

Justice Matters

A publication from the Maryland Judiciary

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Judiciary Submits Budget, Legislative Priorities



L-R: Del. Joanne Benson, Judge William Missouri, Del. Carolyn Howard.

The Judiciary recently presented the General Assembly with its 2005 legislative package and budget request.

This year's budget has been characterized as modest in comparison to the scope of services the Judiciary is expected to deliver to the citizens of the State.

In an effort to deliver those services, 59 percent of this year's requested budget is directly related to salary increases, benefits, and hiring additional staff.

Key Bills

Although few bills were submitted, Prince George's County Administrative Judge William D. Missouri, chair of the Legislative Committee, stressed that the elements within this year's package are

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Ride-Along Gives Glimpse into Drug Court Programs

When the judge spoke to the woman at the defendant's table, he knew more than her name. He knew she had used cocaine for 22 years. He knew she had served 72 days in prison.

And, since she had been accepted into the Howard County Drug Court program, District Court Judge Louis A. Becker, III, knew the woman had found a new job, earned a promotion, bought herself a new car, and, he said, "apparently makes great banana bread."

As each drug court client approached his bench for a session of the program, Judge Becker recognized them, along with their problems and their successes. He shared their stories—especially the successes—with a group of nearly 30 people who filled his courtroom to learn about Howard County's drug court.

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L-R: Senator Sandra Schader (R-Howard County) and Howard County District Court Judge Louis Becker attend Ride-Along.

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Baltimore County Courts Collaborate

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Even before Baltimore County opened its juvenile drug court, Circuit Court Judge Kathleen Cox knew they needed to find a way to offer services beyond the county courthouse in Towson.

So the drug court planners started looking for places on the east and west sides of the county—considering spaces such as those operated by police departments and the Department of Juvenile Services.

Then the District Court made their decision simple, agreeing to let the Baltimore County Circuit Court use available space in the District Court's courthouses in Catonsville and Essex.

"You could hold a court in another setting, but it doesn't feel like a court if you're not sitting in a courtroom," Judge Cox said.

Judge Cox travels to Catonsville to hear cases, while Circuit Court Judge John O. Hennegan drives to Essex, where the juvenile drug court opened in October. The judges bring staff members needed for the hearings, along with a rolling suitcase packed with everything they need—everything, that is, except a courtroom.

Bringing their own case files, recording equipment, and gift certificates to reward the teens—the court moves its operations into whichever courtroom is available first.

Courtroom in a Suitcase

"We have basically a mobile courtroom in a suitcase," said Angela Shroyer, drug court coordinator for Baltimore County. "It's more satisfying to us that we do the traveling than the kids. We want them to be able to get the services they need."

Because the court comes to the children, the students can complete their school day and still make it to court on time.

"We emphasize trying to make the court accessible and make the services local—particularly when we are dealing with children," said Judge Cox. "It was unrealistic to have court sessions on a frequent basis for kids, and to expect to have them be in Towson by 3:30 in the afternoon."

The collaboration between the trial courts is unique to Baltimore County, which covers a large geographical area. The Essex courthouse is nearly 15 miles from Towson, which is about 20 miles from Catonsville—and the county extends even further beyond those areas.

"Baltimore County shows an example of a unique collaboration—the only one of its kind in Maryland," said Gray Barton, executive director of the Drug Court Commission. "In a way, it's just a courtroom, but really it's a lot more than that. I would hope this would lead courts in other counties to work more closely together."

Both courts have worked together to solve many of the logistical problems. "One of the things I've enjoyed about this whole drug court process is the cooperation between agencies," Judge Cox said.



News from the Bench

Hon. Joan Bossmann Gordon was appointed to the District Court for Baltimore City, replacing the Hon. Gale E. Rasin, who was appointed to the Circuit Court for Baltimore City.

Hon. W. Louis Hennessy was appointed to the District Court for Charles County, replacing the Hon. Gary S. Gasparovic, who retired.

Hon. James L. Mann, Jr., was appointed to the District Court for Baltimore City, replacing the Hon. Ben C. Clyburn, who was named Chief Judge of the District Court.

Hon. Paul F. Harris, Jr., was elected to the Circuit Court for Anne Arundel County, replacing the Hon. Rodney C. Warren, who has returned to private practice with Whitworth and Trunnell.

Hon. Paul G. Goetzke was elected to the Circuit Court for Anne Arundel County, replacing the Hon. David S. Bruce, who is working in mediation.

The following judges recently retired. No additional appointments had been made as of press time.

Hon. James B. Dudley, Circuit Court for Howard County.

Hon. Lloyd O. Whitehead, District Court for Wicomico County.

In Memoriam

Hon. Kathryn J. DuFour, retired judge who sat on the Montgomery County Circuit Court from 1955 to 1971. She was Maryland's first female circuit court judge and served as chief judge of the 6th Judicial Circuit from 1966 to 1969.

Judiciary Welcomes Nigerian Court



Nigeria's top court executives recently paid a visit to the Court of Appeals. The trip, organized by the International Law Institute, consisted of training sessions on the Judiciary by staff from the Court of Special Appeals, AOC, District Court and a visit with members of the Court of Appeals.

Throughout History, Courthouses have

The fire started in a stove in the county commissioner's office. By 4:30 a.m. on Feb. 20, 1858, flames were shooting from the windows in the courthouse in Bel Air, Harford County.

With no fire apparatus in the town, the residents were left to watch as the fire burned for an hour and a half. Only a snowstorm kept the flames from spreading to nearby buildings.

Although the main courthouse buildings were destroyed, the two wings—housing the Register of Wills and the Clerk of the Court—were unharmed. Their iron fire-proof doors and shutters helped preserve court records, even though the records of the commissioners' office were destroyed, as reported in an article in *The Baltimore Sun*.

That courthouse was uninsured, leaving an estimated loss of more than \$3,000—a significant loss at the time. Nearly 150 years later, the fire that destroyed the Prince George's County Courthouse Nov. 3 caused millions of dollars worth of damage to the building which has stood in Upper Marlboro since 1880.

Over the centuries, Maryland has lost several courthouses to fire. Some fires have consumed not only the hallways of justice, but paper historical records, and sometimes nearby buildings as well. Each building's historical nature is irreplaceable—as are the written records when they are consumed by the flames.

But every time fire has destroyed a courthouse, court sessions have continued to be held, and leaders have worked to find the money to rebuild. Over time, improvements were made to the structures to try to keep the buildings—or the records, at least—safer from fire.

Work of the Court Continues

Because the Prince George's courthouse was under renovation at the time of the fire—which was caused by temporary lighting—the court records were being stored elsewhere. No one was injured, and the modern courthouse structure was not damaged—so court business is continuing in the modern building on the property, as it had been during the renovation.

“We're trudging along,” said Judge William D. Missouri, Administrative Judge for the Prince George's County Circuit Court.

Before the fire, Judge Missouri had been looking forward to bringing judges and court employees back into the newly renovated building at the end of January. “Now I have judges who will not get back into that building. Some judges will retire before that building is able to be occupied again,” he said.

Fires with Various Origins

Throughout history, the sources of fires have varied. The British are blamed with burning a courthouse in Prince Frederick, Calvert County, in 1814. An 1834 fire in Snow Hill, Worcester County, started in a carpenter's shop and destroyed not only the courthouse but also 40 houses, eight stores, and two hotels. In 1720 an arsonist, Charles Hill, was convicted of destroying a Kent County courthouse; he escaped a capital sentence, but the letter A was burned into his thumb. But the origins of other fires remain a mystery. No cause was ever identified in a suspicious fire that burned the courthouse in Port Tobacco in 1891, although a movement had been well underway to move the Charles County seat to La Plata.

The Dorchester County Commissioners went so far as to offer a \$1,000 reward for information leading to the discovery of the person or people they believed had set the fire that destroyed the Dorchester County Court House on May 9, 1852. But that reward was never paid.

Throughout Maryland's history, though courthouses have been destroyed and court records have burned, lives have been spared. One recorded fatality occurred months after the actual fire had been extinguished. After a fire in Baltimore, which destroyed the courthouse in February of 1835, one of the courthouse chimneys was temporarily left standing. The following June that chimney fell during a storm, fatally injuring Thomas Marshall, son of the chief justice, according to J. Thomas Scharf's *History of Baltimore City and County*. Marshall had apparently been seeking shelter from the storm.

Salvaging Records

After the first concern in any fire—saving lives—salvaging the paper records has always been imperative. “They document important events in lives,” said Pat Melville, director of appraisal and description for the Maryland State Archives. “Just take land records, for example,

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Risen from Ashes Time and Again

the land record of deeds. Without that, how do you prove that you own that piece of property?"

In 1748, the *Maryland Gazette* credited "the Diligence of the People" with saving most of the records from the burning courthouse in Calvert County.

Even though the fire in Baltimore destroyed the courthouse in February of 1835, the records were saved. Because the fire happened while the court was in session, grand jurors and other volunteers helped carry the records out of the courthouse.

A 1704 fire in the first combination State House and Courthouse in Annapolis devoured state and county records, though most of the court and land records were preserved. Many of St. Mary's County's court records were destroyed in a courthouse fire in March of 1831 in Leonardtown, and Calvert County lost practically all of its records in an 1882 fire. "In both those instances there was legislation passed, providing for people to bring in their deeds they had in their homes to have them rerecorded," Melville said. Even then, few people brought their deeds to the courts because many didn't have their own copies.

Records were rescued from an 1893 fire in Cumberland, Allegany County, because vaults containing records were preserved. But the residents and firefighters couldn't prevent the courthouse from being completely gutted, and

the *Cumberland Sunday Times* described how the blaze lit up the mountains.

Over the years, fire prevention methods were put into place in courthouses, especially in areas storing records.



Maryland Archives

Current Harford County Courthouse

The Somerset County court records survived an 1831 fire in the courthouse in Princess Anne. Fortunately, the records were being housed in a separate building, in the offices of the Register of Wills and the Clerk of Court. After the fire, to give those offices extra protection, the General Assembly decided to use \$100 to place a sheet of lead over the floors.

When Baltimore's courthouse was rebuilt after the 1835 fire, the vaulted brick interior "was acclaimed as absolutely fireproof," according to Richard H. Howland

and Eleanor P. Spencer's *The Architecture of Baltimore..* After the 1834 fire in Snow Hill, fireproof vaults were installed.

In 1860, when a \$12,000 bond was authorized for the building of a new Kent County courthouse, the commissioners were required to fireproof at least the offices for the Clerk of the Circuit Court and the Register of Wills.

Preservation through Technology

By 1950, clerks were adopting microfilming technology, sending master negatives to the Maryland State Archives, Melville said. Even before then, as early as the 1780s, clerks started preparing abstracts of deeds to send to the Court of Appeals or the land office in Annapolis. "It was the same idea that these were important records, and there should be an attempt to keep things in two different places," she said.

Still today, many court records are only kept in paper form. The Archives stores some records in an area armed with a sprinkler system, kept separate from the rest of the building. "If a fire does occur, it can be put out very quickly," Melville said. "You can take wet records and dry them out, and you still have records. If a record is burned, then it's gone."

Historical information compiled from: Morris L. Radoff's *The County Courthouses and Records of Maryland. Part One: The Courthouses*, Publication No. 12. Annapolis, Md: The Hall of Records Commission, 1960, courtesy of the Maryland State Archives.



Courthouse at Port Tobacco, 1818

Maryland Archives

A movement was already underway to move the Charles County seat to La Plata when a fire destroyed this courthouse in Port Tobacco in 1891.

Judiciary Submits Package, cont. from p. 1

still very important to the Judiciary's ability to maintain the community's trust and confidence in the duties the courts are charged to carry out.

Judgeships

Maryland has not seen an increase in judgeships since 1998. Meanwhile, the state's caseload has increased to some 2.5 million—with an increasing number of those cases requiring judges to have a greater amount of specialized knowledge.

Though the Judiciary has certified a need for 33 new judgeships across the state, this year's package includes a request for only 13 new judgeships; six for the District Court and seven for circuit courts.

Knowing the request for 13 judgeships during tough economic times can be a hard sell, Judge Missouri is grateful for how well the proposal has been received. "I applaud Chief Judge Bell for addressing the needs of the courts by requesting the additional judgeships... and I thank the legislature for considering the certifications." According to Judge Missouri, based on statistics, the courts are long overdue for increases to their judicial complement. "The hard working judges who staff the courts of need will certainly appreciate the assistance."

Offensive Contact

The Judiciary continues to look for ways to combat the high volume of jury trial prayers to circuit courts. Two bills will attempt to partially address this problem. One bill would create a misdemeanor for intentionally causing offensive contact, putting one in fear of offensive contact or attempting to cause offensive contact where no physical injury results. This bill confers exclusive jurisdiction to the District Court for offensive contact and excludes persons eligible for relief under the Family Law Article, §4-501 (domestic violence statute).

Theft

Legislation has been introduced to authorize the issuance of citations for the misdemeanor of theft under \$100, with exclusive jurisdiction to the District Court.

Family Law

In a third attempt, the Judiciary is asking the General Assembly to enact legislation that will provide more permanency and safety for children. The *Permanency for Families and Children Act of 2005* reorganizes the termination of parental rights (TPR) and adoption statute, §5-301 *et. seq.*, of the Family Law Article. The bill will not only protect the rights of a child in need of assistance (CINA), it is also designed to give parents more options for avoiding involuntary TPR. It also provides further due process clarifications and protections. The *Permanency for Families and Children Act of 2005* also gives the courts more oversight resulting in federal requirements being met in all cases, thereby protecting future federal funding.

Land Records

There is also land records legislation that would alter the termination date of the provisions of the Real Property Records Improvement Fund from June 30, 2006, to June 30, 2011.

Judge William D. Missouri, Kelley O'Connor and Suzanne Delaney, Esq., Governmental Relations, contributed to this story.



Chief Judge Bell delivers the 2005 State of the Judiciary before the General Assembly.

Ride-Along Offers Glimpse into Drug Court Programs, cont. from p. 1

During the most recent Judiciary Ride-Along programs, drug courts opened their doors to legislators, local leaders, the media, and other community members to introduce them to the programs—and to the people who benefit from them.

Ride-Alongs highlighting local drug court programs were held in Anne Arundel County on Nov. 16, Baltimore County on December 1, Howard County on Dec. 15, and Baltimore City on Feb. 14.

Created in 1995, the Ride-Along program increases understanding of issues facing the court, giving participants the opportunity to ask questions about the court process. During the program, participants meet judges and other justice system staff, observe court cases, and discuss the court process and court-related issues in an informal setting. “With 18 operational drug courts – and nearly 20 more in the planning stages—this is a perfect time to invite the community to learn about these programs,” said Gray Barton, executive director of the Drug Treatment Court Commission. “We welcomed the opportunity to spotlight the drug court programs that have already changed the lives of people around the state.”

Each court arranges its own program, creating a list of invited guests, and deciding how they want to introduce their visitors to the court. In Anne Arundel County, the Circuit Court—which runs a juvenile drug court—offered participants a presentation on case management efforts and case-time standards, discussion of family and civil law cases, an overview of the family services that are available, and a tour of the courthouse, including visiting courtrooms.

The participants, Del. Pauline Menes, Del. Mary Ann Love, Del. Joan Cadden, and Del. Herb McMillan, also had the opportunity to meet with circuit court judges and the director of the juvenile drug court. “We’ve gone through a lot of effort to make it something they would want to come to,” said Doug Hofstedt, director of court operations for the Circuit Court for Anne Arundel County.

A Day in Juvenile Drug Court: Parenting 101

“We try to reward good behavior and punish bad behavior,” Baltimore County Circuit Court Judge Kathleen Cox said. “It’s like Parenting 101, but in a court setting.” “What kind of tracking are you doing in juvenile court ...

so you can see the success rate?” asked Sen. Jim Brochin, who attended.

“I can track progress and tell you statistically for every child. The harder thing is to show comparatively,” Judge Cox said. “You take kids who were about to be committed to a long-term facility who have stayed in school, gotten jobs, and started looking at colleges—when they never considered it before.”

Because the juvenile drug court—which involves 30 to 35 children—uses federal funding, they must do an outcomes study, which will begin this year. The program’s funding will end after three years, which is already a concern, Judge Cox said.

Incentives

Giving kids the incentive to stay sober is done through an evenhanded mix of strict monitoring and encouragement. In the juvenile drug court, Judge Cox can give teens an earlier curfew, tell them that officers will be stopping by their house, and offer their parents strips to use for random alcohol testing. They reward the teenagers with candy bars, gift cards to Best Buy and Target, and the most important reward of all, praise.

“Great job. Hopefully you’ll breeze through phase two as quickly as you did phase one,” Judge Cox told one teen. Then she led Courtroom No. 3 in applause. “I didn’t know much about drug courts before,” said Sen. Jim Brochin, who has visited facilities for delinquent youth. “I’ve been to Hickey and Cheltenham, and this is a walk in the park.”

“I think a personal touch means so much,” said Suzanne Mensch, clerk of the court for Baltimore County’s Circuit Court. “There’s something different to the courtroom dynamics when it’s individualized and routine,” said Judge Cox, who asks both the parents and their children how they are doing. “Sometimes the parents need someone else to be the bad guy.”

Currently there are about 30 children in the drug court program in Baltimore County. The juvenile drug court in Essex would be expanding in the next six months, taking the total number to 80.

Maryland Plays Lead Role in

When the Center for Jury Studies decided to survey jury practices throughout the country, choosing the first states to participate was simple.

The Center, which is part of the National Center for State Courts, began the survey in states that had already shown a clear interest in reviewing and improving the use of juries in trials. So they started with Maryland.

“Knowing we had to go to all 50 states and the District of Columbia, I launched the national program with five friendly states in mind. And, of course, Maryland would be one of them,” said Judge Gregory Mize, a retired District of Columbia Superior Court judge who is serving as a consultant on the project.

With an exceptional response rate, Maryland has become the first state to have been completely surveyed. The state’s results are being compiled and the Judiciary should receive a report of the findings this spring.

Ultimately, Maryland’s data will join that of the other 49 states and the District of Columbia, in what will become a national database of information on jury practices around the country known as the “State of the States.” The effort is part of the National Program to Increase Citizen Participation in Jury Service Through Jury Innovations.

When Judge Mize selected Maryland as one of the first states to survey, he was familiar with the efforts of Howard County Circuit Court Judge Dennis M. Sweeney, the chair of the Maryland Judiciary’s Council on Jury Use and Management.

“Each state has its own culture. Each state needs somebody like Judge Sweeney who knows the landscape, who is committed to helping states conduct better jury trials,” Judge Mize said. “Judge Sweeney thought the best thing was to get [Court of Appeals Chief Judge Robert M. Bell]

to agree this was worthwhile, that the state would benefit, and that practitioners would benefit from participation.”

The letter Judge Bell wrote, asking circuit judges for their participation, resulted in close to 100 percent participation from judges around the state, said Chris Connelly, court research analyst for The Center for Jury Studies. “[the letter] is a model we’ve used in other states,” said Connelly, who found the letter to be particularly effective. “With nearly 100 percent response rate, it’s hard to say it wasn’t.”

Judges and court officials in Maryland and the other first states to participate – Colorado, Florida, New York, and Vermont—also helped hone the survey questions.

“In those initial states that I went to, the court administrator in Florida, Judge Sweeney in Maryland, and a judicial officer in New York, gave us valuable feedback in how the survey read,” Judge Mize said. “We didn’t know if our survey instruments were intelligible, whether they were workable. We went to five friendly states where we could get candid feedback.”

Following Maryland’s Lead

Over time, the survey has spread from Maryland into 22 states. In upcoming months the Center for Jury Studies will reach into the other states as well.

“They are now using the information they got from us as the template that they’re going to use in the other states,” Judge Sweeney said.

The national survey includes a statewide survey completed by someone in each state’s top court or court administration, dealing with statewide court regulations and reform efforts; a survey of the local courts, looking at coun-

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Law Day 2005

The American Jury

The American Bar Association will celebrate the role of the jury in American democracy during Law Day 2005, marked each year on May 1. This year’s theme, “The American Jury: We the People in Action,” acknowledges how citizens on juries take an active role in making significant decisions.

“We entrust juries—small bodies of ordinary men and women—with decisions that involve the liberties and property of defendants. In doing so, we confirm our faith in the ability of people to make just and wise decisions, and that is the very definition of democracy. We also see the jury system as an opportunity to educate Americans in law, legal process, and decision-making in a democracy,” according to the ABA’s web site. For more information, visit: <http://www.abanet.org/publiced/lawday/theme2005.html>.

National Jury Survey

ty-wide practices, initiatives, and innovations. Judges and attorneys will also be asked to recall their most recent jury trials: Were jurors allowed to take notes? Could jurors ask questions of witnesses? How long did it take to come to a decision? “The focus is: How are judges and lawyers involving the jurors more in the process of decisions, are they using techniques like allowing jurors to ask questions? Some states don’t even allow jurors to take notes,” Judge Sweeney said. “This is to give a baseline. Then we’ll look at methods for improving jury trials.”

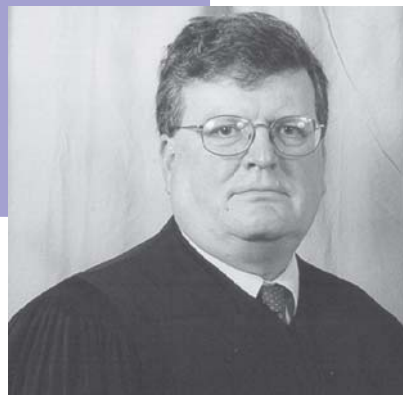
The Center for Jury Studies, which works to help courts improve their jury systems, hopes the computer database resulting from the survey will be used by courts throughout the country. The user-friendly database will be accessed through an online research tool, Connelly said.

“So you can put it in perimeters to say how many courts in Maryland and Florida are letting jurors take notes, and correlate that to length of deliberations,” he said. “We’ve realized that a lot of things that have helped other courts are what other courts have found successful. So what could help a Maryland court could be what is happening in the backwoods of Arkansas, but because of how the court system is set up, they might never know what that other court is doing.”

Judge Mize, who, as an active trial judge, led a self-study of how jury trials were conducted in the District of Columbia, sees increased interest in jury practices today. “I think there is more scrutiny and more reflection on trial by jury now. It comes from lawyers and clients. Corporate clients like predictability, and there’s an intuition that jury trials are unpredictable,” said Judge Mize, who has seen more states—including Arizona, California, New York, and Florida—undertaking self-studies of their jury systems. “I see a movement around the country where, for the first time, this institution we took for granted is being studied in a deliberative kind of way.”

Even before Maryland participated in the nationwide survey, the Maryland Judiciary’s Council for Jury Use and Management was already exploring ways to improve jury practices around the state. In April 2000, under the leadership of Allegany County Circuit Judge J. Frederick Sharer, the chair of the Council for Jury Use and Management at

the time, the Council published a report and recommendations. “One of the things that people who are involved in jury trials have recognized in the last 10 years is that jurors are less willing to be mere passive observers in jury trials, and are interested in being more involved in the process,” Judge Sweeney said.



Judge Dennis M. Sweeney

Changes May Come

Possible changes some states are considering—and adopting—include instituting methods for the jurors to see and hear evidence more clearly. Jurors could be provided with individual notebooks of the evidence, rather than having it introduced but not shared directly with them until the end of the trial, Judge Sweeney said. Jurors could also be given legal instructions in writing, instead of orally. They could also be allowed in limited circumstances to raise questions during the course of a trial that would be screened by the judge and lawyers to determine if they should be asked of a witness.

“We don’t want to make them into prosecutors or defense counsel. But are there more things we can do to help them with decision making?” he said. “The traditional way is to tell jurors, ‘Don’t say anything, don’t ask any questions, just sit there and listen.’ Jurors are not used to that in other situations in their life. If you’re going to school and you’re taking a course, you don’t sit there for a whole semester not allowed to ask a question, and at the end of the semester they say to you, ‘Go take an exam.’”

Courts also need to consider that jurors are using their time efficiently, instead of waiting in the courthouse for lengths of time, doing nothing, while the lawyers and judges meet, Judge Sweeney said.

“With some pre-planning, the courts can make that process better,” he said. “Hopefully we can give the jurors a better perception that when we ask them to come in that a) it’s going to be something we really need them for, and b) it’s going to be a process that’s comfortable and involving them as much as we can.”

Judge Dennis M. Sweeney contributed to this story.

Symposium on Civil Jury System

They usually sit on opposite sides of the courtroom. Now the Maryland Defense Counsel and the Maryland Trial Lawyers Association are joining forces to offer an all-day symposium on civil juries, “The Maryland Jury: Today and Tomorrow.”

The symposium will be held March 29 in the University of Maryland School of Law’s historic Westminster Hall. Addressing the entire jury trial experience, the program will not only give the nuts and bolts of juror qualification, service, and selection, but also discuss improving the experience for citizens who are called for jury service.

Presentations, which will be geared toward trial lawyers of every level of experience, will offer insight into how attorneys can effectively advocate in the jury setting, while also exploring the future direction of the jury system in the Maryland Judiciary.

In addition to opening remarks from Chief Judge Robert M. Bell, the symposium will feature panels of other

prominent jurists, seasoned plaintiffs and defense trial attorneys, and jury commissioners.

Judges participating in the symposium will include Baltimore City Circuit Court Judge M. Brooke Murdock, Howard County Circuit Court Judge Dennis M. Sweeney, Baltimore County Circuit Court Judges Dana M. Levitz and Ruth A. Jakubowski, Prince George’s County Circuit Court Judge Richard H. Sothoron, Jr., retired District of Columbia Superior Court Judge Gregory E. Mize, and Federal Magistrate Judge Charles B. Day. Also participating in the event will be three jury commissioners: Steven Merson, Howard County, Nancy Galvin, Montgomery County, and Nancy Tilton, Baltimore County.

The symposium is also sponsored by the Council on Jury Use and Management. For more information, contact F. Ford Loker, Jr., Esq., at 410/385-3840 or George S. Tolley, III, Esq., at 410/308-1600.

Judge Dennis M. Sweeney contributed to this story.

Friends of the Court

Pat Cushwa Receives Presidential Appointment



courtesy MD Parole Commission

L-R: Patricia Cushwa and Hon. Rufus King, Chief Judge, District of Columbia

[FRIENDS OF THE COURT is a new section where the Judiciary recognizes those in the community whose work is a vital contribution to the Judiciary.]

Former Maryland Parole Commission Chairperson Pat Cushwa has received a presidential appointment to the Federal Parole Commission. Before being selected to serve on the federal parole level, Cushwa served on the state commission for 12 years, seven of those years as chairperson.

Among her many contributions to the community was her service as a founding board member for *The Back Bench* newsletter—a semiannual newsletter on parole issues. Cushwa explained the idea behind the newsletter as, “A joint venture between the Judiciary and the Parole Commission to clear up misconceptions about parole.” *The Back Bench* is the only publication dedicated to parole in the country.

Though federal parole has been abolished, there are 3,000 old cases still in the system. Aside from the old cases, Cushwa and the other four members of the Commission will be charged with supervising parolees in the District of Columbia, the military and foreign nationals.

Despite her White House recognition, Cushwa is still grateful for her experience with the Court. “I want to thank the judges in Maryland,” says Cushwa. “It was great to work with them and have a cooperative relationship.”

Ride-Along with Drug Court, cont. from p. 7

Adult Drug Court: Positive Reinforcement

In Howard County, emphasizing that the focus of the drug court is treatment, Judge Becker told Ride-Along participants a story about a former defendant who ultimately sought treatment in Minnesota and is now a counselor.

“This program provides an alternative for people who can’t afford those programs or don’t realize they are available,” Judge Becker said. “They’re getting support and treatment. They’re getting positive reinforcement.”

As in the youth program, the adults who excel are praised, applauded, and receive movie passes, gift certificates, and YMCA memberships. In the same way, when offenders don’t do well, the court can increase the number of court appearances and treatment sessions for them.

Judge Becker discussed the funding needed for the program and two small federal grants and state grants that are helping fund it right now. “If we don’t institutionalize this in our budgets, we’re going to lose this,” he said. As the clients’ came forward to discuss their progress, Judge Becker signed Christmas cards for them on the bench and distributed them—along with a few hugs. The judge offered words of advice as well. “The holidays can be a tough time with all the parties and celebrations, so don’t relapse.”

Still, not all the clients received praise and kind words. Judge Becker told one woman who had a problem with cocaine and opiates, “You haven’t done anything. You haven’t been to one appointment or treatment.” Despite the client’s protests she was taken into custody. “The woman may believe she’s telling the truth and that she did everything right, but that can be part of the problem of addiction,” said Sen. Sandra B. Schrader, who attended the session. The senator has worked in the past to help

groups of people find drug treatment and realizes the difficulties. “It reminds me of elementary school or middle school where they reward good behavior.”

Barriers to Treatment: Spatial Confines

Judge Becker praised one young woman’s parents who left her in jail in order to get her clean. Another man was there because his mother had called the drug court coordinator, and his father had him arrested. Now his parents are working on getting him into an inpatient treatment program. “This is about as good as you’re going to get outside a lengthy inpatient program,” Judge Becker said. Without increased funding, the capacity for each program is about 15 people in the drug court and 15 in the Driving Under the Influence court, Judge Becker said.

Mary Hergert, president of the Rotary Club’s Howard County chapter, said she found the Ride-Along informative and enlightening. “It was more

than I expected in terms of the total scope of the problems . . . and also the wide ranges of ages, backgrounds, gender, and ethnicity,” she said. “What really struck me is that this was a representation of America today.”

Del. Neil Quinter said he has been working on drug court issues since 1995, and introduced an amendment supporting drug courts in the House two years ago. But he had never attended a drug court session before. “Anything I can do to help get drug courts into Howard County. I’m interested in getting a juvenile drug court in—absolutely, I want to see that,” Del. Quinter said. “The research on drug courts is so compelling. They’re more effective than traditional incarceration and they cost less. What’s not to like?”

“This program provides an alternative for people who can’t afford those programs . . . They’re getting support and treatment.”

Judge Becker



L-R: Former District Court Chief Judge James Vaughan, Baltimore County District Judge Alexandra Williams, District Court Chief Judge Ben Clyburn at Baltimore County Ride-Along.

Landlord-Tenant E-filing Pilot Moving Forward

Ken Brown, District Court

Beginning this spring, the District Court will begin another pilot program utilizing technology, this time testing an electronic filing system for landlord/tenant cases in Prince George's County. The project will allow those authorized and who file more than 500 cases per month to submit various landlord-tenant cases via the Internet.

District 5 in Prince George's County processes approximately 120,000 cases annually, which accounts for roughly 30 percent of the Judiciary's total landlord-tenant cases statewide. Over the two-year span of the pilot, it is expected the program will reduce the current workload for staff and for those authorized to use the service. Another attraction to such a program is its ability to decrease administrative costs on such things as postage and supplies.

"While many commercial businesses are successfully using Internet technology, the courts face additional challenges. The District Court must demonstrate that the system is reliable, flexible, secure, compatible with existing court systems, and user friendly," noted Charles Moulden, the Assistant Chief Clerk in charge of the study. At the conclusion of the pilot, the results will be compared with other data and criteria available from the National Center for State Courts and the federal government to determine the strength and validity of the proposed system.

Once fully implemented, the project expects to process approximately 80 percent of the cases within the district. Upon successful completion of the pilot, the District Court anticipates using the model to expand the Court's electronic offerings into other areas.

People's Republic Visits Annapolis



Pamela King

A delegation of seven judges from the Qinghai courts in China visited the Court of Appeals on Jan. 24. During their visit, the judges met with Clerk of the Court of Special Appeals Leslie Gradet (center) and Court of Appeals Judge Clayton Greene, Jr., and toured the State Law Library.

Judge Handles Hot Seat with Flair

Give Judge William D. Missouri free time, and he'll choose a book—a Walter Mosley novel, a work of classic literature, maybe even Shakespeare.

But at this time of year, the Prince George's County Circuit Court judge's reading material is selected for him. As chair of the Legislative Committee for the Maryland Judicial Conference, Judge Missouri spends most of his reading time reviewing bills that affect the Judiciary so he will be prepared to testify during the legislative session.

Testifying is an unusual experience for a judge who is used to asking the questions and making the decisions, Judge Missouri said.

"It's always different being the person on the hot seat as opposed to being the person putting someone on the hot seat," he said. "It's a challenge and it is one that I do not shy away from. It's also an educational process when you go before the legislature. They will ask some probing questions of you. You have to be prepared."

This year, newly elected as chair of the Maryland Conference of Circuit Judges on Nov. 15, Judge Missouri will be filling yet another role during the legislative season. Making the conference's priorities his own, the judge is advocating legislation to increase judges' salaries and to change the election process for circuit court judges—both issues that the conference considers extremely important.

"They're huge issues. They hit the judges where they live, and they're obviously very concerned about them," he said.

Even once session ends, Judge Missouri rarely has time for hobbies. When he became chair of the Conference of Circuit Judges, he added that position to his list of responsibilities that includes serving as vice chair of the National Conference of State Trial Judges, administrative judge for the Seventh Judicial Circuit (Calvert, Charles, Prince George's, and St. Mary's counties), and vice president of the Maryland Bar Foundation.

The judge only recently gave up his seat on the Rules Committee when he learned he could not hold that position and be chair of the Conference.

In his new position as chair, Judge Missouri is looking ahead to the next statewide judicial conference in 2006. And he is offering support to the circuit judges and staff in Baltimore City who want to work in improved facilities.

"The courthouses there are really in disrepair. We have been supporting them in their efforts to get funding to build new courthouses in Baltimore," Judge Missouri said. "The quality of life of the individuals who must be in the buildings every day, and the public safety of employees is an issue—defendants are brought through the hallways."

Judge Daniel M. Long, administrative judge for the First Judicial Circuit, serving Somerset, Dorchester, Wicomico, and Worcester counties, has served with Judge Missouri on the executive committee of the Conference of Circuit Judges for the past two years.

"I have had the opportunity to appreciate his work on behalf of Maryland's circuit courts specifically, and the Judiciary, generally. He is one of the most conscientious and hardest working individuals I have ever known," Judge Long said. "That he is able

to balance his many personal and professional commitments continues to amaze me. He has great respect in the General Assembly and the confidence of our judges. We are fortunate to have someone of his talent and energy representing us as chair of the Conference of Circuit Judges."

A native of Washington, D.C., Judge Missouri grew up in South Carolina, and later served in the U.S. Air Force. He graduated cum laude with a degree in political science from Bowie State before earning his law degree from the University of Maryland School of Law in 1978. Prior to becoming a judge, he served as assistant state's attorney in Prince George's County.

Judge Missouri only applied for a judgeship when a friend encouraged him to put his name in for the position. "I had no inkling about it. I had no idea about being a judge," said the father of five and grandfather of three.

Since he became a judge in 1985, Judge Missouri has seen changes in the courts. Today he handles more motions to dismiss cases and more summary judgment motions. Speaking of the changing face of circuit court trials, the



Judge William D. Missouri

Harford County Opens First of Three Pilot DUI Courts

Arthur G. Ford, Harford County Circuit Court

Beginning last November, a pilot Driving Under the Influence (DUI) Drug Court was initiated in the Harford County District Court to deal with the problems posed to the community by repeat DUI offenders. This group of offenders presents a significant threat to public safety; they have established a pattern of alcohol abuse and poor judgment that has not been discouraged by the imposition of previous legal sanctions and treatment.

The driving force behind this pilot project is the hope that with intensive group and individual counseling, coupled with twice monthly court review, the pattern of substance abuse and driving can be eliminated. The project brings together the resources of the court, State's Attorney, the Health Department, Parole and Probation, and the Harford County Government in Maryland's first operational DUI court.

Similar pilot programs opened in Anne Arundel County and Howard County in January. "We're looking for cases now. In drug court there were cases we wouldn't take because they had a DUI case against them," said Janet Ward, drug court coordinator for Anne Arundel County District Court. At the same time, working with DUI offenders will not be completely new to the staff, she said. "We've actually had a man who was in drug court who had a DUI, and he graduated from the program."

Funded by Grant

Since Howard County opened its drug court in August, the program has served a few clients who were DUI offenders, said Bobbie Fine, drug court coordinator for Howard County. The three DUI courts are being funded through a \$166,700 grant from the Maryland Highway Safety Office. In all three counties, the target population of the DUI court are third-time DUI offenders county residents over the age of 18, who have not been involved in a property or personal injury accident, who have no record of violent criminal behavior, and who are not currently under any form of community supervision for a criminal

offense. The DUI court will handle no more than 20 offenders at a time.

DUI offenders who meet the criteria will be identified by the State's Attorney's Office. The program coordinator will then screen these individuals to determine suitability for treatment, prior treatment history, and social history. Once screening is completed, an individual treatment plan will be developed.



L-R: Drug Treatment Court Commission Executive Director Gray Barton, Andrew Eckstein and Laurie Rubin; both of Maryland Parole and Probation

If suitable, the offender will enter into an agreement that will spell out responsibilities and program expectations and then be referred to the DUI Court judge—Judge James W. Dryden in Anne Arundel County, Judge John L. Dunnigan in Harford County, and Judge Louis A. Becker, III, in Howard County. If the court concurs, the offender will be sentenced to serve a maximum of 60 days at the county detention center and then be placed on probation with a substantial suspended sentence, to be supervised by the Drinking Driving Monitor Program (DDMP).

DDMP supervision will be assigned to a single monitor whose efforts will be directed toward all assigned DUI court participants. Offenders will be seen by DDMP four times a month, twice in the office and twice in court. The DDMP monitor track the offender's overall adjustment. Program violations will be brought before the court by the DDMP monitor, which could result in any or all of the suspended sentence being imposed at the discretion of the court. Any arrest for an alcohol-related motor vehicle offense will result in termination from the DUI court.

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Treatment will be based on the offender abstaining from all substance abuse and will involve random urinalysis at least twice per week by the Health Department. Group and individual counseling will be utilized and directed by the program coordinator and could last for up to one year.

After one year, the DUI court will be evaluated by the University of Maryland, Bureau of Governmental Research. Meanwhile, the Drug Court Treatment Commission is forming a DUI/Drug Court Subcommittee, with Harford County District Court Judge Victor K. Butanis serving as chair.

Congratulations to...

- Judge Essom V. Ricks Jr., who was honored as an outstanding member of the community at the 17th Annual Dr. Martin Luther King, Jr., Dinner in Annapolis.
- Judge Hassan A. El-Amin, who has received the Islamic Community Service Award from The Council on American-Islamic Relations (CAIR).
- Suzanne James, Court Administrator, Circuit Court for Prince George's County, for being selected as the new chair of the Conference of Court Administrators.



courtesy of Prince George's County Commissioners' Office

Commissioners Host International Delegation

The Prince George's County Commissioners' Office recently played host to an international delegation of justice and court personnel from across the globe.

The visit was part of the International Visitors Program—a program coordinated by the U.S. Justice Department to help educate foreign governments on the U.S. judicial system. The host for the Commissioner's office was Administrative Commissioner Derrick K. Wooten, and Managing Commissioner Gary F. Byrd. The

visitors toured the Commissioners' offices and received instruction on processing criminal charges and domestic violence services. The delegation observed a mock citizen's complaint and two criminal hearings. Among the 20-member delegation was an Israeli public defender, State Counsel of the Philippines, and President of the Supreme Court of Cape Verde.

William D. Missouri, cont. from p. 13

judge explained, "I find that we are addressing more complex civil pretrial motions than we used to." When fire broke out in the Prince George's County Courthouse last Nov., the judge faced new issues, keeping a courthouse functioning during an emergency. But everyone has adjusted and worked through the problems, he said.

Now, realizing he will have been a judge for 20 years this July, Judge Missouri said he values that experience. "I've

really marveled at how fast time goes by," he said. "I love it. As with any job, it has its moments, but at the end of all the moments, I think that I could not have found a better life to live than one as a judge. It's difficult sometimes because of the level of responsibility. And you have always to remember that people have to be treated with dignity and care."

Court Information Office

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Annapolis, Maryland 21401

www.courts.state.md.us

upcoming

March

- 21 Conference of Circuit Judges,
Judiciary Training Center, Annap.
- 22 Conference of Circuit Court Clerks,
Judiciary Training Center, Annap.

April

- 29 District Court Administrative
Judges Committee Meeting