

Justice Matters

A publication from the Maryland Judiciary

Vol. 7, Issue 1 June 2003



Legislative Update

While budget concerns dominated the 2003 General Assembly session, legislation proposed by the Maryland Judiciary found support among legislators, including a proposal to increase the fees charged for recording land records. Here's an update on key bills supported or opposed by the Judiciary:

The Judiciary's bills to limit the mandatory suspension of worker's compensation cases when the Subsequent Injury Fund is impleaded (that is when a party is added to a case) were passed by the General Assembly and await the governor's signature. SB 140/HB 122 are intended to remedy the situation where certain motions are made close to the trial date, often without merit, to delay the

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Judiciary on Active Duty

For over 350 years, members of the Maryland Judiciary have placed their lives on hold in order to instill liberty and protect the freedoms of this country. When the United States went to war earlier this year against Iraq, thousands of brave Americans were sent overseas to serve their country. Many more, including Prince George's County Circuit Court Judge C. Philip Nichols, Jr., continued to work as normal knowing that they could have been called up at any time.

"I didn't think I'd get called up, but it really depended on what was needed at that point in time," says Judge Nichols, a reserve captain in the Navy JAG (Judge Advocate General) Corps. "I was a trial judge for five years and an appellate



Judge C. Philip Nichols

military judge for three in the reserves, and

you never know how many trials they will be going through. It's a question of need, which is why the reserves exist."

Judge Nichols has served in the reserves for over 32 years. Last September, he was sent to Guantanamo Bay, Cuba as an investigating officer in a matter involving the Marine Corps. In 1991, during the Gulf War, he served a tour of reserve duty at the Naval Base in Rota, Spain. As the only active reserve on the Maryland bench, Judge Nichols says he discussed the possibility of being called up with fellow judges and court employees who are or were reservists. He received some heartening advice from Judge Lawrence R. Daniels, Circuit Court Judge for Baltimore County, who served in the first Gulf War as a member of the 207th JAG attachment.

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Baltimore's Early Resolution Court Combines Justice, Fast Disposition

It is 9:30 a.m. at District Court in east Baltimore (Eastside.) Judge Ben C. Clyburn is presiding in the Early Resolution courtroom today. On the docket: 110 cases — an average day for this new, high-volume specialty criminal court designed to handle cases where community service and/or drug education and treatment might be appropriate.

Everyone in the first group of defendants has been charged for the first time with drug possession. Judge Clyburn tells them that the court is offering them the opportunity to undergo drug screening, with treatment as appropriate, and completion of a few hours of community service in exchange for no criminal record for the offense. Judge Clyburn patiently and clearly explains to those who refuse that they will now be arraigned and the diversion offer made at this hearing may not be offered at trial court.

It is now 10:20 a.m. and 36 cases have already been heard. Most involve citations amenable to early resolution by referral to community service. The community service bus leaves from the courthouse at 10:30 a.m., so those who have agreed to do community service are able to begin today. And so the day goes — a very efficient machine, whirring along, dealing with groups of individuals on the basis of types of charges and types of offers being made, yet dispensing justice on an individual basis. Every person has the opportunity to be heard by the judge.

Catalyst

How did the ER court come about? The catalyst was a 2002 study funded by the Abell Foundation for the Baltimore Efficiency and Economy Foundation that identified system barriers and recommended solutions. Judge Keith Mathews, administrative judge for District 1, asked Judge Clyburn to chair a work group convened as a subcommittee of the Baltimore City Criminal Justice Coordinating Council to consider the recommendations. Crucial support came from the General Assembly, which provided funding.

The work group (with representatives from all stakeholder agencies) recommended that ER court focus on 1) citation cases where the police officer issues the citation with an assigned court date and 2) cases involving defendants who are released on their own recognizance and who qualify for referral to community service, the First-Time Offenders Diversion Program, or other appropriate dispositions. The group also recommended that an arraignment court be established to process defendants on probation or parole.

The recommendations were implemented on April 8, 2002, and in the first year, 3,838 more cases were resolved through ER court than were resolved in the previous year (a 254 percent increase).

As the ER court referred more first time drug offenders to the diversion program, waiting time for the program hit 90 days and was still growing. The creative solution? A certified drug educator now provides the education program to groups

Special Appeals Judges Go Back to Law School

For the first time in its 35-year history, the Court of Special Appeals sat in Baltimore in November 2002. Two three-judge panels heard arguments at Maryland's two law schools, the University of Maryland School of Law and the University of Baltimore School of Law. Students had the opportunity to talk with judges and lawyers after the arguments and it was, the judges say, a rousing success. Among the judges' observations:

James R. Eyler: "The post-argument meeting (between students and lawyers) was helpful for the students because it gave them the opportunity to discuss strategy and to get the benefit of the lawyers' thought processes."

Arrie W. Davis (about students' questions to the judges): "I was impressed by the students' very probing and well thought-out questions."

James P. Salmon: "It was a pleasure to be able to answer the students' questions."

Mary Ellen Barbera: "The experience caused the judges to ponder the notion of not just carrying out their role as judges, but of contemplating the students' and teachers' perceptions of the appellate process."

Sally D. Adkins: "The variety of argument styles showed students that there is more than one way to be an effective advocate."

Deborah Sweet Eyler: "It was worth doing — and worth doing again."

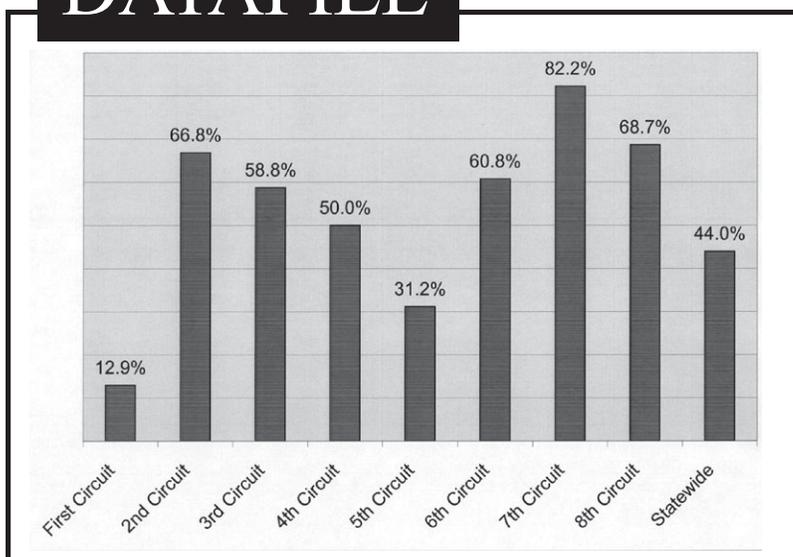


Howard Schulman, representing the City of Frederick, addresses the bench: (l-r) Judges Sally D. Adkins, James P. Salmon and James R. Eyler.

photo by Ed Fishel, Univ. of Maryland

Leslie D. Gradet

DATAFILE



Jury Trials

Statewide, slightly less than half (44 percent) of criminal trials in circuit courts are heard by a jury. The circuit with the busiest jury commissioners is the 7th, where 82.2 percent of trials were jury trials in Fiscal 2002. Jury trials accounted for less than two percent of dispositions in criminal cases. In circuit court civil cases, jury trials accounted for less than one percent of dispositions during the same 12 months.

WWW

Are you interested in seeing how other state judiciaries look on the World Wide Web?

■ *The National Center for State Courts* maintains a list of local and state sites at www.ncsconline.org/D_KIS/info_court_web_sites.html.

■ *The New York Times* has an excellent all-purpose list of useful web sites: It is located at www.nytimes.com/ref/technology/cybertimes-navigator.html

■ *Cornell Law School's Law Information Institute* offers an impressive portal to legal information and sites. The address is www.law.cornell.edu/

[To our readers: Please share your favorite law-related websites with Justice Matters at info@courts.state.md.us]

Early Resolution Court, cont. from p. 2

of 50 people charged with marijuana possession on location at Eastside. Additional drug assessors and case managers, also located at Eastside, have been hired to streamline the process for individuals charged with possession of drugs. The result: waiting time for the program has been cut by nearly a month.

The benefits are substantial: Police spend less time in court and more time on the street. Public defenders are able to reallocate resources. The state's attorney's office can respond to public pressure to prosecute more cases. Community service agencies can serve more people. Early diversions mean fewer incarcerations, and thus less overcrowding in jails. With more time for other trials within District Court, there is less pressure on the circuit court dockets and fewer costly jury trials. Witnesses spend less time waiting to testify. Community service benefits the local community. And — of course — society benefits when lives are turned around.

The efficiency envisioned by the workgroup is greatly enhanced by a new browser-based internet case management system that greatly improves communication and case tracking capabilities by all agencies involved with the case.

Diane Pawlowicz

www.courts.state.md.us/rules

What is . . .

The Rules Committee?

The Maryland Constitution gives the Court of Appeals the power to administer Maryland courts and to regulate practice and procedure in the courts. The Standing Committee on Rules of Practice and Procedure (the "Rules Committee") has its origins in an ad hoc committee formed in 1940 to assist the Court with this important and time-consuming responsibility. The Rules Committee was formalized six years later.

Committee members are appointed by the court and serve without compensation. Currently, five judges, 17 lawyers, and one clerk of a circuit court serve, in addition to four retired members, some of whom remain active.

Whether prompted by a U.S. Supreme Court decision, the need to create a family division from scratch, or a procedural problem that has arisen in a courtroom somewhere in Maryland, each word in a proposed rule change is carefully considered by the committee and its 22 subcommittees. The committee's recommendations to the court, including explanatory notes, may consist of over 400 pages a year.

The minutes of the committee meetings serve as a valuable record of the committee's deliberations and intent. Minutes from 1997 to the present are available on the committee's website, www.courts.state.md.us/rules.

Judicial Nominating Commissions

With a new governor, Maryland has a new approach to the judicial nominating process. In March, Governor Robert L. Ehrlich, Jr. issued executive order 01.01.2003.09, rescinding the executive orders of his predecessor regarding judicial nominating commissions.

Former Governor Parris N. Glendening gave equal standing to lay members and lawyers in the judicial nominating process. With the new administration, lawyers will have more influence over nominations. For example, the commission charged with nominating appellate judges now has four lay members (compare with eight during the Glendening years) and 13 lawyers, six appointed by the governor and seven elected by the bar. For trial judges, the number of lay members has gone from six to four. The governor appoints five lawyers (compared with two previously) and the bar elects four (unchanged).

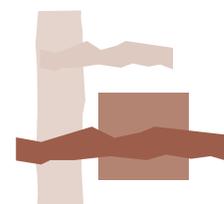
Asked why Ehrlich changed the makeup of the commissions, Jervis S. Finney, the governor's legal counsel, said, "The governor felt that experience and demonstrated legal competence should be the primary elements in judicial selection. To that end, the governor has sought a broader method of selection through broader representation on the judicial nominating commissions. The governor has felt that lawyers, particularly trial lawyers, have the best vantage point to observe prospective judicial competence, and thus that the number of lawyers should be increased." The governor appoints the chairs of nominating commissions. There is no requirement that the chair be a lawyer.

District Court Dedicates New Building in Westminster

Judge JoAnn Ellinghaus-Jones called "court" to order at 5 p.m. on February 21, 2003, announcing the dedication of the new District Court building in Westminster. With her on the bench sat James N. Vaughan, Chief Judge of the District Court; and Marc G. Rasinsky, Associate Judge in Westminster. At the defendant's table sat the guest speakers—Governor Robert L. Ehrlich, Jr., who was accompanied by his wife Kendel; Robert M. Bell, Chief Judge of the Court of Appeals; and Boyd K. Rutherford, Secretary of the Department of General Services.

The "defendants" pleaded their case, assigning "blame" for the beauty of the building to the architect, the general contractor and the District Court engineering and central services staff. "Blame" for the thoroughly enjoyable event and for providing excellent services to the citizens of Maryland every day was assigned to Nancy Muller, administrative clerk, and her staff. The program had a late start due to traffic conditions, but attendees didn't mind the wait as they enjoyed cookies, punch and conversation with lovely background music provided by the flute duet, Kelsey Jones (daughter of Judge Ellinghaus-Jones) and Kelsey Coons.

Diane Pawlowicz



(l-r) Judge Marc G. Rasinsky, Judge JoAnn Ellinghaus-Jones, Governor Robert L. Ehrlich

photo by Ron White

Judges among Maryland Women Recognized in History Project

Late last year, the Women of Achievement in Maryland History project published a book of the same name. The book not only listed all women judges, but singled out dozens of pioneering women in the Judiciary for special recognition. Among them:

Audrey Carrion
First Hispanic judge.

Rita Davidson
First woman appointed to the Court of Special Appeals and to the Court of Appeals.

Kathryn DuFour
First woman appointed to the circuit court.

Mabel H. Hubbard
First black judge.

Shirley Brannock Jones
First woman appointed to U.S. District Court for Maryland.

Sherrie L. Krauser
First daughter to replace mother as judge.

Bess B. Levine
First woman appointed to juvenile court.

Theresa A. Nolan
Pioneer in family law.

Irma S. Raker
Leading advocate for victims of domestic violence and child abuse.

Martha F. Rasin
First woman to serve as chief judge.

Update, cont. from p. 1

case. Under the bills, motions made within 60 days of trial would only be granted for good cause. If the Subsequent Injury Fund is impleaded 60 days or more before the scheduled trial date or hearing, the case will be automatically suspended.

Judiciary bills SB 139 (Chapter 13), which will move the design of citations for juveniles from the Chief Judge of the District Court to the State Court Administrator, and SB 141 (Chapter 14), which will eliminate the 10-cent fee for administering oaths of office, were passed by the General Assembly and have been signed by the governor.

Different versions of bills to increase the fees for recording land records were passed by each chamber, but in the end were accomplished through the budget process. An increase in the surcharge for certain recordable instruments from \$5 to \$20 was included in the Budget Reconciliation Act (HB 935).

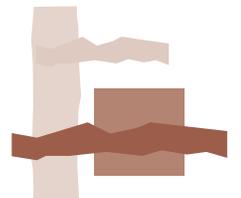
Failed Bills

Two sets of bills, one raising the amount charged for bad checks paid to the clerks' offices (SB138/HB 55) and the other increasing the bar exam fee (SB 142/HB 56), received unfavorable reports from committees in both houses. SB 137/HB 53, which would have increased the number of jurors and eliminated alternates in civil cases, failed for the second year.

HB 58, which would have set fees for marriage ceremonies performed by judges, passed the House, but was defeated in the Senate Judiciary Proceedings Committee, which had reported the companion measure, SB 143, unfavorable. Conversely, SB 265, which would have granted exclusive jurisdiction in child support contempt cases to the circuit courts, and eliminated the right to a jury trial in the first instance, passed the senate but, together with HB 283, was reported unfavorable.

SB 266/HB 183, which would have revised the laws relating to the termination of parental rights were withdrawn—to be re-submitted next year after further discussion.

In addition to the bills proposed by the Judiciary, several pieces of legislation of interest to the courts were submitted to the 2003 General Assembly. SB 411, HB 602 and HB 842, which would have limited judges' revisory powers over criminal sentences—bills opposed by the Judiciary—were defeated. SB6, SB 35, SB 88, and HB 120, which would alter the process for electing circuit court judges from contested elections to unopposed retention elections—bills supported by the Judiciary—were also defeated.



Prince George's County Three Decades, Six Masters and Eight Judges Later ...

Please allow me to introduce the 'true' Chief Judge of the Orphan's Court, Ms. Earleen Bowen. This is not a quote from a recent event honoring a Judge of the Orphan's Court in Prince George's County. Ms. Bowen is, in fact, the executive administrative aide to the Orphan's Court. The title does not begin to tell her story.

Earleen arrived at the court system on Valentine's Day in 1972, when she began working as a secretary to the juvenile masters in Prince George's County. Over time, the juvenile masters and the domestic relations masters were hearing cases in both venues and Earleen became the secretary and courtroom clerk to Dave Ramsey, a domestic relations master. In early 1979, Judge C. Philip Nichols, then on the Orphan's Court, stole her away and she has served the Orphan's Court ever since.

For years, Earleen was truly a one-woman-band. As the only staff person to the Orphan's Court, she did it all: answering the phones, doing all the secretarial work, serving as a courtroom clerk, ordering supplies, setting the docket, coordinating chambers work, preparing and submitting the annual budget, and trying to keep track of her three part-time judges. She did all this in a county with one of the largest orphan's court caseloads in the state. It was

not until 1988 that a second administrative aide was added to the staff to help with the workload and assume the courtroom clerk duties.

The bar is well aware that if you want an answer to a question or need help with how to proceed with an action in Orphan's Court, you call Earleen. The day-to-day work of the court and procedural issues aside, Ms. Bowen is also a people person. She understands people and their problems, especially in times of tragedy, the unfortunate reality of Orphan's Court work. Over the years, Earleen has served at least six domestic and/or juvenile masters and eight Orphan's Court judges. At the same time, she has raised two very fine and successful boys and kept her husband, Lee, in line.

At the end of this year, Earleen Brown will be nearing completion of 32 years with the judicial system in Prince George's County and there are rumors that she may retire early next year. The court would like her to stay another 32 years, but if and when Earleen does decide to retire, the Orphan's Court will lose its true "Chief Judge."

Judge Albert W. Northrop



Earleen Bowen

photo courtesy of Judge Northrop

Congratulations to:

Judge Robert M. Bell, Chief Judge of the Court of Appeals, recipient of the Greater Baltimore Urban League's Whitney M. Young Award, for his efforts to insure fair and equal treatment of all citizens.

Judge Louis A. Becker, Howard County District Court, who received the 2003 Award for Outstanding Teaching by an Adjunct Faculty Member at the University of Baltimore School of Law.

John Carroll Byrnes, retired Baltimore City Circuit Court judge, who was honored as Marylander of the Year by the Maryland Colonial Society for, among other things, his role in founding the Baltimore Historical Society last year.

Judges Judge Ellen M. Heller and Marcella A. Holland, Baltimore City Circuit Court, who received the University of Maryland School of Law's 2003 Distinguished Graduate Award and Cardin Pro Bono Service Award respectively.

Judges Joyce M. Baylor-Thompson, Chief Judge of the Orphan's Court, Baltimore City; **Marielsa A. Bernard**, Montgomery County Circuit Court; **Audrey J. S. Carrion**, Baltimore City Circuit Court and **C. Yvonne Holt-Stone**, Baltimore City District Court, who were among those honored as Maryland's Top 100 Women for 2003 by *The Daily Record*.

Law Day, 2003

The Maryland Judiciary presented a variety of activities on and around Law Day (May 1, 2003) across the state.

The Maryland and U.S. Constitutions and the Maryland Judiciary

At the Robert C. Murphy Courts of Appeal building in Annapolis, the Court of Appeals, Maryland State Law Library and Maryland Center for Civic Education (MCCE) collaborated to present an all day workshop for social studies teachers and students representing various local school systems. The theme of this year's educational program focused on the function of the Judiciary as settlers of legal disputes, the organizational structure of our State court system, and an inside look at how a criminal misdemeanor worked its way from the lowest to highest court in the State.

Attendees were given a behind the scenes overview of the appellate process surrounding the *Oken v. State* capital punishment case, which the class later observed in the Court of Appeals. Mike Miller, State Law Library director, presented a power point "travelogue" of a case as it proceeded through the court system, entitled, "*From Rosie's Place II to the Court of Appeals - Private Dancing Through Maryland's Courts.*" James Adomanis, executive director of the MCCE, later provided a detailed overview of the trial court proceedings of the historically significant case involving Donald Murray's ultimately successful bid to become the first African-American law student at the University of Maryland in 1935.



Kids in the Courts

In Prince George's and Howard counties, circuit and District Court judges invited high school students into their courtrooms to observe trials and learn about the court system. On April 28th, students from Potomac High School's Criminal Justice Academy visited the Prince George's County Courthouse. Students observed juvenile, criminal, motor vehicle and *pro se* cases as well as bail review hearings. Circuit Court Judge Sheila

cont. on next page

(top to bottom) (l-r) State Law Library Director Mike Miller addresses James Anderson and Zakiya Lasley from Crossland High School in Prince George's County and Angela Corbean and Corey Jones from Lake Clifton/Eastern High School in Baltimore, while James Adomanis looks on.

Anderson, Lasley and Corbean observe the powerpoint travelogue presented by Miller.

Prince George's County District Court Judge Beverly Woodard with students and teachers from Potomac High School in Prince George's County.

Judge Woodard answers a question from a student.





(above) Judge Mimi Cooper examines the evidence.

(below) Judge Angela Eaves with Goldilocks (played by Julie Harper, an agent with Parole and Probation).

Tillerson Adams and District Court Judge Beverly Woodard discussed the court process with the students and answered their many questions.

Students from Wilde Lake High School and Hammond High School spent April 28th at the Howard County Circuit and District court-houses. Students observed a variety of cases in both court systems and listened to important presentations on the consequences of drunk driving and substance abuse. Circuit Court Judge Diane Leasure, District Court Judge Louis Becker and representatives from the Office of the Public Defender, the Division of Parole and Probation and the Office of the State's Attorney explained the many roles within the courtroom, and fielded questions from students and teachers.

Court Visits Students

Baltimore City Circuit Court Judge Thomas J. S. Waxter, Jr., visited Baltimore City College High School on Law Day. Judge Waxter, along with David Owens, assistant state's attorney; Yolanda Tucker, courtroom clerk; and Tiedad Gomez, law clerk for Judge Waxter; spoke with students about the many different positions within the court system and fielded questions about their specific roles in the courtroom.

Goldilocks on Trial

Bel Air District Court Judge Mimi Cooper, with the help of District Court Judge Angela Eaves and several volunteers, recruited 3rd grade classes from three local elementary schools April 21-23 to hold a series of hearings depicting the fairytale Goldilocks and the Three Bears. The trials were held in an effort to draw the children into courtroom activities. The children served as jurors for the trials, while Judges Cooper and Eaves alternated as the judge and attorney. The very animated trials included bear costumes, soup bowls and a broken baby chair.



On May 1, we observe Law Day to draw attention to the principles of justice and the practice of law.

Presidential Proclamation 2003

News from the Bench

- Chief Judge Bell named Judge Ann S. Harrington circuit administrative judge for the sixth circuit (Montgomery and Frederick County) to replace Judge Paul H. Weinstein, who retired.
- Died – Former Court of Appeals Judge William H. Adkins, II, who combined careers as innovative court administrator and an extraordinary jurist. Judge Robert C. Murphy wrote of him: “Foremost among his many enduring contributions has been the pursuit of his beloved profession of law in furtherance of man’s great concern on earth—fair and even-handed justice for all.”

Ambassadors to the Public

Jury Commissioners

Being summonsed to jury duty is rarely a pleasant surprise. Prospective jurors must take time off from work, rearrange their personal schedule and spend a day or more in the county courthouse. The pay barely covers the cost for travel and lunch, and some jurors spend an entire day without even being chosen for a trial. Among the many responsibilities of the county jury commissioner is to ensure that jurors complete their service with a sense of accomplishment and confidence in the court system.

“We operate as ambassadors to the public,” says Nancy Galvin, jury commissioner for Montgomery County. “Most potential jurors have never set foot inside a courthouse, so the jury commissioner will be their primary source of information about the court and their participation in the system.”



Janet Henderson

Every week, 10,000 to 12,000 Maryland citizens are called for jury service. The number of jurors summoned varies dramatically by county. Baltimore City, for example, summons around 700 citizens a day, while Harford County will usually call for 400-500 jurors in a week. The docket in Talbot County may go a week or longer without requiring a jury. With such contrast throughout the state, jury commissioners have to customize their jury management program to fit the needs of their judges while accommodating county citizens.

“We try to accommodate everyone the best we can,” says Janet Henderson, jury commissioner for Harford County. “We’re dealing with humans here, not robots, and they all have different needs and problems.”

Individual Problems

The most time-intensive aspect of the jury commissioner’s job is to provide for the needs of individuals called for jury service. Every jury commissioner can rattle off the top of their head a number of excuses they’ve heard from residents trying

to postpone or excuse their jury service. The excuses are endless—health problems, financial burdens, age, child care issues, travel—but they all have to be heard and resolved fairly and expeditiously by the jury commissioner.



Marilyn Tokarski

Jury Commissioners, cont. from p. 10

“Almost everyone who calls here has a problem or concern,” says Marilyn Tokarski, jury commissioner for Baltimore City. “We try to make it as convenient for them as possible. Then there is a good chance they will appreciate our efforts to accommodate them and will want to serve.”

Once potential jurors arrive at the courthouse, the number one question asked is, “How long am I going to be here?” That question is impossible to answer because at any time during the day a defendant can request a jury trial. Consequently, jury commissioners must bring in enough jurors to fulfill an anticipated number of jury trials for that day.



Steve Merson

“That’s very difficult, trying to strike a balance between having enough jurors for the judges and trying not to waste people’s time,” says Steve Merson, jury commissioner for Howard

County. “A lot of planning goes into it—talking to the judges to see how many jurors they want, calling the assignment office to see what cases may use a jury, getting input from the attorneys, etc.”

Emotional and Physical Needs

Intuition is invaluable when attempting to minimize the number of jurors called in. Merson, Tokarski, Galvin and Henderson together have over 60 years experience in the jury commissioner’s office. Their ability to understand and predict jurors’ needs has resulted in significant improvements in the jury process. Physical accommodations, such as providing a quiet room for jurors to work on their laptop or read the paper, complimentary coffee, videos to watch, and comfortable chairs help keep jurors content. Jury commissioners have also seen great value in mentally accommodating jurors by keeping them apprised of the court agenda. When judges take time to explain the reasoning for a delay or to answer questions, jurors are given some reassurance that their time is being spent wisely.

“It really means a lot to them when a judge comes out and says, ‘let me tell you what’s been going on in the court-

room while you’ve been patiently sitting here,’” Henderson says, “or when they explain that being here all day, they’ve saved 15 days of court trials.”

“We had a judge who, after a long two-day trial that ended at 8:00 at night, spent a half-hour answering all the jurors’ questions,” Merson adds. “This means so much to the jurors and leaves them with a favorable impression of the court system.”



Nancy Galvin

Galvin says the single most effective reform of jury service in Montgomery County is the “one-day, one-trial” system. Medium-to-large counties have moved to the ‘one-day one-trial’ system in an effort to reduce the number of days a citizen has to show up for jury service. Typically with this method, residents are called for jury service for a day, several days or a week, depending on the county.

Jurors are often given an ID number, and asked to call an automated phone line the night before to see if they are needed at the courthouse the next day. Once they report, whether they are selected for a trial or not, they have fulfilled their obligation until the next random selection pool begins—usually one to three years later. “Before we instituted ‘one-day, one-trial,’ petit jurors were required to be here every day for four weeks,” Tokarski says.

In addition to saving citizens’ time, “one-day, one-trial” has reduced the overall number of jury trials in many counties. Defense lawyers can no longer count on a request for trial as an effective delaying tactic, so the number of requests has dropped significantly. The system also allows busy jury commissioners to focus more on their main task of assisting jurors who have problems or concerns, and educating them on how the court system works.

“I would say at least 50 percent of the jurors are influenced a great deal by what they see on TV, and consequently don’t know exactly how the law is applied until they get into the courtroom,” Tokarski says. “That’s why I say 90 percent of our job is public relations.”



CourtNet

Quick — what looks like the Internet, works like the Internet — but isn't the Internet? Answer: The in-TRA-net. Soon everyone who works in the Maryland Judiciary will be able to type <http://courtnet> in the address line of their browser and connect to our intranet.

At present, CourtNet is brand-new, with only one fully developed site. But that site — developed by the Human Resources Department staff — hints at the intranet's potential. Need a leave donation form or want to review the sick leave policy? It's there. Want to locate a fellow employee but not sure where they work? The phone number and work location are just a few clicks away. In time, virtually everything that today requires a phone call or email will be available for downloading. It isn't an exaggeration to say that CourtNet's potential is limitless — limited only by the imagination of Judiciary employees.

Every unit within the Judiciary will be able to create a unique site on CourtNet, both to provide information to others within the Judiciary and to create a working area within the unit. Overall responsibility for the intranet rests with Judicial Information Systems and the Court Information Office, but customized sites will be created and maintained by individual offices, departments, etc.

Steady Progress, Lower Costs and New Backup for Land Records System

Barbara Hansman has been ELROI project manager at Judicial Information Systems since last October. Her job is to manage support, implementation and upgrades, review and analyze related vendor contracts, and generally oversee the progress of the land record system while containing costs. Sandra K. Dalton, Clerk of the Court in Frederick County, interviewed her.

Sandra Dalton: Tell us how ELROI got started.

Barbara Hansman: In 1994, Maryland began improving its land record management through the use of electronic records management technology. The Electronic Land Records Online Imaging (ELROI) system was first installed in Prince Georges County in 1996 using customized SAS document imaging technology. Since then, ELROI has evolved to a browser-based system that uses the Optix records management system, which allows scanning, indexing, retrieval and storage of land records, with an option for Internet capability.

S.D.: How many counties have been installed?

B.H.: Thirteen. Optix system is installed in six counties, upgrades to Optix are being installed in Harford and Prince George's counties, and the SAS system is still being used in five counties. The ELROI Optix system will be installed in the remaining counties over the next two years, followed by Baltimore City, and then the remaining SAS-based counties will be upgraded.

S.D.: Currently most counties have a "go-live" date with a backfile scan of ten years of land record documents. Will we continue to scan older files?

B.H.: The plan for the new installations is to get a minimum of 10 to 15 years, although it is up to individual clerks whether backfiles are a function of years or numbers of files. Advances in digital technology have made it easier to store images than it was when the first ELROI System was

NAWJ, Women Legislators and New Secretary Combine to Establish “Tamar’s Children” Here

It took two years of fighting red tape and the decisive actions of the new Secretary of Public Safety and Corrections, but Maryland now has a sentencing alternative for defendants who are pregnant or are caring for infants.

Tamar’s Children places pregnant defendants in an alternative setting, allows mothers and infants to remain together and provides counseling in trauma abuse, substance abuse and parenting as well as career counseling and access to computers. The news of Secretary Mary Ann Saar’s decision came just two hours before the Maryland chapter of the National Association of Women Judges (NAWJ) annual dinner with Maryland women legislators, giving everyone at the dinner one more reason to celebrate!

Five days later, On March 15, 2003, Judge Brenda P. Murray, chief judge at the Securities and Exchange Commission and national chair of NAWJ’s Women in Prisons Project, Judge Mimi Cooper (Harford County District Court), secretary of the Maryland chapter of NAWJ, and I visited the program, which is located at the William P. Carter Center in Baltimore.

There we met four fascinating women who had been just placed to Tamar on early parole or probation. Three were pregnant and the fourth had just been reunited with her two-month-old baby. For Darlene, the mother, and her baby, Jasmine, the twenty-four hours preceding our arrival was the longest time they had been together since Jas-

mine’s birth. The pure pleasure and comfort of being restored to each other’s arms was an overwhelming site to witness. The mother kept remarking that she could not believe (though it was so apparent) that the infant remembered her.

NAWJ and its Maryland and District 4 chapters, with the support and help of women legislators in the General Assembly, have been fighting for two years to provide a civilized and decent sentencing alternative for pregnant defendants who want to make better choices for themselves and their children. In fact, a week before Secretary Saar’s announcement, the Women’s Legislative Caucus had urged the new secretary to open the Carter Center to Tamar’s Children, making it clear that further delay would result in the loss of grant funding. The opening of the unique and innovative Tamar’s Children Program is a cause for celebration. We hope it will be used as a model in other states trying to improve the lives of women defendants in the judicial system.

The Maryland chapter of NAWJ was organized about a decade and a half after the national organization was created and now has approximately 50 members. The president is Judge Julia Beth Weatherly, Circuit Court of Prince George’s County. Priority issues for the Maryland chapter are women in prisons, girls in juvenile detention, and Tamar’s Children program.

Judge Patrice E. Lewis

Land Records, cont. from p. 12

put in place. If funds are available, additional backfile can be scanned.

S.D.: After implementation in all counties, and as funds are available, will more computers be installed in the counties?

B.H.: It depends on demand, computer savvy and technical attitude in each county. We will continue to upgrade and add equipment, but if the images are available by subscription on the Internet, counties may require fewer public access workstations.

S.D.: Last question: Has ELROI lived up to expectations?

B.H.: Clerk’s offices that have ELROI say they couldn’t live without it. It saves space and makes it easier and faster to access documents. The volume of transactions has made it difficult to provide the instant turn-around envisioned when ELROI started, but counties have been both creative and adaptive in using the system. In fact, we will continue to review best practices while implementing the system in the remaining counties.

Sandra K. Dalton

Active Duty, cont. from p. 1

Employees on the Move

This popular feature about Judiciary employees will be published in the Human Resources newsletter.

Look for it in their next issue.

“I was a major at the time, and a judge in the state system, but in the military legal system I was just another lawyer,” says Judge Daniels. “One day I’m a District Court Judge for Baltimore County and I get a telephone call for operation ‘Grazing Herd,’ which was the code to get your bags packed. A few days later I got a call for operation ‘Raging Bull,’ which told me I was being called up.”

Judge Daniels says he is forever grateful for a call made to him on the night that he was set to leave for the Middle East. Then-District-Court-Chief-Judge-Robert Sweeney called to assure Judge Daniels of two things: that his job would be there when he returned, and that he would receive pay while he was on active duty. In his absence, judges from other jurisdictions helped cover his docket. “Those issues were of great concern for me and my family as I headed off to war,” he says. “What Judge Sweeney did made it much easier for me to serve my country.”

Judge Daniels spent six months in the Middle East, stationed in Saudi Arabia for most of that time. He was originally part of the procurement detachment, but there was an abundance of lawyers already available. Consequently, Judge Daniels—who mentioned to his superiors that he had legal assistance experience—was named chief of legal assistance for the 40,000 members of the Army Central Command. “I spent most of my days giving legal advice to GIs, many of whom had interesting legal issues,” he says. “Because I was a state court judge, I was very effective in the role because I knew the ins and outs of the court system.”

Judge Daniels was particularly proud of his coordination efforts with the IRS office in Saudi Arabia. Working closely with the IRS, he instituted a program that enabled GIs to file their income tax returns from Saudi Arabia. Judge Daniels trained a tax return officer in every unit to help soldiers file their taxes and receive a refund check while in the Gulf. “A lot of things like this really struck me about how difficult it is for our military people to go overseas and leave their families,” he says. “It’s such a great sacrifice.”

A sacrifice, however, that Judge Daniels proudly accepts. His uncle served with great distinction in World War II, and his father was an immigrant from Italy who instilled the notion that, “we owe this great country something for all the wonderful rights and freedoms that we have here.” Those sentiments walked alongside Judge Daniels while he served in the Gulf. “I remember being in a store where women were not allowed to sit down,” he recalls. “I thought to myself, ‘What a wonderful country that we live in.’” Six months after being mobilized to the Middle East, Judge Daniels returned home to his life as a father, husband and judge. Less than a week after stepping foot on American soil, he found himself back on the bench.

“It was a great sense of relief getting back to the bench,” he says. “People ask me today if I would like to go back, and I tell them that I feel honored to have served my country, but I’ll leave future opportunities to serve to the younger people.”



Judge Lawrence R. Daniels (left) with comrades.

photo courtesy of Judge Daniels

Mock Trial Championships

Court of Appeals Judge Glenn T. Harrell, Jr., talks with students during the High School Mock Trial Competition state championship between Elizabeth Seton High School and Bishop Walsh High School.

Seton won the championship. The program is sponsored by the Maryland State Bar Association and the Citizenship Law-Related Education Program



photo by Jack Fino

Anne Arundel County Juvenile Drug Court

On March 3, 2003, Anne Arundel County Circuit Court Judge Pamela L. North and Drug Court Coordinator John Fullmer welcomed representatives from the Judiciary, the executive branch and the public to honor the court's first three juvenile drug court graduates. Over 30 guests attended the graduation, including Chief Judge Robert M. Bell and Maryland's first lady, Kendel S. Ehrlich.

The formal proceeding, conducted by the Anne Arundel County state's attorney and public defender's offices, found that each of the three juveniles met all Drug Court requirements and was declared "not delinquent." Judge North gave a very personable account of each juvenile and their journey with the Drug Court program. The graduates were honored for such accomplishments as earning a GED, beginning college courses, working a 32-hour work week, having perfect attendance in school and exceeding 90 hours of community service. Judge North

praised the families of the participants, saying that their active participation and support contributed to the juveniles' success.

The Anne Arundel County Juvenile Drug Court was developed as a more effective means of helping juveniles break the cycle of drug use by channeling non-violent respondents arrested on criminal charges into a comprehensive program of drug treatment and rehabilitative services.

It is a collaborative effort between the Juvenile Court, the Office of the State's Attorney, Office of the Public Defender, the Department of Juvenile Justice and the county school system. The interventions focus on intensive substance abuse treatment and probation supervision, frequent court appearances, random/regular drug testing, and individual and family counseling. The court awards incentives for compliant behavior and sanctions for negative behavior.

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calendar

June

11-14 Maryland State Bar Assoc. Annual Meeting, Ocean City

July

25 District Court Administrative Judges Meeting, location tba

September

15 Conference of Circuit Judges, Judiciary Training Center, Annapolis

16 Conference of Circuit Clerks, Judiciary Training Center, Annapolis