



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 Llewellyn-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) 260-1257

MARYLAND JUDICIAL COUNCIL

Maryland Judicial Center
580 Taylor Avenue
Annapolis, MD 21401

MARYLAND JUDICIAL COUNCIL

Minutes
February 18, 2015

Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair
Hon. Sheila R. Tillerson Adams
Hon. Nathan Braverman
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 Llewellyn-Jones
Judy Lohman
Sally Rankin
Roberta Warnken

Others Present:

Hon. Gary G. Everngam
Hon. Larnzell Martin
Hon. E. Gregory Wells
Faye Matthews
Mark Bittner
Lou Gieszl

Gregory Hilton
Julie Linkins
Kelley O'Connor
Suzanne Pelz
Dennis Scott

A meeting of the Judicial Council was held on Wednesday, February 18, 2015, at the Judiciary Education and Conference Center, beginning 9:30 a.m. Chief Judge Barbera began by welcoming everyone and then called for approval of the minutes of the previous meeting.

Judge Tillerson Adams moved for approval of the minutes of the January 14, 2015, meeting. Following a second by Judge Jensen, the motion passed.

1. SharePoint Overview

Mark Bittner, Assistant Administrator, Judicial Information Systems (JIS), provided an overview of SharePoint to the Council. He noted that SharePoint

is a communications collaboration tool. Groups build webpages wherein users can share documents and libraries, as well as tasks, calendars, and announcements. In addition, users are able to participate in discussions through blogs and receive email alerts whenever there are changes or updates to the content on the site.

Mr. Bittner will work with the staff of each committee to tailor the webpages to each committee's needs. He noted that there are three access levels – general visitor, which permits the user to view the content; contributor, which permits the user to add documents and reply to posts; and owner, which permits the user to delete content and maintain access rights of other users.

Mr. Bittner noted that in addition to a committee webpage, sub-sites can be created for each subcommittee and workgroup. Also, SharePoint has version control, so that a history is maintained of the changes made to content. An Active Directory login is required to access SharePoint. Mr. Bittner advised that users who do not have Windows 7 will be given an Active Directory login so that they can gain access. He will work with committee staff to determine what is needed by whom.

2. Legislative Update

Kelley O'Connor, Assistant Administrator, Government Relations, briefed the Council on the 2015 Legislative Session. She stated that the Judiciary's budget hearings will be held in March. Ms. O'Connor noted that the Judiciary withdrew the Hospital Lien bill because it did not accurately interpret the law. The Clerks' other bills passed out of committee. With respect to the bill to sunset the land records surcharge, agreement was reached to extend it for five years rather than to sunset it at this time. Regarding the MDEC filing fee bill, there was some opposition from landlords and realtors, primarily related to the \$3 increase on summary ejectment filings, during the Senate hearing. There was a considerable amount of opposition from bankers to the bill regarding Sovereign Citizens (false filings) during the Senate hearing. Ms. O'Connor believes that the Judiciary was able to reach a reasonable compromise wherein the burden would be shifted from the debtor to the filer, which should accomplish the same purpose in protecting victims. The judgeship bill was well received in the House. The Senate hearing has not been held. Ms. O'Connor noted that Delegate Vallario is introducing legislation for a constitutional amendment to overturn *Richmond*. There also is legislation to shift the Appointed Attorneys Program to the Governor's Office on Crime, Control, and Prevention (GOCCP). Ms. O'Connor and Chief Judge Morrissey have met with GOCCP and they are willing to assume responsibility if they can work out the details. Former Senator Chris Shank is the new Director of GOCCP. Ms. O'Connor noted that there are a number of bills to eliminate contested elections of circuit court judges.

3. Court Operations Committee

Judge Wells presented the proposed committee structure for the Court Operations Committee. The Committee will address operational matters and will assist in developing consistent operations and policies that have Judiciary-wide application. In addition, the Committee will recommend best practices in the various operational areas.

Judge Wells proposed four subcommittees – Jury Use and Management Subcommittee, Forms Subcommittee, and Courthouse Equity Subcommittee. The Jury Use and Management Subcommittee will

examine existing policies and procedures in each court, as well as the generous juror program and juror seating during *voir dire*. In addition, the subcommittee will develop a comprehensive juror manual for use statewide.

The Forms Subcommittee will review the various forms in use statewide, as well as proposed forms, and make recommendations for modifications in an effort to eliminate inconsistencies. The subcommittee also will work to develop uniform standards and policies for forms.

The Case Management Subcommittee will submit recommendations with respect to differentiated case management and its impact on efficient case management. Additionally, the subcommittee will develop best practices in case management and recommend ways to optimize utilization of the case management systems across the Judiciary.

The Courthouse Equity Subcommittee will develop guidelines to ensure that resources are distributed equitable across the Judiciary.

There also will be a number of workgroups that will be called upon to meet on an ad hoc basis around topics such as expungement, records retention, legislation, grants, and court reporting.

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

4. Education Committee

Judge Hazlett indicated that she needed additional guidance from the Council on how best to structure the Education Committee, as well as what is envisioned with the *Judicial College*. One of the challenges is that the Committee Protocol does not permit external members on committees or subcommittees, but both the Judicial Institute and the Professionalism Center have non-Judiciary members. Workgroups, however, are permitted to have non-Judiciary members.

Chief Judge Barbera noted that it is a challenge because the extant committees already provide excellent educational opportunities. She added that the Education Committee should be the umbrella committee that encompasses the various education and training entities.

Judge Hazlett will discuss the structure further and present to the Council at its March meeting.

5. Report from the Ad Hoc Committee on Retired Recalled Judges

Judge Kenney presented recommendations from the Ad Hoc Committee on Retired Recalled Appellate Judges. He noted that the committee members are Judges Cox, Jensen, Waxman, and Groton. Judge Harrell serves as the consultant. Judge Kenney indicated that the Committee was charged with looking at the utilization of retired recalled judges at all court levels and to assess the level of support provided. The Committee was tasked with submitting recommendations to address any problem areas. The recommendations were intended to be aspirational, driven by budget constraints, and also to bring about uniformity whenever possible.

Judge Kenney noted that there are three primary areas upon which the Committee focused – computer access, space, and law clerk and administrative support. The Committee proposed recommendations at this point related to the retired recalled appellate judges, subject to budget-related concerns, acknowledging that additional review and discussion is needed for trial court judges.

Chief Judge Barbera stated that the intent was not to constrain administrative judges from what they do from day-to-day, but to find ways to assist by providing the tools necessary for retired recalled judges to function effectively. She added that the appellate recommendations will be visited fully at the next meeting of the Council.

6. Strategic Initiatives Update

Judge Martin briefed the Council on the work of the Court Access and Community Relations Committee, highlighting the initiatives assigned to the Committee. He noted that the Committee held its first meeting on February 9. At that meeting, the initiatives were assigned to the various subcommittees. The Public Education and Lawyers Committee initiatives were assigned to the Community Relations Subcommittee. The Self-Help Centers initiative was assigned to the Self-Represented Litigant Subcommittee. The Outside Expertise to Help Us initiative has not yet been assigned to a subcommittee.

Judge Martin commented that the goals within the initiatives related to forms development might be better suited with the Court Operations Committee and its Forms Subcommittee with a liaison from the Court Access and Community Relations Committee. With respect to the initiative dealing with outside expertise, Judge Martin inquired as to whether his committee should collaborate with the Specialty Courts and Dockets Committee to establish a plan for moving forward. He solicited additional direction from the Council regarding its vision in this area.

Judge Martin noted that the subcommittees will prioritize the goals within each initiative and develop an implementation plan, which he will share with the Council.

The Council agreed that forms should be centralized within the Court Operations Committee. Chief Judge Barbera noted that the Court Access and Community Relations Committee should keep the Court Operations Committee apprised of any concerns or issues the public may be experiencing regarding forms.

Judge Jensen briefed the Council on the Elder Justice initiative that is being spearheaded by the Domestic Law Committee. She indicated that the Committee's primary focus in this area is to complete the work currently underway to provide an effective guardianship process that protects the rights of those for whom guardianship is sought and ordered. The Committee plans, among other things, to develop recommendations for training and/or standards for counsel and attorneys working in this area, as well as training for non-lawyers appointed to serve as guardians. Judge Jensen added that the Committee seeks further direction from the Council regarding the Council's desire to expand its focus.

Judge Wilner noted that the Rules Committee approved a number of changes related to guardianship of minors and disabled adults. The proposed changes were to be sent to the Court in the Rules Committee's next report. Judge Wilner will forward a copy of the proposed changes to the Domestic Law and Court Operations Committees for their review.

Chief Judge Barbera stated that she wants the initiative broadened beyond guardianship, to include issues faced by this population, such as accessibility and financial and physical abuse. She asked that all of the committees consider the elder population as they move forward with their work, adding that the Judiciary has to be prepared to effectively serve all who come before the courts. Chief Judge Barbera asked the Council to consider how the Judiciary can interact with the Executive Branch to address this area. Judge Mason echoed Chief Judge Barbera's sentiments, stating that seniors are being victimized financially by caretakers.

Judge Everngam reported that the first meeting of the Court Technology Committee is scheduled for February 19. He noted that the committee structure is designed to address the initiatives that have been assigned to the Committee – Electronic Communication, Public Access to Data, and Judicial App. He is trying to determine how to break them down into various parts and assign to the subcommittees because they are all interrelated. Judge Everngam noted, however, that the committee is planning to address what can be accomplished with respect to the initiatives sooner rather than later.

Judge Everngam and Mr. Bittner informed the Council that they have had discussions regarding the possibility of having an outside service provide email and/or text notifications of hearing and trial dates to parties. This initiative is thought to have the potential of positively impacting FTAs. The challenge will be gathering contact information from the parties, as well as mapping the information with the case management system data and ensuring that it is the correct individual.

7. For the Good of the Order

Judge Kenney requested approval to add a court administrator to the Retired Recalled Judges Committee, noting that they deal with the judge on a daily basis. Chief Judge Morrissey added that the District Court utilizes more than 3,000 judge days a year and requested that a representative from the District Court serve on the Committee as well.

After some discussion, Judge Kenney moved to add one Circuit Court and one District Court representative to the Retired Recalled Judges Committee. Following a second to the motion by Chief Judge Morrissey, the motion passed.

Ms. Harris noted that a number of committees had added court administrator and clerk representatives to their committee membership. Judge Tillerson Adams commented that adding administrators and clerks allows for improved communication. Ms. Harris moved to permit committees the flexibility to add one or more court administrators or clerks to their membership. Following a second by Chief Judge Morrissey, the motion passed.

Action Item

- Judge Wilner will forward a copy of the proposed Rules changes related to guardianship of minors and disabled adults to the Domestic Law and Court Operations Committees for their review.

There being no further business, the meeting adjourned at 11:15 a.m. The next meeting is scheduled for March 18, 2015, beginning 9:30 a.m.

Respectfully submitted,

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

Faye Matthews