



Hon. Joseph M. Getty, Chair
Chief Judge, Court of Appeals

Hon. Keith A. Baynes
Chair, Conference of Circuit Judges

Hon. Pamela J. Brown
District Court in Howard County

Hon. Audrey J. S. Carrián
Vice-Chair, Conference of Circuit Judges

Hon. Karen Christy Holt Chesser
District Court in St. Mary's County

Hon. Kathleen Duvall
Vice-Chair, Conference of Circuit Court Clerks

Hon. Angela M. Eaves
Circuit Court for Harford County

Hon. Matthew J. Fader, Chief Judge
Court of Special Appeals

Hon. Jeffrey S. Getty
Circuit Court for Allegany County

Markisha Gross, Administrative Clerk
District Court in Montgomery County

Kristin Grossnickle,
Vice-Chair, Conference of Circuit Court
Administrators

Pamela Harris
State Court Administrator

Hon. James A. Kenney III
Chair, Senior Judges Committee

Hon. Donine Carrington Martin
Circuit Court for Charles County

Hon. John P. McKenna
District Court for Anne Arundel County

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

Hon. Bonnie G. Schneider
District Court in Cecil County

Hon. Kathy P. Smith
Chair, Conference of Circuit Court Clerks

Lara Stone, Administrative Clerk
District Court in Harford County

Roberta Warnken, Chief Clerk
District Court of Maryland

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

Burgess Wood
Chair, Conference of Circuit Court
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Maryland Judicial Council

MARYLAND JUDICIAL COUNCIL

Minutes

November 17, 2021

Judicial Council Members Present:

Hon. Joseph M. Getty, Chair
Hon. Keith Baynes
Hon. Pamela J. Brown
Hon. Audrey J.S. Carrion
Hon. Karen Holt Chesser
Hon. Angela M. Eaves
Hon. Matthew J. Fader
Hon. Jeffrey Getty
Hon. James Kenney, III
Hon. Donine Carrington Martin
Hon. John P. Morrissey
Hon. Bonnie G. Schneider
Hon. Alan M. Wilner
Hon. Dorothy J. Wilson
Marina Fevola
Markisha Gross
Hon. Katherine Hager
Pamela Harris
Mary K. Smith
Roberta L. Warnken
Burgess Wood

Others Present:

Hon. Kathleen L. Beckstead
Hon. Yolanda Curtin
Hon. Karen Murphy Jensen
Hon. Glenn L. Klavans
Hon. Nicholas E. Rattal
Hon. E. Gregory Wells
Hon. Pamela J. White
Faye Gaskin
Richard Abbott
Gray Barton
Justin Bernstein
Carole Burkhart
Robert Bruchalski
Lou Gieszl
Melinda Jensen
Dominique Johnigan
Eliana Pangelinan
Suzanne Pelz
Pamela Ortiz
Nisa Subasinghe
Bradley Tanner
Gillian Tonkin
Jamie Walter

A meeting of the Judicial Council was held Wednesday, November 17, 2021, at the Maryland Judicial Center. The meeting began at 9:30 a.m. with Chief Judge Getty advising everyone that the audio portion of the meeting was being live-streamed pursuant to the Open Meetings Act. He then commented about how moving and touching the Baltimore City District Court's Veteran's Treatment Court graduation was that he had attended the previous day.

Chief Judge Morrissey discussed the Montgomery County MDEC implementation that occurred on October 25, marking the 22nd jurisdiction to go live on the statewide case management system. He noted that although there was extensive code development and expanded testing and solution validation, the implementation went very well with relatively limited issues. He credited the successful implementation to the collaborative efforts of

staff from both trial courts, Judicial Information Systems (JIS), District Court Headquarters, and Tyler Technologies. The trial courts in Prince George's County are scheduled to go live on MDEC in October 2022, followed by Baltimore City. Chief Judge Morrissey stated that the groundwork is being laid for the Baltimore City implementation which will involve converting three distinct case management systems in the statewide system. Both, Chief Judge Getty and Chief Judge Fader congratulated Montgomery County on the successful implementation.

Judge Brown moved for approval of the minutes of the September 22, 2021 meeting. Following a second by Judge Eaves, the minutes were adopted.

1. Monitoring of Guardianship of the Property Cases

Judge Karen Murphy Jensen, Richard Abbott, and Nisa Subasinghe presented a proposal to the Council from the Domestic Law Committee's Guardianship and Vulnerable Adults Work Group regarding the monitoring of guardianship of the property cases. Judge Jensen stated that while Maryland has been ahead of the curve with respect to its handling of guardianship cases, the Committee and work group continue to explore opportunities for improvement in this area of the law that impacts some of the State's most vulnerable citizens. The work group formulated two recommendations, both of which would require funding for additional resources to monitor property cases of minors and adults. Judge Jensen stated that the Clerks of Court have expressed the need for more training, as well as standardization of accounting practices and monitoring. She remarked that eight jurisdictions utilize external trust clerks who handle these matters, but that the court is the ultimate guardian. She stressed the importance of ensuring that the guardians have adequate resources to ensure the court, as the ultimate guardian, is doing everything it can to ensure there is proper oversight and monitoring. The proposal was presented to the Conference of Circuit Judges and received favorable feedback.

Ms. Subasinghe detailed the two recommendations.

- Recommendation I – *Juvenile and Family Services should offer family jurisdictional funds to the eight courts who currently rely on external trust clerks to enable those courts to hire or contract with qualified individuals who can perform trust clerk functions.*
- Recommendation II – *The Judiciary should create a new position within Juvenile and Family Services to help enhance the monitoring of assets under guardianship statewide.*

Ms. Subasinghe stated that Recommendation I addresses an equity issue, explaining that assets are depleting at a faster rate than they are in matters where the court has an internal trust clerk. The internal trust clerks are available to provide training and serve as a resource to the guardians. Any money that is required to be paid to external trust clerks reduces the amount of money available to the individuals for whom it is intended.

Chief Judge Getty asked for clarification with respect to the whether the recommendation would require the eight courts to change their process and create internal trust clerks, or if it would just provide funds to help cover the costs for services provided by the external trust clerks.

He added that the Rule allows a certain percentage to be charged based on value of the estate. Ms. Subasinghe responded that the recommendation would not require the courts to stop using external trust clerks but would decrease the financial burden on the estate. Mr. Abbott stated that Juvenile and Family Services (JFS) would assist the eight courts in entering into contracts with the external trust clerks to permit the fees to be paid from the funding if the recommendation is approved. He noted that there is a possibility to utilize regional trust clerks based on the caseload.

Judge Jensen stated that the administrative judges in the eight jurisdictions are aware of the proposal and that the feedback has been favorable with the understanding that they can retain their current process with external trust clerks. Judge Baynes added that there were no objections from the Conference of Circuit Judges provided the courts that utilize external trust clerks can continue to do so.

Recommendation II would expand resources for the courts through a position that would be available to provide training and technical assistance for trust clerks, court personnel, and guardians. The position also would be available to conduct investigations, particularly in the more complex cases. JFS is working with JIS to develop an electronic tracking/e-filing system for guardians that would be available to the courts to monitor and determine if there are any issues. The position would reside in JFS and the successful candidate would be required to have a background in auditing and accounting.

Judge Eaves moved that the Council recommend to Chief Judge Getty adoption of the two recommendations. Following a second by Ms. Fevola, the motion carried. Chief Judge Getty accepted the Council's recommendation.

2. Educational Strategies Proposal

Judge Gregory Wells and Judge Yolanda Curtin appeared before the Judicial Council to discuss the Educational Strategies proposal from the Equal Justice Committee and its Diversity and Inclusion Education Subcommittee and to seek approval of the same. Judge Wells remarked that the Committee and subcommittee determined that it would be appropriate for the entire Judiciary to undertake implicit bias training to fulfill its mission and to impress upon everyone the importance of being aware of bias and how it impacts relationships, both internal and external.

Judge Curtin stated that part of the subcommittee's charge is to create a series of mandatory educational programs, at all levels, to increase inclusiveness and to develop an appreciation for diversity within the Judiciary. To that end, the subcommittee developed, and the Committee approved, a proposal that outlines an approach for integrating diversity and inclusion in Judiciary education and training programs. Judge Curtin noted that while the Judicial College currently offers some diversity and inclusion programs, they are not mandatory. The subcommittee recommended that as the Judicial College include a discussion on diversity and inclusion as it discusses education and training programs. The subcommittee further recommended that three courses in the New Trial Judges Orientation (*On Being a Judge: Justice, Equality, and Fairness*;

Implicit Bias; and *The Art of Judging: Role of a Judge*) be reviewed with a focus on finding opportunities to include diversity and inclusion issues in the courtroom. Judge Curtin noted that the educational strategies proposal includes three hours of mandatory diversity and inclusion focused training for judges and magistrates, with the three hours being in addition to the current requirement of 12 hours of mandatory training.

With respect to professional development, Judge Curtin stated that there is no mandatory across-the-board training for Judiciary employees although the course selections include sessions on diversity and inclusion. The subcommittee recommended that a module be added to the New Employees Orientation that addresses diversity and inclusion. The addition of the module would expand the orientation to 9 weeks. In addition, the subcommittee recommended that all Judiciary employees be required to complete a minimum of 90 minutes of training annually on diversity and inclusion topics. Judge Curtin stated that subject matter experts should facilitate the discussions, which might require faculty external to the Judiciary. She added that leadership should create environments that permit open discussions following the courses. She noted that the subcommittee discussed ways in which those discussions can take place, such as coffee talk and lunch and learn sessions. The subcommittee also developed a rollout plan for the continuing education strategies, which includes judicial officers, magistrates, and executive leadership in the first group. She also discussed the need to track compliance. Judge Curtin stated that several state court systems have taken an active approach with their diversity and inclusion courses by making them part of their mission statements.

Chief Judge Getty inquired as to whether the proposal had been vetted by other groups such as the Conference of Circuit Judges and the Conference of Circuit Court Clerks. Judge Curtin responded that both the Equal Justice Committee and the Education Committee reviewed and approved the proposal, but that it had not been shared beyond those two committees. Chief Judge Getty commented that judges have expressed concern regarding the current requirement for 12 hours of training and asked if the subcommittee considered including the three hours in the 12 hours already required, whereby three hours would have to be on diversity and inclusion. Judge Curtin stated that the subcommittee addressed the mandatory requirement for 12 hours, but because of the importance of the subject matter, coupled with the fact that the administrative order allows administrative judges to grant an additional 5 days of training, it was decided to move forward with the proposal.

A question was raised as to whether the training could be virtual to which Judge Curtin responded that human contact and interaction is vital, but the subcommittee could consider the pros and cons and make any necessary adjustments. Judge Kenney raised a question about the different regions that are noted in the proposal. Judge Curtin stated that when developing the course modules, what is prevalent in different areas of the state have to be considered because what might resonate in one region may not in another.

Clerk Hager expressed concern with adding another module to the New Employees Orientation, stating that managers only have six months to observe employees while they are on probation and another module would further impact the ability to adequately observe employees. Judge Curtin stated that the Judicial College is in the process of developing the module and, as

such, she was not able to provide any specific details.

Judge Brown commented that the JIS security training and the ethics training are not too onerous and can be done at home or during lunch. She added that while the District Court is busy, the judges have not expressed concern about there being too much training. Judge Brown remarked that if the diversity and inclusion training is not mandatory, individuals may not participate. She also noted that the Judicial College has not indicated that the recommendation is unworkable and that as modules are created, they can be adjusted to address any concerns.

Judge Wilson echoed Judge Brown's sentiments, noting that the Judicial College has offered online courses as part of the 12-hour education requirement. She added that some of the modules possibly could be delivered in the same manner.

Chief Judge Getty suggested that a more refined proposal that outlines the number and length of each module, as well as the mode of delivery, might be warranted. Judge Schneider remarked that as more and more courses are added, it becomes more onerous. She suggested that the three hours be included in, and not added to, the current requirement for 12 hours of mandatory training. Judge Carrion stated her support for not adding three hours, but rather including the time as part of the current requirement, noting that the courts are very busy.

Chief Judge Morrissey asked if the subcommittee had considered an initial three-hour mandatory course for everyone and then offer all subsequent courses virtually. Judge Curtin stated that the subcommittee explored various alternatives but concluded that some type of in-person session is helpful in engaging dialogue. She reiterated that the administrative order provides for flexibility by allowing an additional 5 days for training for judges and magistrates beyond the required 12 hours. Judge Curtin added that diversity and inclusion is an important topic and to the extent that three hours is incorporated into the 12 hours, time would be taken away from training on substantive matters. She added that she understands the concerns expressed and noted that the proposal is not more detailed because the subcommittee first was seeking direction with respect to whether they could move forward.

Judge Wilner asked if the subcommittee had considered using one or two hours during the Judicial Conference for the training. Judge Curtin stated that the most recent Judicial Conference was focused on social justice in Maryland courts. She noted that the subcommittee could look at ways to incorporate the three hours that aren't so onerous and will not adversely impact other responsibilities.

Chief Judge Fader asked if there was any insight on how the 12 hours was chosen as the maximum and whether there are any statistics on how many judges exceed the mandatory 12 hours. He also asked for clarification on how the three hours would be delivered. Judge Curtin stated that there has to be built in flexibility to allow individuals to gain insight and that the learning style of adult learners has to be considered.

Chief Judge Getty asked that the subcommittee add more definition to the proposal and to come back to the Council with a series of more specific recommendations. Further, the

subcommittee should work with the Conference of Circuit Judges, the District Administrative Judges, the Conference of Circuit Court Clerks, and the Conference of Circuit Court Administrators. This will provide the Council with a clearer plan on what and how the program will be implemented.

3. Committee/ Strategic Initiative Updates

- a. ***Court Access and Community Relations Committee.*** Judge Pamela White briefed the Council on the work of the Court Access and Community Relations Committee, noting that the Committee continues to explore how the courts can do a better job reaching people. She also stated that the Committee fully supports the efforts of the Equal Justice Committee whenever judicial education is the topic, adding that its Access and Fairness Subcommittee has formulated a recommendation that encompasses raising the awareness about people with disabilities and has formed a Disabilities Work Group to provide more focused attention on the topic.

The Court Access and Community Relations Committee has four subcommittees – Accessibility & Accommodations, Self-Represented Litigants, Language Access, and the Joint Subcommittee on Communication & Access to Judicial Information – that work with the larger committee to tackle barriers to access to justice and court systems. In the fall of 2020, the Accessibility & Accommodations Subcommittee developed a webinar, *The Accessible Courtroom*; plans are underway to develop a live course on the same topic, as well as a course on cognitive and mental health disabilities. The subcommittee also created accessibility bench cards for judges and proposed several changes to Rule 1-332 that broadens the Rule beyond the requirements of the Americans with Disabilities Act.

The Language Access Subcommittee revised the Judiciary’s Language Access Plan, created the Language Access Toolkit, and revised the language access web content. The toolkit is available on CourtNet to assist judges when working with individuals with disabilities; it provides a plethora of resources at the judge’s fingertips. The use of remote interpreting services was expanded during the reporting period and laptops are being provided to commissioners for use in American Sign Language interpretation. The Judiciary’s website includes video instructions on requesting and securing interpreters. The instructions are available in six languages.

The Self-Represented Litigants Subcommittee developed a series of videos on topics such as service of process, mediation, rent court, ASL interpretation, and domestic violence. Other resource materials that have been, and continue to be, developed are used by attorneys in the various court help centers as they assist customers. In Fiscal Year 2021, the court help centers responded to approximately 100,000 calls. There is an ongoing collaborative document assembly effort between the Access to Justice department within the Administrative Office of the Courts and the Administrative Services department within in District Court Headquarters to develop guided interviews that assist self-represented litigants in completing court forms. A series of interviews have been completed, from divorce and custody in the circuit courts to small claims and detinue in the District Court.

Chief Judge Getty asked how COVID has affected court access to which Ms. Ortiz responded that resources were created to assist the courts and the public, such as an online tutorial on how to utilize interpreters on Zoom. The Committee and the Access to Justice department used the opportunity to pivot and explore ways to utilize technology to ensure continued access to the courts. Technology enabled court call center attorneys to answer calls from anywhere and the use of remote interpretation, though already in the planning stages, was expedited so that each courtroom could have the equipment necessary to conduct hybrid proceedings. Ms. Ortiz noted that there are, however, concerns about the digital divide and the fact that not everyone is able to successfully participate. She added that the courts will have to be flexible to ensure that individuals are able to participate in the court process in a variety of ways.

Ms. Fevola commented that the Kent County Circuit Court uses the hybrid interpreting program and it has been extremely valuable for a rural location. Ms. Ortiz noted that with the pivot to Zoom, interpreters can be anywhere and still be able to participate in the proceeding, adding that it has proven beneficial when trying to secure hard-to-find languages. The travel time and cost are no longer issues and matters don't necessarily have to be postponed because there are no interpreters available in Maryland for a specific language.

Chief Judge Getty acknowledged the work done by the Access to Justice department that has led to Maryland's ranking as second in the nation for access to justice. Judge White stated that the successful use of integrated interpreter software earned the department the *Enhancing Justice Award* from the National Association for Court Management. Chief Judge Morrissey complimented Ms. Ortiz and her staff on the work they have done to ensure access to justice through their work with the court call centers, guide and file interviews, the self-help videos, and the resource library they continue to build.

- b. ***Court Operations Committee.*** Judge Glenn Klavans, Judge Kathleen Beckstead, and Jamie Walter, Justin Bernstein, and Dominique Johnigan briefed the Council on the work of the Court Operations Committee. Judge Klavans remarked that the Committee is dedicated to the philosophy that the Judiciary be able to make tight turns when necessary so that services are as accessible and understandable as possible.

Judge Klavans then highlighted some of the activities of the various subcommittees. The Jury Use and Management Subcommittee was preparing to film a grand jury video prior to the pandemic but had to put it on hold. The subcommittee is rewriting some of the script, which includes defining the process and discussing the role of the State's Attorney's Office. The Forms Subcommittee reviewed nearly 250 forms, revising 201 and creating 44 new forms. In addition, the subcommittee is involved in the guide and file interview effort where the goal is to remove the legalese and take away the intimidation experienced by some people as they attempt to navigate and participate in the court process.

The Committee reviewed approximately \$30 million in Judiciary-issued grants with a specific focus toward equity. The grants, that support courts and justice partners in the areas of juvenile and family services, mediation and conflict resolution, research and evaluation, problem-solving courts, and access to justice, are reviewed annually.

Other areas of engagement for the Committee and its subcommittees and work groups included reviewing and updating the reserved cases reporting from the circuit court judges to make it more efficient, revising the Court Reporting Manual and providing suggestions regarding more uniform transcript rates, and enhancing the data dashboard to include commissioner and access to justice data. The Committee, along with the Court Technology and Court Access and Community Relations committees, agreed to sunset the Joint Subcommittee on Communication and Access to Judicial Information as many of its tasks were subsumed in other subcommittees that were more appropriate for the work at hand.

Judge Beckstead then stated that the Case Management Subcommittee was tasked with assessing the effect of the COVID-19 pandemic on case management and, as such, discussed the best approach to compiling and analyzing the relevant data and developed a way forward. The courts were surveyed, and the Research and Analysis department is compiling the data. Judge Beckstead stated that the subcommittee would attend a future meeting to discuss the results and to provide recommendations regarding best practices on addressing backlog. She then noted that the case time standards were suspended throughout the pandemic and, as such, the courts were not required to do the customary review of data prior to the caseload assessment analysis. The Research and Analysis department was charged with pulling the raw data to determine performance against the established case time standards.

Ms. Johnigan and Mr. Bernstein provided an overview of the caseload assessment, reiterating that the data was not quality-checked by the courts and that the draft report before the Council was an analysis of the raw data. The assessment application pulled a random sample of up to 500 cases from each case type to which the time standards apply. Ms. Johnigan discussed the District Court's analysis, stating that there have not been any changes to the time standards since Fiscal Year 2016. With respect to performance against the time standards, increases were noted in Traffic 21-902 cases (9 percent increase over the previous year) and Traffic Must Appear cases (4 percent increase over the previous year). In contrast, a 5 percent decrease in the percent of cases within standard occurred in civil small cases (88 percent within standard), while a 4 percent decrease occurred in civil large cases (92 percent within standard). The percent of criminal cases and traffic payable cases within standard decreased by 1 percent (93 percent and 92 percent within standard, respectively). Ms. Johnigan commented that the fluctuations may be attributable to the impact of COVID-19 as well as to the lack of data review. The average case time measured in days, increased in each casetype. Some of the Council members expressed concern with the validity of the numbers, particularly given the fact that the data was not reviewed by the clerks as it had been in prior years. Ms. Johnigan agreed, stating that the clerk review is a key point that is missing.

Mr. Bernstein discussed the caseload analysis for the circuit courts, noting that the case time standards have not changed since Fiscal Year 2016 when foreclosures were removed from the civil case type and analyzed separately. An analysis of the raw data indicated that none of the time standards were met during Fiscal Year 2020, with the greatest decrease in performance against the standards occurring in CINA non-shelter cases (a decrease of 26 percent, from 93 percent of the cases within standard in Fiscal Year 2019 to 67 percent within standard in Fiscal Year 2020). Other significant decreases over the two-year period were reported in juvenile and CINA shelter cases, both decreasing 16 percent. Mr. Bernstein remarked that the decreases are not surprising given the fact that the three aforementioned case types have the fastest time standards so they would be most impacted by the actions taken in response to the COVID-19 pandemic. Decreases in the remaining case types ranged from 1 percent in family law cases to 4 percent in foreclosure cases. Mr. Bernstein stated that there wasn't a considerable difference in performance against the time standards over the last two years in most circuit courts, but he expects that the effect of the pandemic will be more pronounced in the Fiscal Year 2021 data because the assessment includes only closed cases. In response to a question regarding possible changes to the case time standards in light of the pandemic, Mr. Bernstein stated that the Case Management Subcommittee had not discussed any changes.

Chief Judge Getty inquired about whether there is a consistent backlog in the courts resulting from the pandemic. Ms. Johnigan noted that some courts have indicated that they are relatively current, but a survey is being conducted through the Case Management Subcommittee to obtain more empirical data for the analysis. The subcommittee has extensively discussed backlogs, including what constitutes the same. Chief Judge Getty remarked that the data will be helpful and that he is especially interested in the state of landlord and tenant cases given the concerns with a potential increase in evictions.

With respect to the length of the trials and the impact on clearing the backlog, Chief Judge Getty asked if there was any information on whether they are taking longer because of the need to include video evidence which hadn't been part of trials in the past. Ms. Walter responded that the researchers have not been able to quantify the impact, but anecdotally it appears that it is taking law enforcement longer to enter video evidence. Judge Baynes noted that jury selection takes longer because of the additional measures that have been implemented as a result of the pandemic, such as not being able to bring in as many panels at the same time. Judge Eaves commented that more cases seemingly are disposed by pleas than trials. Trials could not be conducted for a while and attorneys were encouraged, during status conferences, to look more critically to resolve matters until the trial is able to be held. Judge Carrion provided criminal statistics for October 2021, noting that only 19 cases went to trial; the other cases, more than 400, were resolved by guilty pleas at reception or before trial and nolle prosequi or stet before or at trial.

The Court of Appeals disposed all its cases within the established time standards as did the Court of Special Appeals except standard 1 Child Access/Guardianship/CINA/TPR

cases. There was, however, a more than 5 percent increase in performance against the standard over the last two years. Ms. Johnigan noted that child access cases have a very tight time standard, so just a few cases can impact overall adherence.

- c. ***Specialty Courts and Dockets Committee.*** Judge Nicholas Rattal and Gray Barton briefed the Council on the work of the Committee, stating that the problem-solving courts are dealing with a lot of participants who are not vaccinated as COVID-19 is still impacting the courts. The Committee is charged with ensuring best practices in the area of specialty courts and dockets are utilized and with monitoring and directing the evaluation of training, technical assistance, research, funding, and support for the same. There are several subcommittees and work groups that help to ensure the Committee fulfills its mission, including Behavioral Health, Problem-Solving Courts, Truancy Court, and Legislation. The Truancy Work Group works collaboratively with the Juvenile Law Committee. The Business and Technology Case Management Subcommittee was moved from the Specialty Courts and Dockets Committee to the Conference of Circuit Judges. The Office of Problem-Solving Courts receives numerous requests for data, including recidivism statistics.

The Behavioral Health Subcommittee works directly with the Maryland Department of Health to monitor community and residential treatment, as well as to discuss reducing delays in the placement of incompetent, NCR, developmentally disabled, and substance dependent defendants. In addition, the subcommittee is working to ensure resources are available to assist defendants in being more compliant with probation when they have other challenges such as mental illness or substance abuse.

The Problem-Solving Courts Subcommittee serves as the screening vehicle for new specialty courts, making recommendations for approval to the Committee who ultimately makes a recommendation to the Chief Judge of the Court of Appeals for a final decision. There currently are 60 problem-solving courts in Maryland; Prince George's County has the most. There are two counties that do not have any problem-solving courts; however, Queen Anne's County is in the planning stages for an adult drug court in the circuit court, which, if approved, will leave Garrett County as the only jurisdiction without a problem-solving court.

With the onset of COVID-19, the Committee, along with the Office of Problem-Solving Courts, immediately began to plan on how to move forward, cognizant of the importance of constant and consistent contact to the participants' success. An overwhelming number of the participants have cellphones, which helped with the move to virtual hearings. Despite the efforts, the number of deaths increased during the pandemic, which Judge Rattal remarked may have been impacted by not being able to hold in-person meetings. Mr. Barton added that during the first three months of the pandemic, there was a 200 percent increase in deaths from overdoses over the same period in the previous year. This occurred when the courts could not have direct interaction. He noted that the courts led the way with respect to virtual interactions when compared to other justice partners, adding that many treatment providers shut down during that time. Mr. Barton stated that

Zoom or other remote platforms do not replace the in-person interactions the team has with participants, which is critically important. The number one and two drugs for which tests are ordered are opioids and marijuana, respectively.

Since its inception approximately 19 years ago, the Office of Problem-Solving Courts has participated in more than 40 evaluations and other studies involving problem-solving courts, ranging from outcome and process evaluations to the development of performance measures. Mr. Barton stated that the next step is for the courts to use the information to help improve outcomes for participants. To assist in that effort, a new position was created in the Research and Analysis department to focus primarily on problem-solving courts. Tools are being created for use by the teams to enable them to monitor the programs more effectively. In addition, best practices and performance measures are being utilized. The Office of Problem-Solving Courts continues to provide technical assistance to help the programs incorporate the various tools. Mr. Barton discussed the research that is being conducted, not only in Maryland but across the country. The research incorporates all the partners that participate in problem-solving courts to provide a more holistic picture. The Office of Problem-Solving Courts applied for a Bureau of Justice Assistance grant that, among other things, will allow for the development of a new management information system to provide improved functionality to measure performance and other metrics.

Surveys are ongoing regarding the implementation of adult drug court performance measures. Tablets are provided to each court so that participants can answer questions associated with each phase (from interactions with the judge and coordinators to treatment) in the problem-solving courts process to determine adherence to requirements. Thus far, three courts have completed the initial survey. Virtual training was conducted with the various teams on the mental health court performance measures.

Judge Carrion expressed concern with having only one juvenile drug court in Maryland and asked how the numbers can be expanded. Judge Rattal stated that the numbers are directly related to the decriminalization of marijuana because juveniles overwhelmingly use marijuana. Nearly 12 years ago, there were 14 juvenile drug courts. Judge Rattal added that another factor was the lack of referrals from the Department of Juvenile Services where the philosophy was to keep matters in-house and resolve informally as opposed to taking them to court. This philosophy has been the same nationwide.

Chief Judge Morrissey remarked that he sees it as a broader picture in the District Court where prosecutors no longer prosecute certain drug crimes. Mr. Barton agreed, adding that the Justice Reinvestment Act removed the incentive, particularly in the District Court. The Committee has been reviewing the eligibility criteria for entry into problem-solving courts and has considered expanding the criteria to allow more people into the programs. With the advent the COVID-19 pandemic, more people seemingly are waiting for the last minute to plead.

Chief Judge Getty thanked everyone for their presentations and for the hard work of the committees, subcommittees, and work groups.

4. For the Good of the Order

Chief Judge Fader announced that Ms. Harris will be inducted into the National Center for State Courts' Burger Society and congratulated her on her achievement.

There being no further business, the meeting adjourned at 12:33 p.m. The next meeting is scheduled for January 26, 2022, beginning 9:30 a.m.

Respectfully submitted,

Faye Gaskin