



Hon. Mary Ellen Barbera, Chair
Chief Judge
Court of Appeals

Hon. Sheila R. Tillerson Adams
Circuit Court for Prince George's
County

Hon. Nathan Braverman
Baltimore City District Court

Hon. Kathleen Gallogly Cox
Vice-Chair
Conference of Circuit Judges

Hon. John W. Debelius, III, Chair
Conference of Circuit Judges

Hon. Thomas C. Groton, III
Circuit Court for Worcester County

Hon. Susan H. Hazlett
Harford County District Court

Hon. Karen A. Murphy Jensen
Circuit Court for Caroline County

Hon. James A. Kenney, III, Chair
Retired and Recalled Judges
Committee

Hon. Peter B. Krauser,
Chief Judge
Court of Special Appeals

Hon. Karen H. Mason
Prince George's County District Court

Hon. John P. Morrissey,
Chief Judge
Chief Judge, District Court

Hon. Barbara Waxman
Baltimore City District Court

Hon. Alan M. Wilner, Chair
Standing Committee on Rules of
Practice and Procedure

Hon. Eugene Wolfe
Montgomery County District Court

Sharon L. Hancock, Chair
Conference of Circuit Court Clerks

Pamela Harris
State Court Administrator

Jennifer Keiser, Vice-Chair
Conference of Court Administrators

Carol Llwellyn-Jones,
Administrative Clerk
District Court

Judy Lohman, Administrative Clerk
District Court

Sally Rankin, Chair
Conference of Circuit Court
Administrators

Wayne A. Robey, Vice-Chair
Conference of Circuit Court Clerks

Roberta Warnken, Chief Clerk
District Court

Faye Matthews, Secretary
(410) 260-125

MARYLAND JUDICIAL COUNCIL

Maryland Judicial Center
580 Taylor Avenue
Annapolis, MD 21401

Minutes
January 14, 2015

Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair
Hon. Sheila R. Tillerson Adams
Hon. Nathan Braverman
Hon. Kathleen Gallogly Cox
Hon. John W. Debelius
Hon. Thomas C. Groton, III
Hon. Susan H. Hazlett
Hon. Karen A. Murphy Jensen
Hon. James A. Kenney, III
Hon. Peter B. Krauser
Hon. Karen H. Mason

Hon. John P. Morrissey
Hon. Barbara Waxman
Hon. Alan M. Wilner
Hon. Eugene Wolfe
Sharon L. Hancock
Pamela Harris
Jennifer Keiser
Carol Llwellyn-Jones
Judy Lohman
Sally Rankin
Roberta Warnken

Others Present:

Hon. Gary G. Everngam
Hon. Daniel M. Long
Hon. Larnzell Martin, Jr.
Hon. Nicholas E. Rattal
Hon. Michael Stamm
Faye Matthews

Mark Bittner
Lou Gieszl
Gregory Hilton
Melinda Jensen
Kelley O'Connor
Suzanne Pelz

A meeting of the Judicial Council was held on Wednesday, January 14, 2015, at the Judiciary Education and Conference Center, beginning 9:30 a.m. Chief Judge Barbera began by welcoming everyone to the first meeting of the newly constituted Judicial Council. She then asked everyone to introduce themselves.

1. Proposed Committee Structures

Chief Judge Barbera informed the Council that she met with the Chairs of the committees in December to discuss their charge. She asked each

to draft a proposed structure for their respective committee and to present the proposals to her in advance of the Council meeting so that she could review them to ensure that no significant area was missing. Chief Judge Barbera then called upon each committee chair to present their proposed committee structures to the Council.

Legislative Committee. Judge Long prefaced his presentation by informing the Council that it was the first day of what seemingly will be an interesting and challenging legislative session, adding that the committees before which the Judiciary appears have quite a few new members.

Judge Long then proceeded to comment that most of the proposed members of the Legislative Committee previously served and have agreed to continue to do so. There are four new members: Judge Barry Hughes, Judge Andrea Leahy, Judge Stacy Mayer, and Chief Judge John Morrissey. He noted that Judge Alexandra Williams will serve as Vice Chair of the Committee. The Committee generally meets during the Session via weekly conference calls to consider bills that affect the Judiciary and to make a determination as to whether to take a position and, if so, what that position entails. Historically, the Committee took no position on bills it deemed policy. Judge Long proposed that such practice continues. He emphasized the Committee's reliance on the other committees, as subject matter experts, to provide feedback and recommendations regarding legislation.

With respect to proposed subcommittees, Judge Long proposed the creation of a Criminal Law Subcommittee and a Civil Law Subcommittee. During the committee restructuring, both of the aforementioned former committees were subsumed under the Legislative Committee. It is proposed that these two subcommittees review legislation relevant to their respective areas of the law and make recommendations regarding the same to the full committee.

With respect to the former Disruptive and Threatening Behavior Subcommittee, Judge Long noted that its work should continue to completion, but that the subcommittee is better positioned under the Court Operations and Technology Committee. Judge Everngam chairs both.

Regarding the former Judicial Compensation and Judicial Election Committees, Judge Long commented that he does not expect any legislative activity surrounding those topics this year and proposed that recommendations with respect to reorganization be deferred until after the Session.

Judge Long concluded his presentation by introducing the staff of the Government Relations Division, with whom the Committee works closely – Kelley O'Connor, Suzanne Pelz, and Drew Snyder.

Chief Judge Barbera informed the Council that because of the exigency of the beginning of the Session, she permitted the Legislative Committee to form under its previous structure. She also noted that when she met with the Chairs in December, she charged them with proposing individuals from their committees to serve as liaisons to the Legislative Committee to ensure ongoing communication.

Retired and Recalled Judges Committee. Judge Kenney commented on the importance of having the committee membership comprised of members from the previous committee, as well as new committee members. He recommended that the previous members serve a one-year term and the new members serve a two-year term. Judge Kenney noted that Judge Deborah Eyler is being proposed to serve as Vice Chair of

the Committee. He commented that the committee's primary purpose is to ensure that retired and recalled judges have the tools necessary to perform. In addition to the full committee, Judge Kenney proposed the creation of the Legislative Subcommittee that would function during the Session to comment on and provide feedback regarding legislation to the Legislative Committee.

Judge Debelius moved to recommend approval of the proposed structure. Following a second by Judge Hazlett, the motion passed. Chief Judge Barbera approved the recommendation.

District Court Chief Judge's Committee. Chief Judge Morrissey stated that, historically, this committee was referred to as the Administrative Judges' Committee and its membership included the twelve administrative judges, along with a number of elected judges and other District Court staff deemed essential to the effective operation of the District Court. He proposed a similar membership composition. In addition, Chief Judge Morrissey proposed the creation of one subcommittee, the Chief Clerk's Subcommittee, whose primary purpose would be to share ideas/information and give advice to the Chief Clerk on issues of importance to the District Court. He also proposed two workgroups – the Civil Domestic Workgroup and the Criminal and Traffic Workgroup. Each workgroup would advise the Chief Judge on issues related to their functional areas when called upon to do so. The workgroups also would be called upon to work with the Clerk's Office to review forms changes precipitated by legislative or rules changes, as well as changes to business processes. Chief Judge Morrissey noted the importance of this because the District Court is a forms-driven court.

Judge Kenney moved to recommend approval of the proposed structure. Following a second by Judge Wolfe, the motion passed. Chief Judge Barbera approved the recommendation.

Chief Judge Barbera commented that while the plan was to limit the number of committees, she has to ensure there are no unmet needs. As such, she recommended the creation of two additional committees – the Forms Committee and the Education Committee. Chief Judge Morrissey's comment about the importance of forms, as well as the other committee proposals along with discussions with staff regarding forms in both trial courts prompted her to recommend a Forms Committee. Likewise, she noted a similar theme emerge in the reports regarding education and training. In fact, Chief Judge Morrissey included in his written proposal a recommendation for an Education Committee. Chief Judge Barbera commented that the creation of these committees would not preclude any of the committees from discussing forms or training initiatives; however, it is important that there be a central place through which recommendations regarding the two flow.

Chief Judge Morrissey added that the Judicial Institute model works, but it does not encompass all components of education and training within the Judiciary (e.g., commissioner and bailiff training). He echoed Chief Judge Barbera's sentiments regarding the need for a central group that would coordinate all training. Other members of the Council expressed their agreement.

With respect to a Forms Committee, Judge Cox commented that domestic violence, CINA, and juvenile forms are very specific and that the needs of the District Court are very different. She expressed concern about the potential for duplication of effort between the subcommittees of the various committees and the Forms Committee. Because of the need for subject matter expertise substantive review regarding the law, the forms would have to go through the subcommittees. Chief Judge Barbera responded that there

would not be duplicative operations and that those who need to be involved would still be included in any review and decision-making. Ms. Harris commented that previously a Joint Forms Committee had existed, but was disbanded. She noted the need for a cohesive group. Judge Wilner discussed a number of instances when the District and Circuit Courts were working at cross purposes without the other's knowledge and how the lack of communication and coordination delayed the process (i.e., uniform subpoenas and uniform affidavit for waiving costs).

Ms. Harris commented that in reviewing all of the committee proposals, she noticed that the functions of some of the committees that were sunset were not covered. She added that the proposal submitted by Judge Everngam for the Court Operations and Technology Committee focused on technology and that court operations was not addressed. Some of the areas not addressed include case time standards, jury management, expungement, and grants. She suggested that instead of a Forms Committee that the Court Operations and Technology Committee be renamed the Court Technology Committee and that a Court Operations Committee to cover the areas mentioned, including forms, be created. That committee also could address the issue of courthouse equity that was raised by the Workgroup on Administrative Judges. Judge Wilner inquired as to whether the Court Operations Committee should include security. Chief Judge Morrissey commented that security should be under the organizational rather than committee structure.

Following additional discussion, Judge Adams moved to recommend creation of a Court Operations Committee to address core operations. Judge Hazlett seconded the motion, which passed. Chief Judge Barbera approved the recommendation.

Judge Wilner inquired as to whether the Council anticipated inclusion of the Orphans' Court and Register of Wills in its work. Chief Judge Barbera responded that consideration had not been given to those bodies to this point.

With respect to the Education Committee, there was discussion as to whether it would include peripheral groups associated with the Judiciary and areas such as professionalism for security to which the answer was yes. Ms. Harris suggested the structure include Professional Development, Judicial Institute, and Professionalism Committee. Judge Hazlett stated that while she is grateful for the many training opportunities, there has to be a filter or clearinghouse to manage coordination and that a new structure should reflect effective communication.

Judge Debelius moved to recommend creation of an Education Committee. Judge Waxman seconded the motion. Judge Cox offered a friendly amendment that the Council recommend creating an Education Committee and that the committee chair come back to the Council with a proposed structure. The motion, with the amendment, passed. Chief Judge Barbera approved the recommendation.

Domestic Law Committee. Judge Cox presented the proposal for the Domestic Law Committee. She recommended that Judge Cathy Serrette serve as Vice Chair. Because of their subject matter expertise, Judge Cox proposed that masters serve on the Committee. In addition to the Committee, she proposed the creation of the Domestic Violence and Peace Order Subcommittee, as well as two workgroups – the Legislative Review Workgroup and the Guardianship Workgroup. She noted that the Subcommittee would focus its work on areas such as policies, rules, and legislation related to domestic violence and peace

orders, as well as forms and training in the same areas. The Legislative Workgroup would convene during the Session to review relevant legislation and provide feedback and recommendations to the Legislative Committee. The Guardianship Workgroup would complete the work begun under the former structure, including making recommendations regarding best practices in this area. It is anticipated that the workgroup will conclude its work within the next one-to-two years.

Judge Cox included in proposed structure non-judges to serve as consultants. These individuals have been active in the area of domestic law under the previous committee structure.

Judge Kenney moved to recommend approval of the proposed structure. Following a second by Judge Hazlett, the motion passed. Chief Judge Barbera approved the recommendation.

It was noted that the committees can include non-judge members as long as they are Judiciary employees.

Court Operations and Technology Committee. Judge Everngam began his presentation by noting that heretofore technology in the Judiciary had been handled by a number of committees and subcommittees that operated independently. He noted that in proposing the committee membership, he tried to include a combination of both District and Circuit Court judges. Judge Everngam proposed a number of subcommittees, including the Major Project Executive Steering Subcommittee, which would address policy-related matters related to major projects; the CaseSearch/Data Request Subcommittee, which would consider data requests and issues related to CaseSearch; the Policy for Use of Technology by Counsel and Parties Subcommittee, which would submit recommendations regarding the use of technology in judicial facilities; the Social Media and Mobile Access Subcommittee, which would make recommendations relative to the use of social media in the Judiciary; and the Project Evaluation Subcommittee, which would oversee evaluations of major IT projects. In addition, Judge Everngam proposed the Records Retention and Video Conferencing Workgroups.

Judge Everngam noted that while he chairs the Disruptive and Threatening Behavior Subcommittee, he does not think that it should be under the Court Operations and Technology Committee. Judge Adams commented that the Council had formed *ad hoc* groups from time-to-time to address issues of importance that don't necessarily fall under the purview of any established committee. She suggested that the Disruptive and Threatening Behavior Subcommittee falls in that category.

Judge Adams recommended that the name of the committee be changed to the Court Technology Committee in light of Chief Judge Barbera's approval to create the Court Operations Committee.

Judge Wilner commented that there are processes in place in the rules regarding access to electronic records to which changes have been submitted to the Court of Appeals. In addition, the rules have a provision requiring the State Court Administrator and the State Archivist to establish procedures with respect to the transfer of records, as well as public access to those records once in the Archives' possession.

Judge Adams moved to recommend approval of the proposed structure, including the change of the committee name to Court Technology Committee and creation of the Ad Hoc Committee on Disruptive and Threatening Behavior. Following a second by Judge Cox, the motion passed. Chief Judge Barbera

approved the recommendation.

Juvenile Law Committee. Judge Stamm presented the proposal of the Juvenile Law Committee. He noted that the proposed membership includes twelve members, with every circuit represented, as well as one at-large member from the Court of Special Appeals. There are two members each from the Seventh and Eighth Circuits because of their volume of cases in this area, and one member from each of the remaining six circuits. In order to ensure geographic representation and participation, Judge Stamm proposed video and/or teleconference meetings. In addition to the full committee, Judge Stamm proposed two subcommittees. The Juvenile Justice Subcommittee would focus on issues involving juveniles in delinquent-related matters, including legislation and rules, as well as building collaborative relationships with the Department of Juvenile Services. The other proposed subcommittee is the Foster Care Court Improvement Program Subcommittee. This subcommittee would focus on matters related to CINA, TPR, and adoption. The subcommittee also would provide guidance with respect to the federal Court Improvement Project grant. Judge Stamm also proposed two workgroups to assist the subcommittees when needed. They would involve justice partner stakeholders as deemed necessary and appropriate.

Judge Wilner commented that the Rules Committee has been actively involved in rewriting all of the juvenile rules for the last two years. He suggested that someone from the Juvenile Law Committee be appointed to serve as a liaison to the Rules Committee.

Judge Debelius moved to recommend approval of the proposal. Following a second by Judge Adams, the motion passed. Chief Judge Barbera approved the recommendation.

Court Access and Community Relations Committee. Judge Martin presented the committee's proposed structure, indicating that Judge Pamela White will serve as the Vice Chair. He noted that everyone he reached out to was enthusiastic about serving on the committee. Judge Martin proposed a number of subcommittees, including the Community Relations Subcommittee, which would work on things such as a communications plan, a speakers' bureau program, and resources for speaking engagements. Another subcommittee would be the Language Access Subcommittee, which would focus on developing ways to enhance access to the courts for individuals who have language and cultural barriers. The final subcommittee proposed was the Self-Represented Litigant Subcommittee, which would recommend changes to ensure access to the courts by self-represented litigants.

Judge Martin noted that in developing the proposal, the thought was not to reinvent what already exists, but rather to find ways to improve them. He will add clerk and court administrator representation as everyone who works in the Judiciary is the face of the Judiciary.

Judge Jensen move to recommend approval of the proposal. Following a second by Judge Debelius, the motion passed. Chief Judge Barbera approved the recommendation.

Specialty Courts and Dockets Committee. Judge Rattal presented the proposal for the Specialty Courts and Dockets Committee. He noted that the committee covers a broad array of issues. Judge Rattal proposed Judge George Lipman serve as the Vice Chair. He stated that the committee membership is larger than the other committees because he wanted to include judges who covered all areas under the committee's purview. Judge Rattal proposed three subcommittees, each focusing on issues, policies,

legislation, training, and other matters relevant to its area. They include the Problem-Solving Courts Subcommittee, the Mental Health, Alcoholism, and Addiction Subcommittee, and the Business and Technology Case Management Subcommittee. Judge Rattal also proposed a workgroup on legislation that would operate during the Session to provide feedback on pertinent legislation.

Judge Rattal noted that the State Drug and Alcohol Abuse Council is a legislatively-created body. He suggested that Chief Judge Barbera consider appointing members of the Specialty Courts and Dockets Committee to serve as the Judiciary's representatives to the Council to ensure there is a consistent flow of information.

Judge Adams moved to recommend approval of the proposal. Following a second by Judge Cox, the motion passed. Chief Judge Barbera approved the recommendation.

Alternative Dispute Resolution Committee. Judge Ross was not able to attend the meeting. In his absence, Chief Judge Barbera asked the Council to review his written proposal and provide feedback. In his proposal, Judge Ross recommended one subcommittee, the District Court Alternative Dispute Resolution Subcommittee that would advise the Committee regarding alternative dispute resolution in the District Court.

Judge Cox inquired as to whether MACRO still existed as a separate subcommittee. Ms. Harris noted that it was sunset along with the other committees, but that its pertinent functions would be subsumed by the Alternative Dispute Resolution Committee.

Judge Debelius moved to recommend approval of the proposal. Following a second by Judge Waxman, the motion carried. Chief Judge Barbera approved the recommendation.

Chief Judge Barbera asked that the committee chairs inform Ms. Matthews of any changes to the committee structures. She also asked that they consider expanding their membership to include court administrators and clerks. In addition, Chief Judge Barbera asked that as matters arise that intersect with the rules, the committees be sure to liaise with the Rules Committee. Finally, any ideas or suggestions from the field should be directed to the appropriate committee for consideration and possible recommendation to the Council.

2. Strategic Planning Initiatives

Chief Judge Barbera provided an overview of the strategic planning process that was undertaken by the previous Council over a two-day period. She noted that the Council worked with a consultant to develop a mission and vision statement for the Judiciary, as well as a number of strategic initiatives. She then turned to Ms. Harris to discuss the initiatives.

Ms. Harris provided the mission (*The Maryland Judiciary provides fair, efficient, and effective justice to all it serves*) and vision (*The Maryland Judiciary will be a recognized partner of an efficient and accessible justice system that works collaboratively to ensure optimal effectiveness, while fulfilling its mission with integrity and transparency*) to the Council. She then explained that once the strategic initiatives were developed, the consultant facilitated a session with the management team of the

Administrative Office of the Courts to begin to add action steps to each initiative. Ms. Harris reviewed each of the following initiatives:

- **Electronic Communication** – *Expand the use of electronic communication throughout the Judiciary by fully implementing MDEC, wiring all courthouses for connectivity, advertising and promoting the use of the website, and training staff and our justice partners.* (Technology Committee)
- **Public Education** -- *Educate the general public and justice partners on the role of the Judiciary by making it more accessible encouraging judges and staff to volunteer with community groups and the Bar Association and providing additional self-help opportunities, while not promoting self-help.* (Court Access and Communications Committee)
- **Public Access to Data** – *Post on a Judiciary website a dashboard that includes all case categories and case flow statistics, with links to case flow management that is updated in real-time.* (Technology Committee)
- **Training and Professional Development** – *Establish and support ongoing training and professional development programs for all staff to include customer service and technology.* (Education Committee)
- **Employee Reward and Recognition Program** – *Promote a more engaged workforce by publicly recognizing excellence, creativity, team spirit, and a willingness to “go the extra mile.” The Judiciary should identify and develop incentives to improve teamwork, professionalism, and excitement about the role each employee plays in carrying out the mission of the court.* (State Court Administrator)
- **Ideas Bank** – *Develop a mechanism for everyone to interact with the Judiciary to provide confidential feedback and make suggestions.* (State Court Administrator)
- **Self-Help Centers** – *Identify areas where self-represented litigants most frequently request assistance, and improve the information available to them, and train staff to respond to requests from self-represented litigants with helpful resources (available via technology) without encouraging or promoting self-representation.* (Court Access and Community Relations Committee)
- **Outside Expertise to Help Us** – *Promote partnership with the business community (e.g. Chamber of Commerce) and leaders who understand and are able to explain effectively how a well-functioning and adequately-resourced Judiciary supports the larger community.* (Court Access and Community Relations Committee – Liaise with the Legislative Committee)
- **Lawyers Committee** – *Select a statewide lawyers committee that will be a voice that speaks on behalf of the Judiciary in matters that the Judiciary cannot otherwise speak about on its own behalf. Those matters will include budgetary and legislative matters as well as controversial issues that have or will come before the court. Use the Office of Communications and Public Affairs to generate bullet points that can be shared. The Bar Association, law professors, etc. could be potential partners.* (Court Access and Community Relations Committee – Liaise with the Legislative Committee)
- **Judicial App** – *Develop app allowing easy access to court information (i.e. Is my court open? Is my case today? Where are you located? Will I get a PBJ? Is my judge nice? Docket information? Case search?) through internal apps/judges’ app (cases/docket for the day), judge records.* (Technology Committee)
- **Courthouse Equity** – *Develop a strategy for ensuring the equitable distribution of resources across the Judiciary so that all Courts have access to similar programs and services.* (Court Operations Committee)

Ms. Harris noted that the initiatives are intended to be part of a three-to-five year process. She also commented that communication and education/training is a common pattern in the initiatives. The Council will have to prioritize the initiatives, along with any others that may be approved. She added that the initiatives were assigned to various committees, as well as a staff person from the Administrative Office of the Courts. The committee chairs were asked to work with committee staff, the Administrative Office of the Courts staff person assigned responsibility for the initiative, and committee members to determine how best to move forward, including resources required. The chairs should be prepared to present their recommendations to the Council at its February meeting. It was suggested that the committees review all of the initiatives to determine where they might overlap or intersect. The strategic plan has to relate to what the committees are doing.

Chief Judge Barbera stated that the Council and the committees have to be creative and cautious as we move forward, being mindful of what the Judiciary can and cannot do.

Ms. Harris commented that the two initiatives missing, which are areas of importance to Chief Judge Barbera. They are Juvenile Justice and Elder Justice. The Juvenile Justice initiative was assigned to the Juvenile Law Committee, while the Elder Justice initiative was assigned to the Domestic Law Committee. The respective committee should review the structure of the other initiatives and complete the same exercise for the two aforementioned initiatives.

3. For the Good of the Order

Judge Jensen inquired about the Standing Committee on Pro Bono and whether it should communicate directly with the Court Access and Community Relations Committee regarding its activities. Chief Judge Barbera responded that it should as it falls under that committee.

Mark Bittner discussed the communication collaboration tool, SharePoint, and how it can be used to facilitate communication and exchange of information. He offered to provide an overview to each committee, as well as the Council.

Once each committee determines its meeting schedule, the Chair should forward the information to Ms. Matthews so that the dates can be published along with the Council meetings.

Judge Debelius noted that he and Chief Judge Morrissey discussed how to address a request from the Department of Health and Mental Hygiene regarding video conferencing court proceedings. Chief Judge Morrissey stated that the matter was forwarded to the Specialty Courts and Dockets Committee for consideration given due process implications. In addition, the Court Technology Committee should weigh in because of technical considerations.

Chief Judge Barbera informed the Council that she will be giving a State of the Judiciary to both chambers on February 11 at noon. She added that she will be speaking on behalf of the entire Judiciary.

There being no further business, the meeting adjourned at 2:05 p.m. The next meeting is scheduled for February 18, 2015, beginning 9:30 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Faye Matthews', with a long, sweeping horizontal line extending to the right.

Faye Matthews