

## **Protocol for Maryland Court Committees**

In 2013, the National Center for State Courts conducted an organizational assessment of the Maryland Judiciary and recommended that the Judicial Council examine its existing committee structure. In 2014, the Judicial Council formed a work group to examine recommendations of the National Center for State Courts, and to recommend organizational changes to the Maryland Judiciary committee structure to increase transparency and communication within the Judiciary. This Protocol defines the structures and responsibilities of committees within the Maryland Judiciary adopted by the Judicial Council as a result of that process.

### **Structure**

- **Chief Judge of the Court of Appeals**

The Chief Judge of the Court of Appeals is the chief administrative officer of the judicial branch of government. The Chief Judge sets the direction for the judiciary, with the advice and counsel of the Judicial Council and input from other committees or organizations within the judiciary.

- **Maryland Judicial Conference (Maryland Rule 16-109)**

The Maryland Judicial Conference is comprised of the judges of the Court of Appeals of Maryland, the Court of Special Appeals, the circuit courts of the counties, and the District Court of Maryland. The Maryland Judicial Conference considers the status of judicial business in the various courts, appropriate legislation, and changes in rules, and it exchanges ideas with respect to the improvement of the administration of justice in Maryland and the judicial system in Maryland. The Chief Judge of the Court of Appeals is the Chair of the Maryland Judicial Conference.

- **Judicial Council (Maryland Rule 16-110)**

The Judicial Council is part of the Maryland Judicial Conference. The Judicial Council provides guidance to the Chief Judge of the Court of Appeals in order to maintain the cohesiveness, leadership and efficacy of the Judiciary. The Judicial Council:

- Shall submit recommendations for the improvement of the administration of justice in Maryland;
- May submit recommendations to the Governor, the General Assembly, or both, but only through the Chief Judge of the Court of Appeals, who shall forward them with any comments or additional recommendations that the Chief Judge or the Court of Appeals deems appropriate;
- Shall establish committees and work groups as it considers necessary and desirable from time to time in accordance with the policies and procedures established in this Protocol;
- Shall review the work product of the above groups and recommend to the Chief Judge of the Court of Appeals any appropriate subsequent action or response by or

on behalf of the Judiciary.

## **Membership**

The Judicial Council consists of twenty-two members, namely, the Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals, the Chair and the Vice Chair of the Conference of Circuit Judges, the Chief Judge of the District Court, the State Court Administrator, the Chair and Vice Chair of the Conference of Circuit Court Clerks, the Chair and Vice Chair of the Conference of Circuit Court Administrators, the Chair of the Court of Appeals Standing Committee on Rules of Practice and Procedure, the Chief Clerk of the District Court, the Chair of the Retired and Recalled Judges Committee, three Circuit Court Judges, four District Court Judges, and two District Administrative Clerks.

## **Judicial Council Executive Committee**

The Executive Committee of the Judicial Council consists of the Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals, the Chair of the Conference of Circuit Judges, the Chief Judge of the District Court and the State Court Administrator. The Judicial Council Executive Committee shall meet at the request and direction of the Chief Judge to provide input to the Chief Judge on matters that arise between sessions of the Judicial Council.

## **Terms**

The term of each appointed member of the Judicial Council is two years. The terms of members shall be staggered.

## **Vacancies**

If a vacancy occurs on the Judicial Council because an appointed member resigns from the Council, leaves judicial office, or is appointed or elected to a judicial office other than the office held when appointed to the Council, the Chief Judge of the Court of Appeals shall appoint a replacement member to serve for the unexpired balance of the predecessor's term.

## **Secretary**

The Deputy State Court Administrator shall serve as Secretary for the Judicial Council. The Secretary shall prepare minutes of all meetings of the Judicial Council, to be distributed to all Council members and posted on CourtNet and the Maryland Judiciary Website once approved by the Council.

## **Meetings**

Unless otherwise directed by the Chief Judge of the Court of Appeals, the Judicial Council shall meet bi-monthly. The schedule for meetings shall be set at the beginning of each calendar year and shall be posted on CourtNet and the Maryland Judiciary Website. The proposed Agenda for each meeting shall be published to members at least thirty (30)

days, or as soon as practicable, in advance of the meeting and posted on CourtNet and the Maryland Judiciary website. Meetings of the Judicial Council are conducted in accordance with the form determined by the Chief Judge of the Court of Appeals.

- **Conferences**

Conferences address operational and policy matters within divisions and levels of the court. The membership of Conferences includes both judicial officers and court personnel. The following Conferences exist:

- Conference of Circuit Judges (Maryland Rule 16-702)
- Conference of Circuit Court Administrators
- Conference of Circuit Court Clerks
- Conference of Maryland Court Law Library Directors
- Conference of Orphans Court Judges

No Conference is established for the District Court, as it is a unified Court operating under the direction of the Chief Judge of the District Court who can convene district court judicial officers and court personnel as and when necessary to address operational and policy matters affecting that court.

The areas of authority and responsibility for each Conference are set forth by Rule or Administrative Order. Unless otherwise provided by Rule, the Chief Judge shall appoint the members of each Conference and shall designate the Chair and Vice Chair.

Each Conference shall establish operational guidelines, terms, meeting schedule, goals and objectives. The schedule for Conference meetings shall be set at the beginning of each calendar year and posted on CourtNet and the Maryland Judiciary website. The proposed Agenda for each meeting shall be published to members at least thirty (30) days, or as soon as practicable, in advance of the meeting and posted on CourtNet and the Maryland Judiciary Website. Meeting notes shall be prepared following Conference meetings and posted on CourtNet.

- **Commissions**

Commissions are entities that develop consensus for policies or practices of the judiciary in matters that require input from individuals or agencies outside the judiciary. Therefore, Commissions are comprised of both judiciary and non-judiciary members. The Commissions created by the Maryland Constitution, statute, rule, or Administrative Order, regardless of nomenclature, are:

- Commission on Judicial Disabilities (Maryland Constitution, Art. IV, Sections 4A and 4B)
- Maryland Rules Committee (Maryland Courts Article, §13-301)
- State Law Library Commission (Maryland Courts Article, §13-501 et. seq.)
- Judicial Compensation Commission (Maryland Courts Article, §1-708)
- Standing Committee and Local Committees on Pro Bono (Maryland Rule 19-501 et. seq.)
- Attorney Grievance Commission (Maryland Rule 19-702)

- Judicial Ethics Committee (Maryland Rule 18-300)
- Professionalism Center (Maryland Rule 16-703)

- **Committees**

Committees are the structure used to develop consensus on internal policies and practices of the judiciary. Committees are also employed to develop and recommend to the Judicial Council and the Chief Judge various positions advanced by the judiciary to outside agencies or groups on matters affecting the administration of justice. Committees are comprised of judiciary members, assisted by staff from the Administrative Office of the Courts.

The following Committees<sup>1</sup> exist:

- Legislative
- Technology
- Domestic Law
- Juvenile Law
- Court Access and Community Relations
- Specialty Courts and Dockets
- Alternative Dispute Resolution
- Retired and Recalled Judges
- Court Operations
- Education
- District Court Chief Judge’s Committee
- Major Projects Committee
- Committee on Equal Justice

Committees shall be established by an Administrative Order issued by the Chief Judge. The Administrative Order will state the purpose of the Committee, the scope of its activity, the product or service the Committee is expected to provide, the size of the Committee, the term of the Committee, and any applicable time frames expected for the Committee to perform specific tasks. The Administrative Order will specify the areas of responsibility and authority delegated to the Committee. The Administrative Order will also designate the initial Chair and Vice Chair, the committee members, and the terms of the membership, which will be staggered.

New Committees may not be established without review by the Judicial Council and approval through an Administrative Order of the Chief Judge. Any request to form a Committee should include a statement of purpose of the committee, areas of responsibility and authority, the proposed membership, the anticipated work product, and should also state why the establishment of a new committee structure is necessary or appropriate.<sup>2</sup>

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<sup>1</sup> Subsequent to approving the Protocol for Maryland Court Committees, including the eight (8) committees recommended by the Workgroup on Committee Structure, the Judicial Council established three additional committees – Court Operations, Education, and the District Court Chief Judge’s committees. In addition, the Judicial Council restructured the Court Operations and Technology Committee and renamed it the Technology Committee.

<sup>2</sup> Maryland Rule 16-110 provides that the Chief Judge of the Court of Appeals may create committees, subcommittees, and work groups of the Judicial Council to consider matters regarding the functioning and improvement of the Judiciary, and the administration of justice; therefore, the issuance of an administrative order to create the same is not necessary.

Committees are a flexible structure and will function in different manners depending upon the objective of the committee. However, Committees should generally adhere to the following guidelines:

### **Governance**

The Chief Judge will appoint the Chair and the Vice Chair, who will direct the activities of the Committee during their tenure. The term in each role is typically one year, which can be adjusted as appropriate by the Chief Judge, depending upon the nature of the Committee and its work product and the need for continuity in the leadership roles on that Committee. The Chair is responsible to call meetings, establish the agenda, and preside over meetings and direct work assignments. The Chair is also responsible to ensure the accountability of any subcommittees formed in accordance with this protocol. The Chair works closely with staff to establish a meeting schedule, develop meeting agendas and materials, and submit an end of term report to the Chief Judge and the Judicial Council. During meetings, the Chair facilitates discussion in an effort to develop consensus on Committee recommendations.

### **Members**

New Committee members shall be appointed annually by the Chief Judge, based upon the needs of the Committee and the expressed interest of judges and other judiciary personnel. The Administrative Office of the Courts will conduct an annual survey to assess interest in service on Committees to assist the Chief Judge in making appointments. Committee appointments will be made in a manner designed to ensure knowledgeable, balanced and diverse representation from within the judiciary. Committee members are expected to take an active part in the meetings and work assignments of the Committee. If a Committee member becomes unable to fulfill their commitment to the Committee, they are expected to resign so that a replacement member can be appointed by the Chief Judge to serve out the unexpired portion of the membership term.

### **Terms of Membership**

Committee members are appointed to a two-year term, subject to one renewal if deemed appropriate by the Chief Judge. The term of membership is generally limited to create opportunities for broad participation in Committee work within the judiciary; however, flexibility exists to accommodate the need for continuity in certain Committees with highly technical or specialized focus. The membership terms shall be staggered to ensure continuity within the Committee.

### **Operating Procedures**

The Committee Chair establishes the protocol for meetings. While many Committees elect to work through consensus building, others find it useful to establish formal voting procedures. The Committee Chair should establish the work method to be used at the outset of his or her term as Chair.

In order to ensure efficient operation, Committees are encouraged to employ the following practices:

- A **Schedule** for meetings is set at the beginning of each year. Committees are encouraged to utilize available resources for remote access and video conference to facilitate participation by Committee members from across the State.
- An **Agenda** is issued in advance of meetings to outline important business to be covered, with attached materials to be reviewed in advance of meetings.
- **Meeting notes** are prepared that record the date of the meeting, the participants, a summary of the business discussed, and the outcome of the vote on any formal motion or recommendation at the meeting. Meeting notes should be circulated for review and comment and presented back to the Committee for approval at the next Committee meeting.
- Committees should submit a Report to the Judicial Conference to advise when a new project or initiative is being considered, or if a new Subcommittee or Work Group is formed. At a minimum, an **Annual Report** shall be prepared by each Committee to submit to the Chief Judge and the Judicial Council at the end of the term of the Committee Chair. The Annual Report outlines the work of the Committee over the past year, recommended proposals or actions to be approved through the Judicial Council and summarizes any proposed alteration to the Committee structure. The Annual Report shall also summarize or attach an Annual Report for any Subcommittee or Work Group.
- A **Subcommittee** may be formed to assist with the efficient management of the work of the Committee. A Subcommittee is most typically utilized to subdivide tasks that the Committee anticipates will be of indefinite duration but would benefit from more specialized focus. The creation of a Subcommittee must be approved by the Judicial Council and the Chief Judge. Any submission to propose the creation of a Subcommittee should include a description of the nature and purpose of the Subcommittee, its expected duration, its proposed membership, and the expected work product. The Committee should include any recommendations regarding membership and staffing. Once approved, a Subcommittee operates under the guidelines that apply to Committees, except that the Subcommittee meeting notes and reports are submitted to the Committee Chair.
- A **Work Group** may be formed by a Committee to assist with a project that is expected to be of limited duration. The creation of a Work Group is within the prerogative of the Committee. The Committee meeting notes should reflect the creation of any Work Group, and include its purpose, expected duration, membership and anticipated work product.
- A **Liaison to the Legislative Committee** shall be designated by any Committee that proposes to engage in any legislative activity, to include drafting or commenting on

proposed legislation, communicating or consulting with members of the legislature concerning draft or potential draft legislation, or testifying or appearing before the legislature, a legislative work group, or any policy or advocacy group concerning draft or potential legislative initiatives. The Liaison shall consult with the Legislative Committee before engaging in any legislative activity and may only proceed with the approval of the Legislative Committee.

- **Work Groups**

Work Groups are ad hoc groups appointed for a specific period of time to address a discrete issue or topic. Work Groups often conduct studies, prepare reports, and take other appropriate action as directed by the Chief Judge or the Judicial Council. Work Groups may also be formed by Committees or Subcommittees to assist with specialized tasks. Work groups are comprised of judiciary members, assisted by staff from the Administrative Office of the Courts, but may also include or consult with outside members.