



Hon. Mary Ellen Barbera, Chair
Chief Judge
Court of Appeals

Hon. Nathan Braverman
Baltimore City District Court

Hon. Kathleen Gallogly Cox, Vice-Chair
Conference of Circuit Judges

Hon. John W. Debelius, III, Chair
Conference of Circuit Judges

Hon. Susan H. Hazlett
Harford County District Court

Hon. Karen A. Murphy Jensen
Circuit Court for Caroline County

Hon. James A. Kenney, III, Chair
Retired and Recalled Judges
Committee

Hon. Laura S. Kiessling
Circuit Court for Anne
Arundel County

Hon. Peter B. Krauser,
Chief Judge
Court of Special Appeals

Hon. Karen H. Mason
Prince George's County District Court

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

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

Hon. Eugene Wolfe
Montgomery County District Court

Hon. Susan Braniecki, Vice-Chair
Conference of Circuit Court Clerks

Pamela Harris
State Court Administrator

Jennifer Keiser, Chair
Conference of Court Administrators

Carol Llewellyn-Jones,
Administrative Clerk
District Court

**Robert Prender, Administrative
Clerk**
District Court

Hon. Wayne A. Robey, Chair
Conference of Circuit Court Clerks

Timothy H. Sheridan,
Vice-Chair
Conference of Circuit Court
Administrators

Roberta Warnken, Chief Clerk
District Court

Faye Matthews, Secretary
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MARYLAND JUDICIAL COUNCIL

MARYLAND JUDICIAL CENTER

580 Taylor Ave
Annapolis, MD 21401

Meeting Minutes

January 20, 2016

Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair
Hon. Nathan Braverman
Hon. Kathleen Gallogly Cox
Hon. John W. Debelius, III
Hon. Susan H. Hazlett
Hon. Karen Murphy Jensen
Hon. James A. Kenney, III
Hon. Laura S. Kiessling
Hon. Karen H. Mason
Hon. John P. Morrissey

Hon. Alan M. Wilner
Hon. Eugene Wolfe
Hon. Susan R. Braniecki
Pamela Q. Harris
Carol Llewellyn-Jones
Jennifer Keiser
Robert Prender
Hon. Wayne A. Robey
Timothy Sheridan
Roberta L. Warnken

Others Present:

Hon. Sheila R. Tillerson Adams
Hon. E. Gregory Wells
Hon. Pamela J. White
Hon. Gary G. Everngam
Hon. Barbara Waxman
Hon. Sharon Hancock
Faye Matthews
Luke Dillon
Hope Gary
Lou Gieszl
Abigail Hill
Gregory Hilton
Melinda Jensen
Dominique Johnigan

Lauren Kitzmiller
Judy Lohman
Jennifer Moore
Kelley O'Connor
Mala Ortiz
Jonathan Rosenthal
Stacey Saunders
Suzanne Schneider
Jamie Walter
Alan Wiener
Angelita Plemmer Williams
Eliana Pangelinan
Rey Banks, Justice Management
Institute
Timothy Dibble, Justice
Management Institute

A meeting of the Judicial Council was held Wednesday, January 20, 2016, at the Judiciary Education and Conference Center, beginning 9:35 a.m. Chief Judge Barbera began the meeting by welcoming everyone and then called for approval of the minutes of the previous meeting.

Judge Mason moved for approval of the minutes of the November 18, 2015 meeting, followed by a second to the motion by Judge Cox. The motion passed.

Chief Judge Barbera welcomed the new members to the Council – Judge Kiessling, Susan Braniecki, Robert Prender, and Timothy Sheridan.

1. Communications Protocol

On behalf of the Court Access and Community Relations Committee, Judge Pamela White and Angelita Plemmer Williams presented the Maryland Judiciary Communications Protocols (the Protocols) to the Judicial Council. Judge White commented that the Protocols were developed to help facilitate implementation of Section 3.4 of the Judiciary’s strategic plan which is “*provide and promote consistent and active messaging within the Judiciary and from the Judiciary to the public and other stakeholders.*” She added that the Protocols are intended to establish consistent standards with respect to how Judiciary communications are developed, produced, and distributed. Judge White noted that the Protocols require all judiciary-wide and public communications to be approved through the Judiciary’s Office of Communications and Public Affairs (OCPA). She stressed that the Protocols establish a framework of how the various components of the Judiciary appear or should appear as Judiciary representatives when they communicate. Additionally, effective communication helps to build trust with stakeholders, helps to reinforce the Judiciary’s values, and helps to distinguish the Judiciary from other branches through branding. Judge White stated that the Protocols are not intended to set strict or rigid rules or forbid communication, but rather are intended to assist the various components of the Judiciary to communicate more effectively and to utilize the expertise of the OCPA.

Ms. Plemmer Williams thanked Judge Larnzell Martin (Chair of the Court Access and Communications Committee), Judge White, and the OCPA staff for shepherding the Protocols through several iterations. She stated that a vital part of the Judiciary’s mission is to have effective communication and to speak with one voice. Ms. Plemmer Williams added that media relations is a high profile area and that there has been a rise in the number of Public Information Act requests. The Protocols address structure for responding to such requests. The Protocols also attempt to address the challenge of visual identity, particular with external stakeholders and court users. The various levels of court with the accompanying individual court seals often present a challenge when communicating as the Judiciary. There are guidelines in the Protocols to address this challenge, which indicate that individual court seals only should be used for the respective court’s official business. Otherwise, the Judiciary’s seal should be used. With respect to internal email communications, the OCPA developed banners to help convey the importance of and bring attention to the email. Ms. Williams discussed the other sections of the Protocols, including guidelines for structure and the proper color palette; utilizing the correct typeface to ensure readability; the proper layout; and guidelines for using images, including copyright issues. She stated that the OCPA has purchased a bank of images that can be used by anyone within the Judiciary. Ms. Plemmer Williams noted that the OCPA has a communications form that court users can use to help guide them as they develop their various communications. She also stated that all website content should be current and should be reviewed at least twice a year.

Judge Jensen moved to adopt the Maryland Judiciary Communications Protocols. Following a second by Chief Judge Morrissey, the motion passed.

2. Legislative Committee Update

Kelley O'Connor, Hope Gary, and Abigail Hill discussed the two bills included in the Judiciary's legislative package. Ms. O'Connor stated that twelve new judgeships were requested, including ten circuit court judgeships (two each in Baltimore and Montgomery counties, one each in Anne Arundel, Charles, Frederick, Harford, and Prince George's counties and Baltimore City). There also were two new District Court judgeships requested, one each in Montgomery and Prince George's counties. Ms. O'Connor noted that the General Assembly added another judgeship for the Circuit Court for Baltimore City after the Judiciary submitted its request.

Ms. Gary and Ms. Hill discussed the other bill in the Judiciary's package – Juvenile Causes-Another Planned Permanent Living Arrangement-Age of Child. They noted that the federal government enacted comprehensive legislation around sex trafficking that directs the states to make, incrementally, policy and program changes in that area. One section of the federal legislation prohibits the use of Another Planned Permanent Living Arrangement (APPLA) for children under the age of 16 and encourages the Department of Human Resources and other stakeholders to explore other alternatives. The legislation will bring Maryland into compliance with federal law. Additionally, the legislation does not require the courts to change the APPLA plans already in effect for children under 16 as they come to court for hearings. They noted that the matter was discussed at the CANDO conference held in 2015.

3. Court Operations Committee Update

Judge Wells stated in response to the Judiciary's strategic initiatives four and five, which are to improve systems and processes and to be accountable, the Court Operations Committee has worked with the Justice Management Institute (JMI) on the Differentiated Caseflow/Case Management project. The project's goals are to provide tools to the trial courts to assist them in developing differentiated caseflow/case management plans, encourage consistent caseflow/case management tracks for each casetype statewide, demonstrate ways to implement and use the plans, and to link the plans to reporting and accountability. JMI also is providing technical assistance to two courts on each trial court level in the developing of their plans.

Tim Dibble discussed the two differentiated caseflow/case management guides that have been developed for each trial court. The guides contain information to assist in the development of caseflow/case management plans, as well as provide information on the importance of caseflow/case management, the audiences and purposes for the plans, caseflow performance, and caseflow diagnosis and change. In addition to the guide, templates are being finalized for the various casetypes that were agreed upon by the workgroups established for each trial court level.

Mr. Dibble stressed that while the templates help to provide a consistent framework, the plans need to be applicable to the local court and community. He added that the plans help to manage the expectations of those who come before the courts, as well as how attorneys manage

their cases. Mr. Dibble commented that the templates should be revisited periodically to determine how they can be refined, based on changes in processes, rules, statutes, etc.

The Court Operations Committee will review the final drafts and make recommendations to the Council regarding adoption at its March meeting.

Chief Judge Barbera thanked Mr. Dibble and those who have been involved in the process for their hard work.

Judge Wells then informed the Council that a comprehensive set of recommendations contained within the *Programs, Services, and Access Report – Baseline and Goals for all Circuit Courts*, was presented at the November meeting. The Council adopted the recommendations, conceptually, but asked the Court Operations Committee and the Courthouse Equity Subcommittee to review one noted inconsistency between customer service and security and to determine if any other inconsistencies existed in the report. The subcommittee reviewed the report and made the necessary change to the noted recommendation under the Safety and Security section.

Judge Kenney moved to approve the modified language in the *Programs, Services, and Access Report – Baseline and Goals for all Circuit Courts* – “Provide for bullet resistant barriers at strategic locations such as public counters, Judicial Benches, CSO screening areas, *while maintaining opportunities for directly engaging the public elsewhere in the court building.*” Following a second to the motion by Judge Jensen, the motion passed.

Chief Judge Barbera thanked Judge Wells, the subcommittee, and all those involved for an outstanding piece of work.

4. Court Technology Committee Update

Judge Everngam requested a modification to the structure of the Court Technology Committee to enable the Committee to function more effectively. He noted that the Major Project Executive Steering Subcommittee’s purpose was defined as addressing policy-related matters that are outside of the purview of the project director or team and that span beyond day-to-day operations. He then discussed the current membership, as well as the subcommittee’s method of operation. Judge Everngam requested that the subcommittee’s purpose be expanded to include making determinations regarding the advisability of new technology projects, as well as establishing priorities for implementing technology projects at the request of the Assistant Administrator for Judicial Information Systems. He further requested that the membership be limited to the Chief Judge of the District Court, the State Court Administrator, the Deputy State Court Administrator, the Assistant Administrator for Judicial Information Systems, and the Chair of the Court Technology Committee. The Chief Judge of the District Court was recommended to chair the subcommittee and to be empowered to create workgroups as necessary.

Judge Everngam added that the subcommittee was patterned after the former MDEC Advisory Committee that consisted of the various stakeholders; however, it has been determined that the format that works best is to have the core members, as outlined above, meet and obtain

input from others as necessary.

Ms. Keiser expressed concern about removing representatives from the court administrators, circuit court clerks, and district administrative clerks from the Major Project Executive Steering Subcommittee, noting that input from their perspectives is valuable. Chief Judge Morrissey responded that the subcommittee and the MDEC Advisory Committee are different in their focus and functionality. The subcommittee is designed to address funding, contract management, program management, and matters of that nature. The advisory committee addresses court operations and business processes. It includes representatives from all court areas – judges, clerks, and administrators. The advisory committee would remain intact.

Judge Hazlett moved to approve modification of the Major Project Executive Steering Committee to include the following members: Chief Judge of the District Court, State Court Administrator, Deputy State Court Administrator, Assistant Administrator for Judicial Information Systems, and the Chair of the Court Technology Committee with the Chief Judge of the District Court serving as chair. Further, the chair will be empowered to establish workgroups as deemed necessary. Following a second by Judge Mason, the motion passed.

Judge Everngam also requested a modification to the Social Media and Mobile Access Subcommittee, noting that the original purpose of the subcommittee was to explore the use of social media for the Judiciary, as well as to determine by whom and how Judiciary information could be accessed. One of the primary responsibilities of the subcommittee was to develop a judicial dashboard.

After careful consideration and discussions with Judge Wells and Judge Martin, Judge Everngam requested that the subcommittee become a joint subcommittee of the Court Technology, Court Operations, and Court Access and Community Relations committees. He recommended that the name be changed to the Subcommittee on Communication and Access to Judicial Information and that it be responsible for developing programs that promote internal and external communication, while taking into consideration the impact on court operations, court technology, and enhancing access to information. Judge Everngam stated that the subcommittee would comprise members from each of the three aforementioned committees, and that the chair would rotate, annually, from committee to committee.

Judge Mason moved to approve restructuring the Social Media and Mobile Access Subcommittee of the Court Technology Committee into a joint subcommittee of the Court Technology, Court Operations, and Court Access and Community Relations committees under the name *Subcommittee on Communication and Access to Judicial Information*. Its membership will comprise members of each of the aforementioned committees, with the chair rotating from among those committees on an annual basis. Following a second by Judge Cox, the motion passed.

Judge Everngam informed the Council that the Court Technology Committee is reviewing the Judiciary's technology security policy, which has not been revised since 2010. He will present the policy to the Council at its February meeting for approval. He will ensure that the Council receives the draft for review prior to the meeting.

The Committee also has undertaken a task to determine compliance with the access rules. Judge Everngam has requested that someone from the Rules Committee staff participate on the workgroup because the matter may have rule change implications.

Chief Judge Barbera thanked Judge Everngam and the Committee for all of the hard work that is being undertaken.

5. MDEC

Chief Judge Morrissey provided an update on MDEC, including an overview of how the decision to move forward with a new statewide case management system was reached. He cited the 30-year old legacy case management systems and the growing lack of support, the inability to communicate with the newer technology, and the eleven disparate systems that comprised the Judiciary's case management platform. MDEC is moving the eleven systems into one unified case management system that includes all four levels of court. Chief Judge Morrissey noted that since going live, Anne Arundel County has processed approximately 217,000 electronic civil filings and more than 40,000 electronic criminal filings. In addition, more than 13,000 attorneys have registered to become e-filers.

It is expected that MDEC will be rolled out to the Upper Eastern Shore in mid-July following the development and testing of one additional item. The MDEC team anticipates that it will begin the preparatory work for the Lower Eastern Shore in approximately three months. Chief Judge Morrissey commented that the major challenge is converting the old data from the legacy systems. Harford and then Baltimore counties will follow the Lower Eastern Shore in implementing MDEC.

It is expected that MDEC will be implemented statewide by 2019. Chief Judge Morrissey stated that tutorials, webinars, and other MDEC-related information are available on the Judiciary's website for anyone who is interested in exploring the materials.

Lauren Kitzmiller then demonstrated the new version of the e-filing system that was recently updated and is intended to be more user-friendly. The newer version will be implemented in Anne Arundel County and then the Upper Eastern Shore along with the MDEC implementation later this year. The case management component of MDEC (Odyssey) also is being upgraded with the newer technology.

Chief Judge Morrissey thanked Anne Arundel County for serving as the pilot site, stating that they did a yeoman's job.

Judge Wilner complimented everyone involved in producing the newer version, adding that it appears to be much more user friendly than the previous version.

Judge Jensen noted that there is a lot of concern regarding hacking of the system. Chief Judge Morrissey emphasized that the Judiciary uses all industry standard encryption protocols, as well as the State of Maryland's standards. In addition, the Judiciary contracted with a company

to do penetration testing on the system.

Chief Judge Barbera thanked Chief Judge Morrissey and Ms. Kitzmiller for their presentation.

6. State of the Court Reports

Chief Judge Barbera commented that the State of the Court reports were comprehensive, informative, and visionary. She commended everyone who worked to draft the reports. Chief Judge Barbera informed the Council that she appointed a workgroup to review the reports and to make operational and administrative recommendations for next steps, which may include legislative or other proposals. The workgroup has an aggressive timeline and is expected to submit a report to the Council at its July meeting.

Judge Wilner will chair the workgroup. Other members include Judge Debelius, Judge Brett Wilson, Judge Eaves, Chief Judge Morrissey, Judge Riddle, Judge Wolfe, Pamela Harris, Dennis Weaver, Richard Outten, and Mary Abrams. Faye Matthews will staff the workgroup.

Chief Judge Barbera thanked the workgroup in advance for the work they are about to embark upon.

7. Sentencing Matrix for Drug Offenses

Ms. Harris informed the Council of the proposed revisions to the sentencing matrix for drug offenses being considered by the Maryland Commission on Criminal Sentencing Policy (MCCSP). It is expected that the revisions will become effective around July 1, 2016. Ms. Harris asked the Council to review the proposed revisions and to submit any comments to David Soule, Director of the MCCSP.

8. For the Good of the Order

Chief Judge Barbera circulated copies of the newly issued administrative orders regarding closure of courts, the State Law Library, and other Judiciary offices due to emergencies. A question was raised as to delayed openings, particularly since the administrative judges of the two trial courts are requested to collaborate. It was noted that delaying the opening of court might present issues in the circuit court because of the impact on juries. In such instances, the two courts may not be able to reach an agreement. The administrative order states that the two should make every effort to coordinate and reach a joint decision. The administrative judge of the District Court should defer to the Chief Judge of the District Court in those instances.

Judge Cox noted that the report from the Guardianship Workgroup will be presented at the February meeting. She stated that because of the ongoing work, the workgroup should be transitioned into a subcommittee of the Family Law Committee. Judge Cox will submit a request for approval at the next meeting of the Council to include the scope and purpose in compliance with the Protocol for Maryland Court Committees.

Judge Hazlett requested approval of the Mentorship Subcommittee of the Education Committee in advance of the administrative order regarding orientation for new trial judges. She noted that there are a number of new judges and that she would prefer not to wait for the next meeting of the Council for approval before reaching out to them. Judge Hazlett stated that the subcommittee would provide support during the transition period and would observe and videotape the judge in the courtroom, providing feedback. Judge Dorothy Wilson will chair the subcommittee, which would comprise of approximately five members. The subcommittee would vet the mentors, who could be retired or sitting judges. She added that the details regarding how the mentorship program will work have not been finalized and will depend on the administrative order.

Chief Judge Barbera acknowledged the need for support to be provided to new judges, noting that sometimes exceptions have to be made, particularly in exigent situations. She noted that a group has been reviewing all extant administrative orders and that the process has been time-consuming. She thanked everyone for their patience during the process.

Judge Cox moved for approval of the Mentorship Subcommittee of the Education Committee. Following a second by Judge Jensen, the motion carried.

9. Resolutions

Chief Judge Barbera thanked each of the departing members for their contributions to the work of the Council and presented each with a plaque. The departing members were: Judge Tillerson Adams, Judge Waxman, Judge Groton, Hon. Sharon Hancock, Judy Lohman, and Sally Rankin.

Action Items

- Judge Everngam will present the security policy at the next meeting.
- Judge Cox will present the report of the Guardianship Workgroup at the next meeting.
- Council members should review the proposed changes to the sentencing matrix for drug offenses and forward any comments to David Soule of the Maryland Commission on Criminal Sentencing Policy.

There being no further business, the meeting adjourned at 11:55 a.m. The next meeting is scheduled for February 17, 2016, beginning 9:30 a.m.

Respectfully submitted,



Faye Matthews