

# Justice Matters

a publication from the Maryland Judiciary

vol. 12, issue 1 Summer 2008

## Bessie Decker Named COA Clerk

After serving in the Court of Appeals Clerk's Office since 1984, Bessie M. Decker became the first woman to be named Clerk of the state's top appellate court on April 1. She was sworn in during a formal ceremony by Gov. Martin O'Malley. With this appointment, made by the judges of the Court of Appeals, Decker became the Maryland Court of Appeals' 28th Clerk since the position was authorized in 1780.

Before becoming Clerk, Decker had served as acting Clerk since May 2007. She had served as chief deputy Clerk since 1999. Decker succeeds Alexander L. Cummings, who retired on March 31. Cummings, who had served as the Clerk of the state's highest court since 1983, died April 8 after a long illness. He was 66.

"The Court knows that Bessie will continue the outstanding work that Alex Cummings has done," said Chief Judge Robert M. Bell. "He was an invaluable part of the Court of Appeals, and we have been honored to have him serve here. We will miss him profoundly.

"Having benefitted from his example and tutelage, Bessie can be expected to bring the same level of dedication to the position, deliver the same high quality work, and provide the highest quality of service," Judge Bell said. "The Court is delighted with her appointment."

The Clerk of the Court of Appeals maintains the docket, receives briefs and transcripts of cases filed with the Court of Appeals, and maintains official custody of Court decisions, Acts of the General Assembly, and other records required to be filed with the Court. Decker, who also serves as State Reporter, will supervise a staff of eight and will serve at the pleasure of the Court of Appeals.



Bessie Decker, the 28th Clerk of the Court of Appeals

Molly Kalifur



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## Update:

# 2008 Legislative Session and the Judiciary

by Suzanne Delaney, Esq.

While most of the talk during this year's session of the Maryland General Assembly was about new protections against foreclosures, consumer energy efficiency, and the anticipated computer tax, the Judiciary received a budget increase and some bills of interest passed. The Maryland Judiciary was appropriated \$436.1 million for the fiscal year (FY) 2009, which represents a 9.9 percent increase over the FY 2008 appropriation. In addition to the operating budget and despite mounting state fiscal concerns, the District Court was successful in procuring capital funds for a new District Court location in Rockville.

The following is the status of the Judiciary's legislative package for 2008 and other bills of interest:

## Court-related Bills Passed by the General Assembly

[SB 57/HB 90 - Child Welfare - Permanency Planning and Interstate Placement of Foster Children \(Judicial Conference Legislation\) - Chapter 16](#)

This bill requires the local department of social services and a juvenile court to consider both in-state and out-of-state placements in the development and evaluation of permanency plans for children in out-of-home placements. The bill requires that, whenever practicable, at least 10 days written notice of any permanency planning hearing be given to the child's foster parent, pre-adoptive parent, or any relative providing care. The bill requires the court to consult with the child on the record at least every 12 months at a permanency planning hearing.

[SB 58/HB 87 - District Court - Commissioners - Jurisdiction \(Judicial Conference Legislation\) - Chapter 40](#)

This bill allows District Court commissioners to exercise the powers of office in any county to which they are assigned by the Chief Judge of the District Court or the Chief Judge's designee. The bill authorizes commissioners to serve temporarily in any county in the state without the need for an emergency designation by the Chief Judge of the District Court. The bill also repeals the authority of supervising commissioners in multi-county districts to perform duties of a commissioner in any county within their district and to assign commissioners within their district to perform duties in other counties within the district.

[SB 211/HB 370 - Statewide DNA Data Base System - Crimes of Violence and Burglary - Sample Collections on Charge - Postconviction DNA Testing - Chapter 337](#)

This Administration bill requires a DNA sample to be taken from any individual charged for specified crimes of violence or felony burglary. The bill requires the sample to be taken at the

facility where the arrest is processed by the arresting agency or the booking facility responsible for processing the arrest or at another facility as specified if the individual is charged but not arrested. The bill sets forth requirements for the collection, testing, use, and disposal of DNA samples taken from an individual and sets forth additional expungement criteria. The bill further clarifies that DNA must be destroyed if the person is never charged or convicted after being arrested. The bill establishes procedures for the use of DNA evidence in certain court proceedings and requires that certain reports be submitted annually to the governor and the General Assembly. The bill takes effect January 1, 2009. The requirement to collect DNA samples from charged individuals terminates December 31, 2013.

[SB 216/HB 365 - Recordation of Instruments Securing Mortgage Loans and Foreclosure of Mortgages and Deeds of Trust on Residential Property - Chapter 1 and Chapter 2](#)

This emergency Administration bill changes the law governing recordation and foreclosure of mortgages and deeds of trust. The bill alters the requirements for recordation, notice, service of process, court filings, and cure of defaults. The bill applies prospectively.

[SB 250/HB 550 - Forgery of Signature and Counterfeit Documents - Prohibition - Chapter 29 and Chapter 30](#)

This bill expands and clarifies the prohibition against counterfeiting public documents; establishes a new offense against forging, falsifying, or counterfeiting the signature of court officers or employees or using the forged, falsified, or counterfeited documents and establishes penalties.

[SB 393/HB 182 - Domestic Violence - Permanent Protective Order After Conviction and Imprisonment - Chapter 398](#)

This bill provides for the issuance of a permanent protective order against an individual against whom a final protective order was previously issued if the individual was convicted and served a term of imprisonment of at least five years for specified underlying acts of abuse. This final protective order is permanent unless terminated at the request of the victim.

[SB 493 - Lawyers- Payment of Taxes and Unemployment Insurance Contributions - Chapter 410](#)

This bill repeals the requirement that the Client Protection Fund verify through the Comptroller's Office that a lawyer has paid or has entered into an accepted payment plan for all undisputed taxes and unemployment insurance contributions before certifying as paid any annual fee paid by a lawyer. The bill instead requires that the fund provide the comptroller a list of lawyers (names, addresses, and Social Security numbers) who

have paid annual fees to the fund each year and provides that the comptroller may refer a lawyer to the Bar Counsel if the individual does not make payment or payment arrangements on the undisputed past due tax and unemployment insurance contribution amounts.

#### SB 514/HB 771 - State Board of Law Examiners - Sunset Extension and Program Evaluation - Chapter 413

This bill extends the termination date for the State Board of Law Examiners by 20 years; and increases from \$150 to \$250 the maximum examination fee for 2009 and to \$400 for 2010, as set by the Court of Appeals, that an applicant for admission to the bar must pay to the board. The law takes effect June 1, 2008.

#### SB 564/HB 720 - State Retirement and Pension System - Reemployment of Retirees - Chapter 516

This bill allows individuals with vested or normal service benefits in the Employees' Retirement System and Employees' Pension System (ERS/EPS) who are appointed to judgeships to suspend their ERS/EPS allowance while they are members of the Judges' Retirement System (JRS). The bill also exempts a JRS retiree who is also receiving a service retirement allowance from either the ERS or EPS from an earnings limitation if the JRS retiree is temporarily assigned to sit in a court of the state.

#### SB 571/HB 915 - Surety Insurers - Failure to Pay Bail Bond Judgment - Penalties - Chapter 192

This bill extends existing penalties to surety insurers that are precluded or removed by a Circuit Court from the list of insurers eligible to post bonds with any Circuit Court due to failure to resolve or satisfy one or more bail bond forfeiture judgments. The District Court currently must keep a list of these insurers by statute and this extends that requirement to the Circuit Courts as well.

#### HB 6 - Criminal Procedure - Custodial Interrogation - Recordation - Chapter 359

This bill creates a two-tiered public policy statement declaring that law enforcement units must make reasonable efforts to record custodial interrogations of criminal suspects in connection with cases involving murder, rape, and first and second degree sexual offenses whenever possible. Under the policy statement, a police department that regularly uses interrogation rooms capable of creating audiovisual recordings is to create audiovisual recordings, and a department that does not regularly utilize such interrogation rooms is to create audio recordings.

#### HB 36 - Judges' Retirement System - Employment on Faculty of Public Institution of Higher Education - Chapter 250

This bill exempts retirees of the Judges' Retirement System from a benefit reduction if they are employed as a faculty member with a public institution of higher education in the state.

#### HB 786 - Maryland Uniform Interstate Family Support Act - Revision - Chapter 522

This bill revises the Uniform Interstate Family Support Act (UIFSA) to include revisions proposed in 2001 by the National Conference of Commissioners on Uniform State Laws (NCCUSL).

#### HB 1038 - Prince George's County - Master for Juvenile Causes - Authority PG 303-08-Chapter 679

This bill repeals provisions of law that limit the types of juvenile hearings that masters in Prince George's County can conduct.

## Court-related Bills Failed or Withdrawn

#### SB 59/HB 89 - VOP - Notice or Warrant (Judicial Conference Legislation)

This bill would have repealed a requirement that the District Court issue a warrant or give notice of a hearing on a violation of a condition of probation or suspension of sentence only during the period of probation. The bill required the state to proceed in either District Court or Circuit Court within one year to prosecute the violation. The Senate amended the bill to require the District Court proceed within 90 days and removed the Circuit Court entirely. The Judiciary Committee gave an unfavorable vote to the House bill and did not vote on the amended Senate bill.

#### SB 269/HB 364 - Vehicle Laws - Speed Monitoring Systems - Statewide Authorization and Use in Highway Work Zones

This Administration bill authorized state and local law enforcement agencies to issue citations or warnings to vehicle owners for speeding at least 12 miles per hour above the posted speed limit on a highway in a residential district with a maximum posted speed limit of 45 miles per hour; in a school zone; and in highway work zones that are set up on expressways or controlled access highways where the speed limit is 45 miles per hour or greater. A citation would be subject to a civil penalty with a maximum fine of \$40 or \$75. The House and Senate could not reach a compromise on the speed camera bills.



# 2008 Legislative Session

## SB 293/HB 387 - Baltimore City - Orphans' Court Judges - Qualifications

This constitutional amendment allowed the General Assembly, upon request by the governing body of Baltimore City by resolution, to prescribe qualifications for Orphans' Court judges in addition to the qualifications required by the Maryland Constitution. Any additional qualifications could not be more stringent than those prescribed in the constitution for judges in other courts. This bill received a favorable vote from the Senate but failed in the House.

## SB 403/HB 642 and SB 404/HB 644 - Civil Jury Trials - Amount in Controversy

This bill would have prohibited a party in a civil action from requesting a jury trial if the amount in controversy does not exceed \$20,000, exclusive of attorney's fees if attorney's fees are recoverable by law or contract. The bill could not be construed to affect any requirement under Maryland Rule 2-325 for withdrawal of an election for jury trial after a party files a demand electing a trial by jury. The bill was contingent on the adoption by the voters of a constitutional amendment (SB 404/HB 644 of 2008) permitting the General Assembly to enact legislation limiting the right to a jury trial in a civil proceeding to civil proceedings in which the amount in controversy exceeds \$20,000. The bill was to take effect on the date of the certification of the election results on the ratification of the constitutional amendment. The bill applied prospectively to civil actions filed on or after the bill's effective date. The bill failed on third reading in the Senate and was withdrawn in the House.

## SB 441/HB 1325 - Criminal Procedure - Offender Registry - Minors

This bill would have required a person who has been adjudicated delinquent for specified acts to register with a supervising authority at age 18 for inclusion on the State's sex offender registry if the juvenile was at least age 13 at the time the qualifying delinquent act was committed and is determined by the court, by clear and convincing evidence, after a hearing (at the time a juvenile court jurisdiction is terminated) to be at significant risk of committing another sexually violent offense or child sexual offense. The bill further would have established that a police or court record pertaining to a child may be accessed and used by the Department of Public Safety and Correctional Services and other supervising authorities for purposes of including a person in the state's sex offender registry. This bill passed the Senate but received an unfavorable vote from the House.



## SB 516/HB 500 - Family Law - Denial of Paternity, Custody and Visitation

This bill would have established that a man must be excluded from legal status as a child's father for purposes of guardianship or adoption, and be denied custody and visitation, if he committed rape in the first or second degrees, incest, or sexual abuse of a minor against the child's mother and the child was conceived as a result of any of these acts. This bill passed the Senate but was never voted on in the House.

## SB 549/HB 615 - State Government - Custodian of Records - Inspection of Public Records

This bill would have required a custodian of public records to deny inspection of the records if the request is related to a matter that is the subject of a pending civil action. An exception was provided if a petition for inspection is filed with the court in which the civil action is pending and the court grants the petition on a showing of good cause for the necessity of inspection. The bill provided that if the petition is granted, the court order shall be narrowly tailored to satisfy only the purpose for which the inspection was sought. The bill prohibited a court from finding a showing of good cause on the basis that a particular entity of state or local government is the only source of the information. The bill was referred for interim study in the Senate and was withdrawn in the House.

## SB 552/HB 845 - Criminal Procedure - Penalties - The "Smart on Crime" Act

This bill would have altered penalties applicable to specified primary drug offenses under Title 5, Part I of the Criminal Law Article. The bill never received a vote in the Senate and was recommitted back to committee in the House.

## SB 572 - Truancy Reduction Pilot Program - Baltimore County

This bill would have authorized the establishment of a Truancy Reduction Pilot Program (TRPP) in the juvenile court in Baltimore County and would have taken effect July 1, 2008 and terminated June 30, 2009. The bill passed the Senate but received an unfavorable vote in the House.

## SB 705/HB 534 - Juvenile Law - Purposes and Hearings

This bill would have added the express purpose of removing from children the taint of criminality and consequences of criminal behavior to the law related to juvenile causes. The bill also would have revised the hearing process pertaining to children who commit delinquent acts that would be a felony if committed by an adult. The bill authorized the juvenile court to exclude the general public from a hearing, upon a party's motion and after determination by the court that there is a substantial reason consistent with the express purposes of the law related to juvenile causes. The court could admit only the victim and those

persons with a direct interest in the proceedings and their representatives. The bill was withdrawn in the Senate and received an unfavorable vote in the House.

#### SB 921 - Jury Duty - Excusal from Service - Breast-Feeding Mother

This bill would have required the court to excuse from jury service a mother who is breast-feeding a child under the age of 2. The bill never made it out of the Senate Rules Committee.

#### HB 77 - Cameras in the Courtroom

This bill would have allowed for the recording and broadcasting of criminal sentencing hearings in certain circumstances. This bill received an unfavorable vote in the House.

#### HB 144 - Criminal Appeals - District Courts - Stay of Sentence and Release

This bill would have required, in a criminal appeal that is tried de novo, that the District Court stay service of a sentence of imprisonment and release a defendant pending the defendant's appeal to Circuit Court. The bill permitted the District Court to impose conditions for release of the defendant or deny release of the defendant pending appeal. The District Court would have been required to state the reasons for denying release of the defendant in writing or on the record. The bill authorized the defendant to seek review of the District Court's decision in the Circuit Court while the appeal is pending in accordance with the Maryland Rules or by petitioning for a writ of habeas corpus. The bill only applied prospectively to criminal offenses charged on or after the October 1, 2008, effective date. The bill was never voted on by the House Judiciary Committee.

#### HB 917 - Criminal Law - Offensive Physical Contact

This bill would have prohibited a person from (1) intentionally causing minor offensive physical contact of a nonsexual nature to an adult; (2) engaging in conduct intending to put an adult in fear of minor offensive physical contact of a nonsexual nature; or (3) attempting to cause minor offensive physical contact of a nonsexual nature to an adult. Under current law prohibitions against disorderly conduct, a violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 60 days and/or a fine of \$500. It also gave the District Court original jurisdiction of these cases. The bill was amended and received a favorable vote in the House but was never voted on in the Senate.

#### HB 1147 - Family Law - Child Custody Determinations

This bill specified the procedures under which courts should make legal and physical child custody determinations basically codifying existing case law. The bill received an unfavorable vote in House Judiciary.

#### HB 1275 - Election of Circuit Court Judges

HB 1275 proposed an amendment to the Maryland Constitution to allow for Circuit Court judges to be selected by gubernatorial appointment followed by approval or rejection via retention elections by the voters. This bill received an unfavorable vote in the House.

#### HB 1453 - Bail Bonds - Bail and Bail Bondsmen - Licensure and Regulation

This departmental bill would have made several changes to the current bail system by requiring the licensure of property bail bondsmen by the Maryland Insurance Administration and the appointment of a bail bond commissioner for each of the judicial circuits. The bill would have repealed specific public local laws and established that any other laws inconsistent with the bill are repealed to the extent of the inconsistency. This bill received an unfavorable vote from House Judiciary.

#### HB 1559 - Courts - Death Penalty Cases - Former Judges

This bill would have prohibited the Chief Judge of the Court of Appeals from recalling a former judge for a temporary assignment in a case in which the death penalty was sought. This bill received an unfavorable vote in the House.

#### HB 1556 - Administrative Office of the Courts - Automated External Defibrillator Program - Courthouses

This bill required the Administrative Office of the Courts to develop and implement an automated external defibrillator program that would ensure that all courthouses are equipped with a defibrillator and that an individual trained in the operation of the defibrillator would be present and accessible during business hours. The bill was withdrawn in the House.

#### HB 1605 - Divorce - Mutual Consent Required

This bill would have prohibited a court from granting a decree of limited divorce on the grounds of voluntary separation, or absolute divorce on the grounds of voluntary separation or a two-year separation, if (1) there is a minor child born of the parties; born of either party and adopted by the other party; or adopted by both parties; or one party is pregnant; and (2) either party files a written objection to the divorce. A written objection that is filed with the court could have been withdrawn at any time during the divorce proceedings. This bill received an unfavorable vote in the House. **Suzanne Delaney is deputy director of the Office of Government Relations.**



# Students Come to Court

The Anne Arundel County District Court held two Schools in the Court events in April. This educational program brings local high school students to court with the hope that they will never appear there as defendants. On April 9, approximately 130 students from Chesapeake and Old Mill senior high schools attended the program, presided over by Judge Danielle Marie Mosley. On April 30, Circuit Judge Jeffrey Michael Wachs returned to the District Court to guest-lead the program for more than 100 students from Severn School.

Schools in the Court was developed by Anne Arundel County District Judge Vincent Mulieri, who retired last year after hosting 10 sessions. The program gives students an up-close view of the state's justice system in action while they learn about the legal and personal costs of speeding, driving under the influence of drugs or alcohol, drug use, and other crimes.

“We want these students to understand first-hand not only how the legal system works, but also how making wrong choices can deeply and adversely impact their lives,” said Judge Mosley, who leads the event. “The students see real defendants—many times not much older than themselves—hear the charges and the facts, and learn the outcome. That sometimes means watching people being handcuffed and led to jail. Because it happens right in front of the students, it tends to get their attention.”

In addition to watching criminal cases, the students hear from victims and people who have been convicted of drinking and driving. They learn about the legal and financial consequences of being charged with drunk driving, and meet with a representative from Maryland's Shock Trauma Center. During the April 9 event, students met with Chief Judge Ben C. Clyburn of the District Court of Maryland. On April 30, the students talked with Judge Clayton Greene, Jr., of the Maryland Court of Appeals.



Molly Kalifut

Judge Michael Wachs talks to students from Severn School during a Schools in the Court program in the Anne Arundel County District Court in Annapolis.



Jason Clark

Judge Danielle Mosley addresses high school students from Anne Arundel County Public Schools.

# Court of Appeals Hosts High School Mock Trial Championship



Molly Kalifut

Chief Judge Robert M. Bell joins the Mock Trial state champions from Severna Park High School.

The Maryland Judiciary hosted the 2008 Mock Trial State Championship in the Court of Appeals on Friday, April 25. The courtroom was packed as the two finalist teams—Severna Park High School from Anne Arundel County and The Park School from Baltimore County—argued their cases before Chief Judge Robert M. Bell. Students throughout the state watched as the event was webcast live for the first time.

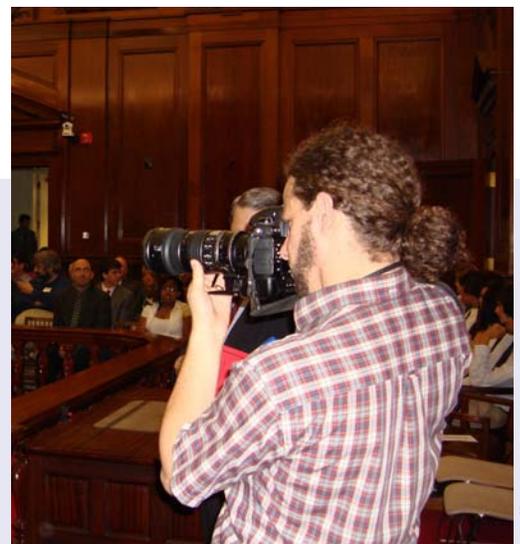
Severna Park's team won, but both teams were outstanding and the competition appears to get better each year, Judge Bell commented. "The more I watch these trials, the more convinced I become that our future's in good shape," he said. "It bodes well for the future of our democratic republic, which depends on citizen involvement and trust in the system."

High schools from throughout Maryland compete each year in the Mock Trial program, which is sponsored by the Citizenship Law-Related Education Program in cooperation with the Maryland State Bar Association and Maryland Judicial Conference.

The championship event marks the culmination of a school year of competitions held in District and Circuit courtrooms throughout the state. The program's success depends on judges and attorneys who volunteer to coach teams and score competitions at local, regional, semi-final and final levels. Each year, several hundred judges, masters, and attorneys across the state volunteer for this program.

Most teams compete at least four times in local matches, as both prosecution/plaintiff and defense. By the time a team has reached the state competition, they have competed, on average, 10-12 times. The top four teams advance to Annapolis for the semi-finals, with the top two teams advancing to the state championship.

Were you involved with the Mock Trial Competition? *Justice Matters* would like to hear from you for an article about the courts' involvement in this program. Contact us at [justicematters@mdcourts.gov](mailto:justicematters@mdcourts.gov).



Molly Kalifut

A news photographer covers the Mock Trial in the Court of Appeals.

# Strengthening Executive Leadership Teams in Trial Courts

By Diane Pawlowicz

## Executive Leadership Program Advisory Committee Members

- Judge William D. Missouri
- Judge Diane O. Leasure
- Judge Thomas J. Love
- Pamela Harris
- Kathy Smith
- Suzanne James
- Nancy Mueller
- Robert Prender
- Frank Broccolina
- Faye Gaskin

“Loved the program and really enjoyed meeting the other judges, court administrators and clerks. I feel it is very beneficial to place the three administrative positions in a program together. It was “eye-opening” to realize they have the same frustrations and challenges—we have a great deal in common.”

— A participant

Leadership and teamwork—these two concepts may seem mutually exclusive, but as we know, the Maryland Judiciary’s organizational structure demands that to be effective, our leadership teams must excel at both. About leadership, Stephen Covey says, “Management is efficiency in climbing the ladder of success; leadership determines whether the ladder is leaning against the right wall.” About teamwork, Andrew Carnegie states “Teamwork is the ability to work together toward a common vision; the ability to direct individual accomplishment toward organizational objectives. It is the fuel that allows common people to attain uncommon results.”

In recognition of this, the Maryland Judiciary recently sponsored an Executive Leadership Program for leadership teams in the trial courts. With the vision and support of Chief Judge Robert M. Bell and the direction of Frank Broccolina, state court administrator, a program was developed that focused on enhancing the shared leadership relationship among the executive leaders in the trial courts, consisting of the administrative judge, clerk of court and court administrator in the Circuit Courts and the administrative judge, administrative clerk and administrative commissioner in the District Court.

The concept for bringing together these teams for a 2½-day program and the curriculum envisioned by the Advisory Committee were innovative enough to capture grant funding from the State Justice Institute. This funding allowed the program to be presented to all jurisdictions over a six-month period, with approximately six courts attending each session.

The Judiciary partnered with the University of Maryland’s James MacGregor Burns Academy of Leadership-School of Public Policy to deliver the program. Nationally renowned faculty from the academy provided presentations on the MBTI (Myers-Briggs Type Indicator), and the FIRO-B (Fundamental Interpersonal Relations Orientation-Behavior). They also

continued on next page



Minnesota Judge Kevin Burke (standing) conducts a leadership program session.

courtesy AOC

facilitated team exercises to help participants better understand key aspects of personality and behavior and how those characteristics might impact the team in its communication, problem solving, decision making, and interpersonal relations.

These themes were further explored with an overview of negotiations skills and activities that highlighted how personal negotiations are affected by trust and communication. Judge Kevin Burke from Hennepin County, Minn., was the keynote presenter who helped to tie all these concepts into the real work of the court. He shared many ideas he and his court have implemented over the years to increase trust and fairness, and facilitated discussions about roles and responsibilities, court culture, teamwork and communication. Chief Judge Bell personally welcomed the groups to the program and spoke of the importance of effective court administration in achieving trust and confidence in our judicial system.

Planning for a second leadership program is beginning and will be held in January-March 2009. The curriculum will build upon many of the concepts introduced during the first session. [Diane Pawlowicz is executive director of the Court Research and Development Department.](#)

## Leadership Team Programs: A Participant's Viewpoint

By Sandra K. Dalton

When Chief Judge Robert M. Bell wrote to invite us to attend a leadership program, he stated, "Leadership is a critical determinant in the effectiveness of trial courts. The sheer scope and complexity of our mission and role in the administration of justice demands the attention and commitment of the combined efforts of a court's top executives working together in partnership." Our invitation gave us a mission statement and a vision of the intended goal. Our first retreat would focus on an interactive curriculum. I believe it is also fair to state that one understood the importance of this event by the nature of the invitation: the leadership team must all be able to attend together, no designees, all meals will be provided on site, no guests.

### Getting Ready

Prior to our meeting, everyone took an online Myers-Briggs Type Indicator and another assessment known as the FIRO-B. The first group of attendees from six Circuit Courts met in November 2007, where a new vision of team building was launched.

We met at a private, quiet, secluded place known as the Aspen Wye Institute's Wye Woods Conference Center. To interject some humor (I am after all an ENFP—that's Myers-Briggs-speak—more about that later), with high inclusion and affection scores, and with no disrespect intended, the invitation read a bit like a scene from "Mission Impossible." And because my type indicator is correct in that I like meetings, I was ready to accept this mission.

### Day One

Day One for me must have been similar to a juror reporting for their first day of service. I knew it was important to be here, I didn't know what would be expected of me, and I wondered what the other attendees were feeling. After the welcome and overview, our morning started with Minnesota Judge Kevin Burke addressing "Leadership Issues in the Trial Courts." A few of the topics presented and discussed included "Why an Effective Leadership Model is Important,"

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# Leadership Teams, cont. from 9

“High Performing Partnerships,” “Court Culture,” “Trust,” “Procedural Fairness,” “Respect,” and “Connecting to Our Community.” We were challenged to address how we can improve our leadership partnership, improve morale and trust, and enhance service to a diverse customer base.

After a group lunch we reconvened for the afternoon session. The presenter walked us through our personal results of the Myers-Briggs Type Indicator test. This questionnaire helps to determine one’s personality type, and the test can be used to assess management skills and facilitate teamwork and problem solving. This was a very interactive time as we reviewed our results, and compared with others on our team. We would later get input on how our personality styles affect the way we interact and how others perceive us. As I said earlier, I am an ENFP. This types me as Extroverted, Intuitive, Feeling, and Perceiving. The MBTI helps us to understand how we take in information and how we come to conclusions. Simply realizing that everyone is not like us is an important basis for working together and respecting one another.

## Days Two and Three

Days Two and Three were equally educational and interactive. We learned more about the interpersonal

characteristics we bring to a team through the results of our FIRO-B assessments. We also participated in a very interesting activity called “Oil Pricing,” which helped us to learn about negotiation styles and how to achieve a win-win solution. Exercises to define the roles and responsibilities of the administrative judge, clerk of court, and court administrator—and the group input—were informative and thought provoking. As part of our study of the “Abilene Paradox,” we broke into groups by job title; the judges, clerks and administrators then reported back with suggestions of what the other groups could do to enhance our working relationship.

The program debriefing and evaluations confirmed that this was a wonderful experience. With a deeper understanding of our individual responsibilities and combined goals, the intended goals and results will be met and enhanced by all partners. Our combined goal is to make Maryland courts the best courts in the nation. Sandra Dalton is clerk of the Circuit Court for Frederick County.

“I am finally getting around to say ‘thank you’ for the retreat. At first I was very skeptical of this ‘invitation,’ but I must say, I enjoyed it and got a lot of useful information.”

— A participant



courtesy Sandra Dalton

Sandra Dalton (seated, second from right) joins her fellow leadership program participants.

## In the Long Term

# He Provides Service with Style



Mail Clerk Bert Choate is a familiar feature in and around Annapolis. He has brought his signature style of dress and friendly helpfulness to the Judiciary since June 1982.

Choate's full-time career started with a temporary job—he was hired to work during a Maryland Judicial Conference. He found out about the opportunity through his girlfriend—now his wife—Georgeanna Choate, who works with the Staff Attorney's Office for the Court of Special Appeals and has been with the Judiciary for more than 37 years. After the Conference, Choate was hired full-time, and currently works with Administrative Services Manager of Planning and Facilities Rocky McKagan.

He has logged a lot of miles on the job and in his daily commute. "I commuted from Baltimore City to Annapolis and now I commute from Aberdeen to Annapolis, where a round trip consists of more than 100 miles per day," Choate said. "I have had at least five new cars over the past 25 years and have run them up and down the road to Annapolis until they could no longer make the trips." On the job, he spends much of his day, ironically, driving: moving mail, materials, and supplies between locations throughout the area.

The best part of the job, he says, is the variety. "It's never the same job from day to day," Choate said. "I come to work each morning and find out what needs to be done. I enjoy meeting people, and I meet a lot of people every day. I like coming to work. I like everything I do. I'm the type of person that likes to keep busy."

The answer to the question on everyone's mind: Yes, he *always* dresses formally in stylish suits, ties, and hats. "You're just as likely to see me dressed this way working in the yard," he said. "I don't hang my clothes in the closet and let the moths eat them; I wear them. I feel comfortable this way." He has dressed well all his adult life. "I was so poor growing up," he recalled. "I remember all I had were overalls to wear." He grew up working on his grandfather's farm in Harford County, not far from his current home. He has watched the area grow up around him, overtaking the

farmland where his family grew tomatoes and string beans, and he said his mother would make fresh homemade sausage.

One of Choate's favorite pastimes, well known to his friends, is playing billiards. "I like to shoot pool, any kind. I shoot every day," he said. His second favorite pastime is going to Delaware Park or to an off-track betting establishment to watch horse races. "After being raised in Harford County, watching horses race is second nature," he explained.

"If and when I decide to retire, what I'll miss most are all my friends here in Annapolis that I have made over the years," Choate said.

***In The Long Term* is a new feature of *Justice Matters* that recognizes and profiles long-term Judiciary employees and their contributions to the Maryland courts. Please contact us with suggestions for employees to include in future issues: [justicematters@mdcourts.gov](mailto:justicematters@mdcourts.gov).**



Bert Choate

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Valerie Dawson, Court Reporter  
Wicomico County Circuit Court

Judge James R. Eyler  
Court of Special Appeals

Judge Marcella A. Holland  
Baltimore City Circuit Court

Catherine McGuire  
Maryland State Law Library

Judge John P. Morrissey  
Prince George's County District Court

Judge Stephen I. Platt  
Prince George's County Circuit Court, Retired

Judge Emory A. Plitt  
Harford County Circuit Court

Sally W. Rankin  
Court Information Officer

Judge Russell Sadler  
Howard County District Court, Retired

Judge Dennis M. Sweeney  
Howard County Circuit Court, Retired

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*Justice Matters* is published quarterly. We welcome your comments. Contact us at: Court Information Office  
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## Benchmarks

### Appointments

**Hon. Videtta Arthyne Brown** was appointed to the District Court for Baltimore City, filling a vacancy created by the elevation of Hon. Emanuel Brown.

**Hon. Leon R. Cooper** was appointed to the District Court for Baltimore City, filling a vacancy created by the retirement of Hon. Norman E. Johnson, Jr.

**Hon. Susan Hower Hazlett** was appointed to the District Court for Harford County, filling a vacancy created by the elevation of Hon. Angela M. Eaves.

**Hon. Robert B. Riddle**, District Court for Calvert County, was appointed administrative judge for District 4 (Calvert, Charles, and St. Mary's counties) upon the retirement of Hon. Stephen L. Clagett.

### Retirements

**Hon. Stephen L. Clagett**, District Court for Calvert County

**Hon. Charlotte M. Cooksey**, District Court for Baltimore City

**Hon. Irma S. Raker**, Maryland Court of Appeals

**Hon. J. Frederick Sharer**, Maryland Court of Special Appeals

**Hon. Ann Newman Sundt**, Circuit Court for Montgomery County

### In Memoriam

**Hon. Sol J. Friedman**, District Court of Maryland, District 6, Baltimore City, 1973-91.

**Hon. Elroy G. Boyer**, Second Judicial Circuit Court (Caroline, Cecil, Kent, Queen Anne's & Talbot Counties), 1987-90.

## Congratulations

**Frederick County Circuit Judge Theresa M. Adams, Baltimore County Circuit Judge Vicki Ballou-Watts, Court of Special Appeals Judge Mary Ellen Barbera, Mary W. Conaway, Register of Wills for Baltimore City, Prince George's County Circuit Judge Sherrie L. Krauser, Baltimore County Orphans' Court Judge Theresa A. Lawler, and Montgomery County Circuit Judge Katherine D. Savage** were named to the *Daily Record's* 13th annual list of "Maryland's Top 100 Women." Judge Ballou-Watts was included on the list for the third time and was therefore named to the "Circle of Excellence" for her sustained achievement. The award was created to recognize successful female professionals who also give back to their professions and their communities by mentoring others and by personal community involvement.

Send submissions for Congratulations to [justicematters@mdcourts.gov](mailto:justicematters@mdcourts.gov).

First research forum held

## Researchers Discuss Judiciary Projects

By Diane Pawlowicz

How does the Judiciary develop new programs, efficiently and effectively allocate funding, determine the efficacy of existing programs, and form decisions to steer the Judiciary in the future? Research is a vital component; therefore, the Judiciary created the Court Research and Development Department in 2006.

This department focuses on program development and evaluation, conducts research designed to help judicial leaders in making informed decisions regarding resource allocation and efficacy of programs, and promotes strategic thinking about future directions for the Judiciary.

In order to conduct this vital research, the new department has partnered with research units throughout Maryland's state university system. "This unique partnership will help the Judiciary achieve the goals of this extensive research agenda," State Court Administrator Frank Broccolina said.

On April 14, researchers from around the state came together during the first collaboration session of the Maryland Judiciary's Research Consortium. During this event, hosted by Morgan State University, one of the Research Consortium members, researchers had the opportunity to meet face-to-face to discuss the status of their Judiciary projects. The session was organized and facilitated by C. David Crumpton, Ph.D., deputy executive director of Court Research and Development.

In his remarks to the participants, Chief Judge Robert M. Bell stated that measuring the Judiciary's success is an important determinant of the trust and confidence the public holds in its courts. "The extent to which we can base decisions about new programs that should be implemented, programs that should no longer be funded, and changes to current programs that would make them more effective, the more accountable we become to our citizens," he said.

Allan S. Noonan, M.D., M.P.H., dean of Morgan State's School of Public Health and Policy, gave welcoming remarks. Brian Darmody, Esq., associate vice president for research and economic development, spoke on behalf of the University of Maryland College Park's Research Division, and Richard P. Barth, Ph.D.,

dean, School of Social Work, represented the University of Maryland, Baltimore. Coppin State University is also part of the consortium, and there are plans to expand to additional state universities in the future.

In his keynote address, Broccolina reviewed the work initiated by the Research Consortium in its first year. Many of the projects deal with problem-solving court programs; the consortium is designing research plans for evaluating truancy courts, and mental health courts. Family service programs are also on the research agenda. The consortium is also evaluating the Judiciary's electronic filing projects and other data management systems.

Broccolina spoke of the need for accountability as the Judiciary develops new programs. He also noted that while programs or initiatives sometimes "fail," much is learned through the evaluation process that can make future initiatives more effective.

The audience included Chief Judge Ben C. Clyburn of the District Court, executive directors of departments within the Judiciary as well as several judges, court administrators and clerks of court. As future research topics were discussed, the perspectives offered by these stakeholders were particularly valuable. **Diane Pawlowicz is executive director of the Court Research and Development Department.**



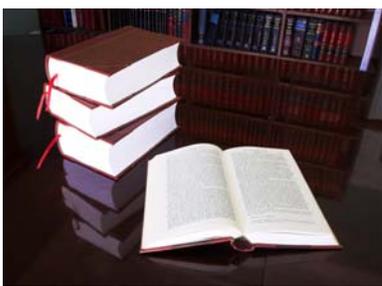
Dave Crumpton, deputy executive director of Court Research and Development, leads a session at the Judiciary's first research collaboration forum.

Anna Pepin

# Project provides mediation services for self-represented

By Master Theresa A. Furnari

Self-represented litigants who may have had no other way to receive legal representation for themselves and their families are now receiving support thanks to a successful collaboration by the Circuit Court for Baltimore City, Family Division, the Pro Bono Resource Center of Maryland, the University of Baltimore School of Law's Family Mediation Clinic, and the Administrative Office of the Courts.



The Pro Bono Mediation Project (PBMP), now in its second year, provides pro se litigants with legal representation when mediating their cases through the Circuit Court for Baltimore City. The

program provides counsel to litigants when considering decisions regarding custody and visitation for their children.

"Many litigants in the family court in Baltimore City do not have counsel to advise them as to their rights and responsibilities in regard to the custody or visitation of their children," said Circuit Judge Marcella A. Holland. "The opportunity to be advised of and understand one's legal rights before committing to a parenting plan translates into better informed and thoughtful decisions."

When litigants are scheduled to appear before the court for a scheduling conference, the case is reviewed by the hearing master. Before a case is selected, it has to meet certain criteria: the litigants cannot be represented by counsel; custody or visitation is in dispute; the litigants are determined to be appropriate for mediation; and at least one of the litigants must meet income eligibility standards. If the case meets these criteria and is selected, the hearing master refers the case for mediation.

The litigants are assigned volunteer attorneys to represent them only for the mediation session. The volunteer attorneys are student attorneys from the

University of Baltimore School of Law's Family Mediation Clinic or provided through the Pro Bono Resource Center of Maryland. The students practice under Rule 16, Legal Assistance by Law Students, under the Rules Governing Admission to the Bar of Maryland.

"Once the parties have had an opportunity to meet with their PBMP attorneys, they proceed to mediation, where a neutral third-party mediator facilitates discussions between them," said Susan German, associate administrator of the Baltimore City Circuit Court Family Division. The mediators are volunteer attorneys provided through the Pro Bono Resource Center.

"In mediation, the parties can speak with each other through their attorneys or to the mediators. Often, parties initially ask their attorneys to speak for them but then almost immediately become comfortable enough to voice their own positions," said Circuit Judge Audrey A.S. Carrion. "The mediators propel the process along with open-ended questions and the parties are encouraged to continue to communicate directly with each other toward a solution. The parties usually consult with their attorneys periodically throughout the process."

The collective effort of all involved achieves many successful objectives. Volunteer and student attorneys gain valuable experience as to representing clients in mediation. The mediators, some of whom undergo mediation training through grants from the Administrative Office of the Courts, are able to improve their skills. The court is able to review, for approval, detailed and thorough agreements. And lastly, the litigants, many of whom are unable to afford their own attorneys, are able to rely on the guidance of experienced attorneys to arrive at an agreement that serves their interests and the interests of their children.

The intent is to continue to collaborate and expand the project to enable more litigants to have legal representation when mediating their cases through the Circuit Court for Baltimore City. **Master Theresa A. Furnari is domestic relations master for the Family Division of the Circuit Court for Baltimore City.**

## Decker Appointed Clerk, cont. from front page

Decker is an associate member of the Maryland State Bar Association and serves as secretary of the National Conference of Appellate Court Clerks. She has been a member of the Conference since 1999 and has served on its board since 2004. In 2007, Decker was a faculty member with the Maryland Institute for the Continuing Professional Education of Lawyers (MICPEL).

“I have the highest respect for Mr. Cummings, for all his accomplishments and the service that he provided for the Court of Appeals and the Judiciary,” said Decker. “He wasn’t just my boss, he was my friend, my dear friend.”

Decker recalled the good working relationship she experienced with Cummings, who wanted the Clerk’s Office staff “to strive for perfection always ... but he gave us that room to do our jobs without having him look over us,” Decker said. “He was a good teacher.”

Before becoming the Court of Appeals’ 27th clerk, Cummings served as the Chief Deputy of the Criminal Appeals and Correctional Litigation Division of the Attorney General’s Office. While in the Attorney General’s Office, he argued more than 700 criminal appeals before the Supreme Court of the United States, the Maryland Court of Appeals, the Court of Special Appeals, and the U.S. Court of Appeals for the Fourth Circuit.

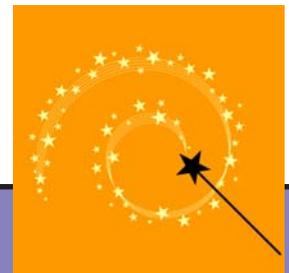
“All of us here in the [Clerk’s] Office are really grieving because we’re all going to really miss him,” Decker said. “It has been an honor to work for him, and I hope to continue to meet the high standard that he established. I am thrilled to work with such a dedicated group of professionals in this office.”

Among Decker’s first duties as Clerk is to find a new chief deputy. She has been her own chief deputy since she was named acting Clerk. She also wants to continue making the Clerk’s Office more digital, including placing the court’s entire case management system online.



courtesy of Governor's Photo Office

Gov. Martin O'Malley signs the Test Book during Decker's swearing-in ceremony as her husband Darwin looks on.



### Looking for Stellar Employees

Do you know someone who does a spectacular job? The Trial Courts Awards Committee has extended its deadline to submit nominations for Outstanding Employee of the Year for the Circuit and District Courts to May 30.

Who's eligible? All judges and employees of the District or Circuit Court with three (3)

or more years of service are eligible. A judge or employee may nominate him/herself.

Awards for both the District Court and Circuit Court Outstanding Employee of the Year will be presented at the annual judicial conference.

For more information, nomination forms, and instructions, see [mdcourts.gov/awardscommittee/index.html](http://mdcourts.gov/awardscommittee/index.html).

# Small Town Graduation, Big-Time Guest

Earlier this year a participant in Caroline County's juvenile drug court invited a special guest to her upcoming graduation ceremony. That special guest, Department of Juvenile Services Secretary Donald W. DeVore, accepted her invitation, and attended Caroline County juvenile drug court's eighth graduation in Denton on Friday, April 4, under the direction of Circuit Judge Karen A. Murphy Jensen. The participant's family members, friends and key stakeholders also attended.

The graduate met DeVore at a Department of Juvenile Services sponsored training event earlier this year. They talked over lunch, and she stated that she wanted him to attend her drug court graduation ceremony – which he did.

Caroline County's juvenile drug court blends local services with juveniles who have been identified for their drug-related criminal behavior. These youth then participate in a 10 to 14-month program. The overall goal of this program is to reduce recidivism by giving youth the opportunity to learn skills that will assist them in maintaining a drug-free, productive lifestyle. The program components address counseling for drug use, decision-making skills, curfew, education, employment, money management, restitution, and life skills. Caroline County juvenile drug court has been in existence since July 2004 and has now graduated its eighth participant.

Caroline County juvenile drug court has many partners, all of whom deserve tremendous thanks for their consistent and tireless efforts. The Department of Juvenile Services, Caroline Counseling Center-Health Department, the Board of Education, Office of Public Defender, State's Attorney's Office, Maryland Cooperative Extension-4-H, Caroline County Human Services Council-Local Management Board, and the Office of Problem Solving Courts are among those who deserve direct thanks for their part in helping Circuit Court make graduations like this possible. **Samantha Wiley is the drug court coordinator for the Circuit Court of Caroline County.**

by Samantha Wiley



courtesy of Caroline County juvenile drug court

Caroline County Circuit Judge Karen A. Murphy Jensen welcomes Department of Juvenile Services Secretary Donald W. DeVore to the Court's eighth juvenile drug court graduation in April.