will be required to provide an inventory (how records are organized) of the records being transferred and index (an ordered list that points to relevant information in materials that are organized in a different order)

data related to the inventory. All records being transferred should be permanent, as defined in the schedule, in order to limit requests to send the file back to the originating court location. Other requirements include storage box preapproval by the Archives and that files must be in an acceptable condition, such as not having mold or bug infestations. The Conference's concerns include the index book formats, quantity of boxes, process for destroying files, and timing.

### **3. MARYLAND CIRCUIT COURT CLERK WORKLOAD STUDY**

Jamie Walter and Dominique Johnigan were present to discuss the outcome of the workload study. The Court Operation Department worked in collaboration with the National Center for State Courts on the study, which was the first time a statewide study has been conducted. The data was gathered in early 2017 and was collected using actual time worked, adequacy of time survey, focus groups, case-related and non-case-related activities, and filings from 13 case types over a three-year period. The results are as follows.

#### Clerk Work Time Study Results - top three case types by final case weight

- The average time a clerk spends touching an IV-D Child Support Paternity case is 1,019 minutes. Of the total filings over a three-year period, these cases made up .4 percent taking up 5.6 percent of processing time.
- The average time a clerk spends touching a problem solving court case is 640 minutes. Of the total filings over a three-year period, these cases made up .1 percent taking up .6 of processing time.
- The average time a clerk spends touching a civil case is 405 minutes. Of the total filings over a three-year period, these cases made up 2.9 percent taking up 16.5 percent of case processing time.

Calculating the Need for Clerk Staff – based on the 196 days or 94,080 minutes a clerk is able to work a year

- 46.14 days or 22,148 minutes is needed for non-case-related work
- 149.86 days or 71,932 minutes is needed for case-related work

Based on this information, the Circuit Courts have a calculated PIN deficiency of 4.81; the current count is 1,361 PINs with 1,365.81 needed.

### **4. HUMAN RESOURCES UPDATES**

Lee Robinson, Jennifer Boswell, Laurie Dominquez, Amy Reed, and Melinda Jensen were present to discuss salary structures. They indicated that one goal is to make sure that new hires are not making more than a veteran employee. Job postings no longer list a starting salary range, but a salary figure. A lot of effort was put into researching salary structures. The Human Resources departments in the judicial systems in Virginia, Delaware, New Jersey, and Connecticut were contacted to obtain comparative salary information in order to determine job worth in this market.

Mr. Robinson commented that the Human Resources Department made an effort to be fair and equitable. The concerns of the Conference include: salary inequities when transferring to one jurisdiction from another, no variance for applicants with experience and a degree, being forced to hire unqualified individuals, inability to keep long-term employees, and having no control over the salary structure to hire and maintain the best qualified staff. Mr. Robinson asked that the Human Resources Department be contacted if the current salary structure is causing current employees to resign, or hinders position acceptance of qualified candidates. Scott MacGlashan commended Mr. Robinson and Ms. Boswell on their efforts to be receptive to the clerks' concerns.

**5. Priority of Payments**

Carla Jones discussed partial payment fund allocation in MDEC. There is some confusion as to how to apply partial payments for charges, costs, and fees assessed in a case. In MDEC, there is a way to apply partial payment in order of fund priority. A workgroup was created in order to address the priority of fund allocation. Seven priority fee categories for civil cases have been added and six for criminal/traffic cases. These categories apply to partial payments only and do not apply to full payments. This new fee priority structure is applicable to MDEC jurisdictions only and is scheduled to go live February 19, 2018. Ms. Jones encouraged non-MDEC jurisdiction to adopt this policy.

**6. RETENTION OF CIVIL CASE AFFECTING TITLE**

Dennis Weaver and Ms. Jones discussed civil case outcomes that affect title to real property. A civil case has to be reported in a separate record if the title to real property is affected by the court costs. Title companies need to see this information and the cases must be flagged in order remain immediately available to the public. Since the flag can be manually applied to a case, there needs to be procedures for appropriate use; any case's outcome that affects title to real property should be flagged. A workgroup has been formed to review the issue and to develop procedures. The members are Dennis Weaver, Kathy Smith, and Charlene Notarcola.

**7. AOC DRAFT CLERKS DUTIES BROCHURE**

Susan Braniecki reported on the possibility of a Clerk's Duties Brochure. The brochure will highlight the duties of the Clerk of Court and would benefit those thinking about running for the elected Clerk of Court seat and who are not familiar with the responsibilities of the office. A majority of the Conference members already have a description of the Clerk of Court's duties on their court's website and there is a guide that needs to be updated.

**8. PAPERVISION**

Katherine Hager updated the Conference on PaperVision. An email was sent to the Non-Court Records Subcommittee advising it of sign-on changes. Signs should be posted at public

terminals and court staff should be informed of the change as well. The change will become effective on a date to be determined. Ms. Hager congratulated Ms. Braniecki on her appointment as chair of the subcommittee.

**9. SOCIAL SECURITY NUMBERS IN MIM**

Ms. Hager informed the Conference that social security numbers are still visible in the MIM system. An update will be given at each meeting until the problem is fixed.

**10. AOC UPDATE**

Pamela Harris updated the Conference on the happenings in the AOC.

- Problem solving courts have been expanded.
- Archives set up a website to give State agencies direction on how records transfers should be handled. A revised Records Retention Schedule is in draft form. Once approved by the Judicial Council, the schedules will be sent to Archives for approval.
- Clerks should not sign off on bench warrants. Per Md. Rule 4-212, since the court orders the issuance of warrants, judges should sign them. A concern was raised about judges ordering the issuance of a bench warrant on record and once it is docketed by the clerk, then clerk should be able to sign it. Ms. Harris will contact the Attorney General's Office about this concern.
- Ms. Harris asked the Conference to review the election process of the Clerks of Court. There will be about eight clerks not seeking re-election. Ms. Harris commented on how valuable the Clerks of Courts are and the great job they are doing. She asked if the Conference would consider removing the election process and instead have the Clerks of Court appointed. The Conference reiterated the sentiments from a 1997 meeting where it was stated that it is the best interest of the people of Maryland to keep the office of the Clerk of Court an elected position.

**Committee Updates:**

- There were no committee updates provided.

There being no further business before the Conference, Ms. Craig adjourned the meeting at 3:09 p.m. The next meeting will be held March 20, 2018.

Respectfully Submitted,

Eliana Pangelinan, Staff