

# Justice Matters

A publication from the Maryland Judiciary

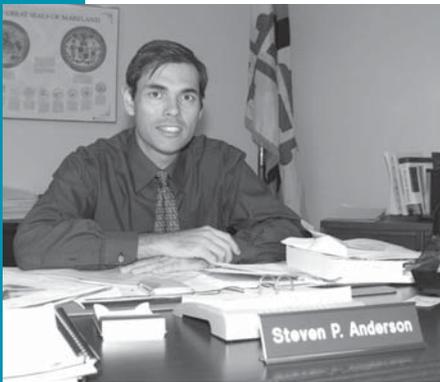
Vol. 9, Issue 2 August 2005

## New Law Library Director Emphasizes Service

By Catherine McGuire, Outreach Services Law Librarian

When Steve Anderson began as the new Director of the Maryland State Law Library in June, his face was familiar to many who have worked in the public services arena of law libraries and legal services.

Anderson brings to the Law Library experience he gained as the director of the library at the Baltimore law firm Gordon, Feinblatt, Rothman, Hoffberger & Hollander, and also as a public services librarian at the Baltimore County Circuit Court Law Library.



Steven Anderson

### Anderson's Philosophy is Strongly Based in Service

"The Maryland State Law Library plays an important role in the maintenance and distribution of legal information in our state, and I am very gratified at having been chosen to replace Mike Miller, a nationally renowned leader among state librarians," said Anderson, referring to his predecessor, who

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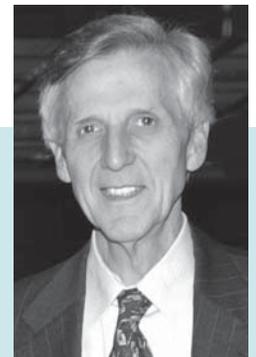
## Prehearing Conferences Play Role as Appellate Caseload Changes

By Court of Special Appeals Judge James R. Eyler

When the prehearing conference program was instituted in the Court of Special Appeals, a primary purpose was to assist the parties in settling cases. Although the prehearing conference program is clearly effective, its settlement influence has become less apparent in recent years because more and more civil cases appealed to the Court of Special Appeals are, by nature, less likely to settle out of court.

### Gauging "Appealability"

Over the last several years, the number of civil cases that settle on appeal has declined. Over time, the number of criminal cases has decreased and the number of civil cases has increased, as a percentage of the total number of direct appeals filed in the Court of Special Appeals.



Judge Eyler

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# Expanded Marbury Wing opens at Prince George's Circuit Court

By Prince George's County Circuit Court Judge Sheila R. Tillerson Adams

By the end of August, visitors to the Prince George's Circuit Court will find new, open public areas full of natural light, and courtrooms with plenty of public seating.

With the long-awaited opening of the courthouse's Marbury Wing Expansion this month, the court moves into new office space—including offices for the Family Division—and nine new completely handicapped-accessible jury courtrooms.

Twelve new judges' chambers have been created in the expansion, which includes the chambers for the Administrative Judge, the Hon. William D. Missouri. Until the Duvall Wing can be restored from the severe damage of the November 4 fire, all of the Circuit Court judges will be moving back to the courthouse.

Discussion is currently underway to enable the county to begin the redesign and construction process of the Duvall Wing. That process is estimated to last at least three years. New signage will help the public navigate the courthouse complex. For specific information about how to find an office, contact the Clerk of the Court's office at 301-952-3318.



Kita Buettner

## Students Argue Case in Court of Appeals

Twenty-four students from throughout Maryland visited the Maryland Court of Appeals July 21, where they held a mock argument. The students, who argued the case before Court of Appeals Judge Clayton Greene, Jr., were participating in the Maryland Summer Center for Law & Government, sponsored by the Citizenship Law-Related Education Program for the Schools of Maryland.

During the week-long program, the gifted and talented ninth and 10th graders learned about the Maryland courts, debated the constitutionality of the juvenile death penalty, observed a circuit court docket, and participated in civil, criminal, and appellate court arguments.



## News from the Bench

**Hon. Louis Aloysius Becker**, formerly a District Court judge, was appointed to the Circuit Court for Howard County, replacing Judge James B. Dudley, who retired.

**Hon. Richard Scott Bernhardt** was appointed to the Circuit Court for Howard County, replacing Judge Raymond J. Kane, Jr., who retired.

**Hon. O. John Cejka, Jr.**, was appointed to the District Court for Frederick County, replacing Judge Frederick J. Bower, who retired.

**Hon. Crystal Dixon Mittelstaedt** was appointed to the District Court for Prince George's County, replacing Judge Josef B. Brown, who retired.

**Hon. L. Bruce Wade**, formerly a juvenile master, was appointed to the District Court for Wicomico County, replacing Judge Lloyd O. Whitehead, who retired.

The following judges have announced their retirement from the bench. No additional appointments had been made as of press time.

**Hon. Robert E. Cadigan**, Circuit Court for Baltimore County

**Hon. William S. Horne**, Circuit Court for Talbot County

**Hon. Marvin S. Kaminetz**, Circuit Court for St. Mary's County

**Hon. Dennis M. McHugh**, Circuit Court for Montgomery County

**Hon. Martha F. Rasin**, District Court for Anne Arundel County

### In Memoriam

**Hon. Meyer M. Cardin**, retired judge who served on the Supreme Bench of Baltimore City from 1967 to 1977.

**Hon. Edwin H.W. Harlan, Jr.**, retired judge who served on the District Court for Harford County from 1978 to 1989.

**Hon. Edward D.E. Rollins, Jr.**, retired judge who served on the Cecil County Circuit Court from 1983 to 2002, including five years as the county administrative judge.

**Hon. Albert W. Selby**, retired judge who served on the Carroll County Orphans' Court from 1985 to 1998.

**Hon. Richard V. Waldron**, retired judge who served on the District Court in Prince George's County from 1967 to 1977.

### Judges' Conferences Scheduled for Fall

- The District Court Judicial Education Conference will be held Friday, October 7, at the Judicial Training Center in Annapolis.
- The Circuit Judges' Conference is scheduled for Friday, October 21, at the Miller Senate Office Building in Annapolis.



## Statewide conference to study impact of substance abuse on families

A one-day conference, "A Family Disease: The Impact of Addiction and Substance Abuse on Children, Families, Family Courts, and Communities," is scheduled for Friday, September 23, at the Loyola Conference Center in Timonium.

The conference, which is open to family and juvenile court judges, masters, and court staff, is sponsored by the University of Baltimore School of Law's Center for Families, Children and the Courts (CFCC), in collaboration with the Administrative Office of the Courts Department of Family Administration, the Open Society Institute-Baltimore, and the American Bar Association's Standing Committee on Substance Abuse.

The conference will offer insight into how judges, masters, and staff can effectively address alcohol and drug abuse among the children and families they encounter in the court system.

For more information, contact Sharon Curley at 410-837-5615 or [scurley@ubalt.edu](mailto:scurley@ubalt.edu).



# Judges Offer Training in Bosnia

By Court of Appeals Judge Irma S. Raker and Court of Special Appeals Judge Charles E. Moylan, retired

In January 2003 the International Criminal Tribunal for the former Yugoslavia and the Office of the High Representative for Bosnia and Herzegovina recommended the establishment of the War Crimes Chamber within the Court of the newly constituted State of Bosnia and Herzegovina (BiH) as well as a specialized Prosecutor's Office. The purpose of the project is to provide the BiH justice system with the tools and capacity to ensure international standards in the prosecution and trial of war crimes cases. That recommendation has now been ratified and the War Crimes Project in the Court and Prosecutor's Office of BiH is proceeding to fulfill the mandate conferred upon it by the international agreement.

On April 22, in Sarajevo, Bosnia, before approximately 30 judges of the BiH, Court of Appeals Judge Irma S. Raker and retired Court of Special Appeals Judge Charles E. Moylan represented the United States in a training program established by the Office of the Registrar, War Crimes, and Organized Crimes. In an all-day session, preceded by two days of conferring with both Bosnian officials and international judges, Judge Raker and Judge Moylan lectured about and explained both the procedures and the values of the adversarial system of criminal justice, a concept newly incorporated into the Bosnian judicial system.

Introducing Judge Raker and Judge Moylan to the Bosnian judges was retired Court of Special Appeals Judge Andrew L. Sonner who had been in Sarajevo for the preceding six months, working with the Office of the Court Registry and surveying the problems implicit in the war crimes prosecutions.



courtesy Sam Raker

L-R: Sharing a meal in Bosnia are Sam Raker; Michael Johnson, Bosnian Judiciary Registrar; Sandy Sonner; Court of Appeals Judge Irma Raker; Retired Court of Special Appeals Judge Charles Moylan (standing); Retired Court of Special Appeals Judge Andrew Sonner; and Marcia Moylan.

# New Retention Schedule Developed for Circuit Court Records

By Dawne D. Lindsey, Clerk of Circuit Court for Allegany County

Circuit court employees should receive the newly developed schedule for retention of court records shortly. After a year of meetings, in which the Records Retention Committee reviewed Schedule 655, the new schedule is in the final stages of review.

The committee considered the importance of retaining certain records and the ongoing issue of space in courthouses. The committee was made up of a wide variety of judicial personnel, so the new schedule has the benefit of having many different points of view and expertise in which records should be retained. The committee also revised the schedule to be reflective of the current electronic media available for storing records and other advances in technology.

Halfway through the year the committee presented to the Conference of Circuit Court Judges the recommendations for the new schedule. The new

schedule has been approved by the Conference of Circuit Court Judges, Conference of Court Administrators, Conference of Circuit Court Clerks, and the Clerks Association.

After final proofreading, the committee expects to send to Chief Judge Bell the new schedule for his approval. After his review, a copy of Schedule 2330 will be sent to all counties.

"I am now involved in the Disaster and Business Continuity Committee. While doing research to get ready for first meeting, I found it interesting that all the articles I read stressed the importance of active record retention management," said Dawne Lindsey, chair of the committee. "I thought the timing of the new schedule and the Judiciary working on a disaster plan was great, though I do not believe intentional."

After receiving the new schedule, court staff with questions may contact Dawne Lindsey at 301-777-5923.

## Congratulations to...

■ **Court of Appeals Chief Judge Robert M. Bell**, who received the H. Vernon Eney Endowment Fund Award from the Maryland Bar Foundation. The award is given for outstanding leadership in working to improve government and the administration of justice. Also, **Judge Bell** was elected the president-elect of the Conference of Chief Justices.

■ **Howard County District Court Judge Neil Edward Axel**, who received the Judge Anselm Sodaro Judicial Civility Award from the Maryland State Bar Association. The award is presented to a judge who demonstrates judicial temperament, civility, and courtesy to attorneys and litigants.

■ Retired **Court of Appeals Judge John F. McAuliffe**, who received one of Montgomery College's Outstanding Alumni Awards.

■ **Prince George's County Circuit Court Administrative Judge William D. Missouri**, who was elected chair-elect of the National Conference of State Trial Judges. Judge Missouri is Chair of the Maryland Conference of Circuit Judges.

Gregory Rapisarda (right) presents the Anselm Sodaro Judicial Civility Award to Howard County District Judge Neil E. Axel.



courtesy of MSBA

■ **Baltimore City Circuit Court Administrative Judge Marcella A. Holland**, who was elected the financial secretary for the National Bar Association Judicial Council.

■ **Dennis Weaver, Clerk of the Circuit Court for Washington County**, who was elected Chair of the Conference of Circuit Court Clerks.

■ **Prince George's County Circuit Court Judge Julia B. Weatherly**, who was the 2005 recipient of the Beverly Groner Family Law Award in recognition for her work as an advocate for family law causes.

■ **Suzanne James, Court Administrator for the Circuit Court for Prince George's County**, who received a Distinguished Service Award from the National Center for State Courts.

# Judiciary Creates Ombudsman Position

The Commission on Racial and Ethnic Fairness in the Judicial Process completed its work and issued a final report to the Court of Appeals at a hearing on June 15, 2004.

Responding to a recommendation from the Commission, Chief Judge Robert M. Bell has created an ombudsman position for the Judiciary. In its report, the Commission proposed that an ombudsman could promote the courts' position and programs concerning racial, ethnic, and economic fairness in the court system.

The ombudsman will serve as an advocate for fairness, answering individuals' questions, helping resolve individuals' concerns and issues, and working to make the courts more user-friendly.

## Independent Role

The ombudsman's role is completely independent of the roles of the Judicial Disabilities Commission, Attorney Grievance Commission, and other systems already in place to deal with specific issues within the court system.

Chief Judge Bell assigned William L. Howard, Ed.D., to serve as the Judiciary's first ombudsman, beginning June 29. Dr. Howard staffed the Commission on Racial and Ethnic Fairness.

Formed in 2002, the Commission presented its findings to the Court of Appeals, the Conference of Circuit Judges, District Court administrative judges, the Judicial Council, and the Judicial Cabinet.

"This will help build the public's confidence in the Judiciary," said Dr. Howard, who sees his role as one of problem-solving and communication. "People really just want a place to vent, and I can listen."

Dr. Howard will do community outreach to make the public and court staff aware of his services. "There will be avenues for people who speak other languages to express their concerns and issues," he said. "For people who feel the court system isn't friendly to them, we want to let them know that it is. They have to know there's someone who is concerned about them."

## Confidential Process

Questions and concerns will be accepted by phone and mail, but not electronically to keep the entire process confidential, Dr. Howard said. After handling individuals' issues, Dr. Howard will not keep a record of their interactions, and their names will generally not be shared. At the same time, he will be aware of trends, policies, and other issues that the Judiciary may want to address in the future.

During more than 25 years of experience working in the circuit courts and the Administrative Office of the Courts, Dr. Howard has worked as a juvenile administrator, chief deputy clerk, and court administrator of Baltimore City Circuit Court and as an assistant administrator for the Administrative Office of the Courts.

Dr. Howard may be contacted by calling 410-260-1298 or by writing to him at the Robert C. Murphy Courts of Appeal Building, 361 Rowe Blvd., Annapolis, Md. 21401. The ombudsman will also eventually have a presence on the Judiciary's web site.



William Howard, Ed.D.

"The ombudsman must be neutral, confidential, and independent. I'm just advocating for fairness."

— Dr. Howard

# Library Director, cont. from p. 1

retired. “I look forward to serving the Judiciary and the general public, two groups of information users I had not been able to assist in my previous role as a law firm librarian. During my stint at Gordon Feinblatt I did, however, add to my professional expertise a strong understanding of the role of technology in providing information to library users.”

Anderson serves on the current Executive Board of the American Association of Law Libraries and has served as President of the Law Library Association of Maryland. He has also written and taught extensively on the impacts, products, and aspects of technology in law libraries.

“I believe that librarians must lead users to information regardless of the format in which that information is contained—books, CD-ROMs, or on web sites. Each medium has its own strengths and weaknesses, and users and librarians need to choose the best resource for the task at hand,” he said. “One of Mike Miller’s strongest legacies was his devotion to providing legal information to the general public,

through e-mail reference, in-person assistance at the library, and in cooperation with other public county law libraries throughout the state. I aspire to continue this fine tradition.”

Anderson holds a Master of Arts in Library Science from the University of Arizona; a J.D. from the University of Maryland School of Law; and a B.A. in Political Science and Ethnic Studies from the University of California, Berkeley.

“The Maryland Judiciary will certainly benefit from Mr. Anderson’s wealth of experience, with his background in law libraries, teaching, and knowledge management,” said Court of Appeals Chief Judge Robert M. Bell, who serves as chair of the Maryland State Law Library Committee, the library’s governing board.

Steve Anderson contributed to this story



## State Law Library

# Where Tradition and Technology Meet

As a support unit of the state court system, the Maryland State Law Library works to provide access for the law-related information needs of the Judiciary as well as the legal community, government agencies, and the public. The Library pursues a full range of traditional and technologically enhanced service strategies that provide timely, accurate, and efficient access to the sources of law, including federal, state, and local government information resources. The Library collection includes many materials both common and uncommon to a law library. While the focus of the collection is on Maryland, materials outside of that scope are included as well. Highlights of the collection include:

- Anglo-American law, primary and secondary materials, including records and briefs of Maryland’s appellate court cases and those of the U.S. Supreme Court
- English and American historical and legal treatises, including several rare volumes
- Maryland legislative history materials, including superceded volumes of the Maryland Code
- self-help law materials, including online research guides on commonly-requested topics
- current and historical collection of Maryland and federal government publications of all kinds, including Maryland Study Commission and Task Force Reports
- collection of Maryland State Bar Association ethics opinions
- significant collection on Maryland history and genealogy
- complete run on microfilm of the *Baltimore Sun*, 1837 to date
- Audubon’s Birds of America illustrations

To contact the Law Library staff, write to [mdlaw.library@courts.state.md.us](mailto:mdlaw.library@courts.state.md.us) or call 410-260-1430.

# Realtime Reporting Offers Courtroom Assistance for the Hearing-Impaired

By Valerie M. Dawson, Registered Merit Reporter

The Americans with Disabilities Act lists Communication Access Realtime Translation (CART) as a legitimate auxiliary aid for people who are deaf or hard-of-hearing. Court reporters who perform realtime reporting have seen a recent transition wherein a reporter's role as keeper of the record is being changed to information manager. With this new technology, as realtime reporting has become an effective tool in communicating with late-deafened and hard-of-hearing individuals, court reporters' duties are expanding to include communication specialist.

## What is CART?

CART is a word-for-word speech-to-text interpreting service for people who need communication access. A court reporter using a laptop computer can set up in any environment and provide an on-screen text display of the proceedings for hearing-impaired individuals. CART is used for communication access in all sorts of arenas: classrooms for students who are hearing-impaired, places of worship, conventions, and, of course, courtrooms. In a courtroom setting, CART can be used to assist a defendant, a juror, interested party, participants in a trial, a witness, and even the judge.

## In the Courtroom

Official stenotype court reporters are charged with preparing an accurate, verbatim, and complete official record of the proceedings that does not include the inflection and spirit of the speakers or any environmental sounds. Using realtime technology, this record is instantly available to the participants in a trial. A realtime-capable reporter automatically converts stenographic notes into English text, and this text can be

immediately displayed through litigation-supported software on any computer screen in the courtroom.

CART is also based on realtime technology. A CART provider works along with the official court reporter but has a distinct, interpretive role. The provider uses the same steno-to-English translation and screen-transmission capabilities, but captures not only the words but also the spirit of the proceedings and environmental sounds. For instance, if someone laughs in the courtroom or if the proceedings are disrupted by sounds or other disturbances, CART providers will include this in their unofficial, on-screen text display.

It should be noted that a single official reporter cannot perform both the functions of making the record and providing CART services simultaneously. In extreme situations when both services are needed, the role of the reporter becomes that of the official reporter of proceedings, and the CART consumer is entitled to read the display screen of the official reporter. CART providers may even accompany a consumer in the jury room or into confidential discussions with attorneys.

## Working with Sign Interpreters

CART providers often work hand-in-hand with sign interpreters and each individual's function augments the other. They both serve the purpose of enhancing communication.

The hearing-impaired can generally be classified as either prelingually deaf—which means that their deafness occurred before they developed linguistic skills and awareness—and postlingually deaf. For the prelingually deaf, sign language is their first language, and

[cont. on next pg.](#)



courtesy of Valerie Dawson

Court Reporter Valerie Dawson (left) uses her reporting equipment, while Wicomico County Circuit Court Judge Kathleen L. Beckstead (right) watches.

English their second language. They easily follow a sign interpreter but could have trouble keeping up with the realtime English.

An exception to this, however, is when people know a different version of sign language. There are over 20 sign languages, but two are most commonly used. American Sign Language isn't even based on English. It comes from a French sign language and has a totally different vocabulary, grammar, and word order. SEE, Signed Exact English or Signed Essential English, is a rendering of the English language, and uses English vocabulary, word order, and grammar.

CART is a method of communication that works well for people who become deaf or hard of hearing late in life. Many late-deafened persons know English as their first language, but don't know sign language at all. Some late-deafened persons read lips to communicate, but there is always the concern that they don't catch everything.

## Putting CART to Good Use

The objective is to enhance communication in the courtroom setting. I had the pleasure of performing this function myself in Wicomico County on three different occasions. In one instance it was for a late-deafened defendant, who was entering a guilty plea, and who did not know sign language at all. Thanks to realtime reporting she was able to follow along verbatim with the proceedings, participate in her trial, and was able to understand what was happening.

The other two occasions involved an elderly woman who came to court. She was late-deafened and didn't know sign language. The realtime reporting enabled her to follow along with the proceedings word for word and participate in her case. It was rewarding to me to be able to help in this way. Realtime reporting is an excellent way of ensuring that court proceedings are accessible to late-deafened adults.

## Committee Forms to Consider Court Reporting Issues

By Leslie D. Gradet, Chief Clerk  
of the Court of Special Appeals

A standing Court Reporting Committee has been formed and will begin its work in the early autumn. Court of Appeals Chief Judge Robert M. Bell filed an administrative order February 16 calling for the creation of the committee and setting minimum requirements for court reporting and transcription in Maryland courts. The administrative order was filed in response to recommendations the *Ad Hoc* Court Reporters' Committee made in September 2003 to Judge Bell.

The new standing Court Reporting Committee is now charged with:

1. recommending certification criteria, including continuing education requirements;
2. assisting the Judiciary's Department of Human Resources in the development of appropriate application forms and other employment or contractual materials related to court reporting services;
3. developing an orientation program for providers of court reporting services;
4. recommending changes to the *Court Reporting Manual*;
5. making recommendations with regard to appropriate charges for transcripts; and
6. developing and recommending standards formulated with the goal of ensuring usable electronic versions.



To bring concerns or other matters to the attention of the committee please contact Leslie Gradet, Chief Clerk of the Court of Special Appeals, and chair of the Committee, at [leslie.gradet@courts.state.md.us](mailto:leslie.gradet@courts.state.md.us).

Drug Court Month recognized with events, graduations statewide

## Anne Arundel, Dorchester Courts Win Accolades for Juvenile Programs

The Judiciary marked Drug Court Month with a series of events during the month of May. Drug treatment courts throughout the state celebrated their participants' accomplishments with graduation ceremonies and open houses.

"Drug Court Month gave us a chance to recognize not only our drug court participants who turn their lives around, but also the people who work with them to keep them from returning to our courtrooms in the future," said Gray Barton, executive director of the Drug Treatment Court Commission.

### Juvenile Participants Offer Insights

The Anne Arundel County Juvenile Drug Court won five awards from the National Association of Drug Court Professionals for its participants' photography and writing. The association announced that Anne Arundel participants had won the awards at the association's June conference in Orlando, Fla.

Since the fall of 2003, Anne Arundel County Juvenile Drug Court has given court participants an outlet through photography and writing. Through "Insights: The Identity Project," the teens create reflective photos and essays. Each spring, their work is part of an exhibit in the courthouse—and this summer, at the Maryland Hall for the Creative Arts in Annapolis.

"It gives the kids a lot of confidence to see their work up there, and they can look at each other's work and see that people their age are dealing with similar issues. It's also a great vehicle for parents to see the

unspoken feelings that they didn't know about," said Anne Arundel Circuit Court Judge Pamela North. "Plus I think the icing on the cake is that the kids learn a lot about photography. A lot of them are very artistic."

### Dorchester's Program Named Most Innovative

The Drug Treatment Court Commission of Maryland designated the Dorchester County Juvenile Drug Court the state's Most Innovative Drug Court Campaign. The court incorporates creative boat-building and photography programs into a program that is designed to keep local teens both crime-free and substance-free.

Through a partnership with the Richardson Maritime Museum & Boatworks, the Youth Build-A-Boat Program teaches young people about shipbuilding while they create a 19th century-style traditional skiff. Overseen by the museum craftsmen, the teens build a real, functioning wooden boat, while learning about carpentry, art design, history, mathematics, and themselves.

The Dorchester teens also participated in a photography workshop, "Art of Prevention," to create exhibits demonstrating the dangers of drug and alcohol abuse. The court has partnered with the local community—including the county YMCA, the local pool, and the Dorchester County Arts Center—to provide young people with healthy alternatives to a life centered on drugs and alcohol.

Gray Barton and Jennifer Moore,  
Drug Treatment Court Commission,  
contributed to this story



At drug court graduation in St. Mary's County May 19, Gray Barton, executive director of the Maryland Drug Treatment Court Commission (right), speaks with Gary Lynch, director of clinical services for Walden Behavioral Health Services (left), and Bill Tench, St. Mary's Court Administrator (center).

# CSA Caseload, cont. from p. 1

With respect to the civil cases, over the last eight years, the percentage and number of cases in which a prehearing conference was held in a given year has declined, and the percentage and number of cases that have settled in a given year has declined. Of those scheduled for conference in recent years, a higher percentage of the total were scheduled for appealability or administrative issues rather than for possible settlement.

The majority of civil appeals in the Court of Special Appeals are comprised of administrative appeals, family law cases, cases in which at least one of the parties represented himself, and cases decided on dispositive motion and prior to trial on questions of law.

While statistics are available in the Judiciary's Annual Reports and from the Court of Special Appeals' clerk's office, it is difficult to show the effect of the prehearing conference procedure. This conclusion is primarily based on my personal knowledge, obtained from reviewing new civil appeals. The statistics, however, are consistent with this conclusion.

## Changing Nature of Cases

I have concluded that the number of civil appeals that are settleable has declined because of the rise in the number of administrative appeals (which are usually inherently unsettlable), the rise in the number of family law cases, and the effect of the increased use of alternative dispute resolution procedures. The routine tort, contract, or other settleable case has been weeded out prior to appeal. Most cases, particularly family law cases, have been through settlement processes prior to appeal.

Except for a few cases that "slip through the cracks," the cases that settle at the beginning of the appeal process are those in which the litigants have grown weary of the litigation process, those in which there has been a change in factual circumstances, or a change in dynamics caused by the circuit court decision. The latter includes those in which appellants recognize that the circuit court decision will likely be affirmed, causing appellants to reevaluate their chances of success.

There are a certain number of cases that settle later in the appeal process, but are not settleable earlier because of the need to obtain and review transcripts in order to evaluate the strength of the appeal.

## Prehearing Conferences at a Glance

By the designation of Court of Special Appeals Chief Judge Joseph F. Murphy, Jr., I have administered the prehearing conference program for approximately eight years. With very rare exceptions, the appellant—the person noting the appeal—must complete and file an information report. The appellee—the other party—may, but need not, file a supplemental report.

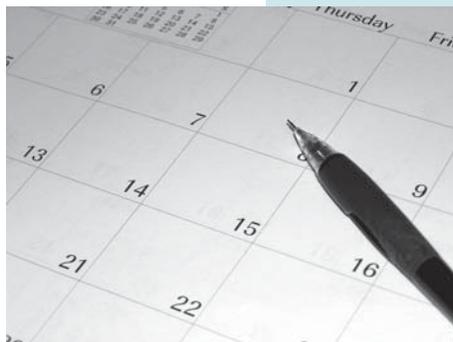
The reports help compile statistical data and identify related cases and administrative issues. I review the reports to determine whether settlement is possible but also to spot appealability issues, look for narrowing of issues, and address problems relating to the record, record extract, or scheduling.

The Court of Special Appeals recently revised the information report form to make it more understandable to *pro se* litigants and to obtain more and better information. Early intervention can avoid the wasted time and expense of briefing the merits, only to have a panel identify a problem which prevents a resolution on the merits. The appealability issue may be curable and, in some cases, the case can be remanded to circuit court.

When an appealability issue is identified that is not curable, the parties will sometimes agree that the case is not appealable, and the court dismisses the appeal. If the parties disagree as to appealability, the court may schedule a briefing on that issue and, if requested and permitted, oral argument, prior to a briefing.

Prehearing conferences usually result in a quick resolution either by settlement, dismissal, or moving the case forward, with or without resolution of any administrative issues.

Judge James R. Eyer



## Judges, Journalists to Come Together for Workshop

The National Center for Courts and Media in the National Judicial College has received a grant from the Donald W. Reynolds Foundation to bring judges and journalists together to foster better relations. When judges and journalists recognize that they have common goals to serve the public, they will better understand each other's perspective.

The District of Columbia, Maryland, and Delaware are co-sponsoring this one-day judges/journalists workshop to be held on Saturday, October 29, in Annapolis. A group of 50 judges and 50 journalists will participate in an interactive workshop that gives everyone an opportunity to voice their opinions on any issues they have with each other. The workshop will focus on topics regarding access and news coverage issues created by First and Sixth Amendment conflicts in previous trials. More details about enrollment will be made available when the final arrangements are confirmed.



### Court Information Office

Robert C. Murphy Courts of Appeal Building  
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[www.courts.state.md.us](http://www.courts.state.md.us)